Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation

Date: October 12, 2021
Program Name: Whispering Creek Senior Living MC
Address: 2607 Nicklaus Blvd Sioux City, IA 51106
Type of Action: 99172-I
Date(s) of Action: 8/18/21 – 8/25/21
Citation #: 5407

State Rule #	State Rule	Amount of Civil Penalty
69.32(2)	**481—69.32(231C) Life safety—emergency policies and procedures and structural safety requirements.** **69.32(2)** An operating alarm system shall be connected to each exit door in a dementia-specific program. Based on observation and staff interview the program failed to ensure the exit door in the dementia unit leading outside to the courtyard had an operating alarm system in place at all times. Findings include: On 8/18/21 at 6:14 p.m. observation revealed a staff disabling the exit door's alarm system when going outside to the courtyard and propping the door open with bricks. Staff reported residents went out to sit in the courtyard with staff or family. The door was routinely left propped open so those in the courtyard could get back inside the building. The key pad on the exterior of the door was not working and hadn't for some time. As a result, there was no operating alarm system in place when the exit door was propped open and the alarm disabled. On 8/16/21 the Program self-reported an incident of elopement by Tenant #1 on 8/13/21. The tenant had left the courtyard through the gate which was to be locked. There were no known injuries. Tenant #1 had last been seen inside the Program between 4:30 p.m. and 4:35 p.m. He was seen by a kitchen staff outside of the AL dining room window at 4:40 p.m. At approximately 4:45 p.m. staff observed Tenant #1 outside of another tenant's window and returned him to the facility without injury. The actual time Tenant #1 entered the courtyard from the building and the time he exited through the unlocked gate could not be determined. On 8/18/21 at 6:31 p.m. Staff H stated the exit door was propped open by a brick the afternoon of 8/13/21. On 8/25/21 at 11:56 a.m. the Executive Director confirmed this finding.	**$2000.00**
69.35(1)b	**481—69.35(231C) Structural requirements.** **69.35(1) General requirements.** b. The buildings and grounds shall be well-maintained, clean, safe	

	and sanitary. Based on interview and record review the Program failed to ensure the courtyard off the memory care unit remained safe and secure at all times. Findings include: On 8/16/21 the Program self-reported an incident of elopement by Tenant #1 on 8/13/21. The tenant had left the courtyard through the gate which was to be locked. There were no known injuries. Record review revealed Tenant #1 lived in the memory care unit with eleven other adults. This area served 12 members with a GDS score of 4 or above. The GDS score of Tenant #1 was noted at a 7. On 8/18/21 at 4:42 p.m. interview with the Executive Director revealed on 8/13/21 the gate to the fence used to secure the courtyard had been left unlocked. Staff had unlocked the gate to allow the landscaping company in to put down mulch. When the landscapers left, they failed to let staff know so the gate could be locked again. The deadbolt style lock required a key to lock and unlock it. The courtyard is located outside of the main building and is an area used by members and their families for recreation. There was no system in place at that time to check the gate to make sure it was locked. The staff person who unlocked the gate failed to remember to go back and relock the gate or pass it on at shift change that this gate was left open. The gate remained open until it was learned Tenant #1 had left the courtyard through the unlocked gate at an unknown time. Tenant #1 had last been seen inside the Program between 4:30 p.m. and 4:35 p.m. He was seen by a kitchen staff outside of the AL dining room window at 4:40 p.m. At approximately 4:45 p.m. staff observed Tenant #1 outside of another tenant's window and returned him to the facility without injury. The actual time Tenant #1 exited the courtyard through the unlocked gate could not be determined.	