

TERRY E. BRANSTAD
GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

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LT. GOVERNOR

Complaint/Incident Intake #: 40998-I

October 30, 2012

Ms. Shirley Givant, Director/Owner
Country Haven Guest Homes, LTD
2490 Prairie View Avenue
Winterset, IA 50273

**RE: Final Complaint/Incident Investigation Report, Country Haven Guest Homes, LTD,
Winterset, Iowa**

Dear Ms. Givant:

Enclosed is the **Final Complaint/Incident Investigation Report** completed by the Department of Inspections and Appeals (DIA) in accordance with Iowa Code chapter 231C and Iowa Administrative Code (IAC) chapters 481—67 and 481—69.

DIA has reviewed the Plan of Correction (POC) submitted in response to the **Preliminary Complaint/Incident Investigation Report**. Based upon a complete review of the Report and the Program's proposed actions to correct the identified Regulatory Insufficiency, DIA accepts the POC.

If you have any questions in regard to the enclosed Report, please contact me at 515/281-7039 or **Rose.Boccella@dia.iowa.gov**

Sincerely,

Rose Boccella

Rose Boccella
Program Coordinator
Adult Services Bureau

Enclosure

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Assisted Living Program
Final Complaint/Incident Investigation Report

Assisted Living Program:

Shirley Givant, Director/Owner
Country Haven Guest Homes, LTD
2490 Prairie View Ave.
Winterset, Iowa 50273

Complaint/Incident Intake #:

40998-I

Date of Complaint/Incident Investigation:

October 8, 2012

Monitor(s):

Maribeth Freland RN

Definitions: *The following definitions are relevant:*

Assisted Living Program – A program certified under 481 IAC 69 that provides housing with contracted services to three or more tenants in a physical structure that provides a homelike environment. Services may include but are not limited to health-related care, personal care, and assistance with instrumental activities of daily living. A General Population Program is an Assisted Living Program that is not dementia-specific but may have tenants with cognitive disorder.

Dementia-Specific Assisted Living Program - An assisted living program certified under 481 IAC 69 that serves fewer than fifty-five (55) tenants and has five (5) or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale (GDS), or serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS, or holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

Regulatory Insufficiency - A violation of a statutory or rule provision within the Code of Iowa (2011) or the Iowa Administrative Code (IAC) governing assisted living programs. A regulatory insufficiency requires a plan of correction to be presented to and approved by the Department of Inspections and Appeals (DIA).

Plan of Correction - A written response to one or more regulatory insufficiencies that are statutory or rule violations. The plan should identify how and by what date each regulatory insufficiency will be corrected, and what measures will be taken to ensure the problem does not recur. The plan is due to DIA within ten (10) working days of the program's receipt of a Complaint/Incident Investigation Report. Depending on the circumstances, DIA may revisit the assisted living program to confirm progress in fulfilling a plan's corrective measures.

Overview: *In preparing this report, the following information was considered:*

Current Program Census

Assisted Living Programs are defined by the type of population served. The census numbers below were provided by the Program at the time of the on-site visit.

General Population Program	
Number of tenants without cognitive disorder:	<u>7</u>
Number of tenants with cognitive disorder:	<u>2</u>
Total Population of Program at time of on-site	<u>9</u>
TOTAL census of Assisted Living Program	<u>9</u>

Program History – The program received regulatory insufficiencies in the areas of: Evaluation, Service Plan, Staffing, Non Reporting to the Department and Program Initiated Involuntary Transfer during the March 6, 2012 Recertification visit.

Complaint/Incident Investigation – The Complaint/Incident investigator(s) made the observations detailed in the following areas:

Tenant Rights

Complaint/Incident Allegation: The program reported Staff #1 was alleged to have yelled profanities at two tenants and treated one tenant roughly while providing personal care services.

- **Monitoring Observation:**

Tenant #1, an 83 year old, was admitted to the program on 8-10-12 with diagnoses of: Total Knee Replacement (August 2012); Congestive Heart Failure; Hypertension; Atrial Fibrillation and History of Falls. Tenant #1 answered all questions correctly when completing the program's cognitive assessment on 9-8-12, indicating no cognitive decline. Tenant #1 required the assistance of one staff member with transfers and ambulation, bathing, dressing and toileting assistance.

Tenant #1's clinical record included documentation indicating Tenant #1 fell on 8-12-12, 8-23-12 and 9-18-12, resulting in various skin tears and bruising. Tenant #1 received a two centimeter laceration above the eyebrow and a bump on the scalp following the 9-18-12 fall, requiring transport to the emergency room for medical evaluation. Tenant #1 returned to the program on 9-18-12 after receiving treatment to the laceration.

During interview, Staff #2, certified nursing assistant (CNA), reported Tenant #1 summoned assistance to toilet at approximately 11:00 p.m. on 9-18-12. Staff #1, CNA, responded while accompanied by Staff #2. Staff #2 reported Staff #1 assisted Tenant #1 to ambulate to the bathroom and lowered Tenant #1's incontinence brief.

Staff #2 reported Tenant #1 had fallen earlier in the day and seemed to be moving more slowly than usual due to soreness. Tenant #1 had not yet sat down on the toilet and he/she began urinating onto the floor. Staff #1 began yelling, using profanities, at Tenant #1 for urinating on the floor. Staff #1 grabbed Tenant #1's hands and guided Tenant #1 to the toilet seat in a quick manner. Staff #1 did not let go of Tenant #1's hands, leaned down and screamed in Tenant #1's face, using profanities. Staff #2 reported Staff #1 continued to hold Tenant #1 down on the toilet until Tenant #1 asked Staff #2 to stop. Staff #1 and Staff #2 were the only staff members present at the time of the incident on 9-18-12.

During interview, Tenant #1 reported remembering the incident as described above as occurring on 9-18-12. Tenant #1 reported he/she did begin to urinate prior to sitting on the toilet. Tenant #1 reported Staff #1 yelled profanities when Tenant #1 urinated on the floor but did not believe Staff #1 used force to hold him/her down on the toilet. Tenant #1 denied being afraid of any staff members and had no other episodes of yelling or use of profanities before or after the 9-18-12 incident.

Tenant #2, a 93 year old, was admitted to the program on 12-28-11 with diagnoses of: Dementia; Atrial Fibrillation; Rheumatoid Arthritis; Osteoporosis and Elevated Blood Sugar. Tenant #2 scored a 5 on the Global Deterioration Scale (GDS) completed on 1-31-12, indicating moderately severe cognitive decline. Tenant #2 required the assistance of one staff member with bathing, hygiene and dressing.

During interview, Staff #2, CNA, reported she made one last check on Tenant #2 prior to leaving her shift at approximately 11:15 p.m. Staff #1, CNA, accompanied Staff #2 to Tenant #2's room. Staff #2 reported Tenant #2 had taken multiple clothing items from the closet and scattered the clothing across the bottom of the bed, spilling onto the floor. Staff #1 became angry when noting the scattered clothing and began yelling profanities at Tenant #2. The monitor attempted to interview Tenant #2 about the incident but, due to Tenant #2's cognitive decline, the monitor could not obtain reliable information from Tenant #2. Staff #1 and Staff #2 were the only staff members present at the time of the incident on 9-18-12.

The monitor interviewed Tenants #3, #4 and #5, all cognitively intact tenants, who all reported no fear of any staff members and denied ever being yelled at or treated inconsiderately.

Staff #1 spoke unkindly, yelling profanities, at Tenant #1 and Tenant #2 showing a lack of respect and consideration for both tenants.

- Regulatory Insufficiency: All tenants have the right to be treated with consideration, respect, and full recognition of personal dignity and autonomy. (IAC r. 481-67.3(1))