

**Iowa Department of Inspections and Appeals
Assisted Living Program
Complaint Investigation Report**

Assisted Living Program:

Alaina Welsh
Emerson Point
1355 Shannon Drive
Iowa City, IA 52246

Complaint Intake #: 7877

Date of Monitoring Visit:

June 3, 2004

Monitor(s):

Stephanie Cummins, SW

Definitions:

The following definitions are relevant:

Regulatory Insufficiency - A violation of a statutory or rule provision within the Iowa Code or 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 rule violations [321 IAC 25.8(3)]. The plan should identify how, and by a specific date, an insufficiency will be corrected. The plan is due to DIA within ten (10) working days of the program's receipt of a Complaint Investigation Report. Depending on the circumstances, DIA may re-visit the assisted living program to confirm progress in fulfilling a plan's corrective measures.

Dementia-specific assisted living program - An assisted living program certified under this chapter that either serves five or more tenants with dementia or cognitive disorder at Stage 4 or above on the Global Deterioration Scale or holds itself out as providing special care for persons with cognitive disorder or dementia, such as Alzheimer's disease, in a dedicated setting.

Overview:

A complaint investigation on-site visit was conducted at Emerson Point on June 3, 2004. In preparing this report, the following information was considered:

Current Program Census:

General Population Program -

Current General Population ALP Census: 40 Current number of tenants with dementia: 0

Complaint History – No complaints on file this certification period.

Complaint Investigation – The complaint investigator(s) made the observations detailed in the following areas.

- A. Occupancy Agreement** – A copy of the most current occupancy agreement shall be provided to members of the general public, upon request. Iowa Code section 231C.5(3). A copy of the most current occupancy agreement form shall be made available to the general public upon request. 321 IAC 25.22(6).
- B. A copy of the occupancy agreement shall be provided to the tenant or the tenant’s legal representative, if any, and a copy shall be kept by the program. 321 IAC 25.22(4)]**

Complaint Allegation: It was alleged the program did not provide a copy of the occupancy agreement to the public, tenants or responsible parties.

- **Investigation Observation:** In interview, staff indicated that the program did not provide copies of the Occupancy Agreement to members of the general public upon request. Staff Member #1 stated that if an individual came to the program and requested an occupancy agreement, Staff Member #1 would sit and go through the entire agreement with the individual and would provide a copy of the Occupancy and Transfer section of the agreement, only – not the entire Occupancy Agreement as required by the statute and the rule.

An interview with Staff Member #1 also indicated all tenants at the program had a copy of the occupancy agreement in a binder that was kept in each tenants’ apartment. According to this staff member this has been the practice since the program opened in September of 2003. Staff Member #1 indicated in an interview that tenants and families meet with this staff member prior to admission to go over the occupancy agreement. The meetings last approximately two hours and the entire agreement is covered with potential tenants and family members. Tenants take the occupancy agreement and return the signed agreement no later than the day of admission. Staff Member #1 would then sign the agreement and the occupancy agreement would be placed in a binder in the tenant’s apartment. Family Member #1 stated in an interview that Staff Member #1 went through the occupancy agreement thoroughly with the family member and the tenants. This family member knew where the Occupancy Agreement was kept in the apartment. Tenant interviews also indicated the tenants knew where the binder containing the Occupancy Agreement was kept in their apartments and all documents were available for reference at any time.

- **Regulatory Insufficiency:** The program did not allow members of the general public to take the entire occupancy agreement out of the program upon request as required by Iowa Code section 231C.5 (3) and Chapter 25.22 (6).