

INSPECTIONS & APPEALS

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

DEAN A. LERNER, DIRECTOR

November 12, 2010

Complaint Intake: 31101-A
31109-C
31149-C
31318-M

Ms. Anita Zemba-Schadt, Manager
Petersen Commons
1607 West 12th Street
Davenport, IA 52804

RE: Final Complaint Investigation Report – Petersen Commons, Davenport, IA

Dear Ms. Zemba-Schadt:

Enclosed is the **Final Complaint Investigation Report** from the on-site monitoring visit of October 27 and 28, 2010, 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. **No Regulatory Insufficiencies were identified.**

If you have any questions regarding the enclosed Report, please contact me at 515/281-5721.

Sincerely,

Tamara Halvorson

Tamara Halvorson
ASB Certification Coordinator
Adult Services Bureau

Enclosure

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

Assisted Living Program:

Anita Zemba-Schadt
Petersen Commons
1607 West 12th Street
Davenport, IA 52804

Complaint Intake #: 31101-A
31109-C
31149-C
31318-M

Date of Investigation:

October 27 and 28, 2010

Monitor:

Joyce Kix, RN

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. IAC r. 481-67.10(5). 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 revisit 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 481 IAC chapter 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 or serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the Global Deterioration Scale or holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

Overview:

A complaint investigation on-site visit was conducted at Petersen Commons on October 27 and 28, 2010. In preparing this report, the following information was considered:

Current Program Census

General Population Program (GPP)* – A program that does not include a Dementia Specific unit, but may include have tenants with cognitive disorder.

Current number of tenants without cognitive disorder:	37
Current number of tenants with cognitive disorder:	3
Total Population:	40

Dementia Specific Program (DSP)* – Not applicable.

***These are the census numbers represented by the program to be applicable at the time of the on-site.**

Program History – There were substantiated Regulatory Insufficiencies found in the areas of: Evaluation of Tenant, Service Plan, Medications, Nurse Review, Food Service, Staffing and Record Checks during this certification period.

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

A. Occupancy Agreement

Complaint Allegation #31149-C: It was alleged that tenants were charged for a meal if they did not cancel it 24 hours prior.

- Monitoring Observation: The program may, after disclosure and/or 30 days notice, charge the tenant for services individually. The tenant has the choice to accept or decline the addendum to the occupancy agreement.
- Regulatory Insufficiency: None noted.

B. Food Service

Complaint Allegation #31149-C: It was alleged the portion size of food was small and the meals did not taste good.

- Monitoring Observation: Tenant #1 reported liking small servings.
Tenant #2 said the food is unbelievable, he/she had never eaten so good before.
Tenant #4 stated the temperature of the meals has been appropriate.
Tenant #7 said the food is bad and they have too many sandwiches.
The monitor observed 25 tenants eating the noon meal on 10-28-10. Food was appropriate as per posted menu.
- Regulatory Insufficiency: None noted

C. Staffing

Complaint Allegation #31149-C: It was alleged that staff were not available to assist tenants.

- Monitoring Observation: The program schedule for the months of September and October were reviewed. At least one staff member was scheduled 24 hours a day 7 days a week. There were no reports of cares not provided.
- Regulatory Insufficiency: None noted.

D. Tenant's Rights

Complaint Allegation #31149-C: It was alleged that tenants were not allowed freedom of speech

- Monitoring Observation: Tenant #1 reported being asked to refrain from talking in public about anything negative. The tenant was issued a 30 day notice of probation 7-13-2010 for failure to comply with the terms of the rental agreement, specifically disruption of quiet enjoyment of other tenants. The tenant wrote a written apology.

Tenant #6 and #7 reported no concerns regarding their ability to speak freely.

Tenant #8 stated that if you raise too much cane you can get a yellow slip. After three yellow slips, you can be discharged.

The Director reported the program held monthly resident council meetings at which each tenant was allowed to speak and vote.

The monitor did not find the tenant's rights were restricted.

- Regulatory Insufficiency: None noted.

E. Other

Complaint Allegation #31109-C: It was alleged the program terminated an employee in retaliation for speaking with the state monitor.

- Monitoring Observation: Review of program records and staff interviews indicate insufficient evidence to substantiate the allegation.
- Regulatory Insufficiency: None noted.

Dated this 10th day of November 2010.