IOWA DEPARTMENT OF
INSPECTIONS & APPEALS

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Complaint/Incident Intake #: 37300-C

February 17, 2012

Ms. Christine Vasquez, Administrator
Walden Point Assisted Living
1200 Fourth Avenue
Des Moines, IA 50314

RE: Final Complaint/Incident Investigation Report, Walden Point Assisted Living, Des Moines, Iowa

Dear Ms. Vasquez:

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 Insufficiencies, DIA accepts the POC.

If you have any questions in regard to the enclosed Report, please contact me at 515/281-7039.

Sincerely,

Rose Boccella

Rose Boccella
Program Coordinator
Adult Services Bureau

Enclosure

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

Complaint/Incident Intake #:

37300-C

Assisted Living Program:

Christine Vasquez, Administrator
Walden Point Assisted Living
1200 Fourth Ave.
Des Moines, Iowa 50314

Date of Complaint/Incident Investigation:

January 24-25, 2012

Monitor(s):

Joyce Kix, RN
Marybeth Freeland, RN

Definitions: ***The following definitions are relevant:***

Assisted Living Program – A program certified fewer 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:	61
Number of tenants with cognitive disorder:	0
Total Population of Program at time of on-site	61
TOTAL census of Assisted Living Program	61

Program History – The program received regulatory insufficiencies in the areas of Service Plan and Evaluation during the September 23, 2010 Recertification on-site.

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

A. Tenant Rights

Complaint/Incident Allegation: It was alleged the Activity Coordinator yells at tenants, tells tenants to "shut up" and once raised her hand to an unnamed tenant as if to slap the tenant, however, did not follow through with any physical contact.

- Monitoring Observation: The monitors held a group meeting on 1-24-12 at approximately 1:00 PM with 32 tenants in attendance. The group reported staff members always treat tenants with respect and no one reported experiencing threatening behavior from any staff members. All denied any staff members used inappropriate language or showed emotional outbursts when dealing with tenants. Multiple tenants reported the activities, at times, were not adult oriented.

  The monitors interviewed Tenants #1, #2, #4, #10 and #11. All five tenants denied being yelled at or being told to "shut up" by the Activity Coordinator. All five tenants reported the Activity Coordinator often spoke to tenants as if the tenants were children, which several interpreted as being degrading. All five tenants denied observing the Activity Coordinator acting in an inappropriate physical manner with any tenants and none reported feeling threatened by the Activity Coordinator.

  Tenants denied any physical abuse or being yelled at inappropriately by the Activity Coordinator. Several tenants felt degraded by the Activity Coordinator when she treated them like children; however, this treatment does not meet the definition of abuse.

- Regulatory Insufficiency: None noted.

B. Occupancy Agreement

Complaint/Incident Allegation: It was alleged the Activity Coordinator collects money from tenants to participate in Eat In and Take Out nights, despite tenants' prior payment via an amenity charge.

- Monitoring Observation: The monitors reviewed the program's Amenities Program Fee Agreement. The Fee Agreement indicated the fee paid by tenants for the amenities covered participation in the program's activity program. The Fee Agreement indicated social and recreational opportunities would be paid for out of the amenity fee.

  On 1-24-12 at approximately 10:00 AM, the Administrator told the monitors all but two tenants paid for an amenity fee, which covers the program's activities.

  On 1-24-12 at approximately 1:00 PM, the monitors held a group meeting with 32 tenants in attendance. The group generally reported most activities were paid for by the program with exception of money to gamble when attending a casino activity and when participating in the Eat In/Take Out nights. The group indicated the Activity Coordinator collects money from each tenant wishing to participate in the Eat In/Take Out nights and then orders food from varying restaurants to be delivered to the program for supper.

  The monitors reviewed the program's activity calendars for the previous six months. Eat In/Take Out nights was listed on the calendars on August 3, 2011 and September 13, 2011.

  The program's Amenities Program Fee Agreement indicated participation in the program's activities would be included in the fees paid for by tenants should each tenant choose to participate. The Fee Agreement does not include any mention of additional payment by tenants for any of the scheduled activities.

- Regulatory Insufficiency: The occupancy agreement shall be reviewed and updated, as necessary, to reflect any change in services or financial arrangement. (IAC r. 481-69.21(3))

C. Structural Requirements

Complaint/Incident Allegation: It was alleged staff members preparing and serving food during program activities did not wear hairnets, resulting in hair being found in food, and did not wear gloves, touching food items with bare hands. It was also alleged the program stored outdated food in the activity room kitchen, often serving the outdated items to tenants.

- Monitoring Observation: The monitors held a group meeting on 1-24-12 at approximately 1:00 PM with 32 tenants in attendance. The group generally reported staff members never wear hair nets and do not always wear gloves when preparing or serving foods during activities.

Review of six months of activity calendars identified the program routinely held three to four activities monthly which involved preparation and serving of snacks and/or meals. (Meal preparation such as pancake breakfasts and chili suppers may not be prepared in an unlicensed kitchen.)

The Administrator reported the Activity Coordinator had received serve/safe training on 12-22-11.

The Administrator reported all activities involving preparation and serving of food were completed in the activity room kitchen/eating area on the third floor. On 1-24-12 at 10:30 AM the monitors toured the third floor activity room kitchen while accompanied by the Administrator and the Activity Coordinator. The following concerns were identified:

The monitors observed no hair restraints, including hairnets, available for staff use in the activity room kitchen. (The program was unable to produce any hairnets available for staff use within the building.)

The monitors observed a box of gloves available for staff use on top of the microwave.

The monitors observed an opened aluminum can of evaporated milk, noting dried milk product on the top of the can, and an uncovered bowl of hardened chocolate in the refrigerator; an open and unsealed bag of frozen sausage and an opened and unsealed bag of cheddar cheese in the freezer; and an opened and unsealed box of pancake mix, an opened bag of breakfast cereal and an opened box of breakfast cereal being stored in locked cupboards. None of the items had been marked as to the date of opening. The monitors noted no food products exceeding manufacturer's expiration dates being stored in the activity room kitchen.

The program failed to assure staff members use hair restraints when preparing or serving meals during activities. The program did not cover or seal items appropriately when storing in the refrigerator, freezer or cupboards. The program did not mark items with the date of opening to assure timely disposal of items.

- Regulatory Insufficiency: The building and grounds shall be well maintained, clean, safe and sanitary. (IAC r. 481-69.35(1)b.)

D. Other

Complaint/Incident Allegation: It was alleged the Activity Coordinator collects money from multiple tenants during outings to a casino, gambling the money herself and then unfairly redistributing any winnings back to tenants. The caller alleged the Activity Coordinator kept large amounts of winnings for her own use.

- Monitoring Observation: The monitors held a group meeting on 1-24-12 at approximately 1:00 PM with 32 tenants in attendance. The group reported an activity involving a trip to a casino usually occurred once monthly. Multiple tenants at the meeting reported regularly participating in the activity. Multiple tenants reported the Activity Coordinator collected money from tenants to combine with her money in order to place larger bets. Not all tenants were required to "pool" their money and all reported giving money to the Activity Coordinator voluntarily. It was reported those participating in the pool had won a few times with one report of winning approximately 400 dollars in the previous few months with all winnings being divided equally among the participants.

  The monitors interviewed Tenants #1, #2, #4, #5, #6, #7, #8, #9, #10 and #11. Tenant #2 denied going to the casino on any outings. Tenants #8 and #10 reported going to the casino on one or more occasion; however, both tenants denied pooling money with the Activity Coordinator during any of the outings. Tenants #5, #6, #7, #9 and #11 all reported participating in the casino outings, pooled money with the Activity Coordinator and had reported a belief that all winnings were divided equally among tenants and the Coordinator.

  Tenants #1 and #4 reported participating in the casino outings, pooled money on multiple occasions with the Activity Coordinator and reported winning a large amount of money on at least one occasion. Both believed the winnings were not divided equally among tenants and the Activity Coordinator, reporting the Coordinator kept a large amount of the money for her own use. Neither could identify a specific date of occurrence and both differed in the amount of money pooled and the amount of money won.

  On 1-24-12 at approximately 4:30 PM, the monitors interviewed the Activity Coordinator. She reported pooling money with tenants on multiple occasions while on the casino outings. The Coordinator reported putting in equal amounts with multiple tenants, winning approximately 400 dollars on one occasion. The Coordinator reported dividing up the 400 dollars equally among the tenants participating in the pool on the day of winning and hers. The Activity Coordinator could not identify the date of the win and reported she did not maintain any accounting of money exchanged during the pools.

  The tenants participated in the pooling of money voluntarily. The tenants reported different versions of the division of money, different amounts won and none could identify an actual date of the winning. The Activity Coordinator did not maintain any auditing system to identify who participated in each pooling of funds, when losses or winnings occurred and an accounting of division of winnings. The monitors could not clearly identify which tenants were affected by any potential wrongdoing, could not identify a date of occurrence and could not determine the amount of actual winnings.

- Regulatory Insufficiency: None noted.