



Iowa Department of
INSPECTIONS & APPEALS

ANNUAL

REPORT

STATE FISCAL YEAR 2020

JANUARY 11, 2021

LETTER FROM THE DIRECTOR

It is a pleasure to serve as the director of the Iowa Department of Inspections and Appeals (DIA). At the core of the department and its work is a commitment to protecting the health and safety of Iowans. DIA oversees health facilities, food, and gaming regulations, Medicaid and welfare fraud investigations and administrative law.

I have never been more proud to be a part of a team comprised of dedicated public servants as I have been this year. DIA employees are dedicated, hardworking, knowledgeable, and talented individuals who work each day to better the lives Iowans. It is an honor to serve the people of Iowa in this capacity and work with such talented colleagues.

The year 2020 was one of incredible challenges. As the regulator of health facilities and food establishments, a global pandemic and derecho event drastically affected and changed the operations of these industries and the work of the department.

With these changes, DIA conducted its work while remaining flexible and responsive to the changing survey priorities and directives of the Center for Medicare and Medicaid Services (CMS) and other public health measures and guidance. As we continue to navigate the constant change during this pandemic, DIA remains committed to protecting the health and safety of Iowa's most vulnerable citizens.

I look forward to the continued opportunities DIA has in the upcoming year to be an effective, efficient, and approachable regulatory agency.



Larry Johnson, Jr.

OVERVIEW

At the Iowa Department of Inspections and Appeals (DIA), our mission is to achieve compliance through education, regulation, and due process for a safe and healthy Iowa. Our vision is to be an effective, efficient, and approachable regulatory agency.

DIA is organized into four major operational divisions: the Administration Division, the Administrative Hearings Division, the Health Facilities Division and the Investigations Division. Each division has its own code-mandated duties and responsibilities.

Also attached to the department are four semi-autonomous units – the Child Advocacy Board (CAB), the Employment Appeal Board (EAB), the Iowa Racing and Gaming Commission (IRGC) and the Office of the State Public Defender (SPD). DIA provides fiscal management, human resource services, and other related administrative functions for these attached units. A high-level overview of the department’s table of organization may be found in Figure 1.

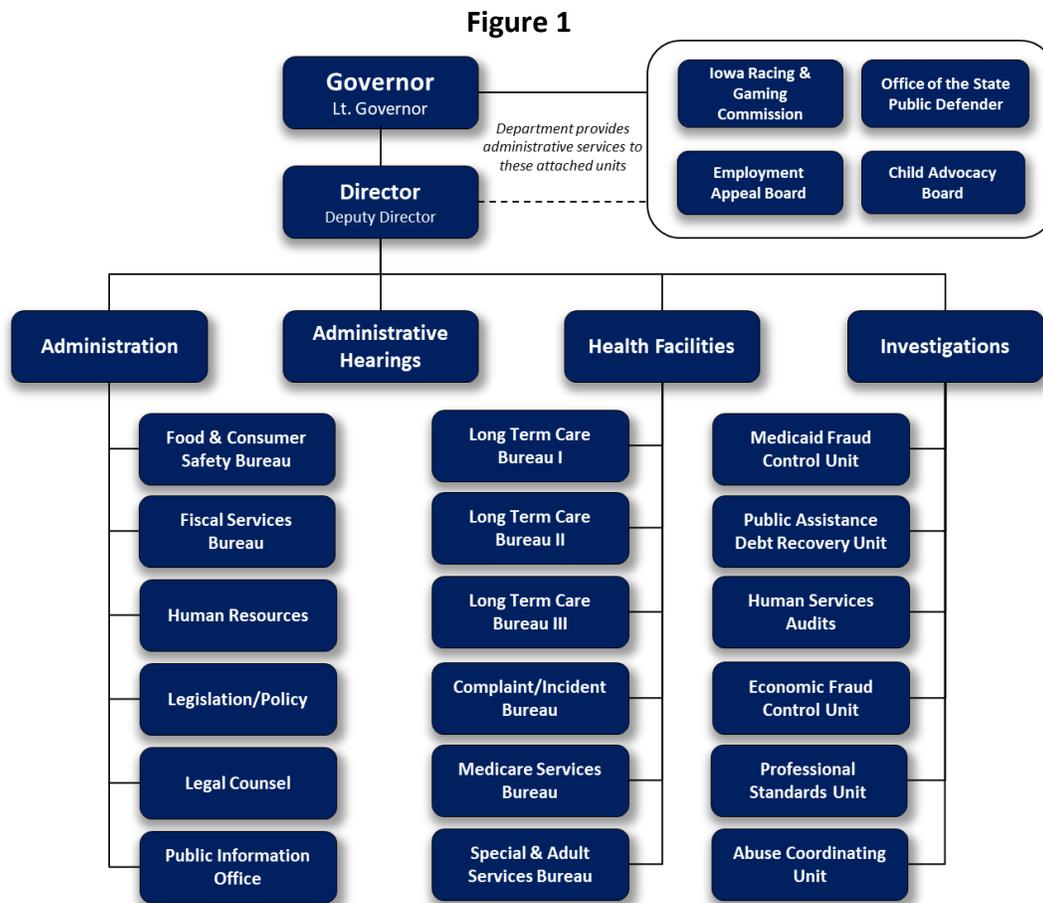


Figure 1. DIA table of organization

CORONAVIRUS RESPONSE

The global coronavirus (COVID-19) pandemic impacted many of the department's operations during state fiscal year 2020. From federal changes in the regulation of long-term care facilities, to the impacts felt at food establishments, DIA personnel stepped up to the challenges presented by the virus and adapted to ensure the ongoing delivery of critical services.

The Administration Division represented the department at the State Emergency Operations Center (SEOC) during the initial stages of the pandemic. The division provided routine updates and communication to and from the Department of Homeland Security and Emergency Management and the SEOC.

In order to comply with Center for Disease Control and Prevention (CDC) guidelines and conduct safe inspections and surveys, DIA obtained and distributed the following personal protective equipment (PPE) through the end of SFY 20: **21,400** gloves; **13,450** masks; **3,600** shoe covers; **1,800** gowns; **500** face shields; sanitizer; and disinfectant wipes.

Within the Health Facilities Division, the Centers for Medicare and Medicaid Services directed state survey agencies to complete an initial onsite focused infection control survey at all long-term care facilities by July 31, 2020.

DIA surveyors met this performance measurement and completed at least one onsite focused infection control survey in all **431** long-term care facilities in the State.

In order to provide lowans timely due process and hearing decisions, the Administrative Hearings Division partnered with Iowa Workforce Development (IWD) to assist in conducting unemployment appeal hearings as well as unemployment claims and subsequent appeals, which increased substantially during the pandemic. From April-June 2020, the division heard **243** unemployment appeals cases at request of IWD.

The Food and Consumer Safety Bureau served as the primary point of contact for the food and lodging industry regarding the governor's disaster proclamations.

In addition to continuing some onsite food inspections, the bureau began offering a "virtual inspection" option for restaurants and other food businesses, wherein business employees and DIA inspectors utilized mobile audio and video technology to assess the business' operations. The bureau further developed a "no-contact inspection" protocol for those facilities unable to participate in a virtual inspection.

Bureau personnel and local contracted health departments responded to **926** COVID-19 complaints, and completed more than **2,200** COVID-19 compliance surveys at Iowa food establishments.

Additionally, the bureau coordinated educational efforts, complaint investigations, compliance reviews, and enforcement actions with the Iowa Alcoholic Beverages Division and local contracting health departments.

ADMINISTRATION DIVISION

Essential, centralized support services for the department are administered by and coordinated through the administration division. Division staff oversee all strategic planning, finance and budgeting, legislative affairs, administrative rulemaking, personnel, purchasing, and public information activities for the department.

FISCAL SERVICES

Fiscal Services provides centralized accounting, claims processing, budgeting, and financial reporting for the department. During State fiscal year 2020 (SFY 20), DIA received a State general fund appropriation of **\$8,953,431** in support of functions that are not billed to customers or the federal government for various reasons.

The SFY 20 appropriation level represented a 0.4% increase from SFY 19 and was provided to account for the rate adjustment made by the department's IT provider, the Office of the Chief Information Officer (OCIO).

The general fund appropriation represented 29.4% of the total operating budget for the fiscal year. The makeup of the SFY 20 general fund appropriation is illustrated in Figure 2:

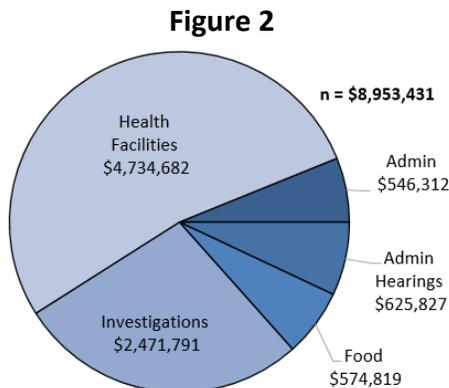


Figure 2. DIA general fund appropriation, SFY 20

The non-general fund portion of the SFY 20 operating budget was **\$21,479,089**, representing 70.6% of the department's operating budget. The non-general fund portion of the department's operating budget is comprised of billings to external customers including State agencies and local governments, and billings to the federal government.

In total, the department expended **\$30,432,520** to provide critical services across its operational divisions. The makeup of SFY 20 total expenditures is illustrated in Figure 3:

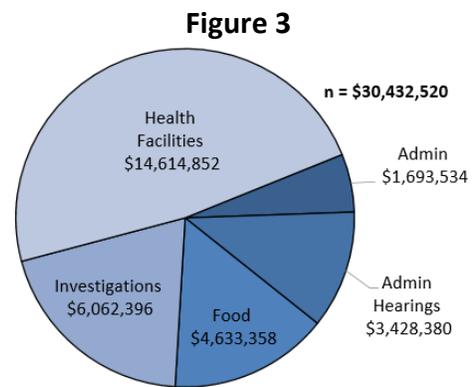


Figure 3. DIA total expenditures, SFY 20

During SFY 20, Fiscal Services processed more than **42,000** State warrants and electronic fund transfers, including more than 4,200 travel payments.

FOOD & CONSUMER SAFETY BUREAU

The Food and Consumer Safety Bureau is responsible for administering and enforcing the Iowa Food Code by conducting food safety inspections at food establishments (e.g., grocery stores, restaurants, and convenience stores) and food processing plants.

The purpose of the Iowa food code is to "safeguard the public health and provide to consumers, food that is safe, unadulterated and honestly prepared."

The food code is based upon food safety recommendations developed by the Food and Drug Administration (FDA), in consultation with representatives from the food industry and regulators, and focuses on public health and the prevention of foodborne illness.

The bureau is directly responsible for inspections in **63** counties, identified in blue in Figure 4. The remaining 36 counties, in white, have inspections and licensing completed by local contracting health departments.

Figure 4

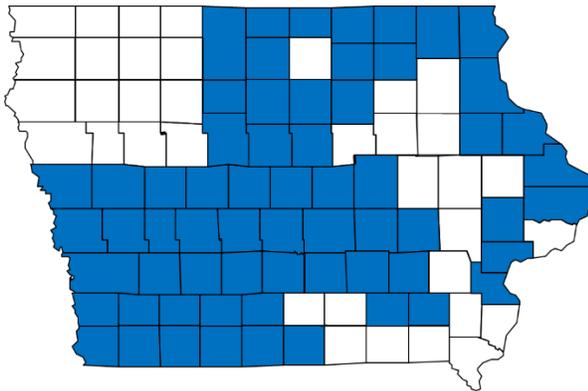


Figure 4. Direct inspectional responsibility by county

INSPECTION WORK

During the early part of the pandemic, the bureau ceased conducting routine inspections between March 20-July 6, 2020, but continued high-priority inspections, including complaint, follow-up, and new business openings, continued during this period when routine inspections were not conducted.

Bureau personnel participated in several webinars with industry, providing real-time guidance and assistance. The bureau also developed and routinely updated several FAQ documents to provide further assistance.

During SFY 20, the bureau completed **6,860** inspections. The bureau developed and implemented a virtual inspection program and completed **142** virtual inspections during SFY 20.

FOODBORNE ILLNESS OUTBREAKS

The Iowa Food Emergency Rapid Response Team (Iowa RRT) investigated **29** potential foodborne illness outbreaks during SFY 20. The Iowa RRT’s core member agencies include DIA, the Iowa Department of Public Health, the State Hygienic Lab, and the Iowa Department of Agriculture and Land Stewardship. The three most significant outbreaks included:

- 1) Norovirus** (Story County, November 2019) – Identified through the Iowa Foodborne Illness reporting hotline (1-844-IowaSic), the outbreak was linked to a Mexican-style restaurant. Approximately 52 cases were identified with illness onset between Dec. 11-18, 2019. DIA conducted an onsite investigation and the restaurant temporarily closed to address issues and conduct norovirus cleaning protocols.
- 2) E. coli. 0103** (Statewide Outbreak, December 2019) – Identified through routine investigation, individuals became ill after eating sandwiches sold at multiple Iowa Jimmy John’s locations. In total, there were 22 cases from 10 Iowa counties, with illness onset between Nov. 21–Dec. 14, 2019. DIA’s trace-back investigation led to an Iowa-based sprout producer, Sprouts Unlimited.

Jimmy John’s and their parent company stopped the sale of sprouts after the Iowa RRT informed them about the outbreak. Sprouts Unlimited ceased distribution of sprouts and initiated a voluntary recall in response to evidence collected during the investigation. A joint DIA and FDA onsite investigation of the sprout grower was conducted and the FDA later issued a warning letter to both Sprouts Unlimited and Jimmy John’s.

3) Clostridium perfringens (Story County, February 2020) – Identified through the Iowa Foodborne Illness reporting hotline, 10 of 22 co-workers became ill with abdominal pain, nausea, and diarrhea after eating at a Mexican-style restaurant. The illness onset was between Feb. 27-28, 2020, and two people tested positive for Clostridium perfringens type A enterotoxin. DIA conducted an onsite investigation, noting several violations.

EMERGENCY RESPONSE

Although the derecho that moved through Iowa on Aug. 10, 2020, occurred in SFY 21, it is important to include here as the bureau’s response occurred during the ongoing COVID-19 pandemic.

Following the derecho, the Iowa RRT activated its Incident Command structure that included State, local, and federal agencies.

During the Iowa RRT derecho activation, DIA, FDA, and local health departments completed **581** emergency-response inspections at food establishment and food processing plants to ensure food safety was maintained and provide food safety guidance.

SOCIAL & CHARITABLE GAMBLING

The Social and Charitable Gambling Unit administers Iowa Code Chapter 99B, which regulates games of skill or chance, raffles, bingo, social gambling, and amusement devices.

Charitable organizations may obtain a qualified organization gambling license to conduct fundraising activities benefiting educational, civic, public, charitable, patriotic, or religious purposes.

Bars may obtain a social gambling license to conduct sports betting pools and to allow patrons to socially gamble on their premises.

During SFY 20, the unit:

- Processed **2,202** social and charitable gambling licenses, a decrease of 3.3% from SFY 19. The unit also collected **\$184,950** in licensing fees, an increase of 3.2% from SFY 19; and
- Processed **5,501** amusement device registrations, a decrease of 2.4% from SFY 19. The unit also collected **\$391,050** in amusement device registration fees, a decrease of 4.5% from SFY 19.

A breakdown of the types of amusement device registrations is illustrated in Figure 5:

Figure 5

Type	Fees	#	Total
Manufacturers	\$2,500	8	\$20,000
Distributors	\$5,000	43	\$215,000
Owners	\$2,500	8	\$20,000
Registration Tags	\$25	5,442	\$136,050

Figure 5. Amusement device registration by type, SFY 20

HUMAN RESOURCES

Human Resources (HR) provides comprehensive personnel services to approximately **550** positions across the core divisions and attached units. DIA also provides HR services to approximately 55 employees with the Iowa Department of Human Rights.

During SFY 20, HR oversaw **648.94** authorized full-time equivalent (FTE) positions, 87.1% of which were filled at the conclusion of the SFY. Additionally, HR processed **159** personnel transactions, illustrated in Figure 6:

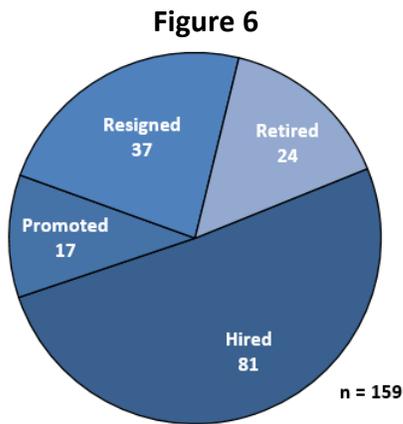


Figure 6. HR transactions, SFY 20

DIA is committed to the principles of equal employment opportunity and affirmative action in the application of all HR rules, policies, and practices.

The department's EEO/AA policy statement is as follows:

The Department of Inspections and Appeals and attached units prohibit discrimination in their employment policies and practices on the basis of race, creed, color, religion, national origin, sex, age, mental or physical disability, sexual orientation, or gender identity, consistent with applicable state and federal policies and regulations.

It is also the policy of the executive branch of State government in Iowa to apply affirmative action measures to correct the underutilization of females, minorities, and persons with disabilities in the state employment system whenever remedial measures are appropriate.

The agency is an equal employment opportunity and affirmative action employer.

PUBLIC INFORMATION OFFICE

The role of the Public Information Office (PIO) is to implement and manage a coordinated public information program for the department.

During SFY 20, the department's website (dia.iowa.gov) went through a major overhaul, resulting in a new and improved resource for Iowans. The website is routinely updated with new guidance and resources and hosts the department's COVID-19 response information.

During SFY 20, the public information office fielded **146** media inquiries. Of those, 51% (74) were received within four months, from March 1–June 30, 2020, and 64 of those 74 requests were pandemic-related.

Despite the large number of media inquiries received, **88%** of all media inquiries in SFY 2020 were answered within two days.

From March through the end of December 2020, there have been **131** COVID-19-related media inquiries.

ADMINISTRATIVE RULES & LEGAL COUNSEL

General counsel monitors, analyzes, drafts, and makes recommendations concerning the department's proposed legislation and administrative rules.

During SFY 20, DIA promulgated six sets of administrative rules – three sets of rules were filed on behalf of the Health Facilities Division and three sets of rules were filed on behalf of the Food and Consumer Safety Bureau.

General counsel also provides legal advice and counsel to the department. During SFY 20 counsel:

- Managed eight new contested-case appeals filed in SFY 20 and SFY 21, one petition for declaratory order (pending), and a complaint before the Iowa Public Information Board; and
- Identified and drafted health regulatory relief waivers required during the pandemic.

LEGISLATIVE SUMMARY

On March 16, 2000, the Iowa Legislature suspended session for at least 30 days due to the community spread of COVID-19. On June 3, 2000, the Legislature briefly resumed session, passing a sine die resolution ending session on June 14, 2000. Bills impacting DIA operations include:

Minor Food Sales ([HF 2238](#)) – Allows minors to sell non-temperature-controlled food and beverages without a license; passed the House (96-0) and Senate (47-0) and was signed by Governor Reynolds on June 25, 2000.

ARRC Bill ([HF 2389](#)) – Makes changes to the Administrative Rules Review Committee, requiring agencies to electronically submit all waivers to the legislative website within 60 days, and removes all references to variances and refers to them all as “waivers”; passed the House (98-0) and Senate (49-0) and was signed by Governor Reynolds on June 25, 2000.

Set-Off Procedures ([HF 2565](#)) – Moves the set-off procedures from the Department of Administrative Services to the Department of Revenue; passed the House (93-0) and Senate (49-0) and was signed by Governor Reynolds on June 17, 2000.

Iowa Hemp Act ([HF 2581](#)) – Allows for the manufacturing and retail of consumable hemp products if the company registers with DIA and follows labeling requirements set out by DIA; passed the House (99-1) and Senate (48-1) and was signed by Governor Reynolds on June 17, 2000.

Licensing Bill ([HF 2627](#)) – Makes several changes to professional licensing requirements and eliminates the Hospital Licensing Board; passed the House (62-35) and Senate (32-17) and was signed by Governor Reynolds on June 17, 2000.

Budget Bill ([HF 2643](#)) – Provides a status quo budget; passed the House (52-45) and Senate (30-17) and was signed by Governor Reynolds on June 30, 2000.

Background Checks ([SF 2299](#)) – Allows for third-party background checks while waiting for the results of the State background check conducted by DPS; passed the House (100-0) and Senate (50-0) and was signed by Governor Reynolds on June 1, 2000.

INVESTIGATIONS DIVISION

The division audits healthcare facilities and conducts criminal, civil, and administrative investigations of fraud and misconduct.

Staff within the division work closely with other state and local partners in identifying fraud, waste, and abuse, and, when appropriate, forward cases to federal, State, and local officials for prosecution.

MEDICAID FRAUD CONTROL UNIT

The primary mission of the Medicaid Fraud Control Unit (MFCU) is to maintain the integrity of the Iowa Medicaid program by conducting criminal and civil investigations involving allegations of fraud committed by Medicaid providers and fraud within the administration of the program.

The MFCU also conducts criminal investigations involving allegations of abuse and neglect against patients and residents receiving services within healthcare facilities that receive Medicaid funds.

At the close of SFY 20, MFCU maintained **303** open cases consisting of 270 fraud cases (89.1%) and 33 criminal abuse/neglect cases (10.9%).

The 270 fraud cases consisted of 223 multi-state civil cases assigned to the MFCU assistant attorney general and 47 criminal and in-state civil fraud cases assigned to MFCU investigators.

In SFY 20, MFCU reported recoveries totaling \$3,005,003 as a result of criminal and civil cases. MFCU also recovered an additional \$231,460 during SFY 20 as a result of global civil settlement. Including this recovery, MFCU recovered **\$3,236,463** as a result of criminal and civil cases in SFY 20.

Global cases consist primarily of multi-state civil fraud cases that include Iowa and are resolved by settlement and litigation teams assigned by the [National Association of Medicaid Fraud Control Units](#) (NAMFCU) that result in recoveries of all the participating states' shares of Medicaid dollars.

In-state civil cases consist primarily of fraud cases originating in Iowa and being resolved because of cooperation between MFCU and the U.S. Attorney offices of the Northern and Southern Districts of Iowa.

Criminal cases consist primarily of cases investigated by MFCU and prosecuted by local county attorneys throughout the state, or by federal prosecuting agencies. The breakdown of recovery sources during SFY 20 was predominantly global civil cases, as illustrated in Figure 7.

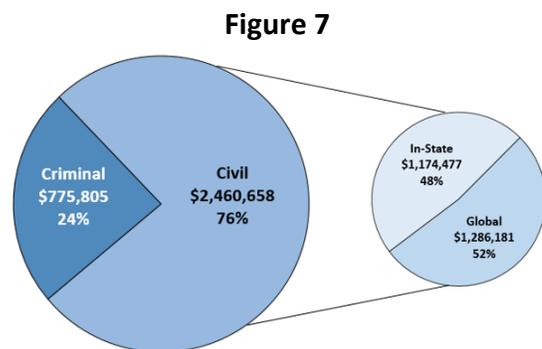


Figure 7. Source of MFCU recoveries, SFY 20

ABUSE COORDINATING UNIT

The unit is responsible for the detection, investigation, and Central Abuse Registry of dependent adult abuse in facilities and programs in Iowa.

During SFY 20, **473** complaints received by the department contained the potential of dependent adult abuse. Outcomes of these complaints are illustrated in Figure 8:

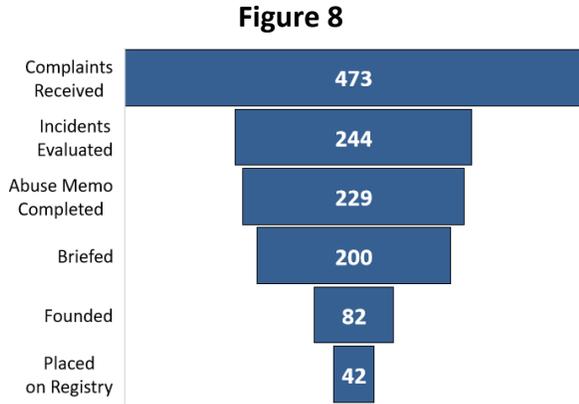


Figure 8. ACU complaint resolution, SFY 20

PUBLIC ASSISTANCE DEBT RECOVERY UNIT

The Public Assistance Debt Recovery Unit (PADRU) initiates collections of overpayment debts owed to the Iowa Department of Human Services (DHS) as a result of payments made to recipients from the State’s public assistance programs, including the Medicaid program, Family Investment Program (FIP), Supplemental Nutrition Assistance Program (SNAP), Promise Jobs, HAWK-I, IowaCare, Child Care Assistance, and Divestiture.

During SFY 20, PADRU collected **\$2,553,089** in overpayments for benefits that were issued to DHS recipients in error. The total debt owed to the State at the conclusion of SFY 20 was **\$44,302,014**.

In total, **4,049** new overpayment claims were entered into DHS’ web-based overpayment recovery (WOPR) system, representing a 24.3% decrease from SFY 19’s entries.

The total value of the claims entered into WOPR during SFY 19 was **\$3,865,694**, or approximately \$955 per claim.

PADRU staff collect on these newly-established debts through a variety of methods, including repayment agreements, judgments, wage garnishment, and income tax offsets.

PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit conducts professional practice investigations on behalf of the professional licensing boards under the jurisdiction of the Iowa Department of Public Health (IDPH).

During SFY 20, the unit received a total of **54** new cases from IDPH, which represents an increase of 135% from SFY 19.

The unit completed **37** investigations for IDPH’s professional licensing boards during SFY 20 (including cases opened during a previous reporting period), which represents an increase of 12.1% from SFY 19.

The five-year trend of cases received and completed is illustrated in Figure 9:

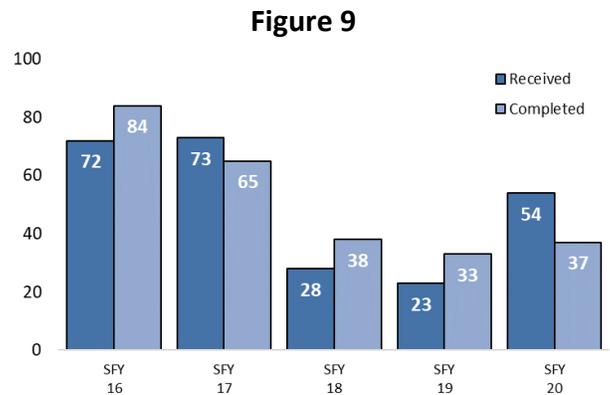


Figure 9. Board cases received and completed, SFY 16-20

ECONOMIC FRAUD CONTROL BUREAU

These combined units (Electronic Benefit Transfer Unit and Program Integrity Unit) are responsible for investigating alleged fraud within DHS’ public assistance programs: Supplemental Nutrition

Assistance Program (SNAP), electronic benefit transfer (EBT) trafficking and/or misuse, Medicaid (recipients), Family Investment Program (FIP), and Child Care Assistance (CCA).

In addition, staff investigate allegations related to federally-funded U.S. Department of Housing and Urban Development (HUD) programs referred from the regional housing agencies around the state.

During SFY 20, the bureau renewed a Memorandum of Understanding with the Iowa Department of Human Rights to investigate referrals related to fraud within the Low-Income Home Energy Assistance and winterization programs.

The bureau also conducts investigations for the Iowa Department of Revenue to investigate false, frivolous, and fraudulent tax matters.

During SFY 20, the bureau responded to **5,022** referrals, investigations of which resulted in savings to the state of **\$5,288,021**, comprised of \$3,156,205 in cost avoidance and \$2,131,816 in debt establishment. Of the total referrals, 92% were related to SNAP investigations.

Federal regulations require DHS and the bureau to report state-specific data for SNAP to the Federal Nutrition Service (FNS) on a quarterly basis.

In SFY 20, Iowa DHS disqualified **299** SNAP recipients through an administrative disqualification hearing, which resulted in **\$1,953,011** in savings to the state.

Cases in which EBT trafficking/misuse is found are referred for an intentional program violation (IPV) on behalf of DHS.

Out of the 299 IPV's reported to FNS, the EBT unit successfully disqualified **134** individuals through this process, resulting in a total savings to the State of **\$336,252**.

HUMAN SERVICES AUDITS

This unit performs expenditure audits at local DHS offices to determine eligibility for federal reimbursements and to ensure compliance with State and federal funding requirements.

Audits are also performed at residential care facilities, nursing facilities, and intermediate care facilities for the intellectually disabled, to ensure that residents' funds are being properly maintained.

The audits are used to verify that Medicaid reimbursement procedures meet all applicable government requirements.

During SFY 20, the unit completed **89** facility audits involving nine residential care facilities (RCF), 18 intermediate care facilities for individuals with intellectual disabilities (ICF/IID), and 62 nursing facilities (NF).

These audits resulted in identifying \$307,864 owed to residents of the facilities and \$122,732 owed to DHS for a total of **\$430,596**.

The unit also completed 99 local DHS office audits and identified \$19,631 in exceptions (ineligible for federal reimbursement). Targeted collection of **100%** was completed within 45 day.

ADMINISTRATIVE HEARINGS DIVISION

The Administrative Hearings Division conducts contested case administrative proceedings for nearly all State agencies and some local government agencies.

While the division is required to conduct certain contested case proceedings by statute or administrative rule, it is also authorized to conduct any proceeding for any governmental entity on a contract basis.

Administrative law judges preside over telephone or in-person hearings, rule on motions or objections, provide a fair and impartial venue for involved parties, and write proposed agency decisions.

Cases range from driver's license revocation proceedings before the Iowa Department of Transportation and child abuse assessment proceedings before the Iowa Department of Human Services to professional discipline proceedings before the Iowa Board of Medicine and other professional licensing boards.

As part of its response to the coronavirus pandemic, the division suspended all in-person hearings from March through June 2020 and secured alternate locations to conduct socially-distanced hearings when in-person hearings resumed in July.

During SFY 20, the division closed **11,604** cases for 72 State and local agencies, representing a 4.1% increase from the previous fiscal year. A breakdown of cases heard in SFY 20 is illustrated in Figure 10.

Figure 10

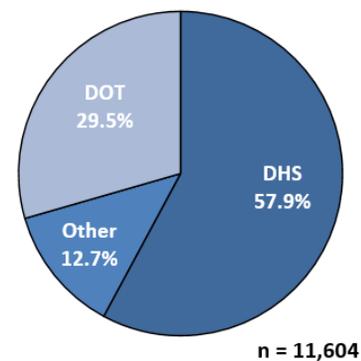


Figure 10. Cases heard by type, SFY 20

HEALTH FACILITIES DIVISION

The division is the designated state survey and certification agency and is responsible for licensing or certifying Medicare and Medicaid programs and other health care providers and suppliers operating in the State of Iowa.

Entities subject to the department's oversight and regulation include nursing facilities, skilled nursing facilities, residential care facilities, intermediate care facilities for the intellectually-disabled, hospitals, hospices, home health agencies, programs and facilities caring for

children, assisted living programs, and elder group homes.

Survey teams from the division conduct unannounced onsite inspections at health care facilities to assess the quality of care and services provided to clients, patients, residents, and tenants.

If problems are discovered during an inspection, the division can require corrective action and implement enforcement remedies to assure a facility's compliance with State and federal rules.

Division personnel also investigate complaints alleging improper care or treatment of patients, residents, and tenants in licensed and certified entities.

LONG-TERM CARE BUREAUS

Three bureaus within the division are responsible for surveying 435 nursing facilities in the state.

During SFY 20, the division continued to monitor and improve the long-term care (LTC) survey cycle, until survey activity was interrupted due to the COVID-19 pandemic.

The federal performance standard requires the division to achieve and maintain an average survey cycle of no more than 12.9 months between recertification surveys for all LTC facilities. While behind on the goal at the start of the state fiscal year (in July 2019 the average was 14.7 months), the division was able to steadily decrease the amount of time, on average, between LTC surveys.

By March 2020, the division had achieved a survey cycle average of **11.7** months between surveys. Figure 11 illustrates the division’s performance in meeting the survey cycle average.

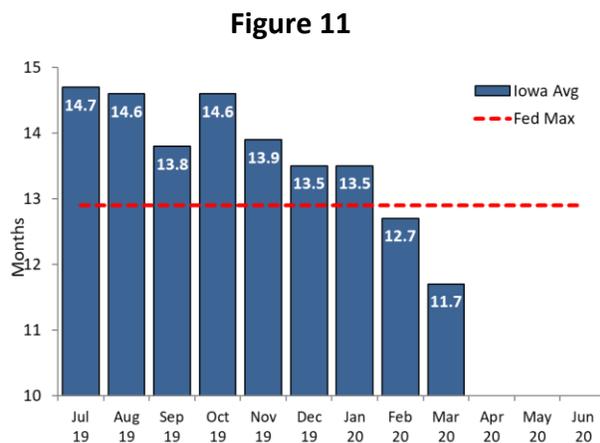


Figure 11. Average LTC survey cycle, SFY 20

However, in March 2020, the Centers for Medicare and Medicaid Services (CMS) modified all states’ survey priorities due to the pandemic.

CMS changed survey priorities as of March 23, 2020, to include only complaints or incidents alleging immediate jeopardy to resident health or safety, and focused infection-control surveys.

CMS required that all states complete FIC surveys in all LTC facilities by July 31, 2020. The department met this goal by completing at least one FIC survey in each federally-certified LTC facility by the specified date (**431** facilities at the time).

Figure 12 illustrates the top 10 most frequently-cited deficiencies within LTC facilities during SFY 20.

Figure 12

F-tag	Description	# Citation
F0880	Infection Prevention & Control	237
F0689	Free of Accident Hazards/Supervision/Devices	116
F0812	Food Procurement, Store/Prepare/Serve Sanitary	93
F0658	Services Provided Meet Professional Standards	86
F0884	Reporting - National Health Safety Network	79
F0684	Quality of Care	75
F0657	Care Plan Timing and Revision	71
F0677	ADL Care Provided for Dependent Residents	57
F0656	Develop/Implement Comprehensive Care Plan	54
F0690	Bowel/Bladder Incontinence, Catheter, UTI	48

Figure 12. Top cited deficiencies in LTC, SFY 20

COMPLAINT/INCIDENT BUREAU

Bureau personnel are responsible for the review and triage of intakes for all health care facilities and programs.

This includes facility self-reported incidents as outlined by federal regulations and State rules, as well as complaints from residents/patients, family

and friends, staff, and other health care providers.

During SFY 20, the bureau fielded **7,444** intakes, representing a 9.0% increase from SFY 19's level. The five-year trend of complaints/incidents received by the bureau is illustrated in Figure 13.

Figure 13

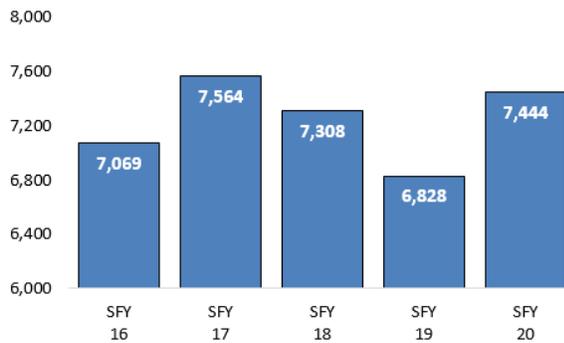


Figure 13. Complaints/incidents received, SFY 16-20

During SFY 20, the bureau conducted **1,099** investigations related to complaint/incident intakes within long-term care facilities. DIA continues to investigate complaints in compliance with CMS survey priorities.

MEDICARE SERVICES BUREAU

The bureau is responsible for the survey and certification of 17 provider and supplier types of Medicare-certified facilities, including hospitals, critical access hospitals, home health agencies (HHA), hospice programs, end-stage renal disease (ESRD) units, rural health clinics, and ambulatory surgery centers (ASC).

During SFY 20, the bureau completed **136** recertification surveys, **85** complaints, **39** revisits, and **355** focused infection-control surveys.

A breakdown by certification type is illustrated in Figure 14.

Figure 14

	Recert	Complaint	Revisit	FIC
Hospitals	23	58	13	104
HHA & Hospice	52	19	14	150
ESRD & ASC	16	8	10	76
RHC	45	0	2	25
Total	136	85	39	355

Figure 14. Medicare services bureau workload, SFY 20

ADULT & SPECIAL SERVICES BUREAU

Within the bureau, the Adult Services Unit is responsible for surveying and monitoring assisted living programs (ALP), assisted living programs for people with dementia (ALP/D), adult day services (ADS), and elder group homes (EGH).

As a result of the pandemic and in accordance with CMS guidelines, the bureau's survey activity from March through August included complaints and/or program-reported incidents resulting in a two-day triage level and focused infection-control surveys. All monitoring activities resumed on August 17, 2020.

During SFY 20, surveyors completed **313** surveys and investigations in ALPs and ALP/Ds. The three-year trend in ALP and ALP/Ds is illustrated in Figure 15.

Figure 15

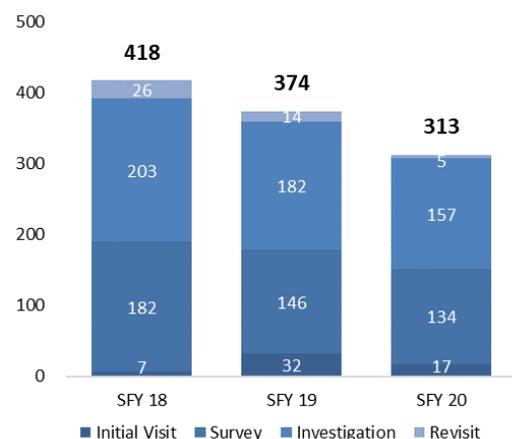


Figure 15. ALP & APL/D work, SFY18-20

In a State public health emergency proclamation dated March 26, 2020, Governor Reynolds ordered all Adult Day Services temporarily closed due to the coronavirus pandemic. Adult Day Services were re-opened on June 25, 2000.

The Special Services Unit within the bureau has regulatory oversight of intermediate care facilities for individuals with intellectual disabilities (ICF/IID), residential care facilities (RCF), children’s services, and psychiatric rehabilitation treatment facilities (PRTF).

In accordance with CMS and CDC guidelines, DIA conducted focused infection-control surveys, child abuse investigations, complaints, and facility-reported incidents triaged at the immediate jeopardy (IJ) level from March 20 through August 11, 2020.

During SFY 20, surveyors completed **360** surveys and investigations in ICF/IIDs. The three-year trend in ICF/IIDs is illustrated in Figure 16.

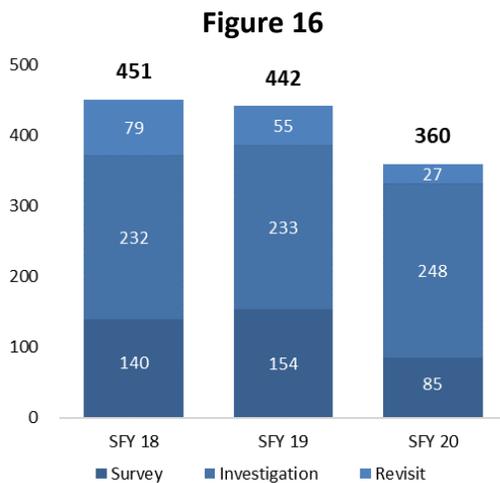


Figure 16. ICF/IID work, SFY18-20

Surveys in RCFs are completed at least every 30 months per State rule. Surveyors completed infection-control surveys and IJ investigations

from March 20 through July 6, 2020. On Aug. 17, 2020, all survey activities resumed.

During SFY 20, surveyors completed **174** surveys and investigations in RCFs, resulting in a 12.6% decrease from the previous fiscal year. The three-year trend in RCF is illustrated in Figure 17.

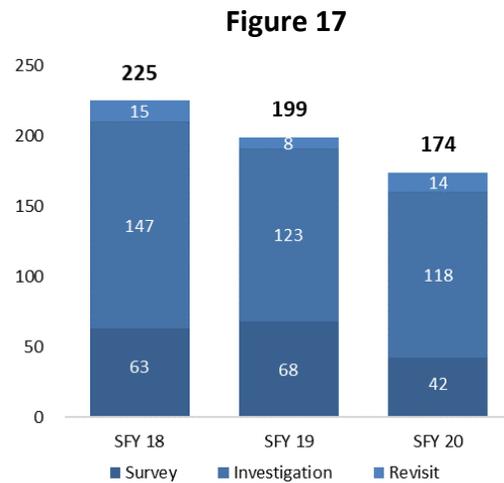
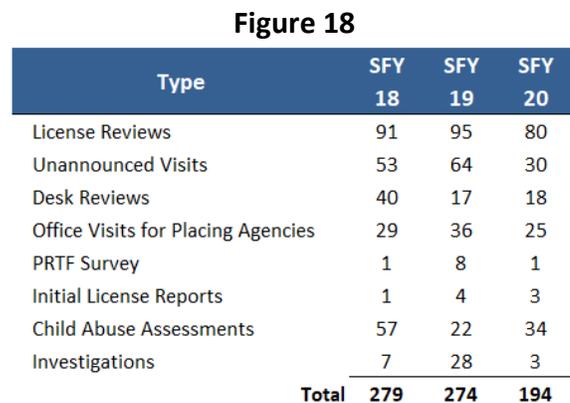


Figure 17. RCF work, SFY 18-20

Surveyors working with children’s services complete various types of reviews, most requiring visits every three years. PRTF surveys are required every five years, per federal regulations.

During SFY 20, surveyors completed 194 reviews, investigations, assessments, and/or revisits and investigations in children’s programs. The three-year trend is illustrated in Figure 18.



Type	SFY 18	SFY 19	SFY 20
License Reviews	91	95	80
Unannounced Visits	53	64	30
Desk Reviews	40	17	18
Office Visits for Placing Agencies	29	36	25
PRTF Survey	1	8	1
Initial License Reports	1	4	3
Child Abuse Assessments	57	22	34
Investigations	7	28	3
Total	279	274	194

Figure 18. Children’s services work, SFY18-20