



Iowa Department of
INSPECTIONS & APPEALS

ANNUAL

REPORT

STATE FISCAL YEAR 2021

OCTOBER 20, 2021

GET THE ANNUAL REPORT ONLINE AT
<https://dia.iowa.gov/forms>

Table of Contents

<u>A MESSAGE FROM THE DIRECTOR</u>	3
<u>OVERVIEW</u>	4
<u>ADMINISTRATION DIVISION</u>	4
<u>FISCAL SERVICES</u>	5
<u>FOOD & CONSUMER SAFETY BUREAU</u>	6
<u>HUMAN RESOURCES</u>	7
<u>PUBLIC INFORMATION OFFICE</u>	8
<u>ADMINISTRATIVE RULES & LEGAL COUNSEL</u>	9
<u>LEGISLATION</u>	9
<u>INVESTIGATIONS DIVISION</u>	10
<u>ABUSE COORDINATING UNIT</u>	10
<u>ECONOMIC FRAUD CONTROL BUREAU</u>	10
<u>HUMAN SERVICES AUDITS</u>	11
<u>MEDICAID FRAUD CONTROL UNIT</u>	11
<u>PROFESSIONAL STANDARDS UNIT</u>	12
<u>PUBLIC ASSISTANCE DEBT RECOVERY UNIT</u>	12
<u>ADMINISTRATIVE HEARINGS DIVISION</u>	13
<u>HEALTH FACILITIES DIVISION</u>	14
<u>HEALTH FACILITY RECORDS DATABASE</u>	14
<u>LONG-TERM CARE BUREAUS</u>	14
<u>COMPLAINT/INCIDENT BUREAU</u>	15
<u>ADULT & SPECIAL SERVICES BUREAU</u>	16
<u>MEDICARE SERVICES BUREAU</u>	17
<u>ANNUAL REPORT FIGURES</u>	19

A Message from the Director

It is a pleasure to serve as 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 safety, gaming regulations, Medicaid and welfare fraud investigations, and administrative law.

DIA employees are dedicated, hardworking, knowledgeable, and talented individuals who work each day to better the lives of Iowans. It is an honor to serve the people of Iowa in this capacity and work with such talented colleagues.

Throughout the fiscal year, the department's work continued to see changes because of COVID-19 and a derecho and DIA staff met each change and challenge with the goal of ensuring the health and safety of Iowans. The Center for Medicare and Medicaid Services' (CMS) primary focus in Fiscal Year 2020 was on "...conducting focused infection control surveys, ensuring the immediate health and safety of Americans was the priority."¹

DIA satisfied both of CMS' fiscal year 2020 State Performance Standard System (SPSS) measurements:

- (1) Complete at least one onsite focused infection control survey by July 31, 2020 of all 433 long-term care facilities; and
- (2) Perform an on-site focused infection control survey within three to five days of any nursing home with three or more new COVID-19 confirmed cases since the last National Healthcare Safety Network (NHSN) COVID-19 report, or one confirmed resident case in a facility that was previously COVID-free.

DIA continues its work to meet the SPSS measurements for State Fiscal Year 2021 (SFY 21) outlined by CMS.

Two significant accomplishments achieved by DIA in SFY 21 were the launch of DIA's new public website and a new health facilities database. The new application features a user-friendly interface not only for accessing records for health facilities such as nursing homes, hospitals, and assisted-living facilities, but also for the Iowa Direct Care Worker Registry.

The new application increases the department's transparency and offer a better user experience for DIA staff, health facility staff, families, media, nursing assistants, community colleges, and the public.

Additionally, DIA's Administrative Hearings Division implemented its e-filing system. Administrative Hearings continues to implement its case management system in order to maximize efficiencies in issuing timely decisions to Iowans.

¹ CMS Admin Info: 21-08-ALL

In response to recent legislation, DIA's Food and Consumer Safety Bureau created a system for registering consumable hemp products and opened registration in March 2021. DIA ensured the consumable hemp regulatory framework followed legislation by protecting lowans and allowing innovation within the hemp industry.

Additionally, the bureau continues to make improvements in its licensing process for food and hotel businesses. DIA worked with other state agencies to improve the application process and will debut a new online portal in fall 2021.

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.

A handwritten signature in black ink, appearing to read "Larry Johnson, Jr.", written in a cursive style.

Larry Johnson, Jr.

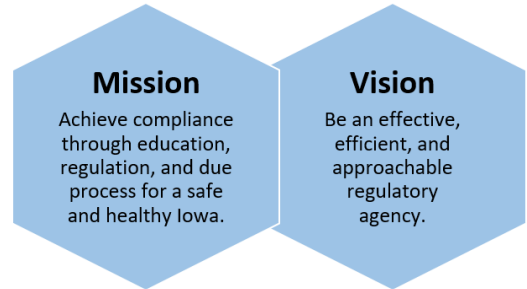
Overview

The Iowa Department of Inspections and Appeals 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), Employment Appeal Board (EAB), Iowa Racing and Gaming Commission (IRGC) and Office of the State Public Defender (SPD).



DIA provides fiscal management, human resource services, and other related administrative functions for these administratively attached units.

An overview of the department’s table of organization may be found in Figure 1.

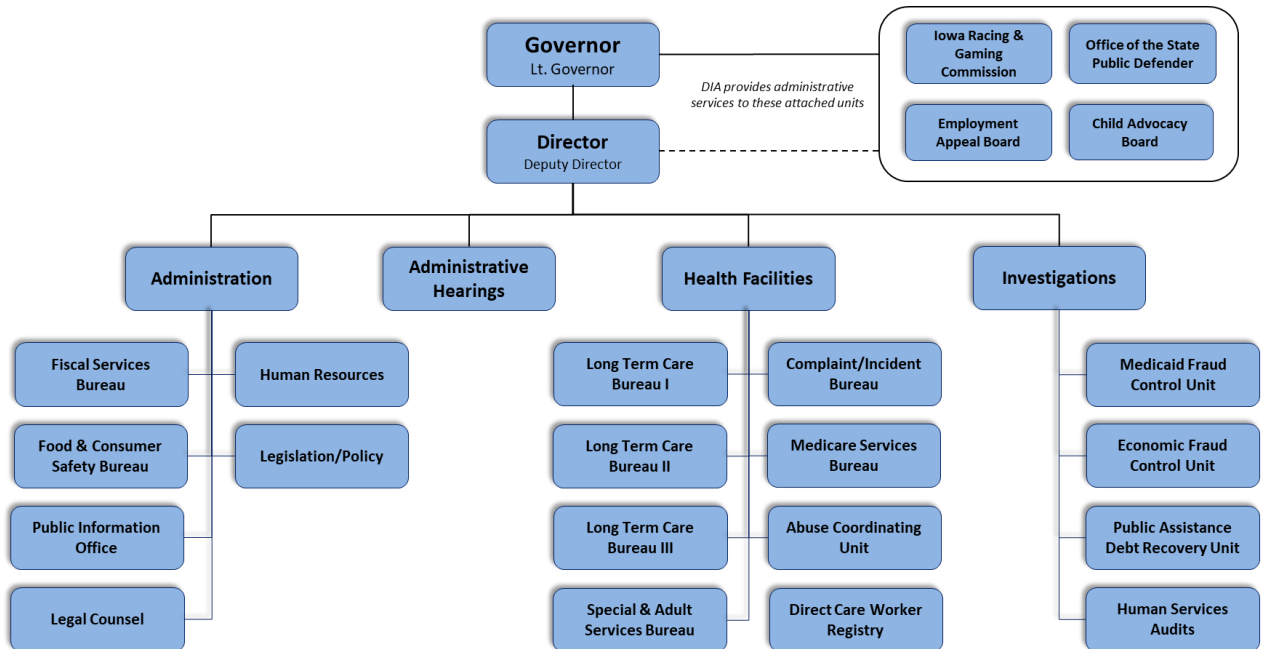


Figure 1. Table of organization

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 2021 (SFY 21), 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 general fund appropriation represented 28.8% of the total operating budget for the fiscal year.

The non-general fund portion of the SFY 21 budget was **\$22,174,472**, representing 71.2% of the department's operating budget.

The non-general fund portion is comprised of billings to external customers including State agencies and local governments, and the federal government.

In total, the department expended **\$31,127,903** to provide critical services across its operational divisions. The makeup of SFY 21 total expenditures is illustrated in Figure 2.

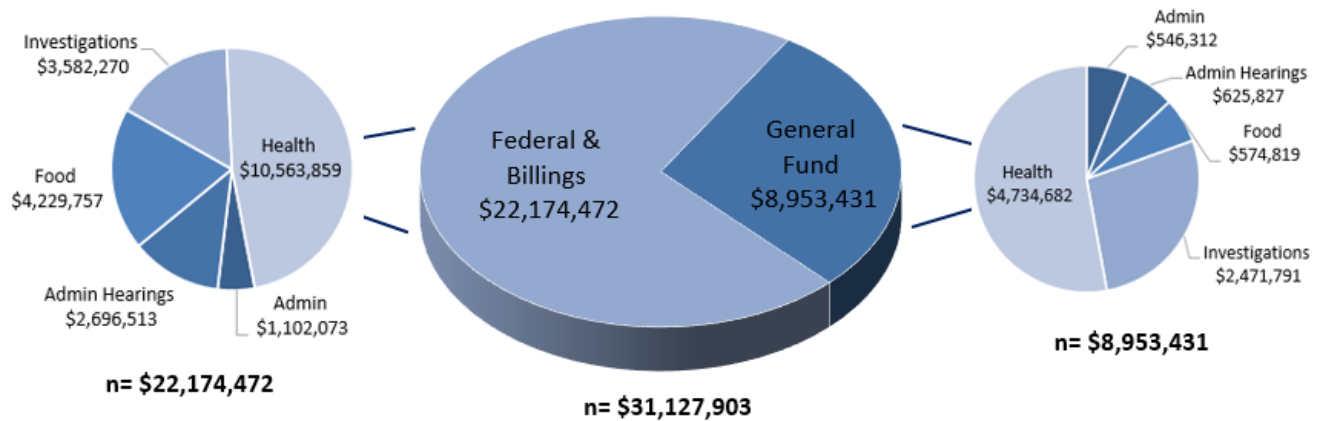


Figure 2. Total expenditures by source and division, SFY 21

FOOD & CONSUMER SAFETY BUREAU

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

The purpose of the 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 3. The remaining 36 counties, in white, have inspections and licensing completed by local contracting health departments.

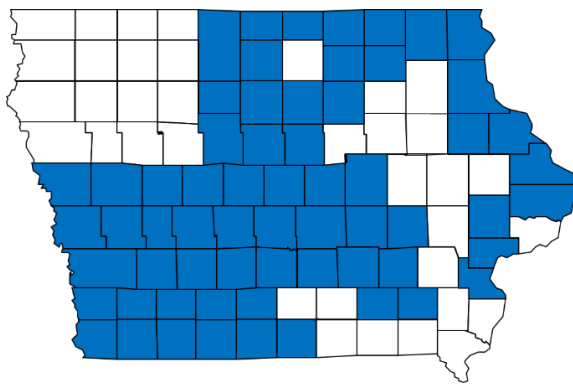


Figure 3. Direct inspectional responsibility by county

INSPECTION WORK

During SFY 21, the bureau completed **8,420** inspections. Included in the total number of inspections were **318** virtual inspections,

following the development and implementation of a virtual inspection program during the early part of the COVID-19 pandemic.

A breakdown of inspection types completed in SFY 21 is illustrated in Figure 4.

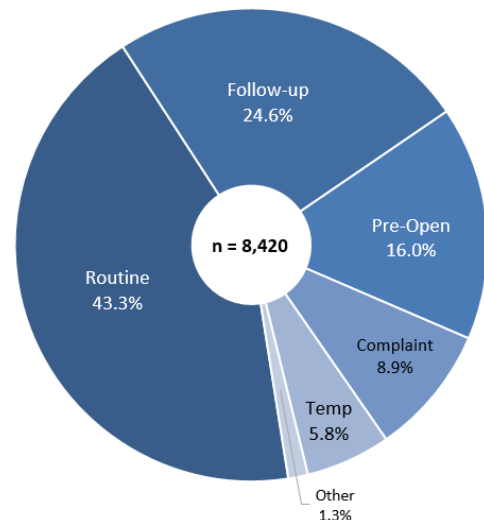


Figure 4. Inspections by type, SFY 21

In the last two months of SFY 21, the bureau saw a significant increase in temporary food and farmers market licenses, after the pandemic heavily impacted these operations in 2020.

The bureau investigated **748** complaints in SFY 21, representing an increase of 38.5% over the previous fiscal year. The bureau also conducted **1,348** new license inspections in SFY 21, an increase of 29.9% from pre-pandemic levels.

FOODBORNE ILLNESS OUTBREAKS

The Iowa Food Emergency Rapid Response Team (Iowa RRT) investigated three potential foodborne illness outbreaks during SFY 21.

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.

EMERGENCY RESPONSE

The Iowa RRT completed **575** emergency response assessments in SFY 21, most in response to the August 2020 derecho.

However, RRT completed more than **100** assessments in response to smaller events such as localized boil water advisories, flooding, fires, and sewer backups that affected licensed facilities.

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

CONSUMABLE HEMP

The Iowa General Assembly created the Consumable Hemp Regulatory Program during the 2020 legislative session. The bureau is responsible for the regulation of consumable hemp products, including registration.

Consumable hemp products are those introduced into the human body by ingestion or absorption (e.g., lotions, oils, food, etc.), but not through inhalation (e.g., smoking or vaping).

Registration opened on March 3, 2021, for businesses wishing to manufacture or sell consumable hemp products in Iowa, including cannabidiol (CBD).

In SFY 21, the department issued **410** consumable hemp retailer registrations and **78** consumable hemp manufacturer registrations.

The bureau denied one registration in SFY 21 and investigated 18 consumable hemp related complaints which resulted in the issuance of 17 cease-and-desist letters to non-compliant businesses.

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 21, the unit:

- Processed **1,688** social and charitable gambling licenses, a decrease of 23.3% from SFY 20. The unit also collected **\$144,185** in licensing fees, a decrease of 22.0% from SFY 20; and
- Processed **5,458** amusement device (AD) registrations, and collected **\$399,925** in amusement device registration fees, an increase of 2.3% from SFY 20. A breakdown of the types of registrations is illustrated in Figure 5.

Type	Fees	#	Total
Manufacturers	\$2,500	8	\$20,000
Distributors	\$5,000	45	\$225,000
Owners	\$2,500	8	\$20,000
Registration Tags	\$25	5,397	\$134,925
Total		5,458	\$399,925

Figure 5. AD registrations by type, SFY 21

HUMAN RESOURCES

Human Resources (HR) provides personnel services to approximately **544** active positions across the core divisions and attached units. DIA

also provides HR services to 50 employees with the Iowa Department of Human Rights.

During SFY 21, HR oversaw **662** authorized full-time equivalent (FTE) positions, 87.3% of which were filled at the conclusion of the SFY. Additionally, HR processed **150** personnel transactions, illustrated in Figure 6.

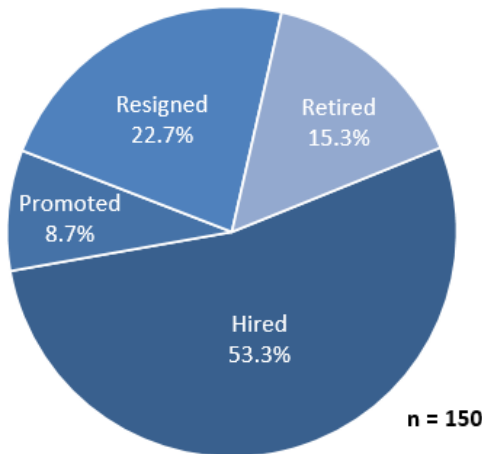


Figure 6. Human resource transactions, SFY 21

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 is to implement and manage a coordinated public information program for the department.

During SFY 21, several important projects came to fruition. The department debuted a new website (dia.iowa.gov) in October 2020, resulting in new and improved functionality for site visitors. The Department routinely updates the website with new guidance and resources and hosts the department’s COVID-19 response information.

The launch of the new dia.iowa.gov website included new branding in the form of a new, freshened-up departmental logo.

A new contact form was also implemented, enabling many requests to be routed directly to the employees responsible for those areas, improving the timeliness of responses to the public.

For the eight months the contact form was utilized in SFY 21, the department received **1,933** complaints, questions, and records requests via this form alone.

Additionally, the public information office played an integral role in managing a project with the Office of the Chief Information Officer to restructure and update the Health Facilities Division and the Iowa Direct Care Registry database (dia-hfd.iowa.gov).

The new application launched May 4, 2021, and now enables the public to search and download several reports and contact lists it had previously relied on DIA staff to generate and provide.

Certified Nursing Assistants, community college users, and staff from the health facilities that DIA oversees now also log in directly and update their demographic information, dramatically increasing efficiency.

The public information office is also responsible for responding to requests from the news media. During SFY 21, the public information office fielded **129** media inquiries; the majority of these inquiries were responded to within 48 hours.

ADMINISTRATIVE RULES & LEGAL COUNSEL

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

During SFY 21, DIA promulgated **12** sets of administrative rules – three sets filed on behalf of the Administration Division, two sets of rules were filed on behalf of the Health Facilities Division, and seven sets of rules were filed on behalf of the Food and Consumer Safety Bureau.

Additionally, DIA coordinated with the Legislative Services Agency (LSA) in ensuring all previous legislative changes (both substantive and procedural) were incorporated into DIA's administrative rules.

General counsel also provides legal advice and counsel to the department. During SFY 21, counsel:

- Managed seven new contested-case appeals filed in SFY 21, and two petitions for declaratory order;
- Responded to stakeholder issues and health regulatory relief waivers required during the pandemic; and
- Negotiated a tribal/state compact with the Ponca Tribe of Nebraska.

LEGISLATION

On May 19, 2021, the Iowa Legislature passed a sine die resolution ending session. Bills passed that impact DIA operations include:

Budget Bill (HF 867) – Provides a status quo budget; passed the House (55-37) and Senate (47-0) and was signed by Governor Reynolds on May 24, 2021.

Game Nights (HF 311) – Increases the frequency that a qualified organization can hold a game night to once a month instead of once a year; passed the House (91-1) and the Senate (42-2) and was signed by Governor Reynolds on May 19, 2021.

Simulcast Betting (HF 513) – Allows betting on horse and dog races broadcast from a foreign country at Iowa casinos; passed House (81-12) and Senate (34-12) and was signed by Governor Reynolds on June 8, 2021.

Games of Chance and Skill (HF 785) – Redefines game of chance to mean games determined strictly by chance and games of skill where a player's skill increases the chance of winning; passed the House (95-0) and Senate (45-1) and was signed by Governor Reynolds on May 10, 2021.

Vaccine Passports (HF 889) – Prohibits the state or local governments from noting on an ID whether the holder has received a COVID vaccination. Prohibits businesses or government

agencies from requiring a person to show proof of a COVID vaccination in order to enter. Makes a business or government agency that requires proof of a COVID vaccination ineligible to receive state contracts or grants; passed the House (58-35) and Senate (32-16) and was signed by Governor Reynolds on May 20, 2021.

Delta-8 and 9 Tetrahydrocannabinol (HF 391) – Clarifies that delta-8 and 9 tetrahydrocannabinol are on the list of Schedule I controlled substances; passed the House (91-2) and Senate (46-0) and was signed by Governor Reynolds on May 10, 2021.

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.

ABUSE COORDINATING UNIT

The unit is responsible for the detection, investigation, and administrative prosecution of dependent adult abuse in facilities and programs in Iowa.

During SFY 21, **526** complaints received by the department contained the potential of dependent adult abuse. The SFY 21 figure represents an 11.2% increase from SFY 20's level. Outcomes of these complaints are illustrated in Figure 7.

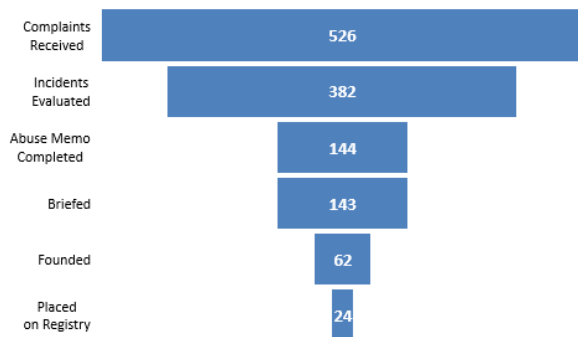


Figure 7. ACU complaint resolution, SFY 21

ECONOMIC FRAUD CONTROL BUREAU

Comprised of two units (Electronic Benefit Transfer Unit and Program Integrity Unit) the bureau is responsible for investigating alleged fraud within DHS' public assistance programs: SNAP, electronic benefit transfer (EBT) trafficking and/or misuse, Medicaid (recipients), Family Investment Program (FIP), and Child Care Assistance (CCA).

During SFY 21, the bureau responded to **4,966** referrals, investigations of which resulted in savings to the State of **\$5,034,141**, comprised of \$2,786,989 in DHS cost avoidance, \$230,310 in IFA cost avoidance, and \$2,016,842 in DHS debt establishment.

The bureau also investigates allegations related to federally-funded U.S. Department of Housing and Urban Development programs referred from regional housing authorities.

The bureau also contracts with state agencies to conduct investigations on their behalf, including:

- **Iowa Department of Human Rights** to investigate fraud within the Low-Income Home Energy Assistance Program.
- **Iowa Department of Revenue** to investigate fraud related to tax matters.

- **Iowa Finance Authority** to investigate fraud within the Foreclosure Prevention Program and the Iowa Rental Utility Assistance Program.
- **Iowa Workforce Development** to investigate fraud within the Unemployment Compensation Program.

Investigators work closely with State and federal prosecutors and local law enforcement to gather evidence that may be used to prosecute individuals accused of defrauding Iowa’s public assistance programs.

In SFY 21, Iowa DHS disqualified **233** SNAP recipients through an administrative disqualification hearing, which resulted in **\$975,110** in claim establishment and **\$493,272** in cost avoidance 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 233 IPVs reported to FNS, the EBT unit successfully disqualified **75** individuals through this process, resulting in a total savings to the State of **\$156,318**.

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 performed at residential care facilities, nursing facilities, and intermediate care facilities for the intellectually disabled, to ensure that residents’ funds are maintained.

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

During SFY 21, the unit completed **71** facility audits involving eight residential care facilities, 22 intermediate care facilities for individuals with intellectual disabilities, and 41 nursing facilities. The three-year trend of audits is illustrated in Figure 8.

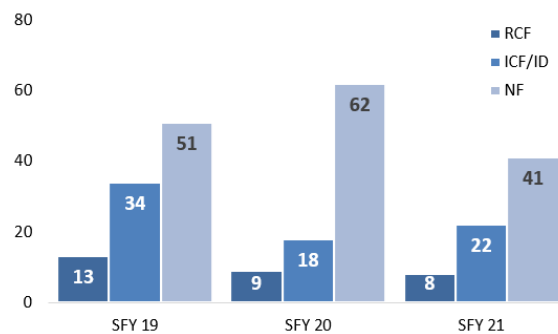


Figure 8. Audits completed by type, SFY 21

These audits resulted in identifying \$215,110 owed to residents of the facilities and \$55,631 owed to DHS for a total of **\$270,741**.

The unit also completed **99** local DHS office audits and identified \$23,414 in exceptions (ineligible for federal reimbursement). Targeted collection of **100%** was completed within 45 days.

MEDICAID FRAUD CONTROL UNIT

The mission of the Medicaid Fraud Control Unit (MFCU) is to maintain the integrity of the Iowa Medicaid program and the provision of Medicaid services by investigating allegations of fraud committed against the Iowa Medicaid program, fraudulent activities, and patient abuse pertaining to the provision of Medicaid goods and services.

At the close of SFY 21, MFCU maintained **314** open cases consisting of 287 fraud cases (91.4%) and 27 criminal abuse/neglect cases (8.6%).

The 287 fraud cases consisted of 230 multi-state civil cases assigned to the MFCU assistant attorney general and 57 criminal and in-state civil fraud cases assigned to MFCU investigators.

In SFY 21, MFCU reported recoveries totaling **\$1,763,462** as a result of criminal and civil cases.

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 21 was predominantly global civil cases, as illustrated in Figure 9.

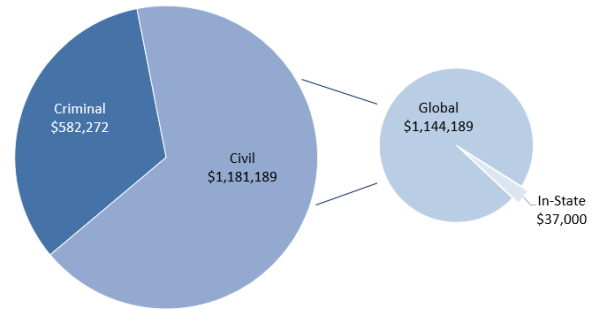


Figure 9. Source of MFCU recoveries, SFY 21

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 21, the unit received a total of **32** new cases from IDPH.

The unit completed **48** investigations for IDPH's professional licensing boards during SFY 21 (including cases opened during a previous reporting period), which represents an increase of 12.1% from SFY 20.

The three-year trend of cases received and completed is illustrated in Figure 10.

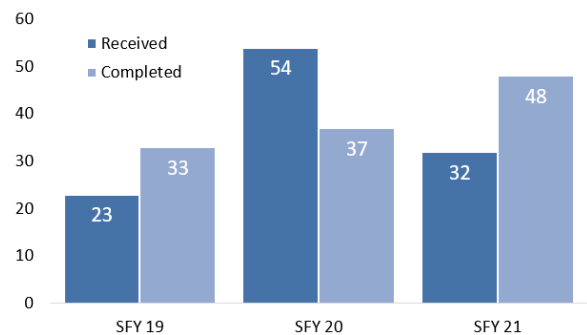


Figure 10. Board cases, SFY 19-21

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.

Programs include the Medicaid program, Family Investment Program (FIP), Supplemental Nutrition Assistance Program (SNAP), Promise Jobs, HAWK-I, IowaCare, Child Care Assistance, and Divestiture.

During SFY 21, PADRU collected **\$3,356,506** in overpayments for benefits that were issued to DHS recipients in error.

The total debt owed to the State at the conclusion of SFY 21 was **\$43,462,997**.

In total, **2,279** new overpayment claims were entered into DHS' web-based overpayment recovery (WOPR) system.

The total value of the claims entered into WOPR during SFY 21 was **\$3,649,169**, or approximately \$1,601 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.

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.

Throughout the coronavirus pandemic, the division secured alternate locations to conduct socially-distanced hearings when in-person hearings resumed in July 2020.

The division continued to partner with Iowa Workforce Development (IWD) to assist in conducting unemployment appeals which increased substantially during the pandemic.

During SFY 21, the division heard **321** unemployment appeals cases at request of IWD. During SFY 21, the division closed **10,281** cases for 14 State departments, 26 State boards and commissions, and 15 local agencies, handling more than 85 different case types in the process.

The division experienced a 29.9% increase from the previous fiscal year in cases other than DHS and DOT.

The three-year trend of cases closed by agency type is illustrated in Figure 11.

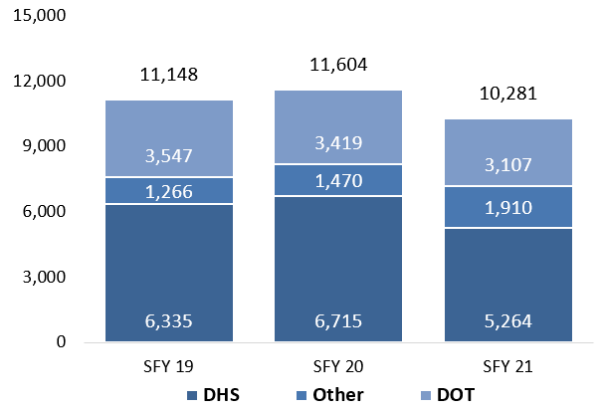


Figure 11. Cases closed by agency type, SFY 19-21

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 and skilled nursing facilities (NFs/SNFs, or long-term care facilities), residential care facilities (RCFs), intermediate care facilities for the intellectually disabled (ICF/IIDs), hospitals, hospices, home health agencies (HHAs), programs and facilities caring for children, assisted living programs, and elder group homes.

Survey teams from the division conduct 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 a survey, 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.

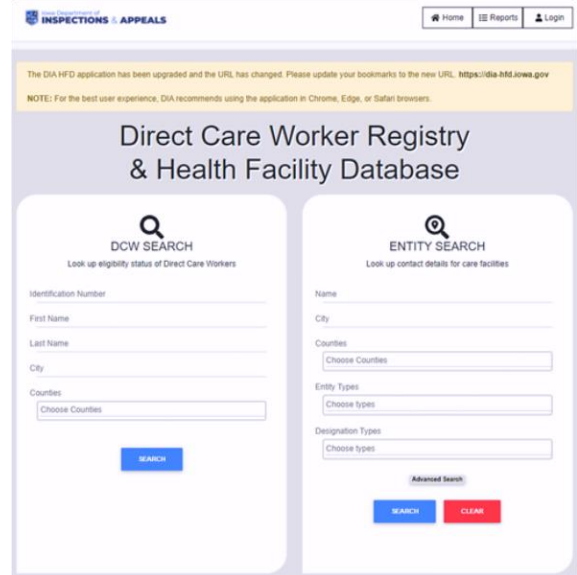
HEALTH FACILITY RECORDS DATABASE

The division launched a new public website for its health facility records database in SFY 21.

The new application features a user-friendly interface not only for accessing records for health facilities such as nursing homes, hospitals, and assisted-living facilities, but also for the Iowa Direct Care Worker Registry, which tracks the credentials of certified nursing assistants (CNAs) in the state.

The new website and database allow public users to run and save reports they previously were dependent on DIA staff to provide for them.

Health facility employees, CNAs, and community college users can utilize the site to manage their own accounts including making changes to their contact information.



The application can be accessed at dia-hfd.iowa.gov.

LONG-TERM CARE BUREAUS

Three bureaus within the division are responsible for surveying 433 long-term care (LTC) facilities in Iowa.

On March 20, 2020, survey activity was suspended due to the pandemic and the revised priority of the Centers for Medicare and Medicaid Services (CMS) was to complete immediate jeopardy investigations and focused infection-control (FIC) surveys.

CMS required all states to 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 (433 facilities at the time).

On Aug. 17, 2020, CMS lifted the survey restriction, allowing recertification and revisit surveys to be conducted in consultation with the Centers for Disease Control and Prevention (CDC) and the Iowa Department of Public Health (IDPH).

While the division was able to expand survey activities, CMS' priority remained FIC surveys. CMS required State Survey Agencies to initiate these surveys within 3-5 business days when a facility had a new outbreak.

As of Jan. 17, 2021, the division had completed **1,125** FIC surveys. Iowa surveyors completed 1,099 of those surveys and the federal surveyors or contractors completed 26. When looking at SFY 2021 only, a total of 918 standalone FIC surveys were completed.

During SFY 2021, **79** immediate jeopardies were cited. Of that total number, 19 were related to infection control. Overall, infection-control deficiencies were cited **275** times. In SFY 2021, the division completed **139** recertification surveys after the restriction of surveys was lifted.

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

F-tag	Description	# Citation	Δ from SFY 20
F884	Reporting - National Health Safety Network	287	▲263.3%
F880	Infection Prevention & Control	202	▼14.8%
F689	Free of Accident Hazards/Supervision/Devices	115	▼0.9%
F684	Quality of Care	82	▲9.3%
F658	Services Provided Meet Professional Standards	81	▼5.8%
F677	ADL Care Provided for Dependent Residents	59	▲3.5%
F812	Food Procurement, Store/Prepare/Serve Sanitary	51	▼45.2%
F580	Notify of Changes (Injury/Decline/Room, etc.)	48	n/a
F686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	46	n/a
F690	Bowel/Bladder Incontinence, Catheter, UTI	36	▼25.0%

Figure 12. Top cited LTC deficiencies, SFY 21

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 21, the bureau fielded **6,099** intakes, inclusive of all facility types, representing an 18.1% decrease from SFY 20's level. The three-year trend of complaints/incidents received by the bureau is illustrated in Figure 13.

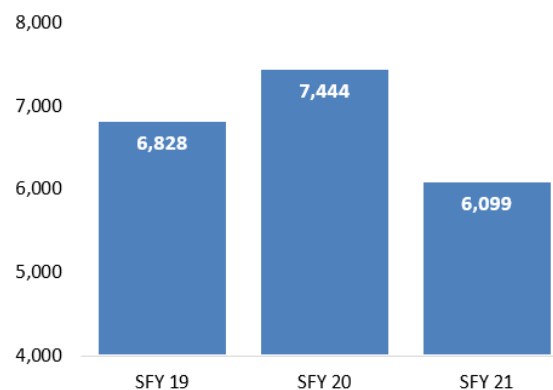


Figure 13. Complaints/incidents received, SFY 19-21

Of the total complaint intakes received in SFY 21, 3,823 were related to long-term care facilities. The LTC bureaus conducted **1,553** investigations related to complaint/incident intakes within long-term care facilities, representing a 39.9% increase in those investigations from SFY 20.

DIA continues to investigate complaints in compliance with CMS survey priorities.

ADULT & SPECIAL SERVICES BUREAU

ADULT SERVICES UNIT

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

In accordance with CMS guidelines, the bureau’s survey activity was limited to focused infection-control surveys and investigations at a two-day triage level until August 17, 2020, when all survey activities resumed.

During SFY 21, surveyors completed **327** surveys and investigations in ALPs and ALP/Ds, an increase of 4.5% from the previous fiscal year. The three-year trend in ALPs and ALP/Ds is illustrated in Figure 14.

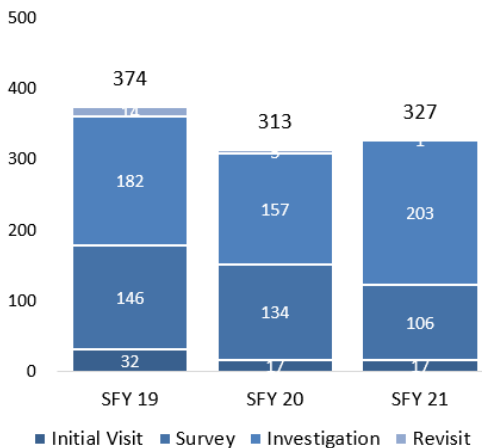


Figure 14. ALP and ALP/D workload, SFY 19-21

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, 2020; however, many remained closed for at least the remainder of 2020. No survey activities were conducted at ADS during SFY 21. All survey activity resumed August 17, 2020.

SPECIAL SERVICES UNIT

The Special Services Unit has regulatory oversight of:

- Intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs)
- Residential care facilities (RCF)
- Children’s services including juvenile detention, residential care for children, shelter care, child placing agencies, comprehensive residential care for children, and psychiatric medical institutions for children (PMICs); 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 Aug. 11, 2020.

During SFY 21, surveyors completed **372** surveys and investigations in ICF/IIDs. Additionally, **161** onsite focused infection-control surveys were also completed.

The three-year trend in ICF/IIDs is illustrated in Figure 15.

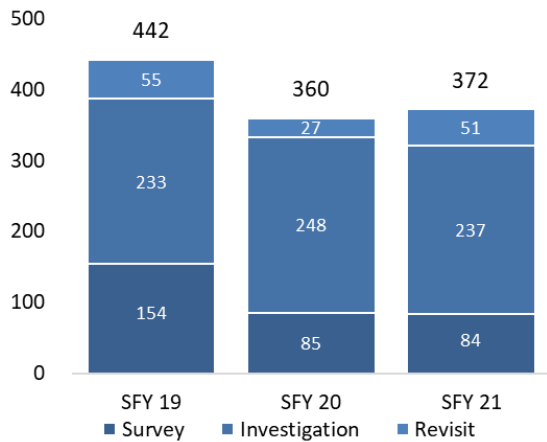


Figure 15. ICF/IID workload, SFY 19-21

Surveys in RCFs are completed at least every 30 months per State rule. Surveyors completed infection-control surveys and IJ investigations from March 20-July 6, 2020. On Aug. 17, 2020, all survey activities resumed.

During SFY 21, surveyors completed **184** surveys and investigations in RCFs, as well as **100** onsite focused infection-control surveys.

Additionally, RCF surveyors completed seven surveys and two infection control surveys in sub-acute mental health facilities. The three-year trend in RCF is illustrated in Figure 16.

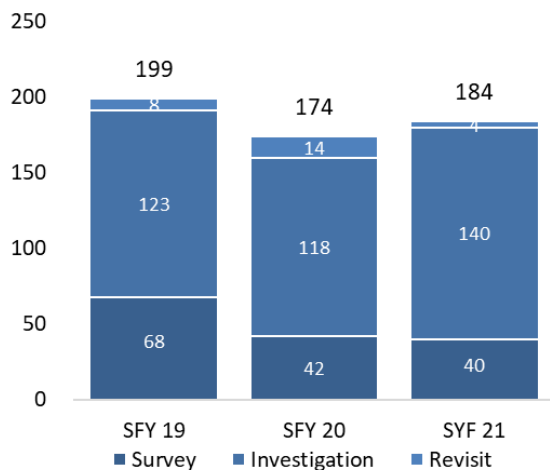


Figure 16. RCF workload, SFY 19-21

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 21, surveyors completed **227** reviews, investigations, assessments, and/or revisits and investigations in children’s programs.

In addition to regular types of visits, **105** infection-control surveys were also completed.

The three-year trend is illustrated in Figure 17.

Type	SFY 19	SFY 20	SFY 21
License Reviews	95	80	116
Unannounced Visits	64	30	6
Desk Reviews	17	18	28
Office Visits for Placing Agencies	36	25	12
PRTF Survey	8	1	0
Initial License Reports	4	3	4
Child Abuse Assessments	22	34	38
Investigations	28	3	23
Total	274	194	227

Figure 17. Children's services workload, SFY 19-21

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).

As a result of the pandemic, CMS limited survey activity to focused infection-control surveys and investigations at an immediate jeopardy (two-day triage) level until Aug. 17, 2020, when all survey activities resumed.

CMS suspended hospital surveys again from Jan. 20-March 26, 2021, and restricted to only complaints surveys at the immediate jeopardy level. Survey staff continue work to decrease the backlog of recertification surveys.

During SFY 21, the bureau completed **51** recertification surveys, **101** complaints, **20** revisits, and **167** focused infection-control surveys.

A breakdown by certification type is illustrated in Figure 18.

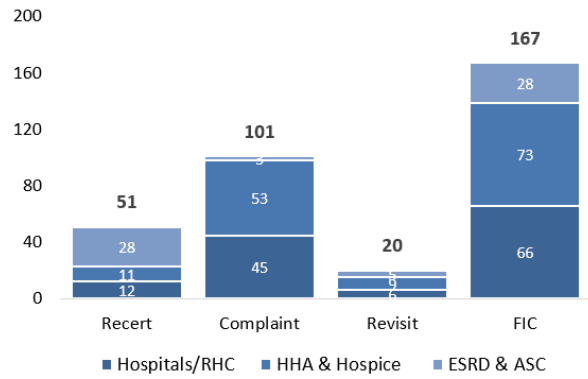


Figure 18. Medicare services bureau workload, SFY 21

Annual Report Figures

Figure 1. Table of organization	5
Figure 2. Total expenditures by source and division, SFY 21	5
Figure 3. Direct inspectional responsibility by county	6
Figure 4. Inspections by type, SFY 21	6
Figure 5. AD registrations by type, SFY 21	7
Figure 6. Human resource transactions, SFY 21	8
Figure 7. ACU complaint resolution, SFY 21	10
Figure 8. Audits completed by type, SFY 21	11
Figure 9. Source of MFCU recoveries, SFY 21	12
Figure 10. Board cases, SFY 19-21	12
Figure 11. Cases closed by agency type, SFY 19-21	13
Figure 12. Top cited LTC deficiencies, SFY 21	15
Figure 13. Complaints/incidents received, SFY 19-21	15
Figure 14. ALP and ALP/D workload, SFY 19-21	16
Figure 15. ICF/IID workload, SFY 19-21	17
Figure 16. RCF workload, SFY 19-21	17
Figure 17. Children's services workload, SFY 19-21	17
Figure 18. Medicare services bureau workload, SFY 21	18

Get the Annual Report online at
<https://dia.iowa.gov/forms>

Iowa Department of Inspections and Appeals
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319-0083

Tel: 515.281.7102
<https://dia.iowa.gov/>