

# Summary of the Department of Justice Investigation into State Resource Centers AS OF SEPTEMBER 16, 2022

The following is a chronology of the Department of Justice (DOJ) investigation at the Glenwood and Woodward State Resource Centers. We are learning more as the investigation unfolds, and we intend to fully cooperate and assist in any way we can. We are prepared to have open and honest discussions about what changes may be needed. We will share further information as we learn more and as conversations progress. We will investigate and address every allegation.

When we have all the facts and the time is appropriate, the Department will share all the information we are able to with the Governor's office, the legislature, stakeholders and family members. The Department looks forward an open dialog, to building trust through transparency and ensuring this never happens again.

*Note: The Department of Human Services (DHS) became the Department of Health and Human Services (HHS) on July 1, 2022. This document reflects the new agency name.*

**November 22, 2019:** the Department of Justice (DOJ) notified the Iowa Department of Health and Human Services (HHS) that they were conducting an investigation into Glenwood Resource Center (GRC) and Woodward Resource Center (WRC) under the Civil Rights of Institutionalized Persons Act and the Americans with Disabilities Act. The DOJ investigation of GRC is related to 'human subject experiments' is focused on 'optimal hydration' under the 'Perfect Care Index,' and 'sexual arousal studies.'

As soon as Director Garcia received the letter from the DOJ, HHS began gathering information, notifying family members, resource center staff, legislators and began developing an appropriate and thoughtful response. HHS immediately began its own fact-finding effort to determine what, if any, immediate actions are necessary prior to the conclusion of the DOJ investigation.

**Week of December 2, 2019:** Director Garcia sent a team on-site to evaluate operations at Glenwood Resource Center as part of the HHS fact finding effort. They worked to gather information and to determine what additional steps need to be taken. At this time, the Department took some initial steps:

- The Department determined it would be appropriate to split the Division of Mental Health and Disability Services (MHDS), into two divisions—one to oversee community mental health, and the other to oversee HHS facilities. This will ensure a dedicated focus on facility operations.
- HHS began partnering with the University of Iowa to bring medical staff on-site to provide a peer-reviewed objective assessment of the care being provided.
- HHS also began seeking technical assistance to provide additional guidance.

**December 2, 2019:** DOJ submitted first request for information and documents.

**December 6, 2019:** The DOJ was onsite at GRC.

**December 9, 2019:** Due to the seriousness of the allegations, Director Garcia placed Jerry Rea, the Superintendent of GRC, on administrative leave.

**December 13, 2019:** Director Garcia requested support from the Department of Public Safety (DPS) to assist in reviewing additional allegations made in the course of her fact-finding efforts.

**December 19, 2019:** DOJ submitted a follow up request for information and documents.

**December 23, 2019:** The University of Iowa began their 15 week engagement to assess GRC residents involved in the allegations.

**December 30, 2019:** Director Garcia terminated Jerry Rea's employment.

**December 31, 2019:** HHS contracted with Mark Diorio to provide technical assistance at GRC. Through this technical assistance, Diorio will:

- Evaluate GRC's services for compliance to generally accepted practice standards;
- Identify areas of needed improvement;
- Develop an improvement plan to address areas that need improvement;
- Guide the initial implementation of the plan;
- Conduct follow-up review of progress of implementation of the plan, and
- Coordinate with the medical experts evaluating medical care at the GRC.

**January 9, 2020:** Diorio began providing technical assistance to GRC.

**January 16, 2020:** The Iowa Board of Medicine notified HHS they are reviewing any studies or experiments conducted at GRC.

**January 21, 2020:** As standard practice, the Centers for Medicare and Medicaid Services (CMS) arrived onsite to evaluate the Iowa Department of Inspection and Appeals (DIA) survey of GRC.

**January 31, 2020:** DOJ submitted another follow up request for information and documents.

**February 1, 2020:** HHS held a town hall for GRC families and loved ones.

**February 6, 2020:** HHS, in partnership with AFSCME, held staff town halls for direct care staff throughout the day to accommodate worker shifts.

**February 7, 2020:** HHS held staff town halls to hear from supervisors.

**Week of February 10, 2020:** DOJ was to be onsite at GRC.

**February 11, 2020:** HHS received a courtesy copy of a complaint filed on behalf of former GRC employees. Plaintiffs: Kelly Brodie, Dr. John Heffron, Katherine King, Dr. Michael Langenfeld, Katherine Rall and Jamie Shaw. Defendants: Jerry R. Foxhoven, Richard Shults, Jerry Rea, Mohammad Rehman, Glenwood Resource Center and the Iowa Department of Health and Human Services.

**February 11, 2020:** CMS notified HHS their federal look behind survey is complete and GRC meets all requirements for Intermediate Care Facilities. No deficiencies were cited.

**February 11, 2020:** Director Garcia requested assistance from DPS to look into allegations of document falsification, which came to light during the staff town hall. DPS is working with the Division of Criminal Investigations (DCI) and their federal partners.

**February 18, 2020:** DIA was onsite for their full Annual Survey and 19 self-reported investigations.

**February 25, 2020:** DOJ submitted another follow up request for information and documents.

**February 26, 2020:** The University of Iowa submitted their first round of evaluation and recommendations.

**Week of March 2, 2020:** The HHS human resources (HR) director began onsite support and oversight of the GRC HR team. She is conducting a comprehensive review of all HR processes, practices and procedures at GRC.

**March 23, 2020:** UPDATE: DOJ was scheduled to be back onsite at GRC to review oversight of medical care. This has been cancelled due to concerns related to the spread of COVID-19.

**March 30, to April 3, 2020:** DOJ conducted virtual interviews with HHS leadership. DOJ had planned to conduct interviews in person and with representatives of DIA, the Department of Administrative Services (DAS) and the Auditor of State as well. Those interviews have been delayed due to COVID-19.

**April 1, 2020:** Dr. Sorrell, from Methodist Fremont Health in Nebraska, begins to provide medical care for GRC.

**April 4, 2020:** At the request of families during the February 1, town hall, HHS held a follow up town hall for families and loved ones. This was a virtual town hall due to the COVID-19 pandemic. The discussion focused on HHS' response to the COVID-19 pandemic, updates on the DOJ investigation, and initial discussions on HHS' community integration plan.

**April 15, 2020:** Dr. Sorrell begins first day on campus at GRC.

**April 21, 2020:** DOJ submitted another follow up request for information and documents.

**April 23, to May 11, 2020:** DOJ is conducting interviews on oversight of GRC via video conferencing.

**April 24, 2020:** Dr. Rehman resigned in lieu of termination due to concerns with medical care. While we are working quickly to hire a new Medical Director, Dr. Sorrell will serve in an oversight role.

**June 5, 2020:** Mark Diorio, a consultant HHS contracted with to provide technical assistance at GRC, issued his findings and recommendations earlier this month. Diorio's report includes 117 recommendations. The Department is currently in the process of implementing 90 of the recommendations. HHS put a few recommendations on hold due to COVID-19, such as those requiring large gatherings for in-person training.

**June 27, 2020:** HHS conducted a virtual town hall with families at WRC and GRC.

**July 25, 2020:** HHS conducted a virtual town hall with families at WRC and GRC.

Superintendent Marsha Edgington provided the following updates:

- We're working on multiple action plans, over 500 when you combine our consultant recommendations with our own.
  - Many of these are long term
- We're rapidly making progress on some
  - Policy changes
  - Improving and revamping of existing policies
  - Training with our psychologists, and consultants are working with them as well. This includes weekly calls and one to one work.

- Changing focus to prevention and relationships regarding behavioral support plans
- We're working to recognize signs of someone being upset before it escalates.
  - One of the changes we've just made is a new restraint policy - prohibiting supine restraint, with a provision for the IDT teams to request an exception by the Superintendent with additional approvals from the guardian and HRC
- We're working hard to reduce the number of restraints to avoid injury and instead teach behavior management.
- We've gone from 35-50 restraints monthly, to five or six in June, and seven or eight in July.
- At GRC we previously used a behavior intervention technique; however, we are now moving to an approach that has been successful at WRC, that relies on relationship building, prevention and intervention. This is Mandt training. Five people are going to train the trainer in August and we will be retraining staff beginning mid-August. We will train the entire staff to capitalize on building relationships to focus on prevention versus intervention. We're already seeing positive steps.
- All staff are being trained on identifying and recognizing abuse and neglect and are reviewing definitions including state and federal code and GRC policy definitions.
- We trained 243 people in the previous week.
- Superintendent Marsha Edgington will be involved in training every other team member on campus within the next week or two - and to emphasize why it's important.
  - Guardians will be provided more information in packets and calls which they will receive when they're asked to make decisions so they can make an informed decision.
- We're using outside contracting agencies and our own resources to attract medical providers.
  - We continue to hire medical professionals, including an ARNP, which started at GRC in early July through a contract with Columbus.
- At WRC we've secured a physician, who starts August 3, 2020. The retirements of two doctors have been slightly delayed to ensure adequate coverage.

**August 10, 2020:** DOJ submitted a new document request.

**August 29, 2020:** HHS conducted a virtual town hall with families at WRC and GRC.

**September 14, to December 2020:** DOJ is conducting remote interviews with HHS staff and managed care organization (MCO) staff. These interviews were originally scheduled until October 14. DOJ has extended these interviews into the month of November.

**October 3, 2020:** HHS conducted a virtual town hall with families at WRC and GRC.

**October 9, 2020:** The United States District Court for the Southern District of Iowa Western Division grants without prejudice defendants' second motion to dismiss a case brought by former GRC employees.

**November 6, 2020:** Former GRC employees filed a petition in Mills County District Court requesting a juried trial.

**November 14, 2020:** HHS conducted a virtual town hall with families at WRC and GRC.

**November 30, 2020:** DOJ submitted a new document request. Director Garcia and Division Administrator Cory Turner conducted an employee town hall to hear from team members. It was lightly attended with questions largely focused on the COVID-19 pandemic response.

**December 22, 2020:** HHS received the report from the DOJ today regarding the Glenwood and Woodward Resource Centers. The Department continues to work with the DOJ on the best path forward to ensure we provide the best care to those we serve. The Department is in the process of reviewing these findings and continue discussions with legal counsel and the DOJ.

**January 14, 2021:** HHS announced and notified guardians that some resources are being shifted from GRC to WRC, which is reflected in the Governor's budget. Over the past year we have worked to recruit additional direct care and medical staff at GRC, which has been a challenge. To address this, HHS will move a limited number of GRC residents to WRC. This will alleviate mandatory overtime at GRC. This will not result in any reduction in force at GRC.

**March 19, 2021:** DOJ submitted a new document request.

**March 30, to April 14, 2021:** DOJ is conducting interviews with HHS staff, and leadership including Director Garcia. We anticipate this is the final round of interviews.

**October 14, 2021:** HHS Released Community Integration Strategic Plan – Year I which provided an update on the Department's commitment to serving individuals in their homes and communities when feasible rather than in institutions. The initial plan released in 2020 identified 108 actions necessary. As of August 2021, 39% of the actions were complete, 48% were in progress, and 8% were still being planned.

**December 8, 2021:** DOJ released a report on the second half of the investigation regarding the state resource centers at Glenwood and Woodward. HHS been working closely with the DOJ and have been working internally to address many of the findings throughout the past two years. We're proud of the work we've already done and are committed to continued progress.

**December 30, 2021:** Director Garcia held staff town halls with GRC regarding the recent DOJ report and expectations from the federal partners.

**April 4, 2022:** GRC received approval for recruitment payments for registered nurses working more than 30 hours per week. RNs are now eligible for a \$5,000 lump-sum recruitment payment. LPNs are now eligible for a \$3,000 lump-sum recruitment payment.

**April 7, 2022:** Gov. Reynolds announces Glenwood Resource Center to close in 2024, stresses commitment to residents and staff during transition. The current census at GRC is 152.

**April 8, 2022:** HHS leadership met in person with GRC employees to discuss the closure of the facility and timeline of the process. HHS emphasized the need to maintain the GRC team throughout the two-year closure process and announced incentives for employees who stay with the agency.

**April 9, 2022:** HHS leadership met in person with families and guardians of individuals currently living at GRC to discuss closure announcement, timeline, and to listen to concerns and discuss next steps to provide a safe and appropriate transition to other service providers.

**April 15, 2022:** GRC Full-time nursing staff (LPN, RN) at GRC became eligible to receive a \$5,000 retention payment as a lump-sum every six months. Incentive payments for additional shifts were also authorized. Additionally, GRC nurses who have completed their probationary period are eligible for increased credentials pay increase up to 10% after the employee receives a BSN or MSN.

**April 27, 2022:** First transition of GRC individual to the community following announcement of closure of GRC.

**June 11, 2022:** HHS conducted a virtual town hall with families and guardians at WRC and GRC.

**June 27, 2022:** HHS and GRC announced a new contractual partnership with Community Options, Inc. Community Options to assist with individual transitions to the community. GRC will be working with individuals, guardians, families, managed care organizations, and providers to ensure a warm connection to Community Options, Inc.

**July 19, 2022:** GRC hosted a provider fair at the Meyer Building Gymnasium on the GRC campus for guardians and GRC staff to learn more about host homes, understand the services community-based providers offer, and gain an understanding of managed care organizations, Money Follows the Person and the GRC Social workers' role in the process. More than 38

provider agencies participated in the event in addition to representatives from Iowa Total Care, and Amerigroup.

**August 13, 2022:** HHS conducted a virtual town hall with families and guardians at WRC and GRC.

**August 22 – 31, 2022:** Ten (10) medically complex individuals moved from GRC to WRC, reducing the GRC census to 135.

**August 31, 2022:** Individuals with similar care needs were consolidated into a single house. This will help to reduce overtime and provide more focused care. GRC social workers are also focused on strategic transition planning to reduce workload and ensure focused clinical care. The current transition plan is:

- One move is scheduled to a GRC Waiver home on August 16, 2022, bringing census to 134.
- GRC has 29 individuals accepted by community-based providers or host home providers, but community providers have yet to schedule move dates
  - This leaves 105 individuals needing community provider placement.

**September 13, 2022:** GRC census is currently 132.

**October 18, 2022:** WRC will host a provider fair for guardians (both GRC and WRC) and staff this date.