



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered

August 14, 2024

Licensee
Smc Ashton Inc.
7435 78th Court North
Brooklyn Park, MN 55445

RE: Project Number(s) SL34562015

Dear Licensee:

On July 22, 2024, the Minnesota Department of Health completed a follow-up survey of your facility to determine if orders from the April 25, 2024, survey were corrected. This follow-up survey verified that the facility is back in compliance.

You are encouraged to retain this document for your records. It is your responsibility to share the information contained in the letter with your organization's Governing Body.

Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink that reads 'Casey DeVries'.

Casey DeVries, Supervisor
State Evaluation Team
Email: casey.devries@state.mn.us
Telephone: 651-201-5917 Fax: 1-866-890-9290

JMD



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered

May 24, 2024

Licensee

Smc Ashton Inc.

7435 78th Court North

Brooklyn Park, MN 55445

RE: Project Number(s) SL34562015

Dear Licensee:

The Minnesota Department of Health (MDH) completed a survey on April 25, 2024, for the purpose of evaluating and assessing compliance with state licensing statutes. At the time of the survey, MDH noted violations of the laws pursuant to Minnesota Statute, Chapter 144G, Minnesota Food Code, Minnesota Rules Chapter 4626, Minnesota Statute 626.5572 and/or Minnesota Statute Chapter 260E.

STATE CORRECTION ORDERS

The enclosed State Form documents the state correction orders. MDH documents state licensing correction orders using federal software. Tag numbers are assigned to Minnesota state statutes for Assisted Living Facilities. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state statute number and the corresponding text of the state statute out of compliance are listed in the "Summary Statement of Deficiencies" column. This column also includes the findings that are in violation of the state statute after the statement, "This MN Requirement is not met as evidenced by . . ."

IMPOSITION OF FINES

In accordance with Minn. Stat. § 144G.31, Subd. 4, fines and enforcement actions may be imposed based on the level and scope of the violations and may be imposed immediately with no opportunity to correct the violation first as follows:

Level 1: no fines or enforcement.

Level 2: a fine of \$500 per violation, in addition to any enforcement mechanism authorized in § 144G.20 for widespread violations;

Level 3: a fine of \$3,000 per violation per incident, in addition to any enforcement mechanism authorized in § 144G.20.

Level 4: a fine of \$5,000 per incident, in addition to any enforcement mechanism authorized in § 144G.20.

In accordance with Minn. Stat. § 144G.31, Subd. 4(a)(5), MDH may impose fine amounts of either \$1,000 or \$5,000 to licensees who are found to be responsible for maltreatment. MDH may impose a fine of \$1,000 for each substantiated maltreatment violation that consists of abuse, neglect, or financial exploitation according to Minn. Stat. § 626.5572, Subds. 2, 9, 17. MDH also may impose a

fine of \$5,000 for each substantiated maltreatment violation consisting of sexual assault, death, or abuse resulting in serious injury.

In accordance with Minn. Stat. § 144G.31, Subd. 4(b), when a fine is assessed against a facility for substantiated maltreatment, the commissioner shall not also impose an immediate fine under this chapter for the same circumstance.

Therefore, in accordance with Minn. Stat. §§ 144G.01 to 144G.9999, the following fines are assessed pursuant to this survey:

St - 0 - 0510 - 144g.41 Subd. 3 - Infection Control Program - \$500.00

St - 0 - 0820 - 144g.45 Subd. 2 (g) - Fire Protection And Physical Environment - \$3,000.00

St - 0 - 1880 - 144g.71 Subd. 19 - Storage Of Medications - \$3,000.00

Therefore, in accordance with Minn. Stat. §§ 144G.01 to 144G.9999, **the total amount you are assessed is \$6,500.00**. You will be invoiced approximately 30 days after receipt of this notice, subject to appeal.

DOCUMENTATION OF ACTION TO COMPLY

In accordance with Minn. Stat. § 144G.30, Subd. 5(c), the licensee must document actions taken to comply with the correction orders within the time period outlined on the state form; however, plans of correction are not required to be submitted for approval.

The correction order documentation should include the following:

- Identify how the area(s) of noncompliance was corrected related to the resident(s)/employee(s) identified in the correction order.
- Identify how the area(s) of noncompliance was corrected for all of the provider's resident(s)/employees that may be affected by the noncompliance.
- Identify what changes to your systems and practices were made to ensure compliance with the specific statute(s).

CORRECTION ORDER RECONSIDERATION PROCESS

In accordance with Minn. Stat. § 144G.32, Subd. 2, you may challenge the correction order(s) issued, including the level and scope, and any fine assessed through the correction order reconsideration process. The request for reconsideration must be in writing and received by MDH within 15 calendar days of the correction order receipt date.

To submit a reconsideration request, please visit:

<https://forms.web.health.state.mn.us/form/HRDAppealsForm>

REQUESTING A HEARING

Alternatively, in accordance with Minn. Stat. § 144G.31, Subd. 5(d), an assisted living provider that has been assessed a fine under this subdivision has a right to a reconsideration or a hearing under this

section and chapter 14. Pursuant to Minn. Stat. § 144G.20, Subd. 14 and Subd. 18, a request for a hearing must be in writing and received by the Department of Health within 15 business days of the correction order receipt date. The request must contain a brief and plain statement describing each matter or issue contested and any new information you believe constitutes a defense or mitigating factor. to submit a hearing request, please visit:

<https://forms.web.health.state.mn.us/form/HRDAppealsForm>

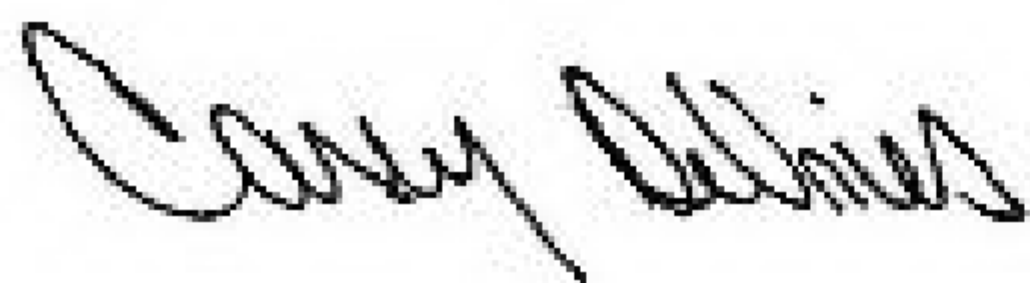
To appeal fines via reconsideration, please follow the procedure outlined above. Please note that you may request a reconsideration **or** a hearing, but not both. If you wish to contest tags without fines in a reconsideration and tags with the fines at a hearing, please submit two separate appeals forms at the website listed above.

The MDH Health Regulation Division (HRD) values your feedback about your experience during the survey and/or investigation process. Please fill out this anonymous provider feedback questionnaire at your convenience at this link: **<https://forms.office.com/g/Bm5uQEPhVa>**. Your input is important to us and will enable MDH to improve its processes and communication with providers. If you have any questions regarding the questionnaire, please contact Susan Winkelmann at susan.winkelmann@state.mn.us or call 651-201-5952.

You are encouraged to retain this document for your records. It is your responsibility to share the information contained in the letter and state form with your organization's Governing Body.

If you have any questions, please contact me.

Sincerely,



Casey DeVries, Supervisor

State Evaluation Team

Email: casey.devries@state.mn.us

Telephone: 651-201-5917 Fax: 1-866-890-9290

JMD

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 34562	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED 04/25/2024
NAME OF PROVIDER OR SUPPLIER SMC ASHTON INC			STREET ADDRESS, CITY, STATE, ZIP CODE 7435 78TH COURT NORTH BROOKLYN PARK, MN 55445		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)		(X5) COMPLETE DATE
0 000	Initial Comments *****ATTENTION***** ASSISTED LIVING PROVIDER LICENSING CORRECTION ORDER(S) In accordance with Minnesota Statutes, section 144G.08 to 144G.95, these correction orders are issued pursuant to a survey. Determination of whether violations are corrected requires compliance with all requirements provided at the Statute number indicated below. When Minnesota Statute contains several items, failure to comply with any of the items will be considered lack of compliance. INITIAL COMMENTS: SL34562015-0 On April 22, 2024 through April 25, 2024 the Minnesota Department of Health conducted a full survey at the above provider, and the following correction orders are issued. At the time of the survey, there were 3 residents; 3 receiving services under the provider's Assisted Living license. An immediate correction order was identified on April 24, 2024, issued for SL34562015-0, tag identification 0820. On April 25, 2024, the immediacy of correction order 0820 was removed, however non-compliance remained, and the scope and level remained unchanged. On May 2, 2024, an immediate correction order was identified during evidentiary review post	0 000	Minnesota Department of Health is documenting the State Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes for Assisted Living License Providers. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state Statute number and the corresponding text of the state Statute out of compliance is listed in the "Summary Statement of Deficiencies" column. This column also includes the findings which are in violation of the state requirement after the statement, "This Minnesota requirement is not met as evidenced by." Following the surveyors' findings is the Time Period for Correction. PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN WHICH STATES,"PROVIDER'S PLAN OF CORRECTION." THIS APPLIES TO FEDERAL DEFICIENCIES ONLY. THIS WILL APPEAR ON EACH PAGE. THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES. The letter in the left column is used for tracking purposes and reflects the scope and level issued pursuant to 144G.31 subd. 1, 2, and 3.		

Minnesota Department of Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Minnesota Department of Health

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0 000	Continued From page 1 survey exit, and was issued for SL34562015-0, tag identificatoin 1880, to the licensee on May 2, 2024. On May 3, 2024, the immediacy of correction order 1880 was removed, however non-compliance remained, and the scope and level remained unchanged.	0 000			
0 110 SS=C	144G.10 Subdivision 1a Assisted living director license required Each assisted living facility must employ an assisted living director licensed or permitted by the Board of Executives for Long Term Services and Supports. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure the licensed assisted living director was listed as the Director of Record for the licensee with the Board of Executives for Long-Term Services and Support (BELTSS). This had the potential to affect all the licensee's residents, staff, and visitors. This practice resulted in a level one violation (a violation that has no potential to cause more than a minimal impact on the resident and does not affect health or safety) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). The findings include:	0 110			

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0 110	Continued From page 2 Assisted living director in residence (ALDIR)-E obtained a residency permit on March 4, 2024, for another license with a health facility identification (HFID) number of 20397. On April 23, 2024, at 2:05 p.m., ALDIR-E stated that the licensee's previous licensed assisted living director (LALD) had abruptly left around January 26, 2024, and since then there has been no LALD affiliated to the licensee since then. ALDIR-E stated that owner (O)-A and director (D)-F had been stepping in to assist in LALD duties but were not able to affiliate themselves to the licensee as they have both reached their maximum number of facilities (5) that they may manage. On April 24, 2024, at 10:15 a.m., ALDIR-E stated that they were still in the process of obtaining a shared licensure to meet statutory requirements. The licensee's licensed assisted living director policy dated April 1, 2023, indicated that the company is required to have an assisted living director. Additionally, a shared director may be appropriate in certain circumstances. Within 15 days after assuming the position, the shared director or director in residence must submit an application to serve as a shared director on forms provided by the board. No further information was provided. TIME PERIOD FOR CORRECTION: Two (2) days	0 110			
0 480 SS=F	144G.41 Subd 1 (13) (i) (B) Minimum requirements	0 480			

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0 480	Continued From page 3 (13) offer to provide or make available at least the following services to residents: (B) food must be prepared and served according to the Minnesota Food Code, Minnesota Rules, chapter 4626; and This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to ensure food was prepared and served according to the Minnesota Food Code. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all the residents). The findings include: Please refer to the document titled, Food and Beverage Establishment Inspection Report (FBEIR) dated April 23, 2024, for the specific Minnesota Food Code violations. The Inspection Report was provided to the licensee within 24 hours of the inspection. TIME PERIOD FOR CORRECTION: Please refer to the FBEIR for any compliance dates.	0 480			
0 510 SS=F	144G.41 Subd. 3 Infection control program (a) All assisted living facilities must establish and maintain an infection control program that complies with accepted health care, medical, and	0 510			

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0 510	Continued From page 4 nursing standards for infection control. (b)The facility's infection control program must be consistent with current guidelines from the national Centers for Disease Control and Prevention (CDC) for infection prevention and control in long-term care facilities and, as applicable, for infection prevention and control in assisted living facilities. (c) The facility must maintain written evidence of compliance with this subdivision. This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to establish and maintain an effective infection control program that complied with accepted health care, medical, and nursing standards for infection control related to gloving and hand hygiene for one of two unlicensed personnel (ULP-G). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). The findings include: ULP-G was hired on May 22, 2023, to provide assisted living services to residents. On April 23, 2024, from 8:28 a.m. to 8:59 a.m., during continuous observation, the surveyor observed ULP-G wash hands, and then prepare medications for administration to R2. During	0 510			

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0 510	Continued From page 5 medication set up, the surveyor observed ULP-G drop a pill on the floor. The surveyor asked if the ULP had dropped a pill on the floor. ULP-G then picked the pill up from the floor without putting on gloves and was observed tossing the pill into the medication cart among the other medication cards in the medication cart. On April 23, 2024, at approximately 8:55 a.m., ULP-G stated that infection control was included in their orientation and training upon hire. On April 23, 2024, at 1:10 p.m., clinical nurse supervisor (CNS)-B stated that it was the expectation of staff to complete hand hygiene with any possible contamination, including picking pills up off the floor. On April 23, 2024, at 1:48 p.m., the surveyor observed CNS-B providing retraining on infection control practices with ULP-G. The licensee's Standard (Universal) Precautions For Infection Control policy dated January 3, 2022, indicated that staff will wash hands after touching blood, body fluids, feces, or contaminated items. The Centers for Disease Prevention and Control's (CDC), CDC's Core Infection Prevention and Control Practices for Safe Healthcare Delivery in All Settings dated November 29, 2022, under section 5a.2 (§ a, b, c, d, e, f) read: 2.) Use an alcohol-based hand rub or wash with soap and water for the following clinical indications: a.) Immediately before touching a patient; b.) Before performing an aseptic task (e.g., placing an indwelling device) or handling invasive medical devices;	0 510			

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0 510	Continued From page 6 c.) Before moving from work on a soiled body site to a clean body site on the same patient; d.) After touching a patient or the patient's immediate environment; e.) After contact with blood, body fluids or contaminated surfaces; and f.) Immediately after glove removal. No further information provided. TIME PERIOD FOR CORRECTION: Seven (7) days	0 510			
0 680 SS=F	144G.42 Subd. 10 Disaster planning and emergency preparedness (a) The facility must meet the following requirements: (1) have a written emergency disaster plan that contains a plan for evacuation, addresses elements of sheltering in place, identifies temporary relocation sites, and details staff assignments in the event of a disaster or an emergency; (2) post an emergency disaster plan prominently; (3) provide building emergency exit diagrams to all residents; (4) post emergency exit diagrams on each floor; and (5) have a written policy and procedure regarding missing residents. (b) The facility must provide emergency and disaster training to all staff during the initial staff orientation and annually thereafter and must make emergency and disaster training annually available to all residents. Staff who have not received emergency and disaster training are allowed to work only when trained staff are also working on site.	0 680			

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0 680	Continued From page 7 (c) The facility must meet any additional requirements adopted in rule. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to maintain a written emergency preparedness (EP) plan with all the required content as defined in Appendix Z. This had the potential to affect all residents, staff, and visitors. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). The findings include: On April 23, 2024, at 9:54 a.m., the surveyor retrieved the licensee's Emergency preparedness plan (EPP) binder from the bottom drawer of the locked medication cabinet with the assistance of director (D)-F. D-F stated that the EPP was complete in its content. The licensee's written undated emergency disaster preparedness plan lacked evidence of the following required content: - lacked date in which the EPP was established; - policies and procedures for subsistence needs for staff and residents; and - annual update of the communication plan. The licensee's Emergency and Disaster Preparedness policy dated April 1, 2021,	0 680			

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0 680	Continued From page 8 indicated that the licensee will post the emergency disaster plan prominently. No further information was provided. TIME PERIOD FOR CORRECTION: Twenty-one (21) days	0 680			
0 800 SS=F	144G.45 Subd. 2 (a) (4) Fire protection and physical environment (4) keep the physical environment, including walls, floors, ceiling, all furnishings, grounds, systems, and equipment in a continuous state of good repair and operation with regard to the health, safety, comfort, and well-being of the residents in accordance with a maintenance and repair program. This MN Requirement is not met as evidenced by: Based on observation and interview, the licensee failed to maintain the facility physical environment in a continuous state of good repair and operation regarding the health, safety, and well-being of the residents. This had the potential to directly affect some of the residents, staff, and visitors. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident 's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents).	0 800			

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0 800	Continued From page 9 Findings include: On April 24, 2024, at 1:50 p.m., survey staff toured the facility with maintenance (M)-C, it was observed that one of the emergency exit doors exited out into the garage. The means of egress is required to lead and exit directly to a yard or court from occupied spaces within the facility or through a room of equal or less hazard which excludes the garage. This exit door was included in the fire safety evacuation plan. The following maintenance issues were also observed: 1. Multiple stains on the carpet in basement storage room. 2. Multiple stains on the carpet in resident room # 4, black dust buildup around and on ceiling vent. 3. Threshold was missing in the doorway in resident room # 5. 4. Wood boards on the back yard deck were deteriorating due to lack of maintenance. 5. Mouse feces found in storage closet in hallway on main level. 6. Dining and living room walls had paint missing. 7. Baseboards in the sunroom has white staining indicating possible mold growth. No further information provided. TIME PERIOD FOR CORRECTION: Twenty-one (21) days	0 800			
0 810 SS=F	144G.45 Subd. 2 (b)-(f) Fire protection and physical environment (b) Each assisted living facility shall develop and	0 810			

Minnesota Department of Health

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0 810	Continued From page 10 maintain fire safety and evacuation plans. The plans shall include but are not limited to: (1) location and number of resident sleeping rooms; (2) employee actions to be taken in the event of a fire or similar emergency; (3) fire protection procedures necessary for residents; and (4) procedures for resident movement, evacuation, or relocation during a fire or similar emergency including the identification of unique or unusual resident needs for movement or evacuation. (c) Employees of assisted living facilities shall receive training on the fire safety and evacuation plans upon hiring and at least twice per year thereafter. (d) Fire safety and evacuation plans shall be readily available at all times within the facility. (e) Residents who are capable of assisting in their own evacuation shall be trained on the proper actions to take in the event of a fire to include movement, evacuation, or relocation. The training shall be made available to residents at least once per year. (f) Evacuation drills are required for employees twice per year per shift with at least one evacuation drill every other month. Evacuation of the residents is not required. Fire alarm system activation is not required to initiate the evacuation drill. This MN Requirement is not met as evidenced by: Based on a record review and interview, the licensee failed to develop a fire safety and evacuation plan with required elements, failed to provide required employee and resident training on fire safety and evacuation, and failed to	0 810			

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0 810	Continued From page 11 conduct required evacuation drills. This had the potential to affect all staff, residents, and visitors. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident 's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). Findings include: A record review and interview were conducted via email on April 25, 2024, at 11:32 a.m. with program coordinator (PC)-H on the fire safety and evacuation plan, fire safety and evacuation training, and evacuation drills for the facility. Record review of the available documentation indicated that the evacuation plan did not include employee actions to be taken in the event of a fire or similar emergency. The current plan uses the RACE acronym which is very basic and does not show the employees actions in the event of a fire or similar emergency. Record review of the available documentation indicated that the evacuation plan did not include complete procedures for residents' evacuation, or relocation during a fire or similar emergency including the identification of unique or unusual resident needs for movement or evacuation. The current plan uses the RACE acronym which is very basic and does not show the residents actions in the event of a fire or similar emergency. TIME PERIOD FOR CORRECTION: Twenty-one	0 810			

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0 810	Continued From page 12 (21) days.	0 810			
0 820 SS=I	144G.45 Subd. 2 (g) Fire protection and physical environment (g) Existing construction or elements, including assisted living facilities that were registered as housing with services establishments under chapter 144D prior to August 1, 2021, shall be permitted to continue in use provided such use does not constitute a distinct hazard to life. Any existing elements that an authority having jurisdiction deems a distinct hazard to life must be corrected. The facility must document in the facility's records any actions taken to comply with a correction order, and must submit to the commissioner for review and approval prior to correction. This MN Requirement is not met as evidenced by: Based on observation and interview, the licensee failed to provide properly sized egress window for resident rooms that did not create a distinct hazard for residents. This had the potential to directly affect a portion of the residents and staff. This practice resulted in a level three violation (a violation that harmed a resident's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). The findings include:	0 820			

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0 820	Continued From page 13 On April 24, 2024, at 1:45 p.m., survey staff conducted a facility tour with maintenance (M)-C. During facility tour, survey staff observed the following: Survey staff measured and verified egress window measurement of the openable area to be 34" high x 14.5" wide for a total of 493 square inches in unoccupied resident room #3. Survey staff measured and verified egress window measurement of the openable area to be 34.25" high x 17" wide for a total of 582.25 square inches in occupied resident room #4. Survey staff measured and verified egress window measurement of the openable area to be 33" high x 17.5" wide for a total of 577.5 square inches in occupied resident room #5. Egress windows in existing facilities must have a minimum opening dimension of 648 square inches with an opening height and width dimension of no less than 20". TIME PERIOD FOR CORRECTION: Immediate On April 25, 2024, the immediacy of correction order 0820 was removed, however non-compliance remained, and the scope and level remained unchanged.	0 820			
0 900 SS=D	144G.50 Subdivision 1 Contract required (a) An assisted living facility may not offer or provide housing or assisted living services to any individual unless it has executed a written contract with the resident.	0 900			

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0 900	Continued From page 14 (b) The contract must contain all the terms concerning the provision of: (1) housing; (2) assisted living services, whether provided directly by the facility or by management agreement or other agreement; and (3) the resident's service plan, if applicable. (c) A facility must: (1) offer to prospective residents and provide to the Office of Ombudsman for Long-Term Care a complete unsigned copy of its contract; and (2) give a complete copy of any signed contract and any addendums, and all supporting documents and attachments, to the resident promptly after a contract and any addendum has been signed. (d) A contract under this section is a consumer contract under sections 325G.29 to 325G.37. (e) Before or at the time of execution of the contract, the facility must offer the resident the opportunity to identify a designated representative according to subdivision 3. (f) The resident must agree in writing to any additions or amendments to the contract. Upon agreement between the resident and the facility, a new contract or an addendum to the existing contract must be executed and signed. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to develop and execute a written contract with the required content upon implementation of Assisted Living Licensure for one of two residents (R2). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at an	0 900			

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0 900	Continued From page 15 isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved, or the situation has occurred only occasionally). The findings include: R2 was admitted to the licensee on August 14, 2023, for assisted living services. R2's record contained a resident agreement that was signed on August 16, 2023. R2's record lacked evidence R2 executed a contract prior to being provided assisted living services. On April 22, at 1:08 p.m., clinical nurse supervisor (CNS)-B stated that a previously employed nurse had overseen managing residents at the time of this admission, and that some documentation may have been completed as a late entry. No further information was provided. TIME PERIOD FOR CORRECTION: Twenty-One (21) days	0 900			
01290 SS=F	144G.60 Subdivision 1 Background studies required (a) Employees, contractors, and regularly scheduled volunteers of the facility are subject to the background study required by section 144.057 and may be disqualified under chapter 245C. Nothing in this subdivision shall be construed to prohibit the facility from requiring self-disclosure of criminal conviction information. (b) Data collected under this subdivision shall be	01290			

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01290	Continued From page 16 classified as private data on individuals under section 13.02, subdivision 12. (c) Termination of an employee in good faith reliance on information or records obtained under this section regarding a confirmed conviction does not subject the assisted living facility to civil liability or liability for unemployment benefits. This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to ensure a background study was affiliated to the licensee's health facility identification (HFID) number for three of three employees (clinical nurse supervisor (CNS)-B, registered nurse (RN)-J, licensed practical nurse (LPN)-K). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all of the residents). The findings include: CNS-B CNS-B was hired to April 3, 2023, to provide assisted living services. On April 22, 2024, at 9:04 a.m., CNS-B was observed providing medication administration for R2. CNS-B held an active regestered nurse license with the State of Minnesota, with an issue date of July 1, 2013.	01290			

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01290	Continued From page 17 CNS-B's employee record contained background study clearance letters submitted by multiple facilities under the same ownership umbrella as the licensee. In addition, CNS-B's employee record indicated that CNS-B had a prior affiliation to the licensee (HFID 34562) with a separation date of September 7, 2023, and was reaffiliated on April 23, 2024, after initiation of the survey. This indicated that CNS-B had no background check affiliated with the licensee (HFID 34562) for 229 days. CNS-B's record contained the following background checks: - HFID 28485 on August 2, 2022; - HFID 26577 on August 2, 2022; - HFID 31788 on August 2, 2022; - HFID 20397 on August 2, 2022; - HFID 20528 on August 2, 2022; - HFID 20957 on August2, 2022; - HFID 20396 on August 2, 2022; and - HFID 32534 on August 2, 2022. CNS-B's employee record lacked evidence the licensee affiliated a background study for the licensee HFID 34562 prior to the start of the survey. RN-J RN-J was hired January 4, 2024, to provide assisted living services. RN-J held an active regestered nurse license with the State of Minnesota, with an issue date of December 13, 2002. RN-J provided medical scheduling services for R2 on April 5, 2024, at 2:55 p.m., and April 10, 2024, at 10:33 a.m., with documents reviewed. RN-J's employee record contained background	01290			

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01290	Continued From page 18 study clearance letters submitted by multiple facilities under the same ownership umbrella as the licensee. RN-J's record contained the following background checks: - HFID 28485 on December 5, 2022; - HFID 32534 on December 5, 2022; - HFID 26323 on December 5, 2022; - HFID 25157 on December 5, 2022; - HFID 20397 on December 5, 2022; - HFID 20528 on December 5, 2022; and - HFID 26577 on December 5, 2022. RN-J's employee record lacked evidence the licensee affiliated a background study for the licensee HFID 34562. LPN-K LPN-K was hired April 3, 2023, to provide assisted living services. LPN-K held an active licensed practical nurse license with the State of Minnesota, with an issue date of May 24, 1984. On April 22, 2024, at approximately 10:30 a.m., CNS-B stated that LPN-K will provide triage services for residents residing within the facility which would require access to confidential records. LPN-K's employee record contained background study clearance letters submitted by multiple facilities under the same ownership umbrella as the licensee. LPN-K's record contained the following background checks: - HFID 26323 on August 1, 2022; - HFID 32534 on August 1, 2022; - HFID 25157 on August 1, 2022; - HFID 31788 on August 1, 2022;	01290			

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01290	Continued From page 19 - HFID 28485 on August 1, 2022; - HFID 26577 on August 1, 2022; and - HFID 29431 on August 1, 2022. LPN-K's employee record lacked evidence the licensee affiliated a background study for the licensee HFID 34562. On April 24, 2024, at 10:15 a.m., assisted living director in residence (ALDIR)-E stated that they had run into difficulty in affiliating staff to the current licensee due to the change of ownership that occurred on April 3, 2023. ALDIR-E stated that going forward, they would implement routine checks to ensure that all active staff have background checks that are affiliated to the licensee. The licensee's Background Checks policy dated January 3, 2022, indicated the following: "All employees; as well as contractors, and regularly scheduled volunteers of the facility with direct resident contact will undergo a background study through OHS. Only those with satisfactory results will continue to work with the facility and its residents." And, "All employees must pass a background study and all contractors or volunteers with direct resident contact are required to have a background study. "Direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by the program." No further information was provided. TIME PERIOD FOR CORRECTION: Two (2) days	01290			

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01610	Continued From page 20	01610			
01610 SS=D	144G.70 Subd. 2 (a-b) Initial reviews, assessments, and monitoring (a) Residents who are not receiving any assisted living services shall not be required to undergo an initial nursing assessment. (b) An assisted living facility shall conduct a nursing assessment by a registered nurse of the physical and cognitive needs of the prospective resident and propose a temporary service plan prior to the date on which a prospective resident executes a contract with a facility or the date on which a prospective resident moves in, whichever is earlier. If necessitated by either the geographic distance between the prospective resident and the facility, or urgent or unexpected circumstances, the assessment may be conducted using telecommunication methods based on practice standards that meet the resident's needs and reflect person-centered planning and care delivery. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure the registered nurse (RN) completed an initial comprehensive nursing assessment prior to the execution of the assisted living contract/providing services for one of three residents (R2). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved, or the situation has occurred only occasionally).	01610			

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01610	Continued From page 21 The findings include: R2 was admitted to the licensee on August 14, 2023, for assisted living services. R2's primary diagnosis included schizophrenia, attention deficit hyperactivity disorder (ADHD), and polysubstance abuse. R2's initial assessment dated August 16, 2023, indicated that two days had passed since admission to the licensee. On April 22, at 1:08 p.m., clinical nurse supervisor (CNS)-B stated that a previously employed nurse had been in charge of managing residents at the time of this admission, and the assessment may have been completed as a late entry. No further information provided. TIME PERIOD FOR CORRECTION: Seven (7) days	01610			
01880 SS=I	144G.71 Subd. 19 Storage of medications An assisted living facility must store all prescription medications in securely locked and substantially constructed compartments according to the manufacturer's directions and permit only authorized personnel to have access. This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to ensure prescription medications were securely locked in a substantially constructed compartment and	01880			

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01880	Continued From page 22 permitted only authorized personnel to have access. This had the potential to affect all residents in the facility. This practice resulted in a level three violation (a violation that harmed a resident's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). This immediate correction order was identified during evidentiary review post survey exit and was issued to the licensee on May 2, 2024. The findings include: R2 R2 was admitted to the licensee on August 14, 2023, for assisted living services. R2's diagnosis included Schizophrenia, ADHD, and polysubstance abuse. R2's Vulnerability Assessment dated August 16, 2023, indicated R2 had a history of alcohol, chemical and/or medication abuse. R2's Medication Self Administration assessment dated November 13, 2023, indicated R2 was unable to safely self-administer medications due to history of noncompliance/abuse, and required secured central storage of medications. A facility incident report dated November 18, 2023, indicated staff discovered that a medication bubble pack (packaging system that places	01880			

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01880	Continued From page 23 multiple doses of a medication into individual sealed compartments) for R2 containing bupropion XL (antidepressant medication)150mg (milligrams), was missing from the medication cart. According to the incident report, R2 stated he took the medication card and had consumed roughly 20 pills of bupropion XL 150mg, and an empty medication card that had contained bupropion XL150mg was found under the mattress of R2. R2 was sent to North Memorial Hospital for further evaluation. Unlicensed Personnel (ULP)-G ULP-G was hired on May 22, 2023, to provide assisted living services to residents. On April 23, 2024, at 8:14 a.m., the surveyor observed ULP-G unlock the medication cart, which contained medications for three residents, to prepare medications for medication administration. After preparing the medications, with the keys still in the lock and unattended, the surveyor observed ULP-G walk away to the basement to retrieve additional supplies. The medication cart was left unlocked, with facility keys in the lock from approximately 8:14 a.m., to 8:16 a.m. The licensee's medication cart was located on the main floor of the facility, next to the kitchen and main living area of the facility. During this time, the surveyor observed R2 in the main living area of the facility, directly adjacent to the unsecured medication cart. On April 23, 2024, at 8:17 a.m., ULP-G stated that he was trained to ensure that the medication cart was always secured. On April 23, 2024, at 8:28 a.m., director (D)-F stated keys must be secured by the person that is scheduled for the shift.	01880			

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01880	Continued From page 24 On April 23, 2024, at 12:58 p.m., clinical nurse supervisor (CNS)-B stated staff were expected to ensure the medication cart was secured at all times. The licensee's Storage of Medications policy, dated August 1, 2021, indicated when secured storage of the medications is necessary, the RN will identify where the medications will be stored, how they will be secured or locked under proper temperature controls and who has access to the medications. The licensee's undated medication management policy indicated client medications are to be stored in locked medication cart in each home. The keys for the storage compartment are to be in possession of house staff at all times. No further information provided. TIME PERIOD FOR CORRECTION: Immediate On May 3, 2024, the immediacy of correction order 1880 was removed, however non-compliance remained, and the scope and level remained unchanged.	01880			
01890 SS=D	144G.71 Subd. 20 Prescription drugs A prescription drug, prior to being set up for immediate or later administration, must be kept in the original container in which it was dispensed by the pharmacy bearing the original prescription label with legible information including the expiration or beyond-use date of a time-dated drug.	01890			

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 34562	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED 04/25/2024
NAME OF PROVIDER OR SUPPLIER SMC ASHTON INC			STREET ADDRESS, CITY, STATE, ZIP CODE 7435 78TH COURT NORTH BROOKLYN PARK, MN 55445		
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01890	Continued From page 25 This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to ensure expired medications were disposed of for one of three residents (R2). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved, or the situation has occurred only occasionally). The findings include: On April 23, 2024, at approximately 8:30 a.m., the surveyor conducted a review of the licensee's locked medication cart. Surveyor found two cards of ibuprofen 600 milligrams (mg) tablets with an expiration date of February 2024. On April 23, 2024, at 12:58 p.m., clinical nurse supervisor (CNS)-B stated that it was the expectation that all expired meds were to be pulled from the medication cart. CNS-B stated that they must have missed these medications on their medication cart audits. The licensee's undated medication management policy indicated that the nurse would monitor the storage are for unused/discarded/expired medications and will dispose of these via the medication disposal policy. No further information was provided. TIME PERIOD FOR CORRECTION: Seven (7)	01890			

Minnesota Department of Health

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01890	Continued From page 26 days	01890			
01910 SS=D	144G.71 Subd. 22 Disposition of medications (a) Any current medications being managed by the assisted living facility must be provided to the resident when the resident's service plan ends or medication management services are no longer part of the service plan. Medications for a resident who is deceased or that have been discontinued or have expired may be provided for disposal. (b) The facility shall dispose of any medications remaining with the facility that are discontinued or expired or upon the termination of the service contract or the resident's death according to state and federal regulations for disposition of medications and controlled substances. (c) Upon disposition, the facility must document in the resident's record the disposition of the medication including the medication's name, strength, prescription number as applicable, quantity, to whom the medications were given, date of disposition, and names of staff and other individuals involved in the disposition. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to provide documentation in the resident's record regarding the disposition of medication to include the date of disposition and names of staff and other individuals involved in the disposition for one of two discharged residents (R1). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a	01910			

Minnesota Department of Health

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01910	Continued From page 27 resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved or the situation has occurred only occasionally). The findings include: R1 discharged from the licensee on June 30, 2023. R1's record lacked documentation of the disposition of the medication including the medication's name, strength, prescription number as applicable, quantity, to whom the medications were given, date of disposition, and names of staff and other individuals involved in the disposition. On April 23, 2024, at 10:53 a.m., in an email received from clinical nurse supervisor (CNS)-B stated "I reached out to the previous DON that was managing the residents within these homes at the time of R1's discharge, and she states she would have placed a note in Eldermark [electronic charting system] regarding the circumstances of his discharge; however, there is nothing there. I also inquired as to the disposition of medications and have been unable to find any documentation." The licensee's Disposition or Disposal of Medications policy dated January 3, 2022, indicated that staff will document in the resident's record the name of the person to whom the medications were given, the time and date, the name of each medication and the amount of medication remaining.	01910			

Minnesota Department of Health

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01910	Continued From page 28 No further information provided. TIME PERIOD FOR CORRECTION: Seven (7) days	01910			
02320 SS=F	144G.91 Subd. 4 (b) Appropriate care and services (b) Residents have the right to receive health care and other assisted living services with continuity from people who are properly trained and competent to perform their duties and in sufficient numbers to adequately provide the services agreed to in the assisted living contract and the service plan. This MN Requirement is not met as evidenced by: Based on observation, interview, and record review, the licensee failed to provide care and services according to acceptable health care medical or nursing standards for medication set up for one of two unlicensed personnel (ULP-G). This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents). The findings include: ULP-G was hired on May 22, 2023, to provide assisted living services to residents.	02320			

Minnesota Department of Health

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02320	Continued From page 29 On April 23, 2024, from 8:14 a.m. to 8:59 a.m., during continuous observation, the surveyor observed ULP-G wash hands, and then prepare medications for administration to R2. During medication set up, the surveyor observed ULP-G drop a pill on the floor. The surveyor asked if the ULP had dropped a pill on the floor. ULP-G then picked the pill up from the floor without putting on gloves and was observed tossing the pill into the medication cart among the other medication cards in the medication cart. The surveyor then asked ULP-G what the correct action to take when disposing of a dropped medication and if the action they had taken was the appropriate action that they were trained to complete. ULP-G did not answer the surveyor but instead opened the medication drawer to attempt to find the pill that they had previously thrown into the medication cart. On April 23, 2024, at approximately 8:30 a.m., director (D)-F provided verbal coaching to ULP-G to put the medication in a medication envelope, label the envelope and then contact the nurse to inform the nurse of the dropped medication. The surveyor observed ULP-G put the dropped medication in a medication cup and put the cup unlabeled in the top drawer of the locked medication cart next to medication envelopes. The surveyor did not observe ULP-G contact the nurse to inform them of the dropped medication. On April 23, 2024, at 12:54 p.m., clinical nurse supervisor (CNS)-B stated that they had heard from D-F about the medication incident but did not receive a call from ULP-G to report the dropped medication or see any documentation on the dropped medication in the resident's medication administration record (MAR). CNS-B stated that it is their expectation that staff were to	02320			

Minnesota Department of Health

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02320	Continued From page 30 label medications in a medication envelope and then to contact nursing to inform them of the dropped medication. The licensee's Loss or Spillage of Medications including controlled medications policy dated January 3, 2022, indicated that when loss or a spillage of any medication occurs, a notation must be made in the resident's medication record explaining the spillage and the actions taken. The notation must be signed by the person responsible for the loss or spillage and include verification that any contaminated substance was disposed of according to state or federal regulations. Additionally, a Medication error form must be completed, and the nurse notified so that the required medication can be replaced and administered to the resident on a timely basis. The designated RN will review the medication error reports on a timely basis. No further information was provided. TIME PERIOD FOR CORRECTION: Seven (7) days	02320			



Minnesota Department of Health
Environmental Health, FPLS
P.O. Box 64975
St. Paul, MN 55164-0975
6512014500

Type: Full
Date: 04/23/24
Time: 10:00:00
Report: 1047241100

Food and Beverage Establishment Inspection Report

Page 1

Location:

SMC Ashton Homes Inc
7435 78th Court North
Brooklyn Park, MN55445
Hennepin County, 27

Establishment Info:

ID #: 0039133
Risk:
Announced Inspection: No

License Categories:

Expires on: / /

Operator:

Phone #: 7637771059
ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders were issued during this inspection.

4-600 Cleaning Equipment and Utensils

4-601.11C

MN Rule 4626.0840C Clean non-food contact surfaces of equipment and maintain free of accumulations of dust, dirt, food residue, and other debris.

UNDER COUNTER CABINET IN CORNER OF KITCHEN SHOWED EVIDENCE OF FOOD DEBRIS & DUST BUILD UP.

Comply By: 04/30/24

6-500 Physical Facility Maintenance/Operation and Pest Control

6-501.12A

MN Rule 4626.1520A Clean and maintain all physical facilities clean.

FOOD/GREASE BUILD UP ON CEILING. DISCUSSED CLEANING & MAINTAINING WITH STAFF.

Comply By: 04/30/24

Surface and Equipment Sanitizers

Hot Water: = at 160 Degrees Fahrenheit

Location: Dishmachine

Violation Issued: No

Food and Equipment Temperatures

Process/Item: Cold Holding

Temperature: 40 Degrees Fahrenheit - Location: Refrigerator- Turkey

Violation Issued: No

Type: Full
Date: 04/23/24
Time: 10:00:00
Report: 1047241100
SMC Ashton Homes Inc

Food and Beverage Establishment Inspection Report

Page 2

Total Orders	In This Report	Priority 1	Priority 2	Priority 3
		0	0	2

The inspection was completed with the operator & reviewed with MDH Nurse Evaluator Z. Morth.

The establishment has a residential kitchen & serves food prepared that day. The kitchen has painted walls & ceiling, laminate floor, wood cabinets, & solid counter.

A two basin sink is located in the kitchen. One sink basin is designated for hand washing.

A residential dish machine is located in the kitchen.

Discussed hand washing, ware washing, employee illness policy, temperature control, final cooking temperature, cleaning/sanitizing procedures, highly susceptible population restrictions, pest control, & food handling procedures.

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations.

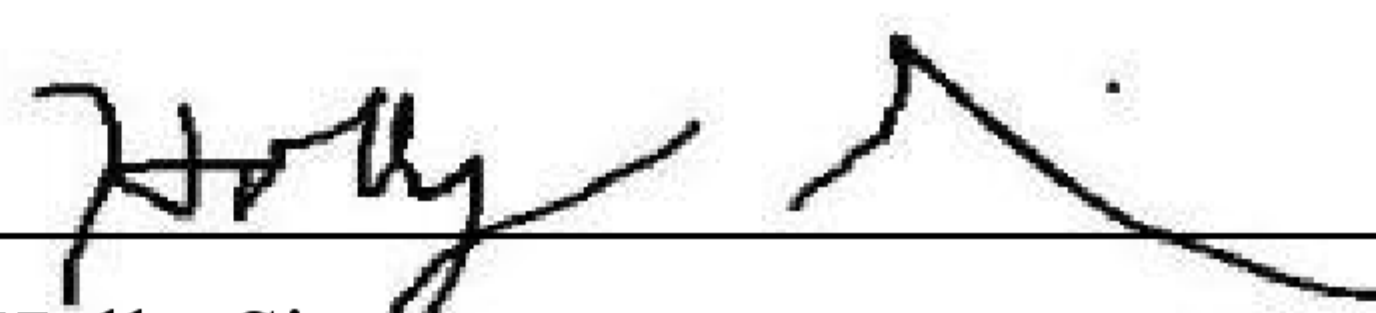
I acknowledge receipt of the Minnesota Department of Health inspection report number 1047241100 of 04/23/24.

Certified Food Protection Manager: Anna Patricia Rollag

Certification Number: FM122088 Expires: 03/19/27

Inspection report reviewed with person in charge and emailed.

Signed: _____
Anna Rollag
Operator

Signed:  _____
Holly Sievers
Public Health Sanitarian 2
Metro Office
6512015946
Holly.Sievers@state.mn.us