



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered

February 13, 2024

Licensee

McCarthy Manor Assisted Living
2221 North Arlington Avenue
Duluth, MN 55811

RE: Project Number(s) SL30315016

Dear Licensee:

The Minnesota Department of Health (MDH) completed a survey on January 24, 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.

MDH concludes the licensee is in substantial compliance. State law requires the facility must take action to correct the state correction orders and document the actions taken to comply in the facility's records. The Department reserves the right to return to the facility at any time should the Department receive a complaint or deem it necessary to ensure the health, safety, and welfare of residents in your care.

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 . . ."

In accordance with Minn. Stat. § 144G.31 Subd. 4, MDH may assess fines based on the level and scope of the violations; **however, no immediate fines are assessed for this survey of your facility.**

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.

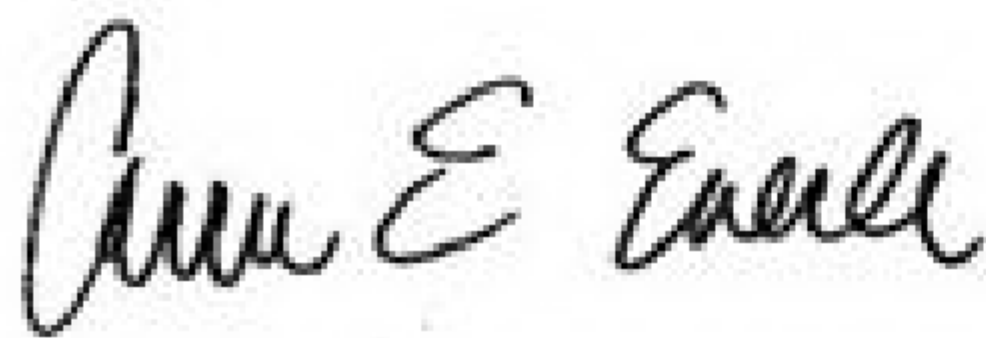
To submit a reconsideration request, please visit:

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

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,



Carrie Euerle, Supervisor

State Rapid Response Team

Email: carrie.euerle@state.mn.us

Telephone: 651-242-8846 Fax: 1-800-337-9238

HHH

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 30315	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED 01/24/2024
NAME OF PROVIDER OR SUPPLIER MCCARTHY MANOR ASSISTED LIVING			STREET ADDRESS, CITY, STATE, ZIP CODE 2221 NORTH ARLINGTON AVENUE DULUTH, MN 55811		
(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: SL#30315016 On January 22, through January 24, 2024, the Minnesota Department of Health conducted a survey at the above provider, and the following correction orders are issued. At the time of the survey and investigation, there were 24 residents receiving services under the provider's Assisted Living Facility license.	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 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 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 evaluators' 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 SUBDIVISION 1-3.		
0 470 SS=F	144G.41 Subdivision 1 Minimum requirements (11) develop and implement a staffing plan for	0 470			

Minnesota Department of Health

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

TITLE

(X6) DATE

Minnesota Department of Health

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0 470	Continued From page 1 determining its staffing level that: (i) includes an evaluation, to be conducted at least twice a year, of the appropriateness of staffing levels in the facility; (ii) ensures sufficient staffing at all times to meet the scheduled and reasonably foreseeable unscheduled needs of each resident as required by the residents' assessments and service plans on a 24-hour per day basis; and (iii) ensures that the facility can respond promptly and effectively to individual resident emergencies and to emergency, life safety, and disaster situations affecting staff or residents in the facility; (12) ensure that one or more persons are available 24 hours per day, seven days per week, who are responsible for responding to the requests of residents for assistance with health or safety needs. Such persons must be: (i) awake; (ii) located in the same building, in an attached building, or on a contiguous campus with the facility in order to respond within a reasonable amount of time; (iii) capable of communicating with residents; (iv) capable of providing or summoning the appropriate assistance; and (v) capable of following directions; This MN Requirement is not met as evidenced by: Based on observation, interview and record review, the licensee failed to ensure a staffing plan was evaluated at least twice a year for appropriateness of staffing levels in the facility. This had the potential to affect all 24 residents and staff. 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	0 470			

Minnesota Department of Health

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0 470	Continued From page 2 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: The licensee held an assisted living facility license. The facility was licensed for a bed capacity of 32 residents and had a current census of 24 residents. The licensee failed to develop and implement a staffing plan for determining its staffing level that included an evaluation, to be conducted at least twice a year, of the appropriateness of staffing levels in the facility. Upon entrance of the facility the surveyor observed that a staffing plan was posted at the front entrance of the facility dated April 1, 2022. During the entrance conference on January 22, 2024, a copy of the facility's staffing plan was requested from licensed assisted living director (LALD)-A. On January 24, 2024, LALD-A provided a copy of the licensee's staffing plan titled Staffing Plan Review and included the clinical nurse supervisors' signature and was dated January 22, 2024. LALD-A confirmed a registered nurse (RN) had not developed a written staffing plan which included the above noted required content. The licensee's Direct Care Staffing Plan policy stated the staffing plan will be reviewed, at a minimum, two times each year. This will be reviewed at bi-annual nursing meetings and as	0 470			

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0 470	Continued From page 3 needed if resident needs change and documented in notes from meetings. No further information was provided. TIME PERIOD OF CORRECTION: Twenty-One (21) days	0 470			
0 480 SS=F	144G.41 Subd 1 (13) (i) (B) Minimum requirements (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 included document titled, Food and Beverage Establishment Inspection Report dated March 28, 2023, for the specific Minnesota Food Code deficiencies.	0 480			

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0 480	Continued From page 4	0 480			
	TIME PERIOD FOR CORRECTION: Twenty-one (21) days				
0 580 SS=F	144G.42 Subd. 2 Quality management The facility shall engage in quality management appropriate to the size of the facility and relevant to the type of services provided. "Quality management activity" means evaluating the quality of care by periodically reviewing resident services, complaints made, and other issues that have occurred and determining whether changes in services, staffing, or other procedures need to be made in order to ensure safe and competent services to residents. Documentation about quality management activity must be available for two years. Information about quality management must be available to the commissioner at the time of the survey, investigation, or renewal. This MN Requirement is not met as evidenced by: Based on observation, interview and record review, the licensee failed to develop a Quality Management activity appropriate to the size of the facility and relevant to the type of services provided. This had the potential to affect all 24 residents and staff. 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:	0 580			

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0 580	Continued From page 5 The licensee held an assisted living facility license. The facility was licensed for a bed capacity of 32 residents and had a current census of 24 residents. During the assisted living facility change of ownership survey on January 23, 2024, the surveyor requested a copy of the facility's current quality management (QM) plan or quality improvement activities from the licensed assisted living director (LALD)-A, who verified not having a documented QM plan. The licensee's Quality Management Plan policy contained required content related to Minnesota statute 144G.42 subd. 2. No further information was provided. TIME PERIOD OF CORRECTION: Twenty-One (21) days	0 580			
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	0 680			

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0 680	Continued From page 6 (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. (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 develop an emergency preparedness plan (EPP) with all the required components included in Appendix Z. This had the potential to affect all 24 residents and 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) 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). Findings include: The licensee held an assisted living facility license. The facility was licensed for a bed capacity of 32 residents and had a current census of 24 residents. During the entrance conference on January 22, 2024, the surveyor requested the licensee's	0 680			

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0 680	Continued From page 7 emergency preparedness plan and required components from the licensed assisted living director (LALD)-A. LALD-A provided the surveyor with a 33-page document, titled "McCarthy Manor Inc. Disaster Plan July 2022", which included an entry on page 2 titled, Reviewed/Revised with an illegible signature which was dated July 28, 2022. This document was in kept in the first-floor nursing office area. The surveyor did also observe an additional abbreviated copy which was posted on a corkboard near the facility entrance foyer adjacent to the elevator. The licensee's emergency preparedness plan lacked the following required content: Maintain and Annual EP Updates Policies and Procedures for Volunteers Arrangement with Other Facilities Roles under a Waiver Declared by Secretary Emergency Prep Training and Testing Emergency Prep Training Program The licensee's communication section also lacked the following required content: Communication plan must include contact information for the following: Federal, State, tribal, regional & local Emergency Preparedness (EP) staff. During a discussion on January 23, 2023, an updated version of the facility plan was presented with four additional pages. LALD-A verified not having all the required information including current ownership contact information as well as the remaining missing items. The LALD verified understanding of the requirement that the licensee will have in place an emergency preparedness plan that is in alignment with	0 680			

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0 680	Continued From page 8 facility's requirement to comply with CMS Appendix Z. The licensee's Disaster Plan included an appendices section with undated policy and procedure documentation. No further information was provided. TIME PERIOD FOR CORRECTION: Twenty-one (21) days	0 680			
02310 SS=F	144G.91 Subd. 4 (a) Appropriate care and services (a) Residents have the right to care and assisted living services that are appropriate based on the resident's needs and according to an up-to-date service plan subject to accepted health care standards. 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 storage of oxygen. This had the potential to affect all 24 residents and staff. 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).	02310			

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02310	Continued From page 9 The findings include: The licensee held an assisted living facility license. The facility was licensed for a bed capacity of 32 residents and had a current census of 24 residents. Upon entrance of the facility on January 22, 2024, the surveyor observed two oxygen tanks inside a storage closet located across from the nursing staff office. The tanks were stored unsecured, and each tank was stored upright in an individual wheeled transport device. During a tour of the facility on January 22, 2024, the licensed assisted living director (LALD)-A was shown the unsecured tanks by the surveyor. LALD-A verified which resident the tanks belonged to and verbalized understanding that the tanks were not securely stored. Minnesota Department of Health (MDH) internal document titled, Oxygen Cylinder Storage Requirements, dated April 16, 2020, which was based on the National Fire Protection Association, Standard 99 (NFPA 99), Health Care Facilities Code states: Volumes between 300 ft³ and 3000 ft³ of oxygen must be stored in special designated rooms that meet the following requirements: -Rooms must be non-combustible or limited-combustible construction (gypsum wallboard, tiled walls, etc.) with a door that can be secured from unauthorized entry (i.e. Locked). -Oxygen may not be stored with other flammable gases or liquids. -Oxygen cylinders must maintain a minimum distance of 20 ft. from combustibles (5 ft. if room is sprinklered), or placed within an enclosed cabinet having a fire rating of at least ½ hour.	02310			

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02310	Continued From page 10 -Cylinders must be secured in racks or by chains. No further information was provided. TIME PERIOD FOR CORRECTION: Two (2) days	02310			



Minnesota Department of Health

11 East Superior St.
Duluth

Type: Full
Date: 01/23/24
Time: 11:00:00
Report: 1016241012

Food and Beverage Establishment Inspection Report

Page 1

Location:

Mccarthy Manor Inc
2221 North Arlington Avenue
Duluth, MN55811
St. Louis County, 69

Establishment Info:

ID #: 0038938
Risk:
Announced Inspection: No

License Categories:

Expires on: / /

Operator:

Phone #: 2187221501
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.

4-300 Equipment Numbers and Capacities

4-302.14

**** Priority 2 ****

MN Rule 4626.0715 Provide an appropriate test kit to accurately measure sanitizing solutions.

TEST STRIPS FOR QUAT AND BLEACH SANITIZERS WERE NOT AVAILABLE. OBTAIN TEST STRIPS FOR QUAT AND BLEACH SANITZERS.

Comply By: 01/24/24

Surface and Equipment Sanitizers

Hot Water: = at 170 Degrees Fahrenheit

Location: DISHWASHER

Violation Issued: No

Food and Equipment Temperatures

Process/Item: Upright Cooler

Temperature: 40 Degrees Fahrenheit - Location: PEPPERONI

Violation Issued: No

Process/Item: Upright Cooler

Temperature: 40 Degrees Fahrenheit - Location: CHEESE

Violation Issued: No

Process/Item: Upright Freezer

Temperature: Degrees Fahrenheit - Location: ALL FOOD FROZEN

Violation Issued: No

Type: Full
Date: 01/23/24
Time: 11:00:00
Report: 1016241012
Mccarthy Manor Inc

Food and Beverage Establishment Inspection Report

Page 2

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

COMMENTS:

DO NOT USE SANITIZER ON FOOD CONTACT SURFACES THAT IS NOT APPROVED FOR FOOD CONTACT SURFACES.

SET UP WIPING CLOTH BUCKETS AND/OR SPRAY BOTTLES WITH QUAT OR BLEACH SANITIZER TO USE ON FOOD CONTACT SURFACES.

DISCUSSED THE IMPORTANCE OF FREQUENT HAND WASHING BY ALL STAFF, AS WELL AS LIMITING BARE HAND CONTACT WITH ALL READY TO EAT FOODS. STAFF HAVE GLOVES AVAILABLE. USE GLOVES WITH ALL READY TO EAT FOODS AND CHANGE GLOVES FREQUENTLY AND ANY TIME TASKS ARE CHANGED.

DISCUSSED THE EMPLOYEE ILLNESS POLICY AND THE EXCLUSION OF EMPLOYEES SICK WITH SYMPTOMS OF VOMITING AND/OR DIARRHEA UNTIL 24 HOURS AFTER THEIR LAST SYMPTOM.

CONTACT THE DEPARTMENT OF HEALTH IF ANY EMPLOYEES ARE DIAGNOSED WITH SALMONELLA, SHIGELLA, SHIGA TOXIN-PRODUCING E. COLI, HEPATITIS A. VIRUS, NOROVIRUS, OR ANOTHER BACTERIAL, VIRAL OR PARASITIC PATHOGEN OR IF THERE ARE ANY CUSTOMER ILLNESS COMPLAINTS.

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 1016241012 of 01/23/24.

Certified Food Protection Manager BART T MARTINSON

Certification Number: FM86319 Expires: 10/26/25

Signed: _____
BART T MARTINSON
MANAGER

Signed:  _____
Cliff LaVigne
Sanitarian
Duluth
2183026181
clifford.lavigne@state.mn.us

Report #: 1016241012		Food Establishment Inspection Report					
	Minnesota Department of Health		No. of RF/PHI Categories Out		0	Date 01/23/24	
	11 East Superior St. Duluth		No. of Repeat RF/PHI Categories Out		0		
			Legal Authority MN Rules Chapter 4626				
Mccarthy Manor Inc		Address 2221 North Arlington Avenue		City/State Duluth, MN	Zip Code 55811	Telephone 2187221501	
License/Permit # 0038938		Permit Holder		Purpose of Inspection Full	Est Type	Risk Category	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS							
Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item							
Mark "X" in appropriate box for COS and/or R							
IN= in compliance OUT= not in compliance N/O= not observed N/A= not applicable COS=corrected on-site during inspection R= repeat violation							
Compliance Status				COS	R		
Supervision							
1	IN	OUT	PIC knowledgeable; duties & oversight				
2	IN	OUT	N/A	Certified food protection manager, duties			
Employee Health							
3	IN	OUT	Mgmt/Staff;knowledge,responsibilities&reporting				
4	IN	OUT	Proper use of reporting, restriction & exclusion				
5	IN	OUT	Procedures for responding to vomiting & diarrheal events				
Good Hygienic Practices							
6	IN	OUT	N/O	Proper eating, tasting, drinking, or tobacco use			
7	IN	OUT	N/O	No discharge from eyes, nose, & mouth			
Preventing Contamination by Hands							
8	IN	OUT	N/O	Hands clean & properly washed			
9	IN	OUT	N/A	N/O	No bare hand contact with RTE foods or pre-approved alternate pprocedure properly followed		
10	IN	OUT		Adequate handwashing sinks supplied/accessible			
Approved Source							
11	IN	OUT		Food obtained from approved source			
12	IN	OUT	N/A	N/O	Food received at proper temperature		
13	IN	OUT		Food in good condition, safe, & unadulterated			
14	IN	OUT	N/A	N/O	Required records available; shellstock tags, parasite destruction		
Protection from Contamination							
15	IN	OUT	N/A	N/O	Food separated and protected		
16	IN	OUT	N/A		Food contact surfaces: cleaned & sanitized		
17	IN	OUT			Proper disposition of returned, previously served, reconditioned, & unsafe food		
GOOD RETAIL PRACTICES							
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.							
Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R= repeat violation							
				COS	R		
Safe Food and Water							
30	IN	OUT	N/A	Pasteurized eggs used where required			
31				Water & ice obtained from an approved source			
32	IN	OUT	N/A	Variance obtained for specialized processing methods			
Food Temperature Control							
33				Proper cooling methods used; adequate equipment for temperature control			
34	IN	OUT	N/A	N/O	Plant food properly cooked for hot holding		
35	IN	OUT	N/A	N/O	Approved thawing methods used		
36				Thermometers provided & accurate			
Food Identification							
37				Food properly labeled; original container			
Prevention of Food Contamination							
38				Insects, rodents, & animals not present			
39				Contamination prevented during food prep, storage & display			
40				Personal cleanliness			
41				Wiping cloths: properly used & stored			
42				Washing fruits & vegetables			
Proper Use of Utensils							
43				In-use utensils: properly stored			
44				Utensils, equipment & linens: properly stored, dried, & handled			
45				Single-use/single service articles: properly stored & used			
46				Gloves used properly			
Utensil Equipment and Vending							
47				Food & non-food contact surfaces cleanable, properly designed, constructed, & used			
48	X			Warewashing facilities: installed, maintained, & used; test strips			
49				Non-food contact surfaces clean			
Physical Facilities							
50				Hot & cold water available; adequate pressure			
51				Plumbing installed; proper backflow devices			
52				Sewage & waste water properly disposed			
53				Toilet facilities: properly constructed, supplied, & cleaned			
54				Garbage & refuse properly disposed; facilities maintained			
55				Physical facilities installed, maintained, & clean			
56				Adequate ventilation & lighting; designated areas used			
57				Compliance with MCIAA			
58				Compliance with licensing & plan review			
Food Recalls:							
Person in Charge (Signature)							
Date: 01/26/24							
Inspector (Signature)							