| | N SERVICES ARE/MEDICAID CERTIFICATION A TO BE COMPLETED BY THE STAT | AND TRANSMITTAL | ICARE & MEDICAID SERVICES ID: VW4X Facility ID: 00459 |
|--|--|--|--|
| I. MEDICARE/MEDICAID PROVIDER NO. (L1) 245610 2.STATE VENDOR OR MEDICAID NO. (L2) 440886100 | 3. NAME AND ADDRESS OF FACILITY (L3) ST GERTRUDES HEALTH & REH. (L4) 1850 SARAZIN STREET (L5) SHAKOPEE, MN | ABILITATION CENTER (L6) 55379 | TYPE OF ACTION: <u>7</u>(L8) Initial Recertification Termination CHOW Validation Complaint On-Site Visit Other |
| 5. EFFECTIVE DATE CHANGE OF OWNERSHIP (L9) | 7. PROVIDER/SUPPLIER CATEGORY 01 Hospital 05 HHA 09 ESRD | <u>02</u> (L7) 13 PTIP 22 CLIA | 8. Full Survey After Complaint |
| 6. DATE OF SURVEY 10/24/2013 (L34) 8. ACCREDITATION STATUS: (L10) 0 Unaccredited 1 TJC 2 AOA 3 Other | 02 SNF/NF/Dual 06 PRTF 10 NF 03 SNF/NF/Distinct 07 X-Ray 11 ICF/IID 04 SNF 08 OPT/SP 12 RHC | 14 CORF 15 ASC 16 HOSPICE | FISCAL YEAR ENDING DATE: (L35) 06/30 |
| 11LTC PERIOD OF CERTIFICATION From (a): To (b): 12.Total Facility Beds 13.Total Certified Beds 105 (L17) | 10.THE FACILITY IS CERTIFIED AS: X A. In Compliance With Program Requirements Compliance Based On: X_1. Acceptable POC B. Not in Compliance with Program Requirements and/or Applied Waivers: | And/Or Approved Waivers Of ' 2. Technical Personnel 3. 24 Hour RN 4. 7-Day RN (Rural SN 5. Life Safety Code * Code: A1* | 6. Scope of Services Limit 7. Medical Director |
| 14. LTC CERTIFIED BED BREAKDOWN | | 15. FACILITY MEETS | |

| (L37) | (L38) | (L39) | (L42) | (L43) | | |
|------------------|---------------|---------------------|--------------|------------------|------------------------------------|-------|
| 16. STATE SURVEY | AGENCY REMARI | KS (IF APPLICABLE S | SHOW LTC CAN | CELLATION DATE): | | |
| | | | | | | |
| 17. SURVEYOR SIG | NATURE | | Date : | | 18. STATE SURVEY AGENCY APPROVAL | Date: |
| George Shelly | Im SEMO | | 07 | 107/2014 | Anna Vlanna Enforcement Specialist | 07/07 |

IID

| George Shellum, SFMO | | 07/07/2014 (L19) | Anne Kleppe, Enforcement Sp | pecialist 07/07/2014 (L20) |
|---|--|--|--|--|
| PA | ART II - TO BE COMP | LETED BY HCFA REGIONA | L OFFICE OR SINGLE STATE A | GENCY |
| DETERMINATION OF ELIGIBI X 1. Facility is Eligible to 2. Facility is not Eligible | Participate | 20. COMPLIANCE WITH CIVIL RIGHTS ACT: | Statement of Financial Solver Ownership/Control Interest E Both of the Above : | |
| 22. ORIGINAL DATE | 23. LTC AGREEMENT | 24. LTC AGREEMENT | 26. TERMINATION ACTION: | (L30) |
| OF PARTICIPATION 11/08/1996 | BEGINNING DATE | ENDING DATE | VOLUNTARY 00 01-Merger, Closure | INVOLUNTARY 05-Fail to Meet Health/Safety |
| (L24) | (L41) | (L25) | 02-Dissatisfaction W/ Reimbursement | 06-Fail to Meet Agreement |
| 25. LTC EXTENSION DATE: (L27) | 27. ALTERNATIVE SANGA. Suspension of AdmiB. Rescind Suspension | (L44) | 03-Risk of Involuntary Termination 04-Other Reason for Withdrawal | <u>OTHER</u> 07-Provider Status Change 00-Active |
| | | (L45) | | |
| 28. TERMINATION DATE: | 29. INTER | MEDIARY/CARRIER NO. | 30. REMARKS | |
| | 03 (L28) | (L31) | | |
| 31. RO RECEIPT OF CMS-1539 | 32. DETER 01/28, (L32) | MINATION OF APPROVAL DATE /2014 (L33) | DETERMINATION APPROVAL | |

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18 SNF

18/19 SNF

105

19 SNF

ICF

(L15)

1861 (e) (1) or 1861 (j) (1):



Protecting, Maintaining and Improving the Health of Minnesotans

July 7, 2014

CMS Certification Number (CCN): 24-5610

Mr. Lee Larson, Administrator St Gertrudes Health & Rehabilitation Center 1850 Sarazin Street Shakopee, Minnesota 55379

Dear Mr. Larson,

The Minnesota Department of Health assists the Centers for Medicare and Medicaid Services (CMS) by surveying skilled nursing facilities and nursing facilities to determine whether they meet the requirements for participation. To participate as a skilled nursing facility in the Medicare program or as a nursing facility in the Medicaid program, a provider must be in substantial compliance with each of the requirements established by the Secretary of Health and Human Services found in 42 CFR part 483, Subpart B.

Based upon your facility being in substantial compliance, we are recommending to CMS that your facility be recertified for participation in the Medicare and Medicaid program.

Effective November 8, 2013 the above facility is certified for:

105 - Skilled Nursing Facility/Nursing Facility Beds

Your facility's Medicare approved area consists of all 105 skilled nursing facility beds.

You should advise our office of any changes in staffing, services, or organization, which might affect your certification status. Please note, it is your responsibility to share the information contained in this letter and the results of this PCR with the President of your facility's Governing Body.

If, at the time of your next survey, we find your facility to not be in substantial compliance your Medicare and Medicaid provider agreement may be subject to non-renewal or termination. Please contact me if you have any questions.

Sincerely,

Are Klegese

Anne Kleppe, Enforcement Specialist Licensing and Certification Program Division of Compliance Monitoring Minnesota Department of Health Email: anne.kleppe@state.mn.us Telephone: (651) 201-4124 Fax: (651) 215-9697



Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7011 2000 0002 5143 7920

January 16, 2014

Mr. Lee R. Larson, Administrator St Gertrudes Health & Rehabilitation Center 1850 Sarazin Street Shakopee, Minnesota 55379

RE: Project Number F5610020

Dear Mr. Larson:

On November 12, 2013, we informed you that we would recommend enforcement remedies based on the deficiencies cited by this Department for a standard survey, completed on October 24, 2013. This survey found the most serious deficiencies to be widespread deficiencies that constituted no actual harm with potential for more than minimal harm that was not immediate jeopardy (Level F) whereby corrections were required.

We presumed, based on your plan of correction, that your facility had corrected these deficiencies as of November 8, 2013. However, compliance with the Life Safety Code (LSC) deficiencies issued pursuant to the October 24, 2013 standard survey has not yet been verified. The most serious LSC deficiencies in your facility at the time of the standard survey were found to be widespread deficiencies that constituted no actual harm with potential for more than minimal harm that was not immediate jeopardy (Level F) whereby corrections were required.

Sections 1819(h)(2)(D) and (E) and 1919(h)(2)(C) and (D) of the Act and 42 CFR 488.417(b) require that, regardless of any other remedies that may be imposed, denial of payment for new admissions must be imposed when the facility is not in substantial compliance 3 months after the last day of the survey identifying noncompliance. Thus, the CMS Region V Office concurs, is imposing the following remedy and has authorized this Department to notify you of the imposition:

• Mandatory Denial of payment for new Medicare and Medicaid admissions effective January 31, 2014. (42 CFR 488.417 (b))

The CMS Region V Office will notify your fiscal intermediary that the denial of payment for new admissions is effective January 31, 2014. They will also notify the State Medicaid Agency that they must also deny payment for new Medicaid admissions effective January 31, 2014. You should notify all Medicare/Medicaid residents admitted on or after this date of the restriction.

Further, Federal law, as specified in the Act at Sections 1819(f)(2)(B), prohibits approval of nurse assistant training programs offered by, or in, a facility which, within the previous two years, has been subject to a

St Gertrudes Health & Rehabilitation Center January 16, 2014 Page 2

denial of payment. Therefore, St Gertrudes Health & Rehabilitation Center is prohibited from offering or conducting a Nurse Assistant Training/Competency Evaluation Programs or Competency Evaluation Programs for two years effective January 31, 2014. This prohibition is not subject to appeal. Further, this prohibition may be rescinded at a later date if your facility achieves substantial compliance prior to the effective date of denial of payment for new admissions. If this prohibition is not rescinded, under Public Law 105-15 (H.R. 968), you may request a waiver of this prohibition if certain criteria are met. Please contact the Nursing Assistant Registry at (800) 397-6124 for specific information regarding a waiver for these programs from this Department.

Please note, it is your responsibility to share the information contained in this letter and the results of this visit with the President of your facility's Governing Body.

APPEAL RIGHTS

If you disagree with this determination, you or your legal representative may request a hearing before an administrative law judge of the Department of Health and Human Services, Department Appeals Board. Procedures governing this process are set out in Federal regulations at 42 CFR Section 498.40 et seq. A written request for a hearing must be filed no later than 60 days from the date of receipt of this letter. Such a request may be made to the Centers for Medicare and Medicaid Services at the following address:

Department of Health and Human Services Departmental Appeals Board, MS 6132 Civil Remedies Division Attention: Karen R. Robinson, Director 330 Independence Avenue, SW Cohen Building, Room G-644 Washington, DC 20201

A request for a hearing should identify the specific issues and the findings of fact and conclusions of law with which you disagree. It should also specify the basis for contending that the findings and conclusions are incorrect. You do not need to submit records or other documents with your hearing request. The Departmental Appeals Board (DAB) will issue instructions regarding the proper submittal of documents for the hearing. The DAB will also set the location for the hearing, which is likely to be in Minnesota or in Chicago, Illinois. You may be represented by counsel at a hearing at your own expense.

FAILURE TO ACHIEVE SUBSTANTIAL COMPLIANCE BY THE SIXTH MONTH AFTER THE LAST DAY OF THE SURVEY

We will also recommend to the CMS Region V Office and/or the Minnesota Department of Human Services that your provider agreement be terminated by April 24, 2014 (six months after the identification of noncompliance) if your facility does not achieve substantial compliance. This action is mandated by the Social Security Act at Sections 1819(h)(2)(C) and 1919(h)(3)(D) and Federal regulations at 42 CFR Sections 488.412 and 488.456.

St Gertrudes Health & Rehabilitation Center January 16, 2014 Page 3

INFORMAL DISPUTE RESOLUTION

In accordance with 42 CFR 488.331, you have one opportunity to question cited deficiencies through an informal dispute resolution process. You are required to send your written request, along with the specific deficiencies being disputed, and an explanation of why you are disputing those deficiencies, to:

Nursing Home Informal Dispute Process Minnesota Department of Health Division of Compliance Monitoring P.O. Box 64900 St. Paul, Minnesota 55164-0900

This request must be sent within the same ten days you have for submitting a PoC for the cited deficiencies. All requests for an IDR or IIDR of federal deficiencies must be submitted via the web at: http://www.health.state.mn.us/divs/fpc/profinfo/ltc/ltc_idr.cfm

You must notify MDH at this website of your request for an IDR or IIDR within the 10 calendar day period allotted for submitting an acceptable plan of correction. A copy of the Department's informal dispute resolution policies are posted on the MDH Information Bulletin website at: http://www.health.state.mn.us/divs/fpc/profinfo/infobul.htm

Please note that the failure to complete the informal dispute resolution process will not delay the dates specified for compliance or the imposition of remedies.

Questions regarding all documents submitted as a response to the Life Safety Code deficiencies (those preceded by a "K" tag), i.e., the plan of correction, request for waivers, should be directed to:

Mr. Patrick Sheehan, Supervisor Health Care Fire Inspections State Fire Marshal Division 444 Cedar Street, Suite 145 St. Paul, Minnesota 55101-5145

Telephone: (651) 201-7205 Fax: (651) 215-0541

Feel free to contact me if you have questions.

Sincerely,

Are Kleggse

Anne Kleppe, Enforcement Specialist Licensing and Certification Program Division of Compliance Monitoring Minnesota Department of Health Telephone: (651) 201-4124 Fax: (651) 215-9697

Post-Certification Revisit Report

Public reporting for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing the burden, to CMS, Office of Financial Management, P.O. Box 26684, Baltimore, MD 21207; and to the Office of Management and Budget, Paperwork Reduction Project (0938-0390), Washington, D.C. 20503.

| (Y1) | Provider / Supplier / CLIA / Identification Number 245610 | (Y2) Multiple Cons A. Building B. Wing | IN BUILDING 01 | (Y3) Date of Revisit 12/13/2013 |
|---|---|--|---------------------------------------|------------------------------------|
| Name | e of Facility | | Street Address, City, State, Zip Code | |
| ST GERTRUDES HEALTH & REHABILITATION CENTER | | 1850 SARAZIN STREET SHAKOPEE, MN 55379 | | |

This report is completed by a qualified State surveyor for the Medicare, Medicaid and/or Clinical Laboratory Improvement Amendments program, to show those deficiencies previously reported on the CMS-2567, Statement of Deficiencies and Plan of Correction that have been corrected and the date such corrective action was accomplished. Each deficiency should be fully identified using either the regulation or LSC provision number and the identification prefix code previously shown on the CMS-2567 (prefix codes shown to the left of each requirement on the survey report form).

| (Y4) Item | (Y5) |) Date | (Y4) Item | (Y5) | Date | (Y4) Item | (| Y5) | Date |
|----------------------|-------------------------------------|---------------------------------------|---------------|--|-------------------------|---------------|-----|-------|-------------------------|
| ID Prefix | | Correction Completed 11/08/2013 | ID Prefix | | Correction Completed | ID Prefix | | | Correction Completed |
| | NFPA 101 | | Reg. # | | | Reg. # | | | |
| LSC | K0062 | | LSC | | | LSC | | | |
| | | Correction | | | Correction | | | | Correction |
| ID Prefix | | Completed | ID Prefix | | Completed | ID Prefix | | | Completed |
| Reg. # | | - | Reg. # | | | D | | | |
| | | | | | | LSC | | | |
| | | Correction | | | Correction | | | | Correction |
| ID Drofin | | Completed | | | Completed | ID Drofin | | | Completed |
| ID Prefix | | - | _ | | | | | | |
| Reg. # LSC | | - | Reg. # LSC | | | Reg. # LSC | | | |
| | | Correction | | | Correction | | | | Correction |
| ID Prefix | | Completed | ID Prefix | | Completed | ID Prefix | | | Completed |
| Reg. # | | | | | | | | | |
| LSC | | | LSC | | | LSC | | | |
| ID Prefix | | Correction Completed | ID Prefix | | Correction Completed | ID Prefix | | | Correction Completed |
| Reg. # | | | Reg. # | | | Reg. # | | | |
| LSC | | | LSC | | | LSC | | | |
| | | | | | | | | | |
| Reviewed E | By Reviewed | IBy | Date: | Signature of Sur | veyor: | | | Date: | |
| State Agen | cy GL/AK | - | 07/07/2014 | | | 22 | 373 | 12/1 | 3/2013 |
| Reviewed E CMS RO | By Reviewed | ІВу | Date: | Signature of Sur | veyor: | | | Date: | |
| Followup t | o Survey Completed or 10/24/2013 | 1: | 0 | Check for any Uncor Uncorrected Defic | | | | YES | NO |

| DEPARTMENT OF HEALTH A | MED | RVICES ICARE/MEDICA ' I - TO BE COM | | | | SMITTA | L | MEDICARE & | MEDICAID ID: VW4 Facility II | Х |
|--|--|--|---|-------------------------------|-------------------------------|---------------------------|-------------------------------|---|---|---------------------------|
| 1. MEDICARE/MEDICAID PROVIDER N (L1) 245610 2.STATE VENDOR OR MEDICAID NO. (L2) 440886100 (L2) | | 3. NAME AND ADI | DRESS OF FACIL RUDES HEAI AZIN STREE | LITY L TH & REH | IABILITA | | _ | TYPE OF A Initial Termination Validation | ACTION: <u>2</u> 2. Re on 4. CI | (L8) certification |
| 5. EFFECTIVE DATE CHANGE OF OW (L9) | | 7. PROVIDER/SUF 01 Hospital | 05 HHA | 09 ESRD | <u>02</u> 13 PTIP | (L7) 22 | 2 CLIA | 7. On-Site Vi 8. Full Surve | isit 9. Ot ey After Complaint | her |
| 6. DATE OF SURVEY 10/2 8. ACCREDITATION STATUS: 0 Unaccredited 1 TJC 2 AOA 3 Other | 24/2013 (L34) (L10) | 02 SNF/NF/Dual 03 SNF/NF/Distinct 04 SNF | 06 PRTF 07 X-Ray 08 OPT/SP | 10 NF 11 ICF/IID 12 RHC | 14 CORF 15 ASC 16 HOSPI | ICE | | FISCAL YEAR 06/3 | ENDING DATE: 0 | (L35) |
| 11LTC PERIOD OF CERTIFICATION From (a): To (b): 12. Total Facility Beds 13. Total Certified Beds | 105 (L18) 105 (L17) | X B. Not in Com | ce With quirements Based On: cceptable POC | ım | 2. 3. 4. | Technical 24 Hour R | Personnel N (Rural SNF) | 7. Medi | e of Services Limit ical Director ent Room Size | |
| 14. LTC CERTIFIED BED BREAKDOWN 18 SNF 18/19 SNF 105 (L37) (L38) | N 19 SNF (L39) | ICF (L42) | IID (L43) | | 15. FACILIT 1861 (e) (| TY MEETS (1) or 1861 (| | (L1: | 5) | |
| 16. STATE SURVEY AGENCY REMAR See Attached Remarks | KS (IF APPLICABLE S | HOW LTC CANCELL | ATION DATE): | | | | | | | |
| 17. SURVEYOR SIGNATURE Tammy Alberts, H | HFE NE II | Date : | 12/03/2013 | (L19) | | | agency app on, Enfo | ^{ROVAL} | Dat | e: 01/24/2014 (L20) |
| | PART II - TO | BE COMPLETE | D BY HCFA R | REGIONAL | OFFICE (| OR SINC | GLE STATI | EAGENCY | | |
| DETERMINATION OF ELIGIBILIT 1. Facility is Eligible to Pa 2. Facility is not Eligible | | | PLIANCE WITH ITS ACT: | CIVIL | 21. | 2. Owner | | l Solvency (HCFA- terest Disclosure St | | |
| 22. ORIGINAL DATE | 23. LTC AGREEMI | ENT 2 | 4. LTC AGREEM | 1ENT | 26. TERM | INATION A | ACTION: | | (L30) | |
| OF PARTICIPATION 11/08/1996 | BEGINNING I | | ENDING DA | | <u>VOLUNTA</u> 01-Merger, | L <u>RY</u> Closure | 00 | 05 | VOLUNTARY -Fail to Meet Health | ı/Safety |
| (L24) | (L41) | | (L25) | | | | Reimbursement | t 06 | -Fail to Meet Agree | ment |
| 25. LTC EXTENSION DATE: | 27. ALTERNATIVI | | | | 03-Risk of I 04-Other Re | | | | <u>FHER</u> -Provider Status Cl | ange |
| (L27) | A. Suspension ofB. Rescind Susp | | (L44) | | | | | | -Active | ange |
| | | | (L45) | | | | | | | |
| 28. TERMINATION DATE: | 29 | INTERMEDIARY/C | ARRIER NO. | | 30. REMAN | RKS | | | | |
| | | 02001 | | | | | | | | |

| | 03001 | |
|----------------------------|--|-------|
| | (L28) | (L31) |
| 31. RO RECEIPT OF CMS-1539 | 32. DETERMINATION OF APPROVAL DATI 01/28/2014 | 3 |
| | (L32) | (L33) |

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE & MEDICAID SERVICES

ID: VW4X

MEDICARE/MEDICAID CERTIFICATION AND TRANSMITTAL

PART I - TO BE COMPLETED BY THE STATE SURVEY AGENCY

| | PART I - TO BE COMPLETED BY THE STATE SURVEY AGENCY | Facility ID: 00459 |
|-----------------------------|---|--------------------|
| C&T REMARKS - CMS 1539 FORM | STATE AGENCY REMARKS | |

CCN=245610

-

At the time of the standard survey completed October 24, 2013, the facility was not in substantial compliance and the most serious deficiencies were found to bewidespread deficiencies that constitute no actual harm with potential for more than minimal harm that is not immediate jeopardy (Level F), as evidenced by the attached CMS-2567 whereby corrections are required. The facility has been given an opportunity to correct before remedies are imposed. Post Certification Revisit to follow.



Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7012 3050 0001 9094 6881

November 12, 2013

Mr. Lee Larson, Administrator St. Gertrude's Health & Rehabilitation Center 1850 Sarazin Street Shakopee, Minnesota 55379

RE: Project Number S5610022 and H5610024

Dear Mr. Larson:

On October 24, 2013, a standard survey was completed at your facility by the Minnesota Departments of Health and Public Safety to determine if your facility was in compliance with Federal participation requirements for skilled nursing facilities and/or nursing facilities participating in the Medicare and/or Medicaid programs.

This survey found the most serious deficiencies in your facility to be widespread deficiencies that constitute no actual harm with potential for more than minimal harm that is not immediate jeopardy (Level F), as evidenced by the attached CMS-2567 whereby corrections are required. A copy of the Statement of Deficiencies (CMS-2567) is enclosed. In addition, at the time of the October 24, 2013 standard survey the Minnesota Department of Health completed an investigation of complaint number H5610024 that was found to be unsubstantiated.

Please note that this notice does not constitute formal notice of imposition of alternative remedies or termination of your provider agreement. Should the Centers for Medicare & Medicaid Services determine that termination or any other remedy is warranted, it will provide you with a separate formal notification of that determination.

This letter provides important information regarding your response to these deficiencies and addresses the following issues:

<u>Opportunity to Correct</u> - the facility is allowed an opportunity to correct identified deficiencies before remedies are imposed;

<u>Plan of Correction</u> - when a plan of correction will be due and the information to be contained in that document;

St Gertrudes Health & Rehabilitation Center November 12, 2013 Page 2

> <u>Remedies</u> - the type of remedies that will be imposed with the authorization of the Centers for Medicare and Medicaid Services (CMS) if substantial compliance is not attained at the time of a revisit;

<u>Potential Consequences</u> - the consequences of not attaining substantial compliance 3 and 6 months after the survey date; and

<u>Informal Dispute Resolution</u> - your right to request an informal reconsideration to dispute the attached deficiencies.

Please note, it is your responsibility to share the information contained in this letter and the results of this visit with the President of your facility's Governing Body.

DEPARTMENT CONTACT

Questions regarding this letter and all documents submitted as a response to the resident care deficiencies (those preceded by a "F" tag), i.e., the plan of correction should be directed to:

Susanne Reuss, Unit Supervisor Minnesota Department of Health P.O. Box 64900 St. Paul, Minnesota 55108-2970

Telephone: (651) 201-3793 Fax: (651) 201-3790

OPPORTUNITY TO CORRECT - DATE OF CORRECTION - REMEDIES

As of January 14, 2000, CMS policy requires that facilities will not be given an opportunity to correct before remedies will be imposed when actual harm was cited at the last standard or intervening survey and also cited at the current survey. Your facility does not meet this criterion. Therefore, if your facility has not achieved substantial compliance by December 3, 2013, the Department of Health will impose the following remedy:

• State Monitoring. (42 CFR 488.422)

In addition, the Department of Health is recommending to the CMS Region V Office that if your facility has not achieved substantial compliance by December 3, 2013 the following remedy will be imposed:

• Per instance civil money penalties. (42 CFR 488.430 through 488.444)

St Gertrudes Health & Rehabilitation Center November 12, 2013 Page 3

PLAN OF CORRECTION (PoC)

A PoC for the deficiencies must be submitted within **ten calendar days** of your receipt of this letter. Your PoC must:

- Address how corrective action will be accomplished for those residents found to have been affected by the deficient practice;
- Address how the facility will identify other residents having the potential to be affected by the same deficient practice;
- Address what measures will be put into place or systemic changes made to ensure that the deficient practice will not recur;
- Indicate how the facility plans to monitor its performance to make sure that solutions are sustained. The facility must develop a plan for ensuring that correction is achieved and sustained. This plan must be implemented, and the corrective action evaluated for its effectiveness. The plan of correction is integrated into the quality assurance system;
- Include dates when corrective action will be completed. The corrective action completion dates must be acceptable to the State. If the plan of correction is unacceptable for any reason, the State will notify the facility. If the plan of correction is acceptable, the State will notify the facility. Facilities should be cautioned that they are ultimately accountable for their own compliance, and that responsibility is not alleviated in cases where notification about the acceptability of their plan of correction is not made timely. The plan of correction will serve as the facility's allegation of compliance; and,
- Include signature of provider and date.

If an acceptable PoC is not received within 10 calendar days from the receipt of this letter, we will recommend to the CMS Region V Office that one or more of the following remedies be imposed:

- Optional denial of payment for new Medicare and Medicaid admissions (42 CFR 488.417 (a));
- Per day civil money penalty (42 CFR 488.430 through 488.444).

Failure to submit an acceptable PoC could also result in the termination of your facility's Medicare and/or Medicaid agreement.

PRESUMPTION OF COMPLIANCE - CREDIBLE ALLEGATION OF COMPLIANCE

The facility's PoC will serve as your allegation of compliance upon the Department's acceptance. Your signature at the bottom of the first page of the CMS-2567 form will be used as verification of compliance. In order for your allegation of compliance to be acceptable to the Department, the PoC must meet the criteria listed in the plan of correction section above. You will be notified by the Minnesota Department of Health, Licensing and Certification Program staff and/or the Department of

St Gertrudes Health & Rehabilitation Center November 12, 2013 Page 4 Public Safety, State Fire Marshal Division stat

Public Safety, State Fire Marshal Division staff, if your PoC for the respective deficiencies (if any) is acceptable.

VERIFICATION OF SUBSTANTIAL COMPLIANCE

Upon receipt of an acceptable PoC, an onsite revisit of your facility may be conducted to validate that substantial compliance with the regulations has been attained in accordance with your verification. A Post Certification Revisit (PCR) will occur after the date you identified that compliance was achieved in your plan of correction.

If substantial compliance has been achieved, certification of your facility in the Medicare and/or Medicaid program(s) will be continued and remedies will not be imposed. Compliance is certified as of the latest correction date on the approved PoC, unless it is determined that either correction actually occurred between the latest correction date on the PoC and the date of the first revisit, or correction occurred sooner than the latest correction date on the PoC.

Original deficiencies not corrected

If your facility has not achieved substantial compliance, we will impose the remedies described above. If the level of noncompliance worsened to a point where a higher category of remedy may be imposed, we will recommend to the CMS Region V Office that those other remedies be imposed.

Original deficiencies not corrected and new deficiencies found during the revisit

If new deficiencies are identified at the time of the revisit, those deficiencies may be disputed through the informal dispute resolution process. However, the remedies specified in this letter will be imposed for original deficiencies not corrected. If the deficiencies identified at the revisit require the imposition of a higher category of remedy, we will recommend to the CMS Region V Office that those remedies be imposed.

Original deficiencies corrected but new deficiencies found during the revisit

If new deficiencies are found at the revisit, the remedies specified in this letter will be imposed. If the deficiencies identified at the revisit require the imposition of a higher category of remedy, we will recommend to the CMS Region V Office that those remedies be imposed. You will be provided the required notice before the imposition of a new remedy or informed if another date will be set for the imposition of these remedies.

FAILURE TO ACHIEVE SUBSTANTIAL COMPLIANCE BY THE THIRD OR SIXTH MONTH AFTER THE LAST DAY OF THE SURVEY

If substantial compliance with the regulations is not verified by January 24, 2014 (three months after the identification of noncompliance), the CMS Region V Office must deny payment for new admissions as mandated by the Social Security Act (the Act) at Sections 1819(h)(2)(D) and 1919(h)(2)(C) and Federal regulations at 42 CFR Section 488.417(b). This mandatory denial of payments will be based on the failure to comply with deficiencies originally contained in the Statement

St Gertrudes Health & Rehabilitation Center November 12, 2013 Page 5

of Deficiencies, upon the identification of new deficiencies at the time of the revisit, or if deficiencies have been issued as the result of a complaint visit or other survey conducted after the original statement of deficiencies was issued. This mandatory denial of payment is in addition to any remedies that may still be in effect as of this date.

We will also recommend to the CMS Region V Office and/or the Minnesota Department of Human Services that your provider agreement be terminated by April 24, 2014 (six months after the identification of noncompliance) if your facility does not achieve substantial compliance. This action is mandated by the Social Security Act at Sections 1819(h)(2)(C) and 1919(h)(3)(D) and Federal regulations at 42 CFR Sections 488.412 and 488.456.

INFORMAL DISPUTE RESOLUTION

In accordance with 42 CFR 488.331, you have one opportunity to question cited deficiencies through an informal dispute resolution process. You are required to send your written request, along with the specific deficiencies being disputed, and an explanation of why you are disputing those deficiencies, to:

Nursing Home Informal Dispute Process Minnesota Department of Health Division of Compliance Monitoring P.O. Box 64900 St. Paul, Minnesota 55164-0900

This request must be sent within the same ten days you have for submitting a PoC for the cited deficiencies. All requests for an IDR or IIDR of federal deficiencies must be submitted via the web at: <u>http://www.health.state.mn.us/divs/fpc/profinfo/ltc/ltc_idr.cfm</u>

You must notify MDH at this website of your request for an IDR or IIDR within the 10 calendar day period allotted for submitting an acceptable plan of correction. A copy of the Department's informal dispute resolution policies are posted on the MDH Information Bulletin website at: http://www.health.state.mn.us/divs/fpc/profinfo/infobul.htm

Please note that the failure to complete the informal dispute resolution process will not delay the dates specified for compliance or the imposition of remedies.

Questions regarding all documents submitted as a response to the Life Safety Code deficiencies (those preceded by a "K" tag), i.e., the plan of correction, request for waivers, should be directed to:

Mr. Patrick Sheehan, Supervisor Health Care Fire Inspections State Fire Marshal Division 444 Cedar Street, Suite 145 St. Paul, Minnesota 55101-5145

Telephone: (651) 201-7205 Fax: (651) 215-0541 St Gertrudes Health & Rehabilitation Center November 12, 2013 Page 6 Feel free to contact me if you have questions.

Sincerely,

Kamala Fiske-Downing, Program Specialist Licensing and Certification Program Division of Compliance Monitoring Minnesota Department of Health Telephone: (651) 201-4112 Fax: (651) 215-9697

Enclosure

cc: Licensing and Certification File

| | | AND HUMAN SERVICES | | | | FORM | APPROVED |
|--------------------------|--|--|--|---------|--|----------|---------------------------------|
| STATEMENT | OF DEFICIENCIES F CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | | | LE CONSTRUCTION | (X3) DAT | 0938-0391 E SURVEY PLETED |
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| | PROVIDER OR SUPPLIER | EHABILITATION CENTER | | | STREET ADDRESS, CITY, STATE, ZIP CODE 1850 SARAZIN STREET SHAKOPEE, MN 55379 | | |
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| F 000 | as your allegation of Department's accep bottom of the first p be used as verificat Upon receipt of an revisit of your facilit validate the substan regulations has bee your verification. A standard recertific and a complaint inv completed at the tir investigation of con substantiated. St. Gertrudes Healt compliance with the | of correction (POC) will serve of compliance upon the ptance. Your signature at the bage of the CMS-2567 form will | | 000 | | | |
| | | DER/SUPPLIER REPRESENTATIVE'S SIGI | | | TITLE | | (X6) DATE |

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

PRINTED: 11/12/2013

DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR MEDICARE & MEDICAID SERVICES

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PRINTED: 11/12/2013 FORM APPROVED : OMB NO 0938-0391

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| 5-16-03 | Minnesota Departme Fire Marshal Division the time of this surve Gertrude's Health Ce compliance with the in Medicare/Medicaid 483.70(a), Life Safet edition of National Fi (NFPA) Standard 10 | Survey was conducted by the ent of Public Safety, State a, on October 24, 2013. At ey, Building 01 of St. enter was found not to be in requirements for participation d at 42 CFR, Subpart y from Fire, and the 2000 re Protection Association 1, Life Safety Code (LSC), Health Care Occupancies. | | RECEIVE | |
| | PLEASE RETURN T CORRECTION FOR DEFICIENCIES (K-T Health Care Fire Insp State Fire Marshal Di 445 Minnesota Street St. Paul, MN 55101-5 | THE FIRE SAFETY TAGS) TO: Dections vision t, Suite 145 | × | NOV 2 6 2013 MIN DEPT. OF PUBLIC SAFE STATE FIRE MARSHAL, DIVIS | |
| ATORY E | DIRECTOR'S OR PROVIDER | R/SUPPLIER REPRESENTATIVE'S SIGN/ | ATURE | TITLE | (X6) DATE |
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Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR MEDICARE & MEDICAR SERVICES

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| K 000 | By eMail to: Barbara.Lundberg@ Marian.Whitney@st THE PLAN OF COF DEFICIENCY MUS FOLLOWING INFO 1. A description of w to correct the deficie | Destate.mn.us, and Tate.mn.us RRECTION FOR EACH T INCLUDE ALL OF THE RMATION: what has been, or will be, done ency. | K OC | 0 | | | -013 -013 -013 -013 -013 -013 -013 -013 |
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FORM CMS-2567(02-99) Previous Versions Obsolete

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| | available records and could be provided ve system gauges servi recalibrated or replace | E: :05 AM, while reviewing d reports, no documentation rifying that fire sprinkler ng Building 01 had been thin the previous five ent practice was not in | | 936 | | |

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DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR MEDICARE & MEDICAID SERVICES

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REMITTANCE ADDRESS: 1965 MOMENTUM PLACE CHICAGO, IL 60689-5319

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MAIN OFFICE ST. PAUL, MN (651) 251-1880 • FAX (651) 379-1478



Invoice #:1307008 Invoice Date:11-15-2013 P.O.#: BRANCH OFFICES ROCHESTER, MN (507) 280-0622 ST. CLOUD, MN (320) 257-6390 NORTH LIBERTY, IA (319) 665-4330 DULUTH, MN (218) 740-4412 DES MOINES, IA (515) 867-2424

675.00

Customer ID: STGERTRU Job ID: 31-1149

Job Location:

ST. GERTRUDES HEALTH CENTER 1850 SARAZIN ST. SHAKOPEE, MN

To: ST. GERTRUDES HEALTH CENTER 1850 SARAZIN ST. SHAKOPEE, MN 55379

> FIRE SPRINKLER SERVICE -REPLACED 12 OUT DATED GAUGES - IN ALL BUILDING.S

> > To Pay by Credit Card Call (651) 251-1869

Amount Billed \$675.00

Amount Due

\$675.00

AN EQUAL OPPORTUNITY EMPLOYER

DATEDUE: 12-15-2013

DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR MEDICARE & MEDICAID SERVICES

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Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

| DEPARTMENT OF HEALTH AND HUMAN SERVICES | |
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| CENTERS FOR MEDICARE & MEDICAID SERVICES | |

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | (X2) MULTIPLE CONSTRUCTION A. BUILDING 02 - 2008 & 2011 ADDITION | | | (X3) DATE SURVEY COMPLETED | | | |
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FORM CMS-2567(02-99) Previous Versions Obsolete

Event ID: VW4X21

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Protecting, Maintaining and Improving the Health of Minnesotans

November 13, 2013

Mr. Lee Larson, Administrator St. Gertrude's Health & Rehabilitation Center 1850 Sarazin Street Shakopee, Minnesota 55379

Re: Project Number S5610022 & H5610024

Email sent on November 13, 2013

Dear Mr. Larson:

The above facility survey was completed on October 24, 2013 for the purpose of assessing compliance with Minnesota Department of Health Nursing Home Rules and to investigate complaint number H5610024 that was found to be unsubstantiated. At the time of the survey, the survey team from the Minnesota Department of Health, Compliance Monitoring Division, noted no violations of these rules promulgated under Minnesota Stat. section 144.653 and/or Minnesota Stat. Section 144A.10.

Attached is the Minnesota Department of Health order form stating that no violations were noted at the time of this survey. The Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Please disregard the heading of the fourth column which states, "Provider's Plan of Correction." This applies to Federal deficiencies only. There is no requirement to submit a Plan of Correction.

Please note it is your responsibility to share the information contained in this letter and the results of this visit with the President of your facility's Governing Body.

Please feel free to call me with any questions.

Sincerely,

Kamala Fiske-Downing, Program Specialist Licensing and Certification Program Division of Compliance Monitoring Minnesota Department of Health Telephone: (651) 201-4112 Fax: (651) 215-9697

cc: Original - Facility Licensing and Certification File