



Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7005 0390 0006 1220 4874

February 1, 2007

Deb Dubie, Administrator
Elmwood Estates
1120 Elm Avenue PO Box 476
Bird Island, MN 55310

Re: Results of State Licensing Survey

Dear Ms. Dubie:

The above agency was surveyed on January 3 and 4, 2007, for the purpose of assessing compliance with state licensing regulations. State licensing deficiencies, if found, are delineated on the attached Minnesota Department of Health (MDH) correction order form. The correction order form should be signed and returned to this office when all orders are corrected. We urge you to review these orders carefully, item by item, and if you find that any of the orders are not in accordance with your understanding at the time of the exit conference following the survey, you should immediately contact me, or the RN Program Coordinator. If further clarification is necessary, I can arrange for an informal conference at which time your questions relating to the order(s) can be discussed.

A final version of the Licensing Survey Form is enclosed. This document will be posted on the MDH website.

Also attached is an optional Provider questionnaire, which is a self-mailer, which affords the provider with an opportunity to give feedback on the survey experience.

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 our office with any questions at (651) 201-4301.

Sincerely,

A handwritten signature in black ink that reads "Jean M. Johnston".

Jean Johnston, Program Manager
Case Mix Review Program

Enclosures

cc: Renville County Social Services
Ron Drude, Minnesota Department of Human Services
Sherilyn Moe, Office of the Ombudsman

01/07 CMR3199



Class F Home Care Provider

LICENSING SURVEY FORM

Registered nurses from the Minnesota Department of Health (MDH) use this Licensing Survey Form during on-site visits to evaluate the care provided by Class F home care providers (Class F). Class F licensees may also use this form to monitor the quality of services provided to clients at any time. Licensees may use their completed Licensing Survey Form to help communicate to MDH nurses during an on-site regulatory visit.

During an on-site visit, MDH nurses will interview staff, talk with clients and/or their representatives, make observations and review documentation. The survey is an opportunity for the licensee to explain to the MDH nurse what systems are in place to provide Class F Home Care services. Completing this Licensing Survey Form in advance may facilitate the survey process.

Licensing requirements listed below are reviewed during a survey. A determination is made whether the requirements are met or not met for each Indicator of Compliance box. This form must be used in conjunction with a copy of the Class F home care regulations. Any violations of Class F Home Care Provider licensing requirements are noted at the end of the survey form.

Name of CLASS F: ELMWOOD ESTATES

HFID #: 21456

Dates of Survey: January 3 and 4, 2007

Project #: QL21456004

Indicators of Compliance	Outcomes Observed	Comments
<p>1. The provider only accepts and retains clients for whom it can meet the needs as agreed to in the service plan.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0815 <p>Expanded Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0050 MN Rule 4668.0800 Subp. 3 MN Rule 4668.0825 Subp. 2 MN Rule 4668.0845 	<ul style="list-style-type: none"> Each client has an assessment and service plan developed by a registered nurse within 2 weeks and prior to initiation of delegated nursing services, reviewed at least annually, and as needed. The service plan accurately describes the client's needs. Care is provided as stated in the service plan. The client and/or representative understand what care will be provided and what it costs. 	<p>Focus Survey</p> <p><input type="checkbox"/> Met</p> <p><input checked="" type="checkbox"/> Correction Order issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p>Expanded Survey</p> <p><input type="checkbox"/> Survey not Expanded</p> <p><input checked="" type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input type="checkbox"/> Education Provided</p> <p>Follow-up Survey # <input type="text"/></p> <p><input type="checkbox"/> New Correction Order issued</p> <p><input type="checkbox"/> Education Provided</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>2. The provider promotes the clients' rights.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0030 • MN Statute §144A.44 <p>Expanded Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0040 • MN Rule 4668.0170 • MN Statute §144D.04 • MN Rule 4668.0870 	<ul style="list-style-type: none"> • Clients are aware of and have their rights honored. • Clients are informed of and afforded the right to file a complaint. • Continuity of Care is promoted for clients who are discharged from the agency. 	<p>Focus Survey</p> <p>___ Met</p> <p><input checked="" type="checkbox"/> Correction Order issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p>Expanded Survey</p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p>Follow-up Survey # ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>3. The health, safety, and well being of clients are protected and promoted.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> • MN Statute §144A.46 • MN Statute §626.557 <p>Expanded Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0035 • MN Rule 4668.0805 	<ul style="list-style-type: none"> • Clients are free from abuse or neglect. • Clients are free from restraints imposed for purposes of discipline or convenience. Agency personnel observe infection control requirements. • There is a system for reporting and investigating any incidents of maltreatment. • There is adequate training and supervision for all staff. • Criminal background checks are performed as required. 	<p>Focus Survey</p> <p>___ Met</p> <p><input checked="" type="checkbox"/> Correction Order issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p>Expanded Survey</p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p>Follow-up Survey # ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>4. The clients' confidentiality is maintained.</p> <p>Expanded Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0810 	<ul style="list-style-type: none"> Client personal information and records are secure. Any information about clients is released only to appropriate parties. Client records are maintained, are complete and are secure. 	<p><i>This area does not apply to a Focus Survey</i></p> <p>Expanded Survey</p> <p>___ Survey not Expanded</p> <p>___ Met</p> <p><u>X</u> Correction Order issued</p> <p><u>X</u> Education Provided</p> <p>Follow-up Survey # ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>5. The provider employs (or contracts with) qualified staff.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0065 MN Rule 4668.0835 <p>Expanded Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0820 MN Rule 4668.0825 MN Rule 4668.0840 MN Rule 4668.0070 MN Statute §144D.065 	<ul style="list-style-type: none"> Staff have received training and/or competency evaluations as required, including training in dementia care, if applicable. Nurse licenses are current. The registered nurse(s) delegates nursing tasks only to staff that are competent to perform the procedures that have been delegated. The process of delegation and supervision is clear to all staff and reflected in their job descriptions. Personnel records are maintained and retained. Staff meet infection control guidelines. 	<p>Focus Survey</p> <p>___ Met</p> <p><u>X</u> Correction Order issued</p> <p><u>X</u> Education Provided</p> <p>Expanded Survey</p> <p>___ Survey not Expanded</p> <p><u>X</u> Met</p> <p>___ Correction Order issued</p> <p><u>X</u> Education Provided</p> <p>Follow-up Survey # ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>6. Changes in a client’s condition are recognized and acted upon. Medications are stored and administered safely.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0855 • MN Rule 4668.0860 <p>Expanded Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0800 • MN Rule 4668.0815 • MN Rule 4668.0820 • MN Rule 4668.0865 • MN Rule 4668.0870 	<ul style="list-style-type: none"> • A registered nurse is contacted when there is a change in a client’s condition that requires a nursing assessment. • Emergency and medical services are contacted, as needed. • The client and/or representative is informed when changes occur. • The agency has a system for the control of medications. • A registered nurse trains unlicensed personnel prior to them administering medications. • Medications and treatments are ordered by a prescriber and are administered and documented as prescribed. 	<p>Focus Survey</p> <p><input type="checkbox"/> Met</p> <p><input checked="" type="checkbox"/> Correction Orders issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p>Expanded Survey</p> <p><input type="checkbox"/> Survey not Expanded</p> <p><input type="checkbox"/> Met</p> <p><input checked="" type="checkbox"/> Correction Order issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p>Follow-up Survey # <input type="text"/></p> <p><input type="checkbox"/> New Correction Order issued</p> <p><input type="checkbox"/> Education Provided</p>
<p>7. The provider has a current license.</p> <p>Focus Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0019 <p>Expanded Survey</p> <ul style="list-style-type: none"> • MN Rule 4668.0008 • MN Rule 4668.0012 • MN Rule 4668.0016 • MN Rule 4668.0220 <p><u>Note:</u> MDH will make referrals to the Attorney General’s office for violations of MN Statutes 144D or 325F.72; and make other referrals, as needed.</p>	<ul style="list-style-type: none"> • The CLASS F license (and other licenses or registrations as required) are posted in a place that communicates to the public what services may be provided. • The agency operates within its license(s) and applicable waivers and variances. • Advertisement accurately reflects the services provided by the agency. 	<p>Focus Survey</p> <p><input checked="" type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input type="checkbox"/> Education Provided</p> <p>Expanded Survey</p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p><input type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input type="checkbox"/> Education Provided</p> <p>Follow-up Survey # <input type="text"/></p> <p><input type="checkbox"/> New Correction Order issued</p> <p><input type="checkbox"/> Education Provided</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>8. The provider is in compliance with MDH waivers and variances</p> <p>Expanded Survey</p> <ul style="list-style-type: none"> MN Rule 4668.0016 	<ul style="list-style-type: none"> Licensee provides services within the scope of applicable MDH waivers and variances 	<p><i>This area does not apply to a Focus Survey.</i></p> <p>Expanded Survey</p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p><input type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input type="checkbox"/> Education Provided</p> <p>Follow-up Survey # <input type="text"/></p> <p><input type="checkbox"/> New Correction Order issued</p> <p><input type="checkbox"/> Education Provided</p>

Please note: Although the focus of the licensing survey is the regulations listed in the Indicators of Compliance boxes above, other rules and statutes may be cited depending on what system a provider has or fails to have in place and/or the severity of a violation. The findings of the focused licensing survey may result in an expanded survey.

SURVEY RESULTS: All Indicators of Compliance listed above were met.

For Indicators of Compliance not met, the rule or statute numbers and the findings of deficient practice are noted below.

1. MN Rule 4668.0030 Subp. 2

INDICATOR OF COMPLIANCE: # 2

Based on record review and interview, the licensee failed to provide the current Minnesota Home Care Bill of Rights to three of three clients' (#1, #2 and #3) records reviewed. The findings include:

Clients #1, #2, and #3 were admitted to the agency on May 1, 2002, June 19, 2004 and March 2, 2004, respectively. Client #1, #2 and #3's records contained documentation they had received a Minnesota Bill of Rights however the client records contained a version of the bill of rights which lacked additions made in 2001. When interviewed, January 4, 2007, the administrator stated she was not aware of the changes to the bill of rights and had not provided clients #1, #2 and #3 with the updated 2004 version of the bill of rights.

2. MN Rule 4668.0065 Subp. 1

INDICATOR OF COMPLIANCE: # 5

Based on record review and interview the licensee failed ensure that tuberculosis screening was completed every 24 months for two of two employees (A and C) records reviewed. The findings include:

Employee A was hired April 29, 2004 as a resident caregiver. Her record contained documentation of a negative Mantoux dated April 30, 2004. There was no documentation of further Mantoux testing. Employee C was hired June 2, 2002 as a licensed nurse. Her record contained documentation of a negative Mantoux dated December 19, 2001. There was no documentation of further Mantoux testing. When interviewed January 4, 2007, licensed practical nurse (LPN) stated the facility's registered nurse had never informed her that Mantoux testing needed to be done at any time other than when a new employee was hired. The LPN stated currently Mantoux testing was done only when an employee was hired.

3. MN Rule 4668.0810 Subp. 6

AREA OF COMPLIANCE: # 4

Based on record review and interview, the licensee failed to maintain a complete client record for two of four current client (#2, and #5) records reviewed. The findings include:

An incident report dated November 21, 2006 indicated client #2 fell in her room and complained that her head "hurt a little bit" after the fall. The client's record lacked documentation that she had fallen on November 21, 2006.

An incident report dated October 13, 2006 indicated client #5 had fallen out of her bed. The client's record lacked documentation that she had fallen out of her bed on October 13, 2006.

When interviewed January 4, 2007, the licensed practical nurse (LPN) stated the incident reports are not part of the permanent client record. She stated she documented incidents on the client treatment/care record, or on the referral sent along with the client to a physician appointment for the follow up after a fall when necessary. The LPN stated it was not her practice to chart the incidents in the client record.

4. MN Rule 4668.0815 Subp. 2

AREA OF COMPLIANCE: # 1

Based on record review and interview, the licensee failed to ensure that a registered nurse (RN) reviewed and/or revised the client's service plan at least annually for three of five clients' (#1, #2 and #3) records reviewed. The findings include:

Client #1's current service plan dated May 1, 2002, lacked evidence the RN had reviewed and/or revised client #1's service plan after May 1, 2002. Client #2's current service plan was signed June 18, 2004. There was no indication that the RN had reviewed and/or revised client #2's service plan after June 18, 2004. Client #3's service plan was originally signed by the client on March 1, 2004, and was modified on August 3, 2005. Client #3's service plan had not been reviewed or revised since August 3, 2005. When interviewed January 4, 2007, the administrator indicated she was not aware client service plans had to be reviewed annually. She indicated the client care plans would be updated if there was a change in the service needs of a client, but the service plans would not be always be revised if there was a change in the client services.

5. MN Rule 4668.0855 Subp. 7**INDICATOR OF COMPLIANCE: # 6**

Based on record review and interview, the licensee failed to retain documentation of demonstrated competency for medication administration for one of two unlicensed personnel (A) records reviewed. The findings include:

Client #1 had an order for a Catapres 0.3mg patch to be changed and reapplied every Tuesday. The December 2006 medication administration record indicated unlicensed staff including employee A applied the patch to client #1. When interviewed, January 4, 2007, employee A stated she had changed the client's Catapres patch numerous times. She stated she had been trained by the facility registered nurse (RN) on the procedure for removal and application of the patch. There was no documentation that any of the unlicensed staff had been trained by the RN in the application of the medication patch or of demonstrated competency. When interviewed, January 4, 2007, the licensed practical nurse (LPN) stated the facility's general medication training program did not include the application of patch medications and she was unable to locate any other training related to the application of patch medications.

6. MN Rule 4668.0860 Subp. 7**INDICATOR OF COMPLIANCE: # 6**

Based on record review and interview, the licensee failed to ensure that an order received by facsimile was communicated to the supervising registered nurse (RN) within one hour of receipt for three of five clients' (#1, #2 and #3) records reviewed. The findings include:

Clients' #1, #2, and #3, records contained faxed physician orders in each client record with the initials of the facility registered nurse (RN) written on the faxed physician orders. The RN initials were not dated so it could not be determined when the RN reviewed the faxed orders. When interviewed on January 4, 2007, the licensed practical nurse (LPN), stated the RN works ten hours per month and reviews the new orders when she is in the facility. The LPN stated she was unaware that the RN had to be notified within one hour when a new order was received, and she had not been contacting the RN with any new orders unless she had questions on how to implement the new order.

7. MN Rule 4668.0865 Subp. 8**INDICATOR OF COMPLIANCE: # 6**

Based on observation and interview, the licensee failed to store all medications in locked compartments for one of one insulin dependent client (#2) records reviewed and two insulin dependent clients whose record was not reviewed. The findings include:

The facility provided central storage of medications for clients. On January 4, 2007, it was observed that three opened insulin vials belonging to clients #2 and two other insulin dependent clients were stored in separate unlocked plastic containers in an unlocked refrigerator located next to the front door of the residence. When interviewed, January 4, 2007, employee A stated the syringes are stored in this refrigerator until the syringe is given to each client to self administer daily. Employee A also indicated the refrigerator is located right by the front door so the milkman can put the milk order directly into the

refrigerator. During the exit interview on January 4, 2007, the administrator indicated a lock would be installed on the refrigerator immediately.

8. MN Statute §626.557 Subd. 14(b)

INDICATOR OF COMPLIANCE: # 3

Based on record review and interview, the licensee failed to assess the vulnerabilities for one of three clients (#2) and failed to update two of two vulnerable adult (VA) assessments (#1, #3) to include the 07/01/05 subdivision 14, clause (b) amendments. The findings include:

Client #1 and client #3 had vulnerable adult assessments completed on May 1, 2002, and April 21, 2004, respectively. Their records did not contain documentation that the clients' assessments had been updated to comply with July 1, 2005 amendments to the Vulnerable Adult statute, which required each vulnerable adult to be assessed for their susceptibility for abuse by others and for their risk of abusing other vulnerable adults. Client #2's record did not contain a vulnerable adult assessment.

When interviewed on January 4, 2007, the administrator stated she was unaware there had been an amendment to the Vulnerable Adult statute and did not know why an assessment had not been completed for client #2. The administrator stated an assessment should have been completed for client #2.

A verbal in person exit was conducted with Deb Dubie on January 4, 2007, and a faxed draft was sent on January 9, 2007, to Deb Dubie. Correction orders issued as a result of the on-site visit and the final Licensing Survey Form will be sent to the licensee. If you have any questions about the Licensing Survey Form or the survey results, please contact the Minnesota Department of Health, (651) 201-4301. After review, this form will be posted on the MDH website. Class F Home Care Provider general information is available by going to the following web address and clicking on the Class F Home Care Provider link:

<http://www.health.state.mn.us/divs/fpc/profinfo/cms/casemix.html>

Regulations can be viewed on the Internet: <http://www.revisor.leg.state.mn.us/stats> (for MN statutes)
<http://www.revisor.leg.state.mn.us/arule/> (for MN Rules).