

Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7008 0150 0001 1713 6642

November 3, 2008

Maryann Schlaak, Administrator Whispering Oak Properties LLC 903 Calvary Court Suite 211 Ellendale, MN 56026

Re: Results of State Licensing Survey

Dear Ms. Schlaak:

The above agency was surveyed on September 18, 23, and 24, 2008, 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,

Jean Johnston, Program Manager

Jean M. Johnston

Case Mix Review Program

Enclosures

cc: Steele 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: WHISPERING OAK PROPERTIES LLC

HFID #: 24982

Date(s) of Survey: September 18 and 23, 24, 2008

Project #: QL24982003

Indicators of Compliance	Outcomes Observed	Comments
1. The provider only accepts and retains clients for whom it can meet the needs as agreed to in the service plan.	service plan developed by a registered nurse within 2 weeks and prior to initiation of delegated nursing services,	Focus Survey X Met Correction Order(s) issued X Education Provided
Focus Survey • MN Rule 4668.0815	reviewed at least annually, and as needed.	Expanded Survey
 Expanded Survey MN Rule 4668.0050 MN Rule 4668.0800 Subp. 3 MN Rule 4668.0825 Subp. 2 MN Rule 4668.0845 	 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. 	X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided

Indicators of Compliance	Outcomes Observed	Comments
2. The provider promotes the clients' rights. Focus Survey MN Rule 4668.0030 MN Statute §144A.44 Expanded Survey MN Rule 4668.0040 MN Rule 4668.0170 MN Statute §144D.04 MN Rule 4668.0870	 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. 	Focus Survey X Met Correction Order(s) issued Education Provided Expanded Survey X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided
3. The health, safety, and well being of clients are protected and promoted. Focus Survey MN Statute §144A.46 MN Statute §626.557 Expanded Survey MN Rule 4668.0035 MN Rule 4668.0805	 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. 	Focus Survey Met XCorrection Order(s) issued XEducation Provided Expanded Survey XSurvey not ExpandedMetCorrection Order(s) issuedEducation Provided Follow-up Survey #New Correction Order issuedEducation Provided

Indicators of Compliance	Outcomes Observed	Comments
 4. The clients' confidentiality is maintained. Expanded Survey MN Rule 4668.0810 	 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. 	This area does not apply to a Focus Survey Expanded Survey X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided
5. The provider employs (or contracts with) qualified staff. Focus Survey • MN Rule 4668.0065 • MN Rule 4668.0835 Expanded Survey • MN Rule 4668.0820 • MN Rule 4668.0825 • MN Rule 4668.0840 • MN Rule 4668.0070 • MN Statute §144D.065	 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. 	Focus Survey MetCorrection Order(s) issuedEducation Provided Expanded SurveySurvey not ExpandedMet _X_Correction Order(s) issued X_Education Provided Follow-up Survey #New Correction Order issuedEducation Provided

Indicators of Compliance	Outcomes Observed	Comments
6. Changes in a client's condition are recognized and acted upon. Medications are stored and administered safely. Focus Survey MN Rule 4668.0855 MN Rule 4668.0860 Expanded Survey MN Rule 4668.0800 MN Rule 4668.0815 MN Rule 4668.0820 MN Rule 4668.0865 MN Rule 4668.0865	 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. 	Focus Survey Met XCorrection Order(s) issued XEducation Provided Expanded Survey XSurvey not ExpandedMetCorrection Order(s) issuedEducation Provided Follow-up Survey #New Correction Order issuedEducation Provided
7. The provider has a current license. Focus Survey MN Rule 4668.0019 Expanded Survey MN Rule 4668.0008 MN Rule 4668.0012 MN Rule 4668.0016 MN Rule 4668.0220 Note: 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.	 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. 	Focus Survey X Met Correction Order(s) issued Education Provided Expanded Survey X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided

Indicators of Compliance	Outcomes Observed	Comments
8. The provider is in compliance with MDH waivers and variances	• Licensee provides services within the scope of applicable MDH	This area does not apply to a Focus Survey.
Expanded Survey • MN Rule 4668.0016	waivers and variances	Expanded Survey X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided

<u>Please note</u>: 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.

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

1. MN Rule 4668.0065 Subp. 3

INDICATOR OF COMPLIANCE: #5

Based on record review and interview, the agency failed to ensure infection control training was completed for one of one unlicensed employee's (B) record reviewed. The findings include:

Employee B's was hired April of 2007 as an unlicensed staff. Training records indicated an infection control test that was not signed or dated. When interviewed September 18, 2008 the housing manager indicated it was from orientation. No further infection control training was found. When interviewed September 23, 2008, the registered nurse indicated that the annual in service for infection control had not been completed in 2008.

2. MN Rule 4668.0805 Subp. 2

INDICATOR OF COMPLIANCE: #3

Based on record review and interview, the licensee failed to provide orientation to home care requirements prior to providing client care for one of two employee (A and B) records reviewed. The findings include:

Employees' A and B were hired April of 2008 and May of 2007 respectively, as direct care staff. There was no evidence of orientation to home care in employee A's record. Employee B's record had documentation of orientation to home care requirements dated August 21, 2007. When interviewed September 23, 2008, the registered nurse indicated employee A had not had an orientation to home care requirements yet. When interviewed, September 23, 2008, the housing manager indicated employees A and B had worked without being orientated to home care first.

3. MN Rule 4668.0840 Subp. 3

INDICATOR OF COMPLIANCE: #5

Based on record review and interview, the licensee failed to ensure complete training for one of one unlicensed employee's (B) record reviewed. The findings include:

Employee B was hired April of 2007, to provide direct care. Employee B's core training record lacked evidence that the following topics were included in her training: maintaining a clean, safe, and healthy environment, and basic elements of body function that must be reported to a health care professional. When interviewed September 23, 2008 the housing manager indicated the previous nurse had done the training and she didn't know why it was not complete.

4. MN Rule 4668.0855 Subp. 6

INDICATOR OF COMPLIANCE: #6

Based on record review and interview the licensee failed to ensure insulin was drawn up by a nurse, physician or pharmacist fir one of one client (#1) record reviewed. The findings include:

Nurse's notes, July 14, 2008, read that client #1 wanted to change from syringes to self use of an insulin pen. When interviewed, September 23, 2008, employee B stated she "primed the pen, brought the pen to the client, held the pen for the client while he dialed it, checked the dose he dialed, would report any difference to the client or the nurse and injected the insulin. When interviewed September 18, 2008, the housing manager agreed that employees were assisting in the above manner with the insulin pen.

5. MN Rule 4668.0855 Subp. 7

INDICATOR OF COMPLIANCE: #6

Based on interview and record review, the licensee failed to ensure that an unlicensed staff person demonstrated competency to a registered nurse (RN) before the medicatsion administration for one of one employee's (B) record reviewed. The findings include:

Client #1's January 2008 medication record indicated that employee B administered insulin on January 25, 2008. Competency testing for insulin injection was evaluated at an in service dated January 30, 2008. When interviewed, September 23, 2008, the RN indicated competency testing occurred after the documented administration to the client.

6. MN Rule 4668.0865 Subp. 2

INDICATOR OF COMPLIANCE: #6

Based on record review and interview, the licensee failed to have a registered nurse develop a service plan for the provision of central storage of medications for one of one client's (#1) who received central storage of medications. The findings include:

Client # 1 began receiving central storage of medications December 27, 2007. Client #1's service plan did not include central storage. When interviewed September 23, 2008, the housing manger stated that the licensee provided central storage of medications for all of their clients and she was unaware that it needed to be on the service plan.

A draft copy of this completed form was left with MaryAnn Schlaack, Housing Manager, at an exit conference on September 24, 2008. Any correction order(s) 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).



Protecting, Maintaining and Improving the Health of Minnesotans

April 18, 2008

Maryann Schlaak, Administrator Whispering Oak Properties LLC 903 Calverly Court STE 211 Ellendale, MN 56026

Re: Telephone Interview

Dear Ms. Schlaak:

The information discussed during a telephone interview conducted by staff of the Minnesota Department of Health, Case Mix Review Program, on April 7, 2008, is summarized in the enclosed documents listed below:

Telephone Interview and Education Assessment form

A summary of the items discussed during the phone interview and a listing of the education provided during the interview

Resource Sheet for Home Care Providers

A listing of web-sites and documents useful to home care providers in assuring compliance with home care regulations

Please note, it is your responsibility to share the information contained in this letter and the information from this interview with your direct care staff and the President of your facility's Governing Body.

If you have any questions, please feel free to call our office at (651) 201-4301.

Sincerely,

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Jean Johnston, Program Manager Case Mix Review Program

Enclosure(s)

CMR TELEPHONE 03/08



Class A and Class F Home Care

Telephone Interview and Education Assessment

Registered nurses from the Minnesota Department of Health (MDH) use this form to document telephone interviews and education of newly licensed Class F and Class A (licensed only) Home Care Providers as well as other providers who have not been surveyed by Case Mix Review staff.

Licensing requirements listed below were reviewed during a telephone interview. Information from this interview along with other data will be considered when making decisions regarding the timing of an on site survey. The noted topics were discussed during the telephone interview and education was provided in the checked areas.

Name of Home Care Licensee: Whi	spering Oak
HFID #: 24982	Type of License: Class F Home Care
Date of Interview: April 7, 2008	

Interview Topic	Item Discussed	Education Provided
Access to information	Home Care Rules and Statutes	Web address for Home Care Rules and Statutes was sent (MN Statute §144A and MN Rule 4668)
		Web address for Vulnerable Adult Act was sent (MN Statute §626.557)
		Web address for Maltreatment of Minors Act was sent (MN Statute §626.556)
		☐ Board of Nursing web address was sent
		Sent via: <u>E-mail</u>
Client Needs	□ Care needs of clients	Home Care licensee is required to have staff sufficient in qualifications and numbers to meet client needs (MN Rule 4668.0050)



Interview Topic	Item Discussed	Education Provided
Home Care Bill of Rights	Bill of Rights given to clients	Current and appropriate version of home care bill of rights required
		Minnesota Dept. of Health web-site ⊠ Basic Education Provided
Advertising	Advertising should reflect services provided	Includes all forms of advertising MN Rule 4668.0019
	provided	□ Basic Education Provided
Unlicensed personnel (ULP) who provide direct care	Training needed for ULP to be qualified to provide direct care	Initial training needed MN Rule 4668.0835 Subp. 2 (Class F)
	Ongoing education needed for unlicensed personnel	Competency testing required MN Rule 4668.0835 Subp. 3 (Class F)
	personner	Inservice training MN Rule 4668.0835 Subp. 3 (Class F)
		Ongoing infection control training needed MN Rule 4668.0065 Subp. 3
		□ Basic Education Provided
Unlicensed personnel (ULP) and medication administration	☑ Training required☑ Insulin administration by unlicensed personnel	Difference between medication administration and assistance with medication administration. MN Rule 4668.0003 Subp. 2a and Subp. 21a
		Medication reminders – a visual or verbal cue only. MN Rule 4668.0003 Subp. 21b
		ULP limitations with insulin administration MN Rule 4668.0855 Subp. 6 (Class F)
		Prescriber orders required MN Rule 4668.0860 Subp. 2 (Class F)



Interview Topic	Item Discussed	Education Provided
Role of registered nurse (RN) and licensed practical nurse (LPN)	 Need to verify licenses of nurses RN does assessments LPN does monitoring 	Difference between RN and LPN role MN Rule 4668.0820 Subp. 2 (Class F) and Minnesota Nurse Practice Act
nurse (ET 14)	Li iv does monitoring	Points at which RN assessment is needed - Class F requirements
		RN assessment and change in condition MN Rule 4668.0845 Subp. 2 (Class F)
Supervision of unlicensed personnel (ULP)	Requirements for supervision and monitoring of unlicensed personnel	RN supervision and LPN monitoring of unlicensed personnel Timing of supervision and monitoring
	unificensed personner	MN Rule 4668.0845 (Class F)
		□ Basic Education Provided
Service plan or agreement	 ☐ Contents of Service Plan or Agreement ☐ Person who prepares service plan 	 □ Differentiate between licensee service plan and county service plan □ Required components of service plan □ Need to review service plan ⋈ Basic Education Provided
		MN Rule 4668.0815 (Class F)
Protection of health, safety and well being of clients	Background studies for all staff	Background studies not transferable Only DHS background study accepted
of chefts	Assessment of	MN Statute §144A.46 Subd. 5
	vulnerability for all clients	Plan to address identified vulnerabilities required MN Statute §626.557 Subd. 14b
		⊠ Basic Education Provided



Interview Topic	Item Discussed	Education Provided
Infection control	Tuberculosis screening prior to direct client contact	System for follow up on TB status after hire MN Rule 4668.0065 Subps. 1 & 2
		Yearly infection control inservice required for all staff including nurses MN Rule 4668.0065 Subp. 3
		■ Basic Education Provided
Assisted Living	Arranged providers for assisted living required to follow 144G	Uniform Consumer Information Guide must be given to all prospective clients MN Statute 144G.03 Subd. 2b9
		■ Basic Education Provided

The data used to complete this form was reviewed with <u>Maryann Schlaak</u>, <u>Resident Director</u>, during a telephone interview on <u>April 7</u>, <u>2008</u>. A copy of this Telephone Interview and Education Assessment form will be sent to the licensee. Any questions about this Telephone Interview and Education Assessment form should be directed to the Minnesota Department of Health, (651) 201-4301. This form will be posted on the MDH web-site. Home care provider general information is available by going to the following web address and clicking on the appropriate home care provider link:

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

Statutes and rules can be viewed on the internet:

http://www.revisor.leg.state.mn.us/stats - for Minnesota Statutes

http://www.revisor.leg.state.mn.us/arule/ - for Minnesota Rules

