



*Protecting, Maintaining and Improving the Health of Minnesotans*

Certified Mail # 7008 2810 0001 2257 3905

January 5, 2010

Charlie Oribamise, Administrator  
Care for Me Nursing Services Inc  
2147 University Ave W STE 209  
St Paul, MN 55114

Re: Results of State Licensing Survey

Dear Mr. Oribamise:

The above agency was surveyed on December 1, 2, and 3, 2009, 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". The signature is written in a cursive style with a large, looped "J" and "N".

Jean Johnston, Program Manager  
Case Mix Review Program

Enclosures

cc: Ramsey County Social Services  
Ron Drude, Minnesota Department of Human Services  
Sherilyn Moe, Office of the Ombudsman  
Deb Peterson, Office of the Attorney General

01/07 CMR3199

Division of Compliance Monitoring • Case Mix Review  
85 East 7th Place Suite, 220 • PO Box 64938 • St. Paul, MN 55164-0938 • 651-201-4301  
General Information: 651-201-5000 or 888-345-0823 • TTY: 651-201-5797 • Minnesota Relay Service: 800-627-3529

<http://www.health.state.mn.us>  
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Class A Licensed-Only 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 A Licensed-Only Home Care Providers. Class A 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 with MDH nurses during an on-site regulatory visit.

During an on-site visit, MDH nurses will interview staff, clients and/or their representatives, make observations and review documentation. The survey is an opportunity for the licensee to describe to the MDH nurse what systems are in place to provide Class A Licensed-Only 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. This form must be used in conjunction with a copy of the Class A Licensed-Only Home Care regulations. Any violations of the Class A licensing requirements are noted at the end of the survey form.

Name of Class A Licensee: CARE FOR ME NURSING SERVICES I

HFID #: 24856

Date(s) of Survey: December 1, 2, 3 and 8, 2009

Project #: QL24856004

Indicators of Compliance	Outcomes Observed	Comments
<p>1. The provider accepts and retains clients for whom it can meet the needs.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>MN Rule 4668.0140</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>MN Rule 4668.0050</li> <li>MN Rule 4668.0060 Subp. 3, 4 and 5</li> <li>MN Rule 4668.0180 Subp. 8</li> </ul>	<ul style="list-style-type: none"> <li>Clients are accepted based on the availability of staff, sufficient in qualifications and numbers, to adequately provide the services agreed to in the service agreement.</li> <li>Service plans accurately describe the needs and services and contain all the required information.</li> <li>Services agreed to are provided Clients are provided referral assistance.</li> </ul>	<p><b>Focus Survey</b></p> <p><input type="checkbox"/> Met</p> <p><input checked="" type="checkbox"/> Correction Order(s) issued</p> <p><input checked="" type="checkbox"/> Education Provided</p> <p><b>Expanded Survey</b></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><b>Follow-up Survey #</b> <input type="checkbox"/></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 client rights.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0030</li> <li>• MN Statute §144A.44</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0040</li> <li>• MN Rule 4668.0170</li> </ul>	<ul style="list-style-type: none"> <li>• Clients’ are aware of and have their rights honored.</li> <li>• Clients’ are informed of and afforded the right to file a complaint.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met</p> <p><u>X</u> Correction Order(s) issued</p> <p><u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>3. The provider promotes and protects each client’s safety, property, and well-being.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Statutes §144A.46 Subd. 5(b)</li> <li>• MN Statute §626.556</li> <li>• MN Statutes §626.557</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0035</li> </ul>	<ul style="list-style-type: none"> <li>• Client’s person, finances and property are safe and secure.</li> <li>• All criminal background checks are performed as required.</li> <li>• Clients are free from maltreatment.</li> <li>• There is a system for reporting and investigating any incidents of maltreatment.</li> <li>• Maltreatment assessments and prevention plans are accurate and current.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met</p> <p><u>X</u> Correction Order(s) issued</p> <p><u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>4. The provider maintains and protects client records.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0160</li> </ul> <p><b>Expanded Survey</b></p> <p>[Note: See Informational Bulletin 99-11 for Class A variance for Electronically Transmitted Orders.</p>	<ul style="list-style-type: none"> <li>• <b>Client records are maintained and retained securely.</b></li> <li>• <b>Client records contain all required documentation.</b></li> <li>• Client information is released only to appropriate parties.</li> <li>• Discharge summaries are available upon request.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met</p> <p><u>X</u> Correction Order(s) issued</p> <p><u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>Non-compliance with this variance will result in a correction order issued under 4668.0016.]</p>		<p>___ Correction Order(s) issued ___ Education Provided <b>Follow-up Survey #</b> ___ ___ New Correction Order issued ___ Education Provided</p>
<p>5. The provider employs and/or contracts with qualified and trained staff.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0100</li> <li>• [Except Subp. 2]</li> <li>• MN Rule 4668.0065</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0060 Subp. 1</li> <li>• MN Rule 4668.0070</li> <li>• MN Rule 4668.0075</li> <li>• MN Rule 4668.0080</li> <li>• MN Rule 4668.0130</li> <li>• MN Statute §144A.45 Subd. 5</li> </ul> <p>[Note: See Informational Bulletin 99-7 for Class A variance in a Housing With Services Setting. Non-compliance with this variance will result in a correction order issued under 4668.0016.]</p>	<ul style="list-style-type: none"> <li>• Staff, employed or contracted, have received all the required training.</li> <li>• Staff, employed or contracted, meet the Tuberculosis and all other infection control guidelines.</li> <li>• Personnel records are maintained and retained.</li> <li>• Licensee and all staff have received the required Orientation to Home Care.</li> <li>• Staff, employed or contracted, are registered and licensed as required by law.</li> <li>• Documentation of medication administration procedures are available.</li> <li>• Supervision is provided as required.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met <u>X</u> Correction Order(s) issued <u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded ___ Met ___ Correction Order(s) issued ___ Education Provided</p> <p><b>Follow-up Survey #</b> ___ ___ New Correction Order issued ___ Education Provided</p>
<p>6. The provider obtains and keeps current all medication and treatment orders [if applicable].</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0150</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0100 Subp. 2</li> </ul> <p>[Note: See Informational Bulletin 99-7 and 04-12 for Class A variance in a Housing With Services setting with regards to medication administration, storage</p>	<ul style="list-style-type: none"> <li>• Medications and treatments administered are ordered by a prescriber.</li> <li>• Medications are properly labeled.</li> <li>• Medications and treatments are administered as prescribed.</li> <li>• Medications and treatments administered are documented.</li> <li>• Medications and treatments are renewed at least every three months.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met <u>X</u> Correction Order(s) issued <u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded ___ Met ___ Correction Order(s) issued ___ Education Provided</p> <p><b>Follow-up Survey #</b> ___ ___ New Correction</p>

Indicators of Compliance	Outcomes Observed	Comments
and disposition. Non-compliance with this variance will result in a correction order issued under 4668.0016.]		Order issued ___ Education Provided
<p>7. The provider is licensed and provides services in accordance with the license.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0019</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0008 Subp. 3</li> <li>• MN Rule 4668.0012</li> <li>• MN Rule 4668.0060 Subp. 2 and 6</li> <li>• MN Rule 4668.0180</li> <li>• MN Rule 4668.0220</li> </ul> <p><small>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.</small></p>	<ul style="list-style-type: none"> <li>• Language requiring compliance with Home Care statutes and rules is included in contracts for contracted services.</li> <li>• License is obtained, displayed, and renewed.</li> <li>• Licensee's advertisements accurately reflect services available.</li> <li>• Licensee provides services within the scope of the license.</li> <li>• Licensee has a contact person available when a para-professional is working.</li> </ul>	<p><b>Focus Survey</b></p> <p><input checked="" type="checkbox"/> Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Expanded Survey</b></p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>8. The provider is in compliance with MDH waivers and variances.</p> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0016</li> </ul>	<ul style="list-style-type: none"> <li>• Licensee provides services within the scope of applicable MDH waivers and variances</li> </ul>	<p><i>This area does not apply to a Focus Survey.</i></p> <p><b>Expanded Survey</b></p> <p><input checked="" type="checkbox"/> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ 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 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 4668.0100 Subp. 2****INDICATOR OF COMPLIANCE: # 6**

Based on record review, interview and observation, the licensee failed to ensure that a registered nurse (RN) instructed unlicensed staff in the procedures to administer medications for one of one unlicensed employee's (A) record reviewed who administered medications. The findings include:

When interviewed, December 1, 2009, client #1 stated employee A, the personal care attendant (PCA), had given her four pain tablets on November 30, 2009, in the morning, prior to employee A leaving for the day. Client #1 stated she had purchased these pain pills on September 1, 2009.

When interviewed, December 1, 2009, employee A stated he had given client #1 four tablets of acetaminophen for pain when she had requested them. When interviewed by phone, December 3, 2009, the registered nurse (RN), stated she was unaware that employee A was administering acetaminophen to client #1. Employee A's record lacked evidence of training or competency testing for medication administration or medication reminders.

When interviewed by phone, December 3, 2009, the owner stated employee A only provided medication reminders to client #1 for medications that had been previously set-up by the RN. He stated he was unaware employee A was providing assistance with medication administration and acknowledged that the RN had not trained employee A to provide medication administration.

**2. MN Rule 4668.0100 Subp. 5****INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to ensure that unlicensed employees were qualified for one of one unlicensed employee's (A) record reviewed who performed home health aide tasks. The findings include:

Employee A was hired August 23, 2007, as an unlicensed direct care employee. There was no evidence employee A was qualified to provide home health aide tasks or had been trained and/or competency tested in: orientation to home care requirements; observing, reporting, and documenting client status and care; basic infection control; maintenance of a clean, safe and healthy environment; medication reminders; appropriate and safe techniques in personal hygiene, grooming, bathing, skin care, care of the teeth and gums, care of prosthetic devices and assistance with toileting; adequate nutrition and fluid intake; reading and recording TPR (temperature, pulse, respiration); basic elements of body functioning and changes that must be reported to health care professionals; physical, emotional and developmental needs of clients and ways to work with clients who have problems in these areas; and safe transfer and ambulation techniques, and range of motion and positioning.

When interviewed December 1, 2009, the administrator stated the policy of the licensee was to do individual competencies for each unlicensed employee as the need arises and the competencies for each unlicensed employee are recorded in the employee's personnel record. The administrator confirmed employee A had not been trained and/or competency tested in the required topics.

**3. MN Rule 4668.0140 Subp. 2****INDICATOR OF COMPLIANCE: # 1**

Based on record review and interview, the licensee failed to ensure service plans were complete for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services on September 1, 2009, that, according to the care plan, included daily assistance with bathing, eating, light housekeeping and once a week laundry; and also behavior redirecting, intervening, observing, monitoring and documenting. A September 2, 2009, registered nurse (RN) progress note for client #1 included "client medications were set-up for 1 week." Client #1's medications were observed, December 1, 2009, in client A's room in a locked file cabinet which the owner stated was Central Storage with staff having the only keys. When interviewed, December 1, 2009, client #1 stated the Personal Care Attendant (PCA) brought her medications to her at 7 a.m. and 8 p.m. daily.

The September 1, 2009, service agreement for client #1 included only PCA Services. It did not include a description of the PCA services, central storage of medications, medication set up, assistance with medication administration, medication administration or medication reminders; in addition it did not include the frequency of the services, the fees for the services, the person who was to provide the services, the identification of the persons who were to provide supervision; a plan for contingency action that included the method for a client or responsible person to contact a representative of the licensee whenever staff were providing services; who to contact in case of an emergency or significant adverse change in the client's condition; the method for the licensee to contact a responsible person of the client, if any; or the circumstances in which emergency medical services were not to be summoned.

When interviewed, December 1, 2009, the owner stated the fees for services were on the State of Minnesota Department of Human services MA Home Care Prior Authorization form and the responsible person to be notified in case of emergency was on the face sheet and he stated he was unaware the named items needed to be included on the service agreement.

**4. MN Rule 4668.0150 Subp. 3****INDICATOR OF COMPLIANCE: # 6**

Based on record review and interview the licensee failed to have written prescriber orders for medications for one of one client's (#1) record reviewed who received medication administration. The findings include:

When interviewed, December 1, 2009, client #1 stated employee A had given her four pain tablets on November 30, 2009, in the morning, prior to him leaving for the day. When interviewed, December 1, 2009, employee A verified he had given client A four tablets of acetaminophen for pain when she had requested them. He stated he would ask her how many she wanted and would give her what she requested, depending on her pain. Client # 1's record lacked a prescriber order for acetaminophen.

When interviewed by phone, December 3, 2009, the registered nurse (RN) stated she was unaware that employee A was administering the acetaminophen to client #1. When interviewed by phone, December 3, 2009, the owner stated he was unaware employee A was providing assistance with medication administration and he verified there was not a prescriber order for the acetaminophen.

**5. MN Rule 4668.0160 Subp. 6****INDICATOR OF COMPLIANCE: # 4**

Based on record review and interview the licensee failed to have a complete record for one of one client's (#1) record reviewed. The findings include:

Client #1's record contained Medication Administration Records (MAR) for September, October, November and December, 2009. The September and October 1-28, 2009 MAR contained initials of the registered nurse (RN), who indicated on the nursing supervisory record that the medications had been set-up by him. The November 2009 MAR was blank.

When interviewed, December 1, 2009, the owner stated the registered nurse (RN) set-up the medications in daily dose boxes and the Personal Care Attendant (PCA) provided medication reminders for the client to take the medications. There was no evidence in client #1's record of medication set up by the registered nurse.

When interviewed, December 3, 2009, the RN stated she did not document the set-up of the medications on the MAR, as she had not provided assistance with administration of the med.

**6. MN Statute §144A.441****INDICATOR OF COMPLIANCE: # 2**

Based on record review and interview the licensee failed to provide the assisted living version of the Minnesota Home Care Bill of Rights to one of one client's (#1) record reviewed who was an assisted living client. The findings include:

Client #1 began receiving services from the licensee at housing with services (HWS) site A on September 1, 2009, and was given a copy of the Minnesota Home Care Bill of Rights (BOR), that lacked the assisted living content. Housing with services site A disclosed on their HWS registration that they intended to use the term assisted living to describe their services and used the licensee as their arranged provider of home care. The advertising card for the licensee indicated they provided assisted living.

When interviewed, December 1, 2009, the owner confirmed the client had not received the assisted living version of the Bill of Rights as he had not been aware there was a specific bill of rights for assisted living clients.

**7. MN Statute §626.557 Subd. 14(b)****INDICATOR OF COMPLIANCE: # 3**

Based on record review and interview, the licensee failed to ensure that an individual abuse prevention plan was developed for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee on September 1, 2009. There was no individual abuse prevention plan for the client.



When interviewed by phone, December 3, 2009, the owner stated that the client's record contained a vulnerable adult policy; however, he acknowledged there wasn't an individual abuse prevention plan.

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A draft copy of this completed form was faxed to Charlie Oribamise before an exit teleconference on December 8, 2009. 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 A Licensed-only Home Care Provider general information is available by going to the following web address and clicking on the Class A 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*

Certified Mail # 7008 1830 0003 8091 1126

August 6, 2009

Charlie Oribamise, Administrator  
Care For Me Nursing Services I  
2147 University Avenue W STE 209  
St Paul, MN 55114

Re: Results of State Licensing Survey

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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,

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Jean Johnston, Program Manager  
Case Mix Review Program

Enclosures

cc: Ramsey County Social Services  
Ron Drude, Minnesota Department of Human Services  
Sherilyn Moe, Office of the Ombudsman  
Deb Peterson, Office of the Attorney General

01/07 CMR3199



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Name of Class A Licensee: CARE FOR ME NURSING SERVICES I

HFID #: 24856

Date(s) of Survey: June 2 and 3, 2009

Project #: QL24856003

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Indicators of Compliance	Outcomes Observed	Comments
<p>2. The provider promotes client rights.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0030</li> <li>• MN Statute §144A.44</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0040</li> <li>• MN Rule 4668.0170</li> </ul>	<ul style="list-style-type: none"> <li>• Clients’ are aware of and have their rights honored.</li> <li>• Clients’ are informed of and afforded the right to file a complaint.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met</p> <p><u>X</u> Correction Order(s) issued</p> <p><u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>3. The provider promotes and protects each client’s safety, property, and well-being.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Statutes §144A.46 Subd. 5(b)</li> <li>• MN Statute §626.556</li> <li>• MN Statutes §626.557</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0035</li> </ul>	<ul style="list-style-type: none"> <li>• Client’s person, finances and property are safe and secure.</li> <li>• All criminal background checks are performed as required.</li> <li>• Clients are free from maltreatment.</li> <li>• There is a system for reporting and investigating any incidents of maltreatment.</li> <li>• Maltreatment assessments and prevention plans are accurate and current.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met</p> <p><u>X</u> Correction Order(s) issued</p> <p><u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Follow-up Survey #</b> ___</p> <p>___ New Correction Order issued</p> <p>___ Education Provided</p>
<p>4. The provider maintains and protects client records.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0160</li> </ul> <p><b>Expanded Survey</b></p> <p>[Note: See Informational Bulletin 99-11 for Class A variance for Electronically Transmitted Orders.</p>	<ul style="list-style-type: none"> <li>• <b>Client records are maintained and retained securely.</b></li> <li>• <b>Client records contain all required documentation.</b></li> <li>• Client information is released only to appropriate parties.</li> <li>• Discharge summaries are available upon request.</li> </ul>	<p><b>Focus Survey</b></p> <p><u>X</u> Met</p> <p>___ Correction Order(s) issued</p> <p>___ Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded</p> <p>___ Met</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>Non-compliance with this variance will result in a correction order issued under 4668.0016.]</p>		<p>___ Correction Order(s) issued ___ Education Provided <b>Follow-up Survey #</b> ___ ___ New Correction Order issued ___ Education Provided</p>
<p>5. The provider employs and/or contracts with qualified and trained staff.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0100</li> <li>• [Except Subp. 2]</li> <li>• MN Rule 4668.0065</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0060 Subp. 1</li> <li>• MN Rule 4668.0070</li> <li>• MN Rule 4668.0075</li> <li>• MN Rule 4668.0080</li> <li>• MN Rule 4668.0130</li> <li>• MN Statute §144A.45 Subd. 5</li> </ul> <p>[Note: See Informational Bulletin 99-7 for Class A variance in a Housing With Services Setting. Non-compliance with this variance will result in a correction order issued under 4668.0016.]</p>	<ul style="list-style-type: none"> <li>• Staff, employed or contracted, have received all the required training.</li> <li>• Staff, employed or contracted, meet the Tuberculosis and all other infection control guidelines.</li> <li>• Personnel records are maintained and retained.</li> <li>• Licensee and all staff have received the required Orientation to Home Care.</li> <li>• Staff, employed or contracted, are registered and licensed as required by law.</li> <li>• Documentation of medication administration procedures are available.</li> <li>• Supervision is provided as required.</li> </ul>	<p><b>Focus Survey</b></p> <p>___ Met <u>X</u> Correction Order(s) issued <u>X</u> Education Provided</p> <p><b>Expanded Survey</b></p> <p><u>X</u> Survey not Expanded ___ Met ___ Correction Order(s) issued ___ Education Provided</p> <p><b>Follow-up Survey #</b> ___ ___ New Correction Order issued ___ Education Provided</p>
<p>6. The provider obtains and keeps current all medication and treatment orders [if applicable].</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0150</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0100 Subp. 2</li> </ul> <p>[Note: See Informational Bulletin 99-7 and 04-12 for Class A variance in a Housing With Services setting with regards to medication administration, storage</p>	<ul style="list-style-type: none"> <li>• Medications and treatments administered are ordered by a prescriber.</li> <li>• Medications are properly labeled.</li> <li>• Medications and treatments are administered as prescribed.</li> <li>• Medications and treatments administered are documented.</li> <li>• Medications and treatments are renewed at least every three months.</li> </ul>	<p><b>Focus Survey <u>**Not Providing Assist with Self-Admin. of meds or Med Administration-Not evaluated.</u></b></p> <p>___ Met ___ Correction Order(s) issued ___ Education Provided</p> <p><b>Expanded Survey</b></p> <p>___ Survey not Expanded ___ Met ___ Correction Order(s) issued</p>

Indicators of Compliance	Outcomes Observed	Comments
<p>and disposition. Non-compliance with this variance will result in a correction order issued under 4668.0016.]</p>		<p>___ Education Provided  <b>Follow-up Survey #</b> ___            ___ New Correction Order issued            ___ Education Provided</p>
<p>7. The provider is licensed and provides services in accordance with the license.</p> <p><b>Focus Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0019</li> </ul> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0008 Subp. 3</li> <li>• MN Rule 4668.0012</li> <li>• MN Rule 4668.0060 Subp. 2 and 6</li> <li>• MN Rule 4668.0180</li> <li>• MN Rule 4668.0220</li> </ul> <p><small>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.</small></p>	<ul style="list-style-type: none"> <li>• Language requiring compliance with Home Care statutes and rules is included in contracts for contracted services.</li> <li>• License is obtained, displayed, and renewed.</li> <li>• Licensee’s advertisements accurately reflect services available.</li> <li>• Licensee provides services within the scope of the license.</li> <li>• Licensee has a contact person available when a para-professional is working.</li> </ul>	<p><b>Focus Survey</b></p> <p><input checked="" type="checkbox"/> Met            ___ Correction Order(s) issued            ___ Education Provided</p> <p><b>Expanded Survey</b></p> <p><input checked="" type="checkbox"/> Survey not Expanded            ___ Met            ___ Correction Order(s) issued            ___ Education Provided</p> <p><b>Follow-up Survey #</b> ___            ___ New Correction Order issued            ___ Education Provided</p>
<p>8. The provider is in compliance with MDH waivers and variances.</p> <p><b>Expanded Survey</b></p> <ul style="list-style-type: none"> <li>• MN Rule 4668.0016</li> </ul>	<ul style="list-style-type: none"> <li>• Licensee provides services within the scope of applicable MDH waivers and variances</li> </ul>	<p><i>This area does not apply to a Focus Survey.</i></p> <p><b>Expanded Survey</b></p> <p><input checked="" type="checkbox"/> Survey not Expanded            ___ Met            ___ Correction Order(s) issued  <input checked="" type="checkbox"/> Education Provided</p> <p><b>Follow-up Survey #</b> ___            ___ New Correction Order issued            ___ 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 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. 3****INDICATOR OF COMPLIANCE: # 2**

Based on record review and interview, the licensee failed to ensure the Minnesota Home Care Bill of Rights was provided on or before the start of care for one of one client (#1) records reviewed. The findings include:

Client #1 began receiving services from the licensee on January 7, 2008. The client signed as having received the MN Home Care Bill of Rights on September 19, 2008.

When interviewed June 2, 2009, the administrator confirmed client #1 did not receive the bill of rights at the time or before services were initiated.

**2. MN Rule 4668.0030 Subp. 4****INDICATOR OF COMPLIANCE: # 2**

Based on record review and interview, the licensee failed to ensure that in addition to the Minnesota Home Care Bill of Rights clients were given the addresses and phone numbers of state agencies to contact to file a complaint for one of one client (#1) record reviewed. The findings include:

Client #1 received a copy of the Minnesota Home Care Bill of Rights on September 19, 2009, which did not include the address and telephone number of the Office of Health Facility Complaints, and had the incorrect address and telephone number of the office of the ombudsman.

When interviewed June 2, 2009, the administrator confirmed the home care bill of rights that he gave to clients did not include the address and telephone number of the Office of Health Facility Complaints, and had the incorrect address and telephone number of the office of the ombudsman. The administrator stated he was not aware of the address/phone number change of the office of the ombudsman.

**3. MN Rule 4668.0040 Subp. 2****INDICATOR OF COMPLIANCE: # 2**

Based on record review and interview, the licensee failed to ensure clients received a copy of the agency's written complaint procedure. The findings include:

The agency had a complaint procedure for clients to follow if they had a complaint about the care they received. There was no evidence that the complaint procedure was given to clients.

When interviewed June 2, 2009, the administrator confirmed the clients did not receive a copy of the agency's complaint procedure.

**4. MN Rule 4668.0065 Subp. 3****INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to ensure annual infection control in-service training was provided for one of one employee's (D) record reviewed, who was employed greater than twelve months. The findings include:

Employee D was hired January 9, 2008, as a direct caregiver. His record did not include evidence of infection control training.

When interviewed June 2, 2009, the administrator stated the agency encouraged infection control practices at supervisory visits, but confirmed that there was no evidence that employee D received infection control training on an annual basis.

**5. MN Rule 4668.0070 Subp. 3****INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to maintain a job description for three of three employees' (B, C and D) records reviewed. The findings include:

Employee B, began providing services to clients June 12, 2008 as a licensed care staff. There was no job description for employee B.

Employees C and D, unlicensed direct care givers, began providing services to clients December 19, 2008, and January 9, 2008 respectively. There were no job descriptions for employee C and D.

When interviewed June 2, 2009, the administrator confirmed that he had not developed job descriptions for the licensed or unlicensed direct care givers.

**6. MN Rule 4668.0075 Subp. 1****INDICATOR OF COMPLIANCE: # 5**

Based on record review and interviews, the licensee failed to ensure that employees received orientation to home care requirements before providing home care services to clients for three of three employees' (B, C and D) records reviewed. The findings include:

Employees B, C and D were hired to provide supervision of direct care staff and/or provide direct care on June 12, 2008, December 19, 2008 and January 9, 2008 respectively. There was no evidence that employees B, C and D received orientation to home care requirements.

When interviewed June 2, 2009, the administrator stated that upon hire, all employees watched a video titled, "The Federal Nursing Home Survey Process, The Role of the Nursing Assistant." The administrator stated he thought the video would meet the orientation requirements. The administrator confirmed employees B, C and D did not receive orientation that included an overview of the rule and



statutes for home care, handling emergencies, reporting maltreatment of minors and vulnerable adults, the home care bill of rights, handling client complaints, and the services of the ombudsman.

### **7. MN Rule 4668.0100 Subp. 5**

#### **INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to ensure that unlicensed employees who performed home health aide tasks, successfully completed training and/or demonstrated competency in all the required topics, for two of two unlicensed employee records' (C and D) reviewed. The findings include:

Employees C and D were hired December 19, 2008 and January 9, 2008, respectively, as unlicensed direct care employees. There was no evidence employee C or D were trained and/or competency tested in observing, reporting, and documenting client status and care; basic infection control; maintenance of a clean, safe and healthy environment; medication reminders; appropriate and safe techniques in personal hygiene, grooming, bathing, skin care, care of the teeth and gums, care of prosthetic devices and assistance with toileting; adequate nutrition and fluid intake; communication skills; reading and recording TPR (temperature, pulse, respiration); basic elements of body functioning and changes that must be reported to health care professionals, recognition and handling of emergencies; physical, emotional and developmental needs of clients and ways to work with clients who have problems in these areas; and safe transfer and ambulation techniques, and range of motion and positioning.

When interviewed June 2, 2009, the administrator stated he was unaware that the unlicensed employees were required to complete the aforementioned training and/or competency.

### **8. MN Rule 4668.0100 Subp. 6**

#### **INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to ensure that unlicensed personnel who performed home health aide tasks, received eight hours of in-service training for each twelve months of employment for one of one employee (D) record reviewed who was employed greater than twelve months. The findings include:

Employee D began providing personal cares to clients January 9, 2008. There was no evidence of any in-service training in the employee's records.

When interviewed June 2, 2009, the administrator stated learning packets had been developed for the employees to review when they came to the office to pick up their paycheck to meet the eight hours of in-service training for each twelve months of employment. The administrator stated he could not locate the folder with the learning packets that employee D had completed during the past year. The administrator confirmed there was no evidence that employee D completed any in-service training since he was hired.

**9. MN Rule 4668.0100 Subp. 8****INDICATOR OF COMPLIANCE: # 5**

Based on record review and interview, the licensee failed to ensure that a registered nurse (RN) oriented unlicensed employees to each client and to the tasks to be performed prior to providing services for one of one client (#1) record reviewed. The findings include:

Employees C and D began providing personal care services to client #1 in January of 2008. The client's plan of care indicated that it was developed by the RN September, 19, 2008. The unlicensed staff were oriented to the client's care September 19, 2008.

When interviewed June 3, 2009, the administrator stated that he did not have an RN prior to hiring employee B on June 12, 2008. The administrator confirmed employees C and D had not been oriented to client #1's care by a RN until September 19, 2008.

When interviewed June 3, 2009, the RN confirmed he oriented employees C and D to client #1's care on September 19, 2008.

**10. MN Rule 4668.0100 Subp. 9****INDICATOR OF COMPLIANCE: # 1**

Based on record review and interview, the licensee failed to ensure the registered nurse (RN) supervised and/or the licensed practical nurse (LPN) monitored unlicensed staff that performed services that required supervision for one of one client (#1) record reviewed. The findings include:

Client #1 began receiving services January 7, 2008. Employee D's "activity" documentation for client #1 since January 2008 indicated that the unlicensed staff assisted the client with dressing, grooming, bathing and toileting on a daily basis. There was no supervisory or monitoring visit by a RN/LPN within fourteen days after services were initiated. The first supervisory visit documented by the RN was dated October 21, 2008. The next RN supervisory visit was not until February 2, 2009. There were no LPN monitoring visits documented.

When interviewed June 2 and 3, 2009, the administrator confirmed the lack of RN supervisory visits. The administrator stated his policy was to have an RN conduct the visits, but he did not have an RN until June of 2008.

**11. MN Rule 4668.0140 Subp. 1****INDICATOR OF COMPLIANCE: # 1**

Based on record review and interview, the licensee failed to ensure that a written service agreement was entered into with the client or the client's responsible person for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving care from the licensee January 7, 2008. There was no written service agreement with the client or the client's responsible person.

When interviewed June 2, 2009, the administrator stated he thought the State of Minnesota's Home Care Prior Authorization form which listed the number of units authorized for payment of each service would meet the service agreement requirement.

**12. MN Statute §144A.46 Subd. 5(b)**

**INDICATOR OF COMPLIANCE: # 3**

Based on record review and interview, the licensee failed to ensure that a background study was submitted for one of three employee (B) records reviewed. The findings include:

Employee B began providing direct client contact services for the licensee June 12, 2008. There was no background study in employee B's record.

When interviewed June 2, 2009, the administrator confirmed that employee B had not had a background study submitted, stating that it must have been overlooked.

**13. MN Statute §626.557 Subd. 14(b)**

**INDICATOR OF COMPLIANCE: # 3**

Based on record review and interview, the licensee failed to ensure that an individual abuse prevention plan was developed for one of one client (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee January 7, 2008. There was no individual abuse prevention plan for the client.

When interviewed June 2, 2009, the administrator confirmed an individual abuse prevention plan had not been developed for client #1.

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A draft copy of this completed form was left with Charles Oribamise at an exit conference on June 3, 2009. 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 A Licensed-only Home Care Provider general information is available by going to the following web address and clicking on the Class A 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).