



*Protecting, Maintaining and Improving the Health of Minnesotans*

Certified Mail # 7008 2810 0001 2257 4025

January 13, 2010

Adenike Ogunrinde, Administrator  
Triple Angels Healthcare Compa  
7957 80<sup>th</sup> Street South  
Cottage Grove, MN 55016

Re: Results of State Licensing Survey

Dear Ms. Ogunrinde:

The above agency was surveyed on December 15, 16 and 17, 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.

Jean Johnston, Program Manager  
Case Mix Review Program

Enclosures

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

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>  
*An equal opportunity employer*



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: TRIPLE ANGELS HEALTHCARE COMPA

HFID #: 25203

Date(s) of Survey: December 15, 16 and 17, 2009

Project #: QL25203004

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><input checked="" type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input 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>
<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><input checked="" type="checkbox"/> Met</p> <p><input type="checkbox"/> Correction Order(s) issued</p> <p><input 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>
<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><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>

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 4668.0070 Subp. 2****INDICATOR OF COMPLIANCE: # 5**

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

Employee B was hired October 12, 2009. Employee B provided medication administration to client #1. There was no evidence in employee B's record of medication administration training/competency by the registered nurse (RN).

When interviewed December 15, 2009, employee B stated the RN trained her on how to administer client #1's medications. Employee B stated she did a return demonstration to the RN of her ability to perform the procedure.

When interviewed December 16, 2009, the RN confirmed she trained and competency tested employee B in medication administration, but stated she did not document the training and competency testing.

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

Based on interview and record review, the licensee failed to develop a job description for one of one licensed employee (A) record reviewed. The findings include:

Employee A, the registered nurse (RN)/administrator/owner, began working with clients December 2008. There was a job description in her personnel file titled, "Senior RN Coordinator." The job functions indicated the position was a supervisory position within (name of a nursing home) that performed the RAI (Resident Assessment Instrument) process for the nursing department and coordinated IDT (Interdisciplinary Team) participation. The job description described duties of a nursing home nurse who conducted MDS (Minimum Data Set) assessments.

When interviewed December 16, 2009 the RN confirmed the job description was for her other job as a MDS nurse in a nursing home. The RN acknowledged that she had not developed a job description for her duties as the RN of the home care agency.

**3. MN Rule 4668.0075 Subp. 2****INDICATOR OF COMPLIANCE: # 5**

Based on interview and record review, the licensee failed to ensure that each employee received orientation to home care requirements before providing home care services to clients for two of two employees' (A and B) records reviewed. The findings include:

Employees A and B were hired on December 4, 2008, and October 12, 2009, respectively to supervise and/or provide direct care to clients. Employees A's and Bs' orientation documents did not include an overview of the home care rules and statutes, handling of emergencies and use of emergency services,

reporting maltreatment of vulnerable adults, the home care bill of rights, handling and reporting clients' complaints, and the services of the ombudsman.

When interviewed December 16, 2009, the registered nurse (RN) stated that she reviewed two compact discs with the staff upon hire. The CDs were copied and did not have any identification on them and there were no documents available to review related to the content of the CDs.

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

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

Based on interview and record review, the licensee failed to ensure that unlicensed employees who performed home health aide tasks, successfully demonstrated competency in all the required topics, for one of one unlicensed employee's (B) record reviewed. The findings include:

Employee B was hired October 12, 2009, as an unlicensed staff person who provided direct care to clients. Employee B's records lacked evidence that a practical skills test was completed by the registered nurse (RN) in medication reminders; appropriate and safe techniques in personal hygiene and grooming; including bathing and skin care; the care of teeth, gums, and oral prosthetic devices and assisting with toileting; reading and recording temperature, pulse and respiration; safe transfer techniques and ambulation; and range of motion and positioning.

When interviewed December 16, 2009, the RN confirmed the lack of a practical skills test in the required topics.

#### **5. MN Rule 4668.0100 Subp. 9**

##### **INDICATOR OF COMPLIANCE: # 1**

Based on interview and record review, the licensee failed to ensure that a registered nurse (RN) supervised unlicensed personnel who performed services that required supervision every fourteen days for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee on October 1, 2009, which included medication administration by unlicensed staff up to three times a day since admission. The first supervisory visit documented was dated October 30, 2009, with subsequent visits dated November 3, 2009, and November 24, 2009.

When interviewed December 16, 2009, the RN confirmed the supervisory visits of the unlicensed staff were not timely.

#### **6. MN Rule 4668.0140 Subp. 2**

##### **INDICATOR OF COMPLIANCE: # 1**

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

Client #1 began receiving assistance with personal care, medication set-ups and medication administration on October 1, 2009. Client #1's service agreement dated October 1, 2009, did not include that the client received medication set-ups by the registered nurse on a weekly basis, nor did it include that the client received assistance with medication administration by unlicensed staff up to three times a day. The services that were listed on the service agreement did not identify who the persons or categories of persons were who would provide the services, nor did it include the frequency of supervision of the unlicensed staff. The service agreement had a space for a contingency plan if essential services were unable to be completed, which was blank.

When interviewed December 15, 2009, the registered nurse (RN) confirmed the service agreement was not complete for client #1.

### **7. MN Rule 4668.0150 Subp. 3**

#### **INDICATOR OF COMPLIANCE: # 6**

Based on interview and record review, the licensee failed to ensure that all orders for medications were dated and signed by the prescriber for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving medication administration from the licensee on October 1, 2009, which included fourteen medications such as, Risperdal, Benadryl, Trazodone, Depakote, Abilify and Keppra. There were no dated and signed prescriber's orders for these medications until October 9, 2009. A note dated October 7, 2009, indicated the client was administered Tylenol 500 milligrams because of complaints of pain. There was no prescriber's order for this medication until October 9, 2009.

When interviewed December 15, 2009, the RN confirmed client #1 was administered medications before prescriber's orders were obtained.

### **8. MN Rule 4668.0160 Subp. 6**

#### **INDICATOR OF COMPLIANCE: # 4**

Based on interview and record review, the licensee failed to ensure that notes summarizing each contact with the client were included in the record for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee on October 1, 2009. The client received services such as assistance with bathing, assistance with meals, laundry and housekeeping and medication administration. There was no documentation in the client's record when these services were completed.

When interviewed December 16, 2009, the registered nurse (RN) confirmed notes summarizing each contact with the client were not in the client's record.



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A draft copy of this completed form was left with Adenike Ogunrinde, Owner, at an exit conference on December 17, 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 1195

August 19, 2009

Adenike Ogunrinde, Administrator  
Triple Angels Healthcare Compa  
7957 80<sup>th</sup> St South  
Cottage Grove, MN 55016

Re: Results of State Licensing Survey

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

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  
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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>___ 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  <input checked="" type="checkbox"/> Correction Order(s) issued  <input checked="" type="checkbox"/> 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>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  <input checked="" type="checkbox"/> Correction Order(s) issued  <input checked="" type="checkbox"/> 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</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><input checked="" type="checkbox"/> 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 4668.0030 Subp. 2****INDICATOR OF COMPLIANCE: # 2**

Based on interview and record review, the licensee failed to provide the Minnesota Home Care Bill of Rights to one of one client (#1) records reviewed. The findings include:

Client #1 began receiving services from the licensee May 2009. There was no evidence that client #1 had received a copy of the Minnesota Home Care Bill of Rights.

When interviewed June 5, 2009, the registered nurse (RN) confirmed that she had not given client #1 a copy of the Minnesota Home Care Bill of Rights. The RN stated she did not have a copy of the bill of rights to give him.

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

Based on interview and record review, the licensee failed to ensure that in addition to the Minnesota Home Care Bill of Rights, clients were given the required information to make a complaint about the agency or the person providing home care services for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the agency on May 2009. There was no evidence that the client received information about making a complaint with the Office of Health Facility Complaints at the Minnesota Department of Health and the Office of the Ombudsman.

When interviewed June 5, 2009, the registered nurse confirmed client #1 do not receive the information about making a complaint to the Office of Health Facility Complaints, and Office of the Ombudsman.

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

Based on interview and record review the licensee failed to provide clients with a notice related to the agency's procedure for making a complaint for one of one client's (#1) record reviewed. The findings include:

The agency had a procedure for complaints titled, "Complaint and Appeal." The procedure did not include the right to complain to the Minnesota Department of Health, Office of Health Facility

Complaints, nor did it include a statement that the provider would in no way retaliate because of a complaint.

When interviewed June 5, 2009, the registered nurse (RN) confirmed the agency's complaint procedure did not include the right to complain to the Office of Health Facility Complaints, and that the provider would not retaliate because of a complaint. When questioned as to whether or not client #1 received a

copy of the complaint procedure, the RN stated that she had not given the client a copy of the agency's complaint procedure.

#### **4. MN Rule 4668.0070 Subp. 2**

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

Based on interview and record review, the licensee failed to ensure that training records were complete for two of two unlicensed employee (B and C) records reviewed. The findings include:

Employees B and C were hired December 2008, and May 2009, respectively. Employees B and C provided medication administration to client #1. There was no evidence in their records of medication administration training by the registered nurse (RN).

When interviewed June 5, 2009, employee C stated the RN trained her on how to administer client #1's medications. Employee C stated she did a return demonstration to the RN of her ability to perform the procedure.

When interviewed June 5, 2009, the RN confirmed she trained employees B and C in medication administration, but stated she did not document the training and competency testing.

#### **5. MN Rule 4668.0070 Subp. 3**

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

Based on interview and record review, the licensee failed to develop a job description for one of one licensed employee (A) record reviewed. The findings include

Employee A, a licensed direct care staff, began working with clients May 2009. There was no job description available for review for the licensed direct care staff.

When interviewed June 5, 2009, the owner stated it hadn't occurred to her to write a job description for licensed direct care staff.

#### **6. MN Rule 4668.0075 Subp. 1**

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

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

Employees A, B and C were hired to supervise and/or provide direct care to clients on December 4, 2008, December 2008 and May 2009. There was no evidence of orientation to the home care requirements in their records.

When interviewed June 5, 2009, the registered nurse (RN) stated that she reviewed a video with the staff titled, "Class F Policies and Procedures," reviewed a document about psychotropic medications and



monitoring, and reviewed a booklet describing the process of applying for the nursing assistant skills test. The RN stated she thought the documents and video would meet this requirement. The RN confirmed that she had not reviewed with the staff an overview of the Class A rules and statutes, handling emergencies, reporting maltreatment of vulnerable adults, the home care bill of rights, handling complaints of clients, and the services of the ombudsman.

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

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

Based on interview and record review, 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 (B and C) records' reviewed. The findings include:

Employees B and C were hired December 2008 and May 2009, respectively, as unlicensed employees who provided direct care to clients. Employees B and Cs' records lacked evidence that they 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 5, 2009, the registered nurse stated he was unaware that the unlicensed employees were required to complete the aforementioned training and/or competency.

#### **8. MN Rule 4668.0100 Subp. 9**

##### **INDICATOR OF COMPLIANCE: # 1**

Based on interview and record review, the licensee failed to ensure that a registered nurse (RN) supervised unlicensed personnel who performed services that required supervision for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee on May 2009, which included medication administration by unlicensed staff up to three times a day since admission. There was not a supervisory visit fourteen days after the initiation of home health aide tasks in the client's record.

When interviewed June 5, 2009, the RN confirmed she had not completed a supervisory visit of the unlicensed staff who performed medication administration to client #1. The RN stated she was not aware this was a requirement.

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

Based on interview and record review, 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 assistance with personal care and medication administration on May 2009. There was no written service agreement with the client or the client's responsible person.

When interviewed June 5, 2009, the registered nurse (RN) confirmed client #1 did not have a service agreement. The RN stated she was in the process of developing a service agreement to be used for clients, but had not completed it.

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

Based on interview and record review, the licensee failed to ensure that all orders for medications were dated and signed by the prescriber for one of one client's (#1) record reviewed. The findings include:

Client #1 began receiving services from the licensee on May 2009. A progress note dated May 2009, indicated that client #1's son telephoned and stated that he had spoken to the client's physician and the physician stated the client should be started on Zyprexa. There was no prescriber's order dated and signed for the Zyprexa in the client's record.

When interviewed June 5, 2009, the registered nurse (RN) confirmed that client #1's son relayed to her that the client's physician wanted the client to start on the medication Zyprexa. The RN confirmed she did not obtain an order from the prescriber for this medication. The RN stated the client started receiving the Zyprexa May 2009.

**11. MN Rule 4668.0150 Subp. 5****INDICATOR OF COMPLIANCE: # 6**

Based on interview and record review, the licensee failed to ensure that upon receiving a verbal order from a prescriber, the order was forwarded to the prescriber for signature no later than seven days after receipt of the verbal order for one of one client's (#1) record reviewed. The findings include:

Client #1 had telephone orders dated May 2009 and May 2009, adjusting the client's Haldol dosages. There was no evidence that these orders were forwarded to the prescriber for signature as of June 5, 2009.

When interviewed June 5, 2009, the registered nurse (RN) confirmed that the May 23 and 25, 2009 telephone orders had not been forwarded to the prescriber for signature. The RN stated she was not aware of this requirement.

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

Based on interview and record review, the agency failed to maintain complete client records for one of one client's (#1) record reviewed. The findings include:

Client #1's medications were centrally stored. Client #1 received weekly medication administration set-ups by the registered nurse, and assistance with medication administration up to three times a day by unlicensed staff. There were no medication administration records that documented the medication administration set-ups and medication administration in the client's record. Client #1 had a prescriber's order dated May 2009, for Minitran patches two milligrams per hour. Put patch on at 8:00 a.m. and off at 8:00 p.m. There was no evidence that the Minitran patch was being administered, or documentation as to why it was not administered.

When interviewed June 5, 2009, the registered nurse (RN) confirmed there was no documentation of the weekly medication administration set-ups, and the assistance with medication administration. The RN stated she used a "Medication Profile," when she set up the client's medications, which listed the medication, dosage, time and route of administration, however there was no way to verify that each medication had been set-up and administered. The RN stated client #1's Minitran patch had not been administered since the client was admitted May 2009. The RN stated the Minitran patch had not been administered because the client did not come with any patches when he was admitted.

**13. MN Statute §144A.44 Subd. 1(13)****INDICATOR OF COMPLIANCE: # 2**

Based on observation, interview and record review, the licensee failed to ensure that staff were competent to handle behavioral outbursts of a client in a safe manner for one of one client (#1) reviewed. The findings include:

Client #1 began receiving services from the licensee May 2009, in the licensee's housing with services establishment. The client was identified on a physician's progress note dated January 19, 2009, as having Alzheimer's Dementia with behavioral issues and extremely difficult short term memory deficits, with behavioral outbursts. The client had numerous behavioral outbursts since his admission to the facility that were potentially harmful to him. .

A progress note dated May 23, 2009, at 3:00 p.m., indicated that client #1 "stormed out of the facility with the hope that he would find somebody outside who will give him a ride to go see his wife at the hospital." The progress note indicated that staff followed the client outside and after a long discussion, was able to convince him to come back into the facility.

A progress note dated May 24, 2009; at 12:00 noon, indicated that a staff person took client #1 for a walk and the client refused to return to the facility. The registered nurse was contacted and spoke to the client, and the client continued to insist he would not go back to the facility. Documentation indicated the client started "screaming, yelling, tried stopping all the cars going on the street to give him a ride to go see his wife." Documentation indicated that after a "long period of pleading," the client would not

return to the facility, and 911 emergency was called. A police officer drove the client back to the facility.

A progress note dated May 26, 2009; at 6:00 a.m. indicated client #1 had a verbal outburst of “screaming on top of his voice.” Documentation indicated the client was screaming for approximately an hour.

A progress note dated May 27, 2009; at 7:00 a.m. indicated client #1 was “screaming and yelling, I want to go see my wife. Are we in America, this is not America”

A progress note dated May 29, 2009; at 7:30 a.m. indicated that client #1 finished eating breakfast, and began unlocking the front door of the facility. Staff approached the client and attempted to stop him from unlocking the door. Documentation indicated, “Client knocked staff down the stairs, pulled staff hair and punched staff on the chest, staff finger got cut by the door and bleed a lot. Res. (resident) was able to get outside as he overpowered staff. Stood by the main road and starting waving to q [every] car that pass by to stop and take him to his wife.” Documentation indicated the police were called and it took two police officers to assist the client back into the facility.

A progress note dated May 30, 2009, at 9:25 a.m. indicated client #1 came into the office “screaming” about not being able to see his wife. Documentation indicated, “He was screaming and yelling and after about 15 minutes of loud screaming, the phone rang and as luck will have it, it was res [resident] wife.”

A progress note dated June 1, 2009, at 8:00 a.m. indicated client #1 woke up requesting to see his wife. When told by staff that he saw his wife yesterday, the client became “very agitated and angry saying he wants to see her now. He started yelling and screaming at staff and said, if you were a man I would have punch you on your face.”

A progress note dated June 2, 2009; at 8:15 a.m. indicated client #1 was having breakfast and requested to talk to his wife or see her. Staff told the client that his wife should be calling soon.

Documentation indicated the client “started yelling and screaming on top of his voice. I am a prisoner here, I cannot see my wife. Is this America?” Documentation indicated the client’s outburst lasted for approximately forty minutes.

A progress note dated June 2, 2009; at 5:10 p.m. indicated client #1 began talking loudly regarding wanting to see his wife. The client received a telephone call from his son. After the son spoke with the client on the telephone, the client’s son spoke to staff and relayed his concern that in his conversation with client #1, the client stated he was going to go across the street and jump in front of a car because he was so angry that he could not see his wife when he wanted to.

When interviewed June 4, 2009, regarding what measures had been taken to train staff on how to handle the client’s behavioral outbursts and keep the client safe, the registered nurse (RN) stated that she had been in contact with the client’s physician, who had increased the client’s psychotropic medication. The RN stated that she had locks installed on the inside of the two entrance/exit doors of the facility on May 29, 2009. The RN stated the only way to open these doors and exit the facility would be to have a key, which the direct care staff carried with them while working. The RN stated that when the client was present in the facility, the exit doors were locked.

Observations on June 4, 2009, confirmed there were locks installed on the inside of the two exit doors of the facility which required a key to open the door to exit.

#### **14. MN Statute §144A.45 Subd. 5**

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

Based on interview and record review, the licensee failed to ensure direct care staff and supervisors were trained in dementia care for three of three employees' (A, B and C) records reviewed. The findings include:

When interviewed June 5, 2009, the registered nurse (RN) stated that the agency marketed itself as caring for clients with memory deficits and Alzheimer's disease.

Employees A, B and C were hired December 2008, December 2008 and May 2008, to supervise and/or provide direct care to clients. There was no evidence of training in Alzheimer's disease and related disorders, assistance with activities of daily living, problem solving with challenging behaviors and communication skills in employees A, B and C's records.

When interviewed June 5, 2009, the RN confirmed there was no dementia care training for employees A, B and C.

#### **15. MN Statute §626.557 Subd. 14(b)**

##### **INDICATOR OF COMPLIANCE: # 3**

Based on interview and record review, 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 May 2009. The client's progress notes since admission indicated the client had Alzheimer's dementia with behavioral outbursts, and was verbally and physically abusive when he was not allowed to visit his wife. There was no individual abuse prevention plan that included an individualized assessment of the client's susceptibility to abuse and the client's risk of abusing other vulnerable adults in his record.

When interviewed June 5, 2009, the registered nurse (RN) confirmed she had not developed an individual abuse prevention plan for client #1. The RN stated she was still "developing" it.

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A draft copy of this completed form was left with Adenike Ogunrinde, Registered Nurse/Owner, at an exit conference on June 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).