

Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7008 1830 0003 8091 1201

August 19, 2009

Thomas Schicke, Administrator Caring Professionals Homecare 961 Grand Avenue St Paul, MN 55105

Re: Results of State Licensing Survey

Dear Mr., Schicke:

The above agency was surveyed on June 23, 24, and 25, 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,

Jean M. Johnston

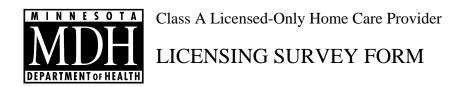
Jean Johnston, Program Manager Case Mix Review Program

Enclosures

cc: Hennepin and Ramsey 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



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: CARING PROFESSIONALS HOMECARE

HFID #: 25299	
Date(s) of Survey: June 23, 24 and 25, 2009	
Project #: QL25299003	

Indicators of Compliance	Outcomes Observed	Comments
 The provider accepts and retains clients for whom it can meet the needs. Focus Survey MN Rule 4668.0140 Expanded Survey MN Rule 4668.0050 MN Rule 4668.0060 Subp. 3, 4 and 5 MN Rule 4668.0180 Subp. 8 	 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. Service plans accurately describe the needs and services and contain all the required information. Services agreed to are provided Clients are provided referral assistance. 	Focus Survey Met XCorrection Order(s) issued XEducation Provided Expanded Survey XSurvey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey <u>#</u> New Correction Order issued Education Provided

Indicators of Compliance	Outcomes Observed	Comments
 2. The provider promotes client rights. Focus Survey MN Rule 4668.0030 MN Statute §144A.44 Expanded Survey MN Rule 4668.0040 MN Rule 4668.0170 3. The provider promotes and protects each client's safety, property, and well-being. Focus Survey MN Statutes §144A.46 Subd. 5(b) MN Statute §626.556 MN Statutes §626.557 Expanded Survey MN Rule 4668.0035 	 Clients' are aware of and have their rights honored. Clients' are informed of and afforded the right to file a complaint. Afforded the right to file a complaint. Client's person, finances and property are safe and secure. All criminal background checks are performed as required. Clients are free from maltreatment. There is a system for reporting and investigating any incidents of maltreatment. Maltreatment assessments and prevention plans are accurate and current. 	Focus Survey Met XCorrection Order(s) issued XEducation Provided Expanded Survey XSurvey not Expanded Met Correction Order(s) issued Correction Order(s) issued Correction Provided Follow-up Survey # New Correction Order issued Met XCorrection Order(s) issued XCorrection Order(s) issued XCorrection Order(s) issued XCorrection Order(s) issued XEducation Provided Expanded Survey XSurvey not Expanded Met XCorrection Order(s) issued XSurvey not Expanded Met Order Survey XSurvey not Expanded Met Order Survey XNew Correction Order(s) issued
 4. The provider maintains and protects client records. Focus Survey MN Rule 4668.0160 Expanded Survey [Note: See Informational Bulletin 99-11 for Class A variance for Electronically Transmitted Orders. 	 Client records are maintained and retained securely. Client records contain all required documentation. Client information is released only to appropriate parties. Discharge summaries are available upon request. 	Focus Survey X_Met Correction Order(s) issued Education Provided Expanded Survey X_Survey not Expanded Met

Indicators of Compliance	Outcomes Observed	Comments
Non-compliance with this variance will result in a correction order issued under 4668.0016.]		Correction Order(s) issued Education Provided Follow-up Survey <u>#</u> New Correction Order issued Education Provided
 5. The provider employs and/or contracts with qualified and trained staff. Focus Survey MN Rule 4668.0100 [Except Subp. 2] MN Rule 4668.0065 Expanded Survey MN Rule 4668.0060 Subp. 1 MN Rule 4668.0070 MN Rule 4668.0075 MN Rule 4668.0080 MN Rule 4668.0130 MN Rule 4668.0130 MN Statute §144A.45 Subd. 5 [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.] 	 Staff, employed or contracted, have received all the required training. Staff, employed or contracted, meet the Tuberculosis and all other infection control guidelines. Personnel records are maintained and retained. Licensee and all staff have received the required Orientation to Home Care. Staff, employed or contracted, are registered and licensed as required by law. Documentation of medication administration procedures are available. Supervision is provided as required. 	Focus Survey Met X Correction Order(s) issued X Education Provided Expanded Survey X Survey not Expanded Met Correction Order(s) issued Education Provided Follow-up Survey <u>#</u> New Correction Order issued Education Provided
 6. The provider obtains and keeps current all medication and treatment orders [if applicable]. Focus Survey MN Rule 4668.0150 Expanded Survey MN Rule 4668.0100 Subp. 2 [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 	 Medications and treatments administered are ordered by a prescriber. Medications are properly labeled. Medications and treatments are administered as prescribed. Medications and treatments administered are documented. Medications and treatments are renewed at least every three months. 	Focus Survey **Not Evaluated. Agency did not do assistance with medication administration or medication administration. Met Correction Order(s) issued Education Provided Expanded Survey Survey not Expanded Met Correction Order(s)

Indicators of Compliance	Outcomes Observed	Comments
and disposition. Non-compliance with this variance will result in a correction order issued under 4668.0016.]		issued Education Provided Follow-up Survey <u>#</u> New Correction Order issued Education Provided
 7. The provider is licensed and provides services in accordance with the license. Focus Survey MN Rule 4668.0019 Expanded Survey MN Rule 4668.0008 Subp. 3 MN Rule 4668.0012 MN Rule 4668.0060 Subp. 2 and 6 MN Rule 4668.0180 MN Rule 4668.0220 Note: MDH will make referrals to the Attorney General's office for violations of MN Statutes 144D or 325F.72; and make other referrals, as needed. 	 Language requiring compliance with Home Care statutes and rules is included in contracts for contracted services. License is obtained, displayed, and renewed. Licensee's advertisements accurately reflect services available. Licensee provides services within the scope of the license. Licensee has a contact person available when a para-professional is working. 	Focus Survey X Met Correction Order(s) issued Education Provided Expanded Survey X Survey not Expanded Met Orrection Order(s) issued Education Provided Follow-up Survey # New Correction Order issued Education Provided
 8. The provider is in compliance with MDH waivers and variances. Expanded Survey MN Rule 4668.0016 	• Licensee provides services within the scope of applicable MDH waivers and variances	This area does not apply to a Focus Survey. Expanded Survey X_Survey not Expanded Met Correction Order(s) issued X_Education Provided Follow-up Survey # New Correction Order issued Education Provided

<u>Please note</u>: Although the focus of the licensing survey is the regulations listed in the Indicators of Compliance boxes above, other rules and statutes may be cited depending on what system a provider has or fails to have in place and/or the severity of a violation. The findings, of the focused 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 4668.0040 Subp. 2

INDICATOR OF COMPLIANCE: #2

Based on interview and record review, the licensee failed to provide clients with a complete notice related to the procedure for making a complaint. The findings include:

The licensee's complaint procedure included in the Client Handbook titled "Grievance Procedures" did not include the right to complain to the Minnesota Department of Health, Office of Health Facility Complaints.

When interviewed June 23, 2009, the administrator confirmed the complaint procedure did not include that the client had the right to complain to the Minnesota Department of Health, Office of Health Facility Complaints.

2. MN Rule 4668.0065 Subp. 3

INDICATOR OF COMPLIANCE: #5

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

Employee B was hired to supervise direct care in March of 2008. Her record did not include evidence of infection control training.

When interviewed June 23, 2009, employee B stated she had infection control training at her other place of employment and acknowledged that she had not brought evidence of this training for the licensee's records.

When interviewed June 23, 2009, the administrator confirmed there was no record of infection control training for employee B since her date of hire.

3. MN Rule 4668.0075 Subp. 1

INDICATOR OF COMPLIANCE: #5

Based on interview and record review, the licensee failed to ensure that employees received orientation to home care requirements before providing home care services to clients for one of one unlicensed employee's (C) record reviewed. The findings include:

Employee C was hired to provide direct care August 14, 2008. Documentation in employee C's record indicated that she did not receive orientation to home care requirements until May 16, 2009.

When interviewed June 24, 2009, employee C confirmed she did not receive orientation to the home care requirements until May of 2009.

When interviewed June 23 2009, the administrator confirmed employee C did not receive an orientation to the home care requirements before providing home care services to clients.

4. MN Rule 4668.0075 Subp. 4

INDICATOR OF COMPLIANCE: #5

Based on interview and record review, the licensee failed to retain documentation that each employee had completed orientation to home care requirements for two of three employees' (A and B) records reviewed. The findings include:

Employees A and B were hired to provide supervision of direct care on October 31, 2008, and March 2008, respectively. There was no evidence employees A and B had received orientation to home care requirements in their records.

When interviewed June 23, 2009, the administrator stated that employee B assisted to develop the orientation, but confirmed there was no documentation that employees A and B received orientation to the home care requirements.

5. 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 competency in all the required topics, for one of one unlicensed employee's (C) record reviewed. The findings include:

Employee C was hired August 14, 2008, as an unlicensed direct care staff. Employee C's record lacked evidence she was trained and/or competency tested in the following topics: observing, reporting, and documenting client status and care; 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 23, 2009, the administrator confirmed employee C had not received the aforementioned training and/or competency testing.

6. MN Rule 4668.0100 Subp. 9

INDICATOR OF COMPLIANCE: #1

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

Client #1 began receiving services August 18, 2008, which included assistance with her activities of daily living. There was no supervisory visit by the RN within fourteen days after services were initiated. The first supervisory visit documented by the RN was dated October 23, 2008. Subsequent RN supervisory visits were documented on January 1, 2009 and March 20, 2009. There was no evidence of RN supervisory visits at the client's residence after March 20, 2009.

When interviewed June 23, 2009, the administrator confirmed the lack of a fourteen day supervisory visit after services were initiated and subsequent timely sixty day RN supervisory visits thereafter.

7. MN Rule 4668.0140 Subp. 2

INDICATOR OF COMPLIANCE: #1

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

Client #1 had a document dated August 11, 2008, titled, "Written Client Services Authorization" which was used by the licensee as the service agreement. This document did not include a description of the services to be provided, identification of the persons or categories of persons providing the services, the fees for the services, or the schedule or frequency of supervision and monitoring of the unlicensed staff.

When interviewed June 23, 2009, the administrator confirmed client #1's service agreement was not complete with the required content.

8. MN Statute §626.557 Subd. 14(b)

INDICATOR OF COMPLIANCE: #3

Based on interview and record review, the licensee failed to ensure that when areas of vulnerability were identified, that specific measures to be taken to minimize the risk of abuse to the client in that area were documented for one of one client's (#1) record reviewed. The findings include:

Client #1 had a form titled, "Vulnerable Adult Assessment" dated March 20, 2009, that identified the client as having the following areas of vulnerability; limited decision making ability; functional physical limitations; and not able to manage her own finances. There were no specific measures identified to assist in minimizing the risk of abuse in the identified vulnerable areas.

When interviewed June 23, 2009, the administrator confirmed that for the identified areas of vulnerability for client #1, there were no measures documented to assist in minimizing the risk of abuse to the client.

A draft copy of this completed form was left with <u>Flavianna Tesha</u>, <u>Director</u>, at an exit conference on <u>June 25, 2009</u>. 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: <u>http://www.revisor.leg.state.mn.us/stats</u> (for MN statutes) <u>http://www.revisor.leg.state.mn.us/arule/</u> (for MN Rules).



Protecting, Maintaining and Improving the Health of Minnesotans

June 19, 2008

Thomas Schicke, Administrator Caring Professionals Homecare HFID 25299 1921 University Ave W STE S290 St. Paul, MN 55104

Re: Telephone Interview

Dear Mr. Schicke

The information discussed during a telephone interview conducted by staff of the Minnesota Department of Health, Case Mix Review Program, on April 28, 2008, is summarized in the enclosed documents listed below:

<u>Telephone Interview and Education Assessment form</u> A summary of the items discussed during the phone interview and a listing of the education provided during the interview

Resource Sheet for Home Care Providers

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

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

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

Sincerely,

Jean M. Johnston

Jean Johnston, Program Manager Case Mix Review Program

Enclosure(s)

CMR TELEPHONE 03/08



Class A and Class F Home Care Telephone Interview and Education Assessment

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

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

Name of Home Care Licensee: CARING PROFESSIONALS HOMECARE

HFID #: 25299	Type of License: Class A Home Care
Date of Interview: April 28, 2008	

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



Interview Topic	Item Discussed	Education Provided
Home Care Bill of Rights	Bill of Rights given to clients	Current and appropriate version of home care bill of rights required
		Minnesota Dept. of Health web-site Basic Education Provided
Advertising	Advertising should reflect services provided	 Includes all forms of advertising MN Rule 4668.0019
	provided	Basic Education Provided
Unlicensed personnel (ULP) who provide direct care	Training needed for ULP to be qualified to provide direct care	 Initial training needed MN Rule 4668.0100 Subp. 5 (Class A)
	Ongoing education needed for unlicensed personnel	Competency testing required MN Rule 4668.0130 Subp.3 (Class A)
	personner	Inservice training MN Rule 4668.0100 Subp. 6 (Class A)
		 Ongoing infection control training needed MN Rule 4668.0065 Subp. 3
		Basic Education Provided
Unlicensed personnel (ULP) and medication administration	 Training required Insulin administration by unlicensed personnel 	Difference between medication administration and assistance with medication administration. MN Rule 4668.0003 Subp. 2a and Subp. 21a
		 Medication reminders – a visual or verbal cue only. MN Rule 4668.0003 Subp. 21b
		ULP limitations with insulin administration MN Rule 4668.0100 Subp. 3 (Class A)
		Prescriber orders required MN Rule 4668.0150 Subp. 3 (Class A)
		Basic Education Provided



Interview Topic	Item Discussed	Education Provided
Role of registered nurse (RN) and licensed practical nurse (LPN)	 Need to verify licenses of nurses RN does assessments LPN does monitoring 	 Difference between RN and LPN role MN Rule 4668.0180 Subp. 5 (Class A) and Minnesota Nurse Practice Act Points at which RN assessment is needed - Class F requirements RN assessment and change in condition MN Rule 4668.0100 Subp. 9 (Class A)
		Basic Education Provided
Supervision of unlicensed personnel (ULP)	Requirements for supervision and monitoring of unlicensed personnel	 RN supervision and LPN monitoring of unlicensed personnel Timing of supervision and monitoring MN Rule 4668.0100 Subp. 9 (Class A)
		Basic Education Provided
Service plan or agreement	 Contents of Service Plan or Agreement Person who prepares service plan 	 Differentiate between licensee service plan and county service plan Required components of service plan Need to review service plan Basic Education Provided MN Rule 4668.0140 (Class A)
Protection of health, safety and well being of clients	Background studies for all staff	 Background studies not transferable Only DHS background study accepted
of chemis	Assessment of vulnerability for all	MN Statute §144A.46 Subd. 5
	clients	 Plan to address identified vulnerabilities required MN Statute §626.557 Subd. 14b
		Basic Education Provided
Infection control	Tuberculosis screening prior to direct client contact	System for follow up on TB status after hire MN Rule 4668.0065 Subps. 1 & 2
		 Yearly infection control inservice required for all staff including nurses MN Rule 4668.0065 Subp. 3
		Basic Education Provided



Interview Topic	Item Discussed	Education Provided
Assisted Living	Arranged providers for assisted living required to follow 144G	 Uniform Consumer Information Guide must be given to all prospective clients MN Statute 144G.03 Subd. 2b9
		Basic Education Provided

The data used to complete this form was reviewed with <u>Matt Dewey, Marketting</u> during a telephone interview on <u>April 28, 2008</u>. A copy of this Telephone Interview and Education Assessment form will be sent to the licensee. Any questions about this Telephone Interview and Education Assessment form should be directed to the Minnesota Department of Health, (651) 201-4301. This form will be posted on the MDH web-site. Home care provider general information is available by going to the following web address and clicking on the appropriate home care provider link:

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

Statutes and rules can be viewed on the internet:

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

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

