

Protecting, Maintaining and Improving the Health of Minnesotans

Certified Mail # 7008 1830 0003 8091 0815

August 10, 2009

Kristine Nenovich, Administrator Senior Helpers 1500 McAndrews Road W STE 209 Burnsville, MN 55337

Re: Results of State Licensing Survey

Dear Ms. Nenovich:

The above agency was surveyed on May 6, 7, and 8, 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

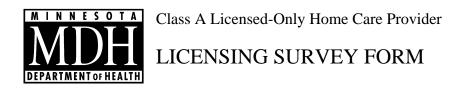
Jean Johnston, Program Manager Case Mix Review Program

Enclosures

cc: Dakota 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: SENIOR HELPERS

HFID #: 25457	
Dates of Survey: May 6, 7 and 8, 2009	
Project #: QL25457003	

Indicators of Compliance	Outcomes Observed	Comments
<ol> <li>The provider accepts and retains clients for whom it can meet the needs.</li> <li>Focus Survey         <ul> <li>MN Rule 4668.0140</li> </ul> </li> <li>Expanded Survey         <ul> <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> </li> </ol>	<ul> <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>	Focus Survey         X_Met        Correction Order(s)         issued        Education Provided         Expanded Survey         X_Survey not Expanded        Met        Correction Order(s)         issued        Education Provided         Follow-up Survey #

Indicators of Compliance	Outcomes Observed	Comments
<ul> <li>2. The provider promotes client rights.</li> <li>Focus Survey <ul> <li>MN Rule 4668.0030</li> <li>MN Statute §144A.44</li> </ul> </li> <li>Expanded Survey <ul> <li>MN Rule 4668.0040</li> <li>MN Rule 4668.0170</li> </ul> </li> </ul>	<ul> <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>	Focus Survey         X_Met        Correction Order(s)         issued        Education Provided         Expanded Survey         X_Survey not Expanded        Met        Correction Order(s)         issued        Education Provided         Follow-up Survey #        New Correction         Order issued        Education Provided
<ul> <li>3. The provider promotes and protects each client's safety, property, and well-being.</li> <li>Focus Survey <ul> <li>MN Statutes §144A.46 Subd. 5(b)</li> <li>MN Statute §626.556</li> <li>MN Statutes §626.557</li> </ul> </li> <li>Expanded Survey <ul> <li>MN Rule 4668.0035</li> </ul> </li> </ul>	<ul> <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>	Focus Survey         X       Met        Correction Order(s)         issued        Education Provided         Expanded Survey         X       Survey not Expanded        Met        Correction Order(s)         issued        Education Provided         Follow-up Survey         #        New Correction         Order issued        Education Provided
<ul> <li>4. The provider maintains and protects client records.</li> <li>Focus Survey <ul> <li>MN Rule 4668.0160</li> </ul> </li> <li>Expanded Survey <ul> <li>[Note: See Informational Bulletin 99-11 for Class A variance for Electronically Transmitted Orders.</li> </ul> </li> </ul>	<ul> <li>Client records are maintained and retained securely.</li> <li>Client records contain all required documentation.</li> <li>Client information is released only to appropriate parties.</li> <li>Discharge summaries are available upon request.</li> </ul>	Focus Survey         X_Met        Correction Order(s)         issued        Education Provided         Expanded Survey         X_Survey not Expanded        Met

Indicators of Compliance	<b>Outcomes Observed</b>	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
<ul> <li>5. The provider employs and/or contracts with qualified and trained staff.</li> <li>Focus Survey <ul> <li>MN Rule 4668.0100</li> <li>[Except Subp. 2]</li> <li>MN Rule 4668.0065</li> </ul> </li> <li>Expanded Survey <ul> <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 Rule 4668.0130</li> <li>MN Statute §144A.45 Subd. 5</li> </ul> </li> <li>[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.]</li> </ul>	<ul> <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>	Focus Survey         X       Met        Correction Order(s)         issued         X       Education Provided         Expanded Survey         X       Survey not Expanded        Met        Correction Order(s)         issued        Education Provided         Follow-up Survey #
<ul> <li>6. The provider obtains and keeps current all medication and treatment orders [if applicable].</li> <li>Focus Survey <ul> <li>MN Rule 4668.0150</li> </ul> </li> <li>Expanded Survey <ul> <li>MN Rule 4668.0100 Subp. 2</li> </ul> </li> <li>[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</li> </ul>	<ul> <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>	Focus Survey          Met         Correction Orders         issued         Education Provided         Expanded Survey         Survey not Expanded         X         Met         X         Correction Orders         issued         X         Het         X         Correction Orders         issued         X         Education Provided         Follow-up Survey        New Correction

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
<ul> <li>7. The provider is licensed and provides services in accordance with the license.</li> <li>Focus Survey <ul> <li>MN Rule 4668.0019</li> </ul> </li> <li>Expanded Survey <ul> <li>MN Rule 4668.0008 Subp. 3</li> </ul> </li> <li>MN Rule 4668.0060 Subp. 2 and 6</li> <li>MN Rule 4668.0180</li> <li>MN Rule 4668.0120</li> </ul> <li>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.</li>	<ul> <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>	Focus Survey         X       Met        Correction Order(s)         issued        Education Provided         Expanded Survey         X       Survey not Expanded        Met        Correction Order(s)         issued        Education Provided         Follow-up Survey #        New Correction         Order issued        Education Provided
<ul> <li>8. The provider is in compliance with MDH waivers and variances.</li> <li>Expanded Survey</li> <li>MN Rule 4668.0016</li> </ul>	• 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:**

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 and interview, the licensee failed to ensure that unlicensed personnel who administered medications to clients were competent to administer medications for one of one unlicensed employee (C) record reviewed. The findings include:

During the home visit for client #1 May 7, 2009, employee C was interviewed regarding the procedure she followed for administering medications to the client. Employee C stated she opened the medi-set container, put the medications on a small saucer and gave the saucer of medications to the client. She stated she also mixed two packets of potassium chloride in juice and gave the glass of juice to the client. When interviewed regarding her training for medication administration, employee C stated another home health aide instructed her on the procedure to follow to administer medications to the client. She also indicated there was a document titled, <u>Med Management Program</u>, which outlined the procedure to follow for administering medications to the client.

When interviewed May 7, 2009, the registered nurse stated she completed an orientation and skills testing for each newly hired home health aide, but this did not include medication administration. She verified she had not competency tested employee C for medication administration.

#### 2. MN Rule 4668.0150 Subp. 2

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

Based on observation, record review and interview, the licensee failed to ensure all medications administered were properly documented for one of one client's (#1) record reviewed. The findings include:

Client #1's physician orders dated April 13, 2009, ordered KCL (potassium chloride) 20 mEq twice daily, Metamucil 1 tablespoon every day and Tylenol 500 mg every 4 hours as needed for pain. The medication administration record (MAR) indicated two packets of KCL were being administered twice per day. Each packet of KCL contained 20 mEq, so the administration of two packets delivered double the physician ordered dose. The medication administration record indicated "one capsule" of Metamucil was administered daily. There were no capsules of Metamucil, but rather a container of powdered Metamucil. The mediset contained a tablet of Tylenol for each day in the morning set up of medications. The client's medications were set up by the nurse for a week at a time in a medi set container.

When interviewed May 7, 2009, the home health aide that administered medications the morning of May 7<sup>th</sup>, stated she gave two packets of KCL to the client, one teaspoon of Metamucil and the Tylenol which was already in the mediset container.

When interviewed May 7, 2009, the registered nurse stated she was not aware of the discrepancy in the KCL dose and the Metamucil. She stated she was setting up Tylenol daily for the client for pain control, even though the order was for PRN (as needed).

Client #1's April 17 and 18, 2009, medication administration record (MAR) lacked documentation the physician ordered Tylenol, Amlodipine, Lasix, Levothyroxine, Micardis, Senna, Klor-Con, Trazadone, Celexa and Vicodin were administered. Medications also were not documented as administered on April 19, 25, 26 and 29, 2009

When interviewed May 7, 2009, home health aide C stated she should have called the aide that worked those days informing her she failed to document the medications she had administered.

A draft copy of this completed form was faxed to <u>Kristine Nenovich, Owner</u>, prior to a telephone exit conference held on <u>May 8, 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

October 17, 2008

Kristine Nenovich, Administrator Senior Helpers 1500 McAndrews Road W STE 209 Burnsville, MN 55337

Re: Telephone Interview

Dear Ms. Nenovich:

The information discussed during a telephone interview conducted by staff of the Minnesota Department of Health, Case Mix Review Program, on September 16 and 17, 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: Senior Helpers

HFID #: 25451	Type of License: Class A Home Care	
Date of Interview: September 16 and September 17, 2008		

Interview Topic	Item Discussed	Education Provided
Access to information	Home Care Rules and Statutes	<ul> <li>Web address for Home Care Rules and Statutes was sent (MN Statute §144A and MN Rule 4668)</li> </ul>
		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)
	<ul> <li>Ongoing education needed for unlicensed personnel</li> </ul>	Competency testing required MN Rule 4668.0130 Subp.3 (Class A)
	personner	<ul><li>☑ Inservice training MN Rule 4668.0100 Subp. 6 (Class A)</li></ul>
		<ul> <li>Ongoing infection control training needed</li> <li>MN Rule 4668.0065 Subp. 3</li> </ul>
		Basic Education Provided
Unlicensed personnel (ULP) and medication administration	<ul> <li>Training required</li> <li>Insulin administration by unlicensed personnel</li> </ul>	Difference between medication administration and assistance with medication administration. MN Rule 4668.0003 Subp. 2a and Subp. 21a
		<ul> <li>Medication reminders – a visual or verbal cue only.</li> <li>MN Rule 4668.0003 Subp. 21b</li> </ul>
		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)	<ul> <li>Need to verify licenses of nurses</li> <li>RN does assessments</li> <li>LPN does monitoring</li> </ul>	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
		<ul> <li>RN assessment and change in condition</li> <li>MN Rule 4668.0100 Subp. 9 (Class A)</li> </ul>
		Basic Education Provided
Supervision of unlicensed personnel (ULP)	Requirements for supervision and monitoring of unlicensed personnel	<ul> <li>RN supervision and LPN monitoring of unlicensed personnel</li> <li>Timing of supervision and monitoring</li> </ul>
		MN Rule 4668.0100 Subp. 9 (Class A)
		Basic Education Provided
Service plan or agreement	<ul> <li>Contents of Service Plan or Agreement</li> <li>Person who prepares service plan</li> </ul>	<ul> <li>Differentiate between licensee service plan and county service plan</li> <li>Required components of service plan</li> <li>Need to review service plan</li> <li>Basic Education Provided</li> </ul>
		MN Rule 4668.0140 (Class A)
Protection of health, safety and well being of clients	Background studies for all staff	<ul> <li>Background studies not transferable</li> <li>Only DHS background study accepted</li> </ul>
of chefts	Assessment of	MN Statute §144A.46 Subd. 5
	vulnerability for all clients	<ul> <li>Plan to address identified</li> <li>vulnerabilities required</li> <li>MN Statute §626.557 Subd. 14b</li> </ul>
		Basic Education Provided



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

The data used to complete this form was reviewed with <u>Kristine Nenovich Administrator</u> during a telephone interview on <u>September 16 and September 17, 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

