

Office of Health Facility Complaints

Investigative Public Report

Maltreatment Report #: H0040025M

Date Concluded: April 27, 2022

Name, Address, and County of Licensee

Investigated:

University Medical Center Mesabi
750 East 34th Street
Hibbing, MN, 55746
St Louis

Facility Type: Hospital

Investigator's Name: Carol Moroney, RN,
Special Investigator
Jessica Sellner, RN, Rapid Response Supervisor

Finding: Substantiated, individual responsibility

Nature of Visit:

The Minnesota Department of Health investigated an allegation of maltreatment, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557, and to evaluate compliance with applicable licensing standards for the provider type.

Allegation(s):

It is alleged the alleged perpetrator (AP), facility staff, abused the patient when the AP grabbed the patient by the throat, slammed her into the bed, and swore at the patient.

Investigative Findings and Conclusion:

Abuse was substantiated. The AP was responsible for the maltreatment. The AP was assisting other staff to administer the patient's medication during a mental health emergency. After the patient took the medication and staff was leaving the room, the patient told the AP he was, "just a wanna be cop!" The patient was sitting on the bed and the AP grabbed the patients throat and slammed her backwards from a sitting position to a lying position on the bed. The AP yelled at the patient, "Show some fucking respect."

The investigation included interviews with facility staff members, including administrative staff, nursing staff, and unlicensed staff. The investigation also included review of the patient's medical record, staff schedules, staff training, the AP's personnel file, and the facility's policies and procedures. In addition, the investigator contacted law enforcement.

The patients' medical record indicated diagnosis including schizoaffective disorder and bipolar disease. The patient frequently had times of anger, impulse control, anxiety, and agitation episodes. The patient made her basic needs known to staff but required assistance for decision making. The patient required medication to stabilize her mental health and at times would refuse the medication. If the patient refused medication administration, the facility staff, which included nursing staff, security staff, and social work staff, entered the patient's room as a group to ensure the patient took the medication, sometimes against her wishes.

A hospital report indicated the staff were in the patient's room ensuring the patient took her medication. As staff were exiting the room, two staff indicated the patient told the AP he was, "just a wanna be cop." Both staff stated the AP grabbed the patient around the throat and slammed her onto the bed. The AP yelled at the patient, "Show some fucking respect"

The patient's hospital record indicated following the incident the patient required three sets of X-rays including cervical, thoracic, and lumbar spine. The patient was also prescribed analgesic. The patients' medical record contained no documentation of a physical assessment immediately following the incident to assess the patient's neck for redness or marks. The physician notes indicated they attempted to engage with the patient regarding any psychological harm, but the patient stated she wanted to be left alone and, "just wanted to sleep."

During an interview, the licensed staff stated the day of the incident, staff were leaving the patients room after the medication administration and the patient yelled at the AP, he was "just a wanna be cops" The AP grabbed the patient's throat and shoved her backwards from a sitting to a lying position on the bed. The AP yelled at the patient, "show some fucking respect" The AP then left the room.

Multiple attempts were made to interview the AP and a subpoena was sent with no response.

In conclusion, abuse was substantiated. The AP was responsible for the maltreatment.

Substantiated: Minnesota Statutes, section 626.5572, Subdivision 19.

"Substantiated" means a preponderance of evidence shows that an act that meets the definition of maltreatment occurred.

Abuse: Minnesota Statutes section 626.5572, subdivision 2

"Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of an attempt to violate, or aiding and abetting a violation of:

- (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
- (2) the use of drugs to injure or facilitate crime as defined in section 609.235;
- (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and
- (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

- (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
- (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
- (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

(c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Vulnerable Adult interviewed: Yes.

Family/Responsible Party interviewed: Yes.

Alleged Perpetrator interviewed: Yes.

Action taken by facility:

The AP is no longer employed at the facility. Management provided staff with verbal education regarding reporting of abuse and neglect.

Action taken by the Minnesota Department of Health:

The facility was issued a correction order regarding the vulnerable adult's right to be free from maltreatment. To view a copy of the Statement of Deficiencies and/or correction orders, please visit: <https://www.health.state.mn.us/facilities/regulation/directory/provcompselect.html>, or call 651-201-4890 to be provided a copy via mail or email. If you are viewing this report on the MDH website, please see the attached Statement of Deficiencies.

The responsible party will be notified of their right to appeal the maltreatment finding. If the maltreatment is substantiated against an identified employee, this report will be submitted to the nurse aide registry for possible inclusion of the finding on the abuse registry and/or to the Minnesota Department of Human Services for possible disqualification in accordance with the provisions of the background study requirements under Minnesota 245C.

cc: The Office of Ombudsman for Long Term Care
The Office of Ombudsman for Mental Health and Developmental Disabilities
St Louis County Attorney
St Louis City Attorney
Hibbing Police Department

Minnesota Department of Health

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 00859 | (X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____ | (X3) DATE SURVEY COMPLETED C 04/04/2022 |
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| NAME OF PROVIDER OR SUPPLIER UNIVERSITY MEDICAL CENTER-MESABI/ MES | STREET ADDRESS, CITY, STATE, ZIP CODE 750 EAST 34TH ST HIBBING, MN 55746 |
|--|--|

| (X4) ID PREFIX TAG | SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION) | ID PREFIX TAG | PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY) | (X5) COMPLETE DATE |
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| 6 000 | <p>INITIAL COMMENTS</p> <p>An allegation of maltreatment, complaint #H0040025M, was investigated in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557. The following correction order is issued, Tag 0145.</p> | 6 000 | <p>The Minnesota Department of Health documents the State Licensing Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes. The assigned tag number appears in the far left column entitled "ID Prefix Tag. " The state statute/rule number and the corresponding text of the state statute/rule number out of compliance are listed in the "Summary Statement of Deficiencies" column and replaces the "To Comply" portion of the correction order. This column also includes the findings, which are in violation of the state statute after the statement, "This Rule is not met as evidenced by. " Following the investigators ' findings is the Time Period for Correction. PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN, WHICH STATES, "PROVIDER'S PLAN OF CORRECTION. " THIS APPLIES TO FEDERAL DEFICIENCIES ONLY. THIS WILL APPEAR ON EACH PAGE. THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES/RULES.</p> | |
| 6 145 | <p>482.13(c)(3) Patient Rights: Free From Abuse/Harassment</p> <p>The patient has the right to be free from all forms of abuse or harassment.</p> <p>This MN Requirement is not met as evidenced by: Based on interviews, and document review, the</p> | 6 145 | <p>No Plan of Correction (PoC) required.</p> | |

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| Minnesota Department of Health LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE |
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Minnesota Department of Health

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 00859 | (X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____ | (X3) DATE SURVEY COMPLETED C 04/04/2022 |
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| 6 145 | <p>Continued From page 1</p> <p>facility failed to ensure one of one (P1) patients reviewed was free from maltreatment. P1 was abused.</p> <p>Findings include:</p> <p>On April 4, 2022, the Minnesota Department of Health (MDH) issued a determination that abuse occurred, and that an individual was responsible for the abuse, in connection with incidents which occurred at the facility. The MDH concluded there was a preponderance of evidence that abuse occurred.</p> | 6 145 | Please refer to the public maltreatment report (report sent separately) for details of this tag. | |
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