

Office of Health Facility Complaints

Investigative Public Report

Maltreatment Report #: H5012049M

Date Concluded: June 11, 2021

Name, Address, and County of Licensee

Investigated:

Guardian Angels
400 Evans Avenue
Elk River, MN 55330
Sherburne County

Facility Type: Nursing Home

Investigator's Name: Carol Moroney, RN,
Special Investigator

Finding: Substantiated, individual responsibility

Nature of Visit:

Vulnerable adult investigations:

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 client was financially exploited when the facility staff, alleged perpetrator (AP), took the clients narcotics for her own personal use.

Investigative Findings and Conclusion:

Based on a preponderance of evidence, financial exploitation was substantiated. The alleged perpetrator (AP) was responsible for the financial exploitation. The AP signed out 53 oxycodone that belonged to the client from the automatic dispensing unit (ADU) during November 2020, and December 2020. The client's medication administration record (MAR) indicated the none of the 53 oxycodone were administered to the client.

The investigation included interviews with facility staff, including administration and leadership staff. The clients medical record, the narcotic system, facility policy and procedures, staff

training and schedules, and medication errors were reviewed. In addition, law enforcement and the Minnesota Board of Nursing was contacted.

The client's medical diagnosis included multiple sclerosis, quadriplegia, and migraines. The client's care plan indicated the client required assistance with medication administration.

The client was receiving oxycodone 5 mg (a narcotic pain medication) which was scheduled to give 4 times a day. In addition, the client also had a physician order for oxycodone 5 mg, as needed for pain.

The facility investigation indicated the pharmacy notified the facility of "unusual usage" of oxycodone five (5) milligrams (mg) by the AP; indicating the AP was removing excessive amounts of oxycodone for the client. Upon review of the narcotic/ ADU logs, the AP removed 53 as needed (PRN) oxycodone for the client during the months of November and December 2020. The clients medical record and MAR indicated the client did not receive any of the 53 oxycodone the AP removed from the ADU.

The clients ADU record indicated the AP was the only staff who removed the clients PRN oxycodone during the months or November and December 2020.

The facility staff schedule was reviewed, and the AP was not assigned to care for the client when the PRN oxycodone was removed from the ADU.

The AP declined an interview.

In conclusion, based on a preponderance of evidence financial exploitation was substantiated.

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.

Financial exploitation: Minnesota Statutes, section 626.5572, subdivision 9

"Financial exploitation" means:

(a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:

(1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or

(2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.

(b) In the absence of legal authority a person:

(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;

(2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;

(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

Vulnerable Adult interviewed: No.

Family/Responsible Party interviewed: No.

Alleged Perpetrator interviewed: Refused.

Action taken by facility:

The facility investigated the allegation, and the AP is no longer employed by the facility. The facility submitted a report to the Minnesota Board of Nursing for investigation.

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
County Attorney for Sherburne County

Elk River City Attorney
Elk River police department
Minnesota Board of Nursing