



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered
January 4, 2024

Administrator
Birchwood Health Care Center
604 - 1st Street Ne
Forest Lake, MN 55025

RE: CCN: 245200
Cycle Start Date: December 6, 2023

Dear Administrator:

On December 28, 2023, the Minnesota Department of Health completed a revisit to verify that your facility had achieved and maintained compliance. Based on our review, we have determined that your facility has achieved substantial compliance; therefore no remedies will be imposed.

Feel free to contact me if you have questions.

A handwritten signature in black ink, appearing to read 'Melissa Poepping'.

Melissa Poepping, Compliance Analyst
Federal Enforcement | Health Regulation Division
Minnesota Department of Health
P.O. Box 64900
Saint Paul, Minnesota 55164-0970
Phone: 651-201-4117
Email: Melissa.Poepping@state.mn.us



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered
December 11, 2023

Administrator
Birchwood Health Care Center
604 - 1st Street Ne
Forest Lake, MN 55025

RE: CCN: 245200
Cycle Start Date: December 6, 2023

Dear Administrator:

On December 6, 2023, a survey was completed at your facility by the Minnesota Department of Health to determine if your facility was in compliance with Federal participation requirements for skilled nursing facilities and/or nursing facilities participating in the Medicare and/or Medicaid programs.

This survey found the most serious deficiencies in your facility to be isolated deficiencies that constituted no actual harm with potential for more than minimal harm that was not immediate jeopardy (Level D), as evidenced by the electronically attached CMS-2567 whereby corrections are required.

ELECTRONIC PLAN OF CORRECTION (ePoC)

Within **ten (10) calendar days** after your receipt of this notice, you must submit an acceptable ePOC for the deficiencies cited. An acceptable ePOC will serve as your allegation of compliance. Upon receipt of an acceptable ePOC, we will authorize a revisit to your facility to determine if substantial compliance has been achieved.

To be acceptable, a provider's ePOC must include the following:

- How corrective action will be accomplished for those residents found to have been affected by the deficient practice.
- How the facility will identify other residents having the potential to be affected by the same deficient practice.
- What measures will be put into place, or systemic changes made, to ensure that the deficient practice will not recur.
- How the facility will monitor its corrective actions to ensure that the deficient practice is being corrected and will not recur.
- The date that each deficiency will be corrected.
- An electronic acknowledgement signature and date by an official facility representative.

The state agency may, in lieu of an onsite revisit, determine correction and compliance by accepting the facility's ePoC if the ePoC is reasonable, addresses the problem and provides evidence that the corrective action has occurred.

If an acceptable ePoC is not received within 10 calendar days from the receipt of this letter, we will recommend to the CMS Region V Office that one or more of the following remedies be imposed:

Birchwood Health Care Center

December 11, 2023

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- Denial of payment for new Medicare and Medicaid admissions (42 CFR 488.417);
- Civil money penalty (42 CFR 488.430 through 488.444).
- Termination of your facility's Medicare and/or Medicaid agreement (488.456(b)).

DEPARTMENT CONTACT

Questions regarding this letter and all documents submitted as a response to the resident care deficiencies (those preceded by an "F" and/or an "E" tag), i.e., the plan of correction should be directed to:

Terri Ament, Rapid Response
Licensing and Certification Program
Health Regulation Division
Minnesota Department of Health
Duluth Technology Village
11 East Superior Street, Suite 290
Duluth, Minnesota 55802-2007
Email: teresa.ament@state.mn.us
Office: (218) 302-6151 Mobile: (218) 766-2720

PRESUMPTION OF COMPLIANCE - CREDIBLE ALLEGATION OF COMPLIANCE

The facility's ePoC will serve as your allegation of compliance upon the Department's acceptance. In order for your allegation of compliance to be acceptable to the Department, the ePoC must meet the criteria listed in the plan of correction section above. You will be notified by the Minnesota Department of Health, Licensing and Certification Program staff and/or the Department of Public Safety, State Fire Marshal Division staff, if your ePoC for the respective deficiencies (if any) is acceptable.

VERIFICATION OF SUBSTANTIAL COMPLIANCE

Upon receipt of an acceptable ePoC, a Post Certification Revisit (PCR), of your facility will be conducted to validate that substantial compliance with the regulations has been attained in accordance with your verification.

If substantial compliance has been achieved, certification of your facility in the Medicare and/or Medicaid program(s) will be continued and remedies will not be imposed. Compliance is certified as of the latest correction date on the approved ePoC, unless it is determined that either correction actually occurred between the latest correction date on the ePoC and the date of the first revisit, or correction occurred sooner than the latest correction date on the ePoC.

FAILURE TO ACHIEVE SUBSTANTIAL COMPLIANCE BY THE THIRD OR SIXTH MONTH AFTER THE LAST DAY OF THE SURVEY

If substantial compliance with the regulations is not verified by March 6, 2024 (three months after the identification of noncompliance), the CMS Region V Office must deny payment for new admissions as mandated by the Social Security Act (the Act) at Sections 1819(h)(2)(D) and 1919(h)(2)(C) and Federal regulations at 42 CFR Section 488.417(b).

In addition, if substantial compliance with the regulations is not verified by June 6, 2024 (six months after the

Birchwood Health Care Center

December 11, 2023

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identification of noncompliance) your provider agreement will be terminated. This action is mandated by the Social Security Act at Sections 1819(h)(2)(C) and 1919(h)(3)(D) and Federal regulations at 42 CFR Sections 488.412 and 488.456.

Please note that this notice does not constitute formal notice of imposition of alternative remedies or termination of your provider agreement. Should the Centers for Medicare & Medicaid Services determine that termination or any other remedy is warranted, it will provide you with a separate formal notification of that determination.

INFORMAL DISPUTE RESOLUTION (IDR) / INDEPENDENT INFORMAL DISPUTE RESOLUTION (IIDR)

In accordance with 42 CFR 488.331, you have one opportunity to question cited deficiencies through an informal dispute resolution process. You are required to send your written request, along with the specific deficiencies being disputed, and an explanation of why you are disputing those deficiencies, to:

Nursing Home Informal Dispute Process
Minnesota Department of Health
Health Regulation Division
P.O. Box 64900
St. Paul, Minnesota 55164-0900

This request must be sent within the same ten days you have for submitting an ePoC for the cited deficiencies.

All requests for an IDR or IIDR of federal deficiencies must be submitted via the web at:

https://mdhprovidercontent.web.health.state.mn.us/ltc_idr.cfm

You must notify MDH at this website of your request for an IDR or IIDR within the 10 calendar day period allotted for submitting an acceptable electronic plan of correction. A copy of the Department's informal dispute resolution policies are posted on the MDH Information Bulletin website at:

https://www.health.state.mn.us/facilities/regulation/infobulletins/ib04_8.html

Please note that the failure to complete the informal dispute resolution process will not delay the dates specified for compliance or the imposition of remedies.

Feel free to contact me if you have questions.

Sincerely,



Melissa Poepping, Compliance Analyst
Federal Enforcement | Health Regulation Division
Minnesota Department of Health
P.O. Box 64900
Saint Paul, Minnesota 55164-0970
Phone: 651-201-4117
Email: Melissa.Poepping@state.mn.us



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December 11, 2023

Administrator
Birchwood Health Care Center
604 - 1st Street Ne
Forest Lake, MN 55025

Re: Event ID: XLV011

Dear Administrator:

The above facility survey was completed on December 6, 2023 for the purpose of assessing compliance with Minnesota Department of Health Nursing Home Rules. At the time of the survey, the survey team from the Minnesota Department of Health - Health Regulation Division noted no violations of these rules promulgated under Minnesota Stat. section 144.653 and/or Minnesota Stat. Section 144A.10.

Electronically posted is the Minnesota Department of Health order form stating that no violations were noted at the time of this survey. The Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Please disregard the heading of the fourth column which states, "Provider's Plan of Correction." This applies to Federal deficiencies only. There is no requirement to submit a Plan of Correction.

Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Poepping'.

Melissa Poepping, Compliance Analyst
Federal Enforcement | Health Regulation Division
Minnesota Department of Health
P.O. Box 64900
Saint Paul, Minnesota 55164-0970
Phone: 651-201-4117
Email: Melissa.Poepping@state.mn.us

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 12/26/2023
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 245200	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 12/06/2023
NAME OF PROVIDER OR SUPPLIER BIRCHWOOD HEALTH CARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 604 - 1ST STREET NE FOREST LAKE, MN 55025	
(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
F000	<p>INITIAL COMMENTS</p> <p>On 12/6/23, a standard abbreviated survey was conducted at your facility. Your facility was NOT in compliance with the requirements of 42 CFR 483, Subpart B, Requirements for Long Term Care Facilities.</p> <p>The following complaint was reviewed: H52007580C (MN00098962) with a deficiency issued at F609.</p> <p>The facility's plan of correction (POC) will serve as your allegation of compliance upon the Departments acceptance. Because you are enrolled in ePOC, your signature is not required at the bottom of the first page of the CMS-2567 form. Your electronic submission of the POC will be used as verification of compliance.</p> <p>Upon receipt of an acceptable electronic POC, an onsite revisit of your facility may be conducted to validate that substantial compliance with the regulations has been attained.</p>	F000		
F609 SS=D	<p>Reporting of Alleged Violations CFR(s): 483.12(b)(5)(i)(A)(B)(c)(1)(4)</p> <p>483.12(c) In response to allegations of abuse, neglect, exploitation, or mistreatment, the facility must:</p> <p>483.12(c)(1) Ensure that all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property, are reported immediately, but not later than 2 hours after the allegation is made, if the events that cause the allegation involve abuse</p>	F609	<p>The preparation of the following plan of correction for this deficiency does not constitute and should not be interpreted as an admission nor an agreement by the facility of the truth of the facts alleged on conclusions set forth in the statement of deficiency was executed solely because it is required by provisions of State and Federal Law. Without waiving the foregoing statement, the facility states that:</p> <p>1. R1 had their vulnerable adult status</p>	12/27/23

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
	Electronically Signed	12/12/2023

Any Deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of the survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

This form is a printed electronic version of the CMS 2567L. It contains all the information found on the standard document in much the same form. This electronic form once printed and signed by the facility administrator and appropriately posted will satisfy the CMS requirement to post survey information found on the CMS 2567L.

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F609	<p>Continued From page 1</p> <p>or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury, to the administrator of the facility and to other officials (including to the State Survey Agency and adult protective services where state law provides for jurisdiction in long-term care facilities) in accordance with State law through established procedures.</p> <p>483.12(c)(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.</p> <p>This REQUIREMENT is not met as evidenced by:</p> <p>Based on interview and document review, the facility failed to ensure allegations of abuse were reported immediately, within two hours, to the State Agency (SA) for 1 of 1 residents (R1) reviewed for allegations of abuse.</p> <p>Finding include:</p> <p>A facility document titled Feedback Form was completed by registered nurse (RN)-A on 12/3/23 at 1:52 a.m. The document indicated R1 reported nursing assistant (NA)-A slapped her hand, refused to push her wheelchair into the bathroom, tossed her around, and threw things at her. The document further indicated the director of nursing (DON) was informed of the alleged abuse on 12/4/23, at 7:15 a.m.</p> <p>R1's admission Minimum Data Set (MDS) dated</p>	F609	<p>reassessed and care plan and NAR care sheets updated as applicable. Reports were made to the State Agency as indicated.</p> <p>2. All facility adverse events and feedback forms in the past thirty days have been reviewed to ensure reports are made to State Agency timely as indicated. Reviews to be completed by December 27, 2023.</p> <p>3. All Facility staff will receive re-education on the definition of and types of abuse, reporting (including channels of reporting, where to report, emphasis staff notifying supervisor immediately and resources of reporting), communication and notification of concerns. All education will be completed by December 27,2023.</p> <p>4. The Director of Nursing and/or designee will conduct four staff interviews weekly for two months, verifying staff knowledge of reporting requirements.</p>	

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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F609	<p>Continued From page 1</p> <p>or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury, to the administrator of the facility and to other officials (including to the State Survey Agency and adult protective services where state law provides for jurisdiction in long-term care facilities) in accordance with State law through established procedures.</p> <p>483.12(c)(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.</p> <p>This REQUIREMENT is not met as evidenced by:</p> <p>Based on interview and document review, the facility failed to ensure allegations of abuse were reported immediately, within two hours, to the State Agency (SA) for 1 of 1 residents (R1) reviewed for allegations of abuse.</p> <p>Finding include:</p> <p>A facility document titled Feedback Form was completed by registered nurse (RN)-A on 12/3/23 at 1:52 a.m. The document indicated R1 reported nursing assistant (NA)-A slapped her hand, refused to push her wheelchair into the bathroom, tossed her around, and threw things at her. The document further indicated the director of nursing (DON) was informed of the alleged abuse on 12/4/23, at 7:15 a.m.</p> <p>R1's admission Minimum Data Set (MDS) dated</p>	F609	<p>reassessed and care plan and NAR care sheets updated as applicable. Reports were made to the State Agency as indicated.</p> <p>2. All facility adverse events and feedback forms in the past thirty days have been reviewed to ensure reports are made to State Agency timely as indicated. Reviews to be completed by December 27, 2023.</p> <p>3. All Facility staff will receive re-education on the definition of and types of abuse, reporting (including channels of reporting, where to report, emphasis staff notifying supervisor immediately and resources of reporting), communication and notification of concerns. All education will be completed by December 27,2023.</p> <p>4. The Director of Nursing and/or designee will conduct four staff interviews weekly for two months, verifying staff knowledge of reporting requirements.</p>	

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F609	<p>Continued From page 2</p> <p>11/1/23 indicated R1 required substantial to maximum assistance with all personal cares and mobility. The MDS also indicated R1 was cognitively intact.</p> <p>R1's Diagnosis List included diagnoses of adult failure to thrive, weakness, and dementia.</p> <p>On 12/6/23 at 9:16 a.m., RN-A stated R1 told her NA-A made her wheel herself to the bathroom, hit her hand, tossed her around, and threw things at her. RN-A stated R1 told her this made her feel scared. RN-A stated she completed the feedback form and slipped it under the DON's office door. RN-A stated she should have notified the on-call nurse immediately upon learning of the alleged abuse. RN-A stated she did not immediately notify the on-call nurse, DON or administrator.</p> <p>On 12/6/23 at 11:05 a.m., R1 stated NA-A slapped her hand, and demonstrated this motion. R1 stated NA-A threw her blanket at her. R1 stated she told RN-A about the incident with NA-A immediately after it happened.</p> <p>On 12/6/23, at 12:15 p.m. the DON stated she was not immediately notified of the alleged abuse. The DON stated she learned of the incident when she found the Feedback Form under her office door on 12/4/23, at 7:15 a.m. The DON stated staff were expected to immediately report alleged abuse to the nurse on-call. The DON stated the nurse on-call was expected to immediately report to the DON and the administrator.</p> <p>On 12/6/23, at 12:58 p.m. RN-B stated she was the on-call nurse on 12/3/23. RN-B stated she was not notified of the alleged abuse incident involving R1 and NA-A. RN-B stated all reports</p>	F609		

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F609	<p>Continued From page 3 of alleged abuse should be reported immediately.</p> <p>On 12/6/23, at 1:11 p.m. the administrator stated he was not informed of the alleged abuse until 12/4/23 around 8:00 a.m. He stated he would have expected to be notified at 2:00 a.m., when it happened.</p> <p>The facility policy Vulnerable Adult/Maltreatment - Communication, Prevention, and Reporting revised 10/22 directed the purpose of the policy supports "zero tolerance" for resident abuse, neglect, mistreatment, and/or misappropriation of resident property. Submitting the Report: Internal Reporting Procedure:</p> <ol style="list-style-type: none"> 1. During the shift that the alleged abuse/neglect or unexplained injury is first observed, a mandated reporter will immediately make an initial report to their supervisor, after securing the resident's safety. Following review of the situation, the supervisor will immediately report to the administrator and DON. 2. Upon report to a supervisor of the suspected abuse, the employee in question will be interviewed, re-assigned duties, placed under the direct supervision of a licensed nurse, assigned non-resident related tasks, or suspended pending investigation. This is for the protection of the resident. 3. The administrator or DON shall determine if the incident/allegation meets the criteria for "reportable incident." All incidents deemed reportable under MN Statute are submitted to MDH via the online reporting system immediately but no less than 2 hours after forming the suspicion. 	F609			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

Minnesota Department of Health

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2000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>NH LICENSING CORRECTION ORDER</p> <p>In accordance with Minnesota Statute, section 144A.10, this correction order has been issued pursuant to a survey. If, upon reinspection, it is found that the deficiency or deficiencies cited herein are not corrected, a fine for each violation not corrected shall be assessed in accordance with a schedule of fines promulgated by rule of the Minnesota Department of Health.</p> <p>Determination of whether a violation has been corrected requires compliance with all requirements of the rule provided at the tag number and MN Rule number indicated below. When a rule contains several items, failure to comply with any of the items will be considered lack of compliance. Lack of compliance upon re-inspection with any item of multi-part rule will result in the assessment of a fine even if the item that was violated during the initial inspection was corrected.</p> <p>You may request a hearing on any assessments that may result from non-compliance with these orders provided that a written request is made to the Department within 15 days of receipt of a notice of assessment for non-compliance.</p> <p>INITIAL COMMENTS: On 12/6/23, a complaint survey was conducted at your facility by surveyors from the Minnesota Department of Health (MDH). Your facility was IN compliance with the MN State Licensure</p> <p>The following complaint was reviewed during the survey:</p>	2000		

Minnesota Department of Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

Electronically Signed

(X6) DATE

12/12/2023

Minnesota Department of Health

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2000	Continued From page 1 H52007580C (MN00098962) Minnesota Department of Health is documenting the State Licensing Correction Orders using Federal software. The facility is enrolled in ePOC and therefore a signature is not required at the bottom of the first page of state form. Although no plan of correction is required, it is required that the facility acknowledge receipt of the electronic documents.	2000		

Minnesota Department of Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE