



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered
July 6, 2022

Administrator
Luther Haven
1109 East Highway 7
Montevideo, MN 56265

RE: CCN: 245259
Cycle Start Date: June 9, 2022

Dear Administrator:

On July 1, 2022, 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Simon', with a horizontal line extending to the right.

Joanne Simon, Compliance Analyst
Minnesota Department of Health
Health Regulation Division
Telephone: 651-201-4161 Fax: 651-215-9697
Email: joanne.simon@state.mn.us

cc: Licensing and Certification File

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 245259		(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 06/09/2022	
NAME OF PROVIDER OR SUPPLIER LUTHER HAVEN				STREET ADDRESS, CITY, STATE, ZIP CODE 1109 EAST HIGHWAY 7 MONTEVIDEO, MN 56265			
(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) COMPLETION DATE
F 000	INITIAL COMMENTS On 6/8/22, to 6/9/22, a standard abbreviated survey was conducted at your facility. Your facility was found to be NOT in compliance with the requirements of 42 CFR 483, Subpart B, Requirements for Long Term Care Facilities The following complaint was found to be UNSUBSTANTIATED: H52591993C (MN83895) However, as a result of the investigation a deficiency was cited at F886. 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. 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.			F 000			
F 886 SS=D	COVID-19 Testing-Residents & Staff CFR(s): 483.80 (h)(1)-(6) §483.80 (h) COVID-19 Testing. The LTC facility must test residents and facility staff, including individuals providing services under arrangement and volunteers, for COVID-19. At a minimum, for all residents and facility staff, including individuals providing services under arrangement and volunteers, the LTC facility must: §483.80 (h)((1) Conduct testing based on			F 886			6/22/22

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

Electronically Signed

TITLE

(X6) DATE

06/15/2022

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 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.

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

PRINTED: 06/22/2022
FORM APPROVED
OMB NO. 0938-0391

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F 886	Continued From page 1 parameters set forth by the Secretary, including but not limited to: (i) Testing frequency; (ii) The identification of any individual specified in this paragraph diagnosed with COVID-19 in the facility; (iii) The identification of any individual specified in this paragraph with symptoms consistent with COVID-19 or with known or suspected exposure to COVID-19; (iv) The criteria for conducting testing of asymptomatic individuals specified in this paragraph, such as the positivity rate of COVID-19 in a county; (v) The response time for test results; and (vi) Other factors specified by the Secretary that help identify and prevent the transmission of COVID-19. §483.80 (h)((2) Conduct testing in a manner that is consistent with current standards of practice for conducting COVID-19 tests; §483.80 (h)((3) For each instance of testing: (i) Document that testing was completed and the results of each staff test; and (ii) Document in the resident records that testing was offered, completed (as appropriate to the resident's testing status), and the results of each test. §483.80 (h)((4) Upon the identification of an individual specified in this paragraph with symptoms consistent with COVID-19, or who tests positive for COVID-19, take actions to prevent the transmission of COVID-19.	F 886			

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F 886	Continued From page 2 §483.80 (h)((5) Have procedures for addressing residents and staff, including individuals providing services under arrangement and volunteers, who refuse testing or are unable to be tested. §483.80 (h)((6) When necessary, such as in emergencies due to testing supply shortages, contact state and local health departments to assist in testing efforts, such as obtaining testing supplies or processing test results. This REQUIREMENT is not met as evidenced by: Based on interview and document review, the facility failed to ensure routine COVID-19 testing occurred for unvaccinated staff according to the community positivity rates identified in CMS (Centers for Medicare and Medicaid Services) guidelines for 1 of 1 direct care staff nursing assistant (NA)-A who provided direct care services under arrangement. In addition, the facility failed to ensure 1 of 1 direct care staff NA-A was tested during a facility COVID-19 outbreak. This deficient practice had the potential to affect all 58 residents residing in the facility. Findings include: CMS's Quality, Safety and Oversight Group (QSO) memo 20-38 for nursing homes dated 3/10/22, identified the long term care (LTC) facility must test residents and facility staff, including individuals providing services under arrangement and volunteers, for COVID-19 based on parameters and a frequency set forth by the U.S. Department of Health and Human Services (HHS). The memo indicated the facility must have procedures for addressing staff, including	F 886	On 6/10/2022, the facility updated the Covid tracking logs for staff by separating the log into departments and contract staff. On 6/10/2022, a memo was sent out to managers and frontline staff providing education on the expectation of testing compliance. This was also posted in the timeclock room for staff to see. The expectation going forward will be for staff and contract staff who are non-compliant with testing will not be allowed to work if they have not met the facility testing guidelines until compliance is met. On 6/14/2022, an OnShift message was sent to all staff regarding this compliance measure. Furthermore, a revised informational testing sheet was created to provide contract staff with more information on Covid testing during their initial orientation. This same document will also be used for new employees during their general orientation. On 6/14/2022, a new process was		

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F 886	Continued From page 3 individuals providing services under arrangement and volunteers, who refuse testing or were unable to be tested. The QSO memo identified "Facility staff" included employees, consultants, contractors, volunteers, and caregivers who provided care and services to residents on behalf of the facility, and students in the facility's nurse aide training programs or from affiliated academic institutions. For the purpose of testing "individuals providing services under arrangement and volunteers," facilities should prioritize those individuals who were regularly in the facility (e.g., weekly) and had contact with residents. The memo instructed facilities to use their community transmission level as the trigger for staff testing frequency. The facility was expected to test all staff, who were not up-to-date, at the frequency prescribed in the Routine Testing table based on the level of community transmission. The Center for Disease Control and Prevention (CDC) identified the Chippewa county community transmission rate was high from 5/30/22, to 6/5/22, which indicated any staff who were not up-to-date with the COVID-19 vaccine were expected to be tested twice weekly. During an observation on 6/8/22, at 10:00 a.m. a laminated sign was noted on the door of the main entrance to the facility which identified the facility was in outbreak status and full personal protective equipment (PPE) was required to enter the facility. During an interview on 6/8/22, at 10:10 a.m. during the entrance conference, the facility administrator identified the facility was currently in outbreak status for COVID-19 testing due to a positive staff member.	F 886	established for tracking contract staff and ensuring they are listed on the testing log. The Scheduler will add their name to the Covid testing log and will continue to have contract staff complete a Covid testing registration form which will then be given to the Infection Preventionist. The Scheduler will also collect contract staff Covid vaccination records and will update the staff Covid vaccine tracking log with this information. Covid testing logs will now be emailed to department managers after each testing date for additional follow-up with the employee on an individual basis. On 6/15/2022, the facility moved its Covid testing location to be closer to the main entrance of the building and time clock room to help reduce testing non-compliance. The facility will continue to send out testing reminders to all staff on OnShift. Compliance with testing will be audited after each testing day for four weeks, weekly for four weeks, and then every two weeks going forward. The Infection Preventionist or designee will be responsible for completing these audits. Audit results will be brought forward to Quality Assurance for review.		

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F 886	Continued From page 4 Review of the facility COVID-19 Staff Vaccination Status for Providers undated, identified NA-A was not vaccinated for COVID-19 and had been granted a non-medical exemption. Review of the facility Staff Testing log from 5/16/22, to 6/6/22, revealed NA-A was not listed on any of the facility testing logs. The testing log lacked evidence of NA-A being tested from 5/16/22, to 6/6/22. Review of the facility schedule from 5/8/22, to 6/8/22, identified NA-A provided direct care services to residents of the facility on the following dates: 5/12/22, 5/15/22, 5/16/22, 5/20/22, 5/21/22, 5/22/22, 5/23/22, 5/25/22, 5/27/22, 5/28/22, 5/29/22, 6/1/22, 6/2/22, 6/3/22, 6/4/22, 6/5/22, 6/6/22, 6/8/22. During an interview on 6/8/22, at 3:03 p.m.. NA-A indicated she had started working at the facility in the past month. NA-A stated she had not received the COVID-19 vaccination and had a religious exemption. NA-A confirmed the last time she had been tested by the facility for COVID -19 was on 5/12/22, and verified she had worked several shifts since that time. NA-A stated no one at the facility had informed her about the COVID-19 testing requirements. During an interview on 6/8/22, at 3:21 p.m. the facility administrator confirmed NA-A had not been tested for COVID-19 and was not aware the last time NA-A had been tested. The administrator stated his expectation would be NA-A would have been tested twice weekly	F 886			

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F 886	Continued From page 5 regardless of vaccination status since the facility was in outbreak status. During an interview on 6/8/22, at 3:40 p.m. assistant director of nursing (ADON) verified she was responsible for tracking staff COVID-19 testing. ADON believed NA-A was tested on 6/6/22, however, could not find documented evidence of the testing. During an interview on 6/9/22 at 10:03 a.m. director of nursing (DON) confirmed NA-A was not vaccinated for COVID -19 and had a religious exemption. DON confirmed staff who were not vaccinated should have been tested according to the community transmission rate which was high. DON stated unvaccinated staff were expected to be tested twice weekly when the community transmission rate was high. DON identified the facility had been in outbreak status since 6/1/22. DON confirmed NA-A was last tested on 5/12/22, and had not been tested twice weekly as required. The facility policy titled CMS-Mandatory COVID-19 Immunization Policy revised 1/22, identified employees who had an exemption or temporary delay in vaccination needed to follow additional precautions. The precautions included, but were not limited to: adhering to facility testing requirements based on community transmission rates and out break testing procedures. At a minimum, weekly testing occurred for unvaccinated employees and contracted staff who were in the building on a regular basis. The policy identified any staff who failed to comply with the policy would have been prohibited from working or providing services for Luther Haven and may have been subjected to disciplinary	F 886			

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F 886	Continued From page 6 action, up to and including termination.	F 886			



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered
June 13, 2022

Administrator
Luther Haven
1109 East Highway 7
Montevideo, MN 56265

RE: CCN: 245259
Cycle Start Date: June 9, 2022

Dear Administrator:

On June 9, 2022, a survey was completed at your facility by the Minnesota Departments of Health and Public Safety, 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:

- 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:

LeAnn Huseeth, RN, Unit Supervisor
Fergus Falls District Office
Licensing and Certification Program
Health Regulation Division
Minnesota Department of Health
1505 Pebble Lake Rd., Suite 300
Fergus Falls, Mn. 56537
Email: leann.huseeth@state.mn.us
Office: (218) 332-5140 Mobile: (218) 403-1100

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 September 9, 2022 (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 December 9, 2022 (six months after the 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/ltr_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.

Luther Haven
June 13, 2022
Page 4

Feel free to contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Simon', with a horizontal line extending to the right.

Joanne Simon, Compliance Analyst
Minnesota Department of Health
Health Regulation Division
Telephone: 651-201-4161 Fax: 651-215-9697
Email: joanne.simon@state.mn.us

cc: Licensing and Certification File



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June 13, 2022

Administrator
Luther Haven
1109 East Highway 7
Montevideo, MN 56265

Re: Event ID: T0HX11

Dear Administrator:

The above facility survey was completed on June 9, 2022 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 blue ink, appearing to read 'Joanne Simon', with a horizontal line extending to the right.

Joanne Simon, Compliance Analyst
Minnesota Department of Health
Health Regulation Division
Telephone: 651-201-4161 Fax: 651-215-9697
Email: joanne.simon@state.mn.us

cc: Licensing and Certification File

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 00062	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 06/09/2022
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2 000	Initial Comments *****ATTENTION***** NH LICENSING CORRECTION ORDER 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. 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. 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. INITIAL COMMENTS: On 6/8/22, to 6/9/22, a complaint survey was conducted at your facility by surveyors from the Minnesota Department of Health (MDH). Your facility was found IN compliance with the MN State Licensure. The following complaint was found to be	2 000			

Minnesota Department of Health

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

Electronically Signed

TITLE

(X6) DATE

06/15/22

Minnesota Department of Health

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2 000	Continued From page 1 UNSUBSTANTIATED: H52591993C (MN83895) The 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.	2 000			