

Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered

February 4, 2021

Administrator Covenant Living Of Golden Valley Care & Rehab Ctr 5825 St Croix Avenue Golden Valley, MN 55422

RE: CCN: 245322

Cycle Start Date: December 4, 2020

Dear Administrator:

On December 24, 2020, we informed you that we may impose enforcement remedies.

On January 14, 2021, the Minnesota Department(s) of Health completed a survey and it has been determined that your facility is not in substantial compliance. The most serious deficiencies in your facility were found 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.

REMEDIES

As a result of the survey findings and in accordance with survey and certification memo 16-31-NH, this Department recommended the enforcement remedy(ies) listed below to the CMS Region V Office for imposition. The CMS Region V Office concurs and is imposing the following remedy and has authorized this Department to notify you of the imposition:

• Mandatory Denial of Payment for new Mediare and/or Medicaid Admissions, Federal regulations at 42 CFR § 488.417(a), effective Medicaid Admissions, Federal regulations at 42 CFR § 488.417(a), effective March 4, 2021.

The CMS Region V Office will notify your Medicare Administrative Contractor (MAC) that the denial of payment for new admissions is effective March 4, 2021. They will also notify the State Medicaid Agency that they must also deny payment for new Medicaid admissions effective March 4, 2021.

You should notify all Medicare/Medicaid residents admitted on, or after, this date of the restriction. The remedy must remain in effect until your facility has been determined to be in substantial compliance or your provider agreement is terminated. Please note that the denial of payment for new admissions includes Medicare/Medicaid beneficiaries enrolled in managed care plans. It is your obligation to inform managed care plans contracting with your facility of this denial of

Covenant Living Of Golden Valley Care & Rehab Ctr February 4, 2021 Page 2 payment for new admissions.

NURSE AIDE TRAINING PROHIBITION

Please note that Federal law, as specified in the Act at §§ 1819(f)(2)(B) and 1919(f)(2)(B), prohibits approval of nurse aide training and competency evaluation programs and nurse aide competency evaluation programs offered by, or in, a facility which, within the previous two years, has operated under a § 1819(b)(4)(C)(ii)(II) or § 1919(b)(4)(C)(ii) waiver (i.e., waiver of full-time registered professional nurse); has been subject to an extended or partial extended survey as a result of a finding of substandard quality of care; has been assessed a total civil money penalty of not less than \$11,160; has been subject to a denial of payment, the appointment of a temporary manager or termination; or, in the case of an emergency, has been closed and/or had its residents transferred to other facilities.

If you have not achieved substantial compliance by March 4, 2021, the remedy of denial of payment for new admissions will go into effect and this provision will apply to your facility. Therefore, Covenant Living Of Golden Valley Care & Rehab Ctr will be prohibited from offering or conducting a Nurse Aide Training and/or Competency Evaluation Program (NATCEP) for two years from March 4, 2021. You will receive further information regarding this from the State agency. This prohibition is not subject to appeal. Further, this prohibition may be rescinded at a later date if your facility achieves substantial compliance prior to the effective date of denial of payment for new admissions. However, under Public Law 105-15, you may contact the State agency and request a waiver of this prohibition if certain criteria are met.

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. The failure to submit an acceptable ePOC can lead to termination of your Medicare and Medicaid participation (42 CFR 488.456(b)).

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.

Covenant Living Of Golden Valley Care & Rehab Ctr February 4, 2021 Page 3

DEPARTMENT CONTACT

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

Susie Haben, Unit Supervisor
St. Cloud B District Office
Licensing and Certification Program
Health Regulation Division
Minnesota Department of Health
Midtown Square
3333 Division Street, Suite 212
Saint Cloud, Minnesota 56301-4557
Email: susie.haben@state.mn.us

Office: (320) 223-7356 Mobile: (651) 230-2334

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 - Health Regulation Division staff and/or the Department of Public Safety, State Fire Marshal Division staff, if your ePoC for their 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 SIXTH MONTH AFTER THE LAST DAY OF THE SURVEY

We will also recommend to the CMS Region V Office and/or the Minnesota Department of Human Services that your provider agreement be terminated by June 4, 2021 (six months after the identification of noncompliance) if your facility does not achieve substantial compliance. This action is mandated by the Social Security Act at § 1819(h)(2)(C) and 1919(h)(3)(D) and Federal regulations at 42 CFR § 488.412 and § 488.456.

Covenant Living Of Golden Valley Care & Rehab Ctr February 4, 2021 Page 4

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.

APPEAL RIGHTS

If you disagree with this action imposed on your facility, you or your legal representative may request a hearing before an administrative law judge of the Department of Health and Human Services, Departmental Appeals Board (DAB). Procedures governing this process are set out in 42 C.F.R. 498.40, et seq. You must file your hearing request electronically by using the Departmental Appeals Board's Electronic Filing System (DAB E-File) at https://dab.efile.hhs.gov no later than sixty (60) days after receiving this letter. Specific instructions on how to file electronically are attached to this notice. A copy of the hearing request shall be submitted electronically to:

Tamika.Brown@cms.hhs.gov

Requests for a hearing submitted by U.S. mail or commercial carrier are no longer accepted as of October 1, 2014, unless you do not have access to a computer or internet service. In those circumstances you may call the Civil Remedies Division to request a waiver from e-filing and provide an explanation as to why you cannot file electronically or you may mail a written request for a waiver along with your written request for a hearing. A written request for a hearing must be filed no later than sixty (60) days after receiving this letter, by mailing to the following address:

Department of Health & Human Services
Departmental Appeals Board, MS 6132
Director, Civil Remedies Division
330 Independence Avenue, S.W.
Cohen Building – Room G-644
Washington, D.C. 20201
(202) 565-9462

A request for a hearing should identify the specific issues, findings of fact and conclusions of law with which you disagree. It should also specify the basis for contending that the findings and conclusions are incorrect. At an appeal hearing, you may be represented by counsel at your own expense. If you have any questions regarding this matter, please contact Tamika Brown, Principal Program Representative by phone at (312) 353-1502 or by e-mail at Tamika.Brown@cms.hhs.gov.

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:

Covenant Living Of Golden Valley Care & Rehab Ctr February 4, 2021 Page 5

> 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,

Douglas Larson, Enforcement Specialist

Minnesota Department of Health Licensing and Certification Program

Program Assurance Unit Health Regulation Division

Towers Stapson

Telephone: 651-201-4118 Fax: 651-215-9697

Email: doug.larson@state.mn.us

cc: Licensing and Certification File

PRINTED: 03/01/2021 FORM APPROVED OMB NO. 0938-0391

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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.

Electronically Signed

02/08/2021

PRINTED: 02/10/2021 FORM APPROVED OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED	
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L ABORATOR'	Y DIRECTOR'S OR PROVI	DER/SUPPLIER REPRESENTATIVE'S SIG	NATURE	TITLE		(X6) DATE

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Electronically Signed

02/08/2021

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STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		l ` ′	TIPLE CONSTRUCTION NG		E SURVEY PLETED	
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F 600	by clinical manage assessment reside on both arms: Rt diameter each abdiameter below eld 1.5 in diameter become in diameter methodological in diameter metho	ed dated 1/14/21, at 9:29 a.m. er (CM)-A "During head to toe ent was noted to have bruises (right) arm: 2 bruise 1 cm in ove elbow and 2 bruises 1 cm in bow. Lt (left) arm: one bruise elow elbow and one bruise 1.5 id forearm. Resident said that r arms are from her bumping wheelchair) arm rests during I monitor for changes. on 1/14/20, at 11:00 a.m. R1 (alleged perpetrator) (AP) took nights ago. He was rough with R1 stated AP is rough and he king with people like me. R1 AP came into her room and an pushed her on her arm. R1 R1 then stated that he then as and threw them in the bed. R1 of the other aids have ever ay. R1 further stated that this in for a while with AP and his stated when AP was ready to be told him goodbye Mr. Rough. It is made her feel like he was you than a friend. R1 stated she accility and hopes that she never 1 was not able to describe AP er male nurse the other night with the nurse to find out his on 1/14/21, at 11:47 a.m. (NA)-A stated she is not aware swith R1, however she would you to the nurse if she had	F 6	and it remains accurate and the regulations as written. R1 was assessed after report incident. Although she was bruises on her arm, those with bumping her arms while in land were not from any physical R1 has further expressed the safe at the facility. All residents have the potent affected by the alleged define facility conducts resident into allegations are reported to expect the same deficient practice. Resinterviews after this incident further abuse allegations or limited limited limited limited injuries or psychosocial distoreporting to law enforcement within the specified time frather educating staff on the Aborevention Program with entered and injuries or exploitation. Research times a week for 4 weeks allegations of abuse will be policy and regulation within	orting the noted to have were caused by her wheelchair sical abuse. In the territery is the	

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F 600	witnessed any rou any rough cares of During interview of licensed practical just made aware at LPN-A stated that she said somethin LPN-A further state of any abuse he wand then would refor nursing (DON). During interview of stated she was mand then was mand then he threw further stated R1 stated AP said some and then he threw further stated R1 Rough. CM-A stated immed CM-A stated immed CM-A stated if R1 as she is accurate she conducted he had bruising above R1 stated this was wheelchair arm refuper arms wear is never ok and is During interview or registered nurse (as they are there don't want to work RN-B further state rough cares she was a state of the state	and cares or was made aware of or the safety of the residents. In 1/14/21, at 11:52 a.m. In urse (LPN)-A stated he was about the rough cares with R1. It R1 is alert and oriented and if any happened it happened. It was made aware would make sure resident is safe export to nurse manger, director or administrator immediately. In 1/14/21, at 11:59 CM-A and add aware of incident during ence with R1 and R1's niece. It was rough with her and eathing to her and then hit her, or her legs in the bed. CM-A stated she told AP goodbye Mr. It was diately pending investigation. It was diately pending investigation and pending investigation and pending investigation.	F 60	being discovered. Administrator or designee to 7 random residents per weeks on all neighborhoo that they are free of abuse allegations of abuse will b policy and regulations with time frames. The Administrator and/or responsible for maintainin with this requirement. Audits will be reviewed at QAPI meetings for directic well as timeline for complicompliance. Completion date for the plasting of	week for 4 ds to ensure e. Any he addressed per hin the specified designee is ng compliance the monthly on or change as etion based on	

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED		
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F 600	During interview of stated if made awas sure resident is sanurse manager known buring interview of stated he is unsure talking about, he will stated R1 was tripprevent her from fathrowing her legs if would never hurt as a During interview of stated abuse is nerough cares and a simmediately after and the AP is sent and the AP is sent During interview of stated she reported AP and his rough immediately suspended in the AP and terminal abuse is never ok stated R1 reported said "whaa" then he picked her legs up R1 felt that this was behavior is not told in different forms. facility investigation stated that they are there side any long speak with the indirections.	n, 1/14/21, at 1:48 p.m. RN-A are of abuse she would make fe, remove staff and then let ow immediately. n 1/14/21, at 2:13 p.m. AP e of what incident they are yould never abuse anyone. ping and he held her back to alling. denies hitting R1 or nto the bed. AP stated he	F6	600			

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		` ′	PLE CONSTRUCTION G	(X3) DATE SURVEY COMPLETED			
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F 600	enrichment director of incident during a Rough" hit her arm the bed. Life enrich they reassured her going to fix this confurther stated one was glad that AP valife enrichment directly cannot protect they went into R1's R1. Administrator stated abused her land before he left Rough." AP was stifted. Administrator are having another has been ongoing. During interview or stated abuse is ne immediately to nur or if a resident had cares. Policy Abuse Preventation of the protection of the protection of the protection.	r stated R1 made staff aware a care conference that "Mr and then threw her legs on ament director further stated that she is safe and they were need that she is safe and they were need that she was no longer working her side. The vas no longer working her side that abuse is not extend that abuse is not extend that abuse is not extend that abuse is not into the sare vulnerable adults and themselves. In 1/14/21, at 4:00 p.m. In dishe was made aware of sing a care conference by the distance of the police responded and a room together to speak with stated R1 stated AP came in whaa" and hit her on the arm, egs and threw them into bed, she told him "goodbye Mr. aspended immediately and restated that on 1/15/21, they resession about abuse and this training since 12/4/20. In 1/14/21, at 6:00 p.m. NA-B were ok and would report see if witness any type of abuse reported abuse or rough	F 600				



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered February 4, 2021

Administrator Covenant Living Of Golden Valley Care & Rehab Ctr 5825 St Croix Avenue Golden Valley, MN 55422

Re: Event ID: 8UPQ11

Dear Administrator:

The above facility survey was completed on January 14, 2021 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,

Douglas Larson, Enforcement Specialist

Minnesota Department of Health

Licensing and Certification Program

Program Assurance Unit

Doverne Stapeon

Health Regulation Division

Telephone: 651-201-4118 Fax: 651-215-9697

Email: doug.larson@state.mn.us

cc: Licensing and Certification File

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		` ′	LE CONSTRUCTION	COMPLETED	
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		00183	B. WING		01/14/2021
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2 000	Initial Comments		2 000		
	****ATTE	NTION*****			
	NH LICENSING	CORRECTION ORDER			
	144A.10, this correct pursuant to a surver found that the deficient herein are not corrected shall with a schedule of the Minnesota Department of the Minnesota Department of the mumber and MN Ruwhen a rule contain	hether a violation has been compliance with all rule provided at the tag ale number indicated below. Ins several items, failure to			
	lack of compliance. re-inspection with a result in the assess	the items will be considered Lack of compliance upon ny item of multi-part rule will ment of a fine even if the iten uring the initial inspection was			
	that may result from orders provided tha the Department with	hearing on any assessments n non-compliance with these it a written request is made to hin 15 days of receipt of a ent for non-compliance.			
	conducted to determ Licensure. Your fac	rS: reviated survey was mine compliance with State cility was found to be IN e MN State Licensure.			
	The following comp Substantiated:	laints were found to be			

Minnesota Department of Health LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

02/08/21 **Electronically Signed**

STATE FORM 6899 8UPQ11 If continuation sheet 1 of 2

TITLE

(X6) DATE

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:			LE CONSTRUCTION	(X3) DATE COMF	SURVEY PLETED				
		00183	B. WING			C 14/2021			
	NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 5825 ST CROIX AVENUE GOLDEN VALLEY CAR GOLDEN VALLEY, MN 55422								
(X4) ID PREFIX TAG	(EACH DEFICIENCY	TEMENT OF DEFICIENCIES MUST BE PRECEDED BY FULL SC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF ((EACH CORRECTIVE ACTI CROSS-REFERENCED TO T DEFICIENC'	ON SHOULD BE HE APPROPRIATE	(X5) COMPLETE DATE			
2 000	H5322043C-MN690 The following compunsubstantiated: H5322044CMN648 H5322045CMN681 NO licensing orders The facility is enroll signature is not req page of state form,	055 Daints were found to be 37 57	2 000						

Minnesota Department of Health

STATE FORM 8UPQ11 If continuation sheet 2 of 2