

Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered November 23, 2020

Administrator Chris Jensen Health & Rehabilitation Center 2501 Rice Lake Road Duluth, MN 55811

RE: CCN: 245366

Cycle Start Date: November 5, 2020

#### Dear Administrator:

On November 5, 2020, 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" tag), i.e., the plan of correction should be directed to:

Teresa Ament, Unit Supervisor
Duluth District Office
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
Phone: (218) 302-6151

### 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 February 5, 2021 (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 May 5, 2021 (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: <a href="https://mdhprovidercontent.web.health.state.mn.us/ltc\_idr.cfm">https://mdhprovidercontent.web.health.state.mn.us/ltc\_idr.cfm</a>

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: <a href="https://www.health.state.mn.us/facilities/regulation/infobulletins/ib04">https://www.health.state.mn.us/facilities/regulation/infobulletins/ib04</a> 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,

Joanne Simon, Enforcement Specialist

Minnesota Department of Health

Licensing and Certification Program

Program Assurance Unit Health Regulation Division

Telephone: 651-201-4161 Fax: 651-215-9697

Email: joanne.simon@state.mn.us

cc: Licensing and Certification File

PRINTED: 12/03/2020 FORM APPROVED OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED	
		245366	B. WING				C 0 <b>5/2020</b>
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F 580 SS=D	your verification. Notify of Changes CFR(s): 483.10(g)( §483.10(g)(14) Not (i) A facility must in consult with the res consistent with his representative(s) w (A) An accident inv	(Injury/Decline/Room, etc.) (14)(i)-(iv)(15)  diffication of Changes. Inmediately inform the resident; dident's physician; and notify, or her authority, the resident when there is- colving the resident which did has the potential for requiring	F 5	80			12/18/20
LABORATORY	DIRECTOR'S OR PROVI	DER/SUPPLIER REPRESENTATIVE'S SIGN	NATURE	TITLE			(X6) DATE

Electronically Signed 12/02/2020

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.

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION  A. BUILDING			C C		
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F 580	mental, or psychos deterioration in hea status in either life-clinical complication (C) A need to alter a need to discontin treatment due to accommence a new f (D) A decision to traresident from the fa §483.15(c)(1)(ii). (ii) When making n (14)(i) of this section all pertinent informatic available and prophysician. (iii) The facility must resident and the result when there is-(A) A change in rocas specified in §483 (B) A change in result (e)(10) of this section (iv) The facility must update the address phone number of the representative (s). §483.10(g)(15) Admission to a conthat is a composite §483.5) must disclosite physical configulocations that compart, and must specified.	ange in the resident's physical, ocial status (that is, a alth, mental, or psychosocial threatening conditions or ans); treatment significantly (that is, we an existing form of diverse consequences, or to form of treatment); or ansfer or discharge the acility as specified in cotification under paragraph (g) and, the facility must ensure that ation specified in §483.15(c)(2) avided upon request to the sident representative, if any, and or roommate assignment 3.10(e)(6); or ident rights under Federal or tions as specified in paragraph on.	F 58	30			

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION  (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED	
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F 580	under §483.15(c)( This REQUIREME by: Based on intervie facility failed to en was notified of a n resident missing of residents (R4) rev physician orders.  Findings include:  R4's Face Sheet p diagnoses include of chronic embolis clots), and thromb popliteal (back of I  R4's quarterly Min 8/26/20, indicated impaired.  R4's care plan initiat risk for complicated anticoagulation (bl The care plan liste would receive coafollowed per MD/w included labs as of ordered  R4's signed physic indicated R4's Intervity (INR, a measure of to clot) was 4.5 an to hold R4's Court the formation of bl 9/19/20, and resur	enter is not met as evidenced when and document review, the sure a resident representative nedication error resulting in the ritical medications for 1 of 3 iewed for implementation of the orinted 11/5/20, indicated R4's dunspecified dementia, history im (blockage caused by blood osis (blood clot) of right	F 580	1.R1 representative has been recommendation the medication errors in the lass were reviewed and responsible been updated 3.Licensed staff educated on Physician/Family/Resident Representation of Medication errors 48hrs.  4.Audits of medication errors wiwith every incident for 30 days 5.Date of compliance 12/18/202	et 30 days party has resentative within	

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION  (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED		
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facility had identified Racoumadin since 9/23/2 been drawn which were on 9/23/20. The facility physician, and new Couwere completed.  On 11/5/20, at 8:00 a.m stated she had not bee informed of R4 not rece 9/23/20, through 10/12/representative stated she facility to inform her medication and INR labsince it's a significant m representative stated the would have wanted the time facility identified the On 11/5/20, at 8:38 a.m (DON) was interviewed representative had not missing both her Coum 9/24/20, through 10/12/which was ordered for 9/24/20, through 10/12	ded 10/12/20, indicated the had not received on nor had R4's INR labs cordered to be completed contacted R4's primary umadin orders and an INR on R4's legal representative in called by the facility and eiving her Coumadin from 1/20. R4's legal he would have expected for R4 missing Coumadin its not being completed in the second recompleted in the director of nursing and verified the R4's legal had her error occurred.  In the director of nursing and verified the R4's legal had medication from 1/20, and INR lab draw 1/20, and INR lab draw 1/23/20. The DON stated called R4's legal her, did not.  Cation to lent Representative of leath Status revision date notify the resident's lere was a significant	F 58	30				

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		I DENTIFICATION NUMBER		2) MULTIPLE CONSTRUCTION BUILDING		(X3) DATE SURVEY COMPLETED	
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Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered November 23, 2020

Administrator Chris Jensen Health & Rehabilitation Center 2501 Rice Lake Road Duluth, MN 55811

Re: State Nursing Home Licensing Orders

Event ID: P9WH11

#### Dear Administrator:

The above facility was surveyed on November 3, 2020 through November 5, 2020 for the purpose of assessing compliance with Minnesota Department of Health Nursing Home Rules and Statutes. At the time of the survey, the survey team from the Minnesota Department of Health - Health Regulation Division noted one or more violations of these rules or statutes that are issued in accordance with Minn. Stat. § 144.653 and/or Minn. Stat. § 144A.10. If, upon reinspection, it is found that the deficiency or deficiencies cited herein are not corrected, a civil fine for each deficiency not corrected shall be assessed in accordance with a schedule of fines promulgated by rule and/or statute of the Minnesota Department of Health.

To assist in complying with the correction order(s), a "suggested method of correction" has been added. This provision is being suggested as one method that you can follow to correct the cited deficiency. Please remember that this provision is <u>only a suggestion</u> and you are not required to follow it. Failure to follow the suggested method will not result in the issuance of a penalty assessment. You are reminded, however, that regardless of the method used, correction of the order within the established time frame is required. The "suggested method of correction" is for your information and assistance only.

You have agreed to participate in the electronic receipt of State licensure orders consistent with the Minnesota Department of Health Informational Bulletin 14-01, available at <a href="https://www.health.state.mn.us/facilities/regulation/infobulletins/ib04">https://www.health.state.mn.us/facilities/regulation/infobulletins/ib04</a> 8.html. The State licensing orders are delineated on the Minnesota Department of Health State Form and are being delivered to you electronically. The Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Tag numbers have been assigned to Minnesota state statutes/rules for Nursing Homes.

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 out of compliance is listed in the "Summary Statement of Deficiencies" column and replaces the "To Comply" portion of the correction order. This column also includes the findings that are in violation of the state statute or rule after the statement, "This MN Requirement is not met as evidenced by." Following the surveyors findings are the Suggested Method of Correction and 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.

Although no plan of correction is necessary for State Statutes/Rules, please enter the word "corrected" in the box available for text. You must then indicate in the electronic State licensure process, under the heading completion date, the date your orders will be corrected prior to electronically submitting to the Minnesota Department of Health. We urge you to review these orders carefully, item by item, and if you find that any of the orders are not in accordance with your understanding at the time of the exit conference following the survey, you should immediately contact:

Teresa Ament, Unit Supervisor
Duluth District Office
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

Phone: (218) 302-6151

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.

Please note it is your responsibility to share the information contained in this letter and the results of this visit with the President of your facility's Governing Body.

Please feel free to call me with any questions. Sincerely,

Joanne Simon, Enforcement Specialist Minnesota Department of Health

Licensing and Certification Program

Program Assurance Unit Health Regulation Division

Telephone: 651-201-4161 Fax: 651-215-9697

Email: joanne.simon@state.mn.us

cc: Licensing and Certification File

(X6) DATE

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		' '	E CONSTRUCTION	(X3) DATE SURVEY COMPLETED		
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	144A.10, this corre pursuant to a surve found that the deficient herein are not corrected shall with a schedule of the Minnesota Dep	Minnesota Statute, section action order has been issued by. If, upon reinspection, it is ciency or deficiencies cited ected, a fine for each violation be assessed in accordance fines promulgated by rule of artment of Health.  Thether a violation has been compliance with all erule provided at the tag				
	number and MN Ru When a rule contai comply with any of lack of compliance re-inspection with a result in the assess	ule number indicated below. Ins several items, failure to the items will be considered Lack of compliance upon any item of multi-part rule will sment of a fine even if the item uring the initial inspection was				
	that may result from orders provided that the Department wit	hearing on any assessments m non-compliance with these at a written request is made to thin 15 days of receipt of a cent for non-compliance.				
	survey was comple complaint investiga not to be in complia Requirements for L	h 11/5/20, an abbreviated eted at your facility to conduct a ation. Your facility was found ance with 42 CFR Part 483, ong Term Care Facilities				
	The following comp	plaint was found to be				

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

**Electronically Signed** 12/02/20

TITLE

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:			E CONSTRUCTION	(X3) DATE SURVEY COMPLETED				
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2 265	MN Rule 4658.008 Resident Health St	5 Notification of Chg in atus	2 265			12/18/20		
	policies to guide sta physicians, physicia practitioners, and if legal representative member of a reside accident, or death. nursing services, a attending physician development of the	ust develop and implement aff decisions to consult an assistants, and nurse known, notify the resident's e or an interested family ent's acute illness, serious. At a minimum, the director of and the medical director or an amust be involved in the ese policies. The policies must address at least the tition times for:						
		involving the resident which has the potential for requiring on;						
	physical, mental, c example, a deterior	change in the resident's or psychosocial status, for ration in health, mental, or in either life-threatening all complications;						

Minnesota Department of Health

STATE FORM P9WH11 If continuation sheet 2 of 5

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION  A. BUILDING:			(X3) DATE SURVEY COMPLETED		
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	example, a need to of treatment due to begin a new form o  D. a decision t resident from the needs	o transfer or dischar	ing form ces, or to ge the				
	by: Based on interview facility failed to ens was notified of a moresident missing cri	ent is not met as evident and document review ure a resident represedication error resultitical medications for ewed for implementate	w, the entative ng in the 1 of 3		Completed 12/18/20		
	diagnoses included of chronic embolism	inted 11/5/20, indicat unspecified dementi n (blockage caused b sis (blood clot) of right g vein) vein.	a, history by blood				
		mum Data Set (MDS) R4's cognition was se					
	at risk for complication anticoagulation (blown the care plan listed would receive coagulation) followed per MD/water at risk for complication and the care plant for complete the complete the complete the care at risk for complication and the care at risk for complication (blown the care plant is the care plant is the care at risk for complication (blown the care plant is the care plant	ated 7/18/18, indicate tions/injuries related to lood thinning medication of goals which include ulation therapy, and carfarin clinic. Interver dered and medication	to on) use. d R4 orders ntions				

Minnesota Department of Health

STATE FORM P9WH11 If continuation sheet 3 of 5

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPL A. BUILDING:	E CONSTRUCTION		(X3) DATE SURVEY COMPLETED	
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2 265	ordered  R4's signed physici indicated R4's Inter (INR, a measure of to clot) was 4.5 and to hold R4's Couma the formation of blo 9/19/20, and resum on Monday 9/21/20 recheck INR level of R4's progress note facility had identified Coumadin since 9/2 been drawn which on 9/23/20. The facility had identified Coumadin since 9/2 been drawn which on 9/23/20. The facility had not informed of R4 not 9/23/20, through 10 representative state the facility to inform medication and INF since it's a significar representative state would have wanted time facility identified On 11/5/20, at 8:38 (DON) was intervier representative had missing both her Co 9/24/20, through 10 which was ordered	an order dated 9/18/20, national Normalized Ratio how long it takes your bloo directed facility nursing standin (mediation which reduced od clots) on 9/18/20, and e Coumadin 2 milligrams (r., Tuesday 9/2320, and on 9/23/20.  dated 10/12/20, indicated the R4 had not received 23/20, nor had R4's INR labwere ordered to be complet ility contacted R4's primary Coumadin orders and an If a.m. R4's legal representation been called by the facility and receiving her Coumadin from 12/20. R4's legal ed she would have expected her of R4 missing Coumadin dates and being completed int medication. R4's legal ed this was something she the facility to notify her at the date of R4 missing Coumadin date of R4 missing completed in the director of nursing wed and verified the R4's legal and verified the R4's legal of R4 output and received of R4 output and received and verified the R4's legal and verified the R4's legal and verified the R4's legal of R4 output and R4's legal	off ses mg)  The sed NR stive and m distribution he sed signal segal seg			

Minnesota Department of Health

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STATEMENT OF DEFICIENCIES (X1)

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		, ,	E CONSTRUCTION	(X3) DATE SURVEY COMPLETED			
			A. BUILDING:		С		
		00598	B. WING			5/2020	
NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE							
CHRIS J	ENSEN HEALTH & RE	FHARII ITATION C	E LAKE ROA MN 55811	.D			
(X4) ID PREFIX TAG	(EACH DEFICIENC)	ATEMENT OF DEFICIENCIES Y MUST BE PRECEDED BY FULL SC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTI (EACH CORRECTIVE ACTION SHOUL CROSS-REFERENCED TO THE APPRO DEFICIENCY)	LD BE	(X5) COMPLETE DATE	
2 265	Continued From pa	ige 4	2 265				
	The facility policy N Physician/Family/R Change in Residen 11/16, directed staf representative whe change in the resid psychosocial status be made immediate SUGGESTED MET The Director of Nur develop, review, an procedures to ensur representatives/phy change in condition The Director of Nur educate all appropr procedures. The Director of Nur	lotification to esident Representative of ts Health Status revision date if to notify the resident's in there was a significant ent's physical, mental or is, and this notification was to ely to 48 hours.  THOD OF CORRECTION: resing or designee could ind/or revise policies and ire residents/family ysicians are notified of a					

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