

Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered August 31, 2023

Administrator
Fairway View Neighborhoods
201 Mark Drive
Ortonville, MN 56278

RE: CCN: 245451

Cycle Start Date: June 7, 2023

Dear Administrator:

On June 29, 2023, we notified you a remedy was imposed. On August 28, 2023 the Minnesota Department(s) of Health and Public Safety completed a revisit to verify that your facility had achieved and maintained compliance. We have determined that your facility has achieved substantial compliance as of August 11, 2023.

As authorized by CMS the remedy of:

• Mandatory denial of payment for new Medicare and Medicaid admissions effective September 7, 2023 did not go into effect. (42 CFR 488.417 (b))

In our letter of June 29, 2023, in accordance with Federal law, as specified in the Act at § 1819(f)(2)(B)(iii)(I)(b) and § 1919(f)(2)(B)(iii)(I)(b), we notified you that your facility was prohibited from conducting a Nursing Aide Training and/or Competency Evaluation Program (NATCEP) for two years from September 7, 2023 due to denial of payment for new admissions. Since your facility attained substantial compliance on August 11, 2023, the original triggering remedy, denial of payment for new admissions, did not go into effect. Therefore, the NATCEP prohibition is rescinded. However, this does not apply to or affect any previously imposed NATCEP loss.

The CMS Region V Office may notify you of their determination regarding any imposed remedies.

Feel free to contact me if you have questions.

Sincerely,

Sarah Lane, Compliance Analyst

Federal Enforcement | Health Regulation Division

Minnesota Department of Health

P.O. Box 64900

Saint Paul, MN 55164-0900

Telephone: 651-201-4308 Fax: 651-215-9697

Email: sarah.lane@state.mn.us



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered

August 1, 2023

Administrator
Fairway View Neighborhoods
201 Mark Drive
Ortonville, MN 56278

RE: CCN: 245451

Cycle Start Date: June 7, 2023

Dear Administrator:

On June 29, 2023, we informed you that we may impose enforcement remedies.

On July 26, 2023, 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 September 7, 2023

The CMS Region V Office will notify your Medicare Administrative Contractor (MAC) that the denial of payment for new admissions is effective September 7, 2023. They will also notify the State Medicaid Agency that they must also deny payment for new Medicaid admissions effective September 7, 2023.

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 payment for new admissions.

This Department is also recommending that CMS impose a civil money penalty. You will receive a formal notice from the CMS RO only if CMS agrees with our recommendation.

• Civil money penalty. (42 CFR 488.430 through 488.444)

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 \$11,995, 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 September 7, 2023, the remedy of denial of payment for new admissions will go into effect and this provision will apply to your facility. Therefore, Fairway View Neighborhoods will be prohibited from offering or conducting a Nurse Aide Training and/or Competency Evaluation Program (NATCEP) for two years from September 7, 2023. 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.

DEPARTMENT CONTACT

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

Lisa Krebs, Rapid Response
Licensing and Certification Program
Health Regulation Division
Minnesota Department of Health
Rochester District Office
18 Woodlake Drive, Rochester MN, 55904
Email: Lisa.Krebs@state.mn.us
Office (507) 206-2728

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 December 7, 2023 (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.

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:

Steven.Delich@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
202-795-7490

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 Steven Delich, Program Representative at (312) 886-5216. Information may also be emailed to Steven.Delich@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:

> 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,

Sarah Lane, Compliance Analyst

Federal Enforcement | Health Regulation Division

Minnesota Department of Health

P.O. Box 64900

Saint Paul, MN 55164-0900

Telephone: 651-201-4308 Fax: 651-215-9697

Email: sarah.lane@state.mn.us



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Electronically delivered

August 1, 2023

Administrator
Fairway View Neighborhoods
201 Mark Drive
Ortonville, MN 56278

Re: Event ID: MSLI11

Dear Administrator:

The above facility survey was completed on July 26, 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,

Sarah Lane, Compliance Analyst

Federal Enforcement | Health Regulation Division

Minnesota Department of Health

P.O. Box 64900

Saint Paul, MN 55164-0900

Telephone: 651-201-4308 Fax: 651-215-9697

Email: sarah.lane@state.mn.us

PRINTED: 08/31/2023 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	
245451		B. WING		C			
NAME OF PROVIDER OR SUPPLIER FAIRWAY VIEW NEIGHBORHOODS				STREET ADDRESS, CITY, STATE, ZIP COI 201 MARK DRIVE ORTONVILLE, MN 56278		/26/2023	
(X4) ID PREFIX TAG	(EACH DEFICIENCY	TEMENT OF DEFICIENCIES MUST BE PRECEDED BY FULL SC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORR (EACH CORRECTIVE ACTION S CROSS-REFERENCED TO THE AF DEFICIENCY)	HOULD BE	(X5) COMPLETION DATE	
F 000	INITIAL COMMENT	ΓS	F 0	00			
	survey was conduction was NOT in compli	26/23, a standard abbreviated ted at your facility. Your facility ance with the requirements of art B, Requirements for Long s.					
		laints were reviewed. 00095445) with a deficiency					
	as your allegation of the asyour allegation of the	f correction (POC) will serve of compliance upon the otance. Because you are your signature is not required it is first page of the CMS-2567 ic submission of the POC will tion of compliance.					
	onsite revisit of you	d Violations	F 6	09		8/11/23	
		onse to allegations of abuse, n, or mistreatment, the facility					
	involving abuse, nemistreatment, inclusions and misappeare reported immediate that cause the allegate that cause the allegate involving abuse, nemistreatment, inclusions and misappeare reported immediately.	re that all alleged violations glect, exploitation or ding injuries of unknown ropriation of resident property, diately, but not later than 2 gation is made, if the events pation involve abuse or result in y, or not later than 24 hours if					
LABORATOR)	DIRECTOR'S OR PROVID	DER/SUPPLIER REPRESENTATIVE'S SIGN	NATURE	TITLE		(X6) DATE	

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

08/10/2023

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		I DENTIFICATION NI IMBER:		TIPLE CONSTRUCTION ING	\	(X3) DATE SURVEY COMPLETED	
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F 609	the events that ca abuse and do not the administrator officials (including adult protective set for jurisdiction in I accordance with Sprocedures. §483.12(c)(4) Reginvestigations to the designated representation accordance with Survey Agency, whice incident, and if the appropriate correspondent, and if the appropriate correspondent, and if the appropriate correspondents reviewed facility failed to react abuse by a staff in within the two-hour residents reviewed Findings include: Review of facility on 7/21/23 at 11:50 notification of R1 (NA)-A was rough assist R1 with put assessment was findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's annual Minit 6/14/23, indicated depression and his findings of bruises R1's A1's A1's A1's A1's A1's A1's A1's A	result in serious bodily injury, to of the facility and to other to the State Survey Agency and ervices where state law provides ong-term care facilities) in State law through established cort the results of all he administrator or his or her sentative and to other officials in State law, including to the State within 5 working days of the ealleged violation is verified ctive action must be taken. ENT is not met as evidenced ew and document review, the port an allegation of physical nember to the state agency (SA) ar requirement for 1 of 3 (R1) d. Teported incident (FRI) to the SA 55 a.m., indicated staff received reporting a nursing assistant a with cares and refusing to thing her legs into bed. A skin completed and there were no so or red marks. The Data Set (MDS) dated and the severe cognitive impairment, equired staff assistance with		The Agency Staff member report was immediately terr Fairway View Neighborhood 7/21/2023. Administrator re-educated the who initially received VA reporting window and the interporting all allegations make in a timely manner. Re-education to all staff on Prevention Policy began on regarding the importance of reporting, the different types the process to follow when made. During the All Staff meeting Social Worker provided education and the staff of the process to follow when made.	he night nurse ort on 7/26/23. If on the Abuse 7/26/23 if timely s of abuse, and a report is		

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F 609	Continued From page 2			509			
	During an interview on 7/25/23 at 12:03 p.m, R1 indicated during the night on 7/26-7/27/23 NA-A was the NA-A that handled her roughly. R1 explained after NA-A assisted her to the bathroom, she could not able to lift her legs back up into bed. NA-A lifted them and threw them onto the bed. R1 could not remember what time the incident occurred, only that it happened during the night shift. During an interview on 7/26/23, at 1:33 p.m. NA-A indicated on 7/21/23 around 5:00 a.m. R1 had been upset because she was still waiting for her Tylenol she had requested from the nurse around 1:30 a.m. NA-A sent a text message to LPN-B requesting Tylenol for R1. NA-A stated she assisted R1 to the bathroom again. R1 told her she was too rough with her cares. NA-A stated at 5:45 a.m. she reported to LPN-B R1 had told her she was too rough during cares, LPN-B told her a written statement was not needed. At 6:15 a.m. NA-A again asked LPN-B if she wanted her to document the incident, LPN-B again told her "no". During an interview on 7/26/23 at 10:47 a.m., licensed practical nurse (LPN)-B indicated R1 historically has alleged rough handling in a "joking" manner. LPN-B stated on 7/21/23, between 5:15 a.m. and 5:30 a.m. NA-A reported to her R1 told her she was too rough during cares. LPN-B indicated she then went to talk to R1, however she was sleeping. When she did talk to R1, R1 reported to her NA-A had been too rough during cares. LPN-B explained she then reported R1's concerns to the administrator at			staff on the timeliness of reporting, resident rights, the different types of abuse, the importance of upholding resident dignity, and that all staff are considered mandated reporters. The type of education included a video, a quiz to test competency followed by a group discussion. This 13-question quiz included the question, "How long do you have to report suspected abuse, neglect, and misappropriation of resident property?" The Abuse Prevention Policy was also reviewed by Social Worker at this meeting. Education will also be provided to residents during the Resident Council Meeting for the month of July and August. Education will focus on our Abuse Prevention Policy including the timeliness of reporting, types of abuse, Resident Bill of Rights, Resident Dignity, and encouraging residents to report their			
				Household leaders will interresidents per neighborhood 3 months or until 100% con Questions asked will include free to report to staff? Do yo here?" The Quality Assurance/Performers committee will education and completion of staff including PRN staff. The Committee will be staff including PRN staff.	rview two per week for pliant. e, "Do you feel ou feel safe formance Il monitor staff of quiz by all he resident		
	10:30 a.m. LPN-B stated that she did not know of the two-hour time frame until conversation with the administrator.			interview results will be reported monthly to the Quality Assurance/Performance Improvement to monitor resident			

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		B. WING				C 07/26/2023		
NAME OF PROVIDER OR SUPPLIER FAIRWAY VIEW NEIGHBORHOODS				20	TREET ADDRESS, CITY, STATE, ZIP CODE 01 MARK DRIVE 0RTONVILLE, MN 56278			
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F 609	administrator indicated the incident from LF immediately started removed AP from the indicated that she rehours of knowledge. Facility policy titled alleged violations in exploitation or mistrunknown source an property, are report	on 7/26/23 at 9:52 a.m. Ited she was made aware of PN-B at 10:30 A.M., and her investigation and he schedule. Administrator eported the incident within 2		309	feedback.			

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Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		1 ` ′	E CONSTRUCTION	(X3) DATE SURVEY COMPLETED					
00771		B. WING		C 07/26/2023					
NAME OF F	PROVIDER OR SUPPLIER	STREET AD	DRESS, CITY, S	STATE, ZIP CODE	•				
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		ORTONV	ILLE, MN 56						
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2 000	Initial Comments		2 000						
	****ATTE	NTION*****							
	NH LICENSING	CORRECTION ORDER							
	144A.10, this correct pursuant to a survey found that the deficit herein are not corrected shall with a schedule of function the Minnesota Department of which corrected requires of the corrected requires of the Minnesota pursuant to a survey found that the deficit herein are not corrected shall be with a schedule of function of which the Minnesota Department of which the minute of the corrected requires o	nether a violation has been							
	number and MN Ru When a rule contain comply with any of to lack of compliance. re-inspection with a result in the assess	le number indicated below. It is several items, failure to the items will be considered. Lack of compliance upon ny item of multi-part rule will ment of a fine even if the item tring the initial inspection was							
	that may result from orders provided that the Department with	hearing on any assessments non-compliance with these ta written request is made to nin 15 days of receipt of a nt for non-compliance.							
	conducted at your fa Minnesota Departm	S: 6/23, a complaint survey was acility by surveyors from the ent of Health (MDH). Your cliance with the MN State							
Aliana a a a t	The following comp	laints were reviewed.							

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

(X6) DATE TITLE

Electronically Signed

08/10/23

MSLI11

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Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		` ´	E CONSTRUCTION	` '	(X3) DATE SURVEY COMPLETED	
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2 000 Continued From pa	ige 1	2 000				
H54513947C (MN0 orders issued.	00095445) with no licensing					
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.						
	f correction is required, it is cility acknowledge receipt of ments.					

Minnesota Department of Health