

Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered December 20, 2021

Administrator St Gertrudes Health & Rehabilitation Center 1850 Sarazin Street Shakopee, MN 55379

RE: CCN: 245610

Cycle Start Date: December 1, 2021

#### Dear Administrator:

On December 1, 2021, 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.

St Gertrudes Health & Rehabilitation Center December 20, 2021 Page 2

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:

Jamie Perell, Unit Supervisor
Metro B District Office
Licensing and Certification Program
Health Regulation Division
Minnesota Department of Health
85 East Seventh Place, Suite 220
P.O. Box 64900
Saint Paul, Minnesota 55164-0900
Email: jamie.perell@state.mn.us
Office: (651) 245-8094

#### 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

St Gertrudes Health & Rehabilitation Center December 20, 2021 Page 3

the latest correction date on the approved ePoC, unless it is determined that either correction actually occurred between the latest correction date on the ePoC and the date of the first revisit, or correction occurred sooner than the latest correction date on the ePoC.

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

If substantial compliance with the regulations is not verified by March 1, 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 June 1, 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: <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.

St Gertrudes Health & Rehabilitation Center December 20, 2021 Page 4

Feel free to contact me if you have questions.

Sincerely,

Kamala Fiske-Downing

Minnesota Department of Health
Licensing and Certification Program
Program Assurance Unit

Kumalu Fiske Downing

Health Regulation Division

Telephone: (651) 201-4112 Fax: (651) 215-9697

Email: <u>Kamala.Fiske-Downing@state.mn.us</u>

PRINTED: 01/09/2022 FORM APPROVED OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES (X' AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	` '	X2) MULTIPLE CONSTRUCTION   BUILDING			(X3) DATE SURVEY COMPLETED	
245610		B. WING			C <b>12/01/2021</b>			
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F 000	completed at your Minnesota Departn conduct multiple of Gertrudes Health & found to not be in a 483, Requirements  The following companies and the following companies and the following companies and the following companies are survey.  H5610091C (MN78 deficiencies issued survey. H5610100C (MN58 deficiencies issued survey.  The following companies are survey.  The following companies are survey.  The following companies are survey.  H5610091C (MN77 H5610093C (MN77 H5610093C (MN58 H5610096C (MN58 H5610099C (MN58 H5610099C (MN58 H5610099C (MN58 H5610099C (MN58 H5610101C (MN58 H56101C (MN58 H56101	breviated survey was facility by surveyors from the nent of Health (MDH) to omplaint investigations. St. Rehabilitation Center was compliance with 42 CFR Part for Long Term Care Facilities.  Blaints were found to be sacron; with non-compliance of a sacron; with non-compliance sacron; however, no due to actions taken prior to sacron and to be sacron actions taken prior to sacron sacron be sacron actions taken prior to sacron s	FC	000			NO. DATE	
I ABORATORY	, ,	DER/SUPPLIER REPRESENTATIVE'S SIG	NATURE		TITLE		(X6) DATE	

Electronically Signed 12/28/2021

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.

AND PLAN OF CORRECTION (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		A. BUILDING			COMPLETED	
		245610	B. WING _		12/0	) 1/ <b>2021</b>
NAME OF PROVIDER OR SUPPLIER  ST GERTRUDES HEALTH & REHABILITATION CENTER				STREET ADDRESS, CITY, STATE, ZIP CODE  1850 SARAZIN STREET  SHAKOPEE, MN 55379		
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F 000	enrolled in ePOC, y at the bottom of the form. Your electron be used as verifical receipt of an accep on-site revisit of you validate that substa	ge 1  otance. Because you are our signature is not required first page of the CMS-2567 c submission of the POC will ion of compliance. Upon table electronic POC, an our facility may be conducted to ontial compliance with the en attained in accordance with	F 00	0		
F 600 SS=D	Free from Abuse ar CFR(s): 483.12(a)( §483.12 Freedom f Exploitation The resident has the neglect, misapproper and exploitation as includes but is not lead to corporal punishmer any physical or cheat the resident's §483.12(a) The face §483.12(a)(1) Not uphysical abuse, confined in the second involuntary seclusion This REQUIREMENT by: Based on interview facility failed to ensiver the second involuntary seclusion. Findings include:	rom Abuse, Neglect, and e right to be free from abuse, riation of resident property, defined in this subpart. This imited to freedom from at, involuntary seclusion and mical restraint not required to medical symptoms.  lity must- use verbal, mental, sexual, or poral punishment, or	F 60	This plan of correction is submitted required under the federal and state regulations and statutes applicable term care providers. This plan of correction does not constitute an admission of liability on the part of tacility and, such liability is hereby specifically denied. The submission	e to long :he	12/28/21

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:			(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED	
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NAME OF I	PROVIDER OR SUPPLIER	1		S	TREET ADDRESS, CITY, STATE, ZIP CODE	12/0	71/2021
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ST GERT	RUDES HEALTH & I	REHABILITATION CENTER			HAKOPEE, MN 55379		
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F 600	TAG REGULATORY OR LSC IDENTIFYING INFORMATION)		F6	600	plan of care does not constitute agreement by the facility that the surveyor's findings and/or conclusion accurate, that the findings constitute deficiency or that the scope and sever egarding any of the deficiencies cit correctly applied. Please accept this of correction as our credible allegatic compliance.  (Affected Resident) An electronic report was filed on 11/24/2021 with MDS regarding R11 allegations. Interview conducted wire resident. (Completed 11/25/2021). Resident had no further concerns. Resident was given a copy of the rerights booklet and the abuse prevental plan was reviewed with the resident resident verbalizing understanding of 11/27/2021.  (Like Resident)	e a verity ed are s plan ion of l's th	
	accident in bed. The "bad and unsafe."  A written statement	y with her for having an ne interaction made R11 feel, t by nursing assistant (NA)-A			1. Conducted risk group interviews like residents with no other resident expressing concerns related to their or safety (Completed 11/25/2021). A residents and/or resident represents have been provided a resident right	s r care All atives	
	dated 11/25/21, indicated he responded to a call light in R11's room on 11/24/21, as registered nurse (RN)-A exited R11's room. R11 was noted to be in the fetal position, in bed, with her head near the foot of the bed and had an incontinent episode with soiled bedding. Licensed practical nurse (LPN)-A was overheard being verbally abusive, towards R11, and stated, "Why would you do this" in a very upset and demeaning tone. Further, LPN-A asked R11, three or four times, "Why didn't you use your call button?" R11 then				have been provided a resident right booklet upon admission to which the Resident Rights were reviewed with and are continually re-reviewed duri Care Conferences.  (Preventing the Reoccurrence of De Practice)  1. Facility's abuse prevention policing reviewed; remains current with update occurring 8/2020 (Completed)	eir them ng eficient	

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 600	why she did not yel tried and tried, so I LPN-A's response cruel. LPN-A then to NA-A was asked to bed. NA-A gathered overheard LPN-A to in the bathroom. Not the exact words LFA progress note daindicated R11 verbowas a bad day and During an interview stated she did not in LPN-A on 11/24/21 going on because a apologized to her.  During an interview NA-A stated he response on 11/24/21, room. NA-A stated incontinence and Foverheard LPN-A, "verbally abusing" a Specifically, LPN-A do that?" LPN-A wavoice in a very unp LPN-A questioned call light. R11 response of hethen returned to the cream for help. R1 however, gave up.	to." LPN-A then asked R11 I for help and R11 replied, "I gave up." NA-A documented was very unprofessional and began to transfer R11 and change the bedding on R11's d the soiled linens and relittle R11, when cleaning R11 A-A was unable to remember rN-A had used.  relized "yesterday [11/24/21] someone "mistreated" her.  ron 12/1/21, at 10:31 a.m. R11 recall the incident involving but she knew something was an official came in and  ron 12/1/21, at 12:20 p.m. ponded to a call light in R11's as RN-A was leaving R11's R11 had an episode of bowel li1's bedding was soiled. NA-A who was in R11's room,	F 6	12/28/2021). Abuse Preve Resident Rights for all resi reviewed with all staff on a Significant Change and PF 2. Education provided to responsible for conducting (Charge Nurses, Clinical M Social Workers, Director of Administrator) relative to the thorough investigations (C 12/28/2021).  1. Education was provided from three different sourced is Minnesota Department Services Vulnerable Adults Training Course is The Vulnerable Adults in Training Course is The Vulnerable Adults in Training Course is Identify who are the mandated is The Common Entry Pois EduCare Vulnerable A Course is Identify who is a vulne who must report. It is what is reportable is Describe where report submitted. It is when reports submitted. It is when reports should be important is Benedictine Shakoped is Definitions of vulnerable maltreatment. Reporting suspected in Mandated reporters is Scenarios.	idents are an annual RN. personne ginvestiga Managers of Nursing he completed to all ses. It of Human Act ment direporte oint (CEP adult Train erable adult arable adult arabl	el ations , , , , , , , , , , , , , , , , , , ,		

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED		
245610		B. WING			C <b>12/01/2021</b>		
NAME OF PROVIDER OR SUPPLIER  ST GERTRUDES HEALTH & REHABILITATION CENTER				18	REET ADDRESS, CITY, STATE, ZIP CODE 50 SARAZIN STREET HAKOPEE, MN 55379	12/0	71/2021
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F 600	multiple times. LPN condescending.  During an interview LPN-A stated she re R11's room which was found with her her bed and LPN-A responded she four stated she realized bathroom, however bowel. LPN-A confidid not turn her call turned the call light LPN-A speculated to malfunctioned. LPN R11 why she did not responded she had left R11's room to greturn told RN-A she bathroom to clean if then entered R11's NA-A to change the said that." NA-A the R11's room. LPN-A get wipes and RN-A returned to R11's room to R11's room. LPN-A from the factorroborated the reinterviewed. Furthe	on 12/1/1, at 12:28 p.m. esponded to a call light in vas turned on by RN-A. R11 head towards the footboard of asked what happened. RN-A nd R11 in that position. LPN-A R11 tried to get to the , was already incontinent of rmed she asked R11 why she light on and R11 replied she on and staff did not see it. he call light may had l-A then stated she questioned at call out verbally and R11 yelled. LPN-A stated she then et clean bedding and upon e would take R11 to the ner up. LPN-A stated NA-A room and she requested elinen, but "He didn't like that I en left and RN-A was still in stated she requested RN-A to a left and subsequently from.  on 12/1/21, at 1:26 p.m. the DON) stated she received a left and R11 being verbally The DON directed RN-B to the R11 was safe, and remove ility. The DON stated R11 port of abuse when r, the DON interviewed R11 R11's statements and NA-A's	F 6	600	1. Administrator and/or DON will reported incidents for thoroughness investigation for a period of (3) more and then periodically for an addition months (commencing immediately). Administrator and/or DON will conceducation retention audits monthly ensure all staff have retained the treprovided by randomly selecting a liemployees.  2. Risk group interviews will contibe conducted on 2 residents per wand 1 resident per week x 8 weeks Follow up will be reviewed in Quality Council for continuance of interview deemed appropriate by the Quality Council and audit results.  3. Administrator, DON, or designer present audit results to QA commit 4. Affected Resident will be period assessed for safety by Social Servi post Trauma Review and provided emotional support interventions.  Megan Diamond Administrator	s of nths, nal (3) ). duct to aining st of nue to eek x 4 s. ty ws as	

		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		TIPLE CONSTRUCTION ING			E SURVEY PLETED
		245610	B. WING				C <b>01/2021</b>
NAME OF PROVIDER OR SUPPLIER  ST GERTRUDES HEALTH & REHABILITATION CENTER				STREET ADDRESS, CITY, STATE, ZIP 1850 SARAZIN STREET SHAKOPEE, MN 55379	CODE	1 2/	01/2021
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F 600	stated she went to medications and sa of the bed. RN-A st was laying that way wanted to go to the reminded R11 to us not safe to self-tran noted on R11's pan light on. RN-A state to R11's room and soiled and wanted to asked LPN-A to cle bedding. RN-A ther hear any further into During an interview RN-B stated NA-A's her at approximatel informed her NA-A language towards Finterviewed NA-A a R11's call light, who in bed, and LPN-A spoke to angry tone in which not call for help by responded the call to call out, but nobogave up. RN-B state who told her LPN-A did not feel safe wit present.	on 12/1/21, at 2:25 p.m. RN-A R11's room to give w R11's head towards the foot ated she asked R11 why she and R11 verbalized she toilet. RN-A stated she as the call light because it was sfer. RN-A stated stool was ts and she turned R11's call d LPN-A and NA-A responded RN-A told them R11 was to get out of bed. She also an R11 and change the a left R11's room and did not	F6				

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION  (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING			(X3) DATE SURVEY COMPLETED		
		245610	B. WING			C / <b>01/2021</b>	
	PROVIDER OR SUPPLIER	EHABILITATION CENTER		STREET ADDRESS, CITY, STATE, 2 1850 SARAZIN STREET SHAKOPEE, MN 55379		/01/2021	
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F 600	Management was reconducted with NAstate "NAR [LPN-A] patient and the patient asked to leave the full investigation conducted with a sked to leave the full investigation conducted and investigation conducted and investigation conducted and investigation conducted and investigation and resident statement of a vulne considered by a reastate with the statement of a vulne considered by a reastate with the statement of a vulne considered by a reastatement of a vulne considered by a reast	erbally abuse a resident. The obtified and interviews were that A, LPN-A, and R11. R11 did and a was at first angry with the ent was fearful." LPN-A was facility and not return until a wild be completed.  The on 12/1/21, at 3:37 p.m. the dishe was informed of the N-B, via phone, on the N-B, via phone, on the She stated LPN-A was acility and written statements LPN-A and NA-A. The dishe allegation of abuse substantiated based on witness	F6	600			



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically delivered December 20, 2021

Administrator St Gertrudes Health & Rehabilitation Center 1850 Sarazin Street Shakopee, MN 55379

Re: Event ID: EJBM11

Dear Administrator:

The above facility survey was completed on December 1, 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,

Kamala Fiske-Downing

Minnesota Department of Health Licensing and Certification Program

Kamala Fiske Downing

Program Assurance Unit Health Regulation Division

Telephone: (651) 201-4112 Fax: (651) 215-9697

Email: Kamala.Fiske-Downing@state.mn.us

Minnesota Department of Health

STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER:		` '	LE CONSTRUCTION :	COMPLETED		
		00450	B. WING		C <b>12/01/2021</b>	
		00459			12/0	1/2021
NAME OF	PROVIDER OR SUPPLIER		DDRESS, CITY, S	STATE, ZIP CODE		
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2 000	Initial Comments		2 000			
	*****	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				
	re-inspection with a result in the assess	Lack of compliance upon any item of multi-part rule will ment of a fine even if the item uring the initial inspection was				
	that may result from orders provided tha the Department witl	hearing on any assessments n non-compliance with these at a written request is made to hin 15 days of receipt of a ent for non-compliance.				
	conducted at your f Minnesota Departm Estates at Chateau	TS: 80/21, a complaint survey was acility by surveyors from the nent of Health (MDH). The was found in compliance with elicensure rules for nursing				

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

12/28/21 **Electronically Signed** 

STATE FORM 6899 EJBM11 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:					SURVEY LETED	
00459		B. WING		12/0	) 1/2021	
NAME OF	PROVIDER OR SUPPLIER			STATE, ZIP CODE	1 12/0	1/2021
		1850 SAF	RAZIN STREE			
SIGER	TRUDES HEALTH & R	SHAKOP	EE, MN 5537	79		
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	The following comp substantiated:  H5610091C (MN78 cited. H5610097C (MN55 cited. H5610100C (MN51 cited.  The following comp unsubstantiated:  H5610092C (MN77 H5610093C (MN77 H5610094C (MN59 H5610096C (MN59 H5610096C (MN56 H5610096C (MN56 H5610099C (MN54 H5610101C (MN50 MDH is documenting Correction Orders of facility is enrolled in signature is not required, it is required, it is required, it is required.	plaints were found to be (827); with no licensing orders (3370); with no licensing orders (757); with no licensing orders (918) (918				

Minnesota Department of Health STATE FORM

ATE FORM EJBM11 If continuation sheet 2 of 2