

# Office of Health Facility Complaints

## Investigative Public Report

**Maltreatment Report #:** HG208081M

**Date Concluded:** September 14, 2020

**Name, Address, and County of Licensee**

**Investigated:**

Lake Owasso  
210 North Owasso Blvd.  
Shoreview, MN 55126  
Ramsey County

**Facility Type:** Intermediate Care Facility (ICF)

**Investigator's Name:** Danyell Eccleston, RN,  
Special Investigator

**Finding:** Inconclusive

**Nature of Visit:**

The Minnesota Department of Health investigated an allegation of maltreatment, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557, and to evaluate compliance with applicable licensing standards for the provider type.

**Allegation(s):**

It is alleged: Client #1 was physically abused when a staff member (alleged perpetrator) struck the client in the head and stomach.

**Investigative Findings and Conclusion:**

It was inconclusive whether physical abuse occurred. There is conflicting information regarding the alleged incident. The investigation included interviews with facility staff members, including administrative staff, nursing staff, and unlicensed staff. In addition, the investigator contacted law enforcement and conducted record review.

The client's record indicated he admitted to the facility with moderate mental retardation, autism, and intermittent explosive disorder. The client's record indicated he received assistance with pro-social coping skills development, money management, community living skills, exercise, home living skills, and self-administration of medications.

The client's record indicated he had a history of physically aggressive and targeting staff members.

Review of a facility incident report indicated Staff Member A witnessed the Alleged Perpetrator punch Client #1 in the stomach and slap Client #1 in the face. The incident report indicated Client #1 had a wound on his left elbow and a bruise to his right wrist, there were no red marks on Client #1's face or abdomen. The report indicated Client #1 was very upset and sweating profusely.

During an interview with the Alleged Perpetrator, he stated Client #1 was agitated after returning from a day program and was coming toward him when Staff Member H intervened and took Client #1 for a walk. The Alleged Perpetrator stated Client #1 stayed at another house for meal time and then came back to the house with Staff Member A. The Alleged Perpetrator stated Client #1 continued cursing and coming towards him and that he told Client #1 to calm down and offered coping techniques. The Alleged Perpetrator stated Client #1 then stood up and started hitting him, he blocked Client #1's hits with open hands and did not hit Client #1. The Alleged Perpetrator stated Staff Member I came in and assisted with the situation and he stepped away. Client #1 stopped hitting and Staff Member I took Client #1 to go shower. The Alleged Perpetrator stated Staff Member A was present during the incident, left, and then came back a few minutes later and asked if things were okay. The Alleged Perpetrator stated he told Staff Member A that Client #1 was in the shower and that things were okay.

During an interview with Staff Member H, she stated Client #1 was agitated towards the Alleged Perpetrator so she intervened and took Client #1 for a walk to another house where Client #1 called a family member and then decided to stay to eat a meal. Staff Member H stated later that evening Client #1 returned to the house and around that time she left to take another client to a restaurant to get supper. Staff Member H stated she was gone about 15-20 minutes and did not witness the incident between the Alleged Perpetrator and Client #1.

During an interview with Staff Member I, he stated Client #1 was acting out towards the Alleged Perpetrator and appeared to be ready to physically act out when Staff Member H intervened and took Client #1 for a walk and to another house to change Client #1's environment. Staff Member I stated Staff Member A brought Client #1 back to the house three to four hours later and Client #1 was agitated when he returned. Staff Member I stated he was with another client when he saw a commotion between Client #1 and the Alleged Perpetrator, then he saw Client #1 hit the Alleged Perpetrator and the Alleged Perpetrator blocked the hits. Staff Member I stated Client #1 was shaking and sweating so he asked Client #1 if he would like to shower. Client #1 agreed and Staff Member I took the client to get showered, then Client #1 dressed and listened to music in his room.

During an interview with Staff Member A, she stated Client #1 spent some time at the house she was assigned to because Client #1 was upset. After mealtime, Staff Member A brought Client #1 back to the house where he lived. Staff Member A stated when the Alleged Perpetrator saw Client #1, the Alleged Perpetrator started verbally antagonizing Client #1 and Client #1 told the Alleged Perpetrator to stop. Staff Member A stated the Alleged Perpetrator came to the couch where Client #1 was sitting and continued to verbally antagonize Client #1.

Staff Member A stated Client #1 stood up and the Alleged Perpetrator struck Client #1, causing Client #1 to fall back onto the couch. Staff Member A stated Client #1 cursed at the Alleged Perpetrator and then the Alleged Perpetrator hit Client #1 in the face with an opened hand. Staff Member A stated she left the house and called a co-worker. Staff Member A stated she then went back into the house to where Client #1 was and at that time another staff member was giving Client #1 a shower. Staff Member A stated she confronted the Alleged Perpetrator and then went to the office and reported the incident.

During an interview with Supervisor D, she stated during the evening in question she witnessed Client #1 pacing and going towards the alleged perpetrator and that Client #1 was taken for a walk and to another house to help calm Client #1. Supervisor D stated later in the evening, Staff Member A came to the office and stated she witnessed the Alleged Perpetrator hit Client #1. Supervisor D stated she contacted her superior and was instructed to remove the Alleged Perpetrator from the care environment and to contact emergency services.

During an interview with a Supervisor F, she stated during the evening in question she was in the office when Staff Member A reported seeing the Alleged Perpetrator hit Client #1. Supervisor F went to the house where the incident allegedly occurred and directed the Alleged Perpetrator to report to the office. Supervisor F stated she later assisted with communication when a police officer interviewed Client #1. Supervisor F stated Client #1 communicated that he was hurt and hit by a staff member and that he would not initially not say the staff member's name despite communicating that he knew the staff member's name. The second supervisor stated the police officer communicated to Client #1 that the Alleged Perpetrator was no longer present and Client #1 stated "good".

In conclusion, it was inconclusive if abuse occurred.

**Abuse: Minnesota Statutes section 626.5572, subdivision 2**

"Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

(1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

(1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;

(2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;

**Vulnerable Adult interviewed:** No, due to communication abilities

**Family/Responsible Party interviewed:** Yes

**Alleged Perpetrator interviewed:** Yes

**Action taken by facility:**

Internal investigation conducted, education of staff members

**Action taken by the Minnesota Department of Health:**

The facility was issued a federal deficiency and/or a state correction order for noncompliance with licensing requirements. For a copy of the Statement of Deficiencies, please call 651-201-4890.

cc: The Office of Ombudsman for Mental Health and Developmental Disabilities