

Office of Health Facility Complaints

Investigative Public Report

Maltreatment Report #: HG500055M
Compliance #: HG500053C

Date Concluded: July 27, 2020

Name, Address, and County of Licensee

Investigated:

Laura Baker Services Association
211 Oak Street
Northfield, MN 55057
Rice County

Facility Type: Intermediate Care Facility (ICF)

Investigator's Name: Jane Aandal, RN,
Special Investigator

Finding: Substantiated, individual responsibility

Nature of Visit:

An investigator from 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: The client was physically abused by the alleged perpetrator (AP) when the client was dragged on the floor. The client sustained friction burns (when the skin rubs or slides against an abrasive surface like carpet) to her back, stomach, and upper thigh.

Investigative Findings and Conclusion:

Abuse was substantiated. The alleged perpetrator (AP) was responsible for the maltreatment. Although the AP denied the allegation, there was a preponderance of evidence to indicate the abuse occurred.

The investigation included interviews with facility staff, including administrative staff, nursing staff, and unlicensed staff. The investigation included a review of the client's medical record, and policies and procedures.

The client had diagnoses that included, but were not limited to, moderate intellectual disability, bipolar disorder, and Prader-Willi Syndrome (a genetic disorder with symptoms of behavior problems, intellectual disability, and short stature). The client's Positive Behavioral Support Plan indicated the client was ambulatory and had the ability to communicate her wants and needs. The client responds best to staff members that she knows well and has established a trusting relationship.

The client exhibits behaviors of taking off her clothes. Staffs intervene by covering the client with a blanket, or escorting her to her room. The client typically experiences three "major manic mood spikes" per year. The manic behaviors included, but were not limited to, physical aggression, difficulty concentrating, and barging into peer's rooms. The client's Body/Bruise Individual Support Plan indicated the client would pinch her arms, thighs, and stomach when anxious, which resulted in bruises.

One afternoon, the client returned home from her day program. The client stood in the doorway of her room, pulled her pants down, and stated, "Oh no honey it is bleeding". A staff member took the client into her room and observed four injuries. One was on the bottom of her stomach, one on the top of her groin, one on her right thigh, and one on her back above the middle of the buttocks. The staff member requested a nurse exam the injuries. After the nurse examined the client, she applied bacitracin (an antibiotic ointment) and gauze to the injuries. The staff member called the client's guardians. The staff member told the guardian the client was going to urgent care for an evaluation.

During an interview, the staff member stated the injuries looked like rug burns, which were very deep on the stomach and groin areas. The staff member stated the client named the AP as the staff member who had harmed her. The staff member stated prior to the injuries being discovered the AP worked the night shift alone. The staff member stated the AP did not report the red marks to her in the morning. The staff member stated the client does not lie. The staff member stated when she notified the guardian; the guardian wanted the staff member to send her pictures of the injuries. The staff member took photos of the injuries and sent them to the guardian. The staff member stated there was no way the client could have done the injuries to herself. The staff member stated two days later, the client told her, "Oh no, [client's name] that was not nice, to not listen to [AP's name]." The staff member stated the client scolds herself.

The staff member documented a 7 centimeter (cm) abrasion on the bottom of the stomach, a 8.5 cm wide by 2.3 cm tall (height) on the top of the groin area, a 10 cm by 5.4 cm tall abrasion on her right thigh, a 3 cm by 4 cm tall abrasion on her back about 2 inches above the middle of her buttocks.

During an interview, a staff member stated she observed the injuries in the afternoon. The staff member stated the areas were warm to the touch. The client reacted when the bandages were applied, and the staff member stated she could tell it hurt. The staff member asked the client what happened. The client had a panicked look on her face. The staff member told the client

she could trust her and would keep her safe. The client blurted out, the AP dragged her on the floor. The staff member stated the client showed her that her left forearm was where the AP put her hand. The staff member stated, "I absolutely feel [client's name]'s report about being dragged by [AP's name] was the truth." The staff member stated after the incident [client's name] had been acting different with more aggression and manic behaviors.

During an interview, the nurse stated she examined the client's injuries two days after they were discovered. The nurse stated the injuries looked like carpet burns. The nurse stated she thought the injury on the stomach could be due to a seatbelt.

During an interview, the staff member stated she observed the injuries two days later. The staff member stated the injuries looked like rug burns. The staff member stated the abrasion on the client's back was circular with scratches, which looked like the client was dragged. The staff member stated the client told her the AP dragged her to her room on her back and tummy. The staff member stated she did not feel the mandated reporter took her report seriously. The staff member stated client had never lied to her in the two years she had worked with her.

During an interview, the staff member stated she came to work about five days after the injuries were discovered. The staff member stated the client had marks on her thigh, pubic area, back, and stomach. The staff member stated the injuries looked like rug burns. The staff member stated the client had never had a rug burn before and could not have sustained the injuries by herself. The staff member stated the nurse determined the client should not go to urgent care. The staff member stated she thought the client should have been evaluated to make sure she was okay. The staff member stated the injuries could not be from a seatbelt.

During an interview, the staff member stated she observed the client's injuries three days later. The staff member stated the marks looked like rug burns and contusions. The staff member stated after the incident, the client became more manic. The staff member stated the client was crying all the time, and was more aggressive with peers and staff. The staff member stated that one day she asked the client why she was so upset. The client told the staff member that the AP dragged her on her tummy and back. The staff member stated there was no doubt the injuries were intentional. The staff member stated after the injuries the client would repeatedly state, "Lay down, and be a good girl". The staff member stated the client does not lie.

During an interview, the nurse stated after she examined the client's initial injuries she applied bacitracin and gauze to the areas. The nurse stated the next morning, the client had removed the bandages. The nurse stated she only applied the bacitracin ointment twice, and told staff to apply it each day after the client's bath. The nurse stated there was no documentation of the bacitracin ointment. The nurse stated when the staff member observed the initial injuries she told the guardian the client was going to urgent care. The nurse stated she did not know the staff member had told that to the guardian. The nurse stated if she had known the guardian wanted the client sent to urgent care she would have taken her. The nurse stated she measured the injuries and had the staff member document her findings.

During an interview, the day program supervisor (DPS) stated the client was blatantly honest. The DPS stated when the client was anxious; she would pinch the back of her arms and bruise easily. The DPS stated she observed the injuries the next day, and did not feel they were from a seatbelt.

During an interview, the client's psychiatric nurse practitioner (PNP) stated he had known the client for nearly six years. The PNP stated the client was a reliable report and was like an open book. The PNP also stated if the client stated the AP dragged her, he would believe her word.

During an interview, the surveyor and a staff member had a conversation with the client. The surveyor asked the client what happened when she received the "owies", on her stomach. The client blurted out, "[AP's name] tripped me." The client blurted out loudly, "drug me on the carpet that is not nice honey".

During an interview, the AP denied that she dragged the client on the floor. She stated the client came out of her room that night naked, and she directed the client back to her room. The AP stated after the client laid down in bed, she observed a red mark on the client and thought it was from a skin reaction. The AP stated she saw the injuries by the client's belly button and above the pubic area. The AP stated she documented her information and reported the injuries to the morning staff member. The AP stated the client never calls her by her first name. The investigator asked the AP how these injuries could have occurred. The AP stated, "I honestly don't know." The AP stated the only way it could happen, is if the client did not cooperate, or would not go back to her room. The AP stated, "I feel like a staff got frustrated." The AP added we work by ourselves at night.

The progress note documented by the AP indicated the client woke up a little before 3:00 a.m., and was "hot". The AP documented, "writer noticed red marks on her body, didn't appear to be scratches looks like a skin reaction?"

The investigator reviewed the pictures taken by the staff member. The largest friction burn was on the lower part of the stomach. The skin was removed from the area with a dark redness and a lighter redness extending beyond that. The friction burn on the pubic area was a deep red color. The friction burn on the upper right thigh was a lighter red color with multiple pinpoint areas of darker redness. The friction burn on the lower back was a circular area of dark redness, with a rectangular lighter redness below the circular area.

During an interview, the guardian stated the client does not lie. They guardian stated, if anything the client would tell on herself. The guardian stated the client's injuries should have been evaluated at urgent care; however, the nurse stated it was not necessary. The guardian stated the client comes out of her room at night naked. The guardian stated most likely, the client did not take redirection from the AP. The guardian stated the living area had carpet and there was linoleum in the hallway and the client's bedroom.

In conclusion, abuse was substantiated.

Abuse: Minnesota Statutes section 626.5572, subdivision 2

"Abuse" means:

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;
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
- (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

Vulnerable Adult interviewed: No. Per guardian request

Family/Responsible Party interviewed: Yes

Alleged Perpetrator interviewed: Yes

Action taken by facility:

The AP is no longer employed at the facility.

Action taken by the Minnesota Department of Health:

The facility was issued an immediate correction order to ensure client protections and the protection of client rights. The Minnesota Department of Health recommended to the Department of Human Services disqualification of the AP from providing direct care services as a result of the maltreatment determination in this report.

The responsible party will be notified of their right to appeal the maltreatment finding. If the maltreatment is substantiated against an identified employee, this report will be submitted to the nurse aide registry for possible inclusion of the finding on the abuse registry and/or to the Minnesota Department of Human Services for possible disqualification in accordance with the provisions of the background study requirements under Minnesota 245C.

cc: Health Regulation Division – Home Care and Assisted Living Program
The Office of Ombudsman for Long-Term Care
Rice County Attorney
Northfield City Attorney
Northfield Police Department