

## Office of Health Facility Complaints Investigative Report PUBLIC

St. Benedicts Senior Community

Facility Address:

Report Number: Date of Visit:
HL20711004 and October 5, 2016
HL20711005

Facility Address:
1810 Minnesota Blvd SE

Time of Visit: Date Concluded: 9:00 a.m. - 2:30 p.m. January 5, 2017

Facility City: St. Cloud

**Investigator's Name and Title:** Darin Hatch

State: ZIP: County:
Minnesota 56304 Sherburne

Special Investigator

**⋈** Home Care Provider/Assisted Living

## Allegation(s):

It is alleged that five clients were financially exploited when the alleged perpetrator (AP) took the client's money.

- x State Statutes for Vulnerable Adults Act (MN Statutes, section 626.557)
- State Statutes Chapters 144 and 144A

## **Conclusion:**

Based on a preponderance of evidence, financial exploitation occurred when the alleged perpetrator (AP) took money from three clients. The AP took \$120.00 from Client #1, \$180.00 from Client #2, and \$12.00 from Client #3. There was not a preponderance of evidence regarding whether the AP took money from Client #4 and Client #5.

All five clients received home care services from the provider according to service agreements and care plans.

Interviews with staff revealed Client #1, Client #2, and Client #3 reported to staff that money was missing from their apartments, all on the same day. Client #1 was missing \$120.00, Client #2 was missing \$180.00, and Client #3 was missing \$12.00. The AP was the only staff person assigned to those three clients on that day. Staff placed two marked \$20.00 bills in a client's room, with the client's permission, the following day. The licensee had a camera in the hallway focused on the client's entryway door. The client reported the AP had been in his/her room, and the marked bills were missing. Staff reviewed the camera footage, observed the AP enter and exit the client's room, and called the police. Staff reported client's #4 and #5 later came forward to report missing money.

Interviews with all five clients revealed they reported the following monetary losses: Client #1-\$120.00, Client #2-\$180.00, Client #3-\$12.00, Client #4-\$17.00, Client #5-\$10.00. Client #1, Client #2, and Client #3 reported their losses occurred on the same day. Client #4 and Client #5 reported their losses occurred several times within the previous month.

Facility Name: St. Benedicts Senior Community

Report Number: HL20711004 and HL20711005

interviewed the AP.	The AP admitted to taking the	facility on report of a theft. Police responded and marked bills, and to taking \$100 from the other two
clients. Police issued	d a citation to the AP for misde	meanor theft.
he could not recall e		oney from Client #1 and Client #2, although s/he stated s/had taken or when s/he had taken it. The AP denied nt #5.
Minnesota Vulnerab	le Adults Act (Minnesota Statu	tes, section 626.557)
Under the Minnesota	a Vulnerable Adults Act (Minne	esota Statutes, section 626.557):
☐ Abuse	☐ Neglect	
Substantiated     Sub	☐ Not Substantiated	☐ Inconclusive based on the following information:
Mitigating Factors:		
0 0		ion 626.557, subdivision 9c (c) were considered and it was
_		loitation. This determination was based on the following:
showed the AP's acl unacceptable in the	knowledgment of receiving the	event financial exploitation. The AP's personnel file "Employee Handbook" which indicated any theft was involuntary termination. The AP's personnel file policies in place.
substantiated against possible inclusion of	an identified employee, this re the finding on the abuse regist	to appeal the maltreatment finding. If the maltreatment is port will be submitted to the nurse aide registry for ry and/or to the Minnesota Department of Human Services provisions of the background study requirements under
Compliance:		
The facility was four	· · · · · · · · · · · · · · · · · · ·	tes, section 626.557) – Compliance Met te Statutes for Vulnerable Adults Act (MN Statutes, ued.
	ters 144 & 144A – Compliance nder State Statues for Chapter	Not Met - Compliance Not Met s 144 &144A were not met.
State licensing order	rs were issued: 🕱 Yes	□ No
(State licensing orde	rs will be available on the MDF	ł website.)
Compliance Notes:		

	ility Name: St. Benedicts Senior	Report Number: HL20711004 and HL20711005
	cility Corrective Action: facility took the following corrective action	n(s):
Def	initions:	
<u>Mir</u>	nnesota Statutes, section 626.5572, subdi	vision 9 - Financial exploitation
"Fin	nancial exploitation" means:	
	(b) In the absence of legal authority a	person:
	(1) willfully uses, withholds, or dispose	es of funds or property of a vulnerable adult.
"Su	nnesota Statutes, section 626.5572, subdi bstantiated" means a preponderance of the Itreatment occurred.	vision 19 - Substantiated ne evidence shows that an act that meets the definition of
	e Investigation included the following: cument Review: The following records v	vere reviewed during the investigation:
X	Medical Records	
X	Care Guide	
X	Nurses Notes	
X	Assessments Core Plan Becords	
X	Care Plan Records Facility Incident Reports	
X	ADL (Activities of Daily Living) Flow Shee	ts
X	Service Plan	
Otl	ner pertinent medical records:	
X	Police Report	

Facility Name: St. Benedicts Senior

Report Number: HL20711004 and HL20711005

Additional facility records:
Staff Time Sheets, Schedules, etc.
Facility Internal Investigation Reports
Personnel Records/Background Check, etc.
Facility In-service Records
Facility Policies and Procedures
Number of additional resident(s) reviewed: 2
Were residents selected based on the allegation(s)?   Yes   NO   N/A
Specify:
Were resident(s) identified in the allegation(s) present in the facility at the time of the investigation?
Specify:
Interviews: The following interviews were conducted during the investigation: Interview with complainant(s)   Yes   N/A
Specify:  If unable to contact complainant, attempts were made on:
Date: Time: Date: Time: Date: Time:
Interview with family:   Yes   No   N/A Specify:
Did you interview the resident(s) identified in allegation:
● Yes ○ No ○ N/A Specify:
Did you interview additional residents?   No
Total number of resident interviews: 9
Interview with staff:   Yes No N/A Specify:
Tennessen Warnings
Tennessen Warning given as required:   Yes   No
Total number of staff interviews: 6
Physician Interviewed: Yes No
Nurse Practitioner Interviewed: O Yes No
Physician Assistant Interviewed:   Yes   No
Interview with Alleged Perpetrator(s):   Yes   No   N/A Specify:

Attempts to contact: Date: Time: Date: Time: Date: Time: O No Were contacts made with any of the following: ☐ Emergency Personnel 🗵 Police Officers ☐ Medical Examiner ☐ Other: Specify Observations were conducted related to: **Cleanliness** ▼ Dignity/Privacy Issues Safety Issues **X** Meals ▼ Facility Tour Was any involved equipment inspected: 

Yes O No N/A N/A  $\bigcirc$  No Was equipment being operated in safe manner: Yes Were photographs taken: O Yes No Specify: cc: Health Regulation Division - Home Care & Assisted Living Program The Office of Ombudsman for Long-Term Care **Wright County Attorney Wright County Sheriff** 

Report Number: HL20711004 and HL20711005

Facility Name: St. Benedicts Senior

Community

PRINTED: 11/21/2016 FORM APPROVED Minnesota Department of Health (X3) DATE SURVEY (X2) MULTIPLE CONSTRUCTION STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA COMPLETED AND PLAN OF CORRECTION IDENTIFICATION NUMBER: A. BUILDING: \_\_\_\_\_ C 11/18/2016 H20711 STREET ADDRESS, CITY, STATE, ZIP CODE NAME OF PROVIDER OR SUPPLIER **1810 MINNESOTA BOULEVARD SE** ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 PROVIDER'S PLAN OF CORRECTION SUMMARY STATEMENT OF DEFICIENCIES (X5) COMPLETE (X4) ID (EACH CORRECTIVE ACTION SHOULD BE (EACH DEFICIENCY MUST BE PRECEDED BY FULL PREFIX **PREFIX** DATE CROSS-REFERENCED TO THE APPROPRIATE REGULATORY OR LSC IDENTIFYING INFORMATION) TAG TAG DEFICIENCY) 0.000 0 000 Initial Comments Minnesota Department of Health is \*\*\*\*\*ATTENTION\*\*\*\*\* documenting the State Licensing HOME CARE PROVIDER LICENSING Correction Orders using federal software. Tag numbers have been assigned to **CORRECTION ORDER** Minnesota State Statutes for Home Care Providers. The assigned tag number In accordance with Minnesota Statutes, section appears in the far left column entitled "ID 144A.43 to 144A.482, this correction order is Prefix Tag." The state Statute number and issued pursuant to a survey. the corresponding text of the state Statute out of compliance is listed in the Determination of whether a violation has been "Summary Statement of Deficiencies" corrected requires compliance with all requirements provided at the Statute number column. This column also includes the indicated below. When Minnesota Statute findings which are in violation of the state requirement after the statement, "This contains several items, failure to comply with any Minnesota requirement is not met as of the items will be considered lack of evidenced by." Following the surveyors ' compliance. findings is the Time Period for Correction. **INITIAL COMMENTS:** PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN WHICH On October 5, 2016, a complaint investigation STATES, "PROVIDER' S PLAN OF was initiated to investigate complaint CORRECTION." THIS APPLIES TO #HL20711004 & HL20711005. At the time of the FEDERAL DEFICIENCIES ONLY. THIS survey, there were 106 clients that were receiving WILL APPEAR ON EACH PAGE. services under the comprehensive license. The following correction order is issued. THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR **VIOLATIONS OF MINNESOTA STATE** STATUTES. The letter in the left column is used for tracking purposes and reflects the scope

Minnesota Department of Health

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

Subdivision 1. Statement of rights. A person who receives home care services has these rights:

0 325 144A.44, Subd. 1(14) Free From Maltreatment

TITLE

subd. 11 (b) (1) (2)

and level issued pursuant to 1441.474

(X6) DATE

SS=E

0 325

PRINTED: 11/21/2016 FORM APPROVED Minnesota Department of Health STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA (X2) MULTIPLE CONSTRUCTION (X3) DATE SURVEY AND PLAN OF CORRECTION IDENTIFICATION NUMBER: COMPLETED A. BUILDING: \_\_ C B. WING 11/18/2016 H20711 NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 1810 MINNESOTA BOULEVARD SE ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 SUMMARY STATEMENT OF DEFICIENCIES PROVIDER'S PLAN OF CORRECTION (X5) COMPLETE (X4) ID (EACH CORRECTIVE ACTION SHOULD BE (EACH DEFICIENCY MUST BE PRECEDED BY FULL PREFIX PRÉFIX DATE CROSS-REFERENCED TO THE APPROPRIATE REGULATORY OR LSC IDENTIFYING INFORMATION) TAG TAG DEFICIENCY) 0 325 0 325 Continued From page 1 (14) the right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act: This MN Requirement is not met as evidenced Based on document review and interview, the licensee failed to ensure that three of five clients reviewed (C1), (C2), (C3), (C4), (C5) were free from maltreatment when C1, C2, and C3 were financially exploited by a staff when she took the client's money for her own personal use. This resulted in a level two violation (a violation that did not harm a client's health or safety but had the potential to have harmed a client's health or safety, but was not likely to cause serious injury. impairment, or death) and is issued at a pattern scope (when more than a limited number of clients are affected, more than a limited number

Minnesota Department of Health STATE FORM

2016.

4, 2016.

September 13, 2016.

findings include:

of staff are involved, or the situation has occurred repeatedly but is not found to be pervasive.) The

comprehensive home care services according to a service agreement and care plan dated May 5,

comprehensive home care services according to a service agreement and care plan dated October

comprehensive home care services according to

C1's file was reviewed. C1 received

C2's file was reviewed. C2 received

C3's file was reviewed. C3 received

a service agreement and care plan dated

PRINTED: 11/21/2016 FORM APPROVED Minnesota Department of Health STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA (X3) DATE SURVEY (X2) MULTIPLE CONSTRUCTION AND PLAN OF CORRECTION IDENTIFICATION NUMBER: COMPLETED A. BUILDING: \_ B. WING H20711 11/18/2016 NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 1810 MINNESOTA BOULEVARD SE ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 PROVIDER'S PLAN OF CORRECTION SUMMARY STATEMENT OF DEFICIENCIES (X5) COMPLETE (X4) ID (EACH DEFICIENCY MUST BE PRECEDED BY FULL (EACH CORRECTIVE ACTION SHOULD BE **PRÉFIX** PREFIX CROSS-REFERENCED TO THE APPROPRIATE DATE TAG REGULATORY OR LSC IDENTIFYING INFORMATION) TAG DEFICIENCY) 0.325 0 325 Continued From page 2 C4's file was reviewed. C4 received comprehensive home care services according to a service agreement and care plan dated July 20, 2016. C5's file was reviewed. C5 received comprehensive home care services according to a service agreement and care plan dated July 20, 2016. Document review during the onsite investigation revealed an undated and untitled document which indicated C1, C2, and C3 reported to registered nurse (RN)-C that money was missing from their apartment on September 7, 2016. The report indicated C1 was missing \$120.00, C2 was missing \$180.00, and C3 was missing \$12.00. RN-C, along with RN-B, began investigating and looked at the schedule to see who was working in that area on September 7, 2016 and discovered nursing assistant (NA)-I was the only staff person

Minnesota Department of Health

(MAARC).

assigned to those three clients. On September 8, 2016 at 5:42 a.m., RN-C and RN-B placed two marked \$20.00 bills in a client's room with the client's permission. The licensee had a camera in the hallway focused on the client's entry way door. At 7:16 a.m., the client reported NA-I had been in his room and the marked bills were missing. RN-C and RN-B reviewed the camera footage and observed NA-I enter the client's room

and 6:25 a.m. and exit at 7:05 a.m. The document indicated RN-C called the police. Police, RN-C, and RN-B interviewed NA-I and she admitted to taking the marked bills and to taking \$100 from C1 and C2. Police issued a citation to NA-I for misdemeanor theft. RN-C terminated NA-I's employment and notified the Minnesota Adult Abuse Reporting Center

PRINTED: 11/21/2016 FORM APPROVED

Minnesota Department of Health (X3) DATE SURVEY (X1) PROVIDER/SUPPLIER/CLIA STATEMENT OF DEFICIENCIES (X2) MULTIPLE CONSTRUCTION AND PLAN OF CORRECTION IDENTIFICATION NUMBER: COMPLETED A. BUILDING: \_ С B WING H20711 11/18/2016 NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 1810 MINNESOTA BOULEVARD SE ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 SUMMARY STATEMENT OF DEFICIENCIES PROVIDER'S PLAN OF CORRECTION (X5) COMPLETE (X4) ID (EACH CORRECTIVE ACTION SHOULD BE (EACH DEFICIENCY MUST BE PRECEDED BY FULL PREFIX PRÉFIX CROSS-REFERENCED TO THE APPROPRIATE REGULATORY OR LSC IDENTIFYING INFORMATION) TAG TAG DEFICIENCY) 0 325 0 325 Continued From page 3 A police report dated September 8, 2016 indicated police were called to the facility on report of a theft. Police responded and interviewed NA-I. NA-I admitted to taking the marked bills and to taking \$100 from C1 and C2. Police issued a citation to NA-I for misdemeanor theft. Interview with RN-B on October 5, 2016 at 9:15 a.m. revealed C1, C2, and C3 reported that money was missing from their apartments on September 7, 2016. RN-B said C1 was missing \$120.00, C2 was missing \$180.00, and C3 was missing \$12.00. RN-B, along with RN-C, began investigating and looked at the schedule to see who was working in that area on September 7, 2016 and discovered nursing assistant (NA)-I was the only staff person assigned to those three clients. RN-B said the next morning RN-B and RN-C planted \$40.00 in marked \$20.00 bills in another client's room with the client's permission and placed a camera in the hallway outside his room. RN-B said the client reported the \$40.00 was missing after NA-I had been in his room. RN-B and RN-C reviewed the camera footage and it showed NA-I was the only person in the room with the client. They called the police and during interview NA-I admitted to taking money from C1 and C2 and the planted money. RN-B said two additional clients, C4 and C5, came to her during the onsite investigation to report they too were missing money. Interview with RN-C on October 18, 2016 at 4:17 p.m. revealed C1, C2, and C3 reported to her that money was missing from their apartments on September 7, 2016. RN-C said C1 was missing \$120.00, C2 was missing \$180.00, and C3 was

Minnesota Department of Health

missing \$12.00. RN-C, along with RN-B, began investigating and looked at the schedule to see

PRINTED: 11/21/2016

FORM APPROVED Minnesota Department of Health (X1) PROVIDER/SUPPLIER/CLIA STATEMENT OF DEFICIENCIES (X3) DATE SURVEY (X2) MULTIPLE CONSTRUCTION COMPLETED AND PLAN OF CORRECTION IDENTIFICATION NUMBER: A. BUILDING: \_ C B. WING H20711 11/18/2016 NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE **1810 MINNESOTA BOULEVARD SE** ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 PROVIDER'S PLAN OF CORRECTION SUMMARY STATEMENT OF DEFICIENCIES (X5) COMPLETE (X4) ID (EACH DEFICIENCY MUST BE PRECEDED BY FULL (EACH CORRECTIVE ACTION SHOULD BE PRÉFIX PREFIX DATE CROSS-REFERENCED TO THE APPROPRIATE REGULATORY OR LSC IDENTIFYING INFORMATION) TAG TAG DEFICIENCY) 0 325 0 325 Continued From page 4 who was working in that area on September 7, 2016 and discovered NA-I was the only staff person assigned to those three clients. On September 8, 2016 at 5:42 a.m., RN-C and RN-B placed two marked \$20.00 bills in a client's room with the client's permission. RN-C said they had a camera in the hallway focused on the client's entry way door. She said at 7:16 a.m., the client reported NA-I had been in his room and the marked bills were missing. RN-C and RN-B reviewed the camera footage and observed NA-I enter the client's room and 6:25 a.m. and exit at 7:05 a.m. RN-C called the police. Police, RN-C, and RN-B interviewed NA-I and she admitted to taking the marked bills and to taking \$100 from C1 and C2. RN-C terminated NA-I's employment and notified the MAARC. Interview with C1 on October 5, 2016 at 9:50 a.m. revealed she looked in her purse on September 7, 2016 and noticed \$120.00 was missing so she reported her concerns to staff. Interview with C2 on October 5, 2016 at 10:11 a.m. revealed she had \$180.00 in her wallet. She said NA-I came into her room on September 7. 2016 to do housekeeping and left. She noticed the money was missing after NA-I had been in her room and she reported her concerns to staff. Interview with C3 on October 5, 2016 at 10:22 a.m. revealed she had \$12.00 sitting on her kitchen counter on September 7, 2016. She said NA-I came into her apartment and went into her bedroom to assist her with her with putting her socks on. C3 said the \$12.00 was missing after

concerns to staff.

NA-I left her apartment and she reported her

Interview with C4 on October 5, 2016 at 1:20 p.m.

PRINTED: 11/21/2016 FORM APPROVED Minnesota Department of Health (X1) PROVIDER/SUPPLIER/CLIA (X3) DATE SURVEY STATEMENT OF DEFICIENCIES (X2) MULTIPLE CONSTRUCTION AND PLAN OF CORRECTION IDENTIFICATION NUMBER: COMPLETED A. BUILDING: \_\_\_\_\_ C B. WING H20711 11/18/2016 NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 1810 MINNESOTA BOULEVARD SE ST BENEDICTS SENIOR COMMUNITY SAINT CLOUD, MN 56304 SUMMARY STATEMENT OF DEFICIENCIES PROVIDER'S PLAN OF CORRECTION (X5) COMPLETE DATE (X4) ID (EACH CORRECTIVE ACTION SHOULD BE PRÉFIX (EACH DEFICIENCY MUST BE PRECEDED BY FULL PREFIX CROSS-REFERENCED TO THE APPROPRIATE TAG REGULATORY OR LSC IDENTIFYING INFORMATION) TAG DEFICIENCY) 0 325 Continued From page 5 0 325 revealed she noticed \$9.00 missing from her wallet on August 18, 2016. She said on August 21, 2016 she noticed she was missing \$4.00 in change from her coin purse. On August 26, 2016 C4 said she was playing bingo and noticed \$4.00 in quarters missing from her purse. She did not report her concerns to staff until today because she heard about thefts from other clients and heard the thefts were being investigated today. Interview with C5 on October 5, 2016 at 1:35 p.m. revealed she went to check her wallet in the later part of August 2016 and noticed she was missing \$10.00. She did not report her concerns to staff until today because she heard about thefts from other clients and heard the thefts were being investigated today. Interview with NA-I on November 17, 2016 at 10:00 a.m. revealed she admitted to taking money from C1, C2, and the planted money but could not recall how much, when, where the money was located other than in the client's room, or where the clients were when she took the money. NA-I denied taking any money from C3, C4, or C5. A policy dated March 2016 and titled "Home Care Bill of Rights" indicates on page one the facility adopts the Home Care Bill of Rights and staff are expected to adhere to these rights.

Minnesota Department of Health

(21) days

TIME PERIOD FOR CORRECTION: Twenty-one



Protecting, Maintaining and Improving the Health of All Minnesotans

August 16, 2017

Ms. Robin Theis, Administrator St Benedicts Senior Community 1810 Minnesota Boulevard SE Saint Cloud, MN 56304

RE: Complaint Number HL20711004 and HL20711005

Dear Ms. Thies:

On February 28, 2017 an investigator of the Minnesota Department of Health, Office of Health Facility Complaints completed a re-inspection of your facility, to determine correction of orders found on the complaint investigation completed on November 18, 2016 with orders received by you on January 7, 2017. At this time these correction orders were found corrected and are listed on the attached State Form.

You are encouraged to retain this document for your records. 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,

Matthew Hossion

Matthew Heffron, JD, NREMT Health Regulations Division Office of Health Facility Complaints 85 East Seventh Place, Suite 220 P.O. Box 64970

St. Paul, MN 55164-0970

Telephone: (651) 201-4221 Fax: (651) 281-9796

MH/ja Enclosure

cc: Home Health Care Assisted Living File Sherburne County Adult Protection Office of Ombudsman MN Department of Human Services