

# State Rapid Response Investigative Public Report

*Office of Health Facility Complaints*

**Maltreatment Report #:** HL238587645M  
**Compliance #:** HL238584303C

**Date Concluded:** January 30, 2024

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

### **Investigated:**

Autumn Grace Assisted Living  
118 Raven Court  
Mankato, MN 56001  
Blue Earth County

**Facility Type:** Assisted Living Facility with  
Dementia Care (ALFDC)

**Evaluator's Name:** Lena Gangestad, RN  
Special Investigator

**Finding:** **Substantiated, individual responsibility**

### **Nature of the Investigation:**

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.

### **Initial Investigation Allegation(s):**

The alleged perpetrator (AP) financially exploited a resident by using the resident's credit card to purchase personal items from February to May and also requested \$200 in cash from the resident.

### **Investigative Findings and Conclusion:**

The Minnesota Department of Health determined financial exploitation was substantiated. The AP, who was an unlicensed caregiver, was responsible for the maltreatment. The AP used the resident's saved credit card information on her phone to make personal purchases totaling approximately \$680 from vendors such as Amazon. Additionally, the AP accepted \$200 in cash from the resident.

The investigator conducted interviews with facility staff members, including administrative staff, and unlicensed staff. The investigator contacted the resident. The investigation included review of resident's records, the AP's personnel record, facility's policies and procedures, and incident

reports. The investigation included an onsite visit, observations, and interactions between residents and facility staff.

The resident resided in an assisted living unit. The resident's diagnoses included diabetes and history of traumatic brain injury. The resident's service plan included assistance with showers and medication administration.

An internal facility investigation indicated the resident asked a staff member to help her figure out some unexplained charges to her account. The same documents indicated it was determined the charges were made by the AP using the resident's debit card. When the matter was discussed with the AP, she stated she had helped the resident with a purchase using her personal phone and did not realize the card information remained there. The AP later provided a list of purchases which she said were made on behalf of the resident and other purchases which were for the AP made in error. The document indicated the AP claimed she apologized to the resident, offered to pay her back, and acknowledged she should not take gifts that are offered by residents.

During the investigation text messages were obtained shared between the AP and the resident regarding a separate transaction between them. These texts indicated the AP wrote she needed to "figure out how I'm gonna get" \$200. The resident replied she could cover the \$200 but needed a way to get the money. Later in the exchange the AP offered to take the resident to a location where the money could be withdrawn. During the same exchange, the AP wrote "this is between [you] and I right." The texts indicated the AP suggested the resident could say she offered the AP money, but the AP did not take it. This text ended with "idk [I don't know] hate for u [you] to lie."

During an interview, the resident stated she the AP's assistance in ordering a book and provided her debit card information for the transaction. Later when the resident received her bank statement, the resident discovered unauthorized purchases, including clothing, movie theater expenses, and fast food, totaling around \$680. The resident recalled the AP coming to her in tears, claimed she did not know about using her card, and insisted it was accidental. The AP promised to repay the amount but did not. In another instance, the AP asked to borrow \$200, and the resident gave her \$200 cash, which was also not repaid.

During an interview, the AP admitted using the resident's debit card without authorization. According to her, the resident had asked her to make an Amazon purchase, and unknowingly, the AP ended up using the resident's card, which was saved on her Google account. She remained unaware of the error until the resident brought it to her attention. The AP claimed to have immediately communicated with the resident, expressing her intention to reimburse the amount. However, the resident told her she did not have to repay. The AP could not recall the exact amount charged on the debit card. The AP stated she mentioned financial issues to the resident and the resident offered the money without her asking for it. She stated the resident gave her the money voluntarily.

During an interview, the staff member stated the resident presented her with bank statements displaying unfamiliar charges. Upon calling the Amazon number listed on the statements, they discovered the purchases were made by the AP. The unauthorized purchases totaled more than \$600 from vendors such as Shein, Temu, Door Dash, and Amazon. When the staff member reached out to the AP, she asserted it was accidental and promised to reimburse the resident. Later, the resident told the staff member the AP had not paid her back, plus the AP had taken an additional \$200 from the resident. The staff member promptly reported the situation to the manager.

During an interview, the management staff stated the staff member assisted the resident in contacting Amazon about unauthorized purchases, and it was revealed the purchases were made by the AP. A staff member brought it up to the AP and who admitted to accidentally saving the resident's card in her phone and making the purchases without the resident's knowledge. The AP apologized and promised to repay, but the money was never returned.

In conclusion, the Minnesota Department of Health determined financial exploitation was substantiated.

**Substantiated: Minnesota Statutes, section 626.5572, Subdivision 19.**

“Substantiated” means a preponderance of evidence shows that an act that meets the definition of maltreatment occurred.

**Financial exploitation: Minnesota Statutes, section 626.5572, subdivision 9**

"Financial exploitation" means:

(b) In the absence of legal authority a person:

- (1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;
- (2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;
- (3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or
- (4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

**Vulnerable Adult interviewed:** Yes.

**Family/Responsible Party interviewed:** NA.

**Alleged Perpetrator interviewed:** Yes.

**Action taken by facility:**

The facility initiated an internal investigation and the AP's employment was terminated. In addition to reporting this to MDH, the facility contacted law enforcement. The facility provided education regarding this matter to its staff members.

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

The facility was issued a correction order regarding the vulnerable adult's right to be free from maltreatment.

You may also call 651-201-4200 to receive a copy via mail or email.

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:

The Office of Ombudsman for Long Term Care  
The Office of Ombudsman for Mental Health and Developmental Disabilities  
Blue Earth County Attorney  
Mankato City Attorney  
Mankato Police Department

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>23858</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>12/11/2023</b>
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NAME OF PROVIDER OR SUPPLIER  <b>AUTUMN GRACE II</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>110 RAVEN COURT MANKATO, MN 56001</b>
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
0 000	Initial Comments  On December 11, 2023, the Minnesota Department of Health initiated an investigation of complaint HL238587645M/HL238584303C. The following correction order is issued, tag identification 2360.	0 000		
02360	<p><b>144G.91 Subd. 8 Freedom from maltreatment</b></p> <p>Residents have the right to be free from physical, sexual, and emotional abuse; neglect; financial exploitation; and all forms of maltreatment covered under the Vulnerable Adults Act.</p> <p>This MN Requirement is not met as evidenced by: The facility failed to ensure one of one resident reviewed (R1) was free from maltreatment.</p> <p>Findings include:</p> <p>The Minnesota Department of Health (MDH) issued a determination maltreatment occurred, and an individual was responsible for the maltreatment, in connection with incidents which occurred at the facility. Please refer to the public maltreatment report for details.</p>	02360	No plan of correction is required for this tag.	

Minnesota Department of Health  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ (X6) DATE \_\_\_\_\_