

State Rapid Response Investigative Public Report

Office of Health Facility Complaints

Maltreatment Report #: HL26035003M
Compliance #: HL26035004C

Date Concluded: May 11, 2022

Name, Address, and County of Licensee

Investigated:

Comfort Keepers
2006 First Avenue North #205
Anoka, MN 55303
Anoka County

Facility Type: Home Care Provider

Evaluator's Name: Willette Shafer, RN
Special Investigator

Finding: Substantiated, facility and individual responsibility

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: The alleged perpetrator (AP) financially exploited the client when the AP accepted and cashed large checks including a personal check in the amount of \$49,000, cashier's checks written to a luxury car dealership and a housing construction company.

Investigative Findings and Conclusion:

Financial exploitation was substantiated. The facility and the AP were responsible for the maltreatment. The AP's bank statements indicated personal checks from the client were deposited into the AP's account while the AP was employed by the home care provider. The facility failed to ensure staff competency with handing client finances including tips, gifts, and gratuity. In addition, the facility had trained staff they could accept gifts up to \$50.

The investigation included interviews with facility staff members, including administrative staff, nursing staff, and unlicensed staff. In addition, the investigator contacted law enforcement and county adult protection. The investigator reviewed medical records, facility policies, incident

reports, and the internal investigation. The investigator also reviewed the police report and case file.

The client began home care services one year prior to the incident due to diagnoses that included diabetes, atherosclerosis, and atrial fibrillation. The client resided in his private residence and received services from the home care provider that included medication administration, bathing, cooking, laundry, and housekeeping.

According to the client's bank statements, the client wrote out at least four checks in the AP's name while the AP worked with the client. The AP's bank account indicated all four checks were deposited into the AP's account. The four checks combined total was \$54,750. The AP also deposited numerous checks into her account from the client after she stopped working for the home care provider.

During an interview, the AP said she provided home care services to the client and the client's daughter. The AP acknowledged the last date she worked for the home care provider was also the same date a \$49,000 check was deposited into her bank account. The AP said the client would "write me big checks." The AP said she believed the total amount of money she accepted from the client including checks she cashed for the client totaled roughly \$200,000. The AP said she accepted the money because it made her, and the client feel good. The AP said she told the client to write her a note that read the money was nonrefundable and that she was not obligated to pay the client back. The AP acknowledged the client received services from the home care provider. The AP said she received training on vulnerable adult maltreatment. The AP acknowledged she received education on how to handle client funds. The AP said the home care provider trained the employees not to accept any kind of funds over \$50.

During an interview, the director said all staff are trained on how to handle client funds and staff are not supposed to accept any type of gift or money that exceeded \$50. The director said she was informed by another caregiver the AP accepted financial assistance from the client and the client and the AP were observed looking for vehicles together online. The director said she completed an internal investigation including interviews with the client and several staff members. The director said she found no evidence to substantiate the allegations made. The director said education was provided to the staff on financial handling of client funds, tips, gifts, and gratuity.

During an interview, unlicensed personnel (ULP)-1 said she provided care to the client and the client's daughter. ULP-1 said she often accepted tips from the client. ULP-1 said the facility told her she could accept tips from clients. ULP-1 said the check written out to her from the client in the amount of \$392.50 was reimbursement for multiple items she purchased for the clients. ULP-1 said this was during COVID and it was hard for people to go to the bank. ULP-1 said the facility told her she could accept tips up to \$50 but never specified how often staff could accept tips. ULP-1 said she never accepted a tip over \$50 at one time.

During an interview, ULP-2 said she has never accepted money from the client. ULP-2 said the \$90.94 check written out and cashed by ULP-2 was for personal items the client asked her to buy for his daughter. ULP-2 said client funds are managed different for each client. ULP-2 said she was unsure how the client's funds were managed or who completed their shopping. ULP-2 said staff were allowed to accept tips, gifts, and gratuity but she was unsure of the exact amount staff could accept.

During an interview, ULP-3 said she provided care to the client and his daughter. ULP-3 said the client often tried to give the staff tips. ULP-3 denied accepting money from the client. ULP-3 denied accepting and cashing a check for \$200 from the client. ULP-3 stated there was information on handling client funds in a pamphlet she received when she started. ULP-3 said she is unaware of who completes the client shopping. ULP-3 said she purchased some items for the client's daughter once and the client paid her back for the items. ULP-3 said staff are allowed to accept tips and gifts from clients up to \$50.

In conclusion, financial exploitation was substantiated.

"Financial exploitation" means:

- (a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:
- (1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or
 - (2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.
- (b) In the absence of legal authority a person:
- (1) willfully uses, withholds, or disposes of funds or property of a 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

Vulnerable Adult interviewed: No, declined interview.

Family/Responsible Party interviewed: No family involved.

Alleged Perpetrator interviewed: Yes.

Action taken by facility:

The AP was no longer employed by the facility.

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. To view a copy of the Statement of Deficiencies and/or correction orders, please visit: <https://www.health.state.mn.us/facilities/regulation/directory/provcompselect.html>

Or call 651-201-4890 to be provided a copy via mail or email. If you are viewing this report on the MDH website, please see the attached Statement of Deficiencies.

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
Anoka County Attorney
Anoka City Attorney
Anoka Police Department

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: H26035	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 03/29/2022
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NAME OF PROVIDER OR SUPPLIER COMFORT KEEPERS	STREET ADDRESS, CITY, STATE, ZIP CODE 2006 1ST AVENUE NORTH #205 ANOKA, MN 55303
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0 000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>HOME CARE PROVIDER LICENSING CORRECTION ORDER</p> <p>In accordance with Minnesota Statutes, section 144A.43 to 144A.482, these correction orders are issued pursuant to a complaint investigation.</p> <p>Determination of whether a violation is corrected requires compliance with all requirements provided at the statute number indicated below. When a Minnesota Statute contains several items, failure to comply with any of the items will be considered lack of compliance.</p> <p>INITIAL COMMENTS:</p> <p>#HL26035004C/#HL26035003M</p> <p>On March 29, 2022, the Minnesota Department of Health conducted a complaint investigation at the above provider, and the following correction orders are issued. At the time of the complaint investigation, there were 100 clients receiving services under the provider's Comprehensive Assisted Living license.</p> <p>The following correction orders are issued for #HL26035004C/#HL26035003M, tag identification 0325, 0800, 0810.</p>	0 000	<p>Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes for Home Care Providers. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state Statute number and the corresponding text of the state Statute out of compliance is listed in the "Summary Statement of Deficiencies" column. This column also includes the findings which are in violation of the state requirement after the statement, "This Minnesota requirement is not met as evidenced by." Following the evaluators' findings is the Time Period for Correction.</p> <p>PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN WHICH STATES, "PROVIDER'S PLAN OF CORRECTION." THIS APPLIES TO FEDERAL DEFICIENCIES ONLY. THIS WILL APPEAR ON EACH PAGE.</p> <p>THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES.</p> <p>THE LETTER IN THE LEFT COLUMN IS USED FOR TRACKING PURPOSES AND REFLECTS THE SCOPE AND LEVEL ISSUED PURSUANT TO 144A.474 SUBDIVISION 11 (b)(1)(2).</p>	
0 325	<p>144A.44, Subd. 1(a)(14) Free From Maltreatment</p> <p>Subdivision 1.Statement of rights. (a) A client who</p>	0 325		

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

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0 325	<p>Continued From page 1</p> <p>receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (14) 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;</p> <p>This MN Requirement is not met as evidenced by: Based on interviews, and document review, the facility failed to ensure one of one clients reviewed (C1) was free from maltreatment. C1 was financially exploited.</p> <p>Findings include:</p> <p>On May 11, 2022, the Minnesota Department of Health (MDH) issued a determination that financial exploitation occurred, and that the facility and an individual staff person were responsible for the maltreatment, in connection with incidents that occurred at C1's private residence. The MDH concluded there was a preponderance of evidence that maltreatment occurred.</p>	0 325	No Plan of Correction (PoC) required. Please refer to the public maltreatment report (report sent separately) for details of this tag.	
0 800 SS=G	<p>144A.479, Subd. 5 Handling of Client's Finances/Property</p> <p>Subd. 5. Handling of client's finances and property. (a) A home care provider may assist clients with household budgeting, including paying bills and purchasing household goods, but may not otherwise manage a client's property. A home care provider must provide a client with receipts for all transactions and purchases paid</p>	0 800		

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0 800	<p>Continued From page 2</p> <p>with the client's funds. When receipts are not available, the transaction or purchase must be documented. A home care provider must maintain records of all such transactions.</p> <p>(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession.</p> <p>(c) Nothing in this section precludes a home care provider or staff from accepting gifts of minimal value, or precludes the acceptance of donations or bequests made to a home care provider that are exempt from income tax under section 501(c) of the Internal Revenue Code of 1986.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review the licensee failed to ensure one of two clients (C1) reviewed, was protected from financial exploitation when a staff member cashed several large checks written from C1's account.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at an isolated scope (when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>The findings include:</p> <p>C1's medical record was reviewed. C1's medical diagnoses included, diabetes, atherosclerosis, and atrial fibrillation. C1 began receiving home</p>	0 800		

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0 800	<p>Continued From page 3</p> <p>care services on August 18, 2021. C1's most recent service plan dated, January 19, 2022, indicated C1 required assistance with bathing, dressing, medication set-up, meal prep, and housekeeping.</p> <p>C1's bank statements were reviewed. C1's bank statements indicated checks written in the unlicensed personnel (ULP)-A's name, were withdrawn from C1 and C1's family member's (FM) account at least four times while ULP-A was employed with the licensee. The amount of the four checks written from C1 and FM's account in the ULP-A's name and deposited in the ULP-A's account totaled \$54,750.</p> <p>ULP-A's electronic deposits and bank statements were reviewed. ULP-A's bank statements indicated ULP-A deposited all four checks into her bank account. ULP-A's bank account indicated the four checks totaled \$54,750. The checks deposited into ULP-A's bank account written from C1's account are as follows: October 9, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$400, October 23, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$5,000, October 25, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$350.00, November 26, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$49,000.</p> <p>On April 1, 2022, at 11:05 a.m., ULP-A said she provided home care services to C1. ULP-A acknowledged the last date she worked for the licensee at C1's private residence was the same date a \$49,000 check was deposited into her account written from C1's account. ULP-A said</p>	0 800		

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0 800	<p>Continued From page 4</p> <p>C1 would "write me big checks." ULP-A said she believed the total amount of money she accepted from C1 along with checks she cashed for C1 totaled roughly \$200,000. ULP-A said she accepted the money because it made her, and C1 feel good. ULP-A said she told C1 to write her a note that indicated the money was nonrefundable and that she is not obligated to pay C1 back any money. ULP-A acknowledged C1 received services from the licensee. ULP-A said she received training on the vulnerable adult maltreatment policy. ULP-A said the licensee provided education on how to handle client funds. ULP-A said the licensee trained the employees not to accept funds over \$50.</p> <p>On March 31, 2022, at 11:06 a.m., the director (D)-E said all staff are trained on how to handle client funds. D-E said staff are not to accept any type of gift or money over \$50. D-E said she was informed by another caregiver ULP-A accepted financial assistance from C1 and ULP-A and C1 were observed looking for vehicles together online. D-E said she completed an internal investigation including interviews with C1 and staff. D-E said no evidence was found to substantiate the allegations made. D-E said education was provided to the staff on handling client funds, tips, gifts, and gratuity.</p> <p>On April 6, 2022, at 1:35 p.m., ULP-B said she accepted tips from C1. ULP-B said the licensee told the staff members they could accept tips from the clients not to exceed \$50. ULP-B said the licensee never specified how often the caregivers could accept tips. ULP-B said C1 would tip her for most cares she provided. ULP-B said \$50 was the largest tip she accepted from C1 at one time. ULP-B said the licensee told the caregivers to handle the client funds per the</p>	0 800		

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0 800	<p>Continued From page 5</p> <p>client's preference. ULP-B said C1 and C2's file lacked documentation on how to handle their funds.</p> <p>C1's Plan of Care dated October 14, 2021, lacked documentation on how staff should assist C1 with purchases and financial transactions.</p> <p>The licensee failed to provide documentation for any of the above transactions. The licensee failed to document tips, gifts, and gratuity accepted by the caregivers.</p> <p>The licensee's undated Financial Matters document indicated staff must not enter into any financial transactions with clients including buying, selling, exchanging, or bartering goods or services. Staff must not borrow money or possessions from clients and should not give or acknowledgement and approval of management. Staff should not normally handle money on behalf of clients, except in clearly defined work responsibilities.</p> <p>TIME PERIOD FOR CORRECTION: Seven (7) days.</p>	0 800		
0 810 SS=G	<p>144A.479, Subd. 6(b) Individual Abuse Prevention Plan</p> <p>(b) Each home care provider must develop and implement an individual abuse prevention plan for each vulnerable minor or adult for whom home care services are provided by a home care provider. The plan shall contain an individualized review or assessment of the person's susceptibility to abuse by another individual, including other vulnerable adults or minors; the person's risk of abusing other vulnerable adults</p>	0 810		

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0 810	<p>Continued From page 6</p> <p>or minors; and statements of the specific measures to be taken to minimize the risk of abuse to that person and other vulnerable adults or minors. For purposes of the abuse prevention plan, the term abuse includes self-abuse.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure the individual abuse prevention plan (IAPP) was revised to include statements of specific measures to be taken to minimize the risk of financial abuse for one of one clients (C1) with records reviewed.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at an isolated scope (when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>The findings include:</p> <p>C1's medical record was reviewed. C1's medical diagnoses included, diabetes, atherosclerosis, and atrial fibrillation. C1 began receiving home care services on August 18, 2021. C1's most recent service plan dated, January 19, 2022, indicated C1 required assistance with bathing, dressing, medication set-up, meal prep, and housekeeping.</p> <p>C1's IAPP dated September 3, 2021, indicated C1 was not vulnerable to financial exploitation.</p> <p>C1's bank statements were reviewed. C1's bank</p>	0 810		

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0 810	<p>Continued From page 7</p> <p>statements indicated checks written in unlicensed personnel (ULP)-A's name, were withdrawn from C1 and C1's family member's (FM) account at least four times while ULP-A was employed with the licensee. The amount of the four checks written from C1 and FM's account in ULP-A's name and deposited in ULP-A's account totaled \$54,750.</p> <p>ULP-A's electronic deposits and bank statements were reviewed. ULP-A's bank statements indicated ULP-A deposited all four checks into her bank account. ULP-A's bank account indicated the four checks totaled \$54,750. The checks deposited into ULP-A's bank account written from C1's account are as follows: October 9, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$400, October 23, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$5,000, October 25, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$350.00, November 26, 2021, check written from C1 and FM's joint account and deposited into ULP-A's account for \$49,000.</p> <p>C1's IAPP lacked updates to reflect C1's vulnerability and lacked intervention to reduce the risk of financial exploitations.</p> <p>On March 31, 2022, at 11:06 a.m., director (D)-E said staff reported concerns relating to C1 providing financial assistance to ULP-A. D-E said she was informed by another caregiver ULP-A accepted financial assistance from C1 and ULP-A and C1 were observed looking for vehicles together online. D-E said C1 tried to give staff money after services were performed.</p>	0 810		

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0 810	<p>Continued From page 8</p> <p>On April 1, 2022, at 11:05 a.m., ULP-A said she provided home care services to C1. ULP-A acknowledged the last date she worked for the licensee at C1's private residence was the same date a \$49,000 check was deposited into her account written from C1's account. ULP-A said C1 would "write me big checks." ULP-A said she believed the total amount of money she accepted from C1 along with checks she cashed for C1 totaled roughly \$200,000. ULP-A said she accepted the money because it made her, and C1 feel good. ULP-A said she told C1 to write her a note that indicated the money was nonrefundable and that she is not obligated to pay C1 back any money. ULP-A acknowledged C1 received services from the licensee. ULP-A said she received training on the vulnerable adult maltreatment policy. ULP-A said the licensee provided education on how to handle client funds. ULP-A said the licensee trained the employees not to accept funds over \$50.</p> <p>The licensee's undated Change in Condition/Status policy indicated the RN must review and update the IAPP based on client's changes in needs.</p> <p>TIME PERIOD FOR CORRECTION: Seven (7) DAYS</p>	0 810		