Protecting, Maintaining and Improving the Health of All Minnesotans

State Rapid Response Investigative Public Report

Office of Health Facility Complaints

Maltreatment Report #: HL342326905M
Compliance #: HL342323189C

Date Concluded: January 31, 2024

Name, Address, and County of Licensee Investigated:
Mercy Link LLC
3149 Columbus Ave. South
Minneapolis, MN 55407
Hennepin County

Facility Type: Assisted Living Facility (ALF)

Evaluator's Name: Brooke Anderson, RN
Special Investigator

Finding: Not Substantiated

Nature of 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), a facility staff, abused a resident when the AP spit on the resident during an altercation.

Investigative Findings and Conclusion:
The Minnesota Department of Health determined abuse was not substantiated. The staff member/alleged perpetrator (AP) attempted de-escalation interventions at the time of the incident. When de-escalation techniques were unsuccessful, the AP contacted the police for assistance.

The investigator conducted interviews with facility staff members, including administrative staff, nursing staff, and unlicensed staff. The investigator also contacted the resident's case manager. The investigation included review of the resident's medical record, police reports, personnel files, and facility policies and procedures.

The resident resided in an assisted living facility. The resident's diagnoses included autism, Asperger's syndrome, and anxiety. The resident's care plan included assistance with meal preparation, cues and reminders with dressing, grooming, and behavior management. The resident's assessment indicated the resident was alert and orientated with difficulty socializing or interacting with others.

Facility documentation indicated the resident brought a stray cat into the facility and got upset when the AP asked him to return the cat to the park where he found it. The resident told the AP, "Watch your back; if this cat dies, I am going to put you in the ground," before he left to return the cat.

When the resident returned, he came downstairs and yelled at the AP. The resident put his hand in the AP's face and "squared up" to fight. The AP backed away, but the resident continued to hit at the AP. The AP got away from the resident, ran upstairs, and called 911.

A police report indicated the resident spit, punched, and pushed the AP. The resident was charged with assault. The police report detailed no evidence of the AP spitting on the resident and no charges were filed against the AP.

During an interview, the AP stated the resident was upset about a stray cat. When the resident got back after he returned the cat, the resident "barged" into another resident's room to confront the AP. The AP attempted to talk the resident down and walk away, but the resident started cussing and swearing at the AP. The resident put his hand in the AP's face, spit on the AP, and began swinging and hitting at him. The AP stated when the resident finally let him go, he ran upstairs and called police. The AP denied spitting on the resident.

During an interview, facility management stated they arrived at the facility shortly after the incident. The resident admitted to facility management that he punched and spit on the AP.

In conclusion, the Minnesota Department of Health determined abuse was not substantiated.

"Not Substantiated" means:
An investigatory conclusion indicating the preponderance of evidence shows that an act meeting the definition of maltreatment did not occur.

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;
(2) the use of drugs to injure or facilitate crime as defined in section 609.235;
(3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and

(4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.
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, resident declined.
Family/Responsible Party interviewed: No, family declined.
Alleged Perpetrator interviewed: Yes.

Action taken by facility:
The facility contacted police and educated staff on additional de-escalation techniques.

Action taken by the Minnesota Department of Health:
No further action taken at this time.

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

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	34232	A. BUILDING: _____ B. WING _____	C 12/11/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
MERCY LINK LLC	3149 COLUMBUS AVENUE SOUTH MINNEAPOLIS, MN 55407

(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 #HL342325363M/ HL342329165C and #HL342326905M/ HL342323189C. No correction orders are issued.	0 000		