

STATE LICENSING COMPLIANCE REPORT

Report #: HL361161816C

Date Concluded: May 27, 2022

Name, Address, and County of Facility

Investigated:

Merrcy Care Home LLC
1609 Edgewood Avenue South
St. Louis Park, MN 55426
Hennepin County

Facility Type: Assisted Living Facility (ALF)

Evaluator's Name: Michele R. Larson, RN

Special Investigator

The Minnesota Department of Health conducted a complaint investigation to determine compliance with state laws and rules governing the provision of care under Minnesota Statutes, Chapter [144 and 144A\(for COMP\)/144G \(for ALL\)](#). The purpose of this complaint investigation was to review if facility policies and practices comply with applicable laws and rules. No maltreatment under Minnesota Statutes, Chapter 626 was alleged.

To view a copy of the correction orders, if any, please visit:

<https://www.health.state.mn.us/facilities/regulation/directory/provcompselect.html>, or call 651-201-4201 to be provided a copy via mail or email. If you are viewing this report on the MDH website, please see the attached state form.

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 36116	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 05/26/2022
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NAME OF PROVIDER OR SUPPLIER MERCY CARE HOME LLC	STREET ADDRESS, CITY, STATE, ZIP CODE 1609 EDGEWOOD AVENUE SOUTH SAINT LOUIS PARK, MN 55426
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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	<p>Initial Comments</p> <p>Initial comments *****ATTENTION*****</p> <p>ASSISTED LIVING PROVIDER LICENSING CORRECTION ORDER</p> <p>In accordance with Minnesota Statutes, section 144G.08 to 144G.95, 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>#HL361161816C</p> <p>On May 26, 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 four clients receiving services under the provider's Assisted Living license.</p> <p>The following correction order is issued for #HL361161816C, tag identification 700.</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 Assisted Living License 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 surveyors' 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 144G.31 subd. 1, 2, and 3.</p>	
0 700 SS=I	<p>144G.43 Subdivision 1 Resident record</p> <p>(b) Resident records, whether written or</p>	0 700		

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

Minnesota Department of Health

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0 700	<p>Continued From page 1</p> <p>electronic, must be protected against loss, tampering, or unauthorized disclosure in compliance with chapter 13 and other applicable relevant federal and state laws. The facility shall establish and implement written procedures to control use, storage, and security of resident records and establish criteria for release of resident information.</p> <p>This MN Requirement is not met as evidenced by: Based on observation and interview, the licensee failed to ensure resident records were protected against unauthorized disclosure when resident medical records were stored in an unsecure area of the facility. Resident records were removed from the licensee's office without knowledge or permission from the licensee. Four of four resident records were stolen.</p> <p>This practice resulted in a level three violation (a violation that harmed a resident'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 a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the residents).</p> <p>The findings include:</p> <p>On May 26, 2022, at 9:45 a.m., the surveyor entered the facility and was met by owner (OW)-A. OW-A walked the surveyor back to his office. When the surveyor asked to see the resident records, OW-A stated a former employee, manager (MG)-C stole the resident records while he was out of the country. OW-A stated he filed a restraining order against MG-C.</p>	0 700		

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0 700	<p>Continued From page 2</p> <p>On May 26, 2022, at 11:53 a.m. registered nurse (RN)-B stated she was hired February 5, 2022. RN-B stated MG-C stole the resident's assessments. RN-B stated she was able to do some assessments online, but stated most assessments were hard copy. RN-B stated, "MG-C took those records. She needs to bring back the records."</p> <p>On May 26, 2022, at 12:30 p.m., OW-A stated he called law enforcement and filed a report. OW-A stated law enforcement told him it was a civil matter. Ow-A stated he also filed Minnesota Adult Abuse Reporting Center (MAARC) reports for the four stolen resident records.</p> <p>Review of the law enforcement report, indicated on May 17, 2022, at 7:19 a.m., OW-A reported MG-C had stolen facility property. When law enforcement arrived, OW-A reported MG-C stole his work computer that contained protected resident information. OW-A stated MG-C had been the manager of the facility. OW-A stated he and MG-C were previously involved in a relationship with each other. OW-A stated he requested MG-C to return the work computer since May 12, 2022. OW-A stated he was concerned since MG-C knew all the passwords and had access to the licensee information.</p> <p>On May 26, 2022, at 12:40 p.m., OW-A stated, "My mother was sick, so I left the country to be with her. MG-C took advantage of me when I was gone."</p> <p>On May 26, 2022, Minnesota Department of Health also filed a report with the U.S. Department of Health and Human Services regarding the theft of private health information by</p>	0 700		
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0 700	Continued From page 3 MG-C. TIME PERIOD TO CORRECT: Two (2) days.	0 700		