

# State Rapid Response Investigative Public Report

*Office of Health Facility Complaints*

**Maltreatment Report #:** HL364906121M  
**Compliance #:** HL364908943C

**Date Concluded:** December 6, 2024

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

**Investigated:**

Care Homes LLC.  
3241 73<sup>rd</sup> Lane North  
Brooklyn Park, MN 55443  
Hennepin County

**Facility Type:** Assisted Living Facility (ALF)

**Evaluator's Name:**

Katie Germann, RN, Special Investigator

**Finding(s):** Inconclusive

**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), facility staff, sexually abused a resident when the AP had sexual intercourse with the resident.

In addition, the AP financially exploited a resident when the AP took \$180 from the resident for hair services and Uber rides.

**Investigative Findings and Conclusion:**

The Minnesota Department of Health determined abuse was inconclusive. The resident reported he had sexual intercourse with the AP on three separate occasions. The resident was unable to provide specific details regarding the sexual contact with the AP. The AP stated she never had a sexual relationship with the resident. Due to conflicting information, it could not be determined if sexual abuse occurred.

The Minnesota Department of Health determined financial exploitation was inconclusive. The resident reported to facility leadership the AP took \$120.00 for hair services and \$60.00 for Uber rides from the resident. The AP denied taking any money for uber rides, and stated the resident offered her \$100.00 to do his hair, however, the AP stated she refused and did not take any money. Due to conflicting information, it could not be determined if financial exploitation occurred.

The investigator conducted interviews with facility staff members, including administrative staff and unlicensed staff. The investigation included review of medical records, staff schedules, staff training records, and facility policies and procedures.

The resident resided in an assisted living facility. The resident's diagnoses included schizophrenia, paranoia, and anxiety disorder. The resident's service plan included assistance with medication management, meals, housekeeping, laundry, and reminders for personal cares. The resident's assessment indicated he had difficulty communicating due to speech barriers.

A facility investigation indicated the resident told another resident in the facility the AP knocked on the resident's door and asked if she could come in. When she came into the room, she closed the door and shut off the light. The AP asked the resident if he wanted to get her in trouble and then grabbed the resident's hand and put it inside her blouse. The AP then left the room. The report indicated the resident told staff he and the AP left the facility together on one occasion. The report indicated the resident stated the AP took \$120.00 from him on one occasion for braiding his hair and \$60.00 for another occasion for Uber rides. The report indicated the AP stated she had no inappropriate activity towards the resident; however, the resident had been inappropriate with her in the past when the resident followed her into the room, turned off the light and touched her inappropriately from behind. The AP asked the resident what he was doing and if he wanted to get her in trouble. The AP stated one day she and the resident took an Uber to the store and to her house, but when they went to her home the resident waited outside. The report indicated the resident reported he had gone to the AP's apartment a total of two times and denied going to the store with the AP. The AP denied taking any money from the resident.

In an interview, the facility administrator stated he was made aware of the allegations by another resident. The other resident told the administrator the resident told him the AP had gone into his room, turned off the light and put his hand in her blouse. The administrator stated they asked the resident what happened, and he told them the AP put his hand in her blouse. The administrator stated he asked the resident if it had happened any other times and he said he did not remember and not much happened at the facility. The administrator stated the resident told him the AP braided his hair and he gave her \$120.00 and another time she asked him for \$60.00, so he gave her a total of \$180.00. The administrator stated when he talked to the AP, she stated there was one time she went into the resident's room to collect dirty dishes and when she was bending down, the resident came into the room, turned off the light and grabbed her from behind. The administrator stated the AP stated one time her friend who

drives Uber came to pick her up at the facility after work, the resident wanted to go to the store, so the Uber driver agreed to take him also. The resident and the AP both got things at the store and were dropping another friend off, so the Uber driver dropped them off at her house and planned to pick them up after he dropped the friend off. The resident waited outside while the AP went into her home and dropped her items off. When the AP went out, the resident had been gone so the AP and her friend went back to the facility to make sure the resident made it back safe. The AP said the resident was at the facility when she got there, so the AP left and went back home.

During an interview the resident stated once during bedtime at the facility, the AP approached him with questions and placed his hand on her groin. The resident stated another time he took an Uber directly from the facility to the AP's house and when they arrived at the AP's house they had sexual intercourse. The resident stated the AP told him he should keep it a secret. The resident stated he and the AP had sex on three separate occasions, one time at the facility, one time at her home, and the resident could not remember where the third time took place. The resident stated he paid the AP to braid his hair and also gave her money for an Uber, which totaled over \$100.00.

During an interview, the AP stated she did the resident's hair one time, and the resident gave her money, however, she gave the money back to him. The AP stated she never asked for money for an Uber. The AP stated on one occasion she was leaving work after her shift, and she called an Uber. The resident wanted to go to the store, so she allowed him to share an Uber with her. They went to the store and then went to her home to drop off her items and the resident waited outside. They took an Uber back to the facility together. The AP stated she did not have a sexual intercourse with the resident, and never had any sexual contact with the resident.

In conclusion, the Minnesota Department of Health determined abuse was inconclusive.

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

**Inconclusive: Minnesota Statutes, section 626.5572, Subdivision 11.**

"Inconclusive" means there is less than a preponderance of evidence to show that maltreatment did or 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;
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
- (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

(c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

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

"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;

**Vulnerable Adult interviewed:** Yes

**Family/Responsible Party interviewed:** Yes

**Alleged Perpetrator interviewed:** Yes

**Action taken by facility:**

AP is no longer employed by facility.

**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

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>36490</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>10/02/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>CARE HOMES LLC</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>3241 73RD LANE NORTH BROOKLYN CENTER, MN 55443</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	<p><b>Initial Comments</b></p> <p>On October 2, 2024, the Minnesota Department of Health initiated an investigation of complaint #HL364908943C/#HL364906121M. No correction orders are issued.</p>	0 000		

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