

Office of Health Facility Complaints

Investigative Public Report

Maltreatment Report #: H5522027M
Compliance #: H5522020C

Date Concluded: February 18, 2020

Name, Address, and County of Licensee

Investigated:

Living Meadows of Luther
503 Benzel Ave SW
Madelia, MN 56062
Watonwan County

Facility Type: Nursing Home

Investigator's Name: Jessica Sellner, RN,
Special Investigator

Finding: Substantiated, individual responsibility

Nature of Visit:

An investigator from 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 financial exploitation occurred when the alleged perpetrator (AP), a facility staff member, stole the resident's bank information and used the resident's funds for her own personal use.

Investigative Findings and Conclusion:

Financial exploitation was substantiated. The AP was responsible for the maltreatment. The AP acknowledged using the resident's bank information to obtain approximately \$2100.00 of the resident's money for her own personal use.

The investigation included interviews with facility administrative staff. In addition, the investigator contacted law enforcement and the county attorney. The facility policy and procedures, staff training, and the AP's employee file were reviewed. In addition, the resident's medical record was reviewed.

The resident had no cognitive impairment and required minimal staff assistance with activities of daily living. The resident appointed a family member to assist in managing the resident's finances.

The facility investigation of the incident indicated the resident's family member contacted the facility after noticing charges in the resident's bank account, which were not authorized by the resident or the family member. The family member contacted the police and the bank to track the charges. The resident's bank information had been used online several times within a three-week period to pay house bills, such as electric and water, to the city offices. The housing address associated with the use of the resident's bank information was the address of the AP, who was employed at the facility as a housekeeper.

The police report indicated the AP obtained the resident's bank account information and used the resident's personal funds to pay approximately \$2100 of bills. The AP admitted to using the resident's personal funds to pay her bills.

In conclusion, financial exploitation was substantiated. The AP was responsible for the maltreatment. The AP admitted to using the resident's bank information to obtain approximately \$2100.00 of the resident's money for her own personal use.

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: No

Family/Responsible Party interviewed: Yes

Alleged Perpetrator interviewed: No, unable to reach

Action taken by facility:

The AP is no longer employed by the facility, and all staff were retrained on resident rights and maltreatment.

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:

Health Regulation Division – Licensing and Certification
The Office of Ombudsman for Long-Term Care
Watonwan County Attorney

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 00695	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 02/18/2020
NAME OF PROVIDER OR SUPPLIER LIVING MEADOWS AT LUTHER - MADELIA			STREET ADDRESS, CITY, STATE, ZIP CODE 503 BENZEL AVENUE SW MADELIA, MN 56062		
(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
2 000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>NH LICENSING CORRECTION ORDER</p> <p>In accordance with Minnesota Statute, section 144A.10, this correction order has been issued pursuant to a survey. If, upon reinspection, it is found that the deficiency or deficiencies cited herein are not corrected, a fine for each violation not corrected shall be assessed in accordance with a schedule of fines promulgated by rule of the Minnesota Department of Health.</p> <p>Determination of whether a violation has been corrected requires compliance with all requirements of the rule provided at the tag number and MN Rule number indicated below. When a rule contains several items, failure to comply with any of the items will be considered lack of compliance. Lack of compliance upon re-inspection with any item of multi-part rule will result in the assessment of a fine even if the item that was violated during the initial inspection was corrected.</p> <p>You may request a hearing on any assessments that may result from non-compliance with these orders provided that a written request is made to the Department within 15 days of receipt of a notice of assessment for non-compliance.</p> <p>INITIAL COMMENTS: The Minnesota Department of Health investigated an allegation of maltreatment, complaint #H5522027M and #H5522028M, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557.</p> <p>The following correction order is issued for</p>	2 000			

Minnesota Department of Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

Electronically Signed

TITLE

(X6) DATE

Minnesota Department of Health

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2 000	Continued From page 1 #H5522027M and H5522028M, 144.651, subd. 6. The facility has agreed to participate in the electronic receipt of State licensure orders consistent with the Minnesota Department of Health Informational Bulletin 14-01, available at http://www.health.state.mn.us/divs/fpc/profinfo/infobul.htm . The State licensing orders are delineated on the attached Minnesota Department of Health orders being submitted electronically. Although no plan of correction is necessary for State Statutes/Rules, please enter the word "corrected" in the box available for text. Then indicate in the electronic State licensure process, under the heading completion date, the date your orders will be corrected prior to electronically submitting to the Minnesota Department of Health.	2 000			
21850	MN St. Statute 144.651 Subd. 14 Patients & Residents of HC Fac.Bill of Rights Subd. 14. Freedom from maltreatment. Residents shall be free from maltreatment as defined in the Vulnerable Adults Protection Act. "Maltreatment" means conduct described in section 626.5572, subdivision 15, or the intentional and non-therapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every resident shall also be free from non-therapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.	21850			

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21850	<p>Continued From page 2</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 residents reviewed (R1) was free from maltreatment. R1 was financially exploited when an employee of the facility stole the resident's money and used it for their own personal use.</p> <p>Findings include:</p> <p>On February 18, 2020, the Minnesota Department of Health (MDH) issued a determination that financial exploitation occurred, and that an individual staff person was responsible for the maltreatment, in connection with incidents which occurred at the facility. The MDH concluded there was a preponderance of evidence that maltreatment occurred.</p>	21850	No Plan of Correction (PoC) required. Please refer to the maltreatment public report for details.		