



Protecting, Maintaining and Improving the Health of All Minnesotans

State Rapid Response Investigative Public Report

Office of Health Facility Complaints

Maltreatment Report #: H80374086M
Compliance #: H80376453C

Date Concluded: February 6, 2024

Name, Address, and County of Licensee

Investigated:

Home Health Care Inc.
800 Boone Avenue North, Suite 200
Golden Valley, MN 55427
Hennepin County

Facility Type: Home Health Agency (HHA)

Evaluator's Name: Michele Larson, RN
Special Investigator

Finding: 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) financially exploited a client when she took \$47,000 from the client to pay for tires, dental bills, groceries, and accepted cash from the client.

Investigative Findings and Conclusion:

The Minnesota Department of Health determined financial exploitation was inconclusive. Although the AP admitted she accepted gifts and money from the client for around \$6,000.00, during an investigation, the client said he willingly gave the AP the money and gifts. The client thought of the AP as a good friend.

The investigator conducted interviews with agency administrative staff and contacted law enforcement, a social worker, and the client's financial institution. The investigation included review of the client's facility record, police reports, social worker's case notes, agency's internal investigation, and agency policies and procedures.

The client received basic home care services in the client's home. The client's diagnoses included early-onset cerebellar ataxia (brain's inability to coordinate muscle movement) and malignant neoplasm of the prostate (prostate cancer). The client's care plan included assistance with housekeeping, laundry, cooking, and shopping. The client's assessment indicated the client was alert and oriented and used a wheelchair. At the time of the alleged financial exploitation, the client was responsible for his own finances.

Review of the agency's grievance report indicated a family member reported to the agency the AP cashed over \$30,000.00 worth of checks made out to the AP from the client's account. In addition, there were two \$500.00 checks the AP cashed after the AP was no longer employed by the agency.

The law enforcement report indicated an agency nurse supervisor reported the client's family member accused the AP of financially and emotionally exploiting the client. The family member reported the AP stole money, accepted gifts, and emotionally distanced the client from his family. The nurse supervisor stated the AP admitted the client gave her money for new tires, a microwave, in addition to other "gifts."

The agency's internal investigation indicated when interviewed, the AP said she was a kind person who took care of the client for many years. The AP said the client was like a father who had money to buy food, clothes, and "things" so the client helped the AP. The AP said, "he was not in need of money, but I was." The AP said she refused the money and gifts at first but eventually accepted them because the client was "stubborn", and the client convinced the AP to take the gifts and cash. The AP said the client asked her to write out checks and she would bring back cash, indicating, "I did as he asked and how he wanted it." The AP said she wanted to help the client but made things worse because of her "kind and generous" heart.

A social service note indicated the client told them the AP was a good friend and the client willingly gave money and gifts to the AP but did not know the total amount. The client stated he bought the AP new tires, paid off a dentist bill, and gave her money for food because he really cared for the AP. The client's mini-mental status exam (MMSE) at the time of the interview with social services indicated the client had no signs of cognitive loss.

During an interview with federal investigators, the client said the AP worked with him for about seven years. The client said he requested the AP write checks for him due to his poor penmanship. The client said he told the AP to write the checks out for cash up to \$1000.00 to \$2000.00 because the VA preferred to have cash available to him. The AP cashed the checks and brought the money back to the client. The client said sometimes the AP kept change from transactions for food, clothing, groceries purchased for the client, but he agreed to that arrangement. The client said he willingly gave money to the AP.

During an interview, the AP stated the client bought her new tires, a microwave, other gifts, and cash, including two checks for \$500.00 for rent. The AP stated the client gave her money

because she worked hard but stated she now regrets accepting the money. The AP stated she never stole anything in the client's apartment. The AP stated she tried to give the client's money back to him. The AP stated she kept a record of the amount of money the client gave her but stated she no longer had the document. The AP stated she initially refused the checks and cash but later stated she did ask for money a few times, stating sometimes it was \$100.00, sometimes \$300.00 The AP stated the client gave her approximately \$6,000.00 in money and gifts.

When interviewed, a family member said during the initial investigation with the police, the client was very angry with the family for reporting the AP for financial exploitation, therefore the family requested the investigator not interview the client.

Although requested from a family member, they did not provide to the investigator the cancelled checks written out by the AP.

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.

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.

Vulnerable Adult interviewed: No. A family member did not want the investigator to interview the client due to the client's past anger towards the family member when the incident was reported to the agency.

Family/Responsible Party interviewed: No. The family member cancelled a scheduled interview with the investigator.

Alleged Perpetrator interviewed: Yes.

Action taken by facility:

The AP was no longer employed at the facility.

Action taken by the Minnesota Department of Health:

MDH previously investigated the issue during a complaint survey under federal regulations, and substantiated facility noncompliance. 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>. You may also call 651-201-4200 to receive a copy via mail or email.

The purpose of this investigation was to determine any individual responsibility for alleged maltreatment under Minn. Stat. 626.557, the Maltreatment of Vulnerable Adults Act.

cc:

The Office of Ombudsman for Long Term Care

The Office of Ombudsman for Mental Health and Developmental Disabilities

Minnesota State Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTIONS		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:		(X2) MULTIPLE CONSTRUCTION A. BUILDING B. WING	(X3) DATE SURVEY COMPLETED 11/30/2023
NAME OF PROVIDER OR SUPPLIER HOME HEALTH CARE INC		STREET ADDRESS, CITY, STATE, ZIP CODE 800 BOONE AVENUE NORTH SUITE 200, GOLDEN VALLEY, Minnesota, 55427			
(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) COMPLETION DATE
00000	<p>Initial Comments</p> <p>The Minnesota Department of Health investigated an allegation of maltreatment, complaint #H80374086M, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557. No correction orders are issued.</p> <p>Refer to the maltreatment report (sent separately) for details.</p>	00000			

Office of Primary Care and Health Systems Management

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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