

STATE LICENSING COMPLIANCE REPORT

Report #: HL016743246C

Date Concluded: April 29, 2024

Name, Address, and County of Facility

Investigated:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake, MN 55767
Carlton County

Facility Type: Supervised Living Facility (SLF)

Evaluator's Name: Zalei Lewis RN, BSN
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 Minnesota Rules Chapter 4665. 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.

CC:

Office of the Ombudsman for Mental Health and Developmental Disabilities

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 01674S	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 04/02/2024
NAME OF PROVIDER OR SUPPLIER MN SEX OFFENDER PROGRAM			STREET ADDRESS, CITY, STATE, ZIP CODE 1111 HIGHWAY 73 MOOSE LAKE, MN 55767		
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5 000	Initial Comments In accordance with Minnesota Statute, section 144.56 and/or Minnesota Statute, section 144.653, 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. 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 or MN Statute indicated below. When a rule or statute 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. 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. On April 2, 2024 the Minnesota Department of Health initiated an investigation of complaint #HL016743246C, HL016741498C, HL016743761C, HL016743951C, and HL016744487C. The total resident population at facility for date of investigation was 438. The following correction order is issued for #HL016743761C, tag identification 0660. No correction orders are issued for complaint	5 000	The Minnesota Department of Health documents the State Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state statute/rule number and the corresponding text of the state statute/rule number out of compliance are listed in the		

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

TITLE

(X6) DATE

Minnesota Department of Health
STATE FORM 6899 MWR511 If continuation sheet 2 of 14

Minnesota Department of Health

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5 660	Continued From page 2 care based on individual needs when a resident's (R2) dental health needs were not met in a timely manner. Although facility medical and dental providers determined R2 required outside dental care, there were extensive delays in obtaining that care. Findings Include: On April 2, 2024, R2's medical record was reviewed and the MDH investigator interviewed R2 at the facility. During interview with R2 on April 2, 2024, the MDH investigator observed R2 was missing all teeth and R2 informed the MDH investigator "I haven't had my own teeth since March 2021." R2 informed the MDH investigator that he is unable to chew food, so he cuts his food very small and swallows it. R2 stated if food appears to be too hard to chew, he does not eat it because he is afraid he will choke and die. R2's record included several medical requests regarding R2's requests and concerns about losing his dentures and requests for appointments to obtain new dentures. R2's record did not include a nursing assessment or nutritional evaluation regarding R2's lack of dentures. A review of R2's medical requests included the following: - March 24, 2021: "About a week ago I left my dentures in a case, next to the microwave ovens in our unit kitchen and someone took it. I've been searching for them with no luck...Can I be seen by you?" The response dated March 29, 2021 and included: " We will put you on the long (long is	5 660			

Minnesota Department of Health

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5 660	Continued From page 3 underlined three times) denture list. If you find your dentures let us know and we will take you off." - June 19, 2022: "I have a response from you stating that you would put my name on the list for a replacement set of dentures; dated: 3-24-21. I haven't heard from you since! -meanwhile, my x-roommate put in a request (recently) and was put 4th on the list. He was seen and treated.-What's going on here?" The response dated June 22, 2022, included: "We no longer have a list. We have a new dentist that will talk with you at your annual exam. Dentures are last priority, so it may be awhile." - June 28, 2022: "Who are you trying to kid? (Resident name) was just put on your list to be seen for dentures-I've been waiting since 3-24-21. I think it's about time I finally get seen." The response dated June 29, 2022, and included: "There are other clients that have no dentures, so they will be 1st and we will then work down the list. Bring your dentures to your annual exam and we will let you know the situation and the doctor will talk with you about it at that time." No documentation of the denture list was provided by the facility. R2's medical record included no dental note or dental assessment after R2's March 24, 2021, report of losing his dentures and requests for replacement of dentures. R2's medical record included a July 19, 2022, Dental Note entered by the dentist (DDS)-B after R2's annual dental exam included: "Patient was supposed to be referred out to [outside facility name] for ridge augmentation in the lower anterior and may have slight under cut near where tooth #31 use to be...Patient would like	5 660			

Minnesota Department of Health

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5 660	Continued From page 4 new dentures...Patient has no dentures...Ridge augmentation procedure needed in the lower anterior to make dentures fit better and to prevent sore spots in the future. Treatment Recommendations/plan: Full upper and lower denture to be completed after having ridge augmentation procedure in the lower...Discussed with patient that I would be responding back to him in a month about the referral process to the [outside facility name] for the ridge augmentation procedure...Referral to oral surgery for: ridge augmentation procedure in the lower anterior region." R2's medical record included no attempts to procure dentures or complete the referral for the procedure. There was no documentation of attempts made to assess or evaluate pain or nutritional concerns related to R2's lack of dentures. R2's record contained no documentation that DDS-B's referral for ridge augmentation was sent to the outside dental facility until October 2022. R2's record contained additional Client Medical Requests which included the following: -August 3, 2022: "You asked me to contact you if you forgot to get a hold of me after a week. Thank You." The response was dated August 3, 2022, and included: "We have a long waiting list we have to go through, we will send you a slip when we have a opening." No dental list or dental waiting list was provided by the facility. -October 2, 2022: "see attached medical request(s)." The attached medical request was	5 660			

Minnesota Department of Health

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5 660	Continued From page 5 not available for review by the MDH investigator. However, the response dated October 4, 2022, included: "You were referred to the [outside facility] for surgery. When that is completed and you are healed, send us a health concern for further treatment." R2's record did not include documentation of DDS-B's referral to the outside dental facility at the time of the October 2, 2022, response to R2's Medical Request. However, a referral was sent to the outside dental facility on October 21, 2022. R2 completed additional Client Medical Requests which included: -November 1, 2022: "Where are we concerning a medical appointment for surgery? Has it been set up" The response dated November 9, 2022, included: "Schedules are not open yet at the facility you are being referred to. This is being called on daily." -November 16, 2022: "What is the status of my outside medical appointment? What became of the paperwork? Has an appointment been set up?" The response dated November 21, 2022, included: "All of your paperwork has been sent to the provider's scheduling. At this time schedules are not open-once they open your appointment will be scheduled. Thank you." R2's record contained no documentation of attempts made to schedule R2's appointment with the outside dental facility. R2 completed a Client Medical Request on April 6, 2023. R2's medical request was written on a separate document attached to request form and	5 660			

Minnesota Department of Health

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5 660	Continued From page 6 there was no copy available for review. However, a response documented on April 11, 2023, included "Thank you for this request [R2]. I reviewed the requests with DDS-B. Your record indicates you were going to be referred to [outside facility dental] but there isn't clear direction after this referral. DDS-B is going to follow up with [outside facility] and your referral. After he looks into that, you either will be scheduled with [outside facility] or you will start the denture process at MSOP. There is a long waiting list which they are working through. More to come." R2's Annual Exam Dental Note created by DDS-B on September 11, 2023, included "...Patient has been notified that he will be going to [outside facility] to remove some undercut area that would make denture wearing difficult...Patient has no dentures...Alginate Impressions after healing time 4-6 months from surgery at [outside facility] for osseous reduction. R2's medical record included no attempts to procure dentures or complete the referral for the procedure. There was no documentation of attempts made to assess or evaluate pain or nutritional concerns related to R2's lack of dentures. R2's record contained a Client Medical Request, dated December 23, 2023, which included: "Am I being fitted for both lower/upper dentures, or just lower alone?" The response dated December 26, 2023 included, "I looked at your charting notes and it look like [dental provider] sent a referral for a procedure and after that upper and lower denture to be made after healing process."	5 660			

Minnesota Department of Health

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5 660	Continued From page 7 R2's Annual Physical Examinations provided by the facility dating back to 2021 did not reference R2 not having dentures. There is only notation regarding tooth extractions completed prior to 2021. No documentation was included in R2's annual physical exam completed by the provider to indicate if the provider was aware if R2 had dentures or utilized dentures, and included no concerns about R2 not having access to dentures, or of the timeframe R2 had not had access to dentures. The outside dental facility records were requested and reviewed. The outside facility's first referral for R2 was dated October 21, 2022. R2 was not assessed by the outside dental facility until October 25, 2023, for "augmentation of the lower left and lower right mandibular ridge" and a "limited oral evaluation." R2 was not seen again by the outside dental facility until April 2, 2024 and it was documented that "Pt [patient] came in for Alevoloplasty on LR and LL quads...Checked Blood Glucose levels and was 440 mg/dL. Informed pt that we cannot do the procedure today due to high Blood glucose and pt understood. Asked pt to take his medication and check BG levels before his next appointment". The scheduled procedure was not completed on April 2, 2024, and R2 returned to the facility. R2's blood glucose readings from April 2, 2024 were not provided by the facility. During an interview with unlicensed personnel (ULP)-C on April 11, 2024 at 10:45 a.m. ULP-C indicated she was responsible for scheduling outside appointments from 2020 to 2023 until she changed positions. ULP-C stated she was unsure when exactly the referral was sent over, although there was an email to DDS-B from November	5 660			

Minnesota Department of Health

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5 660	Continued From page 8 2022, an exchange of emails with the outside facility, and then in December 2022, she touched base again with DDS-B asking him if he had been in contact with the outside facility and if she was able to schedule or not. ULP-C had no documentation of DDS-B responding to her December 2022 request. ULP-C was not responsible for scheduling outside appointments after December 2022. A registered nurse (RN)-D was interviewed on April 15, 2024 at 9:30 a.m. RN-D stated when nursing staff received a Client Medical Request form regarding dental issues after hours or on weekends, the response depended on the nature of the request. If it is to be seen for a chronic condition, then nursing would just note that it was received and place it in the dental box for them to address on the following Monday. If they are reporting any signs or symptoms of infection or pain, or anything like that, then nursing would see them, assesses them, and then if appropriate, we have a routine practitioner order (RPO) that we can start for dental pain and possibly infection as well. RN-D stated if it was a broken tooth, and there were sharp edges, they had wax available to cover those but normally they would not change a diet unless it was something significant for severe pain. RN-D was not aware of a dental list or dental waiting list utilized by the facility. DDS-B was interviewed on April 16, 2024 at 12:00 p.m. DDS-B summarized the resident referral process for outside facility dental procedures, and specialty services. The [outside facility] has an on-line form for providers to fill out; this includes name, resident information, and what the resident is being referred for (procedure/intervention). Once the referral is placed, along with authorization for the outside	5 660			

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5 660	Continued From page 9 facility procedure, the scheduler then makes the appointment for the resident. DDS-B explained that residents are on waiting lists to see dental. DDS-B stated that denture needs are addressed on a separate list from annual check-ups, problems, and/or requests. The priority on the denture list is given to those with no teeth at all, followed by residents with very old dentures, followed by length of time waiting to see provider. DDS-B indicated that the dental hygienist he works with maintains the dental list. When asked about R2, DDS-B included, "I believe [R2] was referred by the previous dentist for lower ridge surgical procedure...I know we were trying to get him in...I believe there was nutritional concern and for dental emergencies and problems, [facility staff] have my cell phone and call me." During interview, DDS-B stated recovery time between ridge augmentation and starting the denture process to be between four and six months. DDS-B indicated he started at the facility in 2022 and during his time there R2 never had dentures. On April 24, 2024, a representative from the outside dental specialty clinic provided information via e-mail correspondence about R2's referral and scheduling of appointments with the facility. The representative indicated on October 21, 2022, the clinic received a referral that said, "other see order," and they requested more information as we didn't know what this meant. On January 5, 2023, they received an additional referral that said "ridge augmentation." On January 13, 2023, the clinic requested additional records. On August 4, 2023, they received clarification from the facility on what they wanted done which was alveoloplasty. On October 25, 2023, the consult was scheduled. On April 2, 2024, R2 was scheduled for the procedure, but arrived with a high blood glucose level of	5 660			

Minnesota Department of Health

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5 660	Continued From page 10 440mg/dL, so no procedure was performed. The representative indicated the October 21, 2022 referral was from DDS-B, and the January 10, 2023, referral was from a medical provider (MD-G). The representative indicated that their providers requested additional information (radiographs and chart notes as well as clarification) after both referrals were received and DDS-B contacted the clinic in August of 2023 to try to provide more of the requested information. The clinic requested more information from the patient's clinic at least four times between November 2022 and August 2023. The facility also called our clinic an additional number of times to ask about the status of the referral request and each time they were told that we still did not have the requested information. The clinic approved the referral for scheduling on August 4, 2023, and facility staff called to schedule the appointment on August 21, 2023. The consult appointment was scheduled for October 25, 2023. The representative indicated that in order to schedule the surgical appointment, the facility coordinator called our clinics on December 27 and December 29, 2023, and left voice mails. The representative stated that their clinic responded to the messages on the same day the voicemails were left but had to leave voicemails for the facility to return the call. The facility called and left a voicemail again on January 30, 2024, and again, our scheduler returned the call the same day and scheduled R2's procedure for April 2, 2024, but the R2 arrived for that appointment with very high blood glucose so the appointment did not proceed. The facility indicated they had no specific facility dental policies. However, the facility provided a "Dental Services" policy, effective date May 2, 2023, and includes a system denture policy	5 660			

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5 660	Continued From page 11 entitled "MSOP: Removable Prosthodontics Care a) The facility is responsible for the lab costs of fabricating new full and partial dentures and the remake, repair and relines of existing full and partial dentures for clients who require them. b) If a dental prosthesis is lost or broken beyond repair and it is less than six years old, the client can have the prosthesis remade at their own expense. c) The facility dentist decides on an individual basis the need for a new dental prosthesis or to remake/replace or repair an existing prosthesis. d) The dentist considers a dental prosthesis only after the client ' s routine restorative treatment has been completed and the client meets the following criteria: (1) the client has excellent oral health and hygiene practices; (2) the client ' s systemic health is stable; (3) the client consents to the prosthetic treatment plan; (4) the client understands the treatment limitations; (5) the client exhibits a strong desire; (6) the client has as the physical and mental capacity to commence and complete the training necessary to become proficient in using a prosthetic device; and (7) three months (minimum) healing has passed after the client ' s tooth extraction. e) For full dentures, the facility dentist: (1) determines if there is sufficient maxillary and mandibular alveolar ridge remaining for support and retention of the denture; (2) evaluates the client ' s ability to utilize dentures; (3) when considering a new denture, for clients with an existing denture - completes an evaluation of the client ' s current use. Dentures	5 660			

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5 660	Continued From page 12 will not be remade if less than six years old, unless clinically indicated; and (4) determines whether the dentures can be relined rather than remade." The facilities, "Client Medical Request Forms" section of the resident handbook entitled "General Client Orientation to Health Services" includes: "CLIENT MEDICAL REQUEST FORMS: Submit only one problem per Client Medical Request. Be specific and complete all areas identified on the request otherwise it may be returned to you and delay intervention. Client Medical Requests must be submitted by placing in the assigned Client Medical Request mailbox located on each living unit. Please do not send Client Medical Requests through the regular client mail. For urgent medical concerns, notify a staff member to contact Health Services. Client Medical Requests are collected at at least once per day. The "Dental Services" portion of the "General Client Orientation to Health Services" includes, "In addition, MSOP provides periodic x-rays, certain restorative treatments (i.e. cavity filling, crown application), and dentures (both new and repair). If medically necessary, you will be referred off-site for specialty dentistry/oral care for treatments needed beyond what MSOP can provide. Concerns or questions regarding dental services will be forwarded to the dental department or the Health Services Director. MSOP nursing will provide triage for pain and potential infection only." The American Dental Association recommendations for "Denture Care and Maintenance," as of April 16, 2024, includes, "In 2015, the ACP (American College of Prosthodontists) developed a position statement	5 660			

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5 660	Continued From page 13 (reaffirmed in 2018) on frequency of denture replacement. While not all-inclusive, they developed a list of examples, "red flags" signaling that a denture may need to be replaced. They recommend removable complete and partial dentures be evaluated by a dental professional for replacement when at least one of the following conditions occurs: If chronic irritation (inflammation) exists beneath the denture bases (including but not limited to epulis fissuratum, oral ulcerations, or treatment-resistant Candida-related denture stomatitis). If denture adhesives are required to eat, or to retain the dentures socially (i.e., when the dentures will not remain in place by themselves), or when adhesives must be used more than once daily. If the patient will not, or cannot, wear the removable prostheses. If the denture has degraded sufficiently so that it is not stable in the mouth, no longer matches the other dentition, no longer fits well or if the denture itself or the prosthetic teeth are discolored, cracked, broken, or missing. If there is a change in the teeth supporting a removable partial or overdenture. If it has been more than 5 years since the denture was fabricated." No further information provided. TIME PERIOD FOR CORRECTION: Twenty-One (21) Days	5 660			