

Protecting, Maintaining and Improving the Health of All Minnesotans

Office of Health Facility Complaints Investigative Public Report

Maltreatment Report #: HL21672013M

Compliance #: HL21672014C

Date Concluded: March 9, 2021

Name, Address, and County of Licensee Investigated:

New Perspective Cloquet & Barnum 702 Horizon Circle Cloquet, MN 55720 Carlton County Name, Address, and County of Housing with

Services location:

New Perspective Cloquet Barnum 705 Horizon Circle Cloquet, MN 55720 Carlton County

Facility Type: Home Care Provider

Investigator's Name: Angela Vatalaro, RN

Special Investigator

Finding: Substantiated, facility and individual responsibility

Nature of Visit: 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: The alleged perpetrator (AP) neglected the client when she failed to provide a two-staff assisted transfer as indicated in the client's service plan. The client fell and sustained facial contusion.

Investigative Findings and Conclusion:

Neglect was substantiated. The facility and the AP were responsible for the maltreatment. The facility failed to provide supplemental staff orientation to the AP (who was a contracted agency staff) before she started to provide care to clients. The AP provided a one-staff assisted transfer when the client's service plan indicated she required two-staff assistance. The client fell sustained a facial contusion, closed head injury, and the clients facial CT-scan indicated a small-depressed fracture.

The investigation included interviews with facility staff members, including administrative staff, nursing staff, and the client's family. The investigation included review of the client's medical record, emergency room record, incident reports, internal investigations, policy and procedures

related to maltreatment, nursing assessments, change in condition, service plans, fall prevention, and team member orientation. The investigation included a review of the AP's employee file and training records. Finally, the investigator observed other staff assisted client transfers.

The client's diagnoses included Alzheimer's. The client's signed service plan indicated the client required assistance with medication administration, dressing, grooming, bathing, bed mobility, two-staff assist using a gait belt for transfers, one-staff assist for mobility using a gait belt and walker, and safety checks. The client's nursing assessment indicated the client was forgetful, had cognitive impairment, and did not have a history of falls.

One morning, two unlicensed personnel (ULP) assisted the client to sit on the couch. The client was not far enough back when attempting to sit. The two ULP's lowered the client to the floor. The client complained of right hip pain and sustained a skin tear on top of her right hand. The medical provider ordered X-rays of the client's hip and pelvis. The X-rays showed no acute fracture. The facilities investigation records of the incident indicated to continue with two staff assistance for transfers.

Approximately three weeks later, the AP transferred the client using a gait belt and walker without another staff member present. The client took one-step, knees buckled, and she fell into her walker towards the floor hitting the right side of her face on the floor. The AP was unable to assist the client with a safe fall. The client's right eye was black and blue, swollen, and she was unable to open her eye. In addition, the client sustained a skin tear on top of her right eyebrow and scratches to the right side of her face. The facility staff provided ice to the right eye. Two days later, the client's condition remained the same and the client transferred to the emergency room for evaluation.

A review client's emergency room records indicated the client diagnosed with a facial contusion and closed head injury. The client's CT scan of her facial bones indicated a small-depressed fracture. The same records indicated the client discharged back to the facility with orders to apply ice to the forehead.

A review of the facility's internal investigation indicated the AP applied a gait belt and provided the client her walker to go the bathroom. The client took one-step, knees buckled, and she fell into her walker towards the floor hitting the right side of her face on the floor. The AP stated she did not have a second person in the room to assist with the transfer and that she did not know how to use the Point of Care (POC, electronic record system) iPhone to reference the client's service plan. The AP did not review the client's printed service plan before providing care that indicated the client required a two-staff assist for transfers. During a review of the AP's personnel file, the facility identified that the AP did not receive the supplemental agency staff orientation prior to working with clients. This training included POC iPhone use.

A review of the AP's training records indicated the AP worked at the facility and provided care to clients for approximately three weeks before receiving the orientation.

During an interview, a registered nurse (RN-D) stated she conducted an internal investigation and discovered the AP did not have a second staff present to assist with the client's transfer. RN-D stated the AP was a contracted agency staff. She stated the process with training agency staff included an orientation on each client and the services required. RN-D stated she discovered the AP did not receive the orientation before her first assignment however, she stated the AP did have a shadow day. She added the AP was aware of the client's printed service plans and where to locate them. RN-D stated the facility prints service plans as a backup in case the electronic system failed. RN-D stated the AP received the orientation training two days after the client fell and sustained injury. RN-D stated it is an expectation that agency staff receive orientation before providing care to clients and that staff provide services as indicated on the service plan. RN-D stated the AP no longer works at the facility.

During an interview, RN-E stated after the first fall, if she felt a change was necessary she would have recommended one. RN-E stated she conducted the post fall assessment and felt the intervention was appropriate. RN-E stated the client had a second fall approximately three weeks later, when provided a one-staff assist to transfer. She stated the client's service plan indicated a two-staff assist. RN-E stated after the second fall she provided education to all staff about following clients care plans.

The AP did not respond to a subpoena to interview.

In conclusion, neglect was substantiated.

Neglect: Minnesota Statutes, section 626.5572, subdivision 17

"Neglect" means:

- (a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:
- (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
- (2) which is not the result of an accident or therapeutic conduct.
- (b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.
- (5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and:

- (i) the necessary care is provided in a timely fashion as dictated by the condition of the vulnerable adult;
- (ii) if after receiving care, the health status of the vulnerable adult can be reasonably expected, as determined by the attending physician, to be restored to the vulnerable adult's preexisting condition;
- (iii) the error is not part of a pattern of errors by the individual;
- (iv) if in a facility, the error is immediately reported as required under section 626.557, and recorded internally in the facility;
- (v) if in a facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and (vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency.

Vulnerable Adult interviewed: No, unable due to cognition.

Family/Responsible Party interviewed: Yes.

Alleged Perpetrator interviewed: No, did not respond to subpoena.

Action taken by facility: The facility nurse assessed the client, educated staff on fall interventions, and sent the client into the emergency room for evaluation. The facility conducted an internal investigation and provided the AP orientation after discovery that it was not completed.

Action taken by the Minnesota Department of Health:

The facility was found to be in 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, 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:

The Office of Ombudsman for Long Term Care Carlton County Attorney Cloquet City Attorney

Cloquet Police Department

Minnesota Department of Health

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| 0 000 | Initial Comments | | | 0 000 | | |
| | ******ATTENTION** HOME CARE PROCORRECTION OR In accordance with 144A.43 to 144A.48 of Health issued a casurvey. Determination of wherequires compliance provided at the state When a Minnesota items, failure to combe considered lack INITIAL COMMENTO On January 19, 202 of Health initiated a #HL21672012C/#H #HL21672014C/#H the survey, there we services under the considered the considered lack. The following correct #HL21672012C/#H 0860. | VIDER LICENSING DER Minnesota Statutes, sect 32, the Minnesota Departs correction order(s) pursual mether a violation is corrected with all requirements ute number indicated belongstatute contains several apply with any of the items of compliance. TS: 21, the Minnesota Departs in investigation of compliance. | ment to cted ow. | | Minnesota Department of Health is documenting the State Licensing Correction Orders using federal so Tag numbers have been assigned Minnesota State Statutes for Home Providers. The assigned tag numappears in the far left column entity Prefix Tag." The state Statute number the corresponding text of the state out of compliance is listed in the "Summary Statement of Deficient column. This column also include findings which are in violation of the requirement after the statement," Minnesota requirement is not met evidenced by." Following the survifindings is the Time Period for Contract of Correction." This applies of Federal Deficiencies only Will Appear on Each Page. There is no requirement is not met evidenced by The Page of Correction of the States of Correction of Correctio | oftware. It to he Care hber tled "ID hber and e Statute cies" s the he state This as eyors' rrection. DING OF TO THIS TO ON FOR TATE |
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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE (X6) DATE

Minnesota Department of Health

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| | by: Based on interviews facility failed to ens | ent is not met as evider s, and document review ure 1 of 2 clients review maltreatment. C2 was | , the | | A plan of correction is not required 325, please refer to the public maltreatment report for details. | d for tag | |
| | Health (MDH) issued occurred, and that a the facility were residued in connection with a the facility. The MD | the Minnesota Departmed a determination that read individual staff personanties for the maltread incident which occurred the concluded there was evidence that maltreatments. | neglect n and tment, ed at a | | | | |
| 0 860 SS=D | and Monitoring Subd. 8.Comprehent and reassessment. provided are comprehent an individualized initiation conducted in personal the services are provided. | S Comprehensive Assessment, mon (a) When the services rehensive home care se tial assessment must be n by a registered nurse. ovided by other licensed assessment must be | itoring, being ervices, e When | 0 860 | | | |

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| | C1's nursing assessment dated August 3, 2020, indicated C1 was forgetful, had cognitive impairment, and a history of falls. | | | | | | |
| | C1's signed service included assistance administration, dress ostomy and cathete repositioning, assistant walker for transsame document also checks. | with medication ssing, grooming, bater care, bed mobility to one staff using a sfers and ambulation | thing, , a gait belt n. The | | | | |
| | C1's progress notes 12:27 p.m., indicate and transferred to the evaluation. | ed C1 had a fall, hit | his head | | | | |
| | C1's progress notes 6:18 p.m., indicated abnormalities and C | C1's CT scan show | wed no | | | | |
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| | C1's progress notes 12:28 p.m., indicate orders for a transfe with transferring. | ed the licensee requ | ested | | | | |

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| | C1's progress notes indicated C1 was uncleased tight. C1 to room. | nresponsive and ha | inds | | | | |
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| | C1's progress notes | | • | | | | |

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| 0 860 | pulling at his colosted a.m., the licensee of At 12:22 p.m., C1 when to "pass out" when in a chair. C1's block The same progress juice and staff enco | e disoriented and constant services and services and cather one ouraged fluid into a lacility staff assisted of pressure measures notes also indicate ouraged fluid intake. In a sure of the services are measured 9 and intake. At 5:26 persontinued C1's List high blood pressure medication to treat longed fluid intake. | 2020, at nd was ter. At 9:44 ake for C1. was about ed 78/46. ed C1 had At 4:05 4/31 and .m., C1's inopril e) and | 0 860 | | | |
| | C1's progress notes 2:01 p.m., indicated chair to sunroom w landed on his buttoe indicated C1 hit his At 4:06 p.m., the nu provider regarding requested surgical 5:24 p.m., the nurse glue from the pharm notes indicated C1 room. A review of C1's en August 28, 2020 ind right elbow laceratio (stitches). | d staff assisted C1 for then C1 lost his balancks. The same documents and the right elbow would glue to close the word and not obtain stansferred to the elbow transferred to the elbow macy. The same producated C1 diagnose and received sut and standard substandard s | rom dining ance and ument a wound. At urgical ogress mergency ords dated ed with a ures | | | | |
| | a.m., indicated C1 l | had a fall and had a | large | | | | |

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Minnesota Department of Health

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| | | erred to the emergency room. mitted to the hospital for magnesium levels. | | | | |
| | | s dated September 9, 2020, at I C1 returned from the hospital | | | | |
| | C1's medical record did not include an assessment after C1's return to the facility after hospitalization. C1's progress notes dated September 13, 2020, at 9:59 a.m., indicated C1 had increased weakness and shakiness when attempting to stand. | | | | | |
| | | | | | | |
| | | s dated September 14, 2020, ted C1 self-transferred and jury. | | | | |
| | at 9:46 a.m., indications with transferring an | dated September 15, 2020, ted C1 was difficult to assist d dressing. At 12:23 p.m., al provider spoke with C1's lice evaluation. | | | | |
| | | s dated September 16, 2020, ted C1 had a fall and hit his r. | | | | |
| | | s dated September 17, 2020, ted C1 admitted to hospice. | | | | |
| | C1's medical record assessment after C services. | d did not include an 1's admission to hospice | | | | |
| | _ | on January 28, 2021, at 9:18 se (RN-D), who identified as | | | | |

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| 01180 SS=G | 144A.4796, Subd. 4 Subd. 4.Orientation care services must each individual clier provided. This orient person, orally, in write the services of the services must each individual clier provided. This orient person, orally, in write the services of the serv | to client. Staff pro- be oriented specifi nt and the services ntation may be prov- iting, or electronical ent is not met as e and record review nsure 1 of 2 unlicer was oriented to each P-F was a contract | viding home cally to to be vided in ally. videnced the sed checked agency | 01180 | | | | |

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| | PROVIDER OR SUPPLIER | ET & BARNUM | 702 HORI | DRESS, CITY, S ZON CIRCLE T, MN 55720 | | | |
| (X4) ID PREFIX TAG | (EACH DEFICIENCY | TEMENT OF DEFICIENCIES (MUST BE PRECEDED BY SC IDENTIFYING INFORM | Y FULL | ID PREFIX TAG | PROVIDER'S PLAN OF (EACH CORRECTIVE AC CROSS-REFERENCED TO DEFICIEN | TION SHOULD BE THE APPROPRIATE | (X5) COMPLETE DATE |
| 01180 | reviewed. C2's service required a two-staff provided a one-staff a facial contusion, of facial CT scan indicators. The practice results violation that harmed not including serious or a violation that has serious injury, impairs used at an isolate limited number of colimited number of situation has occurred to the findings included signed service plantincluded assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration, dress mobility, two-staff upone-staff assist for walker, and safety of the findings included assistance administration assistance and the findings included ass | orientation training to res 1 of 4 clients (Carice plan indicated set assist for transfers. If assist. C2 fell and closed head injury, asted a small-depressed in a level three view as the potential to learn the potential the potential the potential the | che bhe ULP-F sustained and C2's seed olation (a or safety, t, or death, ead to nd was or a or one or a the y). see. C2's 020, thing, bed ransfers, t belt and | 01180 | | | |
| | C2's incident report 9:19 a.m., indicated the couch. C2 was attempting to sit an the floor. At 9:46 a. | d the two ULP's low | 5, 2020, at C2 to sit on when ered C2 to of right hip | | | | |

Minnesota Department of Health

| STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA AND PLAN OF CORRECTION IDENTIFICATION NUMBER: | | ` ′ | E CONSTRUCTION | ` ' | (X3) DATE SURVEY COMPLETED | | |
|---|--|--|--|---------------------|--|---------------------------------|--------------------------|
| | | H21672 | | B. WING | | | C 19/2021 |
| | PROVIDER OR SUPPLIER | IET & BARNUM | 702 HORI | ZON CIRCLE | | | |
| | | | CLOQUE | Γ, MN 55720 | | | |
| (X4) ID PREFIX TAG | (EACH DEFICIENCY | TEMENT OF DEFICIENCIE MUST BE PRECEDED BY SC IDENTIFYING INFORM | / FULL | ID PREFIX TAG | PROVIDER'S PLAN OF ((EACH CORRECTIVE ACTI CROSS-REFERENCED TO T DEFICIENC) | ION SHOULD BE HE APPROPRIATE | (X5) COMPLETE DATE |
| 01180 | Continued From pa | ige 9 | | 01180 | | | |
| | tear on top of C2's | right hand. | | | | | |
| | dated September 6 interventions that in ensure the back of before sitting. The sto continue two-state C2's progress notes 3:13 p.m. indicated ambulated slowly, a C2's progress notes 4:13 p.m., indicated ordered hip and pel C2's progress notes | nsee's internal invest, 2020, indicated posticuded staff education C2's legs touched the same document also fit assist for transfers and was able to be an end was able to be an | st fall on to ne seat o indicated s. 7, 2020, at in, r weight. 9, 2020, at der 10, 2020, | | | | |
| | at 10:08 p.m., indic | s dated September 2 ated C2 had a witne or right eye on the flo | ssed fall in | | | | |
| | at 10:40 a.m., indicated and blue, swollen, a right eye. The same indicated a skin tea | s dated September 2 ated C2's right eye vand she was unable e progress notes als or on top of her eyeb ht side of her face, a ght eye. | vas black open her o row, | | | | |
| | 2020, indicated that one-staff assisted Council The same documer unable to assist C2 | ation dated September 26, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20 | 2020, d C2 fell. was fell hit her | | | | |

Minnesota Department of Health

STATE FORM I32S11 If continuation sheet 10 of 13

Minnesota Department of Health

| STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | | 1 ` ′ | ECONSTRUCTION | 1 ` ′ | (X3) DATE SURVEY COMPLETED | | |
|--|--|---|---|---------------------------------------|--|-----------------------------------|--------------------------|
| | | H21672 | | B. WING | | | C 19/2021 |
| | PROVIDER OR SUPPLIER | ET & BARNUM | 702 HORI | DRESS, CITY, S ZON CIRCLE T, MN 55720 | | | |
| (X4) ID PREFIX TAG | (EACH DEFICIENCY | TEMENT OF DEFICIENCE MUST BE PRECEDED B SC IDENTIFYING INFORM | Y FULL | ID PREFIX TAG | PROVIDER'S PLAN OF (EACH CORRECTIVE AC CROSS-REFERENCED TO DEFICIEN | TION SHOULD BE THE APPROPRIATE | (X5) COMPLETE DATE |
| 01180 | Continued From pa | ige 10 | | 01180 | | | |
| | C2's progress notes at 3:21 p.m., indicate swollen, black and open her eye. The stransferred to the experience of C2's em September 28, 202 with a facial contus C2's CT scan of he small-depressed from the small specific from the | ted C2's right side of blue, and she was used ame document incomergency room for nergency room record in and closed head of facial bones indicated the same respective. The same respective to the facility orehead. | of face was unable to licated C2 evaluation. ords dated and ecords with orders stigation | | | | |
| | indicated ULP-F ap C2 her walker to go step, knees buckled towards the floor his on the floor. The do stated she did not have to assist with not know how to us electronic record sy clients' service plan ULP-F did not revie indicated C2 require before she provided indicated during review the licensee identificated during review the licensee identificated during review the licensee prior to training included PC | the bathroom. C2 d, and she fell into he tting the right side of cument indicated to have a second staff the transfer and that se the Point of Care ystem) iPhone to reveal se two-staff assist for d care. The document d care. The document ed ULP-F did not received the cy staff training proving working with client of CiPhone use. | took one ner walker of her face JLP-F in the at she did (POC, view dicated ce plan that for transfers ent also sonnel file eceive the vided by as. This | | | | |
| | A review of the licer Supplemental Staff Checklist indicated assignment was Sedocument indicated | ing Agency Oriental ULP-F's date of first eptember 8, 2020. T | tion st he same | | | | |

Minnesota Department of Health

| STATEMENT OF DEFICIENCIES (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | | 1 ` ′ | E CONSTRUCTION | ` ' | (X3) DATE SURVEY COMPLETED | | |
|--|--|---|---|---------------------|---|---------------------------------|--------------------------|
| | | H21672 | | B. WING | | | C 19/2021 |
| | NAME OF PROVIDER OR SUPPLIER TO STREET A T | | | | | | |
| (X4) ID PREFIX TAG | (EACH DEFICIENCY | TEMENT OF DEFICIENC MUST BE PRECEDED E SC IDENTIFYING INFORI | BY FULL | ID PREFIX TAG | PROVIDER'S PLAN O (EACH CORRECTIVE AC CROSS-REFERENCED TO DEFICIEN | CTION SHOULD BE THE APPROPRIATE | (X5) COMPLETE DATE |
| 01180 | Continued From particles orientation on September 2 RN-D stated C2's contracted agency process with training included an oriental services required a Staffing Agency Orientation. Once do received the training RN-D stated ULP-F day of her assignment aware of clients print to locate them. RN that contract agency before providing carbon before | ember 28, 2020. on January 28, 20 rse (RN-D), who ide of clinical services 26, 2020, and susta are plan indicated RN-D stated she of ation and discovere ond staff present to 0 stated ULP-F was staff. She stated the rg contracted agency tion on each client and used the Supple entation Checklist. The Supple fentation | entified as stated C2 and injury. a two-staff conducted C2 assist with a e licensee's cy staff and the emental RN-D receive the tated ULP-F and where expectation attains a swollen of a sustained cratches to d not open ed to the a facial CT received CT | | | | |
| | scans showed a sm stated after the fall provided education | on September 26, | 2020, she | | | | |

Minnesota Department of Health

STATE FORM I32S11 If continuation sheet 12 of 13

Minnesota Department of Health

| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | (X2) MULTIPLE CONSTRUCTION A. BUILDING: | | (X3) DATE SURVEY COMPLETED | |
|---|---|--|--|--|-------------------------------|--------|
| | | | R WING | | | |
| | | H21672 | D. VVIIVO | | 01/1 | 9/2021 |
| NAME OF PROVIDER OR SUPPLIER STREET ADDRESS, CITY, STATE, ZIP CODE 702 HORIZON CIRCLE | | | | | | |
| NEW PERSPECTIVE - CLOQUET & BARNUM CLOQUET, MN 55720 | | | | | | |
| (X4) ID PREFIX TAG | (EACH DEFICIENCY MUST BE PRECEDED BY FULL | | | PROVIDER'S PLAN OF CORRECT (EACH CORRECTIVE ACTION SHOU CROSS-REFERENCED TO THE APPRO DEFICIENCY) | (X5) COMPLETE DATE | |
| 01180 Continued From page 12 | | | 01180 | | | |
| | clients care plans. | | | | | |
| | The licensee-provided Member Orientation December 13, 2018 must complete oriento providing services | ded policy titled "Team and Training," dated B, indicated team members intation to the community prior es at the community. R CORRECTION: Seven (7) | | | | |
| | | | | | | |