



Protecting, Maintaining and Improving the Health of All Minnesotans

State Rapid Response Investigative Public Report

Office of Health Facility Complaints

Maltreatment Report #: HL254554442M
Compliance #: HL254555466C

Date Concluded: October 30, 2024

Name, Address, and County of Licensee

Investigated:

Heritage Haven Inc
3042 Morris Thomas Road
Duluth, MN, 55811
Saint Louis County

Facility Type: Assisted Living Facility with
Dementia Care (ALFDC)

Evaluator's Name: Angela Vatalaro, RN
Special Investigator

Finding: Substantiated, individual responsibility

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), a staff member, financially exploited the resident when the AP made unauthorized and fraudulent charges from the resident's bank account.

Investigative Findings and Conclusion:

The Minnesota Department of Health determined financial exploitation was substantiated. The AP was responsible for the maltreatment. The AP made unauthorized charges from the resident's bank account for a total of \$8,401.97 to an on-line cosmetic company for the AP's personal use.

The investigator conducted interviews with facility staff members, including administrative staff and the AP. The investigation included review of the resident records, facility internal investigation, personnel file, law enforcement report, and related facility policy and procedures. Also, the investigator toured the facility.

The resident resided in an assisted living facility. The resident's diagnoses included diabetes. The resident's service plan included assistance with medication management, transfers using a mechanical lift, dressing, grooming, and repositioning. The resident was alert, oriented, and managed her own finances independently.

The internal investigation indicated the resident reported to the facility she had fraud charges occurring on her bank account. Unauthorized purchases were made to an on-line cosmetic company that she had not ordered. The investigation established the AP was selling the same cosmetic from the same company identified on the resident's bank statement, on the AP's social medica (Facebook) marketplace page.

The law enforcement report indicated there was a total of \$8,401.97 worth of cosmetic purchases made using the resident's card. All orders were shipped to the AP's home address, in the AP's name using her cell phone number, the AP's email address, and the AP also had been selling some of the items on the AP's social media marketplace page.

During an interview, the resident stated there were purchases made for cosmetics on her bank account. The resident stated she did not make the purchases.

During an interview, the AP denied making charges and ordering the cosmetics using the resident's account. The AP stated her family member ordered her a trial pack of the cosmetics that she did not use so she put that gift up for sale on social media.

During an interview, leadership stated the resident said she did not make any purchases to the on-line cosmetic company. Leadership stated the AP sold the cosmetics on the AP's social media marketplace page, from the same company identified in the resident's bank statements. Leadership stated the AP had received training on resident rights and property.

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

Substantiated: Minnesota Statutes, section 626.5572, Subdivision 19.

"Substantiated" means a preponderance of evidence shows that an act that meets the definition of maltreatment occurred.

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: Yes.

Family/Responsible Party interviewed: No, responsible for self.

Alleged Perpetrator interviewed: Yes.

Action taken by facility:

The facility conducted an internal investigation and contacted law enforcement. The facility offered to store the resident's banking cards and materials in a safe. The AP is no longer employed by the facility.

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.

You may also call 651-201-4200 to receive a copy via mail or email.

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

The Office of Ombudsman for Mental Health and Developmental Disabilities

Saint Louis County Attorney

Duluth City Attorney

Duluth Police Department

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 25455	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 09/24/2024
NAME OF PROVIDER OR SUPPLIER HERITAGE HAVEN INC		STREET ADDRESS, CITY, STATE, ZIP CODE 3042 MORRIS THOMAS ROAD DULUTH, MN 55811		
(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>Initial Comments</p> <p>*****ATTENTION*****</p> <p>ASSISTED LIVING PROVIDER CORRECTION ORDER</p> <p>In accordance with Minnesota Statutes, section 144G.08 to 144G.95, these correction orders are issued pursuant to a complaint investigation.</p> <p>Determination of whether a violation is corrected requires compliance with all requirements provided at the statute number indicated below. When a Minnesota Statute contains several items, failure to comply with any of the items will be considered lack of compliance.</p> <p>INITIAL COMMENTS:</p> <p>#HL254555466C/#HL254554442M</p> <p>On September 24, 2024, the Minnesota Department of Health conducted a complaint investigation at the above provider, and the following correction orders are issued. At the time of the complaint investigation, there were 29 residents receiving services under the provider's Assisted Living with Dementia Care license.</p> <p>The following correction order is issued for #HL254555466C/#HL254554442M, tag identification 2360.</p>	0 000		
02360	<p>144G.91 Subd. 8 Freedom from maltreatment</p> <p>Residents have the right to be free from physical, sexual, and emotional abuse; neglect; financial exploitation; and all forms of maltreatment covered under the Vulnerable Adults Act.</p>	02360		

Minnesota Department of Health

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

TITLE

(X6) DATE

Minnesota Department of Health

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02360	<p>Continued From page 1</p> <p>This MN Requirement is not met as evidenced by:</p> <p>The facility failed to ensure one of one resident reviewed (R1) was free from maltreatment.</p> <p>Findings include:</p> <p>The Minnesota Department of Health (MDH) issued a determination maltreatment occurred, and an individual person was responsible for the maltreatment, in connection with incidents which occurred at the facility. Please refer to the public maltreatment report for details.</p>	02360		