

State Rapid Response Investigative Public Report

Office of Health Facility Complaints

Maltreatment Report #: HL306213522M
Compliance #: HL306213825C

Date Concluded: September 9, 2024

Name, Address, and County of Licensee

Investigated:

Golden Horizons
13631 East Shore Road
Crosslake, Minnesota 56442
Crow Wing County

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

Evaluator's Name:

Katherine Barnhardt 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) abused the resident when the AP restrained the resident's arms during cares.

Investigative Findings and Conclusion:

The Minnesota Department of Health determined abuse was inconclusive due to conflicting information provided by the AP and family. Although the resident's family member indicated they witnessed the resident with his arms restrained to arms of a chair with disposable briefs, the AP denied restraining the resident and there was no additional evidence the AP restrained the resident.

The investigator conducted interviews with facility staff members, including administrative staff, nursing staff, unlicensed staff, and a family member. The investigator contacted medical providers and adult day providers. The investigation included review of the resident record, death record, hospital records, pharmacy records, facility incident reports, personnel files, staff

schedules, a video surveillance outline, law enforcement report and related facility policy and procedures. Also, the investigator observed direct cares and interactions between staff members and residents.

The resident resided in an assisted living memory care unit. The resident's diagnosis included dementia. The resident's service plan included assistance with dressing, grooming and wellness checks. The resident was independent with mobility, required staff assistance for toileting six times a day with peri-care, had an overactive bladder and at times had difficulty finding words. The resident was disoriented daily, had impaired decision making, was susceptible to abuse by others and could be physically aggressive toward staff when frustrated. The assessment directed staff to provide cares in pairs.

A review of the resident's incident reports indicated the resident was involved in incidents at the facility that resulted in staff injury. There was no additional documentation provided about the concern with the AP using restraints on the resident.

During an interview, a licensed staff member stated the resident could be resistive to cares, aggressive with staff and there were times services could not be completed due to the resident's aggression. The staff member stated she had not witnessed a restraint; however, a family member had come to her one morning upset and reported the family member entered the resident's room, the resident was found sitting in a chair with his arms and hands through brief holes and restrained to the chair's arms. Additionally, the licensed staff stated she did not enter the resident's room following the report by the family had not spoken with the AP about the incident.

During an interview with a licensed staff, the staff member stated she had knowledge of day-to-day operations, clinical status of residents and staffing. The licensed staff stated it was difficult for staff to provide cares for the resident and medications were reviewed and new medications ordered by the provider following incidents of aggression to calm the resident down. The licensed staff stated the day after the alleged restraint incident, a family member had come to her with concerns about an incident involving the AP, however, the family member "did not articulate" the concern. The licensed nurse denied having knowledge the AP restrained the resident.

During an interview, the AP stated she provided activities of daily living (ADL's) cares in the memory care unit. The AP stated staff could not get close to the resident to provide cares without being hit, pushed, punched, or choked. The AP stated she provided the resident care alone that day and placed a brief on the resident's legs up to his knees and walked away because the resident would not let the AP close to him. The AP stated she was unaware of a concern with briefs used as a restraint on the resident's arms until the licensed nurse told her about it. The AP denied she had placed a restraint on the resident arms.

During an interview a family member stated one weekend morning she entered the facility and went to the resident's room. When the family member entered the room, she observed the resident sitting in an armchair with his arms and hands restrained through brief holes to the chair arms. The family member stated she was shaken by the observation and immediately removed the restraints prior to locating a staff member. The family member stated she was in shock and should have taken a photo but wanted to get the resident out of the situation. The family member stated she was directed to report the incident to nursing leadership, and it was reported the next morning.

In conclusion, the Minnesota Department of Health determined abuse 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.

Abuse: Minnesota Statutes section 626.5572, subdivision 2.

"Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

- (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
 - (2) the use of drugs to injure or facilitate crime as defined in section 609.235;
 - (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322;
- and
- (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

- (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
- (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
- (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

(c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Vulnerable Adult interviewed: No, deceased.

Family/Responsible Party interviewed: Yes

Alleged Perpetrator interviewed: Yes

Action taken by facility:

The facility removed the AP from providing care to the resident and to memory care residents.

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>

If you are viewing this report on the MDH website, please see the attached Statement of Deficiencies.

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

cc:

The Office of Ombudsman for Long Term Care

The Office of Ombudsman for Mental Health and Developmental Disabilities

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 30621	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 07/31/2024
NAME OF PROVIDER OR SUPPLIER GOLDEN HORIZONS		STREET ADDRESS, CITY, STATE, ZIP CODE 13631 E SHORE RD CROSS LAKE, MN 56442			
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0 000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>ASSISTED LIVING LICENSING CORRECTION ORDER(S)</p> <p>In accordance with Minnesota Statutes, section 144G.01 to 144G.95, these correction orders are issued pursuant to a complaint investigation.</p> <p>Determination of whether violations are corrected requires compliance with all requirements provided at the Statute number indicated below. When 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>#HL306211881M/#HL306219669C #HL306213522M/#HL306213825C</p> <p>On July 31, 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 32 residents receiving services under the assisted living with dementia license.</p> <p>The following correction order is issued for # HL306213522M/#HL306213825C, tag identification 1370, 1380 and 1460.</p>	0 000	<p>Assisted Living Provider 144G.</p> <p>Minnesota Department of Health is documenting the State Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes for Assisted Living Facilities. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state Statute number and the corresponding text of the state Statute out of compliance is listed in the "Summary Statement of Deficiencies" column. This column also includes the findings which are in violation of the state requirement after the statement, "This Minnesota requirement is not met as evidenced by." Following the evaluators' findings is the Time Period for Correction.</p> <p>PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN WHICH STATES,"PROVIDER'S PLAN OF CORRECTION." THIS APPLIES TO FEDERAL DEFICIENCIES ONLY. THIS WILL APPEAR ON EACH PAGE.</p> <p>THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES.</p> <p>THE LETTER IN THE LEFT COLUMN IS USED FOR TRACKING PURPOSES AND REFLECTS THE SCOPE AND LEVEL ISSUED PURSUANT TO 144G.31 SUBDIVISION 1-3.</p>		

Minnesota Department of Health

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

TITLE

(X6) DATE

Minnesota Department of Health

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01370	Continued From page 1	01370			
01370 SS=D	144G.61 Subd. 2 (a) Training and evaluation of unlicensed personn (a) Training and competency evaluations for all unlicensed personnel must include the following: (1) documentation requirements for all services provided; (2) reports of changes in the resident's condition to the supervisor designated by the facility; (3) basic infection control, including blood-borne pathogens; (4) maintenance of a clean and safe environment; (5) appropriate and safe techniques in personal hygiene and grooming, including: (i) hair care and bathing; (ii) care of teeth, gums, and oral prosthetic devices; (iii) care and use of hearing aids; and (iv) dressing and assisting with toileting; (6) training on the prevention of falls; (7) standby assistance techniques and how to perform them; (8) medication, exercise, and treatment reminders; (9) basic nutrition, meal preparation, food safety, and assistance with eating; (10) preparation of modified diets as ordered by a licensed health professional; (11) communication skills that include preserving the dignity of the resident and showing respect for the resident and the resident's preferences, cultural background, and family; (12) awareness of confidentiality and privacy; (13) understanding appropriate boundaries between staff and residents and the resident's family; (14) procedures to use in handling various emergency situations; and	01370			

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01370	<p>Continued From page 2</p> <p>(15) awareness of commonly used health technology equipment and assistive devices.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure training was completed in all required areas for one of one unlicensed personnel (ULP)-H.</p> <p>This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>The findings include:</p> <p>ULP-H was hired on January 4, 2024, to provide direct cares to licensee's residents.</p> <p>ULP-H's employee file lacked documentation of training and competency evaluations for the following topics:</p> <ul style="list-style-type: none">- documentation requirements for all services provided;- appropriate and safe techniques in personal hygiene and grooming, including:<ul style="list-style-type: none">(i) hair care and bathing;(ii) care of teeth, gums, and oral prosthetic devices; and(iv) dressing and assisting with toileting.- standby assistance techniques and how to perform them;- basic nutrition, meal preparation, and assistance with eating;	01370			

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01370	<p>Continued From page 3</p> <ul style="list-style-type: none">- preparation of modified diets as ordered by a licensed health professional;- awareness of confidentiality and privacy; and- awareness of commonly used health technology equipment and assistive devices. <p>On August 2, 2024, at 9:45 a.m., ULP-H stated she provided assistance for residents to include; medication administration, dressing, grooming, bathing, toileting, feeding, ambulation and transfers. ULP-H stated she had an out of state certified nursing assistant certification and applied for a Minnesota certification when hired. The Minnesota certification was effective February 9, 2024, (34 days following employment.)</p> <p>On August 8, 2024, at 12:27 p.m., director of nursing (DON)-F confirmed ULP-H personnel records did not contain documentation ULP-H completed training in all required areas. DON-A stated, ULP-H was hired during a leadership transition period at the same time as DON-F and ULP-H's training may have been missed.</p> <p>The licensee's Orientation and Training Policy dated March 18, 2020, indicated all staff must be trained and competent in services consistent with current practice standards and appropriate to resident needs. Orientation must be completed once for each staff person.</p> <p>No further information provided.</p> <p>TIME PERIOD FOR CORRECTION: Twenty-One (21) days.</p>	01370			
01380 SS=D	<p>144G.61 Subd. 2 (b) Training and evaluation of unlicensed personn</p>	01380			

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01380	<p>Continued From page 4</p> <p>(b) In addition to paragraph (a), training and competency evaluation for unlicensed personnel providing assisted living services must include:</p> <p>(1) observing, reporting, and documenting resident status;</p> <p>(2) basic knowledge of body functioning and changes in body functioning, injuries, or other observed changes that must be reported to appropriate personnel;</p> <p>(3) reading and recording temperature, pulse, and respirations of the resident;</p> <p>(4) recognizing physical, emotional, cognitive, and developmental needs of the resident;</p> <p>(5) safe transfer techniques and ambulation;</p> <p>(6) range of motioning and positioning; and</p> <p>(7) administering medications or treatments as required.</p> <p>This MN Requirement is not met as evidenced by:</p> <p>Based on interview and record review, the licensee failed to ensure training and competency was completed for one of one unlicensed personnel (ULP)-H to include all required content.</p> <p>This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>The findings include:</p> <p>ULP-H was hired on January 4, 2024, to provide direct cares to licensee's residents.</p>	01380			

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01380	<p>Continued From page 5</p> <p>ULP-H's employee file lacked documentation of competency evaluations by a registered nurse (RN) for the following topics:</p> <ul style="list-style-type: none">- reading and recording temperature, pulse and respirations of the resident;- recognizing physical, emotional, cognitive, and developmental needs of the resident;- safe transfer techniques and ambulation;- range of motioning and positioning; and- other RN/professionally delegated tasks. <p>On August 2, 2024, at 9:45 a.m., ULP-H stated she provided assistance for residents to include; medication administration, dressing, grooming, bathing, toileting, feeding, ambulation and transfers. ULP-H stated she had an out of state certified nursing assistant certification and applied for a Minnesota certification when hired. The Minnesota certification was effective February 9, 2024.</p> <p>On August 8, 2024, at 12:27 p.m., director of nursing (DON)-F confirmed ULP-H personnel records did not contain documentation ULP-H completed training in all required areas. DON-A stated, ULP-H was hired during a leadership transition period at the same time as DON-F and ULP-H's training may have been missed.</p> <p>The licensee's Orientation and Training Policy dated March 18, 2020, indicated all staff must be trained and competent in services consistent with current practice standards and appropriate to resident needs. Orientation must be completed once for each staff person.</p> <p>No further information was provided.</p> <p>TIME PERIOD FOR CORRECTION: Twenty-one (21) days.</p>	01380			

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01460 SS=F	<p>144G.63 Subdivision 1 Orientation of staff and supervisors</p> <p>All staff providing and supervising direct services must complete an orientation to assisted living facility licensing requirements and regulations before providing assisted living services to residents. The orientation may be incorporated into the training required under subdivision 5. The orientation need only be completed once for each staff person and is not transferable to another facility.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to provide staff orientation to assisted living licensing requirements and regulations for one of one unlicensed personnel (ULP)-H. This has the potential to affect all thirty-one (31) residents.</p> <p>This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all of the residents).</p> <p>The findings include:</p> <p>ULP-H's employee record did not contain documentation of completed orientation to assisted living facility licensing requirements and regulations before providing assisted living services to residents. ULP-H's record failed to contain the following:</p> <ul style="list-style-type: none">- an overview of this chapter;	01460			

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01460	<p>Continued From page 7</p> <ul style="list-style-type: none">- an introduction and review of the facility's policies and procedures related to the provision of assisted living services by the individual staff person;- handling of emergencies and use of emergency services;- compliance with and reporting of the maltreatment of vulnerable adults under section 626.557 to the Minnesota Adult Abuse Reporting Center (MAARC);- the assisted living bill of rights and staff responsibilities related to ensuring the exercise and protection of those rights;- the principles of person-centered planning and service delivery and how they apply to direct support services provided by the staff person;- the handling of residents' complaints, reporting of complaints, and where to report complaints, including information on the Office of Health Facility Complaints;- consumer advocacy services of the Office of Ombudsman for Long-Term Care, Office of Ombudsman for Mental Health and Developmental Disabilities, Managed Care Ombudsman at the Department of Human Services, county-managed care advocates, or other relevant advocacy services; and- a review of the types of assisted living services the employee will be providing and the facility's category of licensure. <p>On August 2, 2024, at 9:45 a.m., ULP-H stated she provided assistance for residents to include; medication administration, dressing, grooming, bathing, toileting, feeding, ambulation and transfers.</p> <p>On August 8, 2024, at 12:27 p.m., director of nursing (DON)-F confirmed ULP-H personnel records did not contain documentation ULP-H</p>	01460			

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01460	<p>Continued From page 8</p> <p>completed training in all required areas. DON-A stated, ULP-H was hired during a leadership transition period at the same time as DON-F and ULP-H's training may have been missed.</p> <p>The licensee's Orientation and Training Policy dated March 18, 2020, indicated all staff must be trained and competent in services consistent with current practice standards and appropriate to resident needs. Orientation must be completed once for each staff person.</p> <p>No further information was provided.</p> <p>TIME PERIOD FOR CORRECTION: Seven (7) days.</p>	01460			