

STATE LICENSING COMPLIANCE REPORT

Report #: HL327533248C

Date Concluded: March 29, 2023

Name, Address, and County of Facility

Investigated:

Independence Home Care, LLC
183 Main Ave W
Winsted, MN 55395
McLeod County

Facility Type: Home Care Provider

Evaluator's Name: Lissa Lin, RN
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 144A. 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.

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: H32753	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 02/23/2023
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NAME OF PROVIDER OR SUPPLIER INDEPENDENCE HOME CARE LLC	STREET ADDRESS, CITY, STATE, ZIP CODE 183 MAIN AVE W WINSTED, MN 55395
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0 000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>HOME CARE PROVIDER LICENSING CORRECTION ORDER</p> <p>In accordance with Minnesota Statutes, section 144A.43 to 144A.482, 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>#HL327533248C</p> <p>On February 23, 2023, the Minnesota Department of Health initiated a complaint investigation at the above provider, and the following correction orders are issued. At the time of the complaint investigation, there were 12 clients receiving services under the provider's Basic Home Care License.</p> <p>The following immediate correction orders are issued for HL327533248C, tag identification 0645, 0715 and 1105.</p> <p>The following non-immediate correction orders are issued for HL327533248C, tag identification 0340, 0355, 0785, 0875.</p>	0 000	<p>Home Care Provider 144A. Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes for Home Care Providers. 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 144A.474 SUBDIVISION 11 (b)(1)(2).</p>	
0 340 SS=D	144A.44, Subd. 1(a)(17) Advance Notice of Changes	0 340		

Minnesota Department of Health LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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0 340	<p>Continued From page 1</p> <p>Subdivision 1. Statement of rights. (a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights:</p> <p>(17) at least ten calendar days' advance notice of the termination of a service by a home care provider, except at least 30 calendar days' advance notice of the service termination shall be given by a home care provider for services provided to a client residing in an assisted living facility as defined in section 144G.08, subdivision 7. This clause does not apply in cases where:</p> <p>(i) the client engages in conduct that significantly alters the terms of the service plan with the home care provider;</p> <p>(ii) the client, person who lives with the client, or others create an abusive or unsafe work environment for the person providing home care services; or</p> <p>(iii) an emergency or a significant change in the client's condition has resulted in service needs that exceed the current service plan and that cannot be safely met by the home care provider;</p> <p>This MN Requirement is not met as evidenced by: Based on interview and document review, the licensee failed to ensure ten calendar days advanced notice of termination of services was provided to a client (C1) receiving basic home care services.</p> <p>This practice resulted in a level two violation (a violation that did not harm a client's health or safety but had the potential to have harmed a</p>	0 340		

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0 340	<p>Continued From page 2</p> <p>client's health or safety) and was issued at an isolated scope (when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>Findings include:</p> <p>C1's medical diagnoses included peripheral arterial disease and dementia.</p> <p>C1's client assessment form, dated January 26, 2022, was completed by the care coordinator, (CC)-B and indicated C1 required minimal assistance with activities of daily living (ADLs) such as eating, bathing, toileting and mobility. Staff would provide meal prep, provide reminders to cut up food, provide stand by assistance for bathing, change adult briefs as needed, and assist to bed. C1 used a walker for mobility.</p> <p>C1's service plan, dated February 1, 2022, indicated her frequency and schedule of services was Tuesdays and Thursdays, four hours each day and prn (as needed). Unlicensed personal (ULP)-A was assigned as C1's care giver.</p> <p>An undated text at 9:34 a.m. from C1's family member, (FM)-C to to CC-B, read "if we added more days would you consider keeping her on? I sent a message to congressman dean [sic] Phillips about her pension..." At 2:29 p.m. a text from FM-C to CC-B read "We can add an additional 17 hours to her current 16 hours per week."</p> <p>An undated text at 2:34 p.m. from CC-B to FM-C read "ULP-A has only been doing 8 hours per week, 4 hours twice a week."</p>	0 340		

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0 340	<p>Continued From page 3</p> <p>A text, dated May 26 at 4:08 p.m. from FM-C to CC-B read "I'm going to start making some phone calls to find help for my mom (C1) tomorrow. Very disappointed. I'm pretty sure you pay employees an hourly rate. Don't understand the reason of gas prices. Most businesses just raise their prices instead of sending customers on their way. We're talking about a human life not clothing or other material things. I now have regrets in signing with you as I try to explain to my mother why ULP-A will not be taking care of her."</p> <p>A text, dated May 26 at 4:14 p.m. from CC-B to FM-C read "Wow...That was quite a rude thing to say. As I explained on the phone, ULP-A would rather drive to 1 place with more hours than needing to drive to 2 different places in one day to get the hours. That is especially affected [sic] now with gas prices. Would you prefer I raise your hourly rate to \$45/hour so I can the [sic] aides even more? I also explained on the phone that I could look for another aide that isn't requesting full time.</p> <p>A text from FM-C to CC-B at 4:14 p.m. indicated CC-B never offered to find a replacement staff person for C1 and "What's rude, unprofessional and lacks integrity is sending your client a text giving 2 weeks notice."</p> <p>A text, dated May 26, at 4:27 p.m. from CC-B to FM-C read "I also said I'd be emailing you. We left our phone conversation with you saying you'd let me know next week what Dean figures out and I said I'd look for someone else. At this time I rescind what I told you on the phone and refuse to work with someone that calls me names."</p> <p>Review of C1's discharge summary, dated May 30, 2022 indicated C1's service end date was</p>	0 340		

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0 340	<p>Continued From page 4</p> <p>May 27, 2022. The reason for discharge: ULP-A wanted more hours. At start of services for C1 the licensee was told C1's hours would increase and that did not happen. FM-C was given 2 weeks notice by text message on May 26, 2022. About 30 minutes later the licensee received a text message from FM-C that she would look for a new agency. Other comments: FM-C made negative abusive comments by text to licensee staff so licensee staff terminated services immediately.</p> <p>An email dated May 30, 2022 at 10:45 a.m. from FM-C to OW-D read "As I am searching for a new home care provider for C1, I need to know when your last day of service will be for my mother. I was given a 2 week notice by CC-B which would mean the last day is June 9th. I do not want to overlap services. It would also fall in line with the Minnesota Home Care Bill of Rights".</p> <p>An email dated May 30, 2022 at 2:24 p.m. CC-B to FM-C read "I have attached the discharge summary to this email. As stated via text, services are terminated immediately due to negative abusive comments that were made to me on May 26."</p> <p>An email dated May 30, 2022 at 2:55 p.m. from FM-C to CC-B read "you were told sending a text to discontinue services was unprofessional and lacks integrity...that is not abusive. By law you are to give 10 days notice."</p> <p>A text dated May 30, 2022 at 5:36 p.m. from CC-B to FM-C indicated the licensee offered to find another care giver for C1 and would continue services for C1 through June 5. The licensee did not have a discharge summary with June 5, 2022 as the last date of services for</p>	0 340		

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0 340	<p>Continued From page 5</p> <p>C1.</p> <p>A text dated May 30, 2022 at 7:35 p.m. from FM-C to CC-B indicated ULP-A was not negotiable, she was the staff person C1 "loved and adored". FM-C was not offered another staff member to care for C1 because CC-B told her she only wanted full-time clients.</p> <p>A text dated June 1, at 2:26 p.m. from CC-B to ULP-A read "the go to the other job...I dropped three clients for you this week so you could have just one full time and one every other weekend. Because that is what you wanted."</p> <p>An undated text at 11:44 a.m. from unlicensed personnel (ULP)-A to CC-B indicated ULP-A wanted to know why she was not going to C1's home, she thought she had 2 weeks left with C1.</p> <p>An undated text at 11:51 a.m. from CC-B to ULP-A read "No, the daughter went off on me so I said we're done."</p> <p>An undated text at 11:53 a.m. from ULP-A to CC-B read "I don't feel right about just not showing up...C1 is very independent in most areas but making sure she gets her meds and food...you're the boss".</p> <p>During an interview on March 15, 2023 at 3: 52 p.m., former ULP-A said she worked for C1 two days a week for a few hours and provided companionship and help with ADLs. ULP-A said she lived about 12 miles from C1 so she was her closest client. ULP-A said CC-B wanted clients with more hours than what C1 had, and started assigning ULP-A to clients in Prior Lake and Glencoe, which were much farther away for ULP-A to drive. ULP-A said CC-B used high gas</p>	0 340		

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0 340	<p>Continued From page 6</p> <p>prices as an excuse to terminate C1's services. ULP-A said she spoke with FM-C when she learned C1's services were immediately terminated and said she did not feel right about C1 "getting dumped". She left her employment with the licensee and was hired as an independent ULP caregiver for C1. C1 died in December, 2022.</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B said she knew C1's service hours were low when she accepted C1 as a client, but C1's family promised her they would add more hours. CC-B said ULP-A was the one who wanted more hours, so she was assigned other clients. CC-B said she and OW-D thought about raising the hourly rate for C1's services from \$38/hour to \$45/hour but FM-C "already complained about the current \$38/hourly rate" so they did not bring up charging C1 more so ULP-A could say her assigned care giver. CC-B said FM-C was rude and abusive in a text by questioning her integrity, so she terminated services immediately. CC-B stated she did not know how many service hours were needed for full time client status, OW-D would know.</p> <p>During an interview on March 17, 2023 at 8:30 a.m., FM-C said CC-B did the face-to-face assessment with C1 and was aware C1 only needed eight hours of care per week. FM-C did not promise additional hours to CC-B. FM-C said C1 lived in northwest Hennepin County and that was not an issue when CC-B accepted her as a client; CC-B said they recently had a client in the same suburb as C1. FM-C said she was surprised when, a few months later, CC-B said high gas prices were a problem for continuing C1's services. FM-C said she was never asked if she would consider paying more per hour to keep</p>	0 340		

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0 340	<p>Continued From page 7</p> <p>ULP-A as C1's caregiver and offset rising gas prices. FM-C said ULP-A was terrific and C1 really loved having her as a caregiver. FM-C said CC-B and OW-D failed to provide a ten day notice as required and refused to let ULP-A finish her four remaining shifts with C1. FM-C said she reached out to OW-D in an email to determine when C1's last day of service was so she did not overlap a new home care service with the current licensee. OW-D was listed in the BOR as the licensee staff person to contact about complaints or concerns. FM-C did not receive a response from OW-D. Instead, CC-B replied by email that C1's services were immediately terminated and included an attached invoice for outstanding services.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said a full time client would be 36 consistent hours weekly. OW-D said "C1 was not an ideal client with her low hours" and ULP-A was not available to care for C1 anymore because the licensee was low on staff. OW-D said C1's family was not welcoming and did not want licensee staff around.</p> <p>Review of the licensee's website included a map that showed they served all of Hennepin, Carver, McLeod, Sherburne and Wright counties and language that indicated they provided reliable one-on-one care and serviced clients in the western suburbs of MN.</p> <p>Review of an undated policy, titled Termination of a Client's Home Care Services, indicated the Care Coordinator and Administrator would make a determination that a service or services for a client are to be terminated after all reasonable means to avoid the need for termination have been explored and or exhausted. In most cases</p>	0 340		

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0 340	Continued From page 8 at least 10 days' advance notice is given but not if the client, client's representative or a person who lives with the client or others have created an abusive or unsafe work environment for our employees. Written notice may be given immediately and services terminated immediately. TIME PERIOD TO CORRECT: Seven (7) Days	0 340		
0 355 SS=D	144A.44, Subd. 1(a)(20) Contact Individual Subdivision 1.Statement of rights. (a) A client who receives home care services in the community or in an assisted living facility licensed under chapter 144G has these rights: (20) know how to contact an individual associated with the home care provider who is responsible for handling problems and to have the home care provider investigate and attempt to resolve the grievance or complaint; This MN Requirement is not met as evidenced by: Based on interview and document review, the licensee failed to investigate and attempt to resolve a complaint concerning immediate termination of services for a client, (C1) who received basic home care services. C1's family member (FM)-C emailed the licensee owner (OW)-D with questions about the end date of services for C1. OW-D failed to respond or attempt to resolve the complaint. This practice resulted in a level two violation (a violation that did not harm a client's health or safety but had the potential to have harmed a client's health or safety) and was issued at an	0 355		

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0 355	<p>Continued From page 9</p> <p>isolated scope (when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>Findings include:</p> <p>C1's medical diagnoses included peripheral arterial disease and dementia.</p> <p>C1's client assessment form, dated January 26, 2022, was completed by the care coordinator, (CC)-B and indicated C1 required minimal assistance with activities of daily living (ADLs) such as eating, bathing, toileting and mobility. Staff would provide meal prep, provide reminders to cut up food, provide stand by assistance for bathing, change adult briefs as needed, and assist to bed. C1 used a walker for mobility.</p> <p>C1's service plan, dated February 1, 2022, indicated her frequency and schedule of services was Tuesdays and Thursdays, four hours each day and prn (as needed). Unlicensed personnel (ULP)-A was assigned as C1's care giver.</p> <p>C1's Home Care Bill of Rights, signed and dated by C1 on January 26, 2022, indicated OW-D was the person to whom problems or complaints could be directed and OW-D's contact information was listed.</p> <p>C1's discharge summary, dated May 30, 2022 indicated C1's service end date was May 27, 2022. The reason for discharge: ULP-A wanted more hours. At start of services for C1 the licensee was told C1's hours would increase and that did not happen. FM-C was given 2 weeks notice by text message on May 26, 2022. About 30 minutes later the licensee received a text</p>	0 355		

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0 355	<p>Continued From page 10</p> <p>message from FM-C that she would look for a new agency. Other comments: FM-C made negative abusive comments by text to licensee staff so licensee staff terminated services immediately.</p> <p>A text, dated May 26 at 4:08 p.m. from FM-C to CC-B read "I'm going to start making some phone calls to find help for my mom (C1) tomorrow. Very disappointed. I'm pretty sure you pay employees an hourly rate. Don't understand the reason of gas prices. Most businesses just raise their prices instead of sending customers on their way."</p> <p>A text, dated May 26, at 4:27 p.m. from CC-B to FM-C read "At this time I rescind what I told you on the phone and refuse to work with someone that calls me names."</p> <p>An email dated May 30, 2022 at 10:45 a.m. from FM-C to OW-D read "As I am searching for a new home care provider for C1, I need to know when your last day of service will be for my mother. I was given a 2 week notice by CC-B which would mean the last day is June 9th. I do not want to overlap services. It would also fall in line with the Minnesota Home Care Bill of Rights".</p> <p>An email dated May 30, 2022 at 2:24 p.m. from CC-B to FM-C read "I have attached the discharge summary to this email. As stated via text, services are terminated immediately due to negative abusive comments that were made to me on May 26."</p> <p>During an interview on March 15, 2023 at 3:52 p.m., unlicensed personnel (ULP)-A, said OW-D and CC-B were married and OW-D just did payroll, he did not get involved in much of the business and let CC-B do it all. ULP-A said she</p>	0 355		

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0 355	<p>Continued From page 11</p> <p>did not go to OW-D with her concerns about C1 "getting dumped" because it would not have gone well or been resolved.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said a full time client would be 36 consistent hours weekly. OW-D said "C1 was not an ideal client with her low hours". ULP-A was not available to care for C1 anymore because the licensee was low on staff. OW-D said C1's family was not welcoming. OW-D said he received an email from FM-C but did not respond to her.</p> <p>Review of an undated policy, titled Termination of a Client's Home Care Services, indicated the Care Coordinator and Administrator would make a determination that a service or services for a client are to be terminated after all reasonable means to avoid the need for termination have been explored and or exhausted.</p> <p>TIME PERIOD TO CORRECT: Seven (7) Days</p>	0 355		
0 645 SS=I	<p>144A.475, Subd. 1 Conditions</p> <p>Subdivision 1.Conditions. (a) The commissioner may refuse to grant a temporary license, refuse to grant a license as a result of a change in ownership, refuse to renew a license, suspend or revoke a license, or impose a conditional license if the home care provider or owner or managerial official of the home care provider:</p> <p>(1) is in violation of, or during the term of the license has violated, any of the requirements in sections 144A.471 to 144A.482;</p> <p>(2) permits, aids, or abets the commission of any</p>	0 645		

Minnesota Department of Health

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0 645	<p>Continued From page 12</p> <p>illegal act in the provision of home care;</p> <p>(3) performs any act detrimental to the health, safety, and welfare of a client;</p> <p>(4) obtains the license by fraud or misrepresentation;</p> <p>(5) knowingly made or makes a false statement of a material fact in the application for a license or in any other record or report required by this chapter;</p> <p>(6) denies representatives of the department access to any part of the home care provider's books, records, files, or employees;</p> <p>(7) interferes with or impedes a representative of the department in contacting the home care provider's clients;</p> <p>(8) interferes with or impedes a representative of the department in the enforcement of this chapter or has failed to fully cooperate with an inspection, survey, or investigation by the department;</p> <p>(9) destroys or makes unavailable any records or other evidence relating to the home care provider's compliance with this chapter;</p> <p>(10) refuses to initiate a background study under section 144.057 or 245A.04;</p> <p>(11) fails to timely pay any fines assessed by the department;</p> <p>(12) violates any local, city, or township ordinance relating to home care services;</p>	0 645		

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0 645	<p>Continued From page 13</p> <p>(13) has repeated incidents of personnel performing services beyond their competency level; or</p> <p>(14) has operated beyond the scope of the home care provider's license level.</p> <p>(b) A violation by a contractor providing the home care services of the home care provider is a violation by the home care provider.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed comply with statute sections 144A.43 to 144A.482 and chapter 245C by obtaining the license by misrepresentation; knowingly makes a false statement of a material fact in other records required by this chapter and to Minnesota Department of Health (MDH) personnel; and has operated beyond the scope of the home care provider's license level.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the clients).</p> <p>Findings include:</p> <p>A law enforcement report indicated on January 21, 2016, police responded to a report of financial transaction credit card fraud at various locations in Hennepin County that involved a vulnerable</p>	0 645		

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0 645	<p>Continued From page 14</p> <p>adult's credit card. The fraudulent charges were made by care coordinator (CC)-B, who at the time worked as a personal care aide for the client. CC-B was allowed to use the vulnerable adult's credit card only to maintain the vulnerable adult's care. The 17 unauthorized transactions occurred between November 21, 2015 and January 3, 2016 and totaled \$2,015.88. The unauthorized purchases were of items not considered of any benefit to the vulnerable adult or for maintaining her care.</p> <p>CC-B was found guilty of Financial Transaction Card Fraud by a jury in January 2017. In March 2017, CC-B was sentenced to three years probation, restitution and her conditions of probation included no employment with vulnerable adults and no work in a fiduciary capacity.</p> <p>A Minnesota Department of Human Services (DHS) disqualification letter dated January 11, 2017, addressed to CC-B, indicated a background study request to a different licensee was submitted. A letter was provided to CC-B on October 28, 2016, notifying of her disqualification due to convictions in 2008, a gross misdemeanor for unemployment benefits and false representation-concealment. On December 5, 2016, CC-B was notified her request for reconsideration was not granted. In addition, the Background Studies Division received information from a felony financial fraud offense that occurred on November 21, 2015 and when the unit receives information regarding the disposition of the pending charge, CC-B would be notified if further action of your background study status will be taken.</p> <p>Owner (OW)-D, CC-B's spouse, submitted an</p>	0 645		

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0 645	<p>Continued From page 15</p> <p>application for a basic home care provider license and was issued a temporary license on January 5, 2017. OW-D has renewed the basic home care provider license annually from 2017, to current present issuance of license on January 5, 2023.</p> <p>Survey documents collected during a June 29, 2021 survey, included a staffing document that listed OW-D and CC-B as employees for the licensee since January 4, 2017.</p> <p>Netstudy database indicated a background study was submitted for CC-B by the licensee on May 16, 2017. A letter dated October 16, 2017, was an immediate removal order issued to the licensee to remove CC-B from the license due to disqualification. A letter dated October 16, 2017, issued to CC-B informed her the background study request by the licensee result was a disqualification and the Department of Human Services (DHS) commissioner determined she posed an imminent risk of harm. A summary of request for reconsideration of a "set aside" records submitted to DHS dated November 14, 2017, were captured to the database.</p> <p>During the initial survey on November 28, 2017, the survey resulted in a conditions tag due to OW-D being out of state and unavailable for the survey. A follow up survey completed on December 13, 2017, resulted in issuance of tag 715 for no cleared background study for CC-B. OW-D failed to provide information to the MDH surveyors the licensee received immediate removal orders for CC-B on October 16, 2017. The survey also resulted in issuance of tag 440 for providing services beyond the scope for the license. The licensee had provided delegated tasks to clients including medication administration and catheter cares.</p>	0 645		

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0 645	<p>Continued From page 16</p> <p>Review of the licensee's Netstudy database roster, the licensee has never had a licensed nurse affiliated with the facility to delegate nursing services, provide skilled nursing, nor comprehensive services.</p> <p>CC-B's MN Board of Nursing Licensee information indicated CC-B's Registered Nurse Licensed was issued on April 5, 2013 and expired on February 1, 2018.</p> <p>On February 1, 2018, the Minnesota Board of Nursing suspended CC-B's RN license as part of a Stipulation and Consent Order related to CC-B's 2017 conviction of felony Financial Transaction Card Fraud. Between November 21, 2015 and January 3, 2016 CC-B used a vulnerable adult's credit card 17 times to make personal use purchases totaling \$2,015.88. CC-B received three years of supervised probation with conditions that included prohibition from working in a fiduciary capacity or with vulnerable adults.</p> <p>A letter dated May 3, 2018, was an immediate removal order issued to the licensee to remove CC-B from the license due to disqualification. A letter dated May 3, 2018, issued to CC-B informed her the background study request by the licensee result was a disqualification. On May 25, 2018, DHS received a request for reconsideration (set aside) from CC-B. A letter dated June 14, 2018, issued to both the licensee and CC-B indicated the set aside had been denied.</p> <p>CC-B's Care Coordinator job description, signed and dated by CC-B and OW-D on June 6, 2020, indicated the care coordinator was responsible for ensuring the health and safety of clients is met with assessments, development and</p>	0 645		

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0 645	<p>Continued From page 17</p> <p>implementation of service plans, plans of care, monitoring client services, supervision of home care staff and ensuring compliance with current regulations and standards. Position specifications included: working knowledge of state requirements for a Basic Home Care license, excellent judgment and decision-making abilities, must receive a "not disqualified" criminal background result from DHS and cannot be on the Office of Inspector General (OIG) exclusions list. Responsibilities included complete face-to-face assessment of prospective/new clients, monitor and reassess clients, communicate with physicians and other personnel regarding changes in client's needs or condition, provides direct supervision of new unlicensed staff, direct supervision of unlicensed staff performance of care services and assures compliance with regulations.</p> <p>CC-B's request for reconsideration, dated August 2, 2020, indicated in her role as the care coordinator, she was responsible for taking phone calls from potential clients/family members, met with family members to discuss needs of their "loved ones" and develop a care plan according to their needs. CC-B wrote that she did not provide 1:1 cares for clients per her court stipulations which were lifted 3/31/20. CC-B wrote she was correctly disqualified but felt it should be set aside. CC-B wrote she did not have access to any financial information including credit cards, checks or invoices.</p> <p>On September 14, 2020, DHS received a request for a set aside from CC-B. A letter dated September 23, 2020, issued to both CC-B and the licensee, informed the set aside was denied. An appeal variance to allow for CC-B to work at the licensee was submitted by OW-D on October</p>	0 645		

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0 645	<p>Continued From page 18</p> <p>15, 2020. A letter dated October 21, 2020, issued to OW-D, indicated the appeal variance was denied.</p> <p>CC-B's personnel record included a continuing education certificate (CEU), titled "Train the Trainer for NA Instructors" with 1.2 CEUs, 12 contact hours, that certified [CC-B], RN, was awarded the CEU certificate on February 28, 2017.</p> <p>CC-B's Home Care Minnesota Annual Training Checklist, completion date June 15, 2022, indicated CC-B's hire date was 6-6-20. CC-B received 8 credits for Educare Courses (online modules) on: infection control, home care bill of rights, vulnerable adult, organization policies and procedures. OW-D signed on the "Supervisor" line on 6-1-22 and CC-B signed on the "Employee" line on 6-15-22.</p> <p>A survey completed on June 29, 2021, resulted in issuance of tag 440 for providing services beyond the scope for the license. The licensee had provided delegated tasks to clients including medication administration and repositioning assistance. Surveyor notes indicated CC-B identified herself as a registered nurse, care coordinator and owner of the licensee along with OW-D.</p> <p>Review of C1's records indicated on January 26, 2022 CC-B completed a client assessment form and a service plan at C1's home and C1's family member (FM)-C was present.</p> <p>C1's individual abuse prevention plan, dated January 26, 2022, was completed by CC-B.</p> <p>C1's Client Record Contents form was signed by</p>	0 645		

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0 645	<p>Continued From page 19</p> <p>CC-B on January 26, 2022 - initial care plan review; January 31, 2022 - final care plan; April 4, 2022 - 90 day review and May 30, 2022 - discharge.</p> <p>C1's Home Health Aide Charting Sheet for May 12, 17, 24 and 26, 2022 was signed by CC-B.</p> <p>A care coordination note regarding a complaint about unlicensed personnel (ULP)-A, dated February 8, 2022 at 12:56 p.m., was documented and signed by CC-B.</p> <p>An email from FM-C to the MDH surveyor, dated March 21, 2023, contained a copy of C1's discharge summary from the licensee and dictated "As stated via text, services are terminated immediately due to negative and abusive comments that were made to me on May 26" and "[CC-B], Care Coordinator/Owner".</p> <p>Review of the licensee's website on March 28, 2023, advertised the licensee serves individuals who need assistance after hospitalization, skilled nursing facility stay, transitional care unit stay, or returning home from a scheduled surgery. The website advertised services provided included dementia/Alzheimer's care and end of life care.</p> <p>MN Statute 144A.471, subdivision 6, indicates home care services that can be provided with a basic home care license are assistive tasks provided by licensed or unlicensed personnel that include: -assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and bathing; -providing standby assistance; -providing verbal or visual reminders to the client to take regularly scheduled medication, which</p>	0 645		

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0 645	<p>Continued From page 20</p> <p>includes bringing the client previously set-up medication, medication in original containers, or liquid or food to accompany the medication; -providing verbal or visual reminders to the client to perform regularly scheduled treatments and exercises; -preparing modified diets ordered by a licensed health professional; and -assisting with laundry, housekeeping, meal preparation, shopping, or other household chores and services if the provider is also providing at least one of the activities in clauses (1) to (5).</p> <p>During an interview on March 15, 2023 at 3:52 p.m., unlicensed personnel (ULP)-A said CC-B was her supervisor and the only nurse on staff at the licensee. ULP-A said she heard CC-B introduce herself as a nurse or RN when she went to some client homes to do admissions or assessments even though she did not have a nursing license.</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B stated she meets with clients, does face-to-face assessments. She met with C1 in person, she was able to sign her own paperwork and a family member, FM-C, was present. CC-B said her registered nursing license was suspended in 2017 and she could have had her RN license back in 2019, but COVID-19 started so she decided to wait. In June 2020, she said she was still on 3 years of probation for fraud, which is why her RN license was suspended. CC-B said it was a credit card mix-up and she completed counseling. CC-B said she did not have access to client money. OW-D was her supervisor and he sometimes went with her to client homes.</p> <p>During an interview on March 17, 2023 at 8:30</p>	0 645		
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0 645	<p>Continued From page 21</p> <p>a.m., FM-C said CC-B identified herself as a nurse.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said he is the owner and administrator. He does all the background study applications. OW-D said CC-B started with the company mid 2020. He did not do a background study check on CC-B in 2020 because "it slipped my mind" but said he did a background study check on her in 2021. OW-D stated there were areas where he missed some things and needs improvement. OW-D said he guessed it would be unsupervised contact with clients if CC-B went to homes to work with clients alone, but OW-D said he was with her on some client visits but not all of them.</p> <p>TIME PERIOD OF CORRECTION: IMMEDIATE</p>	0 645		
0 715 SS=I	<p>144A.476, Subd. 2 Employees, Contractors, and Volunteers</p> <p>Subd. 2. Employees, contractors, and volunteers. (a) Employees, contractors, and volunteers of a home care provider are subject to the background study required by section 144.057, and may be disqualified under chapter 245C. Nothing in this section shall be construed to prohibit a home care provider from requiring self-disclosure of criminal conviction information.</p> <p>(b) Termination of an employee in good faith reliance on information or records obtained under paragraph (a) or subdivision 1, regarding a confirmed conviction does not subject the home care provider to civil liability or liability for unemployment benefits.</p>	0 715		

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0 715	<p>Continued From page 22</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to remove an employee from client physical and record contact that had been disqualified for one of one employee (care coordinator (CC)-B, reviewed. The employee, was disqualified under chapter 245C from working with or having access to vulnerable adults in 2017. This had the potential to affect all 12 clients.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the clients).</p> <p>Findings include:</p> <p>A law enforcement report indicated on January 21, 2016, police responded to a report of financial transaction credit card fraud at various locations in Hennepin County that involved a vulnerable adult's credit card. The fraudulent charges were made by CC-B, who at the time worked as a personal care aide for the client. CC-B was allowed to use the vulnerable adult's credit card only to maintain the vulnerable adult's care. The 17 unauthorized transactions occurred between November 21, 2015 and January 3, 2016 and totaled \$2,015.88. The unauthorized purchases were of items not considered of any benefit to the vulnerable adult or for maintaining her care.</p> <p>CC-B was found guilty of Financial Transaction</p>	0 715		

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0 715	<p>Continued From page 23</p> <p>Card Fraud by a jury in January 2017. In March 2017, CC-B was sentenced to three years probation, restitution and her conditions of probation included no employment with vulnerable adults and no work in a fiduciary capacity.</p> <p>A Minnesota Department of Human Services (DHS) disqualification letter dated January 11, 2017, addressed to CC-B, indicated a background study request to a different licensee was submitted. A letter was provided to CC-B on October 28, 2016, notifying of her disqualification due to convictions in 2008, a gross misdemeanor for unemployment benefits and false representation-concealment. On December 5, 2016, CC-B was notified her request for reconsideration was not granted. In addition, the Background Studies Division received information from a felony financial fraud offense that occurred on November 21, 2015 and when the unit receives information regarding the disposition of the pending charge, CC-B would be notified if further action of your background study status will be taken.</p> <p>Owner (OW)-D, CC-B's spouse, submitted an application for a basic home care provider license and was issued a temporary license on January 5, 2017.</p> <p>Survey documents collected during a June 29, 2021 survey, included a staffing document that listed OW-D and CC-B as employees for the licensee since January 4, 2017.</p> <p>Netstudy database indicated a background study was submitted for CC-B by the licensee on May 16, 2017. A letter dated October 16, 2017, was an immediate removal order issued to the licensee</p>	0 715		

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0 715	<p>Continued From page 24</p> <p>to remove CC-B from the license due to disqualification. A letter dated October 16, 2017, issued to CC-B informed her the background study request by the licensee result was a disqualification and the Department of Human Services (DHS) commissioner determined she posed an imminent risk of harm. A summary of request for reconsideration of a "set aside" records submitted to DHS dated November 14, 2017, were captured to the database.</p> <p>During the initial survey on November 28, 2017, the survey resulted in a conditions tag due to OW-D being out of state and unavailable for the survey. A follow up survey completed on December 13, 2017, resulted in issuance of tag 715 for no cleared background study for CC-B.</p> <p>On February 1, 2018, the Minnesota Board of Nursing suspended CC-B's RN license as part of a Stipulation and Consent Order related to CC-B's 2017 conviction of felony Financial Transaction Card Fraud. Between November 21, 2015 and January 3, 2016 CC-B used a vulnerable adult's credit card 17 times to make personal use purchases totaling \$2,015.88. CC-B received three years of supervised probation with conditions that included prohibition from working in a fiduciary capacity or with vulnerable adults.</p> <p>A letter dated May 3, 2018, was an immediate removal order issued to the licensee to remove CC-B from the license due to disqualification. A letter dated May 3, 2018, issued to CC-B informed her the background study request by the licensee result was a disqualification. On May 25, 2018, DHS received a request for reconsideration (set aside) from CC-B. A letter dated June 14, 2018, issued to both the licensee and CC-B indicated the set aside had been denied.</p>	0 715		

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0 715	<p>Continued From page 25</p> <p>A background study was submitted for CC-B by the licensee on April 9, 2020. A letter dated August 13, 2020, indicated CC-B was disqualified.</p> <p>CC-B's Care Coordinator job description, signed and dated by CC-B and OW-D on June 6, 2020, indicated the care coordinator was responsible for ensuring the health and safety of clients is met with assessments, development and implementation of service plans, plans of care, monitoring client services, supervision of home care staff and ensuring compliance with current regulations and standards. Position specifications included: working knowledge of state requirements for a Basic Home Care license, excellent judgment and decision-making abilities, must not receive a "not disqualified" criminal background result from DHS and cannot be on the Office of Inspector General (OIG) exclusions list. Responsibilities included complete face-to-face assessment of prospective/new clients, monitor and reassess clients, communicate with physicians and other personnel regarding changes in client's needs or condition, provides direct supervision of new unlicensed staff, direct supervision of unlicensed staff performance of care services and assures compliance with regulations.</p> <p>CC-B's request for reconsideration, dated August 2, 2020, indicated in her role as the care coordinator, she was responsible for taking phone calls from potential clients/family members, met with family members to discuss needs of their "loved ones" and develop a care plan according to their needs. CC-B wrote that she did not provide 1:1 cares for clients per her court stipulations which were lifted 3/31/20. CC-B wrote</p>	0 715		

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0 715	<p>Continued From page 26</p> <p>she was correctly disqualified but felt it should be set aside. CC-B wrote she did not have access to any financial information including credit cards, checks or invoices.</p> <p>On September 14, 2020, DHS received a request for a set aside from CC-B. A letter dated September 23, 2020, issued to both CC-B and the licensee, informed the set aside was denied. An appeal variance to allow for CC-B to work at the licensee was submitted by OW-D on October 15, 2020. A letter dated October 21, 2020, issued to OW-D, indicated the appeal variance was denied.</p> <p>During a survey completed on June 29, 2021, surveyor notes indicated CC-B identified herself as a registered nurse, care coordinator and owner of the licensee along with OW-D.</p> <p>Review of C1's records indicated on January 26, 2022 CC-B completed a client assessment form and a service plan at C1's home and C1's family member (FM)-C was present.</p> <p>An email from FM-C to the MDH surveyor, dated March 21, 2023, contained a copy of C1's discharge summary from the licensee and dictated "As stated via text, services are terminated immediately due to negative and abusive comments that were made to me on May 26" and "[CC-B], Care Coordinator/Owner".</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B stated she meets with clients, does face-to-face assessments. She met with C1 in person, she was able to sign her own paperwork and a family member, FM-C, was present. CC-B said her registered nursing license was suspended in 2017 and she could have had her</p>	0 715		

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0 715	<p>Continued From page 27</p> <p>RN license back in 2019, but COVID-19 started so she decided to wait. In June 2020, she said she was still on 3 years of probation for fraud, which is why her RN license was suspended. CC-B said it was a credit card mix-up and she completed counseling. CC-B said she did not have access to client money. OW-D was her supervisor and he sometimes went with her to client homes.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said he is the owner and administrator. He does all the background study applications. OW-D said CC-B started with the company mid 2020. He did not do a background study check on CC-B in 2020 because "it slipped my mind" but said he did a background study check on her in 2021. OW-D stated there were areas where he missed some things and needs improvement. OW-D said he guessed it would be unsupervised contact with clients if CC-B went to homes to work with clients alone, but OW-D said he was with her on some client visits but not all of them.</p> <p>Review of an undated policy titled Screening of Home Care Job Applicants indicated all job applicants would be screened to assure compliance with applicable state laws and licensee requirements, including background checks. No employee will have unsupervised direct contact with clients until all required screenings have been satisfactorily completed and any license, registration or certifications have been verified. The licensee will check to make sure the applicant is not on the OIG List of Excluded Individuals and Entities. This list is checked monthly.</p> <p>TIME PERIOD TO CORRECT: IMMEDIATE</p>	0 715		

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0 785 SS=F	<p>144A.479, Subd. 2 Advertising</p> <p>Subd. 2. Advertising. Home care providers shall not use false, fraudulent, or misleading advertising in the marketing of services. For purposes of this section, advertising includes any verbal, written, or electronic means of communicating to potential clients about the availability, nature, or terms of home care services.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee provided misleading advertising on their service area. The licensee's office was in Winsted. Their website map showed they served a five county area that included Hennepin County. The licensee accepted a client (C1) who lived in Hennepin County, but months later the Care Coordinator (CC)-B told C1's family rising gas prices were an issue and her current caregiver, unlicensed personnel (ULP)-A would not be available to provide cares for C1. C1's home care services were terminated by the licensee.</p> <p>This practice resulted in a level two violation (a violation that did not harm a client's health or safety but had the potential to have harmed a client'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 clients).</p> <p>Findings include:</p> <p>C1's medical diagnoses included peripheral arterial disease and dementia.</p>	0 785		

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0 785	<p>Continued From page 29</p> <p>C1's client assessment form, dated January 26, 2022, was completed by CC-B and indicated C1 required minimal assistance with activities of daily living (ADLs) such as eating, bathing, toileting and mobility. Staff would provide meal prep, provide reminders to cut up food, provide stand by assistance for bathing, change adult briefs as needed, and assist to bed. C1's address was in northwest Hennepin county.</p> <p>C1's service plan, dated February 1, 2022, indicated her frequency and schedule of services was Tuesdays and Thursdays, four hours each day and prn (as needed). Unlicensed personal (ULP)-A was assigned as C1's care giver.</p> <p>A text, dated May 26 at 4:08 p.m. from FM-C to CC-B read "I'm going to start making some phone calls to find help for my mom (C1) tomorrow. Very disappointed. I'm pretty sure you pay employees an hourly rate. Don't understand the reason of gas prices. Most businesses just raise their prices instead of sending customers on their way."</p> <p>A text, dated May 26 at 4:14 p.m. from CC-B to FM-C read "Wow...That was quite a rude thing to say. As I explained on the phone, ULP-A would rather drive to 1 place with more hours than needing to drive to 2 different places in one day to get the hours. That is especially affected [sic] now with gas prices. Would you prefer I raise your hourly rate to \$45/hour so I can the [sic] aides even more? I also explained on the phone that I could look for another aide that isn't requesting full time.</p> <p>Review of C1's discharge summary, dated May 30, 2022 indicated C1's service end date was May 27, 2022. The reason for discharge: ULP-A</p>	0 785		

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0 785	<p>Continued From page 30</p> <p>wanted more hours. At start of services for C1 the licensee was told C1's hours would increase and that did not happen. FM-C was given 2 weeks notice by text message on May 26, 2022. About 30 minutes later the licensee received a text message from FM-C that she would look for a new agency. Other comments: FM-C made negative abusive comments by text to licensee staff so licensee staff terminated services immediately.</p> <p>During an interview on March 15, 2023 at 3: 52 p.m., former ULP-A said she lived about 12 miles from C1, so she was her closest client. ULP-A said CC-B wanted clients with more hours than what C1 had, and started assigning ULP-A to clients in Prior Lake and Glencoe, which were much farther away for ULP-A to drive. ULP-A said CC-B used high gas prices as an excuse to terminate C1's services.</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B said ULP-A was the one who wanted more hours, so she was assigned other clients. CC-B said she and owner (OW)-D thought about raising the hourly rate for C1's services from \$38/hour to \$45/hour, but FM-C "already complained about the current \$38/hourly rate" so they did not bring up charging C1 more so ULP-A could say her assigned care giver. CC-B said they served clients in far western Hennepin County and they would not accept clients in eastern Hennepin County anymore.</p> <p>During an interview on March 17, 2023 at 8:30 a.m., FM-C said C1 lived in northwest Hennepin County and that was not an issue when CC-B accepted her as a client; CC-B said they recently had a client in the same suburb as C1. FM-C said she was surprised when, a few months later,</p>	0 785		

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0 785	<p>Continued From page 31</p> <p>CC-B said high gas prices were a problem and was never asked if she would consider paying more per hour to keep ULP-A as C1's caregiver and offset rising gas prices.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said a full time client would be 36 consistent hours weekly. OW-D said "C1 was not an ideal client with her low hours".</p> <p>Review of the licensee's website on March 16, 2023 included a map that showed they served all of Hennepin, Carver, McLeod, Sherburne and Wright counties and language that indicated they provided reliable one-on-one care and serviced clients in the western suburbs of MN.</p> <p>Review of an undated policy, titled Termination of a Client's Home Care Services, indicated the Care Coordinator and Administrator would make a determination that a service or services for a client are to be terminated after all reasonable means to avoid the need for termination have been explored and or exhausted.</p> <p>TIME PERIOD TO CORRECT: Seven (7) Days</p>	0 785		
0 875 SS=D	<p>144A.4791, Subd. 10 Termination of Service Plan</p> <p>Subd. 10.Termination of service plan. (a) If a home care provider terminates a service plan with a client, and the client continues to need home care services, the home care provider shall provide the client and the client's representative, if any, with a written notice of termination which includes the following information:</p> <p>(1) the effective date of termination;</p>	0 875		

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0 875	<p>Continued From page 32</p> <p>(2) the reason for termination;</p> <p>(3) a list of known licensed home care providers in the client's immediate geographic area;</p> <p>(4) a statement that the home care provider will participate in a coordinated transfer of care of the client to another home care provider, health care provider, or caregiver, as required by the home care bill of rights, section 144A.44, subdivision 1, clause (17);</p> <p>(5) the name and contact information of a person employed by the home care provider with whom the client may discuss the notice of termination; and</p> <p>(6) if applicable, a statement that the notice of termination of home care services does not constitute notice of termination of the housing with services contract with a housing with services establishment.</p> <p>(b) When the home care provider voluntarily discontinues services to all clients, the home care provider must notify the commissioner, lead agencies, and ombudsman for long-term care about its clients and comply with the requirements in this subdivision.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to provide a termination of services plan with a written notice of termination which included all the required components.</p> <p>This practice resulted in a level two violation (a violation that did not harm a client's health or</p>	0 875		

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0 875	<p>Continued From page 33</p> <p>safety but had the potential to have harmed a client's health or safety) and was issued at an isolated scope (when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally).</p> <p>Findings include:</p> <p>C1's medical diagnoses included peripheral arterial disease and dementia.</p> <p>C1's client assessment form, dated January 26, 2022, was completed by the care coordinator, (CC)-B and indicated C1 required minimal assistance with activities of daily living (ADLs) such as eating, bathing, toileting and mobility. Staff would provide meal prep, provide reminders to cut up food, provide stand by assistance for bathing, change adult briefs as needed, and assist to bed. C1 used a walker for mobility.</p> <p>C1's Home Care Bill of Rights, signed and dated by C1 on January 26, 2022, indicated OW-D was the person to whom problems or complaints could be directed and OW-D's contact information was listed.</p> <p>C1's service plan, dated February 1, 2022, indicated her frequency and schedule of services was Tuesdays and Thursdays, four hours each day and prn (as needed). Unlicensed personnel (ULP)-A was assigned as C1's care giver.</p> <p>C1's discharge summary, dated May 30, 2022 indicated C1's service end date was May 27, 2022. The reason for discharge: ULP-A wanted more hours. At start of services for C1 the licensee was told C1's hours would increase and that did not happen. C1's family member, (FM)-C,</p>	0 875		

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0 875	<p>Continued From page 34</p> <p>was given notice by text message on May 26, 2022. About 30 minutes later the licensee received a text message from FM-C that she would look for a new agency. Other comments: FM-C made negative abusive comments by text to licensee staff so licensee staff terminated services immediately. Condition upon discharge: C1 completes her own ADLs. Needs reminders for safety and reminding to use walker as well as medication reminders and meal preparation. Discharged to: Unknown at this time.</p> <p>C1's discharge summary lacked:</p> <ul style="list-style-type: none"> -A statement that the home care provider will participate in a coordinated transfer of care of the client to another home care provider, health care provider, or caregiver, as required by the home care bill of rights, section 144A.44, subdivision 1, clause (17); -The name and contact information of a person employed by the home care provider with whom the client may discuss the notice of termination. <p>An email dated May 30, 2022 at 2:24 p.m. from CC-B to FM-C read "I have attached the discharge summary to this email. As stated via text, services are terminated immediately due to negative abusive comments that were made to me on May 26."</p> <p>An email dated May 30, 2022 at 2:55 p.m. from FM-C to CC-B read "you were told sending a text to discontinue services was unprofessional an lacks integrity...that is not abusive. By law you are to give 10 days notice."</p> <p>A text dated May 30, 2022 at 5:36 p.m. from CC-B to FM-C indicated the licensee offered to</p>	0 875		

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0 875	<p>Continued From page 35</p> <p>find another care giver for C1 and would continue services for C1 through June 5.</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B said she believed she did everything correctly with C1's termination of services.</p> <p>During an interview on March 17, 2023 at 8:30 a.m., FM-C said she got a text message from CC-B that the services for C1 were terminated immediately and there was no amended discharge summary with a June 5, 2022 date and a statement that the licensee would assist in a transfer of care.</p> <p>An undated policy, titled Written Termination Notice for Home Care Clients, indicated once the licensee determined some or all of the client's home care services were to end, the licensee provided the client or client's representative advance notice of written termination. The written notice included:</p> <ul style="list-style-type: none"> -The name and contact information of (an employee of the agency such as Care Coordinator or Administrator) with whom the client may discuss the notice of termination -A statement that our agency will participate in a coordinated transfer of client's care to another home care provider. <p>Time Period to Correct: Seven (7) Days</p>	0 875		
01105 SS=I	<p>144A.4795, Subd. 2 Licensed Health Professionals and Nurses</p> <p>Subd. 2.Licensed health professionals and nurses. (a) Licensed health professionals and</p>	01105		

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01105	<p>Continued From page 36</p> <p>nurses providing home care services as an employee of a licensed home care provider must possess a current Minnesota license or registration to practice.</p> <p>(b) Licensed health professionals and registered nurses must be competent in assessing client needs, planning appropriate home care services to meet client needs, implementing services, and supervising staff if assigned.</p> <p>(c) Nothing in this section limits or expands the rights of nurses or licensed health professionals to provide services within the scope of their licenses or registrations, as provided by law.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure their Care Coordinator, (CC)-B, possessed a current registered nursing (RN) license. CC-B was disqualified under chapter 245C from working with or having access to vulnerable adults in 2017 due to a felony conviction, and had her RN license suspended in 2018 by the Minnesota (MN) Board of Nursing. CC-B signed documents and presented herself as a RN. CC-B also trained staff on performing delegated nursing tasks, in addition to assessing residents, developing cares and services without a MN nursing license.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large</p>	01105		

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01105	<p>Continued From page 37</p> <p>portion or all of the clients).</p> <p>Findings include:</p> <p>A law enforcement report indicated on January 21, 2016, police responded to a report of financial transaction credit card fraud at various locations in Hennepin County that involved a vulnerable adult's credit card. The fraudulent charges were made by CC-B, who at the time worked as a personal care aide for the client. CC-B was allowed to use the vulnerable adult's credit card only to maintain the vulnerable adult's care. The 17 unauthorized transactions occurred between November 21, 2015 and January 3, 2016 and totaled \$2,015.88. The unauthorized purchases were of items not considered of any benefit to the vulnerable adult or for maintaining her care.</p> <p>In January 2017, CC-B was found guilty of Financial Transaction Card Fraud by a jury. In March 2017 CC-B was sentenced to three years probation, restitution and her conditions of probation included no employment with vulnerable adults and no work in a fiduciary capacity.</p> <p>A Minnesota Department of Human Services (DHS) disqualification letter dated January 11, 2017, addressed to CC-B, indicated a background study request to a different licensee was submitted. A letter was provided to CC-B on October 28, 2016, notifying of her disqualification due to convictions in 2008, a gross misdemeanor for unemployment benefits and false representation-concealment. On December 5, 2016, CC-B was notified her request for reconsideration was not granted. In addition, the Background Studies Division received information from a felony financial fraud offense that occurred</p>	01105		
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01105	<p>Continued From page 38</p> <p>on November 21, 2015 and when the unit receives information regarding the disposition of the pending charge, CC-B would be notified if further action of your background study status will be taken.</p> <p>Owner (OW)-D, CC-B's spouse, submitted an application for a basic home care provider license and was issued a temporary license on January 5, 2017.</p> <p>Survey documents collected during a June 29, 2021 survey, included a staffing document that listed OW-D and CC-B as employees for the licensee since January 4, 2017.</p> <p>During the initial survey on November 28, 2017, the survey resulted in a conditions tag due to OW-D being out of state and unavailable for the survey. A follow up survey completed on December 13, 2017, resulted in issuance of tag 440 for providing services beyond the scope for the license. The licensee had provided delegated tasks to clients including medication administration and catheter cares.</p> <p>CC-B's MN Board of Nursing Licensee information indicated CC-B's Registered Nurse Licensed was issued on April 5, 2013 and expired on February 1, 2018.</p> <p>On February 1, 2018 the Minnesota Board of Nursing suspended CC-B's RN license as part of a Stipulation and Consent Order related to CC-B's 2017 conviction of felony Financial Transaction Card Fraud. Between November 21, 2015 and January 3, 2016 CC-B used a vulnerable adult's credit card 17 times to make personal use purchases totaling \$2,015.88. CC-B received three years of supervised probation with</p>	01105		

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01105	<p>Continued From page 39</p> <p>conditions that included prohibition from working in a fiduciary capacity or with vulnerable adults.</p> <p>CC-B's personnel record included a continuing education certificate (CEU), titled "Train the Trainer for NA Instructors" with 1.2 CEUs, 12 contact hours, that certified CC-B, RN, was awarded the CEU certificate on February 28, 2017.</p> <p>CC-B's Basic Home Care Minnesota Orientation Checklist and Requirements, dated June 6, 2020, indicated a criminal background check would be conducted at hire. Also completed at hire, or prior to task, CC-B received orientation to regulatory requirements 144A.4795 subp 2 - 144A.4796 subp 5 which covered:</p> <ul style="list-style-type: none"> -Overview of home care licensure -Introduction and review of policies and procedures related to home care provisions -Compliance with and reporting of maltreatment of vulnerable adults -Handling client complaints, reporting of complaints and where to report complaints including information on the OHFC and CEP -Consumer advocacy services -Review of types of homecare services and provider scope of licensure -Home care bill of rights -HIPPA -Communication and service -Emergency Preparedness -OSHA and Infection Control -Clean and Safe Environment -Activities -Observing, Reporting and Documenting -Exercise -Dining, Nutrition, Meal prep, Food Safety and Diets -Personal Cares 	01105		

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01105	<p>Continued From page 40</p> <p>-Medication Reminders -Dementia</p> <p>CC-B's Home Care Minnesota Annual Training Checklist, completion date June 15, 2022, indicated CC-B's hire date was 6-6-20. CC-B received 8 credits for Educare Courses (online modules) on: infection control, home care bill of rights, vulnerable adult, organization policies and procedures. OW-D signed on the "Supervisor" line on 6-1-22 and CC-B signed on the "Employee" line on 6-15-22.</p> <p>CC-B's Educare transcript indicated CC-B completed 33 learning modules from May 20, 2020 through June 15, 2022:</p> <p>May 20, 2020: activities for older adults- HC, client mobility, Coronavirus COVID-19, customer service, dementia - a refresher NDBON 2137, dining, nutrition and food safety, documenting, observing and reporting, emergency preparedness - HC, fall prevention, HIPPA, Home Care Bill of Rights, Home Care Orientation, housekeeping, laundry and bedmaking, maintenance, medication reminders, OSHA and infection control, personal cares AL and HC, professional boundaries, Registrar Educare training. (NDBON is North Dakota Board of Nursing).</p> <p>August 9, 2021: Attitude of care, client boundaries, communication and conflict resolution NDBON 2134, conflict resolution, team building 1, team building 2, time management.</p> <p>June 15, 2022: dementia overview, dementia management and abuse prevention - BELTSS, hospice Bill of Rights Minnesota, infection control techniques - BELTSS, infection control</p>	01105		

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01105	<p>Continued From page 41</p> <p>techniques NDBON 2140, OSHA and infection control - BELTSS, vulnerable adult refresher - MN.</p> <p>CC-B's Care Coordinator job description, signed and dated by CC-B and OW-D on June 6, 2020, indicated the care coordinator was responsible for ensuring the health and safety of clients is met with assessments, development and implementation of service plans, plans of care, monitoring client services, supervision of home care staff and ensuring compliance with current regulations and standards. Position specifications included: working knowledge of state requirements for a Basic Home Care license, excellent judgment and decision-making abilities, must receive a "not disqualified" criminal background result from DHS and cannot be on the Office of Inspector General (OIG) exclusions list. Responsibilities included complete face-to-face assessment of prospective/new clients, monitor and reassess clients, communicate with physicians and other personnel regarding changes in client's needs or condition, provides direct supervision of new unlicensed staff, direct supervision of unlicensed staff performance of care services and assures compliance with regulations.</p> <p>A survey completed on June 29, 2021, resulted in issuance of tag 440 for providing services beyond the scope for the license. The licensee had provided delegated tasks to clients including medication administration and repositioning assistance.</p> <p>C1's service plan and client assessment form, dated January 26, 2022 were completed by CC-B at C1's home with C1's family member (FM)-C</p>	01105		

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01105	<p>Continued From page 42 present.</p> <p>C1's individual abuse prevention plan, dated January 26, 2022, was completed by CC-B.</p> <p>C1's Client Record Contents form was signed by CC-B on January 26, 2022 - initial care plan review; January 31, 2022 - final care plan; April 4, 2022 - 90 day review and May 30, 2022 - discharge.</p> <p>C1's Home Health Aide Charting Sheet for May 12, 17, 24 and 26, 2022 was signed by CC-B.</p> <p>A care coordination note regarding a complaint about unlicensed personnel (ULP)-A, dated February 8, 2022 at 12:56 p.m., was documented and signed by CC-B.</p> <p>An email from FM-C to the MDH surveyor, dated March 21, 2023, contained a copy of C1's discharge summary from the licensee and dictated "As stated via text, services are terminated immediately due to negative and abusive comments that were made to me on May 26" and "[CC-B], Care Coordinator/Owner".</p> <p>During an interview on March 15, 2023 at 3:52 p.m., unlicensed personnel (ULP)-A said CC-B was her supervisor and the only nurse on staff at the licensee. ULP-A said she heard CC-B introduce herself as a nurse or RN when she went to some client homes to do admissions or assessments even though she did not have a nursing license.</p> <p>During an interview on March 16, 2023 at 8:00 a.m., CC-B stated she does the hiring and firing, staff training and supervision, meets with clients and does face-to-face assessments, and the</p>	01105		

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01105	<p>Continued From page 43</p> <p>scheduling. CC-B said her registered nursing license was suspended in 2017. In June 2020 she said she was still on 3 years of probation for fraud, which is why her RN license was suspended. CC-B said she never calls herself a nurse, she is care coordinator and was under the impression basic home care services did not need a nurse to to assessments.</p> <p>During an interview on March 17, 2023 at 8:30 a.m., family member (FM)-C said CC-B identified herself as a nurse.</p> <p>During an interview on March 17, 2023 at 9:00 a.m., OW-D said he is the owner and administrator. He does all the BGS. OW-D said CC-B started with the company mid 2020. He did not do a BGS check on CC-B in 2020 because "it slipped my mind" but said he did a BGS check on her in 2021. OW-D stated there were areas where he missed some things and needs improvement. OW-D said he guessed it would be unsupervised contact with clients if CC-B went to homes to work with clients alone, but OW-D said he was with her on some client visits but not all of them.</p> <p>Review of a policy titled Content of Service Plans, undated, indicated the Administrator and or Care Coordinator were accountable for the policy. The policy read: All home care clients have an up-to-date service plan identifying services to be provided based on the assessment by the RN and or other licensed health professional. The service plan contains all required information and...is signed by the RN and or licensed health professional.</p> <p>TIME PERIOD TO CORRECT: IMMEDIATE</p>	01105		

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