



STATE LICENSING COMPLIANCE REPORT

Report #: HL347565445C

Date Concluded: March 14, 2024

Name, Address, and County of Facility

Investigated:

Eden Pathways
1001 Twelve Oaks Center Drive
Wayzata, MN 55391
Hennepin County

Facility Type: Home Care Provider

Evaluator's Name: Willette Shafer
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: H34756	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 03/14/2024
NAME OF PROVIDER OR SUPPLIER EDEN PATHWAYS		STREET ADDRESS, CITY, STATE, ZIP CODE 1001 TWELVE OAKS CENTER DR, STE 1005 WAYZATA, MN 55391		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
0 000	<p>Initial Comments</p> <p>*****ATTENTION*****</p> <p>HOME CARE PROVIDER 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>HL347565445C</p> <p>On March 13, 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 46 clients receiving services under the provider's Comprehensive Home Care Provider license. The following immediate correction order is issued.</p> <p>The following immediate correction order is issued for #HL347565445CC, tag identification 0715.</p>	0 000	<p>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 surveyors' 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>	
0 715 SS=I	144A.476, Subd. 2 Employees, Contractors, and Volunteers	0 715		

Minnesota Department of Health

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

TITLE

(X6) DATE

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0 715	<p>Continued From page 1</p> <p>(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> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure current employee records contained all the required content to include a background study clearance letter prior to providing services for one of one employee, unlicensed personnel (ULP)-A. ULP-A worked without a clear background study and permitted to drive clients with a felony related to driving while under the influence. This had the potential to impact all 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>The findings include:</p> <p>ULP-A was hired January 15, 2023, to provide</p>	0 715		

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0 715	<p>Continued From page 2</p> <p>direct home care services to clients.</p> <p>On March 13, 2024, 10:20 a.m., Minnesota Department of Health (MDH) investigator reviewed the licensee's NETStudy 2.0 Roster issued by the Minnesota Department of Human Services (DHS). A background study request for ULP-A was submitted on January 23, 2023. A letter dated January 25, 2023, indicated more time was required for the background study because more information was needed. The licensee never received a cleared background study letter.</p> <p>Public court records indicated ULP-A was charged with endangering children with an offense date of February 21, 2023. History of convictions included driving without a license; offense date August 28, 2020, driving after revocation; offense dated February 1, 2019, convicted driving while under the influence (DWI) indicating history of felony DWI; court disposition date April 3, 2019.</p> <p>On March 13, 2024, at 1:01 p.m., owner (OW)-B provided a letter dated March 23, 2023, from the Hennepin County Human Services and Public Health indicating an investigation resulted in substantiated neglect. The result may result in background study disqualification related to employment or services licensed by MDH or DHS.</p> <p>A letter dated June 6, 2023, indicated the licensee issued a liability waiver to C2, in which C2 signed. The waiver letter indicated ULP-A was not currently cleared and authorized to drive/transport and C2 would allow ULP-A to drive/transport her without holding the licensee liable.</p>	0 715		

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0 715	<p>Continued From page 3</p> <p>On March 13, 2024, at 1:01 p.m., OW-B provided a DHS suspension order signed by a DHS judge on June 8, 2023, which indicated ULP-A appealed the decision, but the maltreatment determination and disqualification remained in effect while the appeal was suspended.</p> <p>A disqualification letter dated July 21, 2023, indicated a notice of background study disqualification was provided to the licensee and ULP-A was disqualified from any position with direct contact or access to clients. The letter indicated to immediately remove ULP-A if she did not request a reconsideration and if she did, the licensee could allow her to provide direct care with continuous supervision until a decision of the reconsideration was made.</p> <p>A letter dated September 8, 2023, indicated a background study notice was provided to the licensee that a reconsideration was not received in the time required and the licensee must immediately remove ULP-A.</p> <p>ULP-A's weekly schedule dated February 25, 2024, through April 6, 2024, indicated ULP-A was scheduled to provide services to C2, C3, C4, C5 and C6. According to ULP-A's schedule, ULP-A worked with at least one but usually multiple clients per day for 15 of the last 17 days, February 25, 2024, through March 14, 2024.</p> <p>During an interview on March 13, 2024, at 12:45 p.m., OW-B stated ULP-A worked with several clients. ULP-A used to drive clients but stopped after her background check returned as disqualified. C2 signed a waiver allowing permission for ULP-A to drive her after ULP-A's disqualified background check was received. OW-B said ULP-A's initial background check</p>	0 715		

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0 715	<p>Continued From page 4</p> <p>disqualified her to provide services, but more recent documentation was submitted and paperwork from ULP-A's attorney that indicated she was able to provide services to vulnerable adults.</p> <p>The licensee's Recruitment and Hiring policy dated July 9, 2019, indicated each employee must follow the employment process and complete a background check including fingerprints before moving on to further steps in the employment process such as Mantoux test and orientation.</p> <p>TIME PERIOD FOR CORRECTION: Immediate</p>	0 715		