*Protecting, Maintaining and Improving the Health of All Minnesotans*

# State Rapid Response Investigative Public Report

*Office of Health Facility Complaints*

**Maltreatment Report #:** HL358335105M
**Compliance #:** HL358338728C

**Date Concluded:** May 31, 2023

**Name, Address, and County of Licensee Investigated:**
Comforting Angels
202 Highway 10
Hawley, MN 56549
Clay County

**Facility Type:** Home Care Provider

**Evaluator's Name:** Barbara Axness, RN
Special Investigator

**Finding:** Substantiated, facility and individual responsibility

**Nature of Investigation:**
The Minnesota Department of Health investigated an allegation of maltreatment, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557, and to evaluate compliance with applicable licensing standards for the provider type.

**Initial Investigation Allegation(s):**
The facility owner/alleged perpetrator (AP) financially exploited the client when the AP made several unauthorized withdrawals from the client's bank account.

**Investigative Findings and Conclusion:**
The Minnesota Department of Health determined financial exploitation was substantiated. The AP and the facility were responsible for the maltreatment. The AP withdrew $135,543.26 from the client's bank accounts over a period of 16 months. The AP made as many as five withdrawals per month from the client's bank accounts and did not provide the client with billing statements indicating the reasons for the withdrawals.

The investigator conducted interviews with facility staff members, including administrative staff, nursing staff, and unlicensed staff. The investigator also contacted law enforcement.The investigation included review of bank statements and billing statements. The client's medical records were requested, but not provided by the facility.

The client received comprehensive home care services from the provider in their home. The home care agency did not have documentation of the client's diagnoses. The client did not have a service plan. No assessments were completed on the client. The client received 24-hour services from agency unlicensed personnel (ULP).

The client's bank statements identified approximately 35 automated clearing house (ACH) withdrawals (electronic transfers and automated payments) from the home care agency over a 16-month period. The individual transactions ranged from $259.14 to $13,000 with anywhere from zero to five transactions made each month on various dates. Some transactions were made two days apart. In total, $135,543.26 was withdrawn via ACH by the home care agency. The client's bank statements also included a $1,800 deposit made at a bank in Arizona and $1,800 was withdrawn by the AP the same day.

The investigator requested copies of the billing statements sent by the agency to the client. The client's power of attorney (POA) was not able to locate statements sent to the client and requested the AP send her copies of the statements. The AP emailed the POA a total of 21 statements, covering 16 months of services. All 21 of the statements included a balance due of $341,288.19. A variety of statements were provided which included monthly, biweekly, and daily statements. In addition, anywhere from $27,000 to $30,000 was charged per month for 24-hour care, the statements included various other expenses including $998.11 in unidentified expenses one month, $540 for incontinent products another month, $75 for one month's worth of wipes and gloves, $188.06 for groceries, and $341.07 for a motel.

The statements the AP sent the investigator did not match the statements the AP sent to the client's responsible party. The statements provided to the investigator, included 14 statements covering 16 months of services. The statements did not reflect the $341,288.19 due and all had different totals for monthly services when compared to the statements sent to the client's responsible party.

The amounts listed on either set of statements did not line up with amounts taken from the client's bank accounts via ACH withdrawal. The dates the ACH withdrawals occurred did not line up with the billing cycle dates.

The nursing assessments the client was charged for on the statements, were requested but not provided. Receipts for all expenses listed on the statements were requested, but also not provided.

The investigator was provided a screenshot of a text message from the AP. The text message read, "Just to forewarn you, I will be back on [date] and I'm going to talk to [the client] about her bill and at this point I probably will have no choice but to put her in a nursing home her bill is astronomical with me, it's over $100,000 which I will also put a lien against her condo any and any (sic) assets that she has..."

During an interview, the client's family member stated she did not live in the area and only recently became the client's POA as she was made aware of concerns regarding the client's finances. The POA stated she obtained copies of the client's bank statements and noticed $100,000 had been taken from one account and almost $50,000 was missing from a savings account. The POA stated she contacted the home care agency's owner, the AP, to inquire about the billing and requested copies of the client's monthly statements. The POA stated the AP told her the client was behind in payments, still owed about $100,000, and the AP would be putting a lien on the client's condo if the $100,000 was not paid. The POA stated the AP also told her if she paid the outstanding bill, she'd "cut her a deal" for the rest of the year, but never came back with a proposal on how that would work. The POA said the AP suggested for her to cash in some of the client's investments to cover the outstanding balance. The POA indicated after several requests, the AP finally sent her a stack of invoices covering the 16 months the client received services. The invoices totaled about $341,000, "which seemed shocking, considering the poor care she was getting."

During investigative interviews, multiple unlicensed personnel (ULP) stated the client was mostly bed-bound and needed physical assistance to perform activities of daily living. In addition, the client depended on staff to make her food, change her incontinence products, and administer medications. Multiple ULP said they were directed to immediately call the office when the client's mail came and instructed not to open it. The ULP stated the AP, or another office staff member, would drive to the client's condo to collect the mail and they weren't sure what happened to it after that. One ULP said she knew there were checks in the mail from time to time. Another ULP stated the AP always "tried to intercept the mail because she found out [the client] was being sent money and the AP wanted that money because she said the client owed her $100,000." Multiple ULP indicated the client depended on the AP to order groceries and supplies and the client would frequently run out of food or incontinence products. Multiple ULP further indicated they spent their own money to buy food and supplies for the client because when they told the AP she was out of food and supplies, the AP wouldn't order anything right away and tell staff she was "really busy." One ULP said she spent about $300 of her own money buying supplies for the client and was not reimbursed by the AP. Another ULP was asked to give the client a 14-day notice because the AP "wanted to kick her out of her condo and put her in a nursing home." A ULP stated the AP told her she had "cleaned out her [the client's] bank account with bills and she wants to go after her condo and put her in a nursing home for all the money she owes." Multiple ULP stated that the client received 24-hour care, but there were times there was not a caregiver because no one showed up.

Further investigative interviews conducted with multiple current and former administrative assistants, indicated they were not permitted access to client billing as part of their office job duties. The administrative assistants said the only person allowed to do billing was the owner. The administrative assistants frequently received calls from various clients and family members with concerns and questions on bills and charges, but they were directed to not address the concerns and have them speak with the owner about it.

During an interview, the AP stated she did everything for the client since her family was not involved in her care. The AP was currently working with an attorney since the client had not paid her in over a year. The AP said for most of the time the client received services, she billed monthly, and the last few months switched to billing on the 1st and 15th of the month. The AP indicated the POA was emailed statements 48 hours prior to the ACH withdrawals. The AP was asked about specific transactions on the client's bank statements, including one month where $30,088.27 was withdrawn over five ACH transactions, which did not line up with billing cycle dates or amounts on the statement for that month. The AP hadn't noticed the large amounts pulled from the client's account and stated she had some issues with her billing software, so it could have been from that. The AP further stated the client's care averaged about $15,000 to $17,000 per month. The AP said the client would get mad if she had to open her own mail, so staff would let her (AP) know when mail came, and she (AP) would handle it for the client. The AP confirmed she sent a text message about putting a lien on the client's condo to the client's POA. The AP stated the client would get checks in the mail and the client wanted her to deposit them in her bank account. The AP confirmed the deposit made in Arizona was completed by her. The AP confirmed after the checks were deposited, she would withdraw that amount via ACH because the client "was behind on her bills and I needed to get paid something." The AP was asked about the statements which reflected $341,288.19 was due and why several line items were listed "expense" with no additional details or receipts to detail the expense. The AP again stated she had issues with her billing software, and it would not allow her to add details about expenses. The AP indicated she had fired business office staff due to billing issues. The AP stated the client consented to each withdrawal made via ACH and confirmed she had documentation to show the client authorized her to deposit checks the client received via mail to her bank accounts. The investigator requested documentation showing the client or POA received statements each month or biweekly, documentation showing the client or POA authorized ACH withdrawals from her bank accounts, receipts detailing expenses on statements, and documentation showing the client authorized her to deposit checks to her bank accounts. The AP later stated she had a verbal agreement with the client to deposit checks on her behalf and that she would bring the statements over to the client and personally review them with her each month but did not retain documentation to show this interaction occurred.

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

**Substantiated: Minnesota Statutes, section 626.5572, Subdivision 19.**
"Substantiated" means a preponderance of evidence shows that an act that meets the definition of maltreatment occurred.

**Financial exploitation: Minnesota Statutes, section 626.5572, subdivision 9**
"Financial exploitation" means: … [omit section a unless there is a fiduciary element]

(a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person:
(1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or
(2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.
(b) In the absence of legal authority a person:
(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;
(2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;
(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or
(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

**Vulnerable Adult interviewed**: No, unable
**Family/Responsible Party interviewed**: Yes
**Alleged Perpetrator interviewed**: Yes

**Action taken by facility:**
No action taken.

**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 651-201-4890 to receive a copy via mail or email

The responsible party will be notified of their right to appeal the maltreatment finding. If the maltreatment is substantiated against an identified employee, this report will be submitted to the nurse aide registry for possible inclusion of the finding on the abuse registry and/or to the Minnesota Department of Human Services for possible disqualification in accordance with the provisions of the background study requirements under Minnesota 245C.

cc:
The Office of Ombudsman for Long Term Care

The Office of Ombudsman for Mental Health and Developmental Disabilities
Clay County Attorney
Moorhead City Attorney
Moorhead Police Department

| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | (X2) MULTIPLE CONSTRUCTION | (X3) DATE SURVEY COMPLETED |
|---|---|---|---|
| | H35833 | A. BUILDING: _____ B. WING _____ | C 04/12/2023 |

| NAME OF PROVIDER OR SUPPLIER | STREET ADDRESS, CITY, STATE, ZIP CODE |
|---|---|
| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

| (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 |
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| 0 000 | Initial Comments<br><br>******ATTENTION******<br><br>HOME CARE PROVIDER LICENSING CORRECTION ORDER<br><br>In accordance with Minnesota Statutes, section 144A.43 to 144A.482, these correction orders are issued pursuant to a complaint investigation.<br><br>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.<br><br>INITIAL COMMENTS:<br><br>HL358335104M/ HL358338727C<br>HL358335105M/ HL358338728C<br>HL358335106M/ HL358338729C<br>HL358335684M/ HL358339858C<br><br>On April 4-12, 2023, 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 12 clients receiving services under the provider's Comprehensive license.<br><br>The following immediate correction order is issued for HL358335104M/ HL358338727C, HL358335105M/ HL358338728C, HL358335106M/ HL358338729C, HL358335684M/ HL358339858C, tag identification 0715.<br><br>The following correction orders are issued for | 0 000 | 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.<br><br>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.<br><br>THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES.<br><br>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). | |

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| 0 000 | Continued From page 1<br><br>HL358335104M/ HL358338727C, HL358335105M/ HL358338728C, HL358335106M/ HL358338729C, HL358335684M/ HL358339858C, tag identification 0325, 0415, 0465, 0715, 0785, 0800, 0805, 0810, 0815, 0825, 0865, 0870, 0880, and 2015.<br><br>The following correction orders is issued for HL358335684M/ HL358339858C, tag identification 0860. | 0 000 | | |
| 0 325 | 144A.44, Subd. 1(a)(14) Free From Maltreatment<br><br>be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act<br><br>This MN Requirement is not met as evidenced by:<br>Based on interviews and document review, the facility failed to ensure two of four clients reviewed (C1, C2) were free from maltreatment. The clients were financially exploited.<br><br>Findings include:<br><br>On April 20, 2023, the Minnesota Department of Health (MDH) issued a determination that financial exploitation occurred, and that an individual staff person was responsible for the maltreatment, in addition to the licensee, in connection with incidents which occurred. The MDH concluded there was a preponderance of evidence that maltreatment occurred. | 0 325 | No Plan of Correction (PoC) required. Please refer to the public maltreatment report (report sent separately) for details of this tag. | |
| 0 415 SS=I | 144A.471, Subd. 1 License Required | 0 415 | | |

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| 0 415 | Continued From page 2<br><br>A home care provider may not open, operate, manage, conduct, maintain, or advertise itself as a home care provider or provide home care services in Minnesota without a temporary or current home care provider license issued by the commissioner of health.<br><br>This MN Requirement is not met as evidenced by:<br>Based on observation, interview, and document review, the provider failed to obtain home care licensure while providing services to clients in their home and advertising as a home care provider. The provider's failure to obtain a current home care provider license had the potential to affect the 12 clients receiving services from the provider.<br><br>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).<br><br>Findings include:<br><br>On April 4, 2023, an internet search for Comforting Angels resulted in the following website for the licensee, https://www.comfortingangels.care/about. The webpage indicated Comforting Angels was a current, operational home care provider that would "bring quality Home Care that meets clients' needs to the Red River Valley, Lakes Area, and Beyond." The website included the following information about their services; | 0 415 | | |

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| 0 415 | Continued From page 3<br><br>"Comforting Angels Homecare provides these services to the patient at home: Service Locations: MN and ND. Skilled Nursing Care, Personal Care, Companionship Cares, Meal Preparation, And many other services."<br><br>On April 4, 2023, at 11:55 a.m., the investigator entered the Comforting Angels office and observed an expired comprehensive home care license posted in the main entry. The license expired on March 4, 2023. Owner (O)-A verified she was currently serving 12 clients in Minnesota and provided services including wound care, medication set up, and other skilled nursing care, in addition to housekeeping and companion care. O-A stated she thought she renewed her license in February but had not heard back. The investigator requested documentation to show an application had been submitted, but O-A was not able to locate proof of submission. Minnesota Department of Health (MDH) records did not show the licensee had renewed its license.<br><br>On April 5, 2023, at 2:40 p.m., the investigator contacted O-A to check on the status of her license renewal. O-A stated she found some paperwork showing she filled out the renewal application. The investigator informed O-A MDH staff were attempting to reach her earlier to assist with completing her license renewal and they were not able to get ahold of her and that O-A still needed to pay the fee associated with the renewal. O-A verified her email address and stated she would connect with MDH staff to ensure the license gets renewed.<br><br>On April 5, 2023, at 4:07 p.m., O-A emailed a photo of a check dated February 25, 2023, and a copy of the in-progress license application. MDH staff confirmed payment had not been received in | 0 415 | | |

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| 0 415 | Continued From page 4<br>the office and directed O-A to remit payment.<br><br>On April 10, 2023, at 2:45 p.m., O-A emailed the investigator that she would be putting a check in the mail today. The investigator advised O-A to send the check with tracking or via certified mail. O-A wrote back, "good idea, thanks." The investigator advised O-A she could renew her license online and pay online to expedite the process.<br><br>On April 17, 2023, at 10:21 a.m., MDH staff confirmed the check from O-A had not yet arrived at their offices.<br><br>On April 17, 2023, at 12:30 p.m., O-A stated she mailed her check on April 10, 2023, but did not send with tracking or via certified mail. The investigator advised O-A again to consider using the online payment option to ensure her expired license is renewed. O-A was reminded again she has been operating with an expired license since since March 4, 2023, and has been aware of the expired license since April 4, 2023.<br><br>As of April 24, 2023, O-A had not submitted payment to renew the comprehensive license.<br><br>No further information provided.<br><br>TIME PERIOD FOR CORRECTION: Seven (7) days. | 0 415 | | |
| 0 465 SS=F | 144A.472, Subd. 1 License Applications<br><br>Each application for a home care provider license must include information sufficient to show that the applicant meets the requirements of licensure, including: | 0 465 | | |

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| 0 465 | Continued From page 5<br>(1) the applicant's name, email address, physical address, and mailing address, including the name of the county in which the applicant resides and has a principal place of business;<br>(2) the initial license fee in the amount specified in subdivision 7;<br>(3) the email address, physical address, mailing address, and telephone number of the principal administrative office;<br>(4) the email address, physical address, mailing address, and telephone number of each branch office, if any;<br>(5) the names, email and mailing addresses, and telephone numbers of all owners and managerial officials;<br>(6) documentation of compliance with the background study requirements of section 144A.476 for all persons involved in the management, operation, or control of the home care provider;<br>(7) documentation of a background study as required by section 144.057 for any individual seeking employment, paid or volunteer, with the home care provider;<br>(8) evidence of workers' compensation coverage as required by sections 176.181 and 176.182;<br>(9) documentation of liability coverage, if the provider has it;<br>(10) identification of the license level the provider is seeking;<br>(11) documentation that identifies the managerial official who is in charge of day-to-day operations and attestation that the person has reviewed and understands the home care provider regulations;<br>(12) documentation that the applicant has designated one or more owners, managerial officials, or employees as an agent or agents, which shall not affect the legal responsibility of any other owner or managerial official under this | 0 465 | | |

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| 0 465 | Continued From page 6<br>chapter;<br>(13) the signature of the officer or managing agent on behalf of an entity, corporation, association, or unit of government;<br>(14) verification that the applicant has the following policies and procedures in place so that if a license is issued, the applicant will implement the policies and procedures and keep them current:<br>(i) requirements in chapter 260E, reporting of maltreatment of minors, and section 626.557, reporting of maltreatment of vulnerable adults;<br>(ii) conducting and handling background studies on employees;<br>(iii) orientation, training, and competency evaluations of home care staff, and a process for evaluating staff performance;<br>(iv) handling complaints from clients, family members, or client representatives regarding staff or services provided by staff;<br>(v) conducting initial evaluation of clients' needs and the providers' ability to provide those services;<br>(vi) conducting initial and ongoing client evaluations and assessments and how changes in a client's condition are identified, managed, and communicated to staff and other health care providers as appropriate;<br>(vii) orientation to and implementation of the home care client bill of rights;<br>(viii) infection control practices;<br>(ix) reminders for medications, treatments, or exercises, if provided; and<br>(x) conducting appropriate screenings, or documentation of prior screenings, to show that staff are free of tuberculosis, consistent with current United States Centers for Disease Control and Prevention standards; and<br>(15) other information required by the | 0 465 | | |

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| 0 465 | Continued From page 7<br>department.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to show they had met the requirements of licensure when applying for a comprehensive home care license, by attesting the managerial officials who were in charge of the day-to-day operations, had reviewed, understood, and implemented current policies and procedures, as required, by home care provider regulations, with records reviewed.<br><br>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, but was not likely to cause 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).<br><br>The findings include:<br><br>The licensee's application for renewal of the Comprehensive license, section titled "H. Managerial Official Verification" (page 7 of the application), identified, "This section must be completed by an owner or managerial official, which official will be held accountable for ensuring the licensee's compliance with Minnesota home care laws." The section directed, "Read the following statements, initial each, if true and sign below."<br><br>The following was initialed, "I certify that I have read and understand the following Minnesota [MN] Statutes: Home Care Laws, Chapter 144A, | 0 465 | | |

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| 0 465 | Continued From page 8<br><br>Sections 144A.43 through 144A.484, Housing with Services Establishment, Chapter 144D, Assisted Living Services, Chapter 144G, Reporting of Maltreatment of Minors, MN Statute Section 626.556, and Reporting of Maltreatment of Vulnerable Adults, MN Statute Section 626.557." This page was dated, February 15, 2022, and signed by owner (O)-A.<br><br>The licensee had a comprehensive home care license issued on March 5, 2022. The license expired on March 4, 2023. As of April 24, 2023, the licensee had not renewed the comprehensive license, despite outreach from MDH staff to assist with renewing the license.<br><br>On April 4, 2023, at 12:15 p.m., owner (O)-A stated she was familiar with the Minnesota Home Care Laws and Regulations, and understood the regulations.<br><br>The licensee failed to implement the following required policies and procedures:<br><br>- conducting and handling background studies on employees;<br><br>- orientation, training, and competency evaluations of home care staff;<br><br>- conducting initial and ongoing client evaluations and assessments; and<br><br>- orientation to and implementation of the home care bill of rights;<br><br>Refer to licensing order at 144A.44 Subd. 1(a)(14). The licensee failed to obtain home care licensure while providing services to clients in their home and advertising as a home care | 0 465 | | |

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| 0 465 | Continued From page 9<br>provider.<br><br>Refer to licensing order a 144A.471, Subd. 1. The licensee failed to ensure protection from from financial exploitation for two of two clients (C1, C2) when the licensee failed to accurately account for the cost of services rendered and made unauthorized ACH withdrawals from the clients' bank accounts.<br><br>Refer to licensing order at 144A.476, Subd. 2. The licensee failed to ensure current employee records contained all the required content to include a background study clearance letter for 12 of 12 employees, (unlicensed personnel (ULP)-K, ULP-L, ULP-M, ULP-O, ULP-P, ULP-Q, ULP-R, ULP-S, ULP-T, ULP-U, ULP-V, and ULP-W).<br><br>Refer to licensing order at 144A.479 Subd. 2. The licensee failed to ensure the provider's website for home care services accurately depicted the current comprehensive level services the agency provided.<br><br>Refer to licensing order at 144A.479, Subd. 5. The licensee failed to ensure protection from from financial exploitation for two of two clients (C1, C2) when the licensee failed to accurately account for the cost of services rendered and made unauthorized ACH withdrawals from the clients' bank accounts.<br><br>Refer to licensing order at 144A.479, Subd. 6(a). The licensee failed to immediately report to the Minnesota Adult Abuse Reporting Center (MAARC) suspected maltreatment of financial exploitation for four of four clients (C1, C2, C3, C4) with record reviewed. | 0 465 | | |

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| 0 465 | Continued From page 10<br><br>Refer to licensing order at 144A.479, Subd. 6(b). The licensee failed to ensure an individual abuse prevention plan (IAPP) was developed to include the required content for four of four clients (C1, C2, C3, C4).<br><br>Refer to licensing order at 144A.479, Subd. 7. The licensee failed to ensure the employee record contained all of the required content for four of four employees (registered nurse (RN)-C and unlicensed personnel (ULP)-K, ULP-L, ULP-M) with records reviewed.<br><br>Refer to licensing order at 144A.4791, Subd. 1. The licensee failed to ensure the current Minnesota Home Care Bill of Rights was provided to the client or client's representative prior to initiation of services for four of four clients (C1, C2, C3, C4) with records reviewed.<br><br>Refer to licensing order at 144A.4791, Subd. 8. The licensee failed to ensure the registered nurse (RN) completed a comprehensive reassessment after a change in condition for one of one clients (C4) as required.<br><br>Refer to licensing order at 144A.4791, Subd. 9(a-e). The licensee failed to ensure service plans included the required content for four of four clients (C1, C2, C3, C4).<br><br>Refer to licensing order at 144A.4791, Subd. 9(f). The licensee failed to ensure the service plan included a signature or other authentication by the provider to document agreement on the services to be provided for four of four clients (C1, C2, C3, C4) with records reviewed.<br><br>Refer to licensing order at 144A.4791, Subd. 11. The licensee failed to maintain a record of all | 0 465 | | |

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| 0 465 | Continued From page 11<br><br>activities regarding complaints received, including the date the complaint was received, and the home care provider's investigation and resolution of the complaint when it failed to document any complaints received.<br><br>Refer to licensing order at 626.557, Subd. 3. The licensee failed to immediately report to the Minnesota Adult Abuse Reporting Center (MAARC) suspected maltreatment of financial exploitation for four of four clients (C1, C2, C3, C4) with record reviewed.<br><br>Fourteen (14) correction orders were issued, which indicated the licensee's understanding of the Minnesota statutes were limited, and not evident for compliance with sections 144A.43 to 144A.4798.<br><br>No further information was provided.<br><br>Time period for correction: Seven (7) Days | 0 465 | | |
| 0 715 SS=I | 144A.476, Subd. 2 Employees, Contractors, and Volunteers<br><br>(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.<br>(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. | 0 715 | | |

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| 0 715 | Continued From page 12<br><br>This MN Requirement is not met as evidenced by:<br>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 for 12 of 12 employees, (unlicensed personnel (ULP)-K, ULP-L, ULP-M, ULP-O, ULP-P, ULP-Q, ULP-R, ULP-S, ULP-T, ULP-U, ULP-V, and ULP-W).<br><br>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).<br><br>This resulted in an immediate correction order on April 12, 2023, at 8:30 a.m.<br><br>The findings include:<br><br>ULP-K<br>ULP-K was hired September 19, 2021, to provide direct care services to the licensee's clients and was terminated on April 1, 2023.<br><br>ULP-K's record lacked documentation of a background study clearance letter.<br><br>A partial copy of ULP-K's employee record was provided to the investigator on April 4, 2023. The record included a NETStudy submission form for ULP-K from a different HFID, dated July 3, 2019, approximately two years before ULP-K was hired | 0 715 | | |

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| 0 715 | Continued From page 13<br><br>by the licensee. On April 10, 2023, at 10:34 a.m., O-A resent ULP-K's background study as requested by the investigator. ULP-K's background study was the same NETStudy submission sent on April 4, 2023.<br><br>A search of NETStudy indicated the employee was added to the licensee's roster on February 13, 2023, and removed on February 28, 2023. ULP-K was then added to the roster again on March 9, 2023, and removed on March 24, 2023. ULP-K did not have a recent date entered for completing fingerprints.<br><br>ULP-L<br>ULP-L was hired September 3, 2022, to provide direct care services to the licensee's clients and was terminated on February 18, 2023.<br><br>ULP-L's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was added to the licensee's roster on June 1, 2021, and removed on March 16, 2022. ULP-L did not have a record of fingerprints being completed.<br><br>ULP-M<br>ULP-M was hired January 18, 2023, to provide direct care services to the licensee's clients and was terminated on March 23, 2023.<br><br>ULP-M's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was added to the licensee's roster on February 13, 2023, and removed on February 28, 2023. | 0 715 | | |

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| 0 715 | Continued From page 14<br><br>On April 4, 2023, at 1:20 p.m., owner (O)-A stated she was aware ULP-L was on probation after getting a DUI some time in the fall of 2022. O-A stated around that time, there was a physical altercation between ULP-L and ULP-K at C2's home. O-A stated ULP-L had been "shooting her mouth off" at ULP-K when they were changing shifts and the police came and asked if either wanted to press charges. O-A stated ULP-L chose to press charges against ULP-K and she thought it was something like an assault charge. O-A stated she was not sure if the case had been resolved in court yet but was told by a lawyer that since she hadn't been formally convicted of anything she could continue to work unsupervised with the clients. O-A stated ULP-L had a drinking problem and that caused her to have "a bit of temper issues" In addition, O-A stated she had identified ULP-L as a likely alleged perpetrator regarding theft of narcotics from C3's apartment around January or February of 2023. O-A stated she had contacted ULP-L's probation officer to see if she could be tested for the missing narcotics but they were not able to do so. O-A stated she had been made aware of two missing handguns from C1's home during the time ULP-M was working with the client. O-A stated she had not done any kind of investigation into the missing guns or brought any concerns to the police. The investigator requested copies of ULP-K and ULP-M's employee files to include background study clearance letters. O-A stated since the employees were hired in North Dakota, their files would be at the office in West Fargo and she would have to have them fax the records over. A partial copy of ULP-K's employee file was provided before the investigator exited and O-A stated the other requested information would be sent shortly. | 0 715 | | |

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| 0 715 | Continued From page 15<br><br>On April 5, 2023, at 2:50 p.m., O-A was contacted to get an update on the request for background studies. O-A stated ULP-K's study was sent yesterday (April 4, 2023). The investigator pointed out the study was from a different HFID several years before starting employment with her company and there was also no clearance letter included. O-A stated office manager (OM)-J was responsible for interviews, doing background studies, and general employee file upkeep. O-A was asked if she was aware the above mentioned employees were not reflected on her NETStudy roster. O-A stated there was a period of time where OM-J had to keep submitting the employee in the system because the place they used to get fingerprints was closed and the closest location was an hour away. O-A stated as far as she was aware, all employees had a background letter.<br><br>On April 10, 2023, at 10:34 a.m., O-A emailed the investigator partial copies of ULP-M's employee file and ULP-K's background check submission from before she began employment with the licensee. ULP-M's partial employee file did not contain a background study clearance letter. On April 10, 2023, at 11:57 a.m., O-A emailed the investigator a copy of ULP-L's background study submission form listed a date of June 1, 2021.<br><br>On April 10, 2023, at 4:00 p.m., O-A confirmed she was aware ULP-L got a DUI shortly after she had completed a shift and left a client's house and agreed it was likely ULP-L had been drinking while working unsupervised with a client. O-A stated they had taken her off the schedule until her probation officer was able to get a breathalyzer installed in her vehicle and obtain therapy. O-A stated ULP-L returned to work early January and resumed working unsupervised with clients. O-A confirmed ULP-K previously worked | 0 715 | | |

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| 0 715 | Continued From page 16<br><br>for the licensee but quit in October 2019. O-A confirmed they did not complete a new background study when she was hired back in September 2021 and that ULP-K worked unsupervised directly with clients until she was terminated for a no call no show on April 1, 2023. O-A confirmed ULP-K worked unsupervised, even after charges were pressed after an altercation with another staff member at a client's home. O-A confirmed ULP-M never completed his fingerprints and did not have a background study completed. O-A stated they had asked him to complete fingerprints many times but he never did but he was allowed to work unsupervised since a different background study they did showed he was ok to work. O-A stated they had troubles getting fingerprints done as the local site had been closed and it would take upwards of a year to get a clearance letter back and some employees they did not get clearance letters back on.<br><br>On April 11, 2023, at 1:55 p.m., registered nurse (RN)-C stated she was aware of the fight between ULP-L and ULP-K and had responded to the client's home after she was called about the incident. RN-C stated she was aware ULP-L was pressing charges against ULP-K after the incident but was not aware neither had a current background study completed. RN-C stated, "I do not have knowledge of that I can't keep track of office members who aren't doing their jobs." RN-C stated she felt both ULP could continue working with the licensee's clients after the incident because "this is where my opinion is, like everyone has an opinion so I'm gonna say...I'd have to put general public opinion is one person it would be fine, another person not going to be fine so do you want a direct answer, what do you want? My answer is yes [they can continue to | 0 715 | | |

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| 0 715 | Continued From page 17<br><br>work unsupervised with clients], as long as those two caregivers are not in contact with each other. They do a good job just because they don't get along...it's all about personalities and what personalities that get along, I can't make that judgment call, they did a good job when they worked. Just because they had an argument doesn't mean they're bad people."<br><br>On April 11, 2023, at 8:36 a.m., the investigator requested additional background study clearance letters from the following employees listed as current employees as identified by the licensee on April 4, 2023, ULP-O, ULP-P, ULP-Q, ULP-R, ULP-S, ULP-T, ULP-U, ULP-V, and ULP-W.<br><br>ULP-O<br><br>ULP-O was hired August 30, 2022, to provide customer service and support to the licensee's clients.<br><br>ULP-O's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated ULP-O only worked in the office and she did not realize office staff needed to complete background studies.<br><br>ULP-P<br><br>ULP-P was hired August 28, 2021, to provide direct care services to the licensee's clients.<br><br>ULP-P's record lacked documentation of a background study clearance letter. | 0 715 | | |

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| 0 715 | Continued From page 18<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated ULP-P is a family member who helps her with payroll occasionally and she did not realize they needed to complete a background study.<br><br>ULP-Q<br><br>ULP-Q was hired March 23, 2023, to provide direct care services to the licensee's clients.<br><br>ULP-Q's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated the employee had just started and not yet completed a background study.<br><br>ULP-R<br><br>ULP-R was hired March 3, 2023, to provide direct care and services to the licensee's clients.<br><br>ULP-R's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated ULP-R had not been able to start yet so they have not completed a background study yet. | 0 715 | | |

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| 0 715 | Continued From page 19<br><br>ULP-S<br>ULP-S was hired May 13, 2022, to provide direct care services to the licensee's clients.<br><br>ULP-S' record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 1:20 p.m., O-A emailed the investigator the following: "I can't provide the clearance letter but she was done 5/2022 with no supervision."<br><br>ULP-T<br><br>ULP-T was hired December 20, 2022, to provide direct care services to the licensee's clients.<br><br>ULP-T's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated ULP-T attempted to get fingerprints last week but the site was closed due to the blizzard. O-A stated they had been experiencing trouble locating a site to do fingerprints in the area and they've been trying since December to find a fingerprinting location.<br><br>ULP-U<br><br>ULP-U was hired April 28, 2022, to provide direct care services to the licensee's clients.<br><br>ULP-U's record lacked documentation of a background study clearance letter. | 0 715 | | |

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| 0 715 | Continued From page 20<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 1:20 p.m., O-A emailed the investigator the following: "she completed her fingerprints 5/2022 and under no supervision"..."I called netstudy today [April 11, 2023] regarding her status and was informed she was removed due to no consent for out of state check was received so [administrative staff] will put her back in today."<br><br>ULP-V<br><br>ULP-V was hired October 6, 2022, to provide direct care services to the licensee's clients.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 1:20 p.m., O-A emailed the investigator a copy of the employee's background study clearance letter dated October 31, 2022.<br><br>ULP-W<br><br>ULP-W was hired December 19, 2022, to provide direct care services to the licensee's clients, and was terminated on March 24, 2023.<br><br>ULP-W's record lacked documentation of a background study clearance letter.<br><br>A search of NETStudy indicated the employee was not added to the licensee's roster.<br><br>On April 11, 2023, at 8:50 a.m., O-A stated ULP-W was no longer with the licensee and they did not have a background clearance letter for | 0 715 | | |

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| 0 715 | Continued From page 21<br>ULP-W.<br><br>On April 11, 2023, at 2:20 p.m., RN-C was asked if she was aware the above mentioned employees were working unsupervised with clients without a background study clearance letter. RN-C stated, "I have nothing to do with background studies, that's human resources." RN-C was asked if she should be verifying the background study clearance letter was completed prior to providing care to clients since ULP work under the direction and supervision of the RN. RN-C stated, "We're all individuals I can only do a certain degree as a nurse and everybody does their job. What you made it sound like is I'm responsible for their background studies which I am not responsible for any background study, I cant do everything."<br><br>No further information provided.<br><br>Immediacy is removed as confirmed by the evaluation supervisor on April 14, 2023, however, non-compliance remains at a scope and level of three, widespread (I).<br><br>TIME PERIOD FOR CORRECTION: Immediate | 0 715 | | |
| 0 785 SS=C | 144A.479, Subd. 2 Advertising<br><br>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.<br><br>This MN Requirement is not met as evidenced | 0 785 | | |

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| 0 785 | Continued From page 22<br>by:<br>Based on interview and record review, the licensee failed to ensure the provider's website for home care services accurately depicted the current comprehensive level services the agency provided.<br><br>This practice resulted in a level one violation (a violation that has no potential to cause more than a minimal impact on the client and does not affect health or safety), 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).<br><br>Findings Include:<br><br>On April 4, 2023, an internet search for Comforting Angels resulted in the following website for the licensee, https://www.comfortingangels.care/about. The webpage indicated Comforting Angels was a current, operational home care provider that would "bring quality Home Care that meets clients' needs to the Red River Valley, Lakes Area, and Beyond." The website included the following information about their services; "Comforting Angels Homecare provides these services to the patient at home: Service Locations: MN and ND. Skilled Nursing Care, Personal Care, Companionship Cares, Meal Preparation, And many other services."<br><br>The licensee's Comprehensive Home Care license expired on March 4, 2023 and had not been renewed as of April 24, 2023.<br><br>On April 4, 2023, at 12:10 p.m., owner (O)-A confirmed her license had expired and she was | 0 785 | | |

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| 0 785 | Continued From page 23<br>not a currently licensed home care provider. O-A confirmed she was not a Medicare certified provider would therefore not be able to provide skilled nursing care.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Twenty-one (21) days | 0 785 | | |
| 0 800 SS=G | 144A.479, Subd. 5 Handling of Client's Finances/Property<br><br>(a) A home care provider may assist clients with household budgeting, including paying bills and purchasing household goods, but may not otherwise manage a client's property. A home care provider must provide a client with receipts for all transactions and purchases paid with the client's funds. When receipts are not available, the transaction or purchase must be documented. A home care provider must maintain records of all such transactions.<br>(b) A home care provider or staff may not borrow a client's funds or personal or real property, nor in any way convert a client's property to the home care provider's or staff's possession.<br>(c) Nothing in this section precludes a home care provider or staff from accepting gifts of minimal value, or precludes the acceptance of donations or bequests made to a home care provider that are exempt from income tax under section 501(c) of the Internal Revenue Code of 1986.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review the licensee failed to ensure protection from financial exploitation for two of four clients (C1, C2) when | 0 800 | | |

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| 0 800 | Continued From page 24<br><br>the licensee failed to accurately account for the cost of services rendered and made unauthorized ACH withdrawals from the clients' bank accounts.<br><br>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), 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). Findings include:<br><br>UNAUTHORIZED ACH TRANSACTIONS<br><br>C1<br>C1 admitted to home care services on May 19, 2022, and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022, under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were. The service plan indicated the cost for unlicensed personnel services was $32.50 per hour during the week and $34.50 per hour on weekends.<br><br>C1's record contained a Recurring Payments authorization which was signed by family member (FM)-D on August 5, 2022, and O-A on August 7, 2022. The authorization allowed D&G Angels LLC, d/b/a [doing business as] Comforting Angels Home Care to charge the client's bank account or credit card. The agreement indicated Comforting | 0 800 | | |

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| 0 800 | Continued From page 25<br><br>Angels would "email invoice for its services provided to the undersigned client. Clients will have 48 hours to address any disputes, no action needed when there is no disputes for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary by invoice."<br><br>C1's bank records indicated D&G Angels LLC withdrew $246,726.70 from the client's account over 29 ACH transactions from June 2022 through February 2023.<br><br>On March 24, 2023, at 2:15 p.m., FM-D stated she had not received any billing statements for the client's care but was told it would cost $25,000 per month and she agreed to ACH withdrawals but didn't check the client's bank account for several months. When she checked it, she noticed a lot of money had been taken out and so she asked O-A for billing statements and statements from June 2022 through the current month which were emailed to her from O-A on March 3, 2023. The email was sent from the accounting department of the home care agency by a person with O-A's first name and first letter of her last name. FM-D stated the statements listed the hours ULP worked and it didn't add up to 24 hours, which they were being charged for. FM-D stated she had asked O-A questions on the bill because she was being billed for hours that staff were not present in the home and the amounts did not line up to what was taken from the client's bank account but did not get any real answers.<br><br>On April 17, 2023, at 12:10 p.m., O-A confirmed she was not able to provide documentation showing statements had been emailed to FM-D 48 hours prior to ACH withdrawals occurring. O-A stated she had not received any concerns from | 0 800 | | |

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| 0 800 | Continued From page 26<br>FM-D about C1's statements.<br><br>Statements emailed from O-A to the investigator on April 16, 2023, did not match statements O-A emailed to FM-D on March 3, 2023. FM-D stated up until March 3, 2023, she had not received any statements. A review of the client's statements and bank transactions contained the following information:<br><br>February 2023<br>Billing statements provided by O-A to C1's responsible party, FM-D, indicated the following balances due:<br>February 1 through February 15, 2023, reflected $11,041.07 due by February 24, 2023<br>February 16 through February 28, 2023, reflected $10,390.26 due by February 28, 2023<br>The total cost of services for February was $21,431.33<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>February 1 through February 15, 2023, reflected $11,041.07 due by February 15, 2023<br>February 16 through February 28, 2023, reflected $10,390.26 due by February 28, 2023<br>The total cost of services for February was $21,431.33<br><br>Bank statements from C1's investment account contained the following transactions:<br>$13,870.00 was withdrawn on February 1, 2023, by D&G Angels LLC via ACH<br>$11,041.07 was withdrawn on February 14, 2023, by D&G Angels LLC via ACH<br>$286.27 was withdrawn on February 22, 2023, by D&G Angels LLC via ACH<br>$10,950.00 was withdrawn on February 22, 2023, by D&G Angels LLC via ACH | 0 800 | | |

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| 0 800 | Continued From page 27<br><br>In total, $36,147.34 was withdrawn over four ACH withdrawals by D&G Angels LLC<br><br>January 2023<br>Billing statements provided by O-A to C1's responsible party, FM-D, indicated the following balances due:<br>January 1 through January 15, 2023, reflected $11,581.56 due by January 24, 2023.<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>January 1 through January 15, 2023, reflected $11.299.52 due by January 15, 2023<br>January 16 through January 31, 2023, reflected $11.848.56 due by January 31, 2023<br>The total cost of services for January was $23,148.08<br><br>Bank statements from C1's investment account contained the following transactions:<br>$3,401.54 was withdrawn on January 3, 2023, by D&G Angels LLC via ACH<br>$11,611.56 was withdrawn on January 9, 2023, by D&G Angels LLC via ACH<br>$11,311.56 was withdrawn on January 18, 2023, by D&G Angels LLC via ACH<br>$688.72 was withdrawn on January 25, 2023, by D&G Angels LLC via ACH<br>In total, $37,963.38 was withdrawn over five ACH withdrawals by D&G Angels LLC.<br><br>December 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>December 1 through December 14, 2022, reflected $10,220.00 due by December 15, 2022<br>December 1 through December 15, 2022, reflected three days of care, December 1, | 0 800 | | |

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| 0 800 | Continued From page 28<br><br>December 2, and December 15th at $730 per day for a total due of $2,190.00<br>December 16 through December 31, 2022, reflected $15,754.38 due by December 31, 2022<br>The total cost of services for December was $28,164.38<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>December 1 through December 15, 2022, reflected $10,220.00 due by December 15, 2022<br>December 16 through December 31, 2022, reflected $12,936.02 due by December 31, 2022<br>The total cost of services for December was $23,156.02<br><br>Bank statements from C1's investment account contained the following transactions:<br>$11,102.62 was withdrawn on December 1, 2022, by D&G Angels LLC via ACH<br>$10,950.00 was withdrawn on December 12, 2022, by D&G Angels LLC via ACH<br>$1,514.97 was withdrawn on December 19, 2022, by D&G Angels LLC via ACH<br>$12,410.00 was withdrawn on December 22, 2022, by D&G Angels LLC via ACH<br>In total, $35,977.59 was withdrawn over four ACH withdrawals by D&G Angels LLC.<br><br>November 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>November 1 through November 15, 2022, reflected $29,914.27 due by November 15, 2022<br>November 12 through November 30, 2022, reflected $22,052.62 due by November 30, 2022<br>The total cost of services for November was $51,966.89<br><br>Billing statements provided by O-A to the | 0 800 | | |

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| 0 800 | Continued From page 29<br><br>investigator indicated the following balances due:<br>November 1 through November 15, 2022, reflected $11,117.20 due by November 15, 2022<br>November 16 through November 30, 2022, reflected $11,285.19 due by November 30, 2022<br>The total cost of services for November was $22,402.39<br><br>Bank statements from C1's investment account contained the following transactions:<br>$746.88 was withdrawn on November 14, 2022, by D&G Angels LLC via ACH<br>$10,950.00 was withdrawn on November 14, 2022 by D&G Angels LLC via ACH<br>$13,964.27 was withdrawn on November 17, 2022 by D&G Angels LLC via ACH<br>$10,950.00 was withdrawn on November 28, 2022 by D&G Angels LLC via ACH<br>In total, $36,611.15 was withdrawn over four ACH withdrawals by D&G Angels LLC<br><br>October 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>October 1 through October 15, 2022, reflected $12,067.80 due by October 15, 2022<br>October 16 through October 30, 2022, reflected services on October 16 for $486.69, two services on October 17 for $243.31 each, services on October 28 for $1,618.19, services on October 29 for $4,428.69, and services on October 30 for $4,489.50 for a total due of $11,509.69.<br>The total cost of services for October was $23,577.49<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>October 1 through October 15, 2022, reflected $11,159.30 due by October 15, 2022.<br>October 16 through October 31, 2022, reflected | 0 800 | | |

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| 0 800 | Continued From page 30<br><br>$11,680.00 due by October 31, 2022.<br>The total cost of services for October was $22,839.30<br><br>Bank statements from C1's investment account contained the following transactions:<br>$11,108.95 was withdrawn on October 7, 2022, by D&G Angels LLC via ACH<br>$12,067.80 was withdrawn on October 19, 2022, by D&G Angels LLC via ACH<br>$11,680.00 was withdrawn on October 31, 2022, by D&G Angels LLC via ACH<br>In total, $34,856.75 was withdrawn over three ACH withdrawls by D&G Angels LLC<br><br>September 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>September 1 through September 15, 2022, reflected $9,683.64 due by September 15, 2022.<br>September 16 through September 30, 2022, reflected $11,108.95 due by September 30, 2022<br>The total cost of services for September was $20,792.59.<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>September 1 through September 15, 2022, reflected $9,718.84 due by September 15, 2022<br>September 16 through September 30, 2022, reflected $10,949.36 due by September 30, 2022<br>The total cost of services for September was $20,668.20.<br><br>Bank statements from C1's investment account contained the following transactions:<br>$9,066.58 was withdrawn on September 2, 2022, by D&G Angels LLC via ACH<br>$9,683.64 was withdrawn on September 19, 2022, by D&G Angels LLC via ACH | 0 800 | | |

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| 0 800 | Continued From page 31<br><br>In total, $18,750.22 was withdrawn over two ACH withdrawals by D&G Angels LLC<br><br>August 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>August 1 through August 31, 2022, reflected $16,656.92 due by September 1, 2022.<br>August 30 through August 31, 2022, reflected $423.58 due by September 1, 2022<br>The total cost of services for August was $17,080.50<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>August 1 through August 31, 2022 reflected $16,994.36 due by August 31, 2022<br><br>Bank statements from C1's investment account contained the following transactions:<br>$9,013.50 was withdrawn on August 3, 2022 by D&G Angels LLC via ACH<br>$7,590.34 was withdrawn on August 19, 2023 by D&G Angels LLC via ACH<br>In total, $16,603.84 was withdrawn over two ACH withdrawals by D&G Angels LLC<br><br>July 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>July 1 through July 31, 2022, reflected $15,906.25 due by August 10, 2022<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>July 1 through July 31, 2022, reflected $15,966.76 due by July 31, 2022<br><br>Bank statements from C1's investment account contained the following transactions: | 0 800 | | |

| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: | (X2) MULTIPLE CONSTRUCTION | (X3) DATE SURVEY COMPLETED |
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| 0 800 | Continued From page 32<br>$2,389.60 was withdrawn on July 6, 2022, by D&G Angels LLC via ACH<br>$9,115.28 was withdrawn on July 7, 2022, by D&G Angels LLC via ACH<br>$6,895.75 was withdrawn on July 19, 2022, by D&G Angels LLC via ACH<br>In total, $18,400.63 was withdrawn over three ACH withdrawals by D&G Angels LLC<br><br>June 2022<br>Billing statements provided by O-A to FM-D indicated the following balances due:<br>June 1 through June 15, 2022, reflected $9,026.20 due by June 25, 2022<br>June 16 through June 30, 2022 reflected $8,955.36 due by June 30, 2022.<br>The total cost of services for June was $17,981.56<br><br>Billing statements provided by O-A to the investigator indicated the following balances due:<br>June 1 through June 15, 2022, reflected $9,026.20 due by June 15, 2022<br>June 16 through June 30, 2022, reflected $8,968.92 due by June 30, 2022<br>The total cost of services for June was $17,995.12<br><br>Bank statements from C1's investment account contained the following transactions:<br>$2,389.60 was withdrawn on June 9, 2022, by D&G Angels LLC via ACH<br>$9,026.20 was withdrawn on June 17, 2022, by D&G Angels LLC via ACH<br>In total, $11,415.80 was withdrawn over two ACH withdrawals by D&G Angels LLC<br><br>May 2022<br>Billing statements for May were not sent to FM-D. | 0 800 | | |

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| 0 800 | Continued From page 33<br><br>Billing statements provided by O-A to the investigator indicated the following balances due: May 20 through May 31, 2022 reflected $2,408.39 due by May 31, 2022<br><br>ACH withdrawals had not yet been set up with the licensee so no withdrawals were made in May 2022.<br><br>On April 12, 2023, at 11:15 a.m., O-A stated she previously billed monthly then recently went to billing on the 1st and 15th of the month, and is currently now billing weekly for services provided. O-A stated she did not know why C1's investment account was showing withdrawals from D&G Angels LLC that fell outside of her stated billing cycles and were for amounts more than what statements reflected. O-A stated she had some issues with her billing software and she never got any disputes from the client or his family about the amounts being taken out so was not aware money above and beyond the cost of services was being taken out. O-A confirmed she had not noticed any concerning transactions in her bank account and had not noticed the additional deposits to her bank account.<br><br>On April 17, 2023, at 12:20 p.m., O-A stated she would have to see C1's bank account statements to see what the dates were to be able to better explain why there were multiple ACH transactions for amounts and dates that did not line up with statements provided to FM-D or the investigator. O-A stated she'd be able to explain every transaction if she was able to see the bank statements.<br><br>UNAUTHORIZED PURCHASES<br>Bank statements for the client's debit card included the following transactions: | 0 800 | | |

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| 0 800 | Continued From page 34<br><br>December 13, 2022, $79.62 was spent at Red Lobster<br>January 11, 2023, two $19 transactions, $38 total, was charged to Boomalang, an online language coach<br>January 12, 2023, two $5 transactions, $10 total, was charged to Boomalang, an online language coach<br>January 14, 2023, $64.41 was charged to Epic games, a game company that produces games like Fortnite<br>January 15, 2023, $189.13 was charged to WalMart<br>January 16, 2023, $59.77 was charged to WalMart<br>January 20, 2023, $7 was charged to cram.com, a web based flash card maker<br>January 22, 2023, $50.38 was charged to McDonald's<br>January 24, 2023, two charges totaling $21.73 was charged to Apple.com<br>January 26, 2023, $107.17 was charged to Sam's Club<br><br>On March 24, 2023, at 2:15 p.m., FM-D stated she had provided O-A with a debit card for staff to use if they took C1 anywhere so the client would be able to buy food, snacks, or other items. FM-D stated she noticed suspicious charges on the card and reported those concerns to O-A. FM-D stated she deactivated the client's debit card since it was apparent not all the charges were from the client. FM-D stated after the card was canceled, O-A would put any expenses related to the client on invoices but the invoices lacked details and sometimes receipts and she still had concerns about some of the expenses.<br><br>On April 10, 2023, at 8:20 a.m., administrative assistant (AA)-I stated AA-I stated O-A was "well | 0 800 | | |

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| 0 800 | Continued From page 35<br><br>aware of what was going on" and had been notified by herself and other staff about his personal items being taken by caregivers and staff using his credit card for things for themselves.<br><br>On April 12, 2023, at 9:05 a.m., ULP-B stated she was aware other ULP had been using the client's personal credit card for purchases for themselves at places like restaurants, gas stations, fast food places, and Apple. ULP-B stated there were times she bought groceries for the client herself since he was out of certain things and the next time she worked, the items would be missing. ULP-B stated there was one time staff said they bought things for the client at Sam's Club, but she didn't see evidence of anything in the client's home. ULP-B stated there were many times where ULP came in to the client's home, clocked in and left, then came back at the end of their shift to clock out and the client would be billed for the full visit time. ULP-B confirmed she was aware C2 was missing guns and knew that O-A had been updated. ULP-B stated O-A was also made aware of the potentially fraudulent charges on the client's credit card and the missing personal items and she had assumed O-A was taking care of it since "we're mandated reporters."<br><br>On April 4, 2023, at 1:15 p.m., O-A stated she did now know of any concerns involving staff using his credit card for personal use.<br><br>UNAUTHORIZED ACH TRANSACTIONS<br><br>C2<br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan. | 0 800 | | |

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| 0 800 | Continued From page 36<br><br>C2's record contained three authorizations for automatic withdrawals. One authorization signed by C2 on November 14, 2020, indicated the client authorized D&G Angels to initiate "withdrawals where such withdrawals shall be equal to each scheduled payment periodically due plus any applicable taxes or other amounts due and owing at the time of such withdrawal." Another authorization signed by C2 on September 17, 2021, and O-A on February 22, 2022, authorized D&G Angels to "charge my bank account or credit card on the date Comforting Angels Home Care creates its invoice for its services provided to the undersigned client." Another authorization signed by C2 and O-A on October 4, 2021, authorized D&G Angels "to charge my bank account or credit card. Comforting Angels Home Care will email invoice for its services provided to the undersigned client. Client will have 48 hours to address any disputes, no action needed when there is no dispute for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary invoice by invoice."<br><br>Bank statements for C2's checking accounts indicated C2 had paid by check until November 2021, when the licensee began using ACH transactions to collect payment.<br><br>In total, $135,543.26 was withdrawn via ACH by D&G Angles LLC over a 16 month period from November 2021 through February 2023.<br><br>November 2021<br>Billing statements for November 2021 were not sent to FM-H.<br><br>Billing statements provided by O-A to the investigator indicated $8,169.81 was due for care | 0 800 | | |

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| 0 800 | Continued From page 37<br>and services from November 1 through November 30, 2021. The statement indicated a payment of $8,169.81 was made.<br><br>Bank statements for C2 contained the following transactions:<br>$13,000 was withdrawn on November 8, 2021 by D&G Angels LLC via ACH<br>$3,090.96 was withdrawn on November 12, 2021 by D&G Angels LLC via ACH<br>$3,000 was withdrawn on November 16, 2021 by D&G Angels LLC via ACH<br>$5,277.81 was withdrawn on November 19, 2021 by D&G Angels LLC via ACH<br>$5,230.86 was withdrawn on November 26, 2021 by D&G Angels LLC via ACH<br>In total, $29,599.63 was withdrawn over five ACH withdrawals by D&G Angels LLC.<br><br>December 2021<br>Billing statements for December 2021 were not sent to FM-H.<br><br>Billing statements provided by O-A to the investigator included six statements and one credit memo.<br>December 1 through December 5, 2021, indicated $3,965.06 was due and the balance was paid.<br>December 6 through December 12, 2021, indicated $5,373.54 was due and the balance was paid.<br>December 20 through December 26, 2021, indicated $7,300.03 was due and the balance was paid.<br>A statement including services on December 14, 25, 27, 28, 29,30, and 31 indicated $4,439.08 was due and the balance was paid.<br>A statement from December 31, 2021 for "Groceries Walmart added after 04.12.2023 | 0 800 | | |

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| 0 800 | Continued From page 38<br><br>audit" indicated the client owed $80.73.<br>A statement for supplies and expenses dated December 31, 2021, included a line item of, "This invoice credited 04.12.2023 due to above charged duplicate" The statement indicated $69.16 was due and the balance was paid.<br>A credit memo indicated a credit of $69.16 was issued on April 12, 2023, for an "overcharge."<br>The total of the statements added up to $21,158.44<br><br>Bank statements for C2 contained the following transactions:<br>$8,349.18 was withdrawn on December 2, 2021 by D&G Angels LLC via ACH<br>$3,965.05 was withdrawn on December 10, 2021 by D&G Angels LLC via ACH<br>$5,373.54 was withdrawn on December 20, 2021 by D&G Angels LLC via ACH<br>$5,100.47 was withdrawn on December 22, 2021 by D&G Angels LLC via ACH<br>$7,300.03 was withdrawn on December 30, 2021 by D&G Angels LLC via ACH<br>In total, $30,088.27 was withdrawn over five ACH withdrawals by D&G Angels LLC.<br><br>January 2022<br>Billing statements sent by O-A to FM-H indicated the following balances due:<br>January 10-16, 2022 included $5,702.75 for care and $112.87 for meals and supplies, however receipts were not included, resulting in a total due of $5,815.62 for a week of services.<br>A second statement for January 9-31, 2022 was sent to FM-H which included $12,755.17 for care and $258.68 in groceries, meals, and supplies with no receipts attached, resulting in a total due of $13,013.85.<br>The amount due on invoice was $10,305.33, combined with an outstanding balance of | 0 800 | | |

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| 0 800 | Continued From page 39<br><br>$330,982.86 for a total of $341,288.19 that was due by January 31, 2022. Statements for care from January 1-9 were not sent to FM-H and no explanation was offered by O-A as to why there was overlapping billing dates.<br><br>Billing statements provided by O-A to the investigator included two separate documents for the month.<br>The first set of documents included services from January 10 through January 16, 2022, and indicated $5,815.62 was due and the balance was paid.<br>The second statement included three statements and one credit memo.<br>A statement including services on January 9, and January 17 through January 31, 2022, indicated $12,253.78 was due and the balance was paid.<br>A statement for January 3 through January 9, 2022, indicated $5,735.29 was due with $5,714.29 paid and $21.00 was due.<br>A statement for services on January 1 through January 16, 2022, indicated $5,702.75 was due and the balance was paid in full.<br>A credit memo indicated a credit of $5,702.75 was issued on April 12, 2023 after the client was overcharged.<br>The total of the statements added up to $23,783.69<br><br>Bank statements for C2 contained the following transactions:<br>$4,439.08 was withdrawn on January 7, 2022 by D&G Angels LLC via ACH. A $35 fee was charged on January 10, 2022, after the account overdrafted.<br>$6,505.61 was attempted to be withdrawn on January 12, 2022 by D&G Angels LLC via ACH, but a $35 fee was charged when the account overdrafted. | 0 800 | | |

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| 0 800 | Continued From page 40<br><br>$3,483.81 was attempted to be withdrawn on January 19, 2022 D&G Angels LLC via ACH, but a $35 fee was charged when the account overdrafted.<br>In total, $4,799.16 was withdrawn by D&G Angels LLC over three attempts.<br><br>February 2022<br>Billing statements sent by O-A to FM-H included a statement for services on February, 28, 2022, with $284.96 due by March 1, 2022. A second statement for care from February 1, 2022 through February 28, 2022 included $188.72 in mileage charges, $435 for supplies, and $23,115.44 for a total of $23,550.44. Page 7 of the statement indicated $2,300 was due, combined with an outstanding balance of $338,998.19 for a total of $341,288.19 due by February 28, 2022.<br><br>Billing statements provided by O-A to the investigator included two statements and one credit memo.<br>A February 1 through February 28, 2022, statement indicated $23,550.44 was paid and $272.80 was still outstanding. The total cost of care and services was $23,823.24.<br><br>A February 28, 2022, statement indicated $284.96 was paid for services on February 28, 2022.<br><br>The February 28, 2022, credit memo indicated, "Administration decision to credit invoice [number]" for $284.96<br><br>Bank statements for C2 contained the following transactions:<br>$25,000 was withdrawn on February 24, 2022 by D&G Angels LLC via ACH | 0 800 | | |

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| 0 800 | Continued From page 41<br><br>March 2022<br>Billing statements sent by O-A to FM-H included a statement for March 1 through March 31, 2022. The statement included $693.72 in mileage charges, $430 in supplies with no receipts provided, $346.58 in groceries with no receipts provided, $1,233.08 in unspecified expenses with no receipts provided, $341.07 for "motel-bed bugs" with no receipt provided, $322 for a bed with no receipt provided and $27,216.57 due for care for a total balance of $30,583.02. Page 10 of the statement indicated $28,999.14 was due, combined with an outstanding balance of $312,289.05 for a total of $341,288.19 due by March 31, 2022<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>March 1 through March 31, 2022 indicated a payment of $26,477.94 had been made and $4,629.80 was still outstanding, resulting in the cost of the month's care and services of $31,107.74. The statement included more detail on expenses and some receipts. Expenses included $40 for a "taxi ride home"<br><br>Bank statements for C2 contained the following transactions:<br>$24,947.42 was withdrawn on March 4, 2022 by D&G Angels LLC via ACH. A $35 fee was charged March 4, 2022 after there was not enough funds in the account. At the time, $21,405.82 was left.<br>$21,000 was withdrawn on March 8, 2022, by D&G Angels LLC via ACH, leaving the account balance of $405.82.<br>$259.14 was withdrawn on March 8, 2022 by D&G Angels LLC via ACH.<br>$1,500 was withdrawn on March 31, 2022 by | 0 800 | | |

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| 0 800 | Continued From page 42<br><br>D&G Angels LLC via ACH.<br>In total, D&G Angels LLC attempted to withdraw $47,706.56 and successfully withdrew $22,759.14<br><br>April 2022<br>Billing statements sent by O-A to FM-H included a statement for April 30, 2022 with $33.55 due for one hour of care and mileage. An additional statement sent for April 1 through April 30, 2022, included $179.15 for groceries, $998.11 in unspecified expenses with no receipts provided, $17.50 for wipes, $431.36 in mileage, and $28,125.99 due for care for a total balance of $29,752.11. Page 9 of the statement indicated $29,752.11 was due, combined with an outstanding balance of $311,356.08, for a total of $341,288.19 due by April 30, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>April 1 through April 30, 2022, indicated a total due of $30,033.18. The statement included some receipts, including a $657.34 expense for "remove debris for [C2] @ [address] HAZARD PAY/BED BUGS."<br><br>Bank statements for C2 contained the following transactions:<br>$1,000 was withdrawn on April 11, 2022 by D&G Angels LLC via ACH<br>$1,000 was withdrawn on April 29, 2022 by D&G Angels LLC via ACH<br>In total, $2,000 was withdrawn by D&G Angels LLC over two ACH transactions.<br><br>May 2022<br>Billing statements sent by O-A to FM-H included a statement for May 1 through May 31, 2022 included $218.71 for unspecified expenses with no receipts provided, $180 for monthly commode | 0 800 | | |

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| | H35833 | A. BUILDING: _____ B. WING _____ | C 04/12/2023 |

| NAME OF PROVIDER OR SUPPLIER | STREET ADDRESS, CITY, STATE, ZIP CODE |
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| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

| (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 |
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| 0 800 | Continued From page 43<br><br>and wheelchair rental, $30 for wipes and gloves, $269.64 in mileage, $360 for incontinence products and $29,146.66 for care for a total balance of $30,232.01. Page 8 of the statement indicated $30,232.01 was due, combined with an outstanding balance of $311,056.18, for a total of $341,288.19 due by May 31, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>May 1 through May 31, 2022, indicated a total balance due of $30,268.60.<br><br>Bank statements for C2 contained the following transactions:<br>$257.14 was withdrawn on May 16, 2022 by D&G Angels LLC via ACH.<br><br>June 2022<br>Billing statements sent by O-A to FM-H included a statement for June 1 through June 30, 2022 and included $180 for monthly commode and wheelchair rental, $420 for incontinence products, $75 for wipes and gloves, $25.45 in groceries with no receipts provided, $841.18 in unspecified expenses with no receipts provided, $276.68 in mileage, and $27,937.22 for care, for a total balance of $29,755.53. Page 9 of the statement indicated $29,755.53 was due, combined with an outstanding balance of $311,352.66, for a total of $341,288.19 due by June 30, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>June 1 through June 30, 2022, indicated a total balance due of $29,593.43<br><br>Bank statements for C2 contained the following transactions:<br>$1,000 was withdrawn on June 9, 2022 by D&G | 0 800 | | |

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| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

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| 0 800 | Continued From page 44<br>Angels LLC via ACH.<br><br>July 2022<br>Billing statements sent by O-A to FM-H included a statement for July 1 through July 31, 2022 and included $300 for incontinence products, $180 for monthly commode and wheelchair rental, $80 for gloves and wipes, $190.10 in unspecified expenses with no receipts provided, $474.50 in visit expenses, $351.46 in mileage, and $30,147.20 for care, for a total balance of $31,723.26. Page 9 of the statement indicated $31,723.26 was due, combined with an outstanding balance of $309,564.93, for a total of $341,288.19 due by July 31, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>July 1 through July 31, 2022, indicated a total balance due of $30,743.80. The statement included a line item that indicated, "error no charge for wheelchair, commode rental and no supplies 04.12.2023 review"<br><br>Bank statements for C2 contained the following transactions:<br>$1,000 was withdrawn on July 12, 2022 by D&G Angels LLC via ACH<br>$2,300 was deposited to C2's account on July 20, 2022, at a branch in Fargo, North Dakota<br>$2,300 was withdrawn on July 26, 2022 by D&G Angels LLC via ACH<br>In total, $3,300 was withdrawn by D&G Angels LLC over three attempted transactions.<br><br>August 2022<br>Billing statements sent by O-A to FM-H included a statement for August 1 through August 30, 2022 and included $180 for monthly commode and wheelchair rental, $82.50 for gloves and wipes, | 0 800 | | |

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| 0 800 | Continued From page 45<br><br>$450 for incontinence products, $93.52 for groceries with no receipts provided, $279.48 in mileage, $314.15 in unspecified expenses with no receipts provided, and $28,949.83 for care, for a total balance of $30,348.48. Page 8 of the statement indicated $30,348.48 was due, combined with an outstanding balance of $310,939.71, for a total of $341,288.19 due by August 30, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>August 1 through August 31, 2022, indicated a total balance due of $29,587.14. The statement included a line item that indicated, "error no charge for wheelchair, commode rental and supplies 04.12.2023 review"<br><br>Bank statements for C2 contained the following transactions:<br>$1,200 was withdrawn August 19, 2022 by D&G Angels LLC via ACH<br><br>September 2022<br>Billing statements sent by O-A to FM-H included a statement for September 1 through September 30, 2022 and included $180 for monthly commode and wheelchair rental, $80 for gloves and wipes, $540 for incontinence products, $88.93 for groceries with no receipt provided, $107.84 in mileage, and $27,676.09 for care, for a total balance of $28,672.86. Page 7 of the statement indicated $28,672.86 was due, combined with an outstanding balance of $312,615.33, for a total of $341,288.19 due by September 30, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>September 1 through September 30, 2022, | 0 800 | | |

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| 0 800 | Continued From page 46<br><br>indicated a total balance due of $28,684.20<br>A second statement indicated $27,466.34 was due. A credit memo dated April 12, 2023, was attached to the statement showing $27,466.34 was credited back to the client due to "axiscare double invoiced...04.12.2023 review."<br><br>Bank statements for C2 contained the following transactions:<br>$1,200 was withdrawn on September 2, 2022 by D&G Angels LLC via ACH<br>$3,000 was withdrawn on September 15, 2022 by D&G Angels LLC via ACH<br>$2,500 was withdrawn on September 19, 2022 by D&G Angels LLC via ACH<br>In total, $6,700 was withdrawn over three ACH transactions.<br><br>October 2022<br>Billing statements sent by O-A to FM-H included a statement for October 1 through October 31, 2022, and included $180 for monthly commode and wheelchair rental, $510 for incontinence products, $155.15 for groceries with no receipts provided, $112.50 for gloves and wipes, $134.80 for mileage, and $28,329.78 for care, for a total balance of $29,422.23. Page 8 of the statement indicated $29,422.23 was due, combined with an outstanding balance of $311,865.96, for a total of $341,288.19 due by October 31, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>October 1 through October 31, 2022, indicated a total balance due of $29,477.60<br><br>Bank statements for C2 contained the following transactions:<br>$2,000 was withdrawn on October 18, 2022 by D&G Angels LLC via ACH. | 0 800 | | |

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| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

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| 0 800 | Continued From page 47<br><br>November 2022<br>Billing statements sent by O-A to FM-H included a statement for November 1 through November 31, 2022 and included $180 for monthly commode and wheelchair rental, $300 for incontinence products, $107.50 for gloves and wipes, $188.06 for groceries with no receipts provided, $134.80 in mileage, and $29,733.73 for care, for a total balance of $30,644.09. Page 8 of the statement indicated $30,644.09 was due, combined with an outstanding balance of $310,644.10, for a total of $341,288.19 due by November 30, 2022. An additional billing statement included $188.14 for groceries, with no receipts provided. The total of the two statements was $30,832.23<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>November 1 through November 30, 2022, indicated a total balance due of $30,551.39<br><br>Bank statements for C2 contained the following transactions:<br>$1,200.00 was withdrawn on November 7, 2022 by D&G Angels LLC via ACH<br>On November 15, 2022, a deposit of $1,800 was made at a Wells Fargo in Bullhead City, Arizona.<br>$1,800 was withdrawn on November 15, 2022 by D&G Angels LLC via ACH<br>In total, $3,000 was withdrawn by D&G Angels LLC over three ACH transactions.<br><br>December 2022<br>Billing statements sent by O-A to FM-H included a statement for December 1 through December 31, 2022 and included $28,383.12 for care provided. Page 7 of the statement indicated $28,383.12 was due, combined with an outstanding balance of $312,905.07, for a total of $341,288.19 due by | 0 800 | | |

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| 0 800 | Continued From page 48<br>December 31, 2022.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>December 1 through December 31, 2022, indicated a total balance due of $26,699.02. The statement included a line item that indicated, "error no charge for wheelchair, commode rental and no supplies 04.12.2023 review"<br><br>January 2023<br>Billing statements sent by O-A to FM-H included three statements for January 2023. One statement was for $924.21 for supplies, including $180 for monthly commode and wheelchair rental, $59 for gloves and wipes, $450 for incontinence products, and $235.21 for groceries, with no receipts provided. A second statement reflected services for January 1 through January 15, 2023 and totaled $14,086.01 for care. The third statement reflected services for January 16 through January 31, 2023, which totaled $13,943.11 for care. Page 4 of the statement indicated $13,943.11 was due, combined with an outstanding balance of $327,345.08, for a total of $341,288.19 due by January 31, 2023. The total of the three statements was $28,953.33.<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>January 1 through January 15, 2023, indicated a total balance due of $14,137.18<br>January 16 through January 31, 2023, indicated a total balance due of $14,005.35, resulting in a total of $28,142.53 for the month.<br><br>Bank statements for C2 contained the following transactions:<br>$1,200 was withdrawn on January 3, 2023 by D&G Angels LLC via ACH | 0 800 | | |

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| 0 800 | Continued From page 49<br><br>February 2023<br>Billing statements sent by O-A to FM-H included two statements for February 2023. One statement was for $696.88 for supplies, including $180 for monthly commode and wheelchair rental, $300 for incontinence products, $70 for gloves and wipes, and $146.88 for groceries, with no receipts provided. The second statement was for $605.00 for supplies, including $180 for monthly commode and wheelchair rental, $360 for incontinence products, and $65 for gloves and wipes. Page 2 of the statement indicated $605 was due, combined with an outstanding balance of $340,683.19, for a total of $341,288.19 due by February 28, 2023. The total of the two statements was $1,301.88<br><br>Billing statements provided by O-A to the investigator indicated the following:<br>February 1 through February 28, 2023, indicated a total balance due of $24,545.94 for care and a second statement indicated $696.88 was due for groceries, wipes, gloves, incontenence products, and wheelchair and commode rental. The total due was $25,242.82.<br><br>Bank statements for C2 contained the following transactions:<br>$1,200 was withdrawn on January 3, 2023 by D&G Angels LLC via ACH<br>$1,200 was withdrawn on February 6, 2023 by D&G Angels LLC via ACH<br>$1,500 was withdrawn on February 28, 2023 by D&G Angels LLC via ACH<br><br>In addition, O-A provided the investigator with a statement dated March 6, 2023, for $12,684.00 for a "non-compliant notice 14 day termination."<br>On April 24, 2023, FM-H confirmed O-A had not | 0 800 | | |

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| 0 800 | Continued From page 50<br>sent the March 6, 2023, statement to her.<br><br>On March 28, 2023, at 9:30 a.m., property manager (PM)-F stated he became aware C2 wasn't paying her association bills around November 2022 and they were concerned about her well being since she was mostly bedbound and didn't leave her apartment and had 24 hour caregivers. PM-F stated he recalled back in 2021 when the police arrived at C2's apartment and took a man out of her apartment in handcuffs. PM-F stated he had concerns C2 may be isolated, being financially exploited, and may be struggling to make decisions on her own. PM-F stated he was able to reach out to a family member of C2's who was able to step in and take care of the situation.<br><br>On March 28, 2023, at 9:50 a.m., family member (FM)-H stated she lives out of state and had not previously been very involved with C2's care until she obtained power of attorney a few months ago. FM-H stated she was notified by C2's property manager that bills had not been paid so that's when she started looking at C2's bank statements and eventually came to visit C2 in person to see what was going on. FM-H stated she tried talking to O-A but she was difficult to get ahold of. FM-H stated she obtained bank records for C2 and noticed about $100,000 had been taken from one bank account and almost $50,000 was missing from a savings account. FM-H stated after she spoke with O-A about the billing, she was told C2 still owed about $100,000 so she requested a bill as she had not been sent any and she could not locate any bills that were sent to C2. FM-H stated the bills O-A sent her totaled about $341,000, or about $30,000 per month, which "seemed shocking considering the poor care she was getting." FM-H stated O-A had | 0 800 | | |

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| 0 800 | Continued From page 51<br><br>threatened to put a lien on C2's condo if the $100,000 she still owed was not paid. FM-H stated she finally got bills for January 2022 through February 2023 several weeks after she first requested them. FM-H stated O-A had informed her if she paid the outstanding bill, which was estimated to be $100,000, she would "cut her a deal" for the remained of the year but never came back with a proposal on how that would work. FM-H stated O-A had suggested she cash in C2's CD's (certificate of deposit investments) to cover her bills.<br><br>On March 28, 2023, at 10:15 a.m., ULP-G stated she had served as a primary caregiver for C2 for almost a year. ULP-G stated caregivers were not allowed to open C2's mail but they were to go and check her mailbox daily and would have to call the office and let them know if there was any mail there and either O-A or BM-J would drive to her apartment and pick it up. ULP-G stated they were not allowed to open the mail and she's not sure what happened to it after it was taken by the office staff. ULP-G stated she noticed a few checks in the mail from time to time and that C2 would often comment to her, "[O-A] is stealing my money." ULP-G stated she wasn't sure if that was actually the case but it "seemed pretty shady." ULP-G stated there were a few times where C2 ran out of groceries or incontinence products, even after telling O-A she needed to order some. ULP-G stated she spent about $300 of her own money the last few months buying groceries and incontinence products for C2 and that she has not been reimbursed by O-A yet. ULP-G stated she quit working for the licensee after a few of her paychecks were late and she is still waiting to get her final paycheck of approximately $600. ULP-G stated she has asked O-A several times when her final paycheck is coming and has been getting | 0 800 | | |

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| 0 800 | Continued From page 52<br><br>worried since she's heard from other former staff they had not gotten paid or their paychecks bounced. ULP-G stated there were often times where caregivers didn't show up for their scheduled shifts and she'd stay whenever she could but wasn't able to stay more than 16 hours. ULP-G stated O-A was aware of the holes in the schedule but didn't really do anything about it.<br><br>On March 30, 2023, at 1:57 p.m., FM-H emailed the investigator a summary of her work figuring out C2's finances. FM-H wrote she contacted O-A in January 2023 and told her she'd be coming up the end of the month and would need access to all of C2's mail. FM-H provided the investigator with text messages between her and O-A, one of which read, "Just to forewarn you, I will be back on January 16 and I'm going to talk to [C2] about her bill and at this point I probably will have no choice but to put her in a nursing home her bill is astronomical with me, it's over $100,000 which I will also put a lien against her condo any and any (sic) assets that she has..." FM-H wrote in her summary that she sent O-A a text asking for C2's bank statements and O-A had told her she had a couple of them and would email them to FM-H, which she never did. FM-H stated "[C2] had a pretty good filing system so it was clear that almost all the statements were missing." FM-H wrote she kept asking for copies of the statements from O-A's services multiple times over January and February 2023, and finally got then towards the end of February. FM-H wrote O-A had been asking around to get C2's social security number but neither she nor C2 would provide it to O-A. FM-H wrote she "became friendly" with one of the unlicensed personnel providing care to C2 and she had asked her to send her money so she could buy C2 food and incontinence products as O-A was not providing | 0 800 | | |

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| 0 800 | Continued From page 53<br><br>what she needed. FM-H wrote she sent that unlicensed personnel $128 via Venmo as the unlicensed personnel was paying for food for C2 out of her own pocket. FM-H wrote O-A never wanted her to contact the caregivers directly and if she wanted access to C2 or wanted to contact C2, she had to go through O-A.<br><br>On April 4, 2023, at 1:25 p.m., O-A stated they did everything for C2 since her family had "wiped their hands clean of her." O-A stated C2 was getting 24 hour care from the agency and there would always be a caregiver there. O-A stated she has been working with an attorney because she has not been paid by C2 for over a year. O-A stated she had sent FM-H monthly invoices and payment was due monthly until recently when she switched to billing on the 1st and 15th of each month. O-A stated she knew C2 would get money from her husband's retirement account of about $1,200 a month so each month that is what she'd withdraw via ACH from C2's accounts when C2 had stopped paying her bill in full "just so I'd be paid something." O-A stated C2's care usually ran about $15,000 to $17,000 per month. O-A was asked about the transactions shown on C2's bank accounts that totaled close to $30,000 and O-A stated she didn't notice those large amounts had been pulled from C2's account or that upwards of 4 to 5 withdrawals were made in a month. O-A stated for ACH withdrawals, there would only be one done monthly until she began billing twice a month, then there should be two ACH withdrawals reflected on the bank statement. O-A stated she would take and open C2's mail because she would "scream if we opened anything for her," and had no interest in seeing her own mail. O-A stated they scanned all of C2's mail in to their computer. O-A confirmed she sent the text message about putting C2 in a nursing home to | 0 800 | | |

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| NAME OF PROVIDER OR SUPPLIER | STREET ADDRESS, CITY, STATE, ZIP CODE |
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| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

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| 0 800 | Continued From page 54<br>FM-H.<br><br>On April 12, 2023, at 11:55 a.m., O-A stated her billing system had some issues and she got behind on her billing for a while when the system was upgraded. O-A confirmed she would deposit checks they got out of the client's mail and confirmed she had deposited a check in Arizona. O-A stated C2 had a past due balance and the client authorized her to make additional ACH withdrawls to catch up on the balance owed. O-A she told FM-H she'd have to turn the case over to a lawyer because she was past due. O-A stated she did not recall the larger withdrawals made in 2021 and 2022 and would have to see bank statements to know what they were for.<br><br>On April 20, 2023, at 1:45 p.m., FM-H stated she had not been notified by O-A of any credit memos issued and after checking C2's bank accounts, did not see any credits made back to her account. FM-H confirmed she had not seen or been sent any of the invoices O-A had provided to the investigator.<br><br>The facility provided no additional information.<br><br>TIME PERIOD FOR CORRECTION: Seven (7) Days | 0 800 | | |
| 0 805 SS=F | 144A.479, Subd. 6(a) Reporting Maltrx of Vulnerable Adults/Minors<br><br>(a) All home care providers must comply with requirements for the reporting of maltreatment of minors in chapter 260E and the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. Each home care provider must establish and implement a written | 0 805 | | |

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| 0 805 | Continued From page 55<br><br>procedure to ensure that all cases of suspected maltreatment are reported.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to immediately report to the Minnesota Adult Abuse Reporting Center (MAARC) suspected maltreatment of financial exploitation for four of four clients (C1, C2, C3, C4) with records reviewed.<br><br>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, but was not likely to cause 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).<br><br>The findings include:<br><br>C1<br>The licensee failed to immediately report and investigate allegations of financial exploitation after unlicensed personnel (ULP) reported concerns with ULP taking C1's personal items for their own use, using C1's debit card for personal use, and concerns of being overcharged for services.<br><br>C1 admitted to home care services on May 19, 2022 and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022 under O-A's | 0 805 | | |

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| 0 805 | Continued From page 56<br><br>signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were.<br><br>C1's record contained a Recurring Payments authorization which was signed by family member (FM)-D on August 5, 2022 and owner (O)-A on August 7, 2022. The authorization allowed D&G Angels LLC, d/b/a [doing business as] Comforting Angels Home Care to charge the client's bank account or credit card. The agreement indicated Comforting Angels would "email invoice for its services provided to the undersigned client. Clients will have 48 hours to address any disputes, no action needed when there is no disputes for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary by invoice."<br><br>C1's bank records indicated D&G Angels LLC withdrew $246,726.70 from the client's account over 29 ACH transactions from June 2022 through February 2023.<br><br>In addition, C1's bank records indicated 13 unauthorized charges in December 2022 and January 2023 to the client's debit card adding up to $626.59.<br><br>On March 24, 2023, at 2:15 p.m., FM-D stated she had not received any billing statements for the client's care but was told it would cost $25,000 per month and she agreed to ACH withdrawals but didn't check the client's bank account for several months. When she checked it, she noticed a lot of money had been taken out and so she asked O-A for billing statements and statements from June 2022 through the current month which were emailed to her from O-A on | 0 805 | | |

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| 0 805 | Continued From page 57<br><br>March 3, 2023. The email was sent from the accounting department of the home care agency by a person with O-A's first name and first letter of her last name. FM-D stated the statements listed the hours ULP worked and it didn't add up to 24 hours, which they were being charged for. FM-D stated she had asked O-A questions on the bill because she was being billed for hours that staff were not present in the home and the amounts did not line up to what was taken from the client's bank account but did not get any real answers. FM-D stated she had provided O-A with a credit card for staff to use if they took C1 anywhere so the client would be able to buy food, snacks, or other items. FM-D stated she noticed suspicious charges on the debit card and reported those concerns to O-A. FM-D stated she deactivated the client's debit card since it was apparent not all the charges were from the client. FM-D stated after the debit card was canceled, O-A would put any expenses related to the client on invoices but the invoices lacked details and sometimes receipts and she still had concerns about some of the expenses.<br><br>On March 27, 2023, at 9:15 a.m., FM-D stated she had reported to O-A that the client was potentially missing two guns and that O-A had replied back to her that she suspected ULP-M might have taken them.<br><br>On April 10, 2023, at 8:20 a.m., administrative assistant (AA)-I stated O-A had pushed C1 to have 24 hour care but staff weren't always there or they would be sleeping while on the clock. AA-I stated "she'll bill like someone is there the whole time but in all reality, the majority of the time there isn't someone there all the time." AA-I stated O-A was "well aware of what was going on" and had been notified by herself and other staff about his | 0 805 | | |

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| 0 805 | Continued From page 58<br><br>personal items being taken by caregivers and staff using his credit card for things for themselves. AA-I stated she was aware of allegations the client was being charged a lot but did not know any other details as the only person allowed to do billing was O-A.<br><br>On April 12, 2023, at 9:05 a.m., ULP-B stated she was aware other ULP had been using the client's personal credit card for purchases for themselves at places like restaurants, gas stations, fast food places, and Apple. ULP-B stated there were times she bought groceries for the client herself since he was out of certain things and the next time she worked, the items would be missing. ULP-B stated there was one time staff said they bought things for the client at Sam's Club, but she didn't see evidence of anything in the client's home. ULP-B stated there were many times where ULP came in to the client's home, clocked in and left, then came back at the end of their shift to clock out and the client would be billed for the full visit time. ULP-B confirmed she was aware C1 was missing guns and knew that O-A had been updated. ULP-B stated O-A was also made aware of the potentially fraudulent charges on the client's credit card and the missing personal items and she had assumed O-A was taking care of it since "we're mandated reporters."<br><br>On April 4, 2023, at 1:15 p.m. O-A stated C1 "was an easy client" and she had not received any concerns on his bills or concerns with staff conduct or misappropriation of his funds. O-A stated there were no gaps in C1's care and a caregiver was always present 24/7, except for when FM-D came to visit and sent some caregivers home. O-A confirmed staff will sleep on the overnight shifts but she directed them to set an alarm for every hour so they can get up | 0 805 | | |

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| 0 805 | Continued From page 59<br><br>and check on the client. O-A was asked again if she had been updated of any concerns with C1. O-A stated FM-D had brought concerns over one month's charges to her attention and "she was right so it was credited back." O-A stated she did now know of any concerns involving staff using his credit card for personal use.<br><br>C2<br>The licensee failed to immediately report and investigate allegations of financial exploitation after the client voiced concerns O-A was stealing her money. In addition, the licensee failed to immediately report and investigate allegations of not having food and supplies that were to be provided by the licensee and gaps in the client's scheduled 24 hour care.<br><br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan.<br><br>C2's record contained three authorizations for automatic withdrawals. One authorization signed by C2 on November 14, 2020, indicated the client authorized D&G Angels to initiate "withdrawals where such withdrawals shall be equal to each scheduled payment periodically due plus any applicable taxes or other amounts due and owing at the time of such withdrawal." Another authorization signed by C2 on September 17, 2021, and O-A on February 22, 2022, authorized D&G Angels to "charge my bank account or credit card on the date Comforting Angels Home Care creates its invoice for its services provided to the undersigned client." Another authorization signed by C2 and O-A on October 4, 2021, authorized D&G Angels "to charge my bank account or credit card. Comforting Angels Home Care will email | 0 805 | | |

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| 0 805 | Continued From page 60<br><br>invoice for its services provided to the undersigned client. Client will have 48 hours to address any disputes, no action needed when there is no dispute for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary invoice by invoice."<br><br>Bank statements for C2's checking accounts indicated C2 had paid by check until November 2021, when the licensee began using ACH transactions to collect payment.<br><br>In total, $135,543.26 was withdrawn via ACH by D&G Angles LLC over a 16 month period from November 2021 through February 2023.<br><br>On March 28, 2023, at 9:30 a.m., property manager (PM)-F stated he became aware C2 wasn't paying her association bills around November 2022 and they were concerned about her well being since she was mostly bedbound and didn't leave her apartment and had 24 hour caregivers. PM-F stated he recalled back in 2021 when the police arrived at C2's apartment and took a man out of her apartment in handcuffs. PM-F stated he had concerns C2 may be isolated, being financially exploited, and may be struggling to make decisions on her own. PM-F stated he was able to reach out to a family member of C2's who was able to step in and take care of the situation.<br><br>On March 28, 2023, at 9:50 a.m., FM-H stated she lives out of state and had not previously been very involved with C2's care until she obtained power of attorney a few months ago. FM-H stated she was notified by C2's property manager that bills had not been paid so that's when she started looking at C2's bank statements and eventually came to visit C2 in person to see what was going | 0 805 | | |

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| 0 805 | Continued From page 61<br><br>on. FM-H stated she tried talking to O-A but she was difficult to get ahold of. FM-H stated she obtained bank records for C2 and noticed about $100,000 had been taken from one bank account and almost $50,000 was missing from a savings account. FM-H stated after she spoke with O-A about the billing, she was told C2 still owed about $100,000 so she requested a bill as she had not been sent any and she could not locate any bills that were sent to C2. FM-H stated the bills O-A sent her totaled about $341,000, or about $30,000 per month, which "seemed shocking considering the poor care she was getting." FM-H stated O-A had threatened to put a lien on C2's condo if the $100,000 she still owed was not paid. FM-H stated she finally got bills for January 2022 through February 2023 several weeks after she first requested them. FM-H stated O-A had informed her if she paid the outstanding bill, which was estimated to be $100,000, she would "cut her a deal" for the remained of the year but never came back with a proposal on how that would work. FM-H stated O-A had suggested she cash in C2's CD's (certificate of deposit investments) to cover her bills.<br><br>On March 28, 2023, at 10:15 a.m., ULP-G stated she had served as a primary caregiver for C2 for almost a year. ULP-G stated caregivers were not allowed to open C2's mail but they were to go and check her mailbox daily and would have to call the office and let them know if there was any mail there and either O-A or BM-J would drive to her apartment and pick it up. ULP-G stated they were not allowed to open the mail and she's not sure what happened to it after it was taken by the office staff. ULP-G stated she noticed a few checks in the mail from time to time and that C2 would often comment to her, "[O-A] is stealing my money." ULP-G stated she wasn't sure if that was | 0 805 | | |

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| 0 805 | Continued From page 62<br><br>actually the case but it "seemed pretty shady." ULP-G stated there were a few times where C2 ran out of groceries or incontinence products, even after telling O-A she needed to order some. ULP-G stated she spent about $300 of her own money the last few months buying groceries and incontinence products for C2 and that she has not been reimbursed by O-A yet. ULP-G stated she quit working for the licensee after a few of her paychecks were late and she is still waiting to get her final paycheck of approximately $600. ULP-G stated she has asked O-A several times when her final paycheck is coming and has been getting worried since she's heard from other former staff they had not gotten paid or their paychecks bounced. ULP-G stated there were often times where caregivers didn't show up for their scheduled shifts and she'd stay whenever she could but wasn't able to stay more than 16 hours. ULP-G stated O-A was aware of the holes in the schedule but didn't really do anything about it.<br><br>On March 30, 2023, at 1:57 p.m., FM-H emailed the investigator a summary of her work figuring out C2's finances. FM-H wrote she contacted O-A in January 2023 and told her she'd be coming up the end of the month and would need access to all of C2's mail. FM-H provided the investigator with text messages between her and O-A, one of which read, "Just to forewarn you, I will be back on January 16 and I'm going to talk to [C2] about her bill and at this point I probably will have no choice but to put her in a nursing home her bill is astronomical with me, it's over $100,000 which I will also put a lien against her condo any and any (sic) assets that she has..." FM-H wrote in her summary that she sent O-A a text asking for C2's bank statements and O-A had told her she had a couple of them and would email them to FM-H, which she never did. FM-H stated "[C2] had a | 0 805 | | |

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| 0 805 | Continued From page 63<br><br>pretty good filing system so it was clear that almost all the statements were missing." FM-H wrote she kept asking for copies of the statements from O-A's services multiple times over January and February 2023, and finally got then towards the end of February. FM-H wrote O-A had been asking around to get C2's social security number but neither she nor C2 would provide it to O-A. FM-H wrote she "became friendly" with one of the unlicensed personnel providing care to C2 and she had asked her to send her money so she could buy C2 food and incontinence products as O-A was not providing what she needed. FM-H wrote she sent that unlicensed personnel $128 via Venmo as the unlicensed personnel was paying for food for C2 out of her own pocket. FM-H wrote O-A never wanted her to contact the caregivers directly and if she wanted access to C2 or wanted to contact C2, she had to go through O-A.<br><br>On April 4, 2023, at 1:25 p.m., O-A stated aside from the time two ULP got in a physical altercation at the client's home resulting in one ULP being arrested and charged with assault, she was not aware of any concerns with C2's care. O-A stated monthly statements were emailed to the client's power of attorney and clients have 48 hours before ACH pulls are made to voice concerns with the bills and she had never gotten any concerns about the bills. O-A stated they did everything for C2 since her family had "wiped their hands clean of her." O-A stated C2 was getting 24 hour care from the agency and there would always be a caregiver there. O-A stated she has been working with an attorney because she has not been paid by C2 for over a year. O-A stated she had sent FM-H monthly invoices and payment was due monthly until recently when she switched to billing on the 1st | 0 805 | | |

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| 0 805 | Continued From page 64<br><br>and 15th of each month. O-A stated she knew C2 would get money from her husband's retirement account of about $1,200 a month so each month that is what she'd withdraw via ACH from C2's accounts when C2 had stopped paying her bill in full "just so I'd be paid something." O-A stated C2's care usually ran about $15,000 to $17,000 per month. O-A was asked about the transactions shown on C2's bank accounts that totaled close to $30,000 and O-A stated she didn't notice those large amounts had been pulled from C2's account or that upwards of 4 to 5 withdrawals were made in a month. O-A stated for ACH withdrawals, there would only be one done monthly until she began billing twice a month, then there should be two ACH withdrawals reflected on the bank statement. O-A stated she would take and open C2's mail because she would "scream if we opened anything for her," and had no interest in seeing her own mail. O-A stated the scanned all of C2's mail in to their computer.<br><br>On April 12, 2023, at 8:40 a.m., ULP-L stated she would use her own money to buy food and supplies for C2 and the client had commented O-A was taking all her money. ULP-L stated C2 had 24 hour services but there would be times staff were not there because they didn't show up.<br><br>On April 14, 2023, at 4:30 p.m., ULP-Y stated she had used her own money to buy food and supplies for C2 when she would run out and every time she went to the client's home, the mattress was soaked with urine and it didn't seem like everyone was doing what they were supposed to be doing. ULP-Y stated she had heard O-A was trying to get C2 to sign her condo over to her.<br><br>C3 | 0 805 | | |

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| 0 805 | Continued From page 65<br><br>The licensee failed to immediately report and investigate C3's report of a bottle of Gabapentin (anti-seizure medication and used to treat nerve pain) potentially being taken by an employee of the licensee as well as an attempted charge made to C3's credit card. In addition, the licensee allowed the alleged perpetrator, ULP-L, to continue working with the client after the allegations were made.<br><br>C3 admitted to home care services on August 23, 2022.<br><br>C3's diagnoses included quadriplegia (spinal cord injury that causes paralysis in all or part of the trunk, legs, and pelvic organs).<br><br>C3's undated, unsigned service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services.<br><br>A police report from February 15, 2023, indicated C3 had called to report a theft from a caregiver after she noticed some medications had been taken. The report indiated from January 12, 2023, through February 12, 2023, 209 Gabapentin pills were taken. A bottle of 153 pills was reported taken on January 12, 2023, then on two other occasions, four pills were taken each time, and 48 pills were taken on February 12, 2023. The medications were noted missing immediately after ULP-L had provided care to C3.<br><br>On March 28, 2023, at 10:40 a.m., community nurse (CN)-N stated a health guide had visited with C3 around February 8, 2023, and discovered an entire bottle of gabapentin that had just been | 0 805 | | |

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| 0 805 | Continued From page 66<br><br>refilled was missing. In addition, someone had attempted to use C3s credit card for an $800 purchase at Walmart. The health guide visited with C3 again on February 14, 2023, and was informed by C3 that about 200 pills were now missing. CN-N stated C3 was encouraged to make a police report by the health guide. CN-N stated she had contacted O-A on February 16, 2023, and told O-A that ULP-L was an alleged perpetrator and should not go anywhere near C3's home or provide care to C3.<br><br>On April 4, 2023, at 12:50 p.m., O-A stated she was made aware that narcotic medications were missing after C3 called and told her a bottle was missing. O-A stated at that time she advised C3 to count her pills before ULP-L, the suspected alleged perpetrator, came to her apartment for her scheduled shift later that day. O-A stated C3 called her after ULP-L's shift ended and reported additional medications were missing. O-A stated she advised C3 to file a police report at that time and she did not feel it was necessary for a report from the home care agency since C3 was going to file one. O-A stated she knew ULP-L was on probation so she had contacted her probation officer to see if they could test her but they weren't able to. O-A stated they did not submit a MAARC report because the police were already aware. O-A confirmed there was no documentation of any kind of investigation in to the theft of medications since C3 "didn't want to do anything." O-A stated C3 was not a vulnerable adult because she decided she didn't want to press charges. O-A was asked if C3 would be a vulnerable adult under the statute definition and O-A stated, "my definition of a vulnerable adult is I guess everyone could be vulnerable." O-A confirmed she would be considered a mandated reporter and did not make any report on the | 0 805 | | |

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| 0 805 | Continued From page 67<br><br>missing medications. O-A confirmed a formal investigation was not completed.<br><br>On April 4, 2023, at 1:00 p.m., registered nurse (RN)-C stated C3 was not a vulnerable adult because she makes her own decision.<br><br>On April 6, 2023, at 11:33 p.m., O-A emailed the investigator a copy of the requested incident report. The partially completed incident report was electronically signed by O-A on April 6, 2023, at 10:55 p.m., and indicated: "02.12.2023 Received a call from [C3] regarding a Bottle of pills missing (Gabapentin) she received 3 bottles which are located in her island drawer (kitchen) not sure what happened to them, [ULP-L] was the one working Friday night, both shifts on Saturday and Sunday day shift. [ULP-L] was scheduled for Monday evening which we did leave her on after she left there were 45 pills missing I spoke to [C3] Tuesday morning and told her to make a police report for we would need report documentation to get a replacement for missing pills. She did report, police noti..ed (sic) me after a visit with [C3] which I just reported what was given to me by [C3]. I did call [ULP-L]'s probation o..cer (sic) about the incident but he felt that he probably wouldn't be able to do anything for he is just for alcohol."<br><br>On April 11, 2023, at 12:20 p.m., C3 stated caregivers from the licensee come every morning and evening to get her out of and back in to bed, do a bowel program, get her dressed and ready. C3 stated she had quadraplegia and is not able to get in and out of bed on her own and needs a mechanical lift and staff assistance to get in and out of bed. C3 stated there have been times where staff did not show up and one time they had six employees quit in a week. C3 stated last | 0 805 | | |

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| 0 805 | Continued From page 68<br><br>night, "the guy who was putting me to bed didn't show up...twice last week I stayed in bed due to the storm and caregivers couldn't come out...I'm dependent on staff so if no one comes, I can't get out of bed. I have a neighbor who can bring food and water and if I know it'll storm, I keep a cooler by my bed." C3 stated she had just gotten her Gabapentin refilled and the pharmacy usually did 153 tablets in one bottle, 153 tablets in another, and a smaller bottle with the rest since they send 390 tablets. C3 stated one whole bottle was missing so she moved the other ones to her bedroom and counted them. C3 counted them again after ULP-L finished working and "sure enough, there were some missing." C3 stated if ULP-L was coming daily, there would usually be about four pills missing each time she worked and if she worked during the weekend and would be off during the week, she'd take more. C3 stated she discovered she was also missing Lexapro and Tramadol and found some Tramadol in her drawer one day with the numbers scratched off it. C3 stated she called O-A to report her concerns and was told ULP-L was on probation currently and was directed to call the police and file a report. C3 stated ULP-L continued to work as her caregiver after the police were notified. C3 stated she has no idea what the licensee did for an investigation but noted O-A came out to her apartment when ULP-L was scheduled to work and left shortly after. C3 stated she was asked to provide O-A with her credit card information when she admitted for home care services and she provided it. C3 stated her bank called her some time in February to report potential fraudulent charges on her credit card when someone attempted to charge $800 at WalMart. C3 stated she noticed she had towels missing, pills, missing, and was concerned after her card was | 0 805 | | |

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| 0 805 | Continued From page 69<br><br>attempted to be used. C3 stated O-A was made aware of the attempt to charge $800 at WalMart but didn't think anything was done about it.<br><br>On April 11, 2023, at 2:10 p.m., RN-C stated she was not aware medications were missing from C3's apartment and was only made aware when a police officer came to O-A's office and she asked why he was there. RN-C stated since she was not managing the client's medications, she did not get involved and did not know about any investigation or what happened to staff as that was all handled by O-A. RN-C was asked if a MAARC report should have been made since C3 would be a vulnerable adult. RN-C asked the investigator what a MAARC report was. RN-C then stated that no, C3 was not a vulnerable adult because "[the client] notified the proper people," and had indicated she didn't want to file charges. The investigator asked RN-C if it was possible C3 did not press charges because she depended on the licensee's employees to help her get out of bed and if staff didn't show up, she wouldn't be able to get up. RN-C stated, "no because she has family and other private caregivers so we're not her only resource." RN-C was asked if C3 could be considered a vulnerable adult under Minnesota statute definitions as opposed to her own personal definition of a vulnerable adult. RN-C stated, "I thought it through and she's not a vulnerable adult, she's very, she has no cognitive impairment at all like zero. She's pry smarter than most of us. Don't put that in there. She's very smart she has a good support system. That's a really tricky question. I am a vulnerable adult right now we're all vulnerable adults in this era so I'm not going to answer that. Everyone is vulnerable to some degree so I'm not going to deny she's vulnerable but for a [MAARC] report to be placed, there was no harm, emotional trauma, no | 0 805 | | |

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| 0 805 | Continued From page 70<br><br>vulnerability issue with the incident that happened is the focus." RN-C was asked if they had considered financial exploitation had occurred after C3's medications were presumed to be stolen. RN-C stated, "why would we do that when [C3] is not cognitively impaired, financially she's not impaired because her insurance paid for the medication." RN-C then stated, "You go investigate [C3] and I hope you do it tomorrow, ask her every question. If I get in trouble for her being a vulnerable adult, I will get an attorney because you're trying to insinuate she's a vulnerable adult...do not put [C3] as a vulnerable adult, she would be very offended, it's not fair to her..."<br><br>On April 12, 2023, at 12:30 p.m., O-A stated since they did not manage C3's medications, there was not a need to report potential theft of medications. O-A stated when she was made aware of the missing medications, she directed C3 to call the police so since the police were already notified, there was no need to make her own report. O-A stated "the bottom line is if there's any care disrupted, it needs to be reported...I gave her advice to call police but she's in sound mind and very self sufficient in managing medications and at that time, my question is if this did not interrupt her care, would we report this because it didn't interrupt her care." O-A stated she allowed ULP-L to continue working with C3 after it was suspected she took medications because C3 said that was ok. O-A stated she didn't think it would be inappropriate to have the client make that decision and didn't think she would feel compelled to say she was ok with it because she depended on the agency to provide care.<br><br>C4<br>The licensee failed to immediately report and | 0 805 | | |

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| 0 805 | Continued From page 71<br><br>investigate allegations of financial exploitation after staff were made aware of concerns of C4 being overcharged for services.<br><br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 2.5 hours of services to include "home exercise, basic and skilled services" on Mondays and 2 hours of "home exercise, basic and skilled services" on Fridays, for a total of 4.5 hours of care per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan indicated payment would be "split billing Humana 80% and client 20%" and nurse reassessments at days 14, 30, 90 would be $155 per visit with scheduled and unscheduled nurse visits at $140 an hour with split billing Humana 80% and client 20%. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan was not signed by home care staff.<br><br>Nursing assessments for C4 were requested, but not provided.<br><br>Progress notes provided to the investigator included entries for RN assessments on September 2, 2022, September 14, 2022, December 8, 2022, and December 27, 2022<br><br>Progress notes for the September 2, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 9:00 a.m. to 12:00 p.m., three hours. | 0 805 | | |

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| 0 805 | Continued From page 72<br><br>Progress notes for the September 14, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 10:20 a.m. to 1:20 p.m., three hours.<br><br>Progress notes for the December 8, 2022, RN assessment did not include any documentation beyond "covid 19 precautions followed per policy and procedure. Client and writer afebrile. No s/s [signs, symptoms] of Covid. Nurse reassessment done." The note lacked a signature from the client indicating the RN was there. The visit time was listed as 9:00 a.m. to 4:00 p.m., seven hours.<br><br>Progress notes for the December 27, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 12:00 p.m. to 4:01 p.m., four hours.<br><br>On February 27, 2023, O-A emailed the client's responsible party statements for services from September 2, 2022, through the client's discharge on February 19, 2023. No statements had been sent prior to this time. O-A identified herself as from the accounting department and used only her first name and first letter of her last name in the email. The statements indicated a total of $3,721.52 was due. The hourly ULP rate was billed at $8.90 per hour, 20% of $44.50. RN reassessments were billed by the hour, not by the visit as identified in the service plan. The hourly RN rate was billed at $31 per hour, 20% of $155. One RN reassessment was billed for seven hours.<br><br>On March 7, 2023, O-A emailed the client's responsible party an updated set of statements for services from September 2, 2022, through the | 0 805 | | |

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| 0 805 | Continued From page 73<br><br>client's discharge on February 19, 2023. O-A identified herself as from the accounting department and used only her first name and first letter of her last name in the email. The statements indicated a total of $2,685.19 due. The hourly ULP rate was billed at $6 per hour, 20% of $30. RN reassessments were billed by the hour, not by the visit as identified in the service plan. The hourly RN rate was billed at $31 per hour, 20% of $155. One RN reassessment was billed for seven hours.<br><br>On April 4, 2023, at 1:25 p.m. O-A stated she was not aware of any concerns regarding the client's services or care. O-A stated the client's representative was emailed statements each month but she intended to bill the client's insurance.<br><br>On April 10, 2023, at 8:20 a.m., AA-I stated she would frequently get calls from many clients or their family members with concerns on billing saying they had been double billed or didn't know why something was billed. AA-I stated she was directed to report those concerns to O-A and she was not allowed to discuss anything regarding billing to clients as only O-A was allowed to do client billing.<br><br>On April 12, 2023, at 12:25 p.m., O-A confirmed she had not billed the client's insurance company yet but had obtained an authorization number around the time the client admitted for services in September. O-A stated the insurance company told her the client's care would be covered for an indefinite period of time and she did not need to send any updates, assessments, or recertification to qualify for ongoing coverage. O-A confirmed she did not receive any of this in writing and never submitted any invoices to the insurance | 0 805 | | |

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| 0 805 | Continued From page 74<br><br>company to be paid. O-A confirmed it was likely she missed deadlines to file insurance claims and would no longer be able to bill the client's insurance. O-A confirmed the client was initially billed at her highest hourly rate of $44.50 per hour for ULP services. O-A stated the higher amount the client was billed was based off the fact the client's cares were more complex and difficult so it would cost more to provide care. O-A was not able to describe how the client's cares were more complex than standard home care services. O-A confirmed a service plan was not executed upon admission and the service plan completed shortly before the client passed away lacked details on costand services provided. O-A stated she never discusses the cost of care and services with clients until a service plan is completed and initially stated she did not recall discussing a dollar amount with the client's family. O-A confirmed she sent out a second batch of statements after the client's representative asked why the rate was higher than initially discussed and stated she did not recall talking about the cost for services when the client admitted. O-A stated to avoid any difficulties with the client, she agreed to lower her price back down to $30 per hour and ended up sending out a second set of statements. O-A stated she didn't tell the client that insurance had covered his care and did not remember telling them it was being covered at $44.50 per hour for services from ULP. O-A stated bills were not sent out on time and there were issues with bills because she had ongoing issues with her billing software and had fired several office staff over issues with billing.<br><br>On April 13, 2023, at 12:20 p.m., ULP-Z stated he was one of the primary caregivers for C4. ULP-Z stated the client was pretty independent and needed moderate assistance of one for transfers | 0 805 | | |

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| 0 805 | Continued From page 75<br><br>but could still walk with a walker, eat on his own, and go to the bathroom. ULP-Z stated the client did not have any complex cares or care needs and most of the visit he would help with housekeeping, do exercises with the client, and socialize.<br><br>On April 14, 2023, at 1:20 p.m., FM-X stated they did not receive any admission paperwork or any bills for the client's care for several months and she requested for the information to be sent several times from O-A. FM-X stated O-A kept coming up with new reasons as to why it hadn't been sent yet and the paperwork was eventually sent to an address she had not lived at for a few years before she was finally sent several months worth of paperwork and bills. FM-X stated they had to send back the paperwork more than once because the owner kept saying she didn't get it or that an employee didn't file it properly. FM-X stated she did not ever get monthly statements and was reassured more than once that insurance was covering the cost of care and they'd only be responsible for a 20% co pay since they were told by O-A the client's insurance was covering 80%. FM-X stated they were told by the owner that the client's insurance company had paid her company $44.50 per hour for care, which was a higher amount than the originally agreed upon amount of $30 per hour, but they would still owe their 20% cost of care. FM-X stated she had asked the owner why they were still paying 20% when the insurance company was paying almost $15 per hour more than the cost of care. FM-X asked why the amount changed from the $30 per hour they were initially told but did not get an answer other than the insurance company reimbursed above that amount. FM-X stated she also questioned the hours listed on the bills as staff were not working or providing services | 0 805 | | |

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| 0 805 | Continued From page 76<br><br>during some of the times reflected on the bills. FM-X stated shortly after that, the owner sent her updated invoices that reflected the 20% of $30 per hour they were told upon admission. FM-X stated the client's insurance company has no record of the home care agency submitting any claims or being paid by the insurance company. FM-X stated the owner had encouraged them several times to allow her to make an ACH withdrawal from the client's bank account however, they declined each time and opted to pay by check. FM-X stated she got the impression the owner would rather they pay via ACH than a check.<br><br>As of April 20, 2023, the licensee had not filed any MAARC reports for C1, C2, C3, and C4.<br><br>The licensee's undated Vulnerable Adult policy indicated in compliance with Minnesota Statutes, all Comforting Angels employees are required to individually assess clients to determine vulnerability to abuse or neglect and develop a specific plan to minimize the risk of abuse to that client. In addition, all employees providing home care are mandated to report abuse and/or neglect (including suspected abuse or neglect) of the vulnerable adult to the appropriate county social services, local police department, county sheriff or appropriate licensing or certifying organization through the MAARC (Minnesota Adult Abuse Reporting Center). The policy included the following definition, "Vulnerable Adult: Anyone 18 years of age or older, who regardless of where the person is living, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function, or emotional status." The policy directed "the home care employee has responsibility for the following: a. Assessment of vulnerability status of each | 0 805 | | |

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| 0 805 | Continued From page 77<br><br>client upon admission. Susceptibility to abuse includes self abuse and neglect and risk of abuse by other individuals, including other vulnerable adults or minors, in the following areas: 1) Physical 2) Verbal (emotional/psychosocial) 3) Sexual 4) Financial Exploitation 5) Self Abuse b. The client's risk of abusing other vulnerable adults within the residence shall be assessed. c. The vulnerable adult status assessment shall be documented in the clinical record. d. An individual abuse prevention plan shall be established for each vulnerable adult for whom home care services are provided. 1) The plan shall contain statements of specific measure to be taken to minimize the risk of abuse to that person and other vulnerable adults. 2) The plan will be implemented immediately and evaluated at each supervisory visit or more frequently, if necessary. 3) Documentation will include results of the implementation."<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Seven (7) days | 0 805 | | |
| 0 810 SS=F | 144A.479, Subd. 6(b) Individual Abuse Prevention Plan<br><br>(b) Each home care provider must develop and implement an individual abuse prevention plan for each vulnerable minor or adult for whom home care services are provided by a home care provider. The plan shall contain an individualized review or assessment of the person's susceptibility to abuse by another individual, including other vulnerable adults or minors; the person's risk of abusing other vulnerable adults or minors; and statements of the specific | 0 810 | | |

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| 0 810 | Continued From page 78<br><br>measures to be taken to minimize the risk of abuse to that person and other vulnerable adults or minors. For purposes of the abuse prevention plan, the term abuse includes self-abuse.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure an individual abuse prevention plan (IAPP) was developed to include the required content for four of four clients (C1, C2, C3, C4).<br><br>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, but was not likely to cause 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).<br><br>The findings include:<br><br>C1<br>C1 admitted to home care services on May 19, 2022, and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022 under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were.<br><br>C1's record lacked an IAPP which assessed the | 0 810 | | |

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| 0 810 | Continued From page 79<br><br>client's susceptibility to abuse by another individual, including other vulnerable adults; the client's risk of abusing other vulnerable adults; and statements of the specific measures to be taken to minimize the risk of abuse to this client and other vulnerable adults.<br><br>C2<br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan.<br><br>C2's record lacked an IAPP which assessed the client's susceptibility to abuse by another individual, including other vulnerable adults; the client's risk of abusing other vulnerable adults; and statements of the specific measures to be taken to minimize the risk of abuse to this client and other vulnerable adults.<br><br>C3<br>C3 admitted to home care services on August 23, 2022.<br><br>C3's undated, unsigned service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services.<br><br>C3's record lacked an IAPP which assessed the client's susceptibility to abuse by another individual, including other vulnerable adults; the client's risk of abusing other vulnerable adults; and statements of the specific measures to be taken to minimize the risk of abuse to this client and other vulnerable adults. | 0 810 | | |

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| 0 810 | Continued From page 80<br>C4<br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 4.5 hours of services per week to include "home exercise, basic and skilled services." The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan was not signed by home care staff.<br><br>C4's record lacked an IAPP which assessed the client's susceptibility to abuse by another individual, including other vulnerable adults; the client's risk of abusing other vulnerable adults; and statements of the specific measures to be taken to minimize the risk of abuse to this client and other vulnerable adults.<br><br>On April 17, 2023, at 12:40 p.m., owner (O)-A confirmed IAPPs had not been developed for the above mentioned clients.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Seven (7) days | 0 810 | | |
| 0 815 SS=F | 144A.479, Subd. 7 Employee Records<br><br>The home care provider must maintain current records of each paid employee, regularly scheduled volunteers providing home care services, and of each individual contractor providing home care services. The records must include the following information: | 0 815 | | |

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| 0 815 | Continued From page 81<br>(1) evidence of current professional licensure, registration, or certification, if licensure, registration, or certification is required by this statute or other rules;<br>(2) records of orientation, required annual training and infection control training, and competency evaluations;<br>(3) current job description, including qualifications, responsibilities, and identification of staff providing supervision;<br>(4) documentation of annual performance reviews which identify areas of improvement needed and training needs;<br>(5) for individuals providing home care services, verification that any health screenings required by infection control programs established under section 144A.4798 have taken place and the dates of those screenings; and<br>(6) documentation of the background study as required under section 144.057.<br>Each employee record must be retained for at least three years after a paid employee, home care volunteer, or contractor ceases to be employed by or under contract with the home care provider. If a home care provider ceases operation, employee records must be maintained for three years.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure the employee record contained all of the required content for four of four employees (registered nurse (RN)-C and unlicensed personnel (ULP)-K, ULP-L, ULP-M) with records reviewed.<br><br>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 | 0 815 | | |

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| 0 815 | Continued From page 82<br><br>client's health or safety, but was not likely to cause 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).<br><br>The findings include:<br><br>On April 4, 2023, at 12:45 p.m., the investigator requested employee files, including background clearance letters, application, records of orientation and training, and job descriptions, for RN-C, ULP-L, and ULP-M. Owner (O)-A stated the files were kept in their North Dakota office as the employees lived in North Dakota. O-A called over to a staff member in the North Dakota office and requested the files be sent to the Hawley office via fax. All the requested files were not provided by the time the investigator exited for the day.<br><br>On April 5, 2023, at 2:25 p.m., the investigator requested via email to O-A employee files, including background clearance letters, application, records of orientation and training, and job descriptions for RN-C, ULP-K, ULP-L, and ULP-M. Partial employee files were provided to the investigator.<br><br>RN-C<br>RN-C was hired August 15, 2018 to provide direct care and services to the licensee's clients and provide supervision to the unlicensed staff. RN-C's employee record lacked the following required content:<br>-evidence of current professional licensure, registration, or certification, if licensure, registration, or certification is required by this statute or other rules; | 0 815 | | |

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| 0 815 | Continued From page 83<br><br>-records of orientation, required annual training and infection control training, and competency evaluations;<br>-current job description, including qualifications, responsibilities, and identification of staff providing supervision; and<br>-documentation of annual performance reviews which identify areas of improvement needed and training needs<br><br>ULP-K<br>ULP-K was hired September 19, 2021, to provide direct care services to the licensee's clients and was terminated on April 1, 2023.<br><br>An employee record was not provided for ULP-K.<br><br>ULP-L<br>ULP-L was hired September 3, 2022, to provide direct care services to the licensee's clients and was terminated on February 18, 2023.<br><br>An employee record was not provided for ULP-L.<br><br>ULP-M<br>ULP-M was hired January 18, 2023, to provide direct care services to the licensee's clients and was terminated on March 23, 2023.<br><br>ULP-M's record contained a blank competency evaluation that was signed by ULP-M and RN-C on January 30, 2023. ULP-M's record also contained a certificate that read, "Congratulations, you are not deemed competent in medication administration." The certificate was dated January 30, 2023 and signed by RN-C. ULP-M's employee record lacked the following required content:<br>- records of orientation, required annual training and infection control training, and competency | 0 815 | | |

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| 0 815 | Continued From page 84<br><br>evaluations;<br>-current job description, including qualifications, responsibilities, and identification of staff providing supervision;<br>-documentation of the background study as required under section 144.057.<br><br>On April 11, 2023, at 2:20 p.m., RN-C was asked if she should be verifying the background study clearance letter was completed prior to providing care to clients since ULP work under the direction and supervision of the RN. RN-C stated she was not responsible for ULP. RN-C stated, "We're all individuals I can only do a certain degree as a nurse and everybody does their job..."<br><br>A policy on contents of employee file was requested. A copy of a blank checklist was provided to the investigator.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Twenty-One (21) days | 0 815 | | |
| 0 825 SS=C | 144A.4791, Subd. 1 HBOR Notification to Client<br><br>(a) The home care provider shall provide the client or the client's representative a written notice of the rights under section 144A.44 before the date that services are first provided to that client. The provider shall make all reasonable efforts to provide notice of the rights to the client or the client's representative in a language the client or client's representative can understand.<br>(b) In addition to the text of the home care bill of rights in section 144A.44, subdivision 1, the notice shall also contain the following statement describing how to file a complaint with these | 0 825 | | |

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| 0 825 | Continued From page 85<br>offices.<br>"If you have a complaint about the provider or the person providing your home care services, you may call, write, or visit the Office of Health Facility Complaints, Minnesota Department of Health. You may also contact the Office of Ombudsman for Long-Term Care or the Office of Ombudsman for Mental Health and Developmental Disabilities."<br>The statement should include the telephone number, website address, email address, mailing address, and street address of the Office of Health Facility Complaints at the Minnesota Department of Health, the Office of the Ombudsman for Long-Term Care, and the Office of the Ombudsman for Mental Health and Developmental Disabilities. The statement should also include the home care provider's name, address, email, telephone number, and name or title of the person at the provider to whom problems or complaints may be directed. It must also include a statement that the home care provider will not retaliate because of a complaint.<br>(c) The home care provider shall obtain written acknowledgment of the client's receipt of the home care bill of rights or shall document why an acknowledgment cannot be obtained. The acknowledgment may be obtained from the client or the client's representative. Acknowledgment of receipt shall be retained in the client's record.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure the current Minnesota Home Care Bill of Rights was provided to the client or client's representative prior to initiation of services for four of four clients (C1, C2, C3, C4) with records reviewed. | 0 825 | | |

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| 0 825 | Continued From page 86<br><br>This practice resulted in a level one violation (a violation that has not potential to cause more than a minimal impact on the client and does not affect health or safety), 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).<br><br>The findings include:<br><br>C1<br>C1 admitted to home care services on May 19, 2022 and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022 under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were. The service plan had a box checked indicating the client received the Home Care Bill of Rights.<br><br>C1's record lacked evidence the client received the Minnesota Home Care Bill of Rights prior to initiation of services.<br><br>On March 24, 2023, at 2:15 p.m., family member (FM)-D stated she did not recall receiving a Home Care Bill of Rights and did not recall receiving a service plan.<br><br>C2<br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan. | 0 825 | | |

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| 0 825 | Continued From page 87<br><br>C2's record lacked evidence the client received the Minnesota Home Care Bill of Rights prior to initiation of services.<br><br>On March 28, 2023, FM-H stated she did not recall seeing a Home Care Bill of Rights when C2 admitted for services and did not recall seeing a service plan.<br><br>C3<br>C3 admitted to home care services on August 23, 2022<br><br>C3's undated, unsigned service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan had a box checked indicating the client received the Home Care Bill of Rights.<br><br>C3's record lacked evidence the client received the Minnesota Home Care Bill of Rights prior to initiation of services.<br><br>On April 11, 2023, at 12:15 p.m., C3 stated she didn't remember ever seeing a service plan or getting any paperwork upon admission. C3 stated she did not recall receiving the Home Care Bill of Rights.<br><br>C4<br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 2.5 hours of services to include "home exercise, basic and skilled services" on Mondays and 2 | 0 825 | | |

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| COMFORTING ANGELS | 202 HIGHWAY 10 HAWLEY, MN 56549 |

| (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 |
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| 0 825 | Continued From page 88<br><br>hours of "home exercise, basic and skilled services" on Fridays, for a total of 4.5 hours of care per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan was not signed by home care staff. The service plan had a box checked indicating the client received the Home Care Bill of Rights.<br><br>C4's record lacked evidence the client received the Minnesota Home Care Bill of Rights prior to initiation of services.<br><br>On April 14, 2023 at 1:10 p.m. FM-X stated they did not get any paperwork when C4 admitted for services. FM-X stated they had asked O-A multiple times to get copies of admission paperwork in September but didn't get anything from her until January. FM-X stated they signed some paperwork, including the February 12, 2023, service plan, but did not recall getting any additional forms with it, including the Bill of Rights.<br><br>On April 17, 2023, at 12:30 p.m., O-A stated everyone gets the Home Care Bill of Rights upon admission and she thought all the clients had received it.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Twenty-One (21) days. | 0 825 | | |
| 0 860 SS=D | 144A.4791, Subd. 8 Comprehensive Assessment and Monitoring | 0 860 | | |

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| 0 860 | Continued From page 89<br><br>(a) When the services being provided are comprehensive home care services, an individualized initial assessment must be conducted in person by a registered nurse. When the services are provided by other licensed health professionals, the assessment must be conducted by the appropriate health professional. This initial assessment must be completed within five days after the date that home care services are first provided.<br>(b) Client monitoring and reassessment must be conducted in the client's home no more than 14 days after the date that home care services are first provided.<br>(c) Ongoing client monitoring and reassessment must be conducted as needed based on changes in the needs of the client and cannot exceed 90 days from the last date of the assessment. The monitoring and reassessment may be conducted at the client's residence or through the utilization of telecommunication methods based on practice standards that meet the individual client's needs.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure the registered nurse (RN) completed a comprehensive reassessment after a change in condition for one of one clients (C4) with records reviewed.<br><br>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, 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 clients are affected or one or a limited number of staff are involved or the | 0 860 | | |

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| 0 860 | Continued From page 90<br>situation has occurred only occasionally).<br><br>The findings include:<br><br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023. The licensee did not have any documentation of the client's diagnoses.<br><br>C4's service plan indicated the client received 4.5 hours of services per week to include "home exercise, basic and skilled services." The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan lacked a signature from a home care agency representative.<br><br>Progress notes documented by unlicensed personnel (ULP) indicated on January 6, 2023, C4's wife reported he fell a few days earlier and was having pain. Significant bruising was noted to his right arm and the client was not able to bear weight on his left leg. The progress note indicated the ULP contacted the office and staff were given the recommendation "to contact the non-emergency line for medical transport to assess his pain." The client's wife called for medical transport and the client was admitted to the hospital. The progress note did not indicate if the RN was notified and no documentation from the RN was entered in the client's record. The next progress note entered was on February 14, 2023, where a ULP documented, "client is bedridden and needs brief changed every two hours...client does not have appetite for food, he only had a teaspoon of applesauce." C4's record lacked evidence of any RN visits, assessments, | 0 860 | | |

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| 0 860 | Continued From page 91<br><br>or other documentation from the RN after he returned home. The client passed away at home on February 18, 2023.<br><br>On April 14, 2023 at 1:10 p.m. family member (FM)-X stated the client had been hospitalized and did a short stay at a long term care facility before transferring back home. FM-X did not recall a nurse coming out to do a reassessment after he returned.<br><br>On April 17, 2023, at 12:45 p.m., owner (O)-A stated she would have to go back and look at the client's record to see if an assessment was done and that it would be the RN's responsibility to get assessments completed.<br><br>The licensee's Assessment-Comprehensive Services policy, last updated April 5, 2023, indicated ongoing client monitoring and reassessment must be conducted as needed based on changes in the needs of the client but cannot exceed 90 days from the last date of assessment.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION:<br>Twenty-One (21) days | 0 860 | | |
| 0 865 SS=F | 144A.4791, Subd. 9(a-e) Service Plan, Implementation & Revisions<br><br>(a) No later than 14 days after the date that home care services are first provided, a home care provider shall finalize a current written service plan.<br>(b) The service plan and any revisions must include a signature or other authentication by the | 0 865 | | |

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| 0 865 | Continued From page 92<br><br>home care provider and by the client or the client's representative documenting agreement on the services to be provided. The service plan must be revised, if needed, based on client review or reassessment under subdivisions 7 and 8. The provider must provide information to the client about changes to the provider's fee for services and how to contact the Office of the Ombudsman for Long-Term Care.<br>(c) The home care provider must implement and provide all services required by the current service plan.<br>(d) The service plan and revised service plan must be entered into the client's record, including notice of a change in a client's fees when applicable.<br>(e) Staff providing home care services must be informed of the current written service plan.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure the service plan included a signature or other authentication by the provider to document agreement on the services to be provided for four of four clients (C1, C2, C3, C4) with records reviewed.<br><br>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, but was not likely to cause 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).<br><br>The findings include: | 0 865 | | |

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| 0 865 | Continued From page 93<br>C1<br>C1 admitted to home care services on May 19, 2022 and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022 under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were. The service plan indicated the cost for unlicensed personnel services was $32.50 per hour during the week and $34.50 per hour on weekends.<br><br>On April 12, 2023 at 1:16 p.m., the investigator requested copies of services plans that would show the client agreed to 24 hour care and agreed to a cost of $730 per day. On April 16, 2023, at 4:51 p.m., O-A emailed the investigator additional service plans. A service plan with an effective date of change of June 4, 2022, indicated the client would be getting 24 hour care for "a couple of weeks" at a rate of $700 per day. The service plan lacked a signature from the client or his legal representative and lacked a signature from the home care agency representative. Another service plan with an effective date of change of October 1, 2022, indicated a service rate change to $730 per day for 24 hour care. The service plan lacked a signature from the client or his legal representative. The service plan was not electronically signed but was signed by O-A with a handwritten date of September 27, 2022, under her signature.<br><br>On March 24, 2023, at 2:15 p.m., family member (FM)-D stated she did not recall receiving any | 0 865 | | |

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| 0 865 | Continued From page 94<br><br>service plan and had been told verbally the cost of care would be anywhere from $25,000 per month to $700 per day and was not sure what exactly they should be getting charged for services.<br><br>C2<br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan.<br><br>On March 28, 2023, FM-H stated she did not recall seeing a service plan.<br><br>C3<br>C3 admitted to home care services on August 23, 2022.<br><br>C3's undated service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan was signed by C3 but did not have a date listed. The service plan lacked a signature from the home care agency representative.<br><br>On April 11, 2023, at 12:15 p.m., C3 stated she didn't remember ever seeing a service plan or getting any paperwork upon admission. C3 stated she was not sure what the cost of care was and was told her insurance was covering everything.<br><br>C4<br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 2.5 | 0 865 | | |

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| 0 865 | Continued From page 95<br><br>hours of services to include "home exercise, basic and skilled services" on Mondays and 2 hours of "home exercise, basic and skilled services" on Fridays, for a total of 4.5 hours of care per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan lacked a signature from a home care agency representative.<br><br>On April 14, 2023 at 1:10 p.m. FM-X stated they did not get any paperwork when C4 admitted for services. FM-X stated they had asked O-A multiple times to get copies of admission paperwork in September but didn't get anything from her until January. FM-X stated they signed some paperwork, including the February 12, 2023, service plan, but did not recall seeing anything in writing about the cost of care or increasing the number of hours of care received.<br><br>On April 17, 2023, at 12:30 p.m., O-A stated all clients should have a service plan and that it was updated any time there were changes to services or the cost for services.<br><br>The licensee's Service Plan policy, last revised October 5, 2022, indicated clients would be provided information about changes to the provider's fee for services and all revisions would be entered in the client's clinical record.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Twenty-one (21) days | 0 865 | | |

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| 0 870 | Continued From page 96 | 0 870 | | |
| 0 870 SS=F | 144A.4791, Subd. 9(f) Content of Service Plan<br><br>(f) The service plan must include:<br>(1) a description of the home care services to be provided, the fees for services, and the frequency of each service, according to the client's current review or assessment and client preferences;<br>(2) the identification of the staff or categories of staff who will provide the services;<br>(3) the schedule and methods of monitoring reviews or assessments of the client;<br>(4) the schedule and methods of monitoring staff providing home care services; and<br>(5) a contingency plan that includes:<br>(i) the action to be taken by the home care provider and by the client or client's representative if the scheduled service cannot be provided;<br>(ii) information and a method for a client or client's representative to contact the home care provider;<br>(iii) names and contact information of persons the client wishes to have notified in an emergency or if there is a significant adverse change in the client's condition; and<br>(iv) the circumstances in which emergency medical services are not to be summoned consistent with chapters 145B and 145C, and declarations made by the client under those chapters.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to ensure service plans included the required content for four of four clients (C1, C2, C3, C4) with records reviewed.<br><br>This practice resulted in a level two violation (a | 0 870 | | |

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| 0 870 | Continued From page 97<br><br>violation that did not harm a client's health or safety but had the potential to have harmed a client's health or safety, but was not likely to cause serious injury, impairment, or death), and is 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).<br><br>The findings include:<br><br>C1<br>C1 admitted to home care services on May 19, 2022, and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022, under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were. The service plan indicated the cost for unlicensed personnel services was $32.50 per hour during the week and $34.50 per hour on weekends.<br><br>The service plan lacked the following required content:<br>-a description of the home care services to be provided, the fees for services, and the frequency of each service, according to the client's current review or assessment and client preferences;<br>-the identification of the staff or categories of staff who will provide the services;<br>-the schedule and methods of monitoring reviews or assessments of the client;<br>-the schedule and methods of monitoring staff providing home care services; and<br>-a contingency plan that includes: | 0 870 | | |

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| 0 870 | Continued From page 98<br><br>-the action to be taken by the home care provider and by the client or client's representative if the scheduled service cannot be provided<br><br>On March 24, 2023, at 2:15 p.m., family member (FM)-D stated she did not recall receiving any service plan and had been told verbally the cost of care would be anywhere from $25,000 per month to $700 per day and was not sure what exactly they should be getting charged for services.<br><br>C2<br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan that included the following required content:<br>-a description of the home care services to be provided, the fees for services, and the frequency of each service, according to the client's current review or assessment and client preferences;<br>-the identification of the staff or categories of staff who will provide the services;<br>-the schedule and methods of monitoring reviews or assessments of the client;<br>-the schedule and methods of monitoring staff providing home care services; and<br>-a contingency plan that includes:<br>-the action to be taken by the home care provider and by the client or client's representative if the scheduled service cannot be provided;<br>-information and a method for a client or client's representative to contact the home care provider;<br>-names and contact information of persons the client wishes to have notified in an emergency or if there is a significant adverse change in the client's condition; and<br>-the circumstances in which emergency medical services are not to be summoned consistent with | 0 870 | | |

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| 0 870 | Continued From page 99<br><br>chapters 145B and 145C, and declarations made by the client under those chapters.<br><br>On March 28, 2023, FM-H stated she did not recall seeing a service plan.<br><br>C3<br>C3 admitted to home care services on August 23, 2022.<br><br>C3's undated service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan was signed by C3 but did not have a date listed. The service plan lacked a signature from the home care agency representative. The service plan lacked the following required content:<br>-a description of the home care services to be provided, the fees for services, and the frequency of each service, according to the client's current review or assessment and client preferences;<br>-the identification of the staff or categories of staff who will provide the services;<br>-the schedule and methods of monitoring reviews or assessments of the client;<br>-the schedule and methods of monitoring staff providing home care services; and<br>-a contingency plan that includes:<br>-the action to be taken by the home care provider and by the client or client's representative if the scheduled service cannot be provided<br><br>On April 11, 2023, at 12:15 p.m., C3 stated she didn't remember ever seeing a service plan or getting any paperwork upon admission. C3 stated she was not sure what the cost of care was and was told her insurance was covering everything. | 0 870 | | |

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| 0 870 | Continued From page 100<br><br>C4<br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 2.5 hours of services to include "home exercise, basic and skilled services" on Mondays and 2 hours of "home exercise, basic and skilled services" on Fridays, for a total of 4.5 hours of care per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan lacked a signature from a home care agency representative.<br><br>On April 14, 2023 at 1:10 p.m. FM-X stated they did not get any paperwork when C4 admitted for services. FM-X stated they had asked O-A multiple times to get copies of admission paperwork in September but didn't get anything from her until January. FM-X stated they signed some paperwork, including the February 12, 2023, service plan, but did not recall seeing anything in writing about the cost of care or increasing the number of hours of care received.<br>The service plan lacked the following required content:<br>-a description of the home care services to be provided, the fees for services, and the frequency of each service, according to the client's current review or assessment and client preferences;<br>-the identification of the staff or categories of staff who will provide the services;<br>-the schedule and methods of monitoring reviews or assessments of the client;<br>-the schedule and methods of monitoring staff | 0 870 | | |

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| 0 870 | Continued From page 101<br><br>providing home care services; and<br>-a contingency plan that includes:<br>-the action to be taken by the home care provider and by the client or client's representative if the scheduled service cannot be provided<br><br>On April 17, 2023, at 12:30 p.m., O-A stated all clients should have a service plan and thought they included all the required content.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION:<br>Twenty-One (21) days | 0 870 | | |
| 0 880 SS=F | 144A.4791, Subd. 11 Client Complaint and Investigative Process<br><br>(a) The home care provider must have a written policy and system for receiving, investigating, reporting, and attempting to resolve complaints from its clients or clients' representatives. The policy should clearly identify the process by which clients may file a complaint or concern about home care services and an explicit statement that the home care provider will not discriminate or retaliate against a client for expressing concerns or complaints. A home care provider must have a process in place to conduct investigations of complaints made by the client or the client's representative about the services in the client's plan that are or are not being provided or other items covered in the client's home care bill of rights. This complaint system must provide reasonable accommodations for any special needs of the client or client's representative if requested.<br>(b) The home care provider must document the complaint, name of the client, investigation, and | 0 880 | | |

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| 0 880 | Continued From page 102<br><br>resolution of each complaint filed. The home care provider must maintain a record of all activities regarding complaints received, including the date the complaint was received, and the home care provider's investigation and resolution of the complaint. This complaint record must be kept for each event for at least two years after the date of entry and must be available to the commissioner for review.<br>(c) The required complaint system must provide for written notice to each client or client's representative that includes:<br>(1) the client's right to complain to the home care provider about the services received;<br>(2) the name or title of the person or persons with the home care provider to contact with complaints;<br>(3) the method of submitting a complaint to the home care provider; and<br>(4) a statement that the provider is prohibited against retaliation according to paragraph (d).<br>(d) A home care provider must not take any action that negatively affects a client in retaliation for a complaint made or a concern expressed by the client or the client's representative.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to maintain a record of all activities regarding complaints received, including the date the complaint was received, and the home care provider's investigation and resolution of the complaint when it failed to document any complaints received.<br><br>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, but was not likely to | 0 880 | | |

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| 0 880 | Continued From page 103<br><br>cause 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).<br><br>The findings include:<br><br>On April 4, 2023, at 12:30 p.m., owner (O)-A stated the agency had not had any recent complaints. O-A stated she had not heard any feedback from clients or staff regarding concerns or issues and their complaint log did not have anything documented in it.<br><br>C1<br>On March 24, 2023, at 2:15 p.m., family member (FM)-D stated she had asked O-A questions on the bill because she was being billed for hours that staff were not present in the home. FM-D stated she also voiced concerns to O-A that staff had possibly been using C1's credit card for personal use.<br><br>On March 27, 2023, at 9:15 a.m., FM-D stated she had reported to O-A that C1 was potentially missing two guns and that O-A had replied back to her that she suspected unlicensed personnel (ULP)-M might have taken them.<br><br>On April 4, 2023, at 1:15 p.m. O-A stated C1 "was an easy client" and she had not received any concerns on his bills or concerns with staff conduct or misappropriation of his funds. O-A was asked again if she had been updated of any concerns with C1. O-A stated the client's responsible party had brought concerns over one month's charges to her attention and "she was right so it was credited back." O-A stated she did now know of any concerns involving staff using | 0 880 | | |

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| 0 880 | Continued From page 104<br>his credit card for personal use.<br><br>On April 10, 2023, at 8:20 a.m., administrative assistant (AA)-I stated O-A had pushed C1 to have 24 hour care but staff weren't always there or they would be sleeping while on the clock. AA-I stated "she'll bill like someone is there the whole time but in all reality, the majority of the time there isn't someone there all the time." AA-I stated O-A was "well aware of what was going on" and had been notified by herself and other staff about his personal items being taken by caregivers and staff using his credit card for things for themselves. AA-I stated she was aware of allegations the client was being charged a lot but did not know any other details as the only person allowed to do billing was O-A.<br><br>O-A failed to document the complaint and failed to document the investigation and resolution of the complaint.<br><br>C2<br>On March 28, 2023, at 9:50 a.m., FM-H stated asked O-A questions on C2's bills and why it showed $341,288.19 due. In addition, FM-H raised concerns regarding C2's care.<br><br>On April 4, 2023, at 1:20 p.m., O-A stated she was not aware of any concerns or complaints involving C2's services or billing.<br><br>O-A failed to document the complaint and failed to document the investigation and resolution of the complaint.<br><br>C3<br>On April 4, 2023, at 1:25 p.m., O-A stated she was not aware of any concerns with services or care regarding C3's services or billing. | 0 880 | | |

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| 0 880 | Continued From page 105<br><br>On April 11, 2023, at 12:20 p.m., C3 stated she voiced concerns to O-A regarding possible theft of prescription medications from her home.<br><br>O-A failed to document the complaint and failed to document the investigation and resolution of the complaint.<br><br>C4<br>On April 4, 2023, at 1:35 p.m., O-A stated she was not aware of any concerns with services or care regarding C4's services or billing.<br><br>On April 14, 2023 at 1:15 p.m. FM-X stated she had voiced concerns to O-A regarding the client's bill and status of his insurance claims.<br><br>O-A failed to document the complaint and failed to document the investigation and resolution of the complaint.<br><br>OTHER CLIENTS<br>On April 10, 2023, at 8:20 a.m., AA-I stated she would frequently get calls from many clients or their family members with concerns on billing saying they had been double billed or didn't know why something was billed. AA-I stated one client's son called wanting to know why he was billed for four visits when staff only came twice and a different client's family called after they were charged for visits where staff didn't show up. AA-I stated she was directed to report those concerns to O-A and she was not allowed to discuss anything regarding billing to clients as only O-A was allowed to do client billing.<br><br>On April 10, 2023, at 9:45 a.m., AA-O stated she had received many phone calls from various clients with concerns of being double billed or | 0 880 | | |

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| 0 880 | Continued From page 106<br>asking why an hour long visit was charged for more than that. AA-O stated she thought sometimes the caregivers wouldn't show up but the client would still get billed. AA-O stated since only O-A did the client billing, she was not able to assist with answering their questions. AA-O stated O-A would say she'll talk to the client and get it sorted out but then clients will call and complain they can't get ahold of O-A or she doesn't answer. AA-O stated O-A was aware people were trying to get ahold of her to voice concerns.<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION:<br>Twenty-One (21) days | 0 880 | | |
| 02015 SS=F | 626.557, Subd. 3 Timing of Report<br><br>(a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained shall immediately report the information to the common entry point. If an individual is a vulnerable adult solely because the individual is admitted to a facility, a mandated reporter is not required to report suspected maltreatment of the individual that occurred prior to admission, unless:<br>(1) the individual was admitted to the facility from another facility and the reporter has reason to believe the vulnerable adult was maltreated in the previous facility; or<br>(2) the reporter knows or has reason to believe that the individual is a vulnerable adult as defined in section 626.5572, subdivision 21, paragraph | 02015 | | |

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| 02015 | Continued From page 107<br>(a), clause (4).<br>(b) A person not required to report under the provisions of this section may voluntarily report as described above.<br>(c) Nothing in this section requires a report of known or suspected maltreatment, if the reporter knows or has reason to know that a report has been made to the common entry point.<br>(d) Nothing in this section shall preclude a reporter from also reporting to a law enforcement agency.<br>(e) A mandated reporter who knows or has reason to believe that an error under section 626.5572, subdivision 17, paragraph (c), clause (5), occurred must make a report under this subdivision. If the reporter or a facility, at any time believes that an investigation by a lead investigative agency will determine or should determine that the reported error was not neglect according to the criteria under section 626.5572, subdivision 17, paragraph (c), clause (5), the reporter or facility may provide to the common entry point or directly to the lead investigative agency information explaining how the event meets the criteria under section 626.5572, subdivision 17, paragraph (c), clause (5). The lead investigative agency shall consider this information when making an initial disposition of the report under subdivision 9c.<br><br>This MN Requirement is not met as evidenced by:<br>Based on interview and record review, the licensee failed to immediately report to the Minnesota Adult Abuse Reporting Center (MAARC) suspected maltreatment of financial exploitation for four of four clients (C1, C2, C3, C4) with records reviewed. | 02015 | | |

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| 02015 | Continued From page 108<br><br>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, but was not likely to cause 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).<br><br>The findings include:<br><br>C1<br>The licensee failed to immediately report and investigate allegations of financial exploitation after unlicensed personnel (ULP) reported concerns with ULP taking the client's personal items for their own use, using his debit card for personal use, and concerns of being overcharged for services.<br><br>C1 admitted to home care services on May 19, 2022 and discharged on March 28, 2023.<br><br>C1's service plan was not signed by the client's power of attorney and was not electronically signed by owner (O)-A. The service plan had a handwritten date of May 20, 2022 under O-A's signature. The service plan indicated the client received 4.5 hours of care per day for "basic & medication reminders," but did not specify what the basic services provided were.<br><br>C1's record contained a Recurring Payments authorization which was signed by family member (FM)-D on August 5, 2022 and owner (O)-A on August 7, 2022. The authorization allowed D&G Angels LLC, d/b/a [doing business as] Comforting Angels Home Care to charge the client's bank account or credit card. The agreement indicated | 02015 | | |

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| 02015 | Continued From page 109<br><br>Comforting Angels would "email invoice for its services provided to the undersigned client. Clients will have 48 hours to address any disputes, no action needed when there is no disputes for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary by invoice."<br><br>C1's bank records indicated D&G Angels LLC withdrew $246,726.70 from the client's account over 29 ACH transactions from June 2022 through February 2023.<br><br>In addition, C1's bank records indicated 13 unauthorized charges in December 2022 and January 2023 to the client's debit card adding up to $626.59.<br><br>On March 24, 2023, at 2:15 p.m., FM-D stated she had not received any billing statements for the client's care but was told it would cost $25,000 per month and she agreed to ACH withdrawals but didn't check the client's bank account for several months. When she checked it, she noticed a lot of money had been taken out and so she asked O-A for billing statements and statements from June 2022 through the current month which were emailed to her from O-A on March 3, 2023. The email was sent from the accounting department of the home care agency by a person with O-A's first name and first letter of her last name. FM-D stated the statements listed the hours ULP worked and it didn't add up to 24 hours, which they were being charged for. FM-D stated she had asked O-A questions on the bill because she was being billed for hours that staff were not present in the home and the amounts did not line up to what was taken from the client's bank account but did not get any real answers. FM-D stated she had provided O-A with | 02015 | | |

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| 02015 | Continued From page 110<br><br>a credit card for staff to use if they took C1 anywhere so the client would be able to buy food, snacks, or other items. FM-D stated she noticed suspicious charges on the debit card and reported those concerns to O-A. FM-D stated she deactivated the client's debit card since it was apparent not all the charges were from the client. FM-D stated after the debit card was canceled, O-A would put any expenses related to the client on invoices but the invoices lacked details and sometimes receipts and she still had concerns about some of the expenses.<br><br>On March 27, 2023, at 9:15 a.m., FM-D stated she had reported to O-A that the client was potentially missing two guns and that O-A had replied back to her that she suspected ULP-M might have taken them.<br><br>On April 10, 2023, at 8:20 a.m., administrative assistant (AA)-I stated O-A had pushed C1 to have 24 hour care but staff weren't always there or they would be sleeping while on the clock. AA-I stated "she'll bill like someone is there the whole time but in all reality, the majority of the time there isn't someone there all the time." AA-I stated O-A was "well aware of what was going on" and had been notified by herself and other staff about his personal items being taken by caregivers and staff using his credit card for things for themselves. AA-I stated she was aware of allegations the client was being charged a lot but did not know any other details as the only person allowed to do billing was O-A.<br><br>On April 12, 2023, at 9:05 a.m., ULP-B stated she was aware other ULP had been using the client's personal credit card for purchases for themselves at places like restaurants, gas stations, fast food places, and Apple. ULP-B stated there were times | 02015 | | |

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| 02015 | Continued From page 111<br><br>she bought groceries for the client herself since he was out of certain things and the next time she worked, the items would be missing. ULP-B stated there was one time staff said they bought things for the client at Sam's Club, but she didn't see evidence of anything in the client's home. ULP-B stated there were many times where ULP came in to the client's home, clocked in and left, then came back at the end of their shift to clock out and the client would be billed for the full visit time. ULP-B confirmed she was aware C1 was missing guns and knew that O-A had been updated. ULP-B stated O-A was also made aware of the potentially fraudulent charges on the client's credit card and the missing personal items and she had assumed O-A was taking care of it since "we're mandated reporters."<br><br>On April 4, 2023, at 1:15 p.m. O-A stated C1 "was an easy client" and she had not received any concerns on his bills or concerns with staff conduct or misappropriation of his funds. O-A stated there were no gaps in C1's care and a caregiver was always present 24/7, except for when FM-D came to visit and sent some caregivers home. O-A confirmed staff will sleep on the overnight shifts but she directed them to set an alarm for every hour so they can get up and check on the client. O-A was asked again if she had been updated of any concerns with C1. O-A stated FM-D had brought concerns over one month's charges to her attention and "she was right so it was credited back." O-A stated she did now know of any concerns involving staff using his credit card for personal use.<br><br>C2<br>The licensee failed to immediately report and investigate allegations of financial exploitation after the client voiced concerns O-A was stealing | 02015 | | |

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| 02015 | Continued From page 112<br><br>her money. In addition, the licensee failed to immediately report and investigate allegations of not having food and supplies that were provided by the licensee and gaps in the client's scheduled 24 hour care.<br><br>C2 admitted to home care services on November 12, 2020, and discharged on March 3, 2023.<br><br>C2's record did not contain a service plan.<br><br>C2's record contained three authorizations for automatic withdrawals. One authorization signed by C2 on November 14, 2020, indicated the client authorized D&G Angels to initiate "withdrawals where such withdrawals shall be equal to each scheduled payment periodically due plus any applicable taxes or other amounts due and owing at the time of such withdrawal." Another authorization signed by C2 on September 17, 2021, and O-A on February 22, 2022, authorized D&G Angels to "charge my bank account or credit card on the date Comforting Angels Home Care creates its invoice for its services provided to the undersigned client." Another authorization signed by C2 and O-A on October 4, 2021, authorized D&G Angels "to charge my bank account or credit card. Comforting Angels Home Care will email invoice for its services provided to the undersigned client. Client will have 48 hours to address any disputes, no action needed when there is no dispute for ach will be processed after 48 hours of email, for the full invoiced amount, which may vary invoice by invoice."<br><br>Bank statements for C2's checking accounts indicated C2 had paid by check until November 2021, when the licensee began using ACH transactions to collect payment. | 02015 | | |

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| 02015 | Continued From page 113<br><br>In total, $135,543.26 was withdrawn via ACH by D&G Angles LLC over a 16 month period from November 2021 through February 2023.<br><br>On March 28, 2023, at 9:30 a.m., property manager (PM)-F stated he became aware C2 wasn't paying her association bills around November 2022 and they were concerned about her well being since she was mostly bedbound and didn't leave her apartment and had 24 hour caregivers. PM-F stated he recalled back in 2021 when the police arrived at C2's apartment and took a man out of her apartment in handcuffs. PM-F stated he had concerns C2 may be isolated, being financially exploited, and may be struggling to make decisions on her own. PM-F stated he was able to reach out to a family member of C2's who was able to step in and take care of the situation.<br><br>On March 28, 2023, at 9:50 a.m., FM-H stated she lives out of state and had not previously been very involved with C2's care until she obtained power of attorney a few months ago. FM-H stated she was notified by C2's property manager that bills had not been paid so that's when she started looking at C2's bank statements and eventually came to visit C2 in person to see what was going on. FM-H stated she tried talking to O-A but she was difficult to get ahold of. FM-H stated she obtained bank records for C2 and noticed about $100,000 had been taken from one bank account and almost $50,000 was missing from a savings account. FM-H stated after she spoke with O-A about the billing, she was told C2 still owed about $100,000 so she requested a bill as she had not been sent any and she could not locate any bills that were sent to C2. FM-H stated the bills O-A sent her totaled about $341,000, or about $30,000 per month, which "seemed shocking | 02015 | | |

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| 02015 | Continued From page 114<br><br>considering the poor care she was getting." FM-H stated O-A had threatened to put a lien on C2's condo if the $100,000 she still owed was not paid. FM-H stated she finally got bills for January 2022 through February 2023 several weeks after she first requested them. FM-H stated O-A had informed her if she paid the outstanding bill, which was estimated to be $100,000, she would "cut her a deal" for the remained of the year but never came back with a proposal on how that would work. FM-H stated O-A had suggested she cash in C2's CD's (certificate of deposit investments) to cover her bills.<br><br>On March 28, 2023, at 10:15 a.m., ULP-G stated she had served as a primary caregiver for C2 for almost a year. ULP-G stated caregivers were not allowed to open C2's mail but they were to go and check her mailbox daily and would have to call the office and let them know if there was any mail there and either O-A or BM-J would drive to her apartment and pick it up. ULP-G stated they were not allowed to open the mail and she's not sure what happened to it after it was taken by the office staff. ULP-G stated she noticed a few checks in the mail from time to time and that C2 would often comment to her, "[O-A] is stealing my money." ULP-G stated she wasn't sure if that was actually the case but it "seemed pretty shady." ULP-G stated there were a few times where C2 ran out of groceries or incontinence products, even after telling O-A she needed to order some. ULP-G stated she spent about $300 of her own money the last few months buying groceries and incontinence products for C2 and that she has not been reimbursed by O-A yet. ULP-G stated she quit working for the licensee after a few of her paychecks were late and she is still waiting to get her final paycheck of approximately $600. ULP-G stated she has asked O-A several times when her | 02015 | | |

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| 02015 | Continued From page 115<br><br>final paycheck is coming and has been getting worried since she's heard from other former staff they had not gotten paid or their paychecks bounced. ULP-G stated there were often times where caregivers didn't show up for their scheduled shifts and she'd stay whenever she could but wasn't able to stay more than 16 hours. ULP-G stated O-A was aware of the holes in the schedule but didn't really do anything about it.<br><br>On March 30, 2023, at 1:57 p.m., FM-H emailed the investigator a summary of her work figuring out C2's finances. FM-H wrote she contacted O-A in January 2023 and told her she'd be coming up the end of the month and would need access to all of C2's mail. FM-H provided the investigator with text messages between her and O-A, one of which read, "Just to forewarn you, I will be back on January 16 and I'm going to talk to [C2] about her bill and at this point I probably will have no choice but to put her in a nursing home her bill is astronomical with me, it's over $100,000 which I will also put a lien against her condo any and any (sic) assets that she has..." FM-H wrote in her summary that she sent O-A a text asking for C2's bank statements and O-A had told her she had a couple of them and would email them to FM-H, which she never did. FM-H stated "[C2] had a pretty good filing system so it was clear that almost all the statements were missing." FM-H wrote she kept asking for copies of the statements from O-A's services multiple times over January and February 2023, and finally got then towards the end of February. FM-H wrote O-A had been asking around to get C2's social security number but neither she nor C2 would provide it to O-A. FM-H wrote she "became friendly" with one of the unlicensed personnel providing care to C2 and she had asked her to send her money so she could buy C2 food and | 02015 | | |

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| 02015 | Continued From page 116<br><br>incontinence products as O-A was not providing what she needed. FM-H wrote she sent that unlicensed personnel $128 via Venmo as the unlicensed personnel was paying for food for C2 out of her own pocket. FM-H wrote O-A never wanted her to contact the caregivers directly and if she wanted access to C2 or wanted to contact C2, she had to go through O-A.<br><br>On April 4, 2023, at 1:25 p.m., O-A stated aside from the time two ULP got in a physical altercation at the client's home resulting in one ULP being arrested and charged with assault, she was not aware of any concerns with C2's care. O-A stated monthly statements were emailed to the client's power of attorney and clients have 48 hours before ACH pulls are made to voice concerns with the bills and she had never gotten any concerns about the bills. O-A stated they did everything for C2 since her family had "wiped their hands clean of her." O-A stated C2 was getting 24 hour care from the agency and there would always be a caregiver there. O-A stated she has been working with an attorney because she has not been paid by C2 for over a year. O-A stated she had sent FM-H monthly invoices and payment was due monthly until recently when she switched to billing on the 1st and 15th of each month. O-A stated she knew C2 would get money from her husband's retirement account of about $1,200 a month so each month that is what she'd withdraw via ACH from C2's accounts when C2 had stopped paying her bill in full "just so I'd be paid something." O-A stated C2's care usually ran about $15,000 to $17,000 per month. O-A was asked about the transactions shown on C2's bank accounts that totaled close to $30,000 and O-A stated she didn't notice those large amounts had been pulled from C2's account or that upwards of 4 to 5 withdrawals were made | 02015 | | |

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| 02015 | Continued From page 117<br><br>in a month. O-A stated for ACH withdrawals, there would only be one done monthly until she began billing twice a month, then there should be two ACH withdrawals reflected on the bank statement. O-A stated she would take and open C2's mail because she would "scream if we opened anything for her," and had no interest in seeing her own mail. O-A stated the scanned all of C2's mail in to their computer.<br><br>On April 12, 2023, at 8:40 a.m., ULP-L stated she would use her own money to buy food and supplies for C2 and the client had commented O-A was taking all her money. ULP-L stated C2 had 24 hour services but there would be times staff were not there because they didn't show up.<br><br>On April 14, 2023, at 4:30 p.m., ULP-Y stated she had used her own money to buy food and supplies for C2 when she would run out and every time she went to the client's home, the mattress was soaked with urine and it didn't seem like everyone was doing what they were supposed to be doing. ULP-Y stated she had heard O-A was trying to get C2 to sign her condo over to her.<br><br>C3<br>The licensee failed to immediately report and investigate a client's report of a bottle of Gabapentin (anti-seizure medication and used to treat nerve pain) potentially being taken by an employee of the licensee as well as an attempted charge made to the client's credit card. In addition, the licensee allowed the alleged perpetrator, ULP-L, to continue working with the client after the allegations were made.<br><br>C3 admitted to home care services on August 23, 2022. | 02015 | | |

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| 02015 | Continued From page 118<br><br>C3's diagnoses included quadriplegia (spinal cord injury that causes paralysis in all or part of the trunk, legs, and pelvic organs).<br><br>C3's undated, unsigned service plan indicated the client had twice daily "basic and skilled nursing" services for three hours per day, seven days per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services.<br><br>A police report from February 15, 2023, indicated C3 had called to report a theft from a caregiver after she noticed some medications had been taken. The report indiated from January 12, 2023, through February 12, 2023, 209 Gabapentin pills were taken. A bottle of 153 pills was reported taken on January 12, 2023, then on two other occasions, four pills were taken each time, and 48 pills were taken on February 12, 2023. The medications were noted missing immediately after ULP-L had provided care to C3.<br><br>On March 28, 2023, at 10:40 a.m., community nurse (CN)-N stated a health guide had visited with C3 around February 8, 2023, and discovered an entire bottle of gabapentin that had just been refilled was missing. In addition, someone had attempted to use C3s credit card for an $800 purchase at Walmart. The health guide visited with C3 again on February 14, 2023, and was informed by C3 that about 200 pills were now missing. CN-N stated C3 was encouraged to make a police report by the health guide. CN-N stated she had contacted O-A on February 16, 2023, and told O-A that ULP-L was an alleged perpetrator and should not go anywhere near C3's home or provide care to C3. | 02015 | | |

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| 02015 | Continued From page 119<br><br>On April 4, 2023, at 12:50 p.m., O-A stated she was made aware that narcotic medications were missing after C3 called and told her a bottle was missing. O-A stated at that time she advised C3 to count her pills before ULP-L, the suspected alleged perpetrator, came to her apartment for her scheduled shift later that day. O-A stated C3 called her after ULP-L's shift ended and reported additional medications were missing. O-A stated she advised C3 to file a police report at that time and she did not feel it was necessary for a report from the home care agency since C3 was going to file one. O-A stated she knew ULP-L was on probation so she had contacted her probation officer to see if they could test her but they weren't able to. O-A stated they did not submit a MAARC report because the police were already aware. O-A confirmed there was no documentation of any kind of investigation in to the theft of medications since C3 "didn't want to do anything." O-A stated C3 was not a vulnerable adult because she decided she didn't want to press charges. O-A was asked if C3 would be a vulnerable adult under the statute definition and O-A stated, "my definition of a vulnerable adult is I guess everyone could be vulnerable." O-A confirmed she would be considered a mandated reporter and did not make any report on the missing medications. O-A confirmed a formal investigation was not completed.<br><br>On April 4, 2023, at 1:00 p.m., registered nurse (RN)-C stated C3 was not a vulnerable adult because she makes her own decision.<br><br>On April 6, 2023, at 11:33 p.m., O-A emailed the investigator a copy of the requested incident report. The partially completed incident report was electronically signed by O-A on April 6, 2023, at 10:55 p.m., and indicated: "02.12.2023 | 02015 | | |

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| 02015 | Continued From page 120<br><br>Received a call from [C3] regarding a Bottle of pills missing (Gabapentin) she received 3 bottles which are located in her island drawer (kitchen) not sure what happened to them, [ULP-L] was the one working Friday night, both shifts on Saturday and Sunday day shift. [ULP-L] was scheduled for Monday evening which we did leave her on after she left there were 45 pills missing I spoke to [C3] Tuesday morning and told her to make a police report for we would need report documentation to get a replacement for missing pills. She did report, police noti..ed (sic) me after a visit with [C3] which I just reported what was given to me by [C3]. I did call [ULP-L]'s probation o..cer (sic) about the incident but he felt that he probably wouldn't be able to do anything for he is just for alcohol."<br><br>On April 11, 2023, at 12:20 p.m., C3 stated caregivers from the licensee come every morning and evening to get her out of and back in to bed, do a bowel program, get her dressed and ready. C3 stated she had quadraplegia and is not able to get in and out of bed on her own and needs a mechanical lift and staff assistance to get in and out of bed. C3 stated there have been times where staff did not show up and one time they had six employees quit in a week. C3 stated last night, "the guy who was putting me to bed didn't show up...twice last week I stayed in bed due to the storm and caregivers couldn't come out...I'm dependent on staff so if no one comes, I can't get out of bed. I have a neighbor who can bring food and water and if I know it'll storm, I keep a cooler by my bed." C3 stated she had just gotten her Gabapentin refilled and the pharmacy usually did 153 tablets in one bottle, 153 tablets in another, and a smaller bottle with the rest since they send 390 tablets. C3 stated one whole bottle was missing so she moved the other ones to her | 02015 | | |

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| 02015 | Continued From page 121<br><br>bedroom and counted them. C3 counted them again after ULP-L finished working and "sure enough, there were some missing." C3 stated if ULP-L was coming daily, there would usually be about four pills missing each time she worked and if she worked during the weekend and would be off during the week, she'd take more. C3 stated she discovered she was also missing Lexapro and Tramadol and found some Tramadol in her drawer one day with the numbers scratched off it. C3 stated she called O-A to report her concerns and was told ULP-L was on probation currently and was directed to call the police and file a report. C3 stated ULP-L continued to work as her caregiver after the police were notified. C3 stated she has no idea what the licensee did for an investigation but noted O-A came out to her apartment when ULP-L was scheduled to work and left shortly after. C3 stated she was asked to provide O-A with her credit card information when she admitted for home care services and she provided it. C3 stated her bank called her some time in February to report potential fraudulent charges on her credit card when someone attempted to charge $800 at WalMart. C3 stated she noticed she had towels missing, pills, missing, and was concerned after her card was attempted to be used. C3 stated O-A was made aware of the attempt to charge $800 at WalMart but didn't think anything was done about it.<br><br>On April 11, 2023, at 2:10 p.m., RN-C stated she was not aware medications were missing from C3's apartment and was only made aware when a police officer came to O-A's office and she asked why he was there. RN-C stated since she was not managing the client's medications, she did not get involved and did not know about any investigation or what happened to staff as that | 02015 | | |

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| 02015 | Continued From page 122<br>was all handled by O-A. RN-C was asked if a MAARC report should have been made since C3 would be a vulnerable adult. RN-C asked the investigator what a MAARC report was. RN-C then stated that no, C3 was not a vulnerable adult because "[the client] notified the proper people," and had indicated she didn't want to file charges. The investigator asked RN-C if it was possible C3 did not press charges because she depended on the licensee's employees to help her get out of bed and if staff didn't show up, she wouldn't be able to get up. RN-C stated, "no because she has family and other private caregivers so we're not her only resource." RN-C was asked if C3 could be considered a vulnerable adult under Minnesota statute definitions as opposed to her own personal definition of a vulnerable adult. RN-C stated, "I thought it through and she's not a vulnerable adult, she's very, she has no cognitive impairment at all like zero. She's pry smarter than most of us. Don't put that in there. She's very smart she has a good support system. That's a really tricky question. I am a vulnerable adult right now we're all vulnerable adults in this era so I'm not going to answer that. Everyone is vulnerable to some degree so I'm not going to deny she's vulnerable but for a [MAARC] report to be placed, there was no harm, emotional trauma, no vulnerability issue with the incident that happened is the focus." RN-C was asked if they had considered financial exploitation had occurred after C3's medications were presumed to be stolen. RN-C stated, "why would we do that when [C3] is not cognitively impaired, financially she's not impaired because her insurance paid for the medication." RN-C then stated, "You go investigate [C3] and I hope you do it tomorrow, ask her every question. If I get in trouble for her being a vulnerable adult, I will get an attorney because you're trying to insinuate she's a | 02015 | | |

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| 02015 | Continued From page 123<br><br>vulnerable adult...do not put [C3] as a vulnerable adult, she would be very offended, it's not fair to her..."<br><br>On April 12, 2023, at 12:30 p.m., O-A stated since they did not manage C3's medications, there was not a need to report potential theft of medications. O-A stated when she was made aware of the missing medications, she directed C3 to call the police so since the police were already notified, there was no need to make her own report. O-A stated "the bottom line is if there's any care disrupted, it needs to be reported...I gave her advice to call police but she's in sound mind and very self sufficient in managing medications and at that time, my question is if this did not interrupt her care, would we report this because it didn't interrupt her care." O-A stated she allowed ULP-L to continue working with C3 after it was suspected she took medications because C3 said that was ok. O-A stated she didn't think it would be inappropriate to have the client make that decision and didn't think she would feel compelled to say she was ok with it because she depended on the agency to provide care.<br><br>C4<br>The licensee failed to immediately report and investigate allegations of financial exploitation after staff were made aware of concerns of being overcharged for services.<br><br>C4 admitted to home care services on September 2, 2022, and discharged on February 19, 2023.<br><br>C4's service plan indicated the client received 2.5 hours of services to include "home exercise, basic and skilled services" on Mondays and 2 hours of "home exercise, basic and skilled services" on Fridays, for a total of 4.5 hours of | 02015 | | |

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| 02015 | Continued From page 124<br><br>care per week. The service plan did not identify what services were provided, who would provide the services, or the rate for the services. The service plan indicated payment would be "split billing Humana 80% and client 20%" and nurse reassessments at days 14, 30, 90 would be $155 per visit with scheduled and unscheduled nurse visits at $140 an hour with split billing Humana 80% and client 20%. The service plan listed an effective date of September 2, 2022, but was signed by the client's wife on February 12, 2023. The service plan was not signed by home care staff.<br><br>Nursing assessments for C4 were requested, but not provided.<br><br>Progress notes provided to the investigator included entries for RN assessments on September 2, 2022, September 14, 2022, December 8, 2022, and December 27, 2022<br><br>Progress notes for the September 2, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 9:00 a.m. to 12:00 p.m., three hours.<br><br>Progress notes for the September 14, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 10:20 a.m. to 1:20 p.m., three hours.<br><br>Progress notes for the December 8, 2022, RN assessment did not include any documentation beyond "covid 19 precautions followed per policy and procedure. Client and writer afebrile. No s/s [signs, symptoms] of Covid. Nurse reassessment done." The note lacked a signature from the client | 02015 | | |

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| 02015 | Continued From page 125<br><br>indicating the RN was there. The visit time was listed as 9:00 a.m. to 4:00 p.m., seven hours.<br><br>Progress notes for the December 27, 2022, RN assessment did not include any documentation or a signature from the client indicating she was there. The visit time was listed as 12:00 p.m. to 4:01 p.m., four hours.<br><br>On February 27, 2023, O-A emailed the client's responsible party statements for services from September 2, 2022, through the client's discharge on February 19, 2023. No statements had been sent prior to this time. O-A identified herself as from the accounting department and used only her first name and first letter of her last name in the email. The statements indicated a total of $3,721.52 was due. The hourly ULP rate was billed at $8.90 per hour, 20% of $44.50. RN reassessments were billed by the hour, not by the visit as identified in the service plan. The hourly RN rate was billed at $31 per hour, 20% of $155. One RN reassessment was billed for seven hours.<br><br>On March 7, 2023, O-A emailed the client's responsible party an updated set of statements for services from September 2, 2022, through the client's discharge on February 19, 2023. O-A identified herself as from the accounting department and used only her first name and first letter of her last name in the email. The statements indicated a total of $2,685.19 due. The hourly ULP rate was billed at $6 per hour, 20% of $30. RN reassessments were billed by the hour, not by the visit as identified in the service plan. The hourly RN rate was billed at $31 per hour, 20% of $155. One RN reassessment was billed for seven hours. | 02015 | | |

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| 02015 | Continued From page 126<br><br>On April 4, 2023, at 1:25 p.m. O-A stated she was not aware of any concerns regarding the client's services or care. O-A stated the client's representative was emailed statements each month but she intended to bill the client's insurance.<br><br>On April 10, 2023, at 8:20 a.m., AA-I stated she would frequently get calls from many clients or their family members with concerns on billing saying they had been double billed or didn't know why something was billed. AA-I stated she was directed to report those concerns to O-A and she was not allowed to discuss anything regarding billing to clients as only O-A was allowed to do client billing.<br><br>On April 12, 2023, at 12:25 p.m., O-A confirmed she had not billed the client's insurance company yet but had obtained an authorization number around the time the client admitted for services in September. O-A stated the insurance company told her the client's care would be covered for an indefinite period of time and she did not need to send any updates, assessments, or recertification to qualify for ongoing coverage. O-A confirmed she did not receive any of this in writing and never submitted any invoices to the insurance company to be paid. O-A confirmed it was likely she missed deadlines to file insurance claims and would no longer be able to bill the client's insurance. O-A confirmed the client was initially billed at her highest hourly rate of $44.50 per hour for ULP services. O-A stated the higher amount the client was billed was based off the fact the client's cares were more complex and difficult so it would cost more to provide care. O-A was not able to describe how the client's cares were more complex than standard home care services. O-A confirmed a service plan was not executed upon | 02015 | | |

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| 02015 | Continued From page 127<br><br>admission and the service plan completed shortly before the client passed away lacked details on cost and services provided. O-A stated she never discusses the cost of care and services with clients until a service plan is completed and initially stated she did not recall discussing a dollar amount with the client's family. O-A confirmed she sent out a second batch of statements after the client's representative asked why the rate was higher than initially discussed and stated she did not recall talking about the cost for services when the client admitted. O-A stated to avoid any difficulties with the client, she agreed to lower her price back down to $30 per hour and ended up sending out a second set of statements. O-A stated she didn't tell the client that insurance had covered his care and did not remember telling them it was being covered at $44.50 per hour for services from ULP. O-A stated bills were not sent out on time and there were issues with bills because she had ongoing issues with her billing software and had fired several office staff over issues with billing.<br><br>On April 13, 2023, at 12:20 p.m., ULP-Z stated he was one of the primary caregivers for C4. ULP-Z stated the client was pretty independent and needed moderate assistance of one for transfers but could still walk with a walker, eat on his own, and go to the bathroom. ULP-Z stated the client did not have any complex cares or care needs and most of the visit he would help with housekeeping, do exercises with the client, and socialize.<br><br>On April 14, 2023, at 1:20 p.m., FM-X stated they did not receive any admission paperwork or any bills for the client's care for several months and she requested for the information to be sent several times from O-A. FM-X stated O-A kept | 02015 | | |

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| 02015 | Continued From page 128<br>coming up with new reasons as to why it hadn't been sent yet and the paperwork was eventually sent to an address she had not lived at for a few years before she was finally sent several months worth of paperwork and bills. FM-X stated they had to send back the paperwork more than once because the owner kept saying she didn't get it or that an employee didn't file it properly. FM-X stated she did not ever get monthly statements and was reassured more than once that insurance was covering the cost of care and they'd only be responsible for a 20% co pay since they were told by O-A the client's insurance was covering 80%. FM-X stated they were told by the owner that the client's insurance company had paid her company $44.50 per hour for care, which was a higher amount than the originally agreed upon amount of $30 per hour, but they would still owe their 20% cost of care. FM-X stated she had asked the owner why they were still paying 20% when the insurance company was paying almost $15 per hour more than the cost of care. FM-X asked why the amount changed from the $30 per hour they were initially told but did not get an answer other than the insurance company reimbursed above that amount. FM-X stated she also questioned the hours listed on the bills as staff were not working or providing services during some of the times reflected on the bills. FM-X stated shortly after that, the owner sent her updated invoices that reflected the 20% of $30 per hour they were told upon admission. FM-X stated the client's insurance company has no record of the home care agency submitting any claims or being paid by the insurance company. FM-X stated the owner had encouraged them several times to allow her to make an ACH withdrawal from the client's bank account however, they declined each time and opted to pay by check. FM-X stated she got the | 02015 | | |

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| 02015 | Continued From page 129<br>impression the owner would rather they pay via ACH than a check.<br><br>As of April 20, 2023, the licensee had not filed any MAARC reports for C1, C2, C3, and C4.<br><br>The licensee's undated Vulnerable Adult policy indicated in compliance with Minnesota Statutes, all Comforting Angels employees are required to individually assess clients to determine vulnerability to abuse or neglect and develop a specific plan to minimize the risk of abuse to that client. In addition, all employees providing home care are mandated to report abuse and/or neglect (including suspected abuse or neglect) of the vulnerable adult to the appropriate county social services, local police department, county sheriff or appropriate licensing or certifying organization through the MAARC (Minnesota Adult Abuse Reporting Center). The policy included the following definition, "Vulnerable Adult: Anyone 18 years of age or older, who regardless of where the person is living, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function, or emotional status." The policy directed "the home care employee has responsibility for the following: a. Assessment of vulnerability status of each client upon admission. Susceptibility to abuse includes self abuse and neglect and risk of abuse by other individuals, including other vulnerable adults or minors, in the following areas: 1) Physical 2) Verbal (emotional/psychosocial) 3) Sexual 4) Financial Exploitation 5) Self Abuse b. The client's risk of abusing other vulnerable adults within the residence shall be assessed. c. The vulnerable adult status assessment shall be documented in the clinical record. d. An individual abuse prevention plan shall be established for each vulnerable adult for whom home care | 02015 | | |

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| 02015 | Continued From page 130<br><br>services are provided. 1) The plan shall contain statements of specific measure to be taken to minimize the risk of abuse to that person and other vulnerable adults. 2) The plan will be implemented immediately and evaluated at each supervisory visit or more frequently, if necessary. 3) Documentation will include results of the implementation."<br><br>No further information was provided.<br><br>TIME PERIOD FOR CORRECTION: Seven (7) days | 02015 | | |