

August 29, 2024

CERTIFIED MAIL

Barbara Turner, Authorized Agent
Beacon Specialized Living Minnesota Inc
1355 Mendota Heights Road Suite 260
Mendota Heights, MN 55120-1168

License Number 1070450-HCBS (Home and Community-Based Services)
License Number 1106764-H_CRS (Home and Community-Based Services-Community Residential Setting)
Report Number 202306493

DETERMINATION OF MALTREATMENT AND ORDER TO PAY A FINE

Dear Barbara Turner:

The Department of Human Services (DHS) determined that Beacon Specialized Living Burke located at 2304 Burke Avenue, North St Paul, Minnesota, is responsible for maltreatment by neglect. Based on this determination, DHS is ordering you to pay a fine of \$1000. Details of our findings are provided below and in the enclosed Investigation Memorandum for report 202306493. Our next steps and your options are also detailed.

I. Determination of Maltreatment

It was reported that facility staff persons did not properly document medication administration on a vulnerable adult's (VA) medication administration record (MAR), that staff persons did not assist the VA with personal cares, that the VA wore soiled clothing and had "crusty" socks and feet with overgrown toenails, and that the VA had "caked" on feces in his/her genital area.

DHS investigated the report as alleged maltreatment by neglect.

Based on the maltreatment investigation, DHS determined that Beacon Specialized Living Burke was responsible for neglect of a vulnerable adult. See the enclosed Investigation Memorandum for more information.

Legal Authority: Minnesota Statutes, section 626.557, subdivision 9c.

Fine: \$1,000

Citations Related to the Maltreatment Determination

1. Citation: Minnesota Statutes, section 245D.05, subdivision 1

Violation: The license holder failed to ensure the health service needs of a client (C) assigned in the C's support plan and consistent with the client's health needs were met.

The C was to have staff persons assistance with activities of daily living including showering, cleaning his/her genital area, brushing his/her teeth, and having cold compresses applied to his/her eyes. The C's June 2023 medication administration record (MAR) had no staff persons' initials to indicate these tasks were completed. The C's July 2023 MAR showed some dates initials for some tasks completed but the required amount was not met. As a result of the C not receiving assistance, the C had "caked on" feces in his/her genital area, a "black substance" between the VA's toes, an area by one of the VA's ears that appeared to have dirt or an abrasion, long and thick toenails on both feet with one mostly detached bloody toenail, dirt in the VA's shoes, two socks that were crusty and heavily soiled, and a reddened area on the VA's buttocks.

Correction Action Ordered: Immediately you must ensure that requirements of this subdivision are met and maintained.

2. Citation: Minnesota Statutes section 245D.05, subdivision 2, paragraph (c), clause (6).

Violation: The license holder failed to ensure that when a medication was administered to the C it was documented in the C's MAR as required.

The C's MAR for June, July, and August 2023 showed several dates for several different medications that did not have staff person initials to indicate that the medications were given.

Correction Action Ordered: Immediately you must ensure that requirements of this subdivision are met and maintained.

3. Citation: Minnesota Statutes, section 245D.081, subdivision 2.

Violation: The license holder failed to coordinate service delivery and evaluation for each person served including program management and oversight by having a designated staff person who provided supervision, support and evaluation of the license holder's responsibilities assigned in the person's support plan and addendum; instruction and assistance to direct support staff persons implementing the support plan and the service outcomes; and direct observation of service delivery to assess staff person competency.

The facility did not have a designated coordinator or manager for six months to fulfil the duties of a designated coordinator or manager as required by statute. There was a lack of oversight of the C's MARs and of the C's care as required in his/her support plan and required in this subdivision.

Correction Action Ordered: Immediately you must ensure that requirements of this subdivision are met and maintained. A designated coordinator must be assigned and available at all times for all persons receiving home and community-base services licensed under Minnesota Statutes, chapter 245D.

II. Order to Pay a Fine

Because DHS determined that Beacon Specialized Living Burke is responsible for maltreatment, you must pay a \$1000 fine.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), subparagraph (4).

III. Billing and Payment of the Fine

DHS will send you an invoice for the \$1000 fine. Payment must be made as directed on the invoice.

If you request a contested case hearing, as described below, do not pay the fine at this time. After the contested case hearing, the Commissioner of DHS will issue a final order.

Please note, you may not avoid payment of this fine by closing, selling, or otherwise transferring the license to a third party. If this occurs, each controlling individual is personally and jointly responsible for payment.

If you do not pay the fine on or before the date specified on the invoice and you did not request a contested case hearing, as described below, the Commissioner may issue a second fine, may not issue or reissue a license, or may suspend the license until the license holder pays the fine.

IV. YOUR RIGHT TO APPEAL

You have right to appeal the maltreatment determination and/or fine. Please see options below.

Should you exercise your rights to appeal send:

Certified mail to:	Personal delivery to:
Commissioner, Department of Human Services Office of Inspector General Legal Counsel's Office Attention: Licensing Legal Unit PO Box 64953 St. Paul, MN 55164-0953	Commissioner, Department of Human Services Office of Inspector General Legal Counsel's Office Attention: Licensing Legal Unit 444 Lafayette Road North St. Paul, MN 55155

1. Right to appeal the fine and maltreatment determination

You have the right to appeal the fine and maltreatment determination. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 15 calendar days from when you received this order. See address, section IV.

If your request is being personally delivered, it must be received by DHS within 15 calendar days from when you received this order. See address, section IV.

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. After this hearing, the Commissioner of DHS will issue a final order.

2. Request for reconsideration of the maltreatment determination only

If you do not appeal the fine, you may still request reconsideration of the maltreatment determination. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to request reconsideration began when you received this order.

Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the maltreatment determination
- Identify what is inaccurate or incomplete about the information in the Investigation Memorandum
- Supply information that is accurate or more complete
- State why you believe the finding of maltreatment should be changed
- Be made before the deadlines provided below.

Your request must be postmarked within 15 calendar days from when you received this order. See address, section IV.

A response to your reconsideration request will be mailed within 15 working days after DHS receives your request. You have the right to request a fair hearing if a response is not mailed within 15 working days.

3. Right to appeal the order to pay a fine only

You have the right to only appeal the fine. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. See address, section IV.

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. See address, section IV.

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. After this hearing, the Commissioner of DHS will issue a final order.

4. Legal representation at the contested case hearing

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.justice4mn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 1, paragraph (a), which describes under which conditions DHS may impose a fine against a license.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (4), item (i) provides that DHS may impose a \$1000 fine for each determination of maltreatment of a vulnerable adult under section 626.557 for which the license holder is determined responsible.
- In determining whether the facility, an individual, or both are responsible for substantiated maltreatment, DHS must consider the mitigating factors provided in Minnesota Statutes, section 626.557, subdivision 9c, paragraph (c).
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (5) states that license holders may not avoid payment of a fine by closing, selling, or transferring a license.
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.
- License holders have a right to request reconsideration of a maltreatment determination, under Minnesota Statutes, section 626.557, subdivision 9d.
- Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (4), states that DHS shall not issue or reissue a license if the applicant, license holder, or controlling individual has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (2), states that that the license holder shall pay the fine assessed on or before the payment date specified, and if the license holder does not do so the commissioner may issue a second fine or suspend the license until the license holder complies.

Barbara Turner, Authorized Agent

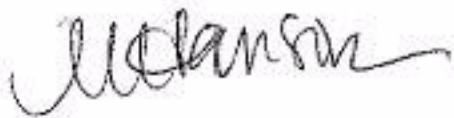
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Questions

If you have any further questions regarding this matter, you may contact Sarah Schumacher, Supervisor, at 651-431-6555.

Sincerely,

A handwritten signature in black ink that reads "Maggie Hanson". The signature is written in a cursive style with a long horizontal flourish at the end.

Maggie Hanson, Intake and Investigations Unit Supervisor

Licensing Division

Office of Inspector General

Enclosure

cc: Mark Muellerleile, Ramsey County Adult Foster Care Licensor