



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

Electronically Delivered

June 6, 2024

Licensee  
Altru Home Health  
1380 S Columbia Road  
Grand Forks, ND 58201

RE: Project Number(s) SL03113016

Dear Licensee:

On May 24, 2024, the Minnesota Department of Health completed a follow-up survey of your agency to determine if orders from the April 11, 2024, survey were corrected. This follow-up survey verified that the agency is back in compliance.

You are encouraged to retain this document for your records. It is your responsibility to share the information contained in the letter with your organization's Governing Body.

Please feel free to call me with any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Jessie Chenze'.

Jessie Chenze, Supervisor  
State Evaluation Team  
Email: [Jessie.Chenze@state.mn.us](mailto:Jessie.Chenze@state.mn.us)  
Telephone: 218-332-5175 Fax: 1-866-890-9290

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

Electronically Delivered

April 16, 2024

Licensee

Altru Home Health

1380 South Columbia Road

Grand Forks, ND 58201

RE: Project Number(s) SL03113016

Dear Licensee:

The Minnesota Department of Health (MDH) completed a survey on April 11, 2024, for the purpose of evaluating and assessing compliance with state licensing statutes. At the time of the survey, MDH noted violations of the laws pursuant to Minnesota Statutes, Chapter 144A and/or Minn. Stat. § 626.5572 and/or Minn. Stat. Chapter 260E.

### **STATE CORRECTION ORDERS**

The enclosed State Form documents the state correction orders. MDH documents state correction orders using federal software. Tag numbers are 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 are listed in the "Summary Statement of Deficiencies" column. This column also includes the findings that are in violation of the state statute after the statement, "This MN Requirement is not met as evidenced by . . ."

### **IMPOSITION OF FINES**

In accordance with Minn. Stat. § 144A.474, Subd. 11(a), fines and enforcement actions may be imposed based on the level and scope of the violations and may be imposed immediately with no opportunity to correct the violation first as follows:

Level 1: no fines or enforcement.

Level 2: a fine of \$500 per violation, in addition to any enforcement mechanism authorized in § 144A.475 for widespread violations;

Level 3: a fine of \$3,000 per violation per incident, in addition to any enforcement mechanism authorized in § 144A.475.

Level 4: a fine of \$5,000 per incident, in addition to any enforcement mechanism authorized in § 144A.475.

In accordance with Minn. Stat. § 144A.474, Subd. 11(a)(5), MDH may impose fine amounts of either \$1,000 or \$5,000 to licensees who are found to be responsible for maltreatment.

MDH may impose a fine of \$1,000 for each substantiated maltreatment violation that consists of abuse, neglect, or financial exploitation according to Minn. Stat. § 626.5572. Subd. 2, 9, 17. MDH also



may impose a fine of \$5,000 for each substantiated maltreatment violation consisting of sexual assault, death, or abuse resulting in serious injury.

In accordance with Minn. Stat. § 144A.474, Subd. 11(a)(6), when a fine is assessed against a agency for substantiated maltreatment, the commissioner shall not also impose an immediate fine under this chapter for the same circumstance.

Therefore, in accordance with Minn. Stat. §§ 144A.43 to 144A.482, the following fines are assessed pursuant to this survey:

**St - 0 - 0715 - 144a.476, Subd. 2 - Employees, Contractors, And Volunteers - \$3,000.00**

**The total amount you are assessed is \$3,000.00.** You will be invoiced approximately 30 days after receipt of this notice, subject to appeal.

#### **DOCUMENTATION OF ACTION TO COMPLY**

In accordance with Minn. Stat. § 144A.474, Subd. 8(c), the licensee must document actions taken to comply with the correction orders within the time period outlined on the state form; however, plans of correction are not required to be submitted for approval.

The correction order documentation should include the following:

- Identify how the area(s) of noncompliance was corrected related to the client(s)/employee(s) identified in the correction order.
- Identify how the area(s) of noncompliance was corrected for all of the provider's client(s)/employees that may be affected by the noncompliance.
- Identify what changes to your systems and practices were made to ensure compliance with the specific statute(s).

#### **CORRECTION ORDER RECONSIDERATION PROCESS**

In accordance with Minn. Stat. § 144A.474, Subd. 12, you may challenge the correction order issued, including the level and scope, and any fine assessed through the correction order reconsideration process. The request for reconsideration must be in writing and received by MDH within 15 business days of the correction order receipt date.

A state correction order under Minn. Stat. § 144A.44 Subd. 1(14), Free from Maltreatment is associated with a maltreatment determination by the Office of Health Facility Complaints. If maltreatment is substantiated, you will receive a separate letter with the reconsideration process under Minn. Stat. § 626.557.

To submit a reconsideration request, please visit:

**<https://forms.web.health.state.mn.us/form/HRDAppealsForm>**

### **REQUESTING A HEARING**

Alternatively, in accordance with Minn. Stat. § 144A.474, Subd. 11 (g), a home care provider that has been assessed a fine under this subdivision has a right to a reconsideration or a hearing under this section and chapter 14. Pursuant to Minn. Stat. § 144A.475, subd 4 and Subd. 7, a request for a hearing must be in writing and received by MDH within 15 calendar days of the correction order receipt date. The request must contain a brief and plain statement describing each matter or issue contested and any new information you believe constitutes a defense or mitigating factor. To submit a hearing request, please visit <https://forms.web.health.state.mn.us/form/HRDAppealsForm>.

To appeal fines via reconsideration, please follow the procedure outlined above. Please note that you may request a reconsideration or a hearing, but not both. If you wish to contest tags without fines in a reconsideration and tags with the fines at a hearing, please submit two separate appeals forms at the website listed above.

The MDH Health Regulation Division (HRD) values your feedback about your experience during the survey and/or investigation process. Please fill out this anonymous provider feedback questionnaire at your convenience at this link: <https://forms.office.com/g/Bm5uQEPhVa>. Your input is important to us and will enable MDH to improve its processes and communication with providers. If you have any questions regarding the questionnaire, please contact Susan Winkelmann at [susan.winkelmann@state.mn.us](mailto:susan.winkelmann@state.mn.us) or call 651-201-5952.

You are encouraged to retain this document for your records. It is your responsibility to share the information contained in the letter and state form with your organization's Governing Body.

You are encouraged to retain this document for your records. It is your responsibility to share the information contained in the letter and state form with your organization's Governing Body.

If you have any questions, please contact me.

Sincerely,

Jessie Chenze, Supervisor  
State Evaluation Team  
Email: [jessie.chenze@state.mn.us](mailto:jessie.chenze@state.mn.us)  
Telephone: 218-332-5175 Fax: 1-866-890-9290

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Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>H03113</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>04/11/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>ALTRU HOME HEALTH</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>1380 S COLUMBIA RD GRAND FORKS, ND 58201</b>
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
0 000	<p><b>Initial Comments</b></p> <p>*****ATTENTION*****</p> <p><b>HOME CARE PROVIDER LICENSING CORRECTION ORDER(S)</b></p> <p>In accordance with Minnesota Statutes, section 144A.43 to 144A.482, these correction order(s) are issued pursuant to a survey.</p> <p>Determination of whether a violation has been corrected requires compliance with all requirements provided at the Statute number indicated below. When Minnesota Statute contains several items, failure to comply with any of the items will be considered lack of compliance.</p> <p><b>INITIAL COMMENTS:</b> SL#03113016</p> <p>On April 9, 2024, through April 11, 2024, the Minnesota Department of Health conducted a full survey at the above provider, and the following correction orders are issued. At the time of the survey, there were 13 clients receiving services under the provider's comprehensive license.</p> <p>On April 10, 2024, an immediate correction order was issued for SL03113016, tag identification 0715.</p> <p>The immediacy of correction order 0715 was lifted by surveyor supervisor on April 11, 2024, however, 0265 remains a scope and level of I.</p>	0 000	<p>Minnesota Department of Health is documenting the State Licensing Correction Orders using federal software. Tag numbers have been assigned to Minnesota State Statutes for Home Care Providers. The assigned tag number appears in the far-left column entitled "ID Prefix Tag." The state Statute number and the corresponding text of the state Statute out of compliance is listed in the "Summary Statement of Deficiencies" column. This column also includes the findings which are in violation of the state requirement after the statement, "This Minnesota requirement is not met as evidenced by." Following the surveyors' findings is the Time Period for Correction.</p> <p>PLEASE DISREGARD THE HEADING OF THE FOURTH COLUMN WHICH STATES, "PROVIDER'S PLAN OF CORRECTION." THIS APPLIES TO FEDERAL DEFICIENCIES ONLY. THIS WILL APPEAR ON EACH PAGE.</p> <p>THERE IS NO REQUIREMENT TO SUBMIT A PLAN OF CORRECTION FOR VIOLATIONS OF MINNESOTA STATE STATUTES.</p> <p>THE LETTER IN THE LEFT COLUMN IS USED FOR TRACKING PURPOSES AND REFLECTS THE SCOPE AND LEVEL ISSUED PURSUANT TO 144A.474 SUBDIVISION 11 (b)(1)(2).</p>	
0 715 SS=I	144A.476, Subd. 2 Employees, Contractors, and Volunteers	0 715		

Minnesota Department of Health  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ (X6) DATE \_\_\_\_\_

Minnesota Department of Health

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0 715	<p>Continued From page 1</p> <p>(a) Employees, contractors, and volunteers of a home care provider are subject to the background study required by section 144.057, and may be disqualified under chapter 245C. Nothing in this section shall be construed to prohibit a home care provider from requiring self-disclosure of criminal conviction information.</p> <p>(b) Termination of an employee in good faith reliance on information or records obtained under paragraph (a) or subdivision 1, regarding a confirmed conviction does not subject the home care provider to civil liability or liability for unemployment benefits.</p> <p>This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to ensure current employee records contained all the required content to include a background study clearance letter prior to providing services for three of five employees (registered nurse (RN)-G, RN supervisor (RNS)-B, unlicensed personnel (ULP)-D). This resulted in an immediate correction order issued on April 10, 2024.</p> <p>This practice resulted in a level three violation (a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the clients).</p> <p>The findings include:</p> <p>RN-G RN-G was hired August 27, 1993, to provide</p>	0 715		



Minnesota Department of Health

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0 715	<p>Continued From page 2</p> <p>direct home care services to clients.</p> <p>RN-G was issued a RN license by the Minnesota Board of Nursing on November 13, 1997.</p> <p>R3's record contained documentation that RN-G had completed a medication set up for R3 on April 1, 2024.</p> <p>RN-G's employee record contained a cleared background study dated July 21, 2006, however RN-G did not remain on the provider's Net Study 2.0 Roster.</p> <p>RNS-B RNS-B was hired February 12, 2023, to provide supervision of staff and home care services to clients.</p> <p>RNS-B was issued a RN license by the Minnesota Board of Nursing on March 14, 2011.</p> <p>RNS-B's employee record contained a cleared background study dated June 8, 2016., however, RNS-B did not remain on the provider's Net Study 2.0 Roster.</p> <p>On April 10, 2024, at 1:06 p.m. through 1:18 p.m., via teleconference the Net Study 2.0 Roster was reviewed with RN manager (RNM)-A and confirmed RN-G and RNS-B were not listed on the Net Study 2.0 roster. RNM-A stated RN-G was an active employee and worked independently with clients served under the comprehensive license. RNM-A stated RNS-B was an active employee and supervised staff providing home care services to clients under the comprehensive license. RNM-A further stated the licensee had a human resource department that was responsible for completing background</p>	0 715		

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0 715	<p>Continued From page 3</p> <p>studies on employees and with the legislative change (not completing a background study for licensed employees after January 2018) there may have been some confusion and RNM-A was aware a background study was required.</p> <p>On April 10, 2024, at 2:09 p.m., human resource director (HRD)-H stated HRD-H believed HRD-H had removed RN-G and RNS-B from the Net Study 2.0 roster since RN-G and RNS-B were licensed staff. HRD-H further stated when HRD-H used the search name feature on the Net Study 2.0 roster website, no results were found for RN-G or RNS-B.</p> <p>ULP-D ULP- D was hired on July 17, 2023, to provide direct home care services to clients.</p> <p>ULP-D was issued a certified nursing assistant (CNA) certificate on November 8, 2021.</p> <p>ULP-D's employee record contained a 10 page "PASSED" Confidential Background Screening Report dated June 30, 2023.</p> <p>ULP-D's employee record lacked a cleared background study from Net Study 2.0.</p> <p>On April 9, 2024, from 2:12 p.m. through 2:18 p.m., RNM-A stated ULP-D's record did not contain a Net Study 2.0 background study. RNM-A stated human resources was responsible for completing the background study and human resources had understood a background study did not need to be completed for licensed staff who were issued a license after January 2018, including CNAs. RNM-A further stated ULP-D had last worked March 7, 2024, and was on family medical leave act (FMLA).</p>	0 715		



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0 715	<p>Continued From page 4</p> <p>The licensee's Criminal Background Checks Policy #3429 dated May 15, 2023, indicated the licensee requires criminal background checks be conducted on all newly hired employees and those transferring to another position if not conducted previously and on file.</p> <p>Continuous Direct Supervision defined in NETStudy 2.0 System User Manual Updated July 7, 2023, page 7: Continuous, Direct Supervision - An individual is within sight or hearing of the program's supervising individual to the extent that the program's supervising individual is capable at all times of intervening to protect the health and safety of the persons served by the program.</p> <p>Direct Contact Services - Providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by the entity.</p> <p>Supervision defined in NETStudy 2.0 System User Manual Updated July 7, 2023, page 53: Supervision Status Study subjects must be under continuous, direct supervision until the study subject is determined eligible or until the entity is notified by DHS that the study subject may provide unsupervised services while the background study is being completed. The supervision status is shown in the "Supervision Required" column for convenience. However, programs are instructed to rely on background study notices for supervision status and other background study determination information.</p> <p>No further information provided.</p> <p>TIME PERIOD FOR CORRECTION: Immediate</p> <p>Immediacy was removed as confirmed by</p>	0 715		



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0 715	Continued From page 5  surveyor supervisor on April 11, 2024, at 7:05 a.m., however, 0715 tag remains at scope and level three, widespread (I).	0 715		