

# State Rapid Response Investigative Public Report

*Office of Health Facility Complaints*

**Maltreatment Report #:** H80913283M

**Date Concluded:** October 4, 2024

**Name, Address, and County of Licensee**

**Investigated:**

Allina Health Home Health  
2925 Chicago Avenue  
Minneapolis, Minnesota 55407  
Hennepin County

**Facility Type:** Home Health Agency (HHA)

**Evaluator's Name:** Nicole Myslicki, RN  
Special Investigator

**Finding:** Substantiated, 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 alleged perpetrator (AP) abused the client when the AP engaged in sexual conduct with the client.

**Investigative Findings and Conclusion:**

The Minnesota Department of Health determined abuse was substantiated. The AP was responsible for the maltreatment. The AP coerced, compelled, and enticed the client into a sexual relationship. The AP requested and engaged in digital penetration and oral sex with the client.

The investigator conducted interviews with facility staff members, including administrative staff and nursing staff. The investigation included review of the client's medical record, internal investigations, personnel files, staff schedules, and related facility policy and procedures.

The client received services from a home health agency in his home. The client's diagnoses included spinal cord injury and pressure injuries. The client's care plan included wound care

three times weekly. The client's assessment indicated the client had been bedbound and fatigued easily due to generalized weakness. The assessment also indicated the client had a urinary catheter, recurrent urinary tract infections, feeding tube, and ostomy. The assessment identified the client as alert and oriented.

An internal investigation indicated the agency received a complaint the AP and the client had been in a relationship, but the AP stopped dating the client. The reporter had been concerned the client started having issues getting his supplies after the relationship ended. The investigation included an interview with the client, who stated he did have a romantic relationship with the AP. The investigation also included an interview with the AP who stated she had been the client's nurse for a long time, so they were close. The AP stated the two did not know each other prior to him being a client, but they became friends. The AP denied having a personal relationship with the client but did admit to seeing him outside of working hours once to assist him with needs while his caregivers were gone. The agency determined the AP violated their professional boundaries policy, but they could not substantiate the allegation of a romantic relationship. The AP received a written warning for the violation.

Approximately seven months later, the agency became aware the client filed a civil complaint against the AP and the agency which indicated the AP engaged in sexual conduct with the client, including fondling of the genitals, digital penetration, and oral sex.

A second internal investigation indicated the agency received notice of the civil lawsuit involving the agency, the AP, and the client. The agency interviewed the AP again for the second investigation. During this interview, the AP stated she had a personal relationship with the client and sent text messages of a personal nature but did not provide detailed information. The AP declined to answer questions related to sexual contact and ended the interview.

Review of text messages between the client and the AP indicated the AP sent several text messages compelling the client into an emotional connection. Such text messages of this content included the following:

"I will do whatever you need! I want you to have your life back, and I would really really like to be a part of that life. It's so weird, like there is so much I want to know about you."

"...thanks for letting me come over. I have never felt as in sync and connected with someone as I am with you. I love being intimate with you. You make me feel so comfortable, wanted, and sexy. I'm glad we found each other."

"I am so in love with you. You are everything I want and need. Being with you makes me so happy. I have never connected with anyone like this. You are my safest and most comfortable place. You are it, baby. I love you! Even when you're grey and old [heart emoji] sweet dreams [kiss emoji]."

Review of text messages between the client and the AP indicated the AP sent several text messages suggestive of what the two would do sexually in the future, enticing the client. Such text messages of this content included the following:

“I’ll bring the toys next time we hang out on the weekend. I’ll need some help breaking them in [wink emoji].”

“Hmm. I think tomorrow the girls and basically my whole body could use some kisses and touch. And you haven’t given my vagina any kisses recently, so maybe we could do that this weekend if you’re feeling up to it. And I would love to touch you as well in places I haven’t touched yet. (only if you’re up for it of course) [kiss emoji].”

“I just want to feel your mouth and tongue on it [:)] it feels good regardless of [sic] if it makes me cum.” The client responded, “That’s what I did the first few times it was a lot of work but your [sic] right we haven’t done that in a while we can do that this weekend babe.”

“...anyways, when we were talking last night all I could think about was that I just really love you, and I want to be with you for a long time. So when I woke up this morning, I was thinking about how much I want to kiss you and be on top of you and feel your fingers inside of me...”

Review of text messages between the client and the AP indicated the AP and client corresponded with several text messages recapping the sexual contact that occurred between them. The AP and client used graphic and sexual slang language during the text exchanges. Summary of the text messages demonstrated the AP received digital penetration and oral sex from the client. During an exchange, the AP wrote her preference to the client using his fingers rather than a vibrator and the client wrote that he could feel her orgasm. During another exchange, the AP detailed how she had to use upper body strength during “playtime” to avoid putting her full weight on the client and the client offered for the next encounter they could try a different position.

Review of photographs sent to client’s phone by the AP showed the AP sent several pictures of herself in only a bra and underwear, and several photographs exposing her breasts but covering her nipples. The AP also sent one photograph of two sex toys.

The AP wrote the client two letters which she signed, “all my love.” In one letter, the AP indicated, “...I think I could admire your face [sic] your body forever. Your touch [sic] your kisses are the best things I have ever felt.” The AP also indicated, “I’ve never felt this way with anyone, I look forward to continuing to grow our emotional and physical connections.” Additionally, the AP indicated, “I can see us doing life together, I can see you being it for me. You are very much worth the wait [sic] I promise to be there for you no matter what. You are stuck with me.”

Review of text messages showed the AP ended the relationship with the client but remained his nurse case manager for several visits.

Review of the AP's personnel file indicated the AP completed training on vulnerable adults and maltreatment. The AP's schedule indicated she worked with the client over one hundred times.

During an interview, a nurse stated she participated in the first investigation and called the client who said he and the AP had a romantic relationship but did not go into detail. Upon hearing this information, they pulled the AP out of the field and scheduled an appointment to interview her. During the interview, the AP denied a romantic relationship. Because nothing sexual had been reported at that point, the investigatory team thought it seemed to be the client's word against the AP's. The AP had been a case manager for about eight months at that time and had been performing well, so they just pulled her off the client's case and assigned him a new case manager. After that, the agency did not have any other concerns as the AP continued her employment, until they received notice of the civil suit.

During an interview, an employee relations consultant stated she completed the second investigation which included an interview with the AP. During this interview, the AP admitted to having a personal relationship and texting with the client, but she declined to provide details. The AP declined to answer questions related to sexual conduct with the client. The AP appeared emotional and ended the interview. The employee relations consultant planned to proceed with termination based on information provided, but the AP chose to resign instead.

In a written statement, the client identified himself as bedbound with chronic pain and multiple pressure injuries. The client indicated he first met the AP when she began providing nursing care to him through the agency. The client and AP began exchanging text messages that were first personal in nature, then quickly became sexual in nature. The AP made it clear she wanted to pursue a relationship with the client. About three months after the AP started providing nursing care, sexual contact started. The sexual contact lasted for about seven months. The AP frequently stayed two to four hours after his nursing visits and visited on the weekends. The AP fondled the client's genitals and performed oral sex on him more times than he could recall. The AP requested the client perform oral sex on her more than ten times, as well as digital penetration and penetration with sex toys more than fifty times. After the AP ended the relationship, the client felt humiliated, coerced, and manipulated. Since the relationship ended, the client struggled with higher levels of depression and anxiety.

In a written statement, the AP indicated she had a relationship with the client for five to six months, outside working hours, including attending the client's family events. The AP indicated she and the client sent each other text messages regarding having a romantic interest in each other, as well as texts and photographs unrelated to work. The AP declined to answer questions related to any kind of sexual contact between herself and the client. The AP also indicated she did not recall receiving training regarding maltreatment, vulnerable adults, and professional

boundaries from the agency, and she did not understand what maltreatment was until this investigation.

In conclusion, the Minnesota Department of Health determined abuse 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.

**Abuse: Minnesota Statutes section 626.5572, subdivision 2.**

"Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

(4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(c) Any sexual contact or penetration as defined in section [609.341](#), between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

**Mitigating Factors considered, Minnesota Statutes, section 626.557, Subd. 9c(f):**

(1) The AP did not follow an erroneous order, direction or care plan with awareness and failure to take action.

The facility did not direct an erroneous order, direction, or care plan.

(2) The facility was not in compliance with regulatory standards.

The facility provided proper training and/or supervision of staff.

The facility provided adequate staffing levels.

The AP failed to follow the facility directive and/or policies and procedures.

(3) The AP failed to follow professional standards and/or exercise professional judgement.

The AP failed to act in good faith interest of the vulnerable adult.

The maltreatment was not a sudden or foreseen event.

**Vulnerable Adult interviewed:** Yes.

**Family/Responsible Party interviewed:** No. Requested but not answered.

**Alleged Perpetrator interviewed:** Yes.

**Action taken by facility:**

The facility removed the AP from the schedule and completed an internal investigation. The facility also reviewed and updated related policies as needed. The facility retrained staff on professional boundaries and vulnerable adult maltreatment and reporting. Also, the AP's employment with the facility ended.

**Action taken by the Minnesota Department of Health:**

MDH previously investigated the issue during a complaint survey under federal regulations, and substantiated facility 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>. You may also call 651-201-4200 to receive a copy via mail or email.

The purpose of this investigation was to determine any individual responsibility for alleged maltreatment under Minn. Stat. 626.557, the Maltreatment of Vulnerable Adults Act.

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  
Dakota County Attorney  
West Saint Paul City Attorney  
West Saint Paul Police Department  
Minnesota Board of Nursing

Minnesota State Department of Health

<b>STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTIONS</b>		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION A. BUILDING B. WING	(X3) DATE SURVEY COMPLETED <b>07/30/2024</b>
NAME OF PROVIDER OR SUPPLIER <b>ALLINA HEALTH HOME HEALTH</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>2925 Chicago Avenue , MINNEAPOLIS, Minnesota, 55407</b>	
(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) COMPLETION DATE
00000	Initial Comments  The Minnesota Department of Health investigated an allegation of maltreatment, complaint #H80913283M, in accordance with the Minnesota Reporting of Maltreatment of Vulnerable Adults Act, Minn. Stat. 626.557.	00000		
00325	Free From Maltreatment  CFR(s): 144A.44, Subd. 1(a)(14)  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  This LICENSURE REQUIREMENT is NOT MET as evidenced by:  The facility failed to ensure one of one clients reviewed (C1) was free from maltreatment.  The Minnesota Department of Health (MDH) issued a determination maltreatment occurred, and an individual person was responsible for the maltreatment, in connection with incidents which occurred at the facility. Please refer to the public maltreatment report for details.	00325		

Office of Primary Care and Health Systems Management

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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