

1 Department of Health

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3 Adopted Permanent Rules Relating to Fines for Uncorrected

4 Deficiencies in Supervised Living Facilities

5

6 Rules as Adopted

7 FINES

8 4665.9000 FINES FOR UNCORRECTED DEFICIENCIES IN SUPERVISED

9 LIVING FACILITIES AND AUTHORITY.

10 Parts 4665.9000 to 4665.9100 establish the schedule of
11 penalty assessments to be assessed against supervised living
12 facilities for the failure to comply with correction orders
13 under the authority of Minnesota Statutes, section 144.653,
14 subdivisions 5 and 6.

15 4665.9010 GENERAL REQUIREMENTS.

16 Penalty assessments for violations of parts 4665.0200 to
17 4665.1300 are as follows:

18 A. part 4665.0200, subpart 5, item B, \$350;

19 B. parts 4665.0300 and 4665.0400, \$50;

20 C. part 4665.0500, \$500;

21 D. that portion of part 4665.0800 that states "...
22 there shall be at least one responsible person awake, dressed,
23 and up and about in the facility. The responsible person shall
24 be at least 18 years of age and capable of performing required
25 duties in supervision of residents. This person shall be
26 immediately accessible to all residents in the facility and
27 shall be the person to whom residents can report injuries,
28 symptoms of illness, and emergency situations.", \$500;

29 E. that portion of part 4665.0800 that states
30 "Facilities that accept persons who are not capable of adequate
31 judgment in taking action for self-preservation, must assure
32 that there is, additional to the requirement above, adequate
33 staff on duty on a 24-hour-a-day basis to provide:

34 A. necessary physical services for activities of
35 daily living;

1 B. maintenance of an appropriate personal hygiene
2 program for each resident", \$350;

3 F. that portion of part 4665.0800 that states "C.
4 for appropriate movement of residents to safe harborage within
5 the facility, or evacuation from the facility, in the case of
6 fire or other emergency situation.", \$500;

7 G. part 4665.0900, \$350;

8 H. parts 4665.1000 and 4665.1100, \$50;

9 I. part 4665.1200, items A to C, \$100;

10 J. part 4665.1200, item D, \$50;

11 K. part 4665.1300, item A, \$50;

12 L. part 4665.1300, items B and C, \$100; and

13 M. part 4665.1300, item D, \$50;

14 N. a \$50 penalty assessment will be issued for
15 noncompliance with correction orders relating to part 4638.0200,
16 subpart 2; and

17 O. a \$250 penalty assessment will be issued for
18 noncompliance with correction orders relating to part 4638.0200,
19 subpart 3.

20 4665.9020 PHYSICAL PLANT.

21 Penalty assessments for violations of parts 4665.1400 to
22 4665.2700 are as follows:

23 A. parts 4665.1400 to 4665.1700, \$200;

24 B. part 4665.1800, subparts 1 to 10, \$150;

25 C. part 4665.1800, subpart 11, \$200;

26 D. part 4665.1900, \$150;

27 E. parts 4665.2000 to 4665.2100, \$200;

28 F. part 4665.2200, \$150;

29 G. parts 4665.2300 to 4665.2600, \$200; and

30 H. part 4665.2700, \$350.

31 4665.9030 NUTRITION.

32 Penalty assessments for violations of parts 4665.2800 to
33 4665.3200 are as follows:

34 A. parts 4665.2800 to 4665.3000, \$350;

35 B. that portion of part 4665.3100 that states "All

1 menus, including special diets, shall be planned, dated and
 2 available for review for a minimum of one week in advance.
 3 Notations shall be made of any substitutions in the meals
 4 actually served.", \$50;

5 C. that portion of part 4665.3100 that states "...
 6 these shall be of equal nutritional value. Records of menus and
 7 of foods purchased shall be filed for six months. A reasonable
 8 variety of foods shall be provided. A file of tested recipes,
 9 adjusted to a yield appropriate for the size of the facility,
 10 shall be maintained on the premises.", \$300; and

11 D. part 4665.3200, \$350.

12 4665.9040 HEALTH SERVICES.

13 Penalty assessments for violations of parts 4665.3300 to
 14 4665.4100 are as follows:

15 A. part 4665.3300, \$300;

16 B. part 4665.3400, \$300;

17 C. parts 4665.3500 to 4665.3900, \$350;

18 D. part 4665.4000, \$300;

19 E. part 4665.4100, subpart 1, \$300;

20 F. part 4665.4100, subpart 2, items A to C, \$100;

21 G. part 4665.4100, subpart 2, item D, \$500;

22 H. part 4665.4100, subpart 2, items E to F, \$100;

23 I. part 4665.4100, subpart 2, item G, \$300;

24 J. part 4665.4100, subpart 2, item H, \$100;

25 K. that portion of part 4665.4100, subpart 3, that
 26 states "Upon request, a resident or parent or guardian shall be
 27 provided with a summary of the resident's health record within a
 28 reasonable period of time following discharge. All information
 29 contained in the resident's health records shall be considered
 30 privileged and confidential, and written consent of the resident
 31 or his parent shall be required for the release of information
 32 to persons not otherwise authorized to receive it. The resident
 33 shall have access to the health record upon request.", \$250;

34 L. that portion of part 4665.4100, subpart 3, that
 35 states "All entries in the resident's health record shall be

1 legible, dated, and authenticated by the signature and other
2 identifying designation of the individual making the entry.",
3 \$300; and

4 M. part 4665.4100, subpart 4, \$300.

5 4665.9050 MEDICATION HANDLING PROCEDURES.

6 Penalty assessments for violations of parts 4665.4200 to
7 4665.4600 are as follows:

8 A. part 4665.4200, \$500;

9 B. part 4665.4300, \$350;

10 C. part 4665.4400, \$300;

11 D. part 4665.4500, \$350;

12 E. that portion of part 4665.4600 that states "If
13 authorized by the attending physician or the resident's
14 physician, medications belonging to residents shall be given to
15 them when discharged or transferred. This shall be recorded in
16 the resident's health record.", \$300;

17 F. that portion of part 4665.4600 that states "Unused
18 portions of controlled substances shall be handled by contacting
19 the Minnesota Board of Pharmacy, which will furnish the
20 necessary instructions and appropriate forms, a copy of which
21 shall be kept on file in the facility for two years. Any other
22 unused portions of prescription drugs remaining in the facility
23 after the death or discharge of the resident for whom they were
24 prescribed, or any prescriptions discontinued permanently, shall
25 be destroyed by the licensee or designee by flushing them into
26 the sewer system and removing and destroying the labels from the
27 containers.", \$100; and

28 G. that portion of part 4665.4600 that states "A
29 notation of such destruction giving date, quantity, name of
30 medication, and prescription number shall be recorded on the
31 resident's chart. Such destruction shall be witnessed and the
32 notation signed by both persons.", \$50.

33 4665.9060 SAFETY.

34 Penalty assessments for violations of parts 4665.4700 to
35 4665.9900 are as follows:

- 1 A. part 4665.4700, \$300;
- 2 B. parts 4665.4800 and 4665.4900, \$200;
- 3 C. part 4665.5000, \$250;
- 4 D. part 4665.5100, \$100;
- 5 E. that portion of part 4665.5200 that states "If
- 6 smoking is permitted, it shall be permitted only in designated
- 7 areas.", \$200;
- 8 F. that portion of part 4665.5200 that states
- 9 "Bedfast residents may be allowed to smoke only while under the
- 10 direct supervision of a staff member.", \$500;
- 11 G. part 4665.5300, \$300;
- 12 H. that portion of part 4665.5400 that states "In the
- 13 event of an emergency or unusual occurrence, such as
- 14 hospitalization, serious illness, accident, imminent death, or
- 15 death, the resident's parent or others who maintain a close
- 16 relationship with him shall be notified. The wishes of the
- 17 resident and his parent about religious matters shall be
- 18 determined and followed as closely as possible.", \$250;
- 19 I. part 4665.5400, item A, \$350;
- 20 J. part 4665.5400, item B, \$50;
- 21 K. part 4665.5500, subpart 1, \$300;
- 22 L. part 4665.5500, subpart 2, \$50;
- 23 M. part 4665.5600, \$200; and
- 24 N. part 4665.9900, \$300.

25 4665.9070 DEPARTMENT OF HEALTH STATUTES.

26 Penalty assessments for violations of Minnesota Statutes,

27 section 144.651, are as follows:

- 28 A. subdivision 4, \$100;
- 29 B. subdivision 5, \$250;
- 30 C. subdivision 6, \$250;
- 31 D. subdivision 7, \$100;
- 32 E. subdivision 8, \$100;
- 33 F. subdivision 9, \$250;
- 34 G. subdivision 10, \$250;
- 35 H. subdivision 11, \$100;

- 1 I. subdivision 12, \$250;
- 2 J. subdivision 13, \$500;
- 3 K. subdivision 14, \$500;
- 4 L. subdivision 15, \$250;
- 5 M. subdivision 16:
- 6 (1) except as noted in subitem (2), \$100; and
- 7 (2) that portion of this subdivision that states
- 8 "Patients and residents shall be assured confidential treatment
- 9 of their personal and medical records, and may approve or refuse
- 10 their release to any individual outside the facility.", \$250;
- 11 N. subdivision 17, \$100;
- 12 O. subdivision 18, \$250;
- 13 P. subdivision 19, \$250;
- 14 Q. subdivision 20, \$250;
- 15 R. subdivision 21:
- 16 (1) that portion of this subdivision that states
- 17 "Patients and residents may associate and communicate privately
- 18 with persons of their choice and enter and, except as provided
- 19 by the Minnesota Commitment Act, leave the facility as they
- 20 choose...Personal mail shall be sent without interference and
- 21 received unopened unless medically or programmatically
- 22 contraindicated and documented by the physician in the medical
- 23 record.", \$250; and
- 24 (2) that portion of this subdivision that states
- 25 "Patients and residents shall have access, at their expense, to
- 26 writing instruments, stationery, and postage...There shall be
- 27 access to a telephone where patients and residents can make and
- 28 receive calls as well as speak privately. Facilities which are
- 29 unable to provide a private area shall make reasonable
- 30 arrangements to accommodate the privacy of patients' or
- 31 residents' calls.", \$250;
- 32 S. subdivision 22, \$250;
- 33 T. subdivision 23, \$250;
- 34 U. subdivision 24, \$100;
- 35 V. subdivision 25, \$250;
- 36 W. subdivision 26, \$250;

- 1 X. subdivision 27, \$250;
2 Y. subdivision 28, \$250;
3 Z. subdivision 29, \$250;
4 AA. subdivision 30, \$250;
5 BB. subdivision 31, \$500; and
6 CC. subdivision 32, \$250.

7 4665.9080 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.

8 Penalty assessments for violations of Minnesota Statutes,
9 section 626.557, are as follows:

- 10 A. subdivision 3, \$250;
11 B. subdivision 3a, \$100;
12 C. subdivision 4, \$250;
13 D. subdivision 9, \$250;
14 E. subdivision 14, \$350;
15 F. subdivision 15, \$350; and
16 G. subdivision 17, \$250.

17 4665.9090 MINNESOTA CLEAN INDOOR AIR ACT.

18 Except as noted in items A and B, a \$200 penalty assessment
19 shall be issued for any violation of Minnesota Statutes,
20 sections 144.411 to 144.417, the Minnesota Clean Indoor Air Act,
21 or any rules adopted under this act:

- 22 A. that portion of section 144.414, subdivision 3,
23 paragraph (b), that states "... pursuant to a policy established
24 by the administrator of the program that identifies
25 circumstances in which prohibiting smoking would interfere with
26 the treatment of persons recovering from chemical dependency or
27 mental illness.", \$100; and
28 B. section 144.414, subdivision 3, paragraph (c),
29 \$100.

30 4665.9100 FAILURE TO CORRECT DEFICIENCY AFTER A FINE HAS BEEN
31 IMPOSED.

32 If, upon subsequent reinspection after a fine has been
33 imposed under parts 4665.9000 to 4665.9090, the deficiency has
34 still not been corrected, another fine shall be assessed. This

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1 fine shall be double the amount of the previous fine.

2 REPEALER. Minnesota Rules, part 4665.1320, is repealed.