

January 26, 1973

Dear Mr. Tapper:

I understand that you have recently been interested in The Angels. I feel that I ought to bring to your attention some of the policies and conditions at The Angels that would not become apparent from the kind of tours that are given to visitors, parents, or inspectors. Unfortunately, because of my close connections to The Angels I have to remain anonymous.

I know that you have visited The Angels on several occasions, and I am sure that with your experience you are usually able to detect violations of state standards. Nevertheless, I feel it is important to bring these conditions to your attention because the tours at The Angel are so unbelievably fake that you may not be aware of the true situation. I can't recall specifically your tours and what was done on those occasions, but usually for any tour an extra large staff is scheduled; extra cleaning is done; the children are "set out" specially and worked with more than is ever done otherwise; all signs relating to feeding procedures, "bagging", or working the children are removed and hidden; staff members are not allowed go out in the hall; lunch hours are rescheduled if necessary; the entire addition is specially aired-out and sprayed to lessen the odor; laundry carts are hidden; and often the entire downstairs is locked so the First Room and the children in that room are hidden. For certain particularly important tours (such as when an inspector comes:, the staff is told to bring two uniforms to work so they can change before the tour, and on some occasions, crying children have been put in bags and hidden in the bathroom. The education work with the children during tours is also very misleading. Children who do not talk at all use the language Master; deaf children are taught to sing; and children who normally spend 24 hours a day lying on their backs are tied into chairs and given a toy to play with.

Of the conditions which I am going to list, I don't know which (if any) are violations of state standards or other laws. However, I feel that all these conditions are detrimental to the welfare of the children and, for their sake, I hope that something can be done to change these.

These are the policies and conditions that I feel should be changed (and which may be illegal):

1. Though DR. Tudor is employed The Angels as Medical Director, his visits are rare. During the period of which I am aware, he has visited the children at The Angels and average of about once every two months. Even these visits have been relatively short.
2. There are no nurses or other qualified medical personnel employed at The Angels. Mrs. Mahan is said to have some training as a physician, and Paulette Keever is said to have some nurse's training, but neither have any professional qualifications, and it does not appear that either have made any attempt to expand their knowledge or to keep up with current medical

- developments. Considering the chronic medical problems of many of the children, it seems that at least one qualified nurse should be employed.
3. Medications, including shots, are given by people with little training, and no training by qualified medical personnel.
  4. There is no ventilation system. As far as I am aware, doors and windows are the only source of fresh air.
  5. There is no humidifier, and during the winter the air is extremely dry. This has a real effect upon the children-some children's lips actually crack and bleed due to the dryness.
  6. The heating system is inadequate. For quite a while in the beginning of the winter it was so cold downstairs that the employees who live-in were cold at night even with blankets. The children downstairs have no blankets, or even socks, at night.
  7. Before important tours, the nurseries are sometimes aired-out by opening windows-even in the middle of winter.
  8. All but about six of the older children are fed only mush twice a day. The mush is made by mixing powdered skim milk and water, then adding enough Gerber's Rice Cereal to thicken it to the desired consistency. In the morning, vitamins are also added. It seems to me that this could not possibly be a balance diet. (For instance, either the skim milk or the cereal contain any fats.) A number of the children would be perfectly capable of eating more normal food, and all of the children could benefit from some variety.
  9. The Angels employs no dietitian, not even on a consulting basis.
  10. The "big kids" are fed bread and jelly at about 5:30 AM and dinner at 5:30 PM. On school days they get lunch at school. But on weekends and holidays they are not fed lunch on a regular basis. Often they get some food, but sometimes they do not. They are always very hungry by lunch time and have to beg food from the staff.
  11. The children do not receive water on a regular basis, aside from what they get in the food. Many of the children appear to be constantly thirsty.
  12. The same sink (the one in Blue Room bathroom) is used for giving enemas, making food, washing dishes, and giving baths. When enemas are given, the child's excrement is expelled directly into the sink. Afterwards, the sink is to be cleaned with Lysol, but the leaning is not always thorough. Dishes are then washed directly in the sink (not in a basin).
  13. I understand that the small sink in the kitchen is required by state health standards. However, the drain is taped over so the sink can not be used except when there is an inspection.
  14. Many of the children have to be fed individually. As many as seven or eight children may be fed from the same bowl with the same spoon. The bowl and spoon are only rinsed quickly with water in-between.
  15. To restrain children at night, some of the children are put in nylon net laundry bags, which are pinned to the bars of their cribs. More

importantly, "bagging" children has also been used as a form of punishment.

16. Mrs. Mahan has lied about the number of employees at The Angels to newspaper reporters. There good reason to believe that she has also lied to social workers, the welfare department, etc. The employee's time cards are sometimes removed from their slots during important tours. On at least two occasions, extra fake time cards have been added so as to make it appear that there were 29 employees.
17. I understand that new state standards are going to require that rooms house no more than four or five children. Mrs. Mahan has told the staff that in such a case, she intended to install movable partitions. These partitions would only be used during inspections.
18. There is a noticeable lack of black or Indian children or staff members at The Angels. This seems to more than coincidence. There seem to be discriminatory policies in admitting children and in hiring staff.

I hope you are able to do something to change these conditions. I wish I could help in providing additional information, but my present position would be severely jeopardized if I did not remain anonymous. However, there are some other people who would probably be willing to help in any investigation. All of these people have recently left The Angels, so that they probably would not fear any retaliation. They could clarify and elaborate on what I have said here and probably also add to what I have said. Therefore, I would recommend that you contact:

Linda Scott and Linda Hutchins  
3434 South Blaisdell, downstairs apt.  
Minneapolis  
822-5955

David and Gay Bicking  
920 E. 19<sup>th</sup> Street Apt. 101  
Minneapolis  
341-3675

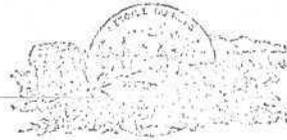
Dawn Moore  
3800 69<sup>th</sup> Ave. N.  
Minneapolis 561-6793

Lynann Hagel  
5901 Colfax Ave. N.  
Minneapolis  
561-1745

If it is legal and proper to do so, I would also recommend that you go to the Angels unannounced, go in the side door to the addition, and look around for yourself. For the best look at the procedures, I would recommend that you go between 8:00 and

8:30 AM. At this time, no one would see you until you actually entered the addition. You should go down the driveway, past the garage, through the gate, and enter by the door which is next to the kitchen. The reason I recommend this is that it is the only way to avoid a fake tour. For instance, the one time that you had lunch with Mrs. Mahan with no announced intention of touring the addition, everything was set up in readiness for a tour, just in case. Other times when people have come without an appointment, Mrs. Mahan has detained them upstairs for just a few minutes, while everything was quickly set up downstairs.

Once again, I hope that you will do whatever you can, because I sincerely believe that it could only be of benefit to the children.



STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC WELFARE  
CENTENNIAL OFFICE BUILDING  
ST. PAUL, MINNESOTA 55155

February 16, 1973

Mrs. Ethel Mahan  
Owner and Administrator  
"The Angels"  
13403 W. McGinty Road  
Minnetonka, Minnesota

Re: Notice of Revocation of License

Dear Mrs. Mahan:

This is formal notification of the intent of the Minnesota Department of Public Welfare to revoke the license of "The Angels," as an institution serving individuals who are retarded, and which has been licensed pursuant to DPW Rule 7 for the care of up to 50 retarded children, ages to 8 years. The reasons for this intended revocation are as follows:

1. The diet provided for the children has been inadequate, and there has been no policy for providing adequate fluid intake. Meals have consisted of two per day, comprised, for most of the children, a substance consisting of cereal, dry skim milk, MBF Meat Base and tap water, sometimes supplemented by vitamins. No fruit, or fruit juices, vegetables or fats have customarily been included in the diets. There has been little or no effort to teach the children to feed themselves, and those who do eat without assistance have had no opportunity to expand their skills to more solid food. No dietician is regularly employed, or retained as a consultant. This violates DPW 7-IV J, which requires that individual nutritional needs must be met; DPW 7-IV N which requires that each individual should be encouraged and helped to attain the highest degree of self-help skills possible; and DPW 7-V, D11, which requires the use of qualified nutritionists.

2. Procedures in regard to prescribing and administering medications have been inadequate. Medications have not been individually prescribed, and have been passed by unlicensed, untrained personnel. There is no adequate procedure for sterilizing needles and syringes. Medications, needles and syringes have been kept in an unlocked cabinet, and a large number of out of date medications have been retained. This violates DPW 7-IV, J which requires that individual needs for medication must be attended to, and DPW 7-V, D12, which requires that a professional nurse be available to assist in setting up a regimen for giving medications. It also violates Minn. Stat. 1971, § 151.01, Subd. 16, which requires individual prescriptions, § 151.40, which restricts possession of hypodermic syringes and needles, and § 151.39, which restricts the administering of legend drugs.

3. Children have been placed in bags in a manner which has severely restricted movement, for periods extending from 4:30 p.m. to 7:30 a.m. This has served not only as a substitute for personal care and attention, but, apparently, also for disciplinary purposes. This violates DPW 7-V, B, which requires that there shall be sufficient staff to carry out the institution program, is a fire hazard, and is a violation of Minn. Stat. 1971, § 609.23, which prohibits ill-treatment of persons confined in any institution.

4. The staff maintained is inadequate to provide for the care of the residents. There is no regular program of training new staff, or providing in-service training for existing staff. A substantial percentage of staff members are under 21. There is no clerical or housekeeping staff, and the number of staff members employed as aides is inadequate to provide both housekeeping and patient care. The "program director" is under 21, and has had no training or experience other than with "The Angels," and performs regular patient care duties. There is only one employee awake on the premises from 4:30 p.m. to 7:30 a.m., which constitutes a fire hazard, in a facility in which children sleep on two floors. No regular physical examinations are required of employees. An exceptionally high employee turnover rate has resulted in a

present staff of whom more than 50 percent have been employed less than one year. This general situation violates DPW 7-V, B, which requires sufficient staff to carry out the institution program; DPW 7-V, C which requires physical examinations; DPW 7-V, D2 which requires a trained or experienced program director; V,D3 which requires adequate clerical services; DPW 7-V, D5 which requires a sufficient number of domestic and maintenance staff; DPW 7-V, D9, which requires recreational staff; DPW 7-V, D11, which requires a nurse or nursing consultant.

5. There are insufficient precautions for health care. The only health professional available is a physician who is on contract. There have been serious medical problems among the children which have been undiagnosed, untreated, or mistreated. There is no plan for dental care. Medical records documenting health problems are at best sketchy. Needed utilization of special services such as occupational therapy, physical therapy, and speech therapy has not been achieved. This all violates DPW 7-IV, H, which requires that speech, vision and hearing services be provided; DPW 7-IV, I, which requires that individual health needs must be determined and met; DPW 7-IV, L, which required a plan for dental care and DPW 7-V, 11, which requires health care personnel or consultants.

6. Necessary sanitary procedures have not been followed. There has been an inadequate supply of dishes, glasses, silverware and utensils. There are only two toilets on the floor where the majority of residents reside, and the bathtubs and sinks are not situated so as to be accessible for training children to care for their own hygiene. There is no sterilizer and no commercial dishwasher; the family dishwasher available has, in fact, not been used. There are no drinking water units available to the residents. This violates DPW 7-IV, J, which requires that health and individual needs of residents be met; DPW 7-IV, N, which requires that each resident be encouraged to attain the highest degree of self-help possible; and DPW 7-VI, D, which requires that Department of Health requirements be met.

7. Sufficient equipment is not provided. There is no institutional-type equipment for food preparation or storage. There are no provisions for storage of individual clothing and residents are not afforded a place to keep personal

belongings. For the large number of apparently non-ambulatory residents, the number of mobility devices is insufficient. There is insufficient recreational equipment for developing either small or large muscle control, and an insufficient number of toys. This violates DPW 7-IV, N, which requires that each individual be encouraged to attain the highest degree of self-help available, DPW 7-IV, R, which requires that recreation be extended to all; DPW 7-IV, T, which requires physical development programs; DPW 7-VI, B4, which requires that each resident shall have a set of bureau drawers; and DPW 7-VI, B5, which requires individual storage facilities for clothing.

8. The physical facility is inadequate. The "blue," "yellow" and "red" rooms all have more than 8 beds. There is no acceptable dining or dayroom facility for residents. This violates DPW 7-VI, B3, which limits the number of children per sleeping room to no more than 8 severely and profoundly retarded children; DPW 7-VI, B2, which requires 35 square feet of day room or recreation room space per individual; and DPW 7-VI, B1, which requires a dining area with no more than 8 persons seated at one table.

9. Written policies and records have not been maintained as required. The social and health histories of individuals are generally out-of-date. The nurses notes have large gaps and records regarding medications are sketchy. There have been no written policies in regard to any operating procedures, except some minimal instructions to new staff attached to the kitchen bulletin board. There has been no orderly filing system, so that such records as are kept are often not easily accessible. This violates DPW 7-III, E, which requires that a number of written policies be established; DPW III, F, which requires a system of business management to assure complete and accurate records; DPW 7-V, D3, which requires sufficient clerical staff to keep files in good order, and DPW 7-V, E, which requires written employee policies.

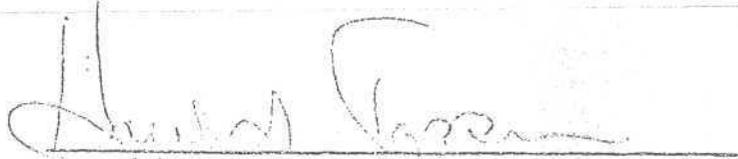
10. There are no individual program plans for the children. This violates all of DPW 7-IV, which specifies what the components of such plan should be, and specifically DPW 7-IV, A.

Mrs. Ethel Mahan

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February 16, 1973

Minn. Stat. § 257.11 provides that you are entitled to a hearing pursuant to Minn. Stat. Chapt. 15 in regard to the revocation of your license. You may request a hearing by notifying this office within 30 days from the date of this letter. The Commissioner of Public Welfare specifically reserves the right of inspection pursuant to Minn. Stat. § 257.102, for the duration of the period of licensure.



Harold Tapper  
Director of Mental Retardation Licensing,  
Retardation Services Division  
Department of Public Welfare

KATZ, TAUBE, LANGE & FROMMELT

1608 IDS CENTER • 80 SOUTH EIGHTH STREET

A. LARRY KATZ  
STANLEY M. TAUBE  
STEVEN Z. LANGE  
ROGER H. FROMMELT  
DAVID B. EIDE  
THEODORE M. STONE  
SAUL A. BERNICK  
DONALD H. NICHOLS

MINNEAPOLIS, MINNESOTA 55402

AREA CODE 612  
336-9671

June 14, 1973

The Honorable Warren Spannaus  
State of Minnesota  
Attorney General  
Office of the Attorney General  
St. Paul, Minnesota 55155

Attention: Curtis Forslund, Esq.  
Minnesota State Solicitor General

Re: The Angels  
Our File: 73-5078

Dear Mr. Forslund:

On February 16, 1973, Mr. Harold Tapper, Director of Mental Retardation Licensing, Retardation Services Division, Minnesota Department of Public Welfare, served a Notice of Revocation of License on my client, Mrs. Ethel Mahan, owner and administrator of The Angels, Home for the Retarded Children, at 13403 West McGinty Road, Minnetonka, Minnesota.

In response thereto, on March 14, 1973, I, as attorney for Mrs. Mahan, demanded a hearing pursuant to the Minnesota Statutes, in regard to the specification of charges itemized in the Notice of Revocation.

At this time, pursuant to my recommendation and counsel, Mrs. Mahan offers to withdraw the previous demand made by her for a hearing and waive any rights which she might have to contest the specifications as listed in the Notice of Revocation previously referred to herein. This offer to vacate her previous demand for a hearing on the Notice of Revocation is made in consideration of the State granting Mrs. Mahan the authority to continue operating the home until July 15, 1973, at which time she will be obligated to have hired a full time administrator acceptable to the Department of Public Welfare to take over the total management and administrative responsibility for The Angels Home for the Retarded Children.

Mrs. Mahan would hope that the administrator hired to assume her responsibilities at the home would be available to

June 14, 1973

commence his or her duties by July 15, 1973. However, if the administrator who is hired by Mrs. Mahan is unavailable to commence his or her duties by that date, then it would be understood between us that the Department of Public Welfare would allow until August 15, 1973, for the administrator to actually commence his or her full time responsibilities.

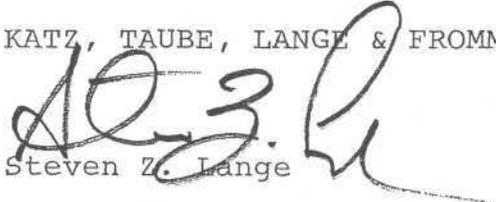
Finally, it would be understood between us that as of December 15, 1973, the license which Mrs. Mahan has been issued by the Department of Public Welfare to operate The Angels would expire, and the newly hired administrator and/or the successor to Mrs. Mahan, if the home has been sold, would be obligated to comply with all of the requirements of the Department of Public Welfare regarding a license to operate a home for retarded children.

I trust that the details contained herein correctly state the agreement between us and if that is the case, I assume you will confirm it by a written response to me.

Thank you for your courtesies and cooperation.

Very truly yours,

KATZ, TAUBE, LANGE & FROMMELT

  
Steven Z. Lange

SZL/nmc



STATE OF MINNESOTA  
OFFICE OF THE ATTORNEY GENERAL  
ST. PAUL 55155

WARREN SPANNAUS  
ATTORNEY GENERAL

June 15, 1973

Steven Z. Lange, Esq.  
Katz, Taube, Lange & Frommelt  
1608 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

RE: The Angels

Dear Mr. Lange:

We acknowledge receipt of your letter of June 14, 1973, outlining Mrs. Ethel Mahan's desire to withdraw her request for a hearing on the matter of the revocation of the license of The Angels. We understand that Mrs. Mahan will sell the home, or, in any event, divest herself of all operative connection with the home, and that the proposal that you have outlined is designed to allow a reasonable time for that to be done. In our view, the purpose of this agreement is to insure that the health, safety and development of children at the home will be protected during this interim period. On the following clarifications and additional understandings, Mrs. Mahan's proposal is acceptable.

With regard to the existing license: this license would be revoked immediately, and Mrs. Mahan, besides withdrawing her previous request for a hearing, will waive any right to a future hearing on this revocation. A new, provisional license would be issued, embodying the agreed conditions. In the event of a breach of any condition, the Commissioner may elect to revoke the provisional license immediately, without prior notice, and Mrs. Mahan waives any right to a hearing on such revocation. The provisional license will expire, in any event, on December 15, 1973.

As you say in your letter, an interim administrator will be hired. The Department of Public Welfare will have the right to approve the selection of the administrator.

Steven Z. Lange, Esq.

June 15, 1973

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We regard the grant of "total management and administrative responsibility" to the administrator, and we believe you do also, as cloaking the administrator with unlimited discretion in his operation of the home. Just to be sure that there are no misunderstandings, however, we note specifically that this will give the administrator unlimited authority to allocate the income from the home's operation among such budgetary items, for instance, as nursing service, other staffing, food, supplies, medical care, etc., and will give him full authority over the hiring, supervision and termination of all staff members and consultants.

It is further understood that the administrator will from time to time and upon request, consult with the Commissioner or her representative and will be directly accountable to the Commissioner for the operation of the program as long as the provisional license is in effect.

Also, we understand that Mrs. Mahan will be completely removed from any involvement in the operation of the home, from and after the time the administrator commences his duties. That fact, however, shall not relieve Mrs. Mahan of the ultimate responsibility of ownership, or its attendant liabilities.

As we agreed during our telephone discussions of yesterday afternoon, The Angels will immediately designate someone who has access to all records pertaining to operation of the home, to be available to the Commissioner upon request.

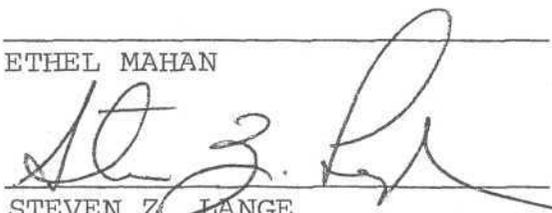
Very truly yours,



CURTIS D. FORSLUND  
Chief Deputy  
Attorney General

Accepted:

\_\_\_\_\_  
ETHEL MAHAN



\_\_\_\_\_  
STEVEN Z. LANGE

CDF:jct

STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC WELFARE  
CENTENNIAL OFFICE BUILDING  
ST. PAUL, MINNESOTA 55155

June 22, 1973

Mrs. Ethel Mahan, Director  
The Angels  
13403 West McGinty Road  
Minnetonka, Minnesota 55343

Dear Mrs. Mahan:

Enclosed is the license for the Angels, 13403 West McGinty Road, Minnetonka, Minnesota, 55343, authorizing this facility to engage in a program of residential service under the provisions stipulated in this letter. This license shall expire on December 15, 1973 and shall not be renewed or extended. Further, failure to meet any of the provisions contained herein will constitute a basis for immediate revocation of this license without a hearing, as indicated in the letter to Steven Z. Lange from Curtis Forslund, dated June 15, 1973, and accepted by you.

Provision 1 - The home shall care for no more than fifty mentally retarded children, 0-3 years of age.

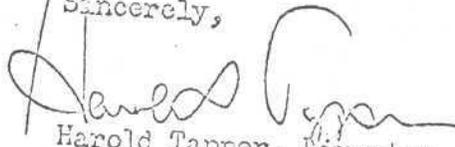
Provision 2 - Before June 29, 1973, the Commissioner shall be notified in writing of a person who has access to all program administrative and financial records pertaining to the operation of the home. The person so designated shall make these records available to the Commissioner upon request.

Provision 3 - Before July 15, 1973, you shall hire an interim administrator, who shall begin full time (40-hour weekly) employment before August 15, 1973. The interim administrator shall have total management and administrative authority, and shall be directly accountable to the Commissioner of Public Welfare. Minimum requirements for the position of interim administrator shall be a bachelor's degree in social, education, or health related field, and employment experience in a residential setting for children. The appointment of the interim administrator shall be subject to approval by the Commissioner.

Provision 4 - Ethel Mahan shall be completely removed from any involvement in the operation of the home, from and after the time the interim administrator commences his duties.

Please post the license in a position that is readily visible.

Sincerely,



Harold Tapper, Director  
MR Licensing  
Retardation Services Division  
Department of Public Welfare

HT:gc

cc: Gerald Walsh, Hennepin County Licensing Committee  
Robin Reich, Area MH-MR Board  
Frederick Joy, Hennepin County Welfare Department  
Attention: Roger Leaf  
Minneapolis ARC  
F. J. Moriarty, Regional Representative  
Jerry Huston, Minneapolis Health Department

1 ED 1111

July 17, 1973

Mrs. Ethel Mahan, Director  
The Angels  
13403 West McGinty Road  
Minnetonka, Minnesota 55343

Dear Mrs. Mahan:

On June 22, 1973, the Department of Public Welfare issued a provisional license authorizing the Angels to engage in a program of residential service. You were advised that failure to meet any of the provisions contained therein would constitute a basis for revocation of that license without a hearing, as stated in the letter dated June 15, 1973, from Curtis Forslund to Steven Z. Lange.

Provision 3 of the license issued June 22, 1973 stated, in part:

Before July 15, 1973, you shall hire an interim administrator.

You have failed to comply with this provision.

On this basis, the license issued to the Angels on June 22, 1973, is hereby revoked. We are on this date directing the Hennepin County Welfare Department to remove the children currently residing at the Angels.

Harold Tapper, Director  
MR Licensing  
Retardation Services Division

HT:gc

cc: Hennepin County Welfare Department

