

May 31, 2023

Anna Manque, Authorized Agent
AM Homes
7617 Scott Avenue North
Minneapolis, Minnesota 55443

License Number: 1104819 (245D – HCBS)
Report Numbers: 202205705, 202209247, 202208140

CORRECTION ORDER

Dear Anna Manque:

On May 5, 2023, a licensing complaint investigation of AM Homes, located at 7617 Scott Avenue North, Minneapolis, Minnesota, was conducted to determine compliance with state and federal laws and rules governing the provision of home and community-based services to persons with disabilities and age 65 and older under Minnesota Statutes, Chapter 245D. As a result of this licensing complaint investigation a Correction Order is being issued.

A. Reason for Correction Order

Pursuant to Minnesota Statutes, section 245A.06, if the Commissioner of the Department of Human Services (DHS) finds that the license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the Commissioner may issue a Correction Order to the license holder.

The following violation(s) of state or federal laws and rules were determined as a result of the licensing review. Corrective action for each violation is required by Minnesota Statutes, section 245A.06 and is hereby ordered by the Commissioner of Human Services.

1. Citation: Minnesota Statutes, section 245D.07, subdivision 1a, paragraph (a).

Violation: For one of one person whose record was reviewed (P1), the license holder did not provide services in response to the person's identified needs and preferences as specified in the support plan addendum.

Following an incident involving P1 that occurred in June 2022, SP1 had a conversation with P1 and informed them that if the incident occurred again, SP1 would be terminating services for P1. SP1 also informed P1 that due to this incident, P1 would not have access to preferred activities in the community and would now have to sit in the back seat of the vehicle for staff safety. Following this conversation, P1's legal representative requested that SP1 not have these conversations directly with P1 in the future as it could cause "unnecessary distress" to P1 which would "heighten any behaviors or anxiety". SP1 responded to P1's legal representative and

stated that SP1 would continue to include P1 in these conversations as P1 is the one doing the actions and that it is not P1's team that needs to "stop this behavior it is [P1]".

A document titled "Coordinated Service and Support Plan Addendum – Intensive Services" maintained in P1's record included the following:

"[P1] is often aware when [he/she] is becoming over stimulated or when [he/she] is becoming frustrated due to overloaded of information or stimuli. [P1] needs positive feedback and support during this time, [he/she] does not respond well to yelling, arguing, power struggles, or abrupt endings."

The license holder failed to provide services in response to P1's identified needs and preferences as specified in P1's support plan addendum.

P1 is no longer receiving services from the license holder.

Corrective Action Ordered: Immediately and ongoing, you must provide services in response to the identified needs and preferences in the person's support plan and support plan addendum for each person receiving services under this license. On an ongoing basis, you must maintain compliance as required in these subdivisions.

2. Citation: Minnesota Rules, part 9544.0060, subpart 2, item J.

Violation: For one person whose record was reviewed (P1), the license holder did not ensure that persons are free from the use of prohibited procedures, as required.

As a result of an incident involving P1 that occurred in June 2022, the license holder utilized punishment when they limited P1's access to preferred activities in the community for two weeks following the incident. In an email communication to P1's support team, the license holder affirmed that P1's access to preferred activities in the community would be limited as a "consequence" to P1's actions. The license holder failed to ensure that P1 was free from the use of a prohibited procedure in the services provided, including the use of punishment of any kind.

Corrective Action Ordered: Immediately and ongoing, you must discontinue the use of prohibited procedures in all services provided under this license. On an ongoing basis, you must maintain compliance as required in this subpart.

3. Citation: Minnesota Statutes, section 245D.095, subdivision 5.

Violation: The license holder did not maintain personnel records as required.

A DHS licensor requested staff training records for staff persons working with P1 that included documentation of the staff's orientation and training on P1's individual service recipient needs including additional training topics as determined necessary in the person's support plan or other areas identified by the license holder. The license holder was unable to produce this information to fulfill this request; therefore, the license holder failed to maintain personnel records that documented and verified staff orientation and training that included the date the training was completed, the number of hours per subject area, and the name of the trainer or instructor.

Corrective Action Ordered: Immediately and ongoing, you must maintain personnel records for all staff persons providing services under this license that includes the date the training was completed, the number of hours per subject area, and the name of the trainer or instructor.

If you fail to correct the violations specified in the Correction Order within the prescribed time lines the Commissioner may issue an Order of Conditional License or may impose a fine and order other licensing sanctions pursuant to Minnesota Statutes, sections 245A.06 and 245A.07.

B. Right to Request Reconsideration

If you believe any of the citations are in error, you have the right to request that the Commissioner of Human Services reconsider the parts of the Correction Order that you believe to be in error. The request for reconsideration must be in writing and received by the Commissioner within 20 calendar days after receipt of this report. Your request for reconsideration must be sent 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

Please note that a request for reconsideration does not stay any provisions or requirements of the Correction Order. The Commissioner's disposition of a request for reconsideration is final and not subject to appeal under Minnesota Statutes, chapter 14.

If you have any questions regarding this Correction Order, please contact me as soon as possible.

Krista Hastings, Senior Human Services Licensor
Licensing Division
Office of Inspector General
651-431-4825