



On October 24, 2023, the Office of Inspector General, Legal Counsel's Office, sent you a Correction Order Reconsideration Determination in which the first paragraph includes an error stating the Commissioner determined there was "insufficient" evidence to support the citation. Please disregard the October 24, 2023, letter. The correct reconsideration decision follows below.

November 8, 2023

Mohamed Mohamed, Authorized Agent
Metro Health Advanced LLC
1821 University Avenue West Suite S109
Saint Paul, MN 55104

License Number: 1105845 (245D – HCBS)

Dear Mr. Mohamed:

The Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration regarding two of fifteen citations, citations 14 and 15, in the Correction Order issued to you on July 13, 2023. After an independent review of the record, the Commissioner has determined that there is sufficient evidence to support the citations.

Reconsideration Determination

Citation 14

This citation was issued because the license holder did not ensure the delivery and evaluation of services provided were coordinated by the designated staff person as required.

The designated coordinator identified by the license holder (SP4) failed to provide supervision, support, and evaluation of activities that include:

- oversight of the license holder's responsibilities assigned in the person's service and support plan and the service and support plan addendum;
- taking the necessary action to facilitate the accomplishment of the outcomes according to the requirements in section 245D.07;
- instruction and assistance to direct support staff implementing the support plan and the service outcomes; including direct observation of service delivery sufficient to assess staff competency; and
- evaluation of the effectiveness of service delivery, methodologies, and progress on the person's outcomes based on the measurable and observable criteria for identifying when the desired outcome has been achieved according to the requirements in section 245D.07

The failure to provide coordination and evaluation of individual service delivery is evidenced in citations 1 through 13.

Applicable Law. The License Holder is responsible for coordination of service delivery and evaluation of each person served by the program. Delivery and evaluation of services provided by the license holder must be coordinated by a

designated staff person, the designated coordinator. The designated coordinator must provide supervision, support, and evaluation of activities as detailed above. Minnesota Statutes, section 245D.081, subdivision 2.

Your Response.

You contend, you, the license holder served as the Designated Coordinator and that you provided supervision, support and evaluation of activities. You dispute that the level of supervision was improper because you state you hired a nurse who had practiced for over 30 years in the field. You state s/he was responsible for training staff, providing training documentation to you, and that she would complete the Coordinated Service and Support Plans (CSSP) and Individual Abuse Prevention Plans (IAPP) for all patients. You acknowledge that not all forms, including the CSSP and IAPP were 100% compliant because you state you were new to the position, and you were actively participating in trainings to increase your knowledge. You state you have now hired Star Services to ensure you meet the statutory requirements. You state your shortcomings were not of the nature, severity, and chronicity to require you to step down and hire an outside designated coordinator.

Reconsideration Determination.

Minnesota Statutes, section 245D.081 subdivision 2, provides that the license holder is responsible for coordination of service delivery and evaluation. Citations 1 through 13, which you did not dispute, show you failed to coordinate service delivery and evaluation of each person served. Although you state you hired a nurse to assist you, you as the license holder are responsible for your failure to meet your obligations under section 245D.081, subdivision 2.

DHS is required to evaluate the nature, severity, and chronicity of a violation before suspending, revoking imposing a fine, or securing an injunction on a license, but not before issuing a correction order. Minnesota Statutes, section 245A.07, subdivision 1. A correction order can be issued when you fail to comply with an applicable law or rule. You failed to comply with Minnesota Statutes, 245D.081, because the designated coordinator did not provide coordination and evaluation of individual service delivery, as evidenced by citations 1-13.

There is sufficient evidence to support Violation 14 and it is affirmed.

Citation 15.

1. This citation was issued because the license holder did not ensure that the designated managerial staff person provided program management and oversight of the services provided as required.

The designated manager identified by the license holder (SP4) failed to provide program management and oversight of the services provided by being responsible for the following:

- maintaining a current understanding of the license requirements sufficient to ensure compliance throughout the program;
- ensuring the duties of the designated coordinator are fulfilled; and
- ensuring staff competency requirements are met.

The failure to provide program management and oversight of services provided is evidenced in citations 1 through 13.

Mohamed Mohamed, Authorized Agent

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Applicable Law. The License Holder is responsible for program management and oversight that includes evaluation of the program quality and program management for services provided by the license holder. The license holder must designate a managerial staff person to provide program management and oversight of the services provided by the license holder. The designated manager is responsible for the duties stated above. Minnesota Statutes, section 245D.081, subdivision 3.

Your Response.

You state you relied on the lead nurse you hired to provide oversight of staff competency and licensing requirements. You contend the violations were not severe or chronic enough to justify you being removed from the designated manager position. You acknowledge the training was done by paper copy was not the best practice for tracking trainings. You argue that failing to track trainings does not rise to the level of being a citable offense and that you should not be required to step down from the designated manager position.

Reconsideration Determination.

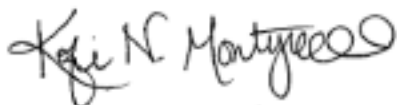
Citations 1 through 13, which you did not dispute, show you failed to provide program management and services of each person served. Although you state you hired a nurse to assist you, you as the license holder are responsible for your failure to meet your obligations under section 245D.081, subdivision 3. As stated above, the Commissioner is not required consider the nature, severity, and chronicity of a violation before issuing a citation in a correction order, only whether the license holder failed to comply with a law or rule. You failed to meet the statutory requirements for a designated manager as stated in section 245D.081 subdivision 3, as evidenced by citations 1 -13 of the Correction Order.

There is sufficient evidence to support Violation 15 and it is affirmed.

Disposition

The Commissioner has reviewed the relevant laws and all of the information you submitted in response to the Correction Order. There is sufficient evidence to support citations 14 and 15. This is a final agency decision.

Sincerely,



Kofi Montzka, Attorney
Legal Counsel's Office
Office of Inspector General

Cc

Eric Roy

Grosheck Law, PA

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