

January 5, 2024

CERTIFIED MAIL

Abdiwali Mohamed Ali, Authorized Agent
Careconnect Health Services LLC
1716 Oak Grove Road Southwest Apt 17
Saint Cloud, MN 56301

License Number: 1090016 (245D - HCBS)

ORDER OF CONDITIONAL LICENSE

Dear Abdiwali Mohamed Ali:

The Department of Human Services (DHS) is placing your license to provide Home and Community-Based Services at 44 28th Avenue North, Saint Cloud, MN on conditional status for two years, beginning January 5, 2024. This means you must meet certain conditions to maintain your license, detailed below. This order is based on your noncompliance with 245D licensing requirements. Details of our findings are also provided below. Our next steps and your options are also detailed.

REASON FOR THE CONDITIONAL LICENSE

On October 26, 2023, DHS licensors conducted a licensing review at your facility located at 44 28th Avenue North, Saint Cloud, Minnesota. As a result of this licensing visit, DHS determined that your program failed to comply with the laws and rules that apply to licensed services under Minnesota Statutes, chapter 245D and related statutes and rules, citing 17 violations. DHS has considered the nature, chronicity, and severity of these violations, as well as the health, safety, and rights of persons served by the program.

- **Nature:** Violations cited in this Order of Conditional License include violations of law or rule affecting the health, safety, or rights of individuals served by the program. The licensing violations include:
 - Failure to provide orientation to maltreatment reporting;
 - Failure to develop individual abuse prevention plans;
 - Failure to provide service recipient rights upon admission;
 - Failure to complete assessments;
 - Failure to provide services in response to the person's identified needs, interests, preferences, and desired outcomes;
 - Failure to meet initial service planning requirements;
 - Failure to meet service plan review and evaluation requirements;
 - Failure to maintain service recipient records;
 - Failure to ensure access to records;

- Failure to provide policies and procedures;
 - Failure to identify and evaluate positive support strategies;
 - Failure to provide staff orientation training;
 - Failure to provide staff annual training;
 - Failure to maintain an admission and discharge register;
 - Failure to designate a qualified and competent staff person(s) to fulfill the responsibilities for coordination and evaluation of individual service delivery and program management and oversight; and
 - Failure to establish and enforce written policies related to suspected or alleged maltreatment.
- **Chronicity:** Your program received its license on November 8, 2017. Since that time, your program has demonstrated a history of noncompliance with licensing rules and statutes. The information below summarizes this history:
 - November 8, 2017 License Issued
 - September 17, 2018 Reported to not be serving participants
 - August 29, 2019 Reported to not be serving participants
 - December 10, 2020 Reported to not be serving participants
 - December XX, 2023 Order of Conditional License (this order): 17 Violations

Severity: Many of the violations that led to the conditional status of your license relate to the safety of persons served within your program.

Due to the serious and chronic nature of these violations, and the conditions in the program, which impact the health and safety of persons served in your care, your license to provide 245D Home and Community Based Services is placed on a conditional status.

Licensing Violations

DHS determined that your program failed to follow licensing rules and statutes, as described below.

Service Recipient Violations

1. Violation: For two of two persons whose records were reviewed (P1 and P2), the license holder did not provide orientation to maltreatment reporting as required.

The license holder failed to provide P1 and P2 with an orientation to the license holder's internal and external reporting procedures of alleged or suspected maltreatment of a vulnerable adult within 24 hour of admission into the program. P1 was admitted to the program on September 22, 2021 and P2 was admitted to the program on April 13, 2022. The license holder provided P1 and P2 the required orientation in April 2023.

Statuted Violated: Minnesota Statutes, section 245A.65, subdivision 1.

2. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not develop an individual abuse prevention plan (IAPP) as required.

The license holder failed to develop an IAPP for P1 and P2 prior to service initiation. P1's services were initiated on September 22, 2021 and P2's services were initiated on April 13, 2022. The license holder developed an initial IAPP for P1 in May 2023 and an initial IAPP for P2 in April 2023.

Statute Violated: Minnesota Statutes, section 245A.65, subdivision 2, paragraph (b).

3. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not provide service recipient rights as required.

The license holder failed to provide P1, P1's legal representative, and P2, with a copy of the service recipient rights and an explanation of those rights within five working days of service initiation. P1's services were initiated on September 22, 2021 and P2's services were initiated on April 13, 2022. The license holder provided P1 and P2 with a copy of the service recipient rights in April 2023.

Statute Violated: Minnesota Statutes, section 245D.04, subdivision 1

4. Violation: For one person whose record was reviewed (P2), the license holder did not complete service planning for a basic support services as required.

The license holder failed to develop a preliminary support plan addendum for P2 based on the support plan within 15 days of service initiation. P2's services were initiated in April 2022; however, the license holder failed to develop a preliminary support plan addendum for P2 until April 2023.

Additionally, the license holder failed to review and revise P2's preliminary support plan addendum within 60 days of service initiation to document the services that will be provided including how, when, and by whom services will be provided, and the person responsible for overseeing the delivery and coordination of services.

Statute Violated: Minnesota Statutes, section 245D.07, subdivision 2, paragraphs (b) and (c).

5. Violation: For one person whose record was reviewed (P1), the license holder did not complete initial service planning for intensive support services as required.

- a. The license holder failed to develop a preliminary support plan addendum for P1 based on the support plan within 15 days of service initiation. P1's services were initiated in

September 2021; however, the license holder failed to develop a preliminary support plan addendum for P1 until April 2023.

- b. The license holder failed to meet with P1 and P1's support team within 45 days of service, or within 60 calendar days of service initiation, to determine the following:
- the scope of the services to be provided to support P1's daily needs and activities;
 - P1's desired outcomes and the supports necessary to accomplish P1's desired outcomes;
 - P1's preferences for how services and supports are provided, including how the provider will support P1 to have control of P1's schedule;
 - whether the current service setting is the most integrated setting available and appropriate for P1;
 - opportunities to develop and strengthen personal relationships with other persons of P1's choice in the community;
 - opportunities for community access, participation, and inclusion in preferred community activities;
 - opportunities to develop and strengthen personal relationships with other persons of P1's choice in the community;
 - opportunities to seek competitive employment and work at competitively paying jobs in the community;
 - how services must be coordinated across other providers licensed under this chapter serving P1 and members of the support team or expanded support team to ensure continuity of care and coordination of services for P1; and
 - a discussion of how technology might be used to meet P1's desired outcomes.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 3, paragraphs (a), (c), and (d).

6. Violation: For one person whose record was reviewed (P1), the license holder did not complete assessments for intensive support services as required.

The license holder failed to complete the required assessments for P1 before the 45-day planning meeting. P1's services were initiated on September 22, 2021. The license holder failed to complete the required assessments for P1 until May 2023.

Additionally, the license holder failed to complete assessments for P1 that described P1's overall strengths, functional skills, and abilities.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 3, paragraph (b).

7. Violation: For one person whose record was reviewed (P1), the license holder did not develop a service plan that documented the service outcomes and supports as required.

The license holder failed to develop a service plan for P1 that documented the service outcomes and supports, including:

- the methods or actions that would be used to support P1 and to accomplish the service outcomes, including information about:
 - any changes or modifications to the physical and social environments necessary when the service supports were provided;
 - any equipment and materials required; and
 - techniques that were consistent with P1's communication mode and learning style;
- the measurable and observable criteria for identifying when the desired outcome has been achieved and how data would be collected;
- the projected starting date for implementing the supports and methods and the date by which progress towards accomplishing the outcomes would be reviewed and evaluated; and
- the names of the staff or position responsible for implementing the supports and methods.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 4

8. Violation: For one person whose record was reviewed (P1), the license holder did not complete service plan review and evaluation as required.

The license holder failed to participate in service plan review meetings with P1's support team at least once a year.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 5, paragraph (a).

9. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not maintain service recipient records as required.

The license holder failed to maintain progress or daily log notes in P1 and P2's service recipient records.

Statute Violated: Minnesota Statutes, section 245D.095, subdivision 3, paragraph (b).

10. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not ensure access to person served records as required.

The license holder failed to ensure that staff persons providing services to P1 and P2 had access to the information in P1's and P2's record relevant to carrying out the support plan or support plan addendum. The license holder stated to DHS licensors that all

records for persons receiving services were locked in an office that was inaccessible to staff.

Statute Violated: Minnesota Statutes, section 245D.095, subdivision 4.

11. Violation: For one person whose record was reviewed (P1), the license holder did not provide policies and procedures as required.

The license holder failed to inform P1, P2, and their case managers of the policies and procedures affecting a person's rights, and provide copies of the policies and procedures, within five working days of service initiation. P1's services were initiated on September 22, 2021. P2's services were initiated on April 13, 2022. The license holder provided P1 and P2, and their case managers the required policies and procedures on April 3, 2023.

Statute Violated: Minnesota Statutes, section 245D.10, subdivision 4, paragraph (b).

12. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not identify or evaluate positive support strategies as required.

The license holder failed to identify positive support strategies for P1 and P2 and incorporate them in writing in the person's existing service plan. Additionally, the license holder failed to evaluate the identified positive support strategies with the person every six months.

Statute Violated: Minnesota Rules, section 9544.0030, subpart 1.

Staffing Standards

13. Violation: For two of three staff persons whose records were reviewed (SP1 and SP2), the license holder did not provide orientation training as required.

The license holder failed to provide SP1 and SP2 orientation training on the following topics within 60 days of hire:

- the license holder's current policies and procedures required under Minnesota Statutes, chapter 245D, including their location and access, and staff responsibilities related to implementation of those policies and procedures, including:
 - grievance policy;
 - service termination policy;
 - service suspension policy;
 - drug and alcohol policy;
 - emergency use of manual restraints policy;
 - use of universal precautions and sanitary practices policy;

- safe transportation policy;
- service admission policy;
- emergency response, reporting, and reviewing policy; and
- incident response, reporting, and reviewing policy;
- data privacy requirements according to Minnesota Statutes, sections 13.01 to 13.10 and 13.46, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and staff responsibilities related to complying with data privacy practices;
- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in Minnesota Statutes, section 245D.04;
- sections 245A.65, 245A.66 and 626.557 and chapter 260E governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment (required within 72 hours of first direct contact);
- the principles of person-centered service planning and delivery as identified in Minnesota Statutes, section 245D.07, subdivision 1a, and how they applied to direct support service provided by the staff person;
- the safe and correct use of manual restraint on an emergency basis according to the requirements in section 245D.061 and what constitutes the use of restraints, time out, and seclusion, including chemical restraints;
- staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe;
- strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities; and
- basic first aid.

Statute Violated: Minnesota Statutes, section 245D.09, subdivision 4.

14. Violation: For three staff persons whose records were reviewed (SP1 through SP3), the license holder did not provide annual training as required.

The license holder failed to provide SP1, SP2, and SP3 annual training on strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities.

Statute Violated: Minnesota Statutes, section 245D.09, subdivision 5.

Program Coordination, Evaluation, and Oversight

15. Violation: The license holder did not maintain an admission and discharge register as required.

The license holder failed to maintain a record that accurately reflected service admission dates.

Statute Violated: Minnesota Statutes, section 245D.095, subdivision 2.

16. Violation: The license holder did not ensure the designated coordinator and the designated manager (SP3) were competent to provide program management and oversight of the services provided by the license holder as required.
- a. The license holder designated SP3 as a designated coordinator. See citations 1 through 15 regarding the license holder's failure to ensure SP3 met the following responsibilities:
 - provide oversight of the license holder's responsibilities assigned in the person's support plan and support plan addendum;
 - take the action necessary to facilitate the accomplishment of the outcomes according to the requirements in section 245D.07;
 - provide instruction and assistance to direct support staff implementing the support plan addendum and the service outcomes, including direct observation of service delivery sufficient to assess staff competency; and
 - evaluate 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 outcomes has been achieved according to the requirements in section 245D.07.
 - b. The license holder designated SP3 as the designated manager. See citations 1 through 15 regarding the license holder's failure to ensure SP3 met the following responsibilities:
 - maintain current understanding of the licensing requirements sufficient to ensure compliance throughout the program as identified in section 245A.04, subdivision 1, paragraph (e), and when applicable, as identified in section 256B.04, subdivision 21, paragraph (b);
 - ensure the duties of the designated coordinator are fulfilled according to the requirements in subdivision 2;
 - evaluation of satisfaction of persons served by the program, the person's legal representative, if any, and the case manager, with the service delivery and progress toward accomplishing outcomes identified in sections 245D.07 and 245D.071;
 - ensuring staff competency requirements are met according to the requirements in section 245D.09, subdivision 3, including ensuring periodic performance evaluations of the direct support staff's ability to perform the job functions based on direct observation are completed by the license holder; and
 - evaluating the information identified in clauses (1) to (6) to develop, document, and implement ongoing program improvements.

Statute Violated: Minnesota Statutes, section 245D.081, subdivisions 2 and 3.

Policy and Procedure Violations

17. Violation: The license holder did not establish and enforce written policies and procedures related to suspected or alleged maltreatment as required.

The license holder maintained a policy, "Maltreatment of Vulnerable Adults Mandated Reporting;" however, the license holder failed to identify a secondary person:

- to whom internal reports could be made;
- who was responsible for forwarding internal reports to the common entry point; and
- who was responsible for completing internal reviews.

Statute Violated: Minnesota Statutes 245A.65, subdivision 1.

Corrective action required

You must immediately correct the violations cited above. Compliance with this order will be reviewed onsite ongoing. If you fail to demonstrate substantial compliance with HCBS requirements or with the terms of your conditional license that are provided below, DHS may take an additional licensing action, including revocation, against your license.

CONDITIONAL LICENSE TERMS

In addition to the Home and Community-Based Services licensing rules and statutes, you are required to comply with the following terms:

1. Within 15 days of receiving this order, you must notify current persons receiving services, all parties who refer persons to the program, and all payer sources of the conditional status of your license. The notification must be approved by DHS Licensing prior to being sent to persons receiving services and all other parties. Therefore, the draft notice must be submitted to DHS for approval within 10 days of receiving this order. The notification must specify the length of time of the conditional status of your license, the reasons your license was made conditional, and it must include either a copy of the Order of Conditional License or an offer to provide a copy of the order upon request.

While the license is on conditional status, you must notify new persons receiving services, referral sources, and payer sources that the license is on conditional status before they begin receiving services. The notification to new persons receiving services must specify the length of time of the conditional status of the license, the reasons the license was made conditional, and it must include either a copy of the Order of Conditional License or an offer to provide a copy of the order upon request.

Within 30 days of receiving this order, you must submit to the DHS Licensing Division a list of the individuals and parties that received the notice.

2. Within 30 days of receiving this order, you must:
 - designate a staff person, other than SP3, as the designated coordinator who is responsible for delivery and evaluation of services provided by the license holder;
 - designate a staff person, other than SP3, as the designated manager to provide program management and oversight of the services provided by the license holder; and
 - submit the name(s) and qualifications for the person(s) who will fulfill the duties and responsibilities of your designated coordinator and designated manager for DHS review and approval. It is your responsibility to ensure that your designated coordinator and designated manager meet the necessary qualifications. Changes to these positions may not be made without prior notification and approval by DHS.

The same person may perform both functions if the work and education requirements outlined in section 245D.081, subdivisions 2 and 3 are met.

3. Within 60 days of receiving this order, you must submit written plans to DHS detailing how you will:
 - ensure the corrective action ordered in this order is completed; and
 - audit all participant and staff records for compliance with all applicable rules and statutes.
4. Within 60 days of receiving this order, you must:
 - Complete an audit of all participant and personnel records according to your written plan.
 - Submit the results of the audit to your DHS licensor.
 - Submit the date to your DHS licensor that all participant and personnel records will be brought into compliance based on the results of your audit.
5. You may not admit new participants to your program from the date of this order until you have successfully demonstrated to DHS compliance with the terms of the conditional license and have maintained substantial compliance with all licensing standards. Program is defined by section 245D.02, subdivision 26 meaning either the nonresidential or residential programs as defined in 245A.02, subdivisions 10 and 14. **At a minimum, you may not admit new participants to your program for a period of six months from the date of this conditional license. Admission of any new participant during the duration of the conditional license is only allowed with prior approval from DHS.**
6. You may not add additional services to this license for the duration of the conditional order.

7. You may not apply for other DHS-issued licenses without prior approval from DHS for the duration of this conditional license.

Submissions required as part of a corrective action ordered must be sent to your licensor at:

1. By secure email at Alexandra.Devick@state.mn.us or
2. If you are unable to submit corrective action ordered securely through email, you can fax 651-431-7673 or mail using the information below:

Commissioner, Department of Human Services
ATTN: Alexandra Devick
Licensing Division
PO Box 64242
St. Paul, MN 55164-0242

YOUR RIGHT TO REQUEST RECONSIDERATION

You have the right to request reconsideration of this order and the cited violations. Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the conditional license
- List each citation you are challenging and identify what is inaccurate or incomplete about the information in the order
- Supply information that is accurate or more complete
- State why you believe your license should not be on a conditional status
- Be made before the deadlines provided below

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to appeal began when you received this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64953
St. Paul, MN 55164-0242

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division

Abdiwali Mohamed Ali, Authorized Agent

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Attention: Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Conditional license stayed pending reconsideration

If you request reconsideration within the timeframes described above, the terms of the conditional license will not be imposed until a decision is issued by DHS. You continue to be required to comply with all Home and Community-Based services laws and rules.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.06, subdivision 1.
- Home and Community-Based Services are required to follow Minnesota Statutes, chapters 245A, 245C, and 245D and Minnesota Rules, chapter 9544.
- The timeline to request reconsideration of the order is provided in Minnesota Statutes, section 245A.06, subdivision 4.
- If a license holder files a timely reconsideration request, the terms of the conditional license are stayed pending a decision by DHS under Minnesota Statutes, section 245A.06, subdivision 4.
- Minnesota Statutes, section 245A.06, subdivision 3 states that DHS may impose additional licensing actions against a license holder that does not correct the violations cited in a conditional license order.

Questions

If you have any further questions regarding this matter, you may contact Brittany Raddatz, HCBS Unit Supervisor, at 651-431-6591.

Sincerely,



Jill Slaikeu, HCBS Unit Manager
Licensing Division
Office of Inspector General