

January 10, 2024

CERTIFIED MAIL

Tigist Moges Feyisa, Authorized Agent
Tigist Moges Feyisa
8400 Jody Lane South
Cottage Grove, MN 55016

License Application Number: 1113999 (245D Home and Community-Based Services)

ORDER OF LICENSE DENIAL

Dear Tigist Moges Feyisa:

The Department of Human Services (DHS) is denying your application for a 245D Home and Community-Based Services (HCBS) license at 8400 Jody Lane South, Cottage Grove, Minnesota. This denial is based on failure to submit a substantially complete application. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE DENIAL

1. Failure to submit a substantially complete application

On April 28, 2023: DHS received your application for a Home and Community-Based Services (HCBS) - 245D license for Tigist Moges Feyisa, located at 8400 Jody Lane South, Cottage Grove, Minnesota. On July 12, 2023, DHS sent you a Notice of Incomplete Application notifying you that your application was incomplete and that you had 45 days to submit additional information. As of the date of this Order, DHS determined your application continued to be substantially incomplete in that you failed to submit a complaint or complete:

- Organizational chart;
- Certificate of Compliance: Minnesota Worker' Compensation Form;
- License holder notarized signature form;
- Background studies for all controlling individuals;
- Grievance procedures policy;
- Designated coordinator and designated manager verification form;
- Vulnerable Adult Abuse Reporting policy;
- Maltreatment of Minors Reporting policy; and
- Emergency use of Manual Restraint policy.

Legal Authority: Minnesota Statutes, section 245A.05, subdivision (a)(1).

2. Failure to demonstrate competent knowledge of applicable licensing statutes and rules

Based on communications with the you during the license application process, DHS determined that you were unable to demonstrate competent knowledge necessary to operate a HCBS - 245D license in compliance with Minnesota statutes and rules. Without this knowledge, you are unable to ensure the safety and well-being of vulnerable adults who would be served by the program.

Your application is being denied because you failed to demonstrate competent knowledge sufficient to complete the application, despite the resources provided to you and assistance from DHS. The DHS website provided the application process, help with background studies, sample policies and procedures, and a link to the applicable Minnesota statutes and rules. A DHS licensor also provided you with assistance with your application on multiple occasions by email. Despite this assistance you failed to submit the required documentation, including, confirming the qualifications of Designated Coordinator and Designated Manager, and completing the required background study. Your inability to follow the laws and rules during the application process make it less likely you will be able to do so when operating a complex home and community-based services program.

Legal Authority: Minnesota Statutes, sections 245A.04, subdivision 1(e); and 245A.05, subdivision (a)(8).

3. Commissioner's evaluation of program

In determining whether a licensing action is warranted, DHS evaluated the facts, conditions, and circumstances concerning your program's operation. This includes consideration of the program's operation, the well-being of persons that served by your program, available evaluations of the program by persons receiving services, information about the qualifications of staff persons that are working in your program, and the applicant's ability to demonstrate competent knowledge of the applicable requirements of statutes and rules. DHS has determined that the denial of your license is appropriate based on the violations identified above and the program evaluation.

You failed to identify a qualified Designated Coordinator and Designated Manager. These positions are required by Minnesota Statutes, section 245D.081. They play a critical role, as they provide management and oversight of services and are required to maintain an understanding of licensing requirements sufficient to ensure compliance. You also did not complete background studies on all controlling individuals as required by Minnesota Statutes, section 245C.03, subdivision 1, paragraph (a). Background studies are necessary to ensure the safety of the vulnerable people you seek to serve. Further, you failed to submit other policies and procedures necessary to ensure the health, safety, and rights of the people you seek to serve. Your failure to identify the required individuals, information, and background studies for these positions indicates that you are either unable or unwilling to comply with the licensing requirements.

The license application process is necessary to ensure compliance with the law and is a tool to evaluate your competency to provide HCBS licensed services. Your inability to submit a complete application

over a six-month period calls into question your competency and ability to follow the applicable laws and rules; to be able to operate a program; and to ensure the well-being of persons served.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.

Due to the serious and chronic nature of these violations, which impact the health and safety of persons served in your care, your license to provide 245D HCBS services is denied.

YOUR RIGHT TO APPEAL

You have the right to appeal the denial. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 20 calendar days from 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 64242
St. Paul, MN 55164-0242

If your request is being personally delivered, it must be received by DHS within 20 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DHS will issue a final order.

Under Minnesota Statutes, 245A.04, subdivision 7(d)(2), if you do not appeal this Order of License Denial, the commissioner shall not issue or reissue another license to you for two years from the date of this Order of License Denial.

Legal representation at the contested case hearing:

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free

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legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.justice4mn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.05, subdivision (a), which describes under which conditions DHS may deny a license.
- "Controlling individual" is defined under Minnesota Statutes, section 245A.02, subdivision 5a.
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (2), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has been denied a license under this chapter within the past two years.

Questions

If you have any further questions regarding this matter, you may contact Christala Culhane, HCBS Unit Supervisor, at 651-431-6541.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Slaikeu". The signature is fluid and cursive, with a large loop at the end.

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