

January 30, 2024

Kremela Maragan, Authorized Agent  
Kremela Ali Maragar  
5019 Florence Drive Northwest  
Rochester, Minnesota 55901

License Number: 1105358 (245D – HCBS)

### **CORRECTION ORDER**

Dear Kremela Maragan:

On December 6, 2023, a licensing review of Kremela Ali Maragan, located at 5019 Florence Drive Northwest, Rochester, 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 review 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 245A.65, subdivision 2, paragraph (b).

Violation: For one person whose record was reviewed (P1), the license holder did not develop an individual abuse prevention plan (IAPP) as required.

P1's services were initiated on October 5, 2022. The license holder failed to develop an IAPP for P1 as part of the initial individual program plan or service plan.

Corrective Action Ordered: Immediately, you must develop an IAPP for P1.

- The IAPP must include a statement of measures that will be taken to minimize the risk of abuse to P1 when the individual assessment indicates the need for measures in addition to the specific measures identified in the program abuse prevention plan (PAPP).
- The measures must include the specific actions you will take to minimize the risk of abuse within the scope of the licensed services and will identify referrals made when P1 is susceptible to abuse outside the scope or control of the licensed services.
- When the assessment indicates that P1 does not need specific risk reduction measures in addition to those identified in the PAPP, the individual abuse prevention plan shall document this determination.
- Within 60 days of receiving this order, you must submit a copy of P1's completed IAPP to your licensor.

On an ongoing basis, you must maintain compliance as required in this subdivision.

2. Citation: Minnesota Statutes, section 245D.04, subdivision 1.

Violation: For one of one person whose record was reviewed (P1), the license holder did provide the person with a written notice that identified the service recipient rights as required.

245A.02, subdivision 2b defines "annual" or "annually" to mean prior to or within the same month of the subsequent calendar year.

The license holder failed to provide P1 with a written notice that identified the service recipient's rights annually in 2023.

Corrective Action Ordered: Within 30 days of receiving this order you must:

- provide P1 with a written notice that identifies the service recipient rights and an explanation of those rights; and
- maintain documentation of P1's receipt of a copy and an explanation of those rights.

On an ongoing basis, you must maintain compliance as required in this subdivision.

3. Citation: Minnesota Statutes, section 245D.05, subdivision 4.

Violation: For one person whose record was reviewed (P1), the license holder did not review medication administration records as required.

The license holder failed to ensure that the information maintained in P1's medication administration record was regularly reviewed to ensure that the information was current and to identify medication administration errors.

Corrective Action Ordered: Within 30 days of receiving this order, you must review P1's medication administration record to ensure the information is current and to identify medication administration errors. Based on the review, you must develop and implement a plan to correct patterns of medication administration errors when identified. Within 60 days of receiving this order, you must submit a copy of the above review of P1's medication administration record to your licensor. Additionally, at a minimum, the review must be conducted every three months, or more frequently as directed in the support plan or support plan addendum or as requested by the person. You must maintain documentation of all medication administration record reviews in P1's record according to Minnesota Statutes, section 245D.095, subdivision 3. On an ongoing basis, you must maintain compliance as required in this subdivision.

4. Citation: Minnesota Statutes, section 245D.071, subdivision 3, paragraph (b).

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

The license holder failed to complete the assessments in the following areas at least annually for P1:

- P1's ability to self-manage health and medical needs to maintain or improve physical, mental and emotional well-being, including, when applicable, allergies, seizures, choking, special dietary needs, chronic medical conditions, self-administration of medication or treatment orders, preventative screening, and medical and dental appointments;
- P1's ability to self-manage personal safety to avoid injury or accident in the service setting, including, when applicable, risk of falling, mobility, regulating water temperature, community survival skills, water safety skills, and sensory disabilities; and
- P1's ability to self-manage symptoms or behavior that may otherwise result in an incident as defined in section 245D.02, subdivision 11, clauses (4) to (7), suspension or termination of services by the license holder, or other symptoms or behaviors that may jeopardize the health and welfare of the person or others.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- complete the assessments listed above for P1;
- review the results with P1 and their support team or expanded support team; and
- document the review with P1's support team in P1's record.

Additionally, you must conduct these assessments annually at a minimum or within 30 days of written request from the person or the person's case manager. On an ongoing basis, you must maintain compliance as required in this subdivision.

5. Citation: Minnesota Statutes, section 245D.071, subdivision 4.

Violation: For one person whose record was reviewed (P1), the license holder did not document service outcomes and supports as required.

The license holder failed to document for P1 the following supports and methods to be implemented to support P1 and accomplish outcomes related to acquiring, retaining, or improving skills and physical, mental, and emotional health and well-being:

- the methods or actions that will 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 are provided; and
  - any equipment and materials required;
- the measurable and observable criteria for identifying when the desired outcome has been achieved; and
- how data would be collected.

Corrective Action Ordered: Within 30 days of receiving this order, you must develop and document the information listed above in P1's service plan. Within 60 days of receiving this order, you must submit a copy of the above supports and methods for P1 to your licenser. On an ongoing basis, you must maintain compliance as required in this subdivision.

6. Citation: Minnesota Statutes, section 245D.071, subdivision 5.

Violation: For one person whose record was reviewed (P1), the license holder did not meet requirements for service plan review and evaluation.

- a. The license holder failed to meet with P1, P1's case manager, and other people as identified by P1 to participate in service plan review meetings at least once per year to determine whether changes were needed to the service plan based on:
  - the assessment information;
  - the license holder's evaluation of progress toward accomplishing outcomes; or
  - other information provided by the support team or expanded support team.
- b. The license holder failed to provide P1 and P1's team reports that:
  - summarized P1's status and progress toward achieving the identified outcomes;
  - made recommendations; and
  - identified the rationale for changing, continuing, or discontinuing implementation of supports and methods identified in subdivision 4.
- c. The license holder failed to, at least once per year, in coordination with P1's support team or expanded support team, meet with P1, P1's case manager, and other people as identified by P1 to:

- discuss how technology might be used to meet the P1's desired outcomes and include a summary of this discussion that includes a statement regarding any decision made related to the use of technology and a description of any further research that must be completed before a decision regarding the use of technology can be made in P1's support plan addendum; and
- discuss options for transitioning out of a community setting controlled by a provider and into a setting not controlled by a provider and include a summary of the discussion that includes a statement about any decision made regarding transitioning out of a provider-controlled setting and a description of any further research or education that must be completed before a decision can be made in P1's support plan addendum.

Corrective Action Ordered: Within 30 days of this order, you must:

- meet with P1 and P1's case manager to:
  - determine whether changes are needed to the service plan; and
  - discuss the requirements in part "c" of this citation; and
- include a summary of the discussion required in part "c" of this citation in P1's support plan addendum.

Within 60 days of receiving this order, you must submit the summaries of the discussions required in part "c" of this citation to your licensor. On an ongoing basis, you must maintain compliance as required in this subdivision.

7. Citation: Minnesota Statutes, section 245D.09, subdivision 4 and 4a.

Violation: For one of one staff person whose record was reviewed (SP1), the license holder did not provide orientation training as required.

- a. The license holder failed to provide SP1 with an orientation to the following topics within 60 days of hire:
- the job description and how to complete specific job functions, including:
    - responding to and reporting incidents as required under Minnesota Statutes, section 245D.06, subdivision 1; and
    - following safety practices established by the license holder and as required in section 245D.06, subdivision 2;
  - data privacy requirements according to Minnesota Statutes, section 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 section 245D.04;
  - sections 245A.65, 245A.66, 626.556, and 626.557, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment. This orientation must be provided within 72 hours of first providing direct contact services according to section 245A.65, subdivision 3;
  - the principles of person-centered planning and delivery as identified in Minnesota Statutes, section 245D.07, subdivision 1a, and how they apply 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 or successor provisions, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint;
  - staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, or successor provisions, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe;
  - basic first aid; and
  - strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities.

- b. The license holder failed to provide the following orientation to SP1 before having unsupervised direct contact with a person served by the program:
- orientation to the individual service recipient needs;
  - the person's support plan or support plan addendum as it related to the responsibilities assigned to the license holder; and
  - the person's IAPP, to achieve and demonstrate an understanding of the person as a unique individual, and how to implement those plans.

Corrective Action Ordered: Within 45 days of receiving this order, you must:

- provide SP1 with an orientation and training to the program requirements listed above; and
- ensure SP1 has reviewed and received instruction on the requirements stated above for each service recipient they are providing direct support services to.

Within 60 days of receiving this order, you must submit documentation of these completed training requirements to your licenser. On an ongoing basis, you must maintain compliance as required in this subdivision.

8. Citation: Minnesota Statutes, section 245D.09, subdivision 5.

Violation: For one staff person whose record was reviewed (SP1), the license holder did not provide annual training as required.

The license holder failed to provide SP1 the following required annual training:

- data privacy requirements according to 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 section 245D.04;
- sections 245A.65, 245A.66, 626.556, and 626.557, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment. This orientation must be provided within 72 hours of first providing direct contact services and annually thereafter according to section 245A.65, subdivision 3;
- the principles of person-centered service planning and delivery as identified in section 245D.07, subdivision 1a, and how they apply 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 or successor provisions, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint;
- staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, or successor provisions, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe;
- basic first aid; and
- strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities.

Corrective Action Ordered: Complete the corrective action ordered for Citation 7 to meet the requirements of this citation. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one staff person whose record was reviewed (SP1), the license holder did not maintain personnel records as required.

The license holder failed to maintain documentation of the following in SP1's personnel record:

- SP1's orientation and training, including:
  - the date the training was completed;
  - the number of hours per subject area; and
  - the name of the trainer or instructor; and
- the date of SP1's first supervised direct contact with a person served by the program, and the date of first unsupervised direct contact with a person served by the program.

Corrective Action Ordered: On an ongoing basis, you must maintain compliance as required in this subdivision.

10. Citation: Minnesota Statutes, section 245D.081.

Violation: The license holder did not meet the requirements of program coordination, evaluation, and oversight.

- a. The license holder failed to ensure that the designated coordinator (SP1), provided supervision, support, and evaluation of activities that include:
  - oversight of the license holder's responsibilities assigned in the person's support plan and support plan addendum;
  - taking the action necessary 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 services delivery, methodologies, and progress on the person's outcomes based on the measurable and observable criteria for identifying when the desired 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.
- b. The license holder failed to ensure that the designated manager (SP1) provided program management and oversight of the services provided by the license holder that include:
  - maintaining a 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 (g);
  - ensuring 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 towards accomplishing outcomes identified in sections 245D.07 and 245D.071, and ensuring and protecting each person's rights as identified in section 245D.04;
  - ensuring staff competency requirements are met according to the requirements in section 245D.09, subdivision 3, and ensuring staff orientation and training is provided according to the requirements in section 245D.09, subdivision 4, 4a, and 5;
  - ensuring corrective action is taken when ordered by the commissioner and that the terms and conditions of the license and any variances are met; and
  - evaluating the information identified in clauses (1) to (6) to develop, document, and implement ongoing program improvements.

See citations one through nine for the designated coordinator and designated manager's failure to provide the above stated requirements.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- designate a staff person, other than SP1, as your designated coordinator who is responsible for delivery and evaluation of services provided by the license holder;
- designate a managerial staff person, other than SP1, as your designated manager to provide program management and oversight of the services provided by the license holder; and
- submit this staff person's name and qualifications to your licensor.

The same person may perform both functions if the work and education requirements outlined in section 245D.081, subdivisions 2 and 3 are met. On an ongoing basis, you must maintain compliance as required in this subdivision.

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.

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

1. By secure email at [kristopher.oberg@state.mn.gov](mailto:kristopher.oberg@state.mn.gov); or
2. If you are unable to submit corrective action ordered securely through email, you can mail or fax using the information below:

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

**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 Kris Oberg at 651-431-6589 as soon as possible.

Brittany Raddatz, Supervisor  
Licensing Division  
Office of Inspector General