

February 12, 2024

Ifrah Hudle, Authorized Agent
Iska Inc
4725 Excelsior Boulevard Suite 400
Saint Louis Park, Minnesota 55416

License Number: 1080858 (245D – HCBS)

CORRECTION ORDER

Dear Ifrah Hudle:

On January 4, 2024, a licensing review of Iska Inc, located at 4725 Excelsior Boulevard, Saint Louis Park, 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 245D.071, subdivision 3, paragraph (d).

Violation: For one of two persons whose record was reviewed (P2), the license holder did not meet the service planning and delivery requirements for intensive support services.

The license holder failed to include a summary of how technology might be used to meet P2's desired outcomes in the support plan addendum.

Corrective Action Ordered: Within 30 days of receiving this order, you must document a summary of the discussion from the 45-day planning meeting of how technology might be used to meet P2's desired outcomes in P2's support plan addendum. This summary must include a statement regarding any decision that was made regarding the use of technology and a description of any further research that needs to be completed before a decision regarding the use of technology can be made. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one person whose record was reviewed (P2), the license holder did not document service outcomes and supports as required.

The license holder failed to document for P2 the following supports and methods to be implemented to support P2 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 P2 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;
 - any equipment and materials required; and
 - techniques that are consistent with P2's communication mode and learning style;
- the measurable and observable criteria for identifying when the desired outcome has been achieved;
- 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 will be reviewed and evaluated; and
- the names of the staff or position responsible for implementing the supports and methods.

Corrective Action Ordered: Within 30 days of receiving this order, you must develop and document the information listed above in P2's service plan. Within 60 days of receiving this order, you must submit a copy of the supports and methods for P2 to your licenser. On an ongoing basis, you must maintain compliance as required in this subdivision.

3. Citation: Minnesota Rule, part 9544.0030, subpart 1.

Violation: For one person whose record was reviewed (P1), the license holder did not review positive support strategies as required.

The license holder failed to evaluate with P1 and determine whether changes were needed to the identified positive support strategies at least every six months.

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

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

Violation: For one of two staff persons whose record was reviewed (SP2), the license holder did not provide orientation training as required.

SP2 was hired on May 17, 2022. The license holder failed to provide SP2 with an orientation to the safe and correct use of manual restraint on an emergency basis and what constitutes the use of restraints, time out, and seclusion, including chemical restraint, within 60 days of hire.

Corrective Action Ordered: Immediately, you must provide SP2 with training on the safe and correct use of manual restraint on an emergency basis and what constitutes the use of restraints, time out, and seclusion, including chemical restraint. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

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

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

- a. The license holder failed to provide SP1 with annual training in the following areas in 2023:
 - 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 SP2 training in the following areas annually:
 - data privacy requirements and staff responsibilities related to complying with data privacy practices;
 - service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights;
 - principles of person-centered service planning and delivery and how they apply to direct support service provided by the staff person;
 - safe and correct use of manual restraint on an emergency basis and what constitutes the use of restraints, time out, and seclusion, including chemical restraint;
 - staff responsibilities related to prohibited procedures, 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: Within 30 days of receiving this order, you must audit the training records for all staff persons and provide any required training that has not been completed within the same month of the subsequent calendar year. 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 Licensors at:

1. By secure email at kristopher.oberg@state.mn.us; 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