

April 8, 2024

Bashir Omar, Authorized Agent  
Kettle Health Inc  
1821 University Avenue West Suite 461-11  
Saint Paul, MN 55104

License Number: 1108135 (245D - HCBS)

### **CORRECTION ORDER**

Dear Bashir Omar:

On August 30, 2023 a licensing review of Kettle Health Inc at 1821 University Avenue West Suite 461-11, Saint Paul, 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.10, subdivision 4, paragraph (b).

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

P1's services were initiated on April 20, 2022. The license holder failed to provide P1 and P1's legal representative, and P1's case manager with copies of the policies and procedures that affect a persons rights within five working days of service initiation as required. The license holder provided these policies and procedures on April 29, 2023.

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

2. Citation: Minnesota Statutes, section 245A.65, subdivision 1.

Violation: For one person whose record was reviewed (P1), the license holder did not meet provide orientation to maltreatment reporting as required.

P1's services were initiated on April 20, 2022. The license holder failed to provide P1 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. The license holder provided P1 with this orientation on April 29, 2023.

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

3. 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.

Although the license holder developed an IAPP for P1 on April 29, 2023, the license holder failed to develop an IAPP for P1 prior to or upon P1's service initiation date. Additionally, P1's IAPP identified that P1 was susceptible to abuse; however, the license holder failed to document the specific measures that would be taken to minimize the risk of abuse to P1.

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

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

Violation: For one person whose record was reviewed (P1), the license holder did not provide service recipient rights as required.

The license holder failed to provide P1 with a copy of the service recipient rights and an explanation of those rights within five working days of service initiation. Additionally, the license holder failed to provide P1 with a copy of these rights annually in 2023.

Corrective Action Ordered: Within 30 days of receiving this order, you must provide P1 with a copy of the service recipient rights and an explanation of those rights. On an ongoing basis, you must maintain compliance throughout your program, as required in this subdivision.

5. Citation: Minnesota Statutes, section 245D.05, subdivision 1.

Violation: For one persons whose records were reviewed (P1) the license holder did not meet the requirements for meeting a person's health needs as required.

The license holder was assigned the responsibility of meeting P1's health needs by assisting the person with medical appointments. The license holder failed to maintain documentation of how the person's health needs would be met, including a description of the procedures the license holder would follow, as applicable, to:

- provide medication setup, assistance, or administration according to this chapter. Unlicensed staff responsible for medication setup or medication administration under this section must complete training according to section [245D.09](#), subdivision 4a, paragraph (d);
- monitor health conditions according to written instructions from a licensed health professional;
- assist with or coordinate medical, dental, and other health service appointments; or
- use medical equipment, devices, or adaptive aides or technology safely and correctly according to written instructions from a licensed health professional.

Corrective Action Ordered: Within 30 days of receiving this order, you must document the above mentioned information as it applies to P1 in P1's support plan addendum. On an ongoing basis, you must maintain compliance throughout your program, as required in this subdivision.

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

Violation: For one person whose record was reviewed (P1), the license holder did not meet service planning and delivery requirements for an intensive service as required.

For P1, the license holder did not complete assessments in the following areas before the 45-day planning meeting:

- the person'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;
- the person'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;

- the person's ability to self manage symptoms or behaviors 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;
  - other symptoms or behaviors that may jeopardize the health and safety of the person or others.

Although the license holder completed these assessments on May 18, 2023, the license holder failed to complete these assessment within 45 days of service initiation, which was April 20, 2022.

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

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

Violation: For one person whose record was reviewed (P), the license holder did not meet service planning and delivery requirements for an intensive service as required.

The license holder failed to develop a service plan that documented the service outcomes and supports for P1 within 10 days of the 45 day planning meeting. At the time of the licensing review, P1 did not have a service plan that included any service outcomes and supports.

Additionally, because the license holder failed to develop service outcomes and supports for P1, the license holder also failed to, at a minimum of annually, provide P1's case manager with a progress review report that:

- summarized P1's status and progress towards achieving the desired outcomes;
- made recommendations;
- identified the rationale for changing, continuing, or discontinuing the implementation of the current outcome supports and methods.

Corrective Action Ordered: Within 30 days of receiving this order, you must develop a service plan that documents the service outcomes and supports for P1. The documentation must include:

- the methods or actions that will be used to support the person 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 the person's communication mode and learning style;

- the measurable and observable criteria for identifying when the desired outcome has been achieved and how data will 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.

On an ongoing basis, you must also provide progress review reports that include the above mentioned information at a minimum of annually and you must maintain compliance throughout your program, as required in this subdivision.

8. Citation: Minnesota Statutes, section 245D.095, subdivision 3, paragraph (b).

Violation: For one person whose record was reviewed (P1), the license holder did not maintain service recipient records as required.

The license holder failed to maintain progress or daily log notes for P1.

Corrective Action Ordered: Immediately upon receiving this order, you must maintain progress or daily log notes for the P1 and all other individuals receiving services in your program for the days that services are provided. On an ongoing basis, you must maintain compliance throughout your program, as required in this subdivision.

9. Citation: Minnesota Rules, section 9544.0030, subpart 1.

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

For P1, the license holder failed to identify and document positive support strategies for the person and failed to evaluate the positive support strategies with P1 every six months.

Corrective Action Required: Within 30 days of receiving this order, you must identify and document positive support strategies for P1 and you must document them in the person's plan. Positive support strategies will need to be evaluated with the person every six months. On an ongoing basis, you must maintain compliance throughout your program, as required in this rule.

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.

## **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  
ATTN: Legal Unit  
Licensing Division  
PO Box 64242  
St. Paul, MN 55164-0242

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 me as soon as possible.

Tiffany Solano, Senior Human Services Licensor  
Licensing Division  
Office of Inspector General  
651-431-6649