



May 6, 2024

Mohamed Ali, Authorized Agent
Shifo Adult Center
373 Pederson Street Suite 101B
St. Paul, Minnesota 55119

License Number: 1091375 (Rule 223)

Dear Mohamed Ali:

On November 1, 2023, the Minnesota Department of Human Services (DHS) issued an Order of Conditional License to the license holder, which placed the license on conditional status for a period of two years. (See attached Exhibit A). On November 20, 2023, DHS received the license holder's request for reconsideration.

I. RECONSIDERATION OF CONDITIONAL LICENSE

In its request for reconsideration, the license holder did not dispute the 16 new licensing violations that were included in the Order of Conditional License. However, the license holder requested that DHS reconsider the length of the conditional license and term #4 of the conditional license. Specifically, the license holder argued that it would be more appropriate to place the license on conditional status for one year, rather than two years. In addition, the license holder requested that DHS modify term #4 of the Order of Conditional License to remove the six-month prohibition on admitting new participants.

Under Minnesota Statutes, section 245A.06, subdivision 1, when issuing a conditional license, the Commissioner must consider the nature, chronicity, or severity of the violation of the law or rule and the effect of the violation on the health, safety, or rights of persons served by the program. If DHS issues an order of conditional license, the conditional license must state "the length and terms of the conditional license, and the reasons for making the license conditional." Under Minnesota Statutes, section 245A.06, subdivision 4, a license holder may request reconsideration of DHS' decision to issue a conditional license.

The license holder did not dispute the 16 new licensing violations that were included in the Order of Conditional license. As a result, the 16 licensing violations are final. In addition, the license holder did not dispute DHS' decision to place the license on conditional status. Although the license holder disagrees with the length of the conditional license and one of the terms of the conditional license, a request for reconsideration under Minnesota Statutes, section 245A.06, is limited to reconsideration of DHS's decision to issue a conditional license and not the terms that are included in the order of conditional license. Therefore, the conditional license is final.

Notwithstanding the limited scope of reconsideration, based on the significant and chronic history of licensing violations, and the nature of the violations relating to the health, safety, and rights of persons served, the two-year timeframe is appropriate to provide the additional oversight the program can benefit from to come into compliance with licensing requirements. Further, the term limiting new

admissions is also appropriate to afford the license holder an opportunity to come into compliance with the population it is currently serving before increasing capacity and the related services needed to meet the needs of additional persons served.

The period of the conditional license is two years, beginning on May 6, 2024, which is the date of this reconsideration decision. Because the terms of the conditional license were stayed pending a decision on the license holder's request for reconsideration, the terms of the conditional license begin from the date of receipt of this letter.

II. TERMS OF THE CONDITIONAL LICENSE

In addition to the adult day care licensing rules and statutes, you are required to comply with the following terms:

1. Within 15 days of receiving this reconsideration letter, 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 reconsideration letter. 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 adult day care 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 reconsideration letter, you must submit to the DHS Licensing Division a list of the individuals and parties that received the notice. Additionally, while the license is on conditional status, you must maintain documentation of the names of individuals you've provided the notification to and the date the individual was provided the notification.

2. Within 30 days of receiving this reconsideration letter, you must:
 - develop a quality assurance audit tool to ensure personnel records include all required documentation and training;
 - develop a quality assurance audit tool to ensure participant records include all required information; and
 - submit the quality assurance audit tools to your DHS licensor for approval.
3. Within 30 days of receiving approval of your quality assurance audit tools from your DHS licensor, you must complete an audit of all participant and personnel records using the approved quality assurance audit tool. Additionally, you must 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.

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4. You may not admit new participants to your program from the date of this reconsideration letter until you have successfully demonstrated to DHS compliance with the terms of the conditional license and have maintained substantial compliance with all licensing standards. **At a minimum, you may not admit new participants to your program for a period of six months from the date of this reconsideration letter.** Prior to admitting any new participant during the duration of the conditional license, you must notify your licensor of the name and admission date of the new participant.

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

1. by secure email at: Alexandra.Devick@state.mn.us; or
2. send fax to:
651-431-7673
ATTN: Alexandra Devick

III. RIGHT TO APPEAL TO THE MINNESOTA COURT OF APPEALS

This is a final agency decision and is subject to further review only by the Minnesota Court of Appeals. **Please note that there are time limits for seeking review by the Minnesota Court of Appeals.** See Minnesota Statutes, Chapter 606 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

If you have any questions regarding the conditional license, please contact Brittany Raddatz, HCBS Unit Supervisor, at 651-431-6591.

Sincerely,



Morgan Bianco, Attorney
Legal Counsel's Office
Office of Inspector General

cc: Daniel L.M. Kennedy
3400 E. Lake Street, Suite 200
Minneapolis, Minnesota 55406