

June 7, 2024

Jermaine Stansberry, Authorized Agent
Twin Cities Home Care
1241 Devonshire Curv
Bloomington, Minnesota 55431

License Number: 1112617 (245D – HCBS)

CORRECTION ORDER

Dear Jermaine Stansberry:

On May 1, 2024, a licensing review of Twin Cities Home Care, located at 1241 Devonshire Curv, Bloomington, 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.05, subdivision 4.

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

- a. The license holder was assigned responsibility for medication administration for P1. The license holder failed to regularly review P1's medication administration record to ensure the information maintained in the medication administration record was current and to identify medication administration errors.
- b. The license holder failed to notify P1's legal representative and case manager of medication errors that occurred between February through April 2024 as directed in P1's support plan addendum.

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

2. Citation: Minnesota Statutes, section 245D.06, subdivision 1, paragraph (b).

Violation: For one person whose record was reviewed (P1), the license holder did not report incidents as required.

P1 was involved in incidents while services were being provided by the license holder on March 25, 2024, March 31, 2024, and April 17, 2024. The license holder failed to report these incidents to P1's legal representative and case manager within 24 hours of the incidents occurring.

Corrective Action Ordered: Immediately, you must report all incidents involving P1 to P1's legal representative and case manager and document when these reports were made. On an ongoing basis, you must maintain compliance as required in this subdivision.

3. Citation: Minnesota Statutes, section 245D.09, subdivision 1.

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

SP1 was hired on January 8, 2024. SP2 was hired on February 15, 2024. The license holder failed to, within 60 days of hire, provide SP1 and SP2 with the following trainings:

- the job description and how to complete specific job functions including:
 - responding to and reporting incidents as required under section 245D.06, subdivision 1; and
 - following safety practices established by the license holder as required in section 245D.06, subdivision 2;
- the license holder's current policies and procedures required under this chapter, including their location and access, and staff responsibilities related to implementation of those policies and procedures including:
 - service suspension policy;
 - universal precautions;
 - safe medication assistance and administration;
 - safe transportation;
 - service admission;
 - incident response, reporting, and reviewing.
- sections 245A.65, 245A.66, 626.557, and 260E 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;
- 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:

- complete an audit of all staff training records;
- based on the results of the audit, create a written plan that details the following:
 - how your program will develop a training curriculum for each required training topic to be provided to staff persons;
 - how your program will develop policies and procedures related to the emergency use of manual restraints that specifies a description of the types of manual restraints the license holder allows and instructions for safe and correct implementation of the allowed manual restraint procedures and be provided to staff persons as mentioned in citation 5;
 - how your program will establish policies and procedures that promote health and welfare as required in citation 7;
 - the date that all staff persons records will be brought into compliance with training requirements of this subdivision based on the results of your audit. The date must be prior to October 1, 2024.
 - how your program will maintain ongoing compliance in this subdivision and the subdivisions in citation 5 and 6.
- maintain documentation of this training as required in section 245D.095, subdivision 5; and
- submit the results of the audit and your written plan to your licensor.

On an ongoing basis, you must provide orientation training as required in this subdivision.

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

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

The license holder failed to maintain documentation of SP1 and SP2'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.

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

5. Citation: Minnesota Statutes, section 245D.061, subdivision 9.

Violation: the license holder did not develop, document, and implement a policy and procedures related to the emergency use of manual restraints as required.

While the license holder did develop a policy titled "Emergency Use of Manual Restraints Policy", the license holder failed to include the following requirements in that policy:

- a description of the types of manual restraints the license holder allows staff to use on an emergency basis;

- instructions for safe and correct implementation of the allowed manual restraint procedures; and
- the person or position responsible for completing the internal reviews and for ensuring that corrective action is taken, or the person's support plan addendum is revised, when determined necessary.

Corrective Action Ordered: With 15 days of receiving this order, you must develop, document, and implement a policy and procedures related to the emergency use of manual restraints that includes the requirements identified above. Within 60 days of receiving this order, you must:

- provide all persons receiving services under this license, and their legal representative, if applicable, with a copy of and orientation to this policy;
- maintain written acknowledgement from the person, or the person's legal representative, that the person receiving services has been notified as required under Minnesota Rules, part 9544.0080; and
- refer to the corrective action ordered in citation 3 regarding orientation and training to staff persons.

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

6. Citation: Minnesota Statutes, section 245D.10, subdivision 3 and 3a.

Violation: For one person whose record was reviewed (P3), the license holder did not enforce policies and procedures related to service suspension and termination as required.

The license holder issued a service suspension for P3 on March 1, 2024. The license holder failed to document actions taken to minimize or eliminate the need for service suspension prior to giving the service suspension.

Additionally, the license holder issued a service termination for P3 on March 1, 2024. The license holder failed to document actions taken to minimize or eliminate the need for termination prior to giving the service termination notice.

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

7. Citation: Minnesota Statutes, section 245D.11, subdivision 2 and 3.

Violation: the license holder did not establish, enforce, and maintain policies and procedures as required.

The license holder provides intensive support services as identified in section 245D.03, subdivision 1, paragraph (c).

- a. The license holder failed to establish policies and procedures that promote health and welfare by ensuring:
 - use of universal precautions and sanitary practices in compliance with section 245D.06, subdivision 2, clause (5);

- health service coordination and care according to the requirements in section 245D.05, subdivision 1;
- safe medication assistance and administration according to the requirements in sections 245D.05, subdivisions 1a, 2, and 5, and 245D.051, that are established in consultation with a registered nurse, advanced practice registered nurse, physician assistant, or medical doctor and require completion of medication administration training according to the requirements in section 245D.09, subdivision 4a, paragraph (d);
- safe transportation, when the license holder is responsible for transportation of persons, with provisions for handling emergency situations according to the requirements in section 245D.06, subdivision 2, clauses (2) to (4);
- a plan for ensuring the safety of persons served by the program in emergencies as defined in section 245D.02, subdivision 8, and procedures for staff to report emergencies to the license holder. A license holder with a community residential setting or a day service facility license must ensure the policy and procedures comply with the requirements in section 245D.22, subdivision 4;
- a plan for responding to all incidents as defined in section 245D.02, subdivision 11; and reporting all incidents required to be reported according to section 245D.06, subdivision 1;
- a procedure for the review of incidents and emergencies to identify trends or patterns, and corrective action if needed.

- b. The license holder failed to establish policies and procedures related to admission criteria that promote continuity of care.

Corrective Action Ordered: Within 15 days of receiving this order, you must establish, enforce, and maintain policies and procedures as required above. Additionally, you must submit these to your licensor for approval. See the corrective action ordered in citation 3 regarding training on the above-mentioned policies and procedures to staff. 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 Elizabeth.Schiefelbein@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: Liz Schiefelbein
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 me as soon as possible.

Liz Schiefelbein, HCBS Human Services Licensor
Licensing Division
Office of Inspector General
651-431-2738