

June 26, 2024

Fong Lor, Authorized Agent  
Morning Star Center Inc  
130 3<sup>rd</sup> Avenue Northwest  
Austin, MN 55912

License Number: 1113922 (Rule 223)

### **CORRECTION ORDER**

Dear Fong Lor:

On June 12, 2024, a licensing review of Morning Star Center Inc, located at 130 3<sup>rd</sup> Avenue Northwest, Austin, Minnesota, was conducted to determine compliance with Minnesota Statutes and Rules governing adult day care services under Minnesota Rules, parts 9555.9600 through 9555.9730 (Rule 223). 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.14, subdivision 14, paragraph (c).

Violation: The license holder did not meet the requirements for attendance record documentation.

The license holder failed to maintain documentation of actual attendance for each adult day service recipient for which the license holder was reimbursed by a governmental program that included the time of day that the recipient was dropped off and the time of day that the recipient was picked up.

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

2. Citation: Minnesota Rules, part 9555.9660, subpart 1.

Violation: For one of two participants whose record was reviewed (P2), the license holder did not include information in the participant's written record as required.

The license holder failed to include a medical report in P2's record, signed by a physician or signed by a physician assistant or registered nurse and cosigned by a physician, that included:

- indication of dietary restrictions and medication regimen, including the need for medication assistance, that apply to P2;
- a release signed by a physician indicating whether P2 may engage in a structured exercise program; and
- documentation the P2 is free from communicable disease or infestations, as specified in parts 4605.700 to 4605.7090, that would endanger the health of other participants.

Corrective Action Ordered: Within 30 days of receiving this order, you must maintain a medical report in P2's record that includes the information detailed above. On an ongoing basis, you must maintain compliance as required in this subpart.

3. Citation: Minnesota Rules, part 9555.9650, item A.

Violation: For one of three staff persons whose record was reviewed (SP2), the license holder did not maintain a personnel record as required.

The license holder failed to maintain a job description in SP2's personnel record.

Corrective Action Ordered: Within 30 days, you must maintain documentation of SP2's job description in their personnel record. On an ongoing basis, you must maintain compliance as required in these items.

4. Citation: Minnesota Rules, part 9555.9690, subpart 3.

Violation: For one staff person whose record was reviewed (SP2), the license holder did not provide orientation to the center as required.

The license holder failed to provide SP2 with 20 hours of orientation to the center within the employee's first 40 hours of employment at the center, including:

- at least four hours of supervised orientation before SP2 worked directly with persons at the center;
- training related to the kinds of functional impairments of persons currently at the center; and
- safety requirements and procedures in part 9555.9720.

Corrective Action Required: Within 30 days of receiving this order, you must provide the required orientation training detailed above to SP2. On an ongoing basis, you must maintain compliance as required in this subpart.

5. Citation: Minnesota Rules, part 9555.9710, subpart 1.

Violation: The license holder did not offer services as required.

The license holder failed to offer a midmorning snack.

Corrective Action Ordered: Immediately, you must offer a midmorning snack. On an ongoing basis, you must maintain compliance as required in this subpart.

6. Citation: Minnesota Rules, part 9555.9720, subparts 8 and 9.

Violation: The license holder did not ensure safety as required.

- a. The license holder failed to ensure rugs had nonskid backing.
- b. The license holder failed to ensure plans for emergencies caused by fire, blizzards, and tornadoes were posted in a visible place in the center.

Corrective Action Ordered: Immediately you must:

- ensure all rugs have nonskid backing; and
- post plans for emergencies caused by fire, blizzards, and tornadoes in a visible place in the center.

On an ongoing basis, you must maintain compliance as required in these subparts.

## **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 your licensor, Katie Johnson, at 651-431-4113.

Brittany Raddatz, HCBS Unit Supervisor  
Licensing Division  
Office of Inspector General