

**Date Issued:** February 14, 2024

**Date reissued:** November 1, 2024

**CERTIFIED MAIL**

Mohamed Abdullahi Mohamed, Authorized Agent  
Hope Wellness Center Corp  
1500 First Avenue Northeast, Suite 111F  
Rochester, Minnesota 55906-4170

License Number: 1094049 (245D – HCBS)

## **AMENDED ORDER OF CONDITIONAL LICENSE**

**Notice:** This Amended Order of Conditional License supersedes the original Order of Conditional License, dated February 14, 2024. This document is to amend Citation 8 to rescind a part of part b. The original Order of Conditional License, dated February 14, 2024, must be destroyed.

Dear Mohamed Abdullahi Mohamed:

The Department of Human Services (DHS) is placing your licenses to provide Home and Community-Based Services (HCBS), located at 2203 18<sup>th</sup> Avenue Southeast, Rochester, Minnesota, on conditional status for two years, beginning February 14, 2024. This means you must meet certain conditions to maintain your licenses, detailed below. This order is based on your noncompliance with HCBS licensing requirements. Details of our findings are also provided below. Our next steps and your options are also detailed.

### **REASON FOR THE CONDITIONAL LICENSE**

On January 8, 2024, DHS licensors conducted a licensing review at your facility and program located at 2203 18<sup>th</sup> Avenue Southeast, Rochester, Minnesota. As a result of these licensing visits, DHS determined that your program failed to comply with the laws and rules that apply to licensed home and community-based services, citing 25 violations. DHS has considered the nature and severity of these violations, as well as the health, safety, and rights of persons served by the program.

- **Nature:** Many of the violations cited in this Order of Conditional License are violations of law or rule affecting the health, safety, or rights of persons served by the program. The licensing violations include:
  - Failure to designate a qualified and competent staff person(s) to fulfill the responsibilities for coordination and evaluation of individual service delivery requirements and program management and oversight

- Failure to provide orientation to internal and external reporting procedures of alleged or suspected maltreatment of vulnerable adults
  - Failure to provide orientation to the Program Abuse Prevention Plan (PAPP)
  - Failure to maintain Individual Abuse Prevention Plans
  - Failure to ensure the exercise and protection of a person's service-related and protection-related rights
  - Failure to maintain documentation of health service needs
  - Failure to meet protection standards of incident response and reporting
  - Failure to comply with the requirements of the federal waiver plans
  - Failure to meet service planning and delivery requirements
  - Failure to develop service outcomes and supports
  - Failure to maintain service receipt records
  - Failure to provide information on policies and procedures that affect a person's rights
  - Failure to incorporate and evaluate positive support strategies
  - Failure to provide required orientation and annual training to staff persons
  - Failure to maintain personnel records
- **Severity:** Many of the violations that has led to this Order of Conditional License relate to the health and safety of persons served.
  - **Chronicity:** Your program received its license on May 14, 2018. When providing services to people under a DHS-issued license it is the expectation of DHS and the service recipients that all services will be provided in full compliance with licensing rules and laws. DHS has determined that immediately upon service initiation you were not providing services according to applicable rules and laws. Since that time, your program has demonstrated noncompliance with licensing rules and statutes. The information below summarizes this history:
    - April 29, 2019: Correction Order 18 violations
    - January 8, 2024: Conditional License (this order): 25 violations (17 repeat)

**Due to the serious and chronic nature of these violations, and the conditions in the program, which impact the health and safety of persons served in your care, your licenses to provide Home and Community-Based Services and Adult Foster Care Services are placed on conditional status.**

## **Licensing Violations**

DHS determined that your program failed to follow licensing rules and statutes, as described below.

## Program Coordination, Evaluation, and Oversight Violation

1. **Violation:** The license holder did not ensure the designated coordinator and the designated manager (SP1 and SP3) provided program management and oversight of the services provided by the license holder as required.
  - a. See citations 2 through 25 regarding SP3's failure to:
    - provide oversight of the license holder's responsibilities assigned in the person's coordinated service and support plan (CSSP) and coordinated service and support plan addendum (CSSPA);
    - take the action necessary to facilitate the accomplishment of the outcomes according to the requirements in section 245D.07;
    - provide instruction and assistance to direct support staff implementing the support plan and the service outcomes, including direct observation of service delivery sufficient to assess staff competency; and
    - evaluate the effectiveness of service delivery, methodologies, and progress on the person's outcomes based on the measurable and observable criteria for identifying when the desired outcomes has been achieved according to the requirements in section 245D.07.
  - b. See citations 2 through 25 regarding SP1's failure to:
    - maintain current understanding of the licensing requirements sufficient to ensure compliance throughout the program as identified in section 245A.04, subdivision 1, paragraph (e), and when applicable, as identified in section 256B.04, subdivision 21, paragraph (b);
    - ensure the duties of the designated coordinator are fulfilled according to the requirements in subdivision 2;
    - ensuring staff competency requirements are met according to the requirements in section 245D.09, subdivision 3, including ensuring periodic performance evaluations of the direct support staff's ability to perform the job functions based on direct observation are completed by the license holder; and
    - evaluate the information identified in clauses (1) to (6) to develop, document, and implement ongoing program improvements.

**Statute Violated:** Minnesota Statutes, section 245D.081.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019. The license holder was required to submit a written plan documenting how the license holder will ensure the designated coordinator and designated manager will perform the required duties to maintain compliance across the program. The license holder submitted a plan to DHS on June 27, 2019,

detailing how SP3 would be responsible for performing the required duties as the designated manager and designated coordinator to provide program management and oversight of the services provided.

### **Service Recipient Violations**

2. **Violation:** For one of four persons whose records were reviewed (P1), the license holder did not provide an orientation to the internal and external reporting procedures of alleged or suspected maltreatment of vulnerable adults as required.

P1's services were initiated on May 4, 2021. The license holder failed to provide P1 with an orientation to the internal and external reporting procedures of alleged or suspected maltreatment of vulnerable adults within 24 hours of admission.

**Statute Violated:** Minnesota Statutes, section 245A.65, subdivision 1, paragraph (c).

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

3. **Violation:** For one person whose record was reviewed (P1), the license holder did not provide orientation to the program abuse prevention plan (PAPP) as required.

The license holder failed to provide P1 with an orientation to the license holder's PAPP within 24 hours of admission.

**Statute Violated:** Minnesota Statutes, section 245A.65, subdivision 2, paragraph (a).

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

4. **Violation:** For one person whose record was reviewed (P1), the license holder did not meet the requirements for an individual abuse prevention plan (IAPP) as required.

The license holder failed to:

- develop an IAPP for P1 as part of the initial individual program plan or support plan prior to or upon service initiation. P1's services were initiated on May 4, 2021. The license holder developed an IAPP for P1 on May 5, 2022;
- review the IAPP with P1 and P1's support team at least annually; and
- include statements of specific measures that would be taken to minimize the risk of abuse to P1 in each area that P1 was assessed to be vulnerable in.

**Statute Violated:** Minnesota Statutes, section 245A.65, subdivision 2, paragraph (b).

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

5. **Violation:** For three persons whose records were reviewed (P1, P2, and P4), the license holder did not provide a written notice that identified the service recipient rights and an explanation of those rights as required.
- a. The license holder failed to provide P1 with a written notice that identified the service recipient rights in subdivisions 2 and 3, and an explanation of those rights annually in 2022 and 2023.
  - b. The license holder failed to provide P2 and P4 with a written notice that identifies the service recipient rights in subdivisions 2 and 3, and an explanation of those rights within five working days of service initiation.

**Statute Violated:** Minnesota Statutes, section 245D.04, subdivision 1.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

6. **Violation:** For two persons whose records were reviewed (P1 and P3), the license holder did not ensure the protection and exercise of the person's rights when the person resides in a residential site licensed according to chapter 245A, as required.

The license holder failed to ensure the exercise and protection of P1 and P3's following rights to:

- receive services in a clean and safe environment when the license holder is the owner, lessor, or tenant of the service site;
- receive services in a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin, and insects; and
- receive services in a setting that is free from hazards that threaten the person's health or safety.

During a site visit on January 8, 2024, DHS licensors observed the following at P1 and P3's place of residence (AFC: 1047425):

- standing water on the floor of the bathroom;
- peeling laminate on the vanity in the bathroom;
- black substance appearing to be mold or mildew on the wall in the bathroom;
- peeling paint on the bathroom walls and throughout the hallway;
- heavy cobwebs with insects in the hallway on the lower level of the home;
- accumulated dirt and grease on several walls throughout the entry and lower level;
- unfinished drywall patch;
- rusted vents and heavy buildup of dust and cobwebs inside the vents; and

- debris along the walkway to the entrance of the home.

Statute Violated: Minnesota Statutes, section 245D.04, subdivision 3.

7. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not maintain documentation of how the person's health needs would be met as required.
- a. The license holder was assigned the responsibility of meeting P1's health needs in the support plan. The license holder failed to maintain documentation on how P1's health needs would be met, including a description of the procedures the license holder would follow in order to:
    - monitor health conditions according to written instructions from a licensed health professional; and
    - assist with or coordinate medical, dental, and other health service appointments.
  - b. The license holder was assigned the responsibility of meeting P2's health needs in the support plan. The license holder failed to maintain documentation on how P2's health needs would be met, including a description of the procedures the license holder would follow in order to:
    - provide medication setup, assistance, or administration according to this chapter; and
    - assist with or coordinate medical, dental, and other health service appointments.

Statute Violated: Minnesota Statutes, section 245D.05, subdivision 1.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

8. Violation: For two persons whose records were reviewed (P3 and P4), the license holder did not meet the protection standards of incident response and reporting, as required.
- a. The license holder failed to maintain information about an incident that occurred with P3 on December 17, 2021, while services were being provided.
  - b. The license holder failed to maintain information about incidents that occurred with P4 on July 28, 2021, while services were being provided.

Statute Violated: Minnesota Statutes, section 245D.06, subdivision 1.

9. Violation: For one person whose record was reviewed (P2), the license holder did not provide services in compliance with the requirements of this chapter and the federal waiver plans.

Note: According to the Community-Bases Services Manual (CBSM), own home is defined as:

A single family home or unit in a multi-family home (e.g., apartment) where a person lives, and the person or their family owns/rents and maintains control over the individual unit, demonstrated by a lease agreement (if applicable). This means a service provider does not own, operate or lease the home/unit or have direct or indirect financial interest in the person's housing.

The license holder failed to comply with the federal waiver plan while providing P2 individualized home supports with training. That service was provided in a home that did not meet the definition of a person's own home. From May 20, 2023, through May 31, 2023, P2 lived in a multi-family home leased by the provider.

Statute Violated: Minnesota Statutes, section 245D.07, subdivision 1.

10. Violation: For one person whose record was reviewed (P1), the license holder did not provide person centered planning and service delivery.

The license holder maintained a document in P1's support plan titled, "245D Intensive Support Self-Management Assessment," developed on January 5, 2023. The assessment documented that P1 desired an outcome related to acquiring, retaining, or improving skills in the area of medical and dental appointments. There were no outcomes in P1's record. The license holder failed to provide services in a manner that supported P1's preferences for service outcomes, consistent with the principals of person-centered service planning and delivery.

Statute Violated: Minnesota Statutes, section 245D.07, subdivision 1a.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

11. Violation: For one person whose record was reviewed (P4), the license holder did not meet service plan requirements for basic support services as required.

The license holder failed to develop a preliminary support plan for P4 within 15 calendar days of service initiation.

Statute Violated: Minnesota Statutes, section 245D.07, subdivision 2.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

12. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not complete the required assessments for intensive service planning as required.

- a. The license holder failed to complete the following assessments for P1 and P2 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 behavior 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, or other symptoms or behaviors that may jeopardize the health and welfare of the person or others; and
- assessments must produce information about the person that describes the person's overall strengths, functional skills and abilities, and behaviors or symptoms.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 3.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

13. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for initial service planning as required.
- a. The license holder failed to meet with P1, P1's case manager, and other members of P1's support team to determine the following based on information obtained from the assessments identified in paragraph (b), the person's identified needs in the support plan, and the requirements in subdivision 4 and section 245D.07, subdivision 1a, within 45 days of service initiation:
    - the scope of the services to be provided to support the person's daily needs and activities;
    - the person's desired outcomes and the supports necessary to accomplish the person's desired outcomes;
    - the person's preferences for how services and supports are provided, including how the provider will support the person to have control of the person's schedule;
    - opportunities to develop and maintain essential and life-enriching skills, abilities, strengths, interests, and preferences;
    - opportunities for community access, participation, and inclusion in preferred community activities;
    - opportunities to develop and strengthen personal relationships with other persons of the person's choice in the community;
    - opportunities to seek competitive employment and work at competitively paying jobs in the community;

- how services must be coordinated across other providers licensed under this chapter serving the person and members of the support team or expanded support team to ensure continuity of care and coordination of services for the person; and
  - a discussion of how technology might be used to meet the P1's desired outcomes. The coordinated service and support plan or support plan addendum must include a summary of this discussion. The summary must include:
    - a statement regarding any decision that is 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.
- b. The license holder failed to meet with P2, P2's case manager, and other members of P2's support team to determine the following based on information obtained from the assessments identified in paragraph (b), the person's identified needs in the support plan, and the requirements in subdivision 4 and section 245D.07, subdivision 1a, within 45 days of service initiation:
- the scope of the services to be provided to support the person's daily needs and activities;
  - the person's desired outcomes and the supports necessary to accomplish the person's desired outcomes;
  - the person's preferences for how services and supports are provided, including how the provider will support the person to have control of the person's schedule;
  - whether the current service setting is the most integrated setting available and appropriate for the person;
  - opportunities to develop and maintain essential and life-enriching skills, abilities, strengths, interests, and preferences;
  - opportunities for community access, participation, and inclusion in preferred community activities;
  - opportunities to develop and strengthen personal relationships with other persons of the person's choice in the community;
  - opportunities to seek competitive employment and work at competitively paying jobs in the community;
  - how services must be coordinated across other providers licensed under this chapter serving the person and members of the support team or expanded support team to ensure continuity of care and coordination of services for the person; and
  - a discussion of how technology might be used to meet the person's desired outcomes. The coordinated service and support plan or support plan addendum must include a summary of this discussion. The summary must include:
    - a statement regarding any decision that is 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.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 3, paragraphs (c)

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

14. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for service outcomes and supports as required.
- a. The license holder failed to develop a service plan that documented the service outcomes and supports based on the assessments and person-centered planning for P1. The outcomes failed to document the following:
    - 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 material 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; and
    - the names of the staff or position responsible for implementing the supports and methods.
  - b. The license holder documented outcomes for P2, however the license holder failed to maintain documentation of the following supports and methods to accomplish the outcomes:
    - 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 material 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; and
    - the names of the staff or position responsible for implementing the supports and methods.

Statute Violated: Minnesota Statutes, section 245D.071, subdivision 4.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

15. **Violation:** For one person whose record was reviewed (P1), the license holder did not meet the requirements for service plan review and evaluation as required.

The license holder failed to meet with P1, P1's case manager, and other members of P1's support team to participate in the ongoing review and development of the service plan and methods used to support the person and accomplish outcomes. The annual review failed to include the following:

- a discussion about how technology might be used to meet the person's desired outcomes:
  - the support plan addendum must include a summary of this discussion. The summary must include a statement regarding any decision made related to the use of technology and a description of any further research that must be completed before a decision regarding the use of technology can be made; and
- a discussion about options for transitioning out of a community setting controlled by a provider and into a setting not controlled by provider:
  - the support plan addendum must include a summary of this discussion. The summary must include a statement regarding any decision made related to transitioning out of a provider controlled-setting and a description of any further research or education that must be completed before a decision regarding the transitioning out of a provider-controlled setting can be made.

**Statute Violated:** Minnesota Statutes, section 245D.071, subdivision 5.

16. **Violation:** For three persons whose records were reviewed (P1, P2, and P4), the license holder did not provide written or electronic copies of policies and procedures as required.

- a. The license holder failed to inform P1 and P1's case manager of the following policies and procedures affecting a person's rights under section 245D.04, and provide copies of those policies and procedures, within five working days of service initiation:
- grievance policy;
  - temporary service suspension policy;
  - service termination policy;
  - emergency use of manual restraints policy; and
  - data privacy policy.

- b. P2's services were initiated on May 20, 2023. The license holder failed to inform P2's case manager of the following policies and procedures affecting a person's rights under section 245D.04, and provide copies of those policies and procedures, within five working days of service initiation:
- grievance policy;
  - temporary service suspension policy,
  - service termination policy,
  - emergency use of manual restraints policy; and
  - data privacy policy.
- c. The license holder failed to inform P4, P4's legal representative, and P4's case manager of the following policies and procedures affecting a person's rights under section 245D.04, and provide copies of those policies and procedures, within five working days of service initiation:
- grievance policy;
  - temporary service suspension policy,
  - service termination policy, and
  - emergency use of manual restraints policy.

Statute Violated: Minnesota Statutes, section 245D.10, subdivision 4.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

17. Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for positive support strategies as required.

The license holder failed to incorporate positive support strategies in writing to P1 and P2's existing treatment, service or other individual plans required of the license holder. Additionally, the license holder failed to, at least every six months, evaluate with P1 and P2 whether the identified positive support strategies currently meet the standards in subpart 2. Based upon the results of the evaluation, the license holder must determine whether changes are needed in the positive support strategies used, and, if so, make appropriate changes.

Rule Violated: Minnesota Rules, part 9544.0030, subpart 1

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

### **Staffing Standards Violations**

18. Violation: For one of three staff persons whose records were reviewed (SP2), the license holder did not provide orientation to the program requirements as required.

SP2 was hired on April 4, 2023. The license holder failed to provide SP2 the following within 60 days of hire:

- 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 and as required in section 245D.06, subdivision 2; and
- 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.

Statute Violated: Minnesota Statutes, section 245D.09, subdivision 4.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

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

The license holder failed to provide orientation to the individual service recipient needs to SP2. SP2 had unsupervised direct contact with a person served without this training. At the time of the licensing review on January 8, 2024, SP2 had not received this training.

Statute Violated: Minnesota Statutes, section 245D.09, subdivision 4a.

Repeat Violation: The license holder was cited for a similar violation in a correction order dated April 30, 2019.

20. Violation: For one staff person whose record was reviewed (SP2), the license holder did not provide orientation training on the license holder's program abuse prevention plan (PAPP) as required.

The license holder failed to provide orientation training to SP2 on the license holder's PAPP within 72 hours of first providing direct contact services. At the time of the licensing review on January 8, 2024, SP2 had not received this training.

Statute Violated: Minnesota Statutes, section 245A.65, subdivision 3.

21. Violation: For two staff persons whose records were reviewed (SP1 and SP3), the license holder did not provide annual training as required.

- a. The license holder failed to provide SP1 with the following annual trainings:
  - data privacy requirements according to sections 13.01 to 13.10 and 13.46, the federal Health Insurance Portability and Accountability Act of 1996 (HIPPA), and staff

responsibilities related to complying with data privacy practices in 2020, 2021 and 2022;

- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in section 245D.04 in 2020, 2021, and 2022;
- sections 245A.65, 245A.66, 626.556, and 626.557, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment in 2020, 2021, and 2022;
- the principles of person-centered service planning and delivery as identified in section 245D.07, subdivision 1a, and how they apply to direct support service provided by the staff in 2020, 2021, and 2022;
- the safe and correct use of manual restraint on an emergency basis according to the requirements in section 245D.061, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint in 2020, 2021, and 2022;
- staff responsibilities related to the prohibited procedures under section 245D.06, subdivision 5, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe in 2020, 2021, and 2022;
- strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities in 2020 and 2023; and
- basic first aid in 2021 and 2022.

b. The license holder failed to provide SP3 with the following annual trainings:

- data privacy requirements according to sections 13.01 to 13.10 and 13.46, the federal Health Insurance Portability and Accountability Act of 1996 (HIPPA), and staff responsibilities related to complying with data privacy practices in 2020 and 2021;
- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in section 245D.04 in 2020, 2021, and 2022;
- sections 245A.65, 245A.66, 626.556, and 626.557, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment in 2020 and 2021;
- the principles of person-centered service planning and delivery as identified in section 245D.07, subdivision 1a, and how they apply to direct support service provided by the staff in 2020 and 2021;
- the safe and correct use of manual restraint on an emergency basis according to the requirements in section 245D.061, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint in 2020 and 2021;
- staff responsibilities related to the prohibited procedures under section 245D.06, subdivision 5, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe in 2020 and 2021;

- strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities in 2020 and 2021; and
- basic first aid in 2021.

Statute Violated: Minnesota Statutes, section 245D.09, subdivision 5.

## Record Requirements Violations

22. Violation: The license holder did not maintain an admission and discharge register of all persons served by the program as required.

The license holder failed to maintain a written or electronic register, listing in chronological order the dates and names of all persons served by the program who have been admitted, discharged, or transferred, including service terminations initiated by the license holder.

Statute Violated: Minnesota Statutes, section 245D.095, subdivision 2.

23. Violation: For four of four persons whose records were reviewed (P1 through P4), the license holder did not maintain service recipient records as required.
- a. The license holder failed to maintain the following documentation in P1, P2 and P4's service recipient record:
    - an admission form signed by the person or person's legal representative that includes:
      - identifying information including the person's address and telephone number; and
      - the name, address, and telephone number of a primary emergency contact, the case manager, and family members or others as identified by the person or case manager; and
    - service information, including service initiation information, verification of the person's eligibility for services, documentation verifying that services have been provided as identified in the coordinated service and support plan or coordinated service and support plan addendum according to paragraph (a), and date of admission or readmission.
  - b. The license holder failed to maintain a signed statement authorizing the license holder to act in a medical emergency for P4 when P4's legal representative cannot be reached or is delayed in arriving.
  - c. The license holder failed to maintain progress or daily log notes that are recorded by the program for P1, P3, and P4.
  - d. The license holder failed to maintain a medical appointment schedule for P1 and P2 when the license holder is assigned responsibility for assisting with medical appointments.

Statute Violated: Minnesota Statutes, section 245D.095, subdivision 3.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

24. **Violation:** For three staff persons whose records were reviewed (SP1-SP3), the license holder did not maintain a personnel record as required.
- a. The license holder failed to document the review of the program abuse prevention plan for SP1 and SP3 in 2020, 2021, 2022, and 2023.
  - b. The license holder failed to maintain documentation in SP2's personnel record or elsewhere, sufficient to determine the date of the employee's first unsupervised direct contact with a person served by the program.

**Statute Violated:** Minnesota Statutes, section 245D.095, subdivision 5, paragraph (a).

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated April 30, 2019.

### **Policy Requirement Violations**

25. **Violation:** The license holder did not develop, document, and implement the emergency use of manual restraints policy and procedure as required.

The license holder maintained a policy that allowed for the use of manual restraints in emergencies. The license holder failed to include a description of the types of manual restraints the license holder allowed staff to use on an emergency basis and the instructions for safe and correct implementation of the allowed manual restraint procedures. Additionally, the license holder maintained a second policy on emergency use of manual restraints that did not allow for the use of manual restraints in emergencies.

**Statute Violated:** Minnesota Statutes, section 245D.061, subdivision 9.

### **Immediate corrective action required**

You must immediately correct the violations cited above. Compliance with this order will be reviewed onsite ongoing. If you fail to demonstrate substantial compliance with HCBS requirements or with the terms of your conditional license that are provided below, DHS may take an additional licensing action, including revocation, against your license.

### **CONDITIONAL LICENSE TERMS**

In addition to the Home and Community-Based Services licensing rules and statutes, you are required to comply with the following terms:

1. Within 15 days of receiving this order, 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 order. 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 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 order, you must submit to the DHS Licensing Division a list of the individuals and parties that received the notice.

2. Within 30 days of receiving this order, you must:
  - Designate a staff person, other than SP1 or SP3, who is responsible for delivery and evaluation of services provided by the license holder.
  - Designate a managerial staff person, other than SP1 or SP3, to provide program management and oversight of the services provided by the license holder.
  - Submit the names and qualifications for the persons who will fulfill the duties and responsibilities of your designated coordinator and designated manager for DHS review and approval. It is your responsibility to ensure that these persons meet the necessary qualifications. Changes to these positions may not be made without prior notification and approval by DHS.

The same person may perform both functions if the work and education requirements outlined in section 245D.081, subdivisions 2 and 3 are met.

3. Within 60 days of receiving this order, you must:
  - Submit a written plan to DHS detailing how you will ensure the corrective action ordered in this order is completed.
  - Submit a written plan to DHS detailing how you will audit all participant and staff records for compliance with all applicable rules and statutes.
4. Within 60 days of receiving this order, you must:
  - Complete an audit of all participant and personnel records according to your written plan.
  - Submit the results of the audit to your DHS licensor.
  - 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.

5. You may not admit new participants to your program from the date of this order until you have successfully demonstrated to DHS compliance with the terms of the conditional license and have maintained substantial compliance with all licensing standards. Program is defined by section 245D.02, subdivision 26 meaning either the nonresidential or residential programs as defined in 245A.02, subdivisions 10 and 14. **At a minimum, you may not admit new participants to your program for a period of six months from the date of this conditional license. Admission of any new participant during the duration of the conditional license is only allowed with prior approval from DHS.**
6. You may not apply for other DHS-issued licenses without prior approval from DHS for the duration of this conditional license.
7. You may not add additional services to your HCBS license without prior approval from DHS for the duration of this conditional license.

Submissions required as part of a corrective action ordered must be sent to your DHS licensor at:

Commissioner, Department of Human Services  
ATTN: Amber Nielsen c/o Licensing Division  
PO Box 64242  
St. Paul, MN 55164-0242

## **NO RIGHT TO REQUEST RECONSIDERATION**

You do not have the right to request reconsideration of this Amended Order of Conditional License because you have already requested reconsideration for the original Order of Conditional License, dated February 14, 2024. On April 1, 2024, the Minnesota Department of Human Services (DHS), Licensing Division, received your request for reconsideration for all 25 violations issued in the Order of Conditional License. DHS affirmed the 24 violations and rescinded part of part b of Citation 8. The agency notified you of its final decision on October 15, 2024, with your right to appeal to the Minnesota Court of Appeals.

### **Legal authority for this licensing action**

- This action is taken under Minnesota Statutes, section 245A.06, subdivision 1.
- Home and Community-Based Services are required to follow Minnesota 245A, 245C, 245D, and Minnesota Rules, chapter 9544.
- The timeline to request reconsideration of the order is provided in Minnesota Statutes, section 245A.06, subdivision 4.

Mohamed Abdullahi Mohamed, Authorized Agent

October 28, 2024

Page 19

- If a license holder files a timely reconsideration request, the terms of the conditional license are stayed pending a decision by DHS under Minnesota Statutes, section 245A.06, subdivision 4.
- Minnesota Statutes, section 245A.06, subdivision 3 states that DHS may impose additional licensing actions against a license holder that does not correct the violations cited in a conditional license order.

## Questions

If you have any further questions regarding this matter, you may contact Troy Goudy, HCBS Unit Supervisor, at 651-431-6639.

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read "Christala Culhane".

Christala Culhane, HCBS Unit Manager  
Licensing Division  
Office of Inspector General