

October 29, 2024

Khadar Yassin, Authorized Agent
Capstone Home Care LLC
190 South River Ridge Circle Suite 315
Burnsville, Minnesota 55337-2004

License Number: 1090060 (245D – HCBS)

Complaint Number: 202402251

CORRECTION ORDER

Dear Khadar Yassin:

On July 17, 2024, a licensing review and licensing investigation of Capstone Home Care LLC, located at 190 South River Ridge Circle Suite 315, Burnsville, 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 and licensing investigation, 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.65, subdivision 2, paragraph (a).

Violation: For one of three persons whose records were reviewed (P2), the license holder did not provide orientation to the license holder's program abuse prevention plan (PAPP) within 24 hours of admission as required.

The license holder failed to establish, enforce, and provide orientation to the ongoing written PAPP to P2.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- establish and enforce an ongoing PAPP for P2;

- provide P2 with an orientation to the PAPP;
- audit all person served records to ensure PAPPs have been developed; and
- maintain documentation of the audit results in your program records.

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

2. Citation: Minnesota Statutes, section 245A.65, subdivision 2, paragraph (b).

Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for an individual abuse prevention plan (IAPP) as required.

- a. Regarding P1, the license holder failed to include a statement of the specific measures that would be taken to minimize the risk of abuse. The license holder identified areas of physical abuse for P1 and did not include specific measures to minimize risk of abuse for the identified areas.
- b. The license holder failed to develop an IAPP for P2 as part of the initial individual program plan or service plan. P2's services were initiated on January 27, 2023; the license holder failed to develop an IAPP for P2 until July 1, 2024.

Additionally, the license holder failed to include an individualized assessment of P2's susceptibility to abuse according to Minnesota Statutes section 626.557, subdivision 14; P2's IAPP indicated that P2 was not susceptible to abuse or at risk of abusing other vulnerable adults. This assessment was inconsistent with information reviewed elsewhere in P2's record.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- review and revise the IAPPs for P1 and P2 to meet the requirements of this subdivision;
- submit the revised IAPPs for P1 and P2 to your licensor; and
- submit a detailed plan to your licensor on how you will maintain compliance in this subdivision.

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

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

Violation: For one person whose record was reviewed (P2), the license holder did not provide a written notice that identified the service recipient rights as required.

The license holder failed to provide P2 a written notice that identified the service recipient rights and an explanation of those rights in 2024.

Corrective Action Ordered: Within 60 days of receiving this order, you must provide P2 a written notice that identifies the service recipient rights in subdivisions 2 and 3 and an

explanation of those rights as required. On an ongoing basis, you must maintain compliance as required in this subdivision.

4. Citation: Minnesota Rules, part 9544.0030, subpart 1.

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

The license holder failed to evaluate with P1 and P2 whether the identified positive support strategies currently meet the standards in subpart 2 at least every 6 months as required.

Corrective Action Required: Within 60 days of receiving this order, you must:

- evaluate with P1 and P2 whether the identified positive support strategies currently meet the standards in subpart 2. You must document this evaluation in P1's and P2's support plan addendums; and
- based upon the results of the evaluation, you must determine whether changes are needed in the positive support strategies used, and if so, make appropriate changes.

On an ongoing basis, you must maintain compliance as required in this subpart.

5. Citation: Minnesota Statutes, section 245D.07, subdivision 1a.

Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not provide services in response to the person's identified needs, interests, preferences, and desired outcomes as required.

The license holder failed to provide P1 and P2 services in a manner that supported P1 and P2's preferences, daily needs, and activities and accomplishments of P1 and P2's personal goals and service outcomes. The support plan addendums for P1 and P2 developed by the license holder included identical information despite P1 and P2 being their own unique individual.

Corrective Action Required: Within 60 days of receiving this order, you must:

- review and revise P1 and P2's support plan addendums to meet the requirements of this subdivision; and
- submit evidence of the updated support plan addendums for P1 and P2 to your licensor.

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

6. Citation: Minnesota Statutes, section 245D.071, subdivision 3.

Violation: For one person whose record was reviewed (P2), the license holder did not meet the requirements for assessment and initial service planning as required for intensive services.

Regarding P2, whose services were initiated on January 27, 2023, the license holder failed to:

- complete assessments that produced information about the person that describes the person's overall strengths, functional skills, and abilities;
- meet with P2 and P2's case manager within 45 days of service initiation to determine:
 - 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;
 - 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.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- complete assessments for P2 including the requirements above;
- submit evidence that you have completed assessments for P2 as required in this subdivision; and
- submit a written plan documenting how you will maintain compliance with this subdivision on an ongoing basis.

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

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

Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not develop a service plan that documents the service outcomes and supports based on the assessments completed under subdivision 3 and the requirements in section 245D.07, subdivision 1a, as required.

The license holder failed to document the following information in P1 and P2's current supports and methods for current outcomes:

- the methods or actions that will be used to support the person and to accomplish the service outcomes, including information about:
 - 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; and

- 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.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- develop service plans for P1 and P2 that document the service outcomes and supports, including the above mentioned information;
- audit the records of all persons receiving an intensive service from your program to ensure that each person has a service plan that documents the service outcomes and supports listed above;
- submit the following to your licenser:
 - the outcomes and supports you developed for P1 and P2;
 - the results of the audit and the current service outcomes and supports for all persons receiving an intensive service from your program; and
 - a written plan stating how your program will maintain ongoing compliance with the development and documentation of service outcomes and supports.

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

8. Citation: Minnesota Statutes, section 245D.071, subdivision 5, paragraphs (b) and (g).

Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for service plan review and evaluation.

- a. The license holder failed to participate in annual service planning and support team meetings for P2.
- b. The license holder failed to, at least once per year, in coordination with P1's support team or expanded support team, meet with P1, P1's case manager, and other people as identified by P1 to discuss how technology might be used to meet the P1's desired outcomes. The license holder failed to include a summary of this discussion that includes 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 in P1's support plan addendum.
- c. P1 and P2's support plan addendums required quarterly progress review reports. The license holder failed to provide P1, P2 and P1 and P2's support team reports that:
 - summarized P1 and P2's status and progress toward achieving the identified outcomes;
 - made recommendations; and
 - identified the rationale for changing, continuing, or discontinuing implementation of supports and methods identified in subdivision 4.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- meet with P1, P2, and each person's case manager to discuss the information above; and
- submit the dates the discussions were held for P1 and P2, and summaries of the discussions to your licensor.

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

9. Citation: Minnesota Statutes, section 245D.09, subdivision 4.

Violation: For one of four staff persons whose records were reviewed (SP3), the license holder did not provide orientation training as required.

SP3 was hired on November 27, 2023. The license holder failed to provide the following orientation training to SP3 within 60 days of hire:

- the license holder's current policies and procedures required under Minnesota Statutes, chapter 245D:
 - consumer grievance and complaint procedures;
 - temporary service suspension and service termination;
 - safe transportation;
 - service admission;
 - emergency response, reporting, and reviewing; and
 - incident response, reporting, and reviewing.
- orientation to the license holder's program abuse prevention plan;
- 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; and
- staff responsibilities related to 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.

Corrective Action Ordered: Within 60 days of receiving this order, you must provide SP3 with the above mentioned training. On an ongoing basis, you must maintain compliance as required in this subdivision.

10. Citation: Minnesota Statutes, section 245D.09, subdivision 4a.

Violation: For one staff person whose record was reviewed (SP3), the license holder did not provide orientation to individual service recipient needs as required.

The license holder failed to verify and maintain evidence that SP3 reviewed and received instruction on the service recipient's support plan or support plan addendum as it relates to the responsibilities assigned to the license holder and the service recipient's individual abuse prevention plan, to demonstrate an understanding of the service recipient as a unique individual, and how to implement those plans.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- provide all staff persons an orientation to the individual service recipient needs and document the orientation in each staff person's personnel record; and
- submit evidence that all staff persons were provided this training to your licensor.

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

11. Citation: Minnesota Statutes, section 245D.081.

Violation: The license holder did not meet the requirements for program coordination, evaluation, and oversight.

The license holder identified SP1 as the designated coordinator. The license holder failed to ensure that SP1 met the minimum education, work experience requirements for the designated coordinator as identified in subdivision 2, paragraph (b).

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- identify a designated coordinator, other than SP1, who is responsible for delivery and evaluation of services provided by the license holder;
- submit the name, contact information, and qualifications of the persons you have designated and ensured is competent to perform the duties of the designated coordinator as required in this section to your licensor for approval; and
- submit a signed acknowledgement that the newly designated person has reviewed and understands the responsibilities of designated coordinator according to 245D.081, subdivision 2.

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 lacey.l.walsvik@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: Lacey Walsvik
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
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.

Lacey Walsvik, Senior Human Services Licensor
Licensing Division
Office of Inspector General
651-431-3667