

December 5, 2024

Zahnia Harut
Affinity Residential Care LLC
8083 East Bloomington Fairway
Bloomington, Minnesota 55420-1003

License Number: 1106824 (245D – HCBS)

CORRECTION ORDER

Dear Zahnia Harut,

On November 20, 2024, a licensing review of Affinity Care located at 8083 East Bloomington Fairway, 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 245A.65, subdivision 2.

Violation: For three of six persons whose records were reviewed (P1, P2, and P3), the license holder did not establish and enforce ongoing written program abuse prevention plans (PAPP) as required under section 626.557, subdivision 14.

The license holder provided intensive services to P1, P2, and P3 at a location that was within the control of the license holder. The license holder failed to establish a written PAPP that assessed the population, the physical plant, and the environment within the control of the license holder and the location where licensed services were provided.

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

- establish written PAPPs for locations where licensed services are provided and are within your control;
- post the PAPP in a prominent location in the program;
- provide an orientation to the PAPP for P1, P2, and P3 and for all persons who are receiving services at these locations and maintain documentation of the orientation in each person's record; and
- provide staff persons providing direct support to persons at these locations with an orientation to the PAPPs.

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

2. Citation: Minnesota Statutes, section 245D.05, subdivision 1.

Violation: For one person whose record was reviewed (P3), the license holder did not provide documentation of health needs as required.

The license holder provided medication assistance to P3. The license holder failed to maintain documentation on how P3's health needs will be met, including a description of the procedures the license holder will follow in order to provide P3 with medication assistance.

Corrective Action Ordered: Within 30 days, you must maintain documentation on how P3's health needs will be met, that includes a description of the procedures you will follow in order to provide P3 with medication assistance. On an ongoing basis, you must maintain compliance as required in this subdivision.

3. Citation: Minnesota Statutes, section 245D.071, subdivision 3, paragraph (d).

Violation: For two persons whose records were reviewed (P5 and P6), the license holder did not meet the requirements of service planning and delivery for intensive support services.

The license holder failed to discuss how technology might be used to meet P5 and P6's desired outcomes within 45 days of service initiation and maintain a summary of the above discussion in P5 and P6's support plan addendum that included a statement in the summary 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: On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For two persons whose records were reviewed (P4 and P5), the license holder did not complete service planning and delivery for intensive support services as required.

- a. The license holder failed to document the supports and methods to be implemented to support P4 and accomplish outcomes related to acquiring, retaining, or improving skills and physical, mental, and emotional health and well-being, including:
 - 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 or social environments necessary when the service supports were provided;
 - any equipment or materials required; and
 - the measurable and observable criteria for identifying when the desired outcome had been achieved and how data would be collected.
- b. The license holder failed to document the supports and methods to be implemented to support P5 and accomplish outcomes related to acquiring, retaining, or improving skills and physical, mental, and emotional health and well-being, including:
 - 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 or social environments necessary when the service supports were provided;
 - any equipment or materials required;
 - the measurable and observable criteria for identifying when the desired outcome had been achieved and how data would 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 30 days of receiving this order, you must develop and document the information listed above in P4 and P5's service plan. On an ongoing basis, you 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.

B. Right to Request Reconsideration

December 5, 2024

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.

Tammi Mitei, HCBS Human Services Licensur
Licensing Division
Office of Inspector General
651-431-6621