

February 21, 2025

Omar Salih Asamarai, Authorized Agent  
Balsam Home Care Inc.  
888 County Road D W STE 215  
New Brighton, Minnesota, 55112-8502

License Number: 1100501 (245D – HCBS)

### **CORRECTION ORDER**

Dear Omar Salih Asamarai:

On January 9, 2025, a licensing review of Balsam Home Care Inc., 888 County Road D W Ste 215, New Brighton, 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.04, subdivision 1.

Violation: For three of three persons whose records were reviewed (P1 through P3), the license holder did not provide a written notice that identified the service recipient rights as required.

- a. The license holder failed to provide P1, P2, P3 and their legal representatives, as applicable, with a written notice that identified the service recipient rights within five working days of service initiation.
- b. The license holder failed to provide P1 and his/her legal representative with a written notice that identified the service recipient rights annually in 2024.

- c. The license holder failed to provide P2 and his/her legal representative with a written notice that identified the service recipient rights annually in 2021, 2022, 2023 and 2024.

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

- provide P1, P2, P3 with a written notice that identifies the service recipient rights, and an explanation of those rights;
- provide P1's and P2's legal representatives with a written notice that identifies the service recipient rights, and an explanation of those rights; and
- maintain documentation of each person's receipt and an explanation of the service recipient rights in P1's, P2's and P3's service recipient record.

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

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

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.

For P1 and P2, the license holder failed to maintain documentation on how the persons' health needs would be met, including as applicable, a description of the procedures the license holder will follow in order to:

- monitor health conditions according to written instructions from a licensed health professional;
- assist with or coordinate medical, dental, and other health service appointments; or
- use medical equipment or devices safely and correctly according to written instructions from a licensed health professional.

Corrective Action Ordered: Within 30 days of receiving this order, you must document the description of the procedures the license holder will follow to meet P1's and P2's health needs in their support plan addendums. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one person whose record was reviewed (P1), the license holder did not provide services that complied with the requirements of chapter 245D and the federal waiver plans.

The Community – Based Services Manual (CBSM) defines respite services as “short-term care services provided to a person when their primary caregiver is absent or needs relief.”

The license holder provided respite services to P1 and stated that the staff person providing respite to P1 was P1's primary caregiver. The license holder failed to comply

with the federal waiver plan when they allowed for a primary caregiver to provide respite services to P1.

Corrective Action Ordered: Immediately upon receiving this order, you must comply with the federal waiver plan for P1. You must contact P1's case manager regarding the services provided to P1. Additionally, you must notify your licensor once notification has been made to P1's case manager. On an ongoing basis, you must maintain compliance as required in this subdivision.

4. Citation: Minnesota Statutes, section 245D.07, subdivision 2.

Violation: For two persons whose records were reviewed (P1 and P2), the license holder did not meet basic support services planning requirements.

P1's and P2's support plan addendum documented that semiannual progress review meetings were required. The license holder failed to conduct semiannual meetings with P1, P2 and their support teams in 2023 and 2024.

Corrective Action Ordered: Within 45 days of receiving this order, you must audit the support plan addendums of current service recipients to ensure the meeting frequencies established are followed. On an ongoing basis, you must maintain compliance as required in this subdivision.

5. Citation: Minnesota Statutes, section 245D.071, subdivision 5.

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 as required.

The support plan addendum for P1 documented that the license holder would provide P1's legal representative and case manager with semiannual progress reports. The license holder failed to provide P1's support team with semiannual progress reports.

Corrective Action Ordered: Within 30 days of receiving this order, you must audit the support plan addendums of current service recipients to ensure the progress report frequencies established are followed. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For three persons whose records were reviewed (P1, P2, and P3), the license holder did not provide written or electronic copies of policies and procedures as required.

For P1, with a service initiation date of February 23, 2023, P2 with a service initiation date of March 24, 2020, and P3, with a service initiation date of May 16, 2024, the license holder failed to inform and provide the person, their legal representative if

applicable, and their case manager with the following policies and procedures that affect a person's rights within five working days of service initiation:

- grievance policy;
- service suspension policy;
- service termination policy;
- emergency use of manual restraints policy; and
- data privacy.

The license holder informed and provided copies of the above mentioned policies to P1's case manager on April 28, 2023.

The license holder license holder informed and provided copies of the above mentioned policies to P3's case manager on December 16, 2024.

Corrective Action Ordered: Within 30 days of receiving this order, you must inform and provide P2's case manager with the above-mentioned policies and procedures and maintain evidence that they were provided in P2's service recipient record. On an ongoing basis, you must maintain compliance as required in this subdivision.

7. Citation: Minnesota Statutes, section 245D.095, subdivision 2.

Violation: The license holder did not maintain an admission and discharge register as required.

The license holder failed to keep 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.

Corrective Action Ordered: Within 30 days of receiving this order, you must maintain an admission and discharge register that includes the above mentioned information. On an ongoing basis, you must maintain compliance as required in this subdivision.

8. Citation: Minnesota Statutes, section 245D.095, subdivision 3, paragraph (b), clause (3), item 2.

Violation: For two persons whose records were reviewed (P1 and P2) the license holder did not obtain authorization to act in a medical emergency as required.

The license holder failed to obtain authorization from P1's and P2's legal representatives, to act in a medical emergency when the person's legal representative cannot be reached or is delayed in arriving.

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

- obtain written authorization from P1's and P2's legal representatives, to act in a medical emergency;

- maintain this authorization in the person's service recipient records; and
- audit the service recipient records of all persons you serve that have a legal representative to determine if a written authorization to act in a medical emergency has been obtained.

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

9. Citation: Minnesota Statutes, section 245D.095, subdivision 3, paragraph (b), clause (11).

Violation: For three persons whose records were reviewed (P1, P2, and P3), the license holder did not maintain service recipient records as required.

The license holder failed to maintain progress or daily log notes for P1 through P3 in the person's service recipient record.

Corrective Action Ordered: Immediately upon receiving this order, you must begin maintaining progress notes in P1 through P3's service recipient records. On an ongoing basis, you must maintain compliance as required in this subdivision.

10. Citation: Minnesota Rules, 9544.0030, subpart 1.

Violation: For three persons whose records were reviewed (P1, P2 and P3), the license holder did not incorporate and evaluate positive supports strategies as required.

The license holder failed to incorporate in writing positive support strategies to an existing treatment, service, or other individual plan for P1, P2 and P3. Additionally, the license holder failed to evaluate with P1, P2 and P3 identified positive support strategies at least every six months.

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

- assess P1's, P2's and P3's strengths, needs, and preferences to identify and create positive support strategies for each person;
- incorporate the positive support strategies for P1, P2, and P3 in writing to an existing treatment, service, or other individual plan for each person; and
- evaluate the identified positive support strategies with P1, P2 and P3 every six months.

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

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

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

SP2 was hired on March 20, 2023. SP3 was hired on February 14, 2021. The license holder failed to provide the following orientation training within 60 days of hire:

- the job description and how to complete specific job functions including safety practices established by the license holder as required in section 245D.06, subdivision 2;
- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in Minnesota Statutes, section 245D.04;
- 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:

- provide the above mentioned trainings to SP2 and SP3; and
- maintain documentation of this training in SP2's and SP3's personnel record.

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

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

Violation: For two staff persons whose records were reviewed (SP2 and SP3), the license holder did not provide medication administration orientation and training as required.

The license holder documented that medication administration is provided for P1 and P2 by family. The license holder documented that direct support staff do not administer medications. However, during an interview with the license holder, the license holder stated that SP2 and SP3 administer medications to P1 and P2. The license holder failed to provide SP2 and SP3 with medication administration training.

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

- provide SP2 and SP3 with medication administration training from a curriculum developed by a registered nurse or appropriate licensed health professional. The training must include an observed skill assessment conducted by the trainer. You must maintain documentation of the training in SP2's and SP3's personnel records.

Within 45 days of receiving this order, you must:

- provide the above mentioned training to all staff persons who administer medications to persons served by your program using the curriculum identified above. You must document the training in the staff persons' personnel records; and
- submit documentation that this training was provided to your licensor.

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

13. Citation: Minnesota Statutes, section 245D.09, subdivision 5.

Violation: For two staff persons whose records were reviewed (SP2 and SP3), the license holder did not provide annual training as required.

Minnesota Statutes, section 245A.02, subdivision 2b defines “annual” or “annually” to mean prior to or within the same month of the subsequent calendar year.

The license holder failed to provide SP2 and SP3 with training on the following required topics annually in 2024:

- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in Minnesota Statutes, section 245D.04;
- 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:

- provide the above mentioned training to SP2 and SP3; and
- maintain documentation of this training in SP2 and SP3’s personnel records.

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.

## **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.

Omar Salih Asamarai

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If you have any questions regarding this Correction Order, please contact me as soon as possible.

Kate Spenger, Human Services Licensor

Licensing Division

Office of Inspector General

651-431-5757