

April 14, 2025

CERTIFIED MAIL

Kinsi Mirreh, Authorized Agent
Essential Care Services LLC
1983 Sloan Place Suite 16
Maplewood, MN 55117-2004

License Application Number 1114572 (245D-HCBS)

ORDER OF LICENSE DENIAL

Dear Kinsi Mirreh:

The Department of Human Services (DHS) is denying your application for a Home and Community-Based Services (HCBS) license at 1983 Sloan Place, Maplewood, MN. This denial is based on failure to submit a substantially complete application and failure to demonstrate competent knowledge of application licensing statutes and rules. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE DENIAL

1. Failure to submit a substantially complete application

You submitted an application for a license to provide home and community-based services at 4041 Hiawatha Avenue, Minneapolis, Minnesota. On January 17, 2025, DHS sent you a Notice of Incomplete Application, notifying you that your application was incomplete and that you had 45 days to submit additional information. DHS determined your application continued to be substantially incomplete in the following ways:

- You failed to provide a qualified Designated Coordinator (DC) and Designated Manager (DM) as required under Minnesota Statutes, section 245D.081. DHS determined the individual you identified as your program's Designated Coordinator/Designated Manager (DC/DM) did not meet the required qualifications.

Legal Authority: Minnesota Statutes, section 245A.05, subdivision (a)(1).

2. Failure to demonstrate competent knowledge of applicable licensing statutes and rules

Based on communications with you during the license application process, DHS determined that you were unable to demonstrate an ability to operate a 245D-Home and Community-Based Services license in compliance with Minnesota statutes and rules. Without this knowledge, you are unable to ensure the safety and well-being of vulnerable adults who would be served by the program.

You were not able to submit a qualified DC/DM after receiving assistance from DHS. The qualifications for this position were available to you on the DHS HCBS website, on the HCBS application materials, and on the DC/DM form. The DHS website where you found the online application, provides the application process, help with background studies, sample policies and procedures, and a link to the applicable Minnesota statutes and rules. A DHS licensor also provided you with assistance with your application on multiple occasions. Despite these resources, you submitted the DC/DM form three times for the same candidate who did not meet the qualifications for the DC/DM, as required under Minnesota Statutes, section 245D.081. Your inability to follow the laws and rules during the application process make it less likely you will be able to do so when operating a complex home and community-based services program.

You failed to demonstrate competent knowledge as required by 245A.04, subdivision 6.

Legal Authority: Minnesota Statutes, section 245A.05, paragraph (a)(8).

3. Commissioner's evaluation of program

Before issuing, denying, suspending, revoking, or making conditional a license, the commissioner shall evaluate information gathered under Minnesota Statutes, section 245A.04, subdivision 6. The commissioner's evaluation shall consider the applicable requirements of statutes and rules for the program or services for which the applicant seeks a license including, disqualification standards set forth in chapter 245C. The commissioner shall evaluate facts, conditions, or circumstances concerning the programs operation; the well-being of persons served; available evaluations of the program by persons receiving services; the qualifications of personnel employed by the applicant; and applicant's ability to demonstrate competent knowledge of applicable statutes and rules.

Your inability to provide a complete application after assistance from DHS over a two-month period calls into question your ability to follow the applicable laws and rules; to be able to operate a program; and to ensure the well-being of persons served. You also did not provide qualified personnel for the DC and DM, positions. A DC and DM that meets the requirements of Minnesota Statutes, section 245D.081 are required for every licensed HCBS program. These positions provide management and oversight of the program and are responsible for ensuring the program operates in compliance with the licensing rules and statutes. A qualified Designated Coordinator is critical as they are responsible for the coordination of service delivery, program management, and oversight of the program. Designated Managers, provide program management, oversight of services, and must maintain an understanding of licensing requirements sufficient to ensure compliance. Your failure to identify a qualified individual for these positions indicates that you are either unable or unwilling to comply with the licensing requirements. As a result, DHS is concerned about your ability to provide for the health and safety of vulnerable persons

you seek to serve. DHS has determined that the denial of your license is appropriate based on the violations identified above and the program evaluation.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.

YOUR RIGHT TO APPEAL

You have the right to appeal the denial. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 20 calendar days from when you received this order. Please send it 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

If your request is being personally delivered, it must be received by DHS within 20 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DHS will issue a final order. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DHS is prohibited from issuing you and the controlling individuals a license for two years.

Legal representation at the contested case hearing:

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.lawhelpmn.org to find a local legal services program that may be able to help you.

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You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

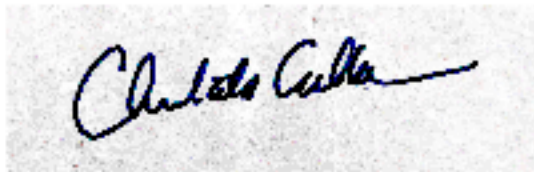
Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.05, subdivision (a), which describes under which conditions DHS may deny a license.
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (2), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has been denied a license under this chapter within the past two years.

Questions

If you have any further questions regarding this matter, you may contact Leota Bemis, Supervisor, at 651-431-5637.

Sincerely,

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

Christala Culhane, Unit Manager
Licensing Division
Office of Inspector General