

April 18, 2025

Kimberly DeJong, Authorized Agent
Diversified Lifestyles II, Inc.
1111 6th ST SE
Willmar, MN 56201-4637

License Numbers: 1068132 (245D-Home and Community-Based Services)

CORRECTION ORDER AND NONCOMPLIANCE WITH TERMS OF A CONDITIONAL LICENSE

Dear Kimberly DeJong:

On May 3, 2024, the Commissioner of the Department of Human Services (DHS) issued an Order of Conditional License to Diversified Lifestyles II Inc, located at 997 Hassan Street SE, Hutchinson, Minnesota.

On March 18 – 20, 2025, a licensing review of Diversified Lifestyles II, Inc, was conducted to determine compliance with state and federal laws and rules governing the provision of home and community-based services (HCBS) to persons with disabilities and age 65 and older under Minnesota Statutes, Chapter 245D and the terms of the Order of Conditional License issued on May 3, 2024. As a result of this licensing review, a Correction Order and Noncompliance with the Terms of a Conditional License is being issued.

A. Reason for Correction Order and Noncompliance with the terms of Conditional 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 and maltreatment investigations. Corrective action for each violation is required by Minnesota Statutes, section 245A.06 and is hereby ordered by the Commissioner of Human Services.

Program Coordination and Oversight

1. Citation: Minnesota Statutes, section 245D.081, subdivisions 2 and 3.

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

- a. The license holder failed to ensure that the staff person the license holder identified as the designated coordinator provided the supervision, support, and evaluation of activities that include:
 - oversight of the license holder's responsibilities assigned in the person's support plan and support plan addendum;
 - taking the action necessary to facilitate the accomplishment of outcomes according to the requirements in section 245D.07;
 - instructions and assistance to direct support staff implementing the support plan and the service outcomes, including the failure to have an established process in which the designated coordinator determines the competency of the person that has been delegated the responsibility to directly observe the service delivery activities to assess staff competency;
 - evaluation of the effectiveness of services delivery, methodologies, and progress on the person's outcomes based on the measurable and observable criteria for identifying when the desired outcomes based on the measurable and observable criteria for identifying when the desired outcome has been achieved according to the requirements in section 245D.07.

The failure to provided program coordination and oversight of the services provided is evidenced in citations 2 –14.

- b. The license holder failed to ensure that the staff person the license holder identified as the designated manager performed the required program management and oversight of the services provided by the license holder including:
 - maintaining a current understating of the licensing requirements sufficient to ensure compliance throughout the program as identified in section 245A.04, subdivision 1, paragraph (e), and when applicable, identified in in section 256B.04, subdivision 21, paragraph (g);
 - ensuring the duties of the designated coordinator are fulfilled according to the requirements in subdivision 2;
 - ensuring staff competency requirements were met according to the requirements in section 245D.09, subdivision 3, including ensure periodic performance evaluations of direct support staff's ability to perform the job functions based on direct observations are completed by the license holder; and
 - evaluating the information identified in clauses (1) to (6) to develop, document, and implement ongoing program improvements.

The failure to provide program management and oversight of the services provided is evidenced in citations 2 –14.

Repeat Violation: In an Order of Conditional License dated May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must complete all corrective action as ordered in this order. You must ensure that the program's designated coordinator and designated manager provide program coordination, evaluation, and oversight as required. Compliance with this order will be monitored on site. On an ongoing basis, you must maintain compliance as required in this subdivision.

Service Recipient Violations

2. Citation: Minnesota Statutes, section 245A.65, subdivision.

Violation: For four of six persons whose records were reviewed (P2, and P4-P6), the license holder did not develop and review individual abuse prevention plans (IAPP) as required.

- a. In a correction order dated December 6, 2024, the license holder was ordered to review and revise P2's IAPP to identify specific measures the program would take to minimize the risk of abuse. At the time of this licensing review, the license holder failed to complete the correction action ordered for P2.
- b. The license holder assessed P4 as susceptible to sexual and financial abuse. The license holder failed to include a statement of specific measures that would be taken to minimize the risk for abuse within the scope of services.
- c. The license holder assessed P5 as susceptible to physical abuse. The license holder failed to include a state of specific measures that would be taken to minimize the risk of abuse within the scope of services.
- d. The license holder assessed P6 as susceptible to sexual and physical abuse. The license holder failed to include specific measures that would be taken to minimize the risk for abuse within the scope of services.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must review and revise the IAPPs for P2, and P4, - P6 to include an individualized assessment of each person's susceptibility to abuse and the specific measures the program will take to minimize the risk of abuse. Compliance with this order will be reviewed onsite. 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 (P3), the license holder did not provide a written notice that identified the service recipient rights as required.

The license holder failed to provide P3 a written notice and explanation of the service recipient rights in subdivisions 2 and 3 that included the right to access to the person's personal possessions at any time, including financial resources in the notice that was provided to P3 on April 3, 2024.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must provide P3 with a written notice that identifies the service recipient rights in subdivisions 2 and 3 and explanation of those rights as required, including the right to access their personal possessions at any time, including financial resources. Compliance with this order will be reviewed onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For five persons whose records were reviewed (P1, P2, and P4-P6), the license holder did not provide services in response to the person's identified needs, interests, preferences, and desired outcomes as required.

- a. The license holder maintained a document titled, "Coordinated Service and Support Plan (CSSP) Addendum" developed by the license holder for P1-P2, and P4-P6. The scope of services documented for P1 -P2, and P4, -P6 used virtually identical language despite P1, P2, P4, P5, and P6 receiving different services from the license holder. The license holder failed to document the scope of services for P1 -P2, and P4-P6 that accurately reflected their needs, interests, preferences, and desired outcomes as unique people.
- b. The license holder failed to provide P6 with person-centered service planning. The license holder maintained a document in P6's support plan addendum titled "Supports and Outcome Methods". The document contained another service recipient's name and medical diagnoses in multiple areas throughout the document. The license holder did not develop a service plan that documented supports and outcomes that accurately reflected P1's needs, interests, preferences, and desired outcomes as a unique person.

Repeat Violation: In a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must review and update P1's- P2's, and P4's -P6's support plan addendums to reflect each person's identified needs, interests, preferences, and desired outcomes. Compliance with this order will be reviewed onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one person whose record was reviewed (P3), the license holder did not complete assessments as required.

The license holder failed to complete assessments for P3 that described the P3's overall strengths, functional skills, and abilities.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must complete assessments for P3 that describes P3's overall strengths, functional skills, and abilities. Compliance with this order will be reviewed onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For two persons whose records were reviewed (P2 and P3), the license holder did not review and evaluate the service plan as required.

- a. At least once per year, the license holder failed to discuss how technology might be used to meet the P2's and P3's desired outcomes in coordination with P2 and P3, and P2's and P3's support teams or expanded support teams.
- b. The support plan addendum the license holder developed for P3 required semi-annual reports and semi-annual progress review meetings. The license holder failed to provide reports for P3 that summarized P3's status and progress towards achieving outcomes semi-annually. The license holder failed to meet with P3's and P3's support team semi-annually for a service plan review meeting.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

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

- provide progress reports for P3 and hold a progress review meeting with P3 and P3's support team;
- discuss with P2's and P3's support teams how technology might be used to meet P2's and P3's outcomes; and
- include a summary of this discussion in P2's and P3's support plan addendums. The discussion 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.

Compliance with this order will be monitored onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

7. **Citation:** Minnesota Rules, part 9544.0030, subpart 1.

Violation: For one person whose record was reviewed (P1), the license holder did not evaluate positive support strategies as required.

The license holder failed to evaluate with P1 the identified positive support strategies at least every six months. The license holder most recently reviewed P1's positive support strategies on April 3, 2024.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must review and evaluate P1's positive support strategies with P3 and document this review in P3's support plan addendum. Compliance with this order will be reviewed onsite. On an ongoing basis, you must maintain compliance as required in this subpart.

Health Service Needs Violations

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

Violation: For one person whose record was reviewed (P1), the license holder did not document medication administration as required.

- a. The license holder was assigned the responsibility of administering P1's medications. DHS licensurers reviewed P1's medication administration record (MAR) from January 2025 to March 17, 2025. The license holder failed to document a notation of when a medication was administered in 12 instances from January 2025 to March 17, 2025.
- b. The license holder failed to document instruction on when and whom to report the following in P1's MAR:
 - o if a dose of medication is not administered or treatment is not performed as prescribed, whether by error by the staff or the person or by refusal by the person; and
 - o the occurrence of possible adverse reactions to the medication or treatment.

Repeat Violation: In a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receiving this order, you must document the above-mentioned information in P1's MAR. See citation 9 for further corrective action. On an ongoing basis, you must maintain compliance as required in this subdivision.

9. **Citation:** Minnesota Statutes, section 245D.05, subdivision 4.

Violation: For one person whose record was reviewed (P1), the license holder did not complete medication administration records were reviewed as required.

The license holder failed to conduct a MAR review for medication errors at minimum every three months for P1. The license holder reviewed P1's MAR on July 10, 2024, and March 1, 2025.

In addition, the MAR review the license holder completed on March 1, 2025, indicated there were no medication errors when P1's MAR had multiple errors (see citation 8).

Repeat Violation: In a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

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

- review P1's MAR for the past six months to ensure that the information in the MAR is current and to identify medication errors, including medication administration documentation errors;
- document the review and maintain documentation in the P1' record; and
- based upon the review of P1's MAR, you must develop, document, and implement a plan to correct the patterns of medication administration errors identified. Documentation of this review and the plan must be maintained in the medication administration record as required.

Within 60 days of receiving this order, you must:

- review the MARs for the past six months for all other persons your program is assigned the responsibility for medication administration to ensure that the information in the MARs is current and to identify medication errors; and
- based on the review, you must develop and implement a plan to correct patterns of medication administration errors when identified; and
- maintain documentation of the MAR reviews you complete, including the date(s) of completion, and the name of the person(s) who completed the MAR reviews.

Compliance with this order will be monitored on site. On an ongoing basis, you must maintain compliance as required.

10. **Citation:** Minnesota Statutes, section 245D.051, subdivision 1.

Violation: For one person whose record was reviewed (P1), the license holder did not develop, implement, and maintain documentation regarding psychotropic medications as required.

The license holder was assigned responsibility for monitoring and measuring the target symptoms to be alleviated by psychotropic medications for P1. The license holder failed to:

- document the monitoring and measuring of the target symptoms;
- collect and report on medication and symptom related data as instructed by the prescriber; and
- provide monitoring data to the expanded support team for review semi-annually.

Corrective Action Ordered: Within 30 days of receipt of this order, you must provide the above-mentioned information to P1's support team. Compliance with this order will be monitored onsite. On an ongoing basis, you must maintain compliance as require with his subdivision.

Staff Violations

11. **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.

The license holder was ordered to provide training to SP3 on the orientation topics listed below in a Correction Order dated December 6, 2024. The license holder failed to complete the corrective action ordered.

The license holder failed to provide the following orientation trainings to SP3:

- the job description and how to complete specific job functions including
 - responding to incidents as required under Minnesota Statutes, section 245D.06, subdivision 1; and
 - following safety practices established by the license holder as required in section 245D.06, subdivision 2;
- the license holder's current policies and procedures required under Minnesota Statutes, chapter 245D, including their location and access and staff responsibilities related to the implementation of those policies and procedures;
- data privacy requirements according to Minnesota Statutes, section 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;
- the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according the requirements in Minnesota Statutes, section 245D.04;
- sections 245A.65, 245A.66 and 626.557 and chapter 260E governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protection persons from maltreatment and reporting maltreatment; including the license holder's program abuse prevention plan when applicable;
- the principles of person-centered service planning and delivery as identified in Minnesota Statutes, section 245D.07, subdivision 1a, and how they applied to direct support service provided by the staff person;
- 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 restraints;
- staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, why such procedures are not effective for reducing or elimination symptoms or undesired behavior, and why such procedures are unsafe;
- 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.

Repeat Violation: In a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receipt of this order, you must provide SP3 with the training on the topics listed above. You must document these trainings in SP3's personnel record according to the

requirements in Minnesota Statutes, section 245D.095, subdivision 5. Compliance with this order will be monitored onsite. On an ongoing basis, you must maintain compliance with this subdivision as required.

12. Citation: Minnesota Statutes, section 245D.09, subdivision 4a, paragraph (d).

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

The license holder was ordered to provide instruction to SP3 on medication set up, assistance, or administration procedures established by the license holder in a correction order dated December 6, 2024. The license holder failed to complete the corrective action ordered for SP3.

Corrective Action Ordered: Within 30 days of receipt of this order, you must provide SP3 with the above-mentioned trainings. You must document these trainings in SP3's personnel record according to the requirements in Minnesota Statutes, section 245D.095, subdivision 5. Compliance with this order will be monitored onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one staff person whose record was reviewed (SP2), the license holder did not provide annual training as required.

The license holder failed to provide the following trainings to SP2 in 2024:

- data privacy requirements according to Minnesota Statutes, 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;
- 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;
- sections 245A.65, 245A.66, and 626.557, and chapter 260E, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment, including the license holder program abuse prevention plan when applicable;
- the principles of person-centered service planning and delivery as identified in Minnesota Statutes, section 245D.07, subdivision 1a, and how they applied to direct support services provided by the staff person;
- the safe and correct use of manual restraints 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 restraints;
- 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;
- basic first aid, and

- strategies to minimize the risk of sexual violence, including concept of healthy relationships, consent, and bodily autonomy of people with disabilities.

Repeat Violation: In an Order of Conditional License that DHS issued on May 3, 2024, and a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Within 30 days of receipt of this order, you must provide SP2 with the above-mentioned trainings. You must document these trainings in SP2's personnel record according to the requirements in Minnesota Statutes, section 245D.095, subdivision 5. Compliance with this order will be monitored onsite. On an ongoing basis, you must maintain compliance as required with this subdivision.

Record Keeping Violations

14. **Citation:** Minnesota Statutes, section 245D.095, subdivision 3.

Violation: For two persons whose records were reviewed (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 in P2's and P3's service recipient records.

Repeat Violation: In a Correction Order that DHS issued on December 6, 2024, you were previously found in violation of this same statute.

Corrective Action Ordered: Immediately upon receipt of this order, you must begin to maintain progress or daily log notes for P2 and P3. On an ongoing basis, you must maintain compliance as required in this subdivision.

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.

Kimberly DeJong, Authorized Agent

April 18, 2025

Page 11

If you have any questions regarding this Correction Order, please contact Diana Arnzen at 651-431-6638 as soon as possible.

Diana Arnzen, Human Services Licensing Division
Office of Inspector General