

April 24, 2025

CERTIFIED MAIL

Saed Muse, Authorized Agent
Prime Home Health Care LLC
5851 Cedar Lake Road Suite 107
St. Louis Park, MN, 55416

License Number 1110106 (HCBS – 245D)

ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Saed Muse :

The Department of Human Services (DHS) is ordering you to pay a fine of \$1,000 for six background study violations. Details of our findings are provided below. Our next steps and your options are also detailed.

Reason for the Fine

DHS is issuing this fine order based on your failure to comply with the following background study requirements:

Background Study Violation Determined on March 27, 2025:

1. As a result of a licensing review, DHS licensors determined that you failed to request background studies for one staff person before they began working in a position allowing direct contact with persons served.

SP2 was hired on February 20, 2023 and had unsupervised direct contact with persons served by the program on February 22, 2023, however; the license holder did not initiate a background study for SP2 until April 5, 2023.

Under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (d), the Commissioner shall not issue a fine to a license holder who self-corrects a background study violation before the Commissioner discovers the violation. A license holder who has previously exercised the provision of paragraph (d) to avoid a fine for a background study violation may not avoid a fine for a subsequent background study violation unless at least 365 days have passed since the license holder self-corrected the earlier background study violation.

Because you self-corrected this background study violation by submitting the study before a DHS licensor became aware of the violation you are not being fined for the violation regarding SP2.

Statute Violated: Minnesota Statutes, section 245C.04, subdivision 1, paragraph (g).

Fine: \$0

Corrective Action Required: Immediately and on an ongoing basis, you must comply with the background study requirements in Minnesota Statutes, chapter 245C.

2. As a result of a licensing review, DHS licensors determined that you failed to provide continuous, direct supervision of five staff persons while their background studies were in process, but not yet completed.

The license holder initiated a background study before SP1 and SP3-SP6 began working in a position allowing unsupervised direct contact with persons served by the program; however, the license holder failed to provide continuous, direct supervision of the SP1 and SP3-SP6 pending notice from the Commissioner:

- SP1 had unsupervised direct contact with persons served by the program on October 11, 2024. The license holder did not receive notice from the Commissioner until October 12, 2024;
- SP3 had unsupervised direct contact with persons served by the program on November 9, 2023. The license holder did not receive notice from the Commissioner until November 22, 2023;
- SP4 had unsupervised direct contact with persons served by the program on December 30, 2023. The license holder did not receive notice from the Commissioner until January 2, 2024;
- SP5 had unsupervised direct contact with persons served by the program on January 5, 2024. The license holder did not receive notice from the Commissioner until February 4, 2024;
- SP6 had unsupervised direct contact with persons served by the program on December 24, 2024. The license holder did not receive notice from the Commissioner until December 26, 2024.

Statute Violated: Minnesota Statutes, section 245C.13, subdivision 2.

Fine: \$1,000

Corrective Action Required: Immediately and on an ongoing basis, you must comply with the background study requirements in Minnesota Statutes, chapter 245C.

Billing and Payment of the Fine

DHS will send you an invoice for the \$1,000 fine. Payment must be made as directed on the invoice.

If you request a contested case hearing, as described below, do not pay the fine at this time. Following the contested case hearing, the Commissioner of DHS will issue a final order on this matter.

Please note, you may not avoid payment of this fine by closing, selling, or otherwise transferring the license to a third party. If this occurs, each controlling individual is personally and jointly responsible for payment.

Your Right to Appeal

You have the right to appeal the fine. 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 10 calendar days from when you receive this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64242
St. Paul, MN 55164-0242

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you receive this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: 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.

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.justice4mn.org to find a local legal services program that may be able to help you.

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.

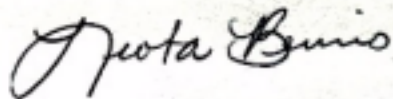
Legal Authority for this Licensing Action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 1, paragraph (a), which describes under which conditions DHS may impose a fine against a license.
- DHS may impose a \$200 fine for each background study violation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(iv).
- The exception that allows a license holder who self-corrects a background study violation to avoid a fine does not apply when the license holder was cited for the same violation within the past 365 days, under Minnesota Statutes, section 245A.07, subdivision 4, paragraph (d).
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(5) states that license holders may not avoid payment of a fine by closing, selling, or transferring 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.

Questions

If you have any further questions regarding this matter, you may contact Leota Bemis, Supervisor, at 651-431-6639.

Sincerely,

A handwritten signature in black ink that reads "Leota Bemis". The signature is written in a cursive style and is centered on the page.

Leota Bemis, Unit Supervisor
Licensing Division
Office of Inspector General