

May 5, 2025

Ernest Owusu-Afriyie Authorized Agent  
Emerge Home Health Care LLC  
15170 Chippendale Avenue West Suite 300  
Rosemount, Minnesota 55068  
License Number: 1113491 (245D – HCBS)

### **CORRECTION ORDER**

Dear Ernest Owusu-Agriyie:

On April 8, 2025, a licensing review of Emerge Home Health Care LLC, located at 15170 Chippendale Avenue West, Suite 300, Rosemount, 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 one of two persons whose record was reviewed (P2), the license holder did not develop an individual abuse prevention plan (IAPP) as required.

The license holder assessed that P2 was susceptible to physical abuse; however, the license holder failed to include a statement of measures the would be taken to minimize the risk of physical abuse in P2's individual abuse prevention plan. Additionally, the license holder provided multiple services to P2. The license holder failed to develop an individual prevention plan for each service P2 received.

Corrective Action Ordered: Within 30 days of receiving this order, you must review and update P2's individual abuse prevention with the above-mentioned information. On an ongoing basis, you must maintain compliance as required in this subdivision.

2. Citation: Minnesota Statutes, section 245D.07, subdivision 2, paragraphs (b) and (c).

Violation: For one person whose record was reviewed (P2), the license holder did not initiate a basic service as required.

The license holder initiated individualized home supports (IHS) with training for P2 on July 25, 2025. The license holder failed to:

- complete a preliminary support plan for IHS with training based on the support plan within 15 calendar days of service initiation; the license holder did not develop this until August 16, 2024; and
- review and revise the preliminary support plan for IHS with training within 60 days to document the services provided including how, when, and by whom services would be provided, and the person responsible for overseeing the delivery and coordination of services. This review was not completed until March 11, 2025.

Corrective Action Ordered: On an ongoing basis, you must maintain compliance as required with this subdivision.

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

Violation: For one person whose record was reviewed (P1), the license holder did not complete assessments for intensive service planning as required.

The license holder completed assessments for P1; however, the license holder failed to ensure the assessments produced information about the person that described the person's overall strengths, functional skills and abilities.

Corrective Action Ordered: Within 30 days of receiving this order, you must complete the required assessments for P1 that produces information about the person that describes the person's overall strengths, functional skills, and abilities. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one person whose record was reviewed, (P1), the license holder did not meet service planning requirements for intensive services as required.

The license holder failed to meet with P1, P1's legal representative, case manager and other members of the support team within 45 days of service initiation to determine the person's preferences for how services and supports are provided, including how the provider will support the person to have control of the person's schedule.

Corrective Action Ordered: Within 30 days of receiving this order, you must meet with P1, their legal representative, case manager, and other members of their support team to determine the above mentioned information and document the discussion in P1's support plan addendum. On an ongoing basis, you must maintain compliance as required in this subdivision.

5. Citation: Minnesota Statutes, section 245D.071, subdivision 5, paragraph (a) and (g).

Violation: For one person whose record was reviewed (P1), the license holder did not meet the requirements for service plan review and evaluation as required.

P1's support plan addendum required quarterly progress review meetings and progress reports. The license holder failed to meet with P1, P1's legal representative, case manager and other members of the support team or provide progress reports for P1 quarterly.

Corrective Action Ordered: On an ongoing basis, you must maintain compliance as required in this subdivision.

6. Citation: Minnesota Rules, part 9544.0030, subpart 1.

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

The license holder failed to evaluate with P1 identified positive support strategies at least every six months.

Corrective Action Ordered: On an ongoing basis, you must evaluate with P1, at least every six months, whether the identified positive support strategies currently meet the standards in subpart 2 and determine whether changes are needed in the positive support strategies used based upon the results of the evaluation, and if so, make appropriate changes.

7. Citation: Minnesota Statutes, section 245D.09, subdivisions 4 and 4a.

Violation: For two staff persons whose record were reviewed (SP1 and SP3), the license holder did not provide orientation training as required.

- a. SP1 was hired on December 5, 2023. The license holder failed to provide the following training to SP1 within 60 days of hire:

- the license holder's policy and procedure for emergency response, reporting and reviewing;
- 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; this training was not provided to SP1 until April 3, 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; this training was not provided to SP1 until April 3, 2024;
- orientation to vulnerable adult maltreatment reporting within 72 hours of first providing direct contact; this training was not provided until April 15, 2024;
- orientation to maltreatment of minors reporting within 72 hours of first providing direct contact; this training was not provided until April 15, 2024;
- 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; this training was not provided to SP1 until April 10, 2024;
- basic first aid; this training was not provided to SP1 until November 26, 2024; and
- strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities; this training was not provided to SP1 until April 3, 2024.

b. SP3 was hired on February 14, 2024. The license holder failed to provide the following training to SP3 within 60 days of hire:

- the license holder's policy and procedure for emergency response, reporting and reviewing; and
- basic first aid; this training was not provided to SP3 until April 26, 2024.

Corrective Action Ordered: Within 30 days of receipt of this order, you must provide SP1 and SP3 with training on your policy and procedure for emergency response, reporting and reviewing. On an ongoing basis, you must maintain compliance as required with this subdivision.

8. Citation: Minnesota Statutes, section 245D.11, subdivision 2.

Violation: The license holder did not develop policies and procedures as required.

The license holder failed to establish a policy and procedures to ensure the safety of persons served by the program in emergencies as defined in section 245D.02, subdivision 8 and procedures for staff to report emergencies to the license holder.

Corrective Action Ordered: Immediately upon receiving this order, you must develop an emergency response, reporting and review policy. On an ongoing basis, you must maintain compliance with this subdivision as required.

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.

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

Nicole Riley, Human Services Licensor  
Licensing Division  
Office of Inspector General  
651-431-3657