

May 16, 2025

Nur Abdullahi Mohamed, Authorized Agent
South Star Care
1903 17 Steet Southeast, Unit 108
Rochester, Minnesota 55904

License Number: 1106851 (245D – HCBS)

CORRECTION ORDER

Dear Nur Abdullahi Mohamed:

On April 2, 2025, a licensing review of South Star Care, located at 1903 17 Street Southeast, Unit 108, Rochester, 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 two of two persons whose records were reviewed (P1 and P2), the license holder did not meet the requirements for program abuse prevention plans as required.

The license holder failed to establish and enforce a Program Abuse Prevention Plan (PAPP) to assess the population, physical plant, and environment within the control of the license holder and the location where license services are provided in accordance

with 245A.65, clauses (1) to (6) when integrated community support services were started. The license holder later developed a PAPP on March 31, 2025.

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

2. Citation: Minnesota Statutes, section 245A.071, subdivision 3.

Violation: For two person whose records were reviewed (P1 and P2), the license holder did not meet assessment and initial service planning as required.

- a. The license holder failed to complete an assessment of P1's ability to self manage special dietary needs before providing 45 days of service.
- b. The license holder failed to determine the following based on information obtained from assessments identified in paragraph (b), the person's identified needs in the support plan, and the requirements in subdivision 4 and section 245D.07, subdivision 1a before providing 45 days of service to P2:
 - opportunities to develop and strengthen personal relationships with other persons of the person's choice in the community;
 - opportunities for community access, participation, and inclusion in preferred community activities;
 - opportunities to develop and maintain essential and life-enriching skills, abilities, strengths, interests, and preferences; and
 - opportunities to seek competitive employment and work at competitively paying jobs in the community;

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

- complete an assessment of P1's ability to self manage special dietary needs; and
- determine the topics mentioned above for P2. You must document these determinations in P2's support plan addendum.

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

3. Violation: For one person whose record was reviewed (P2), the license holder did not maintain written acknowledge of the emergency use of manual restraints policy as required.

The license holder failed to obtain a written acknowledgement from P2 of the license holders' policy on emergency use of manual restraints at the time of service initiation.

Corrective Action Ordered: Within 30 days of receiving this order, you must obtain a written acknowledgement from P2 of the license holders' policy on emergency use of manual restraints. On an ongoing basis, you must maintain compliance as required in this subdivision.

4. Citation: Minnesota Statutes, section 245A.65, Subdivision 3.

Violation: For two of two staff persons whose records were reviewed (SP1 and SP2), the license holder did not provide an orientation to the program abuse prevention plan as required.

The License holder developed a program abuse prevention plan on March 31, 2025. The license holder failed to provide SP1 and SP2 with an orientation to the license holders program abuse prevention plan within 72 hours.

Corrective Action Ordered: Within 30 days of receiving this order, you must provide SP1 and SP2 orientation to the program abuse prevention plan as required. On an ongoing basis, you must maintain compliance as required in this subdivision.

5. Citation: Minnesota Statutes, section 245D.061, subdivision 9.

Violation: The license holder did not develop, document, and implement the emergency use of manual restraints policy and procedure as required.

The license holder developed two policies and procedures titled "Emergency Use of Manual Restraint (EUMR) Allowed Policy" and "Emergency Use of Manual Restraint Not Allowed Policy." The license holder failed to implement the policy because the policies the license holder developed were contradictory.

Corrective Action ordered: Immediately upon receiving this order, you must develop an emergency use of manual restraint policy and procedures that meets compliance with this subdivision.

Within 30 days of receiving this order, you must train all staff persons on your program's emergency use of manual restraint policy; and maintain documentation of this training in the staff persons' personnel records. On an ongoing basis, you must maintain compliance as required with this subdivision.

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

Violation: For one staff person whose record was reviewed (SP1), the license holder did not provide orientation training as required.

The license holder failed to provide SP1 with an orientation to the following within 60 calendar days of hire:

- the job descriptions and how to complete specific functions, including:
 - responding to and reporting incidents as required under section 245D.06, subdivision 1; and
 - following safety practices established by the license holder and as required in section 245D.06, subdivision 2;
- data privacy requirements according to sections 13.01 to 13.10 and 13.46, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 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 section 245D.04;
- the safe and correct use of manual restraint on an emergency basis according to the requirements in section 245D.061 or successor provisions, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint;
- staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, or successor provisions, 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 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 SP1 with an orientation to the requirements identified above and maintain documentation of this training in their personnel record. On an ongoing basis, you must maintain compliance as required in this subdivision.

7. Citation: Minnesota Statutes, section 245D.095, subdivision 5.

Violation: For two staff persons whose records were reviewed (SP1 and SP2), the license holder did not maintain personnel records as required.

The license holder failed to maintain documentation in SP1's and SP2's personnel records that included the following for each training topic:

- date the training was completed;
- the number of hours per subject area; and
- the name of the trainer or instructor.

Corrective Action Ordered: Within 30 days of receiving this order, you must maintain the above-mentioned information in SP1's and SP2'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
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

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 at 651-431-3661 as soon as possible.

Amber Nielsen, Home and Community-Based Services Licensor
Licensing Division
Office of Inspector General