

May 23, 2025

Alexis Simmons, Authorized Agent
Simmons Home
1609 Seath Drive
Albert Lea, Minnesota, 56007

License Number: 1117941 (245D – HCBS)

CORRECTION ORDER

Dear Alexis Simmons:

On April 2, 2025, a licensing review of Simmons Home, located at 1609 Seath Drive, Albert Lea, 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, subdivisions 1 and 2.

Violation: For one of one person whose record was reviewed (P1), the license holder did not provide an orientation to the internal and external reporting procedures of alleged or suspected maltreatment of and the program abuse prevention plan (PAPP) as required.

- a. The license holder failed to provide P1 an orientation to the internal and external reporting procedures of alleged or suspected maltreatment of vulnerable adults within 24 hours of admission.

- b. The license holder failed to provide P1 with an orientation to the license holder's PAPP within 24 hours of admission.

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

- provide an orientation to the internal and external reporting procedures and the PAPP to P1;
- maintain documentation of this orientation in P1's service recipient record; and
- submit a copy of this documentation to your licenser.

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

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

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

The license holder failed to obtain a written authorization from P1's legal representative to administer medication or treatment before administering medication or treatment. The license holder obtained authorization on April 24, 2023; however, the license holder administered medications to P1 prior to that date.

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

3. Citation: Minnesota Statutes, section 245D.05, subdivision 2, paragraph (c).

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

The license holder failed to ensure the following information was documented in P1's medication administration record:

- the information on the current prescription label or the prescriber's current written or electronically recorded order or
- a prescription that includes:
 - the person's name
 - description of the medication or treatment to be provided;
 - the frequency; and
 - other information needed to safely and correctly administer the medication or treatment to ensure effectiveness;
- information on any risks or other side effects that are reasonable to expect, and any contraindications to its use;
- this information (risks, side effects, and contraindications) was readily available to all staff administering the medications;

- the possible consequences if the medication or treatment is not taken or administered as directed;
- instruction on when and to whom to report the following:
 - 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
 - the occurrence of possible adverse reactions to the medication or treatment;
- notation of any occurrence of a dose of medication not being administered or treatment not performed as prescribed, whether by error of the staff or the person or by refusal by the person, or of adverse reactions, and when and to whom the report was made; and
- notation of when a medication or treatment was started, administered, changed, or discontinued.

Corrective Action Ordered: Immediately upon receiving this order, you must document the above-mentioned information in P1's medication administration record. On an ongoing basis, you must maintain compliance as required in this subdivision.

4. Citation: Minnesota Statutes, section 245D.06, subdivision 4.

Violation: For one person whose record was reviewed (P1), the license holder did not meet the requirements for the safekeeping of funds and property as required.

The license holder was assigned the responsibility for assisting P1 with the safekeeping of funds. The license holder failed to obtain a written authorization to assist P1 with the safekeeping of funds and property within five working days of service initiation. The license holder began assisting P1 with the safekeeping of funds on March 10, 2023, and obtained this authorization on April 23, 2023.

Corrective Action Ordered: 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 (P1), the license holder did not complete assessments as required.

The license holder failed to complete assessments that document information about P1's overall strengths, functional skills and abilities.

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

- review and revise P1's assessments to include P1's strengths, functional skills and abilities in all assessed areas; and
- submit a copy of this revised assessment to your licensor.

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

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

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

The license holder maintained a support plan addendum for P1 that required semiannual meetings and reports. The license holder failed to participate in meetings and provide reports semiannually as required.

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

- participate in a service plan review meeting with P1's support team and provide a report summarizing P1's status and progress towards achieving identified outcomes; or
- revise P1's support plan addendum to reflect the frequency you are to participate in meetings and provide reports.

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

7. Citation: Minnesota Statutes, section 245D.10, subdivision 4.

Violation: For one person whose record was reviewed (P1), the license holder did not provide written or electronic copies of policies and procedures as required.

The license holder failed to inform P1 and P1's case manager of the following policies and procedures that affect a person's rights and provide copies of those policies and procedures, within five working days of service initiation:

- grievance policy and procedure;
- service suspension and termination policy and procedure;
- emergency use of manual restraints policy and procedure; and
- data privacy.

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

- inform and provide copies of the above-mentioned policies and procedures to P1, and P1's case manager; and
- obtain written acknowledgment from P1's legal representative that P1 and P1's legal representative were notified of the program's policy on the emergency use of manual restraint according to the requirements in 9544.0080.

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

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

Violation: For one person whose record was reviewed (P1), the license holder did not maintain service recipient records as required.

The license holder failed to maintain progress notes or daily log notes in P1's service recipient record.

Corrective Action Ordered: Immediately upon receiving this order, you must begin maintaining daily log notes or progress notes in P1's service recipient record. On an ongoing basis, you must maintain compliance as required in this subdivision.

9. Citation: Minnesota Rules, 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, at least every six months, evaluate with P1 the identified positive support strategies.

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

- evaluate the established positive support strategies with P1;
- maintain documentation of this evaluation in P1's service recipient record; and
- submit a copy of this evaluation to your licensor.

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

10. Citation: Minnesota Statutes, section 245D.09, subdivisions 4.

Violation: For three of three staff persons whose records were reviewed (SP1, SP2 and SP3), the license holder did not provide orientation training as required.

The license holder failed to ensure SP1, SP2, and SP3 received orientation training on the following topics within 60 calendar days of hire:

- the job description and how to complete specific job functions, including:
 - responding to and reporting incidents as required under section 245D.06, subdivision 1; and
 - following safety practices established by the license holder as required in section 245D.06, subdivision 2;
- 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 principles of person-centered service planning and delivery as identified in section 245D.07, subdivision 1a, and how they apply to direct support service provided by the staff person; 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, SP2 and SP3 with the above-mentioned training. You must maintain documentation of this training in SP1's, SP2's and SP3's personnel records. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For three staff persons whose records were reviewed (SP1, SP2, and SP3), the license holder did not provide orientation to individual service recipient needs as required.

The license holder failed to provide SP1, SP2, and SP3 with the following training before having unsupervised direct contact with a person served by the program:

- the person's support plan or support plan addendum as it relates to the responsibilities assigned to the license holder; and
- the person's individual abuse prevention plan, to achieve and demonstrate an understanding of the person as a unique individual, and how to implement those plans.

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

- provide SP1, SP2 and SP3 with the above-mentioned trainings; and
- maintain documentation of these trainings in SP1's, SP2's and SP3's personnel records.

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

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

Violation: For three staff persons whose records were reviewed (SP1, SP2, and SP3), the license holder did not provide medication administration training as required.

The license holder failed to provide SP1, SP2, and SP3 with medication administration training prior to administering medication to a person served by the program.

Corrective Action Ordered: Immediately upon receiving this order, you must:

- implement a medication administration training curriculum developed by a registered nurse or appropriate licensed health professional. The training must incorporate an observed skill assessment conducted by the trainer; and
 - provide all staff who administer medication with medication administration training from the curriculum developed by a registered nurse or appropriate health professional. You must document the training in the staff person's personnel record; and
- Within 30 days of receiving this order, you must submit documentation of the training, including the date the training was completed to your licensor.

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

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

Violation: For three staff persons whose records were reviewed (SP1, SP2 and SP3), the license holder did not provide annual training as required.

The license holder failed to provide SP1, SP2, and SP3 with annual training on the following topics:

- 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;
- 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;
- 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, SP2, and SP3 with the above-mentioned training topics; and
- maintain documentation of this training in SP1's, SP2's and SP3's personnel records.

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

14. Citation: Minnesota Statutes, section 245D.095, subdivision 5, paragraph (a).

Violation: For three staff persons whose records were reviewed (SP1, SP2 and SP3), the license holder did not maintain personnel records as required.

The license holder failed to document the following in SP1's and SP2's training record:

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

Corrective Action Ordered: Immediately upon receiving this order, you must begin maintaining personnel records for SP1, SP2 and SP3. 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
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.

Kate Spenger, Human Services Licenser
Licensing Division
Office of Inspector General
651-431-5757