

June 3, 2025

Kamaludin Osman, Authorized Agent  
Sharmarke Care Home Inc.  
2514 Brenner Street  
Roseville, Minnesota 55113-1003

License Number: 1111874 (245D – HCBS)

### **CORRECTION ORDER**

Dear Kamaludin Osman:

On April 2, 2025, a licensing review of Sharmarke Care Home, located at 2514 Brenner Street, Roseville, 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 five persons whose records were reviewed (P3), the license holder did not develop an individual abuse prevention plan (IAPP) as required.

The license holder failed to develop an IAPP for P3 that included the following:

- an assessment of the person's susceptibility to abuse by other individuals, including other vulnerable adults and the person's risk of abusing other vulnerable adults;

- statements of the specific measures to be taken to minimize the risk of abuse to that person and other vulnerable adults; and
- measures with specific actions the program would take to minimize the risk of abuse within the scope of the licensed services.

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

- establish and enforce an IAPP for P3 that meets the requirements of this section;
- review P3's IAPP with the person and their case manager; and
- maintain documentation of this review in P3's record.

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

2. **Citation:** Minnesota Statutes, section 245D.061, subdivisions 5, 7, and 8.

**Violation:** For one person whose record was reviewed (P5), the license holder did not ensure that emergency use of manual restraints complied with the requirements of this chapter.

P5 was involved in an incident that resulted in the emergency use of a manual restraint on September 7, 2024. The license holder failed to submit the following to the Department of Human Services, and the Office of the Ombudsman for Mental Health and Developmental Disabilities, as required under section 245.94, subdivision 2a:

- the report required under subdivision 5;
- the internal review and the corrective action plan required under subdivision 6; and
- the summary of the expanded support team review required under subdivision 7.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated January 21, 2025.

**Corrective Action Ordered:** Immediately, you must complete the above mentioned items for P5 and maintain documentation of what was completed in P5's service recipient record. Compliance with this subdivision will be monitored onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

3. **Citation:** Minnesota Statutes, section 245D.051, subdivision 1, paragraph (b), clause 1.

**Violation:** For three persons whose records were reviewed (P2-P4), the license holder did not meet the requirements for psychotropic medication use and monitoring as required.

Target symptoms refers to any perceptible diagnostic criteria for a person's diagnosed mental disorder, as defined by the Diagnostic and Statistical Manual of Mental Disorders

Fourth Edition Text Revision (DSM-IV-TR) or successive editions, that has been identified for alleviation.

P2, P3, and P4 were prescribed multiple psychotropic medications. The license holder failed to document a description of the target symptoms for each psychotropic medication prescribed to P2-P4.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated January 21, 2025.

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

- document a description of the target symptoms each psychotropic medication is to alleviate for P2-P4; and
- maintain documentation of the target symptoms in P2's-P4's support plan addendums.

Compliance with this subdivision will be monitored 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 three persons whose records were reviewed (P1, P2, and P4), the license holder did not provide person centered planning and service delivery as required.

- a. The license holder maintained support plan addendums for P2 and P4 which identified the scope of the services the license holder would provide. The license holder used virtually identical language to describe the scope of services to be provided to P2 and P4. The license holder failed to provide services in response to P2 and P4's identified needs, interests, preferences, and desired outcomes as specified in the support plan addendum and in compliance with this chapter.
- b. The license holder failed to identify what was important to P1 as well as what was important for P1 and use that information to identify outcomes P1 desired. The identified outcome the license holder developed for P1 was in an area that the license holder assessed P1 as being independent in and did not need support with.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated January 21, 2025.

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

- review and revise P2's and P4's support plan addendums to include information that identifies P2's and P4's identified needs, preferences, and desired outcomes; and
- develop P1's service outcomes and supports to meet the requirements in the above mentioned subdivision.

Compliance with this subdivision will be monitored 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 two persons whose records were reviewed (P1 and P3), the license holder did not meet the requirements for initial service planning as required.

- a. The license holder maintained documentation in P1's record that indicated P1 and the license holder met at service initiation on January 1, 2024. The license holder failed to meet with P1 and P1's expanded support team within 45 days of service initiation to hold an initial service planning meeting.
- b. The license holder failed to discuss how technology might be used to meet P1's desired outcomes.
- c. The license holder initiated P3's services on February 10, 2025, and the license holder failed to complete assessments, within the scope of services, in the following areas before the 45-day initial planning meeting:
  - P3's ability to self-manage health and medical needs to maintain or improve physical, mental, and emotional well-being, including, when applicable, allergies, seizures, choking, special dietary needs, chronic medical conditions, self-administration of medication or treatment orders, preventative screening, and medical and dental appointments;
  - P3's ability to self-manage personal safety to avoid injury or accident in the service setting, including, when applicable, risk of falling, mobility, regulating water temperature, community survival skills, water safety skills, and sensory disabilities; and
  - P3's ability to self-manage symptoms or behavior that may otherwise result in an incident as defined in section 245D.02, subdivision 11, clauses (4) to (7), suspension or termination of services by the license holder, or other symptoms or behaviors that may jeopardize the health and welfare of P11 or others.

Corrective Action Ordered: Within 60 days of receiving this order, you must:

- meet with P1, P1's case manager, and other members of the support team; and with P3, P3's case manager, and other members of the support team, to determine the information listed above; and
- document the date of the meeting, the names of who attended the meeting and what was determined at the meeting in P1's and P3's support plan addendums.

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

6. Citation: Minnesota Statutes, section 245D.071, subdivision 4.

**Violation:** For two persons whose records were reviewed (P2 and P4), the license holder did not develop a service plan that documents the service outcomes and supports based on the assessments completed under subdivision 3 and the requirements in section 245D.07, subdivision 1a, as required.

The license holder failed to document in P2's and P4's supports and methods for their current outcomes the measurable and observable criteria for identifying when the desired outcome has been achieved and how data will be collected.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated January 21, 2025.

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

- develop a service plan that documents the service outcomes and supports listed above for P2 and P4; and
- train all staff persons who work with P2 and P4 on how to implement the service outcomes and supports for the person. You must maintain documentation of this training in staff persons' personnel records according to the requirements in 245D.095, subd. 5.

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

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

**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 developed by the license holder required the license holder to provide quarterly written reports summarizing P1's status and progress towards achieving identified outcomes to P1's support team. The license holder failed to provide written reports on a quarterly basis for P1.

**Corrective Action Ordered:** On an ongoing basis, you must complete and provide written reports according to the timelines stated in the person's support plan or support plan addendum. The progress report must summarize the person's status and progress toward achieving the identified outcomes and make recommendations and identify the rationale for changing, continuing, or discontinuing implementation of supports and methods identified in subdivision 4. Compliance with this subdivision will be monitored onsite.

8. **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 hired SP3 on February 17, 2024. The license holder failed to provide SP3 with orientation and 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 and as required in section 245D.06, subdivision 2.

The above mentioned topics were provided to SP3 on June 1, 2024.

- the license holder's current policies and procedures required under this chapter, including their location and access, and staff responsibilities related to implementation of those policies and procedures including:
  - grievance procedures;
  - service suspension;
  - service termination;
  - prohibition of alcohol and drug use;
  - emergency use of manual restraint;
  - universal precautions;
  - health service coordination and care;
  - transportation;
  - admission;
  - emergency response; and
  - incident response.

The above policies and procedures were provided to SP3 on June 1, 2024.

- 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. This training was provided on September 20, 2024;
- 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. This training was provided on August 15, 2024;
- 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 restraint. This training was provided on August 15, 2024;
- 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. This training was provided on August 15, 2024; and
- basic first aid. This training was provided on August 30, 2024.

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

9. Citation: Minnesota Statutes, section 245A.09, subdivision 4a.

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

SP3 first had unsupervised direct contact with a person served by the program on February 19, 2024. The license holder failed to ensure SP3 reviewed and received instruction on the following before having unsupervised 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 when applicable, 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;
- medication setup, assistance, or administration procedures established for the person when assigned to the license holder; and
- the safe and correct operation of medical equipment used by the person to sustain life or to monitor a medical condition that could become life-threatening without proper use of the medical equipment.

The license holder provided the above training to SP3 on various dates between February 22, 2024, and June 3, 2024.

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

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

Violation: For one staff person whose record was reviewed (SP3), the license holder did not provide annual training as required.

45A.02, subdivision 2b defines "annual" or "annually" to mean prior to or within the same month of the subsequent calendar year.

The license holder failed to provide SP3 with annual training on the following topics in 2025:

- 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; 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 SP3 with the above mentioned trainings and maintain documentation of these trainings in SP3's personnel record. On an ongoing basis, you must maintain compliance as required in this subdivision.

11. Citation: Minnesota Statutes, section 245A.65, subdivision 3.

Violation: For one staff person whose record was reviewed (SP3), the license holder did not provide an orientation to vulnerable adult maltreatment prevention and reporting as required.

The license holder hired SP3 on February 17, 2024, and SP3 began providing direct contact services on February 18, 2024. The license holder provided SP3 with vulnerable adult maltreatment reporting orientation and an orientation to the Program Abuse Prevention Plan (PAPP) on June 1, 2024. The license holder failed to provide an orientation to SP3 on vulnerable adult maltreatment reporting within 72 hours of SP3 first providing direct contact services.

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

12. Citation: Minnesota Statutes, section 245D.095, subdivision 2.

Violation: The license holder did not maintain an admission record as required.

The license holder failed to keep a written or electronic register, listing in chronological order the dates and names of all persons served by the program who have been admitted, discharged, or transferred, including service terminations initiated by the license holder or deaths.

**Repeat Violation:** The license holder was cited for a similar violation in a correction order dated January 21, 2025.

Corrective Action Ordered: Within 30 days of receiving this order, you must maintain an admission and discharge register for all persons served by your program. Compliance with this subdivision will be monitored onsite. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

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

The license holder failed to maintain progress or daily log notes for P3.

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

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

Violation: For one staff person whose record was reviewed (SP4), the license holder did not maintain personnel records as required.

The license holder failed to maintain in SP4's personnel record documentation sufficient to determine the dates orientation training was completed and the number of hours per subject area.

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

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

Violation: For one person whose record was reviewed (P1), the license holder did not inform the person and case manager of the policies and procedures affecting a person's rights under section 245D.04 and provide copies of those policies and procedures within five working days of service initiation as required.

The license holder failed to inform P1's case manager of the policies and procedures affecting a person's rights under 245D.04 and provide copies of those policies and procedures within five working days of service initiation. The license holder initiated P1's services on January 1, 2024, and provided these policies to P1's case manager on April 21, 2024.

Corrective Action Ordered: Compliance with this subdivision will be monitored onsite. 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

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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.

Lacey Walsvik, HCBS Human Services Licensor  
Licensing Division  
Office of Inspector General  
651-431-3667