

June 27, 2025

Mahado Ali, Authorized Agent
Apex Home Care LLC
1540 Humboldt Ave Suite 101
West St Paul, Minnesota 5518-3489

License Number: 1085708 (245D – HCBS)

CORRECTION ORDER

Dear Mahado Ali:

On May 21, 2025, a licensing review of Apex Home Care LLC, located at 1540 Humboldt Ave, West St Paul, 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, paragraph (b).

Violation: For eight of eleven persons whose records were reviewed (P1, P2, P4, P5, P6, P7, P8 and P9), the license holder did not establish an individual abuse prevention plan (IAPP) as required.

- a. The license holder failed to include statements of measures that included specific actions the program would take to minimize the identified risk of abuse within the scope of the licensed service in P1's, P2's, P4's, P5's, P6's, P7's, and P8's IAPP.

- b. The license holder failed to develop an accurate IAPP for P9 as part of the initial individual program plan that included an individualized assessment of P9's susceptibility to abuse by other individuals and statements of the specific measures to be taken to minimize the risk of abuse to P9 and other vulnerable adults.

The license holder maintained an IAPP for P9 that indicated P9 had no vulnerabilities to abuse, which was not consistent with the information found elsewhere in P9's plan.

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

- review and revise P1's, P2's, P4's, P5's, P6's, P7's, P8's, and P9's individual abuse prevention plans to document statements of specific measures to be taken to minimize the risk of abuse;
- audit all person served records to ensure the above has been documented; and
- maintain documentation of the audit results.

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

2. Citation: Minnesota Statutes, section 245D.07, subdivision 2.

Violation: For five persons whose records were reviewed (P1, P3, P6, P7, and P9), the license holder did not complete service planning for basic support services as required.

- a. The license holder failed to review and revise P1's, P3's, P7's, and P9's preliminary support plan addendum to document the services that will be provided including how, when, and by whom services will be provided within 60 calendar days of service initiation.
- b. The license holder failed to review and revise P6's preliminary support plan addendum for the additional basic service that was initiated in March 2024 to document the services that will be provided including how, when, and by whom services will be provided within 60 calendar days of service initiation. The review for P6's basic support services occurred in August 2024.

Corrective Action Ordered: Within 60 days of receiving this order, you must review and update P1's, P3's, P6's, P7's, and P9's support plan addendum to include how each of P1's, P3's, P6's, P7's, and P9's services will be provided including how, when and by whom. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For one person whose record was reviewed (P8), the license holder did not complete assessments as required.

The license holder failed to produce information that describes P8's overall strengths,

functional skills and abilities and behaviors or symptoms when completing assessments for P8.

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

- complete the required assessments for P8 that produce information about P8 that describes P8's overall strengths, functional skills, and abilities;
- review the assessments with P8, P8's legal representative, and P8's case manager and members of the support team; and
- document the review in P8's support plan addendum.

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

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

Violation: For one person whose record was reviewed (P8), the license holder did not develop services outcomes and supports as required.

The license holder failed to develop a service outcome for P8 related to acquiring, retaining, or improving skills and physical, mental, and emotional health and well-being.

Corrective Action Ordered: Within 60 days of receiving this order, you must meet with P8, P8's legal representative and P8's case manager to determine and document a service outcome including:

- the methods or actions that will be used to support the person and to accomplish the service outcomes, including information about:
 - any changes or modifications to the physical and social environments necessary when the service supports are provided;
 - any equipment and materials required; and
 - techniques that are consistent with the person's communication mode and learning style;
- the measurable and observable criteria for identifying when the desired outcome has been achieved and how data will be collected;
- the projected starting date for implementing the supports and methods and the date by which progress towards accomplishing the outcomes will be reviewed and evaluated; and
- the names of the staff or position responsible for implementing the supports and methods.

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

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

Violation: For one person whose record was reviewed (P8), the license holder did not complete services planning and review as required.

The license holder failed to meet with P8, P8's legal representative, and P8's case manager, and other people as identified by P8 to participate in service plan review meetings, at least once per year in 2021, 2022, 2023 and 2024, to determine:

- whether changes were needed to the service plan based on the assessment information, or other information provided by the support team or expanded support team;
- how technology might be used to meet the person's desired outcomes; and
- options for transition to an employment service described in section 245D.03, subdivision 1, paragraph (c), clauses (5) to (7).

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

- meet with P8, P8's legal representative, P8's case manager and members of the support team and determine if changes are needed in P8's support plan addendum;
- discuss with P8, P8's legal representative, P8's case manager and members of the support team and determine how technology might be used to meet P8's desired outcomes; and
- document the summary of this discussion that includes:
 - a statement regarding any decision that is made regarding the use of technology; and
 - a description of any further research that needs to be completed before a decision regarding the use of technology can be made.

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

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

Violation: For nine persons whose records were reviewed (P1-P9), the license holder did not maintain a service recipient record as required.

The license holder failed to maintain progress or daily log notes for P1-P9 that are recorded by the program.

Corrective Action Ordered: Immediately, you must ensure that progress or daily log notes are being recorded for each service recipient by your program. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For two persons whose records were reviewed (P5 and P6), the license holder did not provide copies of policies and procedures as required.

- a. The license holder failed to inform P5's case manager of the following policies and procedures and failed to provide copies within five working days of service initiation in August 2024:
 - grievance policy and procedure;

- service suspension and termination policy and procedure;
 - emergency use of manual restraint policy and procedure; and
 - data privacy requirements.
- b. The license holder failed to inform P6's case manager of the following policies and procedures and failed to provide copies within five working days of service initiation for P6 in May 2020:
- grievance policy and procedure;
 - service suspension and termination policy and procedure; and
 - emergency use of manual restraint policy and procedure.
- c. The license holder failed to inform P6's case manager of the following policies and procedures and failed to provide copies within five working days of service initiation for an additional service for P6 in March 2024:
- grievance policy and procedure;
 - service suspension and termination policy and procedure;
 - emergency use of manual restraint policy and procedure; and
 - data privacy requirements.

Corrective Action Ordered: Within 60 days of receiving this order, you must provide the above-mentioned policies and procedures to P5's and P6's case manager. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For five of seven staff persons whose records were reviewed (SP1, SP2, SP4, SP5, and SP6), the license holder did not provide orientation training as required.

The license holder failed to provide orientation training to SP1, SP2, SP4, SP5, and SP6 on 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 60 days of receiving this order, you must provide SP1, SP2, SP4, SP5, and SP6 with training on strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent, and bodily autonomy of people with disabilities. On an ongoing basis, you must maintain compliance as required in this subdivision.

9. Citation: Minnesota Statute, section 245D.09, subdivision 4a.

Violation: For one person whose record was reviewed (SP6), the license holder did not provide orientation to individual service recipient needs as required.

P1's IAPP indicated that staff would provide reminders to P1 to take their medications and inhaler. The license holder failed to provide SP6 with orientation on medication assistance procedures established for P1.

Corrective Action Ordered: Within 60 days of receiving this order, you must provide SP6 with the medication assistance training if assessed that P1 needs medication assistance. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For three staff persons whose records were reviewed (SP2, SP3, and SP6), the license holder did not provide annual training as required.

Minnesota Statutes, section 245A.02, subdivision 2b defines "annual" or "annually" to mean prior to or within the same month of the subsequent calendar year.

- a. The license holder failed to provide SP2 and SP3 with data privacy requirements according to Minnesota Statutes, sections 13.01 to 13.10 and 13.46 and staff responsibilities related to complying with data privacy practices annually in 2024.
- b. SP6 was hired September 4, 2023. The license holder failed to provide SP6 with the below annually 2024:
 - data privacy requirements according to Minnesota Statutes, sections 13.01 to 13.10 and 13.46 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;
 - sections 245A.65, 245A.66, and 626.557 and chapter 260E governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment;
 - 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;
 - 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;
 - 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; and
 - basic first aid.

Corrective Action Ordered: Within 60 days of receiving this order, you must provide SP2, SP3, SP6 with data privacy requirements according to Minnesota Statutes, sections 13.01 to 13.10 and 13.46, and staff responsibilities related to complying with data privacy practices. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For five staff persons whose records were reviewed (SP1, SP2, SP4, SP5, and SP6), the license holder did not maintain personnel records as required.

The license holder failed to maintain a personnel record for SP1, SP2, SP4, SP5, and SP6 that documented SP1's, SP2's, SP4's, SP5's, and SP6's training including the date the training was completed, the number of hours per subject area, and the name of the trainer or instructor.

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

12. Citation: Minnesota Statutes, section 245D.081, subdivision 2.

Violation: The license holder did not ensure the delivery and evaluation of services provided were coordinated by the designated staff person as required.

The designated coordinator identified by the license holder (SP7) failed to provide supervision, support, and evaluation of activities that include:

- oversight of the license holder's responsibilities assigned in the person's service and support plan and the service and support plan addendum;
- taking the necessary action to facilitate the accomplishment of the outcomes according to the requirements in section 245D.07;
- instruction and assistance to direct support staff implementing the support plan and the service outcomes; including direct observation of service delivery sufficient to assess staff competency; and
- evaluation of the effectiveness of service delivery, methodologies, and progress on the person's outcomes based on the measurable and observable criteria for identifying when the desired outcome has been achieved according to the requirements in section 245D.07

The failure to provide coordination and evaluation of individual service delivery is evidenced in citations 1 through 11.

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

- designate a person other than SP7 be appointed as the designated coordinator, who is responsible for delivery and evaluation of services provided by the license holder; and

- submit the name, contact information and qualifications of the person(s) you have designated and have ensured is competent to perform the duties of the designated coordinator as required in this section.

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 as soon as possible.

Jolene Reinke, HCBS Licensor
Licensing Division
Office of Inspector General
651-431-5928