

November 24, 2025

Laura Hayes, Authorized Agent  
Cherish LLC  
4000 Paramount Parkway Suite 100  
Morrisville, North Carolina, 27560

License Number: 1068091 (245D – HCBS)

### **CORRECTION ORDER**

Dear Laura Hayes:

On October 23, 2025, a licensing review of Cherish LLC, located at 2900 East Beltline, Hibbing, 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 1.

Violation: For one of six persons whose record was reviewed (P6), the license holder did not provide an orientation to the internal and external reporting procedures related to suspected or alleged maltreatment within 24 hours as required.

The license holder initiated services for P6 on April 8, 2024. The license holder did not provide P6 with an orientation to the internal and external reporting procedures related to suspected or alleged maltreatment within 24 hours of admission. The license holder provided orientation to P6 on March 28, 2025.

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

2. Citation: Minnesota Statutes, section 245A.65 subdivision 2.

Violation: For six persons whose records were reviewed (P1-P6) the license holder did not develop and review the individual abuse prevention plan (IAPP) as required.

- a. The license holder initiated services for P6 on April 8, 2024. The license holder did not develop P6's IAPP as part of the initial program plan. The license holder later developed an IAPP for P6 on March 28, 2025.
- b. The license holder developed an IAPP for P1-P6 that identified areas where they were susceptible to abuse or at risk of abusing other vulnerable adults. The license holder did not include statements of measures, including specific actions, that the program would take to minimize the risk of abuse to that person within the scope of the license services, when the individual assessment required in section 626.557, subdivision 14, paragraph (b), indicated the need for measures.

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

- revise P1's-P6's IAPPs to include specific actions the program would take to minimize the identified risks of abuse within the scope of the licensed services;
- review P1's-P6's revised IAPPs with their interdisciplinary teams and maintain documentation of this review in their records; and
- provide orientation on the updates to P1's-P6's IAPPs to all staff that provide direct support services to P1-P6 and maintain documentation in accordance with Minnesota Statutes 245D.095.

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

3. Citation: Minnesota Statutes, section 245D.04, subdivision 1.

Violation: For six persons whose records were reviewed (P1-P6), the license holder did not provide service recipient rights as required.

The license holder did not provide P1, P2, P2's legal representative, P3, P4, P5, P5's legal representative, and P6 with a written notice that included the right to:

- have services and supports identified in the support plan and the support plan addendum provided in a manner that respects and takes into consideration the person's preferences according to the requirements in sections 245D.07 and 245D.071; have freedom and support to access food and potable water at any time;
- know conditions and terms governing the provision of services, including the license holder's admission criteria and policies and procedures related to temporary service suspension and service termination;
- a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin and insects; and
- access records and recorded information about the person in accordance with applicable state and federal law, regulation, or rule;
- be free from restraint, time out, seclusion, restrictive intervention, or other prohibited procedure identified in section 245D.06, subdivision 5, or successor provisions, except for (i) except for emergency use of manual restraint to protect the person from

imminent danger to self or others according to the requirements in section 245D.061 or successor provisions; or (ii) the use of safety interventions as part of a positive support transition plan under section 245D.06, subdivision 8, or successor provisions;

- reasonable observance of cultural and ethnic practice and religion;
- be free from bias and harassment regarding race, gender, age, disability, spirituality, and sexual orientation;
- be informed of and use the license holder's grievance policy and procedures, including knowing how to contact persons responsible for addressing problems and to appeal under section [256.045](#);
- give or withhold written informed consent to participate in any research or experimental treatment;
- associate with other persons of the person's choice, in the community;
- personal privacy; including the right to use the lock on the person's bedroom or unit door;
- engage in chosen activities; and
- access to the person's personal possessions at any time, including financial resources.

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

- revise your program's written notice to include the above-mentioned service recipient rights;
- provide all service recipients with a written notice that identifies the service recipient rights in subdivisions 2 and 3, and an explanation of those rights to each person receiving services under your 245D license or their legal representative, if applicable; and
- maintain documentation of the person or person's legal representative's receipt of a copy of these rights in the person's 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 (P3), the license holder did not assist with safekeeping of funds as required.

The license holder was assigned responsibility to assist P3 with safekeeping of funds in 2023. The license holder did not document the preferences of P3's case manager for receiving a statement that itemizes receipts and disbursements of funds.

Corrective Action Ordered: The license holder no longer assists P3 with safekeeping of funds. On an ongoing basis, you must maintain compliance as required in this subdivision.

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

Violation: For two persons whose records were reviewed (P4 and P6), the license holder did not meet service planning and delivery requirements for basic support services.

The license holder did not review and revise P4's and P6's support plan addendum, as needed, within 60 days of service initiation to document the services that will be provided including how, when and by whom services will be provided, and the person responsible for overseeing the

delivery and coordination of services. The license holder completed the above-mentioned for P6 on March 28, 2025.

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

- review and revise P4's support plan addendum to ensure the support plan addendum includes the above-mentioned information;
- maintain documentation of the review and revision in P4's service recipient record;
- train staff who provide direct support services to P4 on the revised support plan addendum; and
- maintain documentation of the training provided in each staff person's personnel record.

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

6. Citation: Minnesota Statutes, section 245D.071, subdivision 3.

Violation: For one person whose record was reviewed (P5), the license holder did not complete initial service planning and review for intensive services as required.

The license holder did not meet with the P5, P5's person's legal representative, P5's case manager and other members of the support team or expanded support team within 60 calendar days of service initiation on March 1, 2024. The license holder had a meeting with the above-mentioned on May 14, 2024. Additionally, the license holder did not complete assessments that produced information that described P5's overall strengths, functional strengths, functional skills and abilities, and behaviors or symptoms.

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

- revise P5's assessments to produce information about P5's overall strengths, functional skills, and abilities;
- review P5's assessments with P5, P5's legal representative, and P5's case manager;
- train staff who provide direct support services to P5 on the updated assessment; and
- maintain documentation of the training provided in each staff person's personnel record.

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

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

Violation: For five persons whose records were reviewed (P1-P4 and P6), the license holder did not maintain service recipient records as required.

The license holder did not maintain progress or daily log notes for P1-P4 and P6.

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

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

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

- a. The license holder did not provide the following orientation training to SP2 and SP5 within 60 days of hire:
  - a job description and how to complete specific job functions; and
  - 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.
- b. The license holder did not provide training to SP4 on 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 within 60 days of SP4's hire date.

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

- provide SP2, SP4 and SP5 with the above-mentioned orientation trainings; and
- maintain documentation of when SP2, SP4 and SP5 receives the training, including:
  - the date the training was completed;
  - the number of hours per subject area; and
  - the name of the trainer or instructor.

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

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

Violation: For five staff persons whose records were reviewed (SP1, SP3, SP4, SP5, and SP6), the license holder did not provide annual training as required.

- a. The license holder did not provide SP1, SP3, SP4 and SP5 with the following annual trainings in 2025:
  - 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;
  - 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; and
  - basic first aid.
- b. The license holder did not provide SP1, SP3, SP4, SP5 and SP6 with annual training in 2025 on a complete list of service recipient rights as indicated in citation three.
- c. The license holder did not provide SP6 with the following annual trainings in 2024:
  - 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
  - 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 license holder did not provide SP6 with the following annual training in 2024 and 2025:

- 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. This orientation must be provided within 72 hours of first providing direct contact services and annually thereafter according to section 245A.65, subdivision 3;
- 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 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.

These trainings were last provided to SP6 on September 11, 2023.

- d. The license holder did not provide SP6 with annual trainings on data privacy requirements according to sections 13.01 to 13.10 and 13.46 and staff responsibilities related to complying with data privacy practices in 2025.

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

- provide SP1, SP3, SP4, SP5, and SP6 with the above-mentioned annual training.
- maintain documentation of when SP1, SP3, SP4, SP5, and SP6 receives the training, including:
  - the date the training was completed;
  - the number of hours per subject area;
  - and the name of the trainer or instructor.

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

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

Violation: For six staff persons whose records were reviewed (SP1-SP6), the license holder did not maintain personnel records as required.

The license holder did not maintain a personnel record for SP1-SP6 that documented SP1's-SP6's training including 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.