

Variance Checklist for  
Adult Foster Care—Alternate Overnight Supervision  
Minnesota Statutes, section 245A.11, subd. 7

The Commissioner may grant a variance to rule parts requiring a caregiver to be present in an adult foster care home during normal sleeping hours to allow for alternative methods of overnight supervision. The Commissioner may grant the variance if it is recommended by the County licensing agency and if the recommendation includes documentation that certain conditions have been met.

Please include a County licensing recommendation, which includes documentation verifying that:

- ❑ County approves of license holder's plan of alternative method of providing overnight supervision and has determined that the plan protects the resident's health, safety and rights.
- ❑ License holder has obtained written and signed informed consent from each resident or each resident's legal representative documenting their agreement with the alternative method of overnight supervision; and
- ❑ Alternative method of providing overnight supervision is specified for each resident in whatever placement plan is required for each resident (individualized plan of care, or individual service plan, or individual resident placement agreement.)

Please send your recommendation, including above-referenced documentation, and a completed VARIANCE REQUEST FORM to Division of Licensing – Family Systems Unit, mail code 0242

NOTE: To be eligible for a variance for alternate overnight supervision, the license holder must not have had a licensing action under Minnesota Statutes, section 245A.06 or Minnesota Statutes, section 245A.07 within the prior 24 months based on a failure to provide adequate supervise, health care services, or resident safety in the adult foster care home.