

Impact of 245D Home and Community-Based Services on Foster Care Homes

Overview of foster care license changes when 245D licensed services are provided in the home

Current license type	Change to license type	Licensing requirement exemptions identified in 245D	245D licensing requirements that apply in place of the exemptions	Licensing & investigation role
Child Foster Care (Family or Corporate)	No change to the child foster care license.	<ul style="list-style-type: none"> • 245D.04 Service Recipient Rights <p>[DHS will propose a legislative amendment in 2014 to remove this exemption. The child foster care licensing requirements in rule parts 2960.3000 to 2960.3340, do not provide for resident rights. Rule 2960.0050 does not apply to child foster care. It is limited to children's residential facilities. As a result, these providers must comply with the service recipient rights requirements under section 245D.04.]</p>		<p>County No change, county maintains CFC licensing functions and activities.</p> <p>The county child protection services will continue to investigate reports of maltreatment.</p> <p>DHS DHS Licensing performs licensing functions for the 245D-HCBS program license, including monitoring for compliance with 245D program licensing requirements as part of 245D-HCBS license inspections and complaint investigations.</p>
Adult Foster Care (Family)	No change to the adult foster care license.	<p>If the provider holds both the AFC license and the HCBS license, the provider is exempt from compliance AFC licensing requirements:</p> <ul style="list-style-type: none"> a. 9555.6185 Foster Care Training b. 9555.6225 Sanitation and Health, <u>subp. 8. Resident's medication</u> [245D passed last session omitting the reference to subp. 8: DHS will seek an amendment in the 2014 legislative session to correct this omission] e. 9555.6235 Adult Foster Home Program, item C [This was listed in error; it is not exempt under 245D] d. 9555.6245 Personal Record of Resident in Foster Care e. 9555.6255 Resident's Rights f. 9555.6265 Safeguards for Cash Resources Entrusted to Operator 	<p>If the provider holds both licenses, the provider must comply with the 245D-HCBS licensing requirements that supersede the exempted AFC licensing requirements:</p> <ul style="list-style-type: none"> a. 245D.09 Staffing Standards b. 245D.05 Health Needs e. 245D.071 Service Planning and Delivery; Intensive Support Services, subd. 2. Abuse prevention d. 245D.095 Record Requirements e. 245D.04 Service Recipient Rights f. 245D.06 Protections, subd. 4. Funds and property. 	<p>County Minimal change to monitoring functions. County monitors for compliance with the remaining non-exempt AFC licensing requirements at the residence. County maintains all other current AFC licensing functions and activities.</p> <p>DHS DHS Licensing performs licensing functions for the 245D-HCBS program license, including monitoring for compliance with 245D program licensing requirements as part of 245D-HCBS license inspections and complaint investigations.</p> <p>DHS will investigate reports of VA maltreatment.</p>

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Adult Foster Care (Corporate)	AFC license converts to a 245D-Community Residential Setting (CRS) license effective January 1, 2014	<p>The AFC license requirements are replaced by the 245D-HCBS program license requirements and the 245D-CRS license requirements.</p> <p>At this time, conversion from a corporate AFC to a CRS is required only when all residents at the site receive either crisis respite, SLS or foster care services as defined under the DD, CAC, CADI, or BI waiver plans. If one or more residents receive any other service, including foster care services as defined under the Elderly Waiver (EW), the site cannot convert to a CRS.</p>	<p><u>245D CRS standards:</u></p> <ul style="list-style-type: none"> • 245D.21 Facility Licensure Requirements and Application Process • 245D.22 Facility Sanitation and Health • 245D.23 Community Residential Settings; Satellite Licensure Requirements and Application Process • 245D.24 Community Residential Settings; Physical Plant and Environment • 245D.25 Community Residential Settings; Food and Water • 245D.26 Community Residential Settings; Sanitation and Health 	<p>County Changes to county licensing functions beginning January 1, 2014.</p> <p><u>Conversion from AFC to 245D-CRS:</u> Beginning July 2013, current corporate AFC license holders will use the DHS eLicensing system to convert their Rule 203 AFC license to a 245D-CRS license when applicable. There is no license application fee for the conversion. This is a one-time conversion. The provider will apply for a 245D-HCBS program license if the provider does not hold a 245B DD services license at the time of conversion of the Rule 203 AFC license.</p> <p><u>Application process:</u> The county will accept and process applications for new 245D-CRS licenses after Jan. 1, 2014. The foster care moratorium requirements under 245A apply to new 245D-CRS sites. A provider must hold a 245D-HCBS program license in order to apply for a 245D-CRS license. Applications will be processed using a modified foster care license application form (DHS-3324) or the new eLicensing system once in production for county use.</p> <p><u>License renewal:</u> The county will renew the 245D-CRS license according to the same renewal schedule established for the AFC license before conversion to a CRS. Renewals will be processed using the same tools as applications.</p> <p><u>License inspection & complaint investigation:</u> The county will monitor compliance with the 245D-CRS licensing requirements using a compliance monitoring tool to be developed by DHS for use beginning January 1, 2014.</p>

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				<ul style="list-style-type: none"> • The county will issue correction orders when licensing violations are determined • The county will make recommendations to DHS Licensing to make a license conditional or to issue a sanction against the license <p><u>Variations:</u> The county will accept and review variance requests to the 245D-CRS licensing requirements using the same process for non-delegated AFC license variances beginning January 1, 2014.</p> <p><u>Alternate overnight supervision:</u> Variances or licenses in place in AFC homes converting to a 245D-CRS will continue under the 245D-CRS license. The county will monitor for compliance with these requirements when applicable in the CRS.</p> <p><u>Adult mental health certification:</u> Certification in place for AFC homes converting to a 245D-CRS will continue under the converted license according to 245D.33 Adult Mental Health Certification Standards.</p> <p>DHS DHS Licensing performs licensing functions for the 245D-HCBS program license, including monitoring for compliance with 245D program licensing requirements as part of 245D-HCBS license inspections and complaint investigations.</p> <p>DHS will investigate reports of VA maltreatment.</p>