

**DHS DIVISION OF LICENSING
Self-Monitoring Checklist**

Developmental Disabilities Services Licensed under Minnesota Statutes, chapter 245B

RISK MANAGEMENT PLANS

LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
245B.06, Subd. 2	The license holder met the requirements for developing, documenting in writing, and implementing risk management plans.				
245B.03, Subd. 2, (a)	245B-Residential Services that are ICF/MR certified Supervised Living Facilities are exempt from the requirements of this section as identified in section	/	/	/	
	License holders licensed under Minnesota Statutes, chapter 245B are exempt from the Individual and Program Abuse Prevention Plans required under sections 245A.65, subd. 2, and 626.557, subd. 14, if the risk management plan (RMP) requirements are met.				
245B.06, Subd. 2, (a)	The license holder developed,				
	documented in writing, and				
	implemented a risk management plan that meets the requirements of this subdivision.				
245B.06, Subd. 2, (b)	<u>Areas of Assessment:</u> The plan identified the areas in which the consumer was vulnerable, based on an assessment, at a minimum, of the following areas:				
245B.06, Subd. 2, (b), (1)	Susceptibility to abuse, including:				
	An adult consumer's susceptibility to physical, emotional, and sexual abuse as defined in section 626.5572, subd. 2, and				
	financial exploitation as defined in section 626.5572, subd. 9; or				
	A minor consumer's susceptibility to sexual and physical abuse as defined in section 626.556, subd. 2; and				
	A consumer's susceptibility to self-abuse, regardless of age.				

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245B.06, Subd. 2, (b), (2)	Consumer health needs, considering the consumer's:				
	physical disabilities;				
	allergies;				
	sensory impairments;				
	seizures;				
	diet;				
	need for medications; and ability to obtain medical treatment.				
245B.06, Subd. 2, (b), (3)	Consumer safety needs, considering the consumer's:				
	ability to take reasonable safety precautions;				
	community survival skills;				
	water survival skills;				
	ability to seek assistance or provide medical care; and				
	access to toxic substances or dangerous items.				
245B.06, Subd. 2, (b), (4)	Environmental issues, considering:				
	the program's location in a particular neighborhood or community;				
	the type of grounds and terrain surrounding the building;				
	the consumer's ability to respond to weather-related conditions;				
	open locked doors; and				

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	remain alone in any environment.				
245B.06, Subd. 2, (b), (5)	Consumer behavior, including:				
	behaviors that may increase the likelihood of physical aggression between consumers as defined under section 245B.02, subdivision 10, clause (6) [meaning physical aggression by a consumer against another consumer that causes physical pain, injury, or persistent emotional distress, including, but not limited to, hitting, slapping, kicking, scratching, pinching, biting, pushing, and spitting]; or				
	<p>sexual activity between consumers involving force or coercion, as defined under section 245B.02, subdivision 10, clause (7) [meaning sexual activity between consumers involving force or coercion as defined under section 609.341, subdivisions 3 and 14].</p> <ul style="list-style-type: none"> ▪ "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit. ▪ "Coercion" means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual penetration or contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat. 				

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	<ul style="list-style-type: none"> ▪ Section 626.557, subd. 14, (b), (2), of the Vulnerable Adults Act, requires an assessment of the person's risk of abusing other vulnerable adults. This is currently not an identified area assessment for the RMP. However, this is an important aspect of consumer behavior that could contribute to a person's overall susceptibility to abuse. License holders may want to conduct an assessment of this area. 				
245B.06, Subd. 2, (c)	<p><u>Assessment Process:</u> When assessing a consumer's vulnerability the license holder considered only the consumer's skills and abilities independent of staffing patterns, supervision plans, the environment, or other situational elements.</p> <ul style="list-style-type: none"> ▪ Meaning, if alone with no staff, supervision or support, what would the consumer be able to do on his or her own to prevent harm to self in any given social or physical environment? ▪ Areas of assessed risk should not contradict other documentation addressing risk levels, such as the ISP, behavior support plans, supports and methods, etc. 				
245B.06, Subd. 2, (d)	<p><u>Coordinating RMPs</u> When jointly providing services to a consumer with another license holder, the license holder coordinated and used the resulting assessment of risk areas for the development of each license holder's risk management or the shared risk management plan.</p> <ul style="list-style-type: none"> ▪ Having all license holders sign each RMP or the shared RMP is one way to document coordination of the RMP. ▪ A single RMP shared between license holders includes: <ul style="list-style-type: none"> - assessments of the different physical and social environments specific to each of the licensed programs; and - action plans applicable to each of the licensed programs. 				

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	<p><u>Specific actions to protect and minimize risk</u> For each area where the person was assessed to be vulnerable and at risk, the license holder's plan included specific actions a staff person would take to protect the consumer and minimize risks for the identified vulnerability areas.</p> <p>The specific actions included proactive measures being taken, training being provided, or a detailed description of actions a staff person would take when intervention is needed.</p> <ul style="list-style-type: none"> ▪ The actions to be taken must be clearly stated in measurable and observable terms. Passive terms such as, "will be supervised" or "will be monitored" do not provide staff with clear direction on what to do, how to do it, or when to do it. Absent clear and specific direction staff may do what they believe is best and not what is meant or needed. 				
245B.06, Subd. 2, (f)	<p><u>Annual Review</u> After approval of the initial RMP, the license holder reviewed the plan at least annually and</p> <p>updated the plan based on the individual consumer's needs and changes to the environment.</p> <p>The license holder gave the consumer or consumer's legal representative and</p> <p>case manager an opportunity to participate in the ongoing plan development.</p> <p>The license holder obtained dated signatures from the consumer or consumer's legal representative and</p> <p>case manager to document completion of the annual review and approval of plan changes.</p>				

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