

**Licensing Requirements & Exemptions for Programs Licensed as
Foster Care & 245D Home and Community-based Services**

FAMILY ADULT FOSTER CARE: Licensing Requirements & Exemptions

A “family” adult foster care (AFC) home is one where the AFC license holder lives in the AFC residence. When the family AFC provider also provides services governed under the 245D HCBS Standards to one or more residents in the home, the provider must obtain a 245D-HCBS program license; and the provider is exempt from compliance with certain AFC licensing requirements under Rule 203 (Minnesota Rules, parts 9555.5105 to 9555.6265).

The foster care licensing agency retains most of the licensing functions for these homes. Where the provider is specifically exempt from compliance with a AFC licensing requirement the foster care agency does *not* monitor for compliance with the exempted requirement. Instead the provider is subject to the equivalent or higher standard under chapter 245D.

Compliance with the 245D HCBS standards is monitored by DHS Licensing under the provider’s 245D-HCBS program license.

Rule 203 AFC Standards	245D HCBS Standards	Licensing Agency DHS / County
9555.5105 to 9555.5705		County
9555.6115 License Application Process		County
9555.6125 Licensing Study		County
9555.6145 Negative Licensing Actions		County
9555.6165 Capacity		County
9555.6167 Individual Resident Placement Agreement		County
9555.6175 Cooperate With And Report To Agencies		County
9555.6185 Foster Care Training The provider is exempt from this rule part, including training on maltreatment of vulnerable adults required under section 245A.65 Maltreatment of Vulnerable Adults, Subd. 3. Orientation of mandated reporters.	Instead the provider must comply with section 245D.09 Staffing Standards, which includes training on maltreatment of vulnerable adults under 245A.65, Subd. 3.	DHS
9555.6195 Prohibitions Against Maltreatment And Discrimination		County
9555.6205 Physical Environment		County
9555.6215 Water and Food		County
9555.6225 Sanitation and Health		County
Section 245D.03 Applicability and Effect, Subd. 2 Relationship to other standards governing HCBS, (c), should have limited this exemption to subpart 8. Resident's medication, meaning the provider has to comply with all of part 9555.6225, except subpart 8. This was a technical error which DHS will seek to amend in the 2014 legislative session.	Instead the provider must comply with section 245D.05 Health Needs.	DHS
9555.6235 Adult Foster Home Program		County
9555.6245 Personal Record of Resident in Foster Care The provider is exempt from this rule part.	Instead the provider must comply with section 245D.095 Record Requirements.	DHS
9555.6255 Resident's Rights The provider is exempt from this rule part.	Instead the provider must comply with section 245D.04 Service Recipient Rights.	DHS
9555.6265 Safeguards For Cash Resources Entrusted To Operator The provider is exempt from this rule part.	Instead the provider must comply with section 245D.06 Protections, Subd. 4. Funds and property	DHS

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CORPORATE ADULT FOSTER CARE HOMES: Licensing Requirements & Exemptions

A “corporate” adult foster care (AFC) home is where the AFC license holder *does not* live in the AFC residence. When the corporate AFC provider also provides services governed under the 245D HCBS Standards to at least one but not all residents of the AFC home, the provider must obtain a 245D-HCBS program license; and the provider is *not* exempt from compliance with any AFC licensing requirements under Rule 203 (Minnesota Rules, parts 9555.5105 to 9555.6265). The foster care licensing agency retains all licensing functions for the corporate AFC home according to Rule 203. DHS licensing monitors for compliance with all requirements under the 245D-HCBS program license.

CHILD FOSTER CARE HOMES (Corporate or Family): Licensing Requirements & Exemptions

When child foster care provider also provides services governed under the 245D HCBS Standards, the provider must obtain a 245D-HCBS program license. When those 245D licensed services are provided to residents of the child foster care home the provider is *not* exempt from compliance with any child foster care licensing requirements under Minnesota Rules, parts 2960.3000 to 2960.3400. The foster care licensing agency retains all licensing functions for the child foster care home according to Minnesota rules, parts 2960.3000 to 2960.3400. DHS licensing monitors for compliance with all requirements under the 245D-HCBS program license.