

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

**Home and Community-Based Services Licensed under Minnesota Statutes, chapter 245D**

## **RECORDS & PRIVACY**

### **Definitions:**

"Coordinated service and support plan" [CSSP] has the meaning given in sections [256B.0913, subdivision 8](#); [256B.0915, subdivision 6](#); [256B.092, subdivision 1b](#); and [256B.49, subdivision 15](#), or successor provisions [section 245D.02, subdivision 4b].

*The CSSP is developed by the case manager in consultation with person and/or their representative. The CSSP provides direction to license holders and assigns responsibilities, including:*

- *Services/tasks that the license holder is responsible to implement*
- *Reporting requirements above the minimum reporting required in Chapter 245D*
- *Person-centered planning elements*
- *Additional assessments to be completed by the license holder, if any.*

"Coordinated service and support plan addendum" [CSSP addendum] means the documentation that this chapter requires of the license holder for each person receiving services [section 245D.02, subdivision 4c].

*The person's support team or expanded support team must participate in the development of the CSSP addendum. The CSSP addendum is not a single document. It is multiple documents or documentation the license holder is required to develop that identify how services will be delivered in order to meet a person's identified needs and desired outcomes.*

*Within the scope of services and the responsibilities assigned to the license holder in the CSSP, the CSSP addendum may include the following elements:*

- *Documentation when the person's rights have been restricted, including justification and the plan for full restoration of rights [section 245D.04, subdivision 3, paragraph (c)]*
- *Documentation of the health needs procedures, including psychotropic medication monitoring [sections 245D.04, subdivision 3, paragraph (c) and 245D.051]*
- *Reports of incidents [section 245D.06, subdivision 1]*
- *Documentation of the positive support transition plan, when required [section 245D.06, subdivision 8]*
- *Individual abuse prevention plan (IAPP) [section 245A.65, subdivision 2, paragraph (b)]*
- *Assessments and service planning [sections 245D.07, subdivision 2 and 245D.071, subdivision 3]*
- *Documentation of the methods to be used to support a person's identified needs and accomplish identified outcomes [section 245D.071, subdivisions 3 – 5] including:  
    *Documentation of any continuous use of permitted actions and procedures [section 245D.06, subdivision 7, paragraphs (b) and (c)] and  
    Documentation of the support team's review of emergency use of manual restraint and any changes to the person's service plan [section 245D.061, subdivision 7]**
- *Progress reports and recommendations [sections 245D.07, subdivision 3 and 245D.071, subdivision 5]*

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"Expanded support team" means the members of the support team defined in subdivision 46 and a licensed health or mental health professional or other licensed, certified, or qualified professionals or consultants working with the person and included in the team at the request of the person or the person's legal representative [section 245D.02, subdivision 8b].

"Support team" means the members of the service planning team identified in section 256B.49, subdivision 15, or the interdisciplinary team identified in Minnesota Rules, part 9525.0004, subpart 14 [section 245D.02, subdivision 46].

**Key**

Language that is contained in [brackets] or *italics* is provided for clarification.

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LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
<a href="#">245D.095</a> , Subd. 1	<b><u>Record-Keeping Systems</u></b> <b>The license holder maintained the required information of service recipient, personnel, and program records.</b>				
	The license holder ensured that the content and format of service recipient, personnel, and program records are uniform and legible according to the requirements of this chapter.				
<a href="#">245D.095</a> , Subd. 2	<b><u>Admission and Discharge Register</u></b> <b>The license holder kept a register of all persons served by the program.</b>				
	The license holder kept a written or electronic register, listing ___ in chronological order ___ the dates and names of all persons served by the program who have been admitted, discharged, or transferred, ___ including service terminations initiated by the license holder and deaths. <i>[Transfers would include when a person's service(s) change or they move into and/or out of a licensed service site but continue to receive services from the license holder.]</i>				
<a href="#">245D.095</a> , Subd. 3	<b><u>Service Recipient Record</u></b> <b>The license holder maintained and protected service recipient records of each person for whom services are provided or coordinated.</b>				
<a href="#">245D.095</a> , Subd. 3, (a)	The license holder maintained a record of current services provided to each person on the premises where the services are provided or coordinated.				
	When the services were provided in a licensed facility, the records were maintained at the facility, otherwise the records were maintained at the license holder's program office.				

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	The license holder protected service recipient records against ___loss, ___tampering, or ___unauthorized disclosure according to the requirements in sections 13.01 to 13.10 and 13.46.				
245D.095, Subd. 3, (b)	<p>The license holder maintained the following information for each person:</p> <p>(1) an admission form signed by the person or the person's legal representative that included:</p> <p>(i) identifying information, including            ___ the person's name,            ___ date of birth,            ___ address, and            ___ telephone number; and</p> <p>(ii) [including]            ___ the name, address, and telephone number of the person's legal representative, if any, and            ___ a primary emergency contact,            ___ the case manager, and            ___ family members or others as identified by the person or case manager.</p> <p>(2) service information, including            ___ service initiation information,            ___ verification of the person's eligibility for services,            ___ documentation verifying that services have been provided as identified in the CSSP or CSSP addendum according to paragraph (a), and            ___ date of admission or readmission;</p> <p>(3) health information, including            ___ medical history,            ___ special dietary needs, and            ___ allergies,</p>				

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	and when the license holder is assigned responsibility for meeting the person's health service needs according to section <a href="#">245D.05</a> :				
	(i) current orders for medication, treatments, or medical equipment and				
	a signed authorization from the person or the person's legal representative to administer or assist in administering the medication or treatments, if applicable;				
	(ii) a signed statement authorizing the license holder to act in a medical emergency when the person's legal representative, if any, cannot be reached or is delayed in arriving;				
	(iii) medication administration procedures;				
	(iv) a medication administration record documenting the implementation of the medication administration procedures, and				
	the medication administration record reviews,				
	including any agreements for administration of injectable medications by the license holder according to the requirements in section <a href="#">245D.05</a> ; and				
	(v) a medical appointment schedule when the license holder is assigned responsibility for assisting with medical appointments;				
	(4) the person's current CSSP or that portion of the plan assigned to the license holder;				
	(5) copies of the individual abuse prevention plan and assessments as required under section <a href="#">245D.071, subdivisions 2 and 3</a> ;				
	(6) a record of other service providers serving the person when the person's CSSP or CSSP addendum identifies the need for coordination between the service providers, that includes				

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	<ul style="list-style-type: none"> <li>___ a contact person and telephone numbers,</li> <li>___ services being provided, and</li> <li>___ names of staff responsible for coordination;</li> </ul>				
	(7) documentation of orientation to <ul style="list-style-type: none"> <li>___ service recipient rights according to section <a href="#">245D.04, subdivision 1</a>, and</li> <li>___ maltreatment reporting policies and procedures according to section <a href="#">245A.65, subdivision 1</a>, paragraph (c);</li> </ul>				
	(8) copies of authorizations to handle a person's funds, according to section <a href="#">245D.06</a> , subdivision 4, paragraph (a);				
	(9) documentation of complaints received and grievance resolution;				
	(10) incident reports involving the person, required under section <a href="#">245D.06</a> , subdivision 1;				
	(11) copies of <ul style="list-style-type: none"> <li>___ written reports regarding the person's status when requested according to section <a href="#">245D.07, subdivision 3</a>,</li> <li>___ progress review reports as required under section <a href="#">245D.071, subdivision 5</a>,</li> <li>___ progress or daily log notes that are recorded by the program, and</li> <li>___ reports received from other agencies involved in providing services or care to the person; and</li> </ul>				
	(12) discharge summary, including service termination notice and related documentation, when applicable.				

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245D.095, Subd. 4	<p><b><u>Access to Service Recipient Record</u></b>  <b>The license holder allowed access to the person's record to appropriate persons.</b></p>				
	<p>The license holder ensured that the following people had access to the information in subdivision 1 in accordance with applicable state and federal laws, regulations, or rules:</p> <p>(1) the person, the person's legal representative, and anyone properly authorized by the person;</p> <p>(2) the person's case manager;</p> <p>(3) staff providing services to the person unless the information was not relevant to carrying out the CSSP or CSSP addendum; and</p> <p>(4) the county child or adult foster care licensur, when services were also licensed as child or adult foster care.</p>				
245D.095, Subd. 5	<p><b><u>Personnel Records</u></b>  <b>The license holder maintained personnel records.</b></p>				
245D.095, Subd. 5, (a)	<p>The license holder maintained a personnel record of each employee to document and verify staff qualifications, orientation, and training.</p> <p>The personnel record included:</p> <p>(1) the employee's</p> <ul style="list-style-type: none"> <li>___ date of hire,</li> <li>___ completed application</li> <li>___ an acknowledgement signed by the employee that job duties were reviewed with the employee and the employee understood those duties, and</li> <li>___ documentation that the employee met the position requirements as determined by the license holder;</li> </ul>				

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	<p>(2) documentation of</p> <ul style="list-style-type: none"> <li>___ staff qualifications,</li> <li>___ orientation,</li> <li>___ training, and</li> <li>___ performance evaluations as required under section <a href="#">245D.09, subdivisions 3 to 5,</a></li> </ul> <p>[the training documentation] included</p> <ul style="list-style-type: none"> <li>___ the date the training was completed,</li> <li>___ the number of hours per subject area, and</li> <li>___ the name of the trainer or instructor; and</li> </ul> <p>(3) a completed background study as required under chapter 245C.</p>				
245D.095, Subd. 5, (b)	<p>For employees hired after January 1, 2014, the license holder maintained documentation in the personnel record or elsewhere, sufficient to determine</p> <ul style="list-style-type: none"> <li>___ the date of the employee's first supervised direct contact with a person served by the program, and</li> </ul>	Date	Date	Date	
	<ul style="list-style-type: none"> <li>___ the date of first unsupervised direct contact with a person served by the program.</li> </ul>	Date	Date	Date	
<b><a href="#">245A.041, Subd. 3</a></b>	<b><u>Record Retention</u> The license holder ensured records were maintained and stored to allow for review by DHS.</b>				
245A.041, Subd. 3, (a)	<p>The license holder maintained and stored records in a manner that will allow for review by the commissioner as identified in section 245A.04, subdivision 5.</p> <p>The following records were maintained as specified and in accordance with applicable state or federal law, regulation, or rule:</p> <p>(1) service recipient records, including verification of service delivery, were maintained for a minimum of five years following discharge or termination of service;</p>				

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	(2) personnel records were maintained for a minimum of five years following termination of employment; and				
	(3) program administration and financial records were maintained for a minimum of five years from the date the program closes.				
245A.041, Subd. 3, (b)	A license holder who ceased to provide services maintained all records related to the licensed program for five years from the date the program closed.				
	The license holder notified the commissioner of the location where the licensing records were stored and the name of the person responsible for maintaining the stored records.				
245A.041, Subd. 3, (c)	If the ownership of a licensed program or service changed, the transferor, unless otherwise provided by law or written agreement with the transferee, was responsible for maintaining, preserving, and making available to the commissioner on demand the license records generated before the date of the transfer.				
245A.041, Subd. 3, (d)	In the event of a contested case, the license holder retained records as required in paragraph (a) or until the final agency decision was issued and the conclusion of any related appeal, whichever period was longer.				
<b>245A.041, Subd. 4</b>	<b><u>Electronic Records</u> The license holder ensured electronic records were used in compliance with chapter 245A.</b>				
	The license holder's use of electronic record keeping or electronic signatures met the following requirements:  (1) use of electronic record keeping or electronic signatures did not alter the license holder's obligations under state or federal law, regulation, or rule;  (2) the license holder ensured that the use of electronic record keeping did not limit the commissioner's access to records as specified under section <a href="#">245A.04</a> , subdivision 5;				

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	<p>(3) upon request, the license holder assisted the commissioner in accessing and copying all records, including encrypted records and electronic signatures; and</p> <p>(4) the license holder established a mechanism or procedure to ensure that:</p> <p>(i) the act of creating the electronic record or signature was attributable to the license holder, according to section <a href="#">325L.09</a>;</p> <p>(ii) the electronic records and signatures were maintained in a form capable of being retained and accurately reproduced;</p> <p>(iii) the commissioner had access to information that established the date and time that data and signatures were entered into the electronic record; and</p> <p>(iv) the license holder's use of electronic record keeping or electronic signatures did not compromise the security of the records.</p>				
<a href="#">245D.11</a> , Subd. 3	<p><b><u>Data Privacy Policy</u></b>  <b>The license holder implemented the program's data privacy policies and procedures to protect service recipient privacy as required.</b></p>				
	<p>The license holder [implemented] policies and procedures that promoted service recipient rights by ensuring data privacy according to the requirements in:</p> <p>(1) the Minnesota Government Data Practices Act, section <a href="#">13.46</a>, and all other applicable Minnesota laws and rules in handling all data related to the services provided; and</p>				

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	<p>(2) the Health Insurance Portability and Accountability Act of 1996 (HIPAA), to the extent that the license holder performed a function or activity involving the use of protected health information as defined under Code of Federal Regulations, title 45, section <a href="#">164.501</a>, including, but not limited to, providing health care services; health care claims processing or administration; data analysis, processing, or administration; utilization review; quality assurance; billing; benefit management; practice management; repricing; or as otherwise provided by Code of Federal Regulations, title 45, section <a href="#">160.103</a>.</p> <hr/> <p>The license holder complied with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, Code of Federal Regulations, title 45, parts 160 to 164, and all applicable requirements.</p>				
<a href="#">245D.04</a> , Subd. 1 and <a href="#">245D.04</a> , Subd. 3	<p><b><u>Service Recipient Right to Privacy</u></b> The license holder ensured the exercise and protection of the person's rights, including the person's right to privacy of their records.</p>				
245D.04, Subd. 3, (a)	<p>[The license holder ensured the exercise and protection of the person's rights in the services provided by the license holder and as authorized in the CSSP, including the right to:]</p> <p>(1) have personal, financial, service, health, and medical information kept private,</p> <hr/> <p>and was advised of disclosure of this information by the license holder;</p> <p>(2) accessed records and recorded information about the person in accordance with applicable state and federal law, regulation, or rule;</p> <hr/> <p>(14) personal privacy;</p>				

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245D.04, Subd. 3, (b)	<p>For a person who resided in a residential site licensed according to chapter 245A or where the license holder was the owner, lessor, or tenant of the residential service site, protection-related rights also included the right to:</p> <p>(1) have daily, private access to and use of a non-coin-operated telephone for local calls and long-distance calls made collect or paid for by the person;</p> <p>(2) receive and send, without interference, uncensored, unopened mail or electronic correspondence or communication; [and]</p> <p>(4) privacy for visits with the person's spouse, next of kin, legal counsel, religious advisor, or others, in accordance with section <a href="#">363A.09</a> of the Human Rights Act, including privacy in the person's bedroom.</p>				