

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

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

PERSONAL FUNDS & PROPERTY and LEGAL REPRESENTATION RESTRICTIONS

Definitions:

"Annual" or "Annually" means prior to or within the same month of the subsequent calendar year [section 245A.02, subd. 2b].

"Case manager" means the individual designated to provide waiver case management services, care coordination, or long-term care consultation, as specified in sections [256B.0913](#), [256B.0915](#), [256B.092](#), and [256B.49](#), or successor provisions [section 245D.02, subdivision 3].

"Legal representative" means the parent of a person who is under 18 years of age, a court-appointed guardian, or other representative with legal authority to make decisions about services for a person. Other representatives with legal authority to make decisions include but are not limited to a health care agent or an attorney-in-fact authorized through a health care directive or power of attorney [section 245D.02, subdivision 12].

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

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

LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
245D.06 , Subd. 4 and 245A.04 , Subd. 13	The license holder met all requirements for safeguarding and handling a person’s funds and property.				
245A.04, Subd. 13, (a)	<u>Use and Availability of Funds and Property</u> The license holder ensured that the person retained the use and availability of personal funds or property unless restrictions are justified in the person’s individual plan.				
245A.04, Subd. 13, (b)	<u>Separation of Funds</u> The license holder ensured separation of the person’s funds from funds of the license holder, the program, or program staff.				
245A.04, Subd. 13, (c)	<u>Documentation</u> Whenever the license holder assisted a person with the safekeeping of funds or other property the license holder: (1) immediately documented receipt and disbursement of the person’s funds or the property at the time of receipt or disbursement,				
	included the person’s signature or the signature of the conservator or payee; and <i>[Written authorization to assist a person with the safekeeping of funds, as specified in section 245D.06, subdivision 4, meets the requirement for obtaining the signature of the person, conservator, or payee.]</i>				
	(2) returned to the person upon the person’s request, funds and property in the license holder’s possession subject to restrictions in the person’s treatment plan, as soon as possible, but no later than three working days after the date of request.				

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

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

LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
245D.06, Subd. 4, (a)	<p><u>Authorization</u> Whenever the license holder assisted a person with the safekeeping of funds or other property according to Minnesota Statutes, section 245A.04, subdivision 13, the license holder had obtained written authorization to do so from the person or the person's legal representative and the case manager.</p> <p>Authorization was obtained within five working days of service initiation and renewed annually thereafter.</p>	<p>Date of service initiation:</p> <p>Date authorization obtained:</p> <p>Date assistance began:</p>	<p>Date of service initiation:</p> <p>Date authorization obtained:</p> <p>Date assistance began:</p>	<p>Date of service initiation:</p> <p>Date authorization obtained:</p> <p>Date assistance began:</p>	
	<p><u>Survey of Preferences for Itemized Statements</u> At the time initial authorization was obtained, the license holder surveyed, documented, and implemented the preferences of the person or the person's legal representative and the case manager for frequency of receiving a statement that itemizes receipts and disbursements of funds or other property.</p>	<p>Date of survey:</p> <p>Frequency preferred?</p>	<p>Date of survey:</p> <p>Frequency preferred?</p>	<p>Date of survey:</p> <p>Frequency preferred?</p>	
	<p>The license holder documented changes to these preferences when they were requested.</p>				
245D.06, Subd. 4, (b)	<p><u>Powers of Attorney</u> The license holder or staff person did not accept powers-of-attorney from a person receiving services from the license holder for any purpose.</p> <p>This does not apply to license holders that are Minnesota counties or other units of government or to staff persons employed by license holders who were acting as attorney-in-fact for specific individuals prior to implementation of this chapter [January 1, 2014].</p>				
	<p>The license holder maintained documentation of the power-of-attorney in the service recipient record.</p>				

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

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

LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
245D.06, Subd. 4, (c)	<p><u>Legal Representation Restrictions</u> The license holder or staff person was restricted from accepting an appointment as a guardian as follows:</p> <p>(1) under section 524.5-309 of the Uniform Probate Code, any individual or agency that provides residence, custodial care, medical care, employment training, or other care or services for which the individual or agency receives a fee may not be appointed as a guardian unless related to the respondent by blood, marriage, or adoption; and</p> <p>(2) under section 245A.03, subdivision 2, paragraph (a), clause (1), a related individual as defined under section 245A.02, subdivision 13, was excluded from licensure.</p> <p>Services provided by a license holder to a person under the license holder's guardianship were not licensed services.</p>				
245D.06, Subd. 4, (d)	<p><u>Transfer or Death</u> Upon the transfer or death of a person, any funds or other property of the person were surrendered to the person or the person's legal representative, or given to the executor or administrator of the estate in exchange for an itemized receipt.</p>				
245A.04, Subd. 13, (d)	<p><u>Prohibitions</u> License holders and program staff did not:</p> <p>(1) borrow money from a person served by the program;</p> <p>(2) purchase personal items from a person;</p> <p>(3) sell merchandise or personal services to a person;</p> <p>(4) require a person to purchase items for which the license holder was eligible for reimbursement; or</p> <p>(5) use the person's funds to purchase items for which the facility was already receiving public or private payments.</p>				