

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

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

## **DSF STAFFING & SUPERVISION**

Minnesota Statutes, section 245D.31 identifies the factors that must be considered when a day service facility (DSF) is determining the number of direct service staff members that a license holder must have on duty at a given time to meet the minimum staffing requirements. This varies according to:

- (1) the number of persons who are enrolled and receiving direct services at that given time;
- (2) the staff ratio requirement established under section 245D.31, subdivision 3 for each of the persons who is present; and
- (3) whether the conditions described in section 245D.31, subdivision 8 exist and warrant additional staffing beyond the number determined to be needed under subdivision 7.

When determining compliance with the staffing requirements, the license holder must further consider whether the staff ratio requirement established under subdivision 3 for each person receiving services accurately reflects the person's need for staff time.

The *staff ratio requirement* is not the same as the *minimum supervision requirement*. The staff ratios of 1:4, 1:6 or 1:8 are part of the calculation used to factor the minimum number of staff the program must have available to provide services throughout the program for the number of persons being served at any given time.

For example, the facility needs a plan and procedures for ensuring the minimum staffing for supervision is maintained when one staff person is needed to assist one person with personal cares or takes a small group of people into the community for an activity and is not available to supervise or train other people. The program must also take into account any requirements for additional staffing that may be identified in a person's coordinated service and support plan or coordinated service and support plan addendum.

However, at no time may one direct service staff member be assigned responsibility for supervision and training of more than ten people at a time, except as otherwise stated in each person's coordinated service and support plan or coordinated service and support plan addendum. The day service facility needs to determine how this minimum supervision will be maintained throughout the day given programming needs and personal needs of persons served at any given time.

### **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.*

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**Assigning Staff Ratio**

[245D.31 subdivision 4](#); **A person must be assigned a staff ratio requirement of one to four if:**

1. on a daily basis the person requires total care and monitoring or constant hand-over-hand physical guidance to successfully complete at least three of the following activities: toileting, communicating basic needs, eating, or ambulating; or
2. the person engages in conduct that poses an imminent risk of physical harm to self or others at a documented level of frequency, intensity, or duration requiring frequent daily ongoing intervention and monitoring as established in the person's coordinated service and support plan or coordinated service and support plan addendum.

[245D.31 subdivision 5](#); **A person must be assigned a staff ratio requirement of one to eight if:**

1. the person does not meet the requirements in subdivision 4; and
2. on a daily basis the person requires verbal prompts or spot check and minimal or no physical assistance to successfully complete at least three of the following activities: toileting, communication basic needs, eating, or ambulating.

[245D.31 subdivision 6](#); A person who does not have any the characteristics describe in subdivision 4 or 5 must be assigned a staff ratio requirement of one to six.

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LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
<a href="#">245D.31</a>	<p><b><u>Staff Ratio Requirements</u></b>  <b>The license holder ensured that an assessment of the person's staff ratio requirements was determined as required.</b></p>				
245D.31, Subd. 3-6	<p><u>Determining the Staff Ratio</u>            The case manager, in consultation with the IDT determined at least once each year which of the ratios 1:4, 1:6, and 1:8 was appropriate for each person receiving services on the basis of the characteristics described in subdivisions 4, 5, and 6.</p> <p><u>Assigned Staff Ratio</u>            The ratio assigned each person and the documentation of how the ratio was arrived at was kept in each person's CSSP or CSSP addendum.</p> <ul style="list-style-type: none"> <li>• See definitions above</li> </ul> <p><u>Documentation of Assigned Staff Ratio</u>            Documentation included an assessment of the person with respect to the characteristics in subdivisions 4, 5, and 6, recorded on a standard assessment form required by the Commissioner.</p>	Determined annually	Determined annually	Determined annually	
245D.31, Subd. 7	<p><b><u>Minimum Staffing Requirements</u></b>  <b>The license holder ensured that the minimum number of direct service staff members were present as required.</b></p>				
245D.31, Subd. 7, 8, and 11	<p>The individual staff ratios assigned to each person do not constitute the minimum supervision requirements. Meaning, an assigned staff ratio of 1:6 does not require one staff is present for six persons assigned a 1:6 staffing ratio. The staffing ratio is used to calculate the minimum number of direct service staff the day service facility is required to have present at any one time to meet the <u>combined</u> staff ratio requirements of the persons present at that time. This means the minimum staffing requirements are the same for all persons present at any one time.</p>				

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	<p>Only staff providing direct support may be counted as staff members in calculating the staff-to-participant ratio. A volunteer may be counted as a direct support staff in calculating the staff-to-participant ratio if the volunteer meets the same standards and requirements as paid staff. No person receiving services may be counted as or be substituted for a staff member in calculating the staff-to-participant ratio.</p>				
	<p>A multifunctional program may count other employees of the organization besides direct support staff of the day service facility in calculating the staff-to-participant ratio if the employee is assigned to the day services facility for a specified amount of time, during which the employee is not assigned to another organization or program. To determine compliance you need to know the assigned staff ratio of the persons present at the time and follow the steps in clauses (1) through (4) below.</p>				
245D.31 Subd. 7, (1)	<p>Assign each person in attendance the three-digit decimal below that corresponds to the staff ratio requirement assigned to that person: 1:4 = 0.250; 1:8 = 0.125; 1:6 = 0.166; and 1:10 = 0.100.</p>				
245D.31, Subd. 7, (2)	<p>Add all of the three-digit decimals (one three-digit decimal for every person in attendance) assigned in clause (1);</p>				
245D.31, Subd. 7, (3)	<p>When the sum in clause (2) falls between two whole numbers, round off the sum to the larger of the two whole numbers; and</p>				
245D.31, Subd. 7, (4)	<p>The larger of the two whole numbers in clause (3) equals the number of direct service staff members needed to meet the staff ratio requirements of the persons in attendance.</p>				

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245D.31, Subd. 9	<p><b><u>Additional Staff Requirements</u></b>  <b>The license holder ensured that additional direct service staff were present when required.</b></p>				
	<p>The license holder increased the number of direct service staff members present at any one time beyond the number arrived at in subdivision 4 if necessary when any one or combination of the following circumstances was documented by the Commissioner as existing:</p> <p>(1) the health and safety needs of the persons receiving services could not be met by the number of staff members available under the staffing pattern in effect even though the number had been accurately calculated under subdivision 7; or</p> <p>(2) the person's conduct frequently presents an imminent risk of physical harm to self or others.</p>				
245D.31, Subd. 10	<p><b><u>Minimum Supervision Requirements</u></b>  <b>The license holder ensured the minimum supervision requirements were met.</b></p>				
245D.31, Subd. 10, (a)	<p>At no time was one direct service staff member assigned responsibility for supervision and training of more than ten persons receiving supervision and training, except as otherwise stated in each person's coordinated service and support plan or coordinated service and support addendum.</p>				
245D.31, Subd. 10, (b)	<p>In the temporary absence of the director or a supervisor, a direct support staff member was designated to supervise the center</p>				