



Minnesota Department of **Human Services**

DATE: November 21, 2014

TO: **CHILDREN'S RESIDENTIAL FACILITIES – CRF (DHS RULE 2960)**

RE: Licensing Updates and Renewal Information for Licenses Effective January 1, 2015

A. LICENSE HOLDER REQUIREMENTS FOR LICENSE RENEWAL

- 1. License fee payment required before your 2015 license is printed.** Your license fee payment must be received before we can print your 2015 license. Therefore, please make your payment as soon as possible, but no later than the due date printed on the invoice.

Temporary surcharge - Minnesota Statute 16E.22 requires state agencies to collect a temporary surcharge of 10 percent (not to exceed \$150) on each business, commercial, professional, or occupational license for development of a statewide electronic licensing system. This surcharge is reflected on line 2 of the license fee invoice. The surcharge for the license will be in effect for up to six years between July 1, 2009, and June 30, 2015.

- 2. Programs closing on or before December 31, 2014.** If you plan on closing your program on or before December 31, 2014, please notify your licensor immediately so we can cancel the bill for your 2015 license.
- 3. Submitting your license fee payment.** Submit your license fee payment after you have received the invoice for your license. Do not submit your license fee payment without your invoice. We encourage you to pay the bill online at DHS Web Payments by going to <http://payments.dhs.state.mn.us>.
- 4. Licensing review.** The annual renewal of your license and payment of your 2015 license fee is independent from the licensing review of your program. You will receive notice from your DHS licensor about the license review prior to your next scheduled review.
- 5. Expired license.** If you allow your license to expire because you fail to pay the 2015 license fee, you will need to apply for a new license. Due to limited staff resources and other work priorities, it could be months before a new license is issued. You cannot operate under an expired license while your new application is being processed. In addition, you will lose access to NETStudy to submit online background study requests.
- 6. Unpaid licensing fees or fines.** If a license holder or controlling individual has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent, your 2015 license cannot be reissued until the payment is received.
- 7. Change in license information.** If you wish to change any terms on your license, please contact your licensor immediately so those changes can be approved before we print your 2015 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate Change in Licensing Information Form (CLIF) for each license. Also, the invoice for

your license fee will be sent to the billing address you provided to Licensing. If this information is not current, it will delay receipt of your license fee invoice.

8. **Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the licensor assigned to your program.

B. SELECTED HIGHLIGHTS OF 2014 LICENSING LEGISLATION

The 2014 Minnesota Legislature passed several amendments affecting Department of Human Services (DHS) license holders. Information on [new laws passed in 2014 that affect licensed programs](#) is now available on the Licensing Division public website located under "What's New". License holders are responsible to read these summaries and to take the action necessary to comply with any new applicable requirements.

C. GENERAL INFORMATION, UPDATES, AND RESOURCES

1. **Online information.** The [Licensing Division public website](#) is your primary source of information on licensing standards and requirements. As an ILA license holder, it is your responsibility to frequently check for updates, changes, and additions to this information. Below are highlights of the available online information.
2. **Children's Residential Facilities licensing laws and rules.** Laws and rules applicable to Children's Residential Facilities are available to you online through the Minnesota Office of the Revisor of Statutes. The following links to the laws and rules are also on the [Children's Residential Facilities webpage](#).
 - [parts 2960.0010 to 2960.0710](#) – Children's Residential Facilities Rule
 - [Chapter 245A](#) -Human Services Licensing Act
 - [Chapter 245C](#) - Human Services Background Study Act
 - [Chapter 148F](#) - Alcohol and Drug Counselor Licensing
 - [Chapter 626.557](#) - Reporting of Maltreatment of Vulnerable Adults
 - [Chapter 626.556](#) - Reporting of Maltreatment of Minors Act
 - [Chapter 245.487 through 245.4887](#) - Minnesota Comprehensive Children's Mental Health Act)
3. **Mental health and chemical health programs licensing forms.** License holders have access to various [licensing forms](#) developed by DHS, intended for use by CRF programs, and in compliance with current licensing requirements. Many forms are designed for general use by all licensed programs, but there are several forms
4. **Licensing Lookup:** Public searches for DHS licensed programs can be done using the DHS [Licensing Information Lookup](#) online search tool or by reviewing the online DHS [licensed programs and services list](#).

Since July 1, 2010, the Licensing Division has posted licensing actions and decisions issued to DHS licensed programs online through [DHS Licensing Information Lookup](#). The licensing actions and decisions that are available include:

- Correction orders;
- Orders for conditional license;
- Sanctions which include fines, suspensions, and revocations;
- Commissioner's response to license holders' requests for reconsideration of correction orders and orders of conditional licenses;
- Commissioner's final orders resulting from contested case hearings; and
- Settlement agreements.

Documents are posted in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, section 13.46.

New licensing documents are posted daily on DHS Licensing Information Lookup. You may [sign up to receive daily emails](#) with links to newly published documents.

5. **Maltreatment information.** [Sample maltreatment reporting policies and procedures](#) and general information on [maltreatment investigations](#) are available online from the DHS Licensing web site.
6. **Alert information.** Information from our investigations unit highlighting areas where injuries and harm to persons receiving services from DHS licensed facilities is available online from the DHS Licensing web site under [Alerts](#).
7. **Online mandated reporter training.** DHS Licensing offers online training courses for both [Vulnerable Adults Mandated Reporting](#) and [Maltreatment of Minors Mandated Reporting](#).
 - a. **The Vulnerable Adults Mandated Reporting course** introduces mandated reporters to:
 - The Vulnerable Adults Act
 - Definition of maltreatment
 - Who are the mandated reporters
 - The Common Entry Point (CEP)
 - b. **The Maltreatment of Minors Mandated Reporter training** includes:
 - The Reporting of Maltreatment of Minors Act
 - An overview of the Minnesota Child Protection System
 - Definition of maltreatment
 - Who are mandated reporters

License holders are reminded that they must ensure mandated reporters under their control also receive training on the program's own maltreatment reporting policies and procedures in addition to the online course.

8. **The Licensing Division's telephone numbers.** Please ensure that your program's phone list and any applicable policies and procedures include current DHS telephone numbers:
 - Licensing Division – (651) 431-6500
 - Licensing Division's Main Fax – (651) 431-7673
 - MH/CD Licensing Unit Email – dhs.mhcdlicensing@state.mn.us
 - Maltreatment Intake/CEP/VA Report – (651) 431-6600
 - Maltreatment Fax – (651) 431-7601
9. **Background Studies Division.** The Background Studies area is now a separate division in the Office of the Inspector General. The phone number for the Background Studies Division Call Center is (651) 431-6620.
10. **License Renewal Letter.** The annually published [License Renewal Letter](#) for each service class is found under general information on the Licensing website. An archive of past License Renewal Letters is maintained.
11. **Reporting a death in the program.** Minnesota Statutes, 245A.04, subdivision 16 requires that DHS licensed programs must have a written policy for reporting the death of an individual served by the program to the commissioner of human services. Within 24 hours of receiving knowledge of the death of an individual served by the program, the license holder shall notify the commissioner of the death. If the license holder has reason to know that the death has been reported to the commissioner, a subsequent report is not required.

D. INFORMATION SPECIFIC TO ALL CHILDREN'S RESIDENTIAL FACILITY PROGRAMS (CRF)

1. **Self-monitoring checklists.** The [CRF webpage](#) on the DHS Licensing website has a [self-monitoring checklist for use by CRF/Rule 2960 license holders](#) to evaluate and ensure their program's ongoing compliance with applicable licensing standards. Checklists are organized into four topic areas: physical plant, policies and procedures, personnel files, and client records.
2. **Critical Incidents.** A license holder must report critical incidents of a serious nature that involve or endanger the life or safety of the resident or others to the commissioner of human services within 10 days of the occurrence. The reports must be made on [Critical Incident Report forms](#) that have been approved by the commissioner, and are available on the [DHS Licensing Forms web page](#). [Minnesota Rules, part 2960.0020, subpart 24](#) defines critical incident. Examples of critical incidents are included on the form.

Critical incident reports **DO NOT** replace the requirement to report alleged or suspected maltreatment within 24 hours.

3. **Children placed in a children's residential facility for the purposes of short term assessment, diagnosis, and evaluation,** must be admitted to a program certified to provide mental health treatment. The program must meet the requirements in Minnesota Rules, [part 2960.0670, subpart 2\(G\)](#), and provide the services in [part 2960.0590](#).

4. **Education.** Residential programs serving children (individuals under the age of 18 years) are required to obtain approval of their education program from the Minnesota Department of Education only when education is offered on-site. If you have questions or if your on-site education program does not have clear documentation of approval, please contact Lochlan Stuart, [Minnesota Department of Education – Care and Treatment Programs](mailto:Lochlan.Stuart@state.mn.us), via e-mail at Lochlan.Stuart@state.mn.us.
5. **Age of residents served in CRF Programs.** See Minnesota statutes, section [245A.04, subdivision 11](#), for changes made in 2012 that effect the permitted ages of residents to be served in CRF programs.
6. **Case Plans.** The case plan is a plan of care developed and monitored by the placing agency for a child or youth in a residential facility. The license holder must request the placing agency's case plan goals for the resident within 5 days of admission. If case plan goals are not available, the license holder must document repeated efforts to obtain them.
7. **Seat belt and child passenger restraint system use requirements.** Minnesota Statutes, section 254A.18, subdivision 1, has been amended to read: When a child is transported, a license holder must comply with all seat belt and child passenger restraint system requirements under Minnesota Statutes, sections [169.685](#), and [169.686](#).
8. **DSM-5.** As of October 1, 2014, the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Health Disorders* (DSM), 5th Edition, will be the required classification reference tool for clinicians and licensed mental health professionals. For more information, please click on the following link: [ICD-10 and DSM-5 Frequently Asked Questions](#)

E. INFORMATION SPECIFIC TO CRF PROGRAMS REQUIRED TO COMPLY WITH MINNESOTA RULES, PARTS 2960.0430 TO 2960.0490 (Chemical Dependency Treatment Certification)

1. **Board of Behavioral Health and Therapy phone number.** The main phone number for the BBHT office has been changed to (612) 548-2177. Direct numbers for staff members have **not** changed.
2. **Opioid Addiction Treatment Education.** Minnesota Statutes, Section [245A.1915](#) requires that all programs licensed by the commissioner to provide chemical dependency treatment services (this includes CRF programs with a chemical dependency certification) must provide educational information concerning treatment options for opioid addiction, including the use of a medication for the use of opioid addiction, to clients identified as having or seeking treatment for opioid addiction. The commissioner shall develop educational materials that are supported by research and updated periodically that must be used by the programs to comply with this requirement.
3. **Chemical Dependency Treatment Fund Billing and Rate Enhancement Requirements.** CRF programs providing chemical dependency and co-occurring treatment services are eligible to bill through the CCDTF. For information regarding the specific requirements please click on the following link for further information : [Complying with Chemical Dependency Treatment Fund Billing and Rate Enhancement Requirements](#)

F. INFORMATION FOR CRF PROGRAMS REQUIRED TO COMPLY WITH THE SCREENING IN MINNESOTA RULES, PART 2960.0070, SUBPART 5

Health Screenings must occur within 24 hours of admission, and must note the resident's history of abuse and vulnerability to abuse, potential for self-injury, current medications, and most recent physician's and clinic's name, address, and phone number.

G. INFORMATION FOR CRF PROGRAMS REQUIRED TO COMPLY WITH MINNESOTA RULES, PARTS 2960.0130 TO 2960.0220 (Group Residential Settings)

Staffing plans that include the use of staff who sleep at the facility during nighttime hours must meet all criteria in Minnesota Rules, [part 2960.0150, subpart 3, \(G\)](#) which includes the requirement to have and follow a policy which explains when the license holder will use awake staff to supervise residents at night, and that considers the age, condition, and known or suspected behavior characteristics of the residents.

H. INFORMATION FOR CRF PROGRAMS WITH RESTRICTIVE PROCEDURES CERTIFICATION (MINNESOTA RULES, PART 2960.0710)

- 1. Administrative Review of Restrictive Procedures.** Minnesota Rules, [part 2960.0710, subpart 10](#), requires that when a restrictive procedure is used, the administrative review of the restrictive procedure must be documented, and must state that the resident or the resident's representative was provided an opportunity to present evidence and argument to the reviewer about why the restrictive procedure was unwarranted.
- 2. Reviews of patterns of restrictive procedures.** As required by Minnesota Rules, [part 2960.0710, subpart 11](#), patterns of the use of restrictive procedures must be reviewed at least quarterly, and the reviews must be documented.
- 3. CRF Mental Health programs that are certified to provide restrictive techniques.** Minnesota Rules, part 2960.0710, subpart 6, item G requires staff to contact the mental health professional or the program director about the use of physical holding or seclusion. Programs with a mental health certification must contact the mental health professional versus the program director as soon as possible but no later than 30 minutes following the initiation of physical holding or seclusion as required by part 2960.0630. For clarification, in Minnesota Rules, part 2960.0630, and 2960.0710, "contact" requires two way communications.

I. INFORMATION FOR CRF PROGRAMS WHO PROVIDE RESIDENTIAL SERVICES TO INFANTS OR CHILDREN THROUGH AGE FIVE YEARS

- 1. Infant and Child Safety recommendations.** In order to reduce the risk of sudden unexplained infant death, it is recommended that license holders who provide children residential facility to youth who have infants and children under five years that live with them instruct the youth and program staff on the following standards:

Training recommendations. Minnesota Statutes, section [245A.1444](#) requires that license holders who provide residential services to infants or children through age five must document that before program staff persons or volunteers assist in the care of infants or children through

five years of age, they have been instructed on the standards for reduction of risk of sudden unexpected infant death in licensed programs in Section [245A.1435](#), and receive training on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. It is recommended that children residential facility license holders provide this training for program staff persons and clients.

Safe Sleep Practices. Amendments to Section [245A.1435](#) were approved by the 2013 and 2014 Legislature to improve child safety and better protect infants receiving care in licensed settings by providing additional standards for safe sleep practices. Section [245A.1444](#) was amended to reflect terminology changes from Sudden Infant Death Syndrome (SIDS) to Sudden Unexpected Infant Death (SUID), and from Shaken Baby Syndrome (SBS) to Abusive Head Trauma (AHT). These requirements are effective July 1, 2013.

Crib Safety Requirements recommendation. Minnesota Statutes, section [245A.146](#), requires that all licensed children's residential facilities, and chemical dependency treatment programs with children in care must maintain documentation of the brand name and the model number for every crib used by or that is accessible to any child in care, and documentation that meets federal documentation requirements to show that every full-size and non-full size crib that is used by or is accessible to any child in care is compliant with federal crib standards identified in 245A.146. The new rules, which apply to full-size and non-full-size cribs, address many factors related to crib safety. Detailed information about crib safety requirements is available on the link to [Children's Residential Facilities 2013 Renewal Letter](#).

J. INFORMATION FOR CRF PROGRAMS THAT SERVE VULNERABLE ADULTS

Any client who is 18 years of age or older at the time of admission or who turns 18 years old while receiving services in a children's residential facility is categorically defined as a vulnerable adult according to [Minnesota Statutes, section 626.5572, subdivision 21, item 2](#).

1. **Policies and Procedures:** License holders who provide services to vulnerable adults must have policies and procedures that meet the requirements of [Minnesota Statutes, sections 245A.65](#), and [section 626.557](#), including:
 - a. **A Program Abuse Prevention Plan** that contains an assessment of the physical plant, its environment, and its population, identifying factors which may encourage or permit abuse, and a statement of specific measures that will be taken to minimize the risk of abuse.
 - b. **Orientation requirements for Vulnerable Adults** ensuring that the program will provide orientation to the program abuse prevention plan and internal and external vulnerable adult maltreatment reporting procedures within 24 hours of a vulnerable adult's admission, or within 24 hours of the client's 18th birthday.
 - c. **An Individual Abuse Prevention Plan** developed by the license holder for each resident 18 years of age or older, with the participation of the resident to the full extent of the person's ability. The plan must meet the requirements of [626.557, subpart 14](#), and [245A.65, subdivision 2, \(b\)](#). A review and evaluation of the vulnerable adult's individual abuse prevention plan must be done as part of each treatment plan review.

K. QUESTIONS REGARDING THE 2015 LICENSE RENEWAL PROCESS

If you have any questions regarding this 2015 license renewal process, please contact the licensor assigned to your program. If you do not know the name of the licensor assigned to your program, please call (651) 431-6500 and ask to speak to the licensor on call for the MH/CD Unit.