



Minnesota Department of **Human Services**

DATE: November 1, 2015

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

RE: Licensing Updates and Renewal Information for Licenses Effective January 1, 2016

A. NEW AND UPDATED INFORMATION

- 1. 2015 Legislation affecting Children's Residential Facilities.** The 2015 Minnesota Legislature passed amendments affecting Department of Human Services (DHS) license holders. A summary of those amendments is available in a separate legislative summary memo, [Select Highlights of 2015 Legislation](#). As a license holder, it is your responsibility to read the summary and to take the action necessary to comply with any new requirements.

The updated 2015 statutes are now available online through the [Office of the Revisor of Statutes](#) website.

- 2. Minnesota Adult Abuse Reporting Center.** Minnesota has a new centralized system for reporting suspected maltreatment of vulnerable adults. On July 1, 2015, the [Minnesota Adult Abuse Reporting Center](#) (MAARC) was established. MAARC provides a web-based reporting system and a call center available 24 hours a day, seven days a week for mandated reporters. Mandated reporters are professionals or professional's delegate identified by law ([Minnesota Statutes, section 626.5572, subdivision 16](#)) who **MUST** make a report if they have reason to believe that the abuse, neglect or financial exploitation of a vulnerable adult has occurred. Mandated reporters can use the Minnesota Adult Abuse Reporting Center's web based report at [Minnesota Adult Abuse Reporting Center](#), or make a phone report by calling the statewide toll-free number at 844-880-1574.
- 3. Positive Supports Rule.** The Positive Supports Rule (PSR) is a new Minnesota rule that requires DHS license holders to use person-centered principles and positive support strategies for persons with developmental disabilities or related conditions. The rule applies to all DHS licensed programs who serve a person with a developmental disability or related condition. Information about the positive supports rule is currently available on the [DHS website](#).

The Department is working to develop a frequently asked question (FAQ) document to provide more direction and address specific questions submitted by license holders. This information will be posted to the DHS website and emailed to your designated Authorized Agent. In addition, questions about the Positive Supports Rule can be emailed to the DHS-Disability Services Division at positivesupports@state.mn.us.

- 4. NETStudy 2.0, the new background study system.** The Background Study Division continues to move forward with development and implementation of NETStudy 2.0. This is

the new portal to submit background study requests to DHS that includes use of the background study subject's fingerprints for the criminal record search and use a photograph for identity verification. Currently, there are over [50 DHS authorized fingerprint and photo service locations](#) operating across the state. After the background study subject is fingerprinted and photographed, background study determinations in NETStudy 2.0 are expected to be completed within a few hours for over 90% of requests, some determinations will be provided within an hour or two. When the law requires additional information or review, the background study may take more time. In these cases, the program is informed of the subject's background study status and whether the person must be supervised. In the new system, providers receive status updates and background study determinations electronically eliminating the need to maintain paper files for licensing reviews.

DHS began pilot testing NETStudy 2.0 in June of 2014 and a small group of providers, representing multiple license types, have fully transitioned to the new system. The Background Study Division is continuing to work on additional system functionality and will extend pilot testing with counties and other providers over the coming months. Implementation to larger groups of providers will be based on the completion of system refinements and the results of testing. In all cases, entities will be contacted at least four weeks in advance of being transitioned to the new system. During this time, provider user accounts will be established through "on boarding" and training will be available. More information is available on the [Background Study web page](#) under the [NETStudy 2.0 / Background Study Changes](#) feature. [FAQs](#) are also posted as is a link to [subscribe to an email list](#) for updates about NETStudy 2.0.

B. 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 a 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](#).
 - [Minnesota Rules, parts 2960.0010 to 2960.0710](#) – Children's Residential Facilities Rule
 - [Minnesota Statutes, Chapter 245A](#) -Human Services Licensing Act
 - [Minnesota Statutes, Chapter 245C](#) - Human Services Background Study Act
 - [Minnesota Statutes, Chapter 148F](#)- Alcohol and Drug Counselor Licensing
 - [Minnesota Statutes, Chapter 626.557](#) - Reporting of Maltreatment of Vulnerable Adults
 - [Minnesota Statutes, Chapter 626.556](#) - Reporting of Maltreatment of Minors Act
 - [Minnesota Statutes, Chapter 245.487 through 245.4887](#) - Minnesota Comprehensive Children's Mental Health Act)

- [Minnesota Rules, Chapter 9544 \(Positive Support Rule\)](#) – Positive Support Rule
3. **Mental health and chemical health programs licensing forms.** License holders have access to various [licensing forms](#) developed by DHS and in compliance with current licensing requirements. Many forms are designed for general use by all licensed programs, but there are several forms specific to Children’s Residential Facilities.
 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
- Statements of final agency decision of appeal.

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/Maltreatment Risk Reduction](#).
7. **Online mandated reporter training.** DHS Licensing offers online training courses for both [Vulnerable Adults Mandated Reporting](#) and [Maltreatment of Minors Mandated Reporting](#).

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)

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 – (651) 431-6600
- Maltreatment Fax – (651) 431-7601

9. Background Studies. The DHS website includes information on [Background Studies](#), which is now a separate division in the Office of the Inspector General. For questions regarding background studies or the NETStudy system, you can email DHS.NETStudyAdmin@state.mn.us or call (651) 431-6620.

2014 Background Study Changes:

- a. When a background study must occur (Minnesota Statutes, section 245C.04)
 - 1) This provision extends the amount of time someone can be absent from a position from 90 to 120 days without needing a new background study.
 - 2) This provision also requires the license holder or program to initiate a new background study when an individual changes his or her legal name.
- b. Background studies initiated by the program (Minnesota Statutes, section 245C.20)
 - 1) This provision requires licensed programs to document the date of the background study and when the subject first had direct contact with people served by the licensed program.

10. License Renewal Notice. The annually published [License Renewal Notice](#) 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.

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

- 1. Self-monitoring checklists.** Contact your licensor or email dhs.mhcdlicensing@state.mn.us if you would like to receive a self-monitoring checklist to evaluate your program against 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](#).

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

- 3. Education.** Residential programs serving children (individuals under the age of 18 years) are required to obtain approval of on-site education programs from the Minnesota Department of Education. If you have questions or if your on-site education program does not have clear documentation of approval, please contact Lochlan Stuart via e-mail at Lochlan.Stuart@state.mn.us.

In addition, all CRF programs except for those providing transitional care services must meet the requirements in Minnesota Rules, part 2960.0080, subpart 9, regarding educational services. The license holder must communicate with the resident's previous school and the school the resident attends while in the license holder's facility and as indicated in the case plan. The license holder must facilitate the resident's school attendance and homework activities, and must inquire at least every 90 days to determine whether the resident is receiving the required education.

Group residential facilities must forward written educational progress reports to the resident's school district of residence and involve the providing school district in developing the transition services plan.

- 4. Case Plans.** The case plan, or the "out of home placement 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.
- 5. Resident Health Screening.** All license holders must ensure each resident receives the appropriate health screening upon admission to the program. License holders providing shelter care services must arrange for a qualified professional to complete a health screening within 24 hours of admission ([Minnesota Rules, part 2960.0520, subpart 2, item B](#)).
- 6. 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](#).
- 7. Transitional Services Plans.** The license holder must develop a transition services plan for a resident prior to their discharge from the program. This must be done in conjunction with the placing agency, and with input from the resident, the resident's family members, and if appropriate, the providing school district and the persons who will provide services to the resident following their discharge.

Separate from other requirements governing documentation to be completed upon a resident's discharge, the transitional services plan should be in development throughout their participation in the program.

8. **Youth On Run from Placement.** New federal legislation (Preventing Sex Trafficking and the Strengthening Families Act) and state legislation ([Minnesota Statutes, section 260C.212, subdivision 13](#)) requires that if youth who are in the custody of a local social service agency run from placement, the run must be reported to the local law enforcement agency as well as to the National Center for Missing and Exploited Children.

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

1. **Approval of Requirements for Consolidated Chemical Dependency Treatment Fund (CCDTF) Services.** We appreciate all the time and effort by license holder's to submit the items requested to assist in verifying programs are meeting the requirements for residential and enhanced services billed to the CCDTF. Through this process providers should now more clearly understand the requirements for providing services that are billed to the CCDTF and we hope this better understanding will lead to a greater level of compliance with the requirements in the future.
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. Educational materials developed by the commissioner can be found [here](#).
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](#).
4. **Providing the Required 5, 15, or 30 Hours of Clinical Services Each Week for Low, Medium, and High Intensity Residential Services and Children's Residential Chemical Dependency Services.** Providers have asked what to do in cases when, due to medical appointments, a client does not receive the required 5, 15, or 30 hours of clinical services during a week. In these cases providers should first attempt to make up the services at some point during the remainder of the week. If this is not possible, document in the client's file the reason the client was unable to receive the required hours of services for that week. If the client is not receiving the required number of hours for multiple weeks, the provider must assess whether the intensity level is appropriate for the client.

E. INFORMATION SPECIFIC TO CRF PROGRAMS PROVIDING MULTIPLE TYPES OF SERVICE

License Holders that provide multiple services and work with residents who may transition or

transfer between these services must have policies to address this process. For example, if you are a license holder who provides both shelter care and residential mental health treatment services, your policy and procedure manual should define a process by which a resident may move between service levels as appropriate. Contact your DHS Licensor for more information.

F . INFORMATION FOR RESIDENTIAL MENTAL HEALTH PROGRAMS WHO ADMINISTER PSYCHOTROPIC MEDICATIONS

1. Minnesota Rules, part 2960.0620 requires that the use of a psychotropic medication must be included in the resident's individual treatment plan.
2. Informed consent for the administration of an anti-psychotic or neuroleptic medication must be obtained in writing. Programs cannot administer a neuroleptic medication prior to receiving written informed consent, unless a physician determines the medication is needed to prevent serious and immediate physical harm to the individual or others.

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

1. **Infant and Child Safety recommendations.** License holders who provide residential services to infants or children through age five must provide staff persons and volunteers training on the standards in [Minnesota Statutes, section 245A.1435](#) and on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children as described in [Minnesota Statutes, section 245A.1444](#). It is recommended that this training also be provided to parenting youth within the licensed program.
2. **Crib Safety Requirements.** Children's residential facilities who utilize cribs must follow all requirements in Minnesota Statutes, [section 245A.146](#). The license holder must perform and document safety inspections of every crib at least monthly, and certify the crib is safe annually. The form to document crib safety requirements is located at [DHS Monthly Safety Crib Inspection Form](#).
3. **Child Passenger Restraint Systems.** License holders who provide residential services to children aged 9 and younger must comply with all seat belt and child passenger restraint system requirements. The staff person transporting a child must have first completed training approved by the Department of Public Safety.

H. 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](#).

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 Program Abuse Prevention Plan;
- Orientation to the program abuse prevention plan and internal and external vulnerable adult maltreatment reporting procedures; and
- An Individual Abuse Prevention Plan.

I. LICENSE HOLDER REQUIREMENTS FOR LICENSE RENEWAL

- 1. License fee payment for your 2016 license.** All license holders must pay for their 2016 license online. Your Authorized Agent will receive an email with instructions and a direct link to pay for your 2016 license fee(s). License fee payments must be made within 30 days from receipt of the email to allow enough time for your 2016 license(s) to be issued by January 1, 2016.
- 2. Failure to pay 2016 license fee.** Your current license expires December 31, 2015. If you fail to pay the 2016 license fee, you will need to apply for a new license. 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.
- 3. Unpaid fines.** If you have an outstanding debt related to a fine or settlement agreement for which payment is delinquent, your 2016 license cannot be issued until the payment is received.
- 4. Programs closing on or before December 31, 2015.** If you plan on closing your program on or before December 31, 2015, please notify your licensor immediately so we can cancel the bill for your 2016 license.
- 5. Your onsite licensing review.** The annual renewal of your license is separate from the onsite licensing review conducted by your DHS licensor. You will receive notice from your licensor about the license review prior to your next scheduled review.
- 6. Change of license information.** If you wish to change any information on your license, please contact your licensor immediately so those changes can be approved before we issue your 2016 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate Change of License Information form for each license. If you have not identified an Authorized Agent or your Authorized Agent information is not current, it will delay the email to your Authorized Agent and the renewal of your 2016 license.
- 7. Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the DHS licensor assigned to your program, or call the main Licensing Division phone number at 651-431-6500 and select option 4 to speak with a licensor, and then select option 4 to speak with a licensor of mental health or chemical dependency services.