



## Minnesota Department of **Human Services**

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**DATE:** November 1, 2015

**TO:** **DETOXIFICATION PROGRAMS (DHS Rule 32)**

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

### **A. SELECTED HIGHLIGHTS OF 2015 LICENSING LEGISLATION**

1. The 2015 Minnesota Legislature passed several amendments affecting Department of Human Services (DHS) license holders. Information on [new laws passed in 2015 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.
2. Minnesota Statutes, [section 245A.1915](#), requires all license holders who provide chemical dependency treatment services to 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. It is recommended that license holders providing detoxification services provide this educational information concerning treatment options for opioid addiction to clients identified during chemical use screenings and assessments as having or seeking treatment for opioid addiction.
3. **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.
4. **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](mailto:positivesupports@state.mn.us).

5. **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. INFORMATION SPECIFIC TO DETOXIFICATION PROGRAMS (RULE 32)**

1. **Use of Protective Procedures in a Detoxification Program.** Because licensors are finding serious violations and issuing multiple citations in the area of protective procedures, license holders are strongly encouraged to review and ensure full implementation of [Minnesota Rules, part 9530.6535](#) and [part 9530.6570, subpart 2, item G](#). Requirements for the use of protective procedures are described in the [2013 Rule 32 License Renewal Letter](#), item E (4).
2. **Condition Specific Protocol / standing orders.** Minnesota Rules, part [9530.6560, subparts 4, item \(D\) and 5, item \(E\)](#) address the use of condition specific protocols for administration of medications that require a withdrawal regimen. This is often called standing orders in program policies.
  - a. 9530.6560, subpart 4, (D) requires that the registered nurse must be responsible for implementing condition specific protocols in compliance with Minnesota Statutes, section [151.37, subdivision 2](#); and
  - b. 9530.6560, subpart 5, (E) requires a license holder to document the medical director's approval of the formulation of condition specific protocols regarding the medications that require a withdrawal regimen that will be administered to clients. This approval must be obtained before the protocol is used and annually thereafter.

If your program uses “standing orders” to initiate medications that require a withdrawal regimen that is not client specific, but based on presenting symptoms, it is strongly suggested that you review your policies and procedures to ensure compliance with Rule 32 standards, and [Minnesota Nursing Board Use of Condition Specific Protocols FAQs](#).

3. **Admission Assessments.** Reminder: Program policies must require an admission assessment of all clients, including those brought in by police and placed immediately into seclusion. This is required in order to assess the level of intoxication, the substances ingested, and potential for increasing toxicity or other medical problems that may necessitate acute medical care.
4. **Arranging for a chemical use assessment.** [Minnesota Rules, part 9530.6530, subpart 2](#) requires the license holder to “provide or arrange for the provision of a chemical use assessment, according to parts 9530.6600 to 9530.6660 for each client who suffers from substance use disorder at the time the client is identified.” If the client leaves the program prior to the completion of a chemical use assessment according to Rule 25, then the license holder must document that the client has been given the date and time of an appointment for a chemical use assessment and the phone number and address or place where the assessment will be administered. The requirement to provide or arrange for the provision of a chemical use assessment applies to new clients and to readmitted clients when it has been more than one year since the last assessment. Subpart 2 states that if a client is readmitted within one year of the most recent assessment, an update to the assessment must be completed.

## 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 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. **Detoxification Program licensing laws and rules.** Detoxification program licensing laws and rules are available to you online through the [Minnesota Office of the Revisor of Statutes](#) as follows:
  - [Minnesota Rules, parts 9530.6405 to 9530.6505 \(DHS Rule 32\)](#)
  - [Minnesota Rules, part 9530.6615, subpart 2 \(Chemical Use Assessments Qualifications\)](#)
  - [Minnesota Statutes, Chapter 245A \(Human Services Licensing Act\)](#)
  - [Minnesota Statutes, Chapter 245C \(Human Services Background Study Act\)](#)
  - [Minnesota Statutes, Chapter 148F \(Alcohol and Drug Counselor Requirements\)](#)
  - [Minnesota Statutes, section 253B.05 \(Emergency Holds / Peace and Health Officer Holds\)](#)
  - [Minnesota Statutes, section 152.02, subdivision 3 \(Definition of Schedule II Drugs\)](#)
  - [Minnesota Statutes, section 148.171, subdivision 23 \(Definition of Supervision from the Nurse Practice Act\)](#)
  - [Minnesota Statutes, section 626.556 \(Reporting of Maltreatment of Minors Act\)](#)

- [Minnesota Statutes, section 626.557 \(Reporting of Maltreatment of Vulnerable Adults\)](#)
  - [Minnesota Rules, Chapter 9544 \(Positive Support Rule\)](#)
3. **Mental health and chemical health programs licensing forms.** License holders have access to various [licensing forms](#) developed by DHS, intended for use by programs, and in compliance with current licensing requirements. Many forms are designed for general use by all licensed programs.
  4. **Self-monitoring checklists.** Contact your licensor or email [dhs.mhcdlicensing@state.mn.us](mailto: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.
  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 maltreatment 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](#). Alerts are posted as needed throughout the year.
  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. **Licensing Lookup:** Public searches for DHS licensed programs can be done using the online [DHS Licensing Information Lookup](#) search tool or by reviewing the online DHS [licensed program 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
- Statement of final agency decision after 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.

- 9. Applying for a new license.** If you plan to submit an application for a license for a new Rule 32 Program, please note that the application forms for new licenses have changed. When applying for a new license, the application must be submitted in this new format. The application is available on the [DHS/Chemical Health web page](#) at the bottom of the Detoxification programs information section, and on the [Division of Licensing's Forms page](#). Previous versions of the licensing application form are no longer acceptable and will be returned to the applicant.
- 10. The Licensing Division's telephone numbers and email.** 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](mailto:dhs.mhcdlicensing@state.mn.us)
  - Maltreatment Intake – (651) 431-6600
  - Maltreatment Fax – (651) 431-7601
- 11. 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](mailto: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.

**12. License renewal notice.** The annually published [License Renewal Notice](#) for each service class is located under general information on the Division of Licensing website. An archive of past license renewal information is maintained.

**D. 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.