



Minnesota Department of **Human Services**

DATE: November 1, 2015

TO: MINNESOTA SEX OFFENDER PROGRAM (DHS RULE 26)

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

A. NEW AND UPDATED INFORMATION

- 1. 2015 Legislation affecting Minnesota Sex Offender Program.** 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. Minnesota Sex Offender Program (MSOP) licensing laws and rules.** Minnesota laws and rules applicable to Minnesota Sex Offender programs are available online through the [Minnesota Office of the Revisor of Statutes](#).
 - [Minnesota Rules, part 9515.3000 to 9515.3110 \(DHS Rule 26\)](#)
 - [Minnesota Statutes, Chapter 245A \(Human Services Licensing Act\)](#)
 - [Minnesota Statutes, Chapter 245C \(Human Services Background Study Act\)](#)
 - [Minnesota Statutes, Chapter 626.557 \(Reporting of Maltreatment of Vulnerable Adults\)](#)
 - [Minnesota Statutes, Chapter 626.556 \(Reporting of Maltreatment of Minors Act\)](#)
 - [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. **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 program list](#).

Since July 1, 2010, the Division of Licensing 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.

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 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 Adult 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. Applying for a new license.** If you plan to submit an application for a license for a new Rule 26 Program, please contact the Division of Licensing (651) 431-6500, and ask to speak to a licenser in the Mental Health/Chemical Health Unit.
- 9. 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
- 10. 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.

- 11. 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.
- 12. Smoking in licensed residential healthcare facilities.** The Minnesota Department of Health provides [Freedom to Breathe](#) information online based on the Minnesota Clean Indoor Air Act and restrictions on smoking in licensed residential facilities.
- 13. 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 MSOP (RULE 26) LICENSE HOLDERS

1. Determination of vulnerable adult status. As required in Minnesota Statutes, section [245A.65, subdivision 1\(a\)](#) a license holder providing services to adults who are excluded from the definition of vulnerable adult under section [626.5572, subdivision 21, paragraph \(a\), clause \(2\)](#), must determine whether the person is a vulnerable adult:

- a. Within 24 hours of admission to the licensed program; and
- b. Within 24 hours of any incident that was reported under section [626.557](#) or would have been required to be reported under section [626.557](#) if one or more of the adults involved in the incident had been vulnerable adults.

A [Vulnerable Adult Determination Form for use in Rule 26](#) based on the definition in [Minnesota Statutes, section 626.5572, subdivision 21, paragraph \(a\), clause \(4\)](#), is available on the [DHS Licensing forms web page](#) to assist MSOP in determining whether an individual is a vulnerable adult.

2. Individual Abuse Prevention Plan: An individual abuse prevention plan must be developed as part of the initial treatment plan or service plan for each person receiving services in the MSOP program who has been determined to be a vulnerable adult during the intake interview, or when a later determination of vulnerability is made. The review and evaluation of the vulnerable adult's individual abuse prevention plan must be done quarterly as part of the treatment plan review. See MN statutes section [626.557, subdivision 14](#) and [245A.65, subdivision 2](#) for individual abuse prevention plan requirements.

3. 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](#).

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.