



Minnesota Department of **Human Services**

DATE: December 3, 2015

TO: Chapter 245D Home and Community-Based Services License Holders

RE: License updates and renewal information for licenses effective January 1, 2016

A. LICENSE UPDATES

1. 2015 Legislation Affecting Chapter 245D Home and Community-Based Services

The 2015 legislative session resulted in a number of changes that directly or indirectly impact the licensed services you provide. The licensing legislation is summarized in a [new publication from the Office of Inspector General's Licensing Division \(PDF\)](#). The update includes information about the specific changes in law as well as links to the pertinent statutes.

Sample policies and forms

As a result of these changes the HCBS Unit has updated applicable sample policies and forms.

[Policies Updated](#)

- Safe Medication and Administration
- Service Termination
- Temporary Service Suspension

[Forms Updated](#)

- Health Needs Change Notice
- Medication Administration and Emergency Medical Authorization
- Notice of Service Termination
- Notice of Temporary Service Suspension
- Program Abuse Prevention Plan
- Progress Review Meeting Summary
- Progress Review Report
- Staff Annual Training Record
- Staff Orientation Record

If you have not updated your policies and implemented program changes related to these legislative changes you must do so immediately. Please follow the requirements in [Minnesota Statutes, section 245D.10, subdivision 4](#) when providing written notice of policy changes and training staff.

Temporary service suspension and termination

Effective August 1, 2015, [Minnesota Statutes, section 245D.10](#) was changed regarding temporary service suspension and service termination, effective August 1, 2015. The changes include:

- limitations on when the policies may be implemented;
- provide appeal rights to persons receiving services; and
- require you to notify DHS when suspending or terminating residential services.

The written suspension or termination notice to DHS should be sent by fax to 651-431-7406. This is a secure fax number. For your convenience, this fax number is included in the sample policies and forms.

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 of financial exploitation of a vulnerable adult has occurred. Mandated reporters can use the Minnesota Adult Abuse Reporting Center's web based report at mn.gov/dhs/reportadultabuse, 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. Background Studies Required

Providers are reminded that background studies are required for people who provide [direct contact services](#) to vulnerable adults and children receiving 245D licensed services. The background studies must be completed by DHS. The background studies must be conducted under your HCBS **license** or other programs **licensed** by the Department of Human Services, Department of Health, or Department of Corrections following the requirements in [Minnesota Statutes, section 245C.07](#). **A background study for a personal care assistant conducted under an unlicensed Personal Care Provider Organization (PCPO) number does not meet the background study requirements for 245D HCBS.** Contact the Background Studies Division with further questions or concerns at 651-431-6620 or dhs.NetStudyAdmin@state.mn.us.

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. RENEWING YOUR LICENSE FOR 2016

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. If you have questions about your renewal fee, please contact the HCBS Help Desk at 651-431-6624.

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 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.

C. RESOURCES

1. Online information

Information is available [online](#) at the DHS Licensing website and is your primary source of information on licensing standards and requirements. As a home and community-based services license holder, it is your responsibility to frequently check for updates, changes, and additions to this information.

College of Direct Support – online training for direct support professionals

<http://directcourseonline.com>

2. Licensing laws and rules

Chapter 245D Home and Community-Based Services licensing laws and related laws and rules and are available online through the Minnesota Office of the Revisor of Statutes.

[Minnesota Statutes, Chapter 245D – Home and Community-Based Services](#)

[Minnesota Statutes, Chapter 245A - Human Services Licensing Act](#)

[Minnesota Statutes, Chapter 245C – Human Services Background Studies Act](#)

[Minnesota Rules, Chapter 9544 – Positive Supports Rule](#)

3. Contact HCBS Unit

HCBS Unit Help Desk

651-431-6624 (Monday – Friday, 8:00 – 4:30)

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- Minnesota Statutes, Chapter 245A – Human Services Licensing
- Minnesota Statutes, Chapter 245C – Human Services Background Studies
- Minnesota Statutes, Sections 626.557 – Reporting of Maltreatment of Vulnerable Adults Act; and
- 626.5572 – Vulnerable Adults Act Definitions

3. Adult day center licensing forms. License holders have access to various licensing forms developed by DHS for use by programs, including variance request forms, and sample policies and procedures for reporting maltreatment of vulnerable adults.

4. DHS Licensing Look Up. Public searches for DHS licensed programs can be done using the DHS Licensing Look Up online search tool.

Since July 1, 2010, the Division of Licensing has posted licensing actions and decisions issued to DHS licensed programs online through Licensing Look Up. 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 can sign up to receive daily emails with links to newly published documents.

5. Contacting the Department of Human Services, Office of Inspector General. Please use these telephone numbers:

a) Licensing Division.

- General number - (651) 431-6500
- Main Fax – (651) 431-7673
- Maltreatment Intake – (651) 431-6600

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- Maltreatment Fax – (651) 431-7601

b) Background Studies Division. The Background Studies area is a separate division in the Office of the Inspector General. The phone number for the Background Studies Division Call Center is (651) 431-6620.

c) Financial Fraud and Abuse Investigation Division. The Office of Inspector General, in collaboration with other agencies, works to prevent public assistance fraud. If you have heard about or seen instances of potential fraud waste or abuse in DHS-licensed programs, we want to know. You can report fraud by phone at 651-431-3968 (twin cities metro) or 800-627-9977 (toll-free), or by using the Minnesota Fraud Hotline Form.

D. MALTREATMENT INFORMATION

1. Maltreatment information. General information on maltreatment investigations and sample maltreatment reporting policies and procedures are available online from the DHS Licensing web site.

2. Online mandated reporter training. DHS Licensing offers a Vulnerable Adults Mandated Reporting training course online. The Vulnerable Adults Mandated Reporting course is designed to introduce mandated reporters to:

- The Vulnerable Adults Act
- Definition of maltreatment
- Who are mandated reporters
- The Common Entry Point (CEP)

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.

3. 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.

E. SELLING YOUR ADULT DAY CENTER

If you plan to sell your adult day center, please note that **your license is not transferable** (see Minnesota Statutes, section 245A.04, subdivision 7, paragraph (c)). The buyer of your center must submit a license application, complete the application process, and receive a license

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before s/he can begin operating the center. The application process takes several months to complete. Please plan accordingly.