

CHAPTER 9545

DEPARTMENT OF HUMAN SERVICES

LICENSING OF FACILITIES FOR CHILDREN

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FAMILY FOSTER CARE AND GROUP FAMILY FOSTER CARE

9545.0010 DEFINITIONS.

Subpart 1. **Agency.** Unless qualified, "agency" means the county social service agency, or human service board, or licensed voluntary child-placing child-caring agency; the agency is the duly delegated representative of the commissioner.

Subp. 2. **Agency requirement.** "Agency requirement" means those portions of the rule binding upon the agency but not upon the provider, and so marked. Failure of the agency to meet one or more agency requirements is not a defense for the provider's failure to meet provider requirements.

Subp. 3. **Applicant.** "Applicant" means individual(s) who have submitted a signed and dated application form (DPW-138) to an agency.

Subp. 4. **Child.** "Child" means any person under the age of 18 years.

Subp. 5. **Commissioner.** Unless qualified, "commissioner" means the commissioner of the Department of Human Services or any representative of the commissioner.

Subp. 6. **Department.** Unless qualified, "department" means the Department of Human Services.

Subp. 7. **Foster family home (FFH).** "Foster family home" means a family home licensed to provide one or more of the following types of care for children who are unrelated to the family and who are cared for 24 hours a day:

A. "emergency shelter home" means an FFH designated primarily for time-limited emergency placements, usually lasting no longer than 30 days for any child;

B. "interim home" means an FFH caring for children expected to return home within one year or to be placed for adoption within two years;

C. "permanent home" means an FFH caring for children (whether state wards or not) under written agreement for planned care until child reaches majority;

D. "restricted home" means an FFH licensed for a specific child (an FFH licensed as a restricted home may not accept children other than the specifically named child(ren));

E. "special services home" means an FFH able to provide extraordinary care or services, by virtue of training, experience, or special skills; and

F. "group family foster home" means an FFH providing care for no more than ten children, including the family's own children.

Subp. 8. **Handicap.** "Handicap" means a condition of mental retardation or a related condition, mental illness, physical handicap, sight or hearing deficiency, or chemical dependency.

Subp. 9. **License.** "License" means the document issued by the commissioner and authorizing the applicant to provide foster care.

Subp. 10. **Licensed capacity.** "Licensed capacity" means the maximum number of foster children who can live in a foster home at any given time.

Subp. 11. **Provider.** "Provider" means person(s) giving care to foster child(ren) in a licensed FFH. The provider is responsible for meeting and maintaining minimum licensing requirements in cooperation with the agency.

Subp. 12. **Related.** "Related" means any of the following persons related to the child by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, niece, nephew, uncle, aunt. It also includes a legally appointed guardian.

Subp. 13. **Substitute caregiver.** "Substitute caregiver" means the person(s) providing temporary care for the foster child(ren) in the absence of the foster parent(s). Arrangements for substitute care must have the approval of the agency and the foster parent(s).

Subp. 14. **Waiver.** "Waiver" means written permission from either the department or designated agency to disregard a particular section of a licensing rule for no longer than 12 months.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 12 SR 1148*

9545.0020 LICENSING LAWS AND PROCEDURES.

Subpart 1. **Requirement and exclusions.** A foster family home (FFH) must be licensed by the department, with the following exclusions:

A. a home providing care and supervision only to children related to the family;

B. a home providing care and supervision for a total period of less than 30 days in any 12-month period;

C. a home providing care and supervision only to child(ren) placed in that home by an agency for the purpose of legal adoption, unless the adoption has not been completed within two years of placement; and

D. a home providing care and supervision only for one unrelated child of 16 or 17 years who has been independently placed by the child or a relative for purposes of education or work.

Subp. 2. **Application form.** Application for a license shall be made to the agency on the form issued by the department. This form shall be obtained from the public agency in the

county where the applicant resides or from a licensed voluntary child-placing child-caring agency.

Subp. 3. [Repealed, 15 SR 2105]

Subp. 4. **Specifications on license.** Every license shall specify the kind of license and the maximum number of foster children to be provided care at any one time.

Subp. 5. **Orientation and compliance of home before placements.** No child shall be placed by an agency in an unlicensed home until that home has begun the required orientation, and until that home has been evaluated for compliance with parts 9545.0090, item A; 9545.0180, subparts 3 and 5, items A to E (agency requirement).

Subp. 6. **Information for applicants.** Every applicant for an FFH license shall be furnished by the agency with a copy of this rule and a copy of the form "Agreement between Foster Parents and Placement Agency" (agency requirement).

Subp. 7. **Closure of home.** Notice of the closure of an FFH must be sent to the department (agency requirement).

Subp. 8. **Right to enter.** The commissioner or agency shall have access to the FFH for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the foster children, the commissioner or agency shall have access to the home at any time during the 24-hour day.

Subp. 9. [Repealed, 15 SR 2105]

Subp. 10. **Appeals.** Any applicant whose application for a license is denied and any provider whose license is revoked or not renewed for cause may appeal to the commissioner in accordance with Minnesota Statutes, chapter 14. The agency shall notify by certified mail any FFH whose license is denied, suspended, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or operator of the right to appeal the action. Appeals hearings shall be heard by the Office of Administrative Hearings.

Subp. 11. **Homes without license.** State law provides that any person without a license who operates an FFH required to be licensed, shall be guilty of a misdemeanor and subject to a fine of up to \$300. A home, not otherwise exempt from licensure, is required to apply for a license within 30 days of accepting an unrelated child if the child is expected to remain in the home for 30 days or longer.

Subp. 12. **Waiver.** Specific rules may be waived with the approval of the department according to the procedure established for such waiver, provided that the health and safety of the child(ren) is assured. The granting of a waiver shall not constitute a precedent for any other FFH. No waiver shall be valid for more than one year.

Subp. 13. **Authorization for acceptance or removal of foster children.** Foster children may be accepted into or removed from an FFH only under authorization of a local social services agency or a licensed agency or the court in the county where the child resides.

Subp. 14. **Denial, nonrenewal, revocation of license.** Failure, inability, or refusal to comply with parts 9545.0010 to 9545.0260 shall be cause for denial, nonrenewal, or revocation of license.

Subp. 15. **Concurrent licenses.** An FFH may not concurrently hold a license for family day care, group family day care, or group day care without the prior approval of the agency.

Subp. 16. **One agency to issue license.** An FFH shall not be licensed through more than one agency at a time.

Subp. 17. **Copy of rule for all homes.** All currently licensed homes shall be furnished with a copy of parts 9545.0010 to 9545.0260 after they become effective.

Statutory Authority: *MS s 245A.09; 245A.16*

History: *15 SR 2105; 17 SR 1279; L 1994 c 631 s 31*

9545.0030 LIMITATIONS OF LICENSE.

A family foster home shall be limited to the following, including the home's own children. See also part 9545.0250.

Reason: The abilities of parent(s) to provide care to foster children differ greatly. The maximum number of children allowed in foster homes must be flexible. But the maximums set must also allow foster family parents to devote sufficient time to each child.

A. Interim and permanent homes. Less than two years' experience as a foster home; no more than three foster children; no more than five children, total.

B. Interim and permanent homes. Two or more years' experience as a foster home; no more than five children, total.

C. Emergency shelter homes (designated). No more than seven children, total.

D. Special services homes (designated). No more than four foster children; no more than five children, total.

E. Where the foster care provider has not completed the required annual training at the time of relicensure, no further placements may be made in that home until the provider has complied with the training requirements. The license will be restricted to the children currently placed in that home (agency requirement).

F. No FFH may care for more than two children under the age of two years, unrelated to the FFH provider(s).

Statutory Authority: *MS s 245A.09*

9545.0040 EXCEPTIONS TO MAXIMUM NUMBER OF CHILDREN ALLOWED IN HOMES.

Exceptions to the maximum number of foster children will be allowed when:

A. Siblings need placement together as determined by the agency. Maximum number: seven children.

B. The home has five or six children of its own under age 18. Maximum number: seven children.

C. A child needs to be placed again in the same home as determined by the agency. Maximum number: seven children.

Statutory Authority: *MS s 245A.09*

9545.0050 MINIMUM AGE OF PROVIDERS.

All FFH providers must be at least 21 years of age at the time of licensure.

Statutory Authority: *MS s 245A.09*

9545.0060 NONTRANSFERABILITY OF LICENSE.

A license is not transferable to another provider or site.

Statutory Authority: *MS s 245A.09*

9545.0070 NOTICE TO AGENCY OF CHANGES AFFECTING LICENSES.

The agency must be notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.

Statutory Authority: *MS s 245A.09*

9545.0080 ADULT ROOMERS OR BOARDERS.

An FFH may not have adult roomers or boarders unrelated to the FFH provider without special permission of the agency. The FFH shall keep the agency informed about all persons living in the home and all others having regular contact with the foster child in the foster home.

Statutory Authority: *MS s 245A.09*

9545.0090 PERSONAL QUALITIES OF FOSTER FAMILY HOME APPLICANTS.

FFH applicants shall be kind, mature, and responsible people with a genuine liking for children. They shall possess consistent and healthy methods of handling the lifestyle unique to their own families. Evaluation of applicants shall consider cultural differences.

Reason: Children who must live apart from their own homes are uniquely in need of stable, understanding families. Many children needing placement are emotionally, mentally, or physically handicapped. These children need extra understanding and parenting to cope with their problems.

A. Satisfactory compliance: An FFH license shall not be issued or renewed where any person (except foster children) living in the household has any of the following characteristics:

- (1) a disqualification under part 9543.3070;
- (2) chemical dependency, unless the individual(s) identified as chemically dependent has been chemically free for at least 12 months; or
- (3) residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months if, in the judgment of the agency, the functioning of the family has been impaired.

B. Satisfactory compliance: In order to protect children in foster care and assure them the maximum opportunities for growth and development, each family caring for children shall be evaluated on the following essential elements:

- (1) have established and are comfortable with their own identity to the degree that meeting their own needs does not interfere with their meeting the needs of foster children;
- (2) have optimism, a sense of humor, resiliency, and ability to enjoy life;
- (3) be in touch with their own feelings, be able to express these feelings, and have a capacity to look at themselves realistically as to the kinds of children they can accept and work with;
- (4) have health and vigor to meet the needs of children placed with them;
- (5) have meaningful extended family, neighborhood, cultural, and community ties;
- (6) have the ability to deal with anger, sorrow, frustration, conflict, and other emotions in a manner which will build positive interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons;
- (7) have the ability to give positive guidance, care, and training to a child according to the child's stage of growth, special abilities, and limitations;
- (8) have the ability to use discipline in a constructive rather than destructive way;
- (9) understand, accept, and seek to nurture cultural, spiritual, racial, and affectional ties of the child;
- (10) have the ability and flexibility to accept a child in placement who has special needs, treat a foster child as a member of their family, recognizing that a foster child has other family ties;
- (11) have the ability to accept the foster child's own family and maintain an understanding relationship with them;
- (12) have the ability to work with the agency and other community resources;
- (13) have a capacity and willingness to involve themselves in ongoing educational opportunities, as well as other learning experiences;
- (14) be able to constructively resolve problems when difficulties arise;
- (15) be comfortable in relating to professional treatment personnel of all kinds, including the ability to discuss differences of viewpoint, and to be an advocate for the foster child when indicated; and
- (16) have an ability to openly discuss their attitudes about persons with differing life styles and philosophies and a capacity to accept people who are different from themselves.

Statutory Authority: *MS s 245A.04; 245A.09*

History: *15 SR 2043*

9545.0100 COOPERATION BETWEEN APPLICANTS AND AGENCIES.

FFH applicants and agencies must be able to work in partnership.

Reason: The agency has overall responsibility for planning with the child. The service of foster parents is an integral and important part of that plan. The relationship between the FFH and the agency must be one of mutual trust and respect.

Satisfactory compliance:

A. The FFH applicant and agency must sign and abide by the terms of the Foster Parent Agreement.

B. An FFH shall be visited at least once a month by a representative of the agency for the first six months after the first placement (agency requirement).

C. An evaluation visit shall be made by the agency at least once every 12 months for as long as the FFH provider maintains an FFH license. A copy of the written evaluation report shall be given to the FFH provider (agency requirement).

D. The FFH has a right to know the policy, procedure, and intentions of the agency towards placement of children in that FFH. The FFH may request and receive such information from the agency at the time of licensure and at any time that FFH has been without a placement for a 12-month period (agency requirement).

E. Training opportunities shall be made available and accessible to all applicants and FFH providers. Substitute caregivers shall be eligible for the same training as the licensed FFH providers (agency requirement).

F. There shall be a grievance mechanism for resolving differences between the agency and the FFH. The FFH provider shall be given a written statement of grievance procedures. Grievance procedures shall address those areas of disagreement not included in the appeal procedures set forth by the department (agency requirement).

Statutory Authority: *MS s 245A.09*

9545.0110 AGE OR PHYSICAL HANDICAP OF PROVIDERS.

Age or physical handicap of FFH providers shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the family.

Statutory Authority: *MS s 245A.09*

9545.0120 EVALUATION OF PROSPECTIVE PROVIDERS.

The agency may request consultation from specialists in evaluating the abilities of prospective FFH providers, but must evaluate each applicant on an individual basis (agency requirement).

Statutory Authority: *MS s 245A.09*

9545.0130 APPROVAL OF SUPERVISION PLAN FOR FOSTER CHILDREN.

When all adults in the FFH are employed or otherwise occupied for substantial amounts of time away from home, the plans for care and supervision of the foster children must be approved in advance by the agency.

Statutory Authority: *MS s 245A.09*

9545.0140 HEALTH OF PERSONS LIVING IN FFH.

Subpart 1. **Physical health.** The health of persons living in the FFH shall not be a hazard to the children.

Satisfactory compliance: The applicant shall supply evidence to the agency:

A. Sometime during the 12 months prior to initial licensure, each person living in the home has had a negative Mantoux test or chest X-ray.

B. A statement from the applicant's physician dated within the six months prior to licensure that either:

(1) members of the family have received a physical examination and are physically able to provide care to children; or

(2) members of the family are receiving all necessary continuing medical care and are physically able to provide care to children.

This statement may not be necessary for children who are members of the foster family if current school reports indicate good health.

The agency may, at its own discretion, require a physical examination of any person living in the home.

The FFH shall make the agency immediately aware of any communicable or infectious disease in the FFH.

Subp. 2. **Mental health.** When, in the opinion of the agency, any person in the home exhibits a mental health problem, the agency may require an evaluation of that person by a mental health specialist as a requirement for license.

Statutory Authority: *MS s 245A.09*

9545.0150 TRAINING FOR FOSTER CARE PROVIDERS.

Family foster care providers shall participate in training to develop and enhance their skills.

Reason: The vast majority of children needing placement are children with problems. Many children are emotionally, mentally, or physically handicapped.

The intent of an ongoing training program is to build on the foster parents' initial interest in providing service and to maximize their ability to provide the highest quality services to children. The aim of this training is to transfer information about foster care and foster children.

Orientation and in service training can, and should, take place in a variety of settings and through a variety of methods. For example: group sessions offered by local agencies or foster parent associations; regular courses offered by technical colleges, colleges, or universities; TV or correspondence courses; agricultural extension classes; organizational activities such as conferences, conventions, and seminars; special sessions offered by local school districts or mental health centers; Red Cross training; one to one tutoring by agency staff or experienced foster parents.

Satisfactory compliance:

A. Every applicant for an FFH license shall begin the minimum of six hours of orientation prior to receiving the first child in placement.

B. An FFH provider who wishes to take a leave of absence from foster care for up to 12 months, may have the annual training requirement waived for that 12-month period.

C. Every FFH, except those providing exclusively permanent home care or restricted home care, shall participate in a minimum of 12 hours annually of training related to foster care. The 12 hours may be shared among the adult FFH providers in the home.

D. Training opportunities shall include, but not be limited to:

- (1) child and adolescent development;
- (2) communication skills;
- (3) roles and relationships in foster care;
- (4) community services for children;
- (5) methods of discipline;
- (6) constructive problem solving;
- (7) the meaning of a foster child's birth parents;
- (8) basic first aid;
- (9) home safety;
- (10) trauma of separation and skills for handling; and
- (11) human sexuality.

E. An FFH with five consecutive years of experience as an FFH may be exempted from mandatory annual training at the discretion of the agency.

F. In addition to regular training requirements, every FFH licensed as an emergency shelter home or a special services home or a group family foster home shall participate in a minimum of six hours annually of additional training related to the special needs of these children.

Statutory Authority: *MS s 245A.09*

History: *L 1987 c 258 s 12, c 403 art 3 s 96; L 1989 c 246 s 2; L 1994 c 465 art 1 s 62; L 1994 c 631 s 31*

9545.0160 PROHIBITION AGAINST ABUSE.

No child shall be subjected to physical or psychological abuse.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care. Discipline should be defined as

an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior. The carrying out of the individual plan for a foster child or the contract between the child and the foster parents involving specified consequences should not be construed as imposing punishment on that child.

Satisfactory compliance:

A. Methods of discipline to be used in the FFH shall be discussed with the agency during the application process. Child training and discipline shall be handled with kindness and understanding.

B. No child in care shall be subjected to unusual, severe, or cruel punishment.

C. No child in care shall be subjected to verbal abuse, derogatory remarks about the child or members of the child's family, or to threats to expel the child from the foster home.

D. Isolation, when used as discipline, shall not exceed ten minutes for any child under six years of age. Isolation shall not exceed one hour for a child six years of age or older. Isolation shall be in a light, well-ventilated room of at least 50 square feet, and within hearing of an adult. An adult shall periodically check, at least every ten minutes, on a child in isolation. No child shall be isolated in a closet or a locked room.

E. No child shall be punished for bed-wetting or with regard to toilet training.

F. No child in care shall be deprived of meals, mail, or family visits as a method of discipline.

G. Punishment shall not be delegated to another child.

H. Methods of discipline shall be periodically evaluated by the FFH and the agency.

I. Corporal punishment is prohibited. Corporal punishment includes but is not limited to hitting, slapping, spanking, pinching, shaking, kicking, or biting.

Statutory Authority: *MS s 245A.09; 17 SR 1279*

9545.0170 DATA PRIVACY.

Private data about the child or the child's family shall be kept private.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0180 HEALTH CARE IN FAMILY FOSTER HOMES.

Subpart 1. **Emergencies.** The FFH provider shall be prepared to cope with health emergencies.

Satisfactory compliance:

A. The FFH provider shall have a plan approved by the agency for meeting medical emergencies; this plan shall include the name and phone number of the child's physician, as provided by the agency.

B. The FFH provider shall have first aid supplies readily available to treat minor injuries.

C. No foster child shall be given prescription medicine not specifically prescribed for that child. Any medicine prescribed for a foster child shall be given exactly as prescribed and shall be given by an adult.

D. The FFH provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

Subp. 2. **Pets.** FFH homes that have house pets shall ensure that such pets have had all necessary shots; FFH homes shall not have turtles, chickens, or ducks as house pets.

Subp. 3. **Report of death or serious illness or injury.** The FFH provider shall report immediately to the agency the occurrence of an unusual accident such as the death or serious injury or serious illness of a foster child. A serious injury or illness shall be defined as one requiring professional medical attention.

Subp. 4. **Medical and dental care for foster children.** The FFH provider shall be responsible for carrying out the agreed-upon plan for medical and dental care for the foster child(ren).

Subp. 5. **Contact with agency.** The FFH provider shall have a means for contacting the agency 24 hours per day, seven days per week (agency requirement).

Statutory Authority: *MS s 245A.09*

History: 17 SR 1279

9545.0190 PHYSICAL ENVIRONMENT.

Subpart 1. **Safety and health.** Consideration shall be given to varying lifestyles and different cultures when determining whether applicants meet the standards. If approval would require deviation from the rule, the agency must request a waiver in writing from the department, taking into consideration the health and safety of child(ren) in placement (agency requirement).

Reason: All children deserve a safe and healthy environment. But equally important is the preservation of cultural heritage. To promote the establishment of foster homes representing all cultures, the agency must consider the cultural standards.

Subp. 2. **Water and milk supply.** There must be a safe water and milk supply.

Subp. 3. **Cleanliness and freedom from hazard.** The house and premises shall be reasonably clean, reasonably neat, and free from hazards that jeopardize health and safety.

Satisfactory compliance:

A. FFH premises shall be inspected by the agency (agency requirement).

B. House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

C. All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately beside food products.

D. The use of potentially hazardous materials and tools shall be supervised.

E. Outdoor play space shall be enclosed, if necessary, to provide protection.

F. The FFH provider shall maintain personal cleanliness while preparing food.

G. Food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

H. Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth (40 degrees Fahrenheit recommended).

I. Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

J. The use of home-canned fruits and vegetables is permitted.

K. Measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

Subp. 4. **Supervision of children.** Children in care shall be adequately supervised at all times.

Subp. 5. **Fire safety.** The FFH home shall be safe from fire and structural hazards.

Satisfactory compliance:

A. An inspection for fire safety using the Fire Safety Check List shall be made jointly by the applicant and the agency before licensure and annually thereafter before relicensure. The agency may request a fire marshal inspection of any FFH (agency requirement).

B. An FFH to be located in a mobile home must be inspected by a fire marshal or codes officer.

C. Any bedroom for a foster child located in a room 50 percent or more below ground level must be inspected by a fire marshal or codes officer. It must have two means of exit.

D. Unvented gas or oil heaters shall not be permitted.

E. No stove or heater shall be located where it would block escape in case of a fire.

F. A portable A-B-C fire extinguisher shall be provided for the kitchen and cooking areas.

G. Combustible items shall not be located near the furnace area or other sources of heat.

H. Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be shielded against accidental contact.

I. Every closet door latch shall be one that can be opened from the inside.

J. Any bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

K. A report shall be made to the agency after the occurrence of a fire that requires the services of a fire department.

L. Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation, temporary shelter, and meeting place to determine if anyone is missing. Emergency procedures shall be reviewed at least annually by the FFH provider and agency.

M. A UL-listed product of combustion detection unit (smoke or ionization), either battery or electrically operated, shall be installed in the corridor or hallway leading to the sleeping area(s) of the FFH.

Subp. 6. **Coping with emergencies.** The FFH provider shall be prepared to cope with emergencies.

Satisfactory compliance:

A. The FFH provider shall make arrangements, approved by the agency, for substitute care during emergencies.

B. A list of emergency telephone numbers shall be prominently posted, including police, fire, doctor, hospital, ambulance, and emergency social service.

C. The FFH provider shall notify the agency as soon as it has been determined that a foster child has run away or is missing.

Statutory Authority: *MS s 245A.09*

9545.0200 NUTRITION.

Subpart 1. **Diets.** The FFH provider shall consult with a physician about the diet for children with special dietary needs, such as infants under one year of age, children with allergies, children who are over or under weight, children who are hyperactive.

Subp. 2. **Well-balanced meals.** Well-balanced meals shall be served daily.

Reason: Balanced nutrition is basic to the attainment of good health. A child grows and develops rapidly. This growth and development is related to nutrition.

Satisfactory compliance: Each day's menu shall include servings from each of the basic four food groups as indicated in the daily food guide in part 9545.0240.

Statutory Authority: *MS s 245A.09*

9545.0210 DAILY ACTIVITIES.

Subpart 1. **In general.** Every foster child shall be treated as a member of the FFH. The foster child shall share in the privileges and responsibilities of the home as appropriate to the child's age and abilities. Activities shall foster optimum physical, social, mental, and emotional development of children. Activities that enhance the child's appreciation of the child's cultural heritage shall be supported and encouraged.

Subp. 2. **Infants.** Infants:

A. Each infant must be held during bottle feedings until the infant is safely able to hold the bottle.

Reason: An infant's first sense of security is closely related to food. Being held during feeding helps to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

B. Each infant must be held, rocked, cuddled, and played with during each day of care.

Reason: Physical closeness to others is indispensable as a first step in social relationships.

C. Infant's attempts to communicate must be responded to.

Reason: Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to babbling.

D. The infant must have ample opportunities for freedom of movement every day.

Reason: The infant needs large-muscle activity in order to develop properly, physically and mentally. The infant learns by exploring the environment.

Satisfactory compliance:

(1) The noncreeping infant shall spend part of each day outside of crib and playpen.

(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety. During the infant's waking hours, a playpen shall be placed where the infant can see others.

E. The infant must be provided with an environment that stimulates all of the senses.

Reason: The infant develops in response to stimuli; normal development can be retarded by a lack of stimulation.

Satisfactory compliance: Infants should be provided with (commercial, homemade, or natural):

(1) things to look at (e.g., crib mobile);

(2) things to listen to (e.g., rattle, FFH provider's voice);

(3) things to feel (e.g., a soft ball);

(4) things to smell (e.g., newly baked cookies); and

(5) things to taste (e.g., clean objects that are nontoxic and too large to swallow or cause choking).

Subp. 3. **Toddlers, preschoolers, and school-age children.** Toddlers, preschoolers, and school-age children:

A. Each child shall be allowed as much independence as the child can safely handle.

Reason: The child needs to establish self-identity; children learn through exploring and manipulating their environment.

B. Each child shall be provided with limits consistent with the child's age and understanding.

Reason: The child needs to learn rules for the safety of the child and others.

Satisfactory compliance: Each child shall be taught to avoid behavior that would be dangerous to the child or to others.

C. Each child shall be encouraged to communicate verbally.

Reason: Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response.

D. Each child shall be given physical signs of affection as appropriate for age and maturity.

Reason: The child needs physical closeness although the child may reject it at times because of a growing need for independence. This independence must be respected, but rocking, hugging, and other physical signs of affection must be offered.

E. Each child shall be provided with materials and equipment that will enhance physical, mental, and emotional development.

Reason: Appropriate materials and equipment encourage activities among children.

Satisfactory compliance: The FFH home shall provide commercial, homemade, or natural materials and equipment of sound construction and working, that encourage and stimulate:

(1) large-muscle activities (e.g., large blocks, cardboard cartons);

(2) small-muscle activities (e.g., manipulative toys, craft materials);

(3) creative activities (e.g., dress-up clothes, art supplies);

(4) cognitive activities (e.g., puzzles, books); and

(5) social activities (e.g., games).

F. Toilet training shall be undertaken only when appropriate to each child's age and stage of development.

Satisfactory compliance:

(1) Toilet training by the FFH provider shall be within the limits of the licensing rules.

(2) No child shall be punished for accidents occurring during toilet training. (See also part 9545.0160)

(3) The agency shall offer consultation and training to providers about toilet training.

G. Each child shall nap or rest as appropriate to the child's age and stage of development.

Reason: Children's needs for naps differ even at similar ages.

Subp. 4. **Adolescents:** Adolescents:

Reason: The view of adolescence on which the following is based is that of adolescence being a segment of continuing human development. Adolescents are persons with specific qualities and characteristics who have a participatory and responsible role to play, tasks to perform, and skills to develop at that particular time of life. The degree or extent to which an adolescent experiences such responsible participation will determine and maximize human development.

Conditions for healthy development should provide young people with opportunities:

A. To participate as citizens, as members of a household, as workers, as responsible members of society.

Reason: Adolescents are growing, developing persons in a particular age group, not preadults, preparents, or preworkers, but human beings participating in the activities of the world around them.

Satisfactory compliance: The agency and the foster child shall discuss house rules with the foster parent(s). The foster child(ren) are expected to live by these house rules.

B. To gain experience in decision making.

Reason: In our complex society, youth must develop the capacity to make decisions in many areas: school interests, work interests, use of discretionary time, the kind of friends they want to cultivate, etc.

Satisfactory compliance: Each child shall be provided practical learning opportunities.

C. To interact with peers and acquire a sense of belonging.

Reason: Adolescents are moving toward wider interdependence with their peers, need to have a sense of belonging to their own age groups, as well as to adults. They need to acquire the ability to handle their sexuality, to develop and maintain friendship, to experience closeness.

Satisfactory compliance: Each child shall have the opportunity to participate in a variety of activities.

D. To reflect on self in relation to others and to discover self by looking outward, as well as inward.

Reason: Adolescents encounter conflicting values in a rapidly changing world and should have the opportunity to thrash out their reactions, consider the pluses and minuses, and try to determine where they themselves stand.

Satisfactory compliance: Each child shall be encouraged to participate in open discussion, with adults exposing, but not imposing, their value systems on the child.

E. To discuss conflicting values and formulate their own value system.

Reason: There is almost no increase in the level of moral maturity beyond that reached during adolescence.

Satisfactory compliance: Each child shall be provided opportunity for significant experiences and careful examination and reflection of those experiences for their moral development.

F. To experiment with their own identity, with relationships to other people, with ideas: to try out various roles without having to commit themselves irrevocably.

Reason: Adolescents should be able to try out various roles without being obligated to pursue a given course.

Satisfactory compliance: Each child shall be allowed opportunities to experiment, within the constraints of law, with self-identity in a nonjudgmental atmosphere.

G. To develop a feeling of accountability in the context of a relationship among equals.

Reason: Genuine participation and genuine responsibility go hand in hand. A basic tenet of our social system is: for every right, there is a corresponding responsibility, resulting in the commitment necessary in a mature society.

Satisfactory compliance: Each child shall be provided opportunities for participation and accountability in a family relationship.

H. To cultivate a capacity to enjoy life.

Reason: Maturity includes enjoyment, being creative, frivolous, doing things on one's own, and learning to interact with all kinds of people.

Satisfactory compliance: Each child should have a family accepting of other person's life styles and values, having flexibility and a sense of humor, and a sense of the joy of living.

Subp. 5. **Religious or cultural heritage.** Special activities related to a child's religious or cultural heritage shall be available to the child.

Subp. 6. **Activities with natural family.** Special activities related to a child's natural family shall be available to the child, based on the agency's plan.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0220 RECORDS.

Subpart 1. **Individual records for each FFH.** The agency shall establish and maintain an individual record for the foster family home (agency requirement).

Reason: The foster home record serves as the basis of evaluation both of foster home quality and of agency practice. Recommendations to the department about the foster home must be substantiated through the agency's records.

Satisfactory compliance: The agency record shall contain:

A. A copy of the application for licensure signed by the applicant (DPW-138).

B. A Foster Parent Agreement Form signed by both the applicant and the agency (DPW-139).

C. A physician's statement concerning the physical health of persons in the FFH.

D. A current completed Fire Safety Check List (DPW-644) plus a written report from the fire marshal on any special fire hazards (if required by agency).

E. The prelicensing home study.

F. References from persons who can evaluate the applicant(s) as potential foster care providers. If the applicant(s) have been licensed through another agency within the previous five years, the agency shall request a reference from that agency.

G. An annual evaluation of the FFH, done jointly by provider and agency, covering services provided by both FFH and agency. It shall be based on a complete review of parts 9545.0010 to 9545.0260 and on the years placement experiences. Any disagreement about the evaluation between the FFH and the agency shall also be entered into the record.

H. Documentation for any waiver of licensing rules.

I. Record of training received by the foster parents.

Subp. 2. **Individual records for children in FFH.** Individual case records for children placed in foster care shall be kept separately from the licensing record (agency requirement).

Subp. 3. **Private data.** FFH data classified as private shall be maintained as private. FFH providers shall have access to private data concerning themselves (agency requirement).

Statutory Authority: *MS s 245A.09*

9545.0230 SPECIAL SERVICES HOME; ADDITIONAL REQUIREMENTS.

Subpart 1. **In general.** Reason: Children with special needs require a special understanding. FFH providers who undertake to care for these children must possess more than ordinary abilities. Such children require extraordinary care.

Opportunities for achieving the special knowledge and skills can include observation of children with special needs, meeting with other foster parents who have cared for children with special needs, discussions with specialists and community resource people, and attending conferences.

Subp. 2. Education and experience requirements. Prior to licensure for special services, the FFH provider must have structured opportunities for achieving knowledge and skills necessary and pertinent to specific special need or handicap:

A. three years' experience as a licensed FFH plus 12 hours of training related to children with special needs; or

B. one year experience in working with children with special needs, which may include their own children, plus six hours of training related to children with special needs; or

C. 25 hours of training related to children with special needs.

Subp. 3. Individual program plan. Within 30 days after placement of a child with special needs in an FFH, a written individualized program plan must be developed by the FFH provider and the agency. This plan shall be evaluated and updated regularly, but no less often than every six months (agency requirement).

Reason: The growth and development of children with special needs or handicaps must be planned and evaluated regularly.

Satisfactory compliance:

A. At least the FFH provider and agency must participate in program planning. The school district shall be invited to participate, and given reasonable notice.

B. Other agencies and community resources shall be called upon as indicated by the particular needs of the individual child.

C. The individual program plan must be available for use by the FFH provider, the agency, and the school district.

D. There shall be a regular evaluation of the child's progress at intervals mutually agreed upon by provider agency. Progress shall be recorded by the agency.

E. The individualized program plan shall contain specific, objective, time-limited goals. These goals shall be dated. The goals shall be updated as needed at the times of evaluation. Goals shall relate to the care and welfare of the foster child.

Subp. 4. Community resources. Community resources and services must be made known to and utilized by the FFH, as indicated by the needs of the children.

Subp. 5. Time off. A plan for regular time off for providers shall be developed by the agency and the FFH provider (agency requirement).

Subp. 6. Home environment. The environment and structure of the home shall be appropriate to the needs of the foster child(ren).

Statutory Authority: *MS s 245A.09*

9545.0240 GROUP FAMILY FOSTER HOMES; ADDITIONAL REQUIREMENTS.

Subpart 1. Flexibility in type of care. Flexibility in type of care:

Reason: Not all foster homes fit into neat categories. There are families with many children of their own. There is a need to develop innovative ways of caring for children away from their own families — such as emergency shelters and teenage peer groups. It is both necessary and desirable to provide flexibility and room for innovation in the field of foster care, while still ensuring the basic needs of children.

Subp. 2. Written description. The group family foster home, in conjunction with the agency, shall define, in writing, a description of the ages and kinds of children to be served, as well as the scope of services to be provided by the group family foster home.

Subp. 3. Written agreement. The group family foster home and agency shall have a written and signed agreement containing (agency responsibility):

A. admission and discharge policy for the children;

B. individualized program plans for the children and designated responsibility for developing and implementing these plans;

C. the time limits of the agreement;

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D. the responsibilities of the agency and the GFFH;

E. the rate to be paid the home for its services, including any special payments for clothing, medical expenses, and special services;

F. the responsibility for arranging for all necessary services and resources in the community;

G. the arrangements for substitute providers for emergency situations, vacations, illness, and for regular time off; and

H. the arrangements for providing administrative, consultative, and social services for the GFFH.

Subp. 4. **Adult to child ratio.** There shall be a minimum of one adult in residence for every five children in the group family foster home.

Subp. 5. **Maximum number of children.** The group family foster home shall care for no more than ten children, including their own children.

Subp. 6. **Physical facility.** Physical facility:

A. There shall be 35 square feet of living space per child, excluding bathrooms, halls, bedrooms, kitchen, and laundry or furnace room.

B. The dining area must be able to comfortably accommodate, at one time, all the children plus the family.

C. Every sleeping room accommodating one foster child shall have at least 80 square feet of floor space.

D. Every sleeping room accommodating more than one foster child shall have at least 60 square feet of floor space per child.

E. No sleeping room shall accommodate more than four children.

F. Each child shall have adequate space for clothing and personal possessions.

Subp. 7. **Joint signatures on application.** The application for licensure shall be signed by both the agency and the applicant.

Subp. 8. **Maximum number of unrelated children with special problems.** A group family foster home may not care for more than two unrelated children who are nonambulatory, nonmobile, severely mentally retarded, or profoundly mentally retarded at any one time.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0250 DAILY FOOD GUIDE.

Food	Serving Per Day	Average Size Serving By Age*				
		1 – 3 years	3 – 6 years	6 – 9 years	9 – 12 years	12 – 18 years
MILK GROUP:						
Milk	2 – 3 servings	1/2 – 1 cup	1/2 – 1 cup	1 cup	1 cup	1 cup
Cheese and ice cream occasionally						
MEAT GROUP:						
Meat, poultry, fish, and, as alternatives, dried beans or peas or peanut butter	1 – 2 servings	1 – 3 ounces	2 – 4 ounces	4 – 5 ounces	4 – 6 ounces	4 – 6 ounces
Egg	3 – 4/wk	1	1	1	1	1

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VEGETABLE & FRUIT GROUP:

Dark green vegetables and deep yellow vegetables and fruits for Vitamin A	1 serving	2 – 3 tbsp.	2 – 4 tbsp.	1/4 cup	1/2 cup	1/2 cup
Fruit for Vitamin C – citrus, tomato, cabbage	1 serving	1/3 – 2/3 cup	1/3 – 2/3 cup	1/2 cup	1/2 cup	1/2 cup
Other fruits and vegetables	2 servings	1/4 – 1/3 cup	1/4 – 1/3 cup	1/2 cup	1/2 cup	1/2 cup

BREAD AND CEREAL GROUP:

Bread and cereal, whole grain or enriched	4 servings	1/2 – 1 slice 1/4 cup cereal	1/2 – 1-1/2 slices 1/2 cup cereal	2 – 3 slices 1/2 cup cereal	2 – 3 slices 3/4 cup cereal	2 – 3 slices 1 cup cereal
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OTHER

Butter or margarine		as spread or seasoning		2 tbsp.	2 – 4 tbsp.
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*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Source: USDA, Consumer & Food Economics Research Division – 1963 Minnesota Department of Health.

Statutory Authority: *MS s 245A.09*

9545.0260 FOSTER CARE.

Type of Home

Experience	Annual Training	Number Of "Own" Children	Number Of Foster Children	Total Number Of Children
1. Interim and Permanent (3 foster – 5 total)				
Licensed	12 hours	0–2	3 Absolute	5
less than		3	2 limit	5
2 years		4	1 in this category	5
Exclusively Permanent or Restricted				
	No Requirement	5	2	7
		6	1	7

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2. Interim and Permanent (5 children total)

Licensed	12 hours	0	5	5
2 or more		1	4	5
years		2	3	5
		3	2	5

Exclusively Permanent or Restricted

No	4	1	5
Requirement	5	2	7
	6	1	7

3. Emergency Shelter (7 children total)

12 hours			7
6 hours			
(Special			
needs)			

4. Special Services (Handicapped or Extraordinary Care) (4 Foster – 5 total)

a) Licensed	12 hours	0	4	4
3 years +	6 hours	1	4	5
12 hours	(Special	2	3	5
related	needs)	3	2	5
training		4	1	5

OR

b) Experience
– 1 year with
handicapped
+ 6 hours
related
training

OR

c) 25 hours
related
training

5. Group Family (10 children total)

12 hours		10
6 hours	(No more than 2 children	
(Special	with severe handicaps at	
needs)	one time	

EXCEPTIONS:

- a) Siblings need placement together. Maximum Number: Seven children total.
- b) Home has five or six children of its own under age 18. Maximum Number: Seven children total.
- c) Child needs to be placed again in the same home. Maximum Number: Seven children total.

Statutory Authority: *MS s 245A.09*

9545.0310 [Repealed, 9 SR 2106]

9545.0320 [Repealed, 9 SR 2106]

9545.0330 [Repealed, 9 SR 2106]

9545.0340 [Repealed, 9 SR 2106]

9545.0350 [Repealed, 9 SR 2106]

9545.0360 [Repealed, 9 SR 2106]

9545.0370 [Repealed, 9 SR 2106]

9545.0380 [Repealed, 9 SR 2106]

9545.0390 [Repealed, 9 SR 2106]

9545.0400 [Repealed, 9 SR 2106]

9545.0410 [Repealed, 9 SR 2106]

9545.0420 [Repealed, 9 SR 2106]

9545.0430 [Repealed, 9 SR 2106]

9545.0440 [Repealed, 9 SR 2106]

9545.0450 [Repealed, 9 SR 2106]

9545.0510 [Repealed, 13 SR 173]

9545.0520 [Repealed, 13 SR 173]

9545.0530 [Repealed, 13 SR 173]

9545.0540 [Repealed, 13 SR 173]

9545.0550 [Repealed, 13 SR 173]

9545.0560 [Repealed, 13 SR 173]

9545.0570 [Repealed, 13 SR 173]

9545.0580 [Repealed, 13 SR 173]

9545.0590 [Repealed, 13 SR 173]

9545.0600 [Repealed, 13 SR 173]

9545.0610 [Repealed, 13 SR 173]

9545.0620 [Repealed, 13 SR 173]

9545.0630 [Repealed, 13 SR 173]

9545.0640 [Repealed, 13 SR 173]

9545.0650 [Repealed, 13 SR 173]

9545.0660 [Repealed, 13 SR 173]

9545.0670 [Repealed, 13 SR 173]

9545.0750 [Repealed, 18 SR 1593]

PRIVATE CHILD CARING OR PLACING AGENCIES

9545.0755 PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Minnesota Statutes, section 245A.03, subdivision 1, requires a private agency that receives a child for care, supervision, or placement in foster care or adoption or helps plan the placement of a child in foster care or adoption to be licensed by the commissioner. Additionally, Minnesota Statutes, section 317A.907, subdivision 3, specifies that a corporation formed under Minnesota Statutes, section 317A.907, to secure homes for orphaned, homeless, abandoned, neglected, or mistreated children must comply with rules established by the commissioner to govern its operation. Parts 9545.0755 to 9545.0845 establish the conditions for licensure of private child-placing agencies specified in Minnesota Statutes, section 317A.907, subdivision 3.

Subp. 2. **Applicability.** Parts 9545.0755 to 9545.0845 apply to any private agency as defined in Minnesota Statutes, section 245A.02, subdivision 12, that operates in Minnesota and performs one or more of the activities listed in items A to H.

A. Supervises a licensed foster care provider that cares for a child for whom the commissioner, a county, a private agency, another entity, an Indian tribe, or the child's parent or guardian remains legally responsible.

B. Arranges for or provides short-term licensed foster care while a child is being legally freed for adoption or while an adoptive placement is being arranged.

C. Places a child for adoption under the written agreement specified in Minnesota Statutes, section 259.25, or as legal guardian under Minnesota Statutes, section 260.242.

D. Compiles a listing from which a birth parent can identify potential adoptive parents for a child for whom adoption is projected.

E. Assists birth parents or prospective adoptive parents with fulfilling the requirements of Minnesota Statutes, sections 257.40 to 257.48, the Interstate Compact on the Placement of Children.

F. Collects health and social history from the birth family of a child for the information of the child's prospective adoptive parents.

G. Studies the suitability of an adoptive applicant's home.

H. Assists birth parents to execute consents to adoption.

Parts 9545.0755 to 9545.0845 also apply to an agency that performs one or more of the activities listed in items A to H in Minnesota but is incorporated under the laws of a state other than Minnesota.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0760 [Repealed, 18 SR 1593]

9545.0765 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9545.0755 to 9545.0845, the following terms have the meanings given them.

Subp. 2. **Agency.** Unless otherwise specified, "agency" means a private agency governed by parts 9545.0755 to 9545.0845.

Subp. 3. **Applicant.** "Applicant" means an individual, corporation, partnership, voluntary association, controlling individual, or other organization that has applied for licensure under Minnesota Statutes, sections 245A.01 to 245A.16, and the rules of the commissioner.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designee.

Subp. 5. **Controlling individual.** "Controlling individual" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 5a.

Subp. 6. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 7. **License.** "License" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 8.

Subp. 8. **Private agency.** "Private agency" as defined in Minnesota Statutes, section 245A.02, subdivision 12, means an individual, corporation, partnership, voluntary association or other organization, other than a county agency, or a court with jurisdiction, that places persons who cannot remain in their own homes in residential programs, foster care, or adoptive homes.

Subp. 9. **Variance.** "Variance" means permission given by the commissioner in accordance with Minnesota Statutes, section 245A.04, subdivision 9, for a license holder to depart for a specified time from a standard specified in parts 9545.0755 to 9545.0845.

Subp. 10. **Volunteer.** "Volunteer" means an individual who provides time or service to an agency without being compensated by the agency.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0770 [Repealed, 18 SR 1593]

NOTE: Subpart 1 was amended and subparts 2, 3, 4, and 5 were also repealed at 18 SR 2748.

9545.0775 LICENSURE.

Subpart 1. **License required.** An agency that provides a service or performs an activity described in subpart 2 must be licensed under parts 9545.0755 to 9545.0845.

Subp. 2. **Application for licensure.** Applicants must apply for a license on the forms and in the manner prescribed by the commissioner.

Subp. 3. **License option.** The form in subpart 2 must require an applicant to specify whether the applicant performs or intends to perform activities related both to foster care and adoption, only to foster care, or only to adoption. An applicant to perform adoption-related activities only must indicate how the agency will arrange for the licensed foster care needed while a child is being legally freed for adoption or while an adoptive placement for the child is being arranged.

Subp. 4. **Notice to commissioner.** An agency must send the commissioner written notice at least 30 days before the agency:

- A. moves from the location specified on the current application or license;
- B. opens a new office or other setting where records required by parts 9545.0755 to 9545.0845 are kept;
- C. proposes to increase its scope to include both foster care and adoption; or
- D. closes. The agency's notice of closing must specify the arrangements the agency has made for transfer of records and clients as required in part 9545.0845.

Subp. 5. **Commissioner's right of access.** Each site where an agency maintains offices or records is subject to the commissioner's inspection and right of access specified in Minnesota Statutes, section 245A.04, subdivision 5.

Subp. 6. **Single license for multiple locations.** When an applicant for licensure under parts 9545.0755 to 9545.0845 maintains offices or records at more than one site and there is at least one controlling individual responsible for all the sites, the commissioner shall issue one license.

Subp. 7. **Variances.** An applicant or license holder may request a variance to parts 9545.0755 to 9545.0845 as specified in Minnesota Statutes, section 245A.04, subdivision 9.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0780 [Repealed, 18 SR 1593]**9545.0785 AGENCY GOVERNANCE AND ADMINISTRATION.**

Subpart 1. **Office in Minnesota.** An agency must maintain an office in Minnesota from which the activities carried out under the license issued by the commissioner are conducted.

Subp. 2. **Space requirements.** An agency must allocate office space in such a way as to ensure confidentiality and safekeeping of records and provide privacy for interviews and conferences with clients and prospective clients.

Subp. 3. **Legal organization.** A license holder or applicant must be organized according to a legal form of association or incorporation under Minnesota Statutes or the laws of another state. An agency incorporated under the laws of another state must have:

- A. the certificate of authority to transact business in Minnesota required by Minnesota Statutes, chapter 303; and
- B. the records and documents required by parts 9545.0755 to 9545.0845 at the registered office required by Minnesota Statutes, chapters 309 and 317A, or at another agency office in Minnesota listed on a license application.

Subp. 4. **Conflict of interest.** An agency must develop written policies governing situations with potential conflict of interest. It is a potential conflict of interest when a provider supervised by an agency is also a board member of the agency or when a board member is also an applicant to adopt. Agencies that provide foster care services must comply with part 9543.0130, subpart 4.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0790 [Repealed, 18 SR 1593]

9545.0795 AGENCY FINANCES.

Subpart 1. **Funding plan.** When an agency applies for initial or continuing licensure, it must submit a funding plan that projects income and other financial resources needed to operate in compliance with parts 9545.0755 to 9545.0845 for a period of at least one year beyond the date of application. The funding plan must include:

A. a projected program budget for foster care, adoption-related activities and services, or both, when applicable, that details by source the income and expenses anticipated for the 12-month period covered by the plan;

B. a balance sheet showing the agency's current assets and current liabilities; and

C. with applications for continuing licensure, the program operating budget for foster care, adoption services, or both, when applicable, for the current fiscal year. The budget must show actual income and expenditures.

The information required by items A to C must be presented in the manner prescribed by the commissioner.

Subp. 2. **Explanation of fees.** An agency that charges fees must make available to prospective clients written material that:

A. describes services for which a fee is typically charged;

B. explains the conditions under which fees are charged and waived, if applicable;

C. includes a fee schedule or explanation of how a fee amount is determined; and

D. includes a statement for individuals, as opposed to counties or other agencies, who become clients to sign indicating that they have read or had explained to them and understand the information on fees and services. The signed statement must be added to a client's file.

Subp. 3. **Accounting of adoption expenses and fees.** An agency must annually submit the accounting of adoption-related expense required by Minnesota Statutes, section 317A.907, subdivision 6, on a form provided and designed by the commissioner to generate the required information.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0800 [Repealed, 18 SR 1593]

9545.0805 PERSONNEL.

Subpart 1. **Supervision by a licensed independent social worker or independent clinical social worker.** An independent social worker or independent clinical social worker as defined in Minnesota Statutes, section 148B.21, must supervise an agency's case work. Supervising an agency's case work includes reviewing and approving each written home study the agency completes on prospective foster parents or applicants to adopt. An agency can meet the supervision requirement by complying with item A, B, C, or D.

A. The agency's chief executive officer is a licensed independent social worker or independent clinical social worker and supervises staff members providing case work.

B. The person who does the case work is licensed as an independent social worker or independent clinical social worker.

C. The agency contracts with a licensed independent social worker or independent clinical social worker to supervise staff members' case work.

D. The agency may retain a supervisor with education or experience comparable to the requirements stated in item A, B, or C if one of the exceptions in Minnesota Statutes, section 148B.28, applies.

Subp. 2. **Orientation.** Within the first five working days of an employee's or volunteer's starting date, an agency must provide orientation that addresses agency staff and volunteer responsibilities for:

A. reporting maltreatment as specified in Minnesota Statutes, section 626.556; and

B. protecting information on clients as required by Minnesota Statutes, chapter 13.

Subp. 3. **Annual training.** An agency must provide or arrange for the provision of at least 12 hours of training annually for staff members and volunteers who provide services to agency clients. For people in their first year of service to the agency, orientation hours provided under subpart 2 can be applied toward the 12 hours of annual training. Training must reflect the emphasis in Minnesota Statutes, section 257.072, subdivision 7, on cultural diversity and children with special needs.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0810 [Repealed, 18 SR 1593]

9545.0815 DESCRIPTION OF AGENCY PROGRAM AND SERVICES.

An applicant must submit with its application and provide to prospective clients of agency services a written statement that contains the information in items A to G:

A. purpose and philosophy of the agency's program;

B. general description of children the agency places for adoption or supervises in foster care, with attention to such points as age or special needs that determine whether the agency is able to serve a child;

C. description of services the agency provides to children, birth families, and foster or adoptive families before, during, and after termination of foster care or finalization of an adoption;

D. statement of eligibility requirements or qualifications that the agency requires of adoptive or foster families;

E. description of the process used to study, approve, and select adoptive and foster families, and the approximate amount of time anticipated to complete the selection process;

F. description of orientation and training that will be provided for foster families or prospective adoptive families; and

G. statement that the agency complies with:

(1) the Indian Child Welfare Act, Public Law Number 95-608;

(2) the Minnesota Indian family preservation act, Minnesota Statutes, sections 257.35 to 257.3579;

(3) the heritage act, Minnesota Statutes, sections 257.071 to 257.072, 259.29, and 260.181, subdivision 3; and

(4) the interstate compact on the placement of children, Minnesota Statutes, section 257.40.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593; L 1994 c 631 s 31*

9545.0820 [Repealed, 18 SR 1593]

9545.0825 FOSTER CARE PLACEMENT SERVICES.

Subpart 1. **If an agency has authority to place child in foster care.** If an agency has written consent from a child's parents or legal guardian, or a contract with the county, or a court order to place a child in foster care, the agency's responsibilities are the same as those listed for local agencies in part 9560.0540, subparts 2 and 3. The agency must meet the requirements of parts 9545.0010 to 9545.0260 when licensing child foster care homes.

Subp. 2. **Providing foster care services under contract with a county.** When an agency provides child foster care services under contract with a county, the agency must develop and implement a service plan compatible with the case placement plan required of the county by part 9560.0610.

Subp. 3. **Child's record.** For each child the agency supervises in foster care, the agency must have a record that contains the information required in Minnesota Statutes, section 257.01, and in items A to L:

A. the child's full name, date and place of birth, sex, and race;

- B. all available information about the birth parents' full names, addresses, telephone numbers, and marital status;
- C. all available information about the names and addresses of the child's siblings;
- D. name of person or agency with legal custody of the child;
- E. name and telephone number of persons to contact in an emergency;
- F. copy of written agreement or order authorizing the county or, if applicable, the agency, to supervise the child's placement in foster care;
- G. when applicable, case plan required of county by part 9560.0610;
- H. agency service plans required by subpart 2;
- I. documentation of child's most recent medical and dental examinations;
- J. documentation of child's educational status;
- K. case closing summary and the agency's plan for the continued provision of services to the child, if any; and
- L. for an Indian child, record of determination of the child's tribe and notice to the tribe as required by Minnesota Statutes, section 257.32.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593*

9545.0830 [Repealed, 18 SR 1593]

9545.0835 ADOPTION PLACEMENTS.

Subpart 1. **Record of child's background and history.** When an agency accepts a child for adoptive placement or facilitates an adoption between a birth parent and a prospective adoptive parent, the agency is responsible for establishing and maintaining a record that meets the requirements of Minnesota Statutes, sections 257.01 and 259.79.

Subp. 2. **Study of applicants to adopt.** An agency must study applicants to adopt a child in accordance with the procedures and criteria specified in part 9560.0140 for determining suitability of adoptive parent.

Subp. 3. **Adoption-related foster care.** When an agency temporarily places a child in foster care while the child is being legally freed for adoption or while an alternative to a disrupted adoptive placement is being arranged, the foster care provider must be licensed under parts 9545.0010 to 9545.0260.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593; L 1994 c 631 s 31*

9545.0845 PLAN FOR TRANSFER OF RECORDS.

An applicant for initial or continuing licensure must submit a written plan indicating how the agency will provide for the transfer of records on both open and closed cases if the agency closes. The plan must provide for managing private and confidential information on agency clients, according to Minnesota Statutes, section 259.79. A controlling individual of the agency must sign the plan.

A. Plans for the transfer of open cases and case records must specify arrangements the agency will make to transfer clients to another agency or county for continuation of services and to transfer the case record with the client.

B. Plans for the transfer of closed adoption records must be accompanied by a signed agreement or other documentation indicating that a county or licensed child placing agency has agreed to accept and maintain the agency's closed case records and to provide follow-up services to affected clients.

Statutory Authority: *MS s 245A.03; 317A.907*

History: *18 SR 1593; L 1994 c 631 s 31*

CHILD CARING INSTITUTIONS

9545.0900 PURPOSE AND SCOPE.

The purpose of child care licensing is the protection of children in care away from their own families. Rules for licensing identify risks and define appropriate safeguards.

The licensing of child welfare agencies has been a legally designated function of the Minnesota Department of Human Services and is described in Minnesota Statutes, chapter 245A.

These rules, as revised October 20, 1971, establish the minimum level of care for children in the care of licensees. They reflect the quality of care developed by the Minnesota child welfare institutions over many years of service. The rules emphasize the responsibility of licensed agencies to give foremost consideration to each child's spiritual, mental, physical, social, and emotional development and growth. To accomplish this purpose and maintain eligibility for a license, each agency must establish a philosophy of care that will provide the child with variety, stimulation, and gradual transition from dependence to more independence, as well as experience in coping with realities of the physical and social environment through contacts with it and through effective ties with adults. In addition to applying to private child-caring institutions, these same standards are also to be applicable to all the institutions operated by the state of Minnesota in caring for mentally ill and/or emotionally handicapped children.

In developing these rules, the department was assisted by an advisory committee representing staff of various types of public and voluntary institutions, the legal and medical professions, referral agencies, and the interested public. A draft of the proposed rules was then presented at several informal open meetings within the state, and a later draft was presented at a formal public hearing in Saint Paul, on August 30, 1971. The final draft of the proposed rules was reviewed and approved by the Department of Public Welfare on October 20, 1971.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 13 SR 1448*

9545.0910 DEFINITIONS.

Subpart 1. **Institution.** Parts 9545.0900 to 9545.1090 govern the operation of institutions engaged in or seeking to engage in the care of children who are emotionally and/or socially handicapped and sets forth the requirements necessary for such institutions to be licensed.

"Institution" is defined for licensing purposes as a facility for care and treatment of children that has an administrative organization and structure approved under state law for providing shelter, food, training, treatment, and other aspects of care of more than ten children on a 24-hour basis.

Parts 9545.0900 to 9545.1090 do not apply to institutions exempt from license as provided by law and to foster care facilities, group homes, and institutions for persons with mental retardation or related conditions, which fall under other licensing standards, and residential settings under the jurisdiction of the Department of Corrections.

Subp. 2. **Child.** A child is defined as meaning a person under the age of 18 years.

Subp. 3. **Emotionally handicapped child.** For the purposes of admission, an "emotionally handicapped child" is defined in this rule as a child who in the judgment of a professional social worker, psychologist, or psychiatrist is exhibiting those symptoms and behavior patterns that are determined to be of such nature that the child needs the care and treatment given in an institution governed by these parts.

Subp. 4. **Treatment.** For the purposes of admission, "treatment" is defined in these parts as giving to an emotionally handicapped child those professional services that are deemed necessary and appropriate to assist the child in returning to the community in a manner that will enable the child to function to the child's fullest possible extent.

Subp. 5. **Applicant for license.** "Applicant for license" is defined in these parts as the individual or corporation applying for license to operate an institution governed by these standards.

Statutory Authority: *MS s 245A.09*

History: *12 SR 1148*

9545.0920 PROCEDURES FOR LICENSING.

Subpart 1. **Apply to commissioner.** An applicant desiring a license for the purpose of giving care to children must be licensed under parts 9543.1000 to 9543.1060.

Subp. 2. [Repealed, 18 SR 2748]

Subp. 3. [Repealed, 18 SR 2748]

Subp. 4. [Repealed, 18 SR 2748]

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279; 18 SR 2748*

9545.0930 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Purpose of institution.** The purposes or function of the institution shall be clearly defined. Such definition shall include the geographical area to be served and how this area was determined, ages and types of children to be accepted for care, and the specific extent, limitation, and scope of services for which licensing authority is being sought.

Subp. 2. **Location of institution.** It is recommended that the institution be located within reasonable traveling distance of the population the institution plans to serve. It is also recommended that public transportation facilities be within reasonable walking distance of the institution.

Subp. 3. **Legal incorporation.** The institution shall be incorporated in accordance with the laws of the state of Minnesota as outlined and prescribed in Minnesota Statutes, section 317.65, particularly as it relates to governing boards and annual audits if the institution is to be operated as a nonprofit corporation. If the applicant is to operate as a private business, a copy of any and all agreements related to operational policy shall be filed with the commissioner of human services. The commissioner of human services requires such a private business concern to file a copy of any and all policies related to the planned operation of an institution under these standards to permit a review of the organizational goals in a manner similar to review of a nonprofit corporation. The commissioner does not intend to require a private business to incorporate solely for the purpose of providing services to children under parts 9545.0900 to 9545.1090.

Subp. 4. **Financing plan.** The institution shall have a sound plan of financing that gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care for children. A new institution shall have sufficient funds assured to carry it through the first year of operation. It is highly recommended that the institution develop clear, concise billing procedures and give some consideration to development of written placement contracts between the institution and the parent or legal guardian of the child. (See subpart 9, item H for details.)

Subp. 5. **Advisory board.** The institution is encouraged to have an advisory board that is broadly representative of the community it serves.

Subp. 6. **Audits.** All financial accounts shall be audited by a certified public accountant from outside the institution staff or board at least once a year, and the report shall be made a part of institution records. An opinion prepared by said auditors about the institution's present and predicted financial solvency shall be filed with the commissioner of human services at the time of each relicensure.

Subp. 7. **Discrimination prohibited.** Discriminatory practices are prohibited. See Administrative Manual, III-3000 through -3700, for further details. All public welfare programs and activities in Minnesota administered by the commissioner of human services and by agents (the local social services agencies and the state institutions), by county nursing homes licensed by the commissioner, and by any other agencies or organizations administered by or through the state agency are to be administered in such a manner that no person will, on the ground of race, color, religion, or national origin, be excluded from participation in; be denied any aid, care, services, or other benefits of; or be otherwise subjected to discrimination in any program administered or supervised by the Minnesota Department of Human Services. Minnesota Statutes, section 363.03, shall also apply as it relates to discrimination of staff and/or clientele.

Subp. 8. **Annual report.** It shall be required that the licensee or corporation, in cooperation with the Department of Human Services, or on its own accord, produce evidence to the commissioner of human services that an annual review of its purpose and goals, and the extent to which the purpose and goals are being accomplished, was done.

Subp. 9. **Confidential case records for children.** Every institution shall maintain a confidential case record for each child. Each record shall contain:

- A. Application for service.
- B. A social study of the family or investigation of application, including an explanation of custody and legal responsibility for the child.
- C. A verification of age.
- D. Medical consent signed by parents or legal guardian.
- E. Reports on medical examinations, including immunizations, any drugs received at the institution, dental examinations, and psychological and psychiatric examinations when given.
- F. A record of the child's development, reason(s) for continuation of institutional treatment, casework with the child and with the family, and plan for discharge. The case record material shall be reviewed at least every six months and will be brought up to date at that time.

G. A statistical report on each child receiving service as required by the commissioner of human services on forms furnished by the department for that purpose.

H. It is recommended that when a child is committed for care, a written agreement between parents and/or legal guardian and the institution be prepared and signed by the intake caseworker as the agency representative and by the parents and/or legal guardian. The parents and/or legal guardian should receive a copy, and the original should be filed in the child's record. The statement should cover at least:

- (1) a clear statement as to who has financial responsibility;
- (2) how payments are to be made to cover the cost of care;
- (3) exactly what items are and are not covered by the normal or regular institution cost, like holding a bed open when the child is not at the institution;
- (4) medical arrangements;
- (5) visiting arrangements and expectations;
- (6) arrangements for clothing and allowances;
- (7) arrangements for vacations;
- (8) regulations about gifts permitted;
- (9) arrangements for parents and/or legal guardian participation through regularly scheduled interviews with the institution;
- (10) the requirement that the child may be removed from the institution only after prior agreement with the institution and with sufficient advance notice so that the child and institution can be suitably prepared;
- (11) the institution's policy and/or personal allowance to be provided the child at the institution; and
- (12) in a placement made on a court order, at least a written memorandum of the rights and responsibilities of the parents.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279; L 1994 c 631 s 31*

9545.0940 ADMISSIONS.

Subpart 1. **Policies.** Only those children shall be admitted who are found eligible according to the institution's formally prescribed admission policies. Such admission policies must be preauthorized by the commissioner of human services and will include how the intake services will be extended, as well as the financing of any service plan developed between parents, agencies, and the institution's intake department.

Every institution shall have specific intake policies that are a part of the institution's written policy statements describing exactly what professional staff shall have the authority to admit a child. As a part of any admission committee for an institution, there shall be at least one professional social worker. Intake policies shall be carefully reviewed at least annually and changed as needs and conditions in the community change or as the staff and program of the institution change to meet these changing needs.

Admissions, in addition to keeping within the stated policies of the institution, shall be limited to those children for whom the institution is qualified by staff, equipment, and needs of children already in residence to give the care deemed necessary.

Subp. 2. **Social study.** Admission decisions shall be based upon a complete social study of the total situation of the child and the child's needs as well as the total situation at the institution at a given time in order that the ultimate welfare of the individual child shall be the major consideration.

Such social study shall be made before a child is admitted, except when emergency care must be given, and then the study shall be made immediately thereafter.

The social study shall include all that information that will permit a careful analysis of each case to make sure that each child admitted is in need of the type of care and service the institution can provide. The social study shall also include information from agencies involved with the child and the family.

Subp. 3. **Preplacement visit.** Prior to final placement, unless there are highly unusual circumstances, the child, the child's parent, and/or a legal guardian shall have a preplacement visit to the institution at least 24 hours before final placement.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279*

9545.0950 DIAGNOSIS AND TREATMENT WHILE IN THE INSTITUTION.

Subpart 1. **Duties of the institution.** The institution, through its social services, shall have the responsibility for keeping the child in contact, where appropriate and possible, with family and relatives and for assuring that services are provided to the family in behalf of the child by the institution staff, another professional public or private social service agency, or both. The institution and the placing agency shall also specifically determine for each child appropriate conferences involving the institution, the parent(s), the placing agency, and the child, to review the overall situation. These formal reviews are to be planned for each child at least every six months. For a child placed in an institution for a period of less than six months, the formal reviews are to be planned at appropriate shorter intervals. Written summaries of the review shall be sent to the referring agencies and shall be prepared by the institution. A written progress report should also be sent to the parent and/or legal guardian of the child at least every six months.

Subp. 2. **Duties of the professional staff.** The professional staff shall assist the child and family in understanding their problems and shall help the child and family in attempting to solve them.

The professional staff shall work closely with the child care staff and with staff of other agencies giving service in order that all persons working with the child and family may understand the effect of past and present behavior and environment on the child's actions and feelings.

Subp. 3. **Specialists.** In the gaining of an understanding of the child and the child's relationship to family and others, the services of specialists in the field of medicine, psychiatry, and psychology shall be used as the need for such services is indicated.

Subp. 4. **Treatment program.** The institution shall develop and implement a treatment program based on meeting the particular needs of each child as a part of the institution program design as far as practical and possible.

Subp. 5. **Self-governing councils.** Where possible and practical, some opportunities for self-governing councils should be considered for the clientele.

Subp. 6. **Work experience.** In the matter of work experience, each institution shall differentiate between work and daily living chores; and where an institution has a work program, it shall:

A. Provide work experience for children that is appropriate to the age and abilities of the child. Where appropriate, work shall be assigned and supervision provided with a view toward training and contributing to his/her growth. Work shall not interfere with the child's time for school study periods, play, sleep, normal community contacts, or visits with his/her family.

B. Not use the children as substitutes for staff.

C. Comply with the rules of the Department of Labor and Industry on child labor, especially the use of dangerous machinery and hazardous equipment. Operation of such machinery shall be conducted only in the immediate presence of an adult.

D. Differentiate between the chores that the children are expected to perform as their share in the business of living together, specific work assignments available to children as a means of earning money, and jobs performed in or out of the institution to gain vocational training.

E. Give children some choice in their chores and change from routine duties often to provide a variety of experiences.

Subp. 7. Solicitation of funds. No child shall be used for soliciting funds for an agency in any way that would be harmful or cause embarrassment to the child or the family; and the written consent of the parent or legal guardian shall be obtained prior to the agency's using a child's picture, person, or name in any form or a written, visual, or verbal communication system.

Subp. 8. Recreation plan. Each child shall have a recreational activities plan developed to assist the child meet his/her own unique recreational needs.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0960 ISOLATION.

This term is defined in parts 9545.0900 to 9545.1090 as separating the child for a temporary period of time from the rest of the institution population. Whenever an institution does utilize isolation, seclusion, or quiet rooms, adequate safeguards must be taken to prevent any detrimental effects upon the physical or emotional development of the child. Caution must be exercised in determining the frequency and duration of such periods, and the final decision to place a child in isolation must be made by the director of the institution or previously authorized staff.

If children are locked in rooms for security or isolation reasons, the following conditions must prevail:

A. The proximity of the staff will allow for visual and auditory contact with the child at all times.

B. All dangerous objects must be removed from the child prior to placement in isolation.

C. Rooms must have doors that open out and with keyless locks that have immediate release mechanisms.

D. All fixtures within the room shall be tamper-proof, with security mattresses of fire-resistant material. Switches must be located immediately outside the room.

E. Smoke- or fire-monitoring devices must be an inherent part of the room, as well as proper ventilation.

F. Appropriate entries must be made in the child's file.

G. A child in isolation must be provided the same diet that other children in the institution are receiving.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0970 MEDICAL CARE.

Subpart 1. Physical examination requirement. Except in the case of emergencies, no child shall be accepted in an institution without a physical examination and a statement signed by a licensed medical doctor specifying any physical defects the child may have. In an emergency admission, examination shall follow within 72 hours.

Subp. 2. Immunizations. Either prior to admission or as soon thereafter as practical, the child shall be immunized against smallpox, diphtheria, and such other diseases as the physician may recommend.

Subp. 3. Medical care arrangements. Definite arrangements shall be made with at least one licensed medical doctor for the medical care of children. This shall include arrangements for necessary visits to the institution as well as office visits.

Subp. 4. Annual physical examination. Every child shall have a complete physical examination at least annually. A child having a physical defect shall not be allowed to partici-

pate in activities injurious to the child's health. Efforts shall be made by the institution to have physical defects of the children corrected through proper medical care.

Subp. 5. **Staff instruction.** The staff members shall have a clear understanding as to what medical care, including first aid, may be given by them without specific orders from a licensed medical doctor. They shall be instructed as to how to obtain further medical care and how to handle emergency cases. To accomplish this objective, at least one member of the staff in attendance or on duty during the children's waking hours must have satisfactorily completed current first aid training and have on file at the institution a certificate from the American Red Cross so noting this fact.

Each member of the child caring staff shall be able to recognize the common symptoms of illnesses of children and to note any marked physical defects of children. A sterile clinical thermometer shall be kept available. Child-caring staff shall be able to provide practical nursing care.

Subp. 6. **Hospital admission.** Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or an emergency.

Subp. 7. **Medical records.** Each child shall have a separate medical record that shall include the statement of the medical doctor who examined the child at the time of admission to the institution; a record of immunizations; consent of parents or guardian for medical care; a record of annual measuring and weighing; a statement from the medical doctor who gave the child an annual physical examination; and a record of the medical care given at the institution. The latter shall include a record of the child's hospitalization; an up-to-date recording of any and all drugs, including prescriptions, quantity directions, physician's name, date of issue, and the name of the pharmacy; significant illnesses or accidents; and attempts at correcting physical defects.

Subp. 8. **Prescription labels.** Prescribed drugs and medicines shall be obtained on an individual prescription basis with the following labeling:

- A. name of pharmacy;
- B. patient's name;
- C. prescription number;
- D. prescribing practitioner;
- E. directions for use; and
- F. date of original issue or renewal.

In addition, we recommend: name of drug, potency of drug, quantity of drug, expiration date (when applicable).

Subp. 9. **Administration of drugs.** Drugs and medications shall be administered to the patient by a responsible staff person in accordance with medical instructions. All drugs shall be stored in a locked (double lock for narcotics) cabinet, and keys for the cabinet shall be kept under the supervision of a designated responsible staff person assigned to administer the drugs. The medication cabinet shall be equipped with separate cubicles, plainly labeled with the patient's name.

Medications belonging to the patient shall be returned to the patient's guardian or parents upon discharge or shall be destroyed by the person designated responsible for drug storage and administration by flushing the drugs into the sewer system and removing and destroying the labels from the container. It is illegal to accumulate a store of drugs (see Minnesota Statutes, section 151.37).

Refills of medications shall be obtained by contact with the pharmacy, which is required to obtain refill authorization from the prescribing physician.

The institution may possess a limited quantity of nonprescription drugs and administer them under the supervision of the staff.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.0980 DENTAL CARE.

The institution shall have a definite agreement for one or more licensed dentists for the dental care of children.

Each child shall receive a dental examination at least once a year.

Included in the child's medical record shall be a dental record showing dates of examination and by whom given.

Statutory Authority: *MS s 245A.09*

9545.0990 GENERAL HEALTH.

Subpart 1. **Sleep.** Each child shall have enough sleep for the child's age at regular and reasonable hours and under conditions conducive to rest. While children are asleep, at least one staff member shall be near enough to hear calls.

Subp. 2. **Personal hygiene.** Children shall be encouraged and helped to keep themselves clean. They shall receive specific training in personal hygiene.

Subp. 3. **Bathing facilities.** Bathing and toilet facilities shall be properly maintained and kept clean.

Subp. 4. **Personal articles.** Each child shall have the child's own clearly identified toothbrush, comb, an adequate supply of towels and washcloths, and the child's own separate place for keeping these personal articles.

Subp. 5. **Daily diet.** Menus shall provide for varied, balanced, and adequate diet for all children in the institution. This daily diet shall also meet the child's daily nutritional requirements and recognize the variations in appetite and encourage but not force children to eat.

Subp. 6. **Clothing.** Each child shall be provided with clothing for the child's own exclusive use that is comfortable, appropriate for current weather conditions, and of such type as not to make the child conspicuous in the community. Upon intake and discharge from the institution, the child's clothing status will be discussed and agreed upon between the referring and receiving parties.

Subp. 7. **Lighting.** Electric lighting in combination with natural lighting shall be of sufficient quantity and diffusion as to provide reasonable comfort to eyesight.

Subp. 8. **Play.** The institution shall provide equipment for indoor and outdoor play and shall make provision for active daily play and exercise.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1000 EDUCATION AND TRAINING.

Subpart 1. **Public education.** All children shall attend school in the local school district until the age of 16 years unless they are excluded for reasons that meet the guidelines of a properly designated school authority. The institution shall promptly notify the school district in the locality of the institution about any transfers in or out of the local school by the institution's clientele. A school operated within the institution shall meet the standards of the Department of Children, Families, and Learning and the local school district. A special plan for education of a child shall be worked out when the child is unable to attend the neighborhood school. The local school district is responsible for providing education to the child or children in the institution as described in Minnesota Statutes, section 120.17, especially subdivisions 6 and 8.

Subp. 2. **Religious education.** Children shall be provided an opportunity to receive instruction in their religion. No child shall be required to attend religious services or to receive religious instruction if the child chooses not to attend services or receive religious instruction.

Subp. 3. **Discipline.** Discipline shall be maintained by an attitude of the staff that shall be diagnostic and remedial, rather than punitive. Corporal punishment shall not be administered.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279; L 1995 1Sp3 art 16 s 13*

9545.1010 CHILDREN AS EMPLOYEES PROHIBITED.

Children shall not be required to be solely responsible for any major phase of institutional operation or maintenance, such as cooking, laundering, housekeeping, farming, and repairing. Children shall not be considered as substitutes for employed staff.

Statutory Authority: *MS s 245A.09*

9545.1020 DISCHARGE.

The decision that a child no longer needs or can benefit by what the particular institution can offer shall be reached in a joint conference in which child care worker, caseworker, group worker, teacher, other staff as needed, and the referring agency participate, with the executive carrying out final responsibility consistent with the following concepts:

A. The length of time a child spends in an institution shall be as brief as possible in accordance with the child's specific needs.

B. It is a part of the institution's responsibility to help the child and the parents or legal guardian prepare for termination of placement in the institution, whether the move is to return the child home or to a foster family, adoptive family, another institution, or the home of relatives.

C. If the parents, the legal guardian, or the child needs or wants further help after discharge from the institution, the institution and referring agency shall be responsible for either meeting the request for service directly or referring the parents, the legal guardian, or the child to another appropriate source.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1030 RESPONSIBILITY FOR NOTIFICATION OF RUNAWAY CHILDREN.

The institution shall be required to notify the child's parent(s) and/or legal guardian or referring agency within twelve hours after the child's whereabouts are unknown. The institution shall also notify the police within a reasonable period of time after it is confirmed that the child has attempted to run from the institution. When the child is found, the institution shall promptly report the child's return to the child's parents and/or legal guardian. Cooperative working relationships between the local police and the institution shall be established and at least annually reviewed in a joint meeting between the local police chief and the institution director.

Statutory Authority: *MS s 245A.09*

9545.1040 EMPLOYEE QUALIFICATIONS.

Every employee shall be mentally and physically capable of performing the duties assigned to him or her. There shall also be sufficient staff to carry out the institution's program and to assure the programming provisions of this rule. Every staff member shall have a physical examination before he/she begins work and annually thereafter. Initial examination shall include a Mantoux test, and a chest X-ray when the Mantoux is positive.

Statutory Authority: *MS s 245A.09*

9545.1050 STAFF-CHILDREN RATIO.

The ratio of child care staff to children in care shall be dependent on the need of the children, but the ratio of such staff to children shall not be less than the following schedule:

Age of child; minimum ratio of staff to children during waking hours.

Age of the child	Minimum ratio of staff to children during waking hours
four to five	one staff member to three children
six to eight	one staff member to four children
nine to 11	one staff member to six children
12 to 16	one staff member to eight children

There must be a staff person available at night in each individual unit, or hall, and a provision made whereby another staff person may be summoned in an emergency.

In an institution, the superintendent, supervisor, and teachers shall not be included in computing the waking hours schedule and could only be included in staff ratio if they have a regularly scheduled assignment within the immediate vicinity and call of the children during the night.

The ratio of professional staff to children shall be dependent on the needs of the children, but there shall be at least one professionally trained worker for every 12 children in the

institution. Professionally trained shall be defined as possession, at the minimum, of a B.A. degree. Based on a 40-hour week, this ratio is intended to mean, as a minimum, that each child should be able to receive at least 3-1/3 hours of professional service each and every week.

Statutory Authority: *MS s 245A.09*

9545.1060 INSTITUTION STAFF.

The institution staff shall include:

A. Administrator: The administrator shall have had training and experience and furnish references to the institution executive or board to verify proficiency in working with children that will help equip the administrator for duties and make that person temperamentally adapted to work with children, committees, and other community groups. The education and experience qualifications of the administrator shall not be less than the following:

(1) a B.A. degree in one of the behavioral sciences (special education, vocational counseling, psychology, social work) plus a minimum of five years of experience in residential treatment; or

(2) a master's or doctor's degree in one of the behavioral sciences (as defined above) plus a minimum of three years of experience in residential treatment.

All directors currently employed with lesser qualifications are grandfathered in as of the date of these standards. Where there are over 50 children in an institution, the administrator should have an executive assistant or a program director. The person responsible for program direction shall be equipped by training and/or experience.

B. Clerical staff: Each institution shall have sufficient clerical services to keep correspondence, records, and bookkeeping in good order.

C. Child care staff: Resident care staff shall have training and experience sufficient to equip them for their duties. Staff members shall be at least 21 years of age unless their maturity and the staff supervision and support justify having younger persons on duty.

D. Service personnel: Domestic and maintenance staff shall be employed to carry on the everyday housekeeping and maintenance functions in sufficient number so that those employed to give direct care to children are not prevented from giving supervision to the children because of other duties.

E. Social work services: Social work services through qualified social workers shall be provided by the institution. In an institution with more than 24 children, the master's degree worker should be in addition to the professionally trained director. All other social workers shall have at least a B.A. degree, and it is desired that this degree be in the behavioral sciences. The social workers should be supervised by a person professionally trained in the behavioral sciences. An institution providing social work services through its own social services department must also meet requirements relating to licensing of social services agencies.

F. Adjunctive clinical services: The services of a psychologist, psychiatrist, and physician must be made available for the children requiring these services. Professional staff who are employed, or whose services are used, by the institution shall have the special qualifications obtained through training and experience in their respective fields to render satisfactorily the services expected of them. Such staff include, but are not limited to, medical, dental, and health specialists; nutritionists; psychologists; music and vocational therapists; and teachers or educators. Each institution shall contract for psychiatric services to provide a specified number of hours of consultation each month to the staff.

G. Volunteers: Volunteers can be utilized by an institution to provide specialized skills and interest not otherwise available to the children through staff and to offer opportunities for relationships and individualized attention if used in accordance with the treatment program of the institution and for the child.

H. Relief staff: Relief personnel should be a part of the regular staff and able to understand and work toward the habilitative and rehabilitative goals of the institution.

I. Recreational staff: A recreational staff is an important aspect of the treatment program, and staff members holding such responsibilities shall have training and experience in recreational activities.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1070 PERSONNEL POLICIES.

Policies related to employment shall be in writing and include at least the following:

A. Description of the specific duties each employee is expected to perform, when they are to be performed, and other persons involved in their performance.

B. Recruitment and selection of new employees, the qualifications required/desired for each position, and, in general, how these qualifications are verified when an individual is hired.

C. Salary pay plan, mileage, expenses, and a list of all fringe benefits, such as hospitalization and retirement.

D. A description of the probation period and a list of conditions whereby termination will be considered.

E. Work schedules that describe what the vacation, holidays, sick leave, and daily periods of relief of the institution are.

F. Confidentiality. All employees shall receive both oral and written instructions as they relate to their individual responsibility for preserving confidentiality of the clientele.

G. Training. Each agency shall describe the type and duration of its in-service training program related to each position in the institution.

H. Notification of all employees as to whom to consult and how to do so in the event of an emergency.

I. Opportunities for attendance at workshops, institutes, and/or continuing education.

J. General promotional requirements and/or opportunities shown in writing.

K. Performance evaluations. It is recommended that each employee receive an evaluation at least annually and that the employee share in the evaluation process.

L. Provision of a copy of the institution's organization chart for each employee.

Statutory Authority: *MS s 245A.09*

9545.1080 PLANT, GROUNDS, AND EQUIPMENT.

Subpart 1. **Compliance with other laws.** In addition to the broad statements contained in this part and these parts, the specific standards of the state fire marshal and the Department of Health, as well as local building codes where they exist, shall also be applicable.

Subp. 2. **Grounds.** There shall be sufficient outdoor recreational space available.

Subp. 3. **Buildings.** Buildings:

A. Plans for a new building, additions, or structural alterations, when such plans affect services to children, shall comply with local building codes and shall be submitted for approval and consultation to the Department of Human Services before contracts are let or work is begun.

B. In any new construction, each child shall have at least 100 square feet in a single room, 80 square feet in a double room, and 70 square feet in a triple room for a sleeping room. In any institution licensed prior to this standard revision, no child shall have less than 70 square feet for a sleeping room. Each child shall have the child's own bed provided with springs, mattress, and bed covering in good condition. Each child shall also have an area to store personal belongings in a manner that assures privacy. There should not be more than four children in each sleeping room, with two being more desirable. Children shall not sleep in basements or attics.

C. Dining rooms shall be cheerful and attractive, and furnishings shall be well constructed and designed for use of children within the institution's age range.

D. The living rooms shall be large enough to provide comfortable and cheerful living quarters for the children.

E. There shall be sufficient space provided for indoor quiet play and active group play.

F. Heating facilities shall be provided that will keep the temperature in living quarters of the institution within the range of 70 to 74 degrees Fahrenheit.

G. It is recommended that natural light, where possible, be available in every sleeping area used by children and staff.

H. In combination with natural light, electric lighting shall be installed of sufficient quantity and diffusion to provide reasonable illumination.

I. Ventilation shall be available in every room in the institution that is used by the children and staff.

J. Staff quarters shall be separate from those of children although near enough to assure proper supervision of children.

Subp. 4. Fire. Fire:

A. Care shall be exercised by the staff to prevent children from using matches, from playing around unprotected and unsupervised fires, or from handling flammable or combustible materials. Children shall be instructed on fire prevention.

B. Blankets, bedspreads, drapes, clothing, and bedding materials should be made of noncombustible or fire-retardative material, as certified by manufacturer.

C. All electrical and heating equipment shall be approved by Underwriters Laboratory or other nationally recognized testing laboratories. All electrical equipment and installations shall comply with the Board of Electricity and the National Electrical Code.

D. Flammable liquids, such as gasoline, kerosene, fuel oil, etc., shall be stored as provided by regulations of local and state fire authorities.

E. The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in evacuation from the building in case of fire. Fire drills shall be held periodically. Fire extinguishers shall be provided and maintained throughout each building in accordance with standards of the state fire marshal. The institution shall comply with all regulations of the state fire marshal that relate to operation of such buildings.

F. All buildings of institutions licensed for the first time and/or new construction in existing institutions shall be of noncombustible construction and shall be at least one-hour fire-resistant for all one-story buildings and at least two-hour fire-resistant for all buildings more than one story.

G. Within existing buildings of frame construction, children shall not be housed above the second-floor level. At least one-half of the required exits from the second-floor level shall discharge directly to the exterior of the building at grade. All vertical openings between the first- and second-floor levels shall be enclosed at the first-floor level with at least one-hour fire-resistive construction, and any door openings into this enclosure shall be solid core wood or its equivalent. A complete automatic and manual fire alarm system shall also be provided within the building, and plans and specifications for such system shall be submitted to the state fire marshal's office for review prior to installation.

Subp. 5. Sanitation. Sanitation:

A. Kitchens and kitchen equipment shall meet standards of the Department of Health.

B. There shall be an adequate available supply of hot and cold water to serve the institution. Toilet facilities shall be maintained in a sanitary condition equal to standards prescribed by the Department of Health. There shall be separate toilet and bath facilities for boys and girls and separate facilities for employees. There shall not be less than one lavatory with hot and cold water for every six children, one toilet for every eight children, and one tub or shower for every ten children. In addition, there shall be a minimum of one tub or shower in each building in which children live.

C. Sewage shall be disposed of through sewage systems that comply with state ordinances.

D. The milk supply shall meet state ordinances.

E. Drinking water shall be supplied from an approved system that complies with Department of Health rules.

F. Proper facilities for staff and program sanitation shall be provided throughout the institution buildings and premises for the purpose of ensuring cleanliness and protection against disease.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279*

9545.1090 RIGHTS AND OBLIGATIONS OF THE APPLICANT.

Subpart 1. **Right to apply for license.** An applicant has the right to make an application to receive a license to operate an institution under this standard.

Subp. 2. [Repealed, 18 SR 2748]

Subp. 3. **Right to set cost of care.** An institution has the right to set the cost of care for treatment at the institution. It is recommended that this cost be based on a dollar amount that will adequately reflect the institution's intent to meet the standards of this rule and the program intent of the institution. It should be recognized by prospective clientele that in order to provide continuing, competent care for children in placement, the cost of care will have to reflect a dollar amount that will enable the institution to maintain a facility that has a plant, program, and personnel to meet its responsibilities.

Subp. 4. **Right to assistance.** An applicant has the right to request consultation from the Department of Human Services to assist the applicant in understanding this rule and its requirements.

Subp. 5. **Duty to provide services.** The applicant has the obligation to provide services to emotionally handicapped children as outlined in this standard and Minnesota Statutes, sections 151.31; 245A.01 to 245A.16; and 317.65, in order to retain a license to operate in Minnesota.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; L 1987 c 333 s 22; 13 SR 1448; 17 SR 1279; 18 SR 2748*

MATERNITY SHELTERS

9545.1200 STATUTORY AUTHORITY.

Minnesota Statutes, section 624, establishes the authority of the commissioner of human services to set rules governing the operation of maternity shelters. The commissioner of human services hereby promulgates the following rules to establish standards for maternity shelters.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58*

9545.1210 DEFINITION: MATERNITY SHELTER.

"Maternity shelter," as used in these standards, means any home or institution that provides residential care for three or more pregnant women.

Statutory Authority: *MS s 245A.09*

9545.1220 PURPOSE AND FUNCTION OF SHELTERS.

Each maternity shelter shall clearly define its purpose and function. The function and services of the shelter shall be related to the need of the unmarried mother and her child, to needs of the community as a whole, and to the other health and social service resources.

Statutory Authority: *MS s 245A.09*

9545.1230 ORGANIZATION OF SHELTERS.

The maternity shelter shall be incorporated in accordance with the laws of the state of Minnesota.

There shall be a board of directors responsible for policies and for the financing of the shelter. The board should be composed of persons representative of the community served.

There shall be written policies and procedures relating to board structure and organization. The policies and procedures shall be subject to constant reevaluation in the light of changing needs.

Statutory Authority: *MS s 245A.09*

9545.1240 FINANCING AND ACCOUNTING OF SHELTERS.

The maternity shelter shall have a plan of financing that gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care of the unmarried mothers. A new maternity shelter shall have sufficient funds assured to carry it through the first year of operation.

All financial accounts shall be audited by a certified public accountant from outside the maternity shelter staff or board at least once a year; and the report shall be made part of the shelter's records subject to review by the commissioner of human services.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58*

9545.1250 SHELTER PERSONNEL.

All employees shall be persons of good character, good health, and emotional stability, with appropriate education and experience to carry out the duties assigned to them.

There shall be a sufficient number of staff members to provide adequately for social services, education, physical and mental health, group activities and discussion, and religious needs of the girls and women in care. These people may be permanent staff members or may serve in an auxiliary capacity.

There shall be written personnel policies and job descriptions approved by the board of directors.

A salary range for each type of position shall be established in writing and shall be adequate to attract and hold efficient personnel, equivalent to prevailing rates of pay in similar positions in the community, and commensurate with the duties and responsibilities of the position.

Personnel policy shall provide specifically for vacations, sick leave, holidays, and maximum work week. The work week should not exceed 40 hours. There should be a minimum of two weeks vacation, 12 days sick leave, and seven holidays per year.

Each staff member shall have a physical examination, including chest X-ray, before beginning work and annually thereafter. Report on such examination for each employee shall be kept on file.

Individual personnel records should be kept for each employee, to include evaluations of job performance.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1260 SHELTER STAFF.

Subpart 1. Executive director. The executive director shall be a person of appropriate training and experience, proven executive ability, knowledge of the work to be administered, and an understanding of the unwed mother and her needs. The executive director should have a college degree with professional training and experience in social work or its equivalent and experience in working with people, to be able to carry out duties and work with committees and other community groups.

Subp. 2. Social services. The maternity shelter shall make provision for social services either by employing qualified social workers on the maternity shelter staff or by arrangement with an authorized social work agency. Psychiatric and psychological services should be available as needed.

Subp. 3. Group-living staff. Group-living staff shall be persons of unquestionable moral and emotional fitness, with adequate education and experience to equip them for their duties. Each person in the shelter should have an understanding of unmarried mothers and their needs.

Subp. 4. Clerical staff. Each maternity shelter shall have adequate clerical services to keep correspondence, records, bookkeeping, and files current and in good order.

Subp. 5. **Other staff.** Domestic and maintenance staff shall be employed to carry on the everyday housekeeping and maintenance functions in sufficient numbers to care for the upkeep of the maternity shelter.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1270 BUILDINGS AND GROUNDS.

Subpart 1. **Location.** The maternity shelter shall be so located as to provide easy access to hospitals, fire protection services, and other community facilities.

Subp. 2. **Health and safety.** All buildings shall conform to local or state building codes and shall be approved by the state fire marshal or local fire bureau.

The maternity shelter shall comply with local or state sanitary and safety requirements relating to water supply, plumbing, cleanliness, heating and ventilation, laundry, and garbage and waste disposal.

Subp. 3. **Living arrangement.** The maternity shelter shall be planned and furnished to create an atmosphere of cheerfulness and contentment.

There shall be provision for a reasonable degree of privacy as well as for appropriate group-living experiences.

The area of sleeping rooms shall be not less than an average of 500 cubic feet per person. Four occupants per room should be considered a maximum.

The living room, dining room, and other group activity areas shall be large enough to provide for comfortable and cheerful group living.

Subp. 4. **Grounds.** There should be sufficient well-kept grounds for recreation and outdoor activities.

Statutory Authority: *MS s 245A.09*

9545.1280 SOCIAL SERVICES.

Subpart 1. **Admission policies.** The basis for eligibility for admission is the ability to use the services available.

Shelters under religious auspices, or those set up to serve a particular group, should define their admission policies clearly. In general, policy should state that no application will be rejected because of age, race, color, religion, legal residence, marital status, prior pregnancy, or economic status.

Policy about time of admission should be flexible to allow for individual needs. Eligibility should not depend on the plan for the child or on willingness to remain in the maternity shelter for any specified period of time.

If the maternity shelter cannot provide appropriate living arrangements for care of an unmarried mother at the time when such care is needed, policy should provide for referral to other community resources that can better meet the woman's needs.

If possible, at time of admission, provision should be made by the shelter for payment of expenses of living arrangements and medical care for the unmarried mother and for boarding care and other expenses for the child. Nevertheless, services should not be withheld solely because of inability to pay.

Subp. 2. **Casework services.** Casework services shall be available to each unmarried mother admitted to a maternity shelter program, either through its own professional staff or through an approved social agency in the community.

Casework service shall be offered to each unwed mother, and she should be referred for such service as soon as possible.

The initial casework interview shall be held within ten days after referral.

Casework interviews shall be regularly scheduled, with reasonable frequency based on individual needs. Intervals between casework interviews shall not exceed two weeks.

Casework service shall include help in adjustment to pregnancy, to separation from natural environment, and to group living. Casework service should include psychological and psychiatric help as needed to facilitate diagnosis and treatment.

The caseworker shall be responsible for providing help in formulating a long-term plan for the mother and baby.

Every unwed mother shall be given the choice of keeping or relinquishing her child and of deciding whether or not she sees her child. Help with this decision is part of the casework process.

The casework agency, at the request of the mother, shall arrange for referral to a licensed child-placing agency for any baby needing adoptive placement or other foster care. The maternity shelter staff shall not place children for adoption or foster care.

Subp. 3. Group-work services. Individual casework service should be supplemented by group discussions to help girls and women to understand themselves and to make sound plans for the future. They should be led by a qualified social worker who has familiarity with modern social work concepts about the problems and treatment of unwed mothers.

Subp. 4. Staffing. Provision should be made for regularly scheduled conferences involving the caseworker, the group worker, and resident personnel in discussions on the total planning for each girl and woman in care. Other persons of therapeutic importance in a given case may also be included in these discussions, such as psychiatric consultant, clergy, teacher, parent, relative, etc.

Subp. 5. Case recording. A confidential record shall be maintained for each resident, including identifying information, a brief social history, and a record of casework planning and services needed. The record may also include psychological reports and medical recommendations.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1290 MEDICAL AND HEALTH SERVICES.

Subpart 1. Physical examination. Initial examination at the time of intake shall include:

A. a complete medical history, including a history of previous pregnancies, general health, and significant health history of the family; and

B. a complete physical examination, including:

- (1) estimation of the progress of this pregnancy, with determination of pelvic measurements and significant abdominal findings;
- (2) weight, temperature, pulse, respiration, and blood pressure;
- (3) urinalysis, hemoglobin determination, and blood RH;
- (4) serological test for syphilis and cervical and urethral smears for gonorrhea (to be sent to state Department of Health); and
- (5) Mantoux test or chest X-ray.

Subp. 2. Deliveries and postpartum care. The maternity shelter shall enter into a written agreement with a licensed hospital in the community to provide facilities for obstetrical deliveries and postpartum care.

Subp. 3. Natal care. The maternity shelter shall make provisions for adequate prenatal and postnatal care for both the unmarried mother and her child.

During the first seven months of pregnancy, the unmarried mother should be seen by the physician not less than every four weeks, every two weeks from then until the last month, and then every week until delivery.

At each visit a urinalysis should be done, blood pressure recorded, and the patient weighed.

A hemoglobin determination should be done, preferably each month, or at least once each trimester.

A final and complete postnatal examination shall be made by the physician before discharge.

Subp. 4. Specialists. If possible, the care of the unwed mother must be supervised by a specialist in obstetrics, and the care of the child must be supervised by a specialist in pediatrics. Adequate consultation by other specialists should be readily available.

Subp. 5. Dispensing medications. Medications shall be dispensed only on orders of the attending physician.

Statutory Authority: *MS s 245A.09*

9545.1300 EDUCATION.

Subpart 1. **Formal education.** Opportunities shall be provided for continuing education for girls whose education has been interrupted by pregnancy. Arrangements shall be made with the local department of education to provide qualified teachers and to ensure continuance of school and proper credit for work completed in the maternity shelter. The school program should offer a wide variety of subjects, in order that each girl can study courses for which her home school can give credit. Every effort should be made to ensure confidentiality both in requesting transcripts and in transferring credit.

Subp. 2. **Informal education.** Instruction in health, prenatal care, delivery, and postpartum care shall be given to all residents.

A wide variety of activities should be provided to meet varying interests, abilities, needs, and new experiences and to provide an opportunity to find new ways of adjusting to life situations.

Informal discussions, in small groups having mutual interests and problems, should be led by a person trained in social group work when possible.

A varied recreation program should be developed to teach acceptable means of using leisure time as an outlet for emotions, self-expression, and the give and take of social relations.

Statutory Authority: *MS s 245A.09*

9545.1310 RELIGION.

The religious program shall give consideration to:

A. the place of religion in one's total life experience, with its traditional role in crisis situations;

B. the importance of religion in building and maintaining moral standards;

C. the value of religion in acquiring a positive self-image; and

D. the likelihood of resentment and hostility toward religion on the part of some individuals, particularly when it is identified with authority.

The maternity shelter shall provide opportunities for each resident to follow, as she may wish, the practices of her religion. In an instance in which the shelter is maintained by a particular church group, this may be accomplished by having a resident chaplain responsible for religious activities. In other instances, arrangements may be made for carefully selected clergy in the area to provide these services.

Pastoral counseling should become a part of the total helping process, and the clergy should be considered a part of the helping team.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1320 RESIDENTIAL PROGRAM.

Subpart 1. **License requirement.** Maternity shelters must be licensed under parts 9543.1000 to 9543.1060.

Subp. 2. **Program objectives.** The residential program shall have the following objectives:

A. To provide a setting that will facilitate use of professional services designed:

(1) to meet emotional, medical, spiritual, educational, and recreational needs during a pregnancy; and

(2) to prepare the residents for a more mature, emotionally satisfying, and socially acceptable way of living.

B. To provide a positive experience of living with other girls that can alleviate guilt, decrease hostility, increase self-esteem and self-understanding, and provide an opportunity for companionship and for participation and self-expression in group activities.

C. To provide healthful and supportive relationships:

(1) through a process of daily association with staff processing qualities worthy of emulation;

- (2) through association with adults who are well-adjusted in their own lives; and
- (3) through daily living experiences that can foster the personality growth of individuals.

D. To provide an environment that will ensure comfortable shelter, appropriate food, privacy, security, relaxation, and freedom from pressures, with simultaneous opportunity for optimum self-direction, self-responsibility, and self-determination.

(1) A daily schedule and policies of conduct that make group living pleasant for all should be in writing and available to the resident on admission. Both should be flexible and adaptable to individual needs.

(2) Residents should have a part in planning activities of the group and some choice in participating. There should also be opportunities for group discussions and group decisions on problems of group living.

(3) Work should be considered a part of the therapeutic program, and work assignments should be a part of the plan for the girl's physical, mental, and emotional health and happiness.

Proper supervision should be provided to make the work a learning experience in the skill and in carrying responsibility.

The wishes and ability of each resident shall be taken into account in assignments, as well as her need for leisure and privacy.

Disagreeable tasks shall not be used as punishment.

Work assignments shall be so planned that they will not interfere with other aspects of the treatment program.

(4) Any practice not in conformity with the spirit of these objectives (censorship of mail, prohibition against a girl's use of her own room during free time, undue restriction of freedom to leave the grounds or to receive visitors, etc.) violates the requirements of this section.

(5) Each maternity shelter shall define the methods and procedures to be used by staff in implementing these objectives.

Statutory Authority: *MS s 245A.09*

History: *18 SR 2748*

9545.1330 [Repealed, 18 SR 2748]

GROUP HOMES

9545.1400 STATUTORY AUTHORITY.

The authority of the Department of Human Services, Licensing Division, to prescribe and publish minimum standards for the approval and licensing of group homes is contained under Minnesota Statutes, chapter 245A. Standards prescribed, and contained herein, shall be in force until revoked or revised by authority of the department.

The commissioner of human services is delegated responsibility by the state legislature to see that the minimum requirements as herein prescribed are met and maintained by local social services agencies, licensed child-placing agencies, licensed children's institutions, foster family group homes, and independent operators of group homes.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 13 SR 1448; L 1994 c 631 s 31*

9545.1410 PURPOSE OF GROUP HOMES.

In our day, we are greatly concerned about all children in society and their need for proper care. We have the responsibility to see that proper resources are established and maintained. With our growing child and youth population and expansion of needs, we find that there are gaps between the service needed and the variety of resources available to provide the service.

In recent years, in an attempt to meet diverse needs, new resources for care have been established. One of these new resources is the group home. Group homes provide a type of

care that is not available through traditional foster families or institutions. Group homes are not meant to replace either of these types of care but present a unique opportunity to combine different aspects of treatment from both resources. Group homes can provide adult guidance and professional services to the child placed out of the child's own home and yet keep the child in community living. The facility is community based, and the program is community oriented.

The group home represents a resource that has tremendous flexibility in giving care to children of all ages with varying needs. Group home care should be used on a selective basis as a treatment of choice. The group home should not be considered a panacea of care for children. It is a distinct resource in its own right that is part of the whole broad spectrum of resources available to children.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1420 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the party responsible for providing social service, administration, and the direction and control of the program. This party can be a local social services agency, licensed child-placing agency, licensed children's institution, or independent operator.

Subp. 2. **Children.** "Children" means persons under the age of 18 years of age or persons over 16 years of age if for reasons of mental retardation they still require the protection needed by persons under 16 years of age (Minnesota Statutes, section 245A.02, subdivision 4).

Subp. 3. **Group home.** "Group home" means a specialized facility that provides care on a 24-hour-a-day basis for a selected group of not more than ten children. The facility can be owned, rented, or leased by a local social services agency, licensed child-placing agency, licensed children's institution, or independent operator, or subsidized by any of the above. The specialized care will be a planned treatment program under the direction and control of an agency, institution, or independent operator. Natural children of the group home parents under 21 years of age, if present in the home, are included in the total number of children living in the home.

Subp. 4. **Group home parent.** "Group home parent" means a person who carries out the continuing daily living program and provides care to the children. This may be a member of the agency staff or a person subsidized for the care he or she provides. It may be a married couple, a single person, or single persons working on a shift basis.

Statutory Authority: *MS s 245A.09*

History: *13 SR 1448; L 1994 c 631 s 31*

9545.1430 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Philosophy, purpose, and function of home.** The philosophy, purpose, and function of the group home shall be clearly defined in writing and maintained as part of the group home file in the agency.

Subp. 2. **Written description.** The agency shall similarly define, in writing, and file a statement of the geographic area to be served, ages and kind of children to be accepted for care, and the specific extent, limitations, and scope of service for which the group home is established.

Subp. 3. **Written agreement.** The agency shall have on file a written agreement between itself and the group home parents. The agreement shall contain the following items:

- A. admissions and discharge policy for the residents;
- B. program plans for residents;
- C. terms of the agreement as they affect length of time to be in effect and what conditions necessitate the formulation of a new agreement;
- D. the roles, responsibility, and authority of the agency and its personnel and group home parents;
- E. the per diem or monthly care rate paid to the group home parents; and

F. the maximum number of children to be cared for in the group home.

Subp. 4. **Finance plan.** The agency shall have a sound plan of financing that will give assurance of sufficient funds to enable it to carry out its defined purposes and to provide proper care for children.

Subp. 5. [Repealed, 18 SR 2748]

Subp. 6. **Coordination with community services.** The agency shall coordinate its services and program with appropriate persons, agencies, and organizations in the community. This shall include schools, vocational training centers, mental health centers, job placements, day activity centers, parent organizations, and churches.

Subp. 7. **Needs of children.** Clothing, personal allowance, spending money, and medical expenses for the children in the group home shall be worked out by the agencies involved.

Subp. 8. **Discrimination prohibited.** All licensed individuals, agencies, or organizations shall operate on a nondiscriminatory basis, according equal treatment and access to their services to all persons.

Subp. 9. [Repealed, 18 SR 2748]

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 18 SR 2748*

9545.1440 PERSONNEL.

Subpart 1. **Director.** The director of the agency will be the chief administrator of the group home. The chief administrator may direct the total operation of the group home or may delegate this duty.

Subp. 2. **Employee qualifications.** All employees shall be persons of good character, good physical and emotional health, and appropriate age and maturity and shall possess sufficient ability and education to carry out adequately the duties assigned to them.

Subp. 3. **Adequate staff.** There shall be sufficient staff to carry out the group home program.

Subp. 4. **Social service staff.** The agency shall provide qualified social service staff for the group home either from within its own structure or through contractual arrangements.

It is recommended that not more than two persons provide continuing social service to any group home. (Recommended.)

Subp. 5. **Group home parents.** Each group home shall have full-time group home parents. If a married couple is employed in this position, at least one of them shall be on a full-time basis. A group home parent shall be on duty at all times.

Subp. 6. **Substitute parents.** Adequate arrangements shall be made for substitute group parents to serve in emergency situations, vacation, illness, and when the regular group parents have their time off.

It is recommended that the full-time group home parents receive two weeks vacation per year and that they be allowed one full day off per week. (Recommended.)

Subp. 7. **Medical and dental staff.** The agency shall provide medical and dental staff for the care of the group home residents either from within its own structure or through contractual arrangements.

Subp. 8. **Additional staff to carry out the group home program.** Additional staff to carry out the group home program:

A. **Psychiatric consultation:** to provide consultation on a case basis as well as overall treatment goals for the group.

B. **Psychological consultation:** to provide testing for assessment purposes at the time of admission as well as to measure gains throughout the stay or at the time of dismissal. The psychologist may also be used to set up and carry out a research project to evaluate the program and its impact on the children.

C. **Service personnel:** a cook, a housekeeper, or maintenance personnel may be hired to perform specific duties. This could relieve the group home parents of these functions and allow them more time with the children in carrying out the program.

D. **Volunteer services:** to augment and assist other personnel in carrying out the program. Volunteers shall be aware of, and interested in, the needs of children. They shall be oriented to the program, staff, and children of the group home.

E. Trained group worker: to carry out direct group treatment services, consult about overall group programs, and provide training in group process to the group home parents. (Recommended.)

Subp. 9. [Repealed, 18 SR 2748]

Subp. 10. [Repealed, 18 SR 2748]

Subp. 11. **Staff-to-children ratio.** It is recommended that the staff ratio in a group home be one staff member for every five children. (Recommended.)

Statutory Authority: *MS s 245A.09*

History: *18 SR 2748*

9545.1450 PROGRAM.

Subpart 1. **In general.** The program shall be a composite of the services offered in the group home, community, and agency supervising and directing the operation of the group home. (Recommended.)

The program shall be based on the purpose of the group home, with plans for the individual children as well as the total group.

Subp. 2. **Individual program plans.** A program plan for each child shall be formulated by the agency in conjunction with the group home staff, community resources, and auxiliary services at the time of intake. This plan shall be reevaluated at least every six months, with changes implemented according to the needs of the child.

Subp. 3. **School for children.** All school age children shall be referred to the local school district for educational planning and placement. "Local school district" means the district in which the group home is located.

It is recommended that this referral to the local school take place prior to placement in the group home to ensure that the child is eligible for service and that the local school has an appropriate program.

Subp. 4. **Goal of group living.** Group living shall be used in planful and purposeful ways to help the children develop constructive relationships to adults and to other children and constructive patterns of handling time, money, and care of belongings and property.

Subp. 5. **Community experiences.** Community living experiences shall be used in conjunction with plans for education and training, recreational and social pursuits, job placements, and attendance at religious services.

Subp. 6. **Social service.** Social service shall be a clearly defined and identifiable phase of the total care, treatment, and training program. Social service shall be provided on both an individual and a group basis. It is recommended that social service be extended to the families of the residents whenever feasible and in accordance with the planning of the child. (Recommended.)

Subp. 7. **Recreation.** Leisure time activities shall be planned to allow for constructive activities that enhance social and physical skills. Time shall also be available for completion of academic assignments and to allow for individual pursuits.

Subp. 8. **Health examinations.** All children shall have medical and dental examinations yearly, or more often if necessary.

It is recommended that each child be given a medical and dental examination prior to admittance into the group home.

Subp. 9. **Religious practice.** Each child shall have the opportunity to practice the child's religious preference.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279*

9545.1460 RECORDS.

Subpart 1. **Group home records.** The supervising agency shall maintain a record on each group home. The record shall contain a copy of each of the following items:

A. the philosophy, purpose, and function of the group home;

B. the statement of the geographic area to be served, ages and kind of children to be accepted for care, and the specific extent, limitations, and scope of service for which the group home is established;

- C. the agreement between the agency and the group home parents;
- D. the intake policy and procedure;
- E. the arrangements for the provision of social services;
- F. the arrangements for the provision of medical and dental services;
- G. personnel policies;

H. criteria for selection of group home parents. (The criteria outlined in parts 9545.0030 to 9545.0080 for foster parents may be used in the development of the criteria for the selection of group home parents. Recommended.);

- I. names of group home parents and substitute group home parents;
- J. the state fire marshal report; and
- K. a floor plan of the group home, the designated room dimensions.

Subp. 2. **Financial records.** The financial record of the group home shall be maintained in the agency.

Subp. 3. **Individual records.** The agency shall maintain a record on each individual resident in the group home. The record shall contain a copy of each of the following items:

- A. admission information;
- B. objectives of individual planning;
- C. reports on progress toward the accomplishment of these objectives; and
- D. dismissal summary.

Subp. 4. **Medical records.** The group home parents shall maintain medical records on each child.

Subp. 5. **Children's progress reports.** The agency shall send the referring agency a record of the child's progress at least every six months.

Subp. 6. [Repealed, 18 SR 2748]

Subp. 7. **Confidentiality.** Information on record pertaining to an individual or the family shall be held confidential and released only to authorized persons or agencies.

Statutory Authority: *MS s 245A.09*

History: *17 SR 1279; 18 SR 2748*

9545.1470 PHYSICAL FACILITY.

Subpart 1. **Location.** The location of the group home shall be related to the program it offers. It shall be accessible to religious, school, training, and recreation facilities and other appropriate community resources.

It is recommended that the home be located in a residential area and be undifferentiated from other residences. It is helpful to locate in a neighborhood where there are other children and the neighborhood accepts children and their behavior. (Recommended.)

Subp. 2. **Grounds.** The grounds shall provide adequate outdoor space for recreational pursuits.

Subp. 3. **Compliance with codes.** The group home shall meet the regulations of the local health authorities as well as local zoning and building codes. Consultation with the state Department of Health is available if desired.

The group home shall meet the requirements set forth by the state fire marshal. The state fire marshal shall inspect all facilities.

Subp. 4. **Building.** Building:

A. There shall be living and recreation space of 35 square feet of floor space per child. This may include living room, dining room, and recreation room but excludes bathrooms, halls, laundry room, bedrooms, furnace room, and kitchen.

B. The dining area shall be large enough to comfortably accommodate all the children, the group home parents, and guests at a meal. The room shall be cheerful, well ventilated, and convenient to the kitchen.

C. Every sleeping room for the accommodation of one child shall contain 80 square feet of floor space, with a minimum horizontal dimension of eight feet.

D. Every sleeping room for the accommodation of more than one child shall contain 60 square feet of floor space per child, with a minimum horizontal dimension of eight feet. Each child shall have an individual bed. Individual beds shall be at least three feet apart.

E. No bedroom shall accommodate more than four children.

It is recommended that there be no more than two children per bedroom. It may also be helpful to have single occupancy rooms. (Recommended.)

F. Each resident shall have a set of dresser drawers to accommodate personal articles and clothing.

G. Each resident shall have an individual storage closet or locker for day-to-day clothing, and other storage space for clothing not currently used.

H. There shall be one toilet for every five children, one lavatory with hot and cold water for every five children, and one tub or shower for every five children. The toilet facilities shall be maintained in a sanitary condition equal to the local health regulations. All group homes that house children of both sexes shall have separate toilet and bath facilities for each sex.

I. The heating plant shall be of a size and capacity to maintain a temperature of 70 degrees Fahrenheit in all rooms.

J. Provisions shall be made for laundry facilities adequate in space and equipment to meet the needs of the children, the group home parents, and the home.

K. A flashlight and a first aid kit shall be available in every group home for emergency use.

L. All medications for the children in the group home, as well as household poisons, shall be kept in a safe and secure place.

Statutory Authority: *MS s 245A.09*

History: *18 SR 2748*

9545.1480 PROCEDURE FOR LICENSING.

Subpart 1. [Repealed, 18 SR 2748]

Subp. 2. [Repealed, 18 SR 2748]

Subp. 3. [Repealed, 18 SR 2748]

Subp. 4. [Repealed, 18 SR 2748]

Subp. 5. [Repealed, 18 SR 2748]

Subp. 6. [Repealed, 18 SR 2748]

Subp. 7. [Repealed, 18 SR 2748]

Subp. 8. [Repealed, 18 SR 2748]

Subp. 9. **License required.** Group homes must be licensed under parts 9543.1000 to 9543.1060.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 18 SR 2748*

9545.1490 [Repealed, 18 SR 2748]

9545.1500 [Repealed, 18 SR 2748]

RESIDENTIAL AND NONRESIDENTIAL PROGRAMS AND AGENCIES

9545.2000 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9545.2000 to 9545.2040 have the meanings given to them in this part.

Subp. 2. **Agency.** "Agency" means any individual, organization, association, or corporation which for gain or otherwise regularly provides needed social or counseling services for persons living in their own homes, or receives persons unable to remain in their own homes and places them in residential or foster care, or places persons in adoptive homes. Agency includes semi-independent living services (SILS) licensed under parts 9525.0500 to 9525.0660. Agency does not include a local welfare agency or agencies sponsored by community mental health boards pursuant to Minnesota Statutes, section 245.66.

Subp. 3. **Base fee.** "Base fee" means the portion of the licensing fee that constitutes the minimum charge to an operator regardless of the licensed capacity or number of persons served in the residential or nonresidential program or agency.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 5. **Nonresidential program.** "Nonresidential program" as defined in Minnesota Statutes, section 245A.02, subdivision 10, means any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Nonresidential program includes outpatient treatment programs for chemically dependent persons licensed under parts 9530.5000 to 9530.6500.

Subp. 6. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 7. **License.** "License" means a certificate issued by the commissioner authorizing the operator to give specified services for a specified period of time in accordance with the terms of the license, Minnesota Statutes, chapter 245A and section 252.28, subdivision 2, and the rules of the commissioner. License includes a provisional license issued to an operator who is temporarily unable to comply with all of the requirements for a license.

Subp. 8. **Licensed capacity.** "Licensed capacity" means the maximum number of persons permitted under the terms of a license to receive care at any one time in a residential or nonresidential program or agency.

Subp. 9. **Licensed capacity fee.** "Licensed capacity fee" means the portion of the licensing fee charged to an operator based on the licensed capacity of the residential or nonresidential program or agency.

Subp. 10. **Licensing fee.** "Licensing fee" means the fee charged to an operator by the department for issuing or renewing a license.

Subp. 11. **Licensing fee formula.** "Licensing fee formula" means the procedure used by the department to determine the licensing fee.

Subp. 12. **Operator.** "Operator" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for the operation of a residential or nonresidential program or agency.

Subp. 13. **Regularly or regular basis.** "Regularly" or "regular basis" means a cumulative total of more than 30 days within any 12-month period.

Subp. 14. **Residential program.** "Residential program" as defined in Minnesota Statutes, section 245A.02, subdivision 14, means any facility, public or private, which provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential program does not include state hospitals or other state-operated residential facilities.

Subp. 15. **Waiver.** "Waiver" means written permission by the commissioner for an operator to depart from the provisions of part 9545.2020.

Statutory Authority: *MS s 245A.09; 245A.10*

History: *10 SR 592; 13 SR 1448*

9545.2010 APPLICABILITY.

Parts 9545.2000 to 9545.2040 establish procedures for the department to determine and collect fees for issuing and renewing licenses for residential and nonresidential programs and agencies. Parts 9545.2000 to 9545.2040 apply to operators of all residential and nonresidential programs and agencies required to be licensed under Minnesota Statutes, chapter 245A, and section 252.28, subdivision 2, except family foster care homes licensed under parts 9545.0010 to 9545.0260 and family day care homes licensed under parts 9545.0315 to 9545.0445, which are exempt from the licensing fees established in parts 9545.2000 to 9545.2040 under Minnesota Statutes, section 245A.10.

Statutory Authority: *MS s 245A.09*

History: *10 SR 592; 13 SR 1448*

9545.2020 LICENSING FEE FORMULA.

Subpart 1. **General formula.** The department shall charge the following annual fees for issuing and renewing licenses:

A. A base fee of \$25, increasing to \$35 beginning July 1, 1987, \$45 beginning July 1, 1989, and \$55 beginning July 1, 1991.

B. A licensed capacity fee of \$5 multiplied by the licensed capacity of each residential or nonresidential program or agency. The \$5 fee shall increase to \$6 beginning July 1, 1987, \$7 beginning July 1, 1989, and \$8 beginning July 1, 1991.

C. The base fee plus the licensed capacity fee is the licensing fee to be charged to each operator at the time of application for issuance or renewal of a license.

Subp. 2. Exceptions. The following are exceptions to the fees established in subpart 1:

A. The licensing fee for group day care centers licensed under parts 9545.0510 to 9545.0670 shall be one-half of the base fee in subpart 1, item A, plus a licensed capacity fee of \$1.50 multiplied by the licensed capacity of each day care center. The \$1.50 fee shall increase to \$2 beginning July 1, 1987, \$2.50 beginning July 1, 1989, and \$3 beginning July 1, 1991.

B. The licensing fee for child-caring and child-placing agencies licensed under parts 9545.0755 to 9545.0845 shall be the base fee in subpart 1, item A, plus 50 cents for each adoption decree granted by a court in the previous year for a child placed in an adoptive home by the agency and 50 cents for each foster home supervised by the agency. The 50-cent fees shall increase to 60 cents beginning July 1, 1987, 70 cents beginning July 1, 1989, and 80 cents beginning July 1, 1991.

C. The licensing fee for outpatient treatment programs for chemically dependent persons licensed under parts 9530.5000 to 9530.6500 shall be the base fee in subpart 1, item A, plus 50 cents for each person served in the program in the previous year. The 50-cent fee shall increase to 60 cents beginning July 1, 1987, 70 cents beginning July 1, 1989, and 80 cents beginning July 1, 1991.

Statutory Authority: *MS s 245A.09; 245A.10*

History: *10 SR 592; 13 SR 1448; 18 SR 1593*

9545.2030 LICENSING FEE PAYMENT.

Subpart 1. Payment procedure. The licensing fee payment must accompany an operator's application for issuance or renewal of a license. The licensing fee shall be payable to the treasurer of the state of Minnesota and is nonrefundable.

Subp. 2. Proration of fees. The annual licensing fees established in part 9545.2020 shall be prorated for residential or nonresidential programs or agencies licensed for a period of time other than one year according to the number of months for which the license is issued or renewed.

Subp. 3. Noncompliance. An application for a license or license renewal is not complete and no license shall be issued until the licensing fee is paid. If an operator requests a waiver under part 9545.2040, the application for a license or license renewal is not complete and no license shall be issued until the commissioner has acted on the request and the licensing fee approved by the commissioner has been paid.

Statutory Authority: *MS s 245A.09; 245A.10*

History: *10 SR 592; 13 SR 1448*

9545.2040 WAIVER.

Subpart 1. Written request for waiver. An operator may request a waiver from the licensing fee formula established in part 9545.2020. The request for a waiver must be submitted to the department in writing and must accompany an operator's application for issuance or renewal of a license and the licensing fee determined under parts 9545.2020 and 9545.2030, subpart 2. The request must include the following information:

A. the section or sections of part 9545.2020 with which the operator cannot comply;

B. the amount of the licensing fee requested to be waived;

C. the reasons why compliance with the specified section or sections would cause financial hardship; and

D. documentation supporting the information in item C.

Subp. 2. **Standard for granting waiver.** The commissioner may waive part or all of the licensing fee. A waiver may be granted only if the operator has shown that financial hardship to the operator or program or agency would occur from strict compliance with part 9545.2020.

Subp. 3. **Notice of decision.** The commissioner shall grant or deny a request for a waiver and mail a written decision to the operator. The written decision must accompany the commissioner's decision to approve or deny the license application. If the commissioner denies a request, the written decision must inform the operator of the reason or reasons for the denial. If the commissioner grants the request, the licensing fee submitted with the request shall be returned to the operator with instructions for submitting the fee approved by the commissioner.

Statutory Authority: *MS s 245A.09; 245A.10*

History: *10 SR 592; 13 SR 1448*