

**2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.**

Subpart 1. **Intended use.** A facility shall be used only according to its classification, Class I to Class VI, as approved by the Department of Corrections. A Class I facility may be approved by the commissioner to house inmates serving alternative sentences for a time not to exceed any limits set by Minnesota Statutes. A Class II facility may house inmates serving an alternative sentence for a time not to exceed any limits set by Minnesota Statutes. A facility must be in compliance with a rule part, subpart, or item as designated under subpart 5a in order to meet approval requirements for continued operation unless the commissioner waives the part, subpart, or item. The commissioner shall assess a facility based on compliance with rules applicable to the facility's classification at the time of the facility's last inspection.

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform or where specific conditions endanger the health, welfare, or safety of inmates or staff, the facility's use is restricted pursuant to Minnesota Statutes, section 241.021, subdivision 1, or legal proceedings to condemn the facility will be initiated pursuant to Minnesota Statutes, section 641.26 or 642.10.

Subp. 3. **Comparable care.** A facility that houses males and females shall provide comparable care for each group.

Subp. 4. **Correction of deficiencies.** Sanctions for violation of mandatory rules are as follows.

A. For a level one sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body for correction of deficiencies within a specified time up to 180 days.

B. For a level two sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body that requires submission of a written plan of action inclusive of time lines for correction of any deficiency allowed more than 180 days for correction. The DOC shall grant or deny approval of the action plan in writing within 30 days of receiving the action plan.

C. For a level three sanction, when compliance is not achieved within time lines ordered or action plans are not implemented as approved by the DOC, the facility inspector shall submit to the facility administrator and governing body a limited use agreement for review, signature, and return within a specified time.

D. For a level four sanction, when compliance with the rules under subpart 5a, item B, cannot be achieved because of serious life-safety and physical plant deficiencies, the commissioner shall specify a duration of time, known as the sunset authorization period, after which the facility will no longer have the authority to operate.

E. For a level five sanction, when level one to level four sanctions have not resulted in correction of deficiencies, the commissioner shall exercise restricted use or condemnation authority under subpart 2.

Subp. 5. [Repealed, 38 SR 523]

Subp. 5a. **Rule compliance.**

A. A facility must meet the requirements of this subpart in order to be in compliance with this chapter.

B. A facility must comply with 100 percent of the following rules unless specifically excluded under that rule:

- (1) 2911.0100, item B;
- (2) 2911.0300
- (3) 2911.0400, subparts 2 and 4;
- (4) 2911.0800;
- (5) 2911.0900, subparts 1, 2, 8, 9, 10, 11, 12, 18, 25, and 26;
- (6) 2911.1000;
- (7) 2911.1900;
- (8) 2911.2100;
- (9) 2911.2300;
- (10) 2911.2500;
- (11) 2911.2600, subpart 1;
- (12) 2911.2700, subparts 3 and 4;
- (13) 2911.2850, subparts 1 and 2;
- (14) 2911.2900;
- (15) 2911.3100, subpart 2;
- (16) 2911.3200;
- (17) 2911.3300, subparts 3, item C, and 5;
- (18) 2911.3650, subpart 4;
- (19) 2911.3700, subparts 1, 2, 3, and 5;
- (20) 2911.3800;
- (21) 2911.3900, subpart 1;

- (22) 2911.4000;
- (23) 2911.4100, subpart 1;
- (24) 2911.4400;
- (25) 2911.4500;
- (26) 2911.4600;
- (27) 2911.2525, subparts 1 and 2;
- (28) 2911.2550;
- (29) 2911.5300;
- (30) 2911.5550;
- (31) 2911.5450;
- (32) 2911.5000, subparts 4 and 5;
- (33) 2911.5800, subparts 1, 2, 3, 4, 6, 8, and 11;
- (34) 2911.5900;
- (35) 2911.6000, subpart 2, and 2911.6200, subpart 1a;
- (36) 2911.1350;
- (37) 2911.6200, subparts 1b, 2, and 6;
- (38) 2911.2750;
- (39) 2911.6400;
- (40) 2911.6500;
- (41) 2911.6600;
- (42) 2911.6700;
- (43) 2911.6800;
- (44) 2911.6900;
- (45) 2911.7000;
- (46) 2911.7100, subparts 1 and 3;
- (47) 2911.7200;
- (48) 2911.7300, subpart 1;
- (49) 2911.7500; and
- (50) 2911.7600.

C. A facility must comply with at least 90 percent of parts 2911.0330 to 2911.7600 that are not listed in item B.

Subp. 6. **Appeals.** The facility administrator or governing body may appeal the time line for correction of a standard deficiency by submitting an appeal in writing within 30 days of receiving the compliance order to the commissioner of corrections, Minnesota Department of Corrections.

**Statutory Authority:** *MS s 241.021*

**History:** *23 SR 1834; 38 SR 523*

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