

2960.0020 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 2960.0010 to 2960.0710 have the meanings given them in this part.

Subp. 2. **Adolescent.** "Adolescent" means an individual under 18 years of age, defined as a child under Minnesota Statutes, section 260C.007, subdivision 4.

Subp. 3. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3, and has completed and signed a license or certificate application form. Applicant includes a current license holder who is seeking relicensure or recertification.

Subp. 4. **Assessment.** "Assessment" means the process used by a qualified person to identify and evaluate the resident's strengths, weaknesses, problems, and needs.

Subp. 5. **Aversive procedure.** "Aversive procedure" has the meaning given in part 9525.2710, subpart 4.

Subp. 6. **Basic services.** "Basic services" means services provided at the licensed facility to meet the resident's basic need for food, shelter, clothing, medical and dental care, personal cleanliness, privacy, spiritual and religious practice, safety, and adult supervision.

Subp. 7. **Caregiver.** "Caregiver" means a person who provides services to a resident according to the resident's case plan in a setting licensed or certified under parts 2960.0010 to 2960.0710.

Subp. 8. **Case manager.** "Case manager" means the supervising agency responsible for developing, implementing, and monitoring the case plan.

Subp. 9. **Case plan.** "Case plan" means a plan of care that is developed and monitored by the placing agency for a resident in a residential facility.

Subp. 10. **Certification.** "Certification" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3a.

Subp. 11. **Chemical.** "Chemical" means alcohol, solvents, and other mood-altering substances, including controlled substances as defined in Minnesota Statutes, section 152.01, subdivision 4.

Subp. 12. [Repealed, 32 SR 2268]

Subp. 13. [Repealed, 32 SR 2268]

Subp. 14. **Chemical dependency treatment services.** "Chemical dependency treatment services" means therapeutic and treatment services provided to a resident to alter the resident's pattern of harmful chemical use.

Subp. 15. **Chemical irritant.** "Chemical irritant" means any nonlethal chemical compound that is used in an emergency situation to subdue or gain control of a resident who is endangering self, others, or the security of the program.

Subp. 16. **Child in need of protection or services or CHIPS child.** "Child in need of protection or services" or "CHIPS child" has the meaning given in Minnesota Statutes, section 260C.007, subdivision 6.

Subp. 17. **Child with a disability.** "Child with a disability" has the meaning given in Minnesota Statutes, section 125A.02.

Subp. 18. **Child with severe emotional disturbance.** "Child with severe emotional disturbance" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 6.

Subp. 19. **Clinical supervision.** "Clinical supervision" means the oversight responsibility for the planning, development, implementation, and evaluation of clinical services, admissions, intake assessment, individual treatment plans, delivery of sex offender treatment services, resident progress in treatment, case management, discharge planning, and staff development and evaluation.

Subp. 20. **Clinical supervisor.** "Clinical supervisor" means the person designated as responsible for clinical supervision.

Subp. 21. **Commissioner.** "Commissioner" means the commissioner of the Department of Corrections or the commissioner of the Department of Human Services.

Subp. 22. **Correctional program services.** "Correctional program services" means any program or activity that uses treatment services, consequences, and discipline to control or modify behavior. Correctional program services are provided to residents who are at least ten years old, but younger than 21 years old, and extended jurisdictional juveniles.

Subp. 23. **Criminal sexual behavior.** "Criminal sexual behavior" means any sexual behavior as identified in Minnesota Statutes, sections 609.293 to 609.352, 609.36, 609.365, 609.79, 609.795, and 617.23 to 617.294.

Subp. 24. **Critical incident.** "Critical incident" means an occurrence which involves a resident and requires the program to make a response that is not a part of the program's ordinary daily routine. Examples of critical incidents include, but are not limited to, suicide, attempted suicide, homicide, death of a resident, injury that is either life-threatening or requires medical treatment, fire which requires fire department response, alleged maltreatment of a resident, assault of a resident, assault by a resident, client-to-client sexual contact, or other act or situation which would require a response by law enforcement, the fire department, an ambulance, or another emergency response provider.

Subp. 25. **Cultural competence or culturally competent.** "Cultural competence" or "culturally competent" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals to work effectively in cross-cultural situations.

Subp. 26. **Deprivation procedure.** "Deprivation procedure" has the meaning given in part 9525.2710, subpart 12.

Subp. 27. **Detention setting.** "Detention setting" means a residential program offering temporary care to the alleged delinquent with new charges or adjudicated delinquent residents with new charges who are at least ten years old, but younger than 21 years old, on a predispositional status.

Subp. 28. **Direct contact.** "Direct contact" means the provision of face-to-face care, training, supervision, counseling, consultation, or medication assistance to a resident.

Subp. 29. **Disability.** "Disability" has the meaning given in Minnesota Statutes, section 363A.03, subdivision 12.

Subp. 30. **Disciplinary room time.** "Disciplinary room time" means a penalty or sanction in which the resident of a Department of Corrections licensed program is placed in a room from which the resident is not permitted to exit, and which must be issued according to the facility's due process system as stated in the facility's disciplinary plan.

Subp. 31. **Discipline.** "Discipline" means the use of reasonable, age-appropriate consequences designed to modify and correct behavior according to a rule or system of rules governing conduct.

Subp. 32. **Education.** "Education" means the regular and special education and related services to which school-age residents are entitled as required by applicable law and rule.

Subp. 33. **Eight-day temporary holdover facility.** "Eight-day temporary holdover facility" means a physically restricting and unrestricting facility of not more than eight beds, two rooms of which must be capable of being physically restricting. The maximum period that a juvenile can be detained in this facility is eight days, excluding weekends and holidays.

Subp. 34. **Emotional disturbance.** "Emotional disturbance" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 15.

Subp. 35. **Extended jurisdiction juvenile or EJJ.** "Extended jurisdiction juvenile" or "EJJ" means a person who has been convicted of a felony and been designated by the court as an extended jurisdiction juvenile according to Minnesota Statutes, section 260B.130, and was subject to a disposition under Minnesota Statutes, section 260B.198.

Subp. 36. **Family or household members.** "Family or household members" has the meaning given in Minnesota Statutes, section 260C.007, subdivision 17.

Subp. 37. **Foster care.** "Foster care" has the meaning given in part 9560.0521, subpart 9.

Subp. 38. **Gender-specific.** "Gender-specific" means a facility's capacity to respond to the needs of residents according to their gender-based psychosocial developmental process.

Subp. 39. **Group residential setting.** "Group residential setting" means a residential program that offers care to residents and extended jurisdiction juveniles in which the license holder does not live at the licensed facility.

Subp. 40. **House parent model.** "House parent model" means a staffing pattern by which the license holder employs staff to act as parents to the residents and those staff are not employed on an hourly or shift basis.

Subp. 41. [Repealed, 32 SR 2268]

Subp. 42. **Individual treatment plan.** "Individual treatment plan" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 21.

Subp. 43. **Legal guardian.** "Legal guardian" has the meaning given "guardian" in Minnesota Statutes, section 525.539, subdivision 2, or "custodian" in Minnesota Statutes, section 260C.007, subdivision 10.

Subp. 44. **License.** "License" means written authorization issued by the commissioner allowing the license holder to provide a residential service at a facility for a specified time and in accordance with the terms of the license and the rules of the commissioners of human services and corrections.

Subp. 45. **License holder.** "License holder" means an individual, corporation, partnership, voluntary association, or other organization or entity that is legally responsible for the operation of the facility that has been granted a license by the commissioner of corrections under Minnesota Statutes, section 241.021, or the commissioner of human services under Minnesota Statutes, chapter 245A, and the rules of the commissioners of human services and corrections. The duties of the license holder may be discharged by a person designated by the license holder to act on behalf of the license holder.

Subp. 46. **Mechanical restraint.** "Mechanical restraint" means the restraint of a resident by use of a restraint device to limit body movement.

Subp. 46a. **Medically licensed person.** "Medically licensed person" means a person who is licensed or permitted by a Minnesota health-related board to practice in Minnesota and is practicing within the scope of the person's health-related license.

Subp. 47. **Medication assistance.** "Medication assistance" means assisting residents to take medication and monitoring the effects of medication, but does not include administering injections. For purposes of this subpart, "medication" means a prescribed substance that is used to prevent or treat a condition or disease, to heal, or to relieve pain.

Subp. 48. **Mental health professional.** "Mental health professional" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 27.

Subp. 49. **Mental health treatment services.** "Mental health treatment services" means all of the therapeutic services and activities provided to a resident with emotional disturbance or severe emotional disturbance to care and treat the resident's mental illness.

Subp. 50. **Nighttime hours.** "Nighttime hours" means the time period between 10:00 p.m. and 8:00 a.m.

Subp. 51. **No eject policy.** "No eject policy" means a residential facility may not eject a resident from a facility if the resident meets continued stay criteria.

Subp. 51a. **Parent.** "Parent" means the parent with parental rights or legal guardian of a resident under 18 years of age.

Subp. 52. [Repealed, 32 SR 2268]

Subp. 53. **Physical escort.** "Physical escort" means the temporary touching or holding of a resident's hand, wrist, arm, shoulder, or back to induce a resident in need of a behavioral intervention to walk to a safe location.

Subp. 54. **Physical holding.** "Physical holding" means immobilizing or limiting a person's movement by using body contact as the only source of restraint. Physical holding does not include actions used for physical escort.

Subp. 55. **Placement critical.** "Placement critical" means those goals or issues that required a particular out-of-home placement as opposed to nonresidential services.

Subp. 56. **Program completion.** "Program completion" means that the treatment team or supervising agency determined that placement critical goals, as outlined in the resident's treatment or placement plan, were sufficiently achieved.

Subp. 57. **Program director.** "Program director" means an individual who is designated by the license holder to be responsible for overall operations of a residential program.

Subp. 58. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medication are antipsychotic or neuroleptic, antidepressant, antianxiety, antimania, stimulant, and sedative or hypnotic. Other miscellaneous classes of medication are considered to be psychotropic medication when

they are specifically prescribed to treat a mental illness or to alter behavior based on a resident's diagnosis.

Subp. 59. **Resident.** "Resident" means a person under 18 years old, or under 19 years old and under juvenile court jurisdiction, who resides in a program licensed or certified by parts 2960.0010 to 2960.0710.

Subp. 60. **Resident district.** "Resident district" has the meaning given in part 3525.0210, subpart 39.

Subp. 61. **Residential juvenile sex offender treatment program.** "Residential juvenile sex offender treatment program" means a residential program that is certified by the state to provide sex offender treatment to juvenile sex offenders.

Subp. 62. **Residential program.** "Residential program" means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment for a resident outside of the resident's home.

Subp. 63. **Restrictive procedure.** "Restrictive procedure" means a procedure used by the license holder to limit the movement of a resident, including disciplinary room time, mechanical restraint, physical escort, physical holding, and seclusion.

Subp. 64. **Screening.** "Screening" means an examination of a resident by means of a test, interview, or observation to determine if the resident is likely to have a condition that requires assessment or treatment.

Subp. 65. **Seclusion.** "Seclusion" means confining a person in a locked room.

Subp. 66. **Secure program.** "Secure program" means a residential program offered in a building or part of a building secured by locks or other physical plant characteristics intended to prevent the resident from leaving the program without authorization.

Subp. 67. **Sex offender.** "Sex offender" means a person who has engaged in, or attempted to engage in, criminal sexual behavior.

Subp. 68. **Sex offender treatment.** "Sex offender treatment" means a comprehensive set of planned and organized services, therapeutic experiences, and interventions that are intended to improve the prognosis, function, or outcome of residents by reducing the risk of sexual reoffense and other aggressive behavior and assist the resident to adjust to, and deal more effectively with, life situations.

Subp. 69. **Sexually abusive behavior.** "Sexually abusive behavior" means any sexual behavior in which:

- A. the other person involved does not freely consent to participate;
- B. the relationship between the persons is unequal; or

C. manipulation, exploitation, coercion, verbal or physical intimidation, or force is used to gain participation.

Subp. 70. **Shelter care services.** "Shelter care services" means a residential program offering short-term, time-limited placements of 90 days or less to residents who are in a behavioral or situational crisis and need out-of-home placement.

Subp. 70a. **Substance.** "Substance" means "chemical" as defined in subpart 11.

Subp. 70b. **Substance use disorder.** "Substance use disorder" means a pattern of substance use as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders-IV-TR (DSM), et seq. The DSM-IV-TR, et seq. is incorporated by reference. The DSM-IV-TR was published by the American Psychiatric Association in 1994, in Washington, D.C., and is not subject to frequent change. The DSM-IV-TR is available through the Minitex interlibrary loan system.

Subp. 71. **Target population.** "Target population" means youth experiencing special problems who have specific needs that require residential program services.

Subp. 72. **Temporary holdover facility.** "Temporary holdover facility" means a facility licensed for either 24 hours, excluding weekends and holidays, or an eight-day classification, excluding weekends and holidays.

Subp. 73. **Time-out.** "Time-out" means a treatment intervention in which a caregiver trained in time-out procedures removes a resident from an ongoing activity to an unlocked room or other separate living space that is safe and where the resident remains until the precipitating behavior stops.

Subp. 74. MR 2001 [Removed, L 2003 1Sp14 art 11 s 11]

Subp. 75. **Transitional services plan.** "Transitional services plan" means a plan developed by the license holder for a resident who will be discharged from the license holder's facility. The transitional services plan must identify the education, rehabilitation, habilitation, vocational training, and treatment the resident will need after discharge and recommend which agency could provide these services.

Subp. 76. **Treatment plan.** "Treatment plan" means a written plan of intervention, treatment, and services for a resident in a family or group residential program that is developed by a license holder on the basis of a resident's screening, assessment, and case plan. The treatment plan identifies goals and objectives of treatment, treatment strategy, a schedule for accomplishing treatment goals and objectives, and the entities responsible for providing treatment services to the resident.

Subp. 77. **Twenty-four-hour temporary holdover facility.** "Twenty-four-hour temporary holdover facility" means a physically restricting (secure) or a physically

unrestricting (nonsecure) facility licensed for up to 24 hours, excluding weekends and holidays, for the care of one or more children who are being detained.

Subp. 78. **Variance.** "Variance" means written permission from the commissioner of human services under Minnesota Statutes, section 245A.04, subdivision 9, or the commissioner of corrections under Minnesota Statutes, section 241.021, or their designee, for a license holder to depart or disregard a rule standard for a specific period of time.

Subp. 79. **Victim.** "Victim" has the meaning given in Minnesota Statutes, section 611A.01, clause (b).

Statutory Authority: *L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09; 254A.03; 254B.03; 254B.04*

History: *28 SR 211; L 2003 1Sp14 art 11 s 11; 28 SR 1292; 32 SR 2268*

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