

2960.0150 PERSONNEL POLICIES.

Subpart 1. **Job descriptions.** The license holder must have written job descriptions for all position classifications and post assignments that define the responsibilities, duties, and qualifications staff need to perform those duties. The job descriptions must be readily available to all employees.

Subp. 2. **Professional licensure.** The license holder must keep records showing that staff professional licensure is current.

Subp. 3. **Staffing plan.** The license holder must prepare and obtain approval from the commissioner of human services or corrections of a written staffing plan that shows staffing assignments and meets the needs of the residents in placement. The license holder must use the criteria in items A to J to develop the facility's staffing plan.

A. The license holder must designate a chief administrator of each facility.

B. In the temporary absence of the chief administrator, a staff person must be designated as a person in charge of the facility.

C. The license holder must designate a program director of the facility. A program with more than 24 residents must have a full-time program director.

D. The license holder must not assign staff who supervise residents in a manner that invades the privacy of residents or embarrasses or diminishes the dignity of residents by requiring staff of the opposite gender to perform the duties in subitems (1) to (4):

- (1) strip searches;
- (2) witnessing or assisting at internal body searches;
- (3) direct visual supervision of residents during showers or lavatory use; and
- (4) assisting a resident with a personal hygiene activity if assisting the resident with the hygiene activity would require the staff person to view the resident unclothed or to touch the genitals, buttocks, or breasts of the resident.

E. The written staffing plan must include a contingency plan that ensures an immediate response by on-call staff of the same gender as the resident when:

- (1) supervision of a resident by staff of the same gender is required under item D, subitems (1) to (4);
- (2) when necessary to meet the assessed needs of the resident as determined in part 2960.0070, subpart 5, item B, subitem (2); or
- (3) when necessary to appropriately care for a resident who was a victim of sexual abuse.

The contingency plan must include requirements which ensure that staff will document and tell other staff about the resident's need for supervision by staff of the same gender as the resident. The contingency plan must also require staff to document the actions taken by staff to implement the contingency plan for supervision of the resident by staff of the same gender.

When the requirements of this item are not fully met, the license holder must document the circumstances and reasons the requirements were not met and document what the license holder will do to prevent a recurrence of the failure to fully meet the requirements of this item. The documentation of failure to meet the requirements of this item and the description of what the license holder will do to prevent a recurrence of the failure must be kept on file at the facility for at least two years or until the next licensing renewal inspection, whichever period is longer.

F. The license holder may assign medically licensed staff and purchase the services of persons who are medically licensed to care for or treat residents of the opposite sex. However, if a resident asks that a medically licensed person of the same sex perform the procedures in item D, subitem (2), the license holder must provide same sex medically licensed personnel to perform the procedures in item D, subitem (2). Medically licensed personnel must perform the duties in item D, subitem (2).

G. The minimum number of direct care staff that must be present and awake when residents are present and awake is one staff person per 12 residents. At a minimum, one staff person per 25 residents must be present and awake at all times in the facility when residents are normally asleep. Programs must meet the requirements of subitems (1) to (3) if they do not have awake staff at times when residents are normally asleep:

- (1) the program must be operated according to the houseparent model;
- (2) the program must have fewer than 11 residents; and

(3) the program must have and follow a policy which explains when it will use awake staff to supervise residents at night. The policy must consider the age and condition and known or suspected behavior characteristics of the residents.

H. The license holder must designate one full-time staff person for every 25 residents to coordinate resident treatment and case plans.

I. The license holder must designate a person to coordinate volunteer services, if volunteers are used by the facility. The license holder must have a system for registration and identification of volunteers. Volunteers who have unsupervised contact with residents must have a background check. The license holder must require volunteers to agree in writing to abide by facility policies. Volunteers must be trained and qualified to perform the duties assigned to them.

J. The staffing plan must be appropriate for the program services offered to the resident, physical plant features and characteristics of the facility, and condition of the resident. The license holder must consider the factors in subitems (1) to (9) when developing the staffing plan:

- (1) the age of the resident being served;
- (2) the resident's physical and mental health;
- (3) the vulnerability of the resident;
- (4) the resident's capacity for self-preservation in the event of any emergency;
- (5) the degree to which the resident may be a threat to self or others;
- (6) the risk of the resident absconding;
- (7) the gender of the resident;
- (8) the disability of the resident; and
- (9) the number and types of education service programs offered or coordinated for the resident.

Subp. 4. **Personnel training.** The license holder must develop an annual training plan for employees that addresses items A to D.

A. Full-time and part-time direct care staff and volunteers must have sufficient training to accomplish their duties. The license holder must determine the amount of training needed by considering an employee's position description, the tasks to be performed, and the performance indicators for the position. To determine the type and amount of training an employee needs, the license holder must also consider the program's target population, the services the program delivers, and the outcomes expected from the services.

B. Staff who have direct contact with residents must complete at least 24 hours of in-service training per year. One-half of the training must be skill development training. Staff who do not have direct contact and volunteers must complete in-service training requirements consistent with their duties, directly related to the needs of children in their care.

C. The license holder must provide orientation and training to staff and volunteers regarding:

- (1) culturally competent care;
- (2) racial bias and racism issues;
- (3) gender issues, including the psychosocial development of boys and girls;

- (4) sexual orientation issues; and
- (5) physical, mental, sensory, and health-related disabilities, bias, and discrimination.

D. Part-time direct care staff must receive sufficient training to competently care for residents. The amount of training must be provided at least at a ratio of one hour of training for each 50 hours worked, up to 24 hours of training per part-time employee per year.

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

History: *28 SR 211*

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