

2960.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 2960.3000 to 2960.3340 have the meanings given them in this part.

Subp. 2. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3, and a person who has completed and signed an application form. Applicant includes a current license holder who is seeking relicensure or recertification.

Subp. 3. **Assessment.** "Assessment" means the process used by a qualified person to identify and evaluate the child's strengths, weaknesses, problems, and needs.

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

Subp. 5. **Basic services.** "Basic services" means services provided at the foster home to the foster child that meets the foster child's basic need for food, shelter, clothing, medical and dental care, personal cleanliness, privacy, spiritual and religious practice, safety, and adult supervision.

Subp. 6. **Caregiver.** "Caregiver" means a person who provides services to a child according to the child's case plan in a setting licensed or certified under parts 2960.0010 to 2960.3340.

Subp. 7. **Case manager.** "Case manager" means the supervising agency responsible for developing, implementing, and monitoring the case plan.

Subp. 8. **Case plan.** "Case plan" means a plan of care for a foster child that is developed by the supervising agency with the child's parents and license holder and monitored by the placing agency.

Subp. 9. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances as defined in Minnesota Statutes, section 152.01, subdivision 4.

Subp. 10. [Repealed, 32 SR 2268]

Subp. 11. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner of the Department of Corrections.

Subp. 12. **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, agency, or among professionals to work effectively in cross-cultural situations.

Subp. 13. **Deprivation procedure.** "Deprivation procedure" has the meaning given in part 9525.2710, subpart 12.

Subp. 14. **Direct contact.** "Direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to a child.

Subp. 15. **Disability.** "Disability" has the meaning given in Minnesota Statutes, section 363A.03, subdivision 12.

Subp. 16. **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. 17. **Education.** "Education" means the regular and special education and related services to which school-age children are entitled as required by applicable law and rule.

Subp. 18. **Emotional disturbance.** "Emotional disturbance" has the meaning given in Minnesota Statutes, section 245.4871, subdivision 15.

Subp. 19. **Family.** "Family" means persons related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact.

Subp. 20. **Foster care.** "Foster care" has the meaning given in part 9560.0521, subpart 9.

Subp. 21. **Foster child.** "Foster child" means a person under 18 years of age, a person in special education, or a juvenile under the jurisdiction of a juvenile court who is under 22 years of age and is placed in a foster home.

Subp. 22. **Foster family or household members.** "Foster family or household members" means persons related by blood, marriage, or adoption and unrelated persons who are presently residing together.

Subp. 23. **Foster family setting.** "Foster family setting" means the foster home in which the license holder resides.

Subp. 24. **Foster home.** "Foster home" means the dwelling unit used by the license holder to provide foster care to the foster child.

Subp. 25. **Foster parent.** "Foster parent" means an individual licensed under Minnesota Statutes to provide foster care.

Subp. 26. **Foster residence setting.** "Foster residence setting" means a foster home in which the license holder does not reside.

Subp. 27. **License.** "License" means written authorization issued by the commissioner of human services or corrections allowing the license holder to provide foster care service at a foster home for a specified time and in accordance with the terms of the license and the rules of the commissioner of human services or corrections.

Subp. 28. **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 foster home that has been granted a license by the commissioner of human services under Minnesota Rules and Minnesota Statutes, chapter 245A, or the commissioner of corrections under Minnesota Statutes, section 241.021, subdivision 2. 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. 29. **Licensed professional.** "Licensed professional" means a person qualified to complete a diagnostic evaluation, including a physician licensed under Minnesota Statutes, chapter 147, or a qualified mental health professional licensed under Minnesota Statutes, section 148B.18, subdivision 10, or a person defined as a "mental health professional" in Minnesota Statutes, section 245.4871, subdivision 27.

Subp. 30. **Licensing agency.** "Licensing agency" means a county, individual, corporation, partnership, voluntary association, the Department of Corrections, or other organization or entity that recommends licensure of an applicant for a license or license renewal to the state according to parts 9543.0010 to 9543.0150.

Subp. 31. **Medication assistance.** "Medication assistance" means helping children 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. 32. **Person assisted by medical technology.** "Person assisted by medical technology" means a person who has a chronic or acute health condition which requires the routine use of a medical device to assist or maintain a life-sustaining body function and requires ongoing care or monitoring by trained personnel on at least a daily basis.

Subp. 33. **Placing agency.** "Placing agency" means a private agency licensed according to parts 9545.0755 to 9545.0845 or a county agency that places a child according to parts 9560.0500 to 9560.0670.

Subp. 34. **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 foster child's diagnosis.

Subp. 35. **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 child outside of the child's home pursuant to Minnesota Statutes, chapter 245A.

Subp. 36. **Respite care.** "Respite care" means temporary care of foster children in a licensed foster home other than the foster home the child was placed in.

Subp. 37. **Screening.** "Screening" means an examination of a child by means of a test, interview, or observation to determine if the child is likely to have a condition that requires assessment or treatment.

Subp. 38. **Seclusion.** "Seclusion" means confining a person in a locked room.

Subp. 39. **Shelter care or emergency shelter care.** "Shelter care" or "emergency shelter care" means a residential program offering short-term, time-limited placements of 90 days or less to children who are in a behavioral or situational crisis, need out-of-home placement in a protective environment, and have an immediate need for services.

Subp. 40. **Staff.** "Staff" means a person who works for a foster residence setting license holder and is employed to work as an hourly employee, shift-staff employee, or houseparent.

Subp. 41. **Substitute care.** "Substitute care" means temporary care of foster children inside the foster home by someone other than the foster parent for overnight or longer.

Subp. 42. **Time-out.** "Time-out" means a treatment intervention in which a caregiver trained in time-out procedures removes a child from an ongoing activity to an unlocked room or area commonly used as a living space that is safe and where the child remains until the precipitating behavior abates or stops.

Subp. 43. **Treatment foster care.** "Treatment foster care" means a culturally relevant, community-based and family-based method by which planned, integrated treatment services are provided to foster children and their parents by foster parents who are qualified to deliver treatment services. Treatment service may be provided to children with severe emotional disturbance, developmental disabilities, serious medical conditions, or serious behavioral problems, including, but not limited to, criminal sexual conduct, assaultiveness, or substance abuse.

Subp. 44. **Treatment plan.** "Treatment plan" means a written plan of intervention, treatment, and services for a child in a foster setting that is developed by a license holder or placing agency on the basis of a child's screening, assessment, and case plan. The treatment plan, which is developed with the child and the child's parents, 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 child.

Subp. 45. **Variance.** "Variance" means written permission from the commissioner of human services or corrections for a license holder to depart from a rule standard for a specific period of time pursuant to Minnesota Statutes, section 245A.04, subdivision 9.

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

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