

9543.0070 INVESTIGATIONS OF LICENSED PROGRAMS.

Subpart 1. **Reports of abuse or neglect of persons served by licensed programs.** If an agency receives a complaint alleging abuse or neglect of persons served by a program, the agency shall follow the procedures in items A to C.

A. The agency shall immediately report the complaint to the county child or adult protection unit where the program is located.

B. The agency shall cooperate with the county child or adult protection unit as requested in conducting the investigation required under Minnesota Statutes, chapter 260E, or section 626.557.

C. Upon completion of the investigation, the agency shall take the appropriate licensing action indicated by the findings of the investigation.

Subp. 2. **Timelines.** Except for reports of abuse, neglect, or maltreatment, the agency shall investigate all complaints of licensing violations received about programs for which it performs licensing functions. The agency shall investigate the complaints according to items A to C:

A. A complaint that alleges imminent danger or recurring physical injury to persons served by the program must be:

- (1) reported according to subpart 1; and
- (2) reported to the commissioner immediately.

B. Investigation of a complaint that does not indicate imminent danger to persons served by the program but that may result in a negative licensing action under part 9543.0100 must begin within three working days after the agency receives the complaint.

C. Investigation of a complaint that does not involve an issue of safety under item A or B for persons served by the program must begin within ten working days after the agency receives the complaint.

Subp. 3. **Determination.** The agency shall gather sufficient information about every complaint to:

- A. make a determination that a licensing violation occurred, did not occur, or no determination can be made; and
- B. if a violation occurred, issue a correction order or recommend a negative licensing action.

Subp. 4. **Reports of death.** The agency shall ensure that the death of a person served by a program is reported to the medical examiner or coroner and ombudsman as required in Minnesota Statutes, sections 260E.11, subdivision 3, and 626.557, subdivision 9a.

Subp. 5. **Recording complaints and investigations.** The agency shall:

- A. maintain a register for recording complaints about licensed programs and tracking the status of each investigation;

B. record in the license holder's file the disposition of each complaint involving the license holder; and

C. maintain the records according to Minnesota Statutes, section 13.46.

Statutory Authority: *MS s 14.386; 14.388; 14.3895; 245A.09; 245A.16*

History: *15 SR 2105; 30 SR 585; 50 SR 5*

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