

9555.5105 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9555.5105 to 9555.6265 the following terms have the meanings given them.

Subp. 2. **Adult.** "Adult" means a person at least 18 years of age.

Subp. 3. **Adult foster care.** "Adult foster care" means the provision of food, lodging, protection, supervision, and household services to a functionally impaired adult in a residence and may also include the provision of personal care, household and living skills assistance or training, medication assistance under part 9555.6225, subpart 8, and assistance safeguarding cash resources under part 9555.6265.

Subp. 4. **Adult foster care services.** "Adult foster care services" means those community social services that are provided to residents or prospective residents of adult foster homes.

Subp. 5. **Adult foster home.** "Adult foster home" means a residence operated by an operator who, for financial gain or otherwise, provides 24-hour foster care to no more than four functionally impaired residents and a residence with five or six residents as authorized under Minnesota Statutes, section 245A.11, subdivision 2a.

Subp. 6. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3.

Subp. 7. **Building official.** "Building official" means a person appointed in accordance with Minnesota Statutes, section 326B.133, to administer the state building code or the building official's authorized representative.

Subp. 8. **Caregiver.** "Caregiver" means an adult who meets the qualifications in part 9555.6125, subpart 4, and gives care to a resident in an adult foster home.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's authorized representative.

Subp. 10. **County board.** "County board" means the county board of commissioners in each county. When a human services board has been established under Minnesota Statutes, sections 402.02 to 402.10, it shall be considered to be the county board.

Subp. 11. **County of financial responsibility.** "County of financial responsibility" means the county responsible for paying for foster care services for a resident under Minnesota Statutes, section 256G.02, subdivision 4.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section 299F.011, to administer and enforce the Minnesota Uniform Fire Code or the fire marshal's authorized representative.

Subp. 14. **Functionally impaired.** "Functionally impaired" means a person who has:

A. substantial difficulty carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working; or

B. a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

Subp. 15. **Health authority.** "Health authority" means the designated representative of the board of health as defined in Minnesota Statutes, section 145A.02, subdivision 2, to enforce public health codes.

Subp. 16. **Household member.** "Household member" means any person living in the adult foster home more than 30 consecutive calendar days in any 12 month period who is not a resident.

Subp. 17. **Household services.** "Household services" means activities taught to or performed by a caregiver for a resident such as cooking, cleaning, budgeting, and other household care or maintenance tasks.

Subp. 18. **Individual service plan.** "Individual service plan" means the written plan agreed upon and signed by the county of financial responsibility and the resident or resident's legal representative for the provision of social services. For persons with a developmental disability or otherwise determined eligible for case management, it means the plan agreed upon and signed under parts 9525.0004 to 9525.0036.

Subp. 19. **Individual resident placement agreement.** "Individual resident placement agreement" means the written document specifying the terms for provision of foster care to an adult that is developed under part 9555.5705 for persons receiving services under parts 9525.0004 to 9525.0036 or under part 9555.6167 for persons not receiving community social services or services for persons with a developmental disability. The individual resident placement agreement must:

A. describe the reason for placement;

B. describe what the operator must provide in the areas of lodging, food, protection, household or living skills training or assistance, personal care assistance, assistance safeguarding cash resources, transportation, residence accessibility modifications, medication assistance, and supervision;

C. describe who is financially responsible for the payment of the foster care provided by the operator;

D. describe any other community, health and social services that the operator will assist in providing;

E. coordinate with the contents of the individual program plan as defined under part 9525.0004, subpart 11, for persons with a developmental disability; and

F. coordinate with the individual service plan developed under parts 9525.0004 to 9525.0036.

Subp. 20. **Legal representative.** "Legal representative" means a person appointed by the court as a guardian or conservator of an adult under Minnesota Statutes, sections 525.539 to 525.6198 or chapter 252A, or a health care agent appointed by a principal in a health care power of attorney to make health care decisions as provided in Minnesota Statutes, chapter 145C.

Subp. 21. **License.** "License" means a certificate issued by the commissioner authorizing the operator to give specified services for a specified period in accordance with parts 9555.6105 to 9555.6265 and Minnesota Statutes, sections 245A.01 to 245A.16 and 252.28, subdivision 2. License includes a provisional license issued to an operator who is temporarily unable to comply with the requirements for a license.

Subp. 22. **Licensed capacity.** "Licensed capacity" means the maximum number of functionally impaired adults who may receive foster care in the adult foster home at any one time.

Subp. 23. **Living skills assistance.** "Living skills assistance" means activities taught or performed to assist the resident to use services, transportation, recreation, and social opportunities available in the community.

Subp. 24. **Local agency.** "Local agency" means the county or multicounty social service agency governed by the county board or multicounty human services board of the county in which the adult foster home is located. If the local agency is also providing foster care services to the resident, then the local agency is also the service agency defined in subpart 34.

Subp. 25. **Medication.** "Medication" means a prescription substance taken internally, applied externally, or injected to prevent or treat a condition or disease, heal, or relieve pain.

Subp. 26. **Minnesota State Fire Code.** "Minnesota State Fire Code" means those codes and regulations adopted by the fire marshal under chapter 7511 and Minnesota Statutes, section 299F.011.

Subp. 27. **Operator.** "Operator" means the individual, partnership, corporation, or governmental unit licensed by the department and legally responsible for the operation of an adult foster home.

Subp. 28. **Personal care.** "Personal care" means assistance by a caregiver with or teaching of skills related to activities of daily living such as eating, grooming, bathing, and laundering clothes.

Subp. 29. **Protection.** "Protection" means compliance with the Vulnerable Adults Act.

Subp. 30. **Related.** "Related" has the meaning given to "individual who is related" in Minnesota Statutes, section 245A.02, subdivision 13.

Subp. 31. **Residence.** "Residence" means the single dwelling unit in which foster care is provided with complete, independent living facilities for one or more persons. As defined in section 405 of the Minnesota State Building Code, the residence has permanent provisions for living, sleeping, cooking, eating, and sanitation.

Subp. 32. **Resident.** "Resident" means a functionally impaired adult residing in an adult foster home and receiving foster care.

Subp. 33. **Roomer.** "Roomer" means a household member who is not related to the operator and is not a resident or caregiver.

Subp. 34. **Service agency.** "Service agency" means the public or private agency designated by the county of financial responsibility with the responsibility to provide the foster care services in parts 9555.5105 to 9555.5705.

Subp. 35. **Social worker.** "Social worker" means a person designated by the local agency or service agency of the county of financial responsibility with credentials meeting the minimum requirements under the Minnesota Merit System classification for social worker or a county personnel system equivalent under Minnesota Statutes, sections 375.56 to 375.71; Laws 1965, chapter 855; and Laws 1974, chapter 435, article 3, who is responsible for coordinating a prospective resident's initial assessment and placement in part 9555.5605 the development of the individual resident placement agreement for those persons with an individual service plan.

Subp. 36. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of administration under chapter 1300 and Minnesota Statutes, section 326B.101.

Subp. 37. **Supervision.** "Supervision" means:

A. oversight by a caregiver as specified in the individual resident placement agreement and daily awareness of a resident's needs and activities; and

B. the presence of a caregiver in the residence during normal sleeping hours.

Subp. 38. **Variance.** "Variance" means written permission by the commissioner for an applicant or operator to depart from the provisions of parts 9555.6105 to 9555.6265 if

equivalent alternative measures are provided to ensure the health, safety, and rights of a resident.

Subp. 39. **Vulnerable Adults Act.** "Vulnerable Adults Act" means Minnesota Statutes, sections 626.557 and 626.5572.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 256.01; 256B.092; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; L 1987 c 309 s 24, c 333 s 22; 18 SR 2244; L 2003 1Sp14 art 11 s 11; L 2005 c 56 s 2; 30 SR 585; L 2007 c 140 art 4 s 61; art 13 s 4*

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