

9555.9600 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9555.9600 to 9555.9730 have the meanings given them in this part.

Subp. 2. **Adult.** "Adult" means a person 18 years of age or older.

Subp. 3. **Adult day care.** "Adult day care" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 2a.

Subp. 4. **Adult day care center, adult day services center, or center.** "Adult day care center," "adult day services center," or "center" means a facility that provides adult day care or adult day services to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.

Subp. 5. **Ambulatory.** "Ambulatory" means having the ability to walk independently and negotiate barriers such as ramps, doors, stairs, and corridors without assistance.

Subp. 6. **Applicant.** "Applicant" means an operator or authorized representative of an operator seeking a license to operate an adult day care center or adult day services center under parts 9555.9600 to 9555.9730.

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. **Capable of taking appropriate action for self preservation under emergency conditions.** "Capable of taking appropriate action for self preservation under emergency conditions" is the designation applied in parts 9555.9600 to 9555.9730 to an adult who meets the criteria in items A and B.

- A. The person is ambulatory or mobile; and
- B. The person has the combined physical and mental capability to:
 - (1) recognize a danger, signal, or alarm requiring evacuation from the center;
 - (2) initiate and complete the evacuation without requiring more than sporadic assistance from another person, such as help in opening a door or getting into a wheelchair;
 - (3) select an alternative means of escape or take other appropriate action if the primary escape route is blocked; and
 - (4) remain at a designated location outside the center until further instruction is given.

Subp. 9. **Caregiver.** "Caregiver" means a person, usually a family member, whose support helps a participant to live independently or semi independently in the community and to participate in adult day care or adult day services. For the purpose of parts 9555.9600 to 9555.9730, caregiver does not denote legal or financial responsibility for the participant.

Subp. 10. **Center director.** "Center director" means the person responsible for managing the daily affairs of the center.

Subp. 11. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's authorized representative.

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 adult.** "Functionally impaired adult" means an adult having a condition that includes (1) having substantial difficulty in 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, and working; or (2) having 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; and (3) requiring support to maintain independence in the community.

Subp. 15. **Agent of a community health board.** "Agent of a community health board" as authorized under Minnesota Statutes, section 145A.04, means the designated representative of the state or community health board as defined in Minnesota Statutes, section 145A.02, subdivision 5, to enforce state and local health codes.

Subp. 16. **License.** "License" means a certificate issued by the commissioner authorizing the operator to provide specified services for a specified period of time in accordance with the terms of the license, with Minnesota Statutes, chapter 245A and section 252.28, subdivision 2, and with parts 9555.9600 to 9555.9730. License includes a provisional license issued to an operator who is temporarily unable to comply with all the requirements for issuance of a license.

Subp. 17. **Licensed capacity.** "Licensed capacity" means the maximum total number of participants the center is permitted to serve on the premises at any one time under the terms of the license.

Subp. 18. **Medication assistance.** "Medication assistance" means assisting participants to take medication and monitoring the effects of medication but does not include administering injections. Medication includes a prescription substance ingested,

injected, or applied externally to prevent or treat a condition or disease, heal, or relieve pain.

Subp. 19. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the state fire marshal in accordance with Minnesota Statutes, section 299F.011, and contained in parts 7510.3100 to 7510.3280.

Subp. 20. **Mobile.** "Mobile" means being nonambulatory but having the ability to move from place to place with the aid of such devices as crutches, walkers, wheelchairs, and wheeled platforms.

Subp. 21. **Multifunctional organization.** "Multifunctional organization" means an organization such as a nursing home that operates a center licensed under parts 9555.9600 to 9555.9730 as well as one or more other programs or facilities simultaneously and within the same administrative structure.

Subp. 22. **Operator.** "Operator" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for the operation of a center.

Subp. 23. **Participant.** "Participant" means a person who has been admitted to and is receiving services from a center licensed under parts 9555.9600 to 9555.9730.

Subp. 24. **Physician.** "Physician" means a person licensed to provide services within the scope of the profession as defined in Minnesota Statutes, chapter 147.

Subp. 25. **Registered dietitian.** "Registered dietitian" means a dietitian registered with the National Commission on Dietetic Registration.

Subp. 26. **Registered nurse.** "Registered nurse" means a person registered by the Minnesota State Board of Nursing to practice professional nursing.

Subp. 27. **Registered physical therapist.** "Registered physical therapist" means a person registered by the Minnesota State Board of Medical Practice to practice physical therapy.

Subp. 28. **Regularly or on a regular basis.** "Regularly" or "on a regular basis" means the provision of day care services to one or more persons for a cumulative total of more than 30 days within any 12 month period. Provision of services for any part of a calendar day shall constitute provision of service for the entire calendar day.

Subp. 29. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of the Department of Administration in accordance with Minnesota Statutes, section 326B.101, and contained in chapter 1300.

Subp. 30. **Structured exercise program.** "Structured exercise program" means an identifiable group activity of specific, planned physical exertion designed for participants

with similar physiologic and physical needs, meant to maintain or improve range of motion and endurance, general cardiovascular capability, muscle tone, and metabolic levels.

Subp. 31. **Variance.** "Variance" means written permission from the commissioner allowing an applicant or operator to depart from specific provisions of parts 9555.9600 to 9555.9730.

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

History: *11 SR 2165; L 1987 c 309 s 24; 13 SR 1448; L 1991 c 106 s 6; 18 SR 2748; L 2004 c 288 art 1 s 82; 30 SR 585; L 2007 c 140 art 4 s 61; art 13 s 4; L 2015 c 21 art 1 s 109*

Published Electronically: *October 2, 2015*