

1 Department of Corrections

2

3 Adopted Rules Governing Adult Halfway Houses

4

5 Rules as Adopted

6 2920.0100 DEFINITIONS.

7 Subpart 1. to 16. [Unchanged.]

8 Subp. 17. [See repealer.]

9 Subp. 18. Renewal license. "Renewal license" is a license
10 issued for a period after the period for which the license was
11 originally issued and where there has been no intervening period
12 during which a license has been revoked.

13 Subp. 19. to 21. [Unchanged.]

14 Subp. 22. Substantially conform. "Substantially conform"
15 or substantial compliance as used in this part means compliance
16 with 70 percent or more of all rules applicable to a facility's
17 classification as stated herein, and, additionally, means
18 compliance with 70 percent or more of all rules applicable to a
19 facility's classification in each part of these rules. "Part"
20 as used in this definition means the entire area or subject
21 matter under a given rule, e.g., parts 2920.0100, 2920.0200.

22 Subp. 23. to 26. [Unchanged.]

23 Subp. 26a. Variance. "Variance" is a waiver of a specific
24 rule for a specified period of time.

25 Subp. 27. and 28. [Unchanged.]

26 2920.0200 INTRODUCTION.

27 Minnesota Statutes, section 241.021, subdivision 1,
28 provides that the commissioner of corrections adopt rules
29 establishing minimum standards for all correctional facilities
30 throughout the state whether public or private, established and
31 operated for the detention and confinement of persons detained
32 or confined therein according to law except to the extent that
33 they are inspected or licensed by other state regulating
34 agencies. The rules which follow are minimum standards for all
35 adult halfway houses.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Robert P. Kittel

1 Subp. 2. [See repealer.]

2 Subp. 3. [See repealer.]

3 2920.0500 PROCEDURES FOR ORIGINAL APPLICATION FOR LICENSE.

4 Subpart 1. Filing. New applicants shall file application
5 to the commissioner of corrections at least 30 days prior to the
6 date the facility expects to operate.

7 Subp. 2. Materials to be filed with applications. The
8 materials to be filed with adult halfway house license
9 applications are:

10 A. an application form provided by the commissioner;

11 B. current health inspection approval;

12 C. current fire-safety approval;

13 D. a floor plan of the facility;

14 E. a list of the board of directors and committees,
15 including names, addresses, and telephone numbers; and

16 F. a list of other facilities which the operator or
17 governing board has operated or is currently operating either in
18 or out of state.

19 Subp. 3. Relicensing application. A relicensing
20 application must be made at least 30 days prior to expiration.
21 The material to be filed with the relicensing application is the
22 same as subpart 2. The current floor plan must also be filed
23 with the application if changes have occurred.

24 2920.0800 CONDITIONS OF LICENSE.

25 Subpart 1. Nontransferable. A license is not
26 transferable. It applies only to the organization or person(s)
27 to whom it is issued and to the building approved. The license
28 expires automatically if there is a change in location,
29 organization, procedure, or policies which would affect either
30 the terms of the license or the continuing eligibility for a
31 license. In such cases, an original application for a license
32 must again be filed.

33 Subp. 2. to 5. [Unchanged.]

34 Subp. 6. Issuance of license. A license must be issued
35 when the applicant is in substantial compliance.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 2920.0900 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

2 A license may be revoked, suspended, or denied by the
3 commissioner if the facility does not maintain substantial
4 compliance with minimum standards, or the facility may be denied
5 a license on the basis of a poor operating history in this or
6 any state. The operator must be given written notice of the
7 action and must be given 30 days to substantially comply with
8 minimum standards before action is taken. Failure, inability,
9 or refusal to substantially comply with licensing procedures is
10 cause for denial, nonrenewal, revocation, or suspension of the
11 license.

12 2920.1000 RESTRICTION OF USE OF COMMUNITY CORRECTIONAL FACILITY.

13 The commissioner may by written order restrict the use of
14 any adult halfway house which does not substantially conform to
15 the minimum standards, or, where specific conditions exist which
16 endanger the health, welfare, or safety of residents or staff,
17 prohibit the habitation of persons therein.

18 2920.1100 VARIANCE OF SPECIFIC RULE.

19 The granting of a variance under this part does not
20 constitute a precedent for any other community correctional
21 facility. The commissioner shall grant a variance of a specific
22 rule, if, in the licensing procedure or enforcement of the
23 standards the commissioner finds that:

24 A. and B. [Unchanged.]

25 C. the community correctional facility substantially
26 complies with such specific condition(s) as the commissioner
27 shall deem necessary for the protection of health, safety, and
28 welfare of the residents.

29 2920.1200 STUDY OF APPLICATION.

30 Following the receipt of the application and materials
31 requested, the commissioner shall cause a study to be made.
32 This study must include an on-site inspection of the facilities
33 and a review of references.

34 2920.1300 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 After the application for license is approved by the
2 commissioner, the applicant will receive by mail a license
3 which, as provided by Minnesota Statutes, section 241.021, must
4 set forth the conditions under which the community correctional
5 facility may operate. The terms of the license must include the
6 operating name of the community correctional facility, the
7 maximum number and sex of the residents to be served, and the
8 period of time for which the license is effective, and may
9 include other limitations which the commissioner may prescribe.
10 An accompanying letter must contain, in addition to the
11 limitations on the license, any recommendation regarding
12 activities, services, and facilities to be employed.

13 2920.1800 LEGAL STATUS OF AND AUTHORITY FOR ADULT HALFWAY HOUSES.

14 The public or private agency operating an adult halfway
15 house shall be a legal entity or part of a legal entity.

16 Subp. 2. [See repealer.]

17 Subp. 3. [See repealer.]

18 2920.1900 POLICY MAKING.

19 The governing board shall have a written policy clearly
20 stating its purposes, the program, and services offered. This
21 must be done in a form suitable for distribution to staff,
22 clients, referral sources, funding agencies, and the general
23 public.

24 2920.2300 PUBLICATION OF TAX STATUS.

25 The community correctional facility shall identify and
26 document its tax status with the Internal Revenue Service.

27 2920.2700 OPERATIONS MANUAL.

28 The community correctional facility shall have an
29 operations manual which summarizes in one document approved
30 methods of implementing agency policies and provides details for
31 daily operations of the program. The policy manual must be
32 reviewed annually by the governing board, and updated when
33 necessary.

34 2920.3200 FINANCIAL AUDIT.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 The community correctional facility fiscal process must
2 include an annual financial audit.

3 2920.3300 DOCUMENTS DISTRIBUTED TO GOVERNING BOARD.

4 The community correctional facility shall prepare and
5 distribute to its governing board income and expenditure
6 statements, funding source, financial reports, and independent
7 audit reports.

8 2920.3700 PERSONNEL POLICIES; GENERAL.

9 Subpart 1. to 5. [Unchanged.]

10 Subp. 6. Availability of staff. The community
11 correctional facility shall have staff available or on call 24
12 hours a day, seven days a week, on duty and awake during
13 sleeping hours.

14 Subp. 7. and 8. [Unchanged.]

15 2920.3800 TRAINING PROGRAM.

16 Subpart 1. to 3. [Unchanged.]

17 Subp. 4. First aid training. It is mandatory that all
18 employees who provide direct service to residents have first aid
19 training. Training must be provided by a Red Cross instructor
20 or a licensed health professional. First aid training must be
21 current. Certificates or statements of training must document
22 that first aid training is updated at least every three years.

23 Subp. 5. [Unchanged.]

24 Subp. 6. [See repealer.]

25 2920.3900 MANTOUX TEST OR CHEST X RAY REQUIRED.

26 Each staff member shall have a mantoux test or chest X ray
27 at the time of employment.

28 2920.4000 QUALIFICATIONS OF STAFF.

29 Subpart 1. [See repealer.]

30 Subp. 2. Facility administrator. The facility
31 administrator must have at least a Bachelor of Arts degree in
32 any of the human services fields, or equivalent experience and
33 two years of work experience in corrections, social service, or
34 administration.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: _____

1 Subp. 3. [Unchanged.]

2 Subp. 4. [See repealer.]

3 2920.4300 ADMISSIONS POLICIES.

4 The community correctional facility shall establish clearly
5 defined and written admissions policies and procedures, which
6 state the age range, sex, and characteristics of acceptable
7 clients. Admission policies must be available to be
8 disseminated to all referral sources and the commissioner.

9 2920.4400 ADMISSION FORM.

10 The community correctional facility or agent making the
11 referral shall complete an initial admission information form on
12 each client to be admitted into residency which, unless
13 prohibited by local ordinance, includes at a minimum:

14 A. to M. [Unchanged.]

15 2920.4900 SERVICE PLAN.

16 Facility staff and resident shall develop a written service
17 plan that specifies the needs of the resident; the expected
18 goals and objectives of the individualized plan; and the
19 participation of the resident, staff, support services, and
20 community resources in the attainment of these goals and
21 objectives.

22 2920.5000 INVOLVEMENT OF RESIDENT IN FAMILY AND COMMUNITY
23 AFFAIRS.

24 Subpart 1. [Unchanged.]

25 Subp. 2. Involvement in community. The community
26 correctional facility shall use community resources where
27 appropriate to provide residents with the following services:

28 A. to D. [Unchanged.]

29 E. assisting residents with services to become
30 self-sufficient, including assistance in obtaining housing,
31 transportation, medical and dental services, and money
32 management.

33 2920.5100 WORK ASSIGNMENTS AND WORK PROGRAM.

34 Required work assignments should be appropriate to

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 residents' ages and ability. Residents may not be required to
2 perform work which is inappropriate for them for physical
3 reasons. Safety measures shall be established when work could
4 be deemed hazardous.

5 Residents may not be required to perform personal duties
6 for staff or replace employed staff without being paid for such
7 service.

8 Staff members shall check and inform residents of
9 applicable minimum wage law, health and safety laws, social
10 security, labor union fees, and other requirements.

11 Written policy must include a system of periodic checks of
12 residents at their place of employment.

13 Staff may not enter into business arrangements or financial
14 transactions with residents.

15 2920.5200 HOUSE RULES.

16 The program must establish a method whereby residents and
17 staff review group, resident, or community problems; and review
18 old rules, new rules, or changes in rules, plans, and procedures
19 in the community correctional facility.

20 A written grievance procedure must be made available to
21 each resident which outlines the residents' rights and the
22 grievance procedure.

23 2920.5300 RELIGION.

24 Policy requires that each resident has the right to freedom
25 of religious affiliation and voluntary religious worship,
26 providing that the exercise of these rights does not directly
27 interfere with the reasonable security and discipline of the
28 facility.

29 2920.5400 COMPLIANCE WITH LAW.

30 When the community correctional facility provides or
31 contracts for food service, the service must comply with and
32 meet all sanitation and health regulations.

33 2920.5500 DIETARY SERVICE.

34 The food and nutritional needs of residents must be met.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 Providing each resident the specific serving per day from each
2 of the following four food groups will satisfy this requirement:

3 A. to D. [Unchanged.]

4 2920.5700 DISCIPLINE AND DISCIPLINARY ACTION.

5 Should disciplinary action be necessary the following rules
6 shall be observed:

7 A. The community correctional facility shall have
8 written policies which shall be available to the residents and
9 staff regarding methods used for control and discipline.

10 B. Disciplinary action may not be delegated to other
11 residents or persons outside of the program unless special
12 skills are needed to handle the situation.

13 C. to E. [Unchanged.]

14 2920.5800 ROOM RESTRICTION, FACILITY RESTRICTION, AND PRIVILEGE
15 SUSPENSION.

16 Subpart 1. Limitation on room restriction. Written policy
17 and procedures must ensure that room restriction does not exceed
18 eight hours.

19 Subp. 2. [See repealer.]

20 Subp. 3. Contact with resident during restriction;
21 determining end of restriction period. During room restriction
22 staff contact must be made with the resident at least hourly to
23 ensure the well being of the resident.

24 Subp. 4. [See repealer.]

25 Subp. 5. [See repealer.]

26 Subp. 6. Administrative hearing, when required. Written
27 policy must ensure that prior to facility restriction for more
28 than 48 hours there is an administrative hearing by a person or
29 panel of staff who are not directly involved in the incident
30 leading to the restriction.

31 Subp. 7. Maintenance of log. All instances of
32 disciplinary action must be logged, dated, and signed by staff
33 implementing the procedure; the log must be reviewed by
34 supervisory staff daily.

35 Subp. 8. Use of detention facility for extended

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 confinement. Where confinement is necessary, a detention
2 facility, other than the community correctional facility, must
3 be used.

4 2920.5900 SECURITY PROCEDURES.

5 Written policies regarding security measures are necessary
6 and must include:

7 A. a written plan must allow staff to monitor
8 movement into and out of the facility;

9 B. the staff shall maintain a system of accounting
10 for the residents at all times;

11 C. the community correctional facility shall have
12 written procedures for the reporting of absconders;

13 D. the community correctional facility shall notify
14 appropriate probation officers, parole officers, and other
15 relevant officials as soon as it has been determined that a
16 resident is missing;

17 E. any general security restrictions must allow for
18 individual protection, as well as protection for others, and
19 must be part of the written program policy;

20 F. written policy shall prohibit weapons of any kind
21 from being brought into or kept on the program grounds; and

22 G. [Unchanged.]

23 2920.6000 PERSONAL POSSESSIONS.

24 Subpart 1. General. Each resident shall be allowed to
25 bring appropriate personal possessions to the community
26 correctional facility and shall be allowed to acquire
27 possessions to the extent the facility is able to accommodate
28 secure storage.

29 Subp. 2. Contraband defined. The community correctional
30 facility shall have written definitions of what shall be
31 considered contraband.

32 Subp. 3. [Unchanged.]

33 Subp. 4. System of accounting. Policy must dictate the
34 system of accounting for the individual's personal items if
35 stored in the facility and a procedure to be followed for

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 dispersal of these items if a resident absconds or leaves the
 2 facility without taking these items.

3 2920.6200 SEARCHES.

4 In compliance with applicable laws, the community
 5 correctional facility shall maintain and post written policies
 6 and procedures for conducting searches of residents, their
 7 belongings, and all areas of the facility to control contraband
 8 and locate missing or stolen property.

9 2920.6300 COMPLIANCE WITH LAWS.

10 The facility shall comply with zoning codes, building
 11 codes, housing codes, and health and fire codes.

12 It is the responsibility of the facility administrator to
 13 request necessary inspections.

14 Written documentation that all building and zoning codes
 15 are met must be on file at the community correctional facility.
 16 Additionally, an annual fire inspection must be done at the time
 17 of licensing.

18 2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.

19 Written policy and procedures must specify the facility's
 20 fire prevention regulations and practices. These must include:

21 A. to D. [Unchanged.]

22 2920.6600 BUILDINGS AND GROUNDS.

23 Subpart 1. General. Building and grounds must be clean
 24 and in good repair.

25 Subp. 2. New or renovated buildings. Building plans and
 26 specifications for new construction, conversion of existing
 27 buildings, and any structural modifications or additions to
 28 existing licensed buildings must be consistent with the purpose
 29 of the adult halfway house and must be submitted to the
 30 commissioner.

31 Subp. 3. [Unchanged.]

32 2920.6700 BEDROOMS; REQUIREMENTS.

33 Subpart 1. Single bedrooms. Single bedrooms must provide
 34 70 square feet of useable floor space with a side dimension of

APPROVED IN THE
 REVISOR OF STATUTES
 OFFICE BY:

1 not less than seven feet for ambulatory residents. For
2 nonambulatory residents, the requirements are 100 square feet of
3 useable floor area with a side dimension of not less than nine
4 feet.

5 Subp. 2. Multi-bed bedrooms. Multi-bed bedrooms must
6 provide 60 square feet per person of useable floor space with
7 three feet between beds placed side by side, and one foot
8 between beds placed end to end for ambulatory residents. For
9 nonambulatory/nonmobile residents, the multi-bed bedrooms must
10 provide 80 square feet of useable floor area. Multi-bed
11 bedrooms for active, nonambulatory, mobile residents must be at
12 least 100 square feet per resident. Mobility space at the end
13 and one side of each bed must not be less than four feet per
14 resident.

15 Subp. 3. [Unchanged.]

16 Subp. 4. Separate bedrooms. Male and female residents may
17 not occupy the same bedrooms.

18 Youths and adults shall not share bedrooms.

19 Subp. 5. [Unchanged.]

20 2920.6900 COUNSELING SPACE AND VISITING ROOM.

21 Private counseling space must be provided in the facility.

22 Space must be provided to accommodate group meetings.

23 A visiting area must be provided for residents to receive
24 and talk with visitors privately.

25 2920.7000 BATHROOM FACILITIES.

26 Every facility must be equipped with adequate and
27 conveniently located toilet rooms for its employees and
28 residents. Washbasins and toilets must be provided in the ratio
29 of one toilet to every ten residents and one washbasin for every
30 six residents. One bath or shower must be available for every
31 eight residents.

32 2920.7300 ENVIRONMENT.

33 The governing body shall designate who is permitted to live
34 in the facility.

35 A community correctional facility may not have roomers or

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 boarders in the facility without special permission from the
 2 facility administrator. The community correctional facility
 3 shall keep the commissioner notified as to the presence of all
 4 persons living in a community correctional facility other than
 5 staff and residents.

6 A community correctional facility may not concurrently hold
 7 a license for family day care or group day care without prior
 8 approval by the commissioner.

9 2920.7400 HEALTH CARE AND MEDICAL SERVICES.

10 Subpart 1. to 3. [Unchanged.]

11 Subp. 4. Prohibition on medical or pharmaceutical testing.
 12 Written policy governs participation in medical or
 13 pharmaceutical testing for experimental or research purposes.

14 Subp. 5. and 6. [Unchanged.]

15 2920.7500 RECORDS AND EVALUATION OF RESIDENTS.

16 Subpart 1. to 5. [Unchanged.]

17 Subp. 6. [See repealer.]

18 Subp. 7. Release of information; general. All
 19 dissemination on data on residents must be in accord with the
 20 Minnesota Government Data Practices Act.

21 Subp. 8. Sharing of data with those involved in resident's
 22 treatment plan. The content of the resident's record and data
 23 collected by the community correctional facility must be shared
 24 with individuals or agencies directly involved in the resident's
 25 treatment plan. When the information is provided, residents
 26 must be informed.

27 Subp. 9. [See repealer.]

28 Subp. 10. Written policy concerning consent form. The
 29 community correctional facility shall have a written policy
 30 which conforms at a minimum to applicable federal law that
 31 relates to the release of information consent form, which
 32 includes:

33 A. to G. [Unchanged.]

34 Subp. 11. Policy concerning maintenance of case record.
 35 The community correctional facility shall have a written policy

1 which specifies the length of time a case record must be
2 maintained.

3 Subp. 12. [See repealer.]

4 2920.7600 PERSONNEL RECORDS.

5 Subpart 1. General requirement; contents of records. The
6 community correctional facility shall maintain an accurate
7 personnel record on each employee which shall include:

8 A. initial application;

9 B. reference letters, including three letters of
10 reference on the director;

11 C. to K. [Unchanged.]

12 Subp. 2. [Unchanged.]

13
14 REPEALER. Minnesota Rules, parts 2920.0100, subpart 17;

15 2920.0200, subparts 2 and 3; 2920.0300; 2920.0400; 2920.0600;

16 2920.0700; 2920.1600; 2920.1700; 2920.1800, subparts 2 and 3;

17 2920.2200; 2920.3800, subpart 6; 2920.4000, subparts 1 and 4;

18 2920.4500; 2920.5800, subparts 2, 4, and 5; and 2920.7500,

19 subparts 6, 9, and 12 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: