

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Adult Foster Care Services
4 and Licensure of Adult Foster Homes

5

6 Rules as Adopted

7 9555.5105 DEFINITIONS.

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

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

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

19 Subp. 4. **Adult foster care services.** "Adult foster care
20 services" means those community social services in parts
21 9550.0010 to 9550.0092 that are provided to residents or
22 prospective residents of adult foster homes.

23 Subp. 5. **Adult foster home.** "Adult foster home" means a
24 residence operated by an operator who, for financial gain or
25 otherwise, provides ~~up-to-four-functionally-impaired-residents~~
26 with 24-hour foster care to no more than four functionally
27 impaired residents.

28 Subp. 6. **Applicant.** "Applicant" means the operator
29 seeking a license to operate an adult foster home.

30 Subp. 7. **Building official.** "Building official" means a
31 person appointed in accordance with Minnesota Statutes, section
32 16B.65, to administer the state building code or the building
33 official's authorized representative.

34 Subp. 8. **Caregiver.** "Caregiver" means an adult who meets
35 the qualifications in part 9555.6125, subpart 4, and gives care

1 to a resident in an adult foster home.

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

5 Subp. 10. **County board.** "County board" means the county
6 board of commissioners in each county. When a human services
7 board has been established under Minnesota Statutes, sections
8 402.02 to 402.10, it shall be considered to be the county board.

9 Subp. 11. **County of financial responsibility.** "County of
10 financial responsibility" means the county responsible for
11 paying for foster care services for a resident under Minnesota
12 Statutes, section 256E.08, subdivision 7.

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

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

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

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

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

28 Subp. 15. **Health authority.** "Health authority" means the
29 designated representative of the local board of health organized
30 under Minnesota Statutes, chapter 145, to enforce public health
31 codes.

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

35 Subp. 17. **Household services.** "Household services" means
36 activities taught to or performed by a caregiver for a resident

1 such as cooking, cleaning, budgeting, and other household care
2 or maintenance tasks.

3 Subp. 18. **Individual service plan.** "Individual service
4 plan" means the written plan agreed upon and signed by the
5 county of financial responsibility and the resident or
6 resident's legal representative for the provision of social
7 services under part 9550.0090. For persons with mental
8 retardation or a related condition, it means the plan agreed
9 upon and signed under part 9525.0075.

10 Subp. 19. **Individual resident placement agreement.**
11 "Individual resident placement agreement" means the written
12 document specifying the terms for provision of foster care to an
13 adult that is developed under part 9555.5705 for persons
14 receiving services under part 9525.0075 or 9550.0090 or under
15 part 9555.6167 for persons not receiving community social
16 services or services for persons with mental retardation or a
17 related condition. The individual resident placement agreement
18 must:

19 A. describe the reason for placement;

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

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

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

30 E. coordinate with the contents of the individual
31 habilitation plan developed under parts 9525.0015 to 9525.0165
32 for persons with mental retardation or a related condition; and

33 F. coordinate with the individual service plan
34 developed under part 9525.0075 or 9550.0090.

35 Subp. 20. **Legal representative.** "Legal representative"
36 means a person appointed by the court as a guardian or

1 conservator of an adult under Minnesota Statutes, sections
2 525.539 to 525.6198 or chapter 252A.

3 Subp. 21. **License.** "License" means a certificate issued
4 by the commissioner authorizing the operator to give specified
5 services for a specified period in accordance with parts
6 9555.6105 to 9555.6265 and Minnesota Statutes, sections 245.781
7 to 245.812 and 252.28, subdivision 2. License includes a
8 provisional license issued to an operator who is temporarily
9 unable to comply with the requirements for a license.

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

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

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

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

26 Subp. 26. **Minnesota Uniform Fire Code.** "Minnesota Uniform
27 Fire Code" means those codes and regulations adopted by the fire
28 marshal under Minnesota Statutes, section 299F.011 and parts
29 7510.0200 to 7510.3000.

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

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

1 laundering clothes.

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

4 Subp. 30. **Related.** "Related" means any of the following
5 relationships by marriage, blood, or adoption: spouse, parent,
6 grandparent, brother, sister, stepparent, stepsister,
7 stepbrother, uncle, aunt, grandchild, child, niece, and nephew.

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

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

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

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

24 Subp. 35. **Social worker.** "Social worker" means a person
25 designated by the local agency or service agency of the county
26 of financial responsibility with credentials meeting the minimum
27 requirements under the Minnesota Merit System classification for
28 social worker or a county personnel system equivalent under
29 Minnesota Statutes, section 375.56-71; Laws of Minnesota 1965,
30 chapter 855; and Laws of Minnesota 1974, chapter 435, article 3,
31 who is responsible for coordinating a prospective resident's
32 initial assessment and placement in part 9555.5605 the
33 development of the individual resident placement agreement for
34 those persons with an individual service plan.

35 Subp. 36. **State Building Code.** "State Building Code"
36 means those codes and regulations adopted by the commissioner of

1 administration under chapter 1300 and Minnesota Statutes,
2 section 16B.59.

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

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

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

9 Subp. 38. **Variance.** "Variance" means written permission
10 by the commissioner for an applicant or operator to depart from
11 the provisions of parts 9555.6105 to 9555.6265 if equivalent
12 alternative measures are provided to ensure the health, safety,
13 and rights of a resident.

14 Subp. 39. **Vulnerable Adults Act.** "Vulnerable Adults Act"
15 means Minnesota Statutes, section 626.557.

16 9555.5205 APPLICABILITY.

17 Parts 9555.5105 to 9555.5705 govern the administration and
18 provision of adult foster care services to residents or
19 prospective residents of adult foster homes by the county board.

20 9555.5305 PURPOSE.

21 The purpose of parts 9555.5105 to 9555.5705 is to ensure
22 that a resident or prospective resident of an adult foster home
23 receives an assessment of need for adult foster care, is
24 notified about adult foster care services that are available,
25 and consultation, assistance, and information are provided to
26 applicants or operators of adult foster homes.

27 9555.5405 FOSTER HOME DEVELOPMENT.

28 The local agency shall implement an annual adult foster
29 home recruitment plan specifying a method and timetable for
30 recruiting operators to meet the county's adult foster care
31 needs if adult foster care services to residents or prospective
32 residents of adult foster homes are specified by the county
33 board in the community social services plan developed under
34 parts 9550.0010 to 9550.0092.

1 9555.5415 LICENSING ASSISTANCE.

2 Subpart 1. Assistance. The local agency shall tell
3 persons seeking information about adult foster home licensure of
4 the standards in parts 9555.6105 to 9555.6265. The local agency
5 shall offer consultation, assistance, and information in
6 accordance with parts 9555.6105 to 9555.6265. The local agency
7 shall:

8 A. supply the applicant with the department
9 application form, a copy of parts 9555.5105 and 9555.6105 to
10 9555.6265, and the department forms needed to determine
11 compliance with parts 9555.5105 and 9555.6105 to 9555.6265;

12 B. stamp and date a signed and completed department
13 application form on the date of receipt;

14 C. accept and process applications for licensure and
15 recommend licensure or negative licensing actions to the
16 department;

17 D. conduct the inspection of the residence and study
18 of the applicant in accordance with parts 9555.5105 and
19 9555.6105 to 9555.6265; and

20 E. notify the local zoning administrator in the
21 jurisdiction in which the residence is located at least 30 days
22 prior to the initial issuance date of a license. The date the
23 local zoning administrator was notified must be noted on the
24 application form.

25 Subp. 2. Unlicensed residences. When the local agency has
26 reasonable cause to believe a residence required to be licensed
27 under parts 9555.6105 to 9555.6265 is operating without a
28 license, the local agency must verify the home's license status
29 following the procedures in items A and B.

30 A. The local agency shall verify the home's license
31 status within five working days. If the operator is not
32 licensed to operate an adult foster home, the local agency shall
33 contact the person providing adult foster care in the residence
34 and tell the person of the licensing requirements in Minnesota
35 Statutes, sections 245.781 to 245.812 and parts 9555.5105 and

1 9555.6105 to 9555.6265.

2 B. If no application is made to obtain a license
3 within 30 days after the operator is told of the licensure
4 requirements, the city or county attorney for the local agency
5 with jurisdiction to bring misdemeanor charges shall be notified
6 by the local agency. The operator of a residence required to be
7 licensed under parts 9555.5105 and 9555.6105 to 9555.6265 that
8 is operating without a license is subject to misdemeanor
9 prosecution and injunction under Minnesota Statutes, section
10 245.803.

11 C. A complaint concerning violations of parts
12 9555.6105 to 9555.6265 shall be investigated by the local agency
13 within 14 working days of receipt, except complaints concerning
14 abuse or neglect, which shall be investigated in accordance with
15 parts 9555.7100 to 9555.7700. Substantiated complaints about an
16 operator licensed under parts 9555.5105 and 9555.6105 to
17 9555.6265 shall be recorded in the record on the residence in
18 part ~~9555-6155~~ 9555.5515.

19 9555.5505 LOCAL AGENCY ORIENTATION AND TRAINING ROLE.

20 Subpart 1. **Local agency role.** The local agency shall
21 ensure that:

22 A. the operator and caregivers comply with the
23 orientation and training requirements in part 9555.6185; and

24 B. the orientation and training in part 9555.6185 is
25 available within the county or within 50 miles of the adult
26 foster home at times convenient to foster home operators.

27 Subp. 2. **Orientation.** The local agency shall provide
28 three hours of orientation to a foster home operator and
29 caregivers prior to the placement of the first resident
30 following initial licensure. The orientation training must
31 include training on requirements of the Vulnerable Adults Act
32 contained in Minnesota Statutes, section 626.557; parts
33 9555.8000 to 9555.8500; and the general provisions of parts
34 9555.5105, and 9555.6105 to 9555.6265.

35 Subp. 3. **Information.** The local agency shall identify

1 sources of training that meet the standards in part 9555.6185
2 and notify the operator of a licensed residence in the county at
3 least once a year of the training opportunities available.

4 9555.5515 RECORD ON THE RESIDENCE.

5 A record for the residence licensed as an adult foster home
6 shall be maintained by the commissioner and contain:

7 A. a copy of the completed licensing application form
8 signed by the applicant and the representative of the
9 commissioner, as specified in part 9555.6115, subpart 1;

10 B. the physician's reports on caregivers and
11 household members specified in part 9555.6125 if the operator is
12 an individual;

13 C. the initial and subsequent inspection report from
14 the fire marshal specified in part 9555.6125 and the subsequent
15 home safety checklists;

16 D. any written inspection reports from a health
17 authority or building official;

18 E. the commissioner's initial and any renewal
19 licensing studies and inspections;

20 F. any comments of the operator or provider about the
21 licensing studies and inspections;

22 G. written references from at least three persons who
23 know about the applicant's potential to operate an adult foster
24 home. If the applicant has been licensed through another
25 jurisdiction, the local agency shall also request and keep a
26 reference from the licensing authority in that jurisdiction;

27 H. a list of residents currently in the residence;

28 I. a list of residents who have been in the residence
29 in the past five years;

30 J. documentation of any variances to parts 9555.6105
31 to 9555.6265;

32 K. arrest, conviction, and criminal history records
33 on the operator, caregivers, and household members;

34 L. if the operator is a partnership, corporation, or
35 governmental unit, the information required in part 9555.6125,

1 subpart 3, item C, subitems (1), (2), (3), (6), and (7);

2 M. a copy of the commissioner approved, written adult
3 foster home program required in part 9555.6235;

4 N. a record of any substantiated complaints of abuse
5 and neglect as defined in Minnesota Statutes, section 626.557
6 and any corrective action taken under parts 9555.7100 to
7 9555.7700; and

8 O. a copy of the facility abuse prevention plan
9 required under the Vulnerable Adults Act.

10 9555.5605 ASSESSMENT.

11 Subpart 1. **Assessment.** A social worker from the local
12 agency or service agency of the county of financial
13 responsibility shall ensure that a person seeking adult foster
14 home placement has an assessment to determine the person's need
15 for adult foster care.

16 A. An adult who has or may have a diagnosis of mental
17 retardation or a related condition shall be assessed under part
18 9525.0065.

19 B. An adult requesting adult foster care services
20 under parts 9550.0010 to 9550.0092 shall be assessed under item
21 D and part 9550.0090.

22 C. An assessment performed under Minnesota Statutes,
23 section 256B.091 shall satisfy the provisions of item D.

24 D. An assessment coordinated by a social worker and
25 review of any information gathered from professionals must be
26 made of the adult's:

27 (1) ability to manage activities of daily living;

28 (2) physical health, including impairments of
29 mobility, sight, hearing, and speech;

30 (3) intellectual functioning and mental health,
31 including impairments of judgment, behavior, capacity to
32 recognize reality, or ability to cope with the ordinary demands
33 of life;

34 (4) need for supervision;

35 (5) need for protection;

- 1 (6) need for assistance in safeguarding cash
2 resources;
- 3 (7) need for medication assistance;
- 4 (8) employability and vocational skills;
- 5 (9) need for family and community involvement;
- 6 and
- 7 (10) need for community, social, or health
8 services.

9 Subp. 2. **Mobility access assessment.** Before placement, or
10 after placement if the local agency has reasonable cause to
11 believe a mobility access, seizure, or disability problem has
12 developed, the social worker shall determine, in consultation
13 with the prospective resident and the resident's representative
14 and any other person knowledgeable about the resident's needs,
15 whether accessibility aides or modifications to the residence
16 are needed. The need for accessibility aides or modifications
17 to the residence shall be determined for persons with regular
18 seizures or physical disabilities using an accessibility
19 checklist approved by the commissioner in consultation with
20 persons knowledgeable about the accessibility and mobility needs
21 of the resident and persons knowledgeable about accessibility
22 modifications to residential occupancies. A person confined to
23 a wheelchair must be housed on a level with an exit directly to
24 grade.

25 Subp. 3. **Placement standards.** A person shall be
26 appropriate for adult foster home placement if the person:

27 A. is an adult;

28 B. is functionally impaired;

29 C. has requested, or the adult's legal representative
30 has requested, foster care placement;

31 D. has demonstrated a need for foster care based on
32 the assessment in subpart 1;

33 E. does not require continuous medical care or
34 treatment in a facility licensed for acute care under chapter
35 4640; and

36 F. has been approved for placement under parts

1 9525.0015 to 9525.0145, if the adult has mental retardation or a
2 related condition.

3 Subp. 4. **Placement and consumer choice.** A person who is
4 appropriate for adult foster home placement, and the person's
5 legal representative must be allowed to choose among between the
6 homes that the social worker determines would meet the person's
7 foster care needs.

8 Subp. 5. **Matching.** When referring the adult seeking
9 foster care to a licensed adult foster home, the social worker
10 shall match the licensing study information and the capacity of
11 the adult foster home program developed by the operator under
12 part 9555.6235 with the assessed needs of the functionally
13 impaired adult determined under part 9555.5605, subparts 1 and 2.

14 Subp. 6. **Preplacement visit.** The social worker shall
15 arrange for the functionally impaired adult to visit the
16 prospective adult foster home before placement, except in cases
17 of emergency placement or placement for less than 30 consecutive
18 days. Before placement, the following shall be discussed with
19 the operator:

20 A. the needs of the functionally impaired adult as
21 determined by the assessment in part 9555.5605, subparts 1 and 2;

22 B. the foster care that must be provided by the
23 operator to the adult seeking placement;

24 C. the adult's need for additional community health
25 and social services and the operator's responsibility in
26 assisting with provision of or access to those services; and

27 D. the financial arrangements to pay for the adult
28 foster care.

29 9555.5705 PROVISION OF ADULT FOSTER CARE SERVICES TO RESIDENTS
30 OF ADULT FOSTER HOMES.

31 Subpart 1. **Adult foster care service.** When the county
32 board elects to provide adult foster care services under parts
33 9550.0010 to 9550.0092, the county board shall offer adult
34 foster care services to the residents or prospective residents
35 of an adult foster home. Adult foster care services may be

1 provided directly by the county of financial responsibility, or
2 by the service agency under a written agreement with the county
3 of financial responsibility, or by another agency under contract
4 to the county of financial responsibility.

5 **Subp. 2. Development of individual resident placement**
6 **agreement.** If the resident or prospective resident requests and
7 receives adult foster care services, then the service agency
8 shall develop, and the resident, resident's legal
9 representative, and the operator shall agree on and sign an
10 individual resident placement agreement as defined in part
11 9555.5105, subpart 19. The agreement must be signed within 30
12 days of placement and be coordinated with the adult's individual
13 service plan as defined in part 9555.5105, subpart 18. The
14 service agency shall give a copy of the individual service plan
15 to the operator. If the resident is appropriate for adult
16 foster home placement and does not require adult foster care
17 services under parts 9550.0010 to 9550.0092, the individual
18 resident placement agreement shall be developed by the operator,
19 resident, and resident's legal representative under part
20 9555.6167.

21 **Subp. 3. Placement review for residents with an individual**
22 **service plan.** The service agency assigned to a resident in an
23 adult foster home with an individual service plan must:

24 A. visit the resident and operator within 30 days of
25 placement to confirm the appropriateness of the placement;

26 B. provide consultation services to the operator in
27 meeting the resident's assessed needs;

28 C. provide a telephone number where caregivers and
29 the resident or resident's legal representative may call for
30 emergency social service assistance 24 hours a day; and

31 D. assist in developing the individual abuse
32 prevention plan for the resident under parts 9555.7100 to
33 9555.7700.

34 9555.6105 APPLICABILITY AND PURPOSE.

35 Parts 9555.5105 and 9555.6105 to 9555.6265, as authorized

1 by Minnesota Statutes, sections 245.781 to 245.812, govern the
2 licensure of the operator of an adult foster home. The purpose
3 of parts 9555.5105 and 9555.6105 to 9555.6265 is to establish
4 procedures and standards for licensure and operation of an adult
5 foster home so minimum levels of care are provided and the
6 health, safety, and rights of residents are assured.

7 9555.6115 LICENSE APPLICATION PROCESS.

8 A license to operate an adult foster home must be obtained
9 from the department under items A to E.

10 A. Application for a license must be made on the
11 application form issued by the department and must be made in
12 the county where the adult foster home is located.

13 B. The applicant must be the individual or the
14 authorized representative of the partnership, corporation, or
15 government unit that will be the operator of the adult foster
16 home.

17 C. Separate licenses are required for residences
18 located at separate addresses, even if the residences are to be
19 operated by the same operator.

20 D. An application for licensure is complete when the
21 commissioner determines that the department forms and
22 documentation needed for licensure, the inspection, zoning,
23 evaluation, and investigative reports, documentation and
24 information required to verify compliance with parts 9555.5105
25 and 9555.6105 to 9555.6265 have been submitted by the
26 applicant. The commissioner shall stamp and date a signed and
27 completed department application form on the date of receipt.

28 9555.6125 LICENSING STUDY.

29 Subpart 1. **Access to residence.** The applicant shall give
30 the commissioner access to the residence to determine compliance
31 with parts 9555.5105 and 9555.6105 to 9555.6265. Access shall
32 include the residence to be occupied as an adult foster home;
33 any adjoining land or buildings owned or operated by the
34 applicant or operator in conjunction with the provision of adult
35 foster care and designated for use by a resident;

1 noninterference in interviewing caregivers, roomers, or
2 household members; and the right to view and photocopy the
3 records and documents specified in parts 9555.6235 and
4 9555.6245. The commissioner shall have access to the residence
5 at any time during the period of licensure to determine whether
6 the operator is in compliance with parts 9555.5105 and 9555.6105
7 to 9555.6265.

8 Subp. 2. **Inspections.** The residence must be inspected by
9 a fire marshal within 12 months before initial licensure to
10 verify that the residence is a dwelling unit within a
11 residential occupancy as defined in section 9.117 of the
12 Minnesota Uniform Fire Code and that the residence complies with
13 the fire safety standards for that residential occupancy
14 contained in the Minnesota Uniform Fire Code. A home safety
15 checklist, approved by the commissioner, must be completed by
16 the operator and the commissioner before licensure each year a
17 fire marshal inspection is not made. The residence shall be
18 inspected according to the licensed capacity specified on the
19 initial application form. If the commissioner has reasonable
20 cause to believe that a potentially hazardous condition may be
21 present or the licensed capacity is increased to four residents,
22 the commissioner shall request a subsequent inspection and
23 written report by a fire marshal to verify the absence of
24 hazard. Any condition cited by a fire marshal, building
25 official, or health authority as hazardous or creating an
26 immediate danger of fire or threat to health and safety must be
27 corrected before a license is issued or renewed by the
28 department.

29 Subp. 3. **Study of applicant.** A study of the applicant
30 shall be conducted by the commissioner under items A to D.

31 A. The applicant shall provide the commissioner with
32 a completed, signed form as required by Minnesota Statutes,
33 section 245.783, subdivision 3, for the disclosure of arrest,
34 conviction, and criminal history records for each caregiver,
35 household member over the age of ~~±2~~ 13, and each owner, partner,
36 board member, and employee who will be involved in the operation

1 of the adult foster home. The form must disclose the person's
 2 full name and all previous or additional names, date of birth,
 3 the specific nature of information to be disclosed, who will
 4 receive the information, and who will disclose it. The
 5 commissioner shall seek the assistance of the Minnesota Bureau
 6 of Criminal Apprehension, the county attorney, and sheriff or
 7 chief of police in the locality where the person resides in
 8 determining the person's arrest, conviction, or criminal history
 9 record. If the person has not resided in the state for five
 10 years, the form shall also be sent to a national criminal
 11 history repository. In the case of a household member who is
 12 nine years of age but under the age of 14, the commissioner
 13 shall ascertain from the local court of jurisdiction whether the
 14 juvenile has been adjudicated as a delinquent for any of the
 15 acts specified in subpart 4, items D and E.

16 B. The applicant who is an individual shall provide
 17 social history information to the commissioner about
 18 each ~~caregiver~~ and household member. "Social history
 19 information" means information on education; employment;
 20 financial condition; military service; marital
 21 history; strengths and weaknesses of household relationships;
 22 mental illness; chemical dependency; hospitalizations;
 23 involuntary terminations of parental rights; the use of mental
 24 retardation services; felony, gross misdemeanor or misdemeanor
 25 convictions, arrests or admissions; and substantiated reports of
 26 neglect or abuse.

27 C. If the applicant is an authorized representative
 28 of a partnership, corporation, or governmental unit, the
 29 applicant shall make available and maintain the following
 30 information:

- 31 (1) the names and addresses of the owners and
- 32 board members;
- 33 (2) the name, address, and physical health report
- 34 of the employees who are involved in the operation of the adult
- 35 foster home;
- 36 (3) an organization chart;

1 (4) personnel policies;
2 (5) the personnel records of persons in subitem
3 (2) and verification that they comply with the qualifications in
4 subpart 4;
5 (6) job descriptions of persons in subitem (2);
6 and
7 (7) the staffing pattern to be used in the adult
8 foster home.

9 D. The applicant shall provide the commissioner with
10 the names of three persons not related to the applicant who can
11 supply information about the applicant's ability to operate an
12 adult foster home.

13 Subp. 4. Qualifications. Operators, caregivers, and
14 household members must meet the qualifications in items A to H.

15 A. Operators and caregivers must be adults.

16 B. Household members and caregivers must be free of
17 reportable communicable disease as named in parts 4605.7000 to
18 4605.7800. With the exception of caregivers providing less than
19 30 days of care per year, the household member and caregiver
20 must provide the commissioner with a physician's statement
21 showing the absence of reportable communicable disease and any
22 physical condition that would prevent the caregiver from being
23 able to provide foster care to a resident. The physician's
24 report must be based on an examination of the individual within
25 the 12 months before application for licensure. Caregivers
26 shall provide the commissioner with a physician's report at
27 least once every five years after initial licensure.

28 C. Operators, caregivers, and household members must
29 agree to disclose the arrest, conviction, and criminal history
30 information specified in subpart 3.

31 D. Operators, caregivers, and household members must
32 not have a conviction of, adjudication of delinquency for, have
33 admitted to, or there be substantial evidence as determined by
34 the local agency or department indicating abuse or neglect as
35 those terms are defined in Minnesota Statutes, sections 626.556
36 and 626.557 or assault as defined in Minnesota Statutes,

1 sections 609.221 to 609.235, 609.322 to 609.342, 609.343,
2 609.344, or 609.345.

3 E. Operators, caregivers, and household members must
4 not be awaiting trial for or have a conviction of, adjudication
5 of delinquency for, or admission of any crime listed in
6 Minnesota Statutes, sections 152.09, 152.096, 152.097, 609.185
7 to 609.345, 609.365, 609.377, 609.378, 609.52, 609.521, 609.525,
8 609.53, 609.54, 609.551, 609.561 to 609.563, 609.582, 609.59,
9 609.625, 609.63, 609.687, 609.71, 609.713, 609.821, 617.23,
10 617.246, other than those listed in item D, or the same or
11 similar crime listed in the laws of another state or of the
12 United States or of another country.

13 F. Caregivers must not have had parental rights
14 terminated under Minnesota Statutes, section 260.221, paragraph
15 (b), within the past five years.

16 G. Operators and caregivers must not have a diagnosis
17 of mental retardation or a related condition and be receiving
18 services under parts 9525.0015 to 9525.0145.

19 H. Caregivers and household members must not have a
20 mental illness or condition as diagnosed by a psychiatrist or
21 licensed psychologist that has documented behaviors that the
22 commissioner determines would jeopardize the health, rights, or
23 safety of residents. Past history of a mental illness or
24 condition may be considered. "Mental illness" means ~~the~~
25 ~~inability-to-interpret-reality-realistically-and-the-impaired~~
26 ~~functioning-in~~ an organic disorder of the brain or a clinically
27 significant disorder of thought, mood, perception, orientation,
28 memory, or behavior that is listed in the clinical manual of the
29 International Classification of Diseases (ICD-9-CM), Ninth
30 Revision (1980), code range 290.0 to 302.99 or 306.0 to 316.0 or
31 the corresponding code in the American Psychiatric Association's
32 Diagnostic and Statistical Manual of Mental Disorders (DSM-III),
33 Third Edition (1980), Axes I, II, or III, and that seriously
34 limits a person's functional capacities relative to primary
35 aspects of daily living, such as personal relations, living
36 arrangements, work, and recreation. These publications are

1 incorporated by reference and are not subject to frequent
2 change. They are available in the State Law Library, Ford
3 Building, 117 University Avenue, St. Paul, Minnesota 55155.

4 I. Caregivers and household members must not abuse
5 prescription drugs or use controlled substances as named in
6 Minnesota Statutes, chapter 152, or alcohol, to the extent that
7 the use or abuse has or may have a negative effect on the
8 health, rights, or safety of residents.

9 Subp. 5. Evaluation for cause. The commissioner may
10 require, before licensure or at any time during the licensed
11 term of the adult foster home, a physical, mental health,
12 chemical dependency, or criminal history evaluation of the
13 operator, caregiver, or household member if the commissioner has
14 reasonable cause to believe that any of the qualifications or
15 requirements in items A to I have not been met or that the
16 operator or any caregiver cannot care for a resident.
17 Evaluations must be conducted by a professional qualified by
18 license, certification, education, or training to perform the
19 specific evaluation.

20 Subp. 6. Zoning. At least 30 days before the initial
21 license issuance date, the commissioner shall notify the local
22 zoning administrator in the jurisdiction where the residence is
23 located of the license application.

24 Subp. 7. Period of licensure; nontransfer. A license
25 shall be issued by the commissioner for up to one year when the
26 applicant complies with parts 9555.6105 to 9555.6265. A license
27 is not transferable to another operator or residence.

28 Subp. 8. Provisional license. An applicant for initial
29 licensure may be granted a provisional license by the
30 commissioner for up to one year if the laws and rules cannot be
31 complied with immediately, and if the deviations from parts
32 9555.6105 to 9555.6265 do not threaten the health, rights, or
33 safety of a resident. All deviations must be corrected within
34 the time specified by the commissioner but not exceeding one
35 year. Failure to correct deviations within the stated time
36 shall be cause for revocation of a license or a fine or both.

1 Subp. 9. **Variance procedure.** An applicant or operator may
2 request a variance from compliance with parts 9555.5105 and
3 9555.6105 to 9555.6265. A request for a variance must comply
4 with and be handled according to the following procedures:

5 A. An applicant or operator must submit a written
6 request for a variance to the commissioner. The request must
7 include:

8 (1) the sections or parts 9555.6105 to 9555.6275
9 with which the applicant or operator cannot comply;

10 (2) the reasons why the applicant or operator
11 needs to depart from the specified sections;

12 (3) the period for which the applicant or
13 operator requests a variance; and

14 (4) the specific equivalent alternative measures
15 that the applicant or operator will provide so the health,
16 rights, and safety of residents are ensured if the variance is
17 granted.

18 B. An applicant or operator must submit to the
19 commissioner written approval from a fire marshal of the
20 alternative measures identified to ensure the safety of
21 residents when a variance of part 9555.6125, subpart 2, is
22 requested.

23 C. An applicant or operator must submit to the
24 commissioner written approval from a health authority of the
25 alternative measures identified to ensure the health of
26 residents when a variance of parts 9555.6225 and 9555.6215 is
27 requested.

28 Subp. 10. **Variance standard.** A variance may be granted if:

29 A. the variance is submitted in accordance with
30 subpart 9;

31 B. the commissioner does not have reasonable cause to
32 believe the health, rights, or safety of the residents will be
33 threatened;

34 C. the variance would not be contrary to a standard
35 required by Minnesota Statutes; and

36 D. a request for variance to subpart 4, item E, has

1 clear and convincing evidence presented by the operator,
2 caregiver, or household member that no threat or harm whatsoever
3 will result to the residents due to the granting of the
4 variance. The commissioner shall consider the nature of the
5 crime committed and amount of time which has elapsed without a
6 repeat of the crime.

7 Subp. 11. License terms. A license, whether regular or
8 provisional, must show:

9 A. the licensed capacity of the adult foster home;

10 B. the expiration date of the license and address of
11 the residence;

12 C. the name and address of the operator;

13 D. that the operator is licensed under parts
14 9555.5105 and 9555.6105 to 9555.6265; and

15 E. the provisional status of the license, if
16 applicable.

17 Subp. 12. Change in license terms. The following shall
18 apply to changes in the terms of licensure:

19 A. The license issued must not be transferred to
20 another operator, building, or address unless the provisions in
21 item B are followed first.

22 B. The operator must notify the commissioner and the
23 studies in part 9555.6125 must be completed:

24 (1) before the operator moves the residence to
25 another building or address;

26 (2) when there is an addition of any adult or
27 child who is or will be a roomer, resident, household member, or
28 caregiver;

29 (3) when the operator makes structural changes to
30 the residence that require a building permit from the local
31 jurisdiction; or

32 (4) before the operator changes, sells, or
33 transfers ownership or responsibility for the operation of the
34 residence.

35 Subp. 13. License renewal. Before the expiration of a
36 license, the commissioner must conduct a study of the operator

1 and an inspection of the residence to determine compliance with
2 parts 9555.5105 and 9555.6105 to 9555.6265 at least once every
3 12 months to determine whether a new license shall be issued.

4 9555.6145 NEGATIVE LICENSING ACTIONS.

5 Subpart 1. **Definition.** For the purposes of this part,
6 "negative licensing action" means denial of application for
7 licensure, revocation, probation, suspension, or immediate
8 suspension of an existing license.

9 Subp. 2. **Procedures.** In accordance with Minnesota
10 Statutes, section 245.801, failure to comply with parts
11 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure
12 is grounds for a negative licensing action. If the local agency
13 recommends a negative licensing action, the local agency shall
14 notify the department and the department shall determine if the
15 standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the
16 terms of licensure have been violated. If the grounds are
17 sufficient, the commissioner shall follow the procedures in
18 Minnesota Statutes, section 245.801, and notify the applicant or
19 operator by certified mail, unless personal service is required
20 by subpart 7. The notice of negative licensing action must be
21 addressed to the name and location shown on the application or
22 license and contain a statement of, and the reasons for, the
23 proposed negative licensing action. The notice of negative
24 licensing action must inform the applicant or operator of the
25 right to appeal the decision. The applicant or operator shall
26 have an opportunity for a hearing under Minnesota Statutes,
27 sections 14.57 to 14.70.

28 Subp. 3. **Denial.** If the commissioner denies an
29 application for licensure, the applicant must tell the
30 commissioner of the applicant's appeal of the decision within 20
31 days after receipt of the notice of denial.

32 Subp. 4. **Revocation, probation, or suspension.** If the
33 commissioner revokes a license, makes a license probationary, or
34 suspends a license, the operator must tell the commissioner of
35 the operator's appeal of the decision within ten days after

1 receipt of the notice of revocation, probation, or suspension.

2 Subp. 5. **Immediate suspension.** If the commissioner finds
3 that the health, safety, or rights of the residents in care are
4 in imminent danger, the commissioner shall immediately suspend
5 the license and notify the local agency to remove the
6 residents. The operator shall be notified by personal service
7 and must tell the commissioner of the operator's appeal of the
8 decision within five days after receipt of the notice of
9 immediate suspension. The appeal does not stay the decision of
10 the commissioner to immediately suspend the license.

11 Subp. 6. **Correction orders and fines.** If the commissioner
12 finds that the operator does not comply with parts 9555.5105 and
13 9555.6105 to 9555.6265, the commissioner shall issue a
14 correction order under Minnesota Statutes, section 245.805, and
15 the operator may be subject to a fine for each uncorrected
16 deficiency.

17 Subp. 7. **Notice of negative licensing action.** At the time
18 the commissioner notifies the operator of a proposed negative
19 licensing action, the commissioner shall notify residents and
20 residents' legal representatives of the proposed negative
21 licensing action and of the operator's right to appeal. The
22 notification procedures in Minnesota Statutes, section 626.557,
23 subdivision 10, paragraph (a), shall be followed in situations
24 alleging abuse or neglect of residents.

25 Subp. 8. **Reapplication after revocation.** An operator
26 whose license has been revoked shall not be granted a new
27 license for five years following revocation and must reapply for
28 licensure to determine current compliance with parts 9555.5105
29 and 9555.6105 to 9555.6265.

30 ~~9555.6155-RECORD-ON-THE-RESIDENCE-~~

31 ~~A-record-for-the-residence-licensed-as-an-adult-foster-home~~
32 ~~shall-be-maintained-by-the-commissioner-and-contain:~~

33 ~~A--a-copy-of-the-completed-licensing-application-form~~
34 ~~signed-by-the-applicant-and-the-representative-of-the~~
35 ~~commissioner,as-specified-in-part-9555.6115,subpart-1,~~

1 B.---the-physician's-reports-on-caregivers-and
2 household-members-specified-in-part-9555.6125-if-the-operator-is
3 an-individual;

4 C.---the-initial-and-subsequent-inspection-report-from
5 the-fire-marshal-specified-in-part-9555.6125-and-the-subsequent
6 home-safety-checklists;

7 D.---any-written-inspection-reports-from-a-health
8 authority-or-building-official;

9 E.---the-commissioner's-initial-and-any-renewal
10 licensing-studies-and-inspections;

11 F.---any-comments-of-the-operator-or-provider-about-the
12 licensing-studies-and-inspections;

13 G.---written-references-from-at-least-three-persons-who
14 know-about-the-applicant's-potential-to-operate-an-adult-foster
15 home.---If-the-applicant-has-been-licensed-through-another
16 jurisdiction, the-local-agency-shall-also-request-and-keep-a
17 reference-from-the-licensing-authority-in-that-jurisdiction;

18 H.---a-list-of-residents-currently-in-the-residence;

19 I.---a-list-of-residents-who-have-been-in-the-residence
20 in-the-past-five-years;

21 J.---documentation-of-any-variances-to-parts-9555.6105
22 to-9555.6265;

23 K.---arrest, conviction, and-criminal-history-records
24 on-the-operator, caregivers, and-household-members, and
25 caregivers;

26 L.---if-the-operator-is-a-partnership, corporation, or
27 governmental-unit, the-information-required-in-part-9555.6125,
28 subpart-3, item-C, subitems-(1),-(2),-(3),-(6), and-(7);

29 M.---a-copy-of-the-commissioner-approved, written-adult
30 foster-home-program-required-in-part-9555.6235;

31 N.---a-record-of-any-substantiated-complaints-of-abuse
32 and-neglect-as-defined-in-Minnesota-Statutes, section-626.557
33 and-any-corrective-action-taken-under-parts-9555.7100-to
34 9555.7700, and

35 O.---a-copy-of-the-facility-abuse-prevention-plan
36 required-under-the-Vulnerable-Adults-Act.

1 9555.6165 CAPACITY.

2 Subpart 1. **Licensed capacity.** A maximum of four residents
3 may live in the adult foster home at one time.

4 Subp. 2. **Capacity of roomers and residents.** The total
5 number of roomers and residents in the adult foster home at one
6 time shall not exceed four.

7 9555.6167 INDIVIDUAL RESIDENT PLACEMENT AGREEMENT.

8 The operator shall ensure that an individual resident
9 placement agreement as defined in part 9555.5105, subpart 19, is
10 developed, signed, and on file for the resident who is not
11 receiving community social services under parts 9550.0010 to
12 9550.0092, and who does not have an individual service plan
13 developed under part 9525.0075 or 9550.0090.

14 9555.6175 COOPERATE AND REPORT TO AGENCIES.

15 Subpart 1. **Cooperating with service agency.** The operator
16 shall cooperate with the service agency in carrying out the
17 provisions of the individual service plan for each resident who
18 has one and in developing the individual resident placement
19 agreement.

20 Subp. 2. **Abuse and neglect reporting.** Caregivers shall
21 immediately report any suspected abuse or neglect of a resident
22 to the commissioner, local agency, local police, or county
23 sheriff as required by the Vulnerable Adults Act.

24 Subp. 3. **Reporting to local agency.** The operator shall
25 ensure that the local agency is told:

26 A. within five calendar days of any change in the
27 regular membership of the household or caregiver's employment
28 status;

29 B. within 24 hours after the occurrence of a fire
30 that causes damage to the residence or requires the services of
31 a fire department or the onset of any changes or repairs to the
32 residence that require a building permit;

33 C. immediately after the occurrence of any serious
34 injury or death of a resident. "Serious injury" means an injury

1 that ~~is-treated~~ requires treatment by a physician;

2 D. within 24 hours of a change in health status of a
3 caregiver that could affect the ability of the caregiver to care
4 for a resident;

5 E. immediately upon diagnosis by a physician or
6 health authority of a reportable communicable disease, as
7 specified in parts 4605.7000 to 4605.7800, of any resident,
8 caregiver, or household member;

9 F. at least 30 days before the involuntary discharge
10 of a resident who does not have an individual service plan; and

11 G. within seven days after the transfer or voluntary
12 discharge of a resident who does not have an individual service
13 plan.

14 Subp. 4. **Reporting to service agency.** The operator shall
15 ensure that the service agency is told:

16 A. within five days if a resident shows a need for
17 additional community health or social services; and

18 B. at least 30 days before the involuntary discharge
19 of a resident. When a resident wants to voluntarily leave the
20 adult foster home, the operator must notify the service agency
21 within three days. In this instance, the resident's legal
22 representative, if any, shall also be notified by the service
23 agency.

24 9555.6185 FOSTER CARE TRAINING.

25 Subpart 1. **Orientation.** Operators and caregivers must
26 complete the orientation provided by the local agency in part
27 9555.5505 prior to placement of the first resident following
28 initial licensure.

29 Subp. 2. **Training requirements.** In addition to the
30 orientation training, caregivers must complete the training
31 designed to meet the needs of the residents in care in any of
32 the subject areas and in the amount specified in subpart 4. The
33 operator must ensure that a record of training completed is
34 maintained.

35 A. Caregivers with zero to five years of licensure or

1 experience as an adult foster home caregiver must complete 12
2 hours training a year.

3 B. Caregivers with six or more years of licensure or
4 experience as an adult foster home caregiver must complete six
5 hours training a year.

6 C. Caregivers who provide services according to a
7 contract between the operator and the department or service must
8 comply with any additional training requirements stated in the
9 terms of the contract.

10 Subp. 3. **Exceptions.** The following persons are exempt
11 from the training requirements in this part:

12 A. caregivers providing not more than 30 cumulative
13 days of foster care in a 12-month period; and

14 B. caregivers providing foster care eight hours or
15 less a week.

16 Subp. 4. **Training subjects.** Training subjects shall be
17 selected from the following areas:

- 18 A. communication skills;
- 19 B. roles and relationships in foster care;
- 20 C. community services for adults;
- 21 D. constructive problem solving;
- 22 E. cultural differences;
- 23 F. basic first aid and cardiopulmonary resuscitation
24 (CPR);
- 25 G. home safety;
- 26 H. self-esteem;
- 27 I. medication assistance;
- 28 J. human sexuality;
- 29 K. death, dying, separation, and grieving;
- 30 L. aging process;
- 31 M. recreation and leisure time;
- 32 N. nutrition;
- 33 O. mental health;
- 34 P. mental retardation;
- 35 Q. physical disabilities;
- 36 R. chemical dependency;

- 1 S. abuse and neglect;
- 2 T. stress management;
- 3 U. assertiveness;
- 4 V. eating disorders;
- 5 W. behavior problem solving;
- 6 X. money management;
- 7 Y. data privacy;
- 8 Z. living skills training; and
- 9 AA. other areas that the local agency documents as
- 10 relevant to adult foster care.

11 9555.6195 PROHIBITIONS AGAINST ABUSE, NEGLECT, AND
 12 DISCRIMINATION.

13 Subpart 1. **Protection from neglect and abuse.** The
 14 operator shall ensure that residents are protected from abuse
 15 and neglect through compliance with the Vulnerable Adults Act
 16 and parts 9555.8000 to 9555.8500.

17 Subp. 2. **Nondiscrimination.** Under Minnesota Statutes,
 18 section 363.03, subdivision 3, the operator must comply with the
 19 nondiscrimination provisions applicable to public accommodations.

20 9555.6205 PHYSICAL ENVIRONMENT.

21 Subpart 1. **Residential occupancy.** The residence must meet
 22 the definition of a dwelling unit in a residential occupancy and
 23 be free of any plumbing, electrical, ventilation, mechanical or
 24 structural hazard that would threaten the health or safety of a
 25 resident.

26 Subp. 2. **Living room access.** Each resident must have use
 27 of and free access to the living room.

28 Subp. 3. **Dining area.** Each residence shall have a dining
 29 area furnished for group eating that is simultaneously
 30 accessible to residents and household members.

31 Subp. 4. **Resident bedrooms.** Residents must mutually
 32 consent, in writing, to share a bedroom with another resident.
 33 No more than two residents may share one bedroom.

34 A. Resident bedrooms must meet the following criteria:

- 35 (1) A single-occupancy bedroom must have at least

1 80 square feet of floor space with a 7-1/2 foot ceiling. A
2 double-occupancy room must have at least 120 square feet of
3 floor space with a 7-1/2 foot ceiling.

4 (2) Bedrooms must be separated from halls,
5 corridors, and other habitable rooms by floor-to-ceiling walls
6 containing no openings except doorways and must not serve as a
7 corridor to another room used in daily living.

8 (3) A resident's personal possessions and items
9 for the resident's own use are the only items permitted to be
10 stored in a resident's bedroom.

11 (4) When possible, a resident shall be allowed to
12 have items of furniture that he or she personally owns in the
13 bedroom, unless doing so would interfere with safety
14 precautions, violate a building or fire code, or another
15 resident's use of the bedroom.

16 B. Each resident shall be provided with the following
17 furnishings:

18 (1) A separate, adult-size single bed or larger
19 with a clean mattress in good repair.

20 (2) Clean bedding appropriate for the season for
21 each resident.

22 (3) An individual dresser and closet for storage
23 of personal possessions and clothing.

24 (4) A mirror for grooming.

25 9555.6215 WATER AND FOOD.

26 Subpart 1. **Water.** Water from privately-owned wells must
27 be tested annually by a Minnesota Health Department-certified
28 laboratory for coliform bacteria and nitrate nitrogens to verify
29 safety. Retesting and corrective measures may be required by
30 the health authority if results exceed state water standards in
31 chapter 4720.

32 Subp. 2. **Food.** Food served must meet any special dietary
33 needs of a resident as prescribed by the resident's physician or
34 dietitian. Three nutritionally balanced meals a day must be
35 served or made available to residents, and nutritious snacks

1 must be available between meals.

2 Subp. 3. **Food safety.** Food must be obtained, handled, and
3 properly stored to prevent contamination, spoilage, or a threat
4 to the health of a resident.

5 9555.6225 SANITATION AND HEALTH.

6 Subpart 1. **Sanitation and cleanliness.** The residence must
7 be clean, as specified in part 4625.0100, subpart 2, and free
8 from accumulations of dirt, rubbish, peeling paint, vermin, or
9 insects.

10 Subp. 2. **Toxic substances.** Chemicals, detergents, and
11 other toxic substances must not be stored with food products.

12 Subp. 3. **Physical examination of resident.** The operator
13 must ensure that each resident ~~must-be~~ is examined by a
14 physician no more than 30 days before or within three days after
15 placement in the adult foster home to ensure that the resident
16 is free of the reportable communicable diseases named in parts
17 4605.7000 to 4605.7800. Transfer records from a health care
18 facility licensed by the Department of Health may be substituted
19 for this requirement.

20 Subp. 4. **First-aid supplies.** The operator shall ensure
21 that the residence is equipped with accessible first-aid
22 supplies including bandages, sterile compresses, scissors, an
23 ice bag or cold pack, an oral or surface thermometer, mild
24 liquid soap, adhesive tape, and first-aid manual.

25 Subp. 5. **Emergencies.** The operator shall be prepared for
26 emergencies and ensure that:

27 A. a noncoin-operated telephone and an operable
28 flashlight is located within the residence;

29 B. the phone numbers of each resident's
30 representative, physician, and dentist are readily available;

31 C. phone numbers of the local fire department, police
32 department, and an emergency transportation service are posted
33 by the telephone;

34 D. prior arrangements are made for a substitute
35 caregiver who meets the qualifications in part 9555.6125,

1 subpart 4, to provide care during emergencies;

2 E. each resident is informed of a designated area
3 within the residence where the resident shall go for cover
4 during severe storms or tornadoes;

5 F. fire drills are conducted at least once every
6 three months;

7 G. a written fire escape plan and a log of quarterly
8 fire drills is on file in the residence; and

9 H. the fire escape plan is approved by the fire
10 marshal and specifies emergency phone numbers, a place to meet
11 outdoors for roll call, smoke detector and fire extinguisher
12 locations, plans for quarterly fire and tornado drill sessions,
13 and escape routes to the outside from the levels used by
14 residents. In buildings with three or more dwelling units,
15 enclosed exit stairs must be indicated. There must be an
16 emergency escape plan for each resident.

17 Subp. 6. **Individual personal articles.** Individual clean
18 bed linens, towels, and wash cloths must be available for each
19 resident.

20 Subp. 7. **Pets.** Pets housed within the residence shall be
21 maintained in good health. The operator shall ensure that the
22 resident and the resident's representative is notified before
23 admission of the presence of pets in the residence.

24 Subp. 8. **Resident's medication.** Caregivers may administer
25 medication to a resident who is not capable of
26 self-administering medication only if the operator ensures that
27 the procedures in items A to G are followed.

28 A. The operator shall get a written statement from
29 the resident's physician stating the name of the medication
30 prescribed and whether the resident is capable of taking the
31 medication without assistance.

32 B. The operator shall get written permission from the
33 resident or the resident's legal representative to administer
34 the medication.

35 C. A resident who is not capable of
36 self-administering the medication may be administered the

1 medication by a caregiver in accordance with the written
2 instructions from the resident's physician if the written
3 permission has been obtained from the resident or the resident's
4 legal representative. A prescription label is sufficient to
5 constitute written instructions from a physician.

6 D. Each resident receiving medication assistance must
7 have a medication record containing:

8 (1) the information on the prescription label;

9 (2) the consequences if the medication is not
10 taken as directed;

11 (3) the adverse reactions to the medication that
12 must be reported to the resident's physician;

13 (4) instruction from the resident's physician
14 indicating when the resident's physician must be notified if the
15 medication is not taken as prescribed;

16 (5) notation of when a medication is started,
17 changed, or discontinued; and

18 (6) notation of any reports made to the
19 resident's physician whenever the resident does not take
20 medication as prescribed or there are any adverse medication
21 reactions.

22 E. A caregiver must report to the resident's
23 physician and legal representative:

24 (1) any adverse medication reaction as specified
25 in item D, subitem (3); and

26 (2) the resident's refusal or failure to take
27 medication as prescribed and in accordance with the physician's
28 instructions in item D, subitem (4).

29 F. A caregiver must immediately report to the local
30 agency whenever the resident's physician is notified because
31 medication is not taken as prescribed and the physician
32 determines that the refusal or failure to take medication as
33 prescribed creates an immediate threat to the resident's health
34 or safety or the health or safety of other residents or
35 household members.

36 G. A caregiver shall not give injectable medication

1 unless:

2 (1) the caregiver is a registered nurse or
3 licensed practical nurse with a current Minnesota license, is
4 authorized to do so in writing by the resident's physician, and
5 is covered by professional liability insurance; or

6 (2) there is an agreement signed by the
7 caregiver, the resident's physician, the resident, and the
8 resident's legal representative specifying what injections may
9 be given, when, how, and that the physician shall retain
10 responsibility for the caregiver's giving the injections. A
11 copy of the agreement must be placed in the resident's personal
12 record.

13 Subp. 9. **Storage of medication.** Schedule II controlled
14 substances in the residence that are named in Minnesota
15 Statutes, section 152.02, subdivision 3, must be stored in a
16 locked storage area permitting access only by residents and
17 caregivers authorized to administer the medication as named in
18 subpart 8.

19 Subp. 10. **Weapons.** Weapons and ammunition must be stored
20 separately in locked areas that are inaccessible to residents
21 and prevent contents from being visible to residents. "Weapons"
22 means firearms and other instruments or devices designed for and
23 capable of producing bodily harm.

24 9555.6235 ADULT FOSTER HOME PROGRAM.

25 The operator shall develop and implement a
26 commissioner-approved written plan that allows residents to
27 share in the privileges and responsibilities of the adult foster
28 home and includes the information in items A to C.

29 A. The type of functionally impaired adults to be
30 served.

31 B. The foster care that will be available to
32 residents within the adult foster home including the provision
33 of:

34 (1) lodging;

35 (2) food;

- 1 (3) protection;
- 2 (4) personal care;
- 3 (5) household and living skills assistance or
- 4 training;
- 5 (6) opportunities to participate in community,
- 6 recreation and religious activities, and events of the
- 7 resident's choosing;
- 8 (7) opportunities for the resident to have
- 9 contact with family and friends;
- 10 (8) assistance safeguarding cash resources, such
- 11 as banking, reporting the resident's earnings to appropriate
- 12 agencies, keeping records of financial information (checks
- 13 issued and received), and accounting for the resident's funds
- 14 controlled by the operator;
- 15 (9) supervision;
- 16 (10) transportation;
- 17 (11) assistance with the provision of other
- 18 community, social, or health services as named in the resident's
- 19 individual service plan, if any; and
- 20 (12) medication assistance.

21 C. A program abuse prevention plan with specific
 22 measures to be taken to minimize the risk of abuse to residents
 23 under part 9555.8200.

24 9555.6245 PERSONAL RECORD OF RESIDENT IN FOSTER CARE.

25 Subpart 1. **General provisions.** The operator shall ensure
 26 that an individual record is maintained in the adult foster home
 27 on each resident.

28 Subp. 2. **Demographic information.** The record must include
 29 the resident's name, birthdate, sex, race, marital status, next
 30 of kin, Social Security number, medical assistance number, name,
 31 address, and phone number of an emergency contact or the
 32 resident's legal representative, admission date, place or
 33 address from which the resident was admitted, date of leaving
 34 the residence, and place or address to which the resident has
 35 moved.

1 Subp. 3. **Medical information.** The record must contain the
2 following medical information:

3 A. the name, address, and phone number of the
4 resident's physician, dentist, clinic, and other sources of
5 medical care;

6 B. a health history and information on any health
7 risks, allergies, currently prescribed medication, and
8 documentation of the physical examination or transfer record
9 required in part 9555.6225, subpart 3;

10 C. any emergency treatment needed or provided while
11 the resident resides in the adult foster home; and

12 D. the medication record required under part
13 9555.6225, subpart 8.

14 Subp. 4. **Cash resource information.** The record must
15 include an accounting of any personal funds and charges against
16 those funds if the operator or a caregiver gives cash resource
17 assistance to a resident.

18 Subp. 5. **Incident reports.** The record must contain all
19 incident reports. Incident reports must be written when a
20 resident requires emergency care, when a police report of an
21 incident involving a resident has been made, or when a complaint
22 has been filed under the Vulnerable Adults Act. Incident
23 reports must be entered into the resident's personal record by
24 the ~~provider~~ operator within ~~two~~ eight hours after knowledge of
25 the occurrence.

26 Subp. 6. **Individual abuse prevention plan.** The record
27 must contain an individual abuse prevention plan for a resident
28 developed in compliance with part 9555.8300.

29 Subp. 7. **Individual service plan.** The record must contain
30 the service agency's initial and current individual service plan
31 for a resident.

32 Subp. 8. **Individual resident placement agreement.** The
33 record must contain the initial individual resident placement
34 agreement for a resident and the annual update of the agreement.

35 Subp. 9. **Individual mobility check list.** The record must
36 contain an individual mobility check list for a resident as

1 specified in part 9555.5605, subpart 2.

2 Subp. 10. **Transfer or discharge.** When a resident is
3 transferred or discharged for any reason a note must be made in
4 the resident's record showing the date of discharge, forwarding
5 address, and reason for discharge or transfer.

6 Subp. 11. **Record storage.** The personal record on a
7 resident must be stored by the operator for four years after the
8 resident has been discharged from the residence.

9 9555.6255 RESIDENT'S RIGHTS.

10 Subpart 1. **Information about rights.** The operator shall
11 ensure that a resident and a resident's legal representative are
12 given, at admission:

13 A. an explanation and copy of the resident's rights
14 specified in subparts 2 to 7;

15 B. a written summary of the Vulnerable Adults Act
16 prepared by the department; and

17 C. the name, address, and telephone number of the
18 local agency to which a resident or a resident's legal
19 representative may submit an oral or written complaint.

20 Subp. 2. **Right to use telephone.** A resident has the right
21 to daily, private access to and use of a noncoin-operated
22 telephone for local calls and long-distance calls made collect
23 or paid for by the resident.

24 Subp. 3. **Right to receive and send mail.** A resident has
25 the right to receive and send uncensored, unopened mail.

26 Subp. 4. **Right to privacy.** A resident has the right to
27 personal privacy and privacy for visits from others, and the
28 respect of individuality and cultural identity. Privacy must be
29 respected by operators, caregivers, household members, and
30 volunteers by knocking on the door of a resident's bedroom and
31 seeking consent before entering, except in an emergency, and
32 during toileting, bathing, and other activities of personal
33 hygiene, except as needed for resident safety or assistance as
34 noted in the resident's individual record.

35 Subp. 5. **Right to use personal property.** A resident has

1 the right to keep and use personal clothing and possessions as
2 space permits, unless to do so would infringe on the health,
3 safety, or rights of other residents or household members.

4 Subp. 6. **Right to associate.** A resident has the right to
5 meet with or refuse to meet with visitors and participate in
6 activities of commercial, religious, political, and community
7 groups without interference if the activities do not infringe on
8 the rights of other residents or household members.

9 Subp. 7. **Married residents.** Married residents have the
10 right to privacy for visits by their spouses, and, if both
11 spouses are residents of the adult foster home, they have the
12 right to share a bedroom and bed.

13 9555.6265 SAFEGUARDS FOR CASH RESOURCES ENTRUSTED TO OPERATOR.

14 Subpart 1. **Determination.** If the social worker determines
15 that a resident needs and wants assistance safeguarding cash
16 resources, any cash resources entrusted to the operator must be
17 handled in accordance with this part.

18 Subp. 2. **Procedures for handling cash resources.** If a
19 resident entrusts cash resources to the operator, the procedures
20 in items A to F must be used.

21 A. The resident and the resident's legal
22 representative shall be given a receipt by the operator.
23 Receipts must be signed by the resident or the resident's legal
24 representative.

25 B. The operator shall not be entrusted with cash
26 resources in excess of \$300 plus resources sufficient to meet
27 one month's cost of care.

28 C. The resident or resident's legal representative
29 shall have access to the written records involving the
30 resident's funds.

31 D. The operator shall provide the resident or
32 resident's legal representative with a written quarterly
33 accounting of financial transactions made on behalf of the
34 resident.

35 E. Upon the death or transfer of a resident, any cash

1 resources of the resident must be surrendered to the resident or
2 the resident's legal representative, or given to the executor or
3 administrator of the estate ~~or, if none has been appointed, to~~
4 ~~the resident's legal representative~~ in exchange for an itemized
5 receipt.

6
7 REPEALER. Minnesota Rules, parts 9555.5100, 9555.5200,
8 9555.5300, and 9555.5400 are repealed five days after the notice
9 of adoption of parts 9555.5105 to 9555.5705 is published in the
10 State Register. Minnesota Rules, parts 9555.6100, 9555.6200,
11 9555.6300, and 9555.6400 are repealed five days after the notice
12 of adoption of parts 9555.6105 to 9555.6265 is published in the
13 State Register, except as parts 9555.6100 to 9555.6400 apply to
14 operators of adult foster homes providing care and approved by
15 the county board under part 9555.6400 on the date of adoption of
16 parts 9555.6105 to 9555.6265. As to the operators of those
17 adult foster homes, parts 9555.6100, 9555.6200, 9555.6300, and
18 9555.6400 are repealed one year after the notice of adoption of
19 parts 9555.6105 to 9555.6265 is published in the State Register.

20
21 EFFECTIVE DATE. Minnesota Rules, parts 9555.5105 to
22 9555.6265 take effect five days after the notice of adoption is
23 published in the State Register, except for the operators of
24 those adult foster homes providing care and approved by a county
25 welfare board under part 9555.6400 on that date. As to the
26 operators of those adult foster homes, parts 9555.6105 to
27 9555.6265 take effect six months after the notice of adoption is
28 published in the State Register or on the day after an
29 operator's current period of approval under part 9555.6400
30 expires, whichever is later.