

1 Department of Jobs and Training

2

3 Adopted Permanent Rules Relating to Centers for Independent
4 Living

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6 Rules as Adopted

7 3300.3100 SCOPE AND PURPOSE.

8 Parts 3300.3100 to 3300.3350 govern the certification of
9 centers for independent living as defined in Minnesota Statutes,
10 section 129A.01. The purpose of a center for independent living
11 is to enable persons with disabilities to live and function more
12 independently in their home, family, and community. A center
13 for independent living accomplishes this purpose by promoting
14 consumer control, self-sufficiency, equal access, and local
15 focus in the programming they provide to persons with
16 disabilities.

17 3300.3150 DEFINITIONS.

18 Subpart 1. **Scope.** When used in parts 3300.3100 to
19 3300.3350, the terms defined in this part have the meanings
20 given them.

21 Subp. 2. **Center for independent living.** "Center for
22 independent living" means a private nonprofit organization
23 incorporated under Minnesota law and operated for the purpose of
24 providing independent living services to persons with
25 disabilities. The board of directors for the center for
26 independent living is composed of community representatives, 51
27 percent of which must be individuals who are either severely
28 disabled themselves or spouses or parents of persons with severe
29 disabilities.

30 Subp. 3. **Commissioner.** "Commissioner" means the
31 commissioner of the Minnesota Department of Jobs and Training.

32 Subp. 4. **Eligible applicant organization.** "Eligible
33 applicant organization" means any private nonprofit organization
34 that is incorporated or has applied for incorporation under
35 Minnesota Statutes, chapter 317, which meets or intends to meet

1 the purpose and board member criteria in subpart 2.

2 Subp. 5. **Independent living.** "Independent living" means
3 the capacity of a person with a disability to manage the
4 person's affairs, participate in day-to-day life in the
5 community, and to fulfill a variety of social roles with as much
6 personal control as possible.

7 Subp. 6. **Person with a disability.** "Person with a
8 disability" means an individual who has a physical, mental, or
9 psychological impairment or dysfunction that limits independent
10 functioning in the family, community, or employment.

11 3300.3200 CERTIFICATION REQUIREMENTS.

12 Subpart 1. **Purpose.** The purpose of certification is to
13 ensure that a center for independent living meets minimum
14 requirements for operation.

15 Subp. 2. **Center for independent living certificate.**
16 Certification and a valid certificate is required before the
17 commissioner may provide funding for a center for independent
18 living. Requirements for a certificate are the following:

19 A. The membership of the board of directors of a
20 center for independent living must comply with the requirements
21 of Minnesota Statutes, section 129A.01, paragraph (h).

22 B. The center for independent living must be
23 incorporated under Minnesota Statutes, chapter 317.

24 C. The center for independent living must assure that
25 individuals with severe disabilities will not be categorically
26 denied access to full utilization of, or benefit from, any
27 independent living service because of their severe disabilities
28 and will not be discriminated against as provided in the
29 Minnesota Human Rights Act, Minnesota Statutes, chapter 363.

30 D. The center for independent living must have a risk
31 protection program adequate to preserve assets of the center for
32 independent living and to compensate staff, volunteers,
33 consumers, and the public for reasonable claims for which the
34 center is liable.

35 E. Fundraising activities undertaken by the center

1 for independent living must conform to all requirements of state
2 law.

3 F. The center for independent living must be in
4 compliance with chapter 1340 of the State Building Code which
5 requires buildings to be accessible to persons with disabilities.

6 G. The center for independent living may provide any
7 or all the independent living services described in Minnesota
8 Statutes, section 129A.10, subdivision 1, but must at a minimum
9 provide:

10 (1) intake counseling to determine the
11 individual's need for services;

12 (2) referral and counseling service with respect
13 to attendant care;

14 (3) counseling and advocacy with respect to legal
15 and economic rights and benefits;

16 (4) housing and transportation referral and
17 assistance; and

18 (5) peer counseling.

19 H. The center for independent living must provide for
20 substantial involvement by consumers in the policy direction,
21 decision-making, service delivery, and management of the
22 center. Substantial involvement must include the following:

23 (1) periodic meetings, at least once a year, of
24 staff and consumers or their representatives; and

25 (2) periodic surveys of consumer satisfaction.

26 3300.3250 CERTIFICATION PROCEDURE.

27 Subpart 1. **Eligible applicant organization.** An
28 application for certification as a center for independent living
29 may be submitted at times the commissioner specifies by an
30 eligible applicant organization as defined in part 3300.3150,
31 subpart 4.

32 Subp. 2. **Application forms.** All applications for
33 certification must be made on official application forms
34 available from the Division of Rehabilitation Services in the
35 Minnesota Department of Jobs and Training.

1 Subp. 3. **Reports, plans, and budgets.** When applying for
2 certification, eligible applicant organizations must submit
3 expenditure reports and proposed plans and budgets as required
4 in Minnesota Statutes, section 129A.10, subdivision 4.

5 Subp. 4. **Time limitation.** A center for independent living
6 certificate may not be issued for more than three years but a
7 center for independent living may be issued a new certificate if
8 the center complies with the certification requirement of part
9 3300.3200, subpart 2.

10 3300.3300 **TERMINATION OF CERTIFICATION AND PRELIMINARY NOTICE.**

11 Subpart 1. **Certification termination.** Certification of a
12 center for independent living will be terminated when:

13 A. a center for independent living is not being
14 administered in accordance with an approved annual plan and
15 budget as required in Minnesota Statutes, section 129A.10,
16 subdivision 4;

17 B. a center for independent living is not meeting all
18 of the requirements of part 3300.3200; or

19 C. a center for independent living is not being
20 administered in accordance with parts 3300.3100 to 3300.3350.

21 Subp. 2. **Preliminary determination.** In situations
22 governed by subpart 1, the commissioner must give written notice
23 at least 45 days before terminating the certification of a
24 center for independent living, except where there is imminent
25 danger to the health or safety of consumers. The preliminary
26 notice must state the grounds for the termination and must allow
27 a reasonable time to remedy the noncompliance. The preliminary
28 notice of termination of certification creates the right of
29 appeal as provided in part 3300.3350.

30 Subp. 3. **Withdrawal of state funds.** Allocated state funds
31 will be withdrawn from a center for independent living whose
32 certification is terminated.

33 3300.3350 **APPEAL.**

34 Subpart 1. **Scope.** A center for independent living
35 operating under a valid certificate has the right to appeal the

1 commissioner's termination of its certification under part
2 3300.3300, subpart 1.

3 Subp. 2. **Notice of intent to appeal.** The center for
4 independent living may appeal a preliminary determination
5 concerning termination of certification as provided in part
6 3300.3300, subpart 2. The appeal must be in writing to the
7 Division of Rehabilitation Services in the Minnesota Department
8 of Jobs and Training. The written notice of intent to appeal
9 must be received by the Division of Rehabilitation Services
10 within 30 calendar days from the date that a preliminary notice
11 of termination is sent. If the notice of intent to appeal is
12 not received within the 30-day period, the preliminary
13 determination of the Division of Rehabilitation Services is
14 final. The notice of intent to appeal must state the grounds
15 for the appeal including relevant facts and issues that could be
16 addressed at a contested case hearing.

17 Subp. 3. **Informal contact.** A representative of the
18 commissioner will contact the appellant and discuss the grounds
19 for the appeal no more than 15 days after the Division of
20 Rehabilitation Services receives a notice of intent to appeal.
21 The contact by the commissioner's representative must be reduced
22 to writing, must contain a summary of the nature and basis of
23 the decision, and must describe the appellant's appeal rights
24 under subpart 4.

25 Subp. 4. **Contested case appeal.** If an appellant has first
26 informally discussed the appeal as provided in subpart 3 and has
27 not been completely satisfied, the appellant may request in
28 writing a contested case hearing before an administrative law
29 judge as provided in Minnesota Statutes, sections 14.57 to
30 14.62. The contested case hearing must be initiated and
31 conducted according to parts 1400.5100 to 1400.8500.

32 Subp. 5. **Proposal for decision.** When an initial decision
33 is rendered, the administrative law judge will prepare a
34 proposal for decision that will be recommended for the
35 commissioner's adoption.

36 Subp. 6. **Decision and order.** The commissioner must notify

6/17/86

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1 the appellant of a final decision as provided in Minnesota
2 Statutes, section 14.62.

3 Subp. 7. **Legal representation.** A party may be represented
4 by legal counsel at any step of the appeals process.