

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to the Licensing of Residential
4 and Nonresidential Programs

5

6 Rules as Adopted

7 9503.0032 TEACHERS.

8 Subpart 1. **Teacher qualifications, general.** A teacher
9 must be at least 18 years old and meet the qualifications in
10 subpart 2 with the following exceptions:

11 A. A registered nurse or licensed practical nurse is
12 qualified as a teacher for infants only.

13 B. A registered nurse may be used to meet the staff
14 to child ratios for a teacher for sick care in a center licensed
15 to operate a sick care program.

16 Subp. 2. **Teacher education and experience requirements.** A
17 teacher with the credential listed in column A must have the
18 education and experience listed in column B.

| 19 Column A | Column B |
|---|---|
| 20 21 (1) A high school or General 22 Education Development (GED) 23 diploma | Experience: 4,160 hours as assistant teacher Education: 24 quarter credits |
| ----- | |
| 27 (2) Diploma from Association 28 Montessori Internationale; 29 preprimary credential, primary 30 diploma, or provisional 31 certificate from the American 32 Montessori Society, without 33 a baccalaureate degree | Experience: 2,080 hours as assistant teacher, aide, or student intern Education: 12 quarter credits |
| ----- | |
| 35 (3) Preprimary credential, 36 primary diploma, or 37 provisional certificate 38 from the American Montessori 39 Society; or diploma from 40 the Association Montessori 41 Internationale with a 42 baccalaureate degree | Experience: 1,040 hours as assistant teacher, aide, or student intern Education: no additional required |
| ----- | |
| 44 (4) Minnesota technical 45 institute certificate as 46 a Child Development Assistant | Experience: 2,080 hours as an assistant teacher Education: six quarter credits |
| ----- | |

1 (5) Child Development Associate Experience: 1,560 hours
 2 credential (center based or as assistant teacher,
 3 family day care) for preschool aide, or student intern
 4 or for infants and toddlers
 5 from the Council for Early Education: no additional
 6 Childhood Professional Recognition required
 7 -----

8 (6) License from the Minnesota Experience: 1,040 hours
 9 Department of Education for as assistant teacher,
 10 Prekindergarten Associate; or aide, or student intern
 11 a certificate or credential
 12 for a two year program from an Education: six quarter
 13 accredited community college credits
 14 or technical college in child
 15 development or early childhood
 16 education
 17 -----

18 (7) Baccalaureate degree Experience: 1,040 hours
 19 from an accredited college as assistant teacher,
 20 or university in any field aide, or student intern
 21
 22 Education: 18 quarter
 23 credits
 24 -----

25 (8) License from the Minnesota Experience: 520 hours as
 26 Department of Education for assistant teacher, aide,
 27 elementary education without or student intern if
 28 kindergarten endorsement teaching children under
 29 school age
 30
 31 Education: six quarter
 32 credits within one year
 33 of initial employment if
 34 teaching children under
 35 school age
 36 -----

37 (9) License from the Minnesota Experience: no
 38 Department of Education for additional required
 39 prekindergarten/nursery, or
 40 a license from the Minnesota Education: no
 41 Department of Education for additional required
 42 elementary education with a
 43 kindergarten endorsement

44 9503.0033 ASSISTANT TEACHERS.

45 Subpart 1. Assistant teacher qualifications, general. An
 46 assistant teacher must work under the supervision of a teacher.
 47 An assistant teacher must be at least 18 years old and meet the
 48 qualifications in subpart 2 with the following exceptions:

49 A. A registered nurse or licensed practical nurse is
 50 qualified as an assistant teacher for infants only.

51 B. A registered nurse may be used to meet the staff
 52 to child ratios for an assistant teacher for sick care in a
 53 center licensed to operate a sick care program.

54 Subp. 2. Assistant teacher education and experience
 55 requirements. An assistant teacher with the credential listed

1 in column A must have the education and experience listed in
2 column B.

| 3 Column A | Column B |
|------------------------------------|--------------------------|
| 4 | |
| 5 (1) High school diploma | Experience: 2,080 hours |
| 6 or General Education | as an aide or |
| 7 Development (GED) | student intern |
| 8 equivalency | |
| 9 | Education: 12 |
| 10 | quarter credits |
| 11 | ----- |
| 12 (2) Minnesota license as a | Experience: 2,080 hours |
| 13 family day care or group | as a licensed family |
| 14 family day care provider | day care or group |
| 15 | family day care provider |
| 16 | |
| 17 | Education: 12 |
| 18 | quarter credits |
| 19 | ----- |
| 20 (3) Diploma from Association | Experience: 520 hours |
| 21 Montessori Internationale or | as an aide or student |
| 22 preprimary credential, | intern |
| 23 primary diploma, or | |
| 24 provisional certificate | Education: three |
| 25 from the American | quarter credits |
| 26 Montessori Society | |
| 27 | ----- |
| 28 (4) Minnesota technical | Experience: 520 hours |
| 29 institute certificate as a | as an aide or |
| 30 Child Development Assistant | student intern |
| 31 | |
| 32 | Education: no |
| 33 | additional required |
| 34 | ----- |
| 35 (5) Two years full-time | Experience: 1,040 hours |
| 36 postsecondary education | as an aide or |
| 37 from a college | student intern |
| 38 or university | |
| 39 | Education: nine quarter |
| 40 | credits |
| 41 | ----- |
| 42 (6) Child Development Associate | Experience: no |
| 43 credential, center based or | additional required |
| 44 for family day care, from the | |
| 45 Council for Early Childhood | Education: no |
| 46 Professional Recognition | additional required |
| 47 | ----- |
| 48 (7) Baccalaureate degree in any | Experience: no |
| 49 field from an accredited | additional required |
| 50 college or university | |
| 51 | Education: nine quarter |
| 52 | credits |
| 53 | ----- |
| 54 (8) Certificate or credential | Experience: no |
| 55 for a two year program in | additional required |
| 56 child development or early | |
| 57 childhood education at a | Education: no |
| 58 Minnesota community college | additional required |
| 59 or technical college | |
| 60 | ----- |
| 61 (9) License from the Minnesota | Experience: no |

1 Department of Education for additional required
 2 Prekindergarten Associate
 3 Education: no
 4 additional required

5 9503.0034 AIDES, VOLUNTEERS, SUBSTITUTES.

6 Subpart 1. **Aide qualifications.** In this part, "aide"
 7 means a staff person who carries out child care program
 8 activities under the supervision of a teacher or assistant
 9 teacher. An aide who is under 18 years old must be directly
 10 supervised by a teacher or assistant teacher at all times except
 11 when the aide is assisting with the supervision of sleeping
 12 children or assisting children with washing, toileting, and
 13 diapering. An aide must be at least 16 years old.

14 Subp. 2. **Volunteers used as staff.** A volunteer who is
 15 included in the staff to child ratio must meet the requirements
 16 for the assigned staff position as specified in parts 9503.0030
 17 to 9503.0034. Volunteers who have direct contact with or access
 18 to children must be supervised by a staff person who meets the
 19 qualifications for director, teacher, or assistant teacher.

20 Subp. 3. **Substitute staff.** A person designated as a
 21 substitute must meet the qualifications for the assigned staff
 22 position as specified in parts 9503.0030 to 9503.0034, except
 23 that the license holder may use substitutes who do not meet the
 24 qualifications for teacher in part 9503.0032, subpart 2, or
 25 assistant teacher in part 9503.0033, subpart 2, only if:

26 A. the amount of unqualified substitute hours per
 27 center per calendar year does not exceed 40 hours multiplied by
 28 the number of the center's full-time teacher and assistant
 29 teacher positions;

30 B. unqualified substitutes are not used as teachers or
 31 assistant teachers for more than ten consecutive working days
 32 for the same group of children per calendar year; and

33 C. there is always a person qualified as a teacher
 34 present within the center except as qualified in part 9503.0040,
 35 subpart 2, item B.

36 9503.0040 STAFF RATIOS AND GROUP SIZE.

37 [For text of subps 1 to 3, see M.R.]

1 Subp. 4. Age designation. A child must be designated as a
2 member of the age category that is consistent with the child's
3 date of birth with the following exceptions:

4 A. A child may be designated as an "infant" up to the
5 age of 18 months for purposes of staff ratios, group size, and
6 child care programming, if the parent, teacher, and center
7 director determine that such a designation is in the best
8 interests of the child. A child may be designated as a
9 "toddler" up to the age of 35 months, or as a "preschooler" at
10 the age of 31 months for purposes of staff ratios, group size,
11 and child care programming, if the parent, teacher, and center
12 director determine that the designation is in the best interests
13 of the child.

14 B. A child attending kindergarten must be designated
15 a school age child.

16 9503.0050 NAPS AND REST.

17 Subpart 1. Naps and rest policy. The applicant must
18 develop a policy for naps and rest that is consistent with the
19 developmental level of the children enrolled in the center.

20 Subp. 2. Parent consultation. The parent of each child
21 must be informed at the time the child is enrolled of the
22 center's policy on naps and rest.

23 [For text of subps 3 to 6, see M.R.]

24 9503.0085 SICK CARE PROGRAM.

25 Subpart 1. Licensure of sick care programs. If a license
26 holder chooses to care for a sick child, then the license holder
27 must operate a sick care program that complies with the
28 standards specified by this part and with all other applicable
29 provisions of parts 9503.0005 to 9503.0170, and any standards of
30 the commissioner of health governing the group care of children.

31 Subp. 2. Review of admission and health policies and
32 practices. At the time of initial license application, after
33 the first six months of initial operation, and annually after
34 that time, a sick care program's admission policies must be
35 reviewed and approved by a licensed physician with a

1 specialization in pediatric care. The physician's review must
2 include consultation with the licensed registered nurse or
3 physician responsible for admissions. A report of the
4 physician's findings must be sent to the commissioner with the
5 initial application for licensure, and subsequent reports must
6 be placed in the center's administrative record.

7 The license holder operating a sick care program must
8 ensure that the program's health policies and practices are
9 reviewed quarterly by a health consultant.

10 [For text of subps 3 to 9, see M.R.]

11 Subp. 10. **Additional staff to child ratios and staff**
12 **distribution requirements.** A one to four staff to child ratio
13 must be maintained at all times in a room used to care for sick
14 children. At least two staff persons must be present in a
15 center operating a sick care program whenever sick children are
16 in care. The first staff person must be a nurse registered by
17 the Board of Nursing to practice professional nursing. The
18 second staff person must meet the qualifications for a teacher
19 in part 9503.0032. The remaining staff persons must at least
20 meet the qualifications and follow the staff distribution
21 pattern specified in part 9503.0040.

22 [For text of subp 11, see M.R.]

23 Subp. 12. **Food preparation.** Food provided by the license
24 holder and prepared at the center must be prepared in a room
25 separate from rooms where sick care is provided and must be
26 delivered to each sick care room in individual servings and in
27 covered containers. Procedures for preparing, handling, and
28 serving food and washing food, utensils, and equipment must
29 comply with the requirements in parts 4625.2401 to 4625.4701.

30 [For text of subps 13 and 14, see M.R.]

31 Subp. 15. **Outdoor activity area, activities and equipment**
32 **exception.** A license holder operating a sick care program that
33 provides care exclusively to sick children need not provide the
34 outdoor activity area required in part 9503.0155, subpart 7;
35 outdoor activities as specified in part 9503.0045, subpart 1,
36 item I; and the outdoor equipment required in part 9503.0060,

1 subpart 4, item B, subitem (9); subpart 5, item B, subitem (9);
2 and subpart 6, item B, subitems (7) and (11).

3 [For text of subps 16 to 18, see M.R.]

4 9503.0090 INFORMATION FOR PARENTS.

5 Subpart 1. Policies given to parents. At the time of a
6 child's enrollment, the parent must be provided with written
7 notification of the:

8 [For text of items A to D, see M.R.]

9 E. center's policy requiring a health care summary
10 and immunization record of a child;

11 F. policies and procedures for the care of children
12 who become sick at the center and parent notification practices
13 for the onset of or exposure to a contagious illness or
14 condition or when there is an emergency or injury requiring
15 medical attention;

16 G. center's policies and procedures for administering
17 first aid and sources of care to be used in case of emergencies;

18 H. center's policies on the administration of
19 medicine and permission requirement for the administration of
20 ipecac syrup;

21 I. procedures for obtaining written parental
22 permission for field trips;

23 J. procedures for obtaining written parental
24 permission before each occasion of research, experimental
25 procedure, or public relations activity involving a child;

26 K. center's policies on the provision of meals and
27 snacks;

28 L. center's behavior guidance policies and
29 procedures;

30 M. presence of pets;

31 N. center's policy that parents of enrolled children
32 may visit the center any time during the hours of operation; and

33 O. telephone number of the Department of Human
34 Services, Division of Licensing.

35 Subp. 2. Parent conferences and daily reports. The

1 license holder must ensure that the parent of a child is
2 informed of the child's progress. The license holder must
3 ensure that:

4 A. individual parent conferences are planned and
5 offered by program staff at least twice a year;

6 B. documentation is made in the child's record that
7 individual parent conferences were planned and offered;

8 C. the status of the child's intellectual, physical,
9 social, and emotional development is reported to the parent
10 during the conference; and

11 D. daily written reports are made to the parent of an
12 infant or toddler about the child's food intake, elimination,
13 sleeping patterns, and general behavior.

14 9503.0110 EMERGENCY AND ACCIDENT POLICIES AND RECORDS.

15 [For text of subps 1 and 2, see M.R.]

16 Subp. 3. Policy content. The policies must contain:

17 [For text of items A to H, see M.R.]

18 I. Procedures for recording accidents, injuries, and
19 incidents involving a child enrolled in the center. The written
20 record must contain the name and age of the persons involved;
21 date and place of the accident, injury, or incident; type of
22 injury; action taken by staff; and to whom the accident, injury,
23 or incident was reported.

24 J. Procedures mandating an annual analysis of the
25 record in item I and any modification of the center's policies
26 based on the analysis.

27 [For text of subp 4, see M.R.]

28 9503.0115 CENTER ADMINISTRATIVE RECORDS.

29 The records required by this part must be maintained within
30 the center and be available for inspection at the request of the
31 commissioner. The license holder must ensure that the following
32 are maintained:

33 [For text of items A to F, see M.R.]

34 G. the separation reports mandated in part 9503.0055;
35 and

1 H. the report by the health consultant mandated in
2 part 9503.0140.

3 9503.0120 PERSONNEL RECORDS.

4 The license holder must ensure that a personnel record for
5 each staff person is maintained at the center. The personnel
6 record for each staff person must contain:

7 [For text of item A, see M.R.]

8 B. the staff person's documentation indicating that
9 the staff person meets the requirements of the staff person's
10 job position and the education and experience requirements
11 specified in parts 9503.0031 to 9503.0034;

12 C. documentation that the staff person has completed
13 the orientation to the center required in part 9503.0035,
14 subpart 1;

15 D. documentation, when applicable, that the staff
16 person has completed the first aid and CPR training required in
17 part 9503.0035, subparts 2 and 3; and

18 E. documentation of completion of the in-service
19 training required by part 9503.0035, subpart 4, showing the
20 training topic, source of training, number of hours completed,
21 and method used to document mastery of the subject.

22 9503.0140 HEALTH.

23 [For text of subps 1 to 7, see M.R.]

24 Subp. 8. [See repealer.]

25 [For text of subps 9 and 10, see M.R.]

26 Subp. 11. Diaper changing area. A diaper must be changed
27 only in the diaper changing area. The diaper changing area must
28 be separate from areas used for food storage, food preparation,
29 and eating. The area must have a hand sink equipped with hot
30 and cold running water within three feet of the diaper changing
31 surface, a smooth nonabsorbent diaper changing surface and floor
32 covering, and a sanitary container for soiled and wet diapers.

33 [For text of subps 12 to 21, see M.R.]

34 Subp. 22. Pets. If pets are permitted at the center,
35 parents must be informed at the time of admission that a pet is

1 present.

2 9503.0145 FOOD AND WATER.

3 [For text of subpart 1, see M.R.]

4 Subp. 2. **Menus.** When food is provided by the license
5 holder, menus must comply with the nutritional requirements of
6 the United States Department of Agriculture, Food and Nutrition
7 Service, Code of Federal Regulations, title 7, section 226.20.

8 Subp. 3. **Sanitation.** Procedures for preparing, handling,
9 and serving food, and washing food, utensils, and equipment must
10 comply with the requirements for food and beverage
11 establishments in parts 4625.2401 to 4625.4701. If the food is
12 prepared off site by another facility or if food service is
13 provided according to a contract with a food service provider,
14 the facility or license holder must ensure that food is prepared
15 in compliance with parts 4625.2401 to 4625.4701. The license
16 holder must provide refrigeration for dairy products and other
17 perishable foods, whether supplied by the license holder or
18 supplied by the parent. The refrigeration must have a
19 temperature of 40 degrees Fahrenheit or less. Tables and
20 highchair trays used for meals must be washed with soap and
21 water before and after each use.

22 [For text of subps 4 to 7, see M.R.]

23 Subp. 8. **Water.** The center must have a safe water
24 supply. A center that uses water from a privately owned well
25 that is not governed by chapter 4720 must be tested annually by
26 a Minnesota Health Department certified laboratory for coliform
27 bacteria and nitrate nitrogens to verify safety. The license
28 holder must ensure that a record of the test results is in the
29 center's administrative record. The commissioner of health may
30 issue an advisory order for retesting and corrective measures.

31 Drinking water must be available to children throughout the
32 hours of operation and offered at frequent intervals. Drinking
33 water for children must be provided in single service drinking
34 cups or from drinking fountains accessible to children.

35 9503.0150 TRANSPORTATION.

1 A license holder who provides transportation for children
2 or contracts to provide transportation must comply with the
3 following transportation policies:

4 A. The vehicle must be driven by a person who holds a
5 current Minnesota driver's license appropriate to the vehicle
6 driven.

7 B. Staff ratios must be maintained on all
8 transportation provided on all field trips.

9 C. When children are driven in a private car or van,
10 a second adult must be present when more than four children
11 under the age of five are being transported.

12 D. When the license holder provides transportation to
13 and from the center, a second adult must be present in the
14 vehicle and children must not be transported more than one hour
15 per one-way trip. A two-way communication system can be used in
16 lieu of a second adult when ten or fewer children are being
17 transported.

18 E. When children are transported, they must be
19 restrained in accordance with Minnesota Statutes, section
20 169.686, and a child under the age of four may be transported
21 only if the child is properly fastened in a child passenger
22 restraint system that meets the federal motor vehicle safety
23 standards contained in Code of Federal Regulations, title 49,
24 section 571.213.

25 9503.0155 FACILITY.

26 [For text of subs 1 and 2, see M.R.]

27 Subp. 3. **Reinspection for cause.** If the commissioner has
28 reasonable cause to believe that a potential hazard exists, the
29 commissioner may request another inspection and written report
30 by a fire marshal, building official, or health authority to
31 verify the absence of hazard.

32 [For text of subs 4 to 7, see M.R.]

33 Subp. 8. **Telephone; posted numbers.** A telephone that is
34 not coin operated must be located within the center. A list of
35 emergency numbers must be posted next to the telephone. If a

1 911 emergency number is not available, the numbers listed must
2 be those of the local fire department, police department,
3 emergency transportation, and poison control center.

4 [For text of subps 9 to 11, see M.R.]

5 Subp. 12. **Water hazards.** Bodies of water within or
6 adjacent to the center must be inaccessible to children. When
7 using a pool or beach, children must be supervised at all times.

8 [For text of subp 13, see M.R.]

9 Subp. 14. [See repealer.]

10 [For text of subps 15 to 17, see M.R.]

11 Subp. 18. **Toilets and hand sinks.** Toilets and hand sinks
12 must be provided as specified in items A to G:

13 [For text of items A and B, see M.R.]

14 C. Hand sinks for children must not be used for
15 custodial work or food preparation.

16 D. The temperature of hot water in the hand sinks
17 used by children must not exceed 120 degrees Fahrenheit.

18 E. Single service towels or air dryers must be
19 available to dry hands and designed for easy use by the children.

20 F. Toilets, sinks, faucets, and hand drying devices
21 in the toilet area used by children under school age other than
22 infants must be placed at a height appropriate to the ages of
23 the children.

24 G. Portable steps may be used to meet the requirement
25 in item F for toddlers and preschoolers, if the steps are sturdy
26 and washable.

27 9503.0170 LICENSING PROCESS.

28 Subpart 1. **License required.** A person, corporation,
29 partnership, voluntary association, or other organization may
30 not operate a child care program in a center unless licensed by
31 the commissioner under parts 9503.0005 to 9503.0170 and
32 9543.1000 to 9543.1060.

33 Subp. 2. [See repealer.]

34 [For text of subp 3, see M.R.]

35 Subp. 4. [See repealer.]

1 Subp. 5. [See repealer.]

2 Subp. 6. [See repealer.]

3 Subp. 7. **Correction orders and fines.** If the commissioner
4 finds that the license holder does not comply with parts
5 9503.0005 to 9503.0170, the commissioner may issue a correction
6 order as set forth in part 9543.1040 and Minnesota Statutes,
7 section 245A.06, subdivisions 1 and 2. If the license holder
8 has not corrected the violation within the time set for
9 correction, the commissioner may impose a fine under Minnesota
10 Statutes, section 245A.06, subdivisions 3 to 6. Fines must be
11 assessed as follows:

12 [For text of item A, see M.R.]

13 B. The license holder shall forfeit \$200 for each
14 occurrence of a violation of law or rule governing matters of
15 health, safety, or supervision, including but not limited to
16 failure to comply with parts 9503.0005, subpart 25
17 (supervision); 9503.0035, subpart 1 (orientation training);
18 9503.0040 (staff ratios and group size); 9503.0050, subpart 3
19 (confinement limitation); 9503.0070 (night care program),
20 subpart 6 (staffing); 9503.0080 (exclusion of sick children);
21 9503.0085 (sick care program); 9503.0125, items A to I
22 (children's records); 9503.0130, subparts 1 and 2 (reporting);
23 9503.0140 (health); 9503.0145 (food and water); 9503.0150
24 (transportation); and 9503.0155 (facility).

25 [For text of item C, see M.R.]

26 9520.0510 DEFINITIONS.

27 Subpart 1. **Scope.** As used in parts 9520.0500 to
28 9520.0670, the following terms have the meanings given them.

29 Subp. 2. **Applicant.** "Applicant" has the meaning given it
30 in Minnesota Statutes, section 245A.02, subdivision 3.

31 [For text of subps 3 to 12, see M.R.]

32 Subp. 13. **License.** "License" has the meaning given it in
33 Minnesota Statutes, section 245A.02, subdivision 8.

34 [For text of subp 14, see M.R.]

35 Subp. 15. **Mental health counselor.** "Mental health

1 counselor" means an individual who, under the supervision of a
2 mental health therapist or program director, provides treatment
3 for mentally ill residents in a mental health residential
4 program and who meets the requirements of part 9520.0660,
5 subpart 8. The specific title of the individual employed in
6 this position is at the discretion of the program as long as the
7 title selection fairly reflects the responsibilities defined in
8 parts 9520.0500 to 9520.0670 for a mental health counselor.

9 [For text of subp 16, see M.R.]

10 Subp. 17. **Mental health therapist.** "Mental health
11 therapist" means an individual skilled in providing mental
12 health therapy in a mental health residential program and who
13 meets the requirements of part 9520.0660, subpart 7. The
14 specific title of the individual employed in this position is at
15 the discretion of the program as long as the title selection
16 fairly reflects the responsibilities defined in parts 9520.0500
17 to 9520.0670 for a mental health therapist.

18 [For text of subp 18, see M.R.]

19 Subp. 19. **Mental health worker.** "Mental health worker"
20 means an individual who, under the supervision of a mental
21 health counselor, mental health therapist, or program director,
22 provides care, support, or assistance to mentally ill residents
23 in a mental health residential program and who meets the
24 requirements of part 9520.0660, subpart 9. Possible job titles
25 for this staff position are resident manager, human services
26 technician, independent living skills worker, and licensed
27 practical nurse. The specific title of the individual employed
28 in this position is at the discretion of the program as long as
29 the title selection fairly reflects the responsibilities defined
30 in parts 9520.0500 to 9520.0670 for a mental health worker.

31 [For text of subps 20 to 30, see M.R.]

32 9520.0520 LICENSING PROCESS.

33 Subpart 1. **License required.** No mental health residential
34 program shall operate in Minnesota unless it has a current and
35 valid license or provisional license as required by parts

1 9543.1000 to 9543.1060, and Minnesota Statutes, sections 245A.01
2 to 245A.16.

3 Subp. 2. [See repealer.]

4 Subp. 3. [See repealer.]

5 Subp. 4. [See repealer.]

6 Subp. 5. [See repealer.]

7 Subp. 6. [See repealer.]

8 9520.0560 PROGRAM ORGANIZATION AND ADMINISTRATION.

9 Subpart 1. **Advisory committee.** Each program shall have an
10 advisory committee which provides for community representation
11 and public participation in its operation. The advisory
12 committee shall have a core group which comprises a quorum. The
13 core group shall include at least one program resident, the
14 facility's administrator, and a community representative. The
15 advisory committee shall document the procedure whereby
16 residents are assured access to the advisory committee. The
17 committee shall meet at least quarterly. Minutes of the
18 meetings shall be recorded and kept on file at the facility.

19 Subp. 2. [See repealer.]

20 [For text of subp 3, see M.R.]

21 9520.0570 REQUIRED DOCUMENTATION AND REPORTS.

22 Subpart 1. **Insurance coverage.** Each program shall have
23 written documentation of insurance coverage in an amount
24 sufficient to protect the interests of residents.

25 [For text of subp 2, see M.R.]

26 Subp. 3. **Financial information.** A new program shall
27 document in writing a plan of funding sufficient to meet total
28 projected program costs for a period of at least one year in
29 addition to start-up costs.

30 Subp. 4. [See repealer.]

31 [For text of subp 5, see M.R.]

32 Subp. 6. **Vulnerable adults.** Each applicant shall comply
33 with provisions of Minnesota Statutes, section 626.557.

34 [For text of subps 7 and 8, see M.R.]

1 9520.0590 PERSONNEL POLICIES AND PROCEDURES.

2 Subpart 1. **General requirements.** Each program shall have
3 a written personnel policy and shall make a copy of it available
4 to the department for review. Personnel policies shall be
5 carried out in accordance with affirmative action policies and
6 equal employment opportunity regulations.

7 [For text of subp 2, see M.R.]

8 Subp. 3. **Job evaluation.** The personnel policy shall
9 provide for job performance evaluations conducted on a regular
10 and ongoing basis with a written annual review.

11 Subp. 4. **Conditions of employment.** The personnel policy
12 shall describe the employees' conditions of employment and the
13 general conditions which constitute grounds for dismissal and
14 suspension.

15 [For text of subp 5, see M.R.]

16 Subp. 6. [See repealer.]

17 [For text of subps 7 to 9, see M.R.]

18 Subp. 10. [See repealer.]

19 9525.0235 LICENSURE.

20 Subpart 1. **License required.** An individual, corporation,
21 partnership, voluntary association, or other organization must
22 not operate a residential program unless licensed by the
23 commissioner under parts 9525.0215 to 9525.0355 and 9543.1000 to
24 9543.1060.

25 [For text of subps 2 and 3, see M.R.]

26 Subp. 4. [See repealer.]

27 Subp. 5. [See repealer.]

28 Subp. 6. [See repealer.]

29 Subp. 7. [See repealer.]

30 Subp. 8. [See repealer.]

31 Subp. 9. [See repealer.]

32 Subp. 10. [See repealer.]

33 Subp. 11. [See repealer.]

34 Subp. 12. [See repealer.]

35 Subp. 13. [See repealer.]

1 Subp. 14. [See repealer.]

2 [For text of subp 15, see M.R.]

3 9525.0315 ADMINISTRATION.

4 Subpart 1. Governing body. The license holder shall
5 ensure that the residential program has a governing body that
6 meets the requirements of a governing body under Code of Federal
7 Regulations, title 42, section 483.410(a).

8 Subp. 2. [See repealer.]

9 Subp. 3. [See repealer.]

10 9525.0520 PURPOSE.

11 The purpose of these parts is:

12 A. to establish standards for the provision of
13 services to persons with mental retardation or related
14 conditions whose dependency requires services above the level of
15 food and lodging, but who do not need 24-hour-per-day care or
16 supervision, as provided in residences licensed under parts
17 9525.0215 to 9525.0355;

18 [For text of items B to D, see M.R.]

19 9525.0530 SCOPE.

20 Parts 9525.0500 to 9525.0660 apply to any person,
21 organization, or association engaged in the operation and
22 provision of semi-independent living services (SILS) to adults
23 who have or may have mental retardation or related conditions,
24 as provided and defined in part ~~9525.01857-subparts-8-and-9~~
25 9525.0016, subpart 2, items A and B. These parts set forth the
26 requirements for any individual, organization, or association
27 providing SILS to more than four adults with mental retardation
28 or related conditions to be licensed pursuant to Minnesota
29 Statutes, chapter 245A.

30 Licensure under these parts does not require concurrent
31 compliance with other Department of Human Services licensing
32 rules or with Minnesota Department of Health supervised living
33 facility standards promulgated under Minnesota Statutes, section
34 144.56.

1 These parts do not govern the living arrangement of
 2 clients. Semi-independent living services licensed under these
 3 parts may be provided to persons living in a variety of ordinary
 4 community settings other than state hospitals and residential
 5 programs licensed under parts 9525.0215 to 9525.0355 and
 6 supervised living facility standards. Community living
 7 arrangements in which SILS are provided may include the
 8 following, but not be limited to: client's own home, foster
 9 home, apartment, or rooming house.

10 9525.0540 PROCEDURES FOR LICENSING.

11 Subpart 1. [See repealer.]

12 Subp. 2. **Application for license.** Upon notification that
 13 a need for the service has been found by the commissioner,
 14 application for license may be made to the commissioner under
 15 parts 9543.1000 to 9543.1060.

16 Subp. 3. [See repealer.]

17 Subp. 4. [See repealer.]

18 Subp. 5. [See repealer.]

19 Subp. 6. [See repealer.]

20 Subp. 7. [See repealer.]

21 9525.0560 PROGRAM AND SERVICE STANDARDS.

22 Subpart 1. **Admission.** The provider shall maintain written
 23 policies and procedures, which shall be available to the local
 24 social service agency and to the general public, covering the
 25 following:

26 [For text of items A to D, see M.R.]

27 E. discharge procedures; and

28 F. the requirement that each client must have a
 29 current medical and dental examination.

30 [For text of subps 2 and 3, see M.R.]

31 9525.0570 ADMINISTRATIVE STANDARDS; PROVIDER RESPONSIBILITIES.

32 Subpart 1. **Written statement of philosophy.** The provider
 33 shall have a written statement of the SILS program philosophy,
 34 purpose, and goals which:

1 A. is consistent with the principles of
2 normalization;

3 B. includes expected client outcomes; and

4 C. is available to the public.

5 [For text of subps 2 and 3, see M.R.]

6 9525.0620 PERSONNEL POLICIES.

7 The provider shall have written personnel policies
8 available to staff. The policies shall include:

9 A. prohibition of mistreatment, neglect, or abuse of
10 clients, and mandatory reporting of any mistreatment, neglect,
11 or abuse;

12 B. plans for staff orientation, training; and

13 C. prohibition of the use of any aversive or
14 deprivation procedures.

15 9525.1510 PURPOSE AND APPLICABILITY.

16 [For text of subps 1 and 2, see M.R.]

17 Subp. 3. Exclusions. Parts 9525.1500 to 9525.1690 do not
18 apply to:

19 A. an intermediate care facility for persons with
20 mental retardation and related conditions that is not a regional
21 center and that provides training and habilitation services to
22 facility residents as part of the facility's residential program
23 licensed under parts 9525.0215 to 9525.0355;

24 B. providers that are licensed under parts 9503.0005
25 to 9503.0170 and that provide services only to persons under 18
26 years of age; or

27 [For text of item C, see M.R.]

28 Subp. 4. Exemptions for regional centers. The following
29 provisions of parts 9525.1500 to 9525.1690 do not apply to a
30 regional center that can document compliance with corresponding
31 standards in parts 9525.0215 to 9525.0355 and Code of Federal
32 Regulations, title 42, sections ~~441-516 to 442-400~~ 483.400 to
33 483.480, as amended ~~through October 17, 1985:~~

34 A. ~~part 9525.1540, subpart 17~~

35 B. ~~part 9525.1550, subparts 37, 47-57-97-107-117~~ and

1 12;

2 ~~E~~ B. part 9525.1560; and

3 ~~D~~ C. part 9525.1670, subparts 4 and 6.

4 9525.1520 LICENSING PROCESS.

5 Subpart 1. **License application.** A corporation,
6 partnership, governmental unit, individual, or individuals that
7 provide training and habilitation services to adults with mental
8 retardation and related conditions must be licensed under parts
9 9543.1000 to 9543.1060.

10 Subp. 2. [See repealer.]

11 [For text of subp 3, see M.R.]

12 Subp. 4. [See repealer.]

13 Subp. 6. [See repealer.]

14 Subp. 7. [See repealer.]

15 Subp. 8. [See repealer.]

16 Subp. 9. [See repealer.]

17 Subp. 10. [See repealer.]

18 Subp. 11. **Variance request.** An applicant or provider may
19 request a variance from compliance with parts 9525.1500 to
20 9525.1690 as provided in part 9543.1020, subpart 5.

21 Any request for a variance from rule provisions related to
22 fire, safety, occupancy codes, or food handling, water, and
23 nutrition must be accompanied by a written statement from the
24 fire marshal, building official, or authorized agent with
25 jurisdiction that granting the variance does not pose a threat
26 to the health and safety of persons receiving services.

27 Subp. 12. [See repealer.]

28 [For text of subps 13 and 14, see M.R.]

29 9525.1550 ADMINISTRATIVE POLICIES AND RECORDS.

30 Subpart 1. **Maintenance and availability of policies and**
31 **records.** A provider shall follow the written policies and
32 maintain the records required in this part. The written
33 policies and records must be provided to the commissioner upon
34 request.

35 Subp. 2. **Provider's organization and policy manual.** The

1 provider shall maintain an organization and policy manual. The
2 manual must be made available on request to the commissioner,
3 host county, and county boards that contract with the provider.
4 The manual must contain the information in items A to F:

5 [For text of items A and B, see M.R.]

6 C. written policies and criteria governing admission,
7 exclusion, suspension, and discharge developed under part
8 9525.1560;

9 D. the provider's written behavior management policy
10 developed under part 9525.1640;

11 E. policies on the collection and dissemination of
12 data on persons receiving services from the provider; and

13 F. policies and procedures required by the Vulnerable
14 Adults Act, Minnesota Statutes, section 626.557.

15 Subp. 3. [See repealer.]

16 Subp. 4. Personnel file. The provider must have a
17 personnel file for each employee that includes:

18 A. the employee's application or other written
19 summary of the employee's qualifications; and

20 B. documentation of all training completed under part
21 9525.1640, subpart 4.

22 Subp. 5. [See repealer.]

23 Subp. 6. [See repealer.]

24 Subp. 7. Certificate required for work activity or
25 subminimum wage. When the provider is paying persons receiving
26 employment or employment related services less than the minimum
27 wage, the provider must have the certificate from the Wage and
28 Hour Division of the United States Department of Labor required
29 by Code of Federal Regulations, title 29, parts 524 to 525.

30 [For text of subp 8, see M.R.]

31 Subp. 9. [See repealer.]

32 Subp. 10. [See repealer.]

33 Subp. 11. [See repealer.]

34 [For text of subp 12, see M.R.]

35 Subp. 13. [See repealer.]

1 9525.1560 ADMISSION, EXCLUSION, SUSPENSION, AND DISCHARGE.

2 Subpart 1. Approval of policy, procedures, and criteria
3 governing admission, exclusion, suspension, and discharge. The
4 provider must have a written policy that sets forth criteria for
5 admission, exclusion, suspension, and discharge. The written
6 policy and criteria must be approved annually by the governing
7 body and must include procedures to be followed by the provider
8 and host county before a suspension, exclusion, or discharge
9 takes place. These procedures, policies, and criteria must be
10 included as part of the host county contract under parts
11 9550.0010 to 9550.0092 and the three party agreements under part
12 9525.1240.

13 [For text of subps 2 and 3, see M.R.]

14 Subp. 4. Suspension procedures. A provider may suspend a
15 person only when the provider has documented that the person's
16 behavior prompting the suspension presented an immediate danger
17 as defined in part 9525.1500, subpart 19. The provider must
18 notify the person's case manager and legal representative of the
19 suspension within 24 hours of the suspension's effective date.
20 A person may be suspended for no more than three consecutive
21 service days up to a maximum of six days per calendar year.
22 Within 24 hours after the suspension the provider must:

23 A. document that the procedures agreed upon by the
24 provider and the host county in the county contract under parts
25 9550.0010 to 9550.0092 and the three party agreements under part
26 9525.1240 have been followed before suspension;

27 [For text of items B to D, see M.R.]

28 Subp. 5. Discharge procedures. A provider may discharge a
29 person only when a condition or the conditions specified in item
30 A, B, or C is met.

31 [For text of items A and B, see M.R.]

32 C. The provider has documented before the discharge
33 that the person's behavior constituted an immediate danger, the
34 provider has notified the person's case manager and legal
35 representative of the provider's intent to discharge the person
36 under subpart 6, and the provider documents in the person's file:

1 (1) that the procedures agreed upon by the
 2 provider and host county in the county contract under parts
 3 9550.0010 to 9550.0092 and the three party agreements under part
 4 9525.1240 have been followed before discharge;

5 [For text of subitems (2) to (7), see M.R.]

6 [For text of subp 6, see M.R.]

7 9525.1590 DOCUMENTING OUTCOMES OF SERVICES REQUIRED FOR
 8 LICENSURE.

9 [For text of subpart 1, see M.R.]

10 Subp. 2. **Outcomes of training and habilitation services.**
 11 Providers must collect data for each person receiving services
 12 on a quarterly basis throughout the calendar year. Data must be
 13 current as of the last day of the quarter being reported and
 14 must include:

15 A. the type of employment activity, location, and job
 16 title;

17 B. the number of disabled coworkers receiving
 18 provider services at the same work site where the person for
 19 whom the data is reported is working; and

20 C. the number of nondisabled and nonsubsidized
 21 coworkers employed at the work site.

22 9525.1640 BEHAVIOR MANAGEMENT.

23 Subpart 1. **Behavior management policy.** The provider must
 24 have a written policy governing the use of behavior management
 25 techniques and must ensure that staff are familiar with and
 26 follow the policy. The written policy must:

27 A. be available to caregivers and other interested
 28 parties on request;

29 B. specify that behavior management procedures are to
 30 be used only as one element of an individual program plan that
 31 focuses on developing adaptive behaviors to increase a person's
 32 ability to function independently in daily living;

33 C. specify that assessment of behavioral needs will
 34 include specific descriptors of a problem behavior, an
 35 assessment of environmental and communicative factors that might

1 influence a person's behavior, and a thorough review of other
2 factors that might be influencing the person's behavior; and

3 D. require documentation that instructional
4 techniques incorporating functional analysis of behavior and
5 positive reinforcement have been tried and found to be
6 unsuccessful before a more intrusive procedure is implemented.

7 Subp. 2. [See repealer.]

8 9525.1650 SERVICE SITES OWNED OR LEASED BY PROVIDER.

9 Subpart 1. [See repealer.]

10 [For text of subps 2 to 4, see M.R.]

11 9525.1690 TRANSPORTATION.

12 Subpart 1. **Provision of transportation.** To the extent
13 possible, a person receiving services shall use or be trained to
14 use public transportation to and from service sites. Providers
15 must have a written transportation policy that meets the
16 requirements in subparts 2 to 4.

17 [For text of subps 2 to 4, see M.R.]

18 9525.2000 PURPOSE AND APPLICABILITY.

19 [For text of subps 1 and 2, see M.R.]

20 Subp. 3. **Exclusions.** Parts 9525.2000 to 9525.2140 do not
21 govern the provision of respite care and do not apply to
22 residential programs serving more than four persons that are
23 licensed under parts 9525.0215 to 9525.0355.

24 9525.2010 DEFINITIONS.

25 [For text of subps 1 to 28, see M.R.]

26 Subp. 29. **Qualified mental retardation professional**
27 **(QMRP).** "Qualified mental retardation professional (QMRP)"
28 means an individual who meets the qualifications specified in
29 Code of Federal Regulations, title 42, section ~~442.401~~ 483.430,
30 as amended.

31 [For text of subps 30 to 36, see M.R.]

32 9525.2020 LICENSURE.

33 Subpart 1. **License required.** An individual, corporation,

1 partnership, voluntary association, or other organization must
 2 be licensed by the commissioner to provide home and
 3 community-based residential habilitation services under parts
 4 9543.1000 to 9543.1060.

5 Subp. 2. [See repealer.]

6 Subp. 3. [See repealer.]

7 Subp. 4. [See repealer.]

8 Subp. 5. [See repealer.]

9 Subp. 6. [See repealer.]

10 Subp. 7. [See repealer.]

11 [For text of subps 8 and 9, see M.R.]

12 9525.2080 SERVICE RECOMMENDATIONS.

13 The license holder shall provide written service
 14 recommendations to the county case manager and the person or the
 15 person's legal representative. Written service recommendations
 16 must be directed toward achieving the outcomes stated in part
 17 9525.2030 and shall be prepared:

18 A. before the interdisciplinary team meeting, held
 19 during the first 30 days of service provision, where the
 20 individual program plan is developed; and

21 B. when the license holder identifies a reason for
 22 the case manager to consider changing services, service methods,
 23 or service outcomes.

24 9525.2100 INDIVIDUAL PROGRAM PLAN (IPP) DEVELOPMENT AND
 25 IMPLEMENTATION.

26 [For text of subpart 1, see M.R.]

27 Subp. 2. **Implementation of the IPP.** The license holder
 28 must provide the residential-based habilitation services
 29 specified in the IPP and authorized by the case manager. The
 30 license holder shall document the procedures and methods used to
 31 implement these services and describe how these procedures and
 32 methods are directed toward achieving the requirements listed in
 33 part 9525.2030. This documentation must be initially developed
 34 within ten calendar days of development of the IPP, must be
 35 reviewed at least annually, and revised as necessary. The

1 procedures and methods must be consistent with the requirements
 2 of the IPP unless a modification of the IPP is agreed to by the
 3 person or the legal representative and is authorized by the case
 4 manager or unless modifications are required by emergency
 5 intervention described in subpart 3. The license holder's
 6 documentation of the procedures and methods used must be made
 7 available to the person or the person's legal representative and
 8 must include:

9 [For text of items A to E, see M.R.]

10 F. the names of the staff or contractors responsible
 11 for implementing each objective; and

12 G. medication administration procedures, if
 13 applicable, with written approval by a licensed physician or
 14 registered nurse.

15 [For text of subp 3, see M.R.]

16 Subp. 4. Plan file. The license holder must have an
 17 individual plan file for each person receiving services. This
 18 file must be immediately available to the staff responsible for
 19 service implementation. The file must contain:

20 [For text of items A to J, see M.R.]

21 9530.4120 LICENSING OF PROGRAMS.

22 Subpart 1. License required. A rehabilitation program may
 23 not operate in Minnesota unless it has a current valid license
 24 or provisional license as required by parts 9543.1000 to
 25 9543.1060 and Minnesota Statutes, sections 245A.01 to 245A.16.
 26 An applicant or license holder applying for more than one
 27 program license may reference in the second application the
 28 materials submitted with the applicant's or license holder's
 29 first application.

30 Subp. 2. [See repealer.]

31 Subp. 3. Contents of application. An applicant shall
 32 submit the following to the commissioner prior to issuance of a
 33 license:

34 A. documentation that it has completed an assessment
 35 of need for a new or expanded program in accordance with part

1 9530.6800;

2 B. the number of hours of counseling provided, and
3 other rehabilitative client services; and

4 C. documentation of insurance coverage, including
5 bonding, sufficient to cover all client funds, property, and
6 interests and all grants awarded to the program.

7 Subp. 4. [See repealer.]

8 [For text of subp 5, see M.R.]

9 Subp. 6. **Change in license terms.** In addition to the
10 requirements in part 9543.1020, subpart 9, a license holder must
11 apply to the commissioner and a new license must be issued
12 before the license holder:

13 A. reduces the total number of hours of
14 rehabilitation services provided; or

15 B. changes staffing patterns or ratios, reducing the
16 amount of program services offered.

17 Subp. 7. [See repealer.]

18 9530.4250 PERSONNEL POLICIES AND PROCEDURES.

19 Subpart 1. **Policy requirements.** The license holder shall
20 have written personnel policies, and shall make them available
21 to each employee when hired. Personnel policies must:

22 A. assure that employee retention, promotion, job
23 assignment, or pay are not affected by a good faith
24 communication between an employee and the Minnesota Department
25 of Health, the Minnesota Department of Human Services, or the
26 local agencies for investigation of complaints regarding a
27 client's rights, health, or safety concern;

28 B. contain job descriptions for each position
29 specifying responsibilities, degree of authority to execute job
30 responsibilities, standards of job performance related to the
31 specified job responsibilities, and qualifications;

32 C. provide for job performance evaluations, based on
33 the standards of job performance, to be conducted on a regular
34 and continuing basis, with a written annual review;

35 D. describe the behavior which constitutes grounds

1 for disciplinary action, suspension, or dismissal, including
2 policies on mental health and chemical use problems, policies
3 prohibiting personal involvement with clients in violation of
4 Minnesota Statutes, chapter 148A, and policies prohibiting
5 client abuse as specified under Minnesota Statutes, sections
6 626.556 and 626.557; and

7 E. include a program of orientation for all new staff
8 based on a written plan that, at a minimum, must provide for
9 training related to the specific job functions for which the
10 employee was hired, program policies and procedures, the needs
11 of clients to be served, and the areas identified in subpart 2,
12 items A to D.

13 Subp. 2. **Staff development plan.** The license holder shall
14 have a written staff development plan. The staff development
15 plan shall identify training adapted to the needs of the
16 program's target population. The plan must specify training
17 requirements for counselors in current treatment concepts and
18 methods.

19 The license holder must assure that each staff person
20 working directly with clients receives at least 15 hours of
21 continuing education annually. All training completed must be
22 recorded in individual personnel files. The training must
23 include the following areas in a 12-month period:

24 [For text of items A to C, see M.R.]

25 D. reporting of abuse of vulnerable adults and
26 maltreatment of minors as specified under Minnesota Statutes,
27 sections 626.556 and 626.557, and parts 9555.8000 to 9555.8500
28 and 9560.0210 to 9560.0234.

29 9530.4300 ADMISSION, INFORMATION AND REFERRAL, AND DISCHARGE
30 POLICIES.

31 Subpart 1. **Admission policy.** Each license holder shall
32 have a written admission policy. This policy must be posted in
33 the area of the facility where clients are admitted, or given to
34 all interested individuals upon inquiry and all clients upon
35 admission. The admissions policy shall designate which staff

1 members are authorized to admit and discharge clients.

2 The license holder must have a written policy that requires
3 that no client be discriminated against during admission,
4 discharge, or the provision of program services because of race,
5 color, creed, religion, national origin, sex, marital status,
6 status with regard to public assistance, disability, sexual
7 orientation, or familial status.

8 [For text of subps 2 to 5, see M.R.]

9 9530.5300 LICENSURE.

10 Subpart 1. Requirement. Outpatient treatment programs
11 must be licensed under parts 9543.1000 to 9543.1060. The
12 program must submit for department approval additions or
13 deletions of services provided by the program which affects the
14 implementation of the individual treatment plans. Additions or
15 deletions must be submitted for approval by the department
16 within 60 days after implementation.

17 Subp. 2. [See repealer.]

18 Subp. 3. [See repealer.]

19 Subp. 4. [See repealer.]

20 Subp. 5. [See repealer.]

21 Subp. 6. [See repealer.]

22 Subp. 7. [See repealer.]

23 Subp. 8. [See repealer.]

24 Subp. 9. [See repealer.]

25 [For text of subp 10, see M.R.]

26 Subp. 11. [See repealer.]

27 9530.6300 ADMINISTRATION AND MANAGEMENT.

28 Every outpatient treatment program shall have written
29 administrative and management policies governing the
30 administration and supervision of the operations, the program,
31 and the duration of the program. Such documentation shall
32 include:

33 A. Policies and criteria for admission and discharge,
34 including a definition of when a client is considered active in
35 the program. The admission procedure shall include:

1 [For text of subitems (1) to (3), see M.R.]

2 B. A written description of program design and
3 methodology.

4 C. A written delineation of the interrelationship of
5 the program and other appropriate public and private service
6 providers.

7 D. The program must develop an annualized projection
8 of individual and/or family counseling hours, group counseling
9 hours, admission and discharge interviews, and discharge and/or
10 aftercare planning to be provided by the program. Program must
11 also develop annualized projection of counseling hours available
12 to provide these services based on number of staff positions and
13 equivalent counselor time (see part 9530.5800, item A). Annual
14 projections of service hours and equivalent counselor time must
15 be reviewed, updated, and submitted to the commissioner with
16 each application for renewal.

17 E. The program shall have a written referral policy
18 and procedure for client referral between the program's
19 components and/or between the program and other community
20 service providers which includes:

21 [For text of subitems (1) to (4), see M.R.]

22 F. An individual record for each client of the
23 program which includes:

24 [For text of subitems (1) to (9), see M.R.]

25 G. Follow-up data, obtained within three to six
26 months after the client discontinues the program (those who are
27 either discharged at completion of the program, and those who
28 leave the program before completion), shall be collected from no
29 less than 50 clients drawn randomly, or 100 percent of the
30 discontinued clients, whichever number is less, served in the 12
31 months since issuance or last renewal of the license and
32 discharged before January 1, 1993. Documentation of efforts to
33 locate clients for follow-up shall be made on a client by client
34 basis. Follow-up contacts should ascertain, for each client:

35 [For text of subitems (1) to (4), see M.R.]

36 H. At the time of application for licensure renewal,

1 the applicant shall submit a report to include a summary of data
2 collected pursuant to item G.

3 I. Records shall be kept on a continuing basis that
4 accurately reflect the number and dates of clients accepted and
5 rejected, number and dates of clients discharged, length of
6 service, and what happens to clients upon leaving the program.
7 Such records shall be furnished to the commissioner upon
8 request. Such records shall be kept for a minimum period of
9 five years for ongoing programs or for one year for defunct
10 programs.

11 The program shall have a written statement of its policies
12 and practices for handling cases of neglect and abuse of its
13 clients.

14 The risks associated with the use of any therapeutic
15 procedures shall be fully explained to the client in terms the
16 client can understand.

17 9543.1000 APPLICABILITY.

18 Subpart 1. **Applicability.** Parts 9543.1000 to 9543.1060
19 apply to residential and nonresidential programs subject to
20 licensure under Minnesota Statutes, chapter 245A, except child
21 foster care, adult foster care, and family day care programs.
22 The licensure of child foster care, adult foster care, and
23 family day care programs is governed by parts 9543.0010 to
24 9543.0150.

25 Subp. 2. **Compliance with other laws.** Parts 9543.1000 to
26 9543.1060 set forth requirements for licensure under Minnesota
27 Statutes, chapter 245A. In addition to the requirements under
28 Minnesota Statutes, chapter 245A, license holders must comply
29 with federal, state, and local laws, ordinances, and codes that
30 regulate or govern a program.

31 9543.1010 DEFINITIONS.

32 Subpart 1. **Scope.** As used in parts 9543.1000 to
33 9543.1060, the following terms have the meaning given them.

34 Subp. 2. **Abuse.** "Abuse" has the meaning given it in
35 Minnesota Statutes, section 626.557, subdivision 2, paragraph

1 (d).

2 Subp. 3. **Administrative licensing action.** "Administrative
3 licensing action" means issuing a correction order, imposing a
4 fine, or placing a program on probation due to a license
5 violation.

6 Subp. 4. **Applicant.** "Applicant" has the meaning given it
7 in Minnesota Statutes, section 245A.02, subdivision 3.

8 Subp. 5. **Commissioner.** "Commissioner" means the
9 commissioner of the Department of Human Services or the
10 commissioner's designated representative.

11 Subp. 6. **Consumer.** "Consumer" has the meaning given it in
12 Minnesota Statutes, section 245A.04, subdivision 4.

13 Subp. 7. **Controlling individual.** "Controlling individual"
14 has the meaning given it in Minnesota Statutes, section 245A.02,
15 subdivision 5a.

16 Subp. 8. **Imminent danger.** "Imminent danger" means a child
17 or vulnerable adult is threatened with immediate and present
18 abuse or neglect that is life-threatening or likely to result in
19 abandonment, sexual abuse, or serious physical injury.

20 Subp. 9. **License.** "License" has the meaning given it in
21 Minnesota Statutes, section 245A.02, subdivision 8.

22 Subp. 10. **License holder.** "License holder" has the
23 meaning given it in Minnesota Statutes, section 245A.02,
24 subdivision 9.

25 Subp. 11. **Maltreatment.** "Maltreatment" has the meaning
26 given it in Minnesota Statutes, section 626.556, subdivision
27 10e, paragraph (a).

28 Subp. 12. **Negative licensing action.** "Negative licensing
29 action" means the denial of a license application, suspension,
30 revocation, or immediate suspension of an existing license.

31 Subp. 13. **Neglect.** "Neglect" has the meaning given it in
32 Minnesota Statutes, section 626.557, subdivision 2, paragraph
33 (e).

34 Subp. 14. **Nonresidential program.** "Nonresidential
35 program" has the meaning given it in Minnesota Statutes, section
36 245A.02, subdivision 10.

1 Subp. 15. Program. "Program" means a residential program
2 or nonresidential program.

3 Subp. 16. Residential program. "Residential program" has
4 the meaning given it in Minnesota Statutes, section 245A.02,
5 subdivision 14.

6 Subp. 17. Volunteer. "Volunteer" means an individual who
7 provides program services for a resident under the direction of
8 the license holder but is not compensated for providing those
9 program services.

10 9543.1020 APPLICATION AND LICENSE REQUIREMENTS.

11 Subpart 1. License required. Except as provided in
12 Minnesota Statutes, section 245A.03, subdivision 2, no person,
13 corporation, partnership, voluntary association, controlling
14 individual, or other organization may operate a program unless
15 licensed by the commissioner.

16 Subp. 2. Information required before application is
17 processed. An applicant must provide the following information
18 to the department before a license application will be processed.

19 A. The applicant must submit a license application,
20 on a form provided by the department, that includes:

21 (1) the applicant's name and address;

22 (2) the name and location of the program;

23 (3) the geographic area to be served, if
24 applicable;

25 (4) the type of license being requested;

26 (5) the requested license capacity, if

27 applicable; and

28 (6) the age limits of persons served by the
29 applicant, if applicable.

30 B. The applicant must provide the names and addresses
31 of the owners, board members, or controlling individuals, and an
32 organizational chart depicting organizational authority over the
33 program.

34 C. A program operating in Minnesota with headquarters
35 outside of the state shall have a license holder within the

1 state.

2 D. The applicant must provide a description of the
3 services to be offered, the program's service philosophy, and
4 target population, if any.

5 E. The applicant must document compliance with
6 applicable building codes, fire and safety codes, health rules,
7 zoning ordinances, or document that an appropriate waiver has
8 been granted.

9 F. The applicant must provide a copy of the program's
10 grievance procedure and timelines for addressing grievances.
11 The program's grievance procedure must permit persons served by
12 the program and their authorized representatives to bring a
13 grievance to the highest level of authority in the program.

14 G. The applicant must submit a nonrefundable license
15 fee according to the annual fee schedule in part 9545.2020.
16 When a license is issued for less than one year, the department
17 shall prorate the annual licensing fee. When a license is
18 issued for 12 or more months, the applicant must submit the
19 annual licensing fee for months one to 12 with the license
20 application. The annual licensing fee for months 13 to 24 must
21 be submitted by the license holder before the beginning of the
22 13th month in the licensure period. When the licensure period
23 is greater than 12 months but less than 24 months, the
24 department shall prorate the annual fee for those months
25 remaining in the licensure period.

26 Subp. 3. **Completed application.** An application for
27 licensure is complete when the applicant signs the license
28 application and submits the information and licensing fees
29 required in subpart 2.

30 Subp. 4. **Licensing study.** Before an applicant is issued a
31 license, the commissioner must complete a licensing study that
32 includes:

33 A. a background study under parts 9543.3000 to
34 9543.3090;

35 B. an inspection of the physical plant, if
36 applicable;

- 1 C. an inspection of program records and documents;
2 D. an evaluation of the program by consumers served
3 by the program, if available; and
4 E. an observation of the program in operation.

5 If items C to E cannot be completed because a program is
6 not operational, a provisional license may be issued under
7 subpart 10. The licensing study requirements under this subpart
8 apply to programs required to be licensed under Minnesota
9 Statutes, chapter 245A but items B and E do not apply to service
10 locations that are not under the control of the program.

11 **Subp. 5. Variance standards.** An applicant or license
12 holder may request, in writing, a variance from rule
13 requirements that do not affect the health, safety, or rights of
14 persons receiving services. A variance request must include the
15 following information:

16 A. the part or parts of the rule for which a variance
17 is sought;

18 B. the reason why a variance from the specified
19 provision is sought;

20 C. the period of time for which a variance is
21 requested;

22 D. written approval from the fire marshal, building
23 inspector, or health authority when the variance request is for
24 a variance from a fire, building, or health code; and

25 E. alternative equivalent measures the applicant or
26 license holder will take to ensure the health and safety of
27 persons served by the program if the variance is granted.

28 The commissioner's decision to grant or deny a variance
29 request is final and not subject to appeal under Minnesota
30 Statutes, chapter 14.

31 **Subp. 6. Additional requirements before granting a**
32 **residential license.** When determining whether to grant a
33 residential license, the commissioner must consider the
34 requirements under Minnesota Statutes, section 245A.11.

35 **Subp. 7. Additional requirements before granting a**
36 **nonresidential license.** When determining whether to grant a

1 nonresidential license, the commissioner must consider the
2 requirements under Minnesota Statutes, section 245A.14.

3 Subp. 8. Issuance of a license, license terms. If the
4 commissioner determines that the program complies with all
5 applicable rules and laws, the commissioner shall issue a
6 license. The license must state:

- 7 A. the name of the license holder;
- 8 B. the address of the program;
- 9 C. the effective date and expiration date of the
10 license;
- 11 D. the type of license;
- 12 E. the maximum number and ages of persons that may
13 receive services from the program; and
- 14 F. any special conditions of licensure.

15 Subp. 9. Proposed changes, commissioner approval
16 required. A license holder must notify the commissioner and
17 obtain the commissioner's approval before making any changes
18 that would alter the license information listed under subpart 8.

19 Subp. 10. Initial license. An applicant for initial
20 licensure shall be granted a provisional license by the
21 commissioner for a period up to one year.

22 Subp. 11. Period of licensure. The maximum period of
23 licensure is governed by items A to C.

24 A. The commissioner shall issue the subsequent
25 license that immediately follows the initial license for a
26 period up to one year.

27 B. Upon completion of the license period in item A,
28 the commissioner shall issue each subsequent license for a
29 period up to two years except as provided in item C.

30 C. When a license holder is fined, placed on
31 probation, or has a license suspended, the commissioner shall
32 issue subsequent licenses as follows:

33 (1) upon payment of the fine or successful
34 completion of probation, the commissioner shall issue subsequent
35 licenses for up to one year until the license holder
36 successfully completes a licensing period without being fined,

1 being placed on probation, or having a license suspended; and
 2 (2) following a license suspension, the
 3 commissioner shall issue subsequent licenses for up to one year
 4 until the license holder successfully completes two consecutive
 5 licensing periods without being fined, being placed on
 6 probation, or having a license suspended.

7 When the requirements in subitems (1) and (2) are met, the
 8 commissioner shall issue the next subsequent license for up to
 9 two years. The commissioner shall continue to issue subsequent
 10 licenses for up to two years unless the license holder is fined,
 11 placed on probation, or has a license suspended during the
 12 license period, in which case, subitems (1) and (2) apply.

13 Subp. 12. **Subsequent license.** Application for a
 14 subsequent license must be made on forms provided by the
 15 department. The license holder must submit an application for a
 16 subsequent license at least 30 days prior to the expiration date
 17 of the existing license.

18 Subp. 13. **Access to program.** The license holder must
 19 grant the commissioner access to the program as required under
 20 Minnesota Statutes, section 245A.04, subdivision 5.

21 Subp. 14. **Drug or alcohol use, prohibited.** To become
 22 licensed or to remain licensed, an applicant or license holder
 23 ~~must-not-be-an-individual,-employ-or-subcontract-with-an~~
 24 ~~individual,-or-use-as-a-volunteer,-an-individual-who-while-on~~
 25 ~~duty-~~

26 ~~A.--abuses-prescription-drugs,-uses-controlled~~
 27 ~~substances-under-Minnesota-Statutes,-chapter-152,-or-consumes~~
 28 ~~alcohol,-or~~

29 ~~B.--is~~ shall have a policy and provide training on
 30 that policy for individuals, employees, subcontractors, and
 31 volunteers that prohibit such individuals while directly
 32 responsible for individuals served by the program from abusing
 33 prescription medication or being under the influence of a drug
 34 controlled substance under Minnesota Statutes, chapter 152, or
 35 alcohol in any manner that impairs or could impair the person's
 36 ability to provide care or services.

1 Subp. 15. Residential programs, handling resident funds
2 and property. The license holder must ensure that residents
3 retain the use and availability of personal funds or property
4 unless restrictions are justified in the resident's treatment
5 plan.

6 A. The license holder must ensure separation of
7 resident funds from funds of the license holder, the residential
8 program, or program staff.

9 B. Whenever the license holder assists a resident
10 with the safekeeping of funds or other property, the license
11 holder must:

12 (1) document receipt and disbursement of the
13 resident's funds or other property, including the signature of
14 the resident, conservator, or payee;

15 (2) provide a statement, at least ~~monthly~~
16 quarterly, itemizing ~~the-monthly~~ receipts and disbursements of
17 resident funds or other property; and

18 (3) return to the resident upon the resident's
19 request, funds and property in the license holder's possession
20 subject to restrictions in the resident's treatment plan, as
21 soon as possible, but no later than three working days after the
22 date of request.

23 C. License holders and program staff must not:

24 (1) borrow money from a resident;

25 (2) purchase personal items from a resident;

26 (3) sell merchandise or personal services to a
27 resident;

28 (4) require a resident to purchase items for
29 which the license holder is eligible for reimbursement; or

30 (5) use resident funds in a manner that would
31 violate part 9505.0425, subpart 3.

32 9543.1030 DENIAL OF APPLICATION.

33 Subpart 1. Denial of application. The commissioner shall
34 deny a license application if the applicant fails to fully
35 comply with laws or rules governing the program or variance

1 requirements. Failure to fully comply shall be indicated by:

2 A. documentation of specific facility or program
3 deficiencies that endanger the health or safety of persons
4 served by the program;

5 B. documentation of any disqualifications under parts
6 9543.3000 to 9543.3090 that have not been set aside;

7 C. reports from fire, building, or health officials
8 identifying deficiencies that endanger the health or safety of
9 persons served by the program; or

10 D. any other evidence that the applicant is not in
11 compliance with applicable laws or rules governing the program.

12 Subp. 2. Notice of denial. The commissioner must give an
13 applicant notice of denial of the license application by
14 certified mail. The notice must state:

15 A. the reason the application was denied;

16 B. the time the applicant has to appeal the denial;

17 C. the procedure to appeal the denial; and

18 D. the applicant's right to a contested case hearing
19 under Minnesota Statutes, sections 14.57 to 14.69.

20 Subp. 3. Hearings on license denials. Hearings on license
21 denials shall be conducted according to Minnesota Statutes,
22 sections 14.57 to 14.69 and 245A.08.

23 9543.1040 LICENSING ACTIONS FOR FAILURE TO COMPLY WITH RULE.

24 A license holder's failure to comply with applicable laws
25 or rules governing the program may be cause for an
26 administrative licensing action under part 9543.1050 or a
27 negative licensing action under part 9543.1060.

28 9543.1050 ADMINISTRATIVE LICENSING ACTIONS.

29 Subpart 1. Issuance of correction orders. The
30 commissioner may issue a correction order for a license
31 violation rather than probation or a negative licensing action
32 if all of the following conditions are met:

33 A. the violation does not imminently endanger the
34 health, safety, or rights of persons served by the program; and

35 B. ~~the violation is not serious or chronic; and~~

1 E- the violation will be corrected within a
2 reasonable time.

3 Subp. 2. **Contents of correction order.** The correction
4 order must state:

- 5 A. the conditions that constitute a violation of law
- 6 or rule;
- 7 B. the specific law or rule violated; and
- 8 C. the time allowed to correct each violation.

9 Subp. 3. **Reconsideration of correction orders.** A license
10 holder may request reconsideration of a correction order
11 according to Minnesota Statutes, section 245A.06, subdivision 2.

12 Subp. 4. **Failure to comply with correction order.** A
13 license holder who fails to comply with a correction order may
14 be subject to a fine or a negative licensing action as
15 authorized under Minnesota Statutes, section 245A.06,
16 subdivision 3.

17 Subp. 5. **Fines.** The commissioner may impose a fine on a
18 licensed program for failure to comply with licensing
19 requirements under Minnesota Statutes, section 245A.06,
20 subdivision 6.

21 Subp. 6. **Notice of fine; appeal.** A license holder ordered
22 to pay a fine must be notified as required under Minnesota
23 Statutes, section 245A.06. The license holder may appeal the
24 order to forfeit a fine under Minnesota Statutes, section
25 245A.06, subdivision 4.

26 Subp. 7. **Probation.** The commissioner may place a license
27 holder on probation rather than initiating a negative licensing
28 action under part 9543.1060 if the conditions in items A to C
29 are met.

30 A. After consideration of the following factors, the
31 commissioner determines that revocation, immediate suspension,
32 or suspension of the license is not warranted:

- 33 (1) the laws or rules that have been violated;
- 34 (2) the nature and severity of each violation;
- 35 (3) whether the violation is recurring or
- 36 nonrecurring;

1 (4) the effect of the violation on persons served
2 by the program;

3 (5) an evaluation of the risk of harm to persons
4 served by the program;

5 (6) any evaluations of the program by persons
6 served or their families;

7 (7) relevant facts, conditions, and circumstances
8 concerning the operation of the program; and

9 (8) any aggravating or mitigating factors related
10 to the violation.

11 B. The commissioner believes that continued operation
12 of the program:

13 (1) is in the best interest of persons served by
14 the program; and

15 (2) would not pose an unacceptable risk of harm
16 to persons served by the program.

17 C. The license holder agrees to comply with the terms
18 of probation.

19 Subp. 8. **Notice of probation.** The commissioner shall give
20 a license holder notice of probation as required under Minnesota
21 Statutes, section 245A.07, subdivision 3.

22 Subp. 9. **Reconsideration of probation.** The license holder
23 may request reconsideration of probation under Minnesota
24 Statutes, section 245A.07, subdivision 3, paragraph (b).

25 9543.1060 **NEGATIVE LICENSING ACTIONS.**

26 Subpart 1. **Negative licensing action.** A license holder's
27 failure to comply with program requirements or the terms of
28 licensure may be cause for a negative licensing action.

29 Negative licensing actions shall be taken according to Minnesota
30 Statutes, chapter 245A.

31 Subp. 2. **Information to be considered before imposing a**
32 **negative licensing action.** The commissioner shall consider the
33 following information before issuing a negative licensing action:

34 A. the laws or rules that have been violated;

35 B. the nature and severity of each violation;

1 C. whether the violation is recurring or
2 nonrecurring;

3 D. the effect of the violation on persons served by
4 the program;

5 E. an evaluation of the risk of harm to persons
6 served by the program;

7 F. any evaluations of the program by persons served
8 or their families;

9 G. relevant facts, conditions, and circumstances
10 concerning the operation of the program; and

11 H. any aggravating or mitigating factors related to
12 the violation.

13 Subp. 3. Immediate suspension of license. If the
14 commissioner has cause to believe the health, safety, or rights
15 of persons served by a program are in imminent danger, the
16 commissioner shall immediately order the suspension of the
17 license. The notice of immediate suspension must state:

18 A. the reason for the immediate suspension;

19 B. that the program must discontinue operation
20 immediately;

21 C. the license holder's right to appeal under
22 Minnesota Statutes, section 245A.07, subdivision 2;

23 D. the time the license holder has to appeal the
24 immediate suspension; and

25 E. the license holder's right to a contested case
26 hearing under Minnesota Statutes, sections 14.57 to 14.69, if a
27 timely appeal is filed.

28 Appeal of an immediate suspension does not stay the
29 suspension.

30 Subp. 4. Revocation of license. The commissioner shall
31 revoke a license when continued operation of the program is not
32 in the best interest of persons served by the program and would
33 pose an unacceptable risk of harm to persons served by the
34 program. Violations that are grounds for license revocation are:

35 A. immediate suspension of a license under subpart 3;

36 B. a disqualification under the applicant background

1 study under parts 9543.3000 to 9543.3090;

2 C. substantiated abuse, neglect, or maltreatment;

3 D. documented program deficiencies that endanger the
4 health or safety of persons served by the program;

5 E. a false statement knowingly made by the license
6 holder on the license application;

7 F. failure or refusal to provide the commissioner
8 access to the physical plant and grounds, documents, persons
9 served, and staff; or

10 G. licensing violations that occur while the license
11 is probationary or suspended.

12 Subp. 5. **Suspension of license.** The commissioner may
13 suspend rather than revoke a license under subpart 4, if based
14 on the factors in subpart 2, suspension rather than revocation
15 is in the best interests of persons served by the program and
16 would not pose a risk of harm to persons served by the program.

17 When a license holder fails to pay the license fee required
18 in part 9543.1020, subpart 2, item G, the commissioner shall
19 suspend the license until the license fee is paid.

20 Subp. 6. **Notice of revocation or suspension.** The
21 commissioner shall give a license holder whose license is
22 revoked or suspended notice of the action by certified mail.
23 The notice must state:

24 A. the reason the license was revoked or suspended;

25 B. the license holder's right to appeal the
26 revocation or suspension under Minnesota Statutes, section
27 245A.07, subdivision 3, paragraph (a);

28 C. the time the license holder has to appeal the
29 revocation or suspension; and

30 D. the license holder's right to a contested case
31 hearing under Minnesota Statutes, sections 14.57 to 14.69, if a
32 timely appeal is filed.

33 Subp. 7. **Hearings on license revocation or suspension.**

34 Hearings on license revocation or suspension shall be conducted
35 according to Minnesota Statutes, sections 14.57 to 14.69 and
36 245A.08. Suspension or revocation of a license shall be stayed

1 pending the commissioner's final order on a timely filed appeal
2 unless the notice was for an immediate suspension.

3 Subp. 8. Return of license to commissioner. When a
4 license holder stops providing services, or if a license is
5 revoked, suspended, or immediately suspended, the license holder
6 must return the license to the commissioner. The license holder
7 cannot surrender its license as a way of avoiding a negative
8 licensing action.

9 9545.0770 APPLICATION FOR LICENSE.

10 Subpart 1. In general. Private child placing agencies
11 must be licensed under parts 9543.1000 to 9543.1060.

12 Subp. 2. [See repealer.]

13 Subp. 3. [See repealer.]

14 Subp. 4. [See repealer.]

15 Subp. 5. [See repealer.]

16 9545.0920 PROCEDURES FOR LICENSING.

17 Subpart 1. Apply to commissioner. An applicant desiring a
18 license for the purpose of giving care to children must be
19 licensed under parts 9543.1000 to 9543.1060.

20 Subp. 2. [See repealer.]

21 Subp. 3. [See repealer.]

22 Subp. 4. [See repealer.]

23 9545.1090 RIGHTS AND OBLIGATIONS OF THE APPLICANT.

24 [For text of subpart 1, see M.R.]

25 Subp. 2. [See repealer.]

26 [For text of subps 3 and 4, see M.R.]

27 Subp. 5. Duty to provide services. The applicant has the
28 obligation to provide services to emotionally handicapped
29 children as outlined in this standard and Minnesota Statutes,
30 sections 151.31; 245A.01 to 245A.16; and 317.65, in order to
31 retain a license to operate in Minnesota.

32 9545.1320 RESIDENTIAL PROGRAM.

33 Subpart 1. License requirement. Maternity shelters must
34 be licensed under parts 9543.1000 to 9543.1060.

1 Subp. 2. Program objectives. The residential program
2 shall have the following objectives:

3 [For text of items A to D, see M.R.]

4 9545.1470 PHYSICAL FACILITY.

5 [For text of subps 1 to 3, see M.R.]

6 Subp. 4. Building. Building:

7 [For text of items A to J, see M.R.]

8 K. A flashlight and a first aid kit shall be
9 available in every group home for emergency use.

10 L. All medications for the children in the group
11 home, as well as household poisons, shall be kept in a safe and
12 secure place.

13 9545.1480 PROCEDURE FOR LICENSING.

14 Subpart 1. [See repealer.]

15 Subp. 2. [See repealer.]

16 Subp. 3. [See repealer.]

17 Subp. 4. [See repealer.]

18 Subp. 5. [See repealer.]

19 Subp. 6. [See repealer.]

20 Subp. 7. [See repealer.]

21 Subp. 8. [See repealer.]

22 Subp. 9. License required. Group homes must be licensed
23 under parts 9543.1000 to 9543.1060.

24 9555.9600 DEFINITIONS.

25 [For text of subps 1 to 18, see M.R.]

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

30 [For text of subps 20 to 31, see M.R.]

31 9555.9620 LICENSING PROCESS.

32 Subpart 1. Application for license. An adult day care
33 center must be licensed under parts 9543.1000 to 9543.1060.

34 Subp. 2. [See repealer.]

- 1 Subp. 3. [See repealer.]
 2 Subp. 4. [See repealer.]
 3 Subp. 5. [See repealer.]
 4 Subp. 6. [See repealer.]
 5 Subp. 7. [See repealer.]
 6 Subp. 8. [See repealer.]
 7 Subp. 9. [See repealer.]
 8 Subp. 10. [See repealer.]
 9 Subp. 11. [See repealer.]
 10 Subp. 12. [See repealer.]
 11 Subp. 13. [See repealer.]

12 9555.9700 INDIVIDUAL SERVICE PLANNING.

13 [For text of subpart 1, see M.R.]

14 Subp. 2. Initial service planning. Immediately after
 15 admission, the center shall conduct a needs assessment and
 16 develop a preliminary service plan for the participant, in
 17 accordance with items A and B. The needs assessment and
 18 preliminary service plan must be completed within 30 days and
 19 placed in the participant's record.

20 A. The center shall assess the participant's needs
 21 for center services based on observation of the participant and
 22 information obtained from other sources, including any
 23 assessment performed within the prescribed time by a
 24 preadmission screening team under Minnesota Statutes, section
 25 256B.0911. The needs assessment shall address:

26 [For text of subitems (1) to (3), see M.R.]

27 [For text of item B, see M.R.]

28 [For text of subp 3, see M.R.]

29 9555.9710 SERVICE AND PROGRAM REQUIREMENTS.

30 Subpart 1. Food service and nutrition. A center shall
 31 meet the requirements in items A to H.

32 A. Procedures for preparing, handling, and serving
 33 food, and washing food, utensils, and equipment must comply with
 34 parts 4625.2401 to 4625.4701, Requirements for Food and Beverage
 35 Establishments, and with applicable local ordinances. If the

1 food is prepared off-site by another facility or if food service
2 is provided according to a center's contract with a food service
3 provider, the facility or provider must comply with parts
4 4625.2401 to 4625.4701 and applicable local ordinances.

5 [For text of items B to H, see M.R.]

6 Subp. 2. **Transportation.** If a center provides
7 transportation, the following requirement must be met.

8 The maximum transportation time for any participant being
9 transported by a center vehicle between the participant's home
10 and the center shall be 90 minutes, one way.

11 [For text of subps 3 to 7, see M.R.]

12 9555.9720 SAFETY REQUIREMENTS.

13 [For text of subps 1 to 8, see M.R.]

14 Subp. 9. **Emergencies caused by fire and weather.** The
15 center shall have written plans for emergencies caused by fire,
16 blizzards, and tornadoes. The plans must be posted in a visible
17 place and be on file in the center. The plans must include
18 items A to I:

19 [For text of items A to G, see M.R.]

20 H. instructions on location and use of fire
21 extinguishers; and

22 I. instructions on closing off the fire area.

23 The fire escape plan must be rehearsed at least four times
24 each year and the dates of rehearsals must be recorded in the
25 file of emergency plans.

26 [For text of subps 10 and 11, see M.R.]

27 9555.9730 PHYSICAL PLANT AND SPACE REQUIREMENTS.

28 Subpart 1. [See repealer.]

29 Subp. 2. **Determination of occupancy code.** The occupancy
30 code requirements for a center shall be determined according to
31 items A to D.

32 [For text of items A to C, see M.R.]

33 D. The center shall provide the commissioner, the
34 building official, and the fire marshal with the documentation
35 required in part 9555.9660, subpart 1, item K, if the center is

1 to meet the occupancy code requirements under item A or B,
2 subitem (2).

3 [For text of subps 3 to 8, see M.R.]

4 Subp. 9. [See repealer.]

5 9570.3400 LICENSING PROCEDURES.

6 Residential programs for the physically handicapped must be
7 licensed under parts 9543.1000 to 9543.1060.

8

9 TERM CHANGE. Change IHP to IPP in the following parts:

- 10 9525.0245, subparts 1, 3, 4, and 8; 9525.0255, subpart 2;
- 11 9525.0275, subpart 1; 9525.0285, subparts 1 and 3; 9525.0355,
- 12 subpart 7; 9525.2030, subparts 1, 2, and 3; 9525.2070, subpart
- 13 3; 9525.2110, subparts 1, 2, and 3; 9525.2130, subpart 2; and
- 14 9525.2140, subparts 2 and 3.

- 15 REPEALER. Minnesota Rules, parts 9503.0025; 9503.0030, subparts
- 16 2, 3, 4, and 5; 9503.0130, subparts 3 and 4; 9503.0140, subpart
- 17 8; 9503.0155, subpart 14; 9503.0170, subparts 2, 4, 5, and 6;
- 18 9503.0175; 9520.0520, subparts 2, 3, 4, 5, and 6; 9520.0530;
- 19 9520.0560, subpart 2; 9520.0570, subpart 4; 9520.0590, subparts
- 20 6 and 10; 9520.0680; 9520.0690; 9525.0235, subparts 4, 5, 6, 7,
- 21 8, 9, 10, 11, 12, 13, and 14; 9525.0243; 9525.0315, subparts 2
- 22 and 3; 9525.0540, subparts 1, 3, 4, 5, 6, and 7; 9525.0550,
- 23 subparts 1, 2, and 4; 9525.0610; 9525.0640; 9525.0650;
- 24 9525.1520, subparts 2, 4, 6, 7, 8, 9, 10, and 12; 9525.1530;
- 25 9525.1540; 9525.1550, subparts 3, 5, 6, 9, 10, 11, and 13;
- 26 9525.1600, subpart 9; 9525.1610, subpart 2; 9525.1640, subpart
- 27 2; 9525.1650, subpart 1; 9525.1660, subparts 8 and 12;
- 28 9525.1670, subparts 1, 2, 3, and 5; 9525.2020, subparts 2, 3, 4,
- 29 5, 6, and 7; 9525.2025; 9530.4120, subparts 2, 4, and 7;
- 30 9530.4130; 9530.4220; 9530.5300, subparts 2, 3, 4, 5, 6, 7, 8,
- 31 9, and 11; 9530.5400; 9530.5600; 9530.5900; 9530.6500;
- 32 9545.0770, subparts 2, 3, 4, and 5; 9545.0920, subparts 2, 3,
- 33 and 4; 9545.1090, subpart 2; 9545.1330; 9545.1430, subparts 5
- 34 and 9; 9545.1440, subparts 9 and 10; 9545.1460, subpart 6;
- 35 9545.1480, subparts 1, 2, 3, 4, 5, 6, 7, and 8; 9545.1490;

1 9545.1500; 9555.9610, subparts 3 and 4; 9555.9620, subparts 2,
2 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 9555.9630; 9555.9660,
3 subpart 2; 9555.9680, subparts 3 and 4; 9555.9730, subparts 1
4 and 9; 9570.3500; and 9570.3600, are repealed.