

1.1 **Department of Corrections**

1.2 **Adopted Permanent Rules Relating to Adult Community-Based Residential**
1.3 **Correctional Facilities**

1.4 **2920.0100 DEFINITIONS.**

1.5 Subpart 1. **Scope.** Definitions, for the purpose of these rules, are as follows.

1.6 Subp. 2. **Adult community-based residential correctional facility or facility.**

1.7 "Adult community-based residential correctional facility" or "facility" means any
1.8 community-based residential facility that provides at a minimum accountability and
1.9 24-hour-a-day care such as food and lodging. The primary purpose is to serve persons
1.10 placed in the facility by a court, court services department, commissioner of corrections,
1.11 or other correctional agency having dispositional power over persons convicted of a crime.

1.12 Subp. 3. **Adults.** "Adults" means persons 18 years of age or over or persons under
1.13 the jurisdiction of the adult court.

1.14 Subp. 4. **Applicant.** "Applicant" means any person, agency, or organization applying
1.15 for a license or renewal of license under this chapter.

1.16 Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota
1.17 Department of Corrections or a designee.

1.18 Subp. 6. [See repealer.]

1.19 Subp. 7. [See repealer.]

1.20 Subp. 8. **Contraband.** "Contraband" means those items designated by the facility as
1.21 prohibited on the physical premises of the facility.

1.22 Subp. 9. [See repealer.]

1.23 Subp. 10. **Department of Corrections, department, DOC.** "Department of
1.24 Corrections," "department," or "DOC" means Minnesota Department of Corrections.

2.1 Subp. 10a. **Direct service staff.** "Direct service staff" means staff that have primary
2.2 responsibility for the supervision and care and welfare of the residents.

2.3 Subp. 11. **Program administrator.** "Program administrator" means the
2.4 administrator of the program, employed or appointed by the board or sponsoring agency,
2.5 to implement its policies, programs, and treatment plans.

2.6 Subp. 12. **Governing board or sponsoring agency.** "Governing board" or
2.7 "sponsoring agency" means the body that formulates the policies and procedures
2.8 governing a community correctional facility.

2.9 Subp. 13. **License.** "License" means a certificate issued by the commissioner
2.10 authorizing the operator to provide specified services for a period of up to two years in
2.11 accordance with the terms of the license, Minnesota Statutes, section 241.021, and this
2.12 chapter.

2.13 Subp. 14. [See repealer.]

2.14 Subp. 14a. **Population.** "Population" means a group of residents with a need for
2.15 similar services arising primarily out of a particular type of issues or needs.

2.16 Subp. 15. [See repealer.]

2.17 Subp. 16. **Program.** "Program" is a plan, procedure, or activity for dealing with
2.18 residents in a community correctional facility.

2.19 Subp. 17. [Repealed, 9 SR 1655]

2.20 Subp. 18. [See repealer.]

2.21 Subp. 19. [See repealer.]

2.22 Subp. 20. [See repealer.]

2.23 Subp. 20a. **Service plan.** "Service plan" means an individual written plan that
2.24 addresses the expectations, goals, and desired outcomes for a resident.

3.1 Subp. 21. [See repealer.]

3.2 Subp. 22. [See repealer.]

3.3 Subp. 23. [See repealer.]

3.4 Subp. 24. [See repealer.]

3.5 Subp. 25. [See repealer.]

3.6 Subp. 26. [See repealer.]

3.7 Subp. 26a. **Variance.** "Variance" means the commissioner has authorized the facility
3.8 to comply with a specific rule in a manner other than as specified in that rule.

3.9 Subp. 26b. **Volunteer.** "Volunteer" means a person who is not employed by the
3.10 facility but is providing a service or program to facility residents on an ongoing basis.

3.11 Subp. 27. **Waiver.** "Waiver" means written permission from the commissioner to
3.12 disregard a particular part of this chapter.

3.13 Subp. 28. [See repealer.]

3.14 **2920.0210 COMPLIANCE WITH RULES.**

3.15 A facility must comply with a rule, part, subpart, or item designated "mandatory"
3.16 unless waived by the commissioner. A facility is in substantial compliance when it
3.17 complies with 100 percent of the rules in this chapter designated "mandatory" and at least
3.18 90 percent of the rules in this chapter not designated "mandatory."

3.19 **2920.0500 APPLICATION FOR LICENSE.**

3.20 Subpart 1. **Filing.** New applicants shall file application to the commissioner of
3.21 corrections at least 30 days prior to the date the adult community-based residential
3.22 correctional facility expects to operate.

3.23 Subp. 2. **Materials filed.** The application includes:

4.1 A. an application form provided by the commissioner;

- 4.2 B. current health inspection approval;
- 4.3 C. current fire inspection;
- 4.4 D. an accurate floor plan of the facility;
- 4.5 E. a list of the board of directors, including names, addresses, and telephone
- 4.6 numbers;
- 4.7 F. an organizational chart;
- 4.8 G. all documents required by the municipality; and
- 4.9 H. the certificate of occupancy from the municipality.

4.10 Subp. 3. [See repealer.]

4.11 **2920.0800 CONDITIONS OF LICENSE.**

4.12 Subpart 1. **Nontransferable.** A license is not transferable. It applies only to the

4.13 organization, person, or persons to whom it is issued and to the building approved. The

4.14 license expires automatically if there is a change in location, organization, procedure, or

4.15 policies that affect either the terms of the license or the continuing eligibility for a license.

4.16 In such cases, an application for a license must again be filed.

4.17 Subp. 2. **Restriction on capacity.** Every license shall be restricted to a specified

4.18 maximum capacity.

4.19 Subp. 3. **Licensing necessary before operation.** An adult community-based

4.20 residential correctional facility must be licensed by the commissioner in order to operate.

4.21 Subp. 4. **No occupancy before licensing.** No persons shall be placed in an adult

4.22 community-based residential correctional facility prior to its being licensed.

4.23 Subp. 5. **No fee for license.** There is no fee for a state license.

5.1 Subp. 6. **Issuance of license.** A license must be issued when the applicant is in

5.2 compliance with part 2920.0200, subpart 4.

5.3 Subp. 7. **Variance; waivers.** Variances and waivers must be listed on the license.

5.4 **2920.0900 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.**

5.5 A license may be revoked, suspended, or denied by the commissioner if the facility
5.6 does not comply with this chapter as required under part 2920.0210 or the facility may
5.7 be denied a license on the basis of a poor operating history in this or any state. The
5.8 operator must be given written notice of the action and must be given 30 days to comply
5.9 with this chapter before action is taken. Failure, inability, or refusal to comply with this
5.10 chapter is cause for denial, nonrenewal, revocation, or suspension of the license. The
5.11 commissioner may issue a conditional license for a specified time to allow the facility
5.12 to come into compliance.

5.13 **2920.1000 RESTRICTION OF USE OF ADULT COMMUNITY-BASED**
5.14 **RESIDENTIAL CORRECTIONAL FACILITY.**

5.15 The commissioner may by written order restrict the use of any adult community-based
5.16 residential correctional facility that does not comply with this chapter as required under
5.17 part 2920.0210 or, where specific conditions exist which endanger the health, welfare, or
5.18 safety of residents or staff.

5.19 **2920.1100 VARIANCE OR WAIVER OF SPECIFIC RULE.**

5.20 Subpart 1. **Granting of variance or waiver.** The granting of a variance or waiver
5.21 under this part does not constitute a precedent for any other community correctional
5.22 facility. The commissioner shall grant a variance or waiver of a specific rule, if, in the
5.23 licensing procedure or enforcement of the standards the commissioner finds that:

5.24 A. to require a particular adult community-based residential correctional facility
5.25 to comply strictly with one or more of the provisions will result in undue hardship;

6.1 B. the facility is otherwise in compliance with this chapter;

6.2 C. the facility substantially complies with specific conditions the commissioner
6.3 deems necessary for the protection of health, safety, and welfare of the residents and it
6.4 does not have a substantially negative effect on public safety.

6.5 Subp. 2. **Variance or waiver review.** Variances or waivers must be reviewed during
6.6 the on-site inspection to determine if the variances or waivers should be continued.

6.7 **2920.1200 ON-SITE INSPECTION.**

6.8 Following the receipt of the application and materials requested, the commissioner
6.9 shall conduct the appropriate on-site inspection, determine if the license is appropriate,
6.10 and notify the applicant of the determination in writing.

6.11 **2920.1300 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.**

6.12 After the application for license is approved by the commissioner, the applicant
6.13 will receive by mail a license which must set forth the conditions under which the adult
6.14 community-based residential correctional facility may operate. The terms of the license
6.15 must include the operating name of the facility, the maximum number and sex of the
6.16 residents to be served, and the period of time for which the license is effective, and may
6.17 include other limitations which the commissioner may prescribe. An accompanying
6.18 document to the license must contain a summary of inspection findings.

6.19 **2920.1400 APPEAL PROCEDURE.**

6.20 The program administrator shall be given written notice of the action under part
6.21 2920.1300 and of the right to appeal the decision of the commissioner in writing within
6.22 ten business days from receipt of the written notice of the action. The commissioner
6.23 shall advise the program administrator of the commissioner's action on the appeal no
6.24 later than 30 days after receipt of the written appeal. If the program administrator is not
6.25 satisfied with the commissioner's action on the appeal, the program administrator may
7.1 request a contested case hearing to be conducted by the Office of Administrative Hearings.
7.2 Following the report of the administrative law judge, the commissioner shall make a

7.3 final decision in accordance with Minnesota Statutes, chapter 14. While the appeal is in
7.4 process with the Office of Administrative Hearings, the adult community-based residential
7.5 correctional facility may continue to operate unless there are life and safety or public
7.6 safety issues.

7.7 **2920.1500 LIMITATION ON LICENSE RENEWAL.**

7.8 When an adult community-based residential correctional facility license has been
7.9 revoked or not renewed because the facility is not in compliance with this chapter and the
7.10 facility presents a risk to public safety, it shall not be inspected and granted a new license
7.11 for a period of one year following the revocation, denial, or nonrenewal. A new license is
7.12 granted when the facility is in compliance with this chapter.

7.13 **2920.1800 LEGAL STATUS OF AND AUTHORITY FOR ADULT**
7.14 **COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITY.**

7.15 Subpart 1. **Legal entity.** It is mandatory that the public or private agency operating
7.16 an adult community-based residential correctional facility is a legal entity or part of
7.17 a legal entity.

7.18 Subp. 2. [Repealed, 9 SR 1655]

7.19 Subp. 3. [Repealed, 9 SR 1655]

7.20 Subp. 4. **Written statement.** It is mandatory that the facility has a written statement
7.21 clearly stating its mission, the population serviced, and the type of services provided.
7.22 This must be done in a form suitable for distribution to staff, residents, referral sources,
7.23 funding agencies, and the general public.

7.24 Subp. 5. **Governing body advisory board.** It is mandatory that the facility has
7.25 a governing board composed of the president, secretary, and treasurer. The program
8.1 administrator may be on the board. There may be an advisory board with membership
8.2 from the specific target group and the immediate neighborhood population and additional
8.3 membership according to the size and function of the individual facility.

8.4 **2920.2000 MEETINGS TO BE HELD.**

8.5 The governing board of the facility shall hold meetings at least biannually in order to
8.6 establish policy and ensure conformity to legal and fiscal requirements.

8.7 **2920.2100 RECORD MAINTENANCE.**

8.8 The facility shall maintain records of its activities, including the minutes of board
8.9 meetings, financial data, and statistical information. The records are subject to review by
8.10 the commissioner.

8.11 **2920.2400 ARTICLES OF INCORPORATION OR CONSTITUTION.**

8.12 It is mandatory that the facility have a constitution or articles of incorporation that
8.13 meet all of the legal requirements of the governmental jurisdiction in which the facility
8.14 is located.

8.15 **2920.2500 MANAGEMENT; GENERAL.**

8.16 It is mandatory that the facility is managed by a single administrative officer who
8.17 shall implement the policies of the board.

8.18 **2920.2600 MONITORING SYSTEM.**

8.19 The facility shall have a system to monitor the program through inspections and
8.20 reviews by the program administrator or designated staff.

8.21 **2920.2700 OPERATIONS MANUAL.**

8.22 The adult community-based residential correctional facility shall have a policy and
8.23 procedure manual that defines the philosophy and method for operating and maintaining
8.24 the facility. This manual must be made available to all employees, reviewed annually,
9.1 updated as needed, and used to train employees. The manual must include the following
9.2 chapters:

9.3 A. standards required by this chapter;

9.4 B. administration and organization;

- 9.5 C. fiscal management;
- 9.6 D. personnel;
- 9.7 E. training;
- 9.8 F. admissions, orientation, property procedures, and discharge;
- 9.9 G. resident activities;
- 9.10 H. resident records;
- 9.11 I. medical and health care services;
- 9.12 J. resident rules and discipline;
- 9.13 K. communication, mail, and visiting;
- 9.14 L. safety and emergency;
- 9.15 M. security and resident accountability;
- 9.16 N. sanitation and hygiene; and
- 9.17 O. food service.

9.18 The program administrator or designee shall annually review the policy and procedure
9.19 manual. The review must be documented in writing sufficient to indicate that policies and
9.20 procedures have been reviewed and amended as appropriate to facility changes.

9.21 **2920.2800 BYLAWS.**

10.1 Bylaws shall meet all the legal requirements of the governmental jurisdiction in
10.2 which the facility is located, and shall include provisions for regular and special meetings,
10.3 and for recording of minutes.

10.4 **2920.3000 ANNUAL WRITTEN BUDGET.**

10.5 The program administrator or designated employee shall prepare an annual written
10.6 budget of anticipated revenues and expenditures which is approved by the governing
10.7 board.

10.8 **2920.3200 FINANCIAL AUDIT.**

10.9 The facility fiscal process must include an annual financial audit.

10.10 **2920.3400 WRITTEN FISCAL SYSTEM.**

10.11 The facility shall have a written fiscal system that accounts for all income and
10.12 expenditures on an ongoing basis and shall include internal controls, petty cash, bonding,
10.13 signature control on checks, resident funds, and employee expense reimbursement.

10.14 **2920.3600 INSURANCE COVERAGE.**

10.15 It is mandatory that the facility have professional liability insurance, workers'
10.16 compensation, and physical plant insurance.

10.17 **2920.3700 PERSONNEL POLICIES; GENERAL.**

10.18 Subpart 1. **Written policies.** There shall be written personnel policies for personnel
10.19 employed by the adult community-based residential correctional facility, which specify
10.20 salaries, increments, hours of work, work schedule, benefits, periodic performance
10.21 evaluation, and other conditions of employment.

10.22 Subp. 2. **Policies available to employees.** Personnel policies shall be available to
10.23 each employee upon employment. The facility shall inform each employee of the duties
10.24 assigned to the employee, a position and organizational chart showing all of the positions
10.25 in the agency, general conditions which constitute grounds for dismissal and suspension,
11.1 and a grievance procedure. The grievance procedures shall allow the aggrieved party to
11.2 bring the grievance to at least one level above the employee's supervisor.

11.3 Subp. 3. **Policies available to commissioner.** The personnel policies shall be
11.4 available to the commissioner.

11.5 Subp. 4. [See repealer.]

11.6 Subp. 5. **Consistent care arrangements in absence of regular staff.** During the
11.7 absence of regular staff for time off, vacation, and sick leave, arrangements shall be
11.8 provided to ensure consistent care of the residents.

11.9 Subp. 6. **Availability of staff.** It is mandatory that the facility have staff available or
11.10 on call 24 hours a day, seven days a week, on duty and awake.

11.11 Subp. 7. **Ratio of staff to licensed capacity.** It is mandatory that the ratio of staff
11.12 to residents must be at least one staff person for every 40 residents on site. The facility
11.13 must have staff appropriate to the provided programming.

11.14 Subp. 8. **Maintenance of personnel record.** The facility shall make provisions
11.15 for, and allow time for, a personnel record to be kept for each staff member which
11.16 includes date of beginning and end of employment, hours, salary or wages, qualifications,
11.17 evaluations, resume or application, references, and training sessions.

11.18 **2920.3800 TRAINING PROGRAM.**

11.19 Subpart 1. **Orientation session for new employees.** It is mandatory that the facility
11.20 provide an orientation session for new employees. There must be a minimum of 30 hours
11.21 of training that is relevant to staff duties and the population served. The training must
11.22 be documented.

11.23 Subp. 2. **In-service training program.** It is mandatory that the facility have a yearly
11.24 training plan. The facility shall provide a minimum of 16 hours per year of training to help
12.1 staff meet the individual and group needs of residents. The training must be relevant to the
12.2 staff member's duties. The training must be documented.

12.3 Subp. 3. [See repealer.]

12.4 Subp. 4. **First aid training.** Employees who provide direct service to residents
12.5 must have first aid and cardiopulmonary resuscitation (CPR) training. Certificates or
12.6 documents verifying current training must be kept in the staff member's file. Training

12.7 must be provided by a certified instructor. At least one staff member in the facility must
12.8 have current first aid and CPR training.

12.9 Subp. 5. [See repealer.]

12.10 Subp. 6. [Repealed, 9 SR 1655]

12.11 **2920.3900 MANTOUX TEST OR CHEST X-RAY REQUIRED.**

12.12 It is mandatory that staff and residents be screened for tuberculosis according to
12.13 Minnesota Statutes, section 144.445.

12.14 **2920.4000 QUALIFICATIONS OF STAFF.**

12.15 Subpart 1. [Repealed, 9 SR 1655]

12.16 Subp. 2. **Program administrator.** The program administrator must have at least a
12.17 Bachelor of Arts degree in any of the human services fields, or equivalent education and
12.18 two years of work experience in corrections, social service, or administration.

12.19 Subp. 3. **Direct service staff.** The direct service staff shall have a high school
12.20 diploma or equivalency and work or volunteer experience in corrections or related fields
12.21 and must be selected on the basis of the ability to perform assigned tasks. Staff with
12.22 primarily security functions must have a high school diploma or equivalency and the
12.23 ability to perform the assigned tasks.

12.24 Subp. 4. [Repealed, 9 SR 1655]

13.1 Subp. 5. **Requirements.** All staff shall be at least 18 years of age and have a
13.2 criminal record background check before employment at the facility. A staff member may
13.3 not be a resident of the program. Unpaid students and volunteers providing services are
13.4 not considered staff. An adult community-based residential correctional facility may
13.5 hire or retain a staff member or prospective staff member who has a felony criminal
13.6 conviction. The prospective staff member must no longer be on active correctional

13.7 supervision. The facility must notify the commissioner of this fact and provide relevant
13.8 information about the decision.

13.9 Subp. 6. **Job descriptions.** The facility must have a written job description for all
13.10 positions that define responsibilities, duties, and qualifications.

13.11 **2920.4100 STUDENTS OR VOLUNTEERS.**

13.12 When students or volunteers are used in adult community-based residential
13.13 correctional facilities, a written policy and procedure must provide that a staff member
13.14 is responsible for coordinating the volunteer service program. The policy must include
13.15 the following elements:

13.16 A. lines of authority, responsibility, and accountability for the volunteer services;

13.17 B. a procedure for the screening and selection of volunteers that includes
13.18 background screening;

13.19 C. an orientation training program appropriate to the nature of the assignment;

13.20 D. a requirement that volunteers agree in writing to abide by all program rules
13.21 and policies, particularly relating to confidentiality of information; and

13.22 E. a statement that the program administrator may discontinue a volunteer
13.23 activity at any time by written notice.

13.24 **RESIDENT ADMISSIONS AND RECORDS**

14.1 **2920.4300 ADMISSIONS POLICIES.**

14.2 The adult community-based residential correctional facility shall establish clearly
14.3 defined and written admissions policies and procedures, which state the age range, sex,
14.4 and characteristics of acceptable clients. Admission policies must be available to be
14.5 disseminated to all referral sources and the commissioner. The referral agency must
14.6 provide the name, date of birth, and the authority a particular person holds before the
14.7 person is admitted to the facility.

14.8 **2920.4400 ADMISSION FORM.**

14.9 The adult community-based residential correctional facility referral form on each
14.10 client to be admitted into residency includes at a minimum:

14.11 A. name;

14.12 B. address;

14.13 C. date of birth;

14.14 D. sex;

14.15 E. reason for referral;

14.16 F. whom to notify in case of emergency;

14.17 G. date information gathered;

14.18 H. signature of both interviewee and interviewer gathering information;

14.19 I. name of referring agency of committing authority;

14.20 J. special medical problems or needs;

14.21 K. legal status, including jurisdiction, length, and conditions of placement;

14.22 L. financial arrangements for medical care;

14.23 M. financial arrangements for placement;

15.1 N. present medications;

15.2 O. driver's license or Minnesota state identification number; and

15.3 P. vehicle title and vehicle insurance, if applicable.

15.4 **2920.4600 RESIDENT ADMISSION.**

15.5 At the time of admission, the staff shall discuss general program goals, services
15.6 available, expectations for successful completion of the program, program rules, and

15.7 possible disciplinary actions with the residents. This information must be documented in
15.8 writing and readily accessible to residents.

15.9 **2920.4900 RESIDENT RECORDS.**

15.10 Subpart 1. **Space.** The facility must provide space for the safe storage of records.

15.11 Subp. 2. **General.** The facility must maintain accurate and complete case records,
15.12 reports, and statistics necessary for the conduct of its program. Appropriate safeguards
15.13 must be established to protect the confidentiality of the records, and minimize the
15.14 possibility of theft, loss, or destruction.

15.15 Subp. 3. **Plan.** Facility staff and the resident shall develop a written service plan that
15.16 specifies the needs of the resident; the expected goals and objectives of the individualized
15.17 plan; the participation of the resident, staff, support services, and community resources
15.18 in the attainment of these goals and objectives; and the resident's progress in meeting
15.19 the goals.

15.20 Subp. 4. **Records.** Residents' records must be incorporated into individual folders
15.21 and filed or maintained through advanced technology such as microfiche or computerized
15.22 record systems that permit a resident's record to be readily accessed at one source.

15.23 Subp. 5. **Summary of resident's progress.** The record must include a summary of
15.24 the resident's progress. These reports must be recorded regularly and must include the
15.25 following:

16.1 A. significant incidents, both positive and negative;

16.2 B. changes in family situation;

16.3 C. future planning;

16.4 D. summary of resident's development;

16.5 E. grievances; and

16.6 F. disciplinary actions, if any.

16.7 Subp. 6. **Correspondence.** All professional correspondence relevant to the resident
16.8 must be kept in the record.

16.9 Subp. 7. **Sex offenders.** If the facility agrees to take residents that fall under the
16.10 community notification law as provided by Minnesota Statutes, section 244.052, and
16.11 the predatory offender registration law as provided by Minnesota Statutes, sections
16.12 243.166 and 243.167, it is mandatory that there are policies and procedures to ensure that
16.13 appropriate paperwork has been completed and the appropriate people are notified before
16.14 the resident is released.

16.15 Subp. 8. **Data privacy.** The facility must inform residents admitted to the program of
16.16 the information gathered by the facility and to whom the information will be disseminated.
16.17 The facility must have a policy regarding the sharing of nongovernmental data. Minnesota
16.18 Statutes, section 13.05, subdivision 6, requires that when there is a contract with a
16.19 governmental agency the data must be administered consistent with Minnesota Statutes,
16.20 chapter 13. This may include mandatory reporting under Minnesota Statutes, section
16.21 626.556.

16.22 Subp. 9. **Sharing of data with those in resident's service plan.** The facility must
16.23 share the content of the resident's record and data collected by the facility with individuals
16.24 or agencies that have legal jurisdiction. Upon admission, the facility must inform residents
16.25 about data practice policies and have residents sign consent forms, if appropriate.

17.1 Subp. 10. **Law enforcement.** The facility must inform residents what information
17.2 collected and maintained by the facility is provided to law enforcement.

17.3 Subp. 11. **Written policy concerning consent form.** The facility must have a
17.4 release of information consent form, which includes:

17.5 A. name of person, agency, or organization requesting information;

- 17.6 B. name of person, agency, or organization releasing information;
- 17.7 C. the specific information to be disclosed;
- 17.8 D. the purpose or need for the information;
- 17.9 E. date consent form is signed;
- 17.10 F. signature of the resident;
- 17.11 G. signature of an individual witnessing resident signature;
- 17.12 H. date consent form expires; and
- 17.13 I. that the authorization can be withdrawn in writing.

17.14 Subp. 12. **Policy.** The facility must develop a policy for the classification and
17.15 retention of resident and personnel files. The records must be maintained for a minimum of
17.16 three years unless laws or contracts require that the records be retained longer. The facility
17.17 must incorporate any applicable state and federal laws regarding data classification.

17.18 **2920.5000 INVOLVEMENT OF RESIDENT IN FAMILY AND COMMUNITY**
17.19 **ACTIVITIES.**

17.20 Subpart 1. **Plan.** It is mandatory that the adult community-based residential
17.21 correctional facility has a written policy and procedures that provide increasing
17.22 opportunities and privileges for resident involvement with family and in community
17.23 activities prior to final release.

18.1 Subp. 2. **Involvement in community.** It is mandatory that the facility uses
18.2 community resources where appropriate to assist residents:

- 18.3 A. in learning to use leisure time constructively;
- 18.4 B. in finding suitable employment;
- 18.5 C. in locating financial assistance through community resources;
- 18.6 D. in education and vocational training programs; and

18.7 E. with services to become self-sufficient, including assistance in obtaining
18.8 housing, transportation, medical and dental services, and money management.

18.9 Subp. 3. **Visitation.** It is mandatory that the program administrator develops and
18.10 implements a visiting policy. The policy must be in writing and include:

18.11 A. a schedule of visiting hours that includes the days and times for visits;

18.12 B. visiting rules that:

18.13 (1) designate the number of visitors permitted per visit;

18.14 (2) require documentation of visitation denial; and

18.15 (3) require minors to be supervised by a parent, person responsible for
18.16 supervision of the child, or program staff at all times while visiting the facility; and

18.17 C. policy regarding what visitors are permitted to bring to the visit.

18.18 Subp. 4. **Correspondence.** It is mandatory that the facility have a written policy
18.19 and procedure that governs resident correspondence. The volume of written mail to or
18.20 from a resident must not be restricted. If a facility restricts or inspects mail, the facility
18.21 must have a written policy and procedure which requires:

18.22 A. when resident letters, both incoming and outgoing, may be opened and
18.23 inspected for contraband;

19.1 B. that residents are notified when incoming or outgoing letters are rejected;

19.2 C. that letters must not be read or censored if the letters are between a resident
19.3 and an elected official, officials of the Department of Corrections, attorneys, or other
19.4 officers of the court, but inspection of incoming mail from the specified class of persons
19.5 noted may be opened to inspect for contraband in the presence of the resident; and

19.6 D. that residents are notified of any restrictions in the amount of money the
19.7 resident may have at the facility.

19.8 Subp. 5. **Telephone access.** It is mandatory that the facility have a written policy and
19.9 procedure that provides for resident access to a telephone, including:

19.10 A. requiring attorney or resident telephone consultation to be private;

19.11 B. permitting residents telephone access to maintain contact with family
19.12 members or significant others; and

19.13 C. requiring documentation for denial of telephone access or contact with
19.14 specific people.

19.15 **2920.5100 WORK ASSIGNMENTS.**

19.16 The facility must have policy and procedures regarding in-house work assignments.
19.17 Required work assignments must be appropriate to residents' ages and ability. Residents
19.18 may not be required to perform work that is inappropriate for them for physical reasons.
19.19 Safety measures shall be established when work could be deemed hazardous.

19.20 Residents may not be required to perform personal duties for staff or replace
19.21 employed staff.

19.22 Written policy must include a system of periodic checks of residents at their place of
19.23 employment.

20.1 If staff wish to enter into business arrangements or financial transactions with
20.2 residents, all transactions must be approved by the program administrator. The agreement
20.3 and approval must be documented.

20.4 **2920.5200 ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL**
20.5 **FACILITY RULES AND GRIEVANCES.**

20.6 The facility must establish a method whereby residents and staff review group,
20.7 resident, or program problems; and review rules, changes in rules, and procedures in
20.8 the facility.

20.9 A written grievance procedure must be made available to each resident that outlines
20.10 the grievance procedure and the appeal process.

20.11 **2920.5300 RELIGION.**

20.12 It is mandatory that facility policy requires that each resident has the right to freedom
20.13 of religious affiliation and voluntary religious worship, providing that the exercise of these
20.14 rights does not directly interfere with the reasonable security and program structure,
20.15 rules, and expectations.

20.16 It is mandatory that programs with a religious component have written policies and
20.17 procedures regarding religious programming and expectations.

20.18 **2920.5400 FOOD SERVICE.**

20.19 Subpart 1. **Sanitation and health regulations.** When the facility provides or
20.20 contracts for food service, the service must comply with and meet all sanitation and
20.21 health regulations.

20.22 Subp. 2. **Health rules.** Food service must be provided according to parts 4626.0010
20.23 to 4626.1870.

20.24 Subp. 3. **Dietary standards.** It is mandatory that facility menus meet recognized
20.25 dietary standards. A facility's menu content and cycle must be reviewed at least biennially
21.1 by a registered dietitian or nutritionist to ensure compliance with the rules specified in
21.2 subpart 2 unless there have been no changes to the menu. The review and findings must
21.3 be documented and kept on file.

21.4 Subp. 4. **Manager.** If the facility is preparing the meals, the facility must have a
21.5 certified food manager.

21.6 Subp. 5. **Therapeutic diets.** A facility must have policies and procedures to address
21.7 therapeutic diets that have been ordered by a physician.

21.8 Subp. 6. **Religious diets.** A facility must have a written policy and procedure that
21.9 addresses requests for special diets by residents to accommodate religious dietary laws.

21.10 Subp. 7. **Substitutions.** A facility must keep records of one menu rotation and
21.11 substitutions actually served. Substitutions must be of equal nutritional value.

21.12 Subp. 8. **Hot meals.** One of the meals served daily must be a hot meal.

21.13 **2920.5700 DISCIPLINE AND DISCIPLINARY ACTION.**

21.14 It is mandatory that if disciplinary action is necessary, the following rules must be
21.15 observed:

21.16 A. the adult community-based residential correctional facility shall have written
21.17 policies that are available to the residents and staff regarding methods used for control
21.18 and discipline;

21.19 B. disciplinary action may not be delegated to other residents;

21.20 C. residents shall not be denied food, mail, or sleep as punishment;

21.21 D. physical punishment or any kind of punishment inflicted on the body, such as
21.22 slapping, shall not be used;

22.1 E. physical force shall be used only in instances of justifiable self-protection,
22.2 protection of others, and prevention of property damage, and only to the degree necessary
22.3 to control the situation. The action taken shall be documented and placed on file;

22.4 F. written policy and procedures must ensure that room restriction, if used,
22.5 does not exceed eight hours and that staff make contact with the resident at least hourly
22.6 to ensure the well-being of the resident;

22.7 G. written policy must ensure that restriction to the facility for more than 72
22.8 hours, excluding holidays and weekends, requires a review by a person or panel of staff
22.9 who are not directly involved in the incident leading to the restriction;

22.10 H. all instances of disciplinary action must be documented, dated, and signed by
22.11 staff implementing the action; and

22.12 I. written policy and procedures must ensure supervisory review of major
22.13 violations and disciplinary actions.

22.14 **2920.5900 SECURITY PROCEDURES.**

22.15 Written policies regarding security measures are required and must include:

22.16 A. that the staff shall maintain a system of accounting for the residents at all
22.17 times;

22.18 B. that the facility shall have written procedures for the reporting of absconders;

22.19 C. that the facility shall notify appropriate probation officers, parole officers,
22.20 victims, if legally required, and other relevant officials as soon as it has been determined
22.21 that a resident is missing;

22.22 D. that the written policy shall prohibit weapons of any kind from being brought
22.23 into the facility except by peace officers during the course of duties. The facility may have
22.24 policy regarding the use of chemical agents by trained staff members; and

22.25 E. a key inventory system for facility and resident keys.

23.1 **2920.6000 PERSONAL POSSESSIONS.**

23.2 Subpart 1. **General.** Each resident shall be allowed to bring appropriate personal
23.3 possessions to the adult community-based residential correctional facility and shall
23.4 be allowed to acquire possessions to the extent the facility is able to accommodate
23.5 possessions.

23.6 Subp. 2. **Contraband defined.** The facility shall have written definitions of what is
23.7 considered contraband.

23.8 Subp. 3. **Information concerning prohibited items.** Information shall be made
23.9 available to the residents, family members, and friends concerning what personal
23.10 possessions and kinds of gifts are prohibited.

23.11 Subp. 4. **System of accounting.** Policy must dictate the system of accounting for
23.12 the resident's personal items if stored in the facility and a procedure to be followed for
23.13 dispersal of these items if a resident absconds or leaves the facility without taking these
23.14 items. The facility must have the resident designate a person who may pick up property
23.15 and dispose of it under specified circumstances. The facility must make a reasonable effort
23.16 to keep property safe during this period of time.

23.17 **2920.6100 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.**

23.18 [For text of subp 1, see M.R.]

23.19 Subp. 2. **Written consent requirement.** The facility shall not use reports or pictures
23.20 from which residents can be identified without written consent from the resident. The
23.21 signed consent form shall be on file at the facility before any reports or pictures from
23.22 which residents can be identified are used. The signed consent form shall indicate how the
23.23 information shall be used.

23.24 **2920.6200 SEARCHES.**

24.1 In compliance with applicable laws, the facility shall maintain and post written
24.2 policies and procedures for conducting searches of residents, their belongings, and all
24.3 areas of the facility to control contraband and locate missing or stolen property. The
24.4 facility must have a policy that addresses searches of visitors.

24.5 **2920.6300 COMPLIANCE WITH LAWS.**

24.6 It is mandatory that the facility comply with zoning codes, building codes, housing
24.7 codes, and health and fire codes.

24.8 It is the responsibility of the program administrator to request necessary inspections.
24.9 Health and fire inspections must be done as required by the health and fire department.

24.10 Written documentation that all building and zoning codes are met must be on file
24.11 at the facility.

24.12 **2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.**

24.13 Written policy and procedures must specify the facility's fire prevention regulations
24.14 and practices. New staff must be trained on these procedures during facility orientation.

24.15 These procedures must include:

24.16 A. provision for an adequate fire protection service;

24.17 B. a system of fire inspection and testing of equipment determined by the local
24.18 fire official;

24.19 C. smoke detectors;

24.20 D. annual fire drills and extinguishers; and

24.21 E. procedures requiring one staff member to be knowledgeable about potential
24.22 fire hazards and to make monthly inspections that must be documented.

24.23 **2920.6500 DISASTERS AND EMERGENCIES; PLANS AND PROCEDURES.**

25.1 Subpart 1. **Plans.** There shall be written plans and procedures for meeting potential
25.2 disasters and emergencies, such as fire, severe weather, or other emergencies. All staff
25.3 shall be familiar with the procedures for meeting potential disaster.

25.4 Subp. 2. **Reporting of unusual occurrences.** Incidents of an unusual or serious
25.5 nature must be reported within ten days of the incident to the Department of Corrections
25.6 in a manner required by the department. Incidents of an unusual or serious nature include
25.7 such incidents as:

25.8 A. attempted suicide;

25.9 B. suicide;

25.10 C. homicide;

25.11 D. death, by means other than suicide or homicide;

25.12 E. serious injury or illness incurred subsequent to placement including incidents
25.13 resulting in hospitalization for medical care or hospitalization associated with mental
25.14 health needs;

25.15 F. incidents of fire requiring medical treatment of staff or residents or a response
25.16 by a local fire authority;

25.17 G. riot;

25.18 H. assaults of one resident by another;

25.19 I. assaults of staff by resident;

25.20 J. occurrences of infectious diseases and action taken relative to same when a
25.21 medical authority has determined that the inmate must be isolated from other inmates; and

25.22 K. sexual misconduct between residents or between staff and a resident.

26.1 Subp. 3. **Absconding.** The facility must report absconding and all incidences of
26.2 litigation filed against the facility resulting from matters related to the placement of a
26.3 resident on the department quarterly reporting form.

26.4 Subp. 4. **Emergency notification.** In the event of an emergency such as serious
26.5 illness, accident, or imminent death, the facility must notify the individuals designated
26.6 by the resident. Permission for notification must be obtained from the resident prior
26.7 to need, if possible.

26.8 Subp. 5. **Resident death.** The facility must have a written policy and procedures to
26.9 specify actions to be taken in the event of a resident death. The policy and procedures
26.10 must include such information as:

26.11 A. the date, time, and circumstances of the resident's death recorded in the
26.12 resident's record; and

26.13 B. the notification procedure for the Department of Corrections Inspection and
26.14 Enforcement Unit.

26.15 **2920.6600 BUILDINGS AND GROUNDS.**

26.16 Subpart 1. **General.** Building and grounds must be clean and in good repair. There
26.17 must be a maintenance budget for ongoing repair and replacement of equipment for the
26.18 facility.

26.19 Subp. 2. **New or renovated buildings.** Building plans and specifications for
26.20 new construction, conversion of existing buildings, and any structural modifications
26.21 or additions to existing licensed buildings must be consistent with the purpose of the
26.22 adult community-based residential correctional facility and must be approved by the
26.23 commissioner.

27.1 Subp. 3. **Heating equipment.** Heating equipment shall be in good condition, vented,
27.2 and capable of maintaining consistent uniform temperatures as well as eliminating drafts.
27.3 A comfortable temperature range shall be maintained in all rooms occupied by residents.

27.4 **2920.6700 BEDROOMS; REQUIREMENTS.**

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

27.6 Subp. 4. **Separate bedrooms.** Male and female residents may not occupy the same
27.7 bedrooms.

27.8 An exception may be made when there is a parenting component of the program.

27.9 Subp. 5. [See repealer.]

27.10 Subp. 6. **Sharing prohibited.** Adults and children may not share bedrooms. An
27.11 exception may be made when there is a parenting component of the program or when the
27.12 youth is a certified adult or an extended juvenile jurisdiction youth.

27.13 **2920.6800 FURNISHINGS PROVIDED EACH RESIDENT.**

27.14 Each resident shall be provided, at a minimum: bed, mattress, supply of bed linen and
27.15 towels, adequate lighting, and closet/locker space.

27.16 **2920.6900 COUNSELING SPACE AND VISITING ROOM.**

27.17 Private counseling space must be provided in the facility.

27.18 Space must be provided to accommodate group meetings.

27.19 A visiting area must be provided for residents to receive and talk with visitors.

27.20 **2920.7200 TRANSPORTATION.**

27.21 Subpart 1. **Policy and procedures.** Written policy and procedures shall govern the
27.22 use and maintenance of facility motor vehicles.

27.23 Subp. 2. **Availability.** Transportation shall be available for use in emergencies.

27.24 **2920.7300 ENVIRONMENT.**

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

28.2 An adult community-based residential correctional facility may not have roomers or
28.3 boarders in the facility without special permission from the program administrator. The
28.4 facility shall keep the commissioner notified as to the presence of all persons living in
28.5 the facility other than residents.

28.6 **2920.7400 HEALTH CARE AND MEDICAL SERVICES.**

28.7 Subpart 1. **Policy and procedures.** It is mandatory that the facility have written
28.8 policies and procedures for medical, dental, and psychological emergencies.

28.9 Written policies and procedures shall clarify for the staff what medical care may be
28.10 given by them without specific orders from a licensed medical doctor. The staff shall be
28.11 instructed as to how to obtain medical care and how to handle emergency cases.

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

28.13 Subp. 3. **Medication.** The program health care plan shall adhere to state and
28.14 federal laws and rules regarding distribution of medications. The plan shall stipulate that
28.15 medications be administered only as instructed by a licensed physician.

28.16 It is mandatory that:

28.17 A. the program administrator establish policies and procedures for reviewing
28.18 the safe use, storage, and disbursement of prescription drugs. The policies must address
28.19 which medication the residents are not allowed to keep on the resident's person;

28.20 B. medications that cannot be kept on the resident's person must be kept in a
28.21 secured area and documented when given to a resident;

28.22 C. there are policies and procedures to address destruction of medication; and

28.23 D. there are policies regarding the use of over-the-counter medications.

28.24 Subp. 4. **Research consent.** A written policy must govern voluntary participation in
28.25 testing for experimental or research purposes with informed consent.

29.1 Subp. 5. **First aid.** It is mandatory that the facility shall have first aid equipment
29.2 available at all times for medical emergencies.

29.3 One staff member on each shift of the residential program shall be trained in
29.4 emergency first aid and cardiopulmonary resuscitation procedures.

29.5 Subp. 6. **Community health care agencies.** The facility shall maintain working
29.6 relations with community health care agencies in order to assist residents in meeting
29.7 their health needs.

29.8 **2920.7500 RECORDS AND EVALUATION OF RESIDENTS.**

29.9 Subpart 1. [See repealer.]

29.10 Subp. 2. **Medical consent.** In addition to the data required in the intake study, it is
29.11 mandatory that the resident's record include consent for life-threatening emergencies and
29.12 emergency dental, medical, and psychiatric care.

29.13 Subp. 3. **Medical records.** When necessary, the facility must keep medical records
29.14 or have access to available medical information on a resident.

29.15 Subp. 4. [See repealer.]

29.16 Subp. 5. [See repealer.]

29.17 Subp. 6. [Repealed, 9 SR 1655]

29.18 Subp. 7. [See repealer.]

29.19 Subp. 8. [See repealer.]

29.20 Subp. 9. [Repealed, 9 SR 1655]

29.21 Subp. 10. [See repealer.]

29.22 Subp. 11. [See repealer.]

29.23 Subp. 12. [Repealed, 9 SR 1655]

30.1 **2920.7600 PERSONNEL RECORDS.**

30.2 Subpart 1. **General requirement; contents of records.** The adult community-based
30.3 residential correctional facility shall maintain an accurate personnel record on each
30.4 employee which shall include:

30.5 A. initial application;

30.6 B. appropriate results of employment investigation, if done;

30.7 C. training and experience verification;

30.8 D. wage and salary information;

30.9 E. job performance evaluation completed at least annually;

30.10 F. training programs which the employee participated in after employment
30.11 began;

30.12 G. documentation of sick leave, leave of absence, and vacation;

30.13 H. grievance and disciplinary actions, if any;

30.14 I. tuberculosis screening as required by law;

30.15 J. dates of employment and termination with reason for termination; and

30.16 K. results of a criminal history check.

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

30.18 **RENUMBERING.** Minnesota Rules, part 2920.0100, subpart 11, is renumbered as
30.19 Minnesota Rules, part 2920.0100, subpart 16a.

30.20 **REPEALER.** Minnesota Rules, parts 2920.0100, subparts 6, 7, 9, 14, 15, 18, 19, 20,
30.21 21, 22, 23, 24, 25, 26, and 28; 2920.0200, subpart 1; 2920.0500, subpart 3; 2920.1900;
30.22 2920.2300; 2920.2900; 2920.3100; 2920.3300; 2920.3500; 2920.3700, subpart 4;
30.23 2920.3800, subparts 3 and 5; 2920.4200; 2920.4700; 2920.4800; 2920.5500; 2920.5600;
31.1 2920.5800; 2920.6700, subpart 5; 2920.7500, subparts 1, 4, 5, 7, 8, 10, and 11; 2920.7700;
31.2 2920.7800; and 2920.7900, are repealed.