

**CHAPTER 245B**

**STANDARDS GOVERNING SERVICES  
TO MENTALLY RETARDED**

245B.02 Definitions.  
245B.055 Staffing for day training and habilitation services.

245B.07 Management standards.

**245B.02 DEFINITIONS.**

*[For text of subs 1 to 9, see M.S.2004]*

Subd. 10. **Incident.** "Incident" means any of the following:

- (1) serious injury as determined by section 245.91, subdivision 6;
- (2) a consumer's death;
- (3) any medical emergencies, unexpected serious illnesses, or accidents that require physician treatment or hospitalization;
- (4) a consumer's unauthorized absence;
- (5) any fires or other events that require the relocation of services for more than 24 hours, or circumstances involving a law enforcement agency or fire department related to the health, safety, or supervision of a consumer;
- (6) physical aggression by a consumer against another consumer that causes physical pain, injury, or persistent emotional distress, including, but not limited to, hitting, slapping, kicking, scratching, pinching, biting, pushing, and spitting;
- (7) any sexual activity between consumers involving force or coercion as defined under section 609.341, subdivisions 3 and 14; or
- (8) a report of child or vulnerable adult maltreatment under section 626.556 or 626.557.

*[For text of subs 11 to 24, see M.S.2004]*

**History:** 1Sp2005 c 4 art 1 s 23

**245B.055 STAFFING FOR DAY TRAINING AND HABILITATION SERVICES.**

*[For text of subs 1 to 6, see M.S.2004]*

Subd. 7. **Determining number of direct service staff required.** The minimum number of direct service staff members required at any one time to meet the combined staff ratio requirements of the persons present at that time can be determined by following the steps in clauses (1) through (4):

- (1) assign each person in attendance the three-digit decimal below that corresponds to the staff ratio requirement assigned to that person. A staff ratio requirement of one to four equals 0.250. A staff ratio requirement of one to eight equals 0.125. A staff ratio requirement of one to six equals 0.166. A staff ratio requirement of one to ten equals 0.100;
- (2) add all of the three-digit decimals (one three-digit decimal for every person in attendance) assigned in clause (1);
- (3) when the sum in clause (2) falls between two whole numbers, round off the sum to the larger of the two whole numbers; and
- (4) the larger of the two whole numbers in clause (3) equals the number of direct service staff members needed to meet the staff ratio requirements of the persons in attendance.

*[For text of subs 8 and 9, see M.S.2004]*

**History:** 1Sp2005 c 4 art 1 s 24

**245B.07 MANAGEMENT STANDARDS.**

*[For text of subs 1 to 7, see M.S.2004]*

**Subd. 8. Policies and procedures.** The license holder must develop and implement the policies and procedures in paragraphs (1) to (3).

(1) Policies and procedures that promote consumer health and safety by ensuring:

(i) consumer safety in emergency situations;

(ii) consumer health through sanitary practices;

(iii) safe transportation, when the license holder is responsible for transportation of consumers, with provisions for handling emergency situations;

(iv) a system of record keeping for both individuals and the organization, for review of incidents and emergencies, and corrective action if needed;

(v) a plan for responding to all incidents, as defined in section 245B.02, subdivision 10, and reporting all incidents required to be reported under section 245B.05, subdivision 7;

(vi) safe medication administration as identified in section 245B.05, subdivision 5, incorporating an observed skill assessment to ensure that staff demonstrate the ability to administer medications consistent with the license holder's policy and procedures;

(vii) psychotropic medication monitoring when the consumer is prescribed a psychotropic medication, including the use of the psychotropic medication use checklist. If the responsibility for implementing the psychotropic medication use checklist has not been assigned in the individual service plan and the consumer lives in a licensed site, the residential license holder shall be designated; and

(viii) criteria for admission or service initiation developed by the license holder.

(2) Policies and procedures that protect consumer rights and privacy by ensuring:

(i) consumer data privacy, in compliance with the Minnesota Data Practices Act, chapter 13; and

(ii) that complaint procedures provide consumers with a simple process to bring grievances and consumers receive a response to the grievance within a reasonable time period. The license holder must provide a copy of the program's grievance procedure and time lines for addressing grievances. The program's grievance procedure must permit consumers served by the program and the authorized representatives to bring a grievance to the highest level of authority in the program.

(3) Policies and procedures that promote continuity and quality of consumer supports by ensuring:

(i) continuity of care and service coordination, including provisions for service termination, temporary service suspension, and efforts made by the license holder to coordinate services with other vendors who also provide support to the consumer. The policy must include the following requirements:

(A) the license holder must notify the consumer or consumer's legal representative and the consumer's case manager in writing of the intended termination or temporary service suspension and the consumer's right to seek a temporary order staying the termination or suspension of service according to the procedures in section 256.045, subdivision 4a or subdivision 6, paragraph (c);

(B) notice of the proposed termination of services, including those situations that began with a temporary service suspension, must be given at least 60 days before the proposed termination is to become effective;

(C) the license holder must provide information requested by the consumer or consumer's legal representative or case manager when services are temporarily suspended or upon notice of termination;

(D) use of temporary service suspension procedures are restricted to situations in which the consumer's behavior causes immediate and serious danger to the health and safety of the individual or others;

(E) prior to giving notice of service termination or temporary service suspension, the license holder must document actions taken to minimize or eliminate the need for service termination or temporary service suspension; and

(F) during the period of temporary service suspension, the license holder will work with the appropriate county agency to develop reasonable alternatives to protect the individual and others; and

(ii) quality services measured through a program evaluation process including regular evaluations of consumer satisfaction and sharing the results of the evaluations with the consumers and legal representatives.

*[For text of subds 9 to 13, see M.S.2004]*

**History:** *1Sp2005 c 4 art 1 s 25*