

241.012 LICENSING ACTIONS AGAINST JUVENILE AND ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITIES.

Subdivision 1. **Correction order; conditional license.** (a) For any local correctional facility under section 241.011, subdivision 2, paragraph (g), the commissioner must:

(1) promptly notify the facility administrator and the facility's governing board of a deficiency if the commissioner finds that:

(i) the facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance; and

(ii) the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the individuals detained or housed in or served by the facility; and

(2) issue a correction order or a conditional license order requiring that the deficiency be remedied within a reasonable and specified period.

(b) A conditional license order may restrict the use of any facility that does not substantially conform to minimum standards, including by:

(1) imposing conditions limiting operation of the facility or parts of the facility;

(2) reducing facility capacity;

(3) limiting intake;

(4) limiting length of detention or placement for individuals; or

(5) imposing detention or placement limitations based on the needs of the detained or housed individuals or individuals served by the facility.

(c) A correction order or conditional license order must clearly state:

(1) the specific minimum standards violated, noting the implicated rule or statute;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) the time allowed to correct each violation; and

(5) if a license is made conditional:

(i) the length and terms of the conditional license;

(ii) any conditions limiting operation of the facility or parts of the facility; and

(iii) the reasons for making the license conditional.

(d) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 3 before issuing a correction order or conditional license order.

Subd. 2. **Requesting review of conditional license order.** (a) A facility administrator may request that the commissioner review the findings in a conditional license order under subdivision 1 on the grounds that

satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction. If appropriate, the request may include a written schedule for compliance.

(b) Within ten business days of receiving a request, the commissioner must review the evidence of correction and the progress made toward substantial compliance with minimum standards.

(c) When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner must:

- (1) modify or lift any conditions limiting operation of the facility or parts of the facility; or
- (2) remove the conditional license order.

Subd. 3. License revocation order. (a) After due notice to a facility administrator of the commissioner's intent to issue a revocation order, the commissioner may issue an order revoking a facility's license if the commissioner finds that:

(1) the facility does not conform to minimum standards or is not making satisfactory progress toward substantial compliance with minimum standards; and

(2) the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the individuals detained or housed in or served by the facility.

(b) The notice of intent to issue a revocation order must include:

- (1) the citation to minimum standards that have been violated;
- (2) the nature and severity of each violation;
- (3) whether the violation is recurring or nonrecurring;
- (4) the effect of the violation on individuals detained or housed in or served by the facility;
- (5) an evaluation of the risk of harm to individuals detained or housed in or served by the facility; and
- (6) relevant facts, conditions, and circumstances related to the facility's operation, including, at a minimum:

(i) specific facility deficiencies that endanger the health or safety of individuals detained or housed in or served by the facility;

(ii) substantiated complaints relating to the facility; or

(iii) any other evidence that the facility is not in compliance with minimum standards.

(c) Within 30 days of receiving a notice under paragraph (b), the facility administrator must submit a written response with:

(1) any information related to errors in the notice and the facility's ability to conform to minimum standards within a set period, including but not limited to a written schedule for compliance and any other information that the facility administrator deems relevant for the commissioner's consideration; and

(2) a written plan:

(i) indicating how the facility will ensure the transfer of individuals detained or housed in or served by the facility and records if the facility closes; and

(ii) specifying arrangements that the facility will make to transfer individuals detained or housed in or served by the facility to another licensed local correctional facility for continuation of detention.

(d) When revoking a license, the commissioner must consider:

(1) the nature, chronicity, or severity of the statute or rule violation; and

(2) the effect of the violation on the health, safety, or rights of individuals detained or housed in or served by the facility.

(e) The commissioner must issue a revocation order if the facility administrator does not respond within 30 days to the notice or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made. The revocation order must be sent to the facility administrator and the facility's governing board, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or statute;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of the violations;

(3) the corrective action needed;

(4) any prior correction order or conditional license order issued to correct a violation; and

(5) the date on which the license revocation will occur.

(f) A revocation order may authorize facility use until a certain date, not to exceed the duration of the active license:

(1) unless a limited license is issued by the commissioner to effectuate a facility closure; and

(2) if continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the individuals detained or housed in or served by the facility.

(g) After a facility's license is revoked, the facility must not be used until the license is reinstated. When the commissioner is assured that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 4. Reconsideration orders. (a) If a facility administrator believes that a correction order, conditional license order, or revocation order is in error, the facility administrator may ask the commissioner to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner within 30 calendar days after receiving the order;

(3) specify the parts of the order or the action that is alleged to be in error;

(4) explain why the order or action is in error; and

(5) include documentation to support the allegation of error.

(b) The commissioner must issue a disposition within 60 days of receiving the facility administrator's response under paragraph (a). A request for reconsideration does not stay any provisions or requirements of the order.

Subd. 5. Temporary immediate license suspension. (a) The commissioner must act immediately to temporarily suspend a license issued under sections 241.011 to 241.013 if:

(1) the facility's failure to comply with applicable minimum standards or the conditions in the facility pose an imminent risk of life-threatening harm or serious physical injury to individuals detained or housed in or served by the facility, staff, law enforcement, visitors, or the public and:

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue a revocation order under subdivision 3, the commissioner identifies one or more subsequent violations of minimum standards that may adversely affect the health or safety of individuals detained or housed in or served by the facility, staff, law enforcement, visitors, or the public.

(b) A notice stating the reasons for the temporary immediate suspension must be delivered by personal service to the facility administrator and the facility's governing board.

(c) A facility administrator and the facility's governing board must discontinue operating the facility upon receiving the commissioner's order to immediately suspend the license.

Subd. 6. Requesting reconsideration of temporary immediate suspension. (a) A facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration must be made in writing and sent by certified mail or personal service as follows:

(1) if mailed, the request for reconsideration must be postmarked and sent to the commissioner within five business days after the facility administrator receives notice that the license has been immediately suspended; and

(2) if a request is made by personal service, the request must be received by the commissioner within five business days after the facility administrator received the order.

(b) The request for reconsideration must:

(1) specify the parts of the order that are alleged to be in error;

(2) explain why they are in error; and

(3) include documentation to support the allegation of error.

(c) Within five business days of receiving the facility administrator's timely request for reconsideration, the commissioner must review the request. For a review under subdivision 5, paragraph (a), clause (2), the review must be limited solely to whether the temporary immediate suspension order should remain in effect pending the written response to the commissioner's notice of intent to issue a revocation order.

Subd. 7. **Appealing commissioner's reconsideration request.** (a) The commissioner's disposition of a request for reconsideration of a correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. Before a facility administrator may request an appeal under paragraph (b), the facility administrator must request reconsideration according to this section of any correction, conditional license, temporary immediate suspension, or revocation order.

(b) Within 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Subd. 8. **Public notice of restriction, revocation, or suspension.** If a facility's license is revoked or suspended under this section, a facility's use is restricted for any reason under a conditional license order, or a correction order is issued to a facility, the commissioner must publicly post the following information on the department's website:

- (1) the facility name;
- (2) the status of the facility's license;
- (3) the reason for the correction order, restriction, revocation, or suspension; and
- (4) any subsequent findings by the commissioner identifying satisfactory progress toward substantial compliance with minimum standards.

History: 2026 c 97 art 5 s 2