DATE: November 21, 2017

TO: Rule 26, Rule 36, and ILA providers


A. NEW AND UPDATED INFORMATION

1. 2017 Legislation changes. The 2017 Minnesota Legislature passed amendments affecting Department of Human Services (DHS) license holders. As a license holder, it is your responsibility to be aware of any legislative changes that effect your licensed service and take the action necessary to comply with any new requirements.

The updated 2017 statutes are now available online through the Office of the Revisor of Statutes website, and are also available on the DHS Website.

As a reminder, the Minnesota Legislature passed the following amendments that affected your license. We are including this information again as many programs are being cited for not having a plan for transfer that meets requirements.

Please note, both A and B require your program to have a policy, and you will be cited if you do not meet the requirements of A and B below.

A. Plan for transfer of clients and records upon closure. Minnesota Statutes, section 245A.04, subdivision 15a required that a provider have a plan for transfer of clients and records upon closure. An applicant for initial or continuing licensure or certification is required to have a written plan indicating how the program will ensure the transfer of clients and records for both open and closed cases if the program closes.

(i) The plan must provide for managing private and confidential information concerning program clients. The plan must also provide for notifying affected clients of the closure at least 25 days prior to closure, including information on how to access their records. A controlling individual of the program must annually review and sign the plan.

(ii) Plans for the transfer of open cases and case records must specify arrangements the program will make to transfer clients to another provider or county agency for continuation of services and to transfer the case record with the client.

(iii) Plans for the transfer of closed case records must be accompanied by a signed agreement or other documentation indicating that a county or a similarly licensed provider has agreed to accept and maintain the program’s closed case records and to provide follow-up services as necessary to affected clients.

If you have questions about this requirement, please contact your licensor.
B. **Reporting a death in the program.** Minnesota Statutes, section 245A.04, subdivision 16. Unless such reporting is otherwise already required under statute or rule, programs licensed under Minnesota Statutes, chapter 245A must have a written policy for reporting the death of an individual served by the program to the commissioner of human services. Within 24 hours of receiving knowledge of the death of an individual served by the program, the license holder shall notify the commissioner of the death. If the license holder has reason to know that the death has been reported to the commissioner, a subsequent report is not required.

For clarification purposes, for a client who may be on pass or not actually at the licensed facility at the time of the death, but considered an active client, a report is required to be made within 24 hours to the Commissioner of Human Services. The report can be made in the following manner:

- By phone: 651-431-6600 to the central intake unit
- By fax: 651-431-7601

Please note that a death report made to the Ombudsman of Mental Health and Developmental Disabilities does not meet the above statute requirements and does not exclude your responsibility from reporting to the commissioner of DHS. However, DHS Licensing will allow the use of the ombudsman’s office death reporting form to be utilized to avoid the license holder having to complete multiple forms. [Death Report Form](#)

2. **NETStudy 2.0, the new background study system.** The Background Studies Division is continuing to move forward with development and implementation of NETStudy 2.0. More information is available on the [Background Study web page](#) under the **NETStudy 2.0 / Background Study Changes** feature. FAQs are also posted as is a link to subscribe to an email list for updates about NETStudy 2.0.

3. **Positive Supports Rule.** The Positive Supports Rule (PSR) is a Minnesota rule that became effective August 31, 2015. The rule requires all DHS license holders to use person-centered principles and positive support strategies when providing services to persons with developmental disabilities or related conditions. In addition, the rule both prohibits and limits certain restrictive interventions. Information about the Positive Supports Rule is available on the [DHS website](#). The Department has developed frequently asked question (FAQ) documents to provide more direction and address specific questions submitted by license holders. This information continues to be available on the DHS website. In addition, questions about the Positive Supports Rule can be emailed to the DHS-Disability Services Division at positivesupports@state.mn.us and informational resources are available at [Positive Supports Minnesota website](#).

4. **Minnesota Adult Abuse Reporting Center.** Minnesota has a new centralized system for reporting suspected maltreatment of vulnerable adults. On July 1, 2015, the [Minnesota Adult Abuse Reporting Center](#) (MAARC) was established. MAARC provides a web-based reporting system and a call center available 24 hours a day, seven days a week for mandated reporters. Mandated reporters are professionals or professional’s delegate identified by law ([Minnesota Statutes, section 626.5572, subdivision 16](#)) who MUST make a report if they have reason to believe that the abuse, neglect of financial exploitation of a vulnerable adult
has occurred. Mandated reporters can use the Minnesota Adult Abuse Reporting Center’s web based report at [mn.gov/dhs/reportadultabuse](http://mn.gov/dhs/reportadultabuse), or make a phone report by calling the statewide toll-free number at 844-880-1574.