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](https://www.revisor.mn.gov) website, and are also available on the [DHS Website](https://www.dhs.state.mn.us).

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, or make a phone report by calling the statewide toll-free number at 844-880-1574.
B. GENERAL INFORMATION, UPDATES, AND RESOURCES

1. **Online information.** The Licensing Division public website is your primary source of information on licensing standards and requirements. As a license holder, it is your responsibility to frequently check for updates, changes, and additions to this information. Below are highlights of the available online information.

2. **Intensive Residential Treatment licensing laws and rules.** Intensive Residential Treatment Services program licensing laws and rules are available to you online as R36V (IRTS) variance dated July 1, 2010, a variance to Minnesota Rules, part 9520.0500 to 9520.0690 - Rule 36, and through the Minnesota Office of the Revisor of Statutes as follows:

   - Minnesota Statutes, Chapter 245A (Human Services Licensing Act)
   - Minnesota Statutes, Chapter 245C (Human Services Background Study Act)
   - Minnesota Statues, Chapter 148F (Alcohol and Drug Counselor Requirements)
   - Minnesota Statutes, Chapter 626.557 (Reporting of Maltreatment of Vulnerable Adults)
   - Minnesota Statutes, Chapter 626.556 (Reporting of Maltreatment of Minors Act)
   - Minnesota Statutes, Sections 245.461 to 245.486 (Minnesota Adult Mental Health Act)
   - Minnesota Rules, Chapter 9544 (Positive Support Rule)

3. **Mental health and chemical health programs licensing forms.** License holders have access to various licensing forms developed by DHS, intended for use by programs, and in compliance with current licensing requirements. Many forms are designed for general use by all licensed programs. Forms to be used specifically by IRTS programs are identified.

4. **Licensing Lookup:** Public searches for DHS licensed programs can be done using the DHS Licensing Information Lookup online search tool or by reviewing the online DHS licensed program list.

Since July 1, 2010 by the Division of Licensing has posted licensing actions and decisions issued to DHS licensed programs online through DHS Licensing Information Lookup. The licensing actions and decisions that are available include:

- Correction orders;
- Orders for conditional license;
- Sanctions which include fines, suspensions, and revocations;
- Commissioner’s response to license holders’ requests for reconsideration of correction orders and orders of conditional licenses;
- Commissioner’s final orders resulting from contested case hearings; and
- Statement of final agency decision after appeal.
Documents are posted in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, section 13.46.

New licensing documents are posted daily on DHS Licensing Information Lookup. You may sign up to receive daily emails with links to newly published documents.

5. **Maltreatment information.** Sample maltreatment reporting policies and procedures and general information on maltreatment investigations are available online from the DHS Licensing web site.

6. **Alert information.** Information from our maltreatment investigations unit highlighting areas where injuries and harm to persons receiving services from DHS licensed facilities is available online from the DHS Licensing web site under Alerts. Alerts are posted as needed throughout the year.

7. **Online mandated reporter training.** DHS Licensing offers online training courses for both Vulnerable Adults Mandated Reporting of Maltreatment and Maltreatment of Minors Mandated Reporting.

   **The Vulnerable Adults Mandated Reporting course** introduces mandated reporters to:
   - The Vulnerable Adults Act
   - Definition of maltreatment
   - Who are the mandated reporters
   - The Common Entry Point (CEP)

   **The Maltreatment of Minors Mandated Reporter training** includes:
   - The Reporting of Maltreatment of Minors Act
   - An overview of the Minnesota Child Protection System
   - Definition of maltreatment
   - Who are mandated reporters

License holders are reminded that they must ensure mandated reporters under their control also receive training on the program's own maltreatment reporting policies and procedures in addition to the online course.

8. **Applying for a new license.** If you plan to submit an application for a license for a new Intensive Residential Treatment Services program, please note that the application forms for new licenses have changed. When applying for a new license, the application must be submitted in this new format. The application is available on the DHS/Mental Health web page in the Residential Treatment for Adults section, and on the Division of Licensing’s Forms page. Previous versions of the licensing application form are no longer acceptable and will be returned to the applicant.

9. **The Licensing Division’s telephone numbers and email.** Please ensure that your program’s phone list and any applicable policies and procedures include current DHS telephone numbers:
10. License Renewal Notice. This annually published License Renewal Notice for each service class is found under general information on the Licensing website. An archive of past License Renewal Letters is maintained.

C. INFORMATION SPECIFIC TO INTENSIVE RESIDENTIAL TREATMENT SERVICES PROGRAMS

1. Questions related to the current version of R36V variance. The Frequently asked questions (FAQ) link related to the IRTS Variance is a compilation of questions license holders have raised as they implement the variance requirements. The FAQ link continues to be updated by DHS as additional questions are submitted, so license holders are advised to check back periodically. If you have any additional questions regarding the requirements in R36V, please contact your licensor.

2. Functional assessment and LOCUS completed upon discharge. R36V.10, subdivision 3, paragraphs (d) and (f) require a functional assessment (FA) and LOCUS to be completed within five calendar days prior to discharge. That requirement does not apply to unplanned discharges; if a recipient has an unplanned discharge, then the most recent FA and LOCUS would be attached to the discharge summary. A license holder requesting a recipient to discharge is considered a planned discharge and would require an updated FA and LOCUS.

3. Annual Training. R36V.08, subdivision 2, paragraph (d) requires training on vulnerable adult and child maltreatment requirements, recipient rights, emergency procedures, and treatment services for recipients with co-occurring substance use disorders, to be completed annually. Minnesota Statues, section 245A.02, subdivision 2b defines annually as prior to or within the same month of the subsequent calendar year. The required training topics hours cannot be counted toward the additional annual training hours for staff persons not licensed as a mental health professional.

4. Assessment of immediate needs. R36V.04, subdivision 3, paragraph (a) states upon admission the license holder must evaluate the recipients immediate needs. License holders should ensure this is an evaluation of what the recipient immediately needs and not only a reiteration of the recipient’s historical needs.

5. Treatment plan. R36V.04, subdivisions 5, paragraph (a) and 6, paragraph (c) indicates the use of individual and group interventions for illness management and recovery (IMR) and integrated dual diagnosis treatment (IDDT), must be based on the recipients individual treatment plan. The treatment plan must include specific IMR and IDDT interventions when assessed as appropriate for the recipient. General statements on the treatment plan for IMR and IDDT interventions such as, “attended IMR group” will not meet minimum requirements.
6. **Rehabilitation workers direct observation.** R36V. 10, subdivision 1 states the license holder must assure that mental health rehabilitation workers are directly observed as they provide services to recipients and must assure that documentation completed by the mental health rehabilitation workers concerning services provided to recipients are accurate. It is recommended that license holders review the requirements for documentation of direct observation of mental health rehabilitation workers. Lack of this documentation has been a frequently cited violation in many of the programs reviewed.

7. **Crisis training for crisis stabilization services (CSS).** R36V.15, subdivision 4 states the recipient file must include an assessment of the recipient by a mental health professional, by physician working in an emergency department, or by a member of a mobile crisis team, that determines the recipient is experiencing a mental health crisis. It is not sufficient for a mental health practitioner under the clinical supervision of a mental health professional working in the IRTS to complete this documentation.

8. **Self-monitoring checklists.** The self-monitoring checklist for use by the IRTS license holders is no longer available on the DHS licensing website. License holders can obtain an updated version of the self-monitoring checklist by contacting your licensor.

D. **LICENSE HOLDER REQUIREMENTS FOR LICENSE RENEWAL**

1. **License fee payment for your 2018 license.** All license holders must pay for their 2018 license online. Your Authorized Agent will receive an email with instructions and a direct link to pay for your 2018 license fee(s). License fee payments must be made within 30 days from receipt of the email to allow enough time for your 2018 license(s) to be issued by January 1, 2018.

2. **Failure to pay 2018 license fee.** Your current license expires December 31, 2017. If you fail to pay the 2018 license fee, your current license will expire on December 31, 2017, and you will have to stop operating on January 1, 2018. You will need to apply for a new license and will not be able to operate under your expired license while your new license application is being processed. In addition, you will lose access to NETStudy to submit online background study requests.

3. **Unpaid fines.** If you have an outstanding debt related to a fine or settlement agreement for which payment is delinquent, your 2018 license cannot be issued until the payment is received. If you do not pay your outstanding debt and your 2018 license fee, your license will expire on December 31, 2017, and you will need to stop operating on January 1, 2018.

4. **Programs closing on or before December 31, 2017.** If you plan on closing your program on or before December 31, 2017, please notify your licensor immediately so we can cancel the bill for your 2018 license.

5. **Your onsite licensing review.** The annual renewal of your license is separate from the onsite licensing review conducted by your DHS licensor. You will receive notice from your licensor about the license review prior to your next scheduled review.
6. **Change of license information.** If you wish to change any information on your license, please contact your licensor immediately so those changes can be approved before we issue your 2018 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate Change of License Information form for each license. If you have not identified an Authorized Agent or your Authorized Agent information is not current, it will delay the email to your Authorized Agent and the renewal of your 2018 license.

7. **Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the DHS licensor assigned to your program, or call the main Licensing Division phone number at 651-431-6500 and select option 4 to speak with a licensor, and then select option 4 to speak with a licensor of mental health or chemical dependency services.