DATE: November 21, 2017

TO: Program Type (Rule/Statute)

RE: Licensing Updates and Renewal Information for Licenses Effective January 1, 2018

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, in 2015, 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. INFORMATION SPECIFIC TO DETOXIFICATION PROGRAMS (RULE 32)

1. Use of Protective Procedures in a Detoxification Program. Because licensors are finding serious violations and issuing multiple citations in the area of protective procedures, license holders are strongly encouraged to review and ensure full implementation of Minnesota Rules, part 9530.6535 and part 9530.6570, subpart 2, item G.

2. Condition Specific Protocol / standing orders. Minnesota Rules, part 9530.6560, subparts 4, item (D) and 5, item (E) address the use of condition specific protocols for administration of medications that require a withdrawal regimen. This is often called standing orders in program policies.

   a. 9530.6560, subpart 4, (D) requires that the registered nurse must be responsible for implementing condition specific protocols in compliance with Minnesota Statues, section 151.37, subdivision 2; and

   b. 9530.6560, subpart 5, (E) requires a license holder to document the medical director’s approval of the formulation of condition specific protocols regarding the medications that require a withdrawal regimen that will be administered to clients. This approval must be obtained before the protocol is used and annually thereafter.

   If your program uses “standing orders” to initiate medications that require a withdrawal regimen that is not client specific, but based on presenting symptoms, it is strongly suggested that you review your policies and procedures to ensure compliance with Rule 32 standards, and Minnesota Nursing Board Use of Condition Specific Protocols FAQs.

3. Admission Assessments. Reminder: Program policies must require an admission assessment of all clients, including those brought in by police and placed immediately into seclusion. This is required in order to assess the level of intoxication, the substances ingested, and potential for increasing toxicity or other medical problems that may necessitate acute medical care.

4. Arranging for a chemical use assessment. Minnesota Rules, part 9530.6530, subpart 2 requires the license holder to “provide or arrange for the provision of a chemical use assessment, according to parts 9530.6600 to 9530.6660 for each client who suffers from substance use disorder at the time the client is identified.” If the client leaves the program prior to the completion of a chemical use assessment according to Rule 25, then the license holder must document that the client has been given the date and time of an appointment for a chemical use assessment and the phone number and address or place where the assessment will be administered. The requirement to provide or arrange for the provision of a chemical use assessment applies to new clients and to readmitted clients when it has been more than one year since the last assessment. Subpart 2 states that if a client is readmitted within one year of the most recent assessment, an update to the assessment must be completed.

5. Client education. Minnesota Rules, part 9530.6530, subpart 4 requires the license holder to provide the information for obtaining assistance regarding:

   a. Substance use disorder, including the effects of alcohol and other drugs and specific information about the effects of chemical use on unborn children;
b. Tuberculosis and reporting known cases of tuberculosis disease to health care authorities according to Minnesota Statutes, section 144.4804; and

c. HIV as required in Minnesota Statutes, section 245A.19, paragraphs (b) and (c).

Note: For these client education requirements, the use of written materials only such as posters or handouts does not qualify as client education.

C. 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. Detoxification Program licensing laws and rules. Detoxification program licensing laws and rules are available to you online through the Minnesota Office of the Revisor of Statutes as follows:
   - Minnesota Rules, parts 9530.6405 to 9530.6505 (DHS Rule 32)
   - Minnesota Rules, part 9530.6615, subpart 2 (Chemical Use Assessments Qualifications)
   - Minnesota Statutes, Chapter 245A (Human Services Licensing Act)
   - Minnesota Statutes, Chapter 245C (Human Services Background Study Act)
   - Minnesota Statutes, Chapter 148F (Alcohol and Drug Counselor Requirements)
   - Minnesota Statues, section 253B.05 (Emergency Holds / Peace and Health Officer Holds)
   - Minnesota Statutes, section 152.02, subdivision 3 (Definition of Schedule II Drugs)
   - Minnesota Statutes, section 148.171, subdivision 23 (Definition of Supervision from the Nurse Practice Act)
   - Minnesota Statutes, section 626.556 (Reporting of Maltreatment of Minors Act)
   - Minnesota Statutes, section 626.557 (Reporting of Maltreatment of Vulnerable Adults)
   - 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.

4. Self-monitoring checklists. Contact your licensor or email dhs.mhclicensing@state.mn.us if you would like to receive a self-monitoring checklist to evaluate your program against applicable licensing standards. Checklists are organized into four topic areas: physical plant, policies and procedures, personnel files, and client records.
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 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. **Licensing Lookup:** Public searches for DHS licensed programs can be done using the online DHS Licensing Information Lookup search tool or by reviewing the online DHS licensed program list.

   Since July 1, 2010, the Licensing Division 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.

9. **Applying for a new license.** If you plan to submit an application for a license for a new Rule 32 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/Chemical Health web page at the bottom of the Detoxification programs information 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.

10. **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:
    - Licensing Division – (651) 431-6500
    - Licensing Division’s Main Fax – (651) 431-7673
    - MH/CD Licensing Unit Email - dhs.mhcdlicensing@state.mn.us
    - Maltreatment Intake – (651) 431-6600
    - Maltreatment Fax – (651) 431-7601

11. **License renewal notice.** The annually published License Renewal Notice for each service class is located under general information on the Division of Licensing website. An archive of past license renewal information is maintained.