



HCBS - Day Services Facilities Update

Dear Authorized Agent:

You are receiving this email because you are the authorized agent of a facility licensed under Minnesota Statutes, Chapter 245A to provide day services in accordance with home and community based standards under Minnesota Statutes, Chapter 245D.

Pursuant to Minnesota Statutes, section 245A.04, subdivision 15, license holders are required to cooperate with state and local government agencies reacting to emergencies presented by a pandemic outbreak. On March 13, 2020, the State of Minnesota declared a state of peacetime emergency regarding the COVID-19 pandemic.

On April 30, 2020 Governor Walz issued [Emergency Executive Order \(EO\) 20-48](#), extending Minnesota's stay-at-home order through 11:59 P.M. on May 17, 2020. This means all persons currently living within the State of Minnesota are ordered to stay at home or in their place of residence except to engage in the activities and critical sector work set forth in sections 5 and 6 of Emergency Executive Order 20-48, or non-critical exempt business activities under section 8.

DHS has determined that licensed day services programs governed by Chapter 245D are not exempt under the stay-at-home order and are therefore not permitted to provide licensed services for the duration of the Executive Order, which continues through May 17, 2020. **Similar to Adult Day Services, which are expressly not exempt from the stay-at-home order (par. 6(a)(viii)), DHS has determined that providers licensed under Chapter 245D to provide day services or employment services in a licensed 245D facility and outside a service recipient's own home or residence are not considered "critical sector" workers and are not exempt from the stay-at-home order.**

DHS is closely monitoring the stay-at-home orders being issued by Governor Walz. We anticipate additional clarification this week as we approach the May 17th deadline for the Governor to extend, modify or lift the stay-at-home order. We understand that this is a challenging time for you, your staff, and your clients. You provide valuable and needed services, but the challenges of the COVID-19 virus require far-reaching steps to protect our communities.

DHS will be working with the Minnesota Department of Health to coordinate guidance for 245D-licensed day service programs and adult day services programs once these programs are able to resume operating in licensed facilities and service recipients are no longer subject to the stay-at-home order.

If you have questions please contact your HCBS licensor or the HCBS Help Desk at 651-431-6624.