

## Modifications to the Minnesota Sex Offender Program (MSOP) Licensing Requirements

The commissioner of Human Services has temporarily modified certain requirements for the Minnesota Sex Offender Program (MSOP), whose services have been designated as essential during the peacetime emergency due to the COVID-19 pandemic. The modifications are necessary to provide flexibility to MSOP, mitigate the spread of the virus, and protect the health and safety of clients and staff. These modifications are in addition to those for [All Licensed and Certified Services](#) issued on March 20, 2020, and revised on May 4, 2020, that modified licensing activities to mitigate the spread of COVID-19 and in recognition of the challenges of operating in full compliance with all applicable rules and standards during a pandemic.

These additional modifications apply to requirements for treatment delivery and personnel and impose a new requirement to be familiar with and follow the guidelines on COVID-19 from the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC) specific to residential settings. The changes to requirements for treatment delivery and personnel are effective retroactively from May 19, 2020, until the conclusion of the peacetime emergency.

By making these modifications to licensing standards and practices, the Department of Human Services (DHS) is providing MSOP with more flexibility to operate in a pandemic and to be able to focus on the most critical health and safety measures needed during this time. Any departures from rule or variance requirements that MSOP implements from the list below must be documented in the program's emergency plan. This change does not waive or modify any requirements regarding the Positive Supports Rule under Minnesota Rules, Chapter 9544.

After the peacetime emergency ends, DHS will provide additional information regarding when MSOP will need to complete the trainings, evaluations, reviews, updates, and other activities that were temporarily suspended.

The modifications of requirements for MSOP are as follows.

### New requirement for MSOP during the peacetime emergency

During the peacetime emergency, the license holder is required to be familiar with the [MDH guidance](#) and [CDC guidance](#) on COVID-19. If a person receiving services or a staff person tests positive for COVID-19 or has symptoms of COVID-19, the license holder must follow the MDH and CDC guidance specific to the situation and program capabilities. As the guidance will evolve during the pandemic, the license holder needs to remain familiar with the guidance as it changes.

### Treatment Delivery

1. The requirement to complete an annual update to the multidisciplinary admission assessment is temporarily suspended.

2. Quarterly review requirements are temporarily suspended for clients who have not consented to sex offender treatment and whose condition has remained unchanged. The program must still review and revise client programs for clients who have had significant changes in their clinical presentation.
3. The requirement that a licensed mental health professional or a license-eligible psychologist must conduct an evaluation prior to the annual review is temporarily suspended for clients who are not receiving ongoing mental health services and who are not prescribed psychotropic medications.
4. The license holder may designate another responsible person with supervisory authority to perform the functions of the Officer of the Day for clients placed on protective isolation status.

## Personnel

5. MSOP is only required to provide orientation trainings to staff persons on the following topics:
  - emergency procedures (including behavioral emergencies)
  - client rights
  - confidentiality
  - maltreatment reporting procedures
  - job specific responsibilities.Orientation training on these topics must be completed prior to the staff person having direct contact with a client. This does not address, void or otherwise interfere with any terms or conditions of employment or obligations under labor contracts or waive other trainings required by the employer in addition to trainings required under the variance governing the program.
6. The requirement to review and revise the overall staff development plan at least annually is temporarily suspended. This does not address, void or otherwise interfere with any terms or conditions of employment or obligations under labor contracts or waive other trainings required by the employer in addition to trainings required under the variance governing the program.

## Additional information

In addition to the links above, you may find it helpful to review the following links for more COVID-19 information and resources.

[MDH Interim Guidance for the Prevention of COVID-19 in DHS-Licensed Residential and Non-Residential Settings with At-Risk Persons](#)

[DHS Licensing COVID-19 latest information](#)

[Background studies COVID-19 temporary changes](#)

[All DHS COVID-19 waivers and modifications](#)

[MDH community settings and COVID-19](#)

[Minnesota Health Care Programs Provider Manual telemedicine and COVID-19](#)

## Questions, technical assistance and variances

For questions, concerns, technical assistance, or to request a program specific [variance](#) to a requirement not addressed by these modifications, please contact the Behavioral Health and Children’s Residential Facility Licensing Unit at [dhs.mhcdlicensing@state.mn.us](mailto:dhs.mhcdlicensing@state.mn.us).