

## Modifications to Detoxification Program Licensing Requirements

The Commissioner of Human Services has temporarily modified certain requirements for licensed detoxification programs, 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 providers, 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 continue to recognize the challenges providers face that impact their ability to operate in full compliance with all applicable rules and standards.

These additional modifications apply to requirements for 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, as applicable. The changes to requirements for personnel are effective retroactively from March 13, 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 detoxification programs 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 that a program 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 programs will need to complete the trainings, evaluations, and other activities that were temporarily suspended.

The modifications of requirements for licensed programs are as follows.

### New requirement for programs operating during the peacetime emergency

During the peacetime emergency, license holders are 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, license holders need to remain familiar with the guidance as it changes.

### Personnel

1. Programs are only required to provide orientation training to staff persons on the following topics:
  - emergency procedures (including behavioral emergencies)
  - client ethical boundaries
  - client rights

- confidentiality
- maltreatment reporting procedures
- infection control procedures
- job specific responsibilities.

Orientation to these topics must be completed prior to the staff person having direct contact with a client.

2. Annual and biennial training requirements for staff members are temporarily suspended.
3. Annual written staff performance evaluation requirements are temporarily suspended.
4. Programs that are experiencing staffing shortages due to the pandemic are still required to adhere to the staff ratio requirements; however, the program may use a chemical dependency assessor as a technician if needed. If used as technician, a chemical dependency assessor must meet the qualification requirements for a technician under part 9530.6565, subpart 5, item A. Programs must still ensure that an adequate amount of assessors are present to complete chemical use assessments when needed. If additional departures from staffing requirements are needed, license holders may request a [variance](#).
5. Client to chemical dependency assessor ratio requirements are temporarily suspended for programs experiencing staffing shortages due to the pandemic. Programs that do not adhere to the ratio must still ensure that an assessor is present to complete chemical use assessments when needed. Programs must also document changes to the staffing ratio in the program's emergency plan.

## 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).