Amended Modifications to Detoxification Program Licensing Requirements

In May 2020, the commissioner issued a waiver suspending or modifying certain detoxification program licensing requirements so that essential services could continue during the COVID-19 pandemic. The commissioner is now amending this waiver to require license holders to resume orientation trainings, annual and biennial trainings, and annual staff performance evaluations effective January 1, 2021. In addition to this waiver specific to detoxification programs, the commissioner also amended the waiver for all DHS-licensed and certified services to require most annual and other ongoing training requirements to resume.

Resuming requirements

**Beginning on January 1, 2021**, all detoxification program must resume all orientation trainings, annual and biennial trainings, and annual staff performance evaluations as follows:

**Orientation trainings**

Through December 31, 2020, programs are only required to provide orientation trainings to staff persons on the following topics: emergency procedures (including behavioral emergencies); client ethical boundaries; client rights; confidentiality; maltreatment reporting procedures; infection control procedures; and job specific responsibilities. Orientation to these topics must be completed prior to the staff person having direct contact with a client.

**Beginning on January 1, 2021**, all license holders must resume providing all orientation trainings to all required topics to all new staff persons hired on or after January 1, 2021, according to the timelines required in *Minnesota Rules, Chapter 9530*.

**Annual and biennial trainings**

Through December 31, 2020, annual and biennial training requirements for staff members are temporarily suspended. Given the previous modification of training requirements due to the peacetime emergency, licensors will not review annual and biennial trainings that were required to be completed between March 1, 2020 and December 31, 2020.

**Beginning on January 1, 2021**, all license holders must resume providing all annual and biennial trainings. Annual and biennial trainings that were due in 2020, but were not completed, must instead be completed in 2021 by the same month the training was due in 2020. License holders must ensure each required training is completed as it comes due after December 31, 2020, or be subject to a correction order if the training requirements are not met.
Annual staff performance evaluations

Through December 31, 2020, annual staff performance evaluation requirements are temporarily suspended. Given the previous modification of performance evaluation requirements due to the peacetime emergency, licensors will not review performance evaluations that were required to be completed between March 1, 2020 and December 31, 2020.

Beginning on January 1, 2021, all license holders must resume completing annual staff performance evaluations. Annual evaluations that were due in 2020, but were not completed, must instead be completed in 2021 by the same month the evaluation was due in 2020. License holders must ensure each required evaluation is completed as it comes due after December 31, 2020, or be subject to a correction order if the staff performance evaluation requirements are not met.

Programs that are unable to meet these requirements due to a COVID-19 outbreak at the program may request a program specific variance by contacting the MH/SUD/CRF Licensing Unit at dhs.mhcdlicensing@state.mn.us.

Ongoing modifications

The remaining modified requirements below became effective March 13, 2020, and will continue during the peacetime emergency until DHS issues additional information about resuming the requirements.

Any departures from rule that a program implements from the list below must be documented in the program’s emergency plan. These changes do not waive or modify any requirements regarding the Positive Supports Rule under Minnesota Rules, Chapter 9544.

The ongoing modifications of requirements include the following:

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

Modifications previously numbered 1, 2, and 3 related to orientation trainings, annual and biennial trainings, and annual staff performance evaluations are ending effective December 31, 2020.

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.


COVID-19 Testing in Residential Programs Licensed by the Department of Human Services: Frequently Asked Questions

COVID-19 Testing Resources for Residential Programs Licensed by the Department of Human Services

MDH community settings and COVID-19

DHS Licensing COVID-19 latest information

Background studies COVID-19 temporary changes

All DHS COVID-19 waivers and modifications

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 MH/SUD/CRF Licensing Unit at dhs.mhcdlicensing@state.mn.us.