



Minnesota Department of **Human Services**

DATE: November 1, 2014

TO: **ADULT DAY SERVICES PROGRAMS (DHS RULE 223)**

RE: License updates and renewal information for licenses effective January 1, 2015

A. LICENSE HOLDER REQUIREMENTS FOR LICENSE RENEWAL

1. **License fee payment required before your 2015 license is printed.** Your license fee payment must be received before we can print your 2015 license. Therefore, please make your payment as soon as possible, but no later than the due date printed on the invoice.

Temporary Surcharge. Minnesota Statutes, section 16E.22, subdivision 3, requires state agencies to collect a temporary surcharge of 10 percent (not to exceed \$150) on each business, commercial, professional, or occupational license for development of a statewide electronic licensing system. This surcharge is reflected on line 2 of the license fee invoice. The surcharge for the license will be in effect for up to six years between July 1, 2009, and June 30, 2015.

2. **Programs closing on or before December 31, 2014.** If you plan on closing your program on or before December 31, 2014, please notify your licensor immediately so we can cancel the bill for your 2015 license.
3. **Submitting your license fee payment.** Submit your license fee payment after you have received the invoice for your license. Do not submit your license fee payment without your invoice. We encourage you to pay the bill online at DHS Web Payments by going to <http://payments.dhs.state.mn.us>.
4. **Licensing review.** The annual renewal of your license and payment of your 2015 license fee is independent from the licensing review of your program. You will receive notice from your DHS licensor about the license review prior to your next scheduled review.
5. **Expired license.** If you allow your license to expire because you fail to pay the 2015 license fee, you will need to apply for a new license. You cannot operate under an expired license while your new application is being processed. In addition, you will lose access to NETStudy to submit online background study requests.
6. **Unpaid licensing fees or fines.** If a license holder or controlling individual has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent, your 2015 license cannot be reissued until the payment is received.
7. **Change of license information.** If you wish to change any information on your license, please contact your licensor immediately so those changes can be approved before we print your 2015 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate Change of License Information form for each license. Also,

the invoice for your license fee will be sent to the billing address you provided to Licensing. If this information is not current, it will delay receipt of your license fee invoice.

8. **Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the licensor assigned to your program.

B. SELECTED HIGHLIGHTS OF 2014 LICENSING LEGISLATION

The 2014 Minnesota Legislature passed amendments affecting Department of Human Services (DHS) license holders. A summary of those amendments is available in a separate legislative summary memo, [Selected Highlights of 2014 Legislation](#). As an adult day center license holder, it is your responsibility to read the summary and to take the action necessary to comply with any new requirements.

The updated 2014 statutes are now available online through the [Office of the Revisor of Statutes](#) website.

C. GENERAL INFORMATION, UPDATES, AND RESOURCES

1. **Online information.** Information is available online at the [DHS Licensing web site](#) and is your primary source of information on licensing standards and requirements. As an adult day center 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. **Adult day center licensing laws and rules.** Adult day center licensing laws and rules are available online through the Minnesota Office of the Revisor of Statutes:
 - [Minnesota Rules, parts 9555.9600 to 9555.9730](#) – DHS Rule 223
 - [Minnesota Statutes, Chapter 245A](#) – Human Services Licensing Act
 - [Minnesota Statutes, Chapter 245C](#) – Human Services Background Study Act
 - [Minnesota Statutes, Sections 626.557](#) – Reporting of Maltreatment of Vulnerable Adults Act; and
 - [626.5572](#) – Vulnerable Adults Act Definitions
3. **Adult day center licensing forms.** License holders have access to various [licensing forms](#) developed by DHS for use by programs, including variance request forms, and sample policies and procedures for reporting maltreatment of vulnerable adults.
4. **DHS Licensing Look Up.** Public searches for DHS licensed programs can be done using the DHS [Licensing Look Up](#) online search tool.

Since July 1, 2010, the Division of Licensing has posted licensing actions and decisions issued to DHS licensed programs online through Licensing Look Up. 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
- settlement agreements.

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 can [sign up to receive daily emails](#) with links to newly published documents.

5. **Upcoming changes to the background study system.** DHS is working on an enhanced background study system. Beginning in January 2015, the changes will be implemented in stages. Information about the [enhanced background study system](#) is posted on the licensing website. Check back periodically for updated information.
6. **Maltreatment information.** General information on [maltreatment investigations](#) and [sample maltreatment reporting policies and procedures](#) are available online from the DHS Licensing web site.
7. **Alert information.** Information from our 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](#).
8. **Online mandated reporter training.** DHS Licensing offers a [Vulnerable Adults Mandated Reporting](#) training course online. The Vulnerable Adults Mandated Reporting course is designed to introduce mandated reporters to:
 - The Vulnerable Adults Act
 - Definition of maltreatment
 - Who are mandated reporters
 - The Common Entry Point (CEP)

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.

9. **Home and Community-Based Services (HCBS) licensed under Minnesota Statutes, chapter 245D.** Effective January 1, 2014, DHS began to license certain home and community-based services provided to people with disabilities and those ages 65 and older. These services were previously unlicensed or were services licensed under Chapter 245B. Adult day centers **do not** fall under 245D and will continue to be licensed under DHS Rule 223. More information about the types of services that will require a [245D license is available online](#) from the DHS Licensing web site.

- 10. Ebola virus information.** The Minnesota Department of Health (MDH) has an abundance of [information about Ebola](#) on its website, including fact sheets, frequently asked questions and information for health professionals and a [health advisory poster \(PDF\)](#) that can be posted throughout facilities.

Also as part of the ongoing effort to provide Minnesotans with information about Ebola and related precautions against the disease, MDH has established an Ebola Information Line. The number for the Ebola Information Line is 651-201-3920 or 800-657-3903. The line will be staffed during regular business hours, from 8 a.m. to 4:30 p.m., Monday through Friday. MDH has made arrangements for a translation service to help facilitate calls from those who do not speak English. The purpose of the information line is to provide an easy, reliable source of Ebola information to Minnesota residents.

- 10. Contacting the Department of Human Services.** Please use these telephone numbers:

- Licensing Division – (651) 431-6500
- Licensing Division’s Main Fax – (651) 431-7673
- Maltreatment Intake/CEP/VA Report – (651) 431-6600
- Maltreatment Fax – (651) 431-7601

- 11. Background Studies Division.** The Background Studies area is now a separate division in the Office of the Inspector General. The phone number for the Background Studies Division Call Center is (651) 431-6620.

D. SELLING YOUR ADULT DAY CENTER

If you plan to sell your adult day center, please note that **a license is not transferable** (see [Minnesota Statutes, section 245A.04, subdivision 7, paragraph \(c\)](#)). The buyer of your center must submit a license application, complete the application process, and receive a license before s/he can begin operating the center. The application process typically takes six to nine months to complete. Please plan accordingly.