

Children’s Residential Facilities: 2024 Legislative changes and program implementation plan

The 2024 Legislature made changes to several laws that impact Department of Human Services (DHS) licensed children’s residential facilities. The sections below contain an overview of each change, instructions for what programs need to do about the change, a link to the change in law, and the date the change is effective.

The hyperlinks within this document go to where the new law can be found. The hyperlink will go to the exact section in session law but it may take a few seconds for the page to scroll down to the right spot. When reviewing the new law:

- Text that is stricken with a line through it reflects words that are being removed from the law.
- Text that is underlined reflects words that are being added to the law.
- Text that is unchanged reflects what the law was before and continues to be the law.

Later this year, the Minnesota Office of the Revisor of Statutes will update the statutes on their website to reflect the new laws.

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Key staff position change notification

Overview

New standards require programs to notify DHS within five business days of a change or vacancy in the key staff position of program director. The notification processes for changes and vacancies are slightly different and the next section explains the steps. This process will help programs to ensure the staff in this position is qualified according to licensing standards and will assist programs when there is a vacancy.

See [Chapter 127, Article 62, Section 2 \(2024 Minnesota Statutes, section 245A.04\)](#).

Effective January 1, 2025.

What programs need to do

Changes in a key position

If there is a change in the key position, complete the following steps:

1. Email or call your licensor within five business days to notify them that there will be a change and to request a Change in License Information Form (CLIF). Include all license numbers the change will impact. If you do not know who your licensor is, email dhs.mhcdlicensing@state.mn.us.
2. Your licensor will email you a CLIF for each license with the current information for each license.
3. When you receive the CLIF, draw a line through the person no longer in the position and add the name and contact information for the new person in the position.
4. Email the CLIF to your licensor with the staff person's qualifications for the position.
5. Your licensor will review the qualifications and update your license information.

Vacancy in a key position

If there is a vacancy in a key position, email or call you program licensor to discuss your program's plan for fulfilling the duties of the position during the vacancy. If you do not know who your licensor is, email dhs.mhcdlicensing@state.mn.us.

Contraindicated restraints

Overview

In 2023, language was added to 245A.211 prohibiting the use of prone restraints and contraindicated restraints. Clarifying language has been added to 245A.211, subd. 4 to make clear that the requirements of the subdivision only apply when there is a known medical or psychological condition for which restraints are contraindicated.

See [MN Laws, Chapter 127, Article 62, Section 12 \(2024 Minnesota Statutes, section 245A.211\)](#).

Effective date: May 25, 2024

What providers need to do

If a program is aware of a condition for a client or patient for which the use of restraints would be contraindicated, the program must document it, train staff, and ensure the contraindicated restraint is not used on that client or patient. The new language clarifies that an assessment is not required.

Public email address

Overview

The license holder's email address will become public data. The license holder can choose which email to provide as their public license holder email address.

See [MN Laws, Chapter 115, Article 19, Section 1 \(2024 Minnesota Statutes, section 13.46\)](#).

Effective January 1, 2025.

What programs need to do

Programs do not need to make any changes at this time. DHS Licensing will provide further guidance prior to January 1, 2025.

Change in ownership

Overview

A license holder must notify DHS and follow specific processes if there will be a change in ownership. These existing standards were revised to clarify and improve the process. The description of the types of changes that require a new license replaces legal terms with easier to understand language. These updates are technical and the types of changes that require a new license will stay the same. The requirements clarify there are two different processes: (1) standard change of ownership process and (2) emergency change in ownership process. Most will use the standard process unless a specific emergency occurs.

The notification and application timeframes for the standard change of ownership process increase to align with the 90 days DHS has to act on a complete application. Other updates in this area clarify the existing language.

The new emergency change in ownership process explains the steps to take if a license holder is inaccessible or unable to operate a program. This process allows another party to assume operation of a program if they notify DHS, receive approval, and meet certain requirements.

The requirements remove the temporary change in ownership license and most ownership transitions will use the standard change in ownership process.

See [Chapter 127, Article 62, Sections 3-7 \(2024 Minnesota Statutes, section 245A.043\)](#).

Effective January 1, 2025.

What programs need to do

License holders do not need to take any action unless they anticipate a change in ownership. The current process will change beginning January 1, 2025. Contact your program’s licensor to discuss this process.

Child passenger restraint systems

Overview

This section applies to any program that transports any children under the age of 18. Starting August 1, 2024, new guidance on child seats, booster seats and seat belts became effective that may change how children ride in a vehicle. Every driver who transports children under age 18 in a vehicle are required to have them restrained in a child safety seat or with a seat belt. The updated law specifies ages for rear- and forward-facing car seats, booster seats and seat belts (subject to weight and height depending on the child seat manufacturer).

The Department of Public Safety explains how to implement these changes and provides links to several resources in their news release: [Changes to Minnesota’s Child Passenger Safety Law go into effect Aug. 1 \(mn.gov\)](#).

All licensed programs that transport children are required to follow this law by the licensing requirements in Minnesota Statutes, section [245A.18. subdivision 1](#).

See [Chapter 104, Article 1, Sec. 42 \(2024 Minnesota Statutes, section 169.685\)](#).

Effective August 1, 2024.

What programs need to do

Programs that serve children under 18 years old must ensure staff who transport a child are aware of the new language in section 169.685 and comply with those requirements for safely transporting children.

Reporting maltreatment of minors definitions

Overview

The following two revisions are made to definitions in the maltreatment of minors reporting statute.

The definition for threatened injury (a type of maltreatment) adds the term parent.

[Chapter 115, Article 18, Section 45 \(2024 Minnesota Statutes, section 260E.03\)](#)

Effective July 1, 2024.

The definition for substantial child endangerment (another type of maltreatment) adds labor trafficking.

[Chapter 115, Article 12, Sections 13 and 16 \(2024 Minnesota Statutes, section 260E.03\)](#)

Effective July 1, 2025.

What programs need to do

Programs should update any program materials if they contain these definitions including maltreatment of minors reporting policies, procedures, client and patient orientation material, staff training material, and postings. Staff should be trained according to the new definitions upon orientation or at their next annual training.

Emergency overdose medications – substance use disorder treatment

Overview

In 2023, children’s residential facilities with a substance use disorder treatment certification were required to maintain a supply of opiate antagonists (example, naloxone or Narcan®) for the emergency treatment of opioid overdoses. This session, DHS proposed technical changes to exempt these programs from several medication storage and training requirements to ensure greater access to these lifesaving medications. These flexibilities now allow:

- staff and adult clients to freely carry emergency overdose medications anywhere at the program,
- staff and adult clients to store these medications in unlocked locations,
- staff who only administer emergency overdose medications to only receive training in how to administer that medication, and
- staff to receive this training from any knowledgeable trainer.

See [Chapter 127, Article 62, Section 13 \(2024 Minnesota Statutes, section 245A.242\)](#).

Effective May 25, 2024.

What programs need to do

Programs should update their policies and procedures for medication administration and training to reflect any of the exemptions they choose to use. Programs may choose to not use any of the exemptions if they determine there is a need to have more stringent policies and procedures in place.

Questions

If you have questions about this implementation plan or other licensing requirements, please contact your licenser directly or email dhs.mhcdlicensing@state.mn.us.

Background studies

Updates on legislative changes related to background studies are posted on the ["What's new" for background studies webpage](#).