



Minnesota Department of **Human Services**

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**DATE:** November 21, 2014

**TO:** **DETOXIFICATION PROGRAMS (DHS Rule 32)**

**RE:** Licensing Updates and Renewal Information for Licenses Effective January 1, 2015

**A. 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 Statute 16E.22 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. Due to limited staff resources and other work priorities, it could be months before a new license is issued. 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 in license information.** If you wish to change any terms 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 in terms 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 several amendments affecting Department of Human Services (DHS) license holders. Information on [new laws passed in 2014 that affect licensed programs](#) is now available on the Licensing Division public website located under “What’s New”. License holders are responsible to read these summaries and to take the action necessary to comply with any new applicable requirements.

Minnesota Statutes, [section 245A.1915](#), requires all license holders who provide chemical dependency treatment services to provide educational information concerning treatment options for opioid addiction, including the use of a medication for the use of opioid addiction, to clients identified as having or seeking treatment for opioid addiction. It is recommended that license holders providing detoxification services provide this educational information concerning treatment options for opioid addiction to clients identified during chemical use screenings and assessments as having or seeking treatment for opioid addiction.

## **C. GENERAL INFORMATION, UPDATES, AND RESOURCES**

- 1. Online information.** The [Licensing Division public website](#) is your primary source of information on licensing standards and requirements. As a 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. DSM-5.** As of October 1, 2014, the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Health Disorders* (DSM), 5<sup>th</sup> Edition, will be the required classification reference tool for clinicians and licensed mental health professionals. For more information, please click on the following link: [ICD-10 and DSM-5 Frequently Asked Questions](#)
- 3. Detoxification Program licensing laws and rules.** Detoxification program licensing laws and rules are available to you online through the [Minnesota Office of the Revisor of Statutes](#) as follows:

### **Minnesota Statutes**

- Minnesota Statutes [§245A](#), Human Services Licensing Act
- Minnesota Statutes [§Chapter 245C](#), Background Study Act
- Minnesota Statutes [§626.556](#), Maltreatment of Minors Act (MOMA)
- Minnesota Statutes [§626.557](#) and [626.5572](#), Vulnerable Adults Act (VAA)
- Minnesota Statutes [§152.02, subdivision 3](#), Definition of Schedule II Drugs
- Minnesota Statutes [§144.4804](#), Reporting Related to Tuberculosis
- Minnesota Statutes [§144.651](#), Health Care Bill of Rights

- Minnesota Statutes §[253B.03](#), Rights of Committed Patients
- Minnesota Statutes §[253B.05, subdivisions 1 and 2](#), Emergency Holds / Peace and Health Officer Holds
- Minnesota Statutes §[253B.16](#), Discharge of Committed Persons
- Minnesota Statutes §[148.171, subdivision 23](#), Definition of Supervision From the Nurse Practice Act

#### **Minnesota Rules**

- Parts [9530.6510 through 9530.6590](#) Detoxification Programs (Rule 32)
- Part [9530.6615, subpart 2](#), Individuals qualified to perform chemical use assessment
- Parts [9530.6800](#) and [9530.6810](#), Determination of Need requirements

- 4. Mental health and chemical health programs licensing forms.** License holders have access to various [licensing forms](#) developed by DHS, intended for use by programs, and in compliance with current licensing requirements. Many forms are designed for general use by all licensed programs, and there are some forms specifically designed for use by programs providing detoxification services.
- 5. Licensing Lookup:** Public searches for DHS licensed programs can be done using the DHS [Licensing Information Lookup](#) online search tool or by reviewing the online DHS [licensed program list](#).

Since July 1, 2010 by the Division of Licensing has posted licensing actions and decisions issued to DHS licensed programs online through [DHS Licensing Information Lookup](#). 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 may [sign up to receive daily emails](#) with links to newly published documents.

- 6. Maltreatment information.** [Sample maltreatment reporting policies and procedures](#) and general information on [maltreatment investigations](#) are available online from the DHS Licensing web site.

7. **Alert information.** Information from our maltreatment 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](#). Alerts are posted as needed throughout the year.
8. **Online mandated reporter training.** DHS Licensing offers online training courses for both [Vulnerable Adult Maltreatment Reporting](#) and [Maltreatment of Minors Mandated Reporting](#).
  - a. **The Vulnerable Adults Mandated Reporting course** introduces mandated reporters to:
    - The Vulnerable Adults Act
    - Definition of maltreatment
    - Who are the mandated reporters
    - The Common Entry Point (CEP)
  - b. **The Maltreatment of Minors Mandated Reporter training** includes:
    - The Reporting of Maltreatment of Minors Act
    - An overview of the Minnesota Child Protection System
    - Definition of maltreatment
    - Who are mandated reporters

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. **Applying for a new license.** If you plan to submit an application for a license for a new Rule 32 Program, please note that the application forms for new licenses have changed. When applying for a new license, the application must be submitted in this new format. The application is available on the [DHS/Chemical Health web page](#) at the bottom of the Detoxification programs information section, and on the [Division of Licensing's Forms page](#). Previous versions of the licensing application form are no longer acceptable and will be returned to the applicant.
10. **The Licensing Division's telephone numbers and email.** Please ensure that your program's phone list and any applicable policies and procedures include current DHS telephone numbers:
  - Licensing Division – (651) 431-6500
  - Licensing Division's Main Fax – (651) 431-7673
  - MH/CD Licensing Unit Email- [dhs.mhcdlicensing@state.mn.us](mailto:dhs.mhcdlicensing@state.mn.us)
  - 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.

- 12. Self-monitoring checklists.** The DHS Licensing [Chemical Health web page](#) and the [forms page](#) both contain a [self-monitoring checklist](#) for use by Rule 32 license holders to evaluate their program's compliance with applicable licensing standards. Checklists are separated into four topic areas: physical plant, policies and procedures, personnel files, and client records.
- 13. License renewal letter.** The annually published [License Renewal Information](#) for each service class is located under general information on the Division of Licensing website. An archive of past license renewal information is maintained.
- 14. Smoking in licensed residential healthcare facilities.** The Minnesota Department of Health provides [Freedom to Breathe](#) information online based on the Minnesota Clean Indoor Air Act and restrictions on smoking in licensed residential facilities.
- 15. Reporting a death in the program.** Minnesota Statutes, [245A.04, subdivision 16](#) requires that DHS licensed programs must have a written policy for reporting the death of an individual served by the program to the commissioner of human services. Within 24 hours of receiving knowledge of the death of an individual served by the program, the license holder shall notify the commissioner of the death. If the license holder has reason to know that the death has been reported to the commissioner, a subsequent report is not required.

#### **E. INFORMATION SPECIFIC TO DETOXIFICATION PROGRAMS (RULE 32)**

- 1. Use of Protective Procedures in a Detoxification Program.** Because licensors are finding serious violations and issuing multiple citations in the area of protective procedures, license holders are strongly encouraged to review and ensure full implementation of [Minnesota Rules, part 9530.6535](#) and [part 9530.6570, subpart 2, item G](#). Requirements for the use of protective procedures are described in the [2013 Rule 32 License Renewal Letter](#), item E (4).
- 2. Condition Specific Protocol / standing orders.** Minnesota Rules, part [9530.6560, subparts 4\(D\) and 5\(E\)](#) address the use of condition specific protocols for administration of medications that require a withdrawal regimen. This is often called standing orders in program policies.
  - a.** 9530.6560, subpart 4, (D) requires that the registered nurse must be responsible for implementing condition specific protocols in compliance with Minnesota Statutes, section [151.37, subdivision 2](#), and
  - b.** 9530.6560, subpart 5, (E) requires a license holder to document the medical director's approval of the formulation of condition specific protocols regarding the medications that require a withdrawal regimen that will be administered to clients. This approval must be obtained before the protocol is used and annually thereafter.

If your program uses "standing orders" to initiate medications that require a withdrawal regimen that is not client specific, but based on presenting symptoms, it is strongly suggested that you review your policies and procedures to ensure compliance with Rule 32 standards, and [Minnesota Nursing Board Use of Condition Specific Protocols FAQs](#).

- 3. Admission Assessments.** Reminder: Program policies must require an admission assessment of all clients, including those brought in by police and placed immediately into seclusion. This is

required in order to assess the level of intoxication, the substances ingested, and potential for increasing toxicity or other medical problems that may necessitate acute medical care.

4. **Arranging for a chemical use assessment.** [Minnesota Rules, part 9530.6530, subpart 2](#) requires the license holder to “provide or arrange for the provision of a chemical use assessment, according to parts 9530.6600 to 9530.6660 for each client who suffers from substance use disorder at the time the client is identified.” If the client leaves the program prior to the completion of a chemical use assessment according to Rule 25, then the license holder must document that the client has been given the date and time of an appointment for a chemical use assessment and the phone number and address or place where the assessment will be administered. The requirement to provide or arrange for the provision of a chemical use assessment applies to new clients and to readmitted clients when it has been more than one year since the last assessment. Subpart 2 states that if a client is readmitted within one year of the most recent assessment, an update to the assessment must be completed.
  
5. **Predatory Offender Notification is required only if the facility receives a fact sheet about that individual from law enforcement or a corrections agent.** Clarification of [Minnesota Statutes, section 243.166](#), subdivision 4b, paragraph (d) was provided in the [2012 License Renewal Letter](#), item E (9).

There is nothing in the law that prohibits license holders from orienting residents to the program policies and procedures related to appropriate boundaries, in addition to the required orientation to policies for reporting grievances, and reporting alleged maltreatment.

## F. QUESTIONS REGARDING THE 2015 LICENSE RENEWAL PROCESS

If you have any questions regarding this 2015 license renewal process, please contact the licensor assigned to your program. If you do not know the name of the licensor assigned to your program, please call (651) 431-6500 and ask to speak to the licensor on call for the MICD Unit.