



Minnesota Department of **Human Services**

DATE: December 23, 2014

TO: **INTENSIVE RESIDENTIAL TREATMENT SERVICES – IRTS (DHS R36V)**

RE: Licensing 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 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.

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.
1. **DSM-5.** As of October 1, 2014, the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Health Disorders* (DSM), 5th 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](#)
2. **Intensive Residential Treatment licensing laws and rules.** Intensive Residential Treatment Services program licensing laws and rules are available to you online as [R36V \(IRTS\) variance dated July 1, 2010, a variance to Minnesota Rules, part 9520.0500 to 9520.0690 - Rule 36](#), and through the Minnesota [Office of the Revisor of Statutes](#) as follows:
 - [Minnesota Statutes, Chapter 245C \(Human Services Background Study Act\)](#)
 - [Minnesota Statutes, Chapter 148F \(Alcohol and Drug Counselor Requirements\)](#)
 - [Minnesota Statutes, Chapter 626.557 \(Reporting of Maltreatment of Vulnerable Adults\)](#)
 - [Minnesota Statutes, Chapter 626.556 \(Reporting of Maltreatment of Minors Act\)](#)
 - [Minnesota Statutes, Sections 245.461 to 245.486 \(Minnesota Adult Mental Health Act\)](#)
3. **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. Forms to be used specifically by IRTS programs are identified.

4. **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.

5. **Maltreatment information.** [Sample maltreatment reporting policies and procedures](#) and general information on [maltreatment investigations](#) are available online from the DHS Licensing web site.
6. **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.
7. **Online mandated reporter training.** DHS Licensing offers online training courses for both [Vulnerable Adults Mandated Reporting of Maltreatment](#) 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.

8. **Applying for a new license.** If you plan to submit an application for a license for a new Intensive Residential Treatment Services 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/Mental Health web page](#) in the Residential Treatment for Adults 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.
9. **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
 - Maltreatment Intake/CEP/VA Report – (651) 431-6600
 - Maltreatment Fax – (651) 431-7601
10. **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.
11. **License Renewal Letter.** This annually published [License Renewal Letter](#) for each service class is found under general information on the Licensing website. An archive of past License Renewal Letters is maintained.
12. **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.
13. **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.

D. INFORMATION SPECIFIC TO INTENSIVE RESIDENTIAL TREATMENT SERVICES PROGRAMS

1. **Questions related to the current version of R36V variance.** Highlights of the current variance are contained in the [2012 Licensing Renewal Letter](#). The [Frequently asked questions](#) link related to the IRTS Variance is a compilation of questions license holders have raised as they implement the variance requirements. The FAQ link continues to be updated by DHS as additional questions

are submitted, so license holders are advised to check back periodically. If you have any additional questions regarding the requirements in R36V, please contact your licensor.

2. **Documentation of qualifications of mental health practitioners.** [R36V.07, subdivision 5, \(b\)](#) requires verification of staff qualifications specific to the position, including required credentials and other training or qualifications necessary to carry out assigned job duties. It is recommended that license holders review the requirements for documentation of the qualifications of mental health practitioners as described in the FAQs question #21. Lack of this documentation has been a frequently cited violation in many of the programs reviewed.
3. **Clinical supervision procedure.** [R36V.10, subdivision 5](#) states that the clinical supervisor must have a written plan describing how the supervisory requirements in R36V.10, R36V.04, subdivisions 1, 2, and 3, paragraphs (b), (d), (e), (f), (h), (i), and (j), and subdivision 9, and section R36V.05, subdivision 2, paragraph (a), clause (1) will be met. Licensing reviews have repeatedly shown that license holders' procedures for conducting clinical supervision are not clearly defined, and the supervision requirements have not been met.

If the treatment director is a mental health practitioner, [R36V.09, subdivision 2, \(a\), \(3\)](#), requires that he or she must receive clinical supervision at least monthly in addition to the supervision required in [R36V.10, subdivision 4](#). If the treatment director requires clinical supervision, the supervision must cover the following topics:
 - a. General needs of the recipients being served;
 - b. Overall needs and effectiveness of the program; and
 - c. Needs and issues related to staff training.
4. **Self-monitoring checklists.** The [self monitoring checklist for use by IRTS license holders](#) on the DHS licensing website has been updated to reflect the revisions to the applicable licensing standards in the variance that became effective on July 1, 2010.
5. **Education.** IRTS programs requesting to serve an individual under the age of 18 years must include a written plan for meeting the client's education needs as part of the submitted variance request.

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 MI/CD Unit.