

## **Psychiatric Residential Treatment Facilities: 2024 Legislative changes and program implementation plan**

The 2024 Legislature made changes to several laws that impact Department of Human Services (DHS) licensed Psychiatric Residential Treatment Facilities (PRTF). 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.

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## 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.

### 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](mailto: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](#).