

## Withdrawal Management and Detoxification Programs: 2022 Legislative changes and program implementation

The 2022 Legislature made changes to several laws that impact Department of Human Services (DHS) licensed withdrawal management and detoxification programs. The sections below contain an overview of each change, instructions for what providers need to do about the change, the date the change is effective, and a link to the change in law.

### Staff person substance use problems

#### Overview

Several changes simplify program personnel policy requirements for staff with substance use problems. This eliminates requirements about substance use problems **before** employment at the program, employee attestation statements about being free from problematic substance use, and archaic definitions of substance use problems. The new requirement is to simply have one personnel policy that describes the process for disciplinary action, suspension, or dismissal of a staff person if they violate the program's drug and alcohol policy required by [Minnesota Statutes, section 245A.04, subdivision 1, paragraph \(c\)](#).

See [MN Laws, Chapter 98, Article 12, Sections 4, 5, and 21](#). Changes to the withdrawal management requirements in chapter 245F are **effective January 1, 2023**. The repeal of detoxification program rule requirements in [section 21](#) are effective January 1, 2023 and DHS intends to make the other rule changes that [section 20](#) describes effective on this same date.

#### What providers need to do

Providers must update their personnel policies to describe the program's process for disciplinary action, suspension, or dismissal of a staff person if they violate the program's drug and alcohol policy. This policy must prohibit license holders, employees, subcontractors, and volunteers (when directly responsible for clients) from abusing prescription medication or being in any manner under the influence of a chemical that impairs their ability to provide services or care.

## Substance use disorder term

### Overview

The more up-to-date term “substance use disorder” replaces the term “chemical dependency” in all Minnesota Statutes and Rules. **Effective July 1, 2022.** [Chapter 98, Article 4, Section 51.](#)

### What providers need to do

Providers should update any policies or forms that reference the old term.

## Physician assistants

### Overview

For **withdrawal management programs only**, physician assistants may perform certain tasks or duties that previously required a physician or advanced practice registered nurse. These changes are that a physician assistant may now:

- be the medical director for a withdrawal management program, [Chapter 58, section 105 \(245F.02\)](#), and
- authorize the use of physical holds and seclusion, [Chapter 58, section 106 \(245F.09\)](#).

For **withdrawal management programs and detoxification programs**, additional changes to background study definitions and standards related to physician assistants include:

- serious maltreatment definition adds serious injury that requires the care of a physician assistant, [Chapter 58, section 100 \(245C.02\)](#), and
- continuous affiliation standards add physician assistants, [Chapter 58, section 101 \(245C.04\)](#).

**Effective August 1, 2022.**

### What providers need to do

Providers should update their policies and procedures to include physician assistants where applicable and **withdrawal management programs** may use a physician assistant instead of a physician or advanced practice registered nurse for the above duties. **Detoxification programs** may request a variance to Minnesota Rules, chapter 9530 to allow physician assistants to perform the same duties as chapter 245F now allows. To request this variance, please contact the licenser for your program or email [dhs.mhcdlicensing@state.mn.us](mailto:dhs.mhcdlicensing@state.mn.us).

## Vulnerable adult maltreatment definitions

### Overview

Vulnerable adult maltreatment law definitions for abuse, caregiver, and neglect changed to provide more clarity. **Effective July 1, 2022.** [Chapter 98, Article 8, Sections 47 to 49 \(626.5572\)](#).

### What providers need to do

Providers must update these definitions in any of their staff training materials or policies that contain these definitions.

## Background studies

### Overview

Emergency background studies and the supervision waiver now extend through Dec. 31, 2022. The DHS Background Studies Division sent providers emails about these changes. For details about the extension of:

- **emergency studies**, please read the [email at this link](#)
- **direct contact supervision waiver**, please read the [email at this link](#).

### What providers need to do

While this extension allows more time, DHS encourages programs to:

- work with their staff to complete fully compliant fingerprint studies as quickly as possible, and
- prioritize submissions of new hires followed by resubmissions for individuals with emergency studies.

Find additional updates for background studies at ["What's New" for background studies](#).