

**Foster Care Services
&
Licensure of Adult Foster Homes
(Rule 203)**

Minnesota Rules, Parts 9555.5105 – 9555.6265

Updated from website 7/19/17

9555.5105 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9555.5105 to 9555.6265 the following terms have the meanings given them.

Subp. 2. **Adult.** "Adult" means a person at least 18 years of age.

Subp. 3. **Adult foster care.** "Adult foster care" means the provision of food, lodging, protection, supervision, and household services to a functionally impaired adult in a residence and may also include the provision of personal care, household and living skills assistance or training, medication assistance under part 9555.6225, subpart 8, and assistance safeguarding cash resources under part 9555.6265.

Subp. 4. **Adult foster care services.** "Adult foster care services" means those community social services that are provided to residents or prospective residents of adult foster homes.

Subp. 5. **Adult foster home.** "Adult foster home" means a residence operated by an operator who, for financial gain or otherwise, provides 24-hour foster care to no more than four functionally impaired residents and a residence with five or six residents as authorized under Minnesota Statutes, section 245A.11, subdivision 2a.

Subp. 6. **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 3.

Subp. 7. **Building official.** "Building official" means a person appointed in accordance with Minnesota Statutes, section 326B.133, to administer the state building code or the building official's authorized representative.

Subp. 8. **Caregiver.** "Caregiver" means an adult who meets the qualifications in part 9555.6125, subpart 4, and gives care to a resident in an adult foster home.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's authorized representative.

Subp. 10. **County board.** "County board" means the county board of commissioners in each county. When a human services board has been established under Minnesota Statutes, sections 402.02 to 402.10, it shall be considered to be the county board.

Subp. 11. **County of financial responsibility.** "County of financial responsibility" means the county responsible for paying for foster care services for a resident under Minnesota Statutes, section 256G.02, subdivision 4.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section 299F.011, to administer and enforce the Minnesota Uniform Fire Code or the fire marshal's authorized representative.

Subp. 14. **Functionally impaired.** "Functionally impaired" means a person who has:

A. substantial difficulty carrying out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working; or

B. a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

Subp. 15. **Health authority.** "Health authority" means the designated representative of the community health board as defined in Minnesota Statutes, section 145A.02, subdivision 5, to enforce public health codes.

Subp. 16. **Household member.** "Household member" means any person living in the adult foster home more than 30 consecutive calendar days in any 12 month period who is not a resident.

Subp. 17. **Household services.** "Household services" means activities taught to or performed by a caregiver for a resident such as cooking, cleaning, budgeting, and other household care or maintenance tasks.

Subp. 18. **Individual service plan.** "Individual service plan" means the written plan agreed upon and signed by the county of financial responsibility and the resident or resident's legal representative for the provision of social services. For persons with a developmental disability or otherwise determined eligible for case management, it means the plan agreed upon and signed under parts 9525.0004 to 9525.0036.

Subp. 19. **Individual resident placement agreement.** "Individual resident placement agreement" means the written document specifying the terms for provision of foster care to an adult that is developed under part 9555.5705 for persons receiving services under parts 9525.0004 to 9525.0036 or under part 9555.6167 for persons not receiving community social services or services for persons with a developmental disability. The individual resident placement agreement must:

- A. describe the reason for placement;
- B. describe what the operator must provide in the areas of lodging, food, protection, household or living skills training or assistance, personal care assistance, assistance safeguarding cash resources, transportation, residence accessibility modifications, medication assistance, and supervision;
- C. describe who is financially responsible for the payment of the foster care provided by the operator;
- D. describe any other community, health and social services that the operator will assist in providing;
- E. coordinate with the contents of the individual program plan as defined under part 9525.0004, subpart 11, for persons with a developmental disability; and
- F. coordinate with the individual service plan developed under parts 9525.0004 to 9525.0036.

Subp. 20. **Legal representative.** "Legal representative" means a person appointed by the court as a guardian or conservator of an adult under Minnesota Statutes, sections 525.539 to 525.6198 or chapter 252A, or a health care agent appointed by a principal in a health care power of attorney to make health care decisions as provided in Minnesota Statutes, chapter 145C.

Subp. 21. **License.** "License" means a certificate issued by the commissioner authorizing the operator to give specified services for a specified period in accordance with parts 9555.6105 to 9555.6265 and Minnesota Statutes, sections 245A.01 to 245A.16 and 252.28, subdivision 2. License includes a provisional license issued to an operator who is temporarily unable to comply with the requirements for a license.

Subp. 22. **Licensed capacity.** "Licensed capacity" means the maximum number of functionally impaired adults who may receive foster care in the adult foster home at any one time.

Subp. 23. **Living skills assistance.** "Living skills assistance" means activities taught or performed to assist the resident to use services, transportation, recreation, and social opportunities available in the community.

Subp. 24. **Local agency.** "Local agency" means the county or multicounty social service agency governed by the county board or multicounty human services board of the county in which the adult foster

home is located. If the local agency is also providing foster care services to the resident, then the local agency is also the service agency defined in subpart 34.

Subp. 25. **Medication.** "Medication" means a prescription substance taken internally, applied externally, or injected to prevent or treat a condition or disease, heal, or relieve pain.

Subp. 26. **Minnesota State Fire Code.** "Minnesota State Fire Code" means those codes and regulations adopted by the fire marshal under chapter 7511 and Minnesota Statutes, section 299F.011.

Subp. 27. **Operator.** "Operator" means the individual, partnership, corporation, or governmental unit licensed by the department and legally responsible for the operation of an adult foster home.

Subp. 28. **Personal care.** "Personal care" means assistance by a caregiver with or teaching of skills related to activities of daily living such as eating, grooming, bathing, and laundering clothes.

Subp. 29. **Protection.** "Protection" means compliance with the Vulnerable Adults Act.

Subp. 30. **Related.** "Related" has the meaning given to "individual who is related" in Minnesota Statutes, section 245A.02, subdivision 13.

Subp. 31. **Residence.** "Residence" means the single dwelling unit in which foster care is provided with complete, independent living facilities for one or more persons. As defined in section 405 of the Minnesota State Building Code, the residence has permanent provisions for living, sleeping, cooking, eating, and sanitation.

Subp. 32. **Resident.** "Resident" means a functionally impaired adult residing in an adult foster home and receiving foster care.

Subp. 33. **Roomer.** "Roomer" means a household member who is not related to the operator and is not a resident or caregiver.

Subp. 34. **Service agency.** "Service agency" means the public or private agency designated by the county of financial responsibility with the responsibility to provide the foster care services in parts 9555.5105 to 9555.5705.

Subp. 35. **Social worker.** "Social worker" means a person designated by the local agency or service agency of the county of financial responsibility with credentials meeting the minimum requirements under the Minnesota Merit System classification for social worker or a county personnel system equivalent under Minnesota Statutes, sections 375.56 to 375.71; Laws 1965, chapter 855; and Laws 1974, chapter 435, article 3, who is responsible for coordinating a prospective resident's initial assessment and placement in part 9555.5605 and the development of the individual resident placement agreement for those persons with an individual service plan.

Subp. 36. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of administration under chapter 1300 and Minnesota Statutes, section 326B.101.

Subp. 37. **Supervision.** "Supervision" means:

A. oversight by a caregiver as specified in the individual resident placement agreement and daily awareness of a resident's needs and activities; and

B. the presence of a caregiver in the residence during normal sleeping hours.

Subp. 38. **Variance.** "Variance" means written permission by the commissioner for an applicant or operator to depart from the provisions of parts 9555.6105 to 9555.6265 if equivalent alternative measures are provided to ensure the health, safety, and rights of a resident.

Subp. 39. **Vulnerable Adults Act.** "Vulnerable Adults Act" means Minnesota Statutes, sections 626.557 and 626.5572.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 256.01; 256B.092; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; L 1987 c 309 s 24, c 333 s 22; 18 SR 2244; L 2003 1Sp14 art 11 s 11; L 2005 c 56 s 2; 30 SR 585; L 2007 c 140 art 4 s 61; art 13 s 4; L 2015 c 21 art 1 s 109*

Published Electronically: *October 2, 2015*

9555.5200 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.5205 APPLICABILITY.

Parts 9555.5105 to 9555.5705 govern the administration and provision of adult foster care services to residents or prospective residents of adult foster homes by the county board.

Statutory Authority: *MS s 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.5300 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.5305 PURPOSE.

The purpose of parts 9555.5105 to 9555.5705 is to ensure that a resident or prospective resident of an adult foster home receives an assessment of need for adult foster care, is notified about adult foster care services that are available, and consultation, assistance, and information are provided to applicants or operators of adult foster homes.

Statutory Authority: *MS s 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.5400 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.5405 FOSTER HOME DEVELOPMENT.

The local agency shall implement an annual adult foster home recruitment plan specifying a method and timetable for recruiting operators to meet the county's adult foster care needs if adult foster care services to residents or prospective residents of adult foster homes are specified by the county board in the community social services plan.

Statutory Authority: *MS s 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; L 2003 1Sp14 art 11 s 11*

Published Electronically: *October 8, 2007*

9555.5415 [Repealed, 15 SR 2105]

Published Electronically: *October 8, 2007*

9555.5505 LOCAL AGENCY ORIENTATION AND TRAINING ROLE.

Subpart 1. **Local agency role.** The local agency shall ensure that:

A. the operator and caregivers comply with the orientation and training requirements in part 9555.6185; and

B. the orientation and training in part 9555.6185 is available within the county or within 50 miles of the adult foster home at times convenient to foster home operators.

Subp. 2. **Orientation.** The local agency shall provide three hours of orientation to a foster home operator and caregivers prior to the placement of the first resident following initial licensure. The orientation training must include training on requirements of the Vulnerable Adults Act contained in Minnesota Statutes, sections 626.557 and 626.5572; and the general provisions of parts 9555.5105, and 9555.6105 to 9555.6265.

Subp. 3. **Information.** The local agency shall identify sources of training that meet the standards in part 9555.6185 and notify the operator of a licensed residence in the county at least once a year of the training opportunities available.

Statutory Authority: *MS s 14.386; 14.388; 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; 30 SR 585*

Published Electronically: *January 14, 2010*

9555.5515 RECORD ON THE RESIDENCE.

A record for the residence licensed as an adult foster home shall be maintained by the commissioner and contain:

A. a copy of the completed licensing application form signed by the applicant and the representative of the commissioner, as specified in part 9555.6115, subpart 1;

B. the physician's reports on caregivers and household members specified in part 9555.6125 if the operator is an individual;

C. the initial and subsequent inspection report from the fire marshal specified in part 9555.6125 and the subsequent home safety checklists;

D. any written inspection reports from a health authority or building official;

E. the commissioner's initial and any renewal licensing studies and inspections;

F. any comments of the operator or provider about the licensing studies and inspections;

G. written references from at least three persons who know about the applicant's potential to operate an adult foster home. If the applicant has been licensed through another jurisdiction, the local agency shall also request and keep a reference from the licensing authority in that jurisdiction;

H. a list of residents currently in the residence;

I. a list of residents who have been in the residence in the past five years;

J. documentation of any variances to parts 9555.6105 to 9555.6265;

K. arrest, conviction, and criminal history records on the operator, caregivers, and household members;

L. if the operator is a partnership, corporation, or governmental unit, the information required in part 9555.6125, subpart 3, item C, subitems (1), (2), (3), (6), and (7);

M. a copy of the commissioner approved, written adult foster home program required in part 9555.6235;

N. a record of any substantiated complaints of maltreatment as defined in Minnesota Statutes, section 626.5572, subdivision 15, and any corrective action taken under parts 9555.7100 to 9555.7600; and

O. a copy of the facility abuse prevention plan required under the Vulnerable Adults Act.

Statutory Authority: *MS s 14.386; 14.388; 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; 30 SR 585; L 2012 c 216 art 9 s 38*

Published Electronically: *December 3, 2012*

9555.5605 ASSESSMENT.

Subpart 1. **Assessment.** A social worker from the local agency or service agency of the county of financial responsibility shall ensure that a person seeking adult foster home placement has an assessment to determine the person's need for adult foster care.

A. An adult who has or may have a diagnosis of developmental disability shall be assessed under parts 9525.0004 to 9525.0036.

B. An adult requesting adult foster care services shall be assessed.

C. An assessment performed under Minnesota Statutes, section 256B.0911 shall satisfy the provisions of item D.

D. An assessment coordinated by a social worker and review of any information gathered from professionals must be made of the adult's:

(1) ability to manage activities of daily living;

(2) physical health, including impairments of mobility, sight, hearing, and speech;

(3) intellectual functioning and mental health, including impairments of judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life;

(4) need for supervision;

(5) need for protection;

(6) need for assistance in safeguarding cash resources;

- (7) need for medication assistance;
- (8) employability and vocational skills;
- (9) need for family and community involvement; and
- (10) need for community, social, or health services.

Subp. 2. **Mobility access assessment.** Before placement, or after placement if the local agency has reasonable cause to believe a mobility access, seizure, or disability problem has developed, the social worker shall determine, in consultation with the prospective resident and the resident's representative and any other person knowledgeable about the resident's needs, whether accessibility aides or modifications to the residence are needed. The need for accessibility aides or modifications to the residence shall be determined for persons with regular seizures or physical disabilities using an accessibility checklist approved by the commissioner in consultation with persons knowledgeable about the accessibility and mobility needs of the resident and persons knowledgeable about accessibility modifications to residential occupancies. A person using a wheelchair must be housed on a level with an exit directly to grade.

Subp. 3. **Placement standards.** A person shall be appropriate for adult foster home placement if the person:

- A. is an adult;
- B. is functionally impaired;
- C. has requested, or the adult's legal representative has requested, foster care placement;
- D. has demonstrated a need for foster care based on the assessment in subpart 1;
- E. does not require continuous medical care or treatment in a facility licensed for acute care under chapter 4640; and
- F. has been approved for placement under parts 9525.0004 to 9525.0036, if the adult has a developmental disability.

Subp. 4. **Placement and consumer choice.** A person who is appropriate for adult foster home placement, and the person's legal representative must be allowed to choose among between the homes that the social worker determines would meet the person's foster care needs.

Subp. 5. **Matching.** When referring the adult seeking foster care to a licensed adult foster home, the social worker shall match the licensing study information and the capacity of the adult foster home program developed by the operator under part 9555.6235 with the assessed needs of the functionally impaired adult determined under part 9555.5605, subparts 1 and 2.

Subp. 6. **Preplacement visit.** The social worker shall arrange for the functionally impaired adult to visit the prospective adult foster home before placement, except in cases of emergency placement or placement for less than 30 consecutive days. Before placement, the following shall be discussed with the operator:

- A. the needs of the functionally impaired adult as determined by the assessment in part 9555.5605, subparts 1 and 2;
- B. the foster care that must be provided by the operator to the adult seeking placement;
- C. the adult's need for additional community health and social services and the operator's responsibility in assisting with provision of or access to those services; and

D. the financial arrangements to pay for the adult foster care.

Statutory Authority: *MS s 256.01; 256B.092; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; 18 SR 2244; L 2003 1Sp14 art 11 s 11; L 2005 c 56 s 2; L 2013 c 62 s 32*

Published Electronically: *August 1, 2013*

9555.5705 PROVISION OF ADULT FOSTER CARE SERVICES TO RESIDENTS OF ADULT FOSTER HOMES.

Subpart 1. **Adult foster care service.** When the county board elects to provide adult foster care services, the county board shall offer adult foster care services to the residents or prospective residents of an adult foster home. Adult foster care services may be provided directly by the county of financial responsibility, or by the service agency under a written agreement with the county of financial responsibility, or by another agency under contract to the county of financial responsibility.

Subp. 2. **Development of individual resident placement agreement.** If the resident or prospective resident requests and receives adult foster care services, then the service agency shall develop, and the resident, resident's legal representative, and the operator shall agree on and sign an individual resident placement agreement as defined in part 9555.5105, subpart 19. The agreement must be signed within 30 days of placement and be coordinated with the adult's individual service plan as defined in part 9555.5105, subpart 18. The service agency shall give a copy of the individual service plan to the operator. If the resident is appropriate for adult foster home placement and does not require adult foster care services, the individual resident placement agreement shall be developed by the operator, resident, and resident's legal representative under part 9555.6167.

Subp. 3. **Placement review for residents with an individual service plan.** The service agency assigned to a resident in an adult foster home with an individual service plan must:

A. visit the resident and operator within 30 days of placement to confirm the appropriateness of the placement;

B. provide consultation services to the operator in meeting the resident's assessed needs;

C. provide a telephone number where caregivers and the resident or resident's legal representative may call for emergency social service assistance 24 hours a day; and

D. assist in developing the individual abuse prevention plan for the resident under parts 9555.7100 to 9555.7600.

Statutory Authority: *MS s 256.01; 256E.03; 256E.05; 256E.08; 393.07*

History: *12 SR 148; L 2003 1Sp14 art 11 s 11; L 2012 c 216 art 9 s 38*

Published Electronically: *December 3, 2012*

9555.6100 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.6105 APPLICABILITY AND PURPOSE.

Parts 9555.5105 and 9555.6105 to 9555.6265, as authorized by Minnesota Statutes, chapter 245A, govern the licensure of the operator of an adult foster home. The purpose of parts 9555.5105 and 9555.6105 to 9555.6265 is to establish procedures and standards for licensure and operation of an adult foster home so minimum levels of care are provided and the health, safety, and rights of residents are assured.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148; 13 SR 1448*

Published Electronically: *October 8, 2007*

9555.6115 LICENSE APPLICATION PROCESS.

A license to operate an adult foster home must be obtained from the department under items A to D.

A. Application for a license must be made on the application form issued by the department and must be made in the county where the adult foster home is located.

B. The applicant must be the individual or the authorized representative of the partnership, corporation, or government unit that will be the operator of the adult foster home.

C. Separate licenses are required for residences located at separate addresses, even if the residences are to be operated by the same operator.

D. An application for licensure is complete when the commissioner determines that the department forms and documentation needed for licensure, the inspection, zoning, evaluation, and investigative reports, documentation and information required to verify compliance with parts 9555.5105 and 9555.6105 to 9555.6265 have been submitted by the applicant. The commissioner shall stamp and date a signed and completed department application form on the date of receipt.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6125 LICENSING STUDY.

Subpart 1. **Access to residence.** The applicant shall give the commissioner access to the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265. Access shall include the residence to be occupied as an adult foster home; any adjoining land or buildings owned or operated by the applicant or operator in conjunction with the provision of adult foster care and designated for use by a resident; noninterference in interviewing caregivers, roomers, or household members; and the right to view and photocopy the records and documents specified in parts 9555.6235 and 9555.6245. The commissioner shall have access to the residence at any time during the period of licensure to determine whether the operator is in compliance with parts 9555.5105 and 9555.6105 to 9555.6265.

Subp. 2. **Inspections.** The residence must be inspected by a fire marshal within 12 months before initial licensure to verify that the residence is a dwelling unit within a residential occupancy as defined in section 9.117 of the Minnesota Uniform Fire Code and that the residence complies with the fire safety standards for that residential occupancy contained in the Minnesota Uniform Fire Code. A home safety checklist, approved by the commissioner, must be completed by the operator and the commissioner before

licensure each year a fire marshal inspection is not made. The residence shall be inspected according to the licensed capacity specified on the initial application form. If the commissioner has reasonable cause to believe that a potentially hazardous condition may be present or the licensed capacity is increased to four residents, the commissioner shall request a subsequent inspection and written report by a fire marshal to verify the absence of hazard. Any condition cited by a fire marshal, building official, or health authority as hazardous or creating an immediate danger of fire or threat to health and safety must be corrected before a license is issued or renewed by the department.

Subp. 3. **Study of applicant.** A study of the applicant shall be conducted by the commissioner under items A to D.

A. The applicant shall provide the commissioner with a completed, signed form as required by Minnesota Statutes, chapter 245C, for each caregiver, household member age 13 and over, and each owner, partner, board member, and employee who will be involved in the operation of the adult foster home. The form must disclose the person's full name and all previous or additional names, date of birth, the specific nature of information to be disclosed, who will receive the information, and who will disclose it. The commissioner shall seek the assistance of the Minnesota Bureau of Criminal Apprehension, the county attorney, and sheriff or chief of police in the locality where the person resides in determining the person's arrest, conviction, or criminal history record. If the person has not resided in the state for five years, the form shall also be sent to a national criminal history repository. In the case of a household member who is nine years of age but under the age of 14, the commissioner shall ascertain from the local court of jurisdiction whether the juvenile has been adjudicated as a delinquent for any of the acts specified in subpart 4, item D.

B. The applicant who is an individual shall provide social history information to the commissioner about each household member. "Social history information" means information on education; employment; financial condition; military service; marital history; strengths and weaknesses of household relationships; mental illness; chemical dependency; hospitalizations; involuntary terminations of parental rights; the use of services for developmental disabilities; felony, gross misdemeanor or misdemeanor convictions, arrests or admissions; and substantiated reports of maltreatment.

C. If the applicant is an authorized representative of a partnership, corporation, or governmental unit, the applicant shall make available and maintain the following information:

- (1) the names and addresses of the owners and board members;
- (2) the name, address, and physical health report of the employees who are involved in the operation of the adult foster home;
- (3) an organization chart;
- (4) personnel policies;
- (5) the personnel records of persons in subitem (2) and verification that they comply with the qualifications in subpart 4;
- (6) job descriptions of persons in subitem (2); and
- (7) the staffing pattern to be used in the adult foster home.

D. The applicant shall provide the commissioner with the names of three persons not related to the applicant who can supply information about the applicant's ability to operate an adult foster home.

Subp. 4. **Qualifications.** Operators, caregivers, and household members must meet the qualifications in items A to G.

- A. Operators and caregivers must be adults.
- B. [Repealed, L 2009 c 79 art 1 s 21]
- C. Operators, caregivers, and household members must agree to disclose the arrest, conviction, and criminal history information specified in subpart 3.
- D. Operators, caregivers, and household members must not have a disqualification under Minnesota Statutes, section 245C.15, that is not set aside under Minnesota Statutes, section 245C.22, or for which a variance has not been granted under Minnesota Statutes, section 245C.30.
- E. Operators and caregivers must not have a diagnosis of developmental disability and be receiving services under parts 9525.0004 to 9525.0036.
- F. [Repealed, L 1991 c 38 s 2]
- G. Caregivers and household members must not abuse prescription drugs or use controlled substances as named in Minnesota Statutes, chapter 152, or alcohol, to the extent that the use or abuse has or may have a negative effect on the health, rights, or safety of residents.

Subp. 5. **Evaluation for cause.** The commissioner may require, before licensure or at any time during the licensed term of the adult foster home, a physical, mental health, chemical dependency, or criminal history evaluation of the operator, caregiver, or household member if the commissioner has reasonable cause to believe that any of the qualifications or requirements in subpart 4, items A to G have not been met or that the operator or any caregiver cannot care for a resident. Evaluations must be conducted by a professional qualified by license, certification, education, or training to perform the specific evaluation.

Subp. 6. **Zoning.** At least 30 days before the initial license issuance date, the commissioner shall notify the local zoning administrator in the jurisdiction where the residence is located of the license application.

Subp. 7. **Period of licensure; nontransfer.** A license shall be issued by the commissioner for up to two years when the applicant complies with parts 9555.6105 to 9555.6265. A license is not transferable to another operator or residence.

Subp. 8. **Initial license.** An applicant for initial licensure may be granted an initial license by the commissioner for up to two years if the laws and rules cannot be complied with immediately, and if the deviations from parts 9555.6105 to 9555.6265 do not threaten the health, rights, or safety of a resident. All deviations must be corrected within the time specified by the commissioner but not exceeding one year. Failure to correct deviations within the stated time shall be cause for revocation of a license or a fine or both.

Subp. 9. **Variance procedure.** An applicant or operator may request a variance from compliance with parts 9555.5105 and 9555.6105 to 9555.6265. A request for a variance must comply with and be handled according to the following procedures:

- A. An applicant or operator must submit a written request for a variance to the commissioner. The request must include:
 - (1) the sections or parts 9555.6105 to 9555.6265 with which the applicant or operator cannot comply;
 - (2) the reasons why the applicant or operator needs to depart from the specified sections;
 - (3) the period for which the applicant or operator requests a variance;

(4) the specific equivalent alternative measures that the applicant or operator will provide so the health, rights, and safety of residents are ensured if the variance is granted; and

(5) if applicable, any items specified in Minnesota Statutes, section 245A.11, subdivision 2a or 7.

B. An applicant or operator must submit to the commissioner written approval from a fire marshal of the alternative measures identified to ensure the safety of residents when a variance of part 9555.6125, subpart 2, is requested.

C. An applicant or operator must submit to the commissioner written approval from a health authority of the alternative measures identified to ensure the health of residents when a variance of parts 9555.6215 and 9555.6225 is requested.

Subp. 10. **Variance standard.** A variance may be granted if:

- A. the variance is submitted in accordance with subpart 9;
- B. the commissioner does not have reasonable cause to believe the health, rights, or safety of the residents will be threatened;
- C. the variance would not be contrary to a standard required by Minnesota Statutes; and
- D. a request for variance to subpart 4, item E, has clear and convincing evidence presented by the operator, caregiver, or household member that no threat or harm whatsoever will result to the residents due to the granting of the variance. The commissioner shall consider the nature of the crime committed and amount of time which has elapsed without a repeat of the crime.

Subp. 11. **License terms.** A license must show:

- A. the licensed capacity of the adult foster home;
- B. the expiration date of the license and address of the residence;
- C. the name and address of the operator;
- D. that the operator is licensed under parts 9555.5105 and 9555.6105 to 9555.6265; and
- E. the provisional status of the license, if applicable.

Subp. 12. **Change in license terms.** The following shall apply to changes in the terms of licensure:

A. The license issued must not be transferred to another operator, building, or address unless the provisions in item B are followed first.

B. The operator must notify the commissioner and the studies in part 9555.6125 must be completed:

- (1) before the operator moves the residence to another building or address;
- (2) when there is an addition of any adult or child who is or will be a roomer, resident, household member, or caregiver;
- (3) when the operator makes structural changes to the residence that require a building permit from the local jurisdiction; or
- (4) before the operator changes, sells, or transfers ownership or responsibility for the operation of the residence.

Subp. 13. **License review.** Before the expiration of a license, the commissioner must conduct a study of the operator and an inspection of the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265 at least once every 24 months to determine whether a new license shall be issued.

Statutory Authority: *MS s 14.386; 14.388; 245A.04; 245A.09; 256B.092*

History: *12 SR 148; L 1987 c 333 s 22; 15 SR 2043; L 1991 c 38 s 2; 18 SR 2244; L 2001 1Sp9 art 14 s 35; L 2005 c 56 s 2; 30 SR 585; L 2009 c 79 art 1 s 21*

Published Electronically: *July 2, 2009*

9555.6145 NEGATIVE LICENSING ACTIONS.

Subpart 1. **Definition.** For the purposes of this part, "negative licensing action" means denial of a license, revocation, suspension, or temporary immediate suspension of an existing license, or issuance of a fine.

Subp. 2. **Procedures.** In accordance with Minnesota Statutes, section 245A.07, failure to comply with parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure is grounds for a negative licensing action. If the local agency recommends a negative licensing action, the local agency shall notify the department and the department shall determine if the standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall follow the procedures in Minnesota Statutes, sections 245A.07 and 245A.08, and notify the applicant or operator by certified mail, unless personal service is required. The notice of negative licensing action must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed negative licensing action. The notice of negative licensing action must inform the applicant or operator of the right to appeal the decision. The applicant or operator shall have an opportunity for a hearing under parts 1400.8505 to 1400.8612 and Minnesota Statutes, chapter 14.

Subp. 3. **Denial.** If the commissioner denies a license, the commissioner must give the applicant notice of the license denial and right to appeal as provided in Minnesota Statutes, section 245A.05.

Subp. 4. **Fine, revocation, or suspension.** If the commissioner revokes or suspends a license or issues a fine, the commissioner must give the operator notice of the licensing action and the right to appeal as provided in Minnesota Statutes, section 245A.07.

Subp. 5. **Temporary immediate suspension.** If the operator's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of the residents in care, the commissioner shall act immediately to temporarily suspend the license and notify the local agency to remove the residents. The operator shall be informed by personal service and informed of the right to an expedited hearing under parts 1400.8505 to 1400.8612 and Minnesota Statutes, chapter 14, as provided in Minnesota Statutes, section 245A.07, subdivisions 2 and 2a. The appeal does not stay the decision to temporarily immediately suspend the license.

Subp. 6. [Repealed, 15 SR 2105]

Subp. 7. **Notice of negative licensing action.** At the time the commissioner notifies the operator of a proposed negative licensing action, the commissioner shall notify residents and residents' legal representatives of the proposed negative licensing action and of the operator's right to appeal. The notification procedures in Minnesota Statutes, section 626.557, subdivision 10, paragraph (a), shall be followed in situations alleging maltreatment of residents.

Subp. 8. **Reapplication after revocation.** An operator whose license has been revoked shall not be granted a new license for five years following revocation and must reapply for licensure to determine current compliance with parts 9555.5105 and 9555.6105 to 9555.6265.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 245A.16*

History: *12 SR 148; L 1987 c 333 s 22, c 384 art 2 s 1; 15 SR 2105; 30 SR 585*

Published Electronically: *October 15, 2013*

9555.6165 CAPACITY.

Subpart 1. **Licensed capacity.** Except as provided in Minnesota Statutes, section 245A.11, a maximum of four residents may live in the adult foster home at one time.

Subp. 2. **Capacity of roomers and residents.** Except as provided in Minnesota Statutes, section 245A.11, the total number of roomers and residents in the adult foster home at one time shall not exceed four.

Statutory Authority: *MS s 14.386; 14.388; 245A.09*

History: *12 SR 148; 30 SR 585*

Published Electronically: *October 8, 2007*

9555.6167 INDIVIDUAL RESIDENT PLACEMENT AGREEMENT.

The operator shall ensure that an individual resident placement agreement as defined in part 9555.5105, subpart 19, is developed, signed, and on file for the resident who is not receiving community social services, and who does not have an individual service plan developed under parts 9525.0004 to 9525.0036.

Statutory Authority: *MS s 245A.09; 256B.092*

History: *12 SR 148; 18 SR 2244; L 2003 1Sp14 art 11 s 11*

Published Electronically: *October 8, 2007*

9555.6175 COOPERATE WITH AND REPORT TO AGENCIES.

Subpart 1. **Cooperating with service agency.** The operator shall cooperate with the service agency in carrying out the provisions of the individual service plan for each resident who has one and in developing the individual resident placement agreement.

Subp. 2. **Maltreatment reporting.** Caregivers shall immediately report any suspected maltreatment of a resident as required by Minnesota Statutes, sections 626.557 and 626.5572, the Vulnerable Adults Act.

Subp. 3. **Reporting to local agency.** The operator shall ensure that the local agency is told:

A. within five calendar days of any change in the regular membership of the household or caregiver's employment status;

B. within 24 hours after the occurrence of a fire that causes damage to the residence or requires the services of a fire department or the onset of any changes or repairs to the residence that require a building permit;

C. immediately after the occurrence of any serious injury or death of a resident. "Serious injury" means an injury that requires treatment by a physician;

D. within 24 hours of a change in health status of a caregiver that could affect the ability of the caregiver to care for a resident;

E. immediately upon diagnosis by a physician or health authority of a reportable communicable disease, as specified in parts 4605.7000 to 4605.7800, of any resident, caregiver, or household member;

F. at least 30 days before the involuntary discharge of a resident who does not have an individual service plan; and

G. within seven days after the transfer or voluntary discharge of a resident who does not have an individual service plan.

Subp. 4. **Reporting to service agency.** The operator shall ensure that the service agency is told:

A. within five days if a resident shows a need for additional community health or social services; and

B. at least 30 days before the involuntary discharge of a resident. When a resident wants to voluntarily leave the adult foster home, the operator must notify the service agency within three days. In this instance, the resident's legal representative, if any, shall also be notified by the service agency.

Statutory Authority: *MS s 14.386; 14.388; 245A.09*

History: *12 SR 148; 30 SR 585*

Published Electronically: *October 15, 2013*

9555.6185 FOSTER CARE TRAINING.

Subpart 1. **Orientation.** Operators and caregivers must complete the orientation provided by the local agency in part 9555.5505 prior to placement of the first resident following initial licensure.

Subp. 2. **Training requirements.** In addition to the orientation training, caregivers must complete the training designed to meet the needs of the residents in care in any of the subject areas and in the amount specified in subpart 4. The operator must ensure that a record of training completed is maintained.

A. Caregivers with zero to five years of licensure or experience as an adult foster home caregiver must complete 12 hours training a year.

B. Caregivers with six or more years of licensure or experience as an adult foster home caregiver must complete six hours training a year.

C. Caregivers who provide services according to a contract between the operator and the department or service must comply with any additional training requirements stated in the terms of the contract.

Subp. 3. **Exceptions.** The following persons are exempt from the training requirements in this part:

A. caregivers providing not more than 30 cumulative days of foster care in a 12-month period; and

B. caregivers providing foster care eight hours or less a week.

Subp. 4. **Training subjects.** Training subjects shall be selected from the following areas:

- A. communication skills;
- B. roles and relationships in foster care;
- C. community services for adults;
- D. constructive problem solving;
- E. cultural differences;
- F. basic first aid and cardiopulmonary resuscitation (CPR);
- G. home safety;
- H. self-esteem;
- I. medication assistance;
- J. human sexuality;
- K. death, dying, separation, and grieving;
- L. aging process;
- M. recreation and leisure time;
- N. nutrition;
- O. mental health;
- P. developmental disability;
- Q. physical disabilities;
- R. chemical dependency;
- S. abuse and neglect;
- T. stress management;
- U. assertiveness;
- V. eating disorders;
- W. behavior problem solving;
- X. money management;
- Y. data privacy;
- Z. living skills training; and
- AA. other areas that the local agency documents as relevant to adult foster care.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148; L 2005 c 56 s 2*

Published Electronically: *October 8, 2007*

9555.6195 PROHIBITIONS AGAINST MALTREATMENT AND DISCRIMINATION.

Subpart 1. **Protection from maltreatment.** The operator shall ensure that residents are protected from maltreatment through compliance with the Vulnerable Adults Act.

Subp. 2. **Nondiscrimination.** Under Minnesota Statutes, section 363A.11, subdivision 1, the operator must comply with the nondiscrimination provisions applicable to public accommodations.

Statutory Authority: *MS s 14.386; 14.388; 245A.09*

History: *12 SR 148; 30 SR 585*

Published Electronically: *January 14, 2010*

9555.6200 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.6205 PHYSICAL ENVIRONMENT.

Subpart 1. **Residential occupancy.** The residence must meet the definition of a dwelling unit in a residential occupancy and be free of any plumbing, electrical, ventilation, mechanical or structural hazard that would threaten the health or safety of a resident.

Subp. 2. **Living room access.** Each resident must have use of and free access to the living room.

Subp. 3. **Dining area.** Each residence shall have a dining area furnished for group eating that is simultaneously accessible to residents and household members.

Subp. 4. **Resident bedrooms.** Residents must mutually consent, in writing, to share a bedroom with another resident. No more than two residents may share one bedroom.

A. Resident bedrooms must meet the following criteria:

(1) A single occupancy bedroom must have at least 80 square feet of floor space with a 7-1/2 foot ceiling. A double occupancy room must have at least 120 square feet of floor space with a 7-1/2 foot ceiling.

(2) Bedrooms must be separated from halls, corridors, and other habitable rooms by floor to ceiling walls containing no openings except doorways and must not serve as a corridor to another room used in daily living.

(3) A resident's personal possessions and items for the resident's own use are the only items permitted to be stored in a resident's bedroom.

(4) When possible, a resident shall be allowed to have items of furniture that he or she personally owns in the bedroom, unless doing so would interfere with safety precautions, violate a building or fire code, or another resident's use of the bedroom.

B. Each resident shall be provided with the following furnishings:

(1) A separate, adult size single bed or larger with a clean mattress in good repair.

(2) Clean bedding appropriate for the season for each resident.

(3) An individual dresser and closet for storage of personal possessions and clothing.

(4) A mirror for grooming.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6215 WATER AND FOOD.

Subpart 1. **Water.** Water from privately owned wells must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. Retesting and corrective measures may be required by the health authority if results exceed state water standards in chapter 4720.

Subp. 2. **Food.** Food served must meet any special dietary needs of a resident as prescribed by the resident's physician or dietitian. Three nutritionally balanced meals a day must be served or made available to residents, and nutritious snacks must be available between meals.

Subp. 3. **Food safety.** Food must be obtained, handled, and properly stored to prevent contamination, spoilage, or a threat to the health of a resident.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6225 SANITATION AND HEALTH.

Subpart 1. **Sanitation and cleanliness.** The residence must be clean, as specified in part 4625.0100, subpart 2, and free from accumulations of dirt, rubbish, peeling paint, vermin, or insects.

Subp. 2. **Toxic substances.** Chemicals, detergents, and other toxic substances must not be stored with food products.

Subp. 3. **Physical examination of resident.** The operator must ensure that each resident is examined by a physician no more than 30 days before or within three days after placement in the adult foster home to ensure that the resident is free of the reportable communicable diseases named in parts 4605.7000 to 4605.7800. Transfer records from a health care facility licensed by the Department of Health may be substituted for this requirement.

Subp. 4. **First aid supplies.** The operator shall ensure that the residence is equipped with accessible first aid supplies including bandages, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer, mild liquid soap, adhesive tape, and first aid manual.

Subp. 5. **Emergencies.** The operator shall be prepared for emergencies and ensure that:

- A. a non-coin-operated telephone and an operable flashlight is located within the residence;
- B. the phone numbers of each resident's representative, physician, and dentist are readily available;
- C. phone numbers of the local fire department, police department, and an emergency transportation service are posted by the telephone;
- D. prior arrangements are made for a substitute caregiver who meets the qualifications in part 9555.6125, subpart 4, to provide care during emergencies;
- E. each resident is informed of a designated area within the residence where the resident shall go for cover during severe storms or tornadoes;
- F. fire drills are conducted at least once every three months;
- G. a written fire escape plan and a log of quarterly fire drills is on file in the residence; and

H. the fire escape plan is approved by the fire marshal and specifies emergency phone numbers, a place to meet outdoors for roll call, smoke detector and fire extinguisher locations, plans for quarterly fire and tornado drill sessions, and escape routes to the outside from the levels used by residents. In buildings with three or more dwelling units, enclosed exit stairs must be indicated. There must be an emergency escape plan for each resident.

Subp. 6. **Individual personal articles.** Individual clean bed linens, towels, and wash cloths must be available for each resident.

Subp. 7. **Pets.** Pets housed within the residence shall be maintained in good health. The operator shall ensure that the resident and the resident's representative is notified before admission of the presence of pets in the residence.

Subp. 8. **Resident's medication.** Caregivers may administer medication to a resident who is not capable of self-administering medication only if the operator ensures that the procedures in items A to G are followed.

A. The operator shall get a written statement from the resident's physician stating the name of the medication prescribed and whether the resident is capable of taking the medication without assistance.

B. The operator shall get written permission from the resident or the resident's legal representative to administer the medication.

C. A resident who is not capable of self-administering the medication may be administered the medication by a caregiver in accordance with the written instructions from the resident's physician if the written permission has been obtained from the resident or the resident's legal representative. A prescription label is sufficient to constitute written instructions from a physician.

D. Each resident receiving medication assistance must have a medication record containing:

- (1) the information on the prescription label;
- (2) the consequences if the medication is not taken as directed;
- (3) the adverse reactions to the medication that must be reported to the resident's physician;
- (4) instruction from the resident's physician indicating when the resident's physician must be notified if the medication is not taken as prescribed;
- (5) notation of when a medication is started, changed, or discontinued; and
- (6) notation of any reports made to the resident's physician whenever the resident does not take medication as prescribed or there are any adverse medication reactions.

E. A caregiver must report to the resident's physician and legal representative:

- (1) any adverse medication reaction as specified in item D, subitem (3); and
- (2) the resident's refusal or failure to take medication as prescribed and in accordance with the physician's instructions in item D, subitem (4).

F. A caregiver must immediately report to the local agency whenever the resident's physician is notified because medication is not taken as prescribed and the physician determines that the refusal or failure to take medication as prescribed creates an immediate threat to the resident's health or safety or the health or safety of other residents or household members.

G. A caregiver shall not give injectable medication unless:

(1) the caregiver is a registered nurse or licensed practical nurse with a current Minnesota license, is authorized to do so in writing by the resident's physician, and is covered by professional liability insurance; or

(2) there is an agreement signed by the caregiver, the resident's physician, the resident, and the resident's legal representative specifying what injections may be given, when, how, and that the physician shall retain responsibility for the caregiver's giving the injections. A copy of the agreement must be placed in the resident's personal record.

Subp. 9. **Storage of medication.** Schedule II controlled substances in the residence that are named in Minnesota Statutes, section 152.02, subdivision 3, must be stored in a locked storage area permitting access only by residents and caregivers authorized to administer the medication as named in subpart 8.

Subp. 10. **Weapons.** Weapons and ammunition must be stored separately in locked areas that are inaccessible to residents and prevent contents from being visible to residents. "Weapons" means firearms and other instruments or devices designed for and capable of producing bodily harm.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6235 ADULT FOSTER HOME PROGRAM.

The operator shall develop and implement a commissioner approved written plan that allows residents to share in the privileges and responsibilities of the adult foster home and includes the information in items A to C.

- A. The type of functionally impaired adults to be served.
- B. The foster care that will be available to residents within the adult foster home including the provision of:
- (1) lodging;
 - (2) food;
 - (3) protection;
 - (4) personal care;
 - (5) household and living skills assistance or training;
 - (6) opportunities to participate in community, recreation and religious activities, and events of the resident's choosing;
 - (7) opportunities for the resident to have contact with family and friends;
 - (8) assistance safeguarding cash resources, such as banking, reporting the resident's earnings to appropriate agencies, keeping records of financial information (checks issued and received), and accounting for the resident's funds controlled by the operator;
 - (9) supervision;
 - (10) transportation;

(11) assistance with the provision of other community, social, or health services as named in the resident's individual service plan, if any; and

(12) medication assistance.

C. A program abuse prevention plan with specific measures to be taken to minimize the risk of abuse to residents under part 9555.8200.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6245 PERSONAL RECORD OF RESIDENT IN FOSTER CARE.

Subpart 1. **General provisions.** The operator shall ensure that an individual record is maintained in the adult foster home on each resident.

Subp. 2. **Demographic information.** The record must include the resident's name, birthdate, sex, race, marital status, next of kin, Social Security number, medical assistance number, name, address, and phone number of an emergency contact or the resident's legal representative, admission date, place or address from which the resident was admitted, date of leaving the residence, and place or address to which the resident has moved.

Subp. 3. **Medical information.** The record must contain the following medical information:

A. the name, address, and phone number of the resident's physician, dentist, clinic, and other sources of medical care;

B. a health history and information on any health risks, allergies, currently prescribed medication, and documentation of the physical examination or transfer record required in part 9555.6225, subpart 3;

C. any emergency treatment needed or provided while the resident resides in the adult foster home; and

D. the medication record required under part 9555.6225, subpart 8.

Subp. 4. **Cash resource information.** The record must include an accounting of any personal funds and charges against those funds if the operator or a caregiver gives cash resource assistance to a resident.

Subp. 5. **Incident reports.** The record must contain all incident reports. Incident reports must be written when a resident requires emergency care, when a police report of an incident involving a resident has been made, or when a complaint has been filed under the Vulnerable Adults Act. Incident reports must be entered into the resident's personal record by the operator within eight hours after knowledge of the occurrence.

Subp. 6. **Individual abuse prevention plan.** The record must contain an individual abuse prevention plan for a resident developed in compliance with part 9555.8300.

Subp. 7. **Individual service plan.** The record must contain the service agency's initial and current individual service plan for a resident.

Subp. 8. **Individual resident placement agreement.** The record must contain the initial individual resident placement agreement for a resident and the annual update of the agreement.

Subp. 9. **Individual mobility check list.** The record must contain an individual mobility check list for a resident as specified in part 9555.5605, subpart 2.

Subp. 10. **Transfer or discharge.** When a resident is transferred or discharged for any reason a note must be made in the resident's record showing the date of discharge, forwarding address, and reason for discharge or transfer.

Subp. 11. **Record storage.** The personal record on a resident must be stored by the operator for four years after the resident has been discharged from the residence.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6255 RESIDENT'S RIGHTS.

Subpart 1. **Information about rights.** The operator shall ensure that a resident and a resident's legal representative are given, at admission:

- A. an explanation and copy of the resident's rights specified in subparts 2 to 7;
- B. a written summary of the Vulnerable Adults Act prepared by the department; and
- C. the name, address, and telephone number of the local agency to which a resident or a resident's legal representative may submit an oral or written complaint.

Subp. 2. **Right to use telephone.** A resident has the right to daily, private access to and use of a non-coin operated telephone for local calls and long distance calls made collect or paid for by the resident.

Subp. 3. **Right to receive and send mail.** A resident has the right to receive and send uncensored, unopened mail.

Subp. 4. **Right to privacy.** A resident has the right to personal privacy and privacy for visits from others, and the respect of individuality and cultural identity. Privacy must be respected by operators, caregivers, household members, and volunteers by knocking on the door of a resident's bedroom and seeking consent before entering, except in an emergency, and during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance as noted in the resident's individual record.

Subp. 5. **Right to use personal property.** A resident has the right to keep and use personal clothing and possessions as space permits, unless to do so would infringe on the health, safety, or rights of other residents or household members.

Subp. 6. **Right to associate.** A resident has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political, and community groups without interference if the activities do not infringe on the rights of other residents or household members.

Subp. 7. **Married residents.** Married residents have the right to privacy for visits by their spouses, and, if both spouses are residents of the adult foster home, they have the right to share a bedroom and bed.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6265 SAFEGUARDS FOR CASH RESOURCES ENTRUSTED TO OPERATOR.

Subpart 1. **Determination.** If the social worker determines that a resident needs and wants assistance safeguarding cash resources, any cash resources entrusted to the operator must be handled in accordance with this part.

Subp. 2. **Procedures for handling cash resources.** If a resident entrusts cash resources to the operator, the procedures in items A to E must be used.

A. The resident and the resident's legal representative shall be given a receipt by the operator. Receipts must be signed by the resident or the resident's legal representative.

B. The operator shall not be entrusted with cash resources in excess of \$300 plus resources sufficient to meet one month's cost of care.

C. The resident or resident's legal representative shall have access to the written records involving the resident's funds.

D. The operator shall provide the resident or resident's legal representative with a written quarterly accounting of financial transactions made on behalf of the resident.

E. Upon the death or transfer of a resident, any cash resources of the resident must be surrendered to the resident or the resident's legal representative, or given to the executor or administrator of the estate in exchange for an itemized receipt.

Statutory Authority: *MS s 245A.09*

History: *12 SR 148*

Published Electronically: *October 8, 2007*

9555.6300 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*

9555.6400 [Repealed, 12 SR 148]

Published Electronically: *October 8, 2007*