

in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:34 p.m.

CHAPTER 289—S.F.No. 2764

An act relating to human services licensing; modifying standards for reporting incidents in licensed programs serving persons with mental retardation or related conditions; amending Minnesota Statutes 2000, sections 245B.02, subdivision 10; 245B.05, subdivision 7; 245B.07, subdivision 1; 626.557, subdivision 14.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2000, section 245B.02, subdivision 10, is amended to read:

Subd. 10. **INCIDENT.** "Incident" means any of the following:

(1) serious injury as determined by section 245.91, subdivision 6; accident; reports of a child or vulnerable adult maltreatment; circumstances that involve a law enforcement agency; or

(2) a consumer's death;

(3) any medical emergencies, unexpected serious illnesses, or accidents that require physician treatment or hospitalization;

(4) a consumer's unauthorized absence;

(5) any fires or other circumstances involving a law enforcement agency;

(6) physical aggression by a consumer against another consumer that causes physical pain, injury, or persistent emotional distress, including, but not limited to, hitting, slapping, kicking, scratching, pinching, biting, pushing, and spitting;

(7) any sexual activity between consumers involving force or coercion as defined under section 609.341, subdivisions 3 and 14; or

(8) a report of child or vulnerable adult maltreatment under section 626.556 or 626.557.

Sec. 2. Minnesota Statutes 2000, section 245B.05, subdivision 7, is amended to read:

Subd. 7. **REPORTING INCIDENTS AND EMERGENCIES.** (a) The license holder must maintain information about and report the following incidents under section 245B.02, subdivision 10, clauses (1) to (7), to the consumer's legal representative, other licensed caregiver, if any, and case manager within 24 hours of the

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occurrence, or within 24 hours of receipt of the information:

- (1) the death of a consumer;
- (2) any medical emergencies, unexpected serious illnesses, or accidents that require physician treatment or hospitalization;
- (3) a consumer's unauthorized absence; or
- (4) any fires and incidents involving a law enforcement agency unless the incident has been reported by another license holder. An incident under section 245B.02, subdivision 10, clause (8), must be reported as required under paragraph (c) unless the incident has been reported by another license holder.

(b) When the incident involves more than one consumer, the license holder must not disclose personally identifiable information about any other consumer when making the report to each consumer's legal representative, other licensed caregiver, if any, and case manager unless the license holder has the consent of a consumer or a consumer's legal representative.

(c) Within 24 hours of reporting maltreatment as required under section 626.556 or 626.557, the license holder must inform the consumer's legal representative and case manager of the report unless there is reason to believe that the legal representative or case manager is involved in the suspected maltreatment. The information the license holder must disclose is the nature of the activity or occurrence reported, the agency that receives the report, and the telephone number of the department of human services licensing division.

(d) Death or serious injury of the consumer must also be reported to the department of human services licensing division and the ombudsman, as required under sections 245.91 and 245.94, subdivision 2a.

Sec. 3. Minnesota Statutes 2000, section 245B.07, subdivision 1, is amended to read:

Subdivision 1. **CONSUMER DATA FILE.** The license holder must maintain the following information for each consumer:

- (1) identifying information that includes date of birth, medications, legal representative, history, medical, and other individual-specific information, and names and telephone numbers of contacts;
- (2) consumer health information, including individual medication administration and monitoring information;
- (3) the consumer's individual service plan. When a consumer's case manager does not provide a current individual service plan, the license holder shall make a written request to the case manager to provide a copy of the individual service plan and inform the consumer or the consumer's legal representative of the right to an individual service plan and the right to appeal under section 256.045;
- (4) copies of assessments, analyses, summaries, and recommendations;

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- (5) progress review reports;
- (6) incident and emergency reports incidents involving the consumer;
- (7) reports required under section 245B.05, subdivision 7;
- (8) discharge summary, when applicable;

(8) (9) record of other license holders serving the consumer that includes a contact person and telephone numbers, services being provided, services that require coordination between two license holders, and name of staff responsible for coordination; and

(9) incidents involving (10) information about verbal and physical aggression between consumers directed at the consumer by another consumer; and

(11) information about self-abuse affecting the consumer.

Sec. 4. Minnesota Statutes 2000, section 626.557, subdivision 14, is amended to read:

Subd. 14. **ABUSE PREVENTION PLANS.** (a) Each facility, except home health agencies and personal care attendant services providers, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility, including a home health care agency and personal care attendant services providers, shall develop an individual abuse prevention plan for each vulnerable adult residing there or receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse by other individuals, including other vulnerable adults, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:31 p.m.

CHAPTER 290—S.F.No. 2614

An act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; modifying provisions relating to child custody; amending Minnesota Statutes 2001 Supplement, sections 260C.212, subdivision 1; 260C.317, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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