

CHAPTER 2920
DEPARTMENT OF CORRECTIONS
ADULT HALFWAY HOUSES

- | | | | |
|-----------|------------------------------------|-----------|-----------------------------------|
| 2920.0100 | DEFINITIONS. | 2920.4200 | AGE REQUIREMENT. |
| 2920.0200 | INTRODUCTION. | | ADMISSIONS AND PLACEMENT POLICIES |
| | LICENSING PROCEDURES | 2920.4300 | ADMISSIONS POLICIES. |
| 2920.0300 | LEGAL BASIS FOR LICENSING | 2920.4400 | ADMISSION FORM. |
| | AUTHORITY. | 2920.4500 | MEDICAL EXAMINATION. |
| 2920.0400 | INSPECTION OF ADULT HALFWAY | 2920.4600 | ORIENTATION. |
| | HOUSES. | 2920.4700 | PROGRESS REPORTS. |
| 2920.0500 | PROCEDURES FOR ORIGINAL | 2920.4800 | COMPLETION OF OR TERMINATION |
| | APPLICATION FOR LICENSE. | | FROM PROGRAM. |
| 2920.0600 | RENEWAL OF LICENSE. | | PROGRAM |
| 2920.0700 | PROVISIONAL LICENSE. | 2920.4900 | TREATMENT PLAN. |
| 2920.0800 | CONDITIONS OF LICENSE. | 2920.5000 | INVOLVEMENT OF RESIDENT IN |
| 2920.0900 | REVOCAION, SUSPENSION, | | FAMILY AND COMMUNITY AFFAIRS. |
| | PROVISION, AND DENIAL OF | 2920.5100 | WORK ASSIGNMENTS AND WORK |
| | LICENSE. | | PROGRAM. |
| 2920.1000 | RESTRICTION OF THE USE OF A CCF. | 2920.5200 | HOUSE RULES. |
| 2920.1100 | WAIVER OF SPECIFIC RULE. | 2920.5300 | RELIGION. |
| 2920.1200 | STUDY OF APPLICATION. | | NUTRITION AND FOOD |
| 2920.1300 | NOTICE TO THE APPLICANT OF | 2920.5400 | COMPLIANCE WITH LAW. |
| | COMMISSIONER'S ACTION. | 2920.5500 | DIETARY SERVICE. |
| 2920.1400 | APPEAL PROCEDURE. | 2920.5600 | NUMBER OF MEALS PER DAY. |
| 2920.1500 | LIMITATION ON LICENSE RENEWAL. | | SPECIAL PROCEDURES |
| 2920.1600 | FAILURE TO ACT WITHIN TIME | 2920.5700 | DISCIPLINE AND DISCIPLINARY |
| | LIMIT. | | ACTION. |
| 2920.1700 | SEVERABILITY. | 2920.5800 | ROOM RESTRICTION, FACILITY |
| | ORGANIZATION AND ADMINISTRATION OF | | RESTRICTION, AND PRIVILEGE |
| | ADULT HALFWAY HOUSES | | SUSPENSION. |
| 2920.1800 | LEGAL STATUS OF AND AUTHORITY | 2920.5900 | SECURITY PROCEDURES. |
| | FOR ADULT HALFWAY HOUSES. | 2920.6000 | PERSONAL POSSESSIONS. |
| 2920.1900 | POLICY MAKING. | 2920.6100 | PUBLIC REPORTS, STATEMENTS, OR |
| 2920.2000 | MEETINGS TO BE HELD. | | APPEARANCES. |
| 2920.2100 | RECORD MAINTENANCE. | 2920.6200 | SEARCHES. |
| 2920.2200 | POLICY MANUAL REVIEW. | | PHYSICAL FACILITY |
| 2920.2300 | PUBLICATION OF TAX STATUS. | 2920.6300 | COMPLIANCE WITH LAWS. |
| 2920.2400 | ARTICLES OF INCORPORATION OR | 2920.6400 | FIRE SAFETY: POLICY AND |
| | CONSTITUTION. | | PROCEDURES. |
| 2920.2500 | MANAGEMENT: GENERAL. | 2920.6500 | DISASTERS AND EMERGENCIES: |
| 2920.2600 | MONITORING SYSTEM. | | PLANS AND PROCEDURES. |
| 2920.2700 | OPERATIONS MANUAL. | 2920.6600 | BUILDINGS AND GROUNDS. |
| 2920.2800 | BYLAWS. | 2920.6700 | BEDROOMS: REQUIREMENTS. |
| 2920.2900 | COMPLIANCE. | 2920.6800 | FURNISHINGS PROVIDED EACH |
| | FISCAL MANAGEMENT OF ADULT HALFWAY | | RESIDENT. |
| | HOUSES | 2920.6900 | COUNSELING SPACE AND VISITING |
| 2920.3000 | ANNUAL WRITTEN BUDGET. | | ROOM. |
| 2920.3100 | WRITTEN POLICIES GOVERNING | 2920.7000 | BATHROOM FACILITIES. |
| | BUDGET REVISIONS. | 2920.7100 | LAUNDRY FACILITY. |
| 2920.3200 | FINANCIAL AUDIT. | 2920.7200 | TRANSPORTATION. |
| 2920.3300 | DOCUMENTS TO BE DISTRIBUTED TO | 2920.7300 | ENVIRONMENT. |
| | GOVERNING BOARD. | | HEALTH CARE AND MEDICAL SERVICES |
| 2920.3400 | WRITTEN FISCAL SYSTEM. | 2920.7400 | HEALTH CARE AND MEDICAL |
| 2920.3500 | DOCUMENTATION AND | | SERVICES. |
| | AUTHORIZATION OF WAGE | | RECORDS AND EVALUATION |
| | PAYMENTS. | 2920.7500 | RECORDS AND EVALUATION OF |
| 2920.3600 | INSURANCE COVERAGE. | | RESIDENTS. |
| | PERSONNEL | 2920.7600 | PERSONNEL RECORDS. |
| 2920.3700 | PERSONNEL POLICIES: GENERAL. | 2920.7700 | FACILITY RECORDS. |
| 2920.3800 | TRAINING PROGRAM. | 2920.7800 | RECORDS REGARDING EVALUATION |
| 2920.3900 | MANTOUX TEST OR CHEST X RAY | | OF PROGRAM. |
| | REQUIRED. | 2920.7900 | RECORDS REGARDING RESEARCH |
| 2920.4000 | QUALIFICATIONS OF STAFF. | | PROGRAMS. |
| 2920.4100 | VOLUNTEERS. | | |

2920.0100 DEFINITIONS.

Subpart 1. **Scope.** Definitions, for the purpose of these rules, are as follows.

Subp. 2. **Adult halfway house.** "Adult halfway house" means any community-based residential facility, the primary function of which is to provide, through its own program or community resources, services to adults accused of, charged with, or convicted of a criminal offense.

Subp. 3. **Adults.** "Adults" are persons 18 years of age or over.

Subp. 4. **Applicant.** "Applicant" is any person(s), agency, or organization applying for a license or renewal of license under this rule.

Subp. 5. **Commissioner.** "Commissioner" shall mean the commissioner of the Minnesota Department of Corrections or his designee.

Subp. 6. **Community correctional facility.** "Community correctional facility" or "CCF" is any community-based facility, public or private, including group foster homes, juvenile halfway houses, adult halfway houses, and shelter facilities having residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons convicted of a crime or adjudicated to be delinquent.

Subp. 7. **Community Corrections Advisory Board.** "Community Corrections Advisory Board" is the governing body that is responsible for a comprehensive plan under the Community Corrections Act in a county or group of counties.

Subp. 8. **Contraband.** "Contraband" are those items designated by the CCF as prohibited on the physical premises of the facility.

Subp. 9. **Corporal punishment.** "Corporal punishment" means physical punishment, any kind of punishment inflicted on the body, such as whipping or slapping.

Subp. 10. **Department of Corrections, department, DOC.** "Department of Corrections," "department," or "DOC" shall mean Minnesota Department of Corrections.

Subp. 11. **Facility administrator.** "Facility administrator" refers to the administrator of the program, employed or appointed by the board or sponsoring agency, to implement its policies, programs, and treatment plans.

Subp. 12. **Governing board/sponsoring agency.** "Governing board/sponsoring agency" is the body which formulates the policies and procedures governing a community correctional facility, this body being composed, at a minimum, of the offices of president, secretary, and treasurer. In nonprofit corporations the administrator of the program shall not be a member of the board of directors. In addition, there may be an advisory board, where appropriate, including membership from the specific target group and the immediate neighborhood population, and additional membership according to the size and function of the individual program.

Subp. 13. **License.** "License" is a certificate issued by the commissioner authorizing the operator to provide specified services for a period of a year in accordance with the terms of the license, Minnesota Statutes, section 241.021, and the rules of the commissioner.

Subp. 14. **Nonprofit corporation.** "Nonprofit corporation" means a corporation formed for a purpose not involving pecuniary remuneration, directly or indirectly, to its shareholders or members as such.

Subp. 15. **Private corporation.** "Private corporation" includes any company, association, or body endowed by law with any corporate power or function, except such as are formed solely for public and governmental purposes, which shall be deemed public corporation.

Subp. 16. **Program.** "Program" is a plan, procedure, or activity for dealing with residents in a community correctional facility.

Subp. 17. **Provisional license.** "Provisional license" is: a certificate that will be issued for a maximum six-month period prior to granting a license; and shall be issued for another six-month period if the applicant is temporarily unable to substantially comply with the requirements of these rules.

Subp. 18. **Renewal license.** "Renewal license" is a license issued for a period subsequent to the period for which the license was issued and where there has been no intervening period during which a license has been revoked.

MINNESOTA RULES 1983

2337

ADULT HALFWAY HOUSES 2920.0200

Subp. 19. **Residential facility.** "Residential facility" means any community correctional facility which regularly provides 24-hour-a-day care including food and lodging.

Subp. 20. **Revocation of license.** "Revocation of license" means that the operator of a facility shall no longer be authorized to provide services.

Subp. 21. **Significant others.** "Significant others" are persons who are important in the life of the resident.

Subp. 22. **Substantially conform.** "Substantially conform" or substantial compliance as used in this rule shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein, and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each part of these rules. "Part" as used in this definition means the entire area or subject matter under a given rule, e.g., parts 2920.0100, 2920.0200, etc.

Subp. 23. **Supervising agent.** "Supervising agent" is the parole/probation agent working with an individual resident or set of residents living in a single CCF.

Subp. 24. **Suspension of license.** "Suspension of license" means that the operator is not authorized to provide services for a specified period of time, or until the facility is found to be in substantial compliance with licensing requirements.

Subp. 25. **Target group.** "Target group" means a class of residents with a need for similar services arising primarily out of a particular type of disability, including but not limited to social disabilities resulting in contact with the correctional system.

Subp. 26. **Treatment plan.** "Treatment plan" is a design for helping the resident reach the goal of rehabilitation.

Subp. 27. **Waiver.** "Waiver" is written permission from the commissioner to disregard a particular section of a licensing rule.

Subp. 28. **Youth.** "Youth" are persons under 18 years of age.

Statutory Authority: *MS s 241.021*

2920.0200 INTRODUCTION.

Subpart 1. **Authority.** Minnesota Statutes 1976, section 241.021, as amended by Laws of Minnesota 1978, chapter 778, to be effective September 1, 1979, provides that the commissioner of corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for all adult halfway houses.

Subp. 2. **Purpose.** The purpose of these standards is to facilitate the implementation of rules in accordance with Minnesota Statutes, section 241.021, and to provide a framework for inspection and licensing of adult halfway houses.

Subp. 3. **Citizens' advisory task force.** The commissioner of corrections has, pursuant to Laws of Minnesota 1978, chapter 778, section 6, appointed a citizens' advisory task force to assist in the development of rules contained herein.

Statutory Authority: *MS s 241.021*

LICENSING PROCEDURES

2920.0300 LEGAL BASIS FOR LICENSING AUTHORITY.

The Minnesota Department of Corrections (the commissioner) is authorized to establish procedures for licensing CCF adult halfway houses through the authority of Minnesota Statutes 1978, section 241.021, subdivision 1.

Statutory Authority: *MS s 241.021*

2920.0400 INSPECTION OF ADULT HALFWAY HOUSES.

All adult halfway houses will be inspected pursuant to Minnesota Statutes, section 241.021, subdivision 1 and all such inspections shall be according to the standards set forth herein.

Statutory Authority: *MS s 241.021*

2920.0500 PROCEDURES FOR ORIGINAL APPLICATION FOR LICENSE.

Subpart 1. **Filing.** New applicants shall file application to the commissioner of corrections at least 30 days prior to the date the facility expects to operate. The commissioner shall determine the suitability of such applicants by the following rules in this and subsequent parts.

Subp. 2. **Materials to be filed with applications.** Materials to be filed with adult halfway house license applications:

- A. a statement regarding the philosophy, purpose, and function of the program;
- B. a copy of the articles of incorporation and bylaws, if incorporation is required;
- C. a copy of the constitution and bylaws if not incorporated;
- D. a list of the board members and committees, including names, addresses, and telephone numbers;
- E. an outline of the CCF's program;
- F. a list of other facilities which the operator or governing board has operated or is currently operating either in or out of state;
- G. the financial arrangements for the residents;
- H. the arrangements for the provision of social services;
- I. the arrangements for the provision of medical and dental services;
- J. at least three letters of reference for the facility administrator;
- K. a record of the satisfactory medical examination of each staff member (refer to parts 2920.3700 to 2920.4200);
- L. a copy of personnel policies;
- M. a copy of intake policies and procedures;
- N. a floor plan of the facility with designated room dimensions;
- O. evidence of approval by the fire, safety, and health departments;
- P. evidence of compliance with local zoning ordinances; and
- Q. a statement regarding the administration and organization of the CCF (i.e., information on the governing body and administrator who are responsible for policy making, and administering and operating the facility). See Organization and Administration, parts 2920.1800 to 2920.2900.

Statutory Authority: *MS s 241.021*

2920.0600 RENEWAL OF LICENSE.

Subpart 1. **General.** Application for relicensure shall be submitted to the commissioner at least 30 days prior to the expiration date. Replacements of any of the materials required in the previous license application shall be submitted when the materials document changes in the operation of the community correctional facility, qualifications of the staff, or in the physical facility. Any materials submitted in a previous license application which are not replaced by new submissions will be presumed to be currently correct at the time of renewal license application.

MINNESOTA RULES 1983

2339

ADULT HALFWAY HOUSES 2920.0800

Subp. 2. **Material filed with renewal application.** Material to be filed with adult halfway house license renewal application:

- A. a current list of board members and committees;
- B. a report of major changes in the program or facility during the year or contemplated for the coming year;
- C. building plans for any contemplated construction giving room dimensions, specifications, and use;
- D. evidence of approval by the fire, safety, and health departments; and
- E. a record of satisfactory medical examinations for each staff member.

A staff information sheet will be provided by the commissioner.

Statutory Authority: *MS s 241.021*

2920.0700 PROVISIONAL LICENSE.

Subpart 1. **General.** A provisional license will be issued for a maximum six-month period prior to issuance of a license; and shall be issued for another maximum six-month period if the facility is not yet in substantial compliance with these rules, and if evidence of progress is demonstrated. Applications for renewed provisional licenses shall be filed 30 days prior to expiration date. The provisional license shall not be renewed so as to exceed one year.

Subp. 2. **Replacements of materials required in previous application.** Replacements of any of the materials required in the previous license application shall be submitted when the materials document changes in the operation of the community corrections facility, qualifications of the staff, or in the physical facility. Any materials submitted in a previous license application which are not replaced by new submissions will be presumed to be currently correct at the time of the renewal or change of license application. The following materials are to be submitted with renewal or change of provisional license application:

- A. a statement showing which initial requirements listed as conditions of the provisional license have been met; and/or
- B. a statement of the plan for meeting the initial requirements listed as conditions of the provisional license which have not been met; and
- C. a record of satisfactory medical examinations for each staff member.

A staff information sheet will be provided by the commissioner.

Subp. 3. **Issuance of license; time.** If, at the end of the six-month provisional period, the facility is in substantial compliance with these rules a full license will be issued.

Statutory Authority: *MS s 241.021*

2920.0800 CONDITIONS OF LICENSE.

Subpart 1. **Nontransferable.** A license shall not be transferable. It shall apply only to the organization or person(s) to whom it is issued and to the building approved. The license shall expire automatically if there is a change in location, organization, procedure, or policies, etc., which would affect either the terms of the license or the continuing eligibility for a license. In such cases, an original application for a license must again be filed. To avoid delay, the commissioner shall be advised at once of any change so that he/she may determine if the change may be approved and the license modified accordingly.

Subp. 2. **Restriction on capacity.** Every license shall be restricted to a specified maximum capacity.

Subp. 3. **Licensing necessary before operation.** An adult halfway house must be licensed by the commissioner in order to operate.

Subp. 4. **No occupancy before licensing.** No persons shall be placed in an adult halfway house prior to its being licensed.

Subp. 5. **No fee for license.** There is no fee for a state license.

Statutory Authority: *MS s 241.021*

2920.0900 REVOCATION, SUSPENSION, PROVISION, AND DENIAL OF LICENSE.

A license may be revoked, suspended, denied, or made provisional by the commissioner if the facility does not maintain substantial compliance with minimum standards, or the facility may be denied a license on the basis of a poor operating history in this or any state. The operator shall be given written notice of the action and shall be given 30 days to substantially comply with minimum standards before action is taken. Failure, inability, or refusal to substantially comply with licensing procedures shall be cause for denial, nonrenewal, revocation, or suspension of the license.

Statutory Authority: *MS s 241.021*

2920.1000 RESTRICTION OF THE USE OF A CCF.

The commissioner may by written order restrict the use of any adult halfway house which does not substantially conform to the minimum standards, or, where specific conditions exist which endanger the health, welfare, or safety of residents or staff, prohibit the detention of persons therein for more than 72 hours.

Statutory Authority: *MS s 241.021*

2920.1100 WAIVER OF SPECIFIC RULE.

The granting of a waiver under this part shall not constitute a precedent for any other CCF. The commissioner shall grant a waiver of a specific rule, if, in the licensing procedure or enforcement of the standards the commissioner finds that:

A. to require a particular community correctional facility to comply strictly with one or more of the provisions will result in undue hardship;

B. the community correctional facility is otherwise in substantial compliance with said standards and their general purpose and intent;

C. the community correctional facility substantially complies with such specific condition(s) as the commissioner may deem necessary for the protection of health, safety, and welfare of the residents.

Statutory Authority: *MS s 241.021*

2920.1200 STUDY OF APPLICATION.

Following the receipt of the application and materials requested, the commissioner shall cause a study of the proposed services and facilities of the applicants to be made. This study shall include, but not be limited to, an on-site inspection of the facilities and investigation of references. Following the study, the representative who conducted the study shall make a recommendation to the commissioner.

Statutory Authority: *MS s 241.021*

2920.1300 NOTICE TO THE APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant shall receive by mail a license which, as provided by Minnesota Statutes, section 241.021, shall set forth the conditions under which the CCF may operate. The terms of the license shall include the operating name of the CCF, the maximum number, age range, and sex of the residents to be served, and the period of time for which the license is effective, and may include other limitations which the commissioner may prescribe. An accompanying letter shall contain, in addition to the limitations on the license, any recommendation

MINNESOTA RULES 1983

2341

ADULT HALFWAY HOUSES 2920.1800

regarding activities, services, and facilities to be employed. A letter shall accompany a provisional license and state the reason(s) for its being provisional.

Statutory Authority: *MS s 241.021*

2920.1400 APPEAL PROCEDURE.

Any applicant who feels aggrieved by the commissioner's action may appeal the commissioner's decision in the following manner. The facility administrator shall be given written notice of the action and shall be informed of the right to appeal the decision of the commissioner in writing within ten days from his or her receipt of notice of the action. Upon receiving a timely written appeal, the commissioner shall give the facility administrator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner.

Statutory Authority: *MS s 241.021*

2920.1500 LIMITATION ON LICENSE RENEWAL.

When a CCF license has been revoked or not renewed because of nonsubstantial compliance with applicable laws or rules, it shall not be granted a new license for a period of one year following the revocation, denial, or nonrenewal.

Statutory Authority: *MS s 241.021*

2920.1600 FAILURE TO ACT WITHIN TIME LIMIT.

Failure of the commissioner to approve or deny an application within 30 days of receipt of a completed application shall be deemed to be an approval of provisional license.

Statutory Authority: *MS s 241.021*

2920.1700 SEVERABILITY.

If any part, subpart, item, subitem, unit, subunit, sentence, clause, or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these standards.

Statutory Authority: *MS s 241.021*

ORGANIZATION AND ADMINISTRATION OF ADULT HALFWAY HOUSES

2920.1800 LEGAL STATUS OF AND AUTHORITY FOR ADULT HALFWAY HOUSES.

Subpart 1. **Legal entity.** The public or private agency operating an established adult halfway house shall be a legal entity or part of a legal entity.

Subp. 2. **Nonprofit corporation.** If an adult halfway house is to operate as a nonprofit corporation, it shall be constituted in accordance with the laws of the state of Minnesota as outlined and prescribed in Minnesota Statutes, chapter 317, particularly as it relates to governing boards and annual audits.

Subp. 3. **Profit-making corporation.** If an adult halfway house is to operate as a private profit-making corporation it shall be constituted in accordance with the laws of the state of Minnesota as outlined and prescribed in Minnesota Statutes, chapter 300.

Statutory Authority: *MS s 241.021*

MINNESOTA RULES 1983

2920.1900 ADULT HALFWAY HOUSES

2342

2920.1900 POLICY MAKING.

The governing board shall have a written policy clearly stating its purposes, the program, and services offered. This will be done in a form suitable for distribution to staff, clients, referral sources, funding agencies, and the general public.

Statutory Authority: *MS s 241.021*

2920.2000 MEETINGS TO BE HELD.

The governing board of the community correctional facility shall hold meetings at least quarterly with the administrator in order to facilitate communications, establish policy, explore problems, ensure conformity to legal and fiscal requirements, and implement the program.

Statutory Authority: *MS s 241.021*

2920.2100 RECORD MAINTENANCE.

The CCF shall maintain records of its activities, including the minutes of board meetings, financial data, and statistical information. All records are subject to review by the commissioner.

Statutory Authority: *MS s 241.021*

2920.2200 POLICY MANUAL REVIEW.

The policy manual shall be reviewed annually by the governing board, and updated when necessary.

Statutory Authority: *MS s 241.021*

2920.2300 PUBLICATION OF TAX STATUS.

The CCF shall identify, document, and publicize its tax status with the Internal Revenue Service.

Statutory Authority: *MS s 241.021*

2920.2400 ARTICLES OF INCORPORATION OR CONSTITUTION.

The CCF shall have a constitution or articles of incorporation which meet all of the legal requirements of the governmental jurisdiction in which the agency is located.

Statutory Authority: *MS s 241.021*

2920.2500 MANAGEMENT; GENERAL.

The program shall be managed by a single administrative officer who shall implement the policies of the board.

Statutory Authority: *MS s 241.021*

2920.2600 MONITORING SYSTEM.

The CCF shall have a system to monitor the program through inspections and reviews by the administrator or designated staff.

Statutory Authority: *MS s 241.021*

2920.2700 OPERATIONS MANUAL.

The CCF shall have an operations manual which summarizes in one document approved methods of implementing agency policies and provides details for daily operations of the program.

Statutory Authority: *MS s 241.021*

MINNESOTA RULES 1983

2343

ADULT HALFWAY HOUSES 2920.3600

2920.2800 BYLAWS.

Bylaws shall meet all the legal requirements of the governmental jurisdiction in which the CCF is located, and shall include provisions for regular and special meetings, and for recording of minutes.

Statutory Authority: *MS s 241.021*

2920.2900 COMPLIANCE.

Each facility must substantially comply with all applicable licensing requirements of the jurisdiction in which it is located, including requirements of the Department of Health and all relevant fire and safety codes.

Statutory Authority: *MS s 241.021*

FISCAL MANAGEMENT OF ADULT HALFWAY HOUSES

2920.3000 ANNUAL WRITTEN BUDGET.

The facility administrator or designated employee shall prepare an annual written budget of anticipated revenues and expenditures which is approved by the funding authority.

Statutory Authority: *MS s 241.021*

2920.3100 WRITTEN POLICIES GOVERNING BUDGET REVISIONS.

The CCF shall have written policies which govern revisions in the budget.

Statutory Authority: *MS s 241.021*

2920.3200 FINANCIAL AUDIT.

The CCF fiscal process shall include a financial audit, preferably certified, of the CCF, at least annually, or at time periods stipulated by applicable statutes.

Statutory Authority: *MS s 241.021*

2920.3300 DOCUMENTS TO BE DISTRIBUTED TO GOVERNING BOARD.

The CCF shall prepare and distribute to its governing board, and affected agencies and individuals, at a minimum the following: income and expenditure statements, funding source, financial reports, and independent audit reports.

Statutory Authority: *MS s 241.021*

2920.3400 WRITTEN FISCAL SYSTEM.

The CCF shall have a written fiscal system which accounts for all income and expenditures on an ongoing basis and which shall include internal controls, petty cash, bonding, signature control on checks, resident funds, and employee expense reimbursement.

Statutory Authority: *MS s 241.021*

2920.3500 DOCUMENTATION AND AUTHORIZATION OF WAGE PAYMENTS.

The CCF shall use a method which documents and authorizes wage payment to employees and consultants.

Statutory Authority: *MS s 241.021*

2920.3600 INSURANCE COVERAGE.

The CCF shall have a procedure to provide insurance coverage for itself, which shall include coverage for the physical plant, equipment, personnel, and injury to employees, residents, and third parties.

Statutory Authority: *MS s 241.021*

PERSONNEL

2920.3700 PERSONNEL POLICIES; GENERAL.

Subpart 1. **Written policies.** There shall be written personnel policies for personnel employed by the CCF, which specify salaries, increments, hours of work, work schedule, vacations, holidays, sick leave, periodic performance evaluation (at least annually), and other conditions of employment.

Subp. 2. **Policies available to employees.** Personnel policies shall be available to each employee upon employment. The program shall inform each employee of the duties assigned to him/her, a position and organizational chart indicating the person to whom he/she is directly responsible, and general conditions which constitute grounds for dismissal and suspension, and a grievance procedure. The grievance procedures shall allow the aggrieved party to bring the grievance to at least one level above his/her supervisor.

Subp. 3. **Policies available to commissioner.** The personnel policies shall be available to the commissioner.

Subp. 4. **Employee benefits included in policies.** The policies shall include provisions for time off, vacation, sick leave, disability, and other employee benefits.

Subp. 5. **Consistent care arrangements in absence of regular staff.** During the absence of regular staff for time off, vacation, and sick leave, arrangements shall be provided to ensure consistent care of the residents.

Subp. 6. **Availability of staff.** The CCF shall have staff available or on call 24 hours a day, and seven days a week.

Subp. 7. **Ratio of staff to licensed capacity.** The ratio of staff to licensed capacity shall be not less than one direct service staff person for every eight residents.

Subp. 8. **Maintenance of confidential personnel record.** The CCF shall make provisions for, and allow time for, a confidential personnel record to be kept for each staff member which should include date of beginning and end of employment, hours, salary or wages, qualifications, evaluations, resume, references, and training sessions.

Statutory Authority: *MS s 241.021*

2920.3800 TRAINING PROGRAM.

Subpart 1. **Orientation session for new employees and volunteers.** The CCF shall provide an orientation session for new employees and new volunteers.

Subp. 2. **In-service training program.** The CCF shall provide a minimum of 18 hours per year of ongoing in-service training programs to help staff and volunteers meet the individual and group needs of residents.

Subp. 3. **Cultural awareness training.** The CCF shall provide ongoing cultural awareness training sessions for staff and volunteers working with minority residents.

Subp. 4. **First aid training.** It is mandatory that at least one employee on each shift, who is providing direct service to residents has first aid training. Training shall be provided by a Red Cross instructor or a licensed health professional. First aid training shall be current. Certificates or statements of training shall document that first aid training is updated at least every three years.

Subp. 5. **Job related training.** Time shall be available for staff and volunteers to participate in job-related training.

Subp. 6. **Referrals for special services.** When residents need special services, staff shall be able to refer them to other resources in the community.

Statutory Authority: *MS s 241.021*

2920.3900 MANTOUX TEST OR CHEST X RAY REQUIRED.

Each staff member shall have a mantoux test or chest X ray annually.

Statutory Authority: *MS s 241.021*

2920.4000 QUALIFICATIONS OF STAFF.

Subpart 1. **Substitution of experience for education.** For all education requirements, experience in the human services fields may be substituted for education. The CCF shall have a written policy which outlines experience and educational substitutes if the program permits such substitutes.

Subp. 2. **Facility administrator.** The facility administrator shall have at least a Bachelor of Arts degree in any of the human services fields, or a substitute as provided in subpart 1; and two years of work experience in corrections, social service, and/or administration.

Subp. 3. **Direct service staff.** The direct service staff shall have work, education, or volunteer experience in corrections or related fields and shall be selected on the basis of ability to perform assigned tasks.

Subp. 4. **Professional staff.** Persons providing professional services shall have achieved recognition to practice in their respective professions, including but not limited to license, certification, or registration required under state laws (psychiatrists, psychologists, social workers, probation and parole officers, etc.).

Statutory Authority: *MS s 241.021*

2920.4100 VOLUNTEERS.

Volunteers with training and supervision may be used to assist staff of the CCF. If volunteers are used, the community correctional facility shall establish requirements for the selection of volunteers. The community correctional facility and the individual volunteer shall agree on the latter's job assignment. The volunteer's responsibility shall be clearly differentiated from other staff members. If a volunteer is to be used in a capacity normally filled by a paid staff member he/she must meet the same qualifications as a paid staff member. Responsibility for the volunteer program shall be assigned to a specific staff member.

Statutory Authority: *MS s 241.021*

2920.4200 AGE REQUIREMENT.

All employees, including volunteers, providing direct service to residents shall be at least 18 years of age.

Statutory Authority: *MS s 241.021*

ADMISSIONS AND PLACEMENT POLICIES**2920.4300 ADMISSIONS POLICIES.**

The CCF shall establish clearly defined and written admissions policies and procedures, which will state the age range, sex, and characteristics of acceptable clients. Admission policies shall be available to be disseminated to all referral sources and the commissioner.

Statutory Authority: *MS s 241.021*

2920.4400 ADMISSION FORM.

The CCF and/or agent making the referral shall complete an initial admission information form on each client to be admitted into residency which, unless prohibited by local ordinance, includes at a minimum:

- A. name;
- B. address;
- C. date and place of birth;
- D. sex;

2920.4400 ADULT HALFWAY HOUSES

2346

- E. reason for referral;
- F. whom to notify in case of emergency;
- G. date information gathered;
- H. signature of both interviewee and interviewer gathering information;
- I. name of referring agency of committing authority;
- J. special medical problems or needs;
- K. legal status, including jurisdiction, length, and conditions of placement;
- L. financial arrangements for medical care; and
- M. financial arrangements for care.

Statutory Authority: *MS s 241.021*

2920.4500 MEDICAL EXAMINATION.

A CCF shall not keep residents in care unless they have had a medical examination 90 days prior to or 30 days after admission to ascertain the existence of any physical disability or communicable disease.

Statutory Authority: *MS s 241.021*

2920.4600 ORIENTATION.

At the time of intake, the staff shall discuss program goals, services available, rules governing conduct, program rules, and possible disciplinary actions with the participants; this shall be documented.

Statutory Authority: *MS s 241.021*

2920.4700 PROGRESS REPORTS.

Each resident's progress shall be continuously reviewed in relation to his/her service plan and a written record of review shall be maintained.

Statutory Authority: *MS s 241.021*

2920.4800 COMPLETION OF OR TERMINATION FROM PROGRAM.

The prospective resident shall be informed at the time of intake what expectations there are for completion of and/or successful termination from the program of the CCF.

Statutory Authority: *MS s 241.021*

PROGRAM

2920.4900 TREATMENT PLAN.

Project staff and resident shall develop and agree upon a written treatment plan that specifies the identified needs of the resident; the expected goals and objectives of the individualized plan to be used; and the participation of the resident, staff, support services, and community resources in the attainment of these goals and objectives. Counseling shall be offered to help the resident with problems that affect his/her ability to have satisfying personal relationships, to realize the capacity for growth, to help the person cope with the crisis of living in a restrictive environment, and to help persons to return to normal living in the community.

Statutory Authority: *MS s 241.021*

2920.5000 INVOLVEMENT OF RESIDENT IN FAMILY AND COMMUNITY AFFAIRS.

Subpart 1. **Plan.** The agency shall have written policy and procedures which provide increasing opportunities and privileges for resident involvement with family and in community affairs prior to final release.

MINNESOTA RULES 1983

2347

ADULT HALFWAY HOUSES 2920.5300

Subp. 2. **Involvement in the community.** To ensure that resident accessibility to community resources is maximized and existing services are not duplicated the facility administrator shall develop, and if appropriate, maintain participation or support services consistent with project's mission statement and service delivery plan. The CCF shall use community resources where appropriate to provide residents with the following services, including, but not limited to:

- A. assisting residents in learning to use leisure time constructively;
 - B. assisting residents in finding suitable employment;
 - C. assisting residents in locating financial assistance through community resources;
 - D. assisting residents in education and vocational training programs;
- and
- E. assisting residents with services to become self-sufficient; including, but not limited to, assistance in obtaining housing, transportation, medical, dental services, or money management.

Statutory Authority: *MS s 241.021*

2920.5100 WORK ASSIGNMENTS AND WORK PROGRAM.

Required work assignments should be appropriate to residents' ages and ability and residents shall not be required to perform work which is inappropriate for them for physical reasons. Reasonable criteria for safety measures shall be established when work could be deemed hazardous.

Residents shall not be required to perform duties such as personal duties for staff or replacing employed staff without pay.

Staff members shall check and inform residents of applicable minimum wage law, health and safety laws, social security, labor union fees and requirements, etc.

Program shall have a written policy with respect to periodic checks of residents at their place of employment.

Staff shall not enter into business arrangements or financial transactions with residents.

Statutory Authority: *MS s 241.021*

2920.5200 HOUSE RULES.

There shall be clearly defined policies and procedures allowing the resident input into the development of house rules and the decision-making process.

The program shall establish a method whereby residents and staff review group, resident, or community problems; and review old rules, new rules, or changes in rules, plans, and procedures in the CCF.

There shall be a written grievance procedure made available to each resident which outlines rules of the facility, residents' rights, and order of the grievance procedure.

Statutory Authority: *MS s 241.021*

2920.5300 RELIGION.

Each resident has the right to freedom of religious affiliation and voluntary religious worship, providing that the exercise of these rights does not directly interfere with the reasonable security and discipline of the facility.

Statutory Authority: *MS s 241.021*

NUTRITION AND FOOD

2920.5400 COMPLIANCE WITH LAW.

When the CCF provides or contracts for food service, the service shall comply with and meet all sanitation and health codes as promulgated by state or local authorities.

Statutory Authority: *MS s 241.021*

2920.5500 DIETARY SERVICE.

The food and nutritional needs of residents shall be met in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Board, National Academy of Sciences, 8th Edition, 1974. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement:

A. Meat or protein group. Two or more servings per day. A serving within this group is defined as:

- (1) two to three ounces cooked, lean, edible meat;
- (2) two medium eggs;
- (3) four tablespoons peanut butter; or
- (4) one cup dry beans.

B. Milk group. Two servings per day. A serving is defined as:

- (1) one cup of milk;
- (2) one ounce of cheese; or
- (3) one-half cup cottage cheese.

C. Cereal and bread group. Four or more servings per day. A serving is defined as:

- (1) one-half to one slice of bread;
- (2) one-half to three-fourths cup cereal;
- (3) one-half to three-fourths cup of rice; or
- (4) one-half to three-fourths cup of pasta.

D. Fruit and vegetable group. Four or more servings per day. A serving is defined as:

- (1) one-half cup potatoes;
- (2) one-half cup cooked vegetables;
- (3) four pieces raw vegetables;
- (4) one-half cup fruit; or
- (5) one cup juice (citrus, etc.).

Statutory Authority: *MS s 241.021*

2920.5600 NUMBER OF MEALS PER DAY.

A minimum of three meals a day shall be available for residents unless an agreement states otherwise.

Statutory Authority: *MS s 241.021*

SPECIAL PROCEDURES**2920.5700 DISCIPLINE AND DISCIPLINARY ACTION.**

Discipline should be considered as training to assist residents in the development of self-control, character, and orderly conduct. Informal resolution of conflicts should be considered prior to taking formal disciplinary action. Should disciplinary action be necessary the following rules shall be observed:

A. The CCF shall have written policies which shall be available to the residents, and to staff regarding methods used for control and discipline.

B. All disciplinary action shall be the responsibility of staff members and shall not be delegated to other residents or persons outside of the program unless special skills are needed to handle the situation.

C. Residents shall not be denied food, mail, or sleep as punishment.

D. Corporal punishment shall not be used.

E. Physical force shall be used only in instances of justifiable self-protection, protection of others, and prevention of property damage, and only to the degree necessary and in accordance with appropriate statutory authority; such action shall be documented and placed on file.

Statutory Authority: *MS s 241.021*

2920.5800 ROOM RESTRICTION, FACILITY RESTRICTION, AND PRIVILEGE SUSPENSION.

Subpart 1. **Limitation on room restriction.** Written policy and procedures shall ensure that room restriction does not exceed eight hours and is used only under the following conditions: the resident is dangerous to himself/herself or others; and/or there is strong evidence to indicate he/she is about to abscond.

Subp. 2. **Reasons for restriction explained to resident.** Written policy and procedures shall ensure that prior to room restriction the resident has the reasons for the restriction explained to him/her, and has an opportunity to explain the behavior leading to the restriction.

Subp. 3. **Contact with resident during restriction; determining end of restriction period.** During room restriction staff contact shall be made with the resident at least hourly to ensure the well being of the resident; the resident shall assist in the determination of the end of the restriction period.

Subp. 4. **Reasons for privilege suspension explained to resident.** Written policy and procedures shall ensure that prior to privilege suspension the resident has the reasons for the suspension explained to him/her, and has an opportunity to explain the behavior leading to the suspension.

Subp. 5. **Reasons for facility restriction explained to resident.** Written policy and procedures shall ensure that prior to facility restriction (grounding) for up to 48 hours, the resident has the reasons for the restriction explained to him/her, and has an opportunity to explain the behavior leading to the restriction.

Subp. 6. **Administrative hearing, when required.** Written policy and procedures shall ensure that prior to facility restriction for more than 48 hours there is an administrative hearing by a person or panel of staff who are not directly involved in the incident leading to the restriction.

Subp. 7. **Maintenance of log.** All instances of room restriction, privilege suspension, and facility restriction shall be logged, dated, and signed by staff implementing the discipline procedure; the log shall be reviewed by supervisory staff at least daily.

Subp. 8. **Use of detention facility for extended confinement.** Where extended confinement is necessary, a detention facility, with which previous arrangements have been made, shall be used.

Statutory Authority: *MS s 241.021*

2920.5900 SECURITY PROCEDURES.

Written policies regarding security measures are necessary and shall include:

A. a written plan shall allow staff to monitor movement into and out of the facility, under circumstances specified in the plan;

B. the staff shall maintain a system of accounting for the whereabouts of its residents at all times;

C. the CCF shall have written procedures for the detection and reporting of absconders;

D. the CCF shall notify appropriate probation officers, parole officers, and/or other relevant officials as soon as it has been determined that a resident has run away or is missing;

2920.5900 ADULT HALFWAY HOUSES

2350

E. any general security restrictions must allow for individual protection, as well as protection for others, and must be part of the written program policy;

F. written policy and procedures prohibit weapons of any kind from being brought into or kept on the program grounds; and

G. a key inventory system shall be enforced that helps provide staff and resident safety and privacy needs, and assists in protecting and preserving personal property.

Statutory Authority: *MS s 241.021*

2920.6000 PERSONAL POSSESSIONS.

Subpart 1. **General.** Each resident shall be allowed to bring appropriate personal possessions to the CCF and shall be allowed to acquire possessions of his/her own to the extent the facility is able to accommodate secure storage of them.

Subp. 2. **Contraband defined.** The CCF shall have written definitions of what will be considered contraband.

Subp. 3. **Information concerning prohibited items.** Information shall be made available to the residents, family members, and friends concerning what personal possessions and kinds of gifts are prohibited.

Statutory Authority: *MS s 241.021*

2920.6100 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

Subpart 1. **General.** Residents shall not be required to make public statements acknowledging their gratitude to the program and shall not be required to perform or appear at public gatherings.

Subp. 2. **Written consent requirement.** The CCF shall not use reports or pictures from which residents can be identified without written consent from the resident. The signed consent form shall be on file at the CCF before any reports or pictures from which residents can be identified are used. The signed consent form shall indicate on how many occasions the information shall be used.

Statutory Authority: *MS s 241.021*

2920.6200 SEARCHES.

In compliance with applicable laws, the CCF shall maintain and make public, written policies and procedures for conducting searches of residents, their belongings, and all areas of the facility to control contraband and locate missing or stolen property.

Statutory Authority: *MS s 241.021*

PHYSICAL FACILITY**2920.6300 COMPLIANCE WITH LAWS.**

The facility shall comply with all applicable codes, ordinances, and licensing regulations of the state and/or local jurisdiction in which the facility is located. These shall include, but not be limited to: zoning codes, building codes, housing codes, health and fire codes.

It is the responsibility of the facility administrator to request necessary inspections and to substantially comply with any resulting recommendations noted in the inspection reports.

Written documentation that all building and zoning codes, fire, health, and safety rules are met shall be on file at the CCF and/or conspicuously posted in the facility.

Statutory Authority: *MS s 241.021*

MINNESOTA RULES 1983

2351

ADULT HALFWAY HOUSES 2920.6700

2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.

Written policy and procedures shall specify the facility's fire prevention regulations and practices to ensure the safety of staff, residents, and visitors. These shall include, but not be limited to:

- A. provision for an adequate fire protection service;
- B. a system of fire inspection and testing of equipment determined by the local fire official;
- C. smoke detectors; and
- D. fire drills and extinguishers.

Statutory Authority: *MS s 241.021*

2920.6500 DISASTERS AND EMERGENCIES; PLANS AND PROCEDURES.

There shall be written plans and procedures for meeting potential disasters and emergencies, such as fire, severe weather, or other emergencies. All staff shall be familiar with the procedures for meeting potential disaster.

Statutory Authority: *MS s 241.021*

2920.6600 BUILDINGS AND GROUNDS.

Subpart 1. **General.** Building and grounds shall be maintained, repaired, and cleaned so that they are not hazardous to the health and safety of residents and staff.

Subp. 2. **New or renovated buildings.** Building plans and specifications for new construction, conversion of existing buildings, and any structural modifications or additions to existing licensed buildings shall be suitably aligned with the purpose of the adult halfway house and shall be submitted to the following authorities for approval:

- A. office of the state fire marshal;
- B. local zoning and/or building departments;
- C. local health department; and
- D. the commissioner.

Subp. 3. **Heating equipment.** Heating equipment shall be in good condition, vented, and shall be capable of maintaining consistent uniform temperatures as well as eliminating drafts. A comfortable temperature range shall be maintained in all rooms occupied by residents.

Statutory Authority: *MS s 241.021*

2920.6700 BEDROOMS; REQUIREMENTS.

Subpart 1. **Single bedrooms.** Single bedrooms shall provide at least 70 square feet of useable floor space with a side dimension of not less than seven feet for ambulatory residents. For nonambulatory residents, the requirements are 100 square feet of useable floor area with a side dimension of not less than nine feet.

Subp. 2. **Multi-bed bedrooms.** Multi-bed bedrooms shall provide at least 60 square feet per person of useable floor space with at least three feet between beds placed side by side, and at least one foot between beds placed end to end for ambulatory residents. For nonambulatory/nonmobile residents, the multi-bed bedrooms shall provide at least 80 square feet of useable floor area. Multi-bed bedrooms for active, nonambulatory, mobile residents shall be at least 100 square feet per resident. Mobility space at the end and one side of each bed shall be not less than four feet per resident.

Subp. 3. **Bedrooms for nonambulatory mobile residents.** Bedrooms for nonambulatory mobile residents shall have adequate accessible space for storage of wheel chairs and other prosthetic or adaptive equipment for daily out-of-bed activity or acceptable similar storage space shall be provided outside the bedroom readily and handily accessible to the resident.

2920.6700 ADULT HALFWAY HOUSES

2352

Subp. 4. **Separate bedrooms.** Male and female residents shall not occupy the same bedrooms.

Youths and adults shall not share bedrooms except in approved circumstances by the facility administrator.

Subp. 5. **Limitation on occupancy.** In new or remodeled buildings, bedrooms shall accommodate no more than four residents.

Statutory Authority: *MS s 241.021*

2920.6800 FURNISHINGS PROVIDED EACH RESIDENT.

Each resident shall be provided, at a minimum: bed, mattress, supply of bed linen and towels, chair, adequate lighting, and closet/locker space.

Statutory Authority: *MS s 241.021*

2920.6900 COUNSELING SPACE AND VISITING ROOM.

Private counseling space shall be provided in the facility.

Space shall be provided to accommodate group meetings.

A visiting area shall be provided where residents may receive and talk with visitors privately.

Statutory Authority: *MS s 241.021*

2920.7000 BATHROOM FACILITIES.

Every facility shall be equipped with adequate and conveniently located toilet rooms for its employees and residents. Washbasins and toilets shall be provided in the ratio of at least one toilet to every ten residents and at least one washbasin for every six residents. At least one bath or shower shall be available for every eight residents.

Statutory Authority: *MS s 241.021*

2920.7100 LAUNDRY FACILITY.

The facility shall have one washer and one dryer for every 20 residents, or equivalent laundry capacity available in the immediate vicinity of the facility.

Statutory Authority: *MS s 241.021*

2920.7200 TRANSPORTATION.

Subpart 1. **Policy and procedures.** Written policy and procedures shall govern the use and maintenance of facility and resident motor vehicles.

Subp. 2. **Availability.** Transportation shall be available for use in emergencies.

Statutory Authority: *MS s 241.021*

2920.7300 ENVIRONMENT.

The governing body shall designate who is permitted to live in the facility.

A CCF shall not have roomers or boarders in the facility without special permission from the facility administrator. The CCF shall keep the commissioner notified as to the presence of all persons living in a CCF other than staff and residents. Staff may live in the CCF as appropriate and with approval of the facility administrator.

A CCF shall not concurrently hold a license for family day care or group day care without prior approval by the commissioner.

Statutory Authority: *MS s 241.021*

HEALTH CARE AND MEDICAL SERVICES**2920.7400 HEALTH CARE AND MEDICAL SERVICES.**

Subpart 1. **Policy and procedures.** The facility administrator shall ensure written policies and procedures for use by staff in all medical, dental, and psychological difficulties.

Written policies and procedures shall clarify for the staff what medical care may be given by them without specific orders from a licensed medical doctor. The staff shall be instructed as to how to obtain further medical care and how to handle emergency cases.

Subp. 2. **Medical coverage.** Medical coverage shall be determined for each resident upon admission to the program.

Subp. 3. **Medication.** The program health care plan shall adhere to state and federal laws and rules regarding distribution of medications. The plan shall stipulate that medications be administered only as instructed by a licensed physician.

The facility administrator shall establish policies and procedures for reviewing the use, as well as the storage and disbursement of prescription drugs.

Subp. 4. **Prohibition on medical or pharmaceutical testing.** Written policy shall prohibit participation in medical or pharmaceutical testing for experimental or research purposes.

Subp. 5. **First aid.** The CCF shall have first aid equipment, which meets American Red Cross standards available at all times for medical emergencies.

One staff member on each shift of the residential program shall be trained in emergency first aid procedures.

Subp. 6. **Community health care agencies.** The CCF shall maintain working relations with community health care agencies in order to assist residents in meeting their health needs.

Statutory Authority: *MS s 241.021*

RECORDS AND EVALUATION**2920.7500 RECORDS AND EVALUATION OF RESIDENTS.**

Subpart 1. **General.** The CCF shall maintain accurate and complete case records, reports, and statistics necessary for the conduct of its program. Appropriate safeguards shall be established to protect the confidentiality of the records, and minimize the possibility of theft, loss, or destruction.

Subp. 2. **Medical Consent.** In addition to the data required in the intake study, the resident's record shall include consent for necessary dental, medical, and surgical treatment, and hospitalization.

Subp. 3. **Medical Records.** The CCF shall keep records or have access to ongoing medical information, when available, which shall include dental examinations, reports of any illness or injury and treatment given, psychological examinations and treatment given, if any, use of drugs, routine physical examinations, and other medical contacts.

Subp. 4. **Summary of resident's progress.** The record shall include a summary of the resident's progress. These reports shall be recorded regularly and shall include the following: reports of significant incidents, both positive and negative, and changes in family situation, future planning, summary of resident's development, grievances, and disciplinary actions, if any.

Subp. 5. **Correspondence.** All correspondence relevant to the resident shall be kept in the record.

Subp. 6. **Face sheet.** Each record shall have a face sheet bearing factual data and identifying information. The face sheet shall include the following: name; date and place of birth; sex; religion; race; names and addresses of person(s) to be contacted in event of emergency; date of admission; insurance policy numbers, medical number (if any); name of probation officer, parole officer, or welfare worker; date of termination; special medical problems or

needs; financial arrangements for medical care; legal status, including jurisdiction, length, and conditions of placement; and financial arrangements for care.

Subp. 7. **Release of information; general.** All dissemination on data on residents will be in accord with the Minnesota Government Data Practices Act. All information is public, unless otherwise classified by state statute, federal law, or emergency or temporary classification.

Subp. 8. **Sharing of data with those involved in resident's treatment plan.** The content of the resident's record and data collected by the CCF shall be shared with individuals or agencies directly involved in the resident's treatment plan. When such information is provided, residents shall be informed. All dissemination of residents' records and information shall be governed by Minnesota Statutes, section 13.02, subdivisions 5, 11, and 12, and any other applicable state or federal law.

Subp. 9. **Consent form.** Except in situations covered by subpart 7, the CCF shall provide that a release of information consent form shall be signed by the resident immediately before each release of information concerning the resident is completed, and a copy of the consent form shall be maintained in the resident's record.

Subp. 10. **Written policy concerning consent form.** The CCF shall have a written policy which conforms at a minimum to applicable federal law that relates to the release of information consent form, which includes:

- A. name of person, agency, or organization requesting information;
- B. name of person, agency, or organization releasing information;
- C. the specific information to be disclosed;
- D. the purpose or need for the information;
- E. date consent form is signed;
- F. signature of the resident; and
- G. signature of an individual witnessing resident signature.

Subp. 11. **Policy concerning maintenance of case record.** The CCF shall have a written policy which specifies the length of time a case record must be maintained.

Subp. 12. **Residents' access to files.** Residents shall have access to their files as permitted by law.

Statutory Authority: *MS s 241.021*

2920.7600 PERSONNEL RECORDS.

Subpart 1. **General requirement; contents of records.** The CCF shall maintain an accurate personnel record on each employee which shall include, at minimum:

- A. initial application;
- B. reference letters;
- C. appropriate results of employment investigation;
- D. training and experience verification;
- E. wage and salary information;
- F. job performance evaluation completed at least annually;
- G. training programs which the employee participated in after employment began;
- H. documentation of sick leave, leave of absence, and vacation;
- I. grievance and disciplinary actions, if any;
- J. health and medical reports; and
- K. dates of employment and termination with reason for termination.

MINNESOTA RULES 1983

2355

ADULT HALFWAY HOUSES 2920.7900

Subp. 2. **Employee access to records.** Employees shall have access to their personnel files.

Statutory Authority: *MS s 241.021*

2920.7700 FACILITY RECORDS.

The board shall maintain records of its activities, including the minutes of board meetings, financial data, and statistical information.

Statutory Authority: *MS s 241.021*

2920.7800 RECORDS REGARDING EVALUATION OF PROGRAM.

The CCF shall have an organized system of information collection, retrieval, and review to document their program.

Statutory Authority: *MS s 241.021*

2920.7900 RECORDS REGARDING RESEARCH PROGRAMS.

Written policy and procedures shall govern voluntary participation in nonmedical and nonpharmaceutical research programs.

Statutory Authority: *MS s 241.021*