

CHAPTER 2920
DEPARTMENT OF CORRECTIONS
ADULT HALFWAY HOUSES

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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. [Repealed, 9 SR 1655]

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for which the license was originally issued and where there has been no intervening period during which a license has been revoked.

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 part means compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein, and, additionally, means 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.

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. 26a. **Variance.** "Variance" is a waiver of a specific rule for a specified period of time.

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*

History: *9 SR 1655*

2920.0200 INTRODUCTION.

Subpart 1. **Authority.** Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner of corrections adopt 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 minimum standards for all adult halfway houses.

Subp. 2. [Repealed, 9 SR 1655]

Subp. 3. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

LICENSING PROCEDURES

2920.0300 [Repealed, 9 SR 1655]

2920.0400 [Repealed, 9 SR 1655]

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.

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

- A. an application form provided by the commissioner;
- B. current health inspection approval;
- C. current fire-safety approval;

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D. a floor plan of the facility;

E. a list of the board of directors and committees, including names, addresses, and telephone numbers; and

F. a list of other facilities which the operator or governing board has operated or is currently operating either in or out of state.

Subp. 3. **Relicensing application.** A relicensing application must be made at least 30 days prior to expiration. The material to be filed with the relicensing application is the same as subpart 2. The current floor plan must also be filed with the application if changes have occurred.

Statutory Authority: *MS s 241.021*

History: 9 SR 1655

2920.0600 [Repealed, 9 SR 1655]

2920.0700 [Repealed, 9 SR 1655]

2920.0800 CONDITIONS OF LICENSE.

Subpart 1. **Nontransferable.** A license is not transferable. It applies only to the organization or person(s) to whom it is issued and to the building approved. The license expires automatically if there is a change in location, organization, procedure, or policies 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.

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.

Subp. 6. **Issuance of license.** A license must be issued when the applicant is in substantial compliance.

Statutory Authority: *MS s 241.021*

History: 9 SR 1655

2920.0900 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

A license may be revoked, suspended, or denied 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 must be given written notice of the action and must be given 30 days to substantially comply with minimum standards before action is taken. Failure, inability, or refusal to substantially comply with licensing procedures is cause for denial, nonrenewal, revocation, or suspension of the license.

Statutory Authority: *MS s 241.021*

History: 9 SR 1655

2920.1000 RESTRICTION OF USE OF COMMUNITY CORRECTIONAL FACILITY.

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 habitation of persons therein.

Statutory Authority: *MS s 241.021*

History: 9 SR 1655

2920.1100 VARIANCE OF SPECIFIC RULE.

The granting of a variance under this part does not constitute a precedent for any other community correctional facility. The commissioner shall grant a variance 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 shall deem necessary for the protection of health, safety, and welfare of the residents.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.1200 STUDY OF APPLICATION.

Following the receipt of the application and materials requested, the commissioner shall cause a study to be made. This study must include an on-site inspection of the facilities and a review of references.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.1300 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, must set forth the conditions under which the community correctional facility may operate. The terms of the license must include the operating name of the community correctional facility, the maximum number 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 must contain, in addition to the limitations on the license, any recommendation regarding activities, services, and facilities to be employed.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 [Repealed, 9 SR 1655]

2920.1700 [Repealed, 9 SR 1655]

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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 adult halfway house shall be a legal entity or part of a legal entity.

Subp. 2. [Repealed, 9 SR 1655]

Subp. 3. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.1900 POLICY MAKING.

The governing board shall have a written policy clearly stating its purposes, the program, and services offered. This must 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*

History: *9 SR 1655*

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 [Repealed, 9 SR 1655]

2920.2300 PUBLICATION OF TAX STATUS.

The community correctional facility shall identify and document its tax status with the Internal Revenue Service.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 community correctional facility 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. The policy manual must be reviewed annually by the governing board, and updated when necessary.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 community correctional facility fiscal process must include an annual financial audit.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.3300 DOCUMENTS DISTRIBUTED TO GOVERNING BOARD.

The community correctional facility shall prepare and distribute to its governing board income and expenditure statements, funding source, financial reports, and independent audit reports.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 community correctional facility shall have staff available or on call 24 hours a day, seven days a week, on duty and awake during sleeping hours.

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*

History: 9 SR 1655

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 all employees who provide direct service to residents have first aid training. Training must be provided by a Red Cross instructor or a licensed health professional. First aid training must be current. Certificates or statements of training must document that first aid training is updated at least every three years.

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

Subp. 6. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.3900 MANTOUX TEST OR CHEST X RAY REQUIRED.

Each staff member shall have a mantoux test or chest X ray at the time of employment.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.4000 QUALIFICATIONS OF STAFF.

Subpart 1. [Repealed, 9 SR 1655]

Subp. 2. **Facility administrator.** The facility administrator must have at least a Bachelor of Arts degree in any of the human services fields, or equivalent experience and two years of work experience in corrections, social service, 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. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.4400 ADMISSION FORM.

The community correctional facility 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:

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

History: *9 SR 1655*

2920.4500 [Repealed, 9 SR 1655]

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 SERVICE PLAN.

Facility staff and resident shall develop a written service plan that specifies the needs of the resident; the expected goals and objectives of the individualized plan; and the participation of the resident, staff, support services, and community resources in the attainment of these goals and objectives.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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.

Subp. 2. Involvement in community. The community correctional facility shall use community resources where appropriate to provide residents with the following services:

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- 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 assistance in obtaining housing, transportation, medical and dental services, and money management.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.5100 WORK ASSIGNMENTS AND WORK PROGRAM.

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

Residents may not be required to perform personal duties for staff or replace employed staff without being paid for such service.

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

Written policy must include a system of periodic checks of residents at their place of employment.

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

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.5200 HOUSE RULES.

The program must 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 community correctional facility.

A written grievance procedure must be made available to each resident which outlines the residents' rights and the grievance procedure.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.5300 RELIGION.

Policy requires that 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*

History: *9 SR 1655*

NUTRITION AND FOOD

2920.5400 COMPLIANCE WITH LAW.

When the community correctional facility provides or contracts for food service, the service must comply with and meet all sanitation and health regulations.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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2920.5500 DIETARY SERVICE.

The food and nutritional needs of residents must be met. 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*

History: *9 SR 1655*

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.

Should disciplinary action be necessary the following rules shall be observed:

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

B. Disciplinary action may 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*

History: *9 SR 1655*

2920.5800 ROOM RESTRICTION, FACILITY RESTRICTION, AND PRIVILEGE SUSPENSION.

Subpart 1. **Limitation on room restriction.** Written policy and procedures must ensure that room restriction does not exceed eight hours.

Subp. 2. [Repealed, 9 SR 1655]

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

Subp. 4. [Repealed, 9 SR 1655]

Subp. 5. [Repealed, 9 SR 1655]

Subp. 6. **Administrative hearing, when required.** Written policy must 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 disciplinary action must be logged, dated, and signed by staff implementing the procedure; the log must be reviewed by supervisory staff daily.

Subp. 8. **Use of detention facility for extended confinement.** Where confinement is necessary, a detention facility, other than the community correctional facility, must be used.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.5900 SECURITY PROCEDURES.

Written policies regarding security measures are necessary and must include:

A. a written plan must allow staff to monitor movement into and out of the facility;

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

C. the community correctional facility shall have written procedures for the reporting of absconders;

D. the community correctional facility shall notify appropriate probation officers, parole officers, and other relevant officials as soon as it has been determined that a resident is missing;

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 shall 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*

History: *9 SR 1655*

2920.6000 PERSONAL POSSESSIONS.

Subpart 1. **General.** Each resident shall be allowed to bring appropriate personal possessions to the community correctional facility and shall be allowed to acquire possessions to the extent the facility is able to accommodate secure storage.

Subp. 2. **Contraband defined.** The community correctional facility shall have written definitions of what shall 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.

Subp. 4. **System of accounting.** Policy must dictate the system of accounting for the individual's personal items if stored in the facility and a procedure to be followed for dispersal of these items if a resident absconds or leaves the facility without taking these items.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 community correctional facility shall maintain and post 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*

History: *9 SR 1655*

PHYSICAL FACILITY

2920.6300 COMPLIANCE WITH LAWS.

The facility shall comply with zoning codes, building codes, housing codes, and health and fire codes.

It is the responsibility of the facility administrator to request necessary inspections.

Written documentation that all building and zoning codes are met must be on file at the community correctional facility. Additionally, an annual fire inspection must be done at the time of licensing.

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.

Written policy and procedures must specify the facility's fire prevention regulations and practices. These must include:

- 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*

History: *9 SR 1655*

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*

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*

History: 9 SR 1655

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. [Repealed, 9 SR 1655]

Subp. 7. **Release of information; general.** All dissemination on data on residents must be in accord with the Minnesota Government Data Practices Act.

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 community correctional facility must be shared with individuals or agencies directly involved in the resident's treatment plan. When the information is provided, residents must be informed.

Subp. 9. [Repealed, 9 SR 1655]

Subp. 10. **Written policy concerning consent form.** The community correctional facility 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 community correctional facility shall have a written policy which specifies the length of time a case record must be maintained.

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Subp. 12. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

2920.7600 PERSONNEL RECORDS.

Subpart 1. **General requirement; contents of records.** The community correctional facility shall maintain an accurate personnel record on each employee which shall include:

- A. initial application;
- B. reference letters, including three letters of reference on the director;
- 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.

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

Statutory Authority: *MS s 241.021*

History: *9 SR 1655*

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 non-medical and nonpharmaceutical research programs.

Statutory Authority: *MS s 241.021*