

CHAPTER 2920
DEPARTMENT OF CORRECTIONS
ADULT COMMUNITY-BASED RESIDENTIAL
CORRECTIONAL FACILITIES

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2920.0100 DEFINITIONS.

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

Subp. 2. **Adult community-based residential correctional facility or facility.** "Adult community-based residential correctional facility" or "facility" means any community-based residential facility that provides at a minimum accountability and 24-hour-a-day care such as food and lodging. The primary purpose is to serve persons placed in the

facility by a court, court services department, commissioner of corrections, or other correctional agency having dispositional power over persons convicted of a crime.

Subp. 3. **Adults.** "Adults" means persons 18 years of age or over or persons under the jurisdiction of the adult court.

Subp. 4. **Applicant.** "Applicant" means any person, agency, or organization applying for a license or renewal of license under this chapter.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections or a designee.

Subp. 6. [Repealed, 36 SR 635]

Subp. 7. [Repealed, 36 SR 635]

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

Subp. 9. [Repealed, 36 SR 635]

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

Subp. 10a. **Direct service staff.** "Direct service staff" means staff that have primary responsibility for the supervision and care and welfare of the residents.

Subp. 11. [Renumbered subpart 16a]

Subp. 12. **Governing board or sponsoring agency.** "Governing board" or "sponsoring agency" means the body that formulates the policies and procedures governing a community correctional facility.

Subp. 13. **License.** "License" means a certificate issued by the commissioner authorizing the operator to provide specified services for a period of up to two years in accordance with the terms of the license, Minnesota Statutes, section 241.021, and this chapter.

Subp. 14. [Repealed, 36 SR 635]

Subp. 14a. **Population.** "Population" means a group of residents with a need for similar services arising primarily out of a particular type of issues or needs.

Subp. 15. [Repealed, 36 SR 635]

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

Subp. 16a. **Program administrator.** "Program administrator" means the administrator of the program, employed or appointed by the board or sponsoring agency, to implement its policies, programs, and treatment plans.

Subp. 17. [Repealed, 9 SR 1655]

Subp. 18. [Repealed, 36 SR 635]

Subp. 19. [Repealed, 36 SR 635]

Subp. 20. [Repealed, 36 SR 635]

Subp. 20a. **Service plan.** "Service plan" means an individual written plan that addresses the expectations, goals, and desired outcomes for a resident.

Subp. 21. [Repealed, 36 SR 635]

Subp. 22. [Repealed, 36 SR 635]

Subp. 23. [Repealed, 36 SR 635]

Subp. 24. [Repealed, 36 SR 635]

Subp. 25. [Repealed, 36 SR 635]

Subp. 26. [Repealed, 36 SR 635]

Subp. 26a. **Variance.** "Variance" means the commissioner has authorized the facility to comply with a specific rule in a manner other than as specified in that rule.

Subp. 26b. **Volunteer.** "Volunteer" means a person who is not employed by the facility but is providing a service or program to facility residents on an ongoing basis.

Subp. 27. **Waiver.** "Waiver" means written permission from the commissioner to disregard a particular part of this chapter.

Subp. 28. [Repealed, 36 SR 635]

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.0200 Subpart 1. [Repealed, 36 SR 635]

Subp. 2. [Repealed, 9 SR 1655]

Subp. 3. [Repealed, 9 SR 1655]

2920.0210 COMPLIANCE WITH RULES.

A facility must comply with a rule, part, subpart, or item designated "mandatory" unless waived by the commissioner. A facility is in substantial compliance when it complies with 100 percent of the rules in this chapter designated "mandatory" and at least 90 percent of the rules in this chapter not designated "mandatory."

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.0500 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 adult community-based residential correctional facility expects to operate.

Subp. 2. **Materials filed.** The application includes:

- A. an application form provided by the commissioner;
- B. current health inspection approval;
- C. current fire inspection;
- D. an accurate floor plan of the facility;
- E. a list of the board of directors, including names, addresses, and telephone numbers;
- F. an organizational chart;
- G. all documents required by the municipality; and
- H. the certificate of occupancy from the municipality.

Subp. 3. [Repealed, 36 SR 635]

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.0800 CONDITIONS OF LICENSE.

Subpart 1. **Nontransferable.** A license is not transferable. It applies only to the organization, person, or persons 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 that affect either the terms of the license or the continuing eligibility for a license. In such cases, an 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 community-based residential correctional facility must be licensed by the commissioner in order to operate.

Subp. 4. **No occupancy before licensing.** No persons shall be placed in an adult community-based residential correctional facility prior to its being licensed.

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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 compliance with part 2920.0200, subpart 4.

Subp. 7. **Variance; waivers.** Variances and waivers must be listed on the license.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.0900 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE.

A license may be revoked, suspended, or denied by the commissioner if the facility does not comply with this chapter as required under part 2920.0210 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 comply with this chapter before action is taken. Failure, inability, or refusal to comply with this chapter is cause for denial, nonrenewal, revocation, or suspension of the license. The commissioner may issue a conditional license for a specified time to allow the facility to come into compliance.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1000 RESTRICTION OF USE OF ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITY.

The commissioner may by written order restrict the use of any adult community-based residential correctional facility that does not comply with this chapter as required under part 2920.0210 or, where specific conditions exist which endanger the health, welfare, or safety of residents or staff.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1100 VARIANCE OR WAIVER OF SPECIFIC RULE.

Subpart 1. **Granting of variance or waiver.** The granting of a variance or waiver under this part does not constitute a precedent for any other community correctional facility. The commissioner shall grant a variance or waiver of a specific rule, if, in the licensing procedure or enforcement of the standards the commissioner finds that:

- A. to require a particular adult community-based residential correctional facility to comply strictly with one or more of the provisions will result in undue hardship;
- B. the facility is otherwise in compliance with this chapter;
- C. the facility substantially complies with specific conditions the commissioner deems necessary for the protection of health, safety, and welfare of the residents and it does not have a substantially negative effect on public safety.

Subp. 2. **Variance or waiver review.** Variances or waivers must be reviewed during the on-site inspection to determine if the variances or waivers should be continued.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1200 ON-SITE INSPECTION.

Following the receipt of the application and materials requested, the commissioner shall conduct the appropriate on-site inspection, determine if the license is appropriate, and notify the applicant of the determination in writing.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

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 must set forth the conditions under which the adult community-based residential correctional facility may operate. The terms of the license must include the operating name of the 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 document to the license must contain a summary of inspection findings.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1400 APPEAL PROCEDURE.

The program administrator shall be given written notice of the action under part 2920.1300 and of the right to appeal the decision of the commissioner in writing within ten business days from receipt of the written notice of the action. The commissioner shall advise the program administrator of the commissioner's action on the appeal no later than 30 days after receipt of the written appeal. If the program administrator is not satisfied with the commissioner's action on the appeal, the program administrator may request a contested case hearing to be conducted by the Office of Administrative Hearings. Following the report of the administrative law judge, the commissioner shall make a final decision in accordance with Minnesota Statutes, chapter 14. While the appeal is in process with the Office of Administrative Hearings, the adult community-based residential correctional facility may continue to operate unless there are life and safety or public safety issues.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1500 LIMITATION ON LICENSE RENEWAL.

When an adult community-based residential correctional facility license has been revoked or not renewed because the facility is not in compliance with this chapter and the facility presents a risk to public safety, it shall not be inspected and granted a new license for a period of one year following the revocation, denial, or nonrenewal. A new license is granted when the facility is in compliance with this chapter.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

**2920.1800 LEGAL STATUS OF AND AUTHORITY FOR ADULT
COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITY.**

Subpart 1. **Legal entity.** It is mandatory that the public or private agency operating an adult community-based residential correctional facility is a legal entity or part of a legal entity.

Subp. 2. [Repealed, 9 SR 1655]

Subp. 3. [Repealed, 9 SR 1655]

Subp. 4. **Written statement.** It is mandatory that the facility has a written statement clearly stating its mission, the population serviced, and the type of services provided. This must be done in a form suitable for distribution to staff, residents, referral sources, funding agencies, and the general public.

Subp. 5. **Governing body advisory board.** It is mandatory that the facility has a governing board composed of the president, secretary, and treasurer. The program administrator may be on the board. There may be an advisory board with membership from the

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specific target group and the immediate neighborhood population and additional membership according to the size and function of the individual facility.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.1900 [Repealed, 36 SR 635]

2920.2000 MEETINGS TO BE HELD.

The governing board of the facility shall hold meetings at least biannually in order to establish policy and ensure conformity to legal and fiscal requirements.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2100 RECORD MAINTENANCE.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2300 [Repealed, 36 SR 635]

2920.2400 ARTICLES OF INCORPORATION OR CONSTITUTION.

It is mandatory that the facility have a constitution or articles of incorporation that meet all of the legal requirements of the governmental jurisdiction in which the facility is located.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2500 MANAGEMENT; GENERAL.

It is mandatory that the facility is managed by a single administrative officer who shall implement the policies of the board.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2600 MONITORING SYSTEM.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2700 OPERATIONS MANUAL.

The adult community-based residential correctional facility shall have a policy and procedure manual that defines the philosophy and method for operating and maintaining the facility. This manual must be made available to all employees, reviewed annually, updated as needed, and used to train employees. The manual must include the following chapters:

- A. standards required by this chapter;
- B. administration and organization;
- C. fiscal management;
- D. personnel;
- E. training;
- F. admissions, orientation, property procedures, and discharge;
- G. resident activities;

- H. resident records;
- I. medical and health care services;
- J. resident rules and discipline;
- K. communication, mail, and visiting;
- L. safety and emergency;
- M. security and resident accountability;
- N. sanitation and hygiene; and
- O. food service.

The program administrator or designee shall annually review the policy and procedure manual. The review must be documented in writing sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2800 BYLAWS.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.2900 [Repealed, 36 SR 635]

2920.3000 ANNUAL WRITTEN BUDGET.

The program administrator or designated employee shall prepare an annual written budget of anticipated revenues and expenditures which is approved by the governing board.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3100 [Repealed, 36 SR 635]

2920.3200 FINANCIAL AUDIT.

The facility fiscal process must include an annual financial audit.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3300 [Repealed, 36 SR 635]

2920.3400 WRITTEN FISCAL SYSTEM.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3500 [Repealed, 36 SR 635]

2920.3600 INSURANCE COVERAGE.

It is mandatory that the facility have professional liability insurance, workers' compensation, and physical plant insurance.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3700 PERSONNEL POLICIES; GENERAL.

Subpart 1. **Written policies.** There shall be written personnel policies for personnel employed by the adult community-based residential correctional facility, which specify salaries, increments, hours of work, work schedule, benefits, periodic performance evaluation, and other conditions of employment.

Subp. 2. **Policies available to employees.** Personnel policies shall be available to each employee upon employment. The facility shall inform each employee of the duties assigned to the employee, a position and organizational chart showing all of the positions in the agency, 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 the employee's supervisor.

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

Subp. 4. [Repealed, 36 SR 635]

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.** It is mandatory that the facility have staff available or on call 24 hours a day, seven days a week, on duty and awake.

Subp. 7. **Ratio of staff to licensed capacity.** It is mandatory that the ratio of staff to residents must be at least one staff person for every 40 residents on site. The facility must have staff appropriate to the provided programming.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3800 TRAINING PROGRAM.

Subpart 1. **Orientation session for new employees.** It is mandatory that the facility provide an orientation session for new employees. There must be a minimum of 30 hours of training that is relevant to staff duties and the population served. The training must be documented.

Subp. 2. **In-service training program.** It is mandatory that the facility have a yearly training plan. The facility shall provide a minimum of 16 hours per year of training to help staff meet the individual and group needs of residents. The training must be relevant to the staff member's duties. The training must be documented.

Subp. 3. [Repealed, 36 SR 635]

Subp. 4. **First aid training.** Employees who provide direct service to residents must have first aid and cardiopulmonary resuscitation (CPR) training. Certificates or documents verifying current training must be kept in the staff member's file. Training must be provided by a certified instructor. At least one staff member in the facility must have current first aid and CPR training.

Subp. 5. [Repealed, 36 SR 635]

Subp. 6. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.3900 MANTOUX TEST OR CHEST X-RAY REQUIRED.

It is mandatory that staff and residents be screened for tuberculosis according to Minnesota Statutes, section 144.445.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4000 QUALIFICATIONS OF STAFF.

Subpart 1. [Repealed, 9 SR 1655]

Subp. 2. **Program administrator.** The program administrator must have at least a Bachelor of Arts degree in any of the human services fields, or equivalent education and two years of work experience in corrections, social service, or administration.

Subp. 3. **Direct service staff.** The direct service staff shall have a high school diploma or equivalency and work or volunteer experience in corrections or related fields and must be selected on the basis of the ability to perform assigned tasks. Staff with primarily security functions must have a high school diploma or equivalency and the ability to perform the assigned tasks.

Subp. 4. [Repealed, 9 SR 1655]

Subp. 5. **Requirements.** All staff shall be at least 18 years of age and have a criminal record background check before employment at the facility. A staff member may not be a resident of the program. Unpaid students and volunteers providing services are not considered staff. An adult community-based residential correctional facility may hire or retain a staff member or prospective staff member who has a felony criminal conviction. The prospective staff member must no longer be on active correctional supervision. The facility must notify the commissioner of this fact and provide relevant information about the decision.

Subp. 6. **Job descriptions.** The facility must have a written job description for all positions that define responsibilities, duties, and qualifications.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4100 STUDENTS OR VOLUNTEERS.

When students or volunteers are used in adult community-based residential correctional facilities, a written policy and procedure must provide that a staff member is responsible for coordinating the volunteer service program. The policy must include the following elements:

- A. lines of authority, responsibility, and accountability for the volunteer services;
- B. a procedure for the screening and selection of volunteers that includes background screening;
- C. an orientation training program appropriate to the nature of the assignment;
- D. a requirement that volunteers agree in writing to abide by all program rules and policies, particularly relating to confidentiality of information; and
- E. a statement that the program administrator may discontinue a volunteer activity at any time by written notice.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4200 [Repealed, 36 SR 635]

RESIDENT ADMISSIONS AND RECORDS**2920.4300 ADMISSIONS POLICIES.**

The adult community-based residential 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. The referral agency must provide the name, date of birth, and the authority a particular person holds before the person is admitted to the facility.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4400 ADMISSION FORM.

The adult community-based residential correctional facility referral form on each client to be admitted into residency includes at a minimum:

- A. name;
- B. address;
- C. date 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;
- M. financial arrangements for placement;
- N. present medications;
- O. driver's license or Minnesota state identification number; and
- P. vehicle title and vehicle insurance, if applicable.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4600 RESIDENT ADMISSION.

At the time of admission, the staff shall discuss general program goals, services available, expectations for successful completion of the program, program rules, and possible disciplinary actions with the residents. This information must be documented in writing and readily accessible to residents.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.4700 [Repealed, 36 SR 635]

2920.4800 [Repealed, 36 SR 635]

2920.4900 RESIDENT RECORDS.

Subpart 1. **Space.** The facility must provide space for the safe storage of records.

Subp. 2. **General.** The facility must maintain accurate and complete case records, reports, and statistics necessary for the conduct of its program. Appropriate safeguards

must be established to protect the confidentiality of the records, and minimize the possibility of theft, loss, or destruction.

Subp. 3. **Plan.** Facility staff and the resident shall develop a written service plan that specifies the needs of the resident; the expected goals and objectives of the individualized plan; the participation of the resident, staff, support services, and community resources in the attainment of these goals and objectives; and the resident's progress in meeting the goals.

Subp. 4. **Records.** Residents' records must be incorporated into individual folders and filed or maintained through advanced technology such as microfiche or computerized record systems that permit a resident's record to be readily accessed at one source.

Subp. 5. **Summary of resident's progress.** The record must include a summary of the resident's progress. These reports must be recorded regularly and must include the following:

- A. significant incidents, both positive and negative;
- B. changes in family situation;
- C. future planning;
- D. summary of resident's development;
- E. grievances; and
- F. disciplinary actions, if any.

Subp. 6. **Correspondence.** All professional correspondence relevant to the resident must be kept in the record.

Subp. 7. **Sex offenders.** If the facility agrees to take residents that fall under the community notification law as provided by Minnesota Statutes, section 244.052, and the predatory offender registration law as provided by Minnesota Statutes, sections 243.166 and 243.167, it is mandatory that there are policies and procedures to ensure that appropriate paperwork has been completed and the appropriate people are notified before the resident is released.

Subp. 8. **Data privacy.** The facility must inform residents admitted to the program of the information gathered by the facility and to whom the information will be disseminated. The facility must have a policy regarding the sharing of nongovernmental data. Minnesota Statutes, section 13.05, subdivision 6, requires that when there is a contract with a governmental agency the data must be administered consistent with Minnesota Statutes, chapter 13. This may include mandatory reporting under Minnesota Statutes, section 626.556.

Subp. 9. **Sharing of data with those in resident's service plan.** The facility must share the content of the resident's record and data collected by the facility with individuals or agencies that have legal jurisdiction. Upon admission, the facility must inform residents about data practice policies and have residents sign consent forms, if appropriate.

Subp. 10. **Law enforcement.** The facility must inform residents what information collected and maintained by the facility is provided to law enforcement.

Subp. 11. **Written policy concerning consent form.** The facility must have a 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;
- G. signature of an individual witnessing resident signature;
- H. date consent form expires; and

I. that the authorization can be withdrawn in writing.

Subp. 12. **Policy.** The facility must develop a policy for the classification and retention of resident and personnel files. The records must be maintained for a minimum of three years unless laws or contracts require that the records be retained longer. The facility must incorporate any applicable state and federal laws regarding data classification.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5000 INVOLVEMENT OF RESIDENT IN FAMILY AND COMMUNITY ACTIVITIES.

Subpart 1. **Plan.** It is mandatory that the adult community-based residential correctional facility has a written policy and procedures that provide increasing opportunities and privileges for resident involvement with family and in community activities prior to final release.

Subp. 2. **Involvement in community.** It is mandatory that the facility uses community resources where appropriate to assist residents:

- A. in learning to use leisure time constructively;
- B. in finding suitable employment;
- C. in locating financial assistance through community resources;
- D. in education and vocational training programs; and
- E. with services to become self-sufficient, including assistance in obtaining housing, transportation, medical and dental services, and money management.

Subp. 3. **Visitation.** It is mandatory that the program administrator develops and implements a visiting policy. The policy must be in writing and include:

- A. a schedule of visiting hours that includes the days and times for visits;
- B. visiting rules that:
 - (1) designate the number of visitors permitted per visit;
 - (2) require documentation of visitation denial; and
 - (3) require minors to be supervised by a parent, person responsible for supervision of the child, or program staff at all times while visiting the facility; and
- C. policy regarding what visitors are permitted to bring to the visit.

Subp. 4. **Correspondence.** It is mandatory that the facility have a written policy and procedure that governs resident correspondence. The volume of written mail to or from a resident must not be restricted. If a facility restricts or inspects mail, the facility must have a written policy and procedure which requires:

- A. when resident letters, both incoming and outgoing, may be opened and inspected for contraband;
- B. that residents are notified when incoming or outgoing letters are rejected;
- C. that letters must not be read or censored if the letters are between a resident and an elected official, officials of the Department of Corrections, attorneys, or other officers of the court, but inspection of incoming mail from the specified class of persons noted may be opened to inspect for contraband in the presence of the resident; and
- D. that residents are notified of any restrictions in the amount of money the resident may have at the facility.

Subp. 5. **Telephone access.** It is mandatory that the facility have a written policy and procedure that provides for resident access to a telephone, including:

- A. requiring attorney or resident telephone consultation to be private;
- B. permitting residents telephone access to maintain contact with family members or significant others; and

C. requiring documentation for denial of telephone access or contact with specific people.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5100 WORK ASSIGNMENTS.

The facility must have policy and procedures regarding in-house work assignments. Required work assignments must be appropriate to residents' ages and ability. Residents may not be required to perform work that 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.

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

If staff wish to enter into business arrangements or financial transactions with residents, all transactions must be approved by the program administrator. The agreement and approval must be documented.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5200 ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITY RULES AND GRIEVANCES.

The facility must establish a method whereby residents and staff review group, resident, or program problems; and review rules, changes in rules, and procedures in the facility.

A written grievance procedure must be made available to each resident that outlines the grievance procedure and the appeal process.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5300 RELIGION.

It is mandatory that facility 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 program structure, rules, and expectations.

It is mandatory that programs with a religious component have written policies and procedures regarding religious programming and expectations.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5400 FOOD SERVICE.

Subpart 1. **Sanitation and health regulations.** When the facility provides or contracts for food service, the service must comply with and meet all sanitation and health regulations.

Subp. 2. **Health rules.** Food service must be provided according to parts 4626.0010 to 4626.1870.

Subp. 3. **Dietary standards.** It is mandatory that facility menus meet recognized dietary standards. A facility's menu content and cycle must be reviewed at least biennially by a registered dietitian or nutritionist to ensure compliance with the rules specified in subpart 2 unless there have been no changes to the menu. The review and findings must be documented and kept on file.

Subp. 4. **Manager.** If the facility is preparing the meals, the facility must have a certified food manager.

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Subp. 5. **Therapeutic diets.** A facility must have policies and procedures to address therapeutic diets that have been ordered by a physician.

Subp. 6. **Religious diets.** A facility must have a written policy and procedure that addresses requests for special diets by residents to accommodate religious dietary laws.

Subp. 7. **Substitutions.** A facility must keep records of one menu rotation and substitutions actually served. Substitutions must be of equal nutritional value.

Subp. 8. **Hot meals.** One of the meals served daily must be a hot meal.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5500 [Repealed, 36 SR 635]

2920.5600 [Repealed, 36 SR 635]

2920.5700 DISCIPLINE AND DISCIPLINARY ACTION.

It is mandatory that if disciplinary action is necessary, the following rules must be observed:

A. the adult community-based residential correctional facility shall have written policies that are available to the residents and staff regarding methods used for control and discipline;

B. disciplinary action may not be delegated to other residents;

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

D. physical punishment or any kind of punishment inflicted on the body, such as slapping, 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 to control the situation. The action taken shall be documented and placed on file;

F. written policy and procedures must ensure that room restriction, if used, does not exceed eight hours and that staff make contact with the resident at least hourly to ensure the well-being of the resident;

G. written policy must ensure that restriction to the facility for more than 72 hours, excluding holidays and weekends, requires a review by a person or panel of staff who are not directly involved in the incident leading to the restriction;

H. all instances of disciplinary action must be documented, dated, and signed by staff implementing the action; and

I. written policy and procedures must ensure supervisory review of major violations and disciplinary actions.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.5800 Subpart 1. [Repealed, 36 SR 635]

Subp. 2. [Repealed, 9 SR 1655; 36 SR 635]

Subp. 3. [Repealed, 36 SR 635]

Subp. 4. [Repealed, 9 SR 1655; 36 SR 635]

Subp. 5. [Repealed, 9 SR 1655; 36 SR 635]

Subp. 6. [Repealed, 36 SR 635]

Subp. 7. [Repealed, 36 SR 635]

Subp. 8. [Repealed, 36 SR 635]

2920.5900 SECURITY PROCEDURES.

Written policies regarding security measures are required and must include:

- A. that the staff shall maintain a system of accounting for the residents at all times;
- B. that the facility shall have written procedures for the reporting of absconders;
- C. that the facility shall notify appropriate probation officers, parole officers, victims, if legally required, and other relevant officials as soon as it has been determined that a resident is missing;
- D. that the written policy shall prohibit weapons of any kind from being brought into the facility except by peace officers during the course of duties. The facility may have policy regarding the use of chemical agents by trained staff members; and
- E. a key inventory system for facility and resident keys.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6000 PERSONAL POSSESSIONS.

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

Subp. 2. **Contraband defined.** The facility shall have written definitions of what is 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 resident'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. The facility must have the resident designate a person who may pick up property and dispose of it under specified circumstances. The facility must make a reasonable effort to keep property safe during this period of time.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6100 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

[For text of subp 1, see M.R.]

Subp. 2. **Written consent requirement.** The facility 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 facility before any reports or pictures from which residents can be identified are used. The signed consent form shall indicate how the information shall be used.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6200 SEARCHES.

In compliance with applicable laws, the 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. The facility must have a policy that addresses searches of visitors.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6300 COMMUNITY-BASED CORRECTIONAL FACILITIES

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2920.6300 COMPLIANCE WITH LAWS.

It is mandatory that the facility comply with zoning codes, building codes, housing codes, and health and fire codes.

It is the responsibility of the program administrator to request necessary inspections. Health and fire inspections must be done as required by the health and fire department.

Written documentation that all building and zoning codes are met must be on file at the facility.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6400 FIRE SAFETY; POLICY AND PROCEDURES.

Written policy and procedures must specify the facility's fire prevention regulations and practices. New staff must be trained on these procedures during facility orientation. These procedures 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;
- D. annual fire drills and extinguishers; and
- E. procedures requiring one staff member to be knowledgeable about potential fire hazards and to make monthly inspections that must be documented.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6500 DISASTERS AND EMERGENCIES; PLANS AND PROCEDURES.

Subpart 1. **Plans.** 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.

Subp. 2. **Reporting of unusual occurrences.** Incidents of an unusual or serious nature must be reported within ten days of the incident to the Department of Corrections in a manner required by the department. Incidents of an unusual or serious nature include such incidents as:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death, by means other than suicide or homicide;
- E. serious injury or illness incurred subsequent to placement including incidents resulting in hospitalization for medical care or hospitalization associated with mental health needs;
- F. incidents of fire requiring medical treatment of staff or residents or a response by a local fire authority;
- G. riot;
- H. assaults of one resident by another;
- I. assaults of staff by resident;
- J. occurrences of infectious diseases and action taken relative to same when a medical authority has determined that the inmate must be isolated from other inmates; and
- K. sexual misconduct between residents or between staff and a resident.

Subp. 3. **Absconding.** The facility must report absconding and all incidences of litigation filed against the facility resulting from matters related to the placement of a resident on the department quarterly reporting form.

Subp. 4. **Emergency notification.** In the event of an emergency such as serious illness, accident, or imminent death, the facility must notify the individuals designated by the resident. Permission for notification must be obtained from the resident prior to need, if possible.

Subp. 5. **Resident death.** The facility must have a written policy and procedures to specify actions to be taken in the event of a resident death. The policy and procedures must include such information as:

A. the date, time, and circumstances of the resident's death recorded in the resident's record; and

B. the notification procedure for the Department of Corrections Inspection and Enforcement Unit.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6600 BUILDINGS AND GROUNDS.

Subpart 1. **General.** Building and grounds must be clean and in good repair. There must be a maintenance budget for ongoing repair and replacement of equipment for the facility.

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 must be consistent with the purpose of the adult community-based residential correctional facility and must be approved by the commissioner.

Subp. 3. **Heating equipment.** Heating equipment shall be in good condition, vented, and 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*

History: *36 SR 635*

2920.6700 BEDROOMS; REQUIREMENTS.

[For text of subps 1 to 3, see M.R.]

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

An exception may be made when there is a parenting component of the program.

Subp. 5. [Repealed, 36 SR 635]

Subp. 6. **Sharing prohibited.** Adults and children may not share bedrooms. An exception may be made when there is a parenting component of the program or when the youth is a certified adult or an extended juvenile jurisdiction youth.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6800 FURNISHINGS PROVIDED EACH RESIDENT.

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.6900 COUNSELING SPACE AND VISITING ROOM.

Private counseling space must be provided in the facility.

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Space must be provided to accommodate group meetings.

A visiting area must be provided for residents to receive and talk with visitors.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.7200 TRANSPORTATION.

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

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

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.7300 ENVIRONMENT.

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

An adult community-based residential correctional facility may not have roomers or boarders in the facility without special permission from the program administrator. The facility shall keep the commissioner notified as to the presence of all persons living in the facility other than residents.

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.7400 HEALTH CARE AND MEDICAL SERVICES.

Subpart 1. **Policy and procedures.** It is mandatory that the facility have written policies and procedures for medical, dental, and psychological emergencies.

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 medical care and how to handle emergency cases.

[For text of subp 2, see M.R.]

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.

It is mandatory that:

A. the program administrator establish policies and procedures for reviewing the safe use, storage, and disbursement of prescription drugs. The policies must address which medication the residents are not allowed to keep on the resident's person;

B. medications that cannot be kept on the resident's person must be kept in a secured area and documented when given to a resident;

C. there are policies and procedures to address destruction of medication; and

D. there are policies regarding the use of over-the-counter medications.

Subp. 4. **Research consent.** A written policy must govern voluntary participation in testing for experimental or research purposes with informed consent.

Subp. 5. **First aid.** It is mandatory that the facility shall have first aid equipment available at all times for medical emergencies.

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

Subp. 6. **Community health care agencies.** The facility 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: *36 SR 635*

2920.7500 RECORDS AND EVALUATION OF RESIDENTS.

Subpart 1. [Repealed, 36 SR 635]

Subp. 2. **Medical consent.** In addition to the data required in the intake study, it is mandatory that the resident's record include consent for life-threatening emergencies and emergency dental, medical, and psychiatric care.

Subp. 3. **Medical records.** When necessary, the facility must keep medical records or have access to available medical information on a resident.

Subp. 4. [Repealed, 36 SR 635]

Subp. 5. [Repealed, 36 SR 635]

Subp. 6. [Repealed, 9 SR 1655]

Subp. 7. [Repealed, 36 SR 635]

Subp. 8. [Repealed, 36 SR 635]

Subp. 9. [Repealed, 9 SR 1655]

Subp. 10. [Repealed, 36 SR 635]

Subp. 11. [Repealed, 36 SR 635]

Subp. 12. [Repealed, 9 SR 1655]

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.7600 PERSONNEL RECORDS.

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

- A. initial application;
- B. appropriate results of employment investigation, if done;
- C. training and experience verification;
- D. wage and salary information;
- E. job performance evaluation completed at least annually;
- F. training programs which the employee participated in after employment began;
- G. documentation of sick leave, leave of absence, and vacation;
- H. grievance and disciplinary actions, if any;
- I. tuberculosis screening as required by law;
- J. dates of employment and termination with reason for termination; and
- K. results of a criminal history check.

[For text of subp 2, see M.R.]

Statutory Authority: *MS s 241.021*

History: *36 SR 635*

2920.7700 [Repealed, 36 SR 635]

2920.7800 [Repealed, 36 SR 635]

2920.7900 [Repealed, 36 SR 635]