

CHAPTER 9543
DEPARTMENT OF HUMAN SERVICES
LICENSURE OF PROGRAMS

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9543.0010 PURPOSE AND APPLICABILITY.

Subpart 1 **Purpose.** The purpose of parts 9543.0010 to 9543.0150, is to promote uniform enforcement of rules governing licensure of family day care, adult foster care, family adult day services, and child foster care programs and to establish minimum standards for performing licensing functions related to those rules

[For text of subs 2 and 3, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*

9543.0020 DEFINITIONS.

[For text of subs 1 to 10, see MR]

Subp 10a **Family adult day services.** "Family adult day services" means the services defined in Minnesota Statutes, section 245A 143, subdivision 1.

[For text of subs 11 to 14, see M.R]

Subp. 15. **Negative licensing action.** "Negative licensing action" means denial of a license application, issuance of a fine, or suspension, revocation, or temporary immediate suspension of an existing license

[For text of subs 16 to 17, see MR]

Subp. 18 **Program.** "Program" means family day care, child foster care, adult foster care or family adult day services programs

[For text of subs 19 to 21, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*

9543.0050 VARIANCE REQUESTS.

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

Subp. 2 **Variance procedures.** Except as provided in subpart 3, a request for a variance must be submitted in writing by the applicant or license holder

For variances excluded from the delegation authority under Minnesota Statutes, section 245A 16, subdivision 1, the agency shall forward to the commissioner within ten working days of receipt of the request the information in subpart 1 and the agency's recommendation to approve or deny the request

The commissioner shall send a written decision to grant or deny the variance request to the applicant or license holder and to the agency.

[For text of subp 3, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*

9543.0070 INVESTIGATIONS OF LICENSED PROGRAMS.

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

Subp 4. **Reports of death.** The agency shall ensure that the death of a person served by a program is reported to the medical examiner or coroner and ombudsman

as required in Minnesota Statutes, sections 626.556, subdivision 9, and 626.557, subdivision 9a.

[For text of subp 5, see MR]

Statutory Authority: *MS s 14.386, 14 388*

History: *30 SR 585*

9543.0090 CORRECTION ORDERS AND CONDITIONAL LICENSE.

[For text of subps 1 to 4, see MR]

Subp 5 **Conditional license.** The agency may recommend a conditional license if:

A on the basis of factors in part 9543 0100, subpart 1, the agency demonstrates that revocation or suspension of the license is not warranted;

B the agency demonstrates that continued operation of the program

(1) is in the best interests of persons served by the program, and

(2) would not pose a risk of harm to persons served by the program, and

C the agency submits to the commissioner a plan for monitoring the program to ensure the safety of persons served during the conditional license

Statutory Authority: *MS s 14 386; 14 388*

History: *30 SR 585*

9543.0100 RECOMMENDING NEGATIVE LICENSING ACTIONS.

[For text of subpart 1, see MR]

Subp 2 **Temporary immediate suspension of license.** If the license holder's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of persons served by a program, the agency must take actions described in items A to C

A The agency shall notify the commissioner immediately

B. If the commissioner orders a temporary immediate suspension, the agency shall arrange for delivery, by personal service, of written notice of temporary immediate suspension to the license holder. The notice shall state.

(1) the reason for the temporary immediate suspension;

(2) that the program must discontinue operation immediately,

(3) the license holder's right to appeal and an expedited hearing, and

(4) that the commissioner has taken the action.

C The agency shall make a recommendation for further action to the commissioner

Subp 3 **Revocation or denial of license.** Violations that are grounds for recommending license revocation or denial include, but are not limited to.

A. immediate suspension of a license under subpart 2;

B. a disqualifying crime or conduct listed in Minnesota Statutes, section 245C 15, that has not been set aside under Minnesota Statutes, section 245C 22, or for which a variance has not been granted under Minnesota Statutes, section 245C.30, or in rules governing the program,

[For text of items C to G, see MR]

[For text of subp 4, see MR]

Subp. 5 [Repealed, 30 SR 585]

[For text of subps 6 to 8, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*

9543.0110 ENFORCING ORDERS OF COMMISSIONER.

[For text of subps 1 and 2, see MR]

Subp 3 **Programs on conditional status.** The agency shall monitor a program whose license is on conditional status for compliance with the plan developed under part 9543.0090, subpart 5. If the program fails to comply with the terms of its conditional license, the agency shall immediately report the noncompliance to the commissioner.

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*

9543.0140 COUNTY CERTIFICATION.

Subpart 1. **County agency certification.** The commissioner shall determine whether a county agency is in compliance with parts 9543.0040 to 9543.0130 at least once every four years. When the county agency is in compliance with parts 9543.0040 to 9543.0130, the commissioner shall certify the county agency for four years.

[For text of subps 2 to 9, see MR]

Statutory Authority: *MS s 14 386; 14 388*

History: *30 SR 585*

9543.0150 PRIVATE AGENCY AUTHORIZATION.

Subpart 1 **Private agency authorization.** The commissioner shall determine private agencies' compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130. When a private agency is in compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130, the commissioner shall authorize the private agency to perform licensing functions delegated under part 9543.0030, subpart 2, for a period up to four years. The authorization shall specify the effective and expiration dates of the authorization.

[For text of subp 2, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *30 SR 585*