

**CHAPTER 9555
DEPARTMENT OF HUMAN SERVICES
SOCIAL SERVICES FOR ADULTS**

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SENIOR COMPANION PROGRAM

9555.0100 STATUTORY AUTHORITY.

Parts 9555.0100 to 9555.1600 are enacted pursuant to the statutory authority vested in the Minnesota Board on Aging pursuant to Laws of Minnesota 1976, chapter 323, establishing a senior companion program to engage the services of low-income persons aged 60 or over to provide supportive person-to-person assistance in health, education, welfare, and related fields primarily to handicapped adults and elderly people living in their own homes.

Statutory Authority: *MS s 256.977 subd 5*

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9555.0200 PURPOSE.

The purpose of the senior companion program (SCP) is to provide meaningful part-time volunteer opportunities for low-income older persons to render supportive person-to-person services to adults with special or exceptional needs in health, education, welfare, and related fields. The services are intended primarily for persons in their own homes, but those in group homes, nursing homes, or other public or private nonprofit institutions or agencies, providing care for handicapped adults or elderly persons may also be served.

Statutory Authority: *MS s 256.977 subd 5*

9555.0300 DEFINITIONS.

Subpart 1. **Board on Aging.** "Board on Aging" means a board established pursuant to Minnesota Statutes, sections 256.975 and 256.976, previously titled and known as the Governor's Citizens Council on Aging.

Subp. 2. **Memo of understanding.** "Memo of understanding" means a written agreement between sponsor and person to be served, appropriate caretaker, or an authorized official of a volunteer station that specifies working relationships, channels of communication, and means of cooperation between the parties to the agreement.

Subp. 3. **Persons to be served.** "Persons to be served" mean the handicapped and older people who receive the supportive person to person assistance of the volunteer senior companions.

Subp. 4. **Project advisory council.** "Project advisory council" means the council established pursuant to these parts to advise and assist the sponsors on matters of planning, community participation, and financial support.

Subp. 5. **Project sponsor.** "Project sponsor" means the agency or organization awarded the grant and the authority to administer the senior companion program in a specified area pursuant to this rule.

Subp. 6. **Volunteer.** "Volunteer" as used herein, means a person who proffers his or her time and efforts in supportive person-to-person services as a senior companion (SC) volunteer for an agreed-upon stipend.

Subp. 7. **Volunteer station.** "Volunteer station" means a private home, public or private nonprofit agency, institution, or organization, or proprietary health care organization or facility, in which or through which persons to be served by senior companion services are found, or made accessible to these services.

Statutory Authority: *MS s 256.977 subd 5*

9555.0400 SPONSOR.

To become the sponsor of an SC project for a community, an organization shall submit a grant application, consistent in form and content with these rules, to the Board on Aging for funds to develop and operate an SC project. In order to receive a grant, it is required that the potential sponsor shall:

A. be a public or private nonprofit agency or organization with the authority to accept and administer such grants;

B. agree to administer the project in accordance with state legislation and rules, policies, and procedures, and the conditions of the grant award set forth by the Board on Aging;

C. accept full responsibility in the community for the development, implementation, management, and funding of the project;

D. not be a volunteer station; and

E. provide written assurances that the project will be conducted in consultation with, or with the participation of, an area agency on aging, the regional coordinating agent of the board.

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Applications to provide senior companion services to individuals in their homes shall have priority over applications to provide services to those in group homes or institutions.

Statutory Authority: *MS s 256.977 subd 5*

9555.0500 SCP ADVISORY COUNCIL.

A project advisory council shall be established by the sponsor to meet regularly in order to advise and assist the sponsor on matters concerning planning, community participation, and financial support, and project policies and operational issues.

Statutory Authority: *MS s 256.977 subd 5*

9555.0600 SERVICE AREA.

An SC project shall have an exclusive, geographically defined, service area from which senior companion volunteers are recruited and in which they serve. The service area will be identified in the approved project plan and may not be redefined without the prior written approval of the Board on Aging.

Statutory Authority: *MS s 256.977 subd 5*

9555.0700 VOLUNTEER STATIONS.

Volunteer stations shall be within the project's geographical service area as defined in the approved grant application.

Each facility serving as a volunteer station, shall be licensed or otherwise certified by the appropriate state or local licensing authority.

A volunteer station shall not request or receive any compensation for services of senior companions supervised by it.

A volunteer station shall not be a project sponsor.

Assignment of senior companions to private homes will be made only with concurrence of the project director and after a memo of understanding has been obtained from the person to be served or an appropriate caretaker.

Statutory Authority: *MS s 256.977 subd 5*

9555.0800 ELIGIBILITY OF SENIOR COMPANIONS.

Subpart 1. **Requirements.** To be eligible for enrollment as a volunteer, senior companions shall:

- A. be 60 years of age or over;
- B. have an annual income at or below the applicable income eligibility level as established by the board;
- C. no longer be in the regular work force; and
- D. have a physical examination and report adjudging them fit for duty.

Subp. 2. **Computing annual income.** In computing combined annual income of married couples prior to enrolling them both as senior companions, one senior companion stipend must be included in the determination of maximum annual income.

Subp. 3. **Discrimination prohibited.** There are no enrollment barriers for senior companions relating to experience, education, race, sex, creed, national origin, or political affiliation.

Subp. 4. **Termination.** After enrollment as a senior companion, no person shall be terminated as a result of change in eligibility requirements, nor as a result of a change in his income, marital status, or number of dependents.

Statutory Authority: *MS s 256.977 subd 5*

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9555.0900 SERVICE SCHEDULE.

Subpart 1. **Maximum compensation.** Senior companions shall be compensated for no more than 20 hours a week, in accordance with the schedule of the persons being served, as approved in the grant application. Exceptions to the service schedule authorized by the grant award may be made by the sponsor for unusual situations but only with the concurrence of the Board on Aging in the form of a project amendment. Twenty hours a week may not be exceeded.

Subp. 2. **Personnel policies.** Personnel policies for the senior companion's insurance, vacation, sick leave, holiday, etc., shall be consistent with those of the sponsor and be developed in consultation with the project advisory council.

Subp. 3. **Transportation time.** Time required for transportation between the senior companion's home and the volunteer station shall not be considered a part of the service schedule. When persons are served in their own homes, transportation time between two or more such assignments is considered part of the service schedule.

Statutory Authority: *MS s 256.977 subd 5*

9555.1000 ADULTS SERVED.

Senior companions may provide frequent supportive person-to-person services on a regular schedule to adults with exceptional needs, especially older persons living in their own homes, in nursing homes, and in other institutions. Persons to be served include, but are not limited to, adults receiving home health care and nursing care and those with developmental disabilities.

Volunteer stations, with concurrence of project staff, select the adults in need of individual attention, and project staff, with concurrence of the volunteer station, assigns senior companions to the adults.

Statewide and in each project, at least 50 percent of the persons served by senior companions shall be age 60 or older.

Statutory Authority: *MS s 256.977 subd 5*

9555.1100 RESPONSIBILITIES OF THE BOARD ON AGING.

Pursuant to the intent of the Senior Companion Act and these rules, the Board on Aging shall, from time to time, develop and promulgate interpretive guidelines and forms for the administration of uniform and equitable procedures in setting or revising:

A. the level of maximum annual income for determination of eligibility of senior companions, consistent with changing costs of living and the levels prescribed for other federal and state programs using volunteer stipends;

B. service areas for SCP projects consistent with the availability of funds and coordination with other federal and state programs for older and handicapped people;

C. levels of stipend, insurance protection, travel expense, or other expenditures that must vary with costs and that are not otherwise prescribed in law or these rules; and

D. the provision of technical assistance by the state and area agencies on aging to senior companion projects.

Statutory Authority: *MS s 256.977 subd 5*

9555.1200 COST SHARING.

The state will fund up to 90 percent of an approved project budget. Ten percent or more of the total approved budget shall be provided locally by or through the sponsor in the form of cash or in-kind contributions. Actual local expenditures must reach at least the percentage of nonstate support identified in the acceptance of the grant award. Sponsors will be encouraged to increase

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nonstate support of the project beyond minimum requirements.

Statutory Authority: *MS s 256.977 subd 5*

9555.1300 GRANT AWARDS.

Grant awards made by the Board on Aging:

- A. shall be for one year or less;
- B. shall not be used to match other state funds; and
- C. shall not be used to replace any staff members of the grantee.

Statutory Authority: *MS s 256.977 subd 5*

9555.1400 GRANT APPLICATION.

Grant applications must specify the geographic area to be served, the number of persons and the kinds of disabilities expected to be served, and the numbers of senior companions to be used, together with the kinds of service they are expected to provide. Project expenditures must be restricted to the persons and services specified for that area.

Statutory Authority: *MS s 256.977 subd 5*

9555.1500 SUSPENSION OR TERMINATION OF PAYMENTS.

The Board on Aging may suspend further payments to a sponsor or terminate payments under a grant when there is a material failure to comply with its terms and conditions. However, no grant may be terminated without reasonable notice to the sponsor and an opportunity for a full and fair hearing. Suspension, except in emergency situations, as well as the denial of an application for refunding (continuation grant), will only take place after the sponsor has been given reasonable notice and an opportunity to show cause why such an action should not be taken.

Statutory Authority: *MS s 256.977 subd 5*

9555.1600 RECORDS AND REPORTS.

A record-keeping system shall be established by each project to allow for collection and storage of information on senior companions, their assignments, volunteer stations, and other necessary information, including senior companion and project costs.

A semiannual report shall be filed with the Board on Aging.

Statutory Authority: *MS s 256.977 subd 5*

HOME-DELIVERED AND CONGREGATE MEALS

9555.2100 SCOPE.

Parts 9555.2100 to 9555.2300 govern the provision of home-delivered and congregate meals by local social service agencies.

Statutory Authority: *MS s 256.01 subds 2,4*

9555.2200 DEFINITIONS.

Subpart 1. **Home-delivered or congregate meals.** "Home-delivered or congregate meals" means the preparation and delivery of one or more nutritionally adequate hot meals daily to the homes of persons who are physically unable to leave their own homes and unable themselves to prepare nourishing meals; or the making available of such meals at a center used for serving congregate meals.

Subp. 2. **Local social service agency.** "Local social service agency" means the local agency under the authority of the county welfare board and human service board which is responsible for social services.

Statutory Authority: *MS s 256.01 subds 2,4*

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9555.2300 STANDARDS FOR PROVIDING SERVICE.

A local social service agency that elects to provide home delivered or congregate meals:

A. shall assure that such meals are made available to persons in accordance with the local social service agency's annual service plan; and

B. shall purchase such meals only from providers licensed by the Department of Health or from nutrition programs developed under title VII of the Older Americans Act of 1965, as amended and administered by the Governor's Citizens Council on Aging.

Statutory Authority: *MS s 256.01 subds 2,4*

CHORE SERVICES

9555.3100 SCOPE.

Parts 9555.3100 to 9555.3300 govern the administration and provision of chore services by local social service agencies.

Statutory Authority: *MS s 256.01 subds 2,4*

9555.3200 DEFINITIONS.

Subpart 1. **Chore services.** "Chore services" means services such as routine housekeeping tasks, minor household repairs, shopping, lawn care, and snow shoveling.

Subp. 2. **Local social service agency.** "Local social service agency" means the local agency under the authority of the county welfare board or human service board which is responsible for social services

Statutory Authority: *MS s 256.01 subds 2,4*

9555.3300 STANDARDS FOR PROVIDING SERVICE.

When the local social service agency provides chore services, the following standards apply:

A. Chore services persons must be approved by the local social service agency. The services performed by the chore service person shall be in accordance with the client's social service plan.

B. Approval of the local service agency shall be obtained in all cases in which the performance of a task necessitates the handling of the client's money.

C. When the local social service agency purchases chore services from another agency, the local social service agency shall provide the functions of liaison and coordination with the vendor agency and require quality of service equal to that which it would itself provide.

Statutory Authority: *MS s 256.01 subds 2,4*

GENERAL ASSISTANCE PROGRAM

9555.3400 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.0530 to 9500.0532 and 9555.3400 to 9555.3410, the following terms have the meanings given them.

Subp. 2. **Adult child.** "Adult child" means a person aged 18 years or older.

Subp. 3. **Advanced age.** "Advanced age" means the condition that applies to a recipient who:

A. is age 55 or older and whose work history shows a marked deterioration compared to that prior to age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

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B. if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or retain suitable employment because of advancing age.

Subp. 4. **Applicant.** "Applicant" means a person who has a pending application for general assistance with a local agency.

Subp. 5. **Assistance standard.** "Assistance standard" means the amount established by the commissioner under Minnesota Statutes, section 256D.01, to provide for an assistance unit's shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items.

Subp. 6. **Assistance unit.** "Assistance unit" means a single person and his or her minor children or a married couple and the minor children of either of those persons. To be included together in an assistance unit, the persons must share a living arrangement and receive general assistance.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of Department of Human Services or a designee.

Subp. 8. **Countable income.** "Countable income" means net earned and unearned income that is not exempt or disregarded under the general assistance program and which is actually available to the recipient during the month covered by the grant.

Subp. 9. **Department.** "Department" means the Department of Human Services.

Subp. 10. **Director of the local agency.** "Director of the local agency" means the director of the local agency or the director's designee.

Subp. 11. **Full-time student.** "Full-time student" means a student attending a postsecondary institution who:

A. attends training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice for a vocational or technical student; or

B. registers for and attends a minimum of 12 credit hours per semester or quarter.

Subp. 12. **Good cause.** "Good cause" means circumstances beyond the applicant's or recipient's control, including, but not limited to: illness, illness of another family member which requires the applicant's or recipient's presence, a family emergency, or the inability to obtain transportation.

Subp. 13. **Grant.** "Grant" means the amount paid to a general assistance recipient as determined in part 9555.3402.

Subp. 14. **Local agency.** "Local agency" means a county, or a multicounty agency, that is authorized under Minnesota Statutes as the agency responsible for the administration of the general assistance program.

Subp. 15. **Medical certification.** "Medical certification" means a statement signed by a licensed physician or licensed consulting psychologist about a person's illness, injury, or incapacity.

Subp. 16. **MEED program.** "MEED program" means the Minnesota Emergency Employment Development Act, under Minnesota Statutes, sections 268.60 to 268.77.

Subp. 17. **Mentally ill.** "Mentally ill" means the condition of a person who has a medically certified psychological disorder resulting in behavior that severely limits the person from obtaining, performing, or maintaining suitable employment.

Subp. 18. **Mentally retarded.** "Mentally retarded" means the condition of a person who is medically certified as having demonstrated deficits in adaptive behavior and intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test that severely limits the person in obtaining, performing, or maintaining suitable employment.

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Subp. 19. **Minor child.** "Minor child" means a person under the age of 18.

Subp. 20. **Negotiated rate.** Except for shelter facilities provided for under Minnesota Statutes, section 256D.05, subdivision 3, "negotiated rate" means a general assistance payment which includes room and board and which is either set by the state or local agency or is negotiated by one of those agencies with a party not included in the assistance unit. The set or negotiated rate is deemed to provide for an assistance unit's shelter, fuel, food, utilities, household supply need items, and other costs necessary to provide room and board. The rate shall pay only for those items. It shall not include the clothing and personal needs allowance under Minnesota Statutes, section 256D.06, subdivision 3, payments for foster care, child welfare services, medical care, dental care, hospitalization, nursing care, drugs or medical supplies, program costs, or other social services.

Subp. 21. **Program.** "Program" means the general assistance program established under the General Assistance Act, Minnesota Statutes, sections 256D.01 to 256D.21.

Subp. 22. **Recipient.** "Recipient" means a person who is currently receiving assistance under the general assistance program.

Subp. 23. **Responsible relative.** "Responsible relative" means the spouse of an applicant or recipient, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and is an applicant or recipient.

Subp. 24. **Suitable employment.** "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations; and

B. is within the physical and mental ability of a person as determined by a vocational specialist; and

C. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; or

D. is provided through the MEED program.

Subp. 25. **Vocational specialist.** "Vocational specialist" means a counselor of the Department of Economic Security or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

Subp. 26. **Vocational or technical training program.** "Vocational or technical training program" means a training program of two years or less which requires that the person be a full-time student and which is undertaken at a postsecondary area vocational-technical institute or a private business, trade, vocational, or technical school accredited, licensed, or approved under state laws and rules.

Subp. 27. **Vocational rehabilitation training program.** "Vocational rehabilitation training program" means a program undertaken under an individualized written rehabilitation plan developed by the division of vocational rehabilitation or a vocational specialist.

Subp. 28. **Work experience and work training program.** "Work experience" and "work training program" means an employment-related experience or training program or a short-term employment or training readiness program provided or supervised by a publicly funded agency.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: 9 SR 593

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9555.3401 APPLICABILITY.

Parts 9555.3400 to 9555.3410 establish the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning registration and work requirements, participation in the MEED program, establish standards of assistance, and authorize local agencies to enter into a contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with parts 9500.0500 to 9500.0610 for purposes of administering the general assistance program. To the extent that parts 9555.3400 to 9555.3410 conflict with parts 9500.0500 to 9500.0610, parts 9555.3400 to 9555.3410 shall prevail.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: 9 SR 593

9555.3402 ASSISTANCE STANDARDS, PAYMENTS, AND PARTICIPATION.

Subpart 1. **State assistance standard.** Except as in subpart 4, the state assistance standard must be the combined minimum standards for shelter and basic needs which were in effect under the general assistance program on February 1, 1983. The state assistance standard must be the minimum amount used to determine the monthly payment to the assistance unit. The standards are:

State Assistance Standards	
Assistance Unit Size	Assistance Amount
1	\$199
2	260
3	305
4	343
5	381
6	424
7	452
8	488
9	519
10	548

Over 10 - add \$28 per person

The assistance amount shall be based on the size of the assistance unit.

Subp. 2. **Payment in excess of standards.** A local agency may establish payment levels in excess of the state assistance standards and may provide special need items. The local agency shall pay the full cost of the excess and the special need items.

Subp. 3. **Payment to assistance unit.** Except as in subpart 4, the monthly payment to an assistance unit must be the difference between the applicable state assistance standard, or the local agency standard, and the unit's countable income or seasonal income. The state assistance standard, minus countable income or seasonal income, shall be used to determine the amount of the state participation in the payment.

Subp. 4. **State assistance standard; person in dwelling with negotiated rate, state hospital, or nursing home.** The state assistance standard for a person living in a dwelling with a negotiated rate, state hospital, or nursing home must be the clothing and personal needs allowance that has been set for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1. To receive a negotiated rate, the dwelling must comply with applicable laws and rules establishing standards necessary for health, safety, and licensure, including the requirements of Minnesota Statutes, sections 245.781 to 245.813, if applicable.

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Subp. 5. **Payment; person in dwelling with negotiated rate, state hospital, or nursing home.** The monthly payment for a person living in a dwelling with a negotiated rate, state hospital, or nursing home must be the sum of the negotiated rate, if any, and the clothing and personal needs allowance as in subpart 4, minus the person's countable income or seasonal income.

Subp. 6. **State participation for person in dwelling with negotiated rate and for emergency general assistance.** State participation is available for payments of negotiated rates, the clothing and personal needs allowance, and for payments of emergency general assistance under Minnesota Statutes, sections 256D.06, subdivision 2, and 256D.07.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: 9 SR 593

9555.3403 REGISTRATION AND WORK REQUIREMENTS.

Subpart 1. **Referral for registration.** Except as in subpart 11, the local agency shall refer all adult recipients who are unemployed or who do not have suitable employment to the Department of Economic Security for registration and employment assistance. The referral shall be made when the local agency issues a grant.

Subp. 2. **Referral form.** Referrals to the Department of Economic Security by the local agency must be made on a form prescribed by the commissioner of the Department of Human Services. The form must be written and must include:

- A. the date of referral;
- B. the date by which the registration with economic security must be completed;
- C. the address and telephone number of the office to which the recipient is being referred;
- D. a notice of the recipient's responsibilities to register and to comply with the work requirements of the Department of Economic Security;
- E. a notice of actions to be taken if the recipient does not comply with the registration and work requirements of subparts 3 and 5;
- F. a notice of exemption or nonexemption from the registration and work requirements of subparts 3 and 5; and
- G. an explanation of the recipient's appeal rights.

Subp. 3. **Registration requirement.** Recipients who are referred by the local agency as in subpart 1 shall register for employment services with the Department of Economic Security within 15 calendar days of the date on which the local agency made the referral.

Subp. 4. **Failure to meet registration requirements.** The local agency shall contact the Department of Economic Security to determine whether the recipient met the registration requirements. If the Department of Economic Security verifies that the recipient has registered, the recipient shall be considered to have met the registration requirement. If the Department of Economic Security verifies that the recipient has not registered, that department shall provide the local agency with a written statement that the recipient has not registered. The statement must establish the recipient's failure to comply with the registration requirement and the local agency shall notify the recipient of termination from assistance as prescribed in subpart 8. The recipient may appeal the agency's determination of disqualification due to the recipient's failure to register without good cause under Minnesota Statutes, section 256.045.

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Subp. 5. **Work requirements.** Recipients who are referred to the Department of Economic Security for employment assistance shall comply with work requirements set by the Department of Economic Security. The recipient shall:

- A. be available for work;
- B. comply with reporting and job search requirements; and
- C. accept any offer of suitable employment.

Subp. 6. **Failure to meet work requirements.** The Department of Economic Security shall determine whether a recipient failed to comply with the work requirements of that department. If the commissioner of the Department of Economic Security certifies to the local agency that the recipient failed to meet other work requirements, the local agency shall notify the recipient of termination from assistance as prescribed in subpart 8.

The Department of Economic Security shall hear appeals regarding compliance with the work requirements. Neither the local agency nor the recipient may appeal a final determination of noncompliance to the commissioner of the Department of Human Services.

Subp. 7. **Disqualification.** A recipient who did not comply with the registration or work requirements of subpart 3 or 5 shall be disqualified from receiving general assistance as provided in items A to I.

A. Except as provided in item C, the period of disqualification shall be 30 days for the first occurrence.

B. Except as provided in item C, the period of disqualification shall be 90 days for an occurrence that is within 12 months from the end of any prior disqualification period.

C. A recipient certified by the commissioner of the Department of Economic Security as unavailable for work due to full-time student status shall be disqualified from the receipt of general assistance as provided in subitem (1) or (2).

(1) The period of disqualification for the first occurrence shall be for the period during which the recipient continues to be a full-time student, or the period in A, whichever is longer.

(2) The period of disqualification for an occurrence that is within 12 months from the end of any prior disqualification period shall be for the period during which the recipient continues to be a full-time student or the period specified in B, whichever is longer.

D. A subsequent finding of disqualification that occurs more than 12 months from the end of any prior disqualification period shall be the same as for a first occurrence.

E. If the commissioner of economic security certifies that the recipient failed to comply with work requirements under subpart 5 or the registration requirements of subpart 3, the disqualification period begins on the first calendar day of the month following the month of certification. If the certification is received so late in a month that prior notice under subpart 8 cannot be given, the disqualification period begins on the first calendar day of the second month following certification of noncompliance by the Department of Economic Security.

If the recipient appeals on or before the proposed disqualification date, the disqualification process must stop and assistance will continue under subpart 9 until a final decision is rendered. If there is a decision that the recipient must be disqualified, the disqualification period begins on the first day of the following month.

F. A person who is disqualified and who applies for general assistance during the period of disqualification shall be considered a recipient for purposes of this subpart.

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G. If a recipient who received a notice of disqualification complies with the registration or work requirements and verifies the compliance on or before the effective date of the disqualification, assistance must be continued without a period of disqualification.

H. If otherwise eligible, a recipient who complies with, or becomes exempt from, the registration or work requirements during a disqualification period shall receive general assistance as of the date that the agency receives verification of compliance or exemption. The disqualification must be counted if there is a subsequent occurrence of noncompliance.

I. Disqualification under this subpart, item D does not affect a person's eligibility for general assistance medical care.

Subp. 8. **Notice of disqualification.** The local agency shall notify the recipient of disqualification at least ten days before reducing, suspending, or terminating the grant due to noncompliance. The notice must:

A. be in writing on a form prescribed by the commissioner;

B. be mailed or given to the recipient not later than ten days before the effective date of the action; and

C. clearly state what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

Subp. 9. **Appeal of disqualification.** A recipient who is disqualified from receiving general assistance under subparts 4 and 6 may appeal the decision. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If the recipient appeals on or before the effective date of the disqualification, the recipient, if otherwise eligible, shall continue to receive general assistance while the appeal is pending. If the appeal is not upheld, the recipient shall pay back to the agency the amount received during the pendency of the appeal.

Subp. 10. **Payment provisions during period of disqualification.** If a recipient is disqualified under subpart 7, the local agency shall use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the assistance unit. The assistance standard used must be based upon the number of remaining eligible members in the assistance unit.

Subp. 11. **Exemption from registration and work requirements.** A recipient who meets the conditions listed in items A to M shall be exempt from the registration and work requirements of subparts 3 and 5.

A. The person suffers from a permanent illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment.

B. The person suffers from a temporary illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days, and for which the person is following the rehabilitation plan in the medical certification. The exemption shall apply only for the period of the illness, injury, or incapacity.

C. The person is at home on a substantially continuous basis because of age or a medically certified illness, injury, or incapacity of another member of the assistance unit. The medical certification must state that the person requiring care is unable to care for himself or herself.

D. The person is at home on a substantially continuous basis because of age or a medically certified illness, injury, or incapacity of another member of the household who is not a member of the assistance unit. The medical certification must state that the person requiring care is unable to care for himself or herself.

E. The person has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation or in an approved

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chemical dependency domiciliary facility. The placement must be due to illness or incapacity and under a plan developed or approved by the director of the local agency.

F. The person resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

G. The person is enrolled as a full-time student and is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40.

H. The person does not meet the condition in item A, B, or E but is mentally retarded or mentally ill.

I. The person has an application pending for the social security disability program or the supplemental security income program, or a pending appeal of the denial of an application or of termination from those programs.

J. The person is unable to obtain or retain suitable employment due to advanced age.

The local agency shall inform the recipient of services provided by the division of vocational rehabilitation of the Department of Economic Security, and, upon request, shall refer the recipient to that agency.

K. The person is completing a secondary education program, or has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other vocational or technical training program. Exemption shall not exceed two months, including the month of application, if the person is waiting for acceptance into one of these programs.

L. The person is an adult member of an assistance unit that includes at least one minor child and a second adult who is employed full time, has registered for employment services with the Department of Economic Security, or has been accepted in a work training, work experience, vocational rehabilitation, or vocational or technical training program. IIR M. [Repealed, 9 SR 593]

Subp. 12. **Appeal of exempt status.** A recipient may appeal the local agency's determination of exempt status by submitting a written request for a hearing to the department or the local agency under Minnesota Statutes, section 256.045. The person shall be exempt from the referral requirements until the appeal is decided and, if otherwise eligible, shall receive continuing grants of assistance.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: *9 SR 593*

9555.3404 SERVICES TO RECIPIENTS REFERRED TO MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT PROGRAM (MEED).

Subpart 1. **Information.** Until such time as the MEED program ends, the local agency shall provide to all adult applicants for, and recipients of general assistance, a written description of the MEED program prepared by the commissioner.

Subp. 2. [Repealed, 9 SR 593]

Subp. 3. [Repealed, 9 SR 593]

Subp. 4. [Repealed, 9 SR 593]

Subp. 5. [Repealed, 9 SR 593]

Subp. 6. [Repealed, 9 SR 593]

Subp. 7. [Repealed, 9 SR 593]

Subp. 8. [Repealed, 9 SR 593]

Subp. 9. [Repealed, 9 SR 593]

Subp. 10. [Repealed, 9 SR 593]

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09;*

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History: 9 SR 593

9555.3405 [Repealed, 9 SR 593]

9555.3406 DISCLOSURE OF DATA.

Under Minnesota Statutes, section 13.46, data that the department or a local agency collects, maintains, uses, or disseminates about a person for the general assistance program, including MEED program data, may be disclosed without the consent of the person to the Minnesota Department of Economic Security to monitor the eligibility of the person for unemployment compensation, or for any employment or training program administered by the agency.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: 9 SR 593

9555.3407 [Repealed, 9 SR 593]

9555.3408 LOCAL AGENCY REPORTS.

The local agencies shall collect and report information necessary to administer, monitor, and evaluate the general assistance program, including work requirements and the MEED program. The local agency shall enter information on all general assistance applicants and recipients in the welfare information system on the schedules established by the department. In addition, the local agency shall enter and maintain information on the case information file or supply supplemental information as needed to:

- A. minimize the occasions on which similar information is obtained from applicants and recipients;
- B. improve coordination of services to recipients;
- C. minimize the possibility of duplicate payments;
- D. report to the legislature on general assistance recipients' participation in the MEED program.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: 9 SR 593

9555.3409 PREPARATION OF WRITTEN MATERIALS.

Subpart 1. **Use of language.** All referral forms, notices, and other written information prepared by the commissioner or a local agency for use in the general assistance program by applicants or recipients must be prepared in clear and easily understood English and other languages that the commissioner determines appropriate for the applicants or recipients. A local agency, subject to prior approval from the department, may translate referral forms, notices, and other written information used in the implementation of the general assistance program into as many languages as the local agency determines appropriate to address the needs of its applicants and recipients.

Subp. 2. **Language use accompanying forms.** The commissioner shall prepare a written statement in English, Spanish, Laotian, Vietnamese, Cambodian, Hmong, and other languages that the commissioner determines appropriate for the applicants and recipients, that states that the written document accompanying the statement is very important, and that if the reader does not understand the document, the reader should seek immediate assistance. The written statement must accompany all written information given by the department or a local agency to an applicant or recipient.

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Subp. 3. **Commissioner's determination of languages appropriate for applicants and recipients.** The commissioner's determination of languages appropriate for translation in preparation of written materials for applicants and recipients as in subparts 1 and 2 shall be based upon relevant factors including:

A. the percentage of persons in the statewide general assistance program caseload who speak a particular language;

B. the need expressed by persons or organizations which are composed of or represent applicants or recipients; and

C. the anticipated benefit to applicants and recipients.

Statutory Authority: *MS s 256D.01 subd 1; 256D.03; 256D.04; 256D.09; 256D.111; 256D.112*

History: *9 SR 593*

EMPLOYABILITY SERVICES

9555.4100 PURPOSE.

The objective of employability services is to provide individuals with the training skills and social services necessary to maximize their employability potential and to assist them in obtaining, maintaining, and improving employment. Such services are needed by the underemployed, the unemployed, the unskilled individuals who have never been part of the labor force, individuals who are socially or economically disadvantaged, individuals with poor job histories, the undereducated, and persons with physical and/or mental handicaps.

Statutory Authority: *MS s 256.736 subd 7*

9555.4200 DEFINITIONS.

Subpart 1. **Employability service.** "Employability service" means arranging and providing assistance to individuals in obtaining, maintaining, and improving employment through the use of vocational counseling, employability testing, college and vocational training, job-finding assistance, and special employment services for individuals who are handicapped because of some social, economic, or mental/physical health condition.

Subp. 2. **Local social service agency.** "Local social service agency" means the local social service agency under the authority of the county welfare board or human service board which is responsible for social services.

Subp. 3. **State agency.** "State agency" means the Minnesota Department of Human Services.

Subp. 4. **Work incentive program (WIN).** "Work incentive program (WIN)" means a program designed to provide opportunities for appropriate AFDC recipients to be placed in jobs and/or to obtain the employment and social services necessary to attain employability. Applicable state and federal legislation includes Minnesota Statutes, section 256.736 and title IV-C of the Social Security Act.

Subp. 5. **Mandatory WIN registrant.** "Mandatory WIN registrant" means an individual required to register for WIN as a condition of initial or continued receipt of AFDC.

Subp. 6. **Voluntary WIN registrant.** "Voluntary WIN registrant" means an individual exempt from the WIN registration requirement who nevertheless volunteers to register for WIN.

Statutory Authority: *MS s 256.736 subd 7*

History: *L 1984 c 654 art 5 s 58*

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9555.4300 RESOURCES.

Local social service agencies shall be responsible for the administration and delivery of services to Aid to Families with Dependent Children (AFDC) recipients under the WIN program. State laws also mandate work relief programs for General Assistance (GA) recipients who are unable to find employment through existing employment resources.

Statutory Authority: *MS s 256.736 subd 7*

9555.4400 WORK INCENTIVE PROGRAM (WIN); DEFINITIONS.

Subpart 1. **Appraisal.** "Appraisal" means an interview with a WIN registrant by WIN project staff and local social service staff to assess employability potential, determine the registrant's need for supportive services and initiate an employability plan.

Subp. 2. **Certification.** "Certification" means the formal mechanism for requesting social services necessary for implementation of an individual's employability plan, as well as for authorizing 90 percent federal reimbursement for those services.

Subp. 3. **Component.** "Component" means an active WIN status usually requiring an individual's active and regular participation, including training, institutional training, and other employment services activities.

Subp. 4. **Employability plan.** "Employability plan" means a plan for service established by the individual in conjunction with WIN project staff and local social service staff which includes a self-support goal, identification of activities required to attain such a goal, and identification of supportive social services necessary to implement the plan.

Subp. 5. **Separate administrative unit (SAU).** "Separate administrative unit (SAU)" means the local social service agency staff responsible for providing or arranging WIN supportive social services.

Subp. 6. **Sixty-day counseling.** "Sixty-day counseling" means counseling and other services provided by the local SAU to certified WIN registrants who have been determined to have refused to participate without good cause in order to encourage such individuals to return to active WIN participation.

Subp. 7. **WIN project staff.** "WIN project staff" means the state employment services staff responsible for providing or arranging WIN employment and training services.

Statutory Authority: *MS s 256.736 subd 7*

9555.4500 WIN SERVICE OBJECTIVE.

The objective of WIN social services is to facilitate an individual's participation in WIN and remove any barriers to implementation of his employability plan.

Statutory Authority: *MS s 256.736 subd 7*

9555.4600 WIN SOCIAL SERVICES.

WIN social services are services necessary to remove barriers to an individual's active implementation of his employability plan.

Statutory Authority: *MS s 256.736 subd 7*

9555.4700 MANDATED SUPPORTIVE SERVICES.

The following mandated supportive services shall be available to WIN registrants in the state of Minnesota for the purpose of facilitating employability plans and self-support goals:

A. Day care service (children): Personal care during the day (for less than 24 hours) in the child's own home or in a nurturing and protective setting to substitute for or supplement the child rearing provided by the child's parents; as well as integral but subordinate medical service.

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Child care must be suitable for the individual child, and the caretaker relative must be involved in the selection of the child care facility if more than one facility is available. If only one facility is available, the caretaker relative must accept it, unless the caretaker can show that it is unsuitable for the child. Such child care arrangements shall be maintained until the caretaker relative is able to make other satisfactory arrangements. Child care arrangements must comply with standards as set forth in Code of Federal Regulations, title 45, section 228.42.

B. Family planning: Services provided to enable individuals to voluntarily limit the size of their family or the space between children and to prevent or reduce the incidence of births out-of-wedlock.

Family planning services shall be entirely voluntary for the registrant/participant.

C. Counseling services for families and individuals: Utilization of a professional helping relationship to enable individuals and families to deal with and to resolve whatever intra and/or interpersonal relationship problem or stress is encountered by them.

D. Health service (employment related): Arrange and facilitate access to and use of health resources, including mental health resources, to determine if the individual has any physical or mental limitations which would restrict or limit his or her vocational options.

In all instances, this medical exam is a medical assistance (MA) expenditure and is not to be paid for under WIN 90/10. Reimbursable expenditures would be for social worker time involved in arranging for medical appointments, requesting medical reports, etc.

E. Vocational rehabilitation service: Special employment services for individuals who are handicapped because of some social, economic, or mental/physical health condition including such things as surgery, psychiatric treatment, prosthetic devices, speech or hearing therapy, visual services, dental care, etc., in order to correct or substantially modify a physical or mental condition which is a handicap to employment.

These vocational rehabilitation services will be provided with WIN funds only when they are not available through the Division of Vocational Rehabilitation, and when there is reasonable expectation that the same services will lead to unsubsidized employment.

Statutory Authority: *MS s 256.736 subd 7*

9555.4800 OPTIONAL SUPPORTIVE SERVICES.

The following supportive services may be provided with WIN funds when it is determined by the WIN sponsor and the SAU that such are necessary to the successful completion of employment plans and self-support goals:

A. Homemaking service: Provisions of surrogate care in the absence or disability of the caretaker, providing for the personal care of ill or disabled individuals, as well as instruction on more effective methods of home management, the development and maintenance of self-care and social skills.

B. Housing service: Services to help individuals obtain, maintain and improve housing, and/or to modify existing housing.

C. Legal service: Arrange and provide for assistance in resolving noncriminal legal matters and the protection of legal rights.

D. Money management service: Arrange and provide assistance in developing effective budgets and managing indebtedness.

E. Transportation service: Arrange and provide travel and escort to and from community resources and facilities.

Statutory Authority: *MS s 256.736 subd 7*

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9555.4900 IMPLEMENTATION OF WIN PROJECT; CERTIFICATION OF INDIVIDUALS.

Local SAU staff shall participate with WIN project staff in developing and implementing client-specific employability plans. Local SAU staff shall participate in appraisal interviews to develop, with the individual and WIN project staff, a tentative employability plan.

Local SAU staff shall certify all individuals who are assigned to a WIN component whether or not services are needed, as well as all other WIN registrants requiring services.

Each unemployed father required to be registered for WIN shall be certified no later than 30 days from the receipt of AFDC benefits. If WIN project staff fail to request certification of an unemployed father within two weeks after registration, the SAU shall certify him without such a request. Should any social services be provided, the cost may not be claimed at the 90 percent rate until the services have been approved by the employment service agency.

Each registrant receiving 60-day counseling shall be certified.

After certification is completed, local SAU staff shall provide or arrange for all necessary and authorized social services during an individual's active participation in WIN or until the need for a specific service has ended.

Statutory Authority: *MS s 256.736 subd 7*

9555.5000 ADJUDICATION.

Subpart 1. **Notice of intended deregistration.** Upon determining that a certified registrant has refused to participate in WIN without good cause, WIN project staff shall send the registrant a "Notice of Intended Deregistration." A copy of such notice shall also be sent to the county SAU.

Subp. 2. **Hearing; appeal.** WIN project staff shall provide all such notified registrants with an opportunity for a fair hearing on the proposed deregistration. Decisions of the hearing officers shall be binding on the local social service agency. Such decisions may be appealed at the state level, and following that, to the WIN national review panel.

Subp. 3. **Sixty-day counseling.** Local SAU staff shall initiate 60-day counseling on the fifth day following the expiration of the ten-day time period for requesting a fair hearing or the date of the hearing officer's adverse decision, whichever occurs later.

The SAU shall provide the individual with a written explanation of the 60-day counseling followed by a personal contact. The written explanation shall advise the individual of the effect of his continued refusal to participate in the WIN program and the potential effect upon his assistance payments.

If at any time during the 60-day counseling period the individual changes his mind and agrees to actively participate in WIN, the SAU shall communicate this to the WIN project staff and the individual shall be returned to "active participant" status. Also, training and incentive allowances shall be immediately reinstated.

An individual refusing or terminating counseling at any time during the 60-day period shall incur appropriate sanctions immediately. A registrant who fails without good cause to appear for two or more scheduled counseling sessions shall be considered to have terminated the counseling.

Subp. 4. **Reacceptance into WIN project.** Certified registrants who complete the 60-day counseling and agree to return to participation shall be reaccepted into WIN only upon approval of the SAU.

An individual who has been offered the 60-day counseling period, has been returned to "active participation" status, and has again been determined to have refused to participate without good cause, shall not be allowed a second determination of refusal to participate without good cause; the individual shall

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incur appropriate sanctions immediately.

Statutory Authority: *MS s 256.736 subd 7*

9555.5010 RETENTION AND ACCESS TO RECORDS.

In accordance with applicable state and federal laws and regulations, local social service agencies must maintain adequate employability service records and must assure privacy of these records to the extent required by these authorities.

Statutory Authority: *MS s 256.736 subd 7*

FOSTER CARE FOR ADULTS

9555.5100 SCOPE.

Parts 9555.5100 to 9555.5400 govern the administration and provision of foster care services to adults by the local social service agency.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9555.5200 PURPOSE.

The purpose of adult foster care services is to provide a socially, physically, or mentally handicapped or isolated adult with living arrangements in a family unit in his own community as an alternative to institutional care.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9555.5300 DEFINITIONS.

Subpart 1. **Adult foster care service.** "Adult foster care service" means supervised 24-hour-a-day living arrangements for no more than four adults in a family setting with concurrent access to social services and community resources.

Subp. 2. **Foster family home.** "Foster family home" means a family home approved by a local service agency which will provide 24-hour-a-day care to adults who are unrelated to the family.

Subp. 3. **Local social service agency.** "Local social service agency" means the local agency under the authority of the county welfare board or human service board responsible for social services.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9555.5400 SERVICES TO ADULTS IN FOSTER CARE.

Subpart 1. **Eligible adults.** The local social service agency shall consider for foster family care those adults who:

A. are in need of companionship, supervision, and relief from the responsibility of managing their affairs alone;

B. are without family or friends with whom they can live;

C. because of physical, mental, or emotional impairment, need a protective home environment in order to live safely within the community;

D. are in need of special services to remain in or return to community life;

E. as certified by medical evaluation, are not in need of the care provided by a nursing facility;

F. are able to care for their own personal needs;

G. are alert and stable enough to express their own wishes regarding their living arrangements and enter into planning for their needs when indicated;

H. are agreeable to placement; and

I. are unable to live alone because of incapacities or infirmities.

Subp. 2. **Community resources.** In addition to meeting the service plan requirements as specified in part 9550.0600, the local social service agency shall include in the written plan for services the plan for utilizing community resources.

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Subp. 3. **Copies of written plan.** The local social service agency shall provide the foster home with a copy of the written plan pertaining to each resident.

Subp. 4. **Counseling.** The agency shall assure that provision is made for counseling services to help the client:

- A. determine if he needs a foster home;
- B. in the selection of a suitable foster home;
- C. determine what assistance he may want from the agency;
- D. with his adjustment to a foster home and to bring any concerns about conditions in the home to the attention of the operator;
- E. plan for disposition of belongings, if appropriate;
- F. maintain family and community ties;
- G. make use of community resources, including social and recreational opportunities;
- H. obtain regular medical evaluation and carry out any prescribed program of medical care;
- I. secure and utilize supportive services, such as transportation; and
- J. with any move he might make to an independent living arrangement or another facility.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

ADULT FOSTER HOMES

9555.6100 ADMINISTRATIVE FILES.

The county welfare departments shall maintain files on homes approved for the care of adults. These files shall be available for review by the commissioner or his agents. Each file shall contain the following information to support and justify the county agency recommendation for approval of the home:

- A. An application for approval signed by the operator.
- B. A signed agreement between the county agency and the operator of the foster home on provisions and limitations of the approval.
- C. Physician's statements (physical health of operator and family).
- D. Fire inspection reports (annual statements about fire and safety conditions to be made by a representative of the county welfare department). This information is to be obtained from state, county, or local fire-prevention officers.
- E. A recorded evaluation based on the standards listed below supporting the approval of the home (Form DPW-111, to be furnished by the Department of Human Services).
- F. A record of guests in the home and an evaluation of the service and care given to each guest (form to be furnished by the Department of Human Services).

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

History: *L 1984 c 654 art 5 s 58*

9555.6200 FOSTER-CARE HOME FOR ADULTS; DEFINITION.

A foster home is a domicile provided for a disabled or infirm or aged person as a replacement of his own home wherein he can obtain household services in addition to a family living situation. This living arrangement is intended for single persons or man and wife, with no more than four of such persons in a single-family home. The foster home should provide friendly understanding as well as regular household care. Such a home should be for persons who are alone and lonely who have difficulty with or are unable to do household tasks and yet are not considered to be in need of nursing-home care.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

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9555.6300 STANDARDS FOR ADULT FOSTER HOMES.

Standards for adult foster homes are as follows:

A. The operator of the home must be emotionally and physically capable of providing proper care for aged or other adult persons without detriment to other members of the household.

B. The members of the operator's household must be in agreement on the plan to provide care for aged or other adult persons.

C. The operator of the home and members of his household must be in good health; or if any health difficulty exists, it must be under control.

D. The county welfare department shall determine that the operator is able to provide adequate bedroom space for each single guest or a married couple. The county agency shall determine whether the size of the room will permit occupancy by two persons not a married couple.

E. The operator and members of the household must be willing to include guests in their family life as well as to provide privacy for guests when needed.

F. The living arrangements and conditions created by the operator and other members of the household must be stable and harmonious.

G. The operator of the home must agree to provide adequate heat, ventilation, and sanitation, as well as adequate preparation and serving of food.

H. The operator of the home must have an understanding of and an ability to meet the emotional and physical needs of aged or other adult persons.

I. The operator of the home must be willing to protect the religious interests of any person placed in the home.

J. The operator of the home must give indication of being able to work with a county welfare department.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

9555.6400 DURATION OF COUNTY WELFARE BOARD APPROVAL.

The county welfare board shall issue approvals for foster homes for a period of one year. Approval of a foster home may be withdrawn on issuance of a 30-day notice to the operator by the county welfare agency.

Statutory Authority: *MS s 256.01 subd 4; 256E.05*

PROTECTIVE SERVICES TO VULNERABLE ADULTS

9555.7100 SCOPE.

Parts 9555.7100 to 9555.7700 govern the investigation and reporting of maltreatment of vulnerable adults and some aspects of the emergency and continuing protective social services required to be furnished by local social services agencies under Minnesota Statutes, section 626.557.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

9555.7200 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9555.7100 to 9555.7700, the following terms have the meanings given them.

Subp. 2. **Abuse.** "Abuse" means:

A. any act which constitutes a violation of Minnesota Statutes, section 609.322 related to prostitution;

B. any act which constitutes a violation of Minnesota Statutes, sections 609.342 to 609.345 related to criminal sexual conduct; or

C. the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

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Subp. 3. **Caretaker.** "Caretaker" means an individual or facility which has responsibility for the care of a vulnerable adult as a result of family relationship, or which has assumed responsibility for all or a portion of the care of the vulnerable adult voluntarily, by contract, or by agreement. A person who has assumed only financial responsibility for an adult is not a caretaker.

Subp. 4. **County of financial responsibility.** "County of financial responsibility" means the county designated as the county of financial responsibility pursuant to Minnesota Statutes, section 256E.08, subdivision 7.

Subp. 5. **Facility.** "Facility" means a hospital or other entity required to be licensed pursuant to Minnesota Statutes, sections 144.50 to 144.58; a nursing home required to be licensed pursuant to Minnesota Statutes, section 144A.02; an agency, day-care facility, or residential facility required to be licensed pursuant to Minnesota Statutes, sections 245.781 to 245.812; a mental health program receiving funds pursuant to Minnesota Statutes, section 245.61; and any entity required to be certified for participation in titles XVIII or XIX of the Social Security Act, United States Code, title 42, section 1395 et seq.

Subp. 6. **False.** "False" means disproved to the satisfaction of the investigating agency.

Subp. 7. **Host county.** "Host county" means the county in which a facility is located.

Subp. 8. **Impairment of mental or physical function or emotional status.** "Impairment of mental or physical function or emotional status" means a condition which includes being substantially unable to carry out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working; being unable to protect oneself from hazardous or abusive situations without assistance; a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life; substantial difficulty in engaging in the rational decision-making process, and inability to weigh the possible benefits and risks of seeking assistance; a condition in which an individual is so fearful, so ashamed, so confused, or so anxious about the consequences of reporting that that individual would be unable or unlikely to make a responsible decision regarding whether or not to report abuse or neglect.

Subp. 9. **Licensing agency.** "Licensing agency" means:

A. the commissioner of health, for a facility which is required to be licensed or certified by the Department of Health;

B. the commissioner of human services for facilities required by Minnesota Statutes, sections 245.781 to 245.812 to be licensed;

C. any licensing board which regulates persons pursuant to Minnesota Statutes, section 214.01; and

D. the Minnesota Department of Health if the human services occupation of the alleged perpetrator is credentialed pursuant to Minnesota Statutes, section 214.13 or 149.02.

Subp. 10. **Local social services agency.** "Local social services agency" means the local agency under the authority of the human services board or board of county commissioners which is responsible for social services.

Subp. 11. **Neglect.** "Neglect" means failure by a caretaker to supply or to ensure the supply of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

Subp. 12. **Report.** "Report" means any verbal or written report of abuse or neglect of a vulnerable adult received by the local social services agency, police department, county sheriff, or licensing agency.

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Subp. 13. **State agency.** "State agency" means the Minnesota Department of Human Services.

Subp. 14. **Substantiated.** "Substantiated" means proved to the satisfaction of the investigating agency.

Subp. 15. **Vulnerable adult.** "Vulnerable adult" means any person 18 years of age or older:

A. who is a resident or patient of a facility;

B. who receives services at or from a facility required to be licensed pursuant to Minnesota Statutes, sections 245.781 to 245.812; or

C. who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

Subp. 16. **Inconclusive.** "Inconclusive" means a report which cannot be substantiated or disproved to the satisfaction of the investigating agency.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

History: *L 1984 c 654 art 5 s 58*

9555.7300 COMPLAINT INVESTIGATION BY LOCAL SOCIAL SERVICES AGENCIES.

Subpart 1. **Duty to accept and investigate complaints.** The local social services agency shall accept and investigate all complaints alleging that a vulnerable adult has been abused or neglected in that agency's county. The local social services agency shall notify each relevant licensing agency and the local police departments or county sheriffs and shall cooperate in coordinating its investigation with the investigations of the licensing agencies, police departments, and sheriffs. The local social services agency shall immediately send a report of its findings to all other agencies notified concerning the complaint in question.

Subp. 2. **Time limits to initiate investigations.** The local social services agency shall begin to investigate all complaints within the following time limits:

A. The local social services agency shall conduct an immediate on-site investigation for complaints alleging or from which it can be inferred that a vulnerable adult is in need of immediate care or protection because the adult is life-threatening or likely to experience physical injury due to abuse or abandonment.

B. The local social services agency shall begin its investigation within 24 hours for complaints alleging, or when there is substantial evidence, that a vulnerable adult is not in need of immediate care or protection but is allegedly abused.

C. The local social services agency shall begin its investigation within 72 hours for complaints alleging, or when there is substantial evidence, that a vulnerable adult is not in need of immediate care or protection but is allegedly neglected.

Subp. 3. **Investigations related to a facility.** When an investigation involves an alleged incident or situation related to a facility, the local social services agency shall make an on-site visit to the facility to assess the validity of the complaint. This investigation shall include the following activities when necessary to make an accurate assessment, but activities specified in items A, C, and E need not occur on the site of the facility:

A. discussion with the reporter;

B. discussion with the facility administrator or responsible designee;

C. discussion with the physician or other professionals, or any corroborating contacts as necessary;

D. contact with the alleged victim;

E. discussion with the alleged perpetrator;

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F. examination of the physical conditions or the psychological climate of the facility; and

G. inspection of the alleged victim's record.

The local social services agency shall also determine whether the reported abuse or neglect places other vulnerable adults in jeopardy of being abused or neglected.

The local social services agency shall immediately send a report of its findings to all other agencies notified concerning the complaint in question.

Subp. 4. Investigations not related to a facility. When an investigation involves an alleged incident or situation which is not related to a facility, the local social services agency shall assess the validity of the complaint. This investigation shall include the following activities where necessary to make an accurate assessment:

A. discussion with the alleged victim;

B. discussion with the reporter or any corroborating contacts, as necessary;

C. discussion with the alleged perpetrator;

D. discussion with the physician or other professionals; and

E. examination of the physical conditions or the psychological climate of the residence.

The local social services agency shall also determine whether the reported abuse or neglect places other vulnerable adults in jeopardy of being abused or neglected.

Subp. 5. Investigations by agencies which are not in the county of financial responsibility. When a complaint involves a vulnerable adult who is receiving services from a facility located in a county other than the adult's county of financial responsibility, the local social services agency of the host county shall:

A. investigate the complaint in accordance with subpart 3 and determine whether the complaint is substantiated, inconclusive, or false;

B. notify each relevant licensing agency, the police or sheriff, and the county of financial responsibility;

C. consult with the county of financial responsibility, unless the host county must take immediate emergency measures and representatives of the county of financial responsibility are not available;

D. take whatever measures are necessary to correct the situation or to remove the adult from the facility and notify the county of financial responsibility of the actions taken to correct the situation or of the removal of the adult from the facility; and

E. complete and transmit all required written forms and findings to appropriate agencies.

The local social services agency of the county of financial responsibility shall then resume responsibility for ensuring ongoing planning and services for the vulnerable adult.

Subp. 6. Use of outside experts. When it is investigating alleged abuse or neglect of a vulnerable adult, the local social services agency shall consult persons with appropriate expertise if the local agency believes that it lacks the expertise necessary for making judgments pertaining to the allegations. This consultation may include matters of physical health, mental health, specialized treatment such as behavior modification, geriatrics, or other matters.

Subp. 7. Investigations after initial complaint assessment. If upon the initial assessment required by subparts 1 to 6 there appears to be substance to a complaint, the local social services agency shall attempt to determine the following:

A. the risk posed if the vulnerable adult remains in the present circumstances;

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B. the current physical and emotional condition of the vulnerable adult, including the history or pattern of abuse or neglect or related prior injuries;

C. the name, address, age, sex, and relationship of the alleged perpetrator to the vulnerable adult; and

D. in a complaint of neglect, the relationship of the caretaker to the vulnerable adult, including the agreed-upon roles and responsibilities of the caretaker and the vulnerable adult.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

9555.7400 EMERGENCY PROTECTIVE SERVICES.

The local social services agency shall offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

9555.7500 CLASSIFICATION OF COMPLAINTS.

Within 90 days of receiving the initial complaint, the local social services agency shall assess, make a finding, and classify all complaints as either substantiated, false, or inconclusive. At the conclusion of the assessment, the alleged victim of maltreatment and the alleged perpetrator shall be notified in writing as to whether the complaint was substantiated, false, or inconclusive.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

9555.7600 ACTIONS ON BEHALF OF A VULNERABLE ADULT WHO REFUSES SERVICES.

If a vulnerable adult who is the victim of abuse or neglect by a caretaker refuses an offer of services from a local social services agency and in the judgment of that agency the vulnerable adult's safety or welfare is in jeopardy, the agency shall seek the authority to intervene on behalf of that adult. If the agency believes it to be in the adult's best interest, it shall seek or help the family or victim seek any of the following:

A. a restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to Minnesota Statutes, section 518B.01;

B. guardianship or conservatorship pursuant to Minnesota Statutes, sections 525.539 to 525.6198, or guardianship or conservatorship pursuant to Minnesota Statutes, chapter 252A;

C. a hold order or commitment pursuant to the Minnesota Hospitalization and Commitment Act, Minnesota Statutes, chapter 253A; or

D. a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under Minnesota Statutes, chapter 609.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

9555.7700 REPORTS TO THE STATE AGENCY.

Subpart 1. **Initial report.** Every incident of abuse or neglect reported to the local social services agency shall be reported to the social services division of the state agency on forms provided by the state agency. The local agency shall send the completed report form to the state agency within 20 days of receiving the complaint, whether or not the classification of the report has been determined according to part 9555.7500.

Subp. 2. **Subsequent report.** When the classification of the report has been determined or if the classification has changed subsequent to the time of the

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initial report to the state agency, the local agency shall advise the state agency in writing of the correct information. The local agency shall do this within 90 days of when the local agency received the complaint.

Subp. 3. **Data privacy.** Reports to the social services division of the state agency are for statistical purposes only. The identity of the vulnerable adult and of the perpetrator shall not be included on the copy of the report sent to the state agency.

Statutory Authority: *MS s 256E.05 subd 1; 626.557*

REPORTING MALTREATMENT OF VULNERABLE ADULTS IN LICENSED FACILITIES

9555.8000 SCOPE.

Parts 9555.8000 to 9555.8500 apply to programs required to be licensed pursuant to Minnesota Statutes, sections 245.781 to 245.812 to provide services to adults who are handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap.

Statutory Authority: *MS s 626.557*

9555.8100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9555.8000 to 9555.8500, the following terms have the meanings given them.

Subp. 2. **Abuse.** "Abuse" means:

A. any act which constitutes a violation of Minnesota Statutes, section 609.322, related to prostitution;

B. any act which constitutes a violation of Minnesota Statutes, sections 609.342 to 609.345, related to criminal sexual conduct; or

C. the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

Subp. 3. **Agency.** "Agency" means any individual, organization, association, or corporation which, for gain or otherwise, regularly provides needed social service or counseling services for clients who may be living in their own homes or which receives clients unable to remain in their own homes and places them in alternate living situations, and is required to be licensed to provide these services for adults pursuant to Minnesota Statutes, sections 245.781 to 245.812 who are handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap.

Subp. 4. **Client.** "Client" means any person 18 years of age or older who is a resident of a facility or who receives services at or from a program.

Subp. 5. **Client representative.** "Client representative" means any family member, legal guardian, or other interested person acting or speaking in place of a client or on behalf of a client.

Subp. 6. **Facility.** "Facility" means a residential or nonresidential facility required to be licensed to provide services to adults who are handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap.

Subp. 7. **Governing body.** "Governing body" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for the operation of a day care or residential facility or service or agency.

Subp. 8. **Interdisciplinary team.** "Interdisciplinary team" means the individuals from the various disciplines which are required by Department of Human Services licensing rules to be involved in program and treatment planning. If the licensing rule designates only one person to develop the individual program plan with the client, but requires that this person consult with

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members of other disciplines in developing the individual program or treatment plans, this designated person must also consult with members of these disciplines in developing the individual abuse prevention plans. The designated person plus these consulting members shall be considered the "interdisciplinary team" for purposes of parts 9555.8000 to 9555.8500.

Subp. 9. **Investigative authority.** "Investigative authority" means the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency.

Subp. 10. **Mandated reporter.** "Mandated reporter" means a person specified in Minnesota Statutes, section 626.557, subdivision 3.

Subp. 11. **Neglect.** "Neglect" means failure by a caretaker to supply or to ensure the supply of necessary food, clothing, shelter, health care, or supervision for a client.

Subp. 12. **Program.** "Program" means a residential or nonresidential facility or an agency required to be licensed pursuant to Minnesota Statutes, sections 245.781 to 245.812 to provide services to adults who are handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap.

Statutory Authority: *MS s 626.557*

History: *L 1984 c 654 art 5 s 58*

9555.8200 PROGRAM ABUSE PREVENTION PLAN.

Subpart 1. **Requirement.** The program's governing body shall establish and enforce a written abuse prevention plan. This plan shall be completed within 60 days of the effective date of this rule.

Subp. 2. **Plan contents.** The plan must contain the following information:

A. an assessment of the population, environment and physical plant of each facility and of each site where living arrangements are provided by an agency, identifying the factors which may encourage or permit abuse;

B. a description of any identified corrective action that will be taken, based on the assessment, including training staff, adjusting staffing patterns, or initiating new procedures or any needed modifications of the physical plant or environment that have been identified as a result of the assessment; and

C. a timetable for the implementation of any identified corrective actions that need to be taken to minimize the risk of abuse.

Subp. 3. **Assessment factors.** The assessment of the population shall include an evaluation of the following factors: the age, sex, mental functioning, physical and emotional health or behavior of clients, the need for specialized programs of care for clients, the need for training of staff to meet identified resident needs, and the knowledge a program may have regarding previous abuse that is relevant to minimizing risk of abuse for clients.

The assessment of the physical plant for each facility and for each site when living arrangements are provided by an agency shall include an evaluation of the following factors: the condition and design of the building as they relate to the safety of the clients and the existence of areas in the building which are difficult to supervise.

The assessment of the environment for each facility and for each site when living arrangements are provided by the agency shall include an evaluation of the following factors: the location of the program in a particular neighborhood or community, the type of grounds surrounding the building, the type of internal programming, and the program's staffing patterns.

Subp. 4. **Plan review.** The program's governing body shall review the plan at least annually using the assessment factors in the plan and any reports of abuse that have occurred. The governing body shall revise the plan, if necessary, so that it reflects the results of the review.

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Subp. 5. **Plan orientation for clients.** The program shall provide for its clients in a means familiar to them, a general orientation to the program abuse prevention plan, unless a determination has been made that a client is unable to comprehend the orientation and the reason is documented in the individual abuse prevention plan. Client representatives shall have the opportunity to be included in the orientation, and for clients unable to comprehend, client representatives shall have the opportunity to receive the orientation in place of the client. When their identities are known, client representatives must be notified when the orientation will take place. The program shall provide this initial orientation within 60 days after the effective date of this rule, and thereafter, for each new client within 24 hours of admission or for clients who would benefit more from a later orientation, the orientation may take place within 72 hours. The need for this delay shall be documented at the time of admission.

Subp. 6. **Plan distribution.** The program shall post a copy of the plan in a prominent location in the facility and at each site when living arrangements are provided by an agency and have a copy available for review by clients, client representatives, and mandated reporters upon request.

Statutory Authority: *MS s 626.557*

9555.8300 INDIVIDUAL ABUSE PREVENTION PLAN.

Subpart 1. **Requirement.** The client's interdisciplinary team shall develop an individual abuse prevention plan, and this plan shall be implemented for each client. The team shall develop a plan for each current client within 60 days after the effective date of this rule and, thereafter, for each new client as part of the initial individual program plan, as required by the Department of Human Services rule under which the program is licensed.

Subp. 2. **Plan contents.** The plan must be a part of the client's individual program plan and must include the following information:

A. an assessment of the client's susceptibility to abuse, including self-abuse;

B. a statement of the measures which will be taken to minimize the risk of abuse to the individual client when the individual assessment indicates the need for measures in addition to the general measures specified in the program abuse prevention plan. The program has the responsibility to take all reasonable measures to minimize the risk of abuse to its clients. These measures shall include specific actions the program will take if the client is susceptible to abuse within the scope of licensed services. These measures shall also include referrals the program may reasonably make if the client is susceptible to abuse outside the scope of licensed services; and

C. documentation of results of the individual assessment when it does not indicate the need for specific measures in addition to the general measures specified in the program abuse prevention plan.

Subp. 3. **Plan review.** The review and evaluation of the individual abuse prevention plan shall be done as part of the review of the client's individual program plan. The interdisciplinary team shall review the abuse prevention plans at least annually, utilizing the individual assessment and any reports of abuse relating to the client. The plan shall be revised to reflect the results of this review.

Subp. 4. **Client participation.** Whenever possible, the client shall participate in the development of the individual abuse prevention plan. The client shall have the right to have a client representative participate with or for the client in the development of the plan. If the client or client representative

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does not participate, the reasons shall be documented by the team in the plan.

Statutory Authority: *MS s 626.557*

History: *L 1984 c 654 art 5 s 58*

9555.8400 INTERNAL REPORTING AND INVESTIGATION SYSTEM AND RECORDS.

Subpart 1. **Establishment.** The program's governing body shall establish and enforce internal written reporting and investigating policies and procedures for abuse and neglect, including suspected or alleged abuse and neglect. The same policies and procedures shall apply in all cases, regardless of the results of the internal investigation. The program shall develop the internal reporting and investigation system within 60 days after the effective date of parts 9555.8000 to 9555.8500.

Subp. 2. **Reporting.** The policies and procedures must include a process for the mandatory reporting of abuse or neglect of clients. The policies and procedures must specify how reports are to be made and provide for all reports to be made promptly when a mandated reporter has reasonable cause to believe that a client is being or has been abused or neglected, or has knowledge that a client has sustained a physical injury which is not reasonably explained by the client's history of injuries. The policies and procedures shall also contain a provision that persons other than mandated reporters may and should report incidents of abuse or neglect and shall identify the persons to whom internal reports should be made. The procedure shall specify that reports may be made directly to the outside investigative authorities or to the person designated by the program or both. The person responsible for forwarding internal reports to outside authorities shall be clearly identified. All mandated reporters shall be informed of their responsibility to ensure that their report reaches the appropriate outside investigative authorities. Reporters shall be informed when a report has been forwarded and to whom it has been forwarded. Reports shall include the following information:

- A. the name and location of the client and the program;
- B. the nature of the abuse or neglect;
- C. pertinent dates and times;
- D. any history of abuse or neglect;
- E. the name and address of the reporter;
- F. the name and address of the alleged perpetrator; and
- G. any other information that might be helpful in investigating the abuse or neglect.

Subp. 3. **Investigation.** The policies and procedures shall include identification of the person responsible for the internal review and investigation of abuse or neglect. However, if the person responsible for the review and investigation is suspected of committing the abuse or allowing the neglect, another person shall be designated to conduct the review and investigation.

Subp. 4. **Records.** The policies and procedures shall include a provision requiring that records are maintained regarding the internal review and investigation of cases of abuse and neglect. These records shall contain a summary of the findings, persons involved, persons interviewed, persons and investigating authorities notified, conclusions and any actions taken. The records shall be dated and authenticated by signature and identification of the person doing the review and investigation.

Subp. 5. **Communication.** The policies and procedures shall include a provision requiring the communication of all knowledge and written information regarding incidents of abuse or neglect to the Department of Human Services.

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Subp. 6. **Cooperation.** The policies and procedures shall include a provision requiring the cooperation of the program with the department in the course of the investigation.

Subp. 7. **Orientation for clients.** The program shall provide for its clients, in a means familiar to them, an orientation to the internal reporting system, unless a determination has been made that a client is unable to comprehend the orientation and the reason is documented in the individual abuse prevention plan. Client representatives shall have the opportunity to be included in the orientation, and for clients unable to comprehend, client representatives shall have the opportunity to receive the orientation in place of the client. When their identities are known, client representatives must be notified when the orientation will take place. The program shall provide this initial orientation within 60 days after the effective date of this rule, and thereafter for each new client within 24 hours of admission or for clients who would benefit more from a later orientation, the orientation may take place within 72 hours. The need for this delay shall be documented at the time of admission.

Subp. 8. **Distribution of copies.** The program shall post a copy of the internal reporting policies and procedures in a prominent location in the facility or at the offices of an agency and have it available upon request to mandated reporters, clients, and client representatives.

Statutory Authority: *MS s 626.557*

History: *L 1984 c 654 art 5 s 58*

9555.8500 PERSONNEL REQUIREMENTS.

Subpart 1. **Orientation of reporters.** Within 60 days after the effective date of these parts, the program shall inform mandated reporters about the requirements of Minnesota Statutes, section 626.557, parts 9555.8000 to 9555.8500, and all internal policies and procedures related to clients. All staff shall be informed that individuals, other than those mandated to report, may report suspected cases of abuse or neglect to the appropriate investigative authorities and that staff must provide information to those requesting it regarding the procedure for contacting the authorities. Thereafter, the program shall provide this orientation for new mandated reporters within 72 hours of employment.

Subp. 2. **Training.** The program shall conduct in-service training at least annually for mandated reporters to review Minnesota Statutes, section 626.557, parts 9555.8000 to 9555.8500, and all internal policies and procedures related to clients.

Subp. 3. **List of persons providing services.** The program shall establish and maintain a current list of persons who provide services in the program who meet the definition of a mandated reporter.

Statutory Authority: *MS s 626.557*

SERVICES TO MOTHERS AND PREGNANT WOMEN

9555.9000 SCOPE AND PURPOSE.

Parts 9555.9000 to 9555.9300 govern the offer and provision of services to mothers and pregnant women. The purpose of these parts is to establish criteria for mothers and pregnant women who shall be offered social services and the responsibility of local agencies to offer services to women who meet these criteria as required by Minnesota Statutes, section 257.33.

Statutory Authority: *MS s 257.33*

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9555.9100 DEFINITIONS.

As used in parts 9555.9000 to 9555.9300, "local social services agency" means the agency responsible for social services which is under the authority of the board of county commissioners or human services board; and "appropriate social services" are those services identified as appropriate social services by the local social services agency.

Statutory Authority: *MS s 257.33*

9555.9200 ELIGIBILITY CRITERIA FOR WOMEN.

The local agency shall offer the services required under part 9555.9300 to women who meet one or more of the following criteria:

- A. women who are minors and are either pregnant or already have a child;
- B. mothers who are referred to the agency because they did not have prenatal care;
- C. mothers who request assistance in establishing paternity for their children;
- D. women who request assistance in deciding if they want to parent their child; and
- E. mothers who are referred to the agency because they have physical, mental, or emotional problems which limit the care that they are able to provide for their children.

Statutory Authority: *MS s 257.33*

9555.9300 LOCAL SOCIAL SERVICES AGENCY RESPONSIBILITIES.

The local agency shall:

- A. contact each minor mother who is reported by a hospital as having given birth to a child and offer appropriate social services to her; and
- B. offer appropriate social services to women who meet one or more of the criteria of part 9555.9200.

Statutory Authority: *MS s 257.33*