

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

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**9555.5105 DEFINITIONS.**

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

Subp 5 **Adult foster home.** "Adult foster home" means a residence operated by an operator who, for financial gain or otherwise, provides 24 hour foster care to no more than four functionally impaired residents and a residence with five or six residents as authorized under Minnesota Statutes, section 245A 11, subdivision 2a.

Subp 6 **Applicant.** "Applicant" has the meaning given in Minnesota Statutes, section 245A 02, subdivision 3

*[For text of subps 7 to 19, see MR ]*

Subp 20 **Legal representative.** "Legal representative" means a person appointed by the court as a guardian or conservator of an adult under Minnesota Statutes, sections 525 539 to 525 6198 or chapter 252A, or a health care agent appointed by a principal in a health care power of attorney to make health care decisions as provided in Minnesota Statutes, chapter 145C

*[For text of subps 21 to 25, see MR ]*

Subp 26 **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the fire marshal under Minnesota Statutes, section 299F 011 and chapter 7510.

*[For text of subps 27 to 29, see MR ]*

Subp 30. **Related.** "Related" has the meaning given to "individual who is related" in Minnesota Statutes, section 245A 02, subdivision 13.

*[For text of subps 31 to 38, see MR ]*

Subp. 39. **Vulnerable Adults Act.** "Vulnerable Adults Act" means Minnesota Statutes, sections 626.557 and 626.5572

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

**History:** *30 SR 585*

**9555.5505 LOCAL AGENCY ORIENTATION AND TRAINING ROLE.**

*[For text of subpart 1, see MR ]*

Subp. 2 **Orientation.** The local agency shall provide three hours of orientation to a foster home operator and caregivers prior to the placement of the first resident following initial licensure. The orientation training must include training on requirements of the Vulnerable Adults Act contained in Minnesota Statutes, sections 626 557 and 626 5572, parts 9555 8000 to 9555 8500, and the general provisions of parts 9555.5105, and 9555.6105 to 9555.6265

*[For text of subp 3, see MR ]*

**Statutory Authority:** *MS s 14.386, 14 388*

**History:** *30 SR 585*

**9555.5515 RECORD ON THE RESIDENCE.**

A record for the residence licensed as an adult foster home shall be maintained by the commissioner and contain

*[For text of items A to M, see MR.]*

N. a record of any substantiated complaints of maltreatment as defined in Minnesota Statutes, section 626.5572, subdivision 15, and any corrective action taken under parts 9555.7100 to 9555.7700, and

O. a copy of the facility abuse prevention plan required under the Vulnerable Adults Act

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

**History:** *30 SR 585*

#### **9555.6125 LICENSING STUDY.**

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

Subp 3. **Study of applicant.** A study of the applicant shall be conducted by the commissioner under items A to D

A The applicant shall provide the commissioner with a completed, signed form as required by Minnesota Statutes, chapter 245C, for each caregiver, household member age 13 and over, and each owner, partner, board member, and employee who will be involved in the operation of the adult foster home. The form must disclose the person's full name and all previous or additional names, date of birth, the specific nature of information to be disclosed, who will receive the information, and who will disclose it. The commissioner shall seek the assistance of the Minnesota Bureau of Criminal Apprehension, the county attorney, and sheriff or chief of police in the locality where the person resides in determining the person's arrest, conviction, or criminal history record. If the person has not resided in the state for five years, the form shall also be sent to a national criminal history repository. In the case of a household member who is nine years of age but under the age of 14, the commissioner shall ascertain from the local court of jurisdiction whether the juvenile has been adjudicated as a delinquent for any of the acts specified in subpart 4, item D.

B The applicant who is an individual shall provide social history information to the commissioner about each household member. "Social history information" means information on education, employment; financial condition; military service; marital history; strengths and weaknesses of household relationships, mental illness; chemical dependency; hospitalizations; involuntary terminations of parental rights; the use of mental retardation services; felony, gross misdemeanor or misdemeanor convictions, arrests or admissions; and substantiated reports of maltreatment.

*[For text of items C and D, see MR]*

Subp 4 **Qualifications.** Operators, caregivers, and household members must meet the qualifications in items A to G

*[For text of items A to C, see MR]*

D. Operators, caregivers, and household members must not have a disqualification under Minnesota Statutes, section 245C 15, that is not set aside under Minnesota Statutes, section 245C 22, or for which a variance has not been granted under Minnesota Statutes, section 245C 30.

*[For text of items E to G, see MR]*

*[For text of subps 5 and 6, see MR]*

Subp 7 **Period of licensure; nontransfer.** A license shall be issued by the commissioner for up to two years when the applicant complies with parts 9555.6105 to 9555.6265. A license is not transferable to another operator or residence.

Subp 8 **Initial license.** An applicant for initial licensure may be granted an initial license by the commissioner for up to two years if the laws and rules cannot be complied with immediately, and if the deviations from parts 9555.6105 to 9555.6265 do not threaten the health, rights, or safety of a resident. All deviations must be corrected within the time specified by the commissioner but not exceeding one year. Failure to correct deviations within the stated time shall be cause for revocation of a license or a fine or both.

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## SOCIAL SERVICES FOR ADULTS 9555.6145

Subp 9. **Variance procedure.** An applicant or operator may request a variance from compliance with parts 9555.5105 and 9555.6105 to 9555.6265. A request for a variance must comply with and be handled according to the following procedures.

A. An applicant or operator must submit a written request for a variance to the commissioner. The request must include:

[For text of subitems (1) and (2), see MR]

(3) the period for which the applicant or operator requests a variance,

(4) the specific equivalent alternative measures that the applicant or operator will provide so the health, rights, and safety of residents are ensured if the variance is granted, and

(5) if applicable, any items specified in Minnesota Statutes, section 245A.11, subdivision 2a or 7

[For text of items B and C, see MR.]

[For text of subp 10, see MR]

Subp 11 **License terms.** A license must show

[For text of items A to E, see MR]

[For text of subp 12, see MR]

Subp. 13. **License review.** Before the expiration of a license, the commissioner must conduct a study of the operator and an inspection of the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265 at least once every 24 months to determine whether a new license shall be issued

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

**History:** 30 SR 585

### 9555.6145 NEGATIVE LICENSING ACTIONS.

Subpart 1 **Definition.** For the purposes of this part, "negative licensing action" means denial of a license, revocation, suspension, or temporary immediate suspension of an existing license, or issuance of a fine

Subp 2 **Procedures.** In accordance with Minnesota Statutes, section 245A.07, failure to comply with parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure is grounds for a negative licensing action. If the local agency recommends a negative licensing action, the local agency shall notify the department and the department shall determine if the standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall follow the procedures in Minnesota Statutes, sections 245A.07 and 245A.08, and notify the applicant or operator by certified mail, unless personal service is required. The notice of negative licensing action must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed negative licensing action. The notice of negative licensing action must inform the applicant or operator of the right to appeal the decision. The applicant or operator shall have an opportunity for a hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612.

Subp. 3 **Denial.** If the commissioner denies a license, the commissioner must give the applicant notice of the license denial and right to appeal as provided in Minnesota Statutes, section 245A.05.

Subp 4. **Fine, revocation, or suspension.** If the commissioner revokes or suspends a license or issues a fine, the commissioner must give the operator notice of the licensing action and the right to appeal as provided in Minnesota Statutes, section 245A.07.

Subp 5 **Temporary immediate suspension.** If the operator's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of the residents in care, the commissioner shall act immediately to temporarily suspend the license and notify the local agency to remove the residents. The operator shall be informed by personal service and informed of the right to an expedited hearing

under Minnesota Statutes, chapter 14, and parts 1400 8505 to 1400 8612 as provided in Minnesota Statutes, section 245A 07, subdivisions 2 and 2a. The appeal does not stay the decision to temporarily immediately suspend the license

Subp. 7. **Notice of negative licensing action.** At the time the commissioner notifies the operator of a proposed negative licensing action, the commissioner shall notify residents and residents' legal representatives of the proposed negative licensing action and of the operator's right to appeal. The notification procedures in Minnesota Statutes, section 626.557, subdivision 10, paragraph (a), shall be followed in situations alleging maltreatment of residents

*[For text of subp 8, see MR ]*

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

**History:** *30 SR 585*

#### 9555.6165 CAPACITY.

Subpart 1 **Licensed capacity.** Except as provided in Minnesota Statutes, section 245A 11, a maximum of four residents may live in the adult foster home at one time

Subp 2. **Capacity of roomers and residents.** Except as provided in Minnesota Statutes, section 245A 11, the total number of roomers and residents in the adult foster home at one time shall not exceed four

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

**History:** *30 SR 585*

#### 9555.6175 COOPERATE AND REPORT TO AGENCIES.

*[For text of subpart 1, see MR ]*

Subp 2 **Maltreatment reporting.** Caregivers shall immediately report any suspected maltreatment of a resident as required by Minnesota Statutes, sections 626.557 and 626 5572, the Vulnerable Adults Act.

*[For text of subps 3 and 4, see MR ]*

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

**History:** *30 SR 585*

#### 9555.6195 PROHIBITIONS AGAINST MALTREATMENT AND DISCRIMINATION.

Subpart 1 **Protection from maltreatment.** The operator shall ensure that residents are protected from maltreatment through compliance with the Vulnerable Adults Act and parts 9555.8000 to 9555.8500

*[For text of subp 2, see MR ]*

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

**History:** *30 SR 585*

#### 9555.9600 DEFINITIONS.

*[For text of subps 1 and 2, see M.R.]*

Subp 3 **Adult day care.** "Adult day care" has the meaning given in Minnesota Statutes, section 245A.02, subdivision 2a.

*[For text of subps 4 to 31, see M.R.]*

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

**History:** *30 SR 585*

#### 9555.9730 PHYSICAL PLANT AND SPACE REQUIREMENTS.

Subp 2. **Determination of occupancy code.** The occupancy code requirements for a center shall be determined according to the Minnesota State Fire Code adopted under chapter 7510

*[For text of subps 3 to 8, see MR ]*

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

**History:** *30 SR 585*