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CHAPTER 9570 DEPARTMENT OF HUMAN SERVICES SOCIAL SERVICES FOR PHYSICALLY HANDICAPPED INDIVIDUALS

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VENDING STANDS AND BUSINESS ENTERPRISES OF SERVICES FOR THE BLIND

9570.0100 STATUTORY AUTHORITY AND SCOPE OF RULES.

Pursuant to Minnesota Statutes, section 248.07, subdivision 11, the following rules are hereby issued by the commissioner of human services to govern all vending stands and business enterprises established by the Services for the Blind, Department of Human Services, for which the Department of Human Services is responsible. Licenses to blind persons will be issued in accordance with these rules and applicable statutes by the commissioner or his designee, hereinafter to be known as the licensing agency.

Statutory Authority: *MS s 248.07 subd 7*

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

9570.0200 SELECTION OF STAND OPERATORS.

The selection of stand operators will be made on an objective basis, including a thorough evaluation of the following: experience, training, former vocations, education, and other factors that relate to job requirements. Preference will be given to blind persons who are in need of employment. The following specific requirements will also be adhered to. Blind persons selected as operators will:

A. be determined, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person shall select, to have:

(1) not more than 20/200 central visual acuity in the better eye with correcting lenses; or

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(2) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its evident diameter subtends an angle of no greater than 20 degrees;

B. be citizens of the United States; and

C. be certified as qualified for the operation of a vending stand by the rehabilitation staff of the Services for the Blind, Department of Human Services.

Statutory Authority: *MS s 248.07 subd 7*

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

9570.0300 PERIOD OF LICENSE.

Each license will be issued for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

A. failure to operate in accordance with parts 9570.0100 to 9570.1400, the agreement with the operator, or the terms and conditions of the licensing agency's permit to operate in the building or property;

B. improvement of vision so that the operator no longer meets the definition of blindness as stated in item A;

C. extended illness with medically documented diagnosis of prolonged incapacity of the operator to operate the vending stand in a manner consistent with the needs of the location or other available locations in the program; and

D. withdrawal of the operator from the program upon the operator's written notification to the licensing agency.

Statutory Authority: *MS s 248.07 subd 7*

9570.0400 TERMINATION OF LICENSE.

The licensing agency shall promptly notify by certified mail or personal service any vending stand operator whose license is proposed to be revoked. This notification shall state the grounds for such action and shall inform the operator of the right to appeal the action. The operator will be afforded an opportunity for a fair hearing before termination of the license as described in part 9570.1200.

Statutory Authority: *MS s 248.07 subd 7*

9570.0500 OPERATOR AGREEMENTS.

Subpart 1. **Requirement.** Each licensed operator will sign an agreement for the operation of an assigned vending stand, and will sign a new agreement each time the operator moves or transfers to another vending stand.

Subp. 2. **Revocation or suspension of agreement.** The operator's agreement to operate a vending stand may be revoked or temporarily suspended in those instances where the operation, integrity, or reputation of the program may be damaged. The licensing agency shall promptly notify by certified mail or personal service any vending stand operator whose agreement is suspended or revoked. The notification shall state the grounds for such action and shall inform the operator of the right to appeal the action, as described in part 9570.1200. The action to suspend or revoke an agreement does not automatically mean the termination of the operator's license. Notice of intent to terminate the operator's license shall require a separate notice, as described in part 9570.0400.

Statutory Authority: *MS s 248.07 subd 7*

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9570.0600 FURNISHING EQUIPMENT AND INITIAL STOCKS.

The licensing agency is responsible:

A. for furnishing each vending stand or business enterprise with adequate, suitable equipment and maintenance, repair, and replacement of such equipment; and

B. for furnishing each vending stand or business enterprise with adequate initial stocks of merchandise and supplies. Subsequent purchase of merchandise shall be made by the operator out of current receipts. Merchandise shall be replaced as sold, maintaining the inventory at the minimum of the original inventory.

Statutory Authority: *MS s 248.07 subd 7*

9570.0700 RIGHT TO, TITLE TO, AND INTEREST IN THE VENDING STAND EQUIPMENT AND STOCKS.

The right to, title to, and interest in the vending stand equipment used in the program is vested in the state of Minnesota. Operators will be required to acquire ownership of merchandise and supplies through reimbursing the licensing agency for such expenditures, by monthly payments extended over a three-year period. Upon approval of the licensing agency additional time may be granted in hardship cases, the purpose of which is to assure that no individual be denied the opportunity to become an operator because of the operator's inability to purchase the initial stock. Upon termination of the operator's license, the licensing agency will purchase, at the prevailing wholesale price, all salable merchandise and, at an amortized price, all supplies remaining in the stand, assuming there is no delinquency in the operator's accounts with the licensing agency. No fixtures or equipment shall be added, altered, or removed from the stand except at the direction of the licensing agency. The operator will exercise all possible care in the use of fixtures and equipment, making no alterations, changes, or additions.

Statutory Authority: *MS s 248.07 subd 7*

9570.0800 FUNDS SET ASIDE FROM VENDING STAND PROCEEDS.

Subpart 1. **Amounts.** The licensing agency will set aside or cause to be set aside from the monthly net proceeds of the operation of vending stands the following amounts:

- A. on the first \$100 or portion thereof, 2 percent;
- B. on the second \$100 or portion thereof, 4 percent;
- C. on the third \$100 or portion thereof, 6 percent;
- D. on the fourth \$100 or portion thereof, 8 percent;
- E. on the fifth \$100 or portion thereof, 10 percent;
- F. on the sixth \$100 or portion thereof, 12 percent;
- G. on the seventh \$100 or portion thereof, 14 percent; and
- H. any amounts over \$700, 16 percent.

"Net proceeds," as used herein, means the monthly cash receipts including any vending machine or other income, less merchandise purchases, general expenses, and payroll, (excluding set-aside charges).

Subp. 2. **Other conditions of funds.** This rate supersedes any previous rate heretofore established by any agreements or policies of the licensing agency. The operator shall pay these set-aside funds monthly to the licensing agency. These set-aside funds shall be used only to the extent necessary and may be used for the sole purpose of:

- A. maintenance and replacement of equipment;
- B. the purchase of new equipment; and
- C. the management services that are specified in state law.

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Subp. 3. **Set-aside schedule.** The operator management committee, as defined in part 9570.1100, subpart 3, will participate with the licensing agency in the establishment of a set-aside schedule covering each of the purposes for which the set-aside funds are intended to be used, and will be reviewed annually to determine the need for change based upon the previous year's expenditures. The schedule shall be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required, with the allowances for the retention of reasonable reserves necessary to assure that each such purpose can be provided on a continuing basis. Changes, when necessary, shall be by amendment to parts 9570.0100 to 9570.1400.

Statutory Authority: *MS s 248.07 subd 7*

9570.0900 DISTRIBUTION AND USE OF INCOME FROM VENDING MACHINES ON FEDERAL PROPERTY.

Subpart 1. **Income accrual to operator.** Vending machine income from vending machines on federal property which has been disbursed to the licensing agency by a property managing department, agency, or instrumentality of the United States shall accrue to each blind operator operating a vending stand on such federal property in an amount not to exceed the average net income of the total number of blind operators within the state program, as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any blind operator in any amount exceeding the average net income of the total number of blind operators in the United States.

Subp. 2. **Minimum income.** No blind operator shall receive less vending machine income than the operator was receiving during the calendar year prior to January 1, 1974, as a direct result of any limitation imposed on such income under this ceiling.

Subp. 3. **Combination of machines to make a stand.** No limitation shall be imposed on income from vending machines combined to create a vending stand when such stand is maintained, serviced, or operated by a blind operator. The licensing agency will retain vending machine income disbursed by a property managing department, agency, or instrumentality of the United States in excess of the amounts eligible to accrue to blind operators.

Subp. 4. **Quarterly disbursement.** The licensing agency will disburse vending machine income to blind operators on at least a quarterly basis.

Subp. 5. **Use of income retained by agency.** Vending machine income retained by the licensing agency will be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for blind operators, if it is so determined by a majority vote of the licensed operators, after each operator has been furnished information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used for one or more of the following: maintenance and replacement of equipment; purchase of new equipment; or management services. Any set-aside charged to blind operators shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

Statutory Authority: *MS s 248.07 subd 7*

9570.1000 POLICIES GOVERNING DUTIES, SUPERVISION, TRANSFER, AND PARTICIPATION OF OPERATORS.

Subpart 1. **Net proceeds.** Each operator shall be entitled to the net proceeds of the operation of the vending stand he/she operates, less the amount set aside by the licensing agency.

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Subp. 2. **Operator duties.** Each operator shall agree to:

A. perform faithfully and to the best of the operator's ability the necessary duties in connection with the operation of a vending stand in accordance with the licensing agency's rules, the terms of the licensing agency's permit to operate in the building or property, and the agreement with the operator;

B. cooperate with official and duly authorized representatives of the licensing agency in connection with their official program responsibilities;

C. operate the vending stand in accordance with all applicable health laws and regulations;

D. make all purchases of merchandise on a strictly cash basis unless exception is permitted in writing by the licensing agency;

E. make no credit sales; and

F. furnish monthly reports to the licensing agency by the tenth of the following month, listing daily sales, other income, purchases, other expenditures, and personal withdrawals, and attaching all invoices properly received. Inventory of merchandise will be included when requested.

Subp. 3. **Agency duties.** The licensing agency assumes responsibility for providing to the vending stand operators such supervision, assistance, and training as may be necessary to ensure the operation of each vending stand in the most productive and efficient manner possible. This supervision, assistance, and training must be performed in accordance with the following policies in addition to other provisions of parts 9570.0100 to 9570.1400.

A. In entering agreements for new or vacated stands, preference on the basis of seniority of experience of operating stands under the control of the licensing agency shall be given to capable operators who are deemed competent to handle the enterprise under consideration. The application of such preference will not prohibit the licensing agency from selecting an operator from the community in which the stand is located. Seniority shall be determined on the basis of continuous service in the stand program while under contract with the licensing agency. In the case of broken service, previous service shall be considered only when termination was due to no fault of the operator. Termination for medical reasons may be considered as a leave of absence when so requested by the operator and approved by the licensing agency at the time of termination.

B. When it has been determined that a relief operator or an assistant or assistants must be employed, the licensing agency shall first make attempts to locate a handicapped individual before approving the employment of a nonhandicapped person. The wages paid for any help, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the licensing agency.

C. The licensing agency shall approve the items and the selling prices at which those items may be sold, which comprise the merchandise inventory at each vending stand.

D. The operator must obtain the approval of the licensing agency before changing vendors with whom the operator does business in connection with the vending stand.

E. The operator will purchase liability insurance for the vending stand. The agency will purchase liability insurance for a vending stand only when, in the opinion of the licensing agency, it is deemed essential that the agency purchase this insurance.

Statutory Authority: *MS s 248.07 subd 7*

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9570.1100 OPERATOR MANAGEMENT COMMITTEE.

Subpart 1. **Annual election for representatives.** The licensing agency and the elections subcommittee of the operator management committee will conduct an annual election for representatives to the operator management committee.

Subp. 2. **Representation, nominations, and terms.** The committee will consist of one representative from each of the program districts (at present six) and two representatives at large.

A. Nominations will be solicited in each district for that district and statewide for at-large representatives.

B. Elections will be by licensed operators in each district for their district and statewide for at-large representatives.

C. Each term will be two years, with a limit of two successive terms.

D. The committee shall elect its own chairman and other officers. The chairman shall appoint subcommittees as necessary.

E. The full committee will meet a minimum of twice a year. Meetings may be called by notice of either the licensing agency or the chairman of the committee. Subcommittees will meet as necessary to carry on their functions.

F. The committee shall establish bylaws for the further rules, functioning, and guidance of the committee.

Subp. 3. **Purpose and function of committee.** The operator management committee's purpose and function is to:

A. participate with the licensing agency in major administrative decisions and policy and program development;

B. receive grievances of vending stand operators and serve as their advocates;

C. participate with the licensing agency in the administration of the transfer and promotion system for vending stand operators;

D. participate with the licensing agency in developing training and retraining programs; and

E. sponsor, with the assistance of the licensing agency, meetings and instructional conferences for vending stand operators.

Statutory Authority: *MS s 248.07 subd 7*

9570.1200 REVIEW OF AGENCY DECISIONS.

Subpart 1. **Written notice.** Operators shall be informed in writing at the time they are licensed of their right to and the procedures to be followed in obtaining an administrative review or a fair hearing regarding an agency decision.

Subp. 2. **Informal review procedures.** An opportunity for an informal administrative review will be afforded to each operator dissatisfied with any action arising from the operation or administration of the vending stand program. The following procedures will be followed in granting operators an informal administrative review:

A. An operator or the operator's designee (who need not be an attorney) may request in writing, within 15 working days of the occurrence of the action, administrative review of the licensing agency action. This review will be made only by a member or members of the administrative staff of the agency who have not in any way participated in the agency action in question.

B. The administrative review will be held during regular agency working hours, at a district or local office location. An administrative review will be conducted within 30 working days of receipt by the licensing agency of such a written request.

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C. Documentation as to written requests for administrative review and actions and decisions resulting therefrom shall be maintained as part of the official record of the administrative review process.

D. When an informal administrative review does not resolve a dispute to the satisfaction of a blind operator, the blind operator may request that the licensing agency provide a fair hearing.

Subp. 3. **Hearing procedures.** An opportunity for a fair hearing conducted pursuant to Minnesota Statutes, chapter 14 will be afforded to each operator dissatisfied with any action arising from the operation or administration of the vending stand program. The following procedures will be followed in granting operators a fair hearing.

A. If an operator requests a fair hearing, such a request must be made either within 15 working days after an adverse decision based on an administrative review or, in the absence of an administrative review, within 15 working days of the occurrence of the action with which the operator is dissatisfied.

B. An operator or the operator's designee must request a fair hearing in writing. This request must be transmitted to the administrator of the licensing agency personally or by certified mail, return receipt requested. The request must specify the action being appealed and state in detail the basis for the appeal.

C. The hearing shall be held at a time and place convenient and accessible to the operator requesting a fair hearing. A hearing held during regular agency working hours and located at the state agency central office will be deemed among the convenient times and places. Upon receipt of the request, the licensing agency shall immediately request a hearing date from the state Office of Administrative Hearings, and then notify the operator of the time and place for the hearing. The operator shall be provided a copy of the hearing procedures and rules.

D. After receipt of the report of the administrative law judge the state administrator (or, in the case of license revocation, the commissioner of human services) shall issue a proposed decision. The proposed decision shall state that the decision shall become final 15 days after its issuance unless, before that date, the operator requests a review by a three-person appeal committee according to Minnesota Statutes, section 248.07, subdivision 15, clause (3). The appeal committee's recommendation will be made to the administrator of the licensing agency or the commissioner who shall issue a final decision modifying or affirming the proposed decision.

Subp. 4. **Arbitration panel.** If an operator is dissatisfied with the decision rendered after a full evidentiary hearing, the operator may request that an arbitration panel be convened by filing a complaint with the secretary of the Department of Education, as authorized by federal regulations at Code of Federal Regulations, title 45, section 1369.13 (1979).

Statutory Authority: *MS s 248.07 subd 7*

History: *L 1984 c 640 s 32; L 1984 c 654 art 5 s 58*

9570.1300 ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

Each operator shall be provided access to all program and financial data of the licensing agency relevant to the operation of the vending stand program, including quarterly and annual financial reports. Insofar as is practicable, such data shall be made available in braille or recorded tape. At the request of an operator, the licensing agency will arrange a convenient time to assist in the interpretation of such data.

Statutory Authority: *MS s 248.07 subd 7*

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9570.1400 EXPLANATION TO OPERATOR OF OPERATOR'S RESPONSIBILITIES AND PRIVILEGES.

The licensing agency rules, the agreement with the operator, and any applicable regulations of the authority having charge of the property on which the vending stand or business enterprise is located shall be read and explained to each operator. A copy of the agreement and these parts will be furnished to each operator. The agreement between the licensing agency and the operator, consistent with the provisions of these parts and signed by the operator, will be the operator's attestation that the agreement and these parts have been read to the operator and that the operator agrees to abide by them.

Statutory Authority: *MS s 248.07 subd 7*

RESIDENTIAL FACILITIES AND SERVICES FOR THE PHYSICALLY HANDICAPPED

9570.2000 STATUTORY AUTHORITY.

Minnesota Statutes, sections 245.78 to 245.82, establish the authority of the commissioner of human services to set rules governing the operation of residential facilities and services for the physically handicapped. The commissioner of human services hereby promulgates parts 9570.2000 to 9570.3600 to establish standards for residential facilities and services for the physically handicapped.

Statutory Authority: *MS s 245.802*

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

9570.2100 GENERAL OBJECTIVES OF FACILITY.

Subpart 1. **Aims.** At least these essential aims shall be incorporated in the general philosophy and subsequent policies of the facility:

- A. to promote the greatest degree of independence possible for each resident;
- B. to enhance the ability of each resident to cope with his environment;
- C. to maximize and foster the human qualities of each resident; and
- D. to provide a homelike atmosphere to the greatest possible extent, in which the resident is recognized as an individual whose personal interests are maintained and developed and whose personal dignity is respected and safeguarded.

Subp. 2. **Culturally normal behavior.** The residential facility program shall attempt to elicit and maintain behavior that is as culturally normative as possible, taking into account local and subcultural differences.

Subp. 3. **Location of facility.** The residential facility should be located within and conveniently accessible to the population served, so as to have access to necessary generic community services.

Subp. 4. **Sharing with the community.** The residential facility and the surrounding community should be encouraged to share their services and resources on a reciprocal basis.

Subp. 5. **Use of community services.** Residents should be integrated to the greatest possible extent with the general population. To this end, generic and specialized community services, rather than facility services, should be used extensively or, if possible, completely.

Statutory Authority: *MS s 245.802 subd 1*

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9570.2200 DEFINITIONS.

Subpart 1. **Active community service.** "Active community service" pertains to any human service provider (including but not limited to individuals, agencies, organizations, or institutions offering health, educational, financial, psychological, social, or vocational services) that is independent of and located apart from the residential facility in the community and plans to or is presently providing service to the resident.

Subp. 2. **Common living areas.** "Common living areas" refers to all portions of the residential facility designated for the shared usage of its residents.

Subp. 3. **Developmental/rehabilitative services.** "Developmental/rehabilitative services" include those services that are designed to promote the resident's gradual and synchronized progression toward differentiation, complexity, and ultimate integration of structure, function, and behavior and those that are designed to attain maximum reduction of disability and restoration of the resident to his best possible functional level.

Subp. 4. **In-residence medical services.** "In-residence medical services" means that organized programs of care and services provided within the confines of the residential facility pertaining to medical care that are performed by or at the direction of a physician on behalf of residents by physicians, dentists, nurses, and other professional and technical personnel.

Subp. 5. **Mobility categories.** "Mobility categories" denotes the following four classifications of ease and independence with which a person can move from one place to another:

A. **Ambulatory:** ability to walk independently and at least negotiate any barriers such as ramps, doors, stairs, corridors, etc., as may be necessary to get in and out of the facility.

B. **Mobile:** ability to move from place to place with the use of devices such as walkers, crutches, wheelchairs, wheeled platforms, etc.

C. **Nonambulatory:** inability to walk independently.

D. **Nonmobile:** inability to independently move from place to place.

Subp. 6. **Operator.** "Operator" means the person or persons, whether or not owners, who manage the residential facility and are responsible for the general program of the facility and the individual programs of the residents.

Subp. 7. **Physically handicapped.** "Physically handicapped" encompasses those orthopedic, incoordinative, sight, and hearing disabilities that culminate in the significant reduction of mobility, flexibility, coordination, or perceptiveness and that, singly or in combination, interfere with the individual's ability to live and function independently; that are not the result of the normal aging process; and that are considered to be chronic conditions.

Subp. 8. **Program.** "Program" means the planned and purposeful set of conditions and events established by or through the residential facility that covers all or a portion of the major areas of the resident's life.

Subp. 9. **Resident.** "Resident" means any individual who resides in or receives service from a residential facility, including current and former residents as well as those persons being considered for residence.

Subp. 10. **Resident living area.** "Resident living area" means that building or distinct portion thereof that contains sleeping, living, or recreation, and, in some instances, dining and kitchen, areas.

Subp. 11. **Residential facility.** "Residential facility" refers to any institution, building, agency, or place offering some element of congregate care or service in which an individual lives or dwells on a regular basis and that he at least uses for sleeping; for maintaining his personal clothing, papers, and other personal possessions; and as his designated mailing address.

Statutory Authority: *MS s 245.802 subd 1*

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9570.2300 FACILITY CLASSIFICATION.

Subpart 1. **Basis.** Residential facilities will be classified on the basis of the level of care and service needs of their residents.

Subp. 2. **Level I.** Level I will include all residential facilities serving five or more physically handicapped persons in the various mobility categories who can live independently in the community with modification of certain architectural barriers and who:

- A. are capable of performing substantially all of their own personal-care functions;
 - B. are capable of using regular public and/or private transportation;
- and
- C. are 16 years of age or older.

These shall be interpreted as the minimum criteria to be applied to any physically handicapped resident in a Level I facility.

Subp. 3. **Level II.** Level II will include all residential facilities serving five or more physically handicapped persons in the various mobility categories who have some limitations on their ability to live independently in the community even with the modification of certain architectural barriers and who:

- A. are in need of assistance in varying degrees with personal-care functions;
- B. have service needs that exclude continuing in-residence medical care; and
- C. are either children or adults.

These shall be interpreted as the minimum criteria to be applied to any physically handicapped resident in a Level II facility.

Subp. 4. **Level III.** Level III will include all residential facilities serving five or more physically handicapped persons in the various mobility categories whose ability to live independently in the community is severely circumscribed even with the modification of certain architectural barriers and who:

- A. are in need of some form of continuing in-residence medical service, irrespective of other services needed;
- B. are in need of assistance with a substantial portion of personal-care functions; and
- C. are either children or adults.

These shall be interpreted as the minimum criteria to be applied to any physically handicapped resident in a Level III facility.

Statutory Authority: *MS s 245.802 subd 1*

9570.2400 ADMISSION, TRANSFER, AND DISCHARGE POLICIES AND PROCEDURES.

The facility's admission, transfer, and discharge policies and procedures shall:

- A. provide for participation by the resident and/or parent, guardian, or his designated representative in all such decisions;
- B. include an initial and periodic assessment of all relevant physical, emotional, social, cognitive, vocational, and other significant factors by facility staff and the appropriate active community service representatives;
- C. prohibit discrimination in all such considerations on the basis of race, color, religion, nationality, or sex where it is the general policy of the facility to serve persons of both sexes;
- D. insure that adequate information about the facility and its program is disseminated to all interested and involved parties; and
- E. base all such decisions on the individual program needs of the present or prospective resident and their compatibility with the facility's capacity to formally arrange or directly provide program resources and the facility's

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physical and spatial constraints.

Statutory Authority: *MS s 245.802 subd 1*

9570.2500 DEVELOPMENTAL AND REHABILITATIVE SERVICES.

As determined by the resident's abilities and individual program needs, the residential facility shall:

A. provide directly or otherwise formally arrange developmental and rehabilitative services in order to strengthen and sustain the resident's capacity to function independently;

B. ensure that developmental and rehabilitative services are sufficient in variety and scope to satisfy each resident's needs and are of a quality comparable to those services provided in the wider community; and

C. arrange for developmental and rehabilitative services, including a periodic review, on the basis of an individual service plan developed by facility staff and appropriate active community service representatives.

Statutory Authority: *MS s 245.802 subd 1*

9570.2600 RESIDENT AND STAFF POLICIES AND PROCEDURES.

The manner in which staff members provide service and care to the residents is vital to the effectiveness of the facility's program. In this respect, the facility's resident-staff policies and procedures shall:

A. establish the care and development of the residents as the primary responsibility of its staff;

B. provide for a fair, impartial, and humane governing and management process that protects the interests of the residents singly and as a group while taking into account resident views on those matters affecting them;

C. ensure that staff members participate in the development of and have access to resident program plans and recommendations; and

D. seek to create and maintain a warm, personal, supportive environment that is conducive to the well-being of the resident and that promotes maximum independent functioning.

Statutory Authority: *MS s 245.802 subd 1*

9570.2700 RECORDS.

Records are to be maintained by the facility for residents, employees, and administrative operations and shall:

A. contain sufficient and accurate information for and be accessible to the appropriate and authorized persons to plan, implement, review, and evaluate the care and services to individual residents as well as the broader programs offered through or arranged by the facility;

B. provide adequate legal protection of the rights of the residents, the facility, and its staff through correct documentation of the various activities; and

C. be considered confidential and subject to proper consent procedures for all but those facility staff members and active community service representatives who are actually involved in and require such information for the provision of care and services to residents.

Statutory Authority: *MS s 245.802 subd 1*

9570.2800 ADMINISTRATIVE ORGANIZATION.

Policies and procedures pertaining to the facility's administrative organization shall:

A. specify its philosophy, purpose, and goals, making them available to all interested parties;

B. define its organizational structure;

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C. have available documentary evidence of its source of operating authority;

D. provide for the sound management of all facets of the facility's operations for which a qualified person designated as director is responsible; and

E. ensure that the facility's operations are organized and managed in a manner appropriate to the program needs of the residents.

Statutory Authority: *MS s 245.802 subd 1*

9570.2900 STAFFING AND PERSONNEL.

The facility's personnel policies and practices shall:

A. ensure that a sufficient number of adequately trained and qualified staff members who are administratively responsible to persons of appropriate program training and experience are on duty during each 24-hour period to provide suitable care and service to the residents in a manner consistent with the facility's stated program objectives;

B. delineate staff responsibilities to cover emergency situations;

C. provide for an initial and periodic assessment of the health status of staff members;

D. establish and maintain job descriptions for all personnel;

E. promote the development and upgrading of staff by making available opportunities for in-service training; and

F. provide for the periodic, at least annual, evaluation of each employee.

Statutory Authority: *MS s 245.802 subd 1*

9570.3000 ORGANIZATION OF RESIDENT LIVING AREAS.

The placement and grouping of residents within the context of the spatial confines of the facility are prominent considerations for the effective use of care and services. To this extent the facility policies and procedures pertaining to the organization of resident-living areas shall:

A. seek to create and maintain an environment that promotes the development of meaningful interpersonal relationships among residents and between residents and staff;

B. maintain resident-living areas separate from other program areas in the facility;

C. establish and follow criteria for placement of residents within the facility that will promote the growth and development of all those together in residence; and

D. not exclude persons from residence that the facility is otherwise equipped to serve solely on the basis of the facility's internal placement criteria.

Statutory Authority: *MS s 245.802 subd 1*

9570.3100 RESIDENT LIVING SERVICES.

Resident living services (including, but not limited to, food, laundry, housekeeping, and plant-maintenance services) shall:

A. approximate the patterns of a family home from the standpoint of scheduling, frequency, and manner of provision of such services;

B. be provided in accordance with the customs of the resident population and its developmental levels; and

C. be provided in a manner that assures the maintenance of a high level of health, safety, and sanitation within the facility that complies with all such applicable federal, state, and local regulations.

Statutory Authority: *MS s 245.802 subd 1*

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9570.3200 DESIGN AND EQUIPAGE OF LIVING AREAS.

The design, construction, and furnishing of resident living areas shall:

- A. be consistent with the developmental levels and programatic needs of the resident;
- B. simulate the arrangements of a family home;
- C. provide for adequate space and equipment to carry out the facility's expressed functions and activities; and
- D. assure continued compliance with all applicable state and local fire, safety, sanitation, building, and zoning regulations.

Statutory Authority: *MS s 245.802 subd 1*

9570.3300 REMOVAL AND REDUCTION OF ARCHITECTURAL BARRIERS.

The facility's policies and procedures to remove and reduce architectural barriers shall:

- A. seek to minimize physical, social, and psychological isolation of the residents;
- B. provide for the residents' accessibility to living, recreational, and other program areas within the facility, as well as such resources in the community; and
- C. provide for and protect the health and safety of the residents.

Statutory Authority: *MS s 245.802 subd 1*

9570.3400 LICENSING PROCEDURES.

In order that the licensing agency can discharge its duties in a prompt, efficient, and effective manner, residential facility owners and/or operators shall:

- A. conform with those procedures established by that agency pertaining to license issuance, renewal, and revocation;
- B. supply supportive information as may be required by the licensing agency;
- C. permit on-site inspections as required by the licensing agency to ascertain initial and continued compliance with licensing conditions;
- D. comply with all specific conditions attached to individual licenses;
- E. make full payment of the designated license fees prior to issuance or renewal of a license; and
- F. be entitled to proper notice and hearing as provided for in Minnesota Statutes, chapter 14, pertaining to revocation and refusal to issue or reissue a license.

Statutory Authority: *MS s 245.802 subd 1*

9570.3500 LICENSING EXCEPTIONS.

If, in the licensing procedure or enforcement of these standards, the commissioner finds that to require a facility or service to comply strictly with one or more provisions of these standards will result in undue hardship, and if the facility or service is in substantial compliance with the intent and purpose of these standards, an exception may be granted for a specified period of time.

Statutory Authority: *MS s 245.802 subd 1*

9570.3600 REFUSAL OR REVOCATION OF LICENSE.

Failure to comply with these standards shall be cause for refusal or revocation of license.

Statutory Authority: *MS s 245.802 subd 1*

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SERVICES FOR THE DEAF

9570.4000 SCOPE.

Parts 9570.4000 to 9570.4300 govern the provisions of specialized services to deaf and hearing impaired individuals.

Statutory Authority: *MS s 256.01 subd 4; 256.971; 256C.27*

9570.4100 AGENCY RESPONSIBILITY.

Services for the deaf are provided by a subdivision of the Minnesota Department of Human Services responsible for providing specialized social services throughout the state to deaf and hard-of-hearing individuals and their families needing or requesting such services.

Statutory Authority: *MS s 256.01 subd 4; 256.971; 256C.27*

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

9570.4200 SPECIALIZED SERVICES; DEFINITION.

Specialized services provided include counseling, information and referral, manual communication interpretation through the use of the language of signs, consultation, and the maintenance of the Registry of the Deaf.

Statutory Authority: *MS s 256.01 subd 4; 256.971; 256C.27*

9570.4300 ELIGIBILITY FOR SERVICES.

Eligibility of deaf and hard-of-hearing residents of the state for services shall be based solely on the existence of a hearing impairment, without regard to financial status or other limiting factors.

The applicant shall provide medical documentation of hearing loss upon request.

Statutory Authority: *MS s 256.01 subd 4; 256.971; 256C.27*