

2920.4900 RESIDENT RECORDS.

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

Subp. 2. **General.** The facility must maintain accurate and complete case records, reports, and statistics necessary for the conduct of its program. Appropriate safeguards must be established to protect the confidentiality of the records, and minimize the possibility of theft, loss, or destruction.

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

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

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

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

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

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

Subp. 8. **Data privacy.** The facility must inform residents admitted to the program of the information gathered by the facility and to whom the information will be disseminated. The facility must have a policy regarding the sharing of nongovernmental data. Minnesota Statutes, section 13.05, subdivision 6, requires that when there is a contract with a governmental agency the data must be administered consistent with Minnesota Statutes, chapter 13. This may include mandatory reporting under Minnesota Statutes, chapter 260E.

Subp. 9. **Sharing of data with those in resident's service plan.** The facility must share the content of the resident's record and data collected by the facility with individuals or agencies that

have legal jurisdiction. Upon admission, the facility must inform residents about data practice policies and have residents sign consent forms, if appropriate.

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

Subp. 11. **Written policy concerning consent form.** The facility must have a release of information consent form, which includes:

- A. name of person, agency, or organization requesting information;
- B. name of person, agency, or organization releasing information;
- C. the specific information to be disclosed;
- D. the purpose or need for the information;
- E. date consent form is signed;
- F. signature of the resident;
- G. signature of an individual witnessing resident signature;
- H. date consent form expires; and
- I. that the authorization can be withdrawn in writing.

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

Statutory Authority: *MS s 241.021*

History: *9 SR 1655; 36 SR 635*

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