

## Rule 203 – Family and Corporate Adult Foster Care Licensing Checklist

Provider Name:	
Address:	
City, State, Zip:	
Licensor:	
License number:	Date of review:

C = Compliance, NC = Non-Compliance, NA = Not Applicable

I. Supervision					
Requirement	Rule/Statute	C	NC	NA	Comments
1. Oversight is provided by a caregiver as specified in the individual resident placement agreement and daily awareness of a resident's needs and activities is maintained.	9555.5105, subpart 37, A				
2. The caregiver is present in the residence during normal sleeping hours.	9555.5105, subp. 37, B				If this program is utilizing alternative overnight supervision technology, in accordance with 245A.11, subd. 7a, complete additional checklist (DHS 5909)

II. Assessment					
Requirement	Rule/Statute	C	NC	NA	Comments
1. A social worker from the local agency or service agency of the county of financial responsibility shall ensure that a person seeking adult foster home placement has an assessment to determine the person's need for adult foster care.	9555.5605, subp. 1				
2. An adult who has or may have a diagnosis of mental retardation or a related condition shall be assessed under parts 9525.0004 – 9525.0036.	9555.5605, subp. 1, A & B				
3. An assessment coordinated by a social worker and review of any information gathered from professional must be made of the adult's: <ul style="list-style-type: none"> <li>a. ability to manage activities of daily living;</li> <li>b. physical health, including impairments of mobility, sight, hearing, and speech;</li> <li>c. intellectual functioning and mental health, including impairments of judgment, behavior, capacity to recognize reality, or ability to cope with ordinary demands of life;</li> <li>d. need for supervision;</li> <li>e. need for protection;</li> <li>f. need for assistance in safeguarding cash resources;</li> <li>g. need for medication assistance;</li> </ul>	9555.5605, subp. 1, C & D				

II. Assessment (continued)					
Requirement	Rule/Statute	C	NC	NA	Comments
h. employability and vocational skills; i. need for family and community involvement; and j. need for community, social and health services.	9555.5605, subp. 1, C & D				
4. Before placement, or after placement if the local agency has reasonable cause to believe a mobility access, seizure, or disability problem has developed, the social worker shall determine, in consultation with the prospective resident and the resident's representative and any other person knowledgeable about the resident's needs, whether accessibility aides or modifications to the residence are needed. The need for accessibility aides or modifications to the residence shall be determined for persons with regular seizures or physical disability using an accessibility checklist approved by the commissioner in consultation with persons knowledgeable about accessibility modifications to residential occupancies.	9555.5605, subp. 2				
5. A person confined to a wheelchair must be housed on a level with an exit directly to grade.	9555.5605, subp. 2				
6. A person shall be appropriate for adult foster home placement if the person: a. is an adult; b. is functionally impaired; c. has requested, or the adult's legal representative has requested, foster care placement; d. has demonstrated a need for foster care based on assessment; e. does not require continuous medical care or treatment in a facility licensed for acute care under chapter 4640; and f. has been approved for placement if the adult has mental retardation or related conditions.	9555.5605, subp. 3				
7. A person who is appropriate for adult foster home placement, and the person's legal representative must be allowed a choice between homes determined by the social worker to be appropriate for the person's foster care needs.	9555.5605, subp. 4				
8. The social worker shall match the licensing study information and the capacity of the adult foster home program with the assessed needs of the person seeking foster home placement.	9555.5605, subp. 5				
9. The social worker shall arrange for the functionally impaired adult to visit the adult foster home before placement, except in case of emergency placement or placement of less than 30 consecutive days.	9555.5605, subp. 6				

III. Operator Qualifications					
Requirement	Rule/Statute	C	NC	NA	Comments
1. Application for a license must be made on the application form issued by the department and must be made in the county where the adult foster home is located.	9555.6115, A				
2. The applicant, who is an individual shall provide social history information to the commissioner about each household member. "Social history" means information on: a. education; b. employment; c. financial condition; d. military service; e. marital history; f. strengths & weaknesses of household relationships; g. mental illness h. chemical dependency; i. hospitalizations; j. involuntary termination of parental rights; k. use of mental retardation services; l. felony, gross misdemeanor or misdemeanor convictions; m. arrests or admissions; and n. substantiated reports of maltreatment.	9555.6125, subp. 3, B				
3. The applicant shall provide the commissioner with the names of three persons not related to the applicant who can supply information about the applicant's ability to operate an adult foster home.	9555.6125, subp. 3, D				
4. Operators, caretakers, and household members meet the following qualifications:					
A. Operators and caregivers are adults. ("Adult" means at least 18 years of age.)	9555.6125, subp. 4, A				
C. Operators, caregivers, and household members over the age of 13, owner, partner, board member, employee and volunteer who has direct contact with clients in the foster home must provide the commissioner with a background form to disclose arrest, conviction, and criminal history information.	9555.6125, subp. 3, A and subp. 4, C				
D. Operators, caregivers, and household members must not have any disqualification under MN statutes 245C.15, that is not set-aside under 245C.22, or for which a variance hasn't been granted under 245C.30	9555.6125 subp. 4, D & 245C.03				
E. Operators and caregivers must not have a diagnosis of mental retardation or related condition and do not receive services under 9525.0004 to 9525.0036.	9555.6125, subp. 4, E				
G. Caregivers and household members must not abuse prescription drugs or use controlled substances, or alcohol, to the extent that the use or abuse has or may have a negative effect on the health, rights, or safety of residents.	9555.6125, subp. 4, G				

IV. Capacity					
Requirement	Rule/Statute	C	NC	NA	Comments
1. No more than four residents are in placement. ( <i>Exceptions = license for 5 elderly without DD/MI diagnosis, a variance to provide crisis bed services in a 5<sup>th</sup> bed, licensed as 5 bed home</i> )	9555.6165, subp. 1  245A.11, subd. 2a				
2. AFC license with a capacity of five adults if the fifth bed does not increase the overall statewide capacity in corporate homes, and <ul style="list-style-type: none"> <li>▪ The facility meets the physical environment requirements.</li> <li>▪ Arrangement is specified in the resident's plan of care, ISP, or resident placement agreement.</li> <li>▪ LH obtains written and signed informed consent from each resident or resident's legal representative.</li> <li>▪ The facility was licensed for adult foster care before March 1, 2009.</li> </ul>	245A.11, subd. 2a				
3. Total number of roomers and residents does not exceed four. "Roomer" is defined as a household member who is not related to the operator and is not a resident or caregiver. ( <i>Exceptions = license for 5 elderly without DD/MI diagnosis or a variance to provide crisis bed services in a 5<sup>th</sup> bed.</i> )	9555.6165, subp. 2  9555.5105, subp. 32 & 33				
4. If dually licensed, a variance has been granted.	245A.16, subd. 1 (1)				

V. Cooperation & Reporting					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The operator shall give the commissioner access to the residence to determine compliance with R 203. Access shall include the residence to be occupied as an adult foster home; any adjoining land or buildings owned or operated by the applicant/operator in conjunction with the provision of adult foster care and designated for use by a resident; noninterference in interviewing caregivers, roomers, or household members, and the right to view and photocopy the records and documents specified in R 203.	9555.6125, subp. 1  245A.04, subd. 5				
2. The operator shall ensure that an individual resident placement agreement as defined in part 9555.5105 subp. 19, is developed, signed, and on file for the resident who is not receiving community social services and who does not have an ISP.	9555.6167				
3. The operator shall cooperate with the service agency in carrying out the provisions of the ISP for each resident who has one and in developing the individual resident placement agreement.	9555.6175, subp. 1				

<b>V. Cooperation &amp; Reporting (continued)</b>						
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>	
4. The operator shall ensure that the local agency is told within 5 calendar days of any change in the regular membership of the household or caregiver's employment status.	9555.6175, subp. 3, A					
5. Within 24 hours of the occurrence, the operator reports a fire that causes damage or requires services of the fire department or repairs/changes requiring a building permit.	9555.6175, subp. 3, B					
6. Immediately after the occurrence, the operator reports a serious injury or death of a resident. A "serious injury" means an injury that requires treatment by a physician.	9555.6175, subp. 3, C					
7. Within 24 hours, the operator notifies the agency of a change in health status of a caregiver that could affect the ability of the caregiver to care for a resident.	9555.6175, subp. 3, D					
8. Immediately upon diagnosis, the operator notifies the agency of any reportable communicable disease of any resident, caregiver, or household member.	9555.6175, subp. 3, E					
9. The operator informs that agency at least 30 days before the involuntary discharge of a resident who does not have an ISP.	9555.6175, subp. 3, F					
10. Within 7 days, the operator reported the transfer or voluntary discharge of a resident who has no ISP.	9555.6175, subp. 3, G					
11. Within 5 days, the operator informs the service agency when a resident shows the need for additional community health or social services.	9555.6175, subp. 4, A					
12. At least 30 days before the involuntary discharge of a resident, the operator shall notify the agency. When a resident wants to voluntarily leave the AFC home, the operator notifies the agency within 3 days.	9555.6175, subp. 4, B					

<b>VI. Foster Care Training</b>						
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>	
1. Operators and caregivers must complete the orientation provided by the local agency prior to placement of the first resident following initial licensure.	9555.6185, subp. 1  245A.04, subd. 14					
2. In addition to orientation, caregivers must complete training designed to meet the needs of the residents in care in any of the subject areas and the amounts specified in subpart 4. The operator must maintain a record of completed training.	9555.6185, subp. 2  245A.04, subd. 14					
3. Caregivers with 0-5 years of licensure or experience must complete 12 hours annual training.	9555.6185, subp. 2, A					
4. Caregivers with 6 or more years of licensure or experience must complete 6 hours annual training.	9555.6185, subp. 2, B					

VI. Foster Care Training (continued)					
Requirement	Rule/Statute	C	NC	NA	Comments
5. Caregivers who provide services based on a contract between the operator and the servicing agency comply with additional training as required.	9555.6185, subp. 2, C				
6. Training subjects shall be selected from the following; communication skills; roles & relationships in foster care; community services for adults; constructive problem solving; cultural differences; basic first aid and CPR; home safety; self-esteem; medication assistance; human sexuality; death, dying, separation, and grieving; aging process; recreation and leisure time; nutrition; mental health; mental retardation; physical disabilities; chemical dependency; abuse & neglect; stress management; assertiveness; eating disorders; behavior problem solving; money management; data privacy; living skills training; and other areas that are determined to be relevant by the local agency.	9555.6185, subp. 4 A – AA				

VII. Physical Environment					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The residence must be inspected by a fire marshal within 12 months before initial licensure. A home safety checklist, approved by the commissioner, must be completed by the operator and the commissioner before licensure each year a fire marshal inspection is not made.	9555.6125, subp. 2				
2. Any condition cited by a fire marshal, building official, or health authority as hazardous or creating an immediate danger of fire or threat to health and safety must be corrected before a license is issued or renewed by the department.	9555.6125, subp. 2				
3. The residence must meet the definition of a dwelling unit in a residential occupancy and be free of plumbing, electrical, ventilation, mechanical, structural hazards that would threaten health or safety of a resident.	9555.6205, subp. 1				
4. Each resident must have use of and free access to the living room.	9555.6205, subp. 2				
5. Each residence shall have a dining area furnished for group eating that is simultaneously accessible to residents and household members.	9555.6205, subp. 3				
6. Residents must mutually consent, in writing, to share a bedroom with another resident. No more than two residents may share one bedroom.	9555.6205, subp. 4				
7. Bedrooms meet the required ceiling height of 7.5 feet and required minimum floor space of 80 single square feet for a single resident's bedroom or 120 square feet for a double.	9555.6205, subp. 4, A (1)				
8. Bedrooms must be separated from halls, corridors, and other habitable rooms by floor to ceiling walls containing no openings except doorways and must not serve as a corridor to another room used in daily living.	9555.6205, subp. 4 A (2)				

<b>VII. Physical Environment (continued)</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
9. A resident's personal possessions and items for the resident's own use are the only items permitted to be stored in a resident's bedroom.	9555.6205, subp. 4 A (3)				
10. When possible, a resident shall be allowed to have items of furniture that he or she personally owns in the bedroom, unless doing so would interfere with safety precautions, violate a building or fire code, or another resident's use of the bedroom.	9555.6205, subp. 4 A (4)				
11. Each resident shall be provided with the following furnishings: 1. A separate, adult size single bed or larger with a clean mattress in good repair. 2. Clean bedding appropriate for the season for each resident. 3. An individual dresser and closet for storage of personal possessions and clothing. 4. A mirror for grooming.	9555.6205, subp. 4 B				

<b>VIII. Water and Food</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. Water from privately owned wells must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. Retesting and corrective measures may be required by the health authority if results exceed state water standards in chapter 4720.	9555.6215, subp. 1				
2. Food served must meet any special dietary needs of a resident as prescribed by the resident's physician or dietician. Three nutritionally balanced meals a day must be served or made available to residents, and nutritious snacks must be available between meals.	9555.6215, subp. 2				
3. Food must be obtained, handled, and properly stored to prevent contamination, spoilage, or a threat to the health of a resident.	9555.6215, subp. 3				

<b>IX. Sanitation, Health &amp; Safety</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. The residence must be clean, as specified in 4265.0100, subpart 2, which states that "clean" means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter. The residence must also be free from accumulations of dirt, rubbish, peeling paint, vermin, or insects.	9555.6225, subp. 1				
2. Chemicals, detergents, and other toxic substances must not be stored with food products.	9555.6225, subp. 2.				
3. The operator must ensure that each resident is examined by a physician no more than 30 days before or within three days after placement in the AFC home to ensure that the resident is free of the reportable communicable diseases named in parts 4605.7000 – 4605.7800. Transfer records from a health care facility licensed by the Department of Health maybe substituted for this requirement.	9555.6225, subp. 3				

IX. Sanitation, Health & Safety (continued)					
Requirement	Rule/Statute	C	NC	NA	Comments
4. The operator shall ensure that the residence is equipped with accessible first aid supplies including, bandages, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer, mild liquid soap, adhesive tape, and first aid manual.	9555.6225, subp. 4				
5. Individual clean bed linens, towels, and wash cloths must be available for each resident.	9555.6225, subp. 6				
6. Weapons and ammunition must be stored separately in locked areas that are inaccessible to residents and prevent contents from being visible to residents. "Weapons" means firearms and other instruments or devices designed for and capable of producing bodily harm.	9555.6225, subp. 10				

X. Emergencies					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The operator shall be prepared for emergencies and ensure that a non-coin operated telephone and an operable flashlight is located within the residence.	9555.6225, subp. 5 A				
2. The telephone numbers of each resident's representative, physician, and dentist are readily available.	9555.6225, subp. 5 B				
3. The telephone numbers of the local fire department, police department, and an emergency transportation service are posted by the telephone.	9555.6225, subp. 5 C				
4. Prior arrangements are made for a substitute caregiver who meets the qualifications in part 9555.6125, subpart 4, to provide care during emergencies.	9555.6225, subp. 5 D				
5. Each resident is informed of a designated area within the residence where the resident shall go for cover during severe storms and tornadoes.	9555.6225, subp. 5 E				
6. Fire drills are conducted at least once every three months.	9555.6225, subp. 5 F				
7. A written fire escape plan and a log of quarterly fire drills are on file in the residence.	9555.6225, subp. 5 G				
8. The fire escape plan is approved by the fire marshal and specifies emergency phone numbers; a place to meet outdoors for roll call; smoke detectors and fire extinguisher locations; plans for quarterly fire and tornado drill sessions; escape routes to the outside from the levels used by the residents. In buildings with three or more dwelling units, enclosed exit stairs must be indicated. There must be an emergency escape plan for each resident.	9555.6225, subp. 5 H				

XI. Pets					
Requirement	Rule/Statute	C	NC	NA	Comments
1. Pets housed within the residence shall be maintained in good health. The operator shall ensure that the resident and the resident's representative are notified before admission of the presence of pets in the residence.	9555.6225, subp. 7				

XII. Medications					
Requirement	Rule/Statute	C	NC	NA	Comments
1. Caregivers may administer medication to a resident who is NOT capable of self-administering medication only if the operator ensures that the procedures in items A to G are followed:					
A. The operator shall get a written statement from the resident's physician stating the name of the medication prescribed and whether the resident is capable of taking the medication without assistance.	9555.6225, subp. 8 A.				
B. The operator shall get written permission from the resident or the resident's legal representative to administer the medication.	9555.6225, subp. 8 B				
C. A resident who is not capable of self administering the medication may be administered the medication by a caregiver in accordance with the written instructions from the resident's physician if written permission has been obtained from the resident or the resident's legal representative. A prescription label is sufficient to constitute written instructions from a physician.	9555.6225, subp. 8 C				
D. Each resident receiving medication assistance must have a medication record containing: <ul style="list-style-type: none"> <li>1. the information on the prescription label;</li> <li>2. the consequences if the medication is not taken as directed;</li> <li>3. the adverse reactions to the medication that must be reported to the resident's physician;</li> <li>4. instruction from the resident's physician indicating when the physician must be notified if the medication is not taken as prescribed;</li> <li>5. notation of any reports made to the resident's physician whenever the resident does not take medication as prescribed or there are any adverse medication reactions.</li> </ul>	9555.6225, subp. 8 D				
E. A caregiver must report to the resident's physician and legal representative any adverse medication reaction as specified in item D, subitem 3 ;and the resident's refusal or failure to take medication as prescribed and in accordance with the physician's instructions in item D, subitem 4.	9555.6225, subp. 8 E				
F. A caregiver must immediately report to the local agency whenever the resident's physician is notified because medication is not taken as prescribed and the physician determines that the refusal or failure to take medication as prescribed creates an imminent threat to the resident's health or safety or the health or safety of other residents or household members.	9555.6225, subp. 8 F				

<b>XII. Medications (continued)</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
G. A caregiver shall not give injectable medication unless: <ol style="list-style-type: none"> <li>1. the caregiver is a RN or LPN with a current Minnesota license, is authorized to do so in writing by the resident's physician, and is covered by professional liability insurance; or</li> <li>2. there is an agreement signed by the caregiver, the resident's physician, the resident, and the resident's legal representative specifying what injections may be given, when, how, and that the physician shall retain responsibility for the caregiver's giving the injections. A copy of the agreement must be placed in the resident's personal record.</li> </ol>	9555.6225, subp. 8 G				
2. Schedule II controlled substances in the residence that are named in Minnesota Statutes, section 152.02, subdivision 3, must be stored in a locked storage area permitting access only by residents and caregivers authorized to administer the medication as named in subpart 8.	9555.6225, subp. 9				

<b>XIII. Adult Foster Home Program</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. The operator shall develop and implement a commissioner approved written plan that allows residents to share in the privileges and responsibilities of the adult foster home and includes the information in items A to C:					
A. The type of functionally impaired adults to be served.	9555.6235 A				
B. The foster care that will be available to residents within the adult foster home including the provision of: <ol style="list-style-type: none"> <li>1. lodging;</li> <li>2. food;</li> <li>3. protection;</li> <li>4. personal care;</li> <li>5. household and living skills assistance or training;</li> <li>6. opportunities to participate in community, recreation and religious activities, and events of the resident's choosing;</li> <li>7. opportunities for the resident to have contact with family and friends;</li> <li>8. assistance safeguarding cash resources, such as banking, reporting the resident's earnings to appropriate agencies, keeping records of financial information (checks issued and received), and accounting for the resident's funds controlled by the operator;</li> <li>9. supervision;</li> <li>10. transportation;</li> </ol>	9555.6235 B				

<b>XIII. Adult Foster Home Program (continued)</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
11. assistance with the provision of other community, social, or health services as named in the resident's individual service plan, if any; and 12. medication assistance.	9555.6235 B				
C. A program abuse prevention plan with specific measures to be taken to minimize the risk of abuse to residents under part 9555.8200.	9555.6235 C				

<b>XIV. Personal Record of Resident in Foster Care</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. The operator shall ensure that an individual record is maintained in the adult foster home on each resident.	9555.6245, subp. 1				
2. The record must include the resident's name, birth date, sex, race, marital status, next of kin, Social Security number, medical assistance number, name, address, and phone number of an emergency contact or the resident's legal representative, admission date, place or address from which the resident was admitted, date of leaving the residence, and place or address to which the resident has moved.	9555.6245, subp. 2				
3. The record must contain the following medical information: A. the name, address, and phone number of the resident's physician, dentist, clinic, and other sources of medical care; B. a health history and information on any health risks, allergies, currently prescribed medication, and documentation of the physical or transfer of record required in part 9555.6225, subp. 3; C. any emergency treatment needed or provided while the resident resides in the AFC home; and D. the medication record required under part 9555.6225, subp. 8.	9555.6245, subp. 3				
4. The record must include an accounting of any personal funds and charges against those funds if the operator or caregiver gives cash resource assistance to a resident.	9555.6245, subp. 4				
5. The record must include all incident reports which must be written when a resident requires emergency care; when a police report of an incident involving a resident has been made; or when a complaint has been filed under the VAA. Incident reports must be entered into the resident's personal record by the operator within 8 hours after knowledge of the occurrence.	9555.6245, subp. 5				
6. The record must contain an individual abuse prevention plan for a resident developed in compliance with part 9555.8300.	9555.6245, subp. 6				
7. The record must contain the service agency's initial and current individual service plan for resident.	9555.6245, subp. 7				

<b>XIV. Personal Record of Resident in Foster Care (continued)</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
8. The record must contain the initial individual resident placement agreement for a resident and the annual update of the agreement.	9555.6245, subp. 8				
9. The individual resident placement agreement must: A. describe the reason for placement; B. describe what the operator must provide in the areas of lodging, food, protection, household or living skills training or assistance, personal care assistance, assistance safeguarding cash resources, transportation, residence accessibility modifications, medication assistance, and supervision; C. describe who is financially responsible for the payment of foster care provided by the operator; D. describe any other community, health, and social services that the operator will assist in providing; E. coordinate with the contents of the individual program plan as defined under part 9525.0004, subpart 11, for persons with mental retardation or a related condition; and F. coordinate with the individual service plan developed under parts 9525.0004 to 9525.0036.	9555.5105, subp. 19				
10. The record must contain an individual mobility checklist for a resident as specified in part 9555.5605, subp. 2.	9555.6245, subp. 9				
11. When a resident is transferred or discharged for any reason a note must be made in the resident's record showing the date of discharge, forwarding address, and reason for discharge of transfer.	9555.6245, subp. 10				
12. The resident's personal record must be stored by the AFC for 4 years after discharge.	9555.6245, subp. 11				

<b>XV. Resident's Rights</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. The operator shall ensure that a resident and a resident's legal representative are given at admission an explanation and copy of the resident's rights specified in subparts 2 to 7; a written summary of the VAA prepared by the department; and the name, address, and telephone number of the local agency to which a resident or a resident's legal representative may submit an oral or written complaint.	9555.6255, subp. 1				
2. A resident has the right to daily, private access to and use of a non-coin operated telephone for local calls and long distance calls made collect or paid for by the resident.	9555.6255, subp. 2				
3. A resident has the right to receive and send uncensored, unopened mail.	9555.6255, subp. 3				

<b>XV. Resident's Rights (continued)</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
4. A resident has the right to personal privacy and privacy for visits from others, and the respect of individuality and cultural identity. Privacy must be respected by operators, caregivers, household members, and volunteers by knocking on the door of a resident's bedroom and seeking consent before entering, except in an emergency, and during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance as noted in the resident's individual record.	9555.6255, subp. 4				
5. A resident has the right to keep and use personal clothing and possessions as space permits, unless to do so would infringe on the health, safety, or rights of other residents or household members.	9555.6255, subp. 5				
6. A resident has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political, and community groups without interference if the activities do not infringe on the rights of other residents or household members.	9555.6255, subp. 6				
7. Married residents have the right to privacy for visits by their spouses, and, if both spouses are residents of the adult foster home, they have the right to share a bedroom and a bed.	9555.6255, subp. 7				

<b>XVI. Safeguards for Cash Resources Entrusted to Operator</b>					
<b>Requirement</b>	<b>Rule/Statute</b>	<b>C</b>	<b>NC</b>	<b>NA</b>	<b>Comments</b>
1. If the social worker determines that a resident needs and wants assistance safeguarding cash resources, any cash resources entrusted to the operator must be handled in accordance with part.	9555.6265, subp. 1				
2. If a resident entrusts cash resources to the operator, the procedures in items A - E must be used:					
A. The resident and the resident's legal representative shall be given a receipt by the operator. Receipts must be signed by the resident or the resident's legal representative;	9555.6265 subp. 2 A				
B. The operator shall not be entrusted with cash resources in excess of \$300 plus resources sufficient to meet one month's cost of care.	9555.6265 subp. 2 B				
C. The resident or resident's legal representative shall have access to the written records involving the resident's funds.	9555.6265 subp. 2 C				
D. The operator shall provide the resident or resident's legal representative with a written quarterly accounting of financial transactions made on behalf of the resident.	9555.6265 subp. 2 D				
E. Upon the death or transfer of a resident, any cash resources of the resident must be surrendered to the resident or the resident's legal representative, or given to the executor or administrator of the estate in exchange for an itemized receipt.	9555.6265 subp. 2 E				

XVII. Protection					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The operator shall ensure residents are protected from abuse & neglect by complying with the VAA.	9555.6195, subp. 1				
2. Caregivers shall immediately report any suspected maltreatment of a resident as required.	9555.6175, subp. 2				
3. The operator must comply with non-discrimination provisions applicable to public accommodations.	9555.6195, subp. 2				
4. The individual record for each resident contains an individual abuse prevention plan (IAPP). The IAPP shall be developed as part of the initial individual program plan or service plan. The person receiving services shall participate in development of the IAPP to the full extent of the person's abilities. If applicable, the person's legal representative shall be given the opportunity to participate with or for the person in developing the plan. The interdisciplinary team shall document the review of all abuse prevention plans at least annually, using the individual assessment and any reports of abuse relating to the person. The plan shall be revised to reflect the results of this review. The IAPP shall contain an assessment of: (1) the person's susceptibility to abuse by other individuals, including other VAs; (2) the person's risk of abusing other VAs; (3) statements of specific measures to be taken to minimize the risk of abuse to that person and other VAs. "Abuse" includes self-abuse.	9555.6245, subp. 6 & 626.557, subd. 14				
5. A program abuse prevention plan with specific measures to be taken to minimize the risk of abuse to residents. The scope of the PAPP is limited to the population, physical plant, and environment within the control of the LH and the location where licensed services are provided. The PAPP shall meet the following requirements in items A – E:	9555.6235 C & 626.557, subd. 14 & 245A.65, subd. 2				
(A) The assessment of the population shall include an evaluation of the following factors: age, gender, mental functioning, physical and emotional health or behavior of the client; the need for specialized programs of care for clients; the need for training of staff to meet identified individual needs; and the knowledge a LH may have regarding previous abuse that is relevant to minimizing risk of abuse for clients.					
(B) The assessment of the physical plant where the licensed services are provided shall include an evaluation of the following factors: the condition and design of the building, including difficult areas to supervise as it relates to the safety of the clients.					
(C) 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 and terrain surrounding the building; the type of internal programming; and the program's staffing patterns.					

XVII. Protection (continued)					
Requirement	Rule/Statute	C	NC	NA	Comments
(D) The LH shall provide an orientation to the PAPP for clients receiving services. If applicable, the client's legal representative must be notified of the orientation. The LH shall provide this orientation for each new person within 24 hours of admission, or for persons who would benefit more from a later orientation, the orientation may take place within 72 hours.					
(E) The LH's governing body shall review the plan at least annually using the assessment factors in the plan and any substantiated maltreatment findings that occurred since the last review. The governing body shall revise the plan, if necessary, to reflect the review results.					
6. A copy of the program abuse prevention plan shall be posted in a prominent location in the program and be available upon request to mandated reporters, persons receiving services, and legal representatives.					

XVIII. Reporting of Maltreatment of VAs					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The LH has established and enforced written policies and procedures related to suspected maltreatment, and have oriented consumers and staff to these requirements defined in 626.5572, subd. 16.	245A.65, subd. 1 (a)				
2. The LH has a policy allowing, but not mandating internal reporting of suspected maltreatment.	245A.65, subd. 1 (a)				
3. The policy meets the requirements identified for optional reporting in MS 626.557, subd. 4a.	245A.65, subd. 1 (a) (1)				
4. The policy must state all of the following: Reporters are informed in writing, when and to whom reports are forwarded (in a manner that protects the identity of the reporter). The reporter receives this information within two working days and the written statement includes information regarding the reporter's right to report to external agency and that the LH cannot retaliate against the reporter.	626.557, Subd. 4a, a-d				
5. The policy identifies the primary and secondary person or position to whom internal reports may be made, and the primary and secondary person or position responsible for forwarding internal reports to the common entry point (CEP).	245A.65, Subd. 1 (a)(2)				
6. The policy states that the secondary person must be involved when there is reason to believe that the primary person was involved in the alleged or suspected maltreatment.	245A.65, Subd. 1 (a)(2)				
7. The license holder identifies the common entry point, including the phone number, and this information is available to staff.	245A.65, Subd. 1 (d)				

XVIII. Reporting of Maltreatment of Vas (continued)					
Requirement	Rule/Statute	C	NC	NA	Comments
8. The LH established and maintained policies and procedures that ensure that an internal review is completed when the program/facility has reason to know that an internal or external report has been made. The review must include: <ul style="list-style-type: none"> <li>An evaluation of whether related policies and procedures were followed</li> <li>Whether the policies and procedures were adequate</li> <li>Whether there is a need for additional staff training</li> <li>Whether the reported event is similar to past events with the VAs or the services involved</li> <li>Whether there is a need for corrective action by the LH to protect the health and safety of VAs.</li> </ul>	245A.65, Subd. 1 (b) (1)				
9. The policy must identify the primary and secondary persons or positions that will ensure those internal reviews are completed. The secondary person shall be involved when there is reason to believe the primary person was involved in the alleged or suspected maltreatment.	245A.65, Subd. 1 (b)(2)				
10. The LH policy must document and make internal reviews accessible to the commissioner upon the commissioner's request.	245A.65, Subd. 1 (b)(3)				
11. The LH has posted a copy of the internal and external reporting policies and procedures in a prominent location or it is available on-site and accessible to consumers/staff.	245A.65, Subd. 1 (d)				
12. Definitions: <ul style="list-style-type: none"> <li>Does the LH's policy include definitions or does the policy make reference to the definition section?</li> <li>If definitions are included, are the definitions consistent with the statutory language?</li> <li>If the definition of "error" is included, is it the most up-to-date, correction definition?</li> <li>If definitions are referenced, they must be attached to the policy.</li> </ul>	626.5572				
13. The LH has provided orientation to the consumer/ consumer's legal representative on the internal and external reporting procedures. This orientation took place within 24 hours of service initiation OR, if justification is documented, within 72 hours of service initiation.	245A.65, Subd. 1(c)				
14. The LH has ensured that mandated reporters received orientation within 72 hours of first providing direct contact services on: <ul style="list-style-type: none"> <li>245A.65 Requirements</li> <li>626.557 Reporting of Maltreatment of Vulnerable Adults</li> <li>626.5572 Definitions</li> <li>All internal policies and procedures related to the prevention and reporting of maltreatment.</li> </ul>	245A.65, Subd. 3				
15. The LH has ensured that mandated reporters have received training on the topics identified above at least annually.	245A.65, Subd. 3				

XIX. Background Studies					
Requirement	Rule/Statute	C	NC	NA	Comments
1. The LH has submitted authorization to complete a background study on all persons who require a study.	245C.03, Subd. 1				
2. The LH must provide the commissioner notice through the commissioner's online background study system or through a letter mailed to the commissioner when: (1) an individual returns to a position requiring a background study following an absence of 45 or more consecutive days; or (2) a program that discontinued providing licensed direct contact services for 45 or more consecutive days begins to provide direct contact licensed services again.	245C.04, Subd. 1 (i)				
3. The LH documents the date the program initiates a background study in the program's personnel files. When a background study is completed, the licensed program shall maintain a notice that the study was undertaken and completed in the program's personnel files. If a LH has not received a response from the commissioner within 45 days of initiation of a background study request the LH must contact the commissioner to inquire about the status of the study.	245C.20				

XVI. Corporate Requirements					
Requirement	Rule/Statute	C	NC	NA	Comments
1. If the applicant is an authorized representative of a partnership, corporation, or governmental unit, the applicant shall make available and maintain the following information: A. the names and addresses of the owners and board members; B. an organization chart; C. personnel policies; D. the personnel records of persons in subitem B and verification that they comply with the qualifications in 9555.6125, subp. 4 E. job descriptions of persons in subitem B; and F. the staffing pattern to be used in the adult foster home.	9555.6125, subp. 3 C				

