

Arc Guide to Minnesota Licensing Standards

The Department of Human Services (DHS) has developed licensing standards to protect the health, safety, rights and well-being of children and adults with disabilities.

Licensors conduct license requirements, process variances to licensing rules, provide technical assistance, conduct investigations of reported alleged licensing violations, issue correction orders and, if appropriate, recommend fines and conditional licenses or other licensing actions. In addition, currently, routine site visits from a DHS employee to the licensed setting are required to be made at least once every two years.

Some programs required to be licensed are family child care, child foster care, adult foster care programs, intermediate care facilities (ICF) and waived service providers. Depending on the program, there are different licensing requirements. For some programs, health, building, fire code, and zoning approval are required before a license can be issued.

A license is issued or extended when the Licensing Division has determined that the program complies with all applicable rules and laws. At a minimum, the license identifies the following:

- Name of the license holder
- Address of the program
- Effective date and expiration date of the license
- Type of license
- Maximum number and ages of people who may receive services from the program
- Any special conditions of licensure.

In 2012, Minnesota legislation created Minnesota Statute 245D. It required the development of an administrative cost recovery methodology which, among other things, distributes costs between small and large providers. Prior to 245D, there was 245B which was a MN Statute just for Developmental Disabilities (DD) services. In 2012, the federal government decided that Minnesota needed to have licensing standards for similar Home and Community Based Services (HCBS) services. Home and Community Based Services is a state program through Medical Assistance that allows people to receive funding in order to live and work in their community.

In 2013, legislation added services to 245D, added standards to 245D, established a licensing fee structure, repealed some prior licensing statutes (245B) and established guidelines for the emergency use of manual restraint, including requirements for positive support transition plans. On January 1, 2014, the Minnesota Department of Human Services (DHS) began to license services in accordance with the statute. Since repealing 245B and enacting 245D, Department of Human Services (DHS) began conducting technical site visits to providers that previously had a 245B license. The licensing visits to providers now strive to be more person-centered and more collaborative between DHS and the provider.

For further information or advocacy services, contact The Arc Greater Twin Cities at 952-920-0855 or visit www.arcgreatertwincities.org. Thank you!

This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.

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To learn more about Minnesota Statute 245D, you can go to <https://www.revisor.mn.gov/statutes/?id=245D>.

To look up an operating or not operating license, you can search online at: <http://licensinglookup.dhs.state.mn.us/>.

If you have a question regarding licensing you can call Department of Human Services at: 651-431-6500.

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