

MINNESOTA

Overview			
<p><i>Minnesota Rules, Rule 223 and Minnesota Statutes, Chapter 245A</i> establish procedures and standards for the licensure of adult day care centers or adult day services centers and family adult day services providers that regularly provide care for functionally impaired adults.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care, adult day services, and family adult day services mean a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services—including health services, social services, and nutritional services—that are directed at maintaining or improving the participants’ capabilities for self-care.</p> <p>Adult day care center, adult day services center, or center means a facility that provides adult day care or adult day services on a regular basis for periods of less than 24 hours a day in a setting other than a participant’s home or the residence of the facility operator. An identifiable unit in a nursing home, hospital, or boarding care home licensed by the commissioner of health that regularly provides day care for six or more functionally impaired adults at any given time who are not residents or patients of the nursing home, hospital, or boarding care home must be licensed as an adult day care center or adult day services center.</p> <p>Family adult day services are provided in the license holder’s primary residence, and the license holder is the primary provider of care. A licensed adult foster care provider may be licensed to provide family adult day services in addition to providing adult foster care.</p>			
Parameters for Who Can Be Served			
<p>Adult day care/services. Adult day services are provided to functionally impaired adults. A center shall have available for review, and shall distribute to participants and their caregivers upon admission, a description of individual conditions that the center is not prepared to accept (e.g., communicable disease requiring isolation, a history of violence to self or others, unmanageable incontinence, or uncontrollable wandering).</p> <p>Family adult day services. Family adult day services are provided to functionally impaired adults over the age of 55, none of whom may have serious or persistent mental illness, or have mental retardation or a related condition. Before admitting an individual into any adult day services program, the license holder shall screen the individual to determine how or whether the license holder can serve the individual, based on the license holder’s policies, services, expertise, and the individual’s needs and condition.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
<p>Unless otherwise specified in statute, the commissioner may conduct routine inspections biennially. Where appropriate and feasible the commissioner shall identify and implement alternative methods of regulation and enforcement, including the use of an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules. Where administratively feasible and appropriate, the commissioner shall work with the commissioners of health, public safety, administration, and education in conducting joint agency inspections of programs.</p>			

Required and Optional Services				
	Adult Day Care/Services		Family Adult Day Services	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling	X		X	
Health Monitoring/Health-Related Services	X		X	
Medication Administration		X	X	
Nursing Services				
Physical Therapy, Occupational Therapy, or Speech Therapy				
Skilled Nursing Services				
Social Services	X		X	
Transportation		X		X
Provisions Regarding Medications				
<p>Medication assistance means assisting participants to take medication and monitoring the effects of medication but does not include administering injections.</p> <p>For adult day care or adult day services centers, the relevant rule states that “An employee, other than a physician, registered pharmacist, registered nurse, or licensed practical nurse, who is responsible for medication assistance shall provide a certificate verifying successful completion of a trained medication aid program for unlicensed personnel approved by the Minnesota Department of Health or shall be trained by a registered nurse to provide medication assistance in accordance with Part 9555.9710, Subpart 3.”</p> <p>For family adult day services, the relevant statute states that “Unless the person is a licensed health care practitioner qualified to administer medications, the person responsible for medication administration or assistance shall provide a certificate verifying successful completion of a trained medication aid program for unlicensed personnel approved by the Department of Health or comparable program, or biennially provide evidence of competency as demonstrated to a registered nurse or physician.”</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
<p>Adult Day Care/Services Type of staff. In the temporary absence of the <i>center director</i>, a staff member shall be designated to supervise the center. A person trained in basic first aid and certified in cardiopulmonary resuscitation and the treatment of obstructed airways must be present at all times.</p> <p>Adult day care/services centers shall offer health services developed in consultation with a <i>registered nurse</i>, who shall review the health services at least monthly. Health services must include developing policies and monitoring procedures for participant self-administration of medications, for training unlicensed personnel who provide medication assistance, and for supervising staff distribution of medication and assistance with participant self-administration of medication.</p>				

Staffing ratios. When an adult day care/services center serves both participants who are capable of taking appropriate action for self-preservation under emergency conditions and participants who are not, the center shall maintain a staff to participant ratio of one staff member present for every five participants present who are not capable of self-preservation and one staff member present for every eight participants present who are capable of self-preservation.

Only those employees whose primary center duties, as defined in their job descriptions, are to work directly with participants by providing care, supervision, and assistance in achieving plan of care objectives shall be counted as staff members in calculating the staff to participant ratio. A volunteer may be counted as a staff member in calculating the staff to participant ratio if the volunteer meets the same standards and requirements as paid staff. When only one staff member is needed to meet the staff ratio requirement a volunteer or other adult who is not a participant shall be present when six or more participants are in attendance.

Family Adult Day Services

Type of staff. Family adult day services providers shall provide health services as specified in the service plan under the direction of the designated caregiver or county or private case manager. Whenever participants are in the home, there must be present at least one individual who is trained in basic first aid and certified in cardiopulmonary resuscitation and the treatment of obstructed airways.

Staffing ratios. In family adult day services homes, whenever there are 6-8 participants present there must be a second staff person present.

Training Requirements

Adult day care/services. Adult day care/services centers shall provide all center employees with 20 hours of orientation to the center within the employee's first 40 hours of employment at the center. At least 4 hours of supervised orientation must be provided before employees work directly with center participants. The orientation must include training related to the kinds of functional impairments of current center participants and safety requirements and procedures. A center shall provide a minimum of 8 hours of in-service training annually in areas related to the care of center participants, including provision of medication assistance.

Adult day care facilities that serve persons with Alzheimer's disease or related disorders shall ensure that the facility's direct care staff and their supervisors are trained in dementia care. Areas of required training include: (1) an explanation of Alzheimer's disease and other dementias, (2) assistance with ADL, (3) problem solving with challenging behaviors, and (4) communication skills. The facility shall provide to consumers in written or electronic form a description of the training program, the categories of employees trained, the frequency of training, and the basic topics covered.

Family adult day services. License holders and staff providing family day care services must annually complete 12 hours of training related to the health, nutritional, and social needs of the license holder's target population. License holders with 6 or more years of licensure under this section or as an adult foster care provider must annually complete 6 hours of training. The annual training must include training on the reporting of maltreatment of vulnerable adults, license holder requirements governing maltreatment of vulnerable adults, and, when a license holder serves participants who rely on medical monitoring equipment to sustain life or monitor a medical condition, training on medical equipment as required under *Minnesota Statutes Section 245A.155* for foster care providers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Elderly Waiver program defines adult day care as a service available to persons who are 18 years of age or older that encompasses both health and social services needed to ensure optimal functioning. Services may be furnished 2 or more hours per day, 1 or more days per week, on a regularly scheduled basis. If necessary, an adult day care provider may provide a bath for clients.

Providers of adult day care center services must meet the licensure requirements of *Minnesota Rules, Parts 9555.9600 to 9555.9730*. Family adult day services providers must meet the licensure requirements of *Minnesota Statutes, Section 245A.143*.

Location of Licensing, Certification or Other Requirements

1. <http://www.revisor.leg.state.mn.us/stats/245A>
2. <http://www.revisor.leg.state.mn.us/arule/9555/>
3. http://www.dhs.state.mn.us/main/groups/business_partners/documents/pub/dhs_id_008995.hcsp

Citations

1. *Minnesota Statutes, 2004*, (Chapter 245A.01 to .17). Human Services Licensing Act. [Effective 2004]
2. *Minnesota Rules, Rule 223*, (Chapter 9555--Parts 9555.9600 to 9555.9730). Department Of Human Services, Social Services For Adults. [Current as of 01/20/05]
3. *Minnesota Health Care Programs (MHCP) Provider Manual* (Chapter 26: Home and Community-Based Services (HCBS) Waivers and the Alternative Care (AC) Program). [Updated 03/04/05]

REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

<http://aspe.hhs.gov/daltcp/reports/adultday.pdf>

SECTION 1. Overview of Adult Day Services Regulations

<http://aspe.hhs.gov/daltcp/reports/adultday1.pdf>

SECTION 2. State Regulatory Profiles

<http://aspe.hhs.gov/daltcp/reports/adultday2.pdf>

Each state can also be viewed separately at:

Alabama <http://aspe.hhs.gov/daltcp/reports/adultdayAL.pdf>

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