

MN REGION 10 QUALITY ASSURANCE STANDARDS

6/14/00

I. APPLICABILITY

The standards that follow govern services to persons with mental retardation or related conditions (MR/RC) receiving services listed in items 1-7 from license holders. The standards will also apply to services to persons without MR/RC who reside at adult foster care sites for the situations listed in #6 and #7.

- 1) day training and habilitation services,
- 2) supported employment services under the MR/RC home and community-based waiver,
- 3) semi-independent living services,
- 4) residential services that are certified as intermediate care facilities for persons with MR/RC,
- 5) in-home support services under the MR/RC home and community-based waiver,
- 6) supported living services (SLS) under the MR/RC home and community-based waiver, and when at least one person at an adult foster care site receives SLS under the MR/RC home and community-based waiver then these standards will apply to the supports provided to all persons receiving services at the site and thereby replace Minnesota Rules, parts 9555.5105 to 9555.6265.
- 7) when the adult foster care site serves two or more persons with MR/RC, and no person is receiving SLS or in-home support from the MR/RC waiver, the license holder shall comply with these standards replacing Minnesota Rules, parts 9555.5105 to 9555.6265

II. LIFE AND SERVICE DOMAINS

As needed through daily routines and/or identified in the Individual Service Plan, license holders shall assist persons receiving services within the eight life and service domains listed below. License holders will provide services that are consistent with what is most important to the person and what that person's needs are.

A. BASIC ASSISTANCE

The license holder shall provide the necessary basic assistance to help a person carry out ordinary life activities as effectively and independently as possible. Basic assistance is defined as:

Nutrition: Help with planning, preparing and eating meals. Help with the interpersonal aspects of mealtime.

Personal hygiene: Help with ordinary and special washing, dressing and grooming needs. Help with balancing choice with health needs.

Assistance with everyday tasks: Help with keeping a clean, attractive home or personal space. Help with bills and other household chores.

Health and wellness: Help with scheduling and keeping visits with doctors, dentists, etc. Help with using medications and participating in therapies. Help with exercise and fitness activities.

B. SPECIAL ASSISTANCE

The license holder shall provide support to address special assistance needs resulting from a person's special condition or situation. Support may include obtaining help from professional sources as well as following up on professional recommendations. Special assistance is defined as:

Medical: Help with needs beyond ordinary care, such as an ostomy or gastric tube, or with ongoing treatment for a chronic condition.

Special therapies: Assistance with ongoing speech, physical or occupational therapy and related exercises.

Mobility and communication: Help with getting around and communicating with others, including obtaining, maintaining and using special equipment.

Emotional, behavioral or psychological assistance: Help with overcoming the impact of a neurobiological disorder, such as depression or attention difficulties. Help with issues caused by emotional trauma. Help with learning and using more effective ways of getting along with other people. Assistance with addiction or substance abuse.

C. RELATIONSHIPS

The license holder shall provide support to help the person form and maintain positive, reciprocal relationships with family, intimate companions, friends, neighbors, co-workers or fellow students, staff and others in the community as further described below:

Family life: Help with developing, restoring or maintaining connections with primary and extended family members.

Work, school or other daily activities: Help with ongoing relationships with peers and staff in day activity settings.

Social and community involvement: Help with forming and maintaining ordinary friendships and with getting along with others in the community, such as shopkeepers and neighbors.

Home and intimacy: Help with sustaining close personal relationships and with relationships at home.

D. CHOICE

The license holder shall provide support to help the person exercise effective choice in as many ways as possible. The license holder shall encourage family members and guardians to participate in the person's choices in a way appropriate to the person's age and capacity for self-expression.

Choice will include but is not limited to:

Access to information: Help with obtaining, understanding and using the information needed to make personal choices.

Involvement in planning: Help with insuring that the person is present at, heard and able to contribute to service planning activities, including the selection of options.

Social and community involvement: Help with finding ways for the person to contribute to the community and to the lives of other people and be involved in community activities.

Development and expression of skills and preferences: Help with identifying, building and expressing individual skills and preferences and insuring opportunities for the reasonable experience of the dignity of risk.

E. INCLUSION

The license holder shall provide support to help the person increase his or her effective involvement in social, cultural and spiritual activities as described below:

Community and social activities: Developing and enhancing opportunities, adaptations, assistance and accommodations to increase the person's meaningful inclusion in social and recreational activities.

Personal expression: Help with developing improved strategies for personal understanding and expression to enhance the extent of inclusion in activities the person enjoys.

Cultural inclusion: Help with finding ways for the person to be an active participant in activities that document and celebrate his or her heritage.

Spiritual inclusion: Help with increasing the person's effective inclusion in a community of faith if he or she chooses to do so, and with access to spiritual comfort and instruction.

F. ECONOMIC SUPPORT

The license holder shall provide support to insure the person has adequate resources for daily living and is able to do meaningful work, if appropriate. The following tasks shall apply where appropriate:

Financial assistance: Help with obtaining and maintaining necessary financial support, including SSI, medical assistance and similar resources.

Housing assistance: Where needed, help with obtaining and maintaining an appropriate place to live, including any necessary repairs or advocacy with landlords.

Transportation assistance: Help with obtaining reliable and safe transportation services.

Employment assistance: Help with finding and keeping a job and with effective management of income.

Other areas of assistance: Help with developing and maintaining a budget, exploring new opportunities for places to live and forms of support or with resolving fiscal issues related to extensive debt, or the inheritance of money.

G. SAFETY AND DIGNITY

The license holder shall provide support to insure the person is able to live safely and with respect, dignity and personal responsibility as defined below:

Personal safety issues: Support is provided through activities and in environments in which the person is not exposed to unreasonable risks of harm.

Respect and dignity: Support is provided in ways that demonstrate respect for the person and enhance the person's self-worth.

Personal responsibility: Opportunities are created to enable the person to contribute and express his or her unique gifts and for the individual to take responsibility for his or her actions.

H. COORDINATION

The license holder shall develop and implement a balanced and comprehensive response to the person's needs as described below:

Referral, intake and planning: Help with obtaining timely access to appropriate supports and services and with the development of a plan of assistance that reflects the person's unique strengths, needs and choices and those of his or her family.

Integration of services: Help with insuring that all of the individuals and organizations contributing to the support of the person and his or her family collaborate effectively, including assistance from informal and natural sources of support.

Achievement: Help with ongoing improvement in planning and delivering support and services to insure better outcomes.

Advocacy and conflict resolution: Help in addressing and resolving concerns or dissatisfaction expressed by the person, his or her family or formal or informal partners in the plan of support.

III. BILL OF RIGHTS

Intermediate Care Facilities and license holders also licensed under Chapter 144 as Supervised Living Facilities for persons with Mental Retardation or Related Conditions are exempt from this section and are mandated to follow the resident's bill of rights as outlined by the MN Department of Health regulations.

A. LICENSE HOLDER'S RESPONSIBILITY FOR PERSONS' RIGHTS

The license holder must:

1. provide the person and/or the person's legal representative a copy of the person's rights on the day that services are initiated and an explanation of the rights listed in **B** and **C** within five working days of service initiation. Reasonable accommodations shall be made by the license holder to provide this information in other formats as needed to facilitate understanding of the rights by the person and the person's legal representative, if any;
2. document the person's or the person's legal representative's receipt of a copy of the rights and an explanation of the rights; and
3. ensure the exercise and protection of the person's rights in the services provided by the license holder and authorized in the individual service plan.

B. SERVICE-RELATED RIGHTS

A person's service-related rights include the right to:

1. refuse or terminate services and be informed of the consequences of refusing or terminating services;
2. know, in advance, limits to the services available from the license holder;
3. know conditions and terms governing the provision of services, including those related to initiation and termination;
4. know what the charges are for services, regardless of who will be paying for the services, and be notified of changes in those charges;

5. know, in advance, whether services are covered by insurance, government funding, or other sources, and be told of any charges the person or other private party may have to pay; and
6. receive licensed services from individuals who are competent and trained, who have professional certification or licensure, as required, and who meet additional qualifications identified in the individual service plan.

C. PROTECTION-RELATED RIGHTS

The person's protection-related rights include the right to:

1. have personal, financial, services, and medical information kept private, and be advised of the license holder's policies and procedures regarding disclosure of such information;
2. access records and recorded information;
3. be free from maltreatment;
4. be treated with courtesy and respect for the person's individuality, mode of communication, and culture, and receive respectful treatment of the person's property;
5. voice grievances, know the contact persons responsible for addressing problems and how to contact those persons;
6. know procedures for grievance or complaint resolution, the right to a current ISP and the right to appeal under section 256.045;
7. know the name and address of the state, county, or advocacy agency to contact for additional information or assistance;
8. assert these rights personally, or have them asserted by the person's family or legal representative, without retaliation;
9. give or withhold written informed consent to participate in any research or experimental treatment;
10. have 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 residents;
11. receive and send uncensored, unopened mail;
12. marital privacy for visits with the person's spouse and, if both are residents of the site, the right to share a bedroom and bed;
13. associate with other persons of the person's choice;
14. personal privacy; and
15. engage in chosen activities.

IV. Outcome Statements

License holders must provide adequate documentation that demonstrates application and achievement of the outcomes listed below.

1. The license holder shall ensure access to health care services to meet each individual's unique health needs and preferences.
2. The license holder shall utilize practices that minimize the person's risk of communicable diseases.
3. The license holder shall ensure that direct support individuals demonstrate the skills to administer medications in a safe and consistent manner based on the needs of the persons being supported.

4. The license holder shall ensure that people are provided a safe physical environment that meets each person's unique needs.
5. The license holder shall develop an individual plan that minimizes each person's risk of abuse or neglect in compliance with Minnesota Statutes, section 245A.65.
6. The license holder shall ensure that each direct support individual and volunteer receives competency-based training in areas specific to the needs of the persons they are supporting.
7. The license holder shall ensure the use of financial practices that provide safe and accountable management of each person's funds.
8. The license holder shall develop, and implement as necessary, a plan for responding to and reporting all emergencies, including deaths, medical emergencies, illnesses, accidents, missing persons, fires, and severe weather. The plan must include notification of all serious injuries and deaths to the legal representative/family, case manager, Department of Human Services licensing division, and the ombudsman.
9. The license holder shall maintain individual records and data files and assure the records are maintained in a manner which protects confidentiality and facilitates access to individuals entitled to the information consistent with the MN Data Government Practices Act (Minnesota Statutes, Chapter 13). Individual records shall be maintained during the period services are provided and for two years after services terminate.
10. The license holder, in coordination with other service providers and case manager, shall meet with the person, the person's legal representative and others identified by the person within 45 days of service initiation and at least annually thereafter to develop a support plan. The license holder shall work with the person to develop and document a personalized plan based on what is most important to the person and the needs of the person. The Case Manager is responsible for assuring a plan is in place (Rule 185). The Case Manager must make contact with a person placed in a licensed site based on individual county policies.
11. The license holder shall develop a plan for implementing temporary service suspensions or termination of services which includes the following provisions:
 - (A) "Temporary Service Suspension" including the following provisions:
 1. use of temporary service suspension is restricted to situations in which the person's behavior causes immediate and serious danger to the health and safety of the person or others;
 2. the license holder must notify the person or legal representative and the case manager in writing of the intended service suspension and the person's right to seek a temporary order staying the suspension of service according to the procedures in section 256.045, subdivision 4a or subdivision 6, paragraph (c);
 3. the license holder must provide information requested by the person, legal representative, or case manager when services are temporarily suspended;
 4. prior to giving notice of temporary service suspension, the license holder must document actions taken to minimize or eliminate the need for temporary service suspension; and
 5. during the period of temporary service suspension, the license holder will work with the appropriate county agency to develop reasonable alternatives to protect the person and others;

- (B) “Termination of Services” by the license holder, including the following provisions:
1. the license holder must notify the person or legal representative and the case manager in writing of the intended service termination and the person’s right to seek a temporary order staying the termination of service according to the procedures in section 256.045, subdivision 4a or subdivision 6, paragraph (c);
 2. notice of the proposed termination of services must be given at least 60 days (for license holders residing in the home, license holders are required to give at least 30 days notice) before the proposed termination is to become effective including those situations that began with a temporary service suspension;
 3. the license holder must provide information requested by the person, legal representative, or case manager upon notification of service termination; and
 4. prior to giving notice of service termination, the license holder must document actions taken to minimize or eliminate the need for service termination.

V. PROTECTIONS

License holders will maintain compliance with the consumer rights, safety standards, procedural protection and regulations listed below. Adult Foster Care Providers who do not hold a waiver license are exempt from item E, below.

- (A) Minnesota Statutes, section 245.825
Minnesota Rules, parts 9525.2700 through 9525.2810 (Rule 40)
Use of aversive and deprivation procedures in licensed facilities
serving persons with mental retardation or related conditions.
- (B) Minnesota Statutes, Chapter 245A
Human Services Licensing Act
- (C) Minnesota Statutes, section 626.556
Reporting of Maltreatment of Minors.
- (D) Minnesota Statutes, section 626.557
Reporting of Maltreatment of Vulnerable Adults.
- (E) Psychotropic Medications Use Checklist.

VI. PHYSICAL ENVIRONMENT AND SAFETY

License holders must be in compliance with the following:

Items 1-15 apply to all licensed sites:

1. Food is handled and properly stored to prevent contamination, spoilage or a threat to health.
2. Safe water temperature 120 degrees (F) or less (ICFs/MR at 110 degrees).
3. Chemicals, detergents, medicines and toxic substances are stored separately from food products. When appropriate, these substances are only accessible to staff.
4. The site must be clean, free from accumulation of dirt, rubbish, peeling paint, vermin or insects.
5. The site has a First-aid kit that includes: bandages, sterile compresses, scissors, ice bag/cold pack, oral or surface thermometer, mild liquid soap, adhesive tape, and first-aid manual.
6. The site has a Fire evacuation plan based on needs and abilities of individuals supported and drills documented according to the plan.
7. The site meets the local building and health codes for fire extinguisher(s): at least 2A10BC or as required by local building and health codes. Fire extinguishers must be checked and tagged annually by an individual who is qualified to complete the inspection. Fire extinguisher(s) should be easily accessible as directed by the Fire Marshall.
8. All fire protection devices required by the Fire Marshall or local building codes are properly installed, appropriately located and maintained in proper operation.
9. Exit doors and windows are not obstructed and are easily opened from inside.
10. The site must be free of any plumbing, electrical, ventilation, mechanical, or other known hazards.
11. The license holder must maintain equipment, vehicles, supplies, and materials owned or leased by the license holder in safe condition.
12. Adequate space must be available for each person who is receiving services at sites owned or leased by the license holder.
13. The furnace must be clear of combustibles, checked regularly and maintained in good working condition.
14. A copy of the "Vulnerable Adults Act" is located on site and is easily accessible.
15. The following are required to be posted on site:
 - a. Emergency phone numbers by non-coin operated phone
 - b. Fire escape plan
 - c. Bill of Rights

Items 16-26 apply to adult foster care and ICFs/MR license holders.

For persons receiving support at these sites:

16. There must be free access to living room and dining room.
17. If they occupy a single bedroom it must be a minimum of 80 square feet, 7 1/2 foot high ceilings.
18. If they occupy a double bedroom it must be a minimum of 120 square feet, 7 1/2 foot high ceilings.
19. Each bedroom has separate adult-sized bed, clean mattress in good shape, clean seasonal bedding, individual dresser and mirror.
20. Each person is provided clean linen, towels and wash cloths.

Each site shall:

21. If applicable, have a private well tested for coliform bacteria and nitrate nitrogens (upon initial licensing and re-licensing).
22. Provide three nutritional, well-balanced meals and snacks on a daily basis.
23. Shall maintain pets housed in the residence in good health. (Pets must have a current statement from a veterinarian. Birds must be tested for Chlamydia Psittaci).
24. Store any schedule II controlled substances (as defined in Minnesota Statutes, Chapter 152) in a locked area.
25. Store ammunition and weapons including arrows in separate, locked areas.
26. Have a battery-operated flashlight and radio located on site.

VII. DEFINITIONS

In addition to the definitions listed below, the Region 10 Quality Assurance Overview, the Review System and *VOICE* materials define other terms used in the Project.

SCOPE. The terms used in this set of standards have the meanings given them.

ADULT. "Adult" means a person at least 18 years of age.

ADULT FOSTER CARE. "Adult foster care" means the provision of food, lodging, protection, supervision, and household services to a functionally impaired adult in a residence and may also include the provision of basic and special assistance, household and living skills assistance or training, medication assistance and assistance safeguarding cash resources.

ADULT FOSTER HOME. "Adult foster home" means a residence operated by an license holder who, for financial gain or otherwise, provides 24 hour foster care to no more than four functionally impaired residents.

APPLICANT "Applicant" means an individual, corporation, partnership, voluntary association, controlling individual, or other organization that has applied for licensure under Minnesota Statutes, sections 245A.01 to 245A.16 (Human Services Licensing Act) and the rules of the commissioner.

CASE MANAGER. "Case manager" means the individual designated by the county board under rules of the commissioner to provide case management services as delineated in Minnesota Statutes, section 256B.092 or successor provisions.

COMMISSIONER. "Commissioner" means the Commissioner of the Department of Human services or the commissioner's designated representative.

COUNTY BOARD. "County board" means the county board of commissioners in each county. When a human services board has been established under Minnesota Statutes, sections 402.01 to 402.10, it shall be considered to be the county board.

COUNTY OF FINANCIAL RESPONSIBILITY. "County of financial responsibility" means the county responsible for the payment of individual client social services as specified in Minnesota Statute, section 256G.02, subdivision 4.

DAY TRAINING AND HABILITATION SERVICES FOR ADULTS WITH MENTAL RETARDATION OR RELATED CONDITIONS. "Day training and habilitation services for adults with mental retardation or related conditions" has the meaning given in Minnesota Statutes, sections 252.40 to 252.46.

DEPARTMENT. "Department" means the department of human services.

DIRECT SUPPORT INDIVIDUAL. "Direct Support Individual" means an individual providing direct support to persons receiving services under the Region 10 Quality Assurance Standards.

FIRE MARSHAL. "Fire Marshal" means the person designated by Minnesota Statutes, section 299F.01, to administer and enforce the Minnesota Uniform Fire Code or the fire marshal's authorized representative.

FUNCTIONALLY IMPAIRED. "Functionally Impaired" means a person who has:

- A. substantial difficulty carrying out one or more of the essential manor activities of daily living, such as caring for oneself, performing manual task, walking, seeing, hearing, speaking, breathing, learning or working; or
- B. a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

HEALTH SERVICES. "Health services" means any service or treatment consistent with the health needs of the consumer, such as medication administration and monitoring, medical, dental, nutritional, health monitoring, wellness education, and exercise.

HOUSEHOLD MEMBER. "Household member" means any person living in the adult foster home more than 30 consecutive calendar days in any 12-month period who is not receiving support services from the license holder.

INCIDENT. "Incident" means any serious injury as determined by Minnesota Statute, section 245.91, subdivision 6, including (1) fractures, (2) dislocations; (3) evidence of internal injuries, (4) head injuries with loss of consciousness, (5) lacerations involving injuries to tendons, organs, and those for which complications are present, (6) extensive second degree or third degree burns, and other burns for which complications are present, (7) extensive second degree or third degree frostbite, and others for which complications are present, (8) irreversible mobility or avulsion of teeth, (9) injuries to the eyeball, (10) ingestion of foreign substances and objects that are harmful, (11) near drowning, (12) heat exhaustion or sunstroke; and (13) all other injuries considered serious by a physician; accident; reports of a child or vulnerable adult maltreatment; circumstances that involve a law enforcement agency; or a consumer's death.

INDIVIDUAL SERVICE PLAN. "Individual service plan" means the written plan agreed upon and signed by the county of financial responsibility and the resident or resident's legal representative for the provision of social services under Minnesota Rules, part 9550.0090. For persons with mental retardation or a related condition or otherwise determined eligible for case management, it means the plan agreed upon and signed according to Minnesota Statute, section 256B.092 or successor provisions.

INDIVIDUAL RESIDENT PLACEMENT AGREEMENT. "Individual resident placement agreement" means the written document specifying the terms for provision of foster care to an adult that is developed under the requirements of these standards. The license holder shall ensure that an individual resident placement agreement is developed, signed, and on file for the resident who is not receiving community social services under parts Minnesota Rules, parts 9550.0010 to 9550.0093, and who does not have an individual service plan developed under parts 9525.0004 to 9525.0036 or part 9550.0090. The individual resident placement agreement must:

- A. describe the reason for placement;
- B. describe what the license holder 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 the foster care provided by the license holder;

D. describe any other community, health and social services that the license holder will assist in providing;

E. coordinate with the contents of the individual program plan as defined under Minnesota Rules, 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 Minnesota Rules, parts 9525.0004 to 9525.0036 or part 9550.0090.

INTERMEDIATE CARE FACILITY FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS OR ICF/MR. "Intermediate care facility" for persons with mental retardation or related conditions or ICF/MR means a residential program licensed to provide services to persons with mental retardation or related conditions under Minnesota Statutes, section 252.28 and Minnesota Statutes, Chapter 245A and a physical facility licensed as a supervised living facility under Minnesota Statutes, Chapter 144, which together are certified by the department of health as an intermediate care facility for persons with mental retardation or related conditions.

LEGAL REPRESENTATIVE. "Legal representative" means the parent or parents of a consumer who is under 18 years of age or a guardian, conservator, or guardian ad litem authorized by the court, or other legally authorized representative to make decisions about services for a consumer.

LICENSE. "License" means a certificate issued by the commissioner authorizing the license holder to provide a specified program for a specific period of time and in accordance with the terms of the license and the rules of the commissioner.

LICENSE HOLDER. "License holder" means an individual, corporation, partnership, voluntary association, or other organization that is legally responsible for the operation of the program, has been granted a license by the commissioner under Minnesota Statutes, sections 245A.01 to 245A.16 and the rules of the commissioner, and is a controlling individual.

MEDICATION. "Medication" means a prescription substance taken internally, applied externally, or injected to prevent or treat a condition or disease, heal, or relieve pain.

MINNESOTA UNIFORM FIRE CODE. "Minnesota Uniform Fire Code" means those codes and regulations adopted by the fire marshal under Minnesota Statutes, section 299F.011.

PERSON. "Person" means: (A) Person with mental retardation or a related condition who has been diagnosed under section 256B.092 as having substantial limitations in present functioning, manifested as significantly sub-average intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a; and/or (B) Is receiving services through a provider licensed under the Region 10 QA Standards.

PSYCHOTROPIC MEDICATION USE CHECKLIST. "Psychotropic medication use checklist" means the psychotropic medication monitoring checklist and manual used to govern the administration of psychotropic medications. The commissioner may revise or update the psychotropic medication use checklist to comply with legal requirements or to meet professional standards or guidelines in the area of developmental disabilities. For purposes of this chapter, psychotropic medication means any medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medication are antipsychotic (neuroleptic), antidepressant, antianxiety, antimania, stimulant, and sedative or

hypnotic. Other miscellaneous medications are considered to be a psychotropic medication when they are specifically prescribed to treat a mental illness or to control or alter behavior.

RESIDENCE. For the purposes of adult foster care services, "residence" means the single dwelling unit in which foster care is provided with complete, independent living facilities for one or more persons. As defined in section 405 of the Minnesota State Building Code, the residence has permanent provisions for living, sleeping, cooking, eating, and sanitation.

RESIDENTIAL-BASED HABILITATION. "Residential-based habilitation" means care, supervision, and training provided primarily in the person's own home or place of residence but also including community-integrated activities following the individual service plan. Residential habilitation services are provided in coordination with the provision of day training and habilitation services for those persons receiving day training and habilitation services under Minnesota Statutes, sections 252.40 to 252.46.

ROOMER. "Roomer" means a household member who is not related to the license holder and is not receiving support services from the license holder or caregiver.

SERVICE. "Service" means care, supervision, activities, or training designed to achieve the outcomes assigned to the license holder.

SERVICE AGENCY. For the purposes of adult foster care services, "service agency" means the public or private agency designated by the county of financial responsibility with the responsibility to provide the foster care services in Minnesota Rules, parts 9555.5105 to 9555.5705.

SEMI-INDEPENDENT LIVING SERVICES OR SILS. "Semi-independent living services" or "SILS" means training and assistance in managing money, preparing meals, shopping, maintaining personal appearance and hygiene, and other activities which are needed to maintain and improve an adult with mental retardation or a related condition's capability to live in the community.

STATE BUILDING CODE. "State Building Code" means those codes and regulations adopted by the commissioner of administration under chapter 1300 and Minnesota Statutes, section 16B.59 to 16B.75.

SUPERVISION. For the purposes of adult foster care services, "Supervision" means: A) oversight by a caregiver as specified in the individual resident placement agreement and daily awareness of a resident's needs and activities; and B) the presence of a caregiver in the residence during normal sleeping hours.

VARIANCE. "Variance" means written permission by the county for an applicant or license holder to depart from the provisions of these standards if equivalent alternative measures are provided to ensure the health, safety, and rights of a person receiving support services. The Commissioner of the Department of Human Services shall approve variances to all other terms of the license.

VOLUNTEER. "Volunteer" means an individual who, under the direction of the license holder, provides direct services without pay to persons served by the license holder.

VULNERABLE ADULTS ACT. "Vulnerable Adults Act" means Minnesota Statutes, section 626.557.

VIII. PSYCHOTROPIC MEDICATION USE CHECKLIST

All license holders must comply with this checklist except adult foster care license holders who do not also provide MR/RC home and community based services.