



July 15, 2022

The 2022 legislative session made a few revisions that affect Options, Inc. policies and procedures for our licensed 245D services. According to MN Statutes, chapter 245D.10, subdivision 4, we “...must provide a written notice to all persons or their legal representative and case manager at least 30 days before implementing any procedural revisions to policies affecting a person's service-related or protection-related rights under section 245D.04 and maltreatment reporting policies and procedures. The notice must explain the revision that was made and include a copy of the revised policy and procedure. The license holder must document the reasonable cause for not providing the notice at least 30 days before implementing the revisions.”

*Due to the effective date of 7/1/2022 of the legislative changes, we are unable to provide you with a 30-day notice before implementing the revisions. Please see the below explanations for what changed in the policies. You will also find a copies of the revised policies and procedures that affect rights included in this notice.

Policies and Procedures affecting rights:

- **Data Privacy**

- Legislation changed the name of the *Coordinated Service and Support Plan (CSSP)* to *Support Plan* and the *Coordinated Service and Support Plan Addendum (CSSPA or CSSP Addendum)* to *Support Plan Addendum*.

- **Emergency Use of Manual Restraint**

- Legislation changed the name of the *Coordinated Service and Support Plan (CSSP)* to *Support Plan* and the *Coordinated Service and Support Plan Addendum (CSSPA or CSSP Addendum)* to *Support Plan Addendum*.

- **Reporting and Review of Maltreatment of Vulnerable Adults**

- The definition of abuse found in Minnesota Statutes, section 626.5572, Subd. 2, b was updated with the following changes:

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

- (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
- (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; **or**
- (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; **and unless authorized under applicable licensing requirements or Minnesota Rules, chapter 9544.**
- (4) **use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.**



- The definition of neglect found in Minnesota Statutes, section 626.5572, Subd. 17 was updated with the following changes:

Subd. 17. **Neglect.**

"Neglect" means: Neglect means neglect by a caregiver or self-neglect.

(a) **"Caregiver neglect" means** the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

- (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
- (2) which is not the result of an accident or therapeutic conduct.

(b) ~~The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult~~ **"Self-neglect"** means neglect by a vulnerable adult of the vulnerable adult's own food, clothing, shelter, health care, or other services that are **not the responsibility of a caregiver** which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort. ~~considering the physical or mental capacity or dysfunction of the vulnerable adult.~~

- **Service Termination**

- Language changes were made from program or facility to license holder.
- The safety or health of staff was added as a possible reason for service termination.

In addition, other revisions occurred to policies as stated below. Copies of these policies (or any of our 245D policies) are available upon request.

- Legislation changed the name of the *Coordinated Service and Support Plan (CSSP)* to *Support Plan* and the *Coordinated Service and Support Plan Addendum (CSSPA or CSSP Addendum)* to *Support Plan Addendum* also affected the following policies:
 - Admission
 - Responding to and Reporting Incidents
 - Emergencies
 - Reviewing Incidents and Emergencies
 - Safe Transportation
 - Safe Medication Assistance and Administration
- Legislation changed the definition of incident to include advanced practice registered nurse and physician assistant treatment and affected the Responding to and Reporting Incidents.
- Our policy on Reviewing Incidents and Emergencies included a reference to repealed statutory language for the Maltreatment of Minors Act. That old reference of MN Statutes, section 626.556 was replaced with the new reference of 260E.

Please don't hesitate to contact us if you have questions!

Sincerely,

Brenda Geldert
Executive Director