

January 23, 2023

**VIA EMAIL ONLY**

Jenna Lipman  
Public Records and Involvement Coordinator  
Office of Secretary of State  
180 State Office Building  
100 Rev Dr Martin Luther King Jr Blvd  
St. Paul, Minnesota 55155-1299  
[official.documents@state.mn.us](mailto:official.documents@state.mn.us)

**Re: *In the Matter of the Good Cause Rulemaking Amendments to Rules Relating to Licensing Staffing Requirements and Qualifications for Children's Residential Facilities and Detoxification Programs; Minnesota Rules, Parts 2960.0460, 2960.0470, 9530.6565, and 9530.6570; Revisor's ID 4770***  
**OAH 60-9029-38874; Revisor R-4770**

Dear Ms. Lipman:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Vanessa Vogl  
Minnesota Department of Human Services  
PO Box 64254  
Saint Paul, MN 55164  
[vanessa.vogl@state.mn.us](mailto:vanessa.vogl@state.mn.us)

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us) or via facsimile at (651) 539-0310.

Sincerely,



Nichole Helmueller  
Legal Assistant

Enclosures

cc: Vanessa Vogl (via email)

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Exempt Permanent Rules Relating to Residential Services Staff Qualifications

**AGENCY:** Department of Human Services

**REVISOR ID:** R-4770

**MINNESOTA RULES:** Chapters 2960 and 9530

The attached rules are approved as to form

*Alex Willis on behalf of Dean Treftz*  
Dean Treftz  
Assistant Revisor

1.1 **Department of Human Services**

1.2 **Adopted Exempt Permanent Rules Relating to Residential Services Staff Qualifications**

1.3 **2960.0460 STAFF QUALIFICATIONS.**

1.4 *[For text of subparts 1 and 2, see Minnesota Rules]*

1.5 Subp. 3. **Program director qualifications.** ~~In addition to meeting the requirements~~  
1.6 ~~in subpart 2,~~ The program director must know and understand the implications of parts  
1.7 2960.0010 to 2960.0710 and Minnesota Statutes, chapter 260E and section 626.557.

1.8 Subp. 4. **Alcohol and drug counselor supervisor qualifications.** ~~In addition to the~~  
1.9 ~~requirements in subpart 2,~~ The personnel file of an alcohol and drug counselor supervisor  
1.10 must include documentation that the individual meets the criteria in items A to C.

1.11 *[For text of items A to C, see Minnesota Rules]*

1.12 Subp. 5. **Alcohol and drug counselor qualifications.** ~~In addition to the requirements~~  
1.13 ~~in subpart 2,~~ The personnel file of an alcohol and drug counselor must include:

1.14 A. documentation that the individual is either licensed or exempt from licensure  
1.15 under Minnesota Statutes, chapter ~~148C~~ 148F;

1.16 *[For text of items B and C, see Minnesota Rules]*

1.17 Subp. 6. [Repealed, 32 SR 2268]

1.18 Subp. 6a. **Individuals with temporary permit.** An individual with a temporary permit  
1.19 from the Board of Behavioral Health and Therapy may provide chemical dependency  
1.20 treatment services according to the conditions in either item A or B.

1.21 *[For text of item A, see Minnesota Rules]*

1.22 B. The individual is supervised by a clinical supervisor approved by the Board of  
1.23 Behavioral Health and Therapy. The supervision must be documented and meet the  
1.24 requirements of Minnesota Statutes, section ~~148C.044~~ 148F.04, subdivision 4.

2.1 Subp. 7. **Individuals exempt from licensure.** For an alcohol and drug counselor  
2.2 exempt from licensure under Minnesota Statutes, chapter ~~148C~~ 148F, the department must  
2.3 consider a counselor qualified according to subpart 5, item A, if:

2.4 A. the individual has at least a baccalaureate degree including 480 hours of alcohol  
2.5 and drug education in which each of the core functions in Minnesota Statutes, chapter ~~148C~~  
2.6 148F, is covered; and has successfully completed 880 hours of supervised experience as an  
2.7 alcohol and drug counselor, either as a student or as an employee;

2.8 B. the individual has documented the successful completion of 270 clock hours  
2.9 of alcohol and drug counselor training, 60 hours of which have occurred within the last five  
2.10 years, including completion of 880 hours of supervised experience as an alcohol and drug  
2.11 counselor, either as a student or as an employee. The training must cover the core functions  
2.12 in Minnesota Statutes, chapter ~~148C~~ 148F; or

2.13 *[For text of item C, see Minnesota Rules]*

2.14 Subp. 8. **Overnight staff.** The personnel file of overnight staff employed by a  
2.15 residential program must include ~~the documentation of the requirements in subpart 2 and~~  
2.16 documentation of the individual's competency in the areas in items A to D:

2.17 *[For text of items A to D, see Minnesota Rules]*

2.18 Subp. 9. **Student interns.** A qualified staff person must supervise and be responsible  
2.19 for all treatment services performed by student interns and must review and sign all  
2.20 assessments, progress notes, and treatment plans prepared by an intern. Student interns must  
2.21 ~~meet the requirements in subpart 2, item B, and~~ receive the orientation and training required  
2.22 for permanent staff members.

2.23 **2960.0470 STAFFING REQUIREMENTS.**

2.24 *[For text of subparts 1 to 3, see Minnesota Rules]*

3.1 Subp. 4. Staff drug and alcohol policies. The license holder must have written  
3.2 personnel policies that describe the process for disciplinary action, suspension, or dismissal  
3.3 of a staff person for violating the drug and alcohol policy described in part 2960.0030,  
3.4 subpart 9, and Minnesota Statutes, section 245A.04, subdivision 1, paragraph (c).

3.5 **9530.6565 STAFF QUALIFICATIONS.**

3.6 Subpart 1. **Qualifications for all staff who have direct client contact.** All staff who  
3.7 have direct client contact must be at least 18 years of age ~~and must, at the time of hiring,~~  
3.8 ~~document that they meet the requirements in item A or B.~~

3.9 ~~A. Program directors, supervisors, nurses, assessors, and any other persons who~~  
3.10 ~~have direct client contact must be free of chemical use problems for at least two years~~  
3.11 ~~immediately preceding hiring and must sign a statement attesting to that fact.~~

3.12 ~~B. Technicians must be free of chemical use problems for at least six months~~  
3.13 ~~immediately prior to their hiring and must sign a statement attesting to that fact.~~

3.14 *[For text of subparts 2 to 6, see Minnesota Rules]*

3.15 **9530.6570 PERSONNEL POLICIES AND PROCEDURES.**

3.16 Subpart 1. **Policy requirements.** A license holder must have written personnel policies  
3.17 and must make them available to staff members at all times. The personnel policies must:

3.18 *[For text of items A to C, see Minnesota Rules]*

3.19 ~~D. describe behavior that constitutes grounds for disciplinary action, suspension,~~  
3.20 ~~or dismissal, including policies that address chemical use problems and meet the requirements~~  
3.21 ~~of part 9530.6565, subparts 1 and 2. The policies and procedures must list behaviors or~~  
3.22 ~~incidents that are considered chemical abuse problems. The list must include:~~

3.23 ~~(1) receiving treatment for chemical use or substance use disorder within the~~  
3.24 ~~period specified for the position in the staff qualification requirements;~~

4.1                   ~~(2) chemical use that has a negative impact on the staff member's job~~  
4.2 ~~performance;~~

4.3                   ~~(3) chemical use that affects the credibility of treatment services with clients,~~  
4.4 ~~referral sources, or other members of the community; and~~

4.5                   ~~(4) symptoms of intoxication or withdrawal on the job;~~

4.6                   D. describe the process for disciplinary action, suspension, or dismissal of a staff  
4.7 person for violating the drug and alcohol policy described in Minnesota Statutes, section  
4.8 245A.04, subdivision 1, paragraph (c);

4.9                                   *[For text of items E to H, see Minnesota Rules]*

4.10                                   *[For text of subparts 2 and 3, see Minnesota Rules]*