

Psychiatric Residential Treatment Facilities: 2023 Legislative changes and program implementation

October 2023

The 2023 Legislature made changes to laws that impact Department of Human Services (DHS) licensed Psychiatric Residential Treatment Facilities (PRTF). The sections below contain an overview of each change, instructions for what providers need to do about the change, the date the change is effective, and a link to the change in law.

The hyperlinks within this document go to where the new law can be found. When reviewing the new law:

- Text that is stricken with a line through it reflects words that are being removed from the law.
- Text that is underlined reflects words that are being added to the law.
- Text that is unchanged reflects what the law was before and continues to be the law.

Later this year, the Minnesota Office of the Revisor of Statutes will update the statute sections on their website to reflect the new laws.

Prone and contraindicated restraint prohibitions

Overview

Prone restraint prohibition. A prone restraint is a manual restraint or use of a mechanical restraint that places a person in a face-down position. New requirements for all licensed and certified programs prohibit the use of prone restraints except in very specific brief instances. These exceptions include:

- a person rolling into a prone position during a restraint if the person is restored to a non-prone position as quickly as possible;
- holding a person briefly in a prone restraint to allow staff to safely exit a seclusion room; and
- holding a person briefly in a prone restraint to apply mechanical restraints if the person is restored to a non-prone position as quickly as possible.

Contraindicated restraint prohibition. Programs must not use any type of restraint that is contraindicated for a person's known medical or psychological conditions. Contraindicated means a restraint that increases the risk of harm to a person due to their condition. An assessment of any contraindications must occur prior to using restraints on a person and the program must document this determination.

Effective July 1, 2023. [MN Laws, Chapter 70, Article 17, Section 19 \(2023 245A.211\)](#)

What providers need to do

Programs will need to update all policies, procedures, and staff training materials to reflect these new requirements and notify staff of the changes. Before using any restraints on a person, the program must assess each person and document a determination of whether the person has any conditions that restraints would be contraindicated for or that they do not have any contraindicated conditions. Providers should develop a process to complete this prior to the first use of a restraint and if a condition becomes known at a later point. This determination must include documentation of the type of restraints that the program will not use on the person. The program must establish a process to ensure that all staff who use restraints know which restraints they cannot use for specific clients.

Mental health diagnostic assessments

Overview

The standard diagnostic assessment (DA) contents change. Many changes align the components in a mental health diagnostic assessment with the substance use disorder comprehensive assessment to streamline the process when completing both assessments. The additions to the diagnostic assessment include documentation of:

- any withdrawal symptoms, medical conditions, and behavioral and emotional symptoms as part of the immediate risks to health and safety portion;
- the client's history of substance use disorder treatment; and
- a substance use history, if applicable, including:
 - amounts and types of substances, frequency and duration, route of administration, periods of abstinence, and circumstances of relapse; and
 - the impact to functioning when under the influence of substances, including legal interventions.

The standards also clarify that clinicians may use information from other providers and prior assessments to complete the DA if they document the source of the information.

The completion of the Early Childhood Service Intensity Instrument (ECSII) or Child and Adolescent Service Intensity Instrument (CASII) as part of a Diagnostic Assessment is removed from the standards.

Effective July 1, 2023. [MN Laws, Chapter 70, Article 9, Section 16 \(2023 245I.10, subd. 6\)](#)

Effective August 1, 2023. [MN Laws, Chapter 50, Article 2, Section 21 \(2023 245I.10, subd. 6\)](#)

What providers need to do

Licensed holders must include additional required elements in diagnostic assessments.

Nonprofit corporation controlling individual

Overview

The definitions for **owner** and **controlling individual** changed to include a nonprofit corporation as one type of owner of a licensed program and therefore also a controlling individual. Programs with a nonprofit corporation included as a controlling individual can change their board of directors without applying for a new license. This eliminates a burdensome and redundant licensing process for nonprofit corporations that other types of organizations do not have to complete. This change also clarifies the definition of a controlling individual by including the president and treasurer of the board of directors of a nonprofit corporation which were previously part of the owner definition. **Effective July 1, 2023.** [MN Laws, Chapter 70, Article 17, Sections 9 and 10 \(2023 245A.02, subds. 5a and 10b\)](#).

What providers need to do

License holders that are a nonprofit corporation and that are not listed as a controlling individual for the license will need to update their license information with DHS. To update this information, please contact the licensor for your program. If you do not know who your licensor is, email: dhs.mhcdlicensing@state.mn.us.

Questions

If you have questions about this implementation plan or other licensing requirements, please contact your licensor directly or email dhs.mhcdlicensing@state.mn.us.

Background studies

Updates on legislative changes related to background studies are posted on the ["What's new" for background studies webpage](#).