

## Family residential services

Page posted: 12/14/20	Page reviewed:	Page updated: 6/12/23
<b>Legal authority</b>	<a href="#">Federally approved BI, CAC, CADI, and DD waiver plans</a> , <a href="#">Minn. Stat. Chapter 245A</a> , <a href="#">Minn. Stat. Chapter 245D</a> , <a href="#">Minn. Stat. §252.28</a> , <a href="#">Minn. Stat. §256B.092</a> , <a href="#">Minn. Stat. §256B.49</a> , <a href="#">Minn. Stat. Chapter 256N</a> , <a href="#">Minn. Stat. §260C.001</a> , <a href="#">Minn. Stat. §260C.4411</a> , <a href="#">Minn. Stat. §260C.451</a> , <a href="#">Minn. Stat. §260D.01</a> , <a href="#">Minn. R. 2960.3000 to 2960.3340</a> , <a href="#">Minn. R. 9555.5105 to 9555.6265</a> , <a href="#">Minn. Stat. §260C.4</a>	
<b>Applicability</b>	<p>The information on this page applies to home and community-based services (HCBS) family residential services on the following waivers:</p> <ul style="list-style-type: none"> <li>• <a href="#">Brain Injury (BI)</a>.</li> <li>• <a href="#">Community Access for Disability Inclusion (CADI)</a>.</li> <li>• <a href="#">Community Alternative Care (CAC)</a>.</li> <li>• <a href="#">Developmental Disabilities (DD)</a>.</li> </ul> <p><b>Difference between family residential services and community residential services</b></p> <p>Family residential services are provided in a licensed family foster care setting where the license holder resides in the home.</p> <p>Community residential services are provided in a corporate foster care or community residential setting (CRS), using a shift-staff model. For more information, refer to <a href="#">CBSM – Community residential services</a>.</p>	
<b>Definitions</b>	<p><b>Family residential services:</b> Services that provide training and/or <a href="#">habilitation</a>, ongoing residential care and supportive services to adults and/or children in a licensed family foster care setting where the license holder resides in the home. These services are individualized and based on the needs of the person, as identified in the support plan.</p> <p><b>Family foster care setting:</b> A licensed family foster care setting where the license holder resides in the home. A setting can be licensed as an <a href="#">adult family foster care setting</a> and/or a <a href="#">child family foster care setting</a>.</p> <p><b>Life sharing:</b> A relationship-based living arrangement that carefully matches an adult age 18 or older who has a disability with an individual or family who will share their life and experiences and support the person using person-centered practices. In this arrangement, family residential services can be authorized for ongoing support services. For more information, refer to the <a href="#">life-sharing section</a>.</p>	
<b>Covered services</b>	<p>Family residential services cover training and/or habilitation, ongoing residential care and supportive services that are individualized and based on the person’s needs. This may include increasing and maintaining the person’s physical, intellectual, emotional and social function in the following areas:</p> <ul style="list-style-type: none"> <li>• Assistance with activities of daily living.</li> <li>• Communication skills.</li> <li>• Community participation and mobility.</li> <li>• Health care.</li> <li>• Household management.</li> <li>• Interpersonal skills.</li> <li>• Leisure and recreation.</li> <li>• Medication oversight to the extent permitted under state law (e.g., <a href="#">Minn. Stat. 245D.05</a>).</li> <li>• Money management.</li> <li>• Positive behavior and mental health support.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Self-care.</li> <li>• Sensory and motor development.</li> <li>• Socialization.</li> </ul> <p>There are additional covered services for children. For more information, refer to the <a href="#">family residential services for children section</a>.</p>
<b>Non-covered services</b>	<p>Family residential services do not cover:</p> <ul style="list-style-type: none"> <li>• Basic foster care rate and supplemental difficulty of care rate.</li> <li>• Cost of vehicle and facility maintenance (e.g., upkeep and improvement).</li> <li>• Duplication of services paid by other sources (e.g., respite for adults living in settings where shift staff are used, chore services, homemaker or personal care assistance services).</li> <li>• Items of comfort or convenience.</li> <li>• Payment when the person is absent for a full day (for more information, refer to the absences from a residential setting section on <a href="#">MHCP Provider Manual – Billing for Waiver/AC program</a>).</li> <li>• Payments made directly or indirectly to the person.</li> <li>• Room and board, including Housing Support (formerly Group Residential Housing [GRH]) for people age 18 or older.</li> <li>• Services provided directly or indirectly to members of the person’s immediate family.</li> </ul>
<b>Remote support</b>	<p>Family residential services can be delivered through remote support. Services delivered through remote support must meet all the requirements listed on <a href="#">CBSM – Remote support</a>.</p>
<b>Size and location</b>	<p>The total number of people who reside in a living setting cannot be more than four. This means four people not related to the principal care provider.</p> <p><b>Exceptions to size limit</b></p> <p>The size limitation does not apply to:</p> <ul style="list-style-type: none"> <li>• Settings that have continuously provided waiver services before July 1, 2000 (for people on the BI and CADI waivers) or May 1, 2001 (for people on the CAC Waiver). <b>Note:</b> In this situation, “provided” means this service was an approved service for a person in the setting on or before one of the above dates.</li> <li>• People who are age 55 or older.</li> </ul> <p>For the above situations, the setting can continue to provide services up to the approved license capacity.</p> <p><b>Emergency situations</b></p> <p>DHS may approve an exception to the size limit of four during emergency situations when the setting is needed to prevent a person’s placement in a hospital, regional treatment center or nursing facility.</p> <p>For purposes of this provision, emergency situations are defined as any of the following:</p> <ul style="list-style-type: none"> <li>• Unexpected loss of an essential caregiver.</li> <li>• Sudden loss of housing due to a closure.</li> <li>• Loss of services or housing due to a natural disaster.</li> <li>• Necessity to place siblings together.</li> </ul> <p>A setting may receive this exception if up to five people live in the setting and are unrelated to the principal care provider. If approved, this exception cannot exceed two years.</p>

There are other situations in which the license holder can request an exception to the size limit of four. For more information, refer to [CBSM – Changes to the size of setting by waiver service](#).

#### **Submitting an exception request**

To submit an exception request, the lead agency must contact its assigned [regional resource specialist \(RRS\)](#).

#### **Setting connected to an institution**

The lead agency cannot authorize family residential services for people on BI, CAC, CADI and DD waivers who reside in a living setting adjoined to or on the same property as one of the following:

- Hospital.
- Nursing facility.
- Intermediate care facility for persons with developmental disabilities (ICF/DD).
- Institution for mental disease (IMD).

#### **Collocated settings**

When a single provider leases or owns more than one service setting located on the same or adjoining property, the lead agency can only authorize services in one of the settings. A service setting includes a setting used to deliver any of the following services:

- Adult and child foster care.
- Adult day services, including adult day bath and family adult day services.
- Community residential services.
- Customized living or 24-hour customized living.
- Day support services.
- Family residential services.
- Integrated community supports.
- Prevocational services.

#### **Collocated setting exceptions**

**Setting status:** The provider maintains ownership/control of the setting, and the 2017/2018 HCBS attestation/validation process determined HCBS setting compliance. In this situation:

- The provider may continue to deliver services in collocated settings if waiver services have been continuously provided by the same provider that maintained ownership/control of the setting.
- The provider can confirm if 2017/2018 attestations were completed for collocated settings by using the [DSD Contact Form](#) to submit the provider's name, setting address and provider identification number.

**Setting status:** There was a sale or transfer of ownership to a new provider, and the 2017/2018 HCBS attestation/validation process determined HCBS setting compliance. In this situation:

- The new provider/owner must complete an HCBS site-specific review to ensure the people living in these settings are not isolated from the community. The provider must use the [DSD Contact Form](#) to complete the site-specific review process.
- The provider can confirm if 2017/2018 attestations were completed for previously owned collocated settings by using the [DSD Contact Form](#) to submit the provider's name, setting address and provider identification number.

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<p><b>Provider standards and qualifications</b></p>	<p>When a person lives in a licensed residential setting, all federal, state and/or licensing agency rules and regulations must be followed.</p> <p>Family residential services are enrollment-required services. For more information, refer to <a href="#">CBSM – Waiver/AC service provider overview</a>.</p> <p>A family residential services provider must have a service license under <a href="#">Minn. Stat. Chapter 245D</a> as an intensive support services provider. The requirements for the setting license are different for adults and children. For more information, refer to:</p> <ul style="list-style-type: none"> <li>• <a href="#">Family residential services for adults section</a>.</li> <li>• <a href="#">Family residential services for children section</a>.</li> </ul> <p><b>Reporting</b></p> <p>A provider licensed under 245D must report all uses of controlled procedures, emergency use of manual restraint and prohibited procedures according to <a href="#">Minn. Stat. §245D.06, subd. 5</a> to DHS via the <a href="#">Behavioral Intervention Report Form, DHS-5148</a>.</p> <p><b>Background studies</b></p> <p>To provide family residential services, providers must have a background study. For more information, refer to <a href="#">CBSM – Waiver/AC service provider overview – Required DHS background studies for direct-contact services</a>.</p>
<p><b>Authorization, rates and billing</b></p>	<p>Family residential services are framework services. The lead agency uses the Rate Management System (RMS) to determine rates. For more information, refer to <a href="#">CBSM – RMS</a> and <a href="#">Long-Term Services and Supports (LTSS) Service Rate Limits, DHS-3945 (PDF)</a>.</p>
<p><b>Find a family residential support provider</b></p>	<p>To find a list of licensed family residential service providers in Minnesota, refer to <a href="#">DHS licensing information lookup</a>.</p> <p>To find licensed service providers, refer to <a href="#">MinnesotaHelp.info</a>.</p>
<p><b>Additional service information</b></p>	<p>Refer to the following sections:</p> <ul style="list-style-type: none"> <li>• <a href="#">Family residential services for adults section</a>.</li> <li>• <a href="#">Family residential services for children section</a>.</li> </ul> <p><b>DD Waiver only</b></p> <p>Family residential services meet the habilitation requirement for the DD Waiver. For more information about this requirement, refer to <a href="#">CBSM – Habilitation</a>.</p>
<p><b>Additional resources</b></p>	<p><a href="#">CBSM – Changes to the size of setting by waiver service</a></p> <p><a href="#">CBSM – Child foster care</a></p> <p><a href="#">CBSM – Host county notification</a></p> <p><a href="#">CBSM – Remote support</a></p> <p><a href="#">CBSM – Resource: Life-sharing matching process and ongoing support option</a></p> <p><a href="#">DHS – HCBS settings transition plan</a></p> <p><a href="#">DHS – Licensed foster care</a></p> <p><a href="#">RMS User Manual – Quick reference guide on MAPCY and waiver services in foster care settings</a></p>

**Additional information about family residential services for adults**

<p><b>Own home</b></p>	<p>For information about how to determine if a setting requires a license or qualifies as a person's own home, refer to <a href="#">CBSM – Requirements for a person's own home</a>.</p>
<p><b>Setting requirements</b></p>	<p>Family residential services can only be provided to adults in settings licensed as an adult family foster care setting under <a href="#">Minn. R. 9555.5105 to 9555.6265</a> where the foster care setting license holder lives in the home.</p>

<b>Room and board funding</b>	Waiver resources cannot pay for room and board. The Housing Support (formerly GRH) allocation pays for room and board for eligible adults. The lead agency financial worker determines both the amount of the adult's resources used for room and board and the Housing Support room and board payments, as applicable. For more information, refer to <a href="#">DHS – Housing Support</a> .
<b>Life sharing</b>	<p>In a life-sharing living arrangement, the lead agency authorizes family residential services to ensure the person receives support from the life-sharing agency and the individual/family sharing their home. The individual/family's home must comply with the <a href="#">family residential services setting requirements listed above</a>. The life-sharing agency holds the 245D family residential services license and is enrolled as the family residential services provider. The individual/family is required to use a life-sharing agency.</p> <p>A life-sharing arrangement can include <b>up to two adults</b> who use disability waiver services and choose to live together with an unrelated individual/family. The life-sharing arrangement cannot include more than two adults living in the same home.</p> <p>The life-sharing agency and lead agency <b>must</b> follow guidance on <a href="#">CBSM – Life-sharing matching process and ongoing support options</a>, which includes information about:</p> <ul style="list-style-type: none"> <li>• Differences from similar arrangements and services.</li> <li>• Eligibility.</li> <li>• Providers.</li> <li>• Phases of life sharing.</li> <li>• Authorization.</li> <li>• Choosing and contracting with a life sharing agency.</li> <li>• Other ongoing support and housing options after the matching process.</li> <li>• Resources.</li> </ul>

**Additional information about family residential services for children**

<b>Additional covered services</b>	<p>In addition to the services listed in the <a href="#">covered services section</a>, family residential services covers the provision of protection, supervision, household services, living-skills assistance and training/assistance with safeguarding cash resources for children.</p> <p>The lead agency may authorize family residential services when the scope of services assessed and identified in the child's support plan exceeds both:</p> <ul style="list-style-type: none"> <li>• The scope of services provided in the out-of-home placement plan.</li> <li>• The payment rate the lead agency is required to cover.</li> </ul>
<b>Setting requirements</b>	Children younger than age 18 old who receive family residential services must live in a child family foster care home licensed according to <a href="#">Minn. R. 2960.3000 to 2960.3340</a> where the license holder lives in the home.
<b>Secondary information</b>	<p><b>Court order or voluntary placement agreement</b></p> <p>Counties/tribal nations are responsible for placement, care and supervision of a child in foster care settings through a court order or voluntary placement agreement.</p> <p><b>Minnesota Assessment of Parenting for Children and Youth (MAPCY)</b></p> <p>MAPCY is an assessment tool under Northstar Care for Children that determines foster care maintenance and supplemental difficulty of care payment rates for children placed in family foster care and corporate foster care settings licensed to provide child foster care.</p>

	<p><b>When a child turns 18</b></p> <p>If a child is in a foster care setting on their 18th birthday, they might be eligible for foster care maintenance payments until they are age 21 (also referred to as “extended foster care”). Foster care maintenance payments are determined using the same rates and processes as children younger than age 18. When a person is eligible for extended foster care, the lead agency may authorize child <a href="#">community residential services</a> or family residential services until the person is no longer determined eligible for extended foster care. For more information, refer to <a href="#">DHS – Extended foster care to age 21</a>. If a child in a foster care setting turns 18 and is not eligible for extended foster care, the waiver service changes from child family residential services to adult family residential services.</p>
<b>Funding</b>	<p>When a child lives in a licensed foster care setting, regardless of the reason or legal authority, the lead agency must use the child foster care maintenance payment (including Title IV-E funds) before accessing waiver services. For more information, refer to <a href="#">CBSM – Funding for children in foster care settings</a>.</p>