

Adult foster care

Effective Jan. 1, 2022, DHS updated this page to include **only EW policy**.

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Legal authority	Federally approved EW plan , Minn. Stat. Ch. 245A , Minn. Stat. Ch. 245D , Minn. R. 9555.5105 to 9555.6265 , Minn. Stat. §256B.0919, subd. 3	
Applicability	The information on this page applies to the home and community-based services (HCBS) adult foster care service on the Elderly Waiver (EW).	
Definitions	<p>Adult foster care: Individual waiver services that provide ongoing residential care and supportive services to adults living in a home licensed as family foster care or a community residential setting (CRS). These services are individualized and based on the needs of the adult, as identified in the support plan.</p> <p>Family foster care setting: A licensed family foster care setting where the license holder resides in the home.</p> <p>Community residential setting (CRS): A licensed residential setting that serves adults and where the license holder does not reside. This setting typically uses a shift-staff model of support (i.e., paid staff work shifts on a 24-hour basis). In this type of setting, at least one person receives foster care or supported living services funded by an HCBS waiver program.</p> <p>Institution: For the purposes of this page, "institution" means:</p> <ul style="list-style-type: none">• Nursing facility.• Hospital.• Intermediate care facility for persons with developmental disabilities (ICF/DD).• Institution for mental disease (IMD). <p>Prong 1 setting: Setting located in a publicly or privately owned institution. For example, the waiver service setting and the institution share the same address, share a common wall or are connected by a walkway, skywalk or other enclosed corridor.</p> <p>Prong 2 setting: Setting located adjacent to a publicly owned institution. For example, the waiver service setting touches the institution or its property with no intervening parcel of land between the two settings.</p> <p>Publicly owned institution: Institution financed and operated by a county, state, municipality, or other unit of government. A privately owned nursing facility is not a public institution.</p>	
Covered services	<p>The adult foster care waiver service covers the provision of protection, supervision, household services and living-skills assistance.</p> <p>Household services</p> <p>Household services can include training and assistance with:</p> <ul style="list-style-type: none">• Chores.• Cleaning.• Cooking.• Budgeting and safeguarding cash resources.• Homemaking.• Other household care or maintenance tasks. <p>Living-skills assistance</p> <p>Living-skills assistance can include training and assistance with activities such as:</p> <ul style="list-style-type: none">• Assistance with activities of daily living.• Companion.	

	<ul style="list-style-type: none"> • Medication oversight (to the extent permitted under state law). • Recreation. • Social opportunities. • Transportation. • Use of community resources.
Non-covered services	<p>The adult foster care waiver service does not cover:</p> <ul style="list-style-type: none"> • Cost of vehicle and facility maintenance (e.g., upkeep and improvement). • Duplication of services paid by other sources (e.g., respite for adults living in community residential settings, chore services, home-delivered meals, homemaker, individual community living supports (ICLS) or PCA services). • Items of comfort or convenience. • Payment when the adult is absent for a full day (refer to the absences from a residential setting section on MHCP Provider Manual – Billing for Waiver/AC program). • Payments made directly or indirectly to the adult. • Room and board, including Housing Support (formerly Group Residential Housing [GRH]). • Services provided directly or indirectly to members of the adult’s immediate family.
Room and board funding	<p>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 DHS – Housing Support.</p>
Size and location	<p>Adult foster care providers may be licensed to serve up to five adults per home if all people who receive foster care are age 55 or older and do not have a serious and persistent mental illness or a developmental disability.</p>
New location requirements	<p>Prong 1 and prong 2 settings Effective March 18, 2023, new adult foster care providers cannot bill for waiver services in settings in or adjacent to an institution (as described in the definition section) until approved by DHS and the Centers for Medicare & Medicaid Services (CMS) through the heightened-scrutiny process. For more information, refer to DHS – Requirements for new HCBS settings.</p> <p>Lead agency instructions Lead agencies should:</p> <ul style="list-style-type: none"> • Inform new adult foster care providers of this policy. • Instruct providers in prong 1 or prong 2 settings to follow the instructions in the next section to begin the heightened-scrutiny process. <p>Provider instructions To start the heightened-scrutiny process, new adult foster care providers must email the DHS Aging and Adult Services HCBS unit at dhs.aasd.hcbs@state.mn.us with the subject “Heightened Scrutiny” and include the provider’s name, setting address and contact information.</p>
Secondary information	<p>Services under all waiver/AC programs must meet the requirements listed in the services section of CBSM – Waiver/AC service provider</p>

	<p>overview.</p> <p>Own home For information about how to determine if a setting requires a license or qualifies as a person's own home, refer to CBSM – Requirements for a person's own home.</p>
<p>Provider standards and qualifications</p>	<p>When an adult lives in a licensed foster care setting, all federal, state and/or licensing agency rules and regulations must be followed. Adult foster care is an enrollment-required service. For more information, refer to CBSM – Waiver/AC service provider overview.</p> <p>Service license requirements An adult foster care provider must have one of the following licenses or county certification:</p> <ul style="list-style-type: none"> • A service license under Minn. Stat. Ch. 245D as an intensive support service provider. • A service license under Minn. Stat. Ch. 245A and meet current legal foster care licensure requirements under Minn. R. 9555.5105 – 9555.6265. • County certification of relatives according to Minn. Stat. §256B.0919 subd. 3 (refer to the county certification of relatives section below). <p>The provider does not have to be licensed under both Ch. 245D and Ch. 245A. However, if a provider is dually licensed, the provider is required to meet the 245D licensing standards.</p> <p>County certification of relatives A county may certify a person who is exempt from licensure under Minn. Stat. §245A.03, subd. 2 to provide adult foster care to a related person on EW, according to Minn. Stat. §256B.0919, subd. 3. The person must meet all of the following criteria:</p> <ul style="list-style-type: none"> • Provide adult foster care to a related person who is age 65 or older. • Meet the requirements under Minn. R. 9555.5105 – 9555.6265. • Would suffer a financial hardship due to providing care. Note: Financial hardship refers to a situation in which a relative has a substantial reduction in income because they resigned from a full-time job or took a leave of absence without pay from a full-time job to care for the person. <p>Setting license requirements The adult foster care service can only be provided in settings licensed as an adult foster care setting under Minn. R. 9555.5105 – 9555.6265 or CRS under Minn. Stat. 245D.02, subd. 4a.</p> <p>Background study To provide adult foster care, providers must have a background study. For more information, refer to CBSM – Waiver/AC service provider overview – Required DHS background studies for direct-contact services.</p> <p>Reporting A provider licensed under 245D must report all uses of controlled procedures, emergency use of manual restraint and prohibited procedures according to Minn. Stat. §245D.06, subd. 5 to DHS via the Behavioral Intervention Report Form, DHS-5148. Providers are prohibited from emergency use of manual restraint.</p>
<p>Authorization, rates and billing</p>	<p>Lead agencies use the Elderly Waiver Residential Services (EW RS) Rate Tool in the MnCHOICES Support Plan to develop service plans and</p>

	<p>determine rates for EW adult foster care services. For more information, refer to DHS – EW residential services.</p> <p>When adult foster care component service rates and monthly caps increase, DHS updates the rate and cap values in the EW RS Rate Tool. After the new rate and cap values take effect, people on EW access them throughout the year when the lead agency completes a new EW RS Rate Tool for a person due to:</p> <ul style="list-style-type: none"> • Assessment or reassessment. • Change in adult foster care provider. • Change in the support plan due to a change in the person’s needs or circumstances.
<p>Find an adult foster care provider</p>	<p>To find a list of licensed adult foster care providers in Minnesota, refer to:</p> <ul style="list-style-type: none"> • DHS licensing information lookup. • MinnesotaHelp.info.
<p>Additional information</p>	<p>CBSM – Requirements for a person’s own home CBSM – Waiver/AC service provider overview DHS – EW residential services DHS – Housing Support DHS – Licensing forms DHS – Requirements for new HCBS settings</p>