

**ADULT FOSTER CARE (AFC)
ALTERNATE OVERNIGHT SUPERVISION TECHNOLOGY CHECKLIST**
Minnesota Statutes, section 245A.11, subdivisions 7a & 7b

Applicant/License Holder:	
AFC License #:	Date:

C = Compliance, NC = Non-Compliance, NA = Not Applicable

Policies and Procedures					
Requirements	Subdivision	C	NC	NA	Comments
The applicant or license holder (LH) must establish, maintain, and document the implementation of written policies and procedures.	Subd.7a, (c)				
The applicant or LH must have policies and procedures that:					
<ul style="list-style-type: none"> • Establish characteristics of target populations that will and will not be admitted into the home. 	Subd.7a, (d), (1)				
<ul style="list-style-type: none"> • Explain the discharge process when a resident requires overnight supervision or other services that cannot be provided by the LH. 	Subd.7a, (d), (2)				
<ul style="list-style-type: none"> • Describe the types of events to which the program will respond with a physical presence when those events occur in the home during time when staff are not on-site, and how the LH's response plan meets the requirements of response alternative 1 or 2. 	Subd.7a, (d), (3)				
Establish a process for documenting a review of the implementation and effectiveness of the response protocol. Documentation must include:	Subd.7a, (d), (4)				
<ul style="list-style-type: none"> • A description of the triggering incident. (i) 					
<ul style="list-style-type: none"> • The date and time of the triggering incident.(ii) 					
<ul style="list-style-type: none"> • The time of the response or responses. (iii) 					
<ul style="list-style-type: none"> • Whether the response met the resident's needs. (iv) 					
<ul style="list-style-type: none"> • Whether the existing policies and response protocols were followed.(v) 					
<ul style="list-style-type: none"> • Whether the existing policies and protocols are adequate or need modification. (vi) 					
When no physical presence is completed for a three-month period the LH's written policies and procedures must require a physical presence response drill to be conducted for which the effectiveness of the response protocol will be reviewed and documented.	Subd.7a, (d), (4)				
Emergency and non-emergency phone numbers are posted in a prominent location in a common area of the home.	Subd.7a, (d), (5)				

Response Alternatives					
Requirement	Subdivision	C	NC	NA	Comments
The LH must document and include in the license application which response alternative is in place for responding to situations that present a serious risk to the health, safety, or rights of residents served by the program (Chose 1 OR 2)	Subd.7a, (e)				
(1) Response alternative 1 requires only the technology to provide an electronic notification or alert to the LH that an event is underway that requires a response. Under this alternative, no more than ten minutes will pass before the LH will be physically present on-site.	Subd.7a, (e) (1)				
(2) Response alternative 2 requires the electronic notification and alert system under alternative 1, but more than ten minutes may pass before the LH is present on-site to respond to the situation. Under this alternative, all of the following conditions are met: <ul style="list-style-type: none"> The LH has a written description of the interactive technological applications that will assist the LH in communicating with and assessing the needs related to care, health, and safety of the foster care recipients. This interactive technology must permit the LH to remotely assess the well-being of the resident. Requiring the foster care recipient to initiate a telephone call does not meet this requirement. (i) 	Subd.7a, (e) (2)				
<ul style="list-style-type: none"> The LH documents how the LH is qualified and capable of meeting the needs of the foster care recipients and assessing foster care recipients' needs.(ii) 					
<ul style="list-style-type: none"> The LH maintains written procedures to dispatch emergency response personnel to the site in the event of an identified emergency.(iii) 					
<ul style="list-style-type: none"> Each resident's individualized plan of care, individual service plan or individual resident placement agreement identifies the maximum response time, which may be greater than ten minutes, for the LH to be on-site for that resident. (iv) 					

Service Plan / Informed Consent					
Requirements	Subdivision	C	NC	NA	Comments
Each resident's placement agreement, individual service agreement, and plan must clearly state:	Subd. 7a, (f)				
<ul style="list-style-type: none"> That the adult foster care program is without the presence of a caregiver during normal sleep hours. 					
<ul style="list-style-type: none"> The protocols in place for responding to situations that present a serious risk to health, safety or rights of residents. 					
<ul style="list-style-type: none"> A signed informed consent is in place from each resident served by the program or resident's legal representative. 					

Service Plan / Informed Consent (continued)					
Requirements	Subdivision	C	NC	NA	Comments
If electronic monitoring technology is used in the home, the informed consent must also explain the following:	Subd. 7a, (f)				
<ul style="list-style-type: none"> How any electronic monitoring is incorporated into the alternative supervision system. 	Subd. 7a, (f) (1)				
<ul style="list-style-type: none"> The backup system for any electronic monitoring in times of electrical outages or other equipment malfunctions. 	(2)				
<ul style="list-style-type: none"> How the caregivers are trained on the use of the technology. 	(3)				
<ul style="list-style-type: none"> The event types and LH response times. 	(4)				
<ul style="list-style-type: none"> How the LH protects each resident's privacy related to electronic monitoring and electronically recorded data. A resident served by the program may not be removed from a program under this subdivision for failure to consent to electronic monitoring. The consent must explain where and how the recorded data is stored, with whom it will be shared, and how long it is retained. 	(5)				
<ul style="list-style-type: none"> The risks and benefits of the alternative overnight supervision system. 	(6)				
The above written explanations may be accomplished through cross-references to other policies and procedures as long as they are explained to the person giving consent, and the person giving consent is offered a copy					

Adult Foster Care Data Privacy and Security					
Requirements	Subdivision	C	NC	NA	Comments
An adult foster care LH who creates, collects, records, maintains, stores, or discloses any individually identifiable recipient data, whether in an electronic or any other format, must comply with the privacy and security provisions of applicable privacy laws and regulations, including HIPAA and the Minnesota Government Data Practices Act. For purposes of licensure, the LH shall be monitored for compliance with the following data privacy and security provisions:	Subd. 7b (a) (b)				
<ul style="list-style-type: none"> The LH must control access to data on residents served by the program according to the definitions of public and private data on individuals under section 13.02; classification of the data on individuals as private under section 13.46, subd. 2; and control over the collection, storage, use, access, protection, and contracting related to data according to section 13.05, in which the LH is assigned the duties of a government entity. 					

Adult Foster Care Data Privacy and Security (continued)

Requirements	Subdivision	C	NC	NA	Comments
<ul style="list-style-type: none"> The LH must provide each resident served by the program with a notice that meets the requirements under section 13.04, in which the LH is assigned the duties of the government entity, and that meets the requirements of Code of Federal Regulations, title 45, part 164.52. The notice shall describe the purpose for collection of the data, and to whom and why it may be disclosed pursuant to law. The notice must inform the recipient that the LH uses electronic monitoring and, if applicable, that recording technology is used. 					
<ul style="list-style-type: none"> The LH must not install monitoring cameras in bathrooms. 					
<ul style="list-style-type: none"> Electronic monitoring cameras must not be concealed from the residents served by the program. 					
<ul style="list-style-type: none"> Electronic video and audio recordings of residents served by the program shall be stored by the LH for five days unless: (i) a resident served by the program or legal representative requests that the recording be held longer based on a specific report of alleged maltreatment; or (ii) the recording captures an incident or event of alleged maltreatment under section 626.556 or 626.557 or a crime under chapter 609. When requested by a resident served by the program or when a recording captures an incident or event of alleged maltreatment or a crime, the LH must maintain the recording in a secured area for no longer than 30 days to give the investigating agency an opportunity to make a copy of the recording. 					

When complete, submit this checklist, supporting documentation, and a completed Alternate Overnight Supervision Technology application to:

Commissioner, Department of Human Services
 Office of Inspector General
 Licensing Division
 Attention: Foster Care Licensing
 PO Box 64242
 St. Paul, MN 55164-0242

The Department of Human Services (DHS) will review the completed application and supporting documentation within 60 days of receipt. If the application is incomplete due to failure to submit required documents or if the documents submitted do not meet licensing requirements and are substantially deficient, DHS will provide written notice to you. The written notice will identify documents that are missing or deficient. You will have 45 days to resubmit a second application that is substantially complete. Your failure to submit a substantially complete application after receiving written notice from DHS is a basis for a license denial under section 245A.05. DHS will complete a subsequent review within 30 days.

Once the application is considered complete it will be forwarded to the county licensing agency to complete the on-site inspection. DHS will approve or deny a completed application for an AFC alternate overnight supervision license within 60 days.

Pursuant to Minnesota Statutes, section 245A.11, subd. 7A (l), to be eligible for an alternate overnight supervision license, the AFC license holder must not have had a conditional license issued under section 245A.06 or any licensing sanction under section 245A.07 during the prior 24 months based on failure to provide adequate supervision, health care services, or resident safety in the adult foster care home.