

**NUMBER**

#20-56-07

**DATE**

July 14, 2020

**OF INTEREST TO**

County/tribal directors

Social services supervisors and  
staff

HCBS waiver service providers

People who receive HCBS  
waiver services

**ACTION/DUE DATE**

Please read information and  
prepare for implementation

**EXPIRATION DATE**

July 14, 2022

## Turning the dial on day services for adults with disabilities

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### TOPIC

This change allows people, regardless of living arrangement, to receive day training and habilitation (DT&H), prevocational and structured day services in the day service facility and community.

The change is effective July 13, 2020, and is effective for the duration of the peacetime emergency.

### PURPOSE

To provide lead agencies and waiver day service providers with guidance about how to:

- Provide services in day services facilities during the COVID-19 pandemic
- Provide services in the community during the COVID-19 pandemic
- Support people's informed choices about returning to day service facilities and the community

### CONTACT

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### SIGNED

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### TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

## Background

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On May 30, 2020, DHS temporarily modified certain licensing requirements to allow day service facilities for adults with disabilities to reopen partially to people living in their own home or family home.

Effective July 13, 2020, licensed day service facilities can reopen to people who live in any setting and receive day training and habilitation (DT&H) prevocational services or structured day services, as long as the facility follows the new licensing requirements for day service providers.

**This guidance does not apply to people who receive adult day services.**

Day service facility license holders must continue to follow [Minnesota Department of Health guidelines](#) and [Centers for Disease Control and Prevention guidelines](#) to establish and implement a COVID-19 Preparedness Plan, per [EO 20-63, paragraph 7e \(PDF\)](#).

Guidance related to [service authorization and rates](#) can be found in the DSD COVID-19 frequently asked questions.

People continue to have the option to receive day and employment services remotely. For more information and operational guidance on remote service delivery, refer to [Bulletin #20-48-01: Temporary expansion of remote support for home and community-based services \(HCBS\) waivers \(PDF\)](#).

## Options to provide day services in the community

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As Minnesota transitions from stay-at-home orders to Stay Safe MN, more businesses will open and more activity will take place in the community.<sup>1</sup>

Before COVID-19, day service providers offered regular opportunities for people to access the community through [day training and habilitation \(DT&H\)](#), [prevocational services](#) and [structured day services](#). People participated in community activities in a licensed day service facility or exclusively in community settings.

Effective July 13, 2020, providers can use the following guidelines to support people to access the community during the COVID-19 pandemic.

### Requirements for day service facility license holders

If people access the community through services they receive at the day service facility, the license holder must comply with the following requirements.

Day service facilities must follow requirements for capacity, cohort size, duration of shifts, screening protocols and other measures to mitigate the spread of COVID-19, including:

- The license holder must limit occupancy to no more than 50% of the licensed capacity or a maximum of 50 people at a time, including staff, whichever is smaller, to help ensure social distancing strategies in

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<sup>1</sup> See [EO 20-20 \(PDF\)](#) and [EO 20-33 \(PDF\)](#) (stay-at-home orders) and [EO 20-63 \(PDF\)](#) (Stay Safe MN)

the facility. Staff who are not required to be on site to deliver services must work remotely, consistent with [EO 20-63 \(PDF\)](#).

- The license holder must deliver services in shifts, with a maximum duration of three hours throughout the day for each person receiving services. The three-hour maximum includes services delivered in the facility and in the community.

Programs may resume operating after the license holder:

- Reviews and follows the specific [New Licensing Requirement for Providers of Day Services for Adults with Disabilities, DHS-7313D \(PDF\)](#)
- Prepares a COVID-19 Preparedness Plan following the [Department of Labor and Industry preparedness plan requirements and guidelines](#)
- Submits [Notification of Operation of Day Service Facilities, DHS-7313C](#) to notify DHS Licensing that the license holder is resuming services in the day service facility

If people access day services exclusively in the community, the day service provider must:

- Follow the [Department of Labor and Industry preparedness plan requirements and guidelines](#)

DHS has developed COVID-19 preparedness plan template for critical non-residential license holders which providers may also use as a resource:

- [Preparedness Plan Requirements Guidelines for DHS Licensed or Certified Nonresidential Services \(PDF\)](#)
- Create and maintain consistent cohorts of the same staff and people receiving services (10 or fewer people, including staff) during the entire time day services are provided
- Deliver services in the community with a maximum duration of six hours per day for each person receiving services

## Additional guidance

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Additional guidance related to day services in the community will be published on the [DSD COVID-19 frequently asked questions webpage](#).

## Informed choice

People with disabilities have the right to make an informed choice about whether they want to receive services in [allowable community settings](#), in day service facilities, or via remote service delivery. Lead agencies and providers should set up times to have conversations with the person and their support team to discuss the individual risks and benefits. Factors to discuss and/or consider include:

- Is the person at a higher risk for infection because they are older than age 65 or have an underlying health condition, as defined in [EO 20-55 \(PDF\)](#)?
- Is it possible for the person to receive services remotely?

- Has the team reviewed the day service provider’s COVID-19 preparedness plan, as required in [EO 20-56 \(PDF\)](#)? Does the person feel confident the provider will implement that plan effectively?
- Can the person protect themselves and others by washing their hands often; avoiding touching their eyes, nose and mouth; covering their coughs and sneezes; and wearing a protective mask or cloth face covering?
- Can the person access transportation safely?
- Given all these factors, is the benefit of returning to day services outweighed by the health risk associated with returning to day services?
- Is the current Individual Abuse Prevention Plan (IAPP), self-management plan and outcomes for each person consistent with receiving services in the community?

### **Lead agency documentation**

The lead agency should document a summary of these important conversations and the person’s resulting decisions in case notes or the person’s support plan.

Lead agencies can check provider websites for COVID-19 preparedness plans. If a preparedness plan is not available on the provider’s website, they can request a copy from the provider.

### **Allowable community settings**

Community activities and events offered through the day service provider may only be provided in outdoor settings. This requirement follows the [Outdoor Recreation Guidance \(PDF\)](#), based on [EO 20-74 \(PDF\)](#), which implements phase III of Stay Safe MN. People may access indoor public facilities for restroom use or protection from inclement weather.

### **Transportation**

If the day service provider provides transportation to people who receive services, the provider’s COVID-19 Preparedness Plan must address how the provider will implement social distancing and other mitigation efforts during transportation. To protect drivers and passengers, day service providers should follow [Minnesota Department of Health transportation guidance \(PDF\)](#) specific to home and community-based service (HCBS) providers when they offer transportation services to people considered high-risk.

## **Americans with Disabilities Act (ADA) advisory**

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This information is available in accessible formats for people with disabilities by calling 651-431-4300 (local) or 866-267-7655 (toll free) or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.