

## Overview

Some people with disabilities and over the age of 65 receive home and community-based services. These services must be provided according to a set of standards that are administered by the Minnesota Department of Human Services (DHS). The standards ensure that service providers are providing care in a consistent manner. This publication describes these standards, who they apply to, licensing requirements, fees, and other issues.

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## Standards Provide a Licensing Framework for Recipient Protection

The home and community-based services standards are a licensing framework to provide for recipient protections such as service recipient rights, health services standards, protection standards, service planning and delivery standards, program coordination and oversight standards, staffing standards, record requirements, and facility standards. These standards apply to certain home and community-based services provided to persons with disabilities and persons age 65 and older.<sup>1</sup>

The standards were established after the federal government notified DHS that the state needed to develop and implement statewide standards for home and community-based services. This occurred in 2012. Prior to the implementation of the standards, counties contracted with providers of home and community-based services. Service standards varied by

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<sup>1</sup> See [Minn. Stat. ch. 245D](#). There are several home and community-based services not covered under [Minnesota Statutes, chapter 245D](#), including adult day care, assistive technology, case management, consumer-directed community supports, customized living, environmental accessibility adaptations, home delivered meals, specialized supplies and equipment, and transportation.

county, and providers that provided services in more than one county had to enter into a separate contract with each county in which the provider operated.

The resulting home and community-based services standards that were developed:

- replaced the county contracting system and statutory requirements for services to persons with developmental disabilities;
- applied the new standards to a broader population and to more service providers; and
- ensured all home and community-based services providers met a consistent set of standards.

The home and community-based services standards became effective January 1, 2014.

## Application of the Standards

These standards apply to basic support services and intensive support services provided under the Medicaid home and community-based waivers<sup>2</sup> administered by DHS and certain other nonwaiver services. Not all services are provided under each waiver.

**Basic Support Services Covered Under Home and Community-Based Services Standards**

Services	BI and CAC Waivers	CADI and DD Waivers	EW	Nonwaiver Services
In-home and out-of-home respite care <sup>3</sup>	Yes	Yes	Yes	No
Adult companion services <sup>4</sup>	No	No	Yes	No
24-hour emergency assistance	No	Yes	No	No
Night supervision services	Yes	Yes	No	No
Homemaker services <sup>5</sup>	Yes	Yes	Yes	No

<sup>2</sup> Medicaid home and community-based waivers allow people to receive care in their homes and communities instead of an institutional setting. Minnesota currently administers the following five home and community-based waivers: brain injury (BI) waiver; community alternative care (CAC) waiver; community access for disability inclusion (CADI) waiver; developmental disabilities (DD) waiver; and elderly waiver (EW). For more on the waiver programs, see the House Research Department publication [Medicaid Home- and Community-Based Waiver Programs](#), September 2022.

<sup>3</sup> Excludes out-of-home respite care services provided to children in a family child foster care home when the child foster care license holder complies with certain protection standards related to prohibited and restricted procedures and has developed a positive support transition plan.

<sup>4</sup> Excludes adult companion services provided under the Corporation for National and Community Services Senior Companion Program.

<sup>5</sup> Excludes providers licensed by the Department of Health under [Minnesota Statutes, chapter 144A](#), and those providers providing cleaning services only.

Services	BI and CAC Waivers	CADI and DD Waivers	EW	Nonwaiver Services
Individual community living support	No	No	Yes	No
Individualized home supports without training	Yes	Yes	No	No

**Intensive Support Services Covered under Home and Community-Based Services Standards**

Services	BI and CAC Waivers	CADI and DD Waivers	EW	Nonwaiver Services
Positive support services	Yes	Yes	No	No
In-home and out-of-home crisis respite care services	Yes	Yes	No	No
Specialist services	Yes	Yes	No	No
Semi-independent living services	No	No	No	Yes
Individualized home support with training services	Yes	Yes	No	No
Individualized home support with family training services	Yes	Yes	No	No
Community residential services <sup>6</sup>	Yes	Yes	No	No
Family residential services <sup>7</sup>	Yes	Yes	No	No
Residential services provided to more than four persons with developmental disabilities in a supervised living facility <sup>8</sup>	No	No	No	Yes
Life sharing services	Yes	Yes	No	No
Day support services	Yes	Yes	No	No
Day training and habilitation services	No	No	No	Yes
Prevocational services	Yes	Yes	No	No
Employment exploration services	Yes	Yes	No	No
Employment development services	Yes	Yes	No	No

<sup>6</sup> Applies to services provided in a corporate child foster care residence, community residential setting, or supervised living facility.

<sup>7</sup> Applies to services provided in a family child foster care residence or a family adult foster care residence.

<sup>8</sup> Includes intermediate care facilities for persons with developmental disabilities.

Services	BI and CAC Waivers	CADI and DD Waivers	EW	Nonwaiver Services
Employment support services	Yes	Yes	No	No
Integrated community support services	Yes	Yes	No	No

## Facilities Regulated by the Standards

Community residential settings and day services facilities are regulated by the home and community-based services standards.

A **community residential setting** is a residential program where: (1) certain residential supports and services are provided; and (2) the license holder is the owner, lessor, or tenant of the licensed facility and does not reside in the facility.

A **day services facility** is a licensed facility at which persons receive licensed day services from the license holder's direct support staff for a cumulative total of more than 30 days in any 12-month period and the license holder is the owner, lessor, or tenant of the facility.

## Licensing Requirements

Home and community-based services must meet the following requirements to be licensed:

- **Service recipient rights**<sup>9</sup> including both service-related rights and protection-related rights
- **Health services standards**<sup>10</sup> including meeting health services needs assigned to the license holder in a person's support plan or support plan addendum; this can include providing medication setup, assistance, or administration
- **Protection standards**<sup>11</sup> including requirements related to incident response and reporting, environment and safety, protecting funds and property, prohibited and restricted procedures, and developing a positive support transition plan
- **Service planning and delivery standards**<sup>12</sup> including providing services in a way that supports person-centered planning and service delivery, with additional requirements for intensive support services including abuse prevention, assessment and initial service planning, and service plan review and evaluation

<sup>9</sup> See [Minn. Stat. § 245D.04](#).

<sup>10</sup> See [Minn. Stat. § 245D.05](#).

<sup>11</sup> See [Minn. Stat. § 245D.06](#).

<sup>12</sup> See [Minn. Stat. §§ 245D.07](#) and [245D.071](#).

- **Program coordination, evaluation, and oversight standards**<sup>13</sup> including requirements related to coordination and evaluation of individual service delivery and program management and oversight
- **Staffing standards**<sup>14</sup> including requirements related to supervision of direct contact staff, program orientation, orientation to individual service recipient needs, annual training, and staff qualifications
- **Record requirements**<sup>15</sup> including requirements related to keeping an electronic admission and discharge register, maintaining service recipient records, ensuring access to service recipient records, and maintaining personnel records
- **Policy and procedure requirements**<sup>16</sup> including establishing a complaint process for persons served by a home and community-based services program, a temporary service suspension process that promotes continuity of care and service coordination, and a service termination process that promotes continuity of care and service coordination. Intensive support services providers must meet additional requirements related to establishing policies and procedures that promote health and welfare, ensure data privacy, and promote continuity of care by ensuring that admission or service initiation criteria meets certain requirements.

## **Additional Requirements for Residential Settings and Day Service Facilities**

Community residential settings and day service facilities must meet **facility standards**<sup>17</sup> including requirements related to complying with applicable state and local fire, health, building, and zoning codes, other sanitation and health requirements, physical plant requirements, and satellite licensure requirements for license holders providing services located at separate addresses.

## **Special Considerations for Community Residential Settings**

The community residential setting license was created to combine the setting and services licenses into one license for corporate foster care providers who serve persons receiving Medical Assistance home and community-based waiver services.<sup>18</sup> If a facility includes one or more persons with a funding source other than a waiver, such as private pay, the facility is licensed as an adult foster care home. Funding sources for these facilities do not limit where people live, but funding sources do determine which license is required for the facility to operate.

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<sup>13</sup> See [Minn. Stat. § 245D.081](#).

<sup>14</sup> See [Minn. Stat. § 245D.09](#).

<sup>15</sup> See [Minn. Stat. § 245D.095](#).

<sup>16</sup> See [Minn. Stat. §§ 245D.10](#) and [245D.11](#).

<sup>17</sup> See [Minn. Stat. §§ 245D.21](#) to [245D.31](#).

<sup>18</sup> See [Minn. Stat. § 245A.11](#), subd. 8.

Community residential settings may use remote overnight supervision<sup>19</sup> in lieu of on-site staff if certain requirements are met including notifying the commissioner of human services of the intent to use technology for overnight supervision, documenting in each resident's support plan addendum that the setting is a program without the presence of in-person overnight direct support staff, and including in each resident's support plan addendum the license holder's protocols for responding to situations that present a serious risk to the health, safety, or rights of residents served by the program.

The moratorium on corporate adult foster care licenses<sup>20</sup> also applies to community residential setting licenses.

## **Other Features of Home and Community-Based Services Licensure**

A license holder may request approval for an alternative licensing inspection<sup>21</sup> for home and community-based services, individual community residential settings, or day services facilities. In order to be eligible for an alternative licensing inspection, the license holder must: (1) have a qualifying accreditation; (2) have had at least one inspection by the commissioner following issuance of the initial license; and (3) have been in substantial and consistent compliance at the time of the last licensing inspection and during the current licensing period. A license holder approved for alternative licensing inspection is deemed to be in compliance with all home and community-based services standards and does not receive routine licensing inspections.

A licensed home and community-based services provider may be issued an adult mental health certification<sup>22</sup> if the license holder meets the following requirements:

- all staff have received at least seven hours of annual training covering specified topics
- a mental health professional or mental health practitioner is available for consultation
- there is a protocol in place to address a mental health crisis
- there is a crisis prevention and management plan for each person that identifies who is providing clinical services and their contact information

As of October 6, 2025, there were 108 active home and community-based licenses with an adult mental health certification.

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<sup>19</sup> See [Minn. Stat. § 245D.261](#).

<sup>20</sup> See [Minn. Stat. § 245A.03](#), subd. 7.

<sup>21</sup> See [Minn. Stat. § 245D.32](#).

<sup>22</sup> See [Minn. Stat. § 245D.33](#).

## Numbers of Licenses

As of October 6, 2025, there were 2,580 active home and community-based services licenses. However, there is a backlog of home and community-based services licensure applications. As of October 2025, DHS is currently reviewing applications submitted in September 2022 or before.

The table below shows the number of active home and community-based services licenses by category. The total number of licenses by category is more than the total above because one license may cover more than one service category.

**Home and Community-Based Services Licenses, by Category**

Licensed Service	Number of Active Licenses as of October 6, 2025
Basic Support Services <sup>23</sup>	2,108
Intervention Support Services <sup>24</sup>	580
In-Home Support Services <sup>25</sup>	1,814
Integrated Community Supports	262
Residential Supports and Services <sup>26</sup>	1,181
Day Services <sup>27</sup>	183
Employment Services <sup>28</sup>	981

<sup>23</sup> Basic support services include 24-hour emergency assistance, adult companion services, homemaker services, individual community living support, night supervision, in-home and out-of-home respite care, and individualized home supports.

<sup>24</sup> Intervention support services include positive supports, specialist services, and in-home and out-of-home crisis respite care.

<sup>25</sup> In-home support services include individualized home supports, semi-independent living skills, individualized home supports with training, and individualized home supports with family training.

<sup>26</sup> Residential supports and services include foster care services or supported living services, supported living services in a supervised living facility, residential services in an intermediate care facility for persons with developmental disabilities, community residential setting services, and family residential services.

<sup>27</sup> Day services include prevocational services and day support services.

<sup>28</sup> Employment services include employment development services, employment exploration services, and employment support services.

## Licensure Fees

Home and community-based services licensure applicants must pay an application fee<sup>29</sup> of \$500. In addition, applicants must pay an annual license fee. The annual license fee<sup>30</sup> is based on revenues from the provision of home and community-based services that would require a license during the calendar year immediately preceding the year in which the license fee is paid. The fees range from \$200 for revenues less than or equal to \$10,000, up to \$18,000 for revenues greater than or equal to \$15 million. However, beginning January 1, 2026, the application fee will increase to \$4,200, and annual license fees will increase to a low of \$250 for annual revenue less than or equal to \$10,000 and a high of \$75,000 for annual revenue greater than \$35 million.

## Future Legislative Issues

Some potential legislative issues related to the home and community-based services standards include:

- potential changes necessary to align the licensed services with services provided under the home and community-based services waivers due to ongoing work at DHS to reconfigure the home and community-based services waivers for people with disabilities
- potential changes to the licensing fee structure since the 2025 Legislature significantly increased the fees
- potential changes to tighten up program requirements and licensure inspections given recent fraud allegations in integrated community supports



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<sup>29</sup> See [Minn. Stat. § 245A.10](#), subd. 3.

<sup>30</sup> See [Minn. Stat. § 245A.10](#), subd. 4.