Minnesota Department of Corrections

Policy:	**203.205**	**Title: Predatory Offender Management in a Care Facility**
Issue Date:	**7/1/14**	
Effective Date:	**7/15/14**	

AUTHORITY: Minn. Stat. §§ 244.20 and 243.05, subd. 6

PURPOSE: To establish screening and reporting mechanisms for predatory offender management in health care facilities or nursing homes.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: Department staff must comply with the screening and reporting procedures established in this policy for predatory offender management in health care facilities or nursing homes.

DEFINITIONS:

Health care facility - as defined in Minn. Stat. §243.166, subd. 4b.

Nursing home - as defined in Minn. Stat. §144A.01, subd. 5.

Physically separated - no direct or indirect contact with residents or visitors unless under direct supervision of facility staff.

Predatory offender – an offender subject to registration under Minn. Stat. §§ 243.166 and 243.167.

PROCEDURES:

A. Placement of predatory offender in a health care facility or nursing home upon release from a correctional facility at supervised release date (SRD) or projected release date (PRD)

1. Nursing home placement

a) For placement in a nursing home due to mental health reasons, mental health services providers at the correctional facility must follow Policy 500.302, "Mental Health Continuity of Care."

b) For placement in a nursing home due to medical reason, health services providers at the correctional facility must follow Division Directive 500.187, "Medical Release Planning."

c) The field services agent assigned to the case must:

(1) Meet with care facility or nursing home staff and ensure the offender can be physically separated from other residents. If this separation is not possible, the agent must confirm that the offender is assigned to a single room or if not, must only have other registered sex offenders as roommates. Further, the supervising agent must impose appropriate conditions to ensure the offender does not have any contact with other residents or visitors in any private or secluded area of the facility unless under the direct supervision of facility staff. Appropriate conditions may include such examples as unannounced searches and/or electronic surveillance.

(2) Complete the Nursing Home Investigation form (attached) and submit it to his/her supervisor for approval.
(3) Give the name and address of the nursing home to the designated staff in the inspection and enforcement unit (I&E) for review of the nursing home's license status. The I&E staff must provide a summary report to the agent.
(4) Accept, accept with conditions, or reject placement at the nursing home and report the decision to the offender's case manager at the correctional facility.

d) The case manager at the correctional facility must prepare a reentry review based on the field services agent investigation.

e) The hearings and release unit (HRU) must approve or defer the reentry review.

f) The field services agent must meet with designated nursing home staff to inform the staff about the offender's offense characteristics.

g) The field services agent must supervise offenders in the nursing home by:
(1) Conducting offender contacts based upon the classification of the offender, enhanced sex offender requirements or intensive supervised release requirements.
(2) Reviewing offender living situation during every agent visit to ensure the physical separation and/or rooming requirements and any special conditions continue to be met.
(3) Attending all case conferences/case management meetings on the offender.
(4) Obtaining from the nursing home, written quarterly reports on the offender's progress and incident reports relating to the offender.
(5) Monitoring and documenting any changes in the offender's care plan and room assignment. If the nursing home recommends transfer of the offender to another facility, the agent must follow Procedure C.
(6) Determining if the offender has left the nursing home and if so, where the offender went, length of time, and if the absence was pre-approved by the agent.
(7) Documenting any changes in nursing home contact person.

2. Health care facility (other than nursing home) placement
a) For placement in a health care facility due to mental health reasons, mental health services providers at the correctional facility must follow Policy 500.302, "Mental Health Continuity of Care."

b) For placement in a health care facility due to medical reason, health services providers at the correctional facility must follow Division Directive 500.187, "Medical Release Planning."

c) The field services agent assigned to the case must:
(1) Give the name and address of the health care facility to the designated staff in the I&E for review of the health care facility's license status. The I&E staff must provide a summary report to the agent.

(2) Accept, accept with conditions, or reject placement at the health care facility and report the decision to the offender's case manager at the correctional facility.

d) The case manager at the correctional facility must prepare a reentry review based on the field services agent investigation.

e) The HRU must approve or defer the reentry review.

f) The field services agent must meet with designated health care facility staff to inform the staff about the offender's offense characteristics.

g) The field services agent must supervise offenders in the health care facility by:
(1) Conducting offender contacts based upon the classification of the offender, enhanced sex offender requirements or intensive supervised release requirements.
(2) Reviewing offender living situation during every agent visit to ensure the physical separation and/or rooming requirements and any special conditions continue to be met.
(3) Attending all case conferences/case management meetings on the offender.
(4) Obtaining from the nursing home, written quarterly reports on the offender's progress and incident reports relating to the offender.
(5) Monitoring and documenting any changes in the offender's care plan and room assignment. If the health care facility recommends transfer of the offender to another facility, the agent must follow Procedure C.
(6) Determining if the offender has left the health care facility and if so, where the offender went, length of time, and if the absence was pre-approved by the agent.
(7) Documenting any changes in health care facility contact person.

B. Court order placing an offender under community supervision in a health care facility or nursing home

1. Nursing home placement

a) The field services agent assigned to the case must meet with facility staff and ensure the offender can be physically separated from the other residents. If this separation is not possible, the agent must confirm that the offender must be assigned to a single room or if not, must only have other registered sex offenders as roommates. Further, the supervising agent must impose appropriate conditions to ensure the offender must not have any contact with other residents or visitors in any private or secluded area of the facility unless under the direct supervision of facility staff. Appropriate conditions may include such examples as unannounced searches and/or electronic surveillance.

b) The field services agent must complete the Nursing Home Investigation form and submit the report findings to the court with a recommendation to approve or reject the placement.

c) The court must make the final placement determination.

d) The field services agent must follow supervision standards for a nursing home as described in Procedure A.

2. Health care facility (other than nursing home) placement

a) The field services agent must submit to the court a recommendation to approve or reject the placement.

b) The court must make the final placement determination.

c) The field services agent must follow supervision standards for a health care facility as described in Procedure A.

C. Medically ordered placement of an offender under community supervision in a health care facility or nursing home

1. Nursing home placement

a) The field services agent must complete the Nursing Home Investigation form and submit the form to the HRU or court.

b) The field services agent must follow supervision standards for a nursing home as described in Procedure A.

2. Health care facility (other than nursing home) placement

a) The field services agent must notify the HRU or court.

b) The field services agent must follow supervision standards for a health care facility as described in Procedure A.

INTERNAL CONTROLS:

A. Chronological entries regarding contacts with I&E, as well as care facility staff, are maintained in the offender's electronic file.

B. The completed Nursing Home Investigation form is maintained in the offender's electronic file.

REVIEW: Annually

REFERENCES: Division Directive 201.020, "Post-Sentencing Activities"
Policy 203.010, "Case Management Process"
Policy 203.200, "Conditional Medical Release"
Policy 205.010, "Adult Supervised Release and Parole"
Policy 205.220, "Predatory Offender: Registration, Community Notification, Victim Notification, Level 3 Website, and Risk Level Reassessment Request"
Policy 106.112, "Release Reviews"
Division Directive 500.187, "Medical Release Planning"
Policy 500.302, "Mental Health Continuity of Care"

SUPERSESSION: Policy 203.205, "Predatory Offender Management in a Nursing Home," 9/23/08. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Nursing Home Investigation form (203.205A)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services