

# Participant Guide

*A keep-and-reference handout for 2025–2026 Minnesota Legal Update for Direct Support Professionals (LU-01).  
CareCertify · MN 2026 Legal Update Series · 1 CE Hours · Audience: Direct Support Professionals.*

## Why this matters

Minnesota's 2025 and 2026 legislative sessions changed the rules DSPs work under every shift. The theme is verification: visits, training, rights, and reporting must all leave a documented, verifiable trail — and most of that trail is created (or lost) during your shift.

## Your key-dates calendar

- Aug 1, 2025 — drug/alcohol policy training required BEFORE direct contact; guardianship ban; kickback crime (§609.542).
- Jan 1, 2026 — EVV: HHAeXchange enrollment, all visits submitted, ≥50% real-time compliance.
- May 2026 — environmental rights (clean/safe/hazard-free home) can never be "restricted."
- Jul 1, 2026 — EVV threshold rises to ≥80% (in effect now).
- Aug 1, 2026 — expanded abuse & financial-exploitation definitions; minor-child rights; 90-day annual-training grace.
- Oct 2026 — EVV corrective-action notices begin below 80%.

## EVV: the working rules

- Applies to: individualized home supports (all versions), in-home respite, night supervision, homemaker (+ PCA/CFSS, home health).
- Check in when you arrive, out when you leave — real time, via app, telephony, or FOB.
- Use only YOUR credentials. Never share logins or fix a coworker's entry.
- Manual and late entries are billable but NONCOMPLIANT ("confirmed ≠ compliant").
- Live-in caregivers: same-day manual entry allowed if properly tagged and documented.
- App failure? Tell your supervisor the same day.
- Compliance is averaged agency-wide at the tax-ID level — your habits affect everyone.

*Falsifying EVV records is fraud — payment sanctions for the agency, career and background-study consequences for you.*

## Training rules

- Drug & alcohol policy training must precede ANY direct contact (employees, subcontractors, volunteers) and be documented.
- From Aug 1, 2026: annual training may be completed up to 90 days after the anniversary date (grace period, not a new due date).
- A current first-aid certification still satisfies the CPR/first-aid topic.

## Rights changes

- Guardianship or conservatorship can NEVER be required as a condition of receiving or keeping services (eff. 8/1/25).
- Rights restrictions require documented individual justification in the support plan, a restoration plan, and DC/DM approval.
- The environmental rights — clean, safe, hazard-free home meeting housing standards — can never be restricted (May 2026).
- From Aug 1, 2026: minors gain rights to developmentally appropriate activities under a "reasonable and prudent parenting" standard.

## Vulnerable adults: report on suspicion

- "Abuse" now includes nonconsensual sexual interactions: making/viewing/sharing sexual images or videos, and sexually harassing communications (oral, written, gestured, electronic) — eff. 8/1/26.
- "Financial exploitation" no longer requires proof of harm — unauthorized use of funds/property is enough (eff. 8/1/26).
- Report to MAARC immediately (within 24 hours). Internal reporting does not replace your MAARC duty.
- Good-faith reporters are protected — retaliation is prohibited.
- Since Jan 2026, courts can order expedited relief to separate a vulnerable adult from an exploiter.

## Program integrity

- Illegal remuneration (§609.542): anything of value to influence referrals or services is a crime — and a background-study disqualifier.
- Refuse and report any offer of cash, gift cards, free rent, or "finder's fees" tied to referrals.

## Out-of-home respite for children (if your program offers it)

- Background studies for every adult present; only employees present during services.
- Max 4 children; individual bedrooms (siblings may share); no unrelated adults 21+.
- ≤46 days/year and ≤10 consecutive days per family; case-manager assessment + legal-representative approval before services and annually.

## Remember

- EVV: real time, own credentials, 80%.
- Train before contact; 90-day grace from Aug 1.
- No guardianship conditions. Environmental rights are untouchable.
- Report on suspicion — MAARC, within 24 hours.
- Anything of value for referrals is a crime.

## Legal references

Minn. Stat. §256B.073 & DHS EVV compliance policy (CBSM); §245A.04 subd. 1(c) (drug/alcohol policy training); §245D.09 subd. 5 (annual training; 90-day grace eff. 8/1/26); §245D.04 subd. 3-4 (rights; minor-child rights eff. 8/1/26); §626.557 & §626.5572 (VAA/MAARC; Laws 2026 ch. 95 art. 7); §609.542 (illegal remuneration); Laws 2025 ch. 38; Laws 2025 1st Spec. Sess. ch. 9; Laws 2026 ch. 95 & ch. 121.

