

THE MINNESOTA CHIPPEWA TRIBE

ORDINANCE NO. 4

WHEREAS, it is the obligation of the Minnesota Chippewa Tribe and/or its member reservations under P.L. 93-638, the Indian Self-Determination Act, to assume responsibilities of self-government, and

WHEREAS, it is the option of the Minnesota Chippewa Tribe and/or its member Reservations to regulate the licensure of Residential Treatment Centers on the Reservations of The Minnesota Chippewa Tribe, and

WHEREAS, The Minnesota Chippewa Tribe is concerned that quality and high standards exist for the Chemically Dependent in the Residential Treatment Centers on the reservations of The Minnesota Chippewa Tribe, and

WHEREAS, there are no ordinances or licensing procedures at present governing and guiding Residential Treatment Centers on the Reservation, and

WHEREAS, The Human Services Division of The Minnesota Chippewa Tribe has the capabilities and expertise available to monitor and offer Technical Assistance to the Residential Treatment Centers on Reservations.

NOW THEREFORE BE IT RESOLVED, that The Minnesota Chippewa Tribe adopts the following Residential Treatment Center Ordinance:

**RESIDENTIAL TREATMENT CENTER
ORDINANCE
THE MINNESOTA CHIPPEWA TRIBE**

CHAPTER I – PURPOSE

Section 101. This ordinance is designed to set standards for residential programs located on The Minnesota Chippewa Tribe Reservations for the Chemically Dependent. This ordinance will also mandate high standards of care and treatment for the individual who is in treatment due to chemical dependency. The purpose of this ordinance is NOT to dictate program operation and administration, but to allow leeway for programs to be administered and operated by the governing boards of the Treatment Facilities while insuring the health and safety of the residents.

CHAPTER II – DEFINITIONS

Section 201. Applicant – Any person, agency, organization or reservation applying for a license or renewal license under this ordinance.

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Section 202. Licensing Committee - The Minnesota Chippewa Tribal Human Services Subcommittee.

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Section 203. Director - The Director of the Human Services Division of The Minnesota Chippewa Tribe.

Section 204. Chemically Dependent Person – Any person incapable of managing themselves or their affairs or unable to function physically or mentally in an effective manner because of psychological and physiological dependency.

Section 205. License – The certificate issued by the Licensing Committee of The Minnesota Chippewa Tribe that conforms to compliance with this ordinance, and authorized the applicant to operate a residential program.

Section 206. Program Director – The staff member responsible for planning and implementing all aspects of the program. The individual may delegate specific functions to other staff but this person shall be held accountable for insuring compliance with this ordinance.

Section 207. Provisional License – The certificate issued by the Licensing Committee of Minnesota Chippewa Tribe, prior to, or in lieu of, the issuance of license. A provisional license may be issued to an applicant when compliance with all provisions of the ordinance cannot be met, but in the opinion of the Licensing Committee, the applicant will nevertheless provide adequate care, treatment, and rehabilitation to its residents. A provisional license shall be considered a duly licensed residential program for chemically dependent persons.

Section 208. Residential Program – A Planned or established facility for the care of chemically dependent persons which provides treatment and rehabilitation for five or more persons on a twenty-four hour basis. Excluded from this definition are detoxification centers for intoxicated persons.

1. Residential Primary Treatment Programs – a social rehabilitation setting which provides on a residential basis, a relevant intensive rehabilitation program for the treatment of chemically dependent persons.
2. Extended Rehabilitation Program – a social rehabilitation setting that provides long-term assistance in major life-style changes through appropriate therapeutic environment to achieve change.
3. Halfway House – a social rehabilitation setting that provides appropriate services to assist in making transition from treatment to responsible community living in a supportive environment with a home-like atmosphere.
4. Hospital – any medical or psychiatric facility that is equipped to provide intensive medical treatment and care to chemically dependent persons with acute and critical health needs.

Section 209. Tribe – refers to The Minnesota Chippewa Tribe.

Section 210. Resident – Any person using the services of residential programs.

CHAPTER III – LICENSURE

Section 301. Every Treatment Program must have a current and valid license or provisional license to operate on a reservation of the Tribe, however, this ordinance shall not apply to those reservations which have adopted an ordinance licensing residential programs for the chemically dependent operating on those reservations. The License shall prescribe the maximum number of residents to be cared for and the location of the program and facility.

Section 302. Every Treatment Program must apply to the Licensing Committee within 90 days of the effective date of this ordinance and comply with provisions of the ordinance to obtain and maintain a license. Application for renewal of license shall be made each year 45 days prior to the date of expiration. Application and re-application shall be made on forms furnished by the Human Services Division of the Tribe.

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Section 303. A license shall be valid for one (1) year after the date of issuance. A license may not be transferred from one program or location to another. Changes in membership of the governing body or advisory board or program director must be reported in writing to the Representative of the Licensing Committee within 30 days of the change.

Section 304. Any changes in the maximum number of residents to be cared for or the location of the program must have prior written approval of the Representative of the Licensing Committee if the program remains on a reservation.

Section 305. Every applicant will be furnished with a copy of this ordinance.

Section 306. If the Licensing Committee determines that the applicant or license holder is not complying with the provisions of this ordinance, or that the best interest of the community and public is not served by granting or continuing the license, the license may be denied, revoked, or not renewed after written notice to the applicant or license holder.

Section 307. There shall be a review team appointed by the Licensing Committee consisting of one (1) Licensing Committee member, one (1) Human Services Division staff member, and one consumer who shall review the application, make the appropriate inquiries, and make recommendations (to issue or deny the license) to the Licensing Committee.

Section 308. Prior to the issuance of a license or provisional license, the following steps must be completed:

1. The geographic location of the program must be approved by the Licensing Committee. If the same type of residential treatment program is applying for the issuance of a license where there is the same type of program in existence, supportive data shall be submitted along with the application for licensing to justify the need for the additional program in the location in question. A letter of recommendation from the Reservation Business Committee must be presented to the Licensing Committee supporting the need for the same type of program on the reservation in question.
2. A completed application for the license shall be submitted to the Licensing Committee.
3. An annual license fee of \$200.00 shall be paid to the Licensing Committee.

Section 309. Licensing policies and procedures shall be available to the public by request to the Human Services Division, and/or the Licensing Committee.

Section 310. A specific regulation may be waived temporarily or permanently with the approval of the Licensing Committee, provided that the health and safety of the residents is assured.

Section 311. No resident shall be discriminated against in relation to admissions, termination, or treatment on the basis of race, creed, color, sex, national origin, or religion.

CHAPTER IV – MINMUM STANDARDS FOR THE ISSUANCE OF A LICENSE:

Section 401. Governing Board or Advisory Board – Every residential program shall have a Board of Directors, a Board of Trustees and/or an Advisory Board. Every such body, and its composition shall be on record at the Human Services Division office of the Tribe.

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Section 402. Director and/or Administrator – Every residential program shall have a director who shall be responsible and accountable for meeting the requirements of this ordinance.

Section 403. Staffing requirements – There shall be present at all times at the facility at least one responsible person with skills appropriate to the program who shall be responsible for the operation of the program. The Advisory Board or the Governing Board of the operation shall set the qualifications for the staff of the program and submit information to the Licensing Committee. This information shall include a staff flow-chart, staff training information and requirements.

Section 404. Administration and Management – Every residential program shall submit administrative and management information to the Licensing Committee. Along with the application for licensure, information should include:

1. Admissions procedure and requirements.
2. Required information to be kept in the residents confidential record. This includes descriptions of treatment plans, medical requirements, and a statement of confidentiality.
3. Program plan, including a statement of purpose, and a description of treatment services involved, (i.e. family counseling, psychiatric, education assistance, employment assistance, etc.).
4. Description of provisions for emergency medical and/or psychiatric care.
5. Written documentation of insurance coverage in an amount sufficient to protect the interests of the residents and the staff.
6. If physical or chemical restraints are to be used, the program shall submit with its application a copy of policies in the area.
7. A description of the methods by which the legal, civil, and human rights of the residents will be protected. This shall include the procedures for handling complaints.

CHAPTER V – EXPLANATION OF PROGRAM

Section 501. All residential facilities shall at times of admission clearly explain their program and policies to those applying or being considered for treatment.

CHAPTER VI – RIGHT TO ENTRY

Section 601. The Director of Human Services Division, and/or a designated representative of the Licensing Committee shall be free to enter any residential program applying for licensure or possessing a license issued by The Licensing Committee.

CHAPTER VII – CONFIDENTIALTY

Section 701. Information regarding a resident shall not be released to any person or agency unless the resident has consented in writing to release such information. All records concerning residents shall be kept confidential. Only current staff members of a residential program shall have access to said records.

We do hereby certify that the foregoing Ordinance was duly presented and acted upon by a vote of 9 For, 0 Against, 0 Silent, at a regular meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 27 & 28, 1981, at St. Paul, Minnesota.

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Alfred Pemberton, Acting Secretary
THE MINNESOTA CHIPPEWA TRIBE