

9050.0040 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Absence with notice; absence without notice.** "Absence with notice" or "absence without notice" means when a resident removes himself or herself from the particular area or level of care specified in the individual care plan with or without informing the Minnesota veterans home facility administration or staff of departure, intended destination, and anticipated return.

Subp. 3. **Administrator.** "Administrator" has the meaning given it in Minnesota Statutes, section 198.001, subdivision 4.

Subp. 4. **Admission.** "Admission" means the act that allows an eligible applicant to officially enter a Minnesota veterans home facility as a resident.

Subp. 5. **Admissions agreement.** "Admissions agreement" means a written contract entered into by the resident or the resident's legal representative or spouse, if any, or both, and the commissioner of veterans affairs or the commissioner's designated representative at the time of admission of the resident to a facility operated by the commissioner. The agreement must:

A. identify the service obligations of the facility with respect to the resident, as determined by the commissioner of veterans affairs according to licensure requirements and applicable statutes and rules, as specified in part 9050.0030;

B. identify the responsibilities of the resident with respect to the facility and other residents; and

C. if applicable, detail the amount to be paid as maintenance charge by or on behalf of a resident toward the cost of care, subject to a change in financial status of the person responsible for payment.

The agreement must be signed by the person responsible for paying any charges.

Subp. 5a. **Admissions committee.** "Admissions committee" means the committee appointed by the administrator to review admissions.

Subp. 6. **Against medical advice.** "Against medical advice" means a resident has left the particular area or level of care at the Minnesota veterans home facility or campus specified in the individual care plan, or has chosen to terminate resident status contrary to the recommendations of the attending physician.

Subp. 7. **Annual financial status review.** "Annual financial status review" means the annual verification and assessment of income, property, and expenses used to calculate the ability of a resident or the resident's legal representative or spouse acting on the resident's behalf, if any, to pay an amount toward the resident's cost of care.

Subp. 8. **Applicant.** "Applicant" means a person seeking admission to a facility operated by the commissioner of veterans affairs.

Subp. 9. **Application.** "Application" means the applicant's written request for admission as provided in part 9050.0055.

Subp. 10. **Assessment.** "Assessment" means determination of an applicant's or resident's need for services by identifying the person's skills and behaviors and the environmental, physical, medical, and health factors that affect development or remediation of the person's skills and behavior.

Subp. 11. **Attending physician.** "Attending physician" means a physician licensed to practice medicine under Minnesota Statutes, chapter 147, who is an applicant's or resident's primary treating or supervising physician. An attending physician may be a Minnesota veterans home facility staff physician.

Subp. 11a. **Basic financial information.** "Basic financial information" means the financial information requested on the Minnesota veterans homes admission application.

Subp. 12. **Basic needs.** "Basic needs" means food, clothing, shelter, utilities, personal hygiene items, and other subsistence items, as referenced in part 9050.0750, subpart 2.

Subp. 13. **Bed change.** "Bed change" means a resident is assigned to a different bed in the same room, to another room, or to another building at the same level of care.

Subp. 14. **Bed hold.** "Bed hold" means a particular bed occupied by a Minnesota veterans home resident, or a comparable bed, that is held open for the resident during the resident's absence from a facility operated by the commissioner of veterans affairs for medically necessary treatment at another health care facility, for a rehabilitation program, or during the resident's absence, with notice, from a facility operated by the commissioner of veterans affairs.

Subp. 15. [Repealed, L 2008 c 297 art 2 s 30]

Subp. 16. **Boarding care.** "Boarding care" means board, room, laundry, personal services, supervision over medication that can be safely self-administered, and a program of activities and supervision required by persons who are not able to properly care for themselves. Boarding care is the state equivalent of domiciliary care as that term is used by the United States Department of Veterans Affairs.

Subp. 17. **Boarding care facility.** "Boarding care facility" means a facility or unit of a facility licensed by the commissioner of health under chapters 4655 and 4660 and under Minnesota Statutes, sections 144.50 to 144.56.

Subp. 18. **Facility operated by the commissioner of veterans affairs.** "Facility operated by the commissioner of veterans affairs" means a Minnesota veterans home

campus, including, but not limited to, buildings, units, and grounds, at which nursing care or boarding care is provided.

Subp. 19. **Business expense.** "Business expense" means the cost of producing income from a business, excluding capital expenditures and depreciation.

Subp. 20. **Campus.** "Campus" means the property owned or controlled by the state of Minnesota on which a Minnesota veterans home facility is located, except the part of the property leased by the state of Minnesota to any party.

Subp. 21. **Care plan review.** "Care plan review" means an assessment of a resident's physical and mental condition and treatment needs by the care plan team. Care plan review includes:

- A. a review of the resident's reason for seeking admission and treatment;
- B. a review of the resident's diagnoses and assessments;
- C. a review of the resident's individual care plan;
- D. a review of the appropriateness, duration, and outcome of treatment and care provided at the facility operated by the commissioner of veterans affairs; and
- E. a review and appropriate revision of the treatment and care recommendations of the multidisciplinary staff.

Subp. 22. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances including controlled substances as defined in Minnesota Statutes, chapter 152.

Subp. 23. **Chemical abuse.** "Chemical abuse" has the meaning given it in part 9530.4100, subpart 5.

Subp. 24. **Chemical dependency counselor.** "Chemical dependency counselor" means a person who is licensed under Minnesota Statutes, sections 148C.01 to 148C.11, or who has met the minimum qualifications of a chemical dependency counselor under the examination process of the state of Minnesota or the Minnesota Merit System.

Subp. 25. [Repealed, 20 SR 2095]

Subp. 26. **Chemically dependent; chemical dependency.** "Chemically dependent" or "chemical dependency" has the meaning given it in part 9530.4100, subpart 6.

Subp. 26a. **Child allowance.** "Child allowance" means the amount necessary to provide the basic needs of a dependent child including clothing, food, and education.

Subp. 27. **Conservator.** "Conservator" has the meaning given it in Minnesota Statutes, section 525.539, subdivision 3.

Subp. 28. **Contract.** "Contract" means a legally enforceable agreement entered into by the commissioner of veterans affairs and an applicant, resident, or the resident's legal

representative or spouse, if any, or a provider or by a provider and a subcontractor, that sets forth the rights and responsibilities of the parties.

Subp. 29. **Cost-effective.** "Cost-effective" means a result that is economical in terms of the goods and services received for the money spent, given feasible alternatives or a result in which the cost is less than the value of the benefit received.

Subp. 30. **Cost of care.** "Cost of care" means the average daily per resident cost of providing care, calculated separately for a resident of a boarding care facility or nursing home facility. The cost must be calculated according to part 9050.0500.

Subp. 31. **Dependent.** "Dependent" means an individual whom a person is entitled to claim as a dependent on the Minnesota or United States income tax return. An individual may not be claimed as a full unallocated dependent by more than one person. When two or more persons are entitled to claim the dependent, the dependent must be allocated equally among the persons unless the persons choose another allocation.

A "dependent" must be an unmarried person who is:

A. either living with or receiving support contributions from the applicant or resident;

B. a child by birth, a stepchild, an adopted child, or a child for whom the applicant or resident has been appointed legal guardian; and

C. under 18 years of age or over 18 years of age and incapable of self-support because of physical or mental disability. A child who reaches the age of 18 while still enrolled in high school or its equivalent is considered a dependent child until the dependent is no longer enrolled in the school.

Unless specifically noted otherwise, "children" means more than one dependent child.

Subp. 32. **Detoxification program.** "Detoxification program" has the meaning given it in Minnesota Statutes, section 254A.08, subdivision 2.

Subp. 33. **Diagnostic and Statistical Manual of Mental Disorders; DSM-MD.** "Diagnostic and Statistical Manual of Mental Disorders" or "DSM-MD" means the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-MD). This publication is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Subp. 34. **Dietitian.** "Dietitian" means a dietitian registered with the National Commission on Dietetic Registration.

Subp. 35. **Direct cost.** "Direct cost" has the meaning given it in part 9050.0500, subpart 2, item A.

Subp. 36. **Discharge.** "Discharge" means a termination of residence in the nursing home or boarding care home that is documented in the discharge summary signed by the attending physician. A discharge includes the permanent movement of a resident from the campus of one facility operated by the commissioner of veterans affairs to another, whether to the same or to a different level of care. For purposes of this definition, a discharge does not include:

- A. a transfer or bed change within a particular nursing or boarding care home;
- B. a transfer from one licensure level to another at the same Minnesota veterans home campus; or
- C. an absence from the nursing home or boarding care home for hospitalization, treatment purposes, or personal reasons when the resident is expected to return to the same nursing home or boarding care home and complies with the bed hold requirements of part 9050.0150.

Subp. 37. **Earned income.** "Earned income" means compensation from lawful employment or lawful self-employment, including salaries, wages, tips, gratuities, commissions, earnings from self-employment, earned income tax credits, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, employee bonuses and profit sharing, jury duty pay, picket duty pay, and profit from other lawful activities earned by the individual's effort or labor. Earned income does not include returns from capital investment or benefits that accrue as compensation for lack of employment. Earned income must be determined according to parts 9050.0700 to 9050.0740.

Subp. 38. **Educational expenses.** "Educational expenses" means the actual amounts paid for a nonskilled resident or dependent child's tuition, mandatory fees, transportation to and from school, supplies and equipment required for coursework, and child care while the person is in school or in transit. For a nonskilled resident to be eligible for educational expenses, the educational program must be part of the resident's approved care plan. If there is a dispute over whether or not an item is an educational expense, the administrator shall make a final determination on the issue.

Subp. 39. **Emergency.** "Emergency" means a life-threatening medical condition that if not immediately diagnosed and treated could cause a person serious physical or mental disability, continuation of severe pain, or death.

Subp. 40. **Equity.** "Equity" means the amount of equity in real or personal property owned by a person. Equity is determined by subtracting any outstanding encumbrances on fair market value.

Subp. 40a. [Repealed, 20 SR 2095]

Subp. 40a. **Expenses.** "Expenses" means basic subsistence expenses, including current expenses for the following:

- A. rent or mortgage for primary residence;
- B. vehicle payment for one vehicle;
- C. food for the resident's spouse or dependents;
- D. education for the applicant or resident's dependents as limited by subpart 58a;
- E. court-ordered payments for the applicant or resident's spouse or dependents, such as spousal maintenance and child support; and
- F. the average monthly expenses during the past year for the following:
 - (1) utilities and insurance for the primary residence;
 - (2) out-of-pocket medical care costs not otherwise covered by insurance for the applicant or resident spouse and dependents for medical assistance spenddown;
 - (3) taxes paid on income or personal property; and
 - (4) spousal or dependent basic or personal needs as defined by subparts 12 and 115a respectively.

Subp. 41. **Goal.** "Goal" means the desired medical alleviation or behavioral outcome of an activity that can be observed and reliably measured by two or more multidisciplinary team members.

Subp. 42. **Gross income.** "Gross income" means all earned and unearned income before any deduction, disregard, or exclusion.

Subp. 43. **Guardian.** "Guardian" has the meaning given it in Minnesota Statutes, section 525.539, subdivision 2.

Subp. 44. **Health care facility.** "Health care facility" means a hospital, nursing home, boarding care home, or supervised living facility licensed by the Minnesota Department of Health under Minnesota Statutes, sections 144.50 to 144.56 or 144A.01 to 144A.18.

Subp. 45. **Health care professional.** "Health care professional" means a licensed health professional as defined in Minnesota Statutes, section 144.4172, subdivision 7.

Subp. 46. **Health care service.** "Health care service" means a diagnostic, preventive, or corrective procedure provided in a health care facility, or by or under the supervision of a health care professional, or by or under the auspices of a rehabilitation program as defined in subpart 99.

Subp. 47. **Home.** "Home" has the meaning given it in Minnesota Statutes, section 198.001, subdivision 8.

Subp. 48. **Homestead.** "Homestead" means a dwelling owned and occupied by the applicant or resident, or that person's spouse, as a primary residence. Homestead includes the land upon which the dwelling is situated as specified in Minnesota Statutes, section 510.02.

Subp. 49. **Hospital.** "Hospital" means an acute care institution as defined in Minnesota Statutes, section 144.696, subdivision 3, and licensed under Minnesota Statutes, sections 144.50 to 144.58.

Subp. 50. **Hospital absence.** "Hospital absence" means an absence from a facility operated by the commissioner of veterans affairs for medically necessary treatment in a hospital.

Subp. 51. **Household.** "Household" means the spouse of an applicant or resident and the applicant's or resident's dependent child or children living in the homestead.

Subp. 52. **Household income.** "Household income" means all income received by or on behalf of the applicant's or resident's spouse in a calendar year.

Subp. 53. **Inappropriate and harmful use.** "Inappropriate and harmful use" has the meaning given it in part 9530.4100, subpart 14.

Subp. 54. **Income.** "Income" means cash or in-kind benefits, whether earned or unearned, received by or available to an individual and not established as property under part 9050.0700, subpart 1, and any other income not otherwise defined as earned or unearned income.

Subp. 55. **Independent living; live independently.** "Independent living" or "live independently" means the situation of an individual living in his or her own dwelling and having the opportunity to control basic decisions about his or her own life to the fullest extent possible.

Subp. 56. **Independent physician.** "Independent physician" means a physician licensed to practice medicine under Minnesota Statutes, chapter 147, who is not the applicant's or resident's attending physician. The independent physician may be a Minnesota veterans home staff physician of a facility operated by the commissioner of veterans affairs other than the one in which the individual in question resides.

Subp. 57. **Indirect cost.** "Indirect cost" has the meaning given it in part 9050.0500, subpart 2, item B.

Subp. 58. **Individual care plan.** "Individual care plan" means a written plan developed for implementing and coordinating a resident's care and treatment that is developed and maintained by the multidisciplinary staff on the basis of assessment results for each resident. The purpose of the individual care plan is to integrate care, identify and meet the service and care needs of the resident, set treatment goals and objectives, identify

outcomes or resolution of treatment for the resident, and identify responsibilities of the multidisciplinary staff for the resident's care and treatment.

Subp. 58a. **Initial admission.** "Initial admission" means the first time an individual is admitted for residency at any of the Minnesota veterans homes (MVH) facilities for services such as skilled care or domiciliary care. If a resident is admitted to a MVH facility within one calendar year of being discharged from the same or another MVH facility, the admission to the first facility is the resident's "initial admission" for the purposes of residency at both facilities.

Subp. 59. **International Classification of Diseases; ICD-9-CM.** "International Classification of Diseases" or "ICD-9-CM" means the current edition of the Clinical Manual of the International Classification of Diseases, as published by the Commission on Professional and Hospital Activities, 1968 Green Road, Ann Arbor, Michigan. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. It is not subject to frequent change.

Subp. 60. **Legal availability.** "Legal availability" means a person's right under the law to secure, possess, dispose of, or control income or property.

Subp. 61. **Legal representative.** "Legal representative" means an individual who has the legal authority to take a particular action on behalf of an applicant or resident. The legal authority can be granted by statute, by a court, or by federal or state regulation.

Subp. 62. **Level of care.** "Level of care" means the licensure level of the facility operated by the commissioner of veterans affairs in which a resident lives and is assigned an appropriate bed through the use of a patient classification system.

Subp. 63. **Level of care change.** "Level of care change" means movement of a resident from one level of care to another within a facility operated by the commissioner of veterans affairs or from one facility to another on the same campus.

Subp. 64. **Licensed psychologist.** "Licensed psychologist" means a person licensed under Minnesota Statutes, section 148.91, subdivision 5.

Subp. 65. **Licensed practical nurse.** "Licensed practical nurse" means a person licensed under Minnesota Statutes, sections 148.171 to 148.285.

Subp. 66. [Repealed, 18 SR 2254]

Subp. 67. **Life estate.** "Life estate" means an interest in real property with the right of use or enjoyment limited to the life or lives of one or more human beings that is not terminable at any fixed or computable period of time.

Subp. 68. **Lump sum.** "Lump sum" means nonrecurring income received at one time. Examples include windfalls, debt repayments, payments from the sale of property, tax refunds, payments of accrued benefits, gifts, and inheritances.

Subp. 69. **Maintenance charge.** "Maintenance charge" means the portion of the cost of care paid by or on behalf of a specific resident.

Subp. 69a. **Make available.** "Make available" means to assist a resident in obtaining information about and arrange for a resident's access to a particular service, but not necessarily assure payment for that service. The commissioner of veterans affairs shall determine annually which services will be paid for by the facilities operated by the commissioner of veterans affairs, based on appropriations.

Subp. 70. **Market rent.** "Market rent" means the rental income that a property would most probably command on the open market in an arm's length negotiation as shown by current rentals being paid for comparable space of comparable worth.

Subp. 71. **Market value.** "Market value" means the most probable price in terms of money that property should bring in a competitive open market under all conditions requisite to a fair sale. The value on the most recent property tax statement must be presumed to be the market value for purposes of calculating the maintenance charge unless the person or the commissioner of veterans affairs or the commissioner's designated representative provides convincing evidence to overcome the presumption.

Subp. 72. **Medical condition.** "Medical condition" means the diagnosis or diagnoses listed in current editions of ICD-9-CM or DSM-MD, made by the applicant's or resident's attending physician.

Subp. 73. **Medical director.** "Medical director" means a physician licensed under Minnesota Statutes, chapter 147, and employed by or under contract to the commissioner of veterans affairs who is responsible for overall direction of medical practice in a facility to ensure the appropriateness of the medical services provided to the residents.

Subp. 74. **Medical treatment plan.** "Medical treatment plan" means the plan signed by the resident's attending physician that includes the resident's primary and secondary diagnoses, order for treatment and medications, rehabilitation potential, rehabilitation procedures if ordered, clinical monitoring procedures, and discharge potential. The medical treatment plan is a component of the individual care plan.

Subp. 75. **Medically necessary; medical necessity.** "Medically necessary" or "medical necessity" means a health care service that is consistent with the resident's diagnosis or condition and is provided pursuant to the provider's authority under state law and within the scope of licensure, if any, and:

A. is recognized as the prevailing standard or current practice by the provider's peer group;

B. is rendered:

(1) in response to a life-threatening condition or pain;

- (2) to treat an injury, illness, or infection;
- (3) to treat a condition that could result in physical or mental disability; or
- (4) to achieve a level of physical or mental function consistent with prevailing community standards for the diagnosis or condition; or

C. is a preventive health care service.

Subp. 76. **Mental health practitioner.** "Mental health practitioner" means a person qualified under Minnesota Statutes, section 245.462, subdivision 17.

Subp. 77. **Mental health professional.** "Mental health professional" means a person qualified under Minnesota Statutes, section 245.462, subdivision 18.

Subp. 78. **Mental illness.** "Mental illness" has the meaning given it in Minnesota Statutes, section 245.462, subdivision 20, clause (a).

Subp. 79. **Month.** "Month" means a calendar month.

Subp. 80. **Multidisciplinary staff.** "Multidisciplinary staff" means the health care professionals and mental health practitioners and mental health professionals employed by or under contract to the commissioner of veterans affairs to provide clinical and evaluative services in the treatment of conditions of the residents.

Subp. 81. **Net income.** "Net income" means income remaining after allowable deductions and exclusions have been subtracted from gross income under parts 9050.0720 to 9050.0750.

Subp. 82. **Net worth.** "Net worth" means the total sum of property owned by an applicant, resident, or spouse of an applicant or resident or managed by a legal representative on behalf of an applicant, resident, or spouse of an applicant or resident less any encumbrances on the property.

Subp. 83. **Nursing care.** "Nursing care" has the meaning given it in Minnesota Statutes, section 144A.01, subdivision 6.

Subp. 84. **Nursing home.** "Nursing home" means a facility licensed by the commissioner of health under chapters 4655 and 4660 and Minnesota Statutes, chapter 144A.

Subp. 85. **Nursing staff.** "Nursing staff" has the meaning given to nursing personnel in part 4655.0100, subpart 9.

Subp. 86. **Objective.** "Objective" means a short-term treatment expectation and its accompanying measurable physical or behavioral criteria as specified in the individual care plan. An objective is set to facilitate achieving the goals in a resident's individual care plan.

Subp. 86a. **Ombudsman.** "Ombudsman" has the meaning given it in the Older Americans Act of 1965, United States Code, title 42, section 3027(a)(12), and Minnesota Statutes, section 256.974.

Subp. 87. **Outcome.** "Outcome" means the measure of change or the degree of attainment of treatment goals and objectives in the resident's individual care plan that is achieved as a result of provision of service.

Subp. 88. [Repealed, 20 SR 2095]

Subp. 88a. **Patient.** "Patient" means a resident.

Subp. 89. **Personal absence.** "Personal absence" means an absence from a facility operated by the commissioner of veterans affairs for family visits, vacations, or other personal, nontreatment-related reasons.

Subp. 90. **Personal fund account.** "Personal fund account" means the account maintained at a facility by a resident that is solely for use of that resident and managed according to parts 4655.4100 to 4655.4170.

Subp. 90a. **Personal needs.** "Personal needs" means items upon which the resident, spouse, or dependent child makes a personal choice about whether or not to spend money.

Subp. 91. **Personal property.** "Personal property" means property other than real property.

Subp. 92. **Pharmacist.** "Pharmacist" means a person licensed under Minnesota Statutes, chapter 151.

Subp. 93. **Physical therapist.** "Physical therapist" means a person licensed under Minnesota Statutes, sections 148.65 to 148.78.

Subp. 94. **Preventive health care service.** "Preventive health care service" means a health care service that is provided to a resident to avoid or minimize the occurrence of illness, infection, disability, or other health condition.

Subp. 94a. **Provide.** "Provide" means that the facility pays for a particular service for the resident.

Subp. 95. **Psychiatrist.** "Psychiatrist" means a physician licensed under Minnesota Statutes, chapter 147, who can give written documentation of having successfully completed a postgraduate psychiatry program of at least three years duration that is accredited by the American Board of Psychiatry and Neurology.

Subp. 95a. **Psychological practitioner.** "Psychological practitioner" means a person licensed under Minnesota Statutes, section 148.91, subdivision 6.

Subp. 96. **Rate year.** "Rate year" means the state fiscal year for which a payment rate is effective.

Subp. 97. **Real property.** "Real property" means land and all buildings, structures, and improvements or other fixtures on it, all rights and privileges belonging or appertaining to it, all manufactured homes attached to it on permanent foundations, and all trees, mines, minerals, quarries, and fossils on or under it.

Subp. 98. **Registered nurse.** "Registered nurse" means a nurse licensed under Minnesota Statutes, sections 148.171 to 148.285.

Subp. 99. [Repealed, 20 SR 2095]

Subp. 100. **Reporting year.** "Reporting year" means the period from March 1 to the last day of February immediately preceding the rate year, for which the nursing home or boarding care home calculates its costs, and which is the basis for the determination of the cost of care for the following rate year.

Subp. 101. **Representative payee.** "Representative payee" means an individual designated by the Social Security Administration or an authorized payee designated by the United States Department of Veterans Affairs to receive benefits on behalf of the applicant or resident.

Subp. 102. **Reserved bed.** "Reserved bed" means a bed that has been held at the request of an applicant approved for admission, prior to admission to a facility under part 9050.0055, subpart 4.

Subp. 103. **Resident.** "Resident" has the meaning given it in Minnesota Statutes, section 198.001, subdivision 2.

Subp. 104. **Resident's financial information file.** "Resident's financial information file" means financial data collected to determine the ability of an applicant or resident to pay or have paid the amount indicated in the admissions agreement toward the resident's cost of care.

Subp. 105. **Resource.** "Resource" means any property, income, or benefit that is available to pay for the cost of care of the resident.

Subp. 106. **Social worker.** "Social worker" means a person who is licensed under Minnesota Statutes, sections 148B.18 to 148B.289, or who has met the minimum qualifications of a social worker under the examination process of the state of Minnesota or the Minnesota Merit System.

Subp. 106a. **Spousal allowance.** "Spousal allowance" means the amount necessary to meet the basic needs of the dependent spouse or household that is deducted from the resident's gross monthly income.

Subp. 107. **Staff physician.** "Staff physician" means a physician licensed to practice medicine under Minnesota Statutes, chapter 147, who is employed by or under contract

to the commissioner of veterans affairs to provide services in a facility operated by the commissioner of veterans affairs.

Subp. 108. **Staff psychiatrist.** "Staff psychiatrist" means a psychiatrist who is employed by or under contract to the commissioner of veterans affairs to provide psychiatric services in a facility operated by the commissioner of veterans affairs.

Subp. 109. **Staff psychologist.** "Staff psychologist" means a person licensed under Minnesota Statutes, sections 148.88 to 148.98, who is employed by or under contract to the commissioner of veterans affairs to provide psychological services in a facility operated by the commissioner of veterans affairs.

Subp. 110. **Transfer.** "Transfer" means:

A. movement of a resident to or from another health care facility for purposes of hospitalization or other health care services if a bed is held at the particular facility operated by the commissioner of veterans affairs for the resident pending completion of medically necessary treatment and the resident's anticipated return to the same facility operated by the commissioner of veterans affairs; or

B. movement to or from a nursing home to a boarding care facility or to or from a boarding care facility to a nursing home at a particular campus, when a bed hold is not required and a return to the resident's previous level of care is not anticipated.

Subp. 111. **Treatment.** "Treatment" means the use of medically necessary health care services to prevent, correct, or ameliorate disease or abnormalities detected by diagnostic or screening procedures.

Subp. 112. **Treatment absence.** "Treatment absence" means an absence of a resident from a facility operated by the commissioner of veterans affairs, with the expectation of the resident's return to the facility operated by the commissioner of veterans affairs. The absence must be to be placed in a residential institutional setting, including a detoxification facility, a rehabilitation program, or health care facility other than a hospital.

Subp. 113. **Unearned income.** "Unearned income" means any form of gross income that does not meet the definition of earned income. Unearned income includes an annuity, retirement, pension, or disability benefit, including veteran's or worker's compensation, social security disability, railroad retirement benefits, unemployment compensation, or black lung payments; benefits under a federally funded or state-funded categorical assistance program including supplemental security income, or other assistance programs, tort settlement payments, court-mandated payments, inheritance amounts, gifts, rents, dividends, interest and royalties, support and maintenance payments, pension payments, return on capital investment, insurance payments or settlements, severance payments, employment benefits, and rewards for past employment; and educational grants, deferred

payment loans, and scholarships. Unearned income must be calculated according to part 9050.0710, subpart 5.

Subp. 114. **Unemployment compensation.** "Unemployment compensation" means the insurance benefits paid to an unemployed worker under Minnesota Statutes, sections 268.03 to 268.231.

Subp. 115. **Utilization review.** "Utilization review" means the activity or function within the facility operated by the commissioner of veterans affairs responsible for the ongoing evaluation of the necessity for and the quality and timeliness of services provided in facilities operated by the commissioner of veterans affairs, according to chapters 4655 and 4660, when the services are not under the responsibility of a professional standards review organization.

Subp. 115a. **Utilization review committee.** "Utilization review committee" means the committee appointed by the administrator to conduct utilization reviews.

Subp. 116. **Verification.** "Verification" means the process the facility financial staff or social services staff must use to establish the accuracy or completeness of information from an applicant, a resident, a third party, or other source as that information relates to a person's eligibility for admission, suitability for admission, or calculation of maintenance charge.

Subp. 117. **Veteran.** "Veteran" has the meaning given it in Minnesota Statutes, section 197.447.

Subp. 118. **Volunteer.** "Volunteer" means a person who, without compensation, gives time and effort in supportive or person-to-person services.

Subp. 119. **Vulnerable Adults Act.** "Vulnerable Adults Act" has the meaning given it in Minnesota Statutes, section 626.557.

Subp. 120. **Working days.** "Working days" means Monday through Friday, excluding state recognized legal holidays.

Statutory Authority: *MS s 144A.04; 144A.08; 198.003; 256B.431*

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