

9055.0435 STATE SOLDIERS ASSISTANCE PROGRAM SUBSISTENCE - BASED ON MEDICAL CONDITION.

Subpart 1. Applicant requirements.

A. An applicant for subsistence under this part must be:

(1) a veteran experiencing a medical condition that prevents the veteran from working at the veteran's current or most recent occupation for at least 30 days; or

(2) a surviving spouse of a veteran experiencing a medical condition that prevents the surviving spouse from working at the surviving spouse's current or most recent occupation for at least 30 days.

B. An applicant for subsistence under this part must meet the requirements of this part and parts 9055.0350 to 9055.0430.

C. Parts 9055.0350 to 9055.0435 apply only to subsistence based on an applicant's medical condition.

Subp. 2. Medical conditions.

A. An applicant must provide to the commissioner documentation of a medical condition from one of the following licensed medical providers to be eligible for subsistence under this part:

(1) doctors of medicine (MDs);

(2) physicians assistants;

(3) nurse practitioners;

(4) psychiatrists;

(5) psychologists;

(6) doctors of osteopathic medicine (DOs);

(7) doctors of chiropractic; or

(8) any other medical provider designated by the commissioner and licensed by the state.

B. A licensed medical provider must determine if an applicant's medical condition in its current state is acute or chronic and that the effects of the medical condition prevent the applicant from working in the applicant's current or most recent occupation for at least 30 days.

C. The commissioner must consider multiple documented medical conditions to be equal in duration and independently preventing an applicant from working in the applicant's current or most recent occupation unless stated otherwise by the medical provider.

Subp. 3. Medical documentation.

A. An applicant for benefits under this part must submit to the commissioner the required medical documentation as described under either item B or C. The medical documentation must be completed by a licensed medical provider.

B. Medical documentation must confirm the following for each medical condition the applicant is experiencing:

- (1) the underlying diagnoses, illnesses, injuries, and physical findings;
- (2) whether the medical condition is chronic or acute;
- (3) the date of onset of the medical condition;
- (4) whether the medical condition prevents the applicant from working in the applicant's current or most recent occupation for at least 30 days;
- (5) how long the medical condition is expected to last and when the applicant is expected to be fit for work in the applicant's current or most recent occupation;
- (6) whether the applicant is following a prescribed treatment plan;
- (7) whether the applicant was or is hospitalized or is in an in-patient treatment program and any future appointment dates;
- (8) whether the applicant's medical condition is the result of an accident or injury covered by insurance or workers' compensation; and
- (9) the medical provider's name, credentials, and signature; and the clinic name, address, telephone number; and the date the documentation was completed.

C. An applicant may submit medical documentation that does not meet all requirements of item B and a determination of eligibility must be made for the first benefit period if the applicant is in need of immediate financial assistance to meet the applicant's basic needs. At a minimum, the medical documentation must confirm:

- (1) the underlying diagnosis, illness, injury, and physical findings; and
- (2) if the medical condition prevents the applicant from working at the applicant's current or most recent occupation for at least 30 days.

Medical documentation meeting the requirements of item B must be submitted to the commissioner before the second benefit period is issued.

Subp. 4. Benefit periods.

A. An applicant must be experiencing a medical condition that prevents the applicant from working at the applicant's current or most recent occupation for at least 30 days to be eligible for the first benefit period.

B. The commissioner must calculate the number of additional benefit periods by dividing the number of days until the recipient is fit to work in the recipient's current or most recent occupation by 30 and rounding the result up to the next whole number.

C. Subsistence under this part is limited to six benefit periods under a single application for subsistence unless additional benefit periods are approved by the commissioner under Minnesota Statutes, section 197.05, paragraph (a), and either of the following conditions are met:

(1) a recipient has applied for all long-term maintenance benefits and short-term disability benefits under subparts 10, items A and B, and 11, items A and B, and an initial determination has not been rendered or benefits have not been paid by the entity responsible for administering the benefit; or

(2) a recipient is expected to be fit to work in the recipient's current or most recent occupation, but the recipient requires additional benefit periods before being cleared by a medical provider to return to work.

Subp. 5. Start of subsistence. The commissioner must begin a recipient's benefit periods on one of the following dates if all other eligibility requirements have been met:

A. the date the recipient stopped working due to a documented medical condition if it is 30 days or less before the completion of the medical documentation and the medical documentation is completed 30 days or less before the date of application;

B. the date of the medical documentation if it is completed 30 days or less before the date of application;

C. the date of application; or

D. the earliest date after the date of application when all eligibility requirements have been met.

Subp. 6. Program limits.

A. Subsistence under this part is prohibited for a chronic medical condition that existed before or at the same time as a medical condition an applicant previously received subsistence for unless the applicant experienced a documented injury in the 30 days before the date of application causing an acute episode of the condition.

B. Subsistence under this part is limited to not more than a cumulative total of six benefit periods for the same medical condition in a person's lifetime unless additional benefit periods are approved by the commissioner under subpart 4, item C.

Subp. 7. Long-term disability benefits. An applicant who is receiving a long-term disability benefit is not eligible for subsistence under this part.

Subp. 8. Minnesota unemployment insurance. An applicant who is receiving benefits from the Minnesota unemployment insurance program administered by the Department of Employment and Economic Development (DEED) is not eligible for subsistence under this part.

Subp. 9. Work and earnings requirements.

A. An applicant must meet the following work and earnings requirements to be eligible for subsistence under this part:

(1) the applicant last worked in the 12 months before the date of application for subsistence; and

(2) the applicant's earnings in the 12 months before having last worked were enough to earn four Social Security credits.

B. An applicant who has worked in the 12 months before the date of application for subsistence under this part, but did not earn enough in the 12 months before having last worked, must meet the following conditions to be eligible for subsistence under this part:

(1) the applicant last worked in the 30 days before the date of application; and

(2) the applicant stopped working due to the applicant's medical condition.

C. An applicant who has not worked in the 12 months before the date of application must have to previously received workers' compensation and the workers' compensation ended in the 12 months before the date of application.

D. An applicant experiencing concurrent acute medical conditions is not required to meet the work and earnings requirements of this part under the following conditions:

(1) simultaneous treatment of each medical condition is not feasible; and

(2) the time between treating each condition is less than 30 days between recovery periods.

E. For the purposes of this part, an applicant who is a veteran and who is a member of the National Guard or another reserve component of the United States armed forces does not meet the minimum work requirement if the only work performed in the 12 months before the date of application is attendance at monthly unit training assemblies and the 15 days of required annual training. This provision applies regardless of the applicant's earnings.

F. For the purposes of this part, an applicant who is a veteran and who is a member of the National Guard or another reserve component of the United States armed forces and who was ordered to active duty or active duty for training in addition to the 15 days of required annual training in the 12 months before the date of application meets the minimum work requirement if the applicant's earnings were enough to earn four Social Security credits.

Subp. 10. Long-term maintenance benefits.

A. A recipient of subsistence under this part must apply for all long-term maintenance benefits the recipient is eligible to apply for if the recipient's medical condition is expected to prevent the recipient from working in the recipient's current or most recent occupation for 180 days or longer.

B. A recipient of subsistence under this part must submit proof to the commissioner of application for a long-term maintenance benefit required under item A before receiving the second benefit period.

C. The commissioner must suspend subsistence under this part after the first benefit period if a recipient has not applied for a long-term maintenance benefit required under items A and B. The commissioner must close subsistence under this part 30 days after the end of the first benefit period if the recipient has not applied for a long-term maintenance benefit.

D. An applicant or a recipient is eligible for subsistence under this part while waiting on an initial determination of eligibility or receipt of payment of a long-term maintenance benefit from the entity administering the benefit.

E. An applicant already receiving a long-term maintenance benefit, with the exception of a long-term disability benefit, is eligible for subsistence under this part.

F. A recipient approved for a long-term maintenance benefit, with the exception of a long-term disability benefit, remains eligible for subsistence under this part if the recipient continues to meet the requirements of this part.

G. A recipient of subsistence under this part whose medical condition is service connected through the United States Department of Veterans Affairs must apply for:

- (1) an increase in the current disability rating of the condition; or
- (2) a temporary 100 percent disability rating if the medical condition is expected to prevent the recipient from working in the recipient's current or most recent occupation for 180 days or longer.

Subp. 11. Short-term disability benefits.

A. A recipient of subsistence under this part must apply for all short-term disability benefits the recipient is eligible to apply for, regardless of the expected duration of the recipient's medical condition.

B. A recipient of subsistence under this part must submit proof to the commissioner of application for short-term disability benefits required under item A before receiving the second benefit period.

C. The commissioner must suspend subsistence under this part after the first benefit period if a recipient has not applied for short-term disability benefits required under items A and B. The commissioner must close subsistence under this part 30 days after the end of the first benefit period if the recipient has not applied for short-term disability benefits.

D. An applicant or a recipient is eligible for subsistence under this part while waiting on an initial determination of eligibility or receipt of payment of a short-term disability benefit from the entity administering the benefit.

E. An applicant already receiving a short-term disability benefit is eligible for subsistence under this part.

F. A recipient approved for a short-term disability benefit remains eligible for subsistence under this part if the recipient continues to meet the requirements of this part.

Subp. 12. Use of available income and other payroll.

A. A recipient of subsistence under this part must use accrued paid time off, vacation time, and sick time available from the recipient's current or most recent employer regardless of the expected duration of the recipient's medical condition.

B. A recipient must submit to the commissioner documentation from the recipient's current or most recent employer that confirms the recipient is using the available paid time off, vacation time, or sick time required under item A before receiving the second benefit period.

C. The commissioner must suspend subsistence under this part after the first benefit period if a recipient has not applied for use of accrued paid time off, vacation time, and sick time as required under items A and B. The commissioner must close subsistence under this part 30 days after the end of the first benefit period if the recipient has not applied for use of accrued paid time off, vacation time, and sick time.

D. A recipient who receives income from accrued paid time off, vacation time, or sick time is eligible for subsistence under this part if the recipient continues to meet the requirements of this part.

Subp. 13. Compensated work therapy. For purposes of this part, an applicant completing inpatient treatment and beginning compensated work therapy through the United States Department of Veterans Affairs is not considered to have returned to work or resumed employment. Earnings from compensated work therapy in excess of \$50 per benefit period are considered income and must be reported to the commissioner.

Subp. 14. Light duty, limited hours, or work with restrictions. An applicant or a recipient who is able to work at the applicant's or recipient's current or most recent occupation in a light-duty capacity, or with reduced hours or with restrictions, is not eligible for subsistence under this part unless the applicant or recipient submits documentation from the employer confirming the employer will not accommodate the light-duty requirements, reduced hours, or restrictions.

Subp. 15. Return to work, resumption of employment or self-employment.

A. For purposes of this part, a recipient who returns to work in any occupation and capacity whether employed, self-employed, part time, or full time is not eligible for subsistence under this part beyond the current benefit period.

B. For purposes of this part, a recipient who is a veteran and who is a member of the National Guard or another reserve component of the United States armed forces may attend all required unit training assemblies and up to 15 days of required annual training and not be considered to have returned to work or resumed employment. A recipient who is a veteran and who is ordered to active

duty or active duty for training that exceeds the 15 days of required annual training is considered to have returned to work.

Subp. 16. **Termination of benefits.** The commissioner must close subsistence under this part under any of the following conditions:

A. the recipient's medical provider has prescribed a treatment plan, and the provider confirms the recipient is not following the treatment plan;

B. the recipient has received the number of benefit periods authorized by the medical documentation, plus any additional periods approved by the commissioner under subpart 4, item C;

C. the recipient returns to the workforce in any occupation or capacity;

D. the recipient begins receiving a long-term disability benefit; or

E. the recipient no longer meets the requirements of this part.

Statutory Authority: *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

History: *46 SR 928*

Published Electronically: *October 27, 2022*