

9510.1100 VARIANCE REQUEST.

Subpart 1. **Variance request.** The county may request a variance from the commissioner to approve a provider application which exceeds the limit in part 9510.1090, subpart 4 by up to 15 percent, if the provider meets the criteria in subpart 2.

Subp. 2. **Eligible provider.** A licensed provider of training and habilitation services may apply for a variance if the provider is not an ICF/DD and provides or plans to provide training and habilitation services to a client who resides in an ICF/DD which has a per diem rate equal to or greater than 85 percent of the medical assistance per diem cost of providing services to persons with developmental disabilities in the regional treatment centers.

Subp. 3. **Submittal of request.** The county shall submit the written variance request, including documentation showing that the provider meets the criteria for a variance, with the county's application for the special needs rate exception payment.

Subp. 4. **Review of variance request; notification.** The commissioner shall review the variance request with the county's application for the special needs rate exception payment. If the county's application meets all of the requirements in parts 9510.1020 to 9510.1140 except the limitation in part 9510.1090 subpart 4 and the provider is eligible to apply for a variance under subpart 2, the commissioner shall approve the request. If the commissioner denies the variance request, the commissioner shall notify the county, provider, client, and the client's legal representative within ten days of receipt of the variance request of the reasons for the denial.

Statutory Authority: *MS s 252.46; 256B.501*

History: *10 SR 922; 12 SR 1148; 14 SR 2354; L 2005 c 56 s 2*

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