

9510.1110 EMERGENCY PROCEDURE.

Subpart 1. **Definition.** For the purposes of this part, an emergency is either:

A. a postoperative condition resulting from unplanned surgery or unanticipated complications resulting from planned surgery which would result in continued placement in a hospital or skilled nursing facility, loss of placement in a community ICF/DD, and admission to a regional treatment center within 60 days; or

B. the sudden onset of self-injurious or aggressive client behavior which results in an immediate danger to self or others; which would result in immediate admission to the regional treatment center in the absence of intervention.

Subp. 2. **Emergency approval.** In an emergency, the county may approve the addition of staff, consultation, or staff training necessary to intervene in the emergency without obtaining prior approval of a special needs rate exception from the commissioner if the county determines that all other client and provider eligibility is met. Only costs meeting the definitions under part 9510.1090, subpart 2, items A and B, shall be allowed under this part. No funds spent will be reimbursed, even in an emergency, without the county's approval. In an emergency, the county shall:

A. notify the commissioner by telephone no later than the next working day and in writing within three working days of the client's situation, and state in the notice a description of the behaviors or medical condition requiring emergency intervention and the actions taken by the provider to control the behaviors, and expenditures authorized by the case manager; and

B. complete and submit, according to parts 9510.1020 to 9510.1140, an application for a special needs rate exception for the emergency period and for any additional period, within 30 days of the date the county notified the commissioner of the emergency.

Subp. 3. **Reimbursement for emergency services.** A special needs rate exception for the costs identified in part 9510.1090, subpart 2, item A or B, approved in accordance with subpart 2 shall be reimbursable for a period not to exceed 30 days from the date the county notifies the commissioner of the emergency. No payment shall be authorized by the commissioner for services provided during an emergency until an application is submitted to the commissioner by the county delineating actual costs of the intervention. The total amount authorized for payment by the commissioner is subject to the per diem limitations under part 9510.1090, subpart 4.

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

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

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