

9510.1120 DURATION OF SPECIAL NEEDS RATE EXCEPTION.

Subpart 1. **Maximum length of time for a special needs rate exception.** A special needs rate exception for a staff intervention must be limited to one approval per eligible client for a period of time not to exceed one year from the date of receipt of the county application by the commissioner except as provided in subpart 2.

Subp. 2. **Renewals.** If the county determines that a special needs rate exception should be continued after the period initially approved, the county shall submit a new application in accordance with parts 9510.1020 to 9510.1140 at least 30 days prior to the date the special needs rate exception is scheduled to terminate. The county application for a renewal must contain a program and fiscal evaluation demonstrating the effectiveness of the initial special needs rate exception. A special needs rate exception for a staff intervention must be limited to two renewals, each of one year or less, per identified special need.

Subp. 3. **Terminations.** The commissioner may terminate the special needs rate exception prior to the date stated in the application upon recommendation by the county. The county may recommend termination if:

- A. the rate is no longer necessary because other funds are available;
- B. the rate is no longer necessary because a more appropriate residential or day training and habilitation placement is available;
- C. there is evidence that the funds have not been used for the purposes stated in the application;
- D. the client's needs have changed and can be met without the special needs rate exception; or
- E. no progress has been made in rectifying the identified problem area. This item shall not apply to services provided to clients with degenerative diseases if the criteria in subitems (1) to (4) are met:
 - (1) the service is required due to the degenerative disease;
 - (2) the client's physician has determined that no progress in the identified problem area can be expected;
 - (3) the county submitted the determination by the client's physician to the commissioner with the first quarterly program and fiscal review under part 9510.1130, subpart 2 and requested an exception to this item; and
 - (4) the county's request for an exception to this item has been reviewed by the state medical review team of the Department of Human Services and the state medical review team has verified that no progress in the identified problem area can be expected.

The commissioner shall notify the county and the provider 15 days before discontinuing payments due to termination.

Statutory Authority: *MS s 256B.501*

History: *10 SR 922*

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