

9515.2600 RESPONSIBLE RELATIVE'S ABILITY TO PAY.

Subpart 1. **In general.** When the client is determined not to be able to pay the full cost of care, the department shall determine the ability of each responsible relative of the client to pay the amount permitted by statute.

Subp. 2. **Interview.** The responsible relative shall be contacted to obtain and verify financial information.

Subp. 3. **Insurance benefits.** The responsible relative shall inform the department about dependent benefits from hospital and medical insurance carried by the relative.

Dependent benefits to a client shall be considered the same as the client's insurance.

Any difference between benefits to a client and others covered by the responsible relative's policy shall be verified.

The responsible relative shall complete and sign the forms necessary to verify eligibility for benefits and assign benefits to pay the cost of care of the client.

The amount of the premium paid by the responsible relative may be deducted from the responsible relative's total obligation to pay.

Subp. 4. **Liability of responsible relatives.** When the sum of the benefits described in subpart 3 and the client's other resources pay less than the full cost of care, the ability of each responsible relative to pay shall be determined in the statutory order of liability for cost of care. When two responsible relatives have the same order of liability for cost of care, a determination shall be made for each one except that a joint determination shall be made for parents who reside in the same household.

Subp. 5. **Limitations on relative's ability to pay.** The ability of a responsible relative to pay shall be determined from the annual gross earnings of the responsible relative subject to the following limitations:

A. A responsible relative who verifies annual gross earnings of less than \$11,000 shall be determined not able to pay the cost of care.

B. No responsible relative who is a resident of Minnesota shall be ordered to pay more than ten percent of the cost of care for each client except that the responsible relative who has failed to provide the information, documents, and proofs which are necessary to determine ability to pay as required by part 9515.1500, items F and G may be ordered to pay the full cost of care until such time as they are provided.

C. The department may require full payment of the full cost of care for a client whose parents or parent, spouse, guardian, or conservator do not reside in Minnesota and are financially able to pay as determined by the department.

D. Only the annual gross earnings of the spouse of a client shall be used to determine the spouse's ability to pay.

E. When a responsible relative is married to a person who is not a responsible relative, only the annual gross earnings of the responsible relative shall be used to determine the responsible relative's ability to pay.

F. The department may accept from the responsible relatives voluntary payments in excess of ten percent.

G. The liability of parents for cost of care provided to minor children shall be determined according to Minnesota Statutes, section 252.27, subdivision 2, and rules adopted under that section.

Subp. 6. Determination of relative's ability to pay. A responsible relative who provides the department the information, documents, and proofs necessary to determine ability to pay as provided in part 9515.1500, items F and G shall have his or her ability to pay determined from the table in subpart 8. For purposes of this table, household size consists of the responsible relative and the responsible relative's dependents living in the responsible relative's household, other than the client.

A responsible relative who chooses not to provide the department the information, documents, and proofs necessary to determine ability to pay as provided in part 9515.1500, items F and G may be determined liable for the full cost of care.

Subp. 7. Purpose of table. The table in subpart 8 shall be used to determine a relative's ability to pay, as described in subpart 6. When there is a change in the cost of care, the department shall revise subpart 8. Adjustments shall be made according to the following formula: at each level of annual gross earnings, daily payments equal to ten percent of the cost of care for the previous year shall be adjusted to equal either the daily payment at the next lower level of earnings plus 25 percent, or ten percent of the cost of care for the current year, whichever is less; successive levels of earnings shall be added to subpart 8 if needed to incorporate daily payments up to ten percent of the cost of care for the current year; the daily payment of a responsible relative whose earnings are above these levels shall be at ten percent of the current cost of care.

Subp. 8. Daily payment based on ability to pay according to household size and annual gross earnings of responsible relatives.

Annual Gross
Earnings of
Responsible
Relative

Household Size

	1	2	3	4	5	6	7	8	9	10
11,000- 11,999	.33	0								
12,000- 12,999	.45	.33	0							
13,000- 13,999	.57	.45	.33	0						
14,000- 14,999	.72	.57	.45	.33	0					
15,000- 15,999	.87	.72	.57	.45	.33	0				
16,000- 16,999	1.05	.87	.72	.57	.45	.33	0			
17,000- 17,999	1.23	1.05	.87	.72	.57	.45	.33	0		
18,000- 18,999	1.45	1.23	1.05	.87	.72	.57	.45	.33	0	
19,000- 19,999	1.81	1.45	1.23	1.05	.87	.72	.57	.45	.33	0
20,000- 20,999	2.26	1.67	1.45	1.23	1.05	.87	.72	.57	.45	.33
21,000- 21,999	2.82	1.92	1.67	1.45	1.23	1.05	.87	.72	.57	.45
22,000- 22,999	3.52	2.17	1.92	1.67	1.45	1.23	1.05	.87	.72	.57
23,000- 23,999	4.41	2.45	2.17	1.92	1.67	1.45	1.23	1.05	.87	.72
24,000- 24,999	5.51	3.06	2.45	2.17	1.92	1.67	1.45	1.23	1.05	.87
25,000- 25,999	6.89	3.82	2.75	2.45	2.17	1.92	1.67	1.45	1.23	1.05
26,000- 26,999	8.61	4.77	3.05	2.75	2.45	2.17	1.92	1.67	1.45	1.23
27,000- 27,999	10.76	5.96	3.37	3.05	2.75	2.45	2.17	1.92	1.67	1.45
28,000- 28,999	13.45	7.46	4.21	3.37	3.05	2.75	2.45	2.17	1.92	1.67
29,000- 29,999	16.81	9.32	5.26	3.72	3.37	3.05	2.75	2.45	2.17	1.92
30,000- 30,999	21.01	11.65	6.57	4.07	3.72	3.37	3.05	2.75	2.45	2.17
31,000- 31,999	23.30	14.56	8.21	4.45	4.07	3.72	3.37	3.05	2.75	2.45
32,000- 32,999	26.29	18.20	10.26	4.83	4.45	4.07	3.72	3.37	3.05	2.75
33,000- 33,999	27.15	22.75	12.83	6.03	4.83	4.45	4.07	3.72	3.37	3.05
34,000- 34,999	27.15	27.15	16.04	7.53	5.25	4.83	4.45	4.07	3.72	3.37
35,000- 35,999	27.15	27.15	20.05	9.41	5.67	5.25	4.83	4.45	4.07	3.72
36,000- 36,999	27.15	27.15	25.06	11.76	6.12	5.67	5.25	4.83	4.45	4.07
37,000- 37,999	27.15	27.15	27.15	14.70	7.56	6.12	5.67	5.25	4.83	4.45
38,000- 38,999	27.15	27.15	27.15	18.38	9.45	7.56	6.12	5.67	5.25	4.83
39,000- 39,999	27.15	27.15	27.15	22.96	11.81	9.45	7.56	6.12	5.67	5.25

40,000- 40,999	27.15	27.15	27.15	27.15	14.76	11.81	9.45	7.56	6.12	5.67
41,000- 41,999	27.15	27.15	27.15	27.15	18.45	14.76	11.81	9.45	7.56	6.12
42,000- 42,999	27.15	27.15	27.15	27.15	23.06	18.45	14.76	11.81	9.45	7.56
43,000- 43,999	27.15	27.15	27.15	27.15	27.15	23.06	18.45	14.76	11.81	9.45
44,000- 44,999	27.15	27.15	27.15	27.15	27.15	27.15	23.06	18.45	14.76	11.81
45,000- 45,999	27.15	27.15	27.15	27.15	27.15	27.15	27.15	23.06	18.45	14.76
46,000- 46,999	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15	23.06	18.45
47,000- 47,999	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15	23.06
48,000- 48,999	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15	27.15

Subp. 9. **Maximum rate.** When the annual gross earnings exceed the amount shown in the table in subpart 8, the daily payment shall be at the statutory limitation of ten percent of the cost of care.

Subp. 10. **Verification of financial information.** The annual gross earnings of a relative and the number of dependents of a relative shall be verified from the relative's Minnesota state income tax return or, in the case of a relative who is not a resident of Minnesota and does not file a Minnesota state income tax return, from the United States income tax return.

The amount of the premium paid by the relative to provide dependent hospital and medical insurance coverage for the client shall be verified.

Subp. 11. **Clothing and personal needs allowance of a minor.** The parents of a client who is an unmarried, dependent child are responsible for meeting the child's clothing and personal needs allowance in addition to the amount they are determined able to pay to meet the cost of care.

Statutory Authority: *MS s 246.01; 246.23; 246.50 to 246.55*

History: *8 SR 172; 10 SR 1589; 12 SR 2252; 16 SR 1797*

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