

9525.1230 APPROVAL OF DAY SERVICE PROVIDER.

Subpart 1. **General requirements.** A day service provider is approved by the commissioner to receive medical assistance reimbursement for day training and habilitation services when the day service provider meets the requirements in items A to J and complies with parts 9525.1200 to 9525.1330.

A. The day service provider must have a current license to provide day training and habilitation services in accordance with Minnesota Statutes, sections 252.28 and 245A.01 to 245A.16 and rules adopted thereunder.

B. The day service provider must have a current need determination approved by the commissioner under part 9525.0036 and Minnesota Statutes, section 252.28.

C. The day service provider and the ICF/DD must not be under the control of the same or related entities which provide residential services to the day service provider's clients. For this purpose, "control" means having power to direct or affect management, operations, policies, or implementation, whether through the ownership of voting securities, by contract or otherwise; "related legal entities" are entities that share a majority of governing board members or are owned by the same person or persons. If both the ICF/DD and the day service provider are wholly or partially owned by individuals, those individuals must not be related by marriage or adoption as spouses or as parents and children. Two exceptions to this requirement are:

(1) the county board's and commissioner's control which is required by parts 9525.1200 to 9525.1330; or

(2) the day service provider is a developmental achievement center which applied for licensure before April 15, 1983, as provided for under Minnesota Statutes, section 252.41, subdivision 9, clause (2).

D. The day service provider must have a written agreement with the ICF/DD and the county in which the ICF/DD is located as required by Minnesota Statutes, section 252.45, clause (4), and part 9525.1240.

E. The day service provider must have a written day training and habilitation agreement with each ICF/DD whose residents are enrolled by the day service provider as provided by Code of Federal Regulations, title 42, section 442.417.

F. The day service provider must be authorized by each ICF/DD whose residents are enrolled by the day service provider to receive medical assistance payments from the Department of Human Services under Code of Federal Regulations, title 42, section 447.10, paragraph (e).

G. The day service provider must make available at least 195 full days of medical assistance reimbursable service in a calendar year.

H. The day service provider must be selected by the county board, as provided by Minnesota Statutes, section 252.24, because of its demonstrated ability to provide the day training and habilitation services required by the client's individual service plan as provided in parts 9525.0004 to 9525.0036.

I. The day service provider must have service and transportation rates recommended by the county board and approved by the commissioner as provided by Minnesota Statutes, section 252.46.

J. The day service provider must be in compliance with the standards in Code of Federal Regulations, title 42, sections 483.410(d) and 483.440.

Subp. 2. [Repealed, L 1987 c 403 art 5 s 22 para (b)]

Statutory Authority: *MS s 256B.092; 256B.501*

History: *10 SR 68; L 1987 c 333 s 22; 18 SR 2244; L 2005 c 56 s 2*

Published Electronically: *October 16, 2013*