

9525.1800 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9525.1800 to 9525.1930 have the meanings given to them in this part.

Subp. 1a. **Adaptive modifications and equipment.** "Adaptive modifications and equipment" means one or more of the structural changes to the person's residence or an eligible vehicle, or specialized equipment or devices. Adaptive modifications and equipment must be designed to enable the person to avoid placement in an ICF/DD by increasing the person's mobility or protecting the person or other individuals from injury. Adaptive modifications and equipment are only reimbursable for persons with physical disabilities, sensory deficits, or behavior problems. Adaptive modifications and equipment are limited to those that have been approved by the United States Department of Health and Human Services as part of Minnesota's alternative community services and developmental disabilities waiver plans.

Subp. 1b. **Alternative community services waiver plan or ACS waiver.** "Alternative community services waiver plan" or "ACS waiver" means a waiver of requirements under United States Code, title 42, sections 1396 et seq., that allows the state to pay for home and community-based services for persons with developmental disabilities who are determined by the Department of Human Services to be inappropriately placed in Medicaid-certified nursing facilities through the medical assistance program. This term includes all amendments to the waiver as approved by the United States Department of Health and Human Services.

Subp. 2. **Billing rate.** "Billing rate" means the rate billed by the provider for providing the services. The rate may be based on a day, partial day, hour, or fraction of an hour of service.

Subp. 3. **Case manager.** "Case manager" means the person designated by the county board to provide case management services as defined in subpart 4a.

Subp. 4. [Repealed, 16 SR 2238]

Subp. 4a. **Case management.** "Case management" has the meaning given it in part 9525.0004, subpart 3.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 5a. **Community social services administration plan or CSSA plan.** "Community social services administration plan" or "CSSA plan" means the biennial community social services plan required of the county board.

Subp. 5b. **Conversion.** "Conversion" means the provision of home and community-based services to a person discharged from an ICF/DD directly into those

services, resulting in decertification of an ICF/DD bed under Minnesota Statutes, section 252.28, subdivision 4.

Subp. 6. **County board.** "County board" means the county board of commissioners for the county of financial responsibility or the county board of commissioners' designated representative.

Subp. 7. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in Minnesota Statutes, section 256G.02, subdivision 4.

Subp. 8. **Daily intervention.** "Daily intervention" means supervision, assistance, or training provided to a person in the person's residence or in the community by a provider, family member, or foster family member to help the person manage daily activities. To qualify as daily intervention the supervision, assistance, or training must be provided each day for more than 90 consecutive days.

Subp. 8a. **Day training and habilitation.** "Day training and habilitation" has the meaning given to "training and habilitation services" in Minnesota Statutes, section 245B.02, subdivision 6.

Subp. 9. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 10. **Diversion.** "Diversion" means the act of providing home and community-based services to a person who would be placed in an ICF/DD within one year if the home and community-based services were not provided.

Subp. 10a. **Eligible vehicle.** "Eligible vehicle" means a vehicle owned by the person, the person's family, or the person's primary caregiver with whom the person resides.

Subp. 11. **Family.** "Family" means a person's birth parents, adoptive parents or stepparents, siblings, children, or spouse.

Subp. 12. **Fiscal year.** "Fiscal year" means the state's fiscal year from July 1 through the following June 30.

Subp. 13. **Geographic region.** "Geographic region" means one of the economic development regions established by executive order of the governor according to Minnesota Statutes, section 462.385.

Subp. 13a. **Habilitation services.** "Habilitation services" means health and social services directed toward increasing and maintaining the physical, intellectual, emotional, and social functioning of persons with developmental disabilities. Habilitation services include therapeutic activities, assistance, training, supervision, and monitoring in the areas of self-care, sensory and motor development, interpersonal skills, communication, socialization, reduction or elimination of maladaptive behavior, community living and mobility, health care, leisure and recreation, money management, and household chores.

Day training and habilitation services and residential-based habilitation services are types of habilitation services.

Subp. 14. **Home and community-based services.** "Home and community-based services" means services provided to persons with developmental disabilities that are authorized under United States Code, title 42, section 1396 et. seq., and the DD and ACS waivers granted by the United States Department of Health and Human Services.

Subp. 14a. **Homemaker services.** "Homemaker services" means general household activities and ongoing monitoring of the person's well-being provided by a homemaker who meets the standards in parts 9565.1000 to 9565.1300.

Subp. 15. **Host county.** "Host county" means the county in which the home and community-based service is provided.

Subp. 16. [Repealed, 16 SR 2238]

Subp. 17. **Individual service plan.** "Individual service plan" has the meaning given it in Minnesota Statutes, section 256B.092, subdivision 1b.

Subp. 17a. **In-home family support services.** "In-home family support services" means residential-based habilitation services designed to enable the person to remain in the family home and may include training and counseling for the person and the person's family.

Subp. 18. **Intermediate care facility for the developmentally disabled or ICF/DD.** "Intermediate care facility for the developmentally disabled" or "ICF/DD" means a program licensed to serve persons with developmental disability under Minnesota Statutes, section 252.28, and a physical plant licensed as a supervised living facility under Minnesota Statutes, chapter 144, which together are certified by the Minnesota Department of Health as an ICF/DD. Unless otherwise stated, the term ICF/DD includes state-operated and community-based facilities.

Subp. 19. [Repealed, 16 SR 2238]

Subp. 19a. **Leave days.** "Leave days" means days when a person is temporarily absent from services.

Subp. 19b. **Developmental disability or DD.** "Developmental disability" or "DD" has the meaning given to "developmental disability" in part 9525.0016, subpart 2, and the meaning given to "related condition" in Minnesota Statutes, section 252.27, subdivision 1a.

Subp. 19c. **Nursing facility.** "Nursing facility" means a facility licensed under Minnesota Statutes, chapter 144A, that is certified by the Minnesota Department of Health under title XVIII or XIX of the Social Security Act.

Subp. 19d. **Person.** "Person" means a person with a developmental disability as defined in subpart 19b, who is receiving home and community-based services through either the DD or ACS waiver plan.

Subp. 20. **Primary caregiver.** "Primary caregiver" means a person other than a member of the person's family who has primary responsibility for the assistance, supervision, or training of the person in the person's residence.

Subp. 21. **Provider.** "Provider" means a person or legal entity providing home and community-based services for reimbursement under parts 9525.1800 to 9525.1930.

Subp. 21a. **Residential-based habilitation services.** "Residential-based habilitation services" means services provided in the person's residence and in the community, that are directed toward increasing and maintaining the person's physical, intellectual, emotional, and social functioning. Residential-based habilitation services include therapeutic activities, assistance, counseling, training, supervision, and monitoring in the areas of self-care, sensory and motor development, interpersonal skills, communication, socialization, working, reduction or elimination of maladaptive behavior, community participation and mobility, health care, leisure and recreation, money management, and household chores. Supported living services and in-home family support services are residential-based habilitation services.

Subp. 21b. **Respite care.** "Respite care" means short-term supervision, assistance, and care provided to a person due to the temporary absence or need for relief of the person's family, foster family, or primary caregiver. Respite care may include day, overnight, in-home, or out-of-home services, as needed.

Subp. 22. **Room and board costs.** "Room and board costs" means costs associated with providing food, shelter, and personal needs items for persons, including the directly identifiable costs of:

- A. normal and special diet food preparation and service;
- B. linen, bedding, laundering, and laundry supplies;
- C. housekeeping, including cleaning and lavatory supplies;
- D. maintenance and operation of the building and grounds, including fuel, electricity, water, supplies, and parts and tools to repair and maintain equipment and facilities; and
- E. allocation of salaries and other costs related to these areas.

Subp. 23. **Screening team.** "Screening team" means the team established under Minnesota Statutes, section 256B.092, subdivision 7, to evaluate a person's need for home and community-based services.

Subp. 24. **Service site.** "Service site" means the location at which home and community-based services are provided.

Subp. 25. **Short term.** "Short term" means a cumulative total of less than 90 24-hour days or 2,160 hours in a fiscal year. Additional hours may be authorized by the commissioner as approved in the current waiver plans.

Subp. 26. **Statewide average reimbursement rate.** "Statewide average reimbursement rate" means the dollar amount arrived at by dividing the total amount of money available under the waiver for the fiscal year by 365 days and then dividing the quotient by the department's projection of the total number of persons to receive home and community-based services as stated in the waiver for that fiscal year.

Subp. 26a. **Supported living services for adults.** "Supported living services for adults" means residential-based habilitation services provided on a daily basis to adults living in a service site for up to six persons.

Subp. 26b. **Supported living services for children.** "Supported living services for children" means residential-based habilitation services provided on a daily basis to persons under 18 years of age living in a service site for up to four persons.

Subp. 27. **Title XIX home and community-based waived services for persons with developmental disabilities or DD waiver plan.** "Title XIX home and community-based waived services for persons with developmental disabilities" or "DD waiver plan" means the waiver of requirements under United States Code, title 42, sections 1396 et seq., which allows the state to pay for home and community-based services for persons with developmental disabilities through the medical assistance program. The term includes all amendments to the waiver including any amendments made after the effective date of the last waiver plan, as approved by the United States Department of Health and Human Services under United States Code, title 42, section 1396 et. seq.

Statutory Authority: *MS s 256B.092; 256B.501; 256B.502; 256B.503*

History: *10 SR 838; 16 SR 2238; 18 SR 2244; L 1994 c 465 art 1 s 62; L 1994 c 631 s 31; L 2003 1Sp14 art 11 s 11; L 2005 c 56 s 2; L 2010 c 382 s 26*

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