

**9525.1850 PROVIDER REIMBURSEMENT.**

A provider may receive medical assistance reimbursement for home and community-based services only if the provider meets the criteria in items A to K. The training, experience, and supervision required in items B to E only apply to persons who are employed by, or under contract with, the provider to provide services that can be billed under part 9525.1860, subpart 3, item A. Providers licensed under parts 9525.0215 to 9525.0355; 9525.1500 to 9525.1690; and 9525.2000 to 9525.2140 are exempt from items C, D, and E.

A. The provider has a current license or licenses for the specific home and community-based services as required under Minnesota Statutes or Minnesota Rules or, if no license is required, has received approval from the county board to provide home and community-based services.

B. The provider ensures that the provider and all employees or subcontractors meet all professional standards established in Minnesota Statutes, Minnesota Rules, and Code of Federal Regulations that apply to the services to be provided. If no training standards have been established, the provider, employee, or subcontractor must have completed, within the last two years, at least 24 hours of documented training. The training must be in areas related to the care, supervision, or training of persons with developmental disabilities including first aid, medication administration, behavior management, cardiopulmonary resuscitation, human development, and obligations under Minnesota Statutes, chapter 260E and section 626.557. The county board may grant a written variance to the training requirements in this item for:

(1) a respite care provider who provides the respite care in his or her residence or in the client's residence; or

(2) a provider who ensures that the training will be completed within six months of the date the contract is signed.

This item does not apply to providers of minor physical adaptations.

C. If no training standards have been established, the provider, employee, or subcontractor must have completed, within the last two years, at least 24 hours of documented training. The training must be in areas related to the care, supervision, or training of persons with developmental disabilities including first aid, medication administration, behavior management, cardiopulmonary resuscitation, human development, and obligations under Minnesota Statutes, chapter 260E and section 626.557. The county board may grant a written variance to the training requirements in this item for:

(1) a respite care provider who provides the respite care in his or her residence or in the person's residence; or

(2) a provider who ensures that the training will be completed within six months of the date the contract is signed.

This item does not apply to providers of adaptive modifications and equipment.

D. The provider ensures that the provider and all employees or subcontractors have at least one year of experience within the last five years in the care, training, or supervision of persons with developmental disabilities as defined in Minnesota Statutes, section 252.27. The county board may grant a written variance to the requirements in this item for:

(1) a respite care provider who provides the respite care in his or her residence or in the person's residence;

(2) a provider, employee, or subcontractor who is a qualified developmental disability professional who meets the requirements in Code of Federal Regulations, title 42, section 483.430 and has been approved by the case manager; or

(3) an employee of the provider if the employee will work under the direct on-site supervision of a qualified developmental disability professional who meets the requirements in Code of Federal Regulations, title 42, section 483.430, and who has been approved by the case manager.

This item does not apply to providers of adaptive modifications and equipment or homemaker services.

E. The provider ensures that all home and community-based services, except homemaker services, respite care services, and adaptive modifications and equipment, will be provided by, or under the supervision of a qualified developmental disability professional who meets the requirements in Code of Federal Regulations, title 42, section 483.430, and has been approved by the case manager.

F. The provider ensures that the provider and all employees or subcontractors will complete the amount of ongoing training required in any Minnesota rules applicable to the home and community-based services to be provided. If no ongoing training is required by the applicable Minnesota rules, the provider, except a provider of adaptive modifications and equipment, agrees that the provider and all employees or subcontractors will complete at least 18 hours of documented ongoing training each fiscal year. To meet the requirements of this item, the ongoing training must be in a field related to the care, training, and supervision of persons with developmental disabilities, and must either be identified as needed in the person's individual service plans or be approved by the case manager based on the needs identified in the individual service plans of the persons served by the provider. The county board may grant a written variance to the requirements in this item for a respite care provider who provides the respite care in his or her residence or in the person's residence.

G. The provider ensures that the provider and all employees or subcontractors have never been convicted of a violation, or admitted violating Minnesota Statutes, chapter 260E or section 626.557 and there is no substantial evidence that the provider, employees, or subcontractors have violated Minnesota Statutes, chapter 260E or section 626.557.

H. The provider has a legally binding contract with the host county that complies with part 9525.1870.

I. The provider has been authorized in writing to provide home and community-based services for the person by the county of financial responsibility.

J. The provider agrees in writing to comply with United States Code, title 42, sections 1396 et seq., and regulations implementing those sections and with applicable provisions in parts 9505.2160 to 9505.2245 and 9525.1800 to 9525.1930.

K. The provider is not the person's guardian or a member of the person's family. This item does not preclude the county board from providing services if the person is a ward of the commissioner.

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

**History:** *10 SR 838; 12 SR 1148; 16 SR 2238; L 2005 c 56 s 2; L 2013 c 59 art 3 s 21*

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