

**9525.1910 COUNTY BOARD FUNDING OF HOME AND COMMUNITY-BASED SERVICES.**

Subpart 1. **County board responsibility.** The county board shall fund home and community-based services in accordance with subparts 2 to 5.

Subp. 2. **Distribution of money.** The total amount of money allocated to a county board for home and community-based services in a fiscal year shall not exceed the statewide average daily reimbursement rate multiplied by the total number of days the home and community-based services will be provided to the persons.

Subp. 3. **Rate setting.** The host county shall determine the rates to be paid to providers for home and community-based services and retain documentation of the process and data used to determine the rate. The commissioner shall review rates to ensure that the criteria in subpart 4, item C are met.

Subp. 4. **Cost limitations.** There is no dollar limitation on the amount of home and community-based services money that counties may authorize to be used per person. In authorizing and billing for home and community-based services for individual persons, the county board must comply with items A to C. For county boards applying jointly, the total cost and total allocation in item A shall be the total cost and total allocation for all of the county boards represented in the proposal and the average cost in item B shall be the average cost for all persons included in the proposal.

A. The total cost of home and community-based services provided to all persons during the fiscal year must not exceed the total allocation approved for the county board, or county boards if applying jointly, for the fiscal year by the commissioner.

B. The county's average cost per day for all DD home and community-based services provided to all persons must not exceed the statewide average daily reimbursement rate, except as provided for in part 9525.1890, subpart 6. The county's average cost per day for a recipient of ACS waived services may not exceed the amount allocated to the county by the commissioner for that person.

C. The cost of each service must satisfy the following criteria:

- (1) the cost is ordinary, necessary, and related to the person's care;
- (2) the cost is for activities which are generally accepted in the field of developmental disabilities and are scientifically proven to promote achievement of the goals and objectives contained in the person's individual service plan;
- (3) the cost is what a prudent and cost conscious business person would pay for the specific good or service in the open market in an arm's length transaction; and
- (4) the cost is for goods or services actually provided.

Subp. 5. **Assessment for costs which exceed allocation.** If the total expenditures by the state under parts 9525.1800 to 9525.1930 do not meet the federal requirements under the waiver and as a result federal financial participation is denied, disallowed, or required to be returned, the commissioner shall assess a portion of the cost to each county board that incurred costs which exceeded the total allocation for that county. The portion assessed must be based on the costs that exceed or exceeded the county board's allocation.

**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*

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