

1 Department of Human Services

2

3 Adopted Rules Relating to Referral of General Assistance

4 Applicants and Recipients to Other Maintenance Benefit Programs

5

6 Rules as Adopted

7 9500.1206 DEFINITIONS.

8 Subpart 1. **Scope.** As used in parts 9500.1200 to
9 9500.1256, the following terms have the meanings given them.

10 Subp. 2. **Adult child.** "Adult child" means a person aged
11 18 years or older.

12 Subp. 3. **Advanced age.** "Advanced age" means the condition
13 that applies to a recipient who:

14 A. is age 55 or older and whose work history shows a
15 marked deterioration compared to his or her work history prior
16 to age 55 as indicated by decreasing occupational status,
17 reduced hours of employment, or decreased periods of employment;
18 or

19 B. if less than age 55, is evaluated by a vocational
20 specialist as having significantly limited ability to obtain or
21 retain suitable employment because of advancing age.

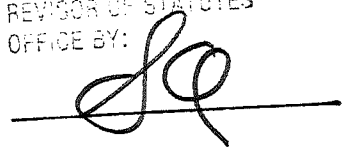
22 Subp. 4. **AFDC.** "AFDC" means the program authorized by
23 title IV-A of the Social Security Act to provide financial
24 assistance to needy families with dependent children.

25 Subp. 5. **Applicant.** "Applicant" means a person who has an
26 application pending with the local agency for general assistance
27 or work readiness.

28 Subp. 6. **Assistance standard.** "Assistance standard" means
29 the amount established by the commissioner under Minnesota
30 Statutes, section 256D.01, to provide for an assistance unit's
31 shelter, fuel, food, clothing, utilities, necessary household
32 supplies, and personal need items.

33 Subp. 7. **Assistance unit.** "Assistance unit" means a
34 single person, a single person and his or her minor children, a
35 married couple, or a married couple and the minor children of

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1 either of those persons. To be included together in an
2 assistance unit, the persons must reside together and the
3 assistance unit must meet the conditions of part 9500.1208.

4 Subp. 8. **Commissioner.** "Commissioner" means the
5 commissioner of the Department of Human Services or a designated
6 representative.

7 Subp. 9. **Costs or disbursements.** "Costs" or
8 "disbursements" means a qualified provider's actual
9 out-of-pocket expenses incurred for the provision of special
10 services to an applicant or recipient.

11 Subp. 10. **Countable income.** "Countable income" means net
12 earned and unearned income that is not exempt or disregarded
13 under the general assistance program and that is actually
14 available to the recipient during the month covered by the grant.

15 Subp. 11. **Department.** "Department" means the Department
16 of Human Services.

17 Subp. 12. **Director of the local agency.** "Director of the
18 local agency" means the director of the local agency or the
19 director's designated representative.

20 Subp. 13. **Fees.** "Fees" means a qualified provider's
21 charge for the hours of direct provision of special services to
22 an applicant or recipient.

23 Subp. 14. **Full-time student.** "Full-time student" means a
24 student attending a postsecondary institution who:

25 A. attends training for a minimum of 25 hours per
26 week if the training does not involve shop practice and for a
27 minimum of 30 hours per week if the training does involve shop
28 practice for a vocational or technical student; or

29 B. registers for and attends a minimum of 12 credit
30 hours per semester or quarter.

31 Subp. 15. **Good cause.** "Good cause" means a reason for
32 taking an action or failing to take an action that is reasonable
33 and justified when viewed in the context of surrounding
34 circumstances including: illness of the person, illness of
35 another family member that requires the applicant's or
36 recipient's presence, a family emergency, or the inability to

1 obtain transportation.

2 Subp. 16. **Initial supplemental security income payment or**
3 **initial SSI payment.** "Initial supplemental security income
4 payment" or "initial SSI payment" means the first payment of
5 retroactive SSI benefits to the recipient ~~covering-the~~ that
6 includes a period when general assistance benefits were also
7 paid.

8 Subp. 17. **Interim assistance.** "Interim assistance" means
9 the total amount of general assistance provided ~~to~~ for the
10 ~~recipient's-assistance-unit~~ recipient, based ~~upon~~ on the state
11 assistance standards and the negotiated rate provisions of part
12 9500.1249, to cover the period for which the initial payment of
13 other maintenance benefits is made. The amount of general
14 assistance considered interim assistance is limited to the
15 amount the monthly payments for the assistance unit would have
16 been reduced if the applicant or recipient had not been included
17 in the assistance unit. The interim assistance period begins
18 with the month of application for general assistance, the first
19 month of eligibility for the other maintenance benefits, or the
20 date the interim assistance authorization agreement is signed,
21 whichever is latest. The interim assistance period ends with
22 the last month covered by the initial payment of the other
23 maintenance benefits. The term does not include per diem
24 payments made to shelters for battered women pursuant to
25 Minnesota Statutes, section 256D.05, subdivision 3.

26 Subp. 18. **Interim assistance authorization**
27 **agreement.** "Interim assistance authorization agreement" means
28 the agreement in which the general assistance applicant or
29 recipient agrees to reimburse the local agency for the amount of
30 general assistance provided ~~to-his~~ for him or her **assistance**
31 ~~unit~~ during the period when eligibility for another maintenance
32 benefit program is being determined. The agreement must require
33 reimbursement to the local agency only when the general
34 assistance applicant or recipient is found eligible for another
35 maintenance benefit program and the initial payment of those
36 other maintenance benefits has been made.

1 Subp. 19. **Local agency.** "Local agency" means a county or
2 a multicounty agency that is authorized under Minnesota Statutes
3 as the agency responsible for the administration of the general
4 assistance program.

5 Subp. 20. **Medical certification.** "Medical certification"
6 means a statement about a person's illness, injury, or
7 incapacity that is signed by a licensed physician, licensed
8 consulting psychologist, or licensed psychologist whose
9 professional training and experience qualifies him or her to
10 diagnose or certify the person's condition.

11 Subp. 21. ~~Mentally-ill~~ **Mental illness.** "~~Mentally~~
12 ~~ill~~ Mental illness" means the condition of a person who has a
13 psychological disorder resulting in behavior that severely
14 limits the person in obtaining, performing, or maintaining
15 suitable employment.

16 Subp. 22. ~~Mentally-retarded~~ **Mental retardation.** "~~Mentally~~
17 ~~retarded~~ Mental retardation" means the condition of a person who
18 has demonstrated deficits in adaptive behavior and intellectual
19 functioning which is two or more standard deviations below the
20 mean of a professionally recognized standardized test ~~that~~ and
21 the condition severely limits the person in obtaining,
22 performing, or maintaining suitable employment.

23 Subp. 23. **Minor child.** "Minor child" means a person under
24 the age of 18.

25 Subp. 24. **Negotiated rate.** Except for shelter facilities
26 provided for under Minnesota Statutes, section 256D.05,
27 subdivision 3, "negotiated rate" means a general assistance
28 payment that includes room and board and is either set by the
29 state or local agency or is negotiated by one of those agencies
30 with a party not included in the assistance unit. The set or
31 negotiated rate provides for an assistance unit's shelter, fuel,
32 food, utilities, household supply need items, and other costs
33 necessary to provide room and board. The rate shall pay only
34 for those items. It shall not include the clothing and personal
35 needs allowance under Minnesota Statutes, section 256D.06,
36 subdivision 3, payments for foster care, child welfare services,

1 medical care, dental care, hospitalization, nursing care, drugs
2 or medical supplies, program costs, or other social services.

3 Subp. 25. **Other maintenance benefits.** "Other maintenance
4 benefits" means any of the following:

5 A. workers' compensation benefits as provided by
6 Minnesota Statutes, chapter 176 and rules adopted thereunder;

7 B. unemployment compensation benefits as provided by
8 Minnesota Statutes, sections 268.07 to 268.10 and rules adopted
9 thereunder;

10 C. railroad retirement benefits as provided by United
11 States Code, title 45, sections 231 to 231s;

12 D. veteran's disability benefits as provided by
13 United States Code, title 38, sections 301 to 363;

14 E. supplemental security income benefits as provided
15 by United States Code, title 42, sections 1381 to 1383c;

16 F. social security disability insurance benefits as
17 provided by United States Code, title 42, section 423; or

18 G. other programs identified by the local agency that
19 provide periodic payments that can be used to meet basic needs
20 and may that, if received, would reduce or eliminate the need
21 for general assistance.

22 Subp. 26. **Potentially eligible.** "Potentially eligible"
23 means that the local agency has determined that the applicant or
24 recipient appears to meet the eligibility requirements of
25 another maintenance benefit program.

26 Subp. 27. **Qualified provider.** A "qualified provider"
27 means the local agency, or:

28 (1) a nonprofit legal assistance organization;

29 (2) an agency that employs licensed practitioners
30 or accredited counseling staff or staff with a master's degree
31 from an accredited program in social work, psychology,
32 counseling, occupational therapy, or physical therapy;

33 (3) a private attorney at law; or

34 (4) another organization or person determined by
35 the local agency to have sufficient training or experience to be
36 effective in assisting persons to apply for and establish

1 eligibility for SSI benefits.

2 Subp. 28. **Recipient.** "Recipient" means a person who is
3 currently receiving assistance under the general assistance
4 program.

5 Subp. 29. **Responsible relative.** "Responsible relative"
6 means the spouse of an applicant or recipient, the parent of a
7 minor child who is an applicant or recipient, or the parent of
8 an adult child who resides with the parent and is an applicant
9 or recipient.

10 Subp. 30. **SSI.** "SSI" means the supplemental security
11 income program administered by the Social Security
12 Administration under United States Code, title 42, sections 1381
13 to 1383c.

14 Subp. 31. **State participation.** "State participation"
15 means state aid to local agencies for general assistance
16 expenditures as specified in Minnesota Statutes, section
17 256D.03, subdivision 2.

18 Subp. 32. **Suitable employment.** "Suitable employment"
19 means a job that:

20 A. meets existing health and safety standards set by
21 federal, state, or local regulations;

22 B. is within the physical and mental ability of a
23 person;

24 C. pays at least the minimum wage prescribed by state
25 or federal law and provides more than 60 hours of work per
26 month; and

27 D. does not include temporary day labor.

28 Subp. 33. **Vocational specialist.** "Vocational specialist"
29 means a counselor of the Department of Jobs and Training or
30 Division of Vocational Rehabilitation, or another similarly
31 qualified person who advises persons about occupational goals
32 and employment.

33

34 9500.1200 PURPOSE AND APPLICABILITY.

35 Subpart 1. **Purpose.** Parts 9500.1200 to 9500.1256

1 establish the rights and responsibilities of the Department of
2 Human Services, local agencies, and recipients of general
3 assistance as they pertain to the administration of the general
4 assistance program.

5 Subp. 2. **Applicability.** Parts 9500.1254 to 9500.1256
6 govern application for maintenance benefits from other sources,
7 execution of an interim assistance authorization agreement,
8 provision of special services to assist the applicant or
9 recipient in applying for other maintenance benefits,
10 reimbursement for interim assistance, and reimbursement for
11 provision of special services. When parts 9500.1254 to
12 9500.1256 conflict with parts 9500.1236 to 9500.1248, then parts
13 9500.1254 to 9500.1256 shall prevail.

14 9500.1254 REFERRAL TO OTHER MAINTENANCE BENEFIT PROGRAMS.

15 Subpart 1. **Screening requirement.** The local agency must
16 determine the potential eligibility of each general assistance
17 applicant or recipient for other maintenance benefits as follows:

18 A. The local agency must determine an applicant's
19 potential eligibility for other maintenance benefits when
20 application for general assistance is made.

21 B. The local agency must determine a recipient's
22 potential eligibility for other maintenance benefits at the
23 recipient's semiannual redetermination of eligibility for
24 general assistance. The local agency must also determine a
25 recipient's potential eligibility for other maintenance benefits
26 whenever it determines that changes in the recipient's
27 circumstances, including eligibility for medical assistance,
28 indicate potential eligibility for other maintenance benefits.

29 C. If the local agency determines that the applicant
30 or recipient is potentially eligible for other maintenance
31 benefits, the local agency must document its determination on
32 forms prescribed by the commissioner and must retain the forms
33 in the local agency case record for the applicant or recipient.

34 Subp. 2. **Informing and referral requirement.** When the
35 local agency determines that the applicant or recipient is

1 potentially eligible for other maintenance benefits, the local
 2 agency shall ~~inform~~ refer the applicant or recipient to the
 3 other maintenance benefit program on a form prescribed by the
 4 commissioner by informing the applicant or recipient orally and
 5 in writing of the following:

6 A. that the applicant or recipient must apply for the
 7 other maintenance benefit program, in accordance with subpart 4,
 8 item A;

9 B. that the applicant or recipient must execute an
 10 interim assistance authorization agreement, in accordance with
 11 subpart 4, item D;

12 C. that the applicant or recipient must comply with
 13 all procedures necessary to determine his or her eligibility or
 14 ineligibility for the other maintenance benefits in accordance
 15 with subpart 4, item C;

16 D. that the applicant or recipient must authorize the
 17 local agency and the qualified provider, when one is chosen, to
 18 exchange relevant data concerning the applicant's or recipient's
 19 eligibility with the other maintenance benefit program office,
 20 in accordance with subpart 4, item B;

21 E. the estimated amount of benefits the applicant or
 22 recipient may be eligible to receive under the other maintenance
 23 benefit program, if known;

24 F. the address at which the applicant or recipient
 25 shall apply for the other maintenance benefit program;

26 G. general instructions regarding how to apply for
 27 the other maintenance benefit program;

28 H. that the applicant or recipient may elect to
 29 receive special services to assist him or her in applying for
 30 SSI benefits, in accordance with part 9500.1256, subpart 1, and
 31 that the applicant or recipient has a right to choose to receive
 32 special services from ~~the local agency or from another~~ a
 33 qualified provider;

34 I. notice of the actions which the local agency must
 35 take, in accordance with subpart 5, if the applicant or
 36 recipient fails to comply with the requirements under subpart 4,

1 items A to D; and

2 J. notice of the applicant's or recipient's right to
3 appeal a determination of ineligibility for general assistance
4 due to noncompliance with subpart 4, items A to D.

5 Subp. 3. Special referral requirement provisions. When
6 the local agency determines that the applicant or recipient is
7 potentially eligible for another maintenance benefit program,
8 the local agency shall refer the applicant or recipient to a
9 chosen qualified provider and the other maintenance benefit
10 program as follows in accordance with items A and B:

11 A. ~~The referral must be made on a form prescribed by~~
12 ~~the commissioner. A copy of the referral form must be mailed to~~
13 ~~the other maintenance benefit program office.~~

14 B. If the applicant or recipient is determined to be
15 potentially eligible for maintenance benefits from SSI, the
16 local agency shall:

17 (1) offer to provide special services to the
18 applicant or recipient in accordance with part 9500.1256,
19 subpart 1, to assist him or her in applying for and obtaining
20 SSI;

21 (2) furnish the applicant or recipient with a
22 list of qualified providers with whom the local agency has
23 contracted to provide special services to applicants or
24 recipients or who have asked to be included on the list;

25 (3) ~~refer the applicant or recipient to the~~
26 ~~Social Security Administration's local office to apply for SSI~~
27 ~~benefits;~~

28 (4) ~~promptly~~ notify the Social Security
29 Administration's local office of the applicant's or recipient's
30 potential eligibility for SSI on the date of referral so that
31 the earliest potential date of eligibility for SSI can be
32 established; and

33 (5) (4) if the applicant or recipient elects at
34 any time to receive the special services specified in part
35 9500.1256, subpart 1 from a qualified provider other than the
36 local agency, the local agency shall refer the applicant or

1 recipient to the chosen provider. If the local agency has not
2 contracted with the chosen provider, the local agency must enter
3 into a contract with that qualified provider to provide special
4 services to applicants or recipients who apply for SSI benefits.

5 E. B. If the local agency determines that an
6 applicant or recipient is potentially eligible for another
7 maintenance benefit program, and the applicant or recipient has
8 previously applied for and been found ineligible for that other
9 maintenance benefit program, he or she shall not be required to
10 appeal from that decision or to reapply for that other
11 maintenance benefit program unless one of the following
12 conditions is met:

13 (1) the local agency determines that the
14 applicant's or recipient's health or circumstances have changed
15 and the change may result in eligibility for that other
16 maintenance benefit program; or

17 (2) the eligibility requirements or procedures of
18 the other maintenance benefit program have changed and the
19 change may result in the applicant or recipient being found
20 eligible for that other maintenance benefit program.

21 Subp. 4. **Requirements upon referral for other maintenance**
22 **benefits.** When the local agency refers an applicant or
23 recipient to another maintenance benefit program as provided
24 under subpart 3 2, the applicant or recipient shall do the
25 following:

26 A. The applicant or recipient shall apply for those
27 benefits within 30 days of the date of referral. If the
28 recipient has not provided the local agency with verification of
29 his or her application for those benefits within 30 days of the
30 date of referral, the local agency must contact the other
31 maintenance benefit program local office to determine if the
32 recipient has applied for benefits. If the local office of the
33 other maintenance benefit program verifies that the recipient
34 has applied for those benefits, the recipient shall be deemed to
35 have met the requirement of applying for other maintenance
36 benefits. If the local office of the other maintenance benefit

1 program verifies that the recipient has not applied for those
2 benefits, the local agency shall mail or give the recipient
3 notice of termination from general assistance in accordance with
4 subpart 5.

5 B. The applicant or recipient shall, within 30 days
6 of the date of referral, provide his or her informed written
7 consent and authorization for the local agency or a qualified
8 provider, if one is chosen, to exchange data concerning the
9 applicant or recipient with the other maintenance benefit
10 program local office. The data exchanged must be relevant to a
11 determination of the applicant's or recipient's eligibility or
12 ineligibility for benefits from the other program.

13 For purposes of exchanging private or confidential data
14 about a person for whom a qualified provider has contracted to
15 provide special services, a qualified provider other than the
16 local agency shall not be considered part of the welfare system
17 under Minnesota Statutes, section 13.46, subdivision 1.

18 If the local agency determines that the recipient has not
19 given informed written consent and authorization for the local
20 agency or a qualified provider to exchange data concerning his
21 or her eligibility or ineligibility for the other maintenance
22 benefit program within the prescribed 30 days, the local agency
23 shall mail or give the recipient notice of termination from
24 general assistance in accordance with subpart 5.

25 C. A recipient shall comply with all procedures
26 necessary to determine his or her eligibility or ineligibility
27 for the other maintenance benefit program.

28 If the local agency determines that the recipient has not
29 complied with the procedures necessary to determine his or her
30 eligibility or ineligibility for other maintenance benefits, the
31 local agency shall mail or give the recipient notice of
32 termination from general assistance in accordance with subpart 5.

33 D. An applicant or recipient shall execute an interim
34 assistance authorization agreement with the local agency within
35 30 days of the date of referral.

36 If the recipient fails to execute an interim assistance

1 authorization agreement within the 30 days prescribed, the local
2 agency shall mail or give the recipient notice of termination
3 from general assistance in accordance with subpart 5.

4 Subp. 5. **Ineligibility.** This subpart governs termination
5 of general assistance eligibility for a recipient who fails,
6 without good cause, to comply with the requirements of subpart 4.

7 A. Upon determining that a recipient has failed,
8 without good cause, to comply with the requirements of subpart
9 4, items A to D, the local agency shall mail or give the
10 recipient notification of termination from general assistance.
11 The local agency shall hand deliver or mail the written notice
12 to the recipient at least 30 days before reducing, suspending,
13 or terminating the recipient's monthly general assistance
14 payment. The notice must be on a form prescribed by the
15 commissioner and must:

16 (1) list the requirements with which the local
17 agency believes the recipient has not complied and inform the
18 recipient that he or she must comply with the requirements to
19 avoid or end a period of ineligibility;

20 (2) inform the recipient that he or she will be
21 terminated from general assistance if the recipient fails to
22 comply with the listed requirements, specify the date that the
23 recipient's general assistance will be terminated if he or she
24 does not comply, and explain the recipient's right to appeal the
25 action in accordance with subpart 6;

26 (3) offer assistance to resolve the circumstances
27 or concerns which prevent the recipient from complying with the
28 requirements of subpart 4; and

29 (4) inform the recipient of the continued
30 availability of special services provided under part 9500.1256,
31 subpart 1.

32 B. If the recipient complies with the requirements
33 specified in the notice in item A prior to the termination date
34 stated in the notice, a period of ineligibility must not be
35 imposed.

36 C. A recipient who fails to comply with the

1 requirements specified in the notice in item A prior to the
2 termination date stated in the notice is ineligible for general
3 assistance. The period of ineligibility begins on the date
4 specified in the notice and continues until the person fulfills
5 the requirements of subpart 4. The period of ineligibility
6 always begins on the first day of a calendar month. If the
7 ineligible person subsequently applies for general assistance,
8 the application must be denied unless the requirements of
9 subpart 4 have been met.

10 D. If the person is determined to be ineligible under
11 item C, the assistance standard applicable to the person's
12 assistance unit must be based on the number of remaining
13 eligible members of the assistance unit.

14 Subp. 6. **Appeals.** A recipient to whom the local agency
15 has given or mailed a notice of termination in accordance with
16 subpart 5 may appeal the determination by submitting a written
17 request for a hearing in accordance with Minnesota Statutes,
18 section 256.045. If the recipient files a written request for
19 an appeal on or before the first day of the period of
20 ineligibility under subpart 5, item C, the recipient shall
21 continue to receive general assistance while the appeal is
22 pending, provided that the recipient is otherwise eligible for
23 general assistance.

24 Subp. 7. **Reimbursement for interim assistance.** A local
25 agency must seek reimbursement for the interim assistance
26 provided to a person who has executed an interim assistance
27 authorization agreement under subpart 4, item D, when the person
28 receives a retroactive payment from the other maintenance
29 benefit program unless reimbursement is prohibited under federal
30 or state law. Reimbursement for interim assistance and special
31 services provided to an SSI applicant or recipient is governed
32 by part 9500.1256, subpart 2.

33 The local agency must request reimbursement for interim
34 assistance from the person receiving other retroactive
35 maintenance benefits, except for SSI~~7~~-and. If a request for
36 reimbursement under this subpart is denied, the local agency may

1 institute a civil action~~, if appropriate,~~ to recover the interim
 2 assistance based on the interim assistance authorization
 3 agreement. The local agency must take no action other than a
 4 civil action to recover the interim assistance. From the
 5 interim assistance recovered, the local agency may retain 25
 6 percent as reimbursement for the county's share of the interim
 7 assistance provided, and must credit the balance to the state as
 8 an advance payment to the local agency for the state's share of
 9 the next month's general assistance grants.

10 9500.1256 SPECIAL SERVICES FOR SSI APPLICANTS.

11 Subpart 1. **Special services.** A recipient who is referred
 12 to SSI in accordance with part 9500.1254, ~~subpart~~ subparts 2 and
 13 3, item B, may elect to receive special services to assist him
 14 or her in obtaining SSI benefits. Special services for which
 15 reimbursement for fees, costs, or disbursements may be claimed
 16 under subpart 2 or 3 are limited to the following:

17 A. explaining to or counseling the applicant or
 18 recipient about the application procedures and benefits
 19 available through the SSI program;

20 B. assisting the applicant or recipient in completing
 21 the application for SSI and arranging appointments related to
 22 application for SSI;

23 C. assisting the applicant or recipient in assessing
 24 his or her disability in relation to SSI eligibility, and
 25 identifying probable issues that may arise during the SSI
 26 eligibility determination process;

27 D. providing the applicant or recipient with medical
 28 or vocational evidence, social history, or expert testimony
 29 currently available to substantiate the presence and severity of
 30 the applicant's or recipient's blindness or disability;

31 E. assisting the applicant or recipient in obtaining
 32 and using medical or vocational evidence, social history, or
 33 expert testimony and in cooperating with the Social Security
 34 Administration and its agents, procedures, and requirements;

35 F. assisting the applicant or recipient with

1 necessary transportation;

2 G. preparing for and representing the applicant or
3 recipient at interviews, hearings, or appeals related to
4 application for SSI or appeal of the Social Security
5 Administration's determination of ineligibility for SSI;

6 H. the local agency's preparation of a contractual
7 agreement with a qualified provider chosen by the applicant or
8 recipient; and

9 I. providing other services to assist the applicant
10 or recipient to establish eligibility for SSI benefits.

11 Subp. 2. **Reimbursement for interim assistance and special**
12 **services.** A local agency must be reimbursed for providing
13 interim assistance and special services to an SSI applicant or
14 recipient in the following manner:

15 A. Upon receiving the initial SSI payment for a
16 person who has executed an interim assistance authorization
17 agreement as specified in part 9500.1254, subpart 4, item D, the
18 local agency may recover the amount of interim assistance
19 provided. After recovering the interim assistance from the
20 initial SSI payment, the local agency shall pay the remainder to
21 the person or to a representative payee identified by the Social
22 Security Administration within ten days of receiving the initial
23 SSI payment. From the amount of interim assistance recovered,
24 the local agency:

25 (1) shall retain 25 percent as reimbursement for
26 the county's share of the interim assistance provided;

27 (2) may retain, subject to the provisions of
28 subpart 3, item E, an additional 25 percent as an advocacy
29 incentive for providing the special services specified in
30 subpart 1, items A to D;

31 (3) may retain from the remaining 50 percent,
32 subject to the provisions of subpart 3, item E, reimbursement
33 for actual reasonable fees, costs, and disbursements related to
34 appeals and litigation and provision of special services under
35 subpart 1.

36 B. The local agency may not seek reimbursement from

1 the applicant or recipient for the fees, costs, or disbursements
2 of providing special services except as provided in item A.

3 C. The balance of the amount of interim assistance
4 that is not retained by the local agency pursuant to item A or
5 paid to another qualified provider under subpart 3 must be
6 credited to the state as an advance payment to the local agency
7 for the state's share of the next month's general assistance
8 grants.

9 D. The local agency must document the fees, costs,
10 and disbursements which it incurs in providing the special
11 services to claim reimbursement. The local agency shall be
12 reimbursed under item A, subitem (3), only for the direct costs
13 of providing special services.

14 Subp. 3. Reimbursement to qualified providers under
15 contract with the local agency to provide special services.
16 Qualified providers under contract with the local agency to
17 provide special services to general assistance applicants or
18 recipients shall be reimbursed from the amount of interim
19 assistance recovered by the local agency under subpart 2 in the
20 following manner:

21 A. To receive reimbursement for the fees, costs, and
22 disbursements related to appeals and litigation and the
23 provision of special services as provided in subpart 1, the
24 qualified provider shall enter into a contract with the local
25 agency and provide one or more of the special services specified
26 in subpart 1.

27 The contract must be on a form prescribed by the
28 commissioner except that the local agency may add to or modify
29 the form without changing the substance of the contract in order
30 to meet standard contracting procedures established by the
31 county board.

32 B. The local agency must reimburse a qualified
33 provider under contract with the local agency for the provider's
34 reasonable actual fees, costs, and disbursements, including
35 medical reports and expert testimony related to appeals,
36 litigation, and providing special services to an applicant or

1 recipient in accordance with the following:

2 (1) a qualified provider shall not be reimbursed
3 by the local agency for any fees, costs, or disbursements unless
4 the applicant or recipient has requested the services, the local
5 agency has referred the applicant or recipient to the qualified
6 provider, and the local agency has received the initial SSI
7 payment for the recipient served;

8 (2) the qualified provider shall be reimbursed by
9 the local agency for fees related to the provision of special
10 services at the rate determined by the qualified provider, but
11 not to exceed \$75 per hour of service; and

12 (3) when a qualified provider requests
13 reimbursement from the local agency for fees, costs, or
14 disbursements related to services provided, the qualified
15 provider shall document the total number of hours of services
16 provided to the applicant or recipient and provide a record of
17 its costs and disbursements.

18 C. A qualified provider under contract to provide
19 special services must comply with the following:

20 (1) a qualified provider shall not require
21 prepayment of any fees, costs, or disbursements from the
22 applicant or recipient; and

23 (2) a qualified provider shall not seek
24 reimbursement from the applicant or recipient for fees related
25 to the provision of special services. If a qualified provider
26 intends to seek reimbursement for costs and disbursements from
27 an applicant or recipient in the event the applicant or
28 recipient is determined to be ineligible for SSI and the
29 qualified provider therefore will not be fully reimbursed by the
30 local agency, the qualified provider must so inform the
31 applicant or recipient and obtain the applicant's or recipient's
32 written consent prior to providing the special services. ~~In~~
33 ~~addition,~~ The qualified provider must also inform the applicant
34 or recipient that he or she may receive the special services
35 from the local agency without cost ~~and-must-obtain-the~~
36 ~~applicant's-or-recipient's-consent-to-provide-the-special~~

1 services to the applicant or recipient.

2 D. The total reimbursement for special services made
3 by the local agency to all qualified providers must not exceed
4 the amount of interim assistance retained by the local agency as
5 specified in subpart 2, item A, subitems (2) and (3), unless the
6 excess is expressly authorized by the local agency and paid for
7 exclusively with local agency funds.

8 E. If more than one qualified provider provides
9 special services to an applicant or recipient, and the amount of
10 interim assistance retained by the local agency will not fully
11 reimburse all qualified providers, the reimbursement to each
12 qualified provider for fees, costs, and disbursements shall be
13 calculated by multiplying the total amount of funds available to
14 the local agency as specified in subpart 2, item A, subitems (2)
15 and (3), including any excess funds authorized by the local
16 agency under item D, by the qualified provider's reimbursement
17 percentage. The qualified provider's reimbursement percentage
18 shall be determined by dividing the number of hours spent by
19 each qualified provider who provided special services by the
20 total number of hours spent by the local agency and all other
21 qualified providers under contract with the local agency who
22 have provided special services to the applicant or recipient.

23 F. If the local agency and one or more other
24 qualified providers provide special services to an applicant or
25 recipient, and the amount of interim assistance recovered by the
26 local agency under subpart 2, item A, subitems (2) and (3),
27 exceeds the amount necessary to fully reimburse the qualified
28 providers for fees, costs, and disbursements, the local agency
29 may retain ~~up to the full amount of interim assistance recovered~~
30 the excess to the extent allowed under subpart 2, item A,
31 subitem (2).

32 G. The local agency ~~may~~ shall reimburse a qualified
33 provider for fees, costs, and disbursements for special services
34 provided during the six-month period before the applicant or
35 recipient was referred to the qualified provider, unless ~~the~~
36 general contracting procedures of the particular county prohibit

1 this payment. The provider's fees, costs, or disbursements for
2 special services provided before the person's application for
3 general assistance may be reimbursed only if funds remain after
4 reimbursement for special services provided to the person after
5 the person made application for general assistance.

6 H. The local agency and another qualified provider
7 may contract to jointly provide the special services specified
8 in subpart 1.

9 Subp. 4. **Termination of special services and contracts.**

10 Special services and contracts must be terminated in the
11 following manner:

12 A. If an applicant or recipient requests in writing
13 that the local agency terminate the special services agreement
14 with a qualified provider, the special services agreement for
15 that applicant or recipient must be terminated, and the local
16 agency shall mail written notice of the termination to the
17 qualified provider. The notice must include a copy of the
18 applicant's or recipient's written request for termination of
19 the special services agreement. Termination of the agreement is
20 effective three days after the date when the notice is mailed.
21 The qualified provider shall not be reimbursed for fees, costs,
22 or disbursements for special services provided to an applicant
23 or recipient after the effective date of termination.

24 B. If a qualified provider decides to stop providing
25 special services to an applicant or recipient, the qualified
26 provider shall give or mail the following information to the
27 applicant or recipient and, if the qualified provider is not the
28 local agency, to the local agency:

29 (1) the status of the applicant's or recipient's
30 application for SSI benefits;

31 (2) any deadlines that must be met regarding the
32 applicant's or recipient's application for SSI benefits;

33 (3) the right of the applicant or recipient to
34 choose another qualified provider, and the local agency's
35 obligation to enter into a contract with a new qualified
36 provider to provide the special services specified if the

1 applicant or recipient chooses a qualified provider other than
2 the local agency; and

3 (4) that a list of qualified providers may be
4 obtained from the local agency.

5 Termination of the contract is effective three days after
6 the date the provider gives or mails the information required in
7 subitems (1) to (4) to the client.

8 C. If a qualified provider fails to perform all or
9 part of the terms of the contract with the local agency, the
10 local agency may terminate the contract with the provider. The
11 local agency shall terminate the contract and mail written
12 notice to the qualified provider and to the recipients served by
13 the qualified provider. The notice must specify the local
14 agency's grounds for terminating the contract. Termination of
15 the contract is effective three days after the notice is mailed
16 to the qualified provider. The local agency shall also give the
17 recipient a list of other qualified providers who have
18 contracted with the local agency to provide the special services
19 specified in subpart 1 or who have asked to be included on the
20 list. The qualified provider shall not be reimbursed for fees,
21 costs, or disbursements related to special services provided
22 after the effective date of termination.

23

24 REPEALER. Minnesota Rules, parts 9500.0500, 9555.3401,
25 9555.3403, 9555.3404, 9555.3406, and 9500.0530, item E, are
26 repealed.

27

28 RENUMBERING INSTRUCTION. Each Minnesota Rules part in
29 column A shall be renumbered with the Minnesota Rules part set
30 forth in column B.

31	Column A	Column B
32	9500.0510	9500.1202
33	9500.0520	9500.1204
34	9555.3400	9500.1206
35	9500.0530	9500.1208
36	9500.0531	9500.1210

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[REVISOR] SEQ/JC AR0710

1	9500.0532	9500.1212
2	9500.0540	9500.1234
3	9500.0550	9500.1236
4	9500.0560	9500.1238
5	9500.0570	9500.1240
6	9500.0580	9500.1242
7	9500.0590	9500.1244
8	9500.0600	9500.1246
9	9500.0610	9500.1248
10	9555.3402	9500.1249
11	9555.3408	9500.1250
12	9555.3409	9500.1252