

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Implementation of the

4 Consolidated Chemical Dependency Treatment Fund

5

6 Rules as Adopted

7 9530.6655 APPEALS. [AMENDMENTS WITHDRAWN.]

8 9530.7000 DEFINITIONS.

9 [For text of subps 1 to 12, see M.R.]

10 Subp. 13. Income. "Income" means the total amount of cash
11 received by an individual from the following sources:

12 A. cash payments for wages or salaries;

13 B. cash receipts from nonfarm or farm
14 self-employment, minus deductions allowed by the federal
15 Internal Revenue Service for business or farm expenses;

16 C. regular cash payments from social security,
17 railroad retirement, unemployment compensation, workers' union
18 funds, veterans' benefits, Aid to Families with Dependent
19 Children, Supplemental Security Income, General Assistance,
20 training stipends, alimony, child support, and military family
21 allotments;

22 D. cash payments from private pensions, government
23 employee pensions, and regular insurance or annuity payments;

24 E. cash payments for dividends, interest, rents, or
25 royalties; and

26 F. periodic cash receipts from estates or trusts.

27 Income does not include capital gains; any cash assets
28 drawn down as withdrawals from a bank, the sale of property, a
29 house, or a car; tax refunds, gifts, lump sum inheritances, one
30 time insurance payments, or compensation for injury;
31 court-ordered child support or health insurance premium payments
32 made by the client or responsible relative; and noncash benefits
33 such as health insurance, food or rent received in lieu of
34 wages, and noncash benefits from programs such as Medicare,
35 Medical Assistance, Food Stamps, school lunches, and housing

1 assistance. Annual income is the amount reported and verified
2 by an individual as current income calculated prospectively to
3 cover one year.

4 [For text of subps 14 to 17, see M.R.]

5 Subp. 17a. **Policyholder.** "Policyholder" means a person
6 who has a third party payment policy under which a third party
7 payment source has an obligation to pay all or part of a
8 client's treatment costs.

9 Subp. 18. **Rehabilitation program.** "Rehabilitation program"
10 means a program of chemical dependency rehabilitation defined in
11 part 9530.4100, subpart 22, as a category II, III, or IV program
12 licensed under parts 9530.4100 to 9530.4450 and Minnesota
13 Statutes, chapter 245A.

14 Subp. 19. **Responsible relative.** "Responsible relative"
15 means a person who is a member of the client's household and is
16 a client's spouse or the parent of a minor child who is a client.

17 [For text of subp 20, see M.R.]

18 Subp. 21. **Vendor.** "Vendor" means a licensed provider of
19 chemical dependency treatment services that meets the criteria
20 established in Minnesota Statutes, section 254B.05, and that has
21 applied according to part 9505.0195 to participate as a provider
22 in the medical assistance program.

23 9530.7012 VENDOR AGREEMENTS.

24 When a local agency enters into an agreement with a vendor
25 of chemical dependency treatment services under parts 9550.0010
26 to 9550.0092, the agreement must distinguish client per unit
27 room and board costs from per unit rehabilitation services costs.

28 For purposes of this part, "rehabilitation services costs"
29 are costs, including related administrative costs, of services
30 that meet the criteria in items A to C:

31 A. The services are provided within a category II,
32 III, or IV rehabilitation program as those categories are
33 defined in part 9530.4100, subpart 22.

34 B. The services meet the definition of rehabilitation
35 services in part 9530.4100, subpart 23.

1 C. The services meet the applicable service standards
 2 for categories II, III, and IV rehabilitation programs specified
 3 in parts 9530.4320, 9530.4330, 9530.4380, 9530.4390, and
 4 9530.4400.

5 This part does not apply when a county contracts for
 6 chemical dependency services in an acute care inpatient hospital
 7 licensed by the Department of Health under chapter 4640.

8 9530.7015 CLIENT ELIGIBILITY UNDER THE CONSOLIDATED CHEMICAL
 9 DEPENDENCY TREATMENT FUND.

10 [For text of subpart 1, see M.R.]

11 Subp. 2. Client eligibility to have treatment initially
 12 paid for from the Consolidated Chemical Dependency Treatment
 13 Fund. Except as provided under subpart 4, item D, a client who
 14 has an income between 60 and 115 percent of the state median
 15 income, as determined by the local agency under part 9530.7020,
 16 subpart 1, and who does not have an available third-party
 17 payment source, shall be eligible to have treatment paid for
 18 with Consolidated Chemical Dependency Treatment Funds, as
 19 follows:

20 A. ~~The client~~ Except when item B applies, all clients
 21 or responsible ~~relative~~ relatives shall be billed ~~in accordance~~
 22 ~~with~~ according to the sliding fee scale established under part
 23 ~~9530.70207-subpart-3~~ 9530.7022, if the client's total obligation
 24 under the sliding fee scale is less than the total cost of the
 25 client's chemical dependency treatment.

26 B. If a client who has no responsible relatives and
 27 who is not the custodial parent of a minor child is placed in a
 28 category III or IV program, the client shall be billed under
 29 part ~~9530.70207-subpart-4~~ 9530.7024, if the client's countable
 30 income is less than the sum of the negotiated rate plus the
 31 clothing and personal needs allowance and the earned income
 32 disregard allowed under Minnesota Statutes, section 256D.06,
 33 subdivisions 1 and 1b.

34 [For text of subps 3 and 4, see M.R.]

35 9530.7020 COUNTY RESPONSIBILITY TO DETERMINE CLIENT ELIGIBILITY

1 FOR CONSOLIDATED CHEMICAL DEPENDENCY TREATMENT FUNDS AND
2 CLIENT'S ABILITY TO PAY FOR TREATMENT.

3 Subpart 1. Local agency duty to determine client
4 eligibility and ability to pay. The local agency shall
5 determine a client's eligibility for consolidated chemical
6 dependency treatment funds and the client's or a responsible
7 relative's ability to pay a fee at the time the client seeks
8 treatment and is assessed under parts 9530.6600 to 9530.6655.
9 Client eligibility and the ability to pay a fee must be
10 determined using forms prescribed by the department. To
11 determine a client's eligibility, the local agency must
12 determine the client's income, the size of the client's
13 household, the availability of a third party payment source, and
14 a responsible relative's ability to pay for the client's
15 chemical dependency treatment, as specified in items A to E:

16 [For text of item A, see M.R.]

17 B. The local agency must determine the client's
18 household size according to subitems (1), (2), and (3).

19 (1) If the client is a minor child, the household
20 size includes the following persons living in the same dwelling
21 unit:

22 (a) the client;

23 (b) the client's birth or adoptive parents;

24 and

25 (c) the client's siblings who are minors.

26 (2) If the client is an adult, the household size
27 includes the following persons living in the same dwelling unit:

28 (a) the client;

29 (b) the client's spouse;

30 (c) the client's minor children; and

31 (d) the client's spouse's minor children.

32 (3) For purposes of this item, household size
33 includes a person listed in subitems (1) and (2) who is in
34 out-of-home placement if a person listed in subitem (1) or (2)
35 is contributing to the cost of care of the person in out-of-home
36 placement.

1 C. The local agency must determine the availability
2 of a third party payment source, including the availability of
3 total payment, partial payment, amount of copayment, and any
4 special conditions or procedures the third party payor requires
5 clients and policyholders to follow.

6 (1) The local agency shall require the client and
7 policyholder to:

8 (a) follow all special conditions or
9 procedures established by the third party payment source,
10 including the third party payment source's appeal and grievance
11 procedure; ~~and shall require the client and policyholder to~~

12 (b) assign to the department his or her
13 rights and the rights of minor children to benefits or services
14 provided to the client.

15 (2) The local agency shall require the
16 policyholder to provide verification of the client's third party
17 payment source's approval or refusal to pay for chemical
18 dependency treatment services before the local agency places the
19 client.

20 (a) Approvals or refusals can be obtained
21 verbally (for example, by phone) or in writing.

22 (b) When the policyholder reports a refusal
23 that was obtained verbally, the local agency must confirm the
24 refusal by speaking with a representative of the third party
25 payor.

26 (c) The local agency must record in the
27 client's case file the representative's name, the date and time
28 of the conversation, the reason given for the decision not to
29 fund, and the steps that will be taken to appeal or grieve the
30 payor's decision not to fund.

31 (3) If the client or policyholder is unable to
32 provide verification of the third party payment source's
33 approval or refusal, the local agency must assist the client and
34 policyholder to obtain the verification.

35 (4) If the client or policyholder, with the
36 assistance of the local agency, is still unable to obtain

1 verification from the third party payment source, the local
2 agency shall place the client.

3 [For text of item D, see M.R.]

4 E. The local agency shall apply the information on
5 the client's and responsible relative's income and household
6 size to the sliding fee scale established in ~~subpart-3b~~ part
7 9530.7022, and determine the fee for which the client or
8 responsible relative is liable. The local agency shall record
9 this information on a form supplied by the department, and send
10 the form to the department.

11 Subp. 1a. **Redetermination of client eligibility and**
12 **ability to pay a fee.** The local agency shall reassess a
13 client's eligibility, redetermine the client's and responsible
14 relative's ability to pay for chemical dependency treatment
15 services, and redetermine the client's and responsible
16 relative's fee as specified in items A to E. For purposes of
17 this subpart, placement of a client into more than one chemical
18 dependency treatment program in less than ten working days, or
19 placement of a client into a chemical dependency treatment
20 program that is structured to provide rehabilitation services
21 followed by outpatient chemical dependency treatment services
22 shall be treated as a single placement.

23 A. Except for a client whose fee is determined under
24 part 9530.7024, the local agency shall redetermine a client's
25 eligibility for consolidated chemical dependency treatment funds
26 and the client's and responsible relative's ability and
27 obligation to pay a fee for treatment services every six months
28 after the initial eligibility determination if the client
29 remains in the same placement.

30 B. The local agency shall reassess a client's
31 eligibility, redetermine the client's and responsible relative's
32 ability to pay for chemical dependency treatment services, and
33 redetermine the client's and responsible relative's fee each
34 time a client is placed for chemical dependency treatment
35 services. The fee for a second or subsequent placement shall be
36 added to any unpaid fee obligation of the client or responsible

1 relative. Payments for a second or subsequent placement shall
2 begin in the month following the last monthly billing from the
3 previous fee obligation.

4 C. When two or more clients, for whom another client
5 or responsible relative is financially responsible, are placed
6 for chemical dependency treatment services, the local agency
7 shall add the total fee obligation for the second or subsequent
8 client to the unpaid fee obligation of the client or responsible
9 relative. The payments for the second or subsequent client
10 shall begin in the month following the last monthly billing from
11 the previous fee obligation.

12 D. If a client who has no responsible relatives and
13 who is not the custodial parent of a minor child is placed in a
14 category III or IV rehabilitation program licensed under parts
15 9530.4100 to 9530.4450, the client's obligation to make fee
16 payments for a previous placement shall be suspended and the
17 client's fee obligation while in the program shall be determined
18 by the ~~local-agency~~ vendor according to part 9530.7024. The
19 client's obligation to make payments on the fee obligation for a
20 previous placement shall resume 30 days after the client is
21 discharged from the program.

22 E. If a client who has a responsible relative or who
23 is the custodial parent of a minor child is placed in a category
24 III or IV rehabilitation program licensed under parts 9530.4100
25 to 9530.4450, the local agency shall reassess the client's and
26 responsible relative's ability to pay for chemical dependency
27 treatment services and redetermine the client's and responsible
28 relative's fee obligation. The client and the responsible
29 relative must continue to make monthly payments according to
30 item B.

31 Subp. 2. **Client, responsible relative, and policyholder**
32 **obligation to cooperate.** A client, responsible relative, and
33 policyholder shall provide income or wage verification,
34 household size verification, information on any special
35 procedures required by the client's or policyholder's third
36 party payment source, and shall make an assignment of third

1 party payment rights under subpart 1, item C. If a client,
2 responsible relative, or policyholder does not comply with the
3 provisions of this subpart, the client shall be deemed to be
4 ineligible to have Consolidated Chemical Dependency Treatment
5 Funds pay for his or her chemical dependency treatment, and the
6 client and responsible relative shall be obligated to pay for
7 the full cost of chemical dependency treatment services provided
8 to the client.

9 Subp. 3. and 4. [See Repealer.]

10 9530.7022 PAYMENTS BY A CLIENT OR RESPONSIBLE RELATIVE; FEE
11 SCHEDULE.

12 Subpart 1. **Payments by a client or responsible relative.**
13 The fee to be paid by a client or responsible relative for
14 chemical dependency treatment shall be determined according to
15 this subpart and the fee schedule specified in subpart 2, and
16 shall be redetermined according to part 9530.7020, subpart 1a.

17 A. A client or responsible relative whose household
18 income falls between zero and 60 percent of the annual state
19 median income, as defined in subpart 2, shall pay no fee.

20 B. A client or responsible relative whose household
21 income falls between 60 and 115 percent of the annual state
22 median income, as defined in subpart 2, must pay a fee to the
23 department toward the cost of the client's chemical dependency
24 treatment. The total amount a client or responsible relative is
25 obligated to pay shall not exceed the total cost of the client's
26 chemical dependency treatment services for a treatment
27 placement, including room and board costs.

28 C. A client or responsible relative whose household
29 income is at or above 115 percent of the annual state median
30 income is not eligible for consolidated chemical dependency fund
31 subsidy of treatment costs, and is obligated to pay for the full
32 cost of treatment.

33 Subp. 2. **Fee schedule.** The department shall develop a fee
34 schedule and adjust it annually based on the most recent annual
35 state median income for a four-person family published in the

1 Federal Register by the United States Department of Health and
2 Human Services for the current federal fiscal year.

3 The department shall publish the adjustments annually in
4 the State Register on the last Monday in June.

5 The fee schedule shall have annual and monthly income
6 matrixes based on household sizes ranging from one to ten
7 persons. The annual and monthly income matrixes must begin at
8 60 percent of the current annual state median income and end at
9 115 percent of the current annual state median income.

10 The fee schedule shall be divided into equal steps for each
11 \$900 increase in income between 60 percent and 115 percent of
12 the current annual state median income. The fee is \$60 for the
13 first step above 60 percent of the state median income for each
14 household size matrix. The fee for each subsequent income step
15 can be calculated by totalling items A, B, and C and multiplying
16 the total by 104 percent to adjust for inflation:

17 A. the amount of the fee for the previous step;

18 B. \$30; and

19 C. 12 times the number of steps that precede the step
20 for which the fee is being calculated.

21 Copies of the current fee schedule may be obtained by
22 contacting the Minnesota Department of Human Services, Chemical
23 Dependency Program Division, 444 Lafayette Road, Saint Paul, MN
24 55155-3823.

25 9530.7024 CLIENT FEES FOR CATEGORY III AND IV PROGRAMS.

26 When a client who has no responsible relatives and who is
27 not the custodial parent of a minor child is placed in a
28 category III or IV program licensed under parts 9530.4100 to
29 9530.4450, the ~~local-agency~~ vendor shall determine the client's
30 countable income in accordance with parts 9500.1200 to 9500.1318.

31 A. The ~~local-agency~~ vendor shall subtract the amount
32 established as the clothing and personal needs allowance for
33 medical assistance recipients under Minnesota Statutes, section
34 256B.35, subdivision 1, and the amount established as an
35 additional earned income disregard under Minnesota Statutes,

1 section 256D.06, subdivision 1b, from the client's countable
2 income, whether the client's income is earned or unearned.

3 B. If the client is regularly contributing to the
4 financial support of the client's natural or adopted minor child
5 or children, the ~~local-agency~~ vendor shall verify the support
6 payment and subtract the amount specified in a court order, if
7 one exists. If no court order exists, the ~~local-agency~~ vendor
8 shall determine the number of dependent children the client
9 supports and subtract the amount paid, up to the amount
10 specified for that number of children in the standards for aid
11 to families with dependent children established in part
12 9500.2440, subpart 6. The ~~local-agency~~ vendor shall verify
13 child support payments made through a bank statement, a canceled
14 check, a receipt, or through the public agency responsible for
15 child support enforcement. The method of verification must be
16 recorded in the client's case record.

17 C. ~~The local-agency shall subtract the amount of~~
18 ~~income that remains from the negotiated rate for board and~~
19 ~~lodging expenses for the category III or IV program to determine~~
20 ~~how much of the negotiated rate shall be paid for with funds~~
21 ~~from the Consolidated Chemical Dependency Treatment~~
22 ~~Fund~~ client's fee shall equal whichever is less: the amount of
23 income that remains after the deductions in items A and B are
24 subtracted or the amount of the negotiated rate.

25 D. The ~~local-agency~~ vendor shall record this
26 information on a form supplied by the department, and send the
27 form to the department. ~~---The department shall bill the client~~
28 ~~monthly, according to the information supplied by the~~ local
29 agency. The local agency shall verify the accuracy of the
30 information and send the form to the department. The client
31 shall be billed and the client's fee collected according to part
32 9530.7031 [Emergency].

33 E. The ~~local-agency~~ vendor shall make a monthly
34 redetermination of the countable income of a client in a
35 category III or IV program, and the amount the client owes
36 toward the negotiated rate according to this part.

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1 F. The client may make expenditures from income
2 subtracted according to Minnesota Statutes, section 256D.06,
3 subdivision 1b, on approval of the local agency.

4

5 REPEALER. Minnesota Rules, part 9530.7020, subparts 3 and
6 4 are repealed.