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1 Department of Human Services

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3 Adopted Permanent Rules Relating to Special Needs Rate Exception
4 for Very Dependent Persons with Special Needs

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6 Rules as Adopted

7 9510.1020 DEFINITIONS.

8 [For text of subps 1 to 15, see M.R. 1989]

9 Subp. 16. **Training and habilitation services.** "Training
10 and habilitation services" means health and social services
11 provided under Minnesota Statutes, sections 252.40 to 252.47.
12 For purposes of parts 9510.1020 to 9510.1140, "training and
13 habilitation services" do not include training and habilitation
14 services provided as a waived service as defined in Minnesota
15 Statutes, section 256B.501, subdivision 1, and parts 9525.1800
16 to 9525.1930.

17 9510.1040 APPLICATION TO BE COMPLETED BY PROVIDER.

18 [For text of subps 1 and 2, see M.R. 1989]

19 Subp. 3. **Information about provider.** The provider shall
20 submit:

21 [For text of item A, see M.R. 1989]

22 B. an explanation of the efforts used to meet the
23 client's needs within the provider's current per diem rate,
24 including:

- 25 (1) modifications made to the individual program
- 26 plan;
- 27 (2) reallocation of current program personnel;
- 28 (3) training and in-service provided to program
- 29 personnel for the year immediately preceding the date of the
- 30 provider's application to the county; and
- 31 (4) other available resources used.

32 Subp. 4. **Supporting documentation.** The provider shall
33 submit with the application the following:

34 A. A copy of the individual program plan including
35 the measurable behavioral outcomes which are anticipated to be

1 achieved by the client as a result of the proposed staff
2 intervention or the equipment.

3 B. Documentation of the provider's historical costs
4 on which the current per diem rate is based. An ICF/MR provider
5 shall submit a copy of the most recent rate determination
6 letter. A training and habilitation service program shall
7 submit a copy of its current budget, year-to-date expenses, and
8 current assets.

9 C. Work papers showing the method used to determine
10 the cost of the staff intervention and equipment identified in
11 subpart 2, item E, including the hourly wage of staff who will
12 implement the intervention, the unit cost of consultation or
13 training services, and the unit cost of equipment requested.

14 D. Documentation that any equipment requested in the
15 application is not available from the Department of Vocational
16 Rehabilitation or covered under parts 9500.0750 to 9500.1080.

17 E. Documentation that any consultant services
18 requested in the application are not services covered under
19 parts 9500.0750 to 9500.1080.

20 F. The name and address of any vendor or contractor
21 to be reimbursed by the special needs rate exception and the
22 name of the person or persons who will actually provide the
23 equipment or services if known.

24 G. A plan to decrease the client's reliance on the
25 proposed staff intervention.

26 9510.1050 COUNTY REVIEW OF PROVIDER'S APPLICATION.

27 [For text of subpart 1, see M.R. 1989]

28 Subp. 2. **Client eligibility.** A client shall be eligible
29 for a special needs rate exception if the client meets the
30 criteria in items A to D:

31 [For text of items A and B, see M.R. 1989]

32 C. the client is a person with mental retardation or
33 a related condition according to the definition in part
34 9525.0015, subpart 20, and has at least one of the following
35 characteristics:

1 [For text of subitems (1) to (3), see M.R. 1989]

2 [For text of item D, see M.R. 1989]

3 Subp. 3. **General provider eligibility.** A provider shall
4 be eligible for a special needs rate exception if the provider
5 meets the following criteria:

6 A. The existing program or services offered by the
7 provider cannot be modified to meet the client's needs within
8 the provider's approved per diem rates.

9 [For text of items B and C, see M.R. 1989]

10 [For text of subps 4 and 5, see M.R. 1989]

11 9510.1070 COUNTY'S APPLICATION TO COMMISSIONER.

12 If the county approves the provider's application, the
13 county shall apply to the commissioner for a special needs rate
14 exception within ten working days of the date of receipt by the
15 county from the provider of a complete application and
16 supporting documentation. To apply for a special needs rate
17 exception, the county shall submit to the commissioner a copy of
18 the provider's approved application and supporting documentation
19 and the following documents:

20 [For text of item A, see M.R. 1989]

21 B. a copy of the client's current individual service
22 plan which explains the need to place or retain the eligible
23 client in a regional treatment center if the requested services
24 cannot be provided and includes the sections of the individual
25 habilitation plan which include the methodology and measurable
26 outcomes of the proposed intervention;

27 C. a copy of the client's most recent medical
28 evaluation signed by a physician;

29 [For text of item D, see M.R. 1989]

30 E. a copy of the county's plan to coordinate and
31 monitor the implementation of the proposed staff intervention
32 described in the application submitted according to part
33 9510.1040;

34 F. a letter from the county of financial
35 responsibility stating approval of the changes in the individual

1 service plan if the county submitting the application is not the
 2 county of financial responsibility; or if the county of
 3 financial responsibility does not approve the changes, a letter
 4 stating the reasons the county of financial responsibility does
 5 not approve the changes and describing the actions, if any, to
 6 be taken by the county of financial responsibility; and

7 G. if the special needs rate exception is not
 8 requested for both the day training and habilitation service and
 9 the ICF/MR, a written explanation must be provided by the county.

10 9510.1110 EMERGENCY PROCEDURE.

11 [For text of subpart 1, see M.R. 1989]

12 Subp. 2. **Emergency approval.** In an emergency, the county
 13 may approve the addition of staff, consultation, or staff
 14 training necessary to intervene in the emergency without
 15 obtaining prior approval of a special needs rate exception from
 16 the commissioner if the county determines that all other client
 17 and provider eligibility is met. Only costs meeting the
 18 definitions under part 9510.1090, subpart 2, items A and B,
 19 shall be allowed under this part. No funds spent will be
 20 reimbursed, even in an emergency, without the county's
 21 approval. In an emergency, the county shall:

22 A. notify the commissioner by telephone no later than
 23 the next working day and in writing within three working days of
 24 the client's situation, and state in the notice a description of
 25 the behaviors or medical condition requiring emergency
 26 intervention and the actions taken by the provider to control
 27 the behaviors, and expenditures authorized by the case manager;
 28 and

29 B. complete and submit, according to parts 9510.1020
 30 to 9510.1140, an application for a special needs rate exception
 31 for the emergency period and for any additional period, within
 32 30 days of the date the county notified the commissioner of the
 33 emergency.

34 Subp. 3. **Reimbursement for emergency services.** A special
 35 needs rate exception for the costs identified in part 9510.1090,

1 subpart 2, item A or B, approved in accordance with subpart 2
 2 shall be reimbursable for a period not to exceed 30 days from
 3 the date the county notifies the commissioner of the emergency.
 4 No payment shall be authorized by the commissioner for services
 5 provided during an emergency until an application is submitted
 6 to the commissioner by the county delineating actual costs of
 7 the intervention. The total amount authorized for payment by
 8 the commissioner is subject to the per diem limitations under
 9 part 9510.1090, subpart 4.

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11 INSTRUCTION TO REVISOR

12 Subpart 1. **Cross references.** In each part of Minnesota
 13 Rules referred to in column A, the revisor of statutes shall
 14 delete the reference in column B and insert the reference in
 15 column C.

16 Column A	Column B	Column C
17 9510.1040, 18 subpart 4, item D	9500.0750 to 9500.1080	9505.0170 to 9505.0475
19 9510.1050, 20 subpart 4, item A	9500.0750 to 9500.1080	9505.0170 to 9505.0475
21 9510.1090, 22 subpart 2	9500.0750 to 9500.1080	9505.0170 to 9505.0475
23 24	12 MCAR S 2.05311 [Temporary] A	9553.0010 to 9553.0080
25 9510.1130, 26 subpart 1	12 MCAR SS 2.05301 to 2.05315 [Temporary]	9553.0010 to 9553.0080
27 28	9525.1200 to 9525.1330	Minnesota Statutes, section 252.46

29 Subp. 2. **Change of terms.** The revisor of statutes is
 30 directed to change the words "state hospital" and "state
 31 hospitals" where they appear in Minnesota Rules, parts 9510.1020
 32 to 9510.1140 to "regional treatment center" or "regional
 33 treatment centers."

34 The revisor of statutes is directed to remove the word
 35 "[Emergency]" wherever it appears in brackets in Minnesota
 36 Rules, parts 9510.1020 to 9510.1140.