

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Chemical Dependency Care for
4 Public Assistance Clients and the Consolidated Chemical
5 Dependency Treatment Fund

6

7 Rules as Adopted

8 9530.6600 CHEMICAL DEPENDENCY CARE FOR PUBLIC ASSISTANCE
9 RECIPIENTS; GENERAL PROVISIONS.

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

11 Subp. 2. **Programs governed.** Parts 9530.6600 to 9530.6655
12 apply to counties and chemical dependency or abuse treatment
13 programs licensed to provide chemical dependency or chemical
14 abuse related services under parts 9530.4100 to 9530.4450, and
15 9530.5000 to 9530.6500, or similar programs located in acute
16 care hospitals.

17 [For text of subp 3, see M.R.]

18 9530.6605 DEFINITIONS.

19 [For text of subps 1 to 10, see M.R.]

20 Subp. 10a. **Combination inpatient/outpatient treatment.**
21 "Combination inpatient/outpatient treatment" means chemical
22 dependency primary rehabilitation licensed as Category II under
23 parts 9530.4100 to 9530.4450 of seven to 14 days duration
24 followed by outpatient chemical dependency treatment licensed
25 under parts 9530.5000 to 9530.6500 of three or more weeks
26 duration. The duration requirements may be altered if specified
27 in a host county agreement conforming to part 9550.0040.

28 [For text of subp 11, see M.R.]

29 Subp. 12. **County.** "County" means the county of financial
30 responsibility as defined under Minnesota Statutes, section
31 256G.02, subdivision 4, or the county designee.

32 [For text of subps 13 to 15, see M.R.]

33 Subp. 15a. **Facility that controls access to chemicals.**
34 "Facility that controls access to chemicals" means a residential
35 facility licensed by the commissioner of corrections, health, or

1 human services that meets the following, or any residence which
2 the county can document meets the following:

3 A. has rules prohibiting residents from bringing
4 chemicals into the facility;

5 B. has rules prohibiting residents from using
6 chemicals while residing in the facility; and

7 C. has penalties that are imposed upon violation of
8 these rules.

9 A facility that controls access to chemicals does not
10 include a program licensed according to parts 9530.5000 to
11 9530.6500.

12 [For text of subps 16 to 25, see M.R.]

13 9530.6615 CHEMICAL USE ASSESSMENTS.

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

15 Subp. 3. **Method of assessment.** The method of assessment
16 must include a personal interview with the client in order to
17 make a finding about the extent of the problem with chemical
18 use. It must also include collateral contacts and a review of
19 relevant records or reports regarding the client consistent with
20 confidentiality and data privacy provisions in Minnesota
21 Statutes, chapter 13; sections 144.343 and 254A.09; and Code of
22 Federal Regulations, title 42, parts 2.1 to 2.67. If an
23 assessor is unable to make collateral contacts, the assessor
24 must include in the client's case record an explanation of why
25 collateral contacts were not made.

26 [For text of subp 4, see M.R.]

27 9530.6620 PLACEMENT INFORMATION.

28 Subpart 1. **Level of care determination.** The information
29 in items A to I must be considered when determining the level of
30 care for a client. If a treatment provider identifies
31 additional information that indicates that a client has not been
32 placed in the most appropriate level of care, the treatment
33 provider shall, in compliance with confidentiality and data
34 privacy provisions in Minnesota Statutes, chapter 13; sections
35 144.343 and 254A.09; and Code of Federal Regulations, title 42,

1 parts 2.1 to 2.67, provide the county with the additional
2 information for the county to consider in determining whether
3 the placement was made at the appropriate level of care and
4 whether an alternative placement must be made.

5 [For text of items A to I, see M.R.]

6 [For text of subp 2, see M.R.]

7 9530.6625 PLACEMENT CRITERIA FOR OUTPATIENT TREATMENT.

8 A client shall be referred to outpatient treatment when the
9 client is assessed as capable of functioning in the usual
10 community environment in spite of the existing chemical use and
11 meets the criteria in item A, B, or C.

12 A. The client has been assessed as a chemical abuser
13 under part 9530.6620, subpart 2, and is experiencing one or more
14 of the following:

15 (1) an arrest or legal intervention related to
16 chemical use in the past year;

17 (2) loss or impairment of employment or education
18 due to chemical use; or

19 (3) deterioration of family relationships due to
20 chemical use.

21 B. The client has been assessed as chemically
22 dependent under part 9530.6620, subpart 2.

23 C. The client has been assessed as meeting the
24 criteria in part 9530.6630, subpart 1, and the client will be
25 residing in a residential facility that controls access to
26 chemicals.

27 9530.6630 PLACEMENT CRITERIA FOR PRIMARY REHABILITATION OR
28 COMBINATION INPATIENT/OUTPATIENT TREATMENT.

29 Subpart 1. Criteria for placement. A client shall be
30 placed in primary rehabilitation or in combination
31 inpatient/outpatient treatment when the client meets the
32 criteria in items A, B, and C.

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

34 B. The client is unable to abstain from chemical use
35 for fewer than seven consecutive days during the 30 days

1 preceding assessment while the client has been outside a
2 facility that controls access to chemicals.

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

4 Subp. 2. Type of placement. The county may choose between
5 a placement in primary rehabilitation in a free standing
6 facility or hospital setting or in combination
7 inpatient/outpatient treatment unless the client meets the
8 criteria in part 9530.6631 or 9530.6635. A client meeting the
9 criteria in part 9530.6631 shall be placed in combination
10 inpatient/outpatient treatment. A client meeting the criteria
11 in part 9530.6635 shall be placed in primary rehabilitation in a
12 hospital setting.

13 9530.6631 PLACEMENT CRITERIA FOR COMBINATION
14 INPATIENT/OUTPATIENT TREATMENT.

15 A client shall be placed in combination
16 inpatient/outpatient treatment when the client meets the
17 criteria in part 9530.6630, subpart 1, and the client has
18 abstained from chemical use outside a residential facility that
19 controls access to chemicals for at least 30 consecutive days in
20 the past 180 days.

21 9530.6640 PLACEMENT CRITERIA FOR EXTENDED CARE.

22 A client shall be placed in extended care if the client is
23 assessed as chemically dependent under part 9530.6620, subpart
24 2, and the client is experiencing four or more of the following:

25 A. The client has participated in primary
26 rehabilitation within the past two years or has participated in
27 Category II, III, or IV programs for a total of three or more
28 times in the client's lifetime.

29 [For text of items B to G, see M.R.]

30 9530.6641 REPEAT RESIDENTIAL PLACEMENTS.

31 A client who has participated in extended care under part
32 9530.6640 for 21 consecutive days within the past 24 months
33 shall not be placed in Category II or III treatment. The client
34 shall be provided with other appropriate social services

1 according to part 9550.0090. These services may include
2 outpatient treatment, halfway house services, case management,
3 and housing referral.

4 9530.6650 EXCEPTIONS TO PLACEMENT CRITERIA.

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

6 Subp. 3. [See Repealer.]

7 Subp. 3a. **Exceptions to part 9530.6641.** A client meeting
8 the criteria in part 9530.6641 shall be exempt from its
9 provisions when the client meets one of the following:

10 A. the client is pregnant or a single custodial
11 parent;

12 B. the client:

13 (1) has a physical or mental health diagnosis
14 that negatively affects the client's ability to benefit from
15 treatment and that was not recognized at the time of the
16 client's most recent placement; and

17 (2) is being referred to a program that offers
18 specific services that address the client's physical or
19 emotional condition; or

20 C. the client has voluntarily left a treatment
21 program within the seven days preceding assessment and is being
22 referred to the same program.

23 [For text of subp 4, see M.R.]

24 9530.6655 APPEALS.

25 Subpart 1. **Client's right to a second assessment.** A
26 client who has been assessed under part 9530.6615, and who
27 disagrees with the level of chemical dependency care proposed by
28 the assessor, shall have the right to request a second chemical
29 use assessment. The county or the prepaid health plan shall
30 inform the client in writing of the right to request a second
31 assessment at the time the client is assessed for a program
32 placement. The county or the prepaid health plan shall also
33 inform the client that the client's request must be in writing
34 or on a form approved by the commissioner, and must be received
35 by the county or the prepaid health plan within five working

1 days of completion of the original assessment or before the
2 client enters treatment, whichever occurs first.

3 The county or the prepaid health plan shall provide a
4 second chemical use assessment by a different qualified assessor
5 within five working days of receipt of a request for
6 reassessment. If the client agrees with the second level of
7 care determination, the county or the prepaid health plan shall
8 place the client in accordance with parts 9530.6625 to 9530.6650
9 and the second assessment.

10 Subp. 2. **Client's right to appeal.** A client has the right
11 to a fair hearing under Minnesota Statutes, section 256.045, if
12 the client:

- 13 A. is denied an assessment under part 9530.6615;
14 B. is denied a second assessment under subpart 1;
15 C. is denied placement;
16 D. disagrees before services begin with the level of
17 chemical dependency care or the length of placement that the
18 county or the prepaid health plan proposes to authorize; or
19 E. is receiving authorized services and is denied
20 additional services that would extend the length of the current
21 placement beyond the end date specified in the placement
22 authorization.

23 Notice of the right to appeal must be given according to
24 part 9550.0092. Clients who are enrolled in a prepaid health
25 plan and clients who are not enrolled in a prepaid health plan
26 have the same appeal rights.

27 Subp. 3. **Services during appeal of additional services.**
28 Appealing under subpart 2, item E, does not entitle a client to
29 continue receiving services beyond the end date specified in the
30 placement authorization while the appeal is being decided. A
31 provider may continue services to the client beyond the end date
32 specified in the placement authorization while the appeal is
33 being decided, but the conditions in items A and B govern
34 payment for the continued services.

35 A. The provider shall be financially responsible for
36 all hours or days of service in excess of the amount of service

1 to which an appeals referee determines the client is entitled.

2 B. The provider shall not charge the client for any
3 services provided beyond the end date specified in the placement
4 authorization.

5 Subp. 4. Considerations in ~~denial-of~~ granting or denying
6 additional services ~~appeals~~. The ~~recommendations-of-an-appeals~~
7 ~~referee-and-the-decision-of-the-commissioner-on-denial-of~~
8 ~~additional-services-appeals~~ county or the prepaid health plan
9 shall take into consideration the following factors in
10 determining whether to grant or deny additional services:

11 A. the usual and customary length of placement for
12 the level of care received by the client;

13 B. whether the client has achieved the objectives
14 stated in the client's individual treatment plan;

15 C. whether the client is making satisfactory progress
16 toward achieving the objectives stated in the client's
17 individual treatment plan; and

18 D. whether there is an aftercare plan that reasonably
19 addresses the client's needs for continued service.

20 9530.7000 DEFINITIONS.

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

22 Subp. 9a. Custodial parent. "Custodial parent" means a
23 birth or adoptive parent ~~with-whom~~ who has physical custody or
24 joint physical custody as defined in Minnesota Statutes, section
25 518.003, subdivision 3, paragraph (c) or (d) of a minor child
26 ~~resides~~ at the time of assessment.

27 [For text of subps 10 to 21, see M.R.]

28 9530.7021 PAYMENT AGREEMENTS.

29 When the local agency, the client, and the vendor agree
30 that the vendor will accept payment from a third-party payment
31 source ~~agrees-to-pay~~ for an eligible client's treatment, the
32 local agency, the client, and the vendor ~~may~~ shall enter into a
33 third-party payment agreement. The agreement must stipulate
34 that the vendor will accept, as payment in full for services
35 provided the client, the amount the third-party payor is

1 obligated to pay for services provided the client plus the
2 amount of any fee owed by the client as determined under part
3 9530.7022. The agreement must be executed in a form prescribed
4 by the commissioner and is not effective unless an authorized
5 representative of each of the three parties has signed it. The
6 local agency ~~must~~ shall maintain a record of third-party payment
7 agreements into which the local agency has entered.

8 The vendor ~~must~~ shall notify the local agency as soon as
9 possible and not less than one business day before discharging a
10 client whose treatment is covered by a payment agreement under
11 this part if the discharge is caused by disruption of the
12 third-party payment.

13 9530.7031 VENDOR'S DUTY TO COLLECT CLIENT FEES.

14 A vendor ~~must~~ shall collect client fees according to the
15 requirements of items A to G.

16 A. A vendor of category III or category IV
17 rehabilitation services shall determine the fee for each client
18 who has no responsible relative and who is not the custodial
19 parent of a minor child. The fee ~~shall~~ must be determined
20 monthly according to part 9530.7024 for each month the client
21 receives rehabilitation services from the vendor.

22 B. The vendor shall collect the fee from the client
23 and provide the client with a receipt on a form supplied by the
24 department.

25 C. A client's failure to pay a fee under this part
26 ~~shall-be~~ is cause for discharge from a vendor's rehabilitation
27 program only if the discharge is in accordance with the vendor's
28 discharge and transfer policy specified in part 9530.4300,
29 subpart 5. However, clients committed according to Minnesota
30 Statutes, chapter 253B, shall be discharged only according to
31 Minnesota Statutes, chapter 253B.

32 D. Within 15 days after the end of the month for
33 which the fee was determined, the vendor shall remit to the
34 department the client fee collected according to this part and
35 client-identifying information on a form supplied by the

1 commissioner.

2 E. The commissioner shall pay the vendor, at least
3 quarterly, an amount equal to five percent of the client fees
4 collected by the vendor and remitted to the commissioner.

5 F. The vendor's obligation to collect fees ends when
6 the client is discharged.

7 G. The commissioner shall bill the client for any fee
8 the client owes but has not paid to the vendor according to this
9 part, based on information supplied by the vendor.

10 REPEALER. Minnesota Rules, part 9530.6650, subpart 3, is
11 repealed.