

1 Department of Human Services

2

3 Adopted Permanent Rules Governing Administration of Community

4 Social Services

5

6 Rules as Adopted

7 9550.0010 DEFINITIONS.

8 Subpart 1. **Scope.** For the purposes of parts 9550.0010 to
9 9550.0093, the following terms have the meanings given them.

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

11 Subp. 2a. **Authorized representative.** Authorized
12 representative" means a parent of a minor child, a guardian, a
13 person who is authorized by power of attorney under Minnesota
14 Statutes, section 523.01, a person who is appointed by the
15 applicant or client, or a person who is authorized by a court of
16 law to act on the applicant's or client's behalf in matters
17 involving community social services. The case record must
18 document the name of the person or names of the persons
19 appointed and the reason or reasons for the appointment.

20 Subp. 3. **Commissioner.** "Commissioner" means the
21 commissioner of the Minnesota Department of Human Services or
22 the commissioner's designee.

23 Subp. 4. **Community social services.** "Community social
24 services" means the services included in a county's community
25 social services plan in order to fulfill the county
26 responsibility, as prescribed in Minnesota Statutes, section
27 256E.08, subdivision 1, to groups or subgroups specified in
28 Minnesota Statutes, section 256E.03, subdivision 2, paragraph
29 (a). These services are administered by county boards and
30 provided or arranged for the groups or subgroups according to
31 the county board's community social services plan.

32 [For text of subps 5 and 6, see M.R.]

33 Subp. 7. **County of financial responsibility.** "County of
34 financial responsibility" means the county responsible for the
35 payment of individual client social services as specified in

1 Minnesota Statutes, section 256G.02, subdivision 4.

2 Subp. 8. **County of service.** "County of service" means the
3 county arranging for or providing community social services to
4 individual clients at the request of the client, the client's
5 authorized representative, or the county of financial
6 responsibility.

7 [For text of subp 9, see M.R.]

8 Subp. 10. [See repealer.]

9 Subp. 11. [See repealer.]

10 Subp. 12. **Goal.** "Goal" means the intended outcome for a
11 client.

12 Subp. 13. [See repealer.]

13 Subp. 13a. **Indicator.** "Indicator" means the measure to be
14 used to determine outcome attainment.

15 Subp. 14. **Individual service plan.** "Individual service
16 plan" means the plan agreed upon between the local agency and
17 the client or the client's authorized representative for the
18 provision of social services to the client by the local agency.

19 Subp. 14a. **Lead county.** "Lead county" means a county that
20 negotiates and administers a contract with an approved vendor on
21 behalf of itself and other local agencies requesting to purchase
22 social services from that vendor.

23 [For text of subp 15, see M.R.]

24 Subp. 16. [See repealer.]

25 Subp. 17. **Outcome.** "Outcome" means the change or
26 difference for a client in terms of the client's condition,
27 behavior, knowledge, or skills and abilities during the
28 provision of services.

29 [For text of subps 18 and 19, see M.R.]

30 Subp. 20. [See repealer.]

31 Subp. 21. [See repealer.]

32 9550.0020 COUNTY RESPONSIBILITY FOR COMMUNITY SOCIAL SERVICES.

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

34 Subp. 2. **Social services clients.** A county board must
35 provide community social services in accordance with Minnesota

1 Statutes, section 256E.08, subdivision 1, to groups of persons
2 identified in Minnesota Statutes, section 256E.03, subdivision
3 2, paragraph (a).

4 Subp. 3. **Methods of providing services.** A county board
5 must provide community social services directly through the
6 local agency, by contracting with or making grants to approved
7 vendors, or by arranging for the voluntary provision of services
8 at no cost to the county board.

9 Subp. 4. **Eligibility policy and criteria.** The county
10 board must establish eligibility policies and criteria for
11 community social services and describe them in the county's
12 biennial community social services plan.

13 Subp. 5. **Annual effectiveness report.** The county board
14 must submit an annual effectiveness report to the commissioner
15 pursuant to Minnesota Statutes, section 256E.10, subdivision 1.
16 The report must include an evaluation of the outcomes as stated
17 in the county's community social services plan.

18 9550.0030 COMMUNITY SOCIAL SERVICES PLAN.

19 Subpart 1. **County board responsibility.** A county board
20 must submit biennially a proposed and a final community social
21 services plan for the next two calendar years to the
22 commissioner for certification.

23 If the commissioner does not approve a proposed plan or if
24 a county wishes to change its proposed plan, the county must
25 submit a revised plan. If the commissioner approves a proposed
26 plan and the county does not wish to change the plan, the county
27 must notify the commissioner that it will adopt the proposed
28 plan as a final plan.

29 A county's revised plan or notice of intent to adopt a
30 proposed plan as a final plan must be received by the
31 commissioner no later than 30 calendar days after final adoption
32 of the county's budget by the county board. If the final plan
33 submitted by a county is not approved, the commissioner must
34 notify the county in writing of the reasons for not approving
35 the plan. The county has 30 days from receiving the

1 commissioner's notice to submit a plan that will comply with the
2 requirements cited by the commissioner. If the county fails
3 within the 30-day period to submit a plan that complies, the
4 payment reduction specified in Minnesota Statutes, section
5 256E.05, subdivision 2, applies.

6 If the commissioner's certification of a county's final
7 plan is delayed beyond January 1 of the first year of the plan,
8 the community social services plan in effect on December 31 of
9 the year immediately preceding the first year of the plan shall
10 remain in effect until the final plan is certified.

11 Subp. 2. **Notice of opportunity for citizen participation.**
12 The county board must provide and publicize an opportunity for
13 county citizens, including representatives of service users, to
14 participate in developing the proposed community social services
15 plan. The notice of an opportunity for citizen participation
16 must also indicate when a copy of the proposed community social
17 services plan will be available to county residents upon request.
18 Consistent with subpart 4, item A, the notice of opportunity for
19 citizen participation must be published at least 60 calendar
20 days before the date when the proposed plan becomes available
21 for public distribution.

22 Subp. 3. **Plan availability.** After submitting its proposed
23 plan to the commissioner, the county board must publish notice
24 of the availability of their proposed community social services
25 plan and make the proposed plan available to residents of the
26 county upon request. The plan made available to the public must
27 be the proposed plan or a summary of the proposed plan that the
28 county board considers in its budget deliberations. Summaries
29 must include approximate levels of budgeting. Summaries must
30 also include a prominent notice that the complete proposed plan
31 to be considered by the county board is also available upon
32 request.

33 Subp. 4. **Certification standards.** The plan approved by
34 the county board must comply with the standards in items A to I
35 in order to have the commissioner certify that the county's
36 community social services plan fulfills the purposes and

1 requirements of Minnesota Statutes, section 256E.09, other state
2 and federal law, and the rules of the department. Compliance
3 with items A to I does not exempt a county from meeting the
4 requirements of other categorical grant applications and plans
5 that have been included as part of the community social services
6 plan.

7 A. The proposed community social services plan must
8 document the county's efforts to obtain citizen participation in
9 plan development by:

10 (1) showing that notice of opportunity for
11 citizen participation in plan development was published at least
12 60 calendar days before the proposed plan became available to
13 the public;

14 (2) describing methods and timetables used by the
15 county board to achieve citizen participation; and

16 (3) summarizing public comments by content,
17 source, and effect on determining priorities within and services
18 to be offered to each group identified in Minnesota Statutes,
19 section 256E.03, subdivision 2, paragraph (a).

20 B. The plan must specify each group or subgroup
21 identified in Minnesota Statutes, section 256E.03, subdivision
22 2, paragraph (a). When a plan addresses the needs of other
23 groups pursuant to Minnesota Statutes, section 256E.03,
24 subdivision 2, paragraph (a), clause (9), the county must define
25 or describe each group and the services proposed must be
26 consistent with the overall purpose of Minnesota Statutes,
27 chapter 256E.

28 C. The plan must include eligibility policies and
29 criteria and client fee policies and schedules.

30 D. The plan must include the methods used to assess
31 the needs of each group or subgroup in item B.

32 E. For each group or subgroup specified in item B,
33 the plan must state:

34 (1) at least one client-focused goal and outcome
35 indicator; and

36 (2) a description of how the service system will

1 be coordinated.

2 F. Using codes from the current statewide reporting
3 system for community social services, the plan must describe all
4 services the county board proposes to provide for each group or
5 subgroup in item B, and the planned expenditures for each group.

6 G. The plan must specify how the county board plans
7 to facilitate access to services for persons with mental or
8 physical disabilities.

9 H. The plan must include an analysis of the adequacy
10 of resources available to support the proposed plan and an
11 estimate of unmet needs.

12 I. The plan must include estimates of the amount and
13 source of all anticipated federal, state, and local revenues.

14 Subp. 5. Availability of final plan. The county board
15 must make copies of the final community social services plan, or
16 a summary of the plan that includes actual levels of funding,
17 available to county residents on request no later than 60 days
18 after the commissioner certifies the plan.

19 Subp. 6. Duration of plan. The community social services
20 plan shall be in effect from January 1 of each even-numbered
21 year through December 31 of the following year except when a new
22 final plan has not been certified and subpart 1 applies.

23 Subp. 7. Amendment to plan. The county board must amend
24 its community social services plan pursuant to Minnesota
25 Statutes, section 256E.09, subdivision 6, and this subpart when
26 the county proposes to:

- 27 A. add, reduce, or delete a service;
- 28 B. change eligibility categories, including
- 29 expansion, restriction, or deletion of a category;
- 30 C. change fee policies or schedules; or
- 31 D. exercise the fiscal limitations provisions in
- 32 Minnesota Statutes, section 256E.081.

33 The county board must publish notice of the proposed
34 amendment and make it available to county residents upon
35 request. The county board must permit the public to review and
36 comment on the proposed amendment for a minimum of 30 calendar

1 days following notice of the proposed amendment. If the county
 2 board approves the proposed amendment following the period for
 3 public comment, it must submit the amendment to the commissioner
 4 unless the amendment concerns fee schedules.

5 All provisions of the current approved plan must remain in
 6 effect until the proposed amendment becomes final. The proposed
 7 amendment becomes final when the commissioner certifies the
 8 amendment or, in the case of an amendment concerning fee
 9 schedules, when the county board approves the amendment.

10 [For text of subps 8 and 9, see M.R.]

11 9550.0040 GRANTS AND PURCHASE OF SERVICE CONTRACTS.

12 Subpart 1. Authority. The local agency may purchase
 13 community social services by grant or purchase of service
 14 contract from agencies or individuals approved as vendors.

15 Subp. 2. Grant and contract requirements. Grants and
 16 purchase of service contracts for community social services must
 17 contain the following:

18 A. the beginning and ending dates of the grant or
 19 contract;

20 B. ~~an explicit~~ a description of the service or
 21 services as defined in the community social services plan;

22 C. the total dollar amount of the grant or the unit
 23 cost of each service for a purchase of service contract;

24 D. a statement that the amount, frequency, and
 25 duration of purchased services will be provided in accordance
 26 with the client's individual service plan;

27 E. a statement that the provider must notify the
 28 client and the local agency, in writing, before discharge or
 29 termination of services to an individual client;

30 F. an itemized list of program and fiscal records to
 31 be maintained by the approved vendor;

32 G. a retention schedule for program and fiscal
 33 records;

34 H. statement of compliance with the Minnesota
 35 Government Data Practices Act, Minnesota Statutes, chapter 13,

1 and identification of the person responsible for compliance with
2 data practices;

3 I. provisions for addressing liability; and

4 J. provisions for termination of the grant or
5 contract.

6 Subp. 3. Duties of local agency. The local agency must:

7 A. use a written grant or purchase of service
8 contract containing all provisions specified in subpart 2 when
9 purchasing community social services. Every grant and purchase
10 of service contract must be completed, signed, and approved by
11 all parties to the agreement, including the county board unless
12 the county board has designated the local agency to sign on its
13 behalf. No service shall be provided before the effective date
14 of the grant or purchase of service contract;

15 B. determine client's eligibility for purchased
16 services, or delegate the responsibility for making the
17 preliminary determination to the approved vendor under the terms
18 of the grant or purchase of service contract;

19 C. ensure the development of an individual social
20 service plan based on the needs of the client;

21 D. monitor purchased services and evaluate grants and
22 contracts on the basis of client outcomes; and

23 E. purchase only from approved vendors.

24 Subp. 4. Local agency criteria. When the local agency
25 chooses to purchase community social services from a vendor that
26 is not subject to state licensing laws or department rules, the
27 local agency must establish written criteria for vendor approval
28 to ensure the health, safety, and well-being of clients.

29 [For text of subp 5, see M.R.]

30 Subp. 6. Files. The local agency must keep an
31 administrative file for each grant and contract. The file must
32 contain:

33 [For text of items A to E, see M.R.]

34 F. financial, statistical, and any other reports
35 specified in the grant or contract.

36 Subp. 7. [See repealer.]

1 Subp. 7a. Contracting within and across county lines; lead
2 county contracts. Items A to E govern contracting within and
3 across county lines and lead county contracts.

4 A. Once a local agency and an approved vendor execute
5 a contract that meets the requirements of this part, that
6 contract governs all other purchases of service from that vendor
7 by all other local agencies for the term of the contract. The
8 local agency that negotiated and entered into the contract
9 becomes the lead county for that contract.

10 (1) Terms of a contract negotiated under this
11 subpart may be renegotiated by the parties to the contract with
12 the concurrence of all agencies purchasing services under the
13 contract.

14 (2) If, at the time the contract expires, one or
15 more agencies want to continue purchasing from the vendor, the
16 new contract must be negotiated according to the terms of this
17 subpart.

18 B. When the local agency in the county where a vendor
19 is located wants to purchase services from that vendor and the
20 vendor has no contract with the local agency or any other
21 county, the local agency must negotiate and execute a contract
22 with the vendor.

23 C. When a local agency in one county wants to
24 purchase services from a vendor located in another county, it
25 must notify the local agency in the county where the vendor is
26 located. Within 30 days of being notified, the local agency in
27 the vendor's county must:

28 (1) if it has a contract with the vendor, send a
29 copy to the inquiring agency;

30 (2) if there is a contract with the vendor for
31 which another local agency is the lead county, identify the lead
32 county to the inquiring agency; or

33 (3) if no local agency has a contract with the
34 vendor, inform the inquiring agency whether it will negotiate a
35 contract and become the lead county. If the agency where the
36 vendor is located will not negotiate a contract with the vendor

1 because of concerns related to clients' health and safety, the
2 agency must share those concerns with the inquiring agency.

3 D. If the local agency in the county where the vendor
4 is located declines to negotiate a contract with the vendor or
5 fails to respond within 30 days of receiving the notification in
6 item C, the inquiring agency is authorized to negotiate a
7 contract and must notify the local agency that declined or
8 failed to respond.

9 E. When the inquiring county in item D becomes the
10 lead county for a contract and the contract expires and needs to
11 be renegotiated, that county must again follow the requirements
12 of item C and notify the local agency where the vendor is
13 located. The local agency where the vendor is located again has
14 the option of becoming the lead county for the new contract. If
15 the local agency does not exercise the option, item D again
16 applies.

17 F. This subpart does not affect the requirement to
18 seek county concurrence under Minnesota Statutes, section
19 256B.092, subdivision 8a, when the services are to be purchased
20 for a person with mental retardation or a related condition or
21 under Minnesota Statutes, section 245.4711, subdivision 3, when
22 the services to be purchased are for an adult with serious and
23 persistent mental illness.

24 Subp. 8. **Contracts with community mental health boards.**
25 Notwithstanding subpart 7a, a local agency within the geographic
26 area served by a community mental health board authorized by
27 Minnesota Statutes, sections 245.61 to 245.69, may contract
28 directly with that community mental health board. However, if a
29 local agency outside of the geographic area served by a
30 community mental health board wishes to purchase services from
31 the board, the local agency must follow the requirements in
32 subpart 7a.

33 Subp. 9. **Placement agreements.** A placement agreement must
34 be used for residential services. Placement agreements are
35 valid when signed by authorized representatives of the facility
36 and the county of financial responsibility. If the county of

1 financial responsibility and the county where the approved
 2 vendor is located are not the same, the county of financial
 3 responsibility must, if requested, mail a copy of the placement
 4 agreement to the county where the approved vendor is providing
 5 the service and to the lead county within ten calendar days
 6 after the date on which the placement agreement is signed. The
 7 placement agreement must specify that the service will be
 8 provided in accordance with the individual service plan as
 9 required under part 9550.0090, subpart 2, and must specify the
 10 unit cost, the date of placement, and the date for the review of
 11 the placement. A placement agreement may also be used for
 12 nonresidential services.

13 9550.0050 PROCEDURES WHEN THE COUNTY OF SERVICE AND THE COUNTY
 14 OF FINANCIAL RESPONSIBILITY ARE NOT THE SAME.

15 Subpart 1. Establishing financial responsibility. When a
 16 local agency takes an application from a person the local agency
 17 believes is the financial responsibility of another county, the
 18 procedures in Minnesota Statutes, section 256G.09, apply.

19 Subp. 2. Client information for county of financial
 20 responsibility. Within 60 calendar days after the approval date
 21 of an application, the county of service must send the county it
 22 believes is financially responsible copies of the client's:

- 23 A. application;
- 24 B. eligibility documents; and
- 25 C. individual service plan.

26 Subp. 3. Disapproval of an individual service plan by
 27 county of financial responsibility. The county of financial
 28 responsibility may disapprove an individual service plan for
 29 either of the following reasons:

30 A. the client's need for service is not established
 31 to the satisfaction of the county of financial responsibility;
 32 or

33 B. the county of financial responsibility makes an
 34 alternative offer of service that meets the needs of the client.

35 When the county of financial responsibility disapproves an

1 individual service plan, the county must document the reasons
2 for the decision and send this information to the client and the
3 county of service within 30 calendar days after receiving the
4 client's application, eligibility documents, and the individual
5 service plan.

6 Subp. 4. [See repealer.]

7 Subp. 5. **Notice to client.** Within 15 calendar days after
8 receiving the decision of the county of financial
9 responsibility, the county of service must notify the client in
10 writing that the county of financial responsibility approves or
11 disapproves the individual service plan. If the county of
12 financial responsibility disapproves the individual service
13 plan, the county of service must advise the client in writing of
14 the right and the procedures to appeal the decision as provided
15 by Minnesota Statutes, section 256.045, subdivision 3.

16 Subp. 6. **Emergency social services.** The county of service
17 must provide emergency social services. The county of financial
18 responsibility must fully reimburse the county of service for
19 emergency social services for up to 30 calendar days for each
20 client in need of these services.

21 When a service initiated as an emergency social service is
22 extended beyond 30 calendar days, the county of service must
23 obtain the prior approval of the county of financial
24 responsibility.

25 Subp. 7. [See repealer.]

26 9550.0060 SOCIAL SERVICES FEES.

27 Subpart 1. **County's option to set fees.** A county board
28 may set fees for any community social service for which a fee or
29 fee schedule is not specified by Minnesota Statutes.

30 County-established fees and fee schedules must be included in
31 the county's community social services plan.

32 A written copy of the applicable fee schedule must be made
33 available to the client upon request. Fees charged must not
34 exceed the actual cost of the service.

35 Subp. 2. **Ability to pay.** County-established fees and fee

1 schedules must be based upon a client's ability to pay~~as~~
2 ~~determined-by-considering.~~ In determining ability to pay,
3 counties must consider family size ~~and~~ income, and may
4 consider other resources. Fees and fee schedules must reflect a
5 sliding scale in which the fee charged varies in accordance with
6 factors that would affect the amount a client is able to pay.

7 Fees must not be based upon a minimum charge to all clients.

8 Subp. 3. **Exceptions.** A county board must not charge a fee
9 when a condition specified in items A to E applies.

10 A. The client is a person or family whose adjusted
11 gross household income is at or below 100 percent of the federal
12 poverty guidelines as determined and published annually by the
13 United States Department of Health and Human Services. For
14 purposes of this part, "adjusted gross household income" means
15 the person's or family's adjusted gross income as determined by
16 following federal income tax guidelines for calculating adjusted
17 gross income.

18 If the client is a minor child, "family" includes the
19 following persons living in the same dwelling unit: the client;
20 the client's birth or adoptive parents; and the client's
21 siblings who are minors. If the client is an adult, "family"
22 includes the following persons living in the same dwelling unit:
23 the client; the client's spouse; the client's minor children;
24 and the client's spouse's minor children.

25 B. The client receives Aid to Families with Dependent
26 Children, Minnesota Supplemental Assistance, or General
27 Assistance, or participates in the Minnesota Family Investment
28 Program.

29 C. The service provided is related to adopting a
30 hard-to-place or special needs child as defined by Minnesota
31 Statutes, section 259.67, subdivision 1 or 4.

32 D. The services provided are family preservation
33 services as described in Minnesota Statutes, section 256.8711 or
34 sections 256F.01 to 256F.07 and 256F.11, subdivisions 1 and 2.

35 E. The client is affected by the requirement in
36 Minnesota Statutes, section 120.1701, subdivision 10, governing

1 the interagency early childhood intervention system.

2 9550.0070 APPLICATION FOR SOCIAL SERVICES.

3 Subpart 1. Right to apply. The local agency must post a
4 notice in a prominent place within the local agency advising
5 individuals of their right to apply for social services. The
6 local agency must advise all individuals who ask about receiving
7 social services or request social services of their right to
8 sign an application form for social services without delay
9 during normal business hours and that the application form will
10 be processed after it is signed and completed.

11 Subp. 2. Information about available services. The local
12 social services agency must give prospective applicants or their
13 authorized representatives a written list of the services
14 available according to the county's community social services
15 plan.

16 Subp. 3. Application requirement. Except for information
17 and referral services, an individual must make written
18 application prior to receiving community social services. A
19 local agency may provide emergency social services to an
20 individual who has not signed an application form by following
21 the procedure in subpart 5.

22 Subp. 4. Statement of applicant rights and
23 responsibilities. Before the applicant or the applicant's
24 authorized representative signs the application form, the local
25 agency must provide the applicant or the applicant's authorized
26 representative, on a form prescribed or approved by the
27 commissioner, a written statement that explains the applicant's
28 rights and responsibilities and how data collected about the
29 applicant will be used. If for any reason an applicant or the
30 applicant's authorized representative does not understand the
31 written statement, an agency worker must read the written
32 statement aloud and explain the written statement to the
33 applicant or the applicant's authorized representative. The
34 local agency must provide interpreters for hearing-impaired
35 persons and foreign language interpretive services if necessary.

1 The agency worker must answer questions that the applicant or
2 the applicant's authorized representative asks about the
3 application process.

4 Subp. 5. Filling out application form. The applicant or
5 the applicant's authorized representative must complete, sign,
6 and date the application form. If the applicant cannot or does
7 not sign the application form, the applicant's authorized
8 representative or the agency worker may sign the form. The
9 reasons why the applicant or the applicant's authorized
10 representative did not sign the application form must be
11 recorded in the case record.

12 Subp. 6. Eligibility. In addition to submitting the
13 application form, the applicant or the applicant's authorized
14 representative must provide information about the applicant's
15 eligibility on forms made available by the local agency and
16 approved by the commissioner. The forms must be signed and
17 dated by the applicant or the applicant's authorized
18 representative and copies of both the application and the
19 eligibility forms must be given to the applicant or the
20 applicant's authorized representative.

21 Subp. 7. Local agency decision about eligibility and
22 notification to applicant. The local agency must determine the
23 applicant's eligibility within 30 calendar days after the date
24 on which the application and eligibility forms are completed,
25 signed, and received by the agency or as otherwise required
26 under applicable program rules. Within 15 calendar days after
27 determining eligibility, the local agency must notify the
28 applicant or the applicant's authorized representative in
29 writing that the application has been approved or denied or
30 whether the client has been placed on a waiting list unless
31 social services are initiated prior to the end of the 15
32 calendar day notice period.

33 Subp. 8. Denial of application. If the application is
34 denied, the local agency must follow the procedures for client
35 notification in part 9550.0092, subpart 1a.

36 Subp. 9. Approval of application. When an application is

1 approved, the local agency must authorize social services within
2 15 calendar days after the applicant has been notified of
3 eligibility or at an appropriate later date which has been
4 mutually agreed upon by the local agency and the applicant or
5 the applicant's authorized representative.

6 9550.0080 INFORMATION ABOUT CLIENTS.

7 Subpart 1. Client data. All data collected, stored, used,
8 and disseminated about an applicant or client by the local
9 agency is governed by Minnesota Statutes, chapter 13.

10 Subp. 2. Contracts and grants. When a contract or grant
11 administered by the local agency requires that data on
12 applicants or clients be made available to the contracting
13 parties, access to that data is governed by Minnesota Statutes,
14 chapter 13.

15 9550.0090 INDIVIDUAL SERVICE PLAN.

16 Subpart 1. Agreement on plan. The local agency and the
17 client or client's authorized representative must agree on a
18 plan for providing community social services other than
19 emergency social services to attain identified client-focused
20 goals.

21 Subp. 2. Requirements. The individual service plan must
22 be in writing and must:

23 A. be developed with the client or the client's
24 authorized representative;

25 B. state the goals to be achieved based on an
26 assessment of the client's individual service needs;

27 C. state the basis for the local agency's
28 involvement;

29 D. state the indicators that will be used to measure
30 attainment of the goals;

31 E. state the specific services to be provided in
32 terms of the amount, frequency, duration, and provider of each
33 service;

34 F. specify agreed-upon times to review the plan with
35 the client or the client's authorized representative, to address

1 the client's progress toward attaining outcomes based on the
2 selected indicators, and to revise the plan as necessary. The
3 plan must be reviewed at least annually. The review and
4 assessment requirements of this part do not negate the
5 requirements of other laws or department rules.

6 The plan must be signed by the client or the client's
7 authorized representative and by a person authorized to sign for
8 the local agency. The local agency must give a copy of the plan
9 to the client or the client's authorized representative.

10 9550.0091 CLIENT'S RIGHT TO ACCEPT OR REJECT SERVICES.

11 An applicant or client or the applicant's or client's
12 authorized representative may accept or reject a local agency
13 assessment of a need for community social services or an offer
14 of community social services aimed at attaining specified
15 goals. When a social service is rejected, the local agency must
16 give a clear explanation of the possible consequences of the
17 rejection to the applicant, client, or the applicant's or
18 client's authorized representative. A person's refusal to
19 accept community social services must not affect payments to the
20 person under public assistance maintenance programs unless a
21 statute or rule governing a specific program directs otherwise.

22 Local agencies are required to offer and provide protective
23 services under Minnesota Statutes, sections 626.556 and
24 626.557. When an individual who needs protective services or a
25 person acting on the individual's behalf rejects those services,
26 the local agency shall follow the procedures established under
27 parts 9555.7600, 9560.0220, and 9560.0228.

28 9550.0092 RIGHT TO A FAIR HEARING.

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

30 Subp. 1a. Notice that application has been denied. The
31 local agency must notify the applicant and the applicant's
32 authorized representative in writing within 15 calendar days
33 after denying eligibility. A copy of the notice mailed or given
34 to the applicant and the applicant's authorized representative
35 must be filed at the agency. The notice must contain the

1 following information:

2 A. the reason for denial;

3 B. a reference to the specific rule or approved
4 community social services plan provision which is the basis for
5 denial;

6 C. an explanation of the applicant's right to appeal
7 the decision to the department; and

8 D. a description of the appeal procedure.

9 Subp. 2. Notice that services will be reduced, suspended,
10 or terminated. The local agency must notify the client or the
11 client's authorized representative ten calendar days before
12 taking action to reduce, suspend, or terminate services to the
13 client. The notice must be in writing and must be mailed or
14 given to the client and the client's authorized representative.
15 The notice must state the client's right to appeal the action
16 and to be represented by an attorney or other person of the
17 client's choice at the hearing. The notice must also state that
18 community social services will be continued if the appeal is
19 filed prior to the reduction, suspension, or termination date
20 specified in the notice. The notice must also state the
21 specific reason for the reduction, suspension, or termination of
22 services and cite the specific rule or approved community social
23 services plan amendment upon which the reduction, suspension, or
24 termination is based.

25 Subp. 3. Appealable actions. The applicant, client, or
26 the applicant's or client's authorized representative may appeal
27 if:

28 [For text of items A to E, see M.R.]

29 F. the applicant or client or the applicant's or
30 client's authorized representative fails to agree with the
31 services identified in the individual service plan developed
32 between the applicant or the client or the applicant's or
33 client's authorized representative and the local agency.

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

35 Subp. 5. Notice in suspected fraud cases. If the local
36 agency obtains information indicating that social services

1 should be discontinued, reduced, or terminated because of
2 suspected fraud on the part of the client, and, where possible,
3 evidence of fraud has been verified through collateral sources,
4 then notice of agency action is timely if it is mailed at least
5 five calendar days before the action becomes effective.

6 9550.0093 COUNTY COMPLIANCE AND APPEAL RIGHTS.

7 County boards must comply with parts 9550.0010 to 9550.0092.
8 If the commissioner determines that a county board has failed to
9 comply with parts 9550.0010 to 9550.0092 or other applicable
10 state and federal law, the corrective action procedures under
11 Minnesota Statutes, section 256E.05, apply. A county board's
12 appeal of action taken by the commissioner is governed by
13 Minnesota Statutes, section 256E.06, subdivision 10.

14 REPEALER. Minnesota Rules, parts 9550.0010, subparts 10, 11,
15 13, 16, 20, and 21; 9550.0040, subpart 7; and 9550.0050,
16 subparts 4 and 7, are repealed.