

1 Department of Human Services

2 Adopted Permanent Rules Relating to Family Planning

3 9505.5300 APPLICABILITY.

4 Parts 9505.5300 to 9505.5325 govern the Minnesota Family  
5 Planning Program Section 1115 Demonstration Project. The  
6 demonstration project is a Medicaid waiver demonstration project  
7 approved by the Centers for Medicare and Medicaid Services to  
8 provide federally approved contraception management services to  
9 eligible low-income persons.

10 9505.5305 DEFINITIONS.

11 Subpart 1. Scope. The terms used in parts 9505.5300 to  
12 9505.5325 have the meanings given them in this part.

13 Subp. 2. Applicant. "Applicant" means a person who  
14 submits a written demonstration project application to the  
15 department for a determination of eligibility for the  
16 demonstration project.

17 Subp. 3. Certified family planning services provider.  
18 "Certified family planning services provider" means a family  
19 planning services provider that meets the requirements of part  
20 9505.5315, subpart 1.

21 Subp. 4. Commissioner. "Commissioner" means the  
22 commissioner of human services or the commissioner's designee.

23 Subp. 5. Contraception management services.

24 "Contraception management services" means a scope of family  
25 planning services limited to initiating or obtaining an  
26 enrollee's contraceptive method and maintaining effective use of

1 that method.

2 Subp. 6. **Countable income.** "Countable income" means the  
3 income, including deemed income, used to determine a person's  
4 eligibility for the demonstration project.

5 Subp. 7. **County agency.** "County agency" has the meaning  
6 given in Minnesota Statutes, section 256B.02, subdivision 6.

7 Subp. 8. **Demonstration project.** "Demonstration project"  
8 means the Minnesota Family Planning Program Section 1115  
9 Demonstration Project, Project Number 11-W-00183/5.

10 Subp. 9. **Department.** "Department" means the Minnesota  
11 Department of Human Services.

12 Subp. 10. **Enrollee.** "Enrollee" means a person enrolled in  
13 the demonstration project.

14 Subp. 11. **Family planning services provider.** "Family  
15 planning services provider" includes the providers listed in  
16 part 9505.0280, subpart 3, and clinical nurse specialists,  
17 laboratories, ambulatory surgical centers, federally qualified  
18 health centers, Indian Health Services, public health nursing  
19 clinics, and physician assistants who are authorized providers  
20 under part 9505.0195.

21 Subp. 12. **Family size.** "Family size" means the number of  
22 people used to determine a person's income standard. The family  
23 size includes the person and the following people who live with  
24 the person: the person's spouse, the biological and adoptive  
25 children of the person who are under age 21, and the biological  
26 and adoptive children of the person's spouse who are under age  
27 21.

1 Subp. 13. **Minnesota health care program.** "Minnesota  
2 health care program" means medical assistance under Minnesota  
3 Statutes, chapter 256B, general assistance medical care under  
4 Minnesota Statutes, section 256D.03, and MinnesotaCare under  
5 Minnesota Statutes, chapter 256L.

6 Subp. 14. **Presumptive eligibility.** "Presumptive  
7 eligibility" means the temporary period of eligibility for the  
8 demonstration project that is determined at the point of service  
9 by a certified family planning services provider.

10 Subp. 15. **Qualified noncitizen eligible for medical  
11 assistance with federal financial participation.** "Qualified  
12 noncitizen eligible for medical assistance with federal  
13 financial participation" means a person that meets the  
14 requirements of Minnesota Statutes, section 256B.06, subdivision  
15 4.

16 Subp. 16. **Resident.** "Resident" means a person who meets  
17 the requirements in part 9505.0030.

18 9505.5310 DEMONSTRATION PROJECT ELIGIBILITY, APPLICATION,  
19 ENROLLMENT, AND DOCUMENTATION.

20 Subpart 1. **General eligibility.** The eligibility and  
21 coverage requirements in this subpart apply to applicants and  
22 enrollees.

23 A. Except as provided in subpart 2, an applicant or  
24 enrollee must meet the following requirements to be eligible for  
25 the demonstration project:

26 (1) be a citizen of the United States or a  
27 qualified noncitizen eligible for medical assistance with

1 federal financial participation;

2 (2) be a Minnesota resident;

3 (3) be 15 years of age or older and under age 50;

4 (4) have countable income at or below 200 percent

5 of the federal poverty guidelines for the family size.

6 Countable income is determined according to the income rules

7 applied in eligibility determinations for families and children

8 in the medical assistance program according to Minnesota

9 Statutes, section 256B.056, and United States Code, title 42,

10 chapter 7, subchapter XIX, section 1396u-1, as follows:

11 (a) income includes all categories of earned

12 and unearned income used in eligibility determinations for

13 families and children under the medical assistance program;

14 (b) income does not include any categories

15 of income that are excluded for purposes of determining

16 eligibility for families and children in the medical assistance

17 program;

18 (c) income methodologies, such as earned

19 income deductions and disregards, used to determine eligibility

20 for families and children in the medical assistance program

21 according to Minnesota Statutes, section 256B.056, subdivisions

22 1a and 1c, do not apply to the determination of countable

23 income; and

24 (d) income deeming requirements used to

25 determine eligibility for families and children in the medical

26 assistance program apply, except that for a person under age 21,

27 no income from a parent, spouse, or sponsor is deemed to the

1 person;

2 (5) not be pregnant;

3 (6) not be enrolled in the Minnesota health care  
4 program or other health service program administered by the  
5 department; and

6 (7) not be an institutionalized individual as  
7 described under Code of Federal Regulations, title 42, sections  
8 435.1008 and 435.1009.

9 B. Participation in the demonstration project does  
10 not require the consent of anyone other than the applicant.

11 C. Asset requirements do not apply to applicants and  
12 enrollees.

13 D. Applicants and enrollees must report available  
14 third-party coverage and cooperate with the department in  
15 obtaining third-party payments. The department shall waive this  
16 requirement if the applicant or enrollee states that reporting  
17 third-party coverage could violate the applicant's or enrollee's  
18 privacy.

19 Subp. 2. Presumptive eligibility. Services covered under  
20 the demonstration project may be provided during a presumptive  
21 eligibility period.

22 A. A certified family planning services provider will  
23 screen a person for demonstration project eligibility using  
24 preliminary information provided by the person. A person who,  
25 based on the preliminary information, appears to meet the  
26 eligibility requirements in part 9505.5310, subpart 1, item A,  
27 subitems (2) to (6), is presumptively eligible for the

1 demonstration project.

2           B. The presumptive eligibility period begins the  
3 first day of the month that a certified family planning services  
4 provider determines that a person is presumptively eligible.  
5 The presumptive eligibility period ends the last day of the  
6 month following the month that the certified family planning  
7 services provider determines that a person was presumptively  
8 eligible.

9           C. A person determined presumptively eligible must  
10 comply with part 9505.5310, subpart 1, item D.

11           D. A person may receive presumptive eligibility once  
12 during a 12-month period.

13           Subp. 3. Enrollment. An applicant must apply for the  
14 demonstration project using forms provided by the department.

15           A. The department or county agency must determine an  
16 applicant's eligibility for the demonstration project within 45  
17 days of receipt of a completed application.

18           B. Except as provided in item C, eligibility begins  
19 the first day of the month of application. If a completed  
20 application form is submitted within 30 days of the request, the  
21 month of application includes the month the department or county  
22 agency receives a written request for the demonstration project  
23 consisting of at least the name of the applicant, a means to  
24 locate the applicant, and the signature of the applicant.

25           C. A person who is eligible under subparts 1 and 2  
26 and files a demonstration project application during the  
27 presumptive eligibility period is eligible for ongoing coverage

1 on the first day of the month following the month that  
2 presumptive eligibility ends.

3 Subp. 4. Application and documentation. The application  
4 and documentation requirements in this subpart apply to all  
5 applicants and enrollees.

6 A. An enrollee is eligible for the demonstration  
7 project for one year regardless of changes in income or family  
8 size. Eligibility will end prior to the annual renewal if the  
9 enrollee:

- 10 (1) dies;
- 11 (2) is no longer a Minnesota resident;
- 12 (3) voluntarily terminates eligibility;
- 13 (4) enrolls in the Minnesota health care program  
14 or other health service program administered by the department;
- 15 (5) reaches 50 years of age;
- 16 (6) becomes pregnant;
- 17 (7) becomes an institutionalized individual under  
18 Code of Federal Regulations, title 42, sections 435.1008 and  
19 435.1009; or
- 20 (8) is no longer a citizen of the United States  
21 or a qualified noncitizen eligible for medical assistance with  
22 federal financial participation.

23 B. Applicants and enrollees must document their  
24 income at application.

25 C. Enrollees must complete an annual application on  
26 forms provided by the department.

27 D. Applicants and enrollees must provide

1 documentation of immigration status at application. The  
2 department or county agency will verify applicant and enrollee  
3 immigration status according to Minnesota Statutes, section  
4 256.01, subdivision 18.

5 E. Applicants and enrollees must report a change in  
6 an eligibility factor to the department or county agency within  
7 ten days of learning about the change. Applicants and enrollees  
8 who fail to report a change that would have resulted in  
9 ineligibility for the demonstration project will be disenrolled  
10 from the demonstration project and will be ineligible for the  
11 demonstration project for a period of 12 months following the  
12 date of disenrollment. If the only unreported change is a  
13 pregnancy, applicants and enrollees will not be subject to the  
14 12 months ineligibility period, but pregnant applicants and  
15 enrollees will be disenrolled from the demonstration project and  
16 may reapply for the demonstration project following the end of  
17 the pregnancy.

18 F. Applicants and enrollees must provide information,  
19 documents, and any releases requested by the department or  
20 county agency that are necessary to verify eligibility  
21 information. An applicant or enrollee who refuses to authorize  
22 verification of an eligibility factor, including a Social  
23 Security number, is not eligible for the demonstration project,  
24 except as provided in Code of Federal Regulations, title 42,  
25 section 435.910(h)(2).

26 G. Applicants must document citizenship as required  
27 by the federal Deficit Reduction Act of 2005, Public Law



1 109-71. Persons screened for presumptive eligibility under  
2 subpart 2 are not required to document citizenship.

3 H. An applicant may withdraw an application according  
4 to the provisions of part 9505.0090, subpart 4.

5 Subp. 5. Enrollment. To be considered for Minnesota  
6 health care program eligibility, an enrollee must complete the  
7 department's health care application. Applicants and enrollees  
8 shall not use a demonstration project application form to apply  
9 for the Minnesota health care program. People who complete the  
10 department's health care application and are determined  
11 ineligible for the Minnesota health care program, either at  
12 application or during enrollment, may authorize a demonstration  
13 project eligibility determination using the information provided  
14 in the department's health care application and updated at  
15 required intervals.

16 Subp. 6. Confidentiality. Private data about persons  
17 screened for eligibility, applicants, and enrollees must be  
18 disclosed according to the provisions of the following statutes  
19 and rules:

- 20 A. part 1205.0500 and Minnesota Statutes, chapter 13;  
21 B. Minnesota Statutes, section 144.335;  
22 C. Minnesota Statutes, section 144.343;  
23 D. Code of Federal Regulations, title 45, parts 160,  
24 162, and 164; and  
25 E. other applicable state and federal laws, statutes,  
26 rules, and regulations affecting the collection, storage, use,  
27 and dissemination of protected, private, and confidential health

1 and other information.

2 Subp. 7. **Notices.** Applicants and enrollees may arrange to  
3 receive notices in a manner other than having notices mailed to  
4 the applicant's or enrollee's home address.

5 9505.5315 PROVIDERS OF FAMILY PLANNING SERVICES.

6 Subpart 1. **Certified family planning services provider**  
7 **requirements.** To become a certified family planning services  
8 provider, a family planning services provider must:

9 A. sign the business associate agreement;

10 B. complete required training;

11 C. provide information about presumptive eligibility  
12 to interested persons;

13 D. help interested persons complete demonstration  
14 project applications and forms;

15 E. use the department's eligibility verification  
16 system to verify a person screened for demonstration project  
17 eligibility does not receive Minnesota health care program  
18 coverage;

19 F. determine presumptive eligibility;

20 G. give required notices to a person screened for  
21 eligibility;

22 H. promptly forward completed applications and forms  
23 to the department; and

24 I. cooperate with department application tracking and  
25 program evaluation activities.

26 Subp. 2. **Covered services.** The demonstration project  
27 covers contraception management services and certain additional

1 medical diagnosis or treatment services that are provided within  
2 the context of a visit for contraception management services.  
3 All services covered by the demonstration project are listed in  
4 Attachment B of the Centers for Medicare and Medicaid Services  
5 Special Terms and Conditions for the Minnesota Family Planning  
6 Program Section 1115 Demonstration, Project Number 11-W-00183/5  
7 and its amendments, which are incorporated by reference. This  
8 document can be found at the Minnesota Law Library, Judicial  
9 Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul,  
10 Minnesota 55155. Attachment B is subject to frequent change.

11 Subp. 3. Payment for services. Family planning services  
12 providers are paid for covered services as follows:

13 A. No cost-sharing requirements apply to services  
14 provided under the demonstration project.

15 B. Payments will be made on a fee-for-service basis  
16 to providers for services provided under the demonstration  
17 project.

18 C. All covered services provided during the  
19 presumptive eligibility period according to part 9505.5310,  
20 subpart 2, will be reimbursed.

21 D. The demonstration project is the payer of last  
22 resort. The demonstration project will not cover drugs that are  
23 covered under Medicare Part D as defined in the Medicare  
24 Prescription Drug, Improvement, and Modernization Act of 2003,  
25 Public Law 108-173, section 1860D-2(e), for individuals eligible  
26 for drug coverage as defined in the Medicare Prescription Drug,  
27 Improvement, and Modernization Act of 2003, Public Law 108-173,

1 section 1860D-1(a)(3)(A).

2 E. Parts 9505.2160 to 9505.2245, regarding  
3 surveillance and integrity review, apply to services provided  
4 under parts 9505.5300 to 9505.5325.

5 9505.5325 APPEALS.

6 Subpart 1. Notice. The commissioner must follow the  
7 notification procedures in part 9505.0125 if the commissioner  
8 denies, suspends, reduces, or terminates eligibility or covered  
9 health services, except as provided in subpart 3.

10 Subp. 2. Appeal process. A person aggrieved by a  
11 determination or action of the commissioner under parts  
12 9505.5300 to 9505.5325 may appeal the department's or county  
13 agency's determination or action according to Minnesota  
14 Statutes, section 256.045, except as provided in subpart 3.

15 Subp. 3. Denial of presumptive eligibility. There is no  
16 right of appeal for a denial of presumptive eligibility.