

CHAPTER 256G

UNITARY RESIDENCE AND FINANCIAL RESPONSIBILITY

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256G.01 APPLICATION; CITATION; COVERAGE.

Subdivision 1. Applicability. This chapter governs the Minnesota human services system. The system includes the department of human services, county welfare boards, county welfare agencies, human service boards, community mental health center boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations, and other entities under contract to any of those agencies to the extent specified in the contract.

Subd. 2. Citation. This chapter may be cited as the "Minnesota unitary residence and financial responsibility act."

Subd. 3. Program coverage. This chapter applies to all programs administered by the commissioner in which residence is the determining factor in establishing financial responsibility. These include, but are not limited to: aid to families with dependent children; medical assistance; general assistance; work readiness; general assistance medical care; Minnesota supplemental aid; commitment proceedings, including voluntary admissions; poor relief funded wholly through local agencies; and social services, including title XX, IV-E and other components of the community social services act, sections 256E.01 to 256E.12.

History: 1987 c 363 s 1; 1988 c 719 art 8 s 22; 1Sp1989 c 1 art 16 s 14

256G.02 DEFINITIONS.

Subdivision 1. Applicability. The definitions in this section apply to this chapter.

Subd. 2. Board and lodging facility. "Board and lodging facility" means a facility that serves as an alternative to institutionalization and provides a program of on-site care or supervision to persons who cannot live independently in the community because of age or physical, mental, or emotional disability.

Subd. 3. Commissioner. "Commissioner" means the commissioner of human services.

Subd. 4. County of financial responsibility. (a) "County of financial responsibility" has the meanings in paragraphs (b) to (h).

(b) For an applicant who resides in the state and is not in a facility described in subdivision 6, it means the county in which the applicant resides at the time of application.

(c) For an applicant who resides in a facility described in subdivision 6, it means the county in which the applicant last resided in nonexcluded status immediately before entering the facility.

(d) For an applicant who has not resided in this state for any time other than the excluded time, and subject to the limitations in section 256G.03, subdivision 2, it means the county in which the applicant resides at the time of making application.

(e) For medical assistance purposes only, and for an infant who has resided only in an excluded time facility, it means the county that would have been responsible for the infant if eligibility had been established, based on that of the birth mother, at the time of application.

(f) Notwithstanding paragraphs (b) to (d), the county of financial responsibility for medical assistance recipients is the county from which a recipient is receiving a maintenance grant or money payment under the program of aid to families with dependent children or Minnesota supplemental aid.

(g) Notwithstanding paragraphs (b) to (f), the county of financial responsibility for social services for a person receiving aid to families with dependent children, general assistance, general assistance medical care, medical assistance, or Minnesota supplemental aid is the county from which that person is receiving the aid or assistance. If more than one named program is open concurrently, financial responsibility for social services attaches to the program that has the earliest date of application and has been open without interruption.

(h) Notwithstanding paragraphs (b) to (g), the county of financial responsibility for semi-independent living services provided under section 252.275, and Minnesota Rules, parts 9525.0500 to 9525.0660, is the county of residence in nonexcluded status immediately before the placement into or request for those services.

Subd. 5. Department. "Department" means the department of human services.

Subd. 6. Excluded time. "Excluded time" means any period an applicant spends in a hospital, sanitarium, nursing home, shelter, halfway house, foster home, semi-independent living domicile or services program, residential facility offering care, board and lodging facility or other institution for the hospitalization or care of human beings, as defined in section 144.50, 144A.01, or 245A.02, subdivision 14; or in a maternity home, battered women's shelter, or correctional facility. "Excluded time" also means that time during which an applicant participates in a rehabilitation facility as defined in section 268A.01, or is receiving personal care assistant services pursuant to section 256B.0625, subdivision 19.

Subd. 7. Local agency. "Local agency" means the agency designated by the county board of commissioners, human services boards, county welfare boards in the several counties of the state or multicounty welfare boards or departments where those have been established in accordance with law.

Subd. 8. Reside. "Reside" means to have an established place of abode in one state or county and not to have an established place of abode in another state or county.

History: 1987 c 363 s 2; 1988 c 689 art 2 s 268; 1988 c 719 art 8 s 23; 1989 c 209 art 1 s 25; 1Sp1989 c 1 art 16 s 15; 1991 c 199 art 2 s 1

256G.03 ESTABLISHING RESIDENCE.

Subdivision 1. State residence. For purposes of this chapter, a resident of any Minnesota county is considered a state resident. For purposes of eligibility for general assistance or work readiness, residency must be substantiated according to section 256D.02, subdivision 12a.

Subd. 2. No durational test. For purposes of this chapter, no waiting period is required before securing county or state residence. A person cannot, however, gain residence while physically present in an excluded time facility unless otherwise specified in this chapter or in a federal regulation controlling a federally funded human service program.

History: 1987 c 363 s 3; 1989 c 282 art 5 s 114

256G.04 DETERMINATION OF RESIDENCE.

Subdivision 1. Time of determination. For purposes of establishing financial responsibility, residence must be determined as of the date a local agency receives a signed request or signed application or the date of eligibility, whichever is later. This subdivision extends to cases in which the applicant may move to another county after the date of application but before the grant or service is actually approved.

Subd. 2. Moving out of state. A person retains county and state residence so long as the person's absence from Minnesota is viewed as a temporary absence within the context of the affected program.

Direct entry into a facility in another state does not end Minnesota residence for purposes of this chapter. Financial responsibility does not continue, however, unless placement was initiated by a human service agency or another governmental entity that has statutory authority to bind the human service agency and is based on a formal, written plan of treatment, or unless federal regulations require payment for an out-of-state resident.

History: 1987 c 363 s 4; 1988 c 719 art 8 s 24

256G.05 RESPONSIBILITY FOR EMERGENCIES.

Subdivision 1. Residence not a test. In situations involving emergencies verified by a local agency, financial responsibility for aid to families with dependent children, general assistance, general assistance medical care, and Minnesota supplemental aid rests with the county in which an otherwise eligible person is physically present when the application is filed. Financial responsibility is limited to 30 days unless otherwise specified in the context of the program.

Subd. 2. Non-Minnesota residents. State residence is not required for receiving emergency assistance in the general assistance, general assistance medical care, and Minnesota supplemental aid programs only. The receipt of emergency assistance must not be used as a factor in determining county or state residence.

History: 1987 c 363 s 5; 1988 c 719 art 8 s 25; 1Sp1989 c 1 art 16 s 16

256G.06 DETOXIFICATION SERVICES.

The county of financial responsibility for detoxification services is the county where the client is physically present when the need for services is identified. If that need is identified while the client is a resident of a chemical dependency facility, the provisions of section 256G.02, subdivision 4, paragraphs (b), (c), and (e) apply.

History: 1987 c 363 s 6; 1989 c 209 art 1 s 26

256G.07 MOVING TO ANOTHER COUNTY.

Subdivision 1. Effect of moving. A person who has applied for and is receiving services or assistance under a program governed by this chapter, in any county in this state, and who moves to another county in this state, is entitled to continue to receive that assistance from the county from which that person has moved until that person has resided in nonexcluded status for two full calendar months in the county to which that person has moved. For purposes of general assistance and general assistance medical care, this time period is, however, one full calendar month.

Subd. 2. Transfer of records. Before the person has resided in nonexcluded status for two calendar months or one calendar month in the case of general assistance and general assistance medical care, in the county to which that person has moved, the local agency of the county from which the person has moved shall complete an eligibility review and transfer all necessary records relating to that person to the local agency of the county to which the person has moved.

Subd. 3. Continuation of case. When the case is terminated for 30 days or less before the recipient reapplies, that case remains the financial responsibility of the county from which the recipient moved until the residence requirement in subdivision 1 is met.

Subd. 3a. Multiple financial responsibility. When more than one county becomes financially responsible for a case involving a single assistance unit, under a program covered by this chapter, that case must be immediately reconsidered by the affected county agencies. Beginning with the first day of the calendar month after that reconsideration, financial responsibility for the entire assistance unit belongs to the county that was initially responsible for the program with the earliest date of application.

Subd. 4. Social service provision. The types and level of social services to be provided in any case governed by this chapter are those otherwise provided in the county in which the person is physically residing at the time those services are provided.

History: 1987 c 363 s 7; 1988 c 719 art 8 s 26; 1Sp1989 c 1 art 16 s 17

256G.08 REIMBURSEMENT RESPONSIBILITY FOR COMMITMENTS.

Subdivision 1. **Commitments.** In cases of voluntary admission or commitment to state or other institutions, the committing county shall initially pay for all costs. This includes the expenses of the taking into custody, confinement, examination, commitment, conveyance to the place of detention, and rehearing.

Subd. 2. **Responsibility for nonresidents.** If a person committed or voluntarily admitted to a state institution has no residence in this state, financial responsibility belongs to the county of commitment.

Subd. 3. **Initiating county responsible.** The initial responsible county retains responsibility when adequate facts are not submitted to provide a sufficient legal basis for the transfer of responsibility.

History: 1987 c 363 s 8

256G.09 DETERMINING FINANCIAL RESPONSIBILITY.

Subdivision 1. **General procedures.** If upon investigation the local agency decides that the application or commitment was not filed in the county of financial responsibility as defined by this chapter, but that the applicant is otherwise eligible for assistance, it shall send a copy of the application or commitment claim, together with the record of any investigation it has made, to the county it believes is financially responsible. The copy and record must be sent within 60 days of the date the application was approved or the claim was paid. The first local agency shall provide assistance to the applicant until financial responsibility is transferred under this section.

The county receiving the transmittal has 30 days to accept or reject financial responsibility. A failure to respond within 30 days establishes financial responsibility by the receiving county.

Subd. 2. **Financial disputes.** (a) If the county receiving the transmittal does not believe it is financially responsible, it should provide to the department and the initially responsible county a statement of all facts and documents necessary for the department to make the requested determination of financial responsibility. The submission must clearly state the program area in dispute and must state the specific basis upon which the submitting county is denying financial responsibility.

(b) The initially responsible county then has 15 calendar days to submit its position and any supporting evidence to the department. The absence of a submission by the initially responsible county does not limit the right of the department to issue a binding opinion based on the evidence actually submitted.

(c) A case must not be submitted until the local agency taking the application or making the commitment has made an initial determination about eligibility and financial responsibility, and services or assistance has been initiated. This paragraph does not prohibit the submission of closed cases that otherwise meet the applicable statute of limitations.

Subd. 3. **Department obligations.** The department shall then promptly decide any question of financial responsibility as outlined in this chapter and make an order referring the application to the local agency of the proper county for further action. Further action may include reimbursement by that county of assistance that another county has provided to the applicant under this subdivision. The department shall decide disputes within 60 days of the last county evidentiary submission and shall issue an immediate opinion.

The department may make any investigation it considers proper before making its decision. It may prescribe rules it considers necessary to carry out this subdivision. The order of the department binds the local agency involved and the applicant or recipient. That agency shall comply with the order unless reversed on appeal as provided in section 256.045, subdivision 7. The agency shall comply with the order pending the appeal.

Subd. 4. **Appeals.** A local agency that is aggrieved by the order of the department may appeal the opinion to the district court of the county responsible for furnishing

assistance or services by serving a written copy of a notice of appeal on the commissioner and any adverse party of record within 30 days after the date the department issued the opinion, and by filing the original notice and proof of service with the court administrator of district court. Service may be made personally or by mail. Service by mail is complete upon mailing.

The commissioner may elect to become a party to the proceedings in district court. The court may consider the matter in or out of chambers and shall take no new or additional evidence.

Subd. 5. Payment pending appeal. After the department issues an opinion in any submission under this section, the service or assistance covered by the submission must be provided or paid pending or during an appeal to the district court.

History: 1987 c 363 s 9; 1992 c 464 art 1 s 56

256G.10 DERIVATIVE SETTLEMENT ELIMINATED.

Except as described in section 256G.02, subdivision 4, paragraph (e), residence under this chapter must be determined independently for each applicant. The residence of the parent or guardian does not determine the residence of the child or ward. Physical or legal custody has no bearing on residence determinations. This section does not, however, apply to situations involving another state or limit the application of an interstate compact.

History: 1987 c 363 s 10; 1988 c 719 art 8 s 27; 1Sp1989 c 1 art 16 s 18

256G.11 NO RETROACTIVE EFFECT.

This chapter is not retroactive and does not require redetermination of financial responsibility for cases existing on January 1, 1988. This chapter applies only to applications and redeterminations of eligibility taken or routinely made after January 1, 1988.

Notwithstanding this section, existing social services cases shall be treated in the same manner as cases for those programs outlined in section 256G.02, subdivision 4, paragraph (g), for which an application is taken or a redetermination is made after January 1, 1988.

History: 1987 c 363 s 11; 1988 c 719 art 8 s 28; 1Sp1989 c 1 art 16 s 19

256G.12 STATUTE OF LIMITATIONS.

Subdivision 1. Limitation. A submission to the department for a determination of financial responsibility must be made within three years from the date of application for the program in question.

Subd. 2. Reimbursement. The obligation of the county ultimately found to be financially responsible extends only to the period immediately following the date the submission was received by the department. In the case of social service programs only, no reimbursement is required until the financially responsible county has an opportunity to review and act on the plan of treatment according to the applicable social service rules.

Subd. 3. Exception. Subdivision 2 does not apply to timely and routine submissions for determination of financial responsibility under section 256G.09.

History: 1987 c 363 s 12