

IN THE MATTER OF PROPOSED
AMENDMENTS TO RULES OF THE
DEPARTMENT OF HUMAN SERVICES
GOVERNING REIMBURSEMENT FOR
COST OF CARE OF CLIENTS IN
STATE FACILITIES, MINNESOTA RULES,
PARTS 9515.1000 TO 9515.2600.

MINNESOTA DEPARTMENT
OF HUMAN SERVICES

STATEMENT OF NEED
AND REASONABLENESS

INTRODUCTION

This rule was first promulgated in 1982 and amended in 1983, 1986 and 1988. Minnesota Rules, parts 9515.1000 to 9515.2600 set procedures for reimbursement for the cost of care of clients in state facilities. The above-entitled rule amendments are authorized by Minnesota Statutes, §246.51, subdivision 2, which authorizes the commissioner to adopt "rules establishing uniform standards for determination of client liability and relative, guardian or conservator responsibility for care provided at state facilities."

The proposed amendments are not substantive in nature and simply ensure that the rule conforms to 1989 statutory changes in certain definitions, conforms to the current annual adjustments in the Consumer Price Index (CPI), and conforms to the current cost of care rates.

The proposed amendments were developed in consultation with Department staff. Because the proposed amendments simply update the rule to comply with definitions found in state law and to comply with current adjustments to the CPI and cost of care rates, no Notice of Solicitation of Outside Information or Opinions was published, and a department advisory committee was not convened. The Department believes these amendments to be non-controversial.

SPECIFIC RULE PROVISIONS

The above-entitled rule is affirmatively presented by the Department in the following narrative in accordance with the provisions of the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14 and the rules of the Attorney General's Office.

9515.1200 DEFINITIONS.

Subpart 3a. Client.

This new subpart defines "client." The term includes "an inpatient, resident patient, outpatient, day patient, patient, and resident." This definition is necessary to ensure consistency with Minnesota Statutes, §246.50, subdivision 4 (a

client is any person receiving services at a state facility). "Client" replaces the terms "outpatient," "day care patient," "patient," and "resident" throughout the rule. This change is reasonable because it provides a single term for the type of clientele served by the state.

Subpart 4. Cost of care.

This subpart is amended to read "cost of care" rather than "per diem" or "per capita" and is consistent with the use of "cost of care" in Minnesota Statutes, §§246.50 to 246.55. The use of "cost of care" is reasonable because it allows the rule to apply to all types of services, regardless of whether the cost is determined on a daily, monthly, or per service charge.

This subpart is also amended to read "clients" rather than "patients or residents" as required by Minnesota Statutes, §246.50, subdivision 4 and is explained in subpart 3a.

The change from "care" to "services" is necessary and reasonable in order to define the term "services" in accordance with Minnesota Statutes, §246.50, subdivisions 4 and 5 and is explained in subpart 21a.

Subpart 6a. Financial file.

This new subpart is the same as that of repealed subpart 15, page 3. It is necessary and reasonable to create subpart 6a so that part 9515.1200 can list each definition alphabetically, a common practice in the definition parts of Minnesota rules. The old terms "patient" and "resident" have been replaced by "client" as required by Minnesota Statutes, §246.50, subdivision 4, explained in subpart 3a.

Subpart 8. Homestead.

This part is amended to read "client" rather than "patient or resident" as required by Minnesota Statutes, §246.50, subdivision 4 and is explained in subpart 3a.

Subpart 10. Inpatient, resident patient.

This subpart is repealed because the definition is incorporated into subpart 3a of this rule part. The terms "inpatient" and "resident patient" have been replaced by "client," a change required by Minnesota Statutes, §246.50, subdivision 4.

Subpart 13. Outpatient, day care patient.

This subpart is also repealed because the definition is incorporated into subpart 3a of this rule part. The terms "outpatient" and "day care patient" have been replaced by

"client," a change required by Minnesota Statutes, §246.50, subdivision 4.

Subpart 14. Patient.

Like subparts 10 and 13, this subpart is also repealed. The term "patient" has been incorporated into subpart 3a of this rule part. "Client" now replaces "patient," a change required by Minnesota Statutes, §246.50, subdivision 4.

Subpart 15. Financial file.

It is necessary and reasonable to repeal subpart 15 and replace it with new subpart 6a so that part 9515.1200 can list each definition alphabetically, a common practice in definition parts of Minnesota rules.

Subpart 16. Person.

This subpart is amended to read "client" rather than "patient" or "resident" as required by Minnesota Statutes, §246.50, subdivision 4 and is explained in subpart 3a. The additional terms are necessary to identify and clarify the use of "person" in the rule. When a client is unable to act on his or her own behalf, the "person" interviewed for the purpose of determining the ability of the "client" to pay for the cost of care shall be a responsible person representing the client, such as a conservator, legal guardian, representative payee, trustee, county financial or social worker, case manager, or attorney. Therefore, it is reasonable to include a representative of a "client" within the definition of a "person" in the rule.

Subpart 19a. Resident.

Subpart 19a is repealed because the statutory authority for "resident," Minnesota Statutes, §246.50, subdivision 4a was itself repealed in 1989. The repealer is also required by Minnesota Statutes, §246.50, subdivision 4 (the definition of "client," which includes a resident) and is explained in subpart 3a.

Subpart 20. Resource.

This subpart is amended to read "client" rather than "patient or resident" as required by Minnesota Statutes, §246.50, subdivision 4 and is explained in subpart 3a.

Subpart 21a. Services.

This new subpart is necessary and reasonable in order to define the term "services" in accordance with Minnesota Statutes, §246.50, subdivisions 4 and 5 (persons receive "services" at

state facilities), and to adequately explain what constitutes a "service" for the purpose of collection from clients or relatives for the cost of care at state facilities.

Subpart 22. State facility.

The additional language in this subpart is necessary and reasonable to expand the definition of "state facility" to conform with Minnesota Statutes, §246.50, subdivision 3.

95915.1300 TIME OF DETERMINATION.

It is necessary and reasonable to amend this part to read "client" rather than "patient or resident" for the reasons discussed in part 9515.1200, subpart 3a.

9515.1400 PERSONS INTERVIEWED TO DETERMINE ABILITY TO PAY.

It is necessary and reasonable to amend this part to read "client" rather than "patient or resident" for the reasons covered in part 9515.1200, subpart 3a. It is also amended to read "cost of care" instead of "per diem," consistent with the use of "cost of care" in Minnesota Statutes, §§246.50 to 246.55 as explained in part 9515.1200, subpart 4.

9515.1500 FINANCIAL INTERVIEW.

Item B. It is necessary and reasonable to modify item B to read "client's" rather than "patient's or resident's" for the reasons discussed in part 9515.1200, subpart 3a.

9515.1900 DETERMINATION ORDER AND NOTICE OF RATE.

It is necessary and reasonable to amend part 9515.1900 to read "cost of care" instead of "per diem" consistent with the use of "cost of care" in Minnesota Statutes, §§246.50 to 246.55 as explained in part 9515.1200, subpart 4.

9515.2200 SOURCES OF INCOME CONSIDERED.

Subpart 1. In general.

It is necessary and reasonable to amend this subpart to read "client's" rather than "patient's or resident's" for the reasons explained in part 9515.1200, subpart 3a.

Subpart 2. Insurance benefits.

This subpart is amended to read "client" rather than "patient or resident" for the same reasons as the amendment in subpart 1. It is also amended to read "cost of care" instead of "per diem" consistent with the use of "cost of care" in Minnesota Statutes, §§246.50 to 246.55 as explained in part 9515.1200, subpart 4.

Subpart 3. Net income.

It is necessary and reasonable to amend this subpart in the same way and for the same reasons discussed in subpart 1.

Subpart 4. Property.

It is necessary and reasonable to amend subpart 4 in the same way and for the same reasons covered in subpart 1.

9515.2300 NET INCOME OF CLIENT.

Subpart 2. Lump sums.

It is necessary and reasonable to revise this subpart to read "client" rather than "patient" for the reasons discussed in part 9515.1200, subpart 3a.

Subpart 4. Deductions from gross income to arrive at net income.

Item C. It is necessary and reasonable to change this item to read "client" rather than "patient or resident" for the same reasons explained in subpart 2.

Item D. It is necessary and reasonable to modify this item in the same way and for the same reasons as item C and is explained in subpart 2.

Item K. It is necessary and reasonable to amend item K to read "client" rather than "inpatient" and "patients or residents" for the same reasons explained in subpart 2.

Item L. It is necessary and reasonable to amend this item in the same way and for the same reasons explained in items C and D.

Item M. It is necessary and reasonable to modify item M to read "client" receiving inpatient or outpatient services rather than "inpatient," "outpatient," or "patient or resident" for the reasons explained in part 9515.1200, subpart 3a. This item is also amended to read "services," necessary to conform with

Minnesota Statutes, §246.50, subdivisions 4 and 5 as explained in part 9515.1200, subpart 21a.

Additionally, item M is amended to read "facility" rather than "hospital" as required by Minnesota Statutes, §246.50, subdivision 3 as explained in part 9515.1200, subpart 22.

9515.2400 MONTHLY HOUSEHOLD LIVING ALLOWANCE SCHEDULE.

This part provides the amount of household living allowance to be deducted from the client's gross income for the purpose of computing the client's ability to pay the cost of care. The allowance values are adjusted annually to reflect the change in the CPI, in the manner provided by this part. It is necessary and reasonable to update the rule with the latest CPI values to accurately inform the public of the current information.

Because the allowance values in the table are adjusted annually to reflect the CPI change, the new figures will be out-of-date at the beginning of the next fiscal year (July 1, 1992). Therefore, it is necessary to require the Department to inform county commissioners, county human service boards, county courts, and state facilities by way of departmental *Instructional Bulletins* of annual updates. This language is a reasonable method of keeping part 9515.2400 current, particularly when the Department is already required to update the allowance values by July 1 of each year.

It is necessary and reasonable to amend this part to read "client" receiving inpatient or outpatient services instead of "patient or resident" for the reasons discussed in part 9515.1200, subpart 3a. It is further amended to read "services," necessary to conform to Minnesota Statutes, §246.50, subdivisions 4 and 5 as explained in part 9515.1200, subpart 21a.

9515.2500 PROPERTY OF CLIENT.

Subpart 1. In general.

It is necessary and reasonable to change this subpart to read "client" instead of "patient or resident" for the reasons covered in part 9515.1200, subpart 3a.

Subpart 2. Real property.

It is necessary and reasonable to amend subpart 2 in the same way and for the same reasons as subpart 1.

Subpart 3. Personal property.

Item A. It is necessary and reasonable to amend item A in the same way and for the same reasons as subpart 1.

Item B. Likewise, it is necessary and reasonable to amend this item in the same way and for the same reasons as subpart 1. Additionally, changing the statutory cite from Minnesota Statutes, §256B.06 to Minnesota Statutes, §256B.056, subdivision 3 is necessary and reasonable to conform to the renumbering now required by Minnesota Statutes, §256B.06.

Item H. It is necessary and reasonable to modify this item in the same way and for the same reasons as subpart 1.

Item L. It is necessary and reasonable to amend item L in the same way and for the same reasons as the amendments to item B.

Item N. This item's statutory cite is changed from Minnesota Statutes, §§256B.06 to 256B.07 to Minnesota Statutes, §256B.056, subdivision 3. It is necessary and reasonable to conform to the renumbering now required in Minnesota Statutes, §256B.06.

Subpart 4. Waiver of property as a resource.

It is necessary and reasonable to amend this subpart in the same way and for the same reasons as subpart 1.

Subpart 6. Documentation required.

Likewise, it is necessary and reasonable to modify this subpart in the same way and for the same reasons as subpart 1.

Subpart 7. Exemption.

It is also necessary and reasonable to amend this subpart in the same way and for the same reasons as subpart 1.

9515.2600 RESPONSIBLE RELATIVE'S ABILITY TO PAY.

Subpart 1. In general.

It is necessary and reasonable to amend this subpart to read "client" rather than "patient or resident" for the reasons detailed in part 9515.1200, subpart 3a.

Subpart 3. Insurance benefits.

It is necessary and reasonable to change this subpart in the same way and for the same reasons as subpart 1.

Subpart 4. Liability of responsible relatives.

Likewise, it is necessary and reasonable to amend this subpart in the same way and for the same reasons as subpart 1.

Subpart 5. Limitations on relative's ability to pay.

Item B. It is necessary and reasonable to modify this item to read "client" rather than "patient" for the reasons covered in part 9515.1200, subpart 3a. It is also amended to read "cost of care" rather than "per capita cost of care" to be consistent with the use of "cost of care" in Minnesota Statutes, §§246.50 to 246.55. "Cost of care" is further explained in part 9515.1200, subpart 4.

Item C. It is also necessary and reasonable to amend this item in the same way and for the same reasons as item B.

Item D. It is necessary and reasonable to amend this item in the same way and for the same reasons as subpart 1.

Subpart 6. Determination of relative's ability to pay.

It is necessary and reasonable to amend this subpart in the same way and for the same reasons as subpart 5, item B.

Subpart 7. Purpose of table.

It is necessary and reasonable to amend this subpart to read "cost of care" instead of "per capita cost of care" or "per diem" for the same reasons discussed in subpart 5, item B.

Subpart 8. Daily payment based on ability to pay according to household size and annual gross earnings of responsible relatives.

Together with subpart 7, this subpart provides a formula for determining a responsible relative's ability to pay for a client's cost of care. The table provides daily payment amounts dependent on household size and annual gross earnings of the responsible relative. The table values are updated when changes occur in the cost of care in the manner provided by subpart 7, and are announced yearly in departmental *Instructional Bulletins*.

It is necessary to accurately inform the public of the current information, particularly when there are annual changes. Therefore, it is reasonable to amend the table in subpart 8 to reflect current values.

Subpart 9. Maximum rate.

It is necessary and reasonable to amend this subpart to read "cost of care" rather than "per diem" for the same reasons as in subpart 7.

Subpart 10. Verification of financial information.

It is necessary and reasonable to amend this subpart to read "client" instead of "patient" for the reasons discussed in part 9515.1200, subpart 3a.

Subpart 11. Clothing and personal needs allowance of a minor.

It is necessary and reasonable to amend this subpart to read "client" rather than "patient or resident" for the reasons discussed in part 9515.1200, subpart 3a.

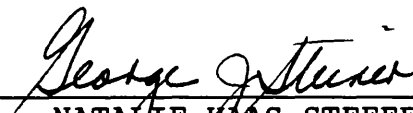
EXPERT WITNESSES/SMALL BUSINESS

If this rule is heard in public hearing, the Department does not intend to have outside expert witnesses testify on its behalf. The proposed rule amendments do not affect small businesses as defined in Minnesota Statutes, §14.115.

AGRICULTURAL LAND

The proposed rule amendments do not have a direct or substantial adverse effect on agricultural land as defined in Minnesota Statutes, §17.81, subdivision 3 and referenced in Minnesota Statutes, §14.11, subdivision 2.

Dated: 31 JUL 91

for 
NATALIE HAAS STEFFEN
Commissioner

{

}

}