

# Bulletin

May 31, 2006

Minnesota Department of Human Services □ P.O. Box 64941 □ St. Paul, MN 55164-0941

**OF INTEREST TO**

- County Human Services Agency Directors
- Social Services Supervisors and Staff
- Financial Assistance Supervisors and Staff

**ACTION/DUE DATE**

Please use in making requests to decide intercounty financial responsibility disputes.

**EXPIRATION DATE**

The policies in this bulletin are ineffective as of:  
May 31, 2008:

## Procedures for Deciding Financial Responsibility Disputes Between Counties

**TOPIC**

Procedures for Deciding Financial Responsibility Disputes for Human Services Benefits, Payments and Services.

**PURPOSE**

This bulletin describes the process for deciding financial disputes between counties. This process is available to counties that are disputing financial responsibility with another county for services provided to an individual. This bulletin replaces Bulletin # 05-85-01.

**CONTACT**

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**SIGNED**

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## **I. PURPOSE**

The purpose of this bulletin is to update county agencies about the process and form they should use when asking the Department to decide financial responsibility disputes. This Bulletin replaces Bulletin # 05-85-01.

## **II. BACKGROUND**

The Department of Human Services has the statutory authority to resolve disputes between county human services agencies regarding financial responsibility for human services programs ranging from medical assistance to commitment.

Pursuant to its authority, the Department receives about fifty (50) requests per year. The process used by the Department to decide financial disputes is first to determine the facts in a particular case and then to apply to those facts, the law governing financial disputes found at Minnesota Statutes, chapter 256G.

## **III. LEGAL AUTHORITY**

Minnesota Statutes, section 256G.09.

## **IV. PROCEDURE**

This process does not concern or affect eligibility for public programs. Regardless of whether a county believes they are financially responsible, the county where the individual submits an application must still begin providing services if the individual meets eligibility criteria.

### *MATERIALS TO SUBMIT TO OTHER COUNTY(S)*

When there is a question of financial responsibility, the county where the application was submitted shall conduct an investigation. If the investigation raises questions concerning financial responsibility, the county shall then notify the county it believes is responsible within sixty (60) days of the date the application was approved or services were provided. The initiating county shall forward to the county it believes is responsible the following materials: the application for services, investigation documentation/findings, reasons for denying responsibility and other relevant documentation. After receiving this information, the receiving county has thirty (30) days to accept or reject financial responsibility. Failure to respond within 30 days constitutes acceptance of financial responsibility.

### *MATERIALS TO SUBMIT TO THE DEPARTMENT*

When a dispute arises, in order to initiate the process, either county agency must complete the “Request for Department Resolution of Financial Responsibility” form and then follow the instructions attached to the form:

<http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4457-ENG>. The county initiating Department resolution should clearly state why the law supports their position and attach supporting documentation. All materials provided to the state must be copied to the other county(s) involved. The process will not be initiated until this is done.

After a complete request is submitted, the Department will open a file on the case and send a letter to the other county(s) involved inviting them to submit evidence and arguments. The record closes with the deadline for arguments from other county(s). Reasonable requests for an extension of this deadline will be granted but extensions will not be granted merely because counties want to continue responding to arguments back and forth. Decisions concerning financial responsibility are based upon all relevant information submitted by the county(s) involved. The Department has the discretion to conduct further inquiries, including holding evidentiary hearings if it deems necessary. Decisions are issued in written form within sixty (60) days from the date the record closed.

The Department staff responsible for resolving disputes over financial responsibility will not make their decision based on telephone calls, nor will the person responsible for such decisions provide advice to county agencies concerning such matters. The reason for this policy is that Department staff cannot perform their role as an impartial decision maker in cases where they have provided technical or legal advice to one or both counties. In all cases, county agencies should be guided by their application of the Minnesota Unitary Residence and Financial Responsibility Act, found at Minnesota Statutes, sections 256G.01 to 256G.12.

### **V. APPEAL**

A county agency that disagrees with the Department’s decision may obtain judicial review of that decision by the district court pursuant to Minnesota Statutes, section 256.045, subdivisions 7 and 8. However, payments must be made according to the Department's decision until overturned by the district court.

### **VI. SPECIAL NEEDS**

This information is available in other forms to people with disabilities by contacting us at 651-431-3600 (voice) or through the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).