

Bulletin

December 12, 2007

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

December 12, 2009

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 # 06-85-01.

CONTACT

Debra Schumacher
Administrative Law Attorney
Department of Human Services
PO Box 64941
Saint Paul, MN 55164-0941
(651) 431-4319
Debra.Schumacher@state.mn.us

SIGNED

TIMOTHY P. WILKIN
Assistant Commissioner
Operations

I. PURPOSE

The purpose of this bulletin is to update county agencies about the process and form they should use when asking the Department of Human Services (hereinafter, “the department”) to decide financial responsibility disputes. This bulletin replaces bulletin # 06-85-01.

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 make clear 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. ALTERNATIVE FORMATS

This information is available in other forms to people with disabilities by contacting us at 651-431-3600 (voice), toll free at 1-800-657-3510 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).



Request for Department Resolution of Financial Responsibility Dispute

DATE

Initiating county information:

NAME OF COUNTY			
COUNTY CONTACT NAME AND TITLE			
ADDRESS			
CITY	STATE	ZIP CODE	PHONE NUMBER

Other county information (complete this information for every county involved):

NAME OF COUNTY			
COUNTY CONTACT NAME AND TITLE			
ADDRESS			
CITY	STATE	ZIP CODE	PHONE NUMBER

Name of program(s) giving rise to dispute: _____

Program recipient information

NAME				
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NUMBER	BIRTHDATE

Chronology of events (including date that application for services was submitted):

--

Narrative description of why financial responsibility disputed:

(Attach additional sheets as necessary.)

Copies of all materials provided to the Minnesota Department of Human Services, also provided to the opposing county(s)? ☐ Yes ☐ No

Financial responsibility dispute instructions

1. This form must be completed in order to initiate state resolution of a financial dispute.
2. Attach supporting documentation for your argument, particularly if you reference specific documents in your narrative instructions.
3. Make sure that all of the counties involved receive copies of ANY documents you submit to the department concerning the dispute.
4. Procedural questions should be directed to:
Debra Schumacher, Administrative Law Attorney, (651) 431-4319.
5. Submit this form and all supporting materials concerning the dispute to:
Debra Schumacher, Administrative Law Attorney
Minnesota Department of Human Services
Appeals and Regulations Division
PO Box 64941
St. Paul, MN 55164-0941

This information is available in other forms to people with disabilities by contacting us at (651) 431-3600 (voice) or toll free at (800) 657-3519. TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.