

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155

OFFICE OF THE
COMMISSIONER
612/296-2701

GENERAL
INFORMATION
612/296-6117

August 30, 1977

Michael B. Miller
Special Assistant
Attorney General
Department of Administration

Dear Mr. Miller:

Submitted for your approval is temporary rule DPW-49A. Enclosed are:

-Three copies of the proposed temporary rule DPW-49A as it appeared in the State Register of August 8, 1977 (Cite 2 S.R.234-235)

-Three copies of the adopted temporary rule DPW-49A

-An original and one copy of all correspondence received regarding the proposed temporary rule.

Chapter 326, Section 16, 1977 Session Laws required the adoption of the provisions contained in temporary rule DPW-49A by September 1, 1977.

After reviewing the comments received concerning proposed temporary rule DPW-49A, the Department has decided to adopt DPW-49A without any change in content. Please note the numbering change on the adopted rule DPW-49A. This change is necessary because amendments to Rule DPW-49 (with a revised numbering system in line with the State Register requirements) became effective August 22, 1977, during the 20-day comment period for proposed temporary rule DPW-49A. The sequence was this:

August 8, 1977 - Proposed temporary rule DPW-49A in State Register (Cite 2 S.R. 234-235)
August 15, 1977 - Amendments to Rule DPW-49 in State Register (adopted) (Cite 2 S.R. 245-247)
August 22, 1977 -Rule DPW-49 became effective five working days after State Register publication.

Please call me at 296-8403 if you have any questions concerning this submittal.

Sincerely,

Paul Zerby

Paul Zerby
Deputy Attorney General
Department of Public Welfare

PZ:RJH:sw

Enc.

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Adopted

Temporary Rule ~~as Proposed~~

DPW 49A Regulations for determining Welfare Per-Diem Rates for Nursing Home Providers Under the Title XIX Medical Assistance Program.

D. ~~W~~. Reasonable cost principles.

3. ~~C~~. General and administrative expenses. Reasonable cost criteria for general and administrative expenses are as follows:

d. ~~A~~. Other general and administrative costs.

(7)

[~~g~~. Advertising. Costs incurred in connection with maintaining or maximizing occupancy are allowable.]

(8)-(16)

(~~h.-p.~~ Unchanged)

(17) ~~q~~. Political contributions. Political contributions made by a health care facility or institution shall not be recognized as allowable.

(18) ~~r~~. Salary of a lobbyist. The salary of an individual in the employ of a facility shall be allowed without regard to whether said individual is involved in lobbying activities as defined in sec. 10A.01, subd. 11 if such lobbying directly relates to the licensed functions of the facility.

(19) ~~s~~. Advertising. Reasonable Yellow Pages listings, brochures, flyers, newsletters and other similar items which are primarily designed to describe the services, licensure, accreditation, staffing, and other similar matters concerning the facility are allowable costs.

(20) ~~t~~. Association dues. Association dues are allowable only if they directly relate to patient care. For purposes of this section, directly related to patient care means activity which the nursing home clearly demonstrates is a necessary part of the licensed or certified function of the nursing home or directly leads to improved quality of care or improved administrative operations.

Each association for which dues are claimed as an allowable cost must file annually with the department a statement summarizing its activities, its revenues generated by dues and its expenditure of funds received from dues payments. The percentage (up to 100%) of dues revenue which the association expends for direct care purposes as defined above will be allowed during the next year. The statement must be filed within 30 days of the end of the association's fiscal year except that in order for dues to be allowable effective September 1, 1977 each association must file such a statement by October 1, 1977 covering its most recently completed fiscal year. No expenditures by an association which would be unallowable for rate setting purposes will be considered directly related to patient care.

(21) ~~u~~. Legal fees. Fees incurred in unsuccessful legal challenges where a government agency is a party to the suit are not directly related to patient care and will not be allowed. A legal action is unsuccessful to the extent that the nursing home does not demonstrate it clearly prevailed on the issues litigated. Legal challenges include, but are not limited to, appeals regarding rates, licensure, and certification at all levels as well as direct court challenges.

(22) ~~v~~. Assessments levied by the Health Department for uncorrected violations. Assessments levied and collected by the Minnesota Health Department shall not be recognized as allowable costs.