

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Minn. Rule DPW 30: Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children

A. Pursuant to Minnesota Statutes, Section 252.27, this rule governs the administration of reimbursement to county welfare boards and human services boards for the cost of boarding care outside state institutions for children who are mentally retarded or epileptic or emotionally handicapped.

B. Definitions: For the purpose of these regulations, the following definitions shall be used:

1. "Child or Children" shall mean a person under 18 years of age.

2. "Emotionally Handicapped Child" shall mean any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24-hour treatment **or** supervision.

a. The determination of a psychiatric or other emotional disorder shall be the judgment of a psychiatric/mental health nurse with a master's degree, or social worker, or psychologist, or a consulting psychologist, or a psychiatrist.

b. Juvenile status offenses, such as the findings of juvenile delinquency, truancy, or runaway, shall not alone constitute a psychiatric or other emotional disorder.

c. A diagnosis of chemical dependency by reason of habitual and excessive use of intoxicating liquors, narcotics, or other drugs, shall not be the sole basis of a determination of a psychiatric or other emotional disorder.

3. "Mentally Retarded" shall mean any person who has been diagnosed mentally retarded consistent with the provisions of Minn. Rule DPW 185.

4. "Epileptic" means a person diagnosed as an epileptic by a licensed physician.

5. "State Agency" means the Commissioner of Public Welfare.

6. "County Agency" means county welfare boards and human services boards operating under and pursuant to the provisions of Minnesota Statutes Chapter 393 and 402.

7. "County of Financial Responsibility" means the county having the financial responsibility determined pursuant to Minnesota Statute, Section 256D.18.

8. "Social Worker" means any qualified person who is employed, whether on a full-time or part-time basis, to render professional social services to individuals, families, groups or communities.

9. "Cost of Care" includes all costs of the necessary care, treatment and training of the child that are appropriately provided in the boarding

care facility. These shall include care, board and room, training and treatment, supervision, medical, and miscellaneous expenses which are an integral part of the child's individual program plan and which are nonreimbursable pursuant to Section F.5 of this rule.

10. "Parent" means a father or mother, natural or adoptive. It also includes legal guardian appointed where the natural or adoptive parents are deceased or where their parental rights have been legally terminated.

11. "Temporary Care" means the placement, in a licensed facility for purposes of diagnostic services or boarding care, of a mentally retarded or epileptic child requiring 24-hour care and treatment, for a temporary period of time not to exceed 90 days within a 12-month period of time.

C. Parental Financial Responsibility:

1. Parents shall be responsible for reimbursing the county making payments for cost of care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

HOUSEHOLD SIZE

	2	3	4	5	6	7	8	9	10
$11,000 to 12,999	$15	$10	$ 5	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
13,000 to 14,999	30	25	20	15	10	5	0	0	0
15,000 to 16,999	45	40	35	30	25	20	15	10	5
17,000 to 18,999	60	55	50	45	40	35	30	25	20
19,000 to 20,999	75	70	65	60	55	50	45	40	35
21,000 to 22,999	90	85	80	75	70	65	60	55	50
23,000 to 24,999	105	100	95	90	85	80	75	70	65
25,000 to 26,999	120	115	110	105	100	95	90	85	80
27,000 to 28,999	125	125	125	120	115	110	105	100	95
29,000 to 30,999	125	125	125	125	125	125	120	115	110
31,000 and Over	125	125	125	125	125	125	125	125	125

2. Annual Gross Income shall mean income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; pensions and annuities; unemployment compensation; worker's compensation; alimony; child support; veteran's pensions; or any combination of the above sources of income.

3. The child in out of home care, the parents and other dependent children living in the parental home shall be counted as members of the household when determining the monthly fee to be charged to the financially responsible parent. Only one monthly fee shall be charged regardless of the number of children in out of home care from each household. No parents having a combined annual gross income of less than $11,000 shall be required to pay a fee. Parents may pay a greater amount. In addition to the monthly fee, parents shall be responsible for meeting the child's clothing and personal needs.

Exceptions:

(a) If the child has income or resources of his own, an amount not to exceed $30 per month from the child's income shall be used to meet the child's clothing and personal needs, and parents are relieved of this responsibility.

(b) If the parents' sole source of income is from receipt of Public Assistance, and the child has no income or resources of his own to meet his clothing and personal needs, $30 per month for clothing and personal needs may be charged to miscellaneous expenses under cost of care expenditures.

4. Parents shall cooperate with the county agency in matters pertinent to their child's eligibility for receipt of benefits under all federal programs and in efforts to recover insurance benefits. Third party reimbursements available to the parents on behalf of the child for costs incurred in training and treatment shall be paid to the county paying the cost of care.

5. In such cases where the child is placed in an Intermediate Care Facility for Mentally Retarded and is eligible under the Title XIX Medical Assistance Program, with a continuing spend-down requirement in excess of the parent's cost of care assessment pursuant to the cost of care fee schedule, the parent shall have the choice of applying for Title XIX or cost of care.

D. Child's Financial Responsibility:

1. If the child has unearned income or resources of his own, such as but not limited to Social Security, Supplemental Security Income (SSI), Veteran's Benefits, Railroad Retirement Benefits, Tribal Benefits, Military Serviceperson's Contributions, Union Benefits, or other retirement benefits, the parents, and/or the representative payee on behalf of the child, shall be responsible for reimbursing the county making payments for boarding care. Consistent with Minnesota Statute 252.27, in no case shall the child be responsible to reimburse the county making payments for boarding care an amount greater than $125 per month. The amount paid by the child does not relieve the parents of their financial responsibility.

Exception: If the child has unearned income or resources of his own, an amount not to exceed $30 per month shall be excluded when determining the financial responsibility of the child to reimburse the county making payments for boarding care. This excluded $30 per month shall be allowed to meet the child's monthly clothing and personal needs.

2. If the child has earned income from employment, the county agency shall allow the following deductions from the child's net earnings:

a. Actual costs related to earnings, such as transportation to and from work, special uniforms and shoes if required by the employer.

b. $30 per month for clothing and personal need items.

c. One-third of the child's earnings, after the deductions provided above, shall be excluded.

d. The remaining balance of available net income of the child shall be paid to the county making payment for the cost of care. In no case shall this payment from earned income exceed $125 per month.

E. Individual Program and Services Plan:

1. The county agency shall document in the child's case record a program and services plan for the child. This plan shall document:

a. That the child's residential, training, and treatment needs have been determined based on an evaluation of the child's capacities, his problems, and his needs considered in relationship to the family and community resources.

b. The reasons for removal of the child from the family home.

c. That the licensed facility selected for the child has a program plan directed toward meeting the child's needs.

d. The goals to be achieved within a specified period of time.

2. Continuance away from the family and the child's continued treatment needs shall be assessed annually and shall be recorded in the child's case record.

F. Reimbursement Requirements: Cost of care reimbursement shall be made to a county agency for mentally retarded, epileptic, or emotionally handicapped children who meet the following requirements:

1. The child has been diagnosed as mentally retarded, epileptic or emotionally handicapped on the basis of criteria herein defined.

2. The child is under 18 years of age.

3. The child lives in or has legal settlement in the State of Minnesota.

4. The child's parent, as herein defined, resides in the State of Minnesota or pays Minnesota Income Taxes.

5. The child is ineligible for payment of all or part of his boarding care costs through other resources such as Medical Assistance (Title XIX), General Assistance Medical Care (GAMC), AFDC, Title XX, Division of Vocational Rehabilitation, local school district, insurance, and the child and the parent fees as defined in Section C and D of this rule fail to cover the total cost of the boarding care. Reimbursement shall not be made for items reimbursed by other such programs or resources.

6. Boarding care is provided in a licensed facility as herein defined:

a. For mentally retarded or epileptic children, the boarding care is provided in a facility licensed pursuant to Minn. Rules DPW 1 and 34.

b. For emotionally handicapped children, the boarding care is provided in a facility licensed pursuant to Minn. Rules DPW 5 and 8, and subject to the priorities contained in Section H.7 of this rule.

c. For mentally retarded, epileptic or emotionally handicapped children placed in out-of-state facilities, the county agency shall verify, through contact with the State Agency, that the out-of-state facility meets proper licensing and program requirements.

7. When a child is under such dual commitments as might both be reimbursable, the reimbursement shall be on the basis of the earlier commitment. For example, in the case of a state ward of the Commissioner of Public Welfare placed in 24-hour care, reimbursement shall be from the guardianship account.

8. A redetermination of eligibility for reimbursement has been completed at least annually and recorded in the case record.

9. The costs of care for mentally retarded, epileptic, or emotionally handicapped children shall be paid by the county of financial responsibility as herein defined. The rate to be paid for boarding care shall be negotiated between the county agency and the licensed facility where the child is placed, except where the State Agency sets rates under the provisions of Minn. DPW Rule 52. This agreed upon rate shall be reduced to writing in the form of a placement agreement signed by both parties. This placement agreement shall be filed in the child's case record and may be renewed or negotiated on an annual basis.

10. In cases of "temporary care", all provisions of this rule shall apply the same as if the child were in long-term placement. The day of admission and the day of discharge may be counted as a day of care and treatment.

11. If the local agency elects to pay the licensed facility or other vendors for nonreimbursable items, it shall be the responsibility of the local agency to recover those costs from sources other than the appropriations covered by this rule.

G. Provisions Governing Claims for Reimbursement: Claims for reimbursement shall be processed in the following manner.

1. The county agency shall, on a quarterly basis, and on a form prescribed by the State Agency, submit the following information regarding each child for whom a claim of reimbursement is made:

a. Name of child.

b. Birthdate of child.

c. Child's social service eligibility code.

d. Name of licensed facility.

e. Period of out-of-home care covered.

f. Expenditures for cost of care.

g. Parent fee charged.

h. Child fee charged.

i. Date of latest determination of eligibility or board action.

j. Amount of claim which shall be shown as the reimbursable expenditures minus fees charged to parent and child.

k. Net claim which shall be shown as the amount of the claim less any applicable recoveries. Applicable recoveries shall include parent and child contributions in excess of the fees due, insurance payments, prior overpayments, canceled checks, and other receipts as specified by the county agency and approved by the State Agency.

2. The county agency shall apply recoveries in the following priority:

a. Parent and child fees due.

b. Reimbursable costs.

c. Nonreimbursable costs.

3. The county agency shall submit this quarterly report to the State Agency within 15 days of the end of each quarter, specifically no later than October 15, January 15, April 15, and July 15. Quarterly claims shall include only expenditures for services provided during the current fiscal year. Retroactive rate increases shall be considered current expenditures in the fiscal year in which they are granted by the State Agency. By August 31, the county agency shall submit any claims for expenditures for services provided during the prior fiscal year not previously reported.

4. The State Agency shall determine the rate of reimbursement in the following manner:

a. Calculate total first quarter net reimbursable claims;

b. Estimate total net claims for the year by multiplying the amount determined in "a" above by five;

c. For each account, established pursuant to G.6., divide the total appropriation by the estimate in "b" above;

d. Reimburse the first, second, and third quarter net claims at the percentage determined in "c." within 45 days of the end of each quarter.

e. Calculate total net claims for the year, the total allowable reimbursement, and make final settlement payments within 120 days of the close of the state fiscal year.

5. All local agencies shall be reimbursed at the same rate provided that reimbursement shall not exceed 70 percent of eligible costs claimed.

6. The State Agency shall maintain separate accounts for the Cost of Care appropriations: Cost of Care for Mentally Retarded/Epileptic; and Cost of Care for Emotionally Handicapped.

7. For purposes of the boarding care of emotionally handicapped children, facilities licensed under Minn. Rule DPW 8 shall be reimbursed only after cost of care expenditures of children in Minn. Rule DPW 5 licensed facilities have been reimbursed.

BR/hbp

APPROVED AS TO FORM AND LEGALITY
AUG. 21 1978
_____ 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Lee E. Shuby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 22 1978
Joan Anderson Growe
Secretary of State
9:23 AM

PROPOSED RULE

Minn. Rule DPW 30: Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children

A. Pursuant to Minnesota Statutes, Section 252.27, this rule governs the administration of reimbursement to county welfare boards and human services boards for the cost of boarding care outside state institutions for children who are mentally retarded or epileptic or emotionally handicapped.

B. Definitions: For the purpose of these regulations, the following definitions shall be used:

1. "Child or Children" shall mean a person under 18 years of age.

2. "Emotionally Handicapped Child" shall mean any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24-hour treatment and supervision.

a. The determination of a psychiatric or other emotional disorder shall be the judgment of a social worker, or psychologist, or a consulting psychologist, or a psychiatrist.

b. Juvenile status offenses, such as the findings of juvenile delinquency, truancy, or runaway, shall not alone constitute a psychiatric or other emotional disorder.

c. A diagnosis of chemical dependency by reason of habitual and excessive use of intoxicating liquors, narcotics, or other drugs, shall not be the sole basis of a determination of a psychiatric or other emotional disorder.

3. "Mentally Retarded" shall mean any person who has been diagnosed mentally retarded consistent with the provisions of Minn. Rule DPW 185.

4. "Epileptic" means a person diagnosed as an epileptic by a licensed physician.

5. "State Agency" means the Commissioner of Public Welfare.

6. "County Agency" means county welfare boards and human services boards operating under and pursuant to the provisions of Minnesota Statutes Chapter 393 and 402.

7. "County of Financial Responsibility" means the county having the financial responsibility determined pursuant to Minnesota Statute, Section 256D.18.

8. "Social Worker" means any qualified person who is employed, whether on a full-time or part-time basis, to render professional social services to individuals, families, groups or communities.

9. "Cost of Care" includes all costs of the necessary care, treatment and training of the child that are appropriately provided in the boarding

care facility. These shall include care, board and room, training and treatment, supervision, medical, clothing and personal needs, and miscellaneous expenses which are an integral part of the child's individual program plan and which are nonreimbursable pursuant to Section F.5 of this rule.

10. "Parent" means a father or mother, natural or adoptive. It also includes legal guardian appointed where the natural or adoptive parents are deceased or where their parental rights have been legally terminated.

11. "Temporary Care" means the placement, in a licensed facility for boarding care, of a mentally retarded or epileptic child requiring 24-hour care and treatment, for a temporary period of time not to exceed 90 days within a 12-month period of time.

C. Parental Financial Responsibility:

1. Parents shall be responsible for reimbursing the county making payments for boarding care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

HOUSEHOLD SIZE

	2	3	4	5	6	7	8	9	10
$11,000 to 12,999	$15	$10	$ 5	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
13,000 to 14,999	30	25	20	15	10	5	0	0	0
15,000 to 16,999	45	40	35	30	25	20	15	10	5
17,000 to 18,999	60	55	50	45	40	35	30	25	20
19,000 to 20,999	75	70	65	60	55	50	45	40	35
21,000 to 22,999	90	85	80	75	70	65	60	55	50
23,000 to 24,999	105	100	95	90	85	80	75	70	65
25,000 to 26,999	120	115	110	105	100	95	90	85	80
27,000 to 28,999	125	125	125	120	115	110	105	100	95
29,000 to 30,999	125	125	125	125	125	125	120	115	110
31,000 and Over	125	125	125	125	125	125	125	125	125

2. Annual Gross Income shall mean income, prior to any deductions, received from wages or salary; net income from self-employment; net farm income; Social Security payments; dividends, interest, rent received, or royalties; pensions and annuities; unemployment compensation; worker's compensation; alimony; child support; veteran's pensions; or any combination of the above sources of income.

3. The child in out of home care, the parents and other dependent children living in the parental home shall be counted as members of the household when determining the monthly fee to be charged to the financially responsible parent. Only one monthly fee shall be charged regardless of the number of children in out of home care from each household. No parents having a combined annual gross income of less than $11,000 shall be required to pay a fee. Parents may pay a greater amount. In addition to the monthly fee, parents shall be responsible for meeting the child's clothing and personal needs.

Exception: If the child has income or resources of his own, an amount not to exceed $30 per month from the child's income shall be used to meet the child's clothing and personal needs, and parents are relieved of this responsibility.

4. Parents shall cooperate with the county agency in matters pertinent to their child's eligibility for receipt of benefits under all federal programs and in efforts to recover insurance benefits. Third party reimbursements available to the parents on behalf of the child for costs incurred in training and treatment shall be paid to the county paying the cost of care.

5. In such cases where the child is placed in an Intermediate Care Facility for Mentally Retarded and is eligible under the Title XIX Medical Assistance Program, with a continuing spend-down requirement in excess of the parent's cost of care assessment pursuant to the cost of care fee schedule, the parent shall have the choice of applying for Title XIX or cost of care.

D. Child's Financial Responsibility:

1. If the child has unearned income or resources of his own, such as but not limited to Social Security, Supplemental Security Income (SSI), Veteran's Benefits, Railroad Retirement Benefits, Tribal Benefits, Military Serviceperson's Contributions, Union Benefits, or other retirement benefits, the parents, and/or the representative payee on behalf of the child, shall be responsible for reimbursing the county making payments for boarding care. Consistent with Minnesota Statute 252.27, in no case shall the child be responsible to reimburse the county making payments for boarding care an amount greater than $125 per month. The amount paid by the child does not relieve the parents of their financial responsibility.

Exception: If the child has unearned income or resources of his own, an amount not to exceed $30 per month shall be excluded when determining the financial responsibility of the child to reimburse the county making payments for boarding care. This excluded $30 per month shall be allowed to meet the child's monthly clothing and personal needs.

2. If the child has earned income from employment, the county agency shall allow the following deductions from the child's net earnings:

a. Actual costs related to earnings, such as transportation to and from work, special uniforms and shoes if required by the employer.

b. $30 per month for clothing and personal need items.

c. One-third of the child's earnings, after the deductions provided above, shall be excluded.

d. The remaining balance of available net income of the child shall be paid to the county making payment for the cost of care. In no case shall this payment from earned income exceed $125 per month.

E. Individual Program and Services Plan:

1. The county agency shall document in the child's case record a program and services plan for the child. This plan shall document:

a. That the child's residential, training, and treatment needs have been determined based on an evaluation of the child's capacities, his problems, and his needs considered in relationship to the family and community resources.

b. The reasons for removal of the child from the family home.

c. That the licensed facility selected for the child has a program plan directed toward meeting the child's needs.

d. The goals to be achieved within a specified period of time.

2. Continuance away from the family and the child's continued treatment needs shall be assessed annually and shall be recorded in the child's case record.

F. Reimbursement Requirements: Cost of care reimbursement shall be made to a county agency for mentally retarded, epileptic, or emotionally handicapped children who meet the following requirements:

1. The child has been diagnosed as mentally retarded, epileptic or emotionally handicapped on the basis of criteria herein defined.

2. The child is under 18 years of age.

3. The child lives in or has legal settlement in the State of Minnesota.

4. The child's parent, as herein defined, resides in the State of Minnesota or pays Minnesota Income Taxes.

5. The child is ineligible for payment of all or part of his boarding care costs through other resources such as Medical Assistance (Title XIX), General Assistance Medical Care (GAMC), AFDC, Title XX, Division of Vocational Rehabilitation, local school district, insurance, and the child and the parent fees as defined in Section C and D of this rule fail to cover the total cost of the boarding care. Reimbursement shall not be made for items reimbursed by other such programs or resources.

6. Boarding care is provided in a licensed facility as herein defined:

a. For mentally retarded or epileptic children, the boarding care is provided in a facility licensed pursuant to Minn. Rules DPW 1 and 34.

b. For emotionally handicapped children, the boarding care is provided in a facility licensed pursuant to Minn. Rules DPW 5 and 8, and subject to the priorities contained in Section H.7 of this rule.

c. For mentally retarded, epileptic or emotionally handicapped children placed in out-of-state facilities, the county agency shall verify, through contact with the State Agency, that the out-of-state facility meets proper licensing and program requirements.

7. When a child is under such dual commitments as might both be reimbursable, the reimbursement shall be on the basis of the earlier commitment. For example, in the case of a state ward of the Commissioner of Public Welfare placed in 24-hour care, reimbursement shall be from the guardianship account.

8. A redetermination of eligibility for reimbursement has been completed at least annually and recorded in the case record.

9. The costs of boarding care for mentally retarded, epileptic, or emotionally handicapped children shall be paid by the county of financial responsibility as herein defined. The rate to be paid for boarding care shall be negotiated between the county agency and the licensed facility where the child is placed, except where the State Agency sets rates under the provisions of Minn. DPW Rule 52. This agreed upon rate shall be reduced to writing in the form of a placement agreement signed by both parties.

This placement agreement shall be filed in the child's case record and may be renewed or negotiated on an annual basis.

10. In cases of "temporary care", all provisions of this rule shall apply the same as if the child were in long-term placement. The day of admission and the day of discharge may be counted as a day of care and treatment.

11. If the local agency elects to pay the licensed facility or other vendors for nonreimbursable items, it shall be the responsibility of the local agency to recover those costs from sources other than the appropriations covered by this rule.

G. Provisions Governing Claims for Reimbursement: Claims for reimbursement shall be processed in the following manner.

1. The county agency shall, on a quarterly basis, and on a form prescribed by the State Agency, submit the following information regarding each child for whom a claim of reimbursement is made:

a. Name of child.

b. Birthdate of child.

c. Child's social service eligibility code.

d. Name of licensed facility.

e. Period of boarding care covered.

f. Charges for boarding care.

g. Parent fee charged if any.

h. Child fee charged if any.

i. Date of latest determination of eligibility or board action.

j. Amount of reimbursable claim which shall be shown as the gross reimbursable costs minus fees charged to parent and child.

k. Net reimbursable claim which shall be shown as the reimbursable claim less any applicable recoveries. Applicable recoveries shall include receipts of parent and child fees, parent and child contributions in excess of the fees due, insurance payments, prior overpayments, canceled checks, and other receipts as specified by the county agency and approved by the State Agency.

2. The county agency shall apply recoveries in the following priority:

a. Current parent and child fees due.

b. Reimbursable costs of boarding care.

c. Nonreimbursable costs of boarding care.

d. Past due parent and child fees.

3. The county agency shall submit this quarterly report to the State Agency within 15 days of the end of each quarter, specifically no later than October 15, January 15, April 15, and July 15. No claims will be considered for reimbursement if received by the State Agency 60 days after the close of the fiscal year for services provided during the fiscal year just ended.

4. The State Agency shall determine the rate of reimbursement in the following manner:

a. Calculate total first quarter net reimbursable claims;

b. Estimate total net reimbursable claims for the year by multiplying the amount determined in "a" above by five;

c. For each account, divide the total appropriation by the estimate in "b" above;

d. Reimburse the first, second, and third quarter net reimbursable claims at the percentage determined in "d." within 45 days of the end of each quarter.

e. Calculate total net reimbursable claims for the year, the total allowable reimbursement, and make final settlement payments within 120 days of the close of the state fiscal year.

5. All local agencies shall be reimbursed at the same rate provided that reimbursement shall not exceed 70 percent of eligible costs claimed.

6. The State Agency shall maintain separate accounts for the Cost of Care appropriations: Cost of Care for Mentally Retarded/Epileptic; and Cost of Care for Emotionally Handicapped.

7. For purposes of the boarding care of emotionally handicapped children, facilities licensed under Minn. Rule DPW 8 shall be reimbursed only after boarding care costs of children in Minn. Rule DPW 5 licensed facilities have been reimbursed.

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RECEIVED
MAR 13 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rule be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on April 17, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in State Register.

Edward J. Dirkswager, Jr.
EDWARD J. DIRKSWAGER, JR.
Commissioner

Date: February 28, 1978

Depts Exhibit No. B
File No.
Date

RECEIVED
MAR 13 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on April 17, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 55104, (612) 296-8112, either before the hearing or within five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

Proposed Rule 30 combines Minn. Rules DPW-30 and 33, and replaces Minn. Temporary Rules DPW-30a and 33a, governs the administration of reimbursement to county welfare boards and human service boards for the costs of boarding care outside state institutions for children between birth and eighteen years of age who are mentally retarded, epileptic or emotionally handicapped. Following an extensive definition section, this rule includes the following provisions: 1) determination of parental financial responsibility; 2) a sliding fee schedule based upon household size and income; 3) determination of child financial responsibility; 4) provisions for temporary care of up to 90 days; 5) requirements for an individual program and services plan for the child placed outside of his own home; 6) reporting requirements for local agencies; 7) reimbursement requirements for eligible claims; 8) the method and times of State Agency reimbursement; 9) establishment of a priority for application of recoveries; 10) establishment of a priority of reimbursement based upon licensure status of the residential facility, and 11) establishment of two separate accounts for the reimbursement of monies from the State appropriations.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Sandra Erickson, Division of Social Services, Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota, 55155, (612) 296-3954. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rule is contained in Minn. Stat. 252.27. A "statement of need" explaining why the agency feels the proposed rule is necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Depts Exhibit No. C
File No.
Date

Please be advised that Minn. Stat. Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone number (612) 296-5615.

Edward J. Dirkswager Jr.

EDWARD J. DIRKSWAGER, JR.
Commissioner

Dated: February 15, 1978

RECEIVED
MAR 16 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

CERTIFICATE OF DELIVERY SECRETARY OF STATE'S LIST

I hereby certify that the attached 485 labels, 4 sheets sheets constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock A .M. this 8th day of March, 1978, have requested pursuant to M.S. 1976 Sec. 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

BY Cheri L. Mattson

Dept's Exhibit No. 4

File

Date

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Barbara D. Gill, do hereby declare that I have examined proposed Rule 30 and all related documents and that, based upon them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Barbara D. Gill

BARBARA D. GILL

Dated: July 24, 1978

DPW-78-045-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on April 17, 1978, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Public Welfare on June 5, 1978; and

WHEREAS, the Department of Public Welfare has now determined to adopt the rule pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Public Welfare has submitted said rule to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rule is not substantially different from that proposed at the public hearing and that the Department of Public Welfare has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Public Welfare has the responsibility of submitting the complete hearing record and the rule as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 21st day of July, 1978.

By: George A. Beck
GEORGE A. BECK
Hearing Examiner

For: DUANE R. HARVES
Chief Hearing Examiner

DPW-78-045-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN.

SUPPLEMENT REPORT OF HEARING EXAMINER

The Order Adopting the Rule issued July 19, 1978, rejected Findings numbered 8 and 10 of the Report of Hearing Examiner. Minn. Stat. § 15.0412, subd. 1, provides in part:

> "No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect."

For the reasons pointed out in the Commissioner's Order, the Examiner is convinced that the definitions previously rejected in Findings 8 and 10 are necessary and reasonable and that, to the extent they repeat statutory language, that duplication is crucial to the ability of persons affected by the rule to comprehend its meaning and effect.

Dated this 21st day of July, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

RECEIVED
MAR 13 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rule be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on April 17, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in State Register.

Edward J. Dirkswager, Jr.
EDWARD J. DIRKSWAGER, JR.
Commissioner

Date: February 28, 1978

Depts Exhibit No. B
File No.
Date

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ADDRESS TEST ADDRESS
CITY TESTCITY MN
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AHOLA DEBRA
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ST PAUL MN
55102

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

ALLERS JOHN
1501 W 80TH ST SUITE210
BLOOMINGTON MN
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AMER CAMPING ASSN
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MINNETONKA MN
55343

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DULUTH MN
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ARROWHEAD REG. DEV COMM.
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DULUTH MN
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ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECK PAT
953 HYACINTH AVE
ST PAUL MN
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ALLEN M KARLS
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160 STATE OFF BLDG
ST PAUL MN
55155

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD REGIONAL DEV COMM
200 ARROWHEAD PLACE
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55802

ASMUSSEN,DENNIS,MPIRG
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MPLS MN
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ASSN RESIDENCES FOR RETARDED
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55103

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BARRETT FRED
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DULUTH MN

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ANOKA MN
55303

2025 THOMPSON AVE
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BENDA GEORGE
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ALPHS MN
56111

BERGERUD ALF
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NEW BRIGHTON MN
55112

BLADIN PAPER CO W J LICKE
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GRAND RAPIDS MN
55744

BOLTON MALCOLM
422 ALDRICH AVE NO
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BOWMAN & BRUNS ATTN P MAS
1616 PIONEER BLDG
ST PAUL MN
55101

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BROWN H D
4961 KINGSBERRY LANE
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55101

BUCHHOLTZ CHARLES
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INV GRV HTS MN
55075

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CHERCHES CHRIS CITY MGR
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ST LOUIS PARK MN
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CHRISTIANSEN FREDRIK
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CHRYSALIS CENTER FOR WOME
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MPLS MN
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CITY OF ROBBINSDALE
C LARSON 4221 LAKE RD
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CHASKA MN
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ST LOUIS CO COURT HOUSE
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BELLE PLAINE MN
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MPLS MN
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BLOMQUIST BARRY L

NORTH BRANCH MN
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2215 W OLD SHAKOPEE RD
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BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRICK PHILIP D
807 SELLWOOD BLDG
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BROOKS WILLIAM F JR
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CAIN RUTH
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CAIRNS JOHN A
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MPLS MN
55402

CARRISON DALE K
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CLAWSON CONNIE
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MPLS MN

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT CO
5TH FLR METRO SQ BLDG
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55101

CROW WING CO PLANNING & ADV
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BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
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DAILEY THOMAS ECONOMICS LAB
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MPLS MN
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421 WABASHA ST
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PERHAM MN
56573

EICHTEN DANIEL
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WHITE BEAR LK MN
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NEW JERSEY

EWING MRS WM
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FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
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FILTER LOREN
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BRITT MN
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8138 HENSLOWE AVE S
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FOX W.E. LINDQUIST & VEVON

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ISANTI MN
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MPLS MN
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DANIELSON RODNEY L
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ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

ELDER DR JAMES B
11140 WASHBURN AVE SO
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ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
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ENNIS A F BOISE CASCADE
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ENV SERV-GEN RESOURCE CORP
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ETHICS COMM
RM 410 STATE OFF BLDG
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FAEGRE & BENSON ATTN LIBR
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FARSETH PAUL FOOD STAMPS PRO
WELFARE DEPT 690 N ROBT
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FELHABER R S
W 1ST NATL BANK BLDG
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FINNEGAN J.R.
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GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

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55408

GREATER MET AREA HOSPITAL
5152 CEDAR AVE S
MPLS MN
55417

GREEN JANET
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DULUTH MN
55804

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HAROLD J WESTIN CONSTRUCT
45 E 8TH ST
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HAYES, THOMAS W
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HART PATRICK V
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56001

MENT

HEAD & TRUHN
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56601

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55408

FITZ
8136
COTT
5501

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORS
518
NEW
5607

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDL
RR 4
CANB
5622

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GEO A
PO BO
AUSTI
55912

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GLEN. HILLS HOSP.R.VAN HAUER
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GODIN
3824
MPLS
55406

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANA
2701
MPLS
55408

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
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ST PAUL MN
55102

GREEN
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DULUT
55804

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55440

HAYES
700 SE
DULUT
55812

HARTFELDT WILL
434 HAMM BLDG
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55102

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD &
1007 S
MPLS
55402

HEALTH MANPOWER C LARSON
[illegible] DELAWARE ST SE
MN

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARIN
1745
ST PA

HEARING EX.OFF. M GREENBERG
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55104

HEIM PAUL M
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55402

HENDRICKSON A WM
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56082

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55337

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55101

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55410

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55165

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
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55164

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 POWEL HALL U OF M MN
MPLS

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MPLS MN
55440

HEANEY BILL
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DULUTH MN
55802

HEISENFELT WM
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BEMIDJI MN
56601

HELTZER JAMES DAYTON HUDSON
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MPLS MN
55402

HINRICHSEN PATRICK
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MANKATO MN
56001

HOLEY GEORGE
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FARIBAULT MN
55021

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55165

HOLT JOHN
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FARIBUALT MN
55021

HULSTRAND ANDERSON & LARSON
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56201

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

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ANOKA MN
55303

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1501 W 50TH ST
MPLS MN
55419

IMS PAUL

ECHO MN

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

JONES C NORTHSIDE RES REDEV
1800 OLSON MEMORIAL HWY
MPLS MN
55411

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY
ST CLOUD STATE
ST CLOUD MN
56301

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KUHL CARL
4421 4TH ST NE
COL HEIGHTS MN
55421

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MADSON HUGH
AETNA 212 S 6TH ST
MPLS MN
55402

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENA
CENTENNIAL STUDENT UN
MANKATO MN
56001

MARRINAN MARGARET M
1117 COMMERCE BLDG
ST PAUL MN
55101

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCNEILLY GREG MNDSVIEW ED AS

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCNEILLY GREG MNDSVIEW ED AS
41 SHERBURNE AVE
ST PAUL MN
55103

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN ASSN WATERSHED DIST
ADA MN
56510

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HEREFORD-LJ SCHAFER
BUFFALO LAKE MN
55314

MINN LAND USE COMMITTEE.
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AG
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE EMP UNION COUN
236 E PLATO BLVD
ST PAUL MN
55107

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN WATER RESOURCES BD

MINN-WISC BOUNDARY AREA C

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINNESOTA FARMERS UNION
1717 UNIVERSITY AVE
ST PAUL MN
55104

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MAYO FOUNDATION G CRWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MILLER M ADMIN AGENCIES DIV
G19K STATE ADM BLDG
ST PAUL MN
55155

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

TEM

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA C
600 2ND ST
HUDSON WI
54016

N

MN AFL-CIO L.O. LASHOMB
175 AURORA
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

DIS

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOOD R BLOOMINGTON HLTH D
10200 PENN SQ
BLOOMINGTON MN
55431

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MURPHY PATRICK SSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

MURPHY PATRICK DUFFY
1440 SUMMITT AVE
ST PAUL MN
55105

SP

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NELSON JOHN
4809 180TH ST N
HUGO MN
55038

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

ER

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

O'CONNELL RAY
MN GAS CO 733 HARD AVE
MPLS MN
55402

INC

OLSON KATHLEEN

OTTER TAIL POWER CO.
215 S. CASCADE ST.

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN
DEGRAFF MN
56233

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERV
459 RICE ST
ST PAUL MN
55103

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

PORTER LYLE O
TRACY MN
56175

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

[illegible] SCHAFER
[illegible] MN

REID DAVID H
6469 N GRAHAM RD .
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS MN
55455

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

[illegible] STEPHEN
[illegible] 15TH AVE S
MPLS MN
[illegible]

[illegible] STENSON

SE MN REG DEV COMM

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PARKER SANDY
7480 CHANHASSEN ROAD
EXCELSIOR MN
55331

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PROCTOR&GAMBLE L THEOHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
7710 COMPUTER #S101
MPLS MN
55435

REAGAN MICHAEL
% MINN LEARNING CTR.
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG

SANFORD S M
7009 PORTLAND AVE
MN

ROWLEY STEPHEN
4305 15TH AVE S
MPLS MN
55407

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT WARREN WELLCOME MH5
GARDEN CITY
MN
56034

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SELECTVISION INC FR VALENTIN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SMITH MICHAEL
128 PLEASANT STREET SE
MPLS MN
55455

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCHMIDT D R MN ASSN REALT
6101 WAYZATA BLVD
MPLS MN
55416

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUNSEL OFFICE
ROOM 480 STATE OFF BLDG.
ST PAUL MN
55055

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

STANSFIELD ARLENE LAND D
PO BOX 116
MPLS MN
55440

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SIAS JACK W
BOX 4366-1573 SELBY AVE
ST PAUL MN
55104

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUMMIT NATL BANK D L MORRILL

SUSSEL CO.ATTN:TED SCHWENKER

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STCC
780 NORTHSTAR CNTR
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

WALTERS THOS H
4510 W 77TH ST STE 235.
MPLS MN
55435

WALZ SAM CO ADMINISTRATIO
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WHITLOCK MARSHALL
RM 3 CAPITOL BLDG
ST PAUL MN
55155

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
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55912

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
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55108

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EDINA MN
55410

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ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
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MPLS MN
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2829 UNIV SE SUITE 304
MPLS MN
55414

VANDERVCORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
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55408

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55119

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609 PROVIDENCE BLDG
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RM 252 FEDERAL BLDG
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WELLINGTON R R SKELLY OIL
PO BOX 1650
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WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

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55055

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WILSON R GARY PPG INDUSTR
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PITTSBURGH PA
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WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WYANT CLINTON W ATTY

AITKIN MN

WYANT CLINTON W ATTY

ATKIN MN
56431

ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

Please Note:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO
NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS
AND
PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

The Following Names on the General Mailing List can be sent through Interoffice Mail

Anti-Trust Div., Attorney General, 160 State Office Bldg.

Brubacher, Richard, Comm. Adm., 208 Adm. Bldg.

Christiansen, Fredrik, Rm 505, Capitol Square Bldg.

Coleman, Nicholas, 208 State Capitol

Consumer Services Dept. Comm., 5th Floor, Metro Square Bldg.

Develop Disabilities Programs, State Plan, 101 Capitol Square Bldg.

Dispatch Pioneer Press, Press Rm, State Capitol

Ethics Comm., Rm 410, State Office Bldg.

Farseth, Paul, Welfare Dept., 690 N Robert Street, St. Paul

Giel, David, Rm B-28, State Capitol

House Appropriations Comm., Rm 109 State Capitol

Human Rights, 200 Capitol Square Bldg.

Human Services 414 Lafayette Rd., 5th Floor

Leg. Ref. Lib-Z. Dewitt, Rm 111, State Capitol

Levey, Jess, Met. State Univ., Metro Square Bldg., Rm 121

McLellan, Larkin, 215 Adm. Bldg. St. Capitol

Malone, E.I., Comm. Labor & Industry, 444 Lafayette Rd., 5th Floor

Met. Waste Control Comm., 350 Metro Square Bldg.

Metropolitan Council Library, 300 Metro Square

Miller, Michael, Admin. Agencies Div., G19K State Admin. Bldg

Minn Comm for Handicapped, Metro Square

Minn Pollution Control Agency, 1935 W Co Rd B2, Roseville

Minn State Retirement System, 529 Jackson St

Minn Water Resources Bd, Rm 206, 555 Wabasha St.

Mpls Star Press Room, State Capitol

Office of the Governor, 130 State Capitol

St. Paul Bur Hlth Dr P Cox, 555 Cedar St.

Schmidt, H.W. Teachers Retirement, 302 Capitol Square Bldg.

Schutz, Linda, Rm 328 Capitol Bldg.

Senate Coun. Office, Room 480, State Office Bldg.

Senate Finance Comm., 121 State Capitol

Senate Gov. Op. Comm. Rm 303, State Capitol

Senator Robert J. Tennessen, 309 State Capitol

Vandervoort, T.J., Met. Waste, 350 Metro Square Bldg.

Whitlock, Marshall, Rm. 3, State Capitol

llin, Kent, Welfare Advocacy Unit., 370 Selby Avenue, St Paul 55102

noka County Comprehensive Health Dept., Courthouse, Anoka 55303

lade, Joe, Mpls Star, 425 Portland Avenue, Mpls

BRUCE, Charles, 4812 Nokomis Avenue South, Minneapolis 55417

hildren's Placement Service, Amherst H. Wilder Foundation, 919 Lafond Ave, St Paul 55104

lark, Edward 26043, Box 55, Stillwater 55082

ommunity Mental Health Bd of the Northern Pines Mental Health Ct., 103-105 1st St SE, Little Falls 56345

ooper, Laura Prof., U of M Law School, Room 125, Fraser Hall, M-ls 55455

urtis E. Louis (cr.) Prof. Education U of M, Morris 56267

ale, Randy L., Immanuel-St Joseph Hospital, Mankato 56001

amon Corp., Attn: B.G. Goodman, 115 4th Avenue, Needham Heights, Mass. 02194

ollander, Eugene, 2110 E. Center, Rochester 55901

riesen, Miller A., Hiawatha Valley Mental Health Ct., Box 619, Winona 55987

oldberg, Paula, 5315 James Avenue South, Mpls 55419

ray - Fiess, Katherine, Human Development Project, 2626 Park Ave, Mpls 55407

elmer, Daryl, 414 South 8th Street, Mpls 55404

iawatha Valley Mental Health Center, 76 East 4th Street, Winona 55987

Karlins, Miriam, 6450 York Avenue South, Mpls 55435

Kurtz, Kirsten, MN Nurses Association, 1821 Univ. Avenue, St Paul 55104

Laher, Byron, Mpls United Way 404 South 8th Street, Mpls 55404

Legal Aid Society, 501 Park Avenue, Mpls 55415

Local #34, AFSC & MC, Box 2016, Commerce Station, Mpls 55415

Long, Nicholas (Dr.), 407 Medical Arts Bldg., Mpls 55402

Lutheran Soc. Service, Attn: H.L. Paulsen, 2414 Park Avenue South, Mpls 55404

Metro Community Health Consortium, 1729 Nicollet Avenue, Mpls 55403

Minneapolis & Hennepin County Mental Health Clinic, 619 S 5th St, Mpls 55415

MN Arrowhead Dist. Council #96, 211 W 2nd St, Duluth 55802

MN Association for Education of Young Children, Room 373, S Griggs Midway, 1821 Univ., St Paul 55104

MN Association of Health Care Facilities, 2850 Metro Drive, Suite 431, Mpls 55420

MN Legislative Comm of Blind, 1605 Eustis, St Paul 55108

MN Recipients Alliance, 116 East 32nd Street, Mpls 55404

MN State Pharmaceutical Association, 2388 Univ. Avenue, St Paul 55104

MN Valley Soc. Adaptation Center, AttN: M. Jones 100 Freeman Drive, St Peter 56082

Mitchell, Malcolm, Met Health Bd., 300 Metro Sq. Bldg., 7th & Robert, St Paul

Moratzka, Timothy 1304 Vermillion Street, Hastings 55033

Neff, Walter S. (Dr.), Virginia 55792

Northland Mental Health Center, 415 South Pokegema, Grand Rapids 55744

N.W. Mental Health Center, Inc., Box 603, Crookston 56716

Rosenthal, Robert F., Hospital Adm. 2110 E Center Street, Rochester 55901

Sister Letitia M. Close, B.V.M., 415 Summit Avenue, St Paul 55102

Southwestern Mental Health Center, 306 North McKenzie Street, Luverne 56156

Sweeney, Mrs. Michael, 702 North Oakley, Luverne 56156
Swift, Harold A., 5146 North St Albans, St Paul 55112

Upper Mississippi Mental Health Center, Attn: Dr. Howard C. Reid, 510 Beltrami, Bemidji

Usher, Janice, Isanti Cty, Public Health Nursing Serv., 237 SW 2nd, Cambridge 55008

Veterans Affairs, Veterans Service Bldg., St Paul 55155

Walton, Ellen, 5851 Duluth Street, Suite 219, Mpls 55422
Walz, Robert, Dir.Budgets & Programs, Anoka Cty Courthouse, Anoka 55303
Wentland, Julia, 4121 Nevada Ave N, Apt. 4, New Hope 55427

West Central Mental Health Center, 323 W 6th St, Willmar 56201

ADDITIONAL NAMES FOR THE GENERAL LIST

Rauenhorst Corp. - Ronald G. Kirk, 7900 Xerxes S., S-2200, Mpls 55431

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Rec'd
3/16/78 SM

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

DIANE L. HENDERSON, being duly sworn on oath deposes and says:

1) That she is an employee of the Special Services Division of the Department of Public Welfare for the State of Minnesota.

2) That on the 8th day of March, 1978, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 8th day of March, 1978, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Diane Lynn Henderson

Subscribed and sworn to before me
this 9th day of March,
1978.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

Dept's Exhibit No. G
File No.
Date

Recd
3/16/78
Sen

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF MAILING

DIANE LYNN HENDERSON, being first duly sworn, deposes and says:

That on the 9th day of March, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Diane Lynn Henderson

Subscribed and sworn to before me this
9th day of March, 1978

Notary Public,
Ramsey County, Minnesota
My Commission expires Sept 22, 1984

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

Dept's Exhibit No. I
File No.
Date

Recd 3/16/78 Sm

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF ADDITIONAL MAILING

DIANE LYNN HENDERSON, being first duly sworn, deposes and says:

That on the 9th day of March, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to mailing the attached Notice of Hearing to all persons and associations listed on the Secretary of State's list, she also served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid to the following agencies:

All Minnesota County Welfare Departments
All Minnesota Human Service Boards
All Minnesota Area Mental Health Boards
All Minnesota State Hospitals
9 Extra Mailings on Attached List

Diane Lynn Henderson

Subscribed and sworn to before me
this 9th day of March
Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

Dept's Exhibit No. J
File No.
Date

Ms. Kay Nee, Executive Director of MN. Assoc. of Voluntary Social Service Agencies

Association of Minnesota Counties

Mr. Harold Topper, Director of Assoc. of Residences for the Retarded in Minnesota

Ms. Ann Henry, Attorney-at-Law, Legal Advocacy for the Developmentally Disabled

Mr. Robert Tuttle, MN Assoc. for Retarded Citizens, Inc.

Mr. Jeff Levy, Metro State University

Ms. Sandra Sickler, Payment Counselor, Hennepin County Welfare Department

John L. Doman, Director of St. Cloud Children's Home

Verlyn R. Wenndt, Director of Bar-None Boy's Ranch

RECEIVED
MAR 16 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
COMMISSIONER OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

STATEMENT OF NEED

The above-captioned Rule is a single new rule governing reimbursement to local county welfare boards and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. Current rules governing reimbursement are Minnesota Rules DPW 30 and 33, and Temporary Rules DPW 30a and 33a. This Rule is authorized by Minnesota Statute 252.27 (1976), as amended by Minnesota Laws 1977, ch. 331. This Rule is necessary to comply with legislative mandate, to bring current rules up to date with new legislation, and to assure uniform implementation of eligibility requirements and to allow for reimbursement from state appropriations.

An appropriation to allow for reimbursement for the cost of care of mentally retarded or epileptic children placed in residential treatment outside state institutions was established by the Minnesota Legislature in 1969 through amendment of Minnesota Statutes, Chapter 252. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 30 was promulgated on July 1, 1969. Two years later, during the 1971 Legislative Session, Minnesota Statute, Section 252.27 was amended to include the emotionally handicapped child and a second, separate appropriation of money was made available for reimbursement. This law was enacted because of the concurrent closing of the Minnesota Residential Treatment Center, a state institution serving the emotionally handicapped child under age 12. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 33 was promulgated on December 14, 1971. In compliance with legislative intent to reimburse the costs of residential treatment of children under age 12, Minnesota Rule DPW 33 fixed a "priority" of reimbursement, i.e., the residential treatment costs of children, birth to 12 years of age in Minnesota Rule DPW 5 child-caring institutions, were reimbursed to the maximum percentage allowed by the law and any monies remaining in the appropriation could then be applied to reimburse the costs of residential treatment of the emotionally handicapped child, age 12 to their 18th birthday, placed in Minnesota Rule DPW 5 child-caring institutions. Child-caring institutions licensed under Minnesota Rule DPW 5 were specifically allowed under the provisions of Minnesota Rule DPW 33 because they most closely approximated the level of care, treatment, and supervision that was provided by the state facility, Minnesota Residential Treatment Center at Lino Lakes, Minnesota.

Dept's Exhibit No. K
File No.
Date

From the inception of these cost of care appropriations, 1969 and 1971 respectively, the Law, Minnesota Statute, Section 252.27, Subdivision 2, mandated that the financial responsibility of the parent and the child to contribute toward the cost of care be determined "on the same basis as if the child were in a state institution for the mentally retarded, epileptic or emotionally handicapped, as provided in Sections 246.51 to 246.52 except that this provision is not applicable to mentally retarded, epileptic, or emotionally handicapped children, 18 years of age and older." Thus, the financial responsibility of parents earning $4,000 per year or more was fixed at ten percent of the cost of care, but not to exceed $60 per month. The financial responsibility of the patient (child) to contribute was based upon the ability of the patient to first meet his full cost of care from his own income or resources.

During the 1977 Legislative Session, Minnesota Statute 252.27 was amended to exclude the provisions of Section 246.51 and 246.52 and to provide that the Commissioner of Public Welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay.

On July 25, 1977, Temporary Minnesota Rules DPW 30a and 33a were published in the State Register, Vol. 2, No. 3, pp. 132-134. These temporary rules were adopted as of September 8, 1977, with the amendments as published in the State Register, Vol. 2, No. 14, p. 754, October 11, 1977. In the State Register of Monday, November 7, 1977, p. 952, the Department published a Notice of Intent to Solicit Outside Opinion in preparing a single new rule to replace the four rules in effect governing reimbursement to local county welfare departments and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. The adopted temporary rules were continued in effect until March 8, 1978 (State Register, Vol. 2, No. 24, p. 1168, December 19, 1977).

Section A of proposed Rule 30 is necessary to explain the scope and purpose of the Rule, as well as indicate the statutory authority for its promulgation.

Section B entitled "Definitions" is necessary to define the terms that are included in the Rule.

Section C entitled "Parental Financial Repsonsibility" is necessary so that the state agency can ensure that the requirements of Minnesota Statutes 252.27, Subdivision 2, are being met by the financially responsible parent.

Section C.1. is necessary and reasonable because the state must assure that the financial responsibility of parents to contribute to cost of care is determined in a fair and equitable manner on a statewide basis by the local county agencies. Because the Legislature determined that no family having an annual gross income of less than $11,000 should be required to contribute toward the cost of care of their child in a state institution, the state agency, in compliance with legislative intent that this same provision apply to the goal of deinstitutionalization of children and the placement of children in the least restrictive setting, promulgated temporary rules which allowed that same income cut-off point for parents wishing to place their children outside of state institutions. Historically, cost of care has not posed a greater financial burden upon parents using private treatment facilities versus state institutions. Therefore, because no parent having an annual gross income of less than $11,000 should be required to contribute and because the maximum monthly fee which may be charged to a parent is $125, it is necessary and reasonable to determine the monthly fee to be charged according to a sliding fee schedule adjusted by annual gross income and household size. During legislative committee hearings on the amendments to Minnesota Statute 252.27, the fees charged to a household of four, as contained in this Rule, were considered a fair and equitable determination. This sliding fee schedule has been in operation since the promulgation of the temporary rules on September 8, 1977. This fee schedule does not restrict the use of Federal Title XX Social Services money by imposing a greater fee; nor does it prevent the use of other such federal funding sources as AFDC and Medical Assistance.

Section C.2. is reasonable and necessary so that parents and county agencies will have a clear understanding of what constitutes annual gross income. Based upon comments received and questions raised by parents and county agencies regarding the term annual gross income, the temporary rules were amended to define annual gross income as contained in this Rule.

Section C.3. is reasonable and necessary to determine household size and the number of fees which may be charged to the financially responsible parent. So as not to work a hardship on the household having more than one child in out-of-home care; to allow for a contribution over and above the fee required; and to fix responsibility for the nonreimbursable costs of clothing and personal needs, it is necessary and reasonable that the Department can be flexible in matters pertaining to the determination of the monthly fee to be charged. The determination of $30 per month for clothing and personal needs is reasonable and necessary because that is the figure provided in Minnesota Statute 256B.35 for clothing and personal needs allowance for persons in nursing homes.

Section C.4. is reasonable and necessary so that the Department and local agencies can encourage and ensure parental cooperation in efforts to maximize all forms of federal and state reimbursement, as well as recovery of insurance benefits to which the child may be eligible.

Section C.5. is reasonable and necessary so that the need and type of treatment required for a mentally retarded child is not restricted by solely financial circumstances of the family. It is reasonable that an alternative to state institutional care be available and not contingent solely upon Title XIX eligibility if that eligibility exists, but at a greater cost to the family.

Section D entitled "Child's Financial Responsibility" is reasonable and necessary so that the state agency can ensure that the requirements of Minnesota Statute 252.27, Subdivision 2, are being met by the child who has income or resources of his own which may be used to offset the costs of his own treatment.

Section D.1. is necessary and reasonable so that unearned income or resources available to the child may be applied toward his cost of care and yet not exceed the monthly maximum fee of $125, as mandated by Minnesota Statute 252.27, Subdivision 2. It is also reasonable and necessary that, if a child has income or resources of his own, his costs of clothing and personal needs should first be met through his own income and not made an additional expense to his parents.

Section D.2. a-d is reasonable and necessary so that earned income available to the child may be applied, on a comparable basis as is unearned income, toward his cost of care and yet not work a hardship upon the child or discourage him from learning responsibility and discipline which comes from employment and meeting his own needs. Both county agencies and private residential treatment facilities recommended that this provision of a fee to be paid from the child's earned income be a part of this Rule and that it be similar to the policies governing the earned income of children receiving AFDC payments. The Department concurs and feels this is a reasonable and necessary provision to assure that the fee determination of the child, based on earned income, is administered fairly and uniformly on a statewide basis by the county agencies.

Section E.1 and 2 entitled "Individual Program and Services Plan" is reasonable and necessary to assure that the child placed in out-of-home care needs treatment and that the county agency has approved of the treatment plan and services to be provided to the child. It is reasonable and necessary that the child's responsible parent be actively involved in the planning for his child's treatment needs and that measurable goals related to the child's progress and eventual return to his own home and community be established. To assure that the child in out-of-home care is not "lost" in the treatment process, it is reasonable and necessary to require that, at a minimum, the child's continued treatment needs be assessed annually.

Section F entitled "Reimbursement Requirements" is reasonable and necessary so that county agencies may determine if the costs of residential treatment of a particular child are eligible for reimbursement from these state appropriations.

Section F.1. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that only children who are mentally retarded, epileptic or emotionally handicapped are eligible for cost of care.

Section F.2. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that reimbursement shall cease when the child reaches age 18.

Section F.3. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the cost shall be paid by the county of financial responsibility.

Section F.4. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 2, specifies that the Commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. Since the source of these state appropriations available to reimburse the costs of residential treatment are tax dollars, it is reasonable that individuals paying Minnesota taxes be eligible under the provisions of this Rule.

Section F.5. is reasonable and necessary so that where the child is not eligible for payment of his boarding care costs under other programs, he may be eligible under the provisions of this Rule. Additionally, it is reasonable and necessary that these appropriations not be claimed for reimbursement when the costs of boarding care have already been reimbursed under other funding sources.

Section F.6. a and b is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the facility shall be licensed by the Commissioner of Public Welfare.

Section F.6.c. is reasonable and necessary so that parents in joint planning with the county agency shall be able to place the child in the most appropriate treatment setting. It is recognized that because Minnesota does not have a secure facility for the placement of severely emotionally handicapped children, it is oftentimes necessary to place the child out of state in a secure treatment facility. Additionally, the Department realizes that, for many families, an out-of-state treatment facility for their child is physically closer, in terms of miles, than one within the State of Minnesota.

Section F.7. is reasonable and necessary to assure that there will be uniformity in the use of state accounts available for reimbursement and that "double payments" for the same child do not jeopardize claims submitted for reimbursement under the multiple number of accounts available.

Section F.8. is reasonable and necessary to assure that the child continues to be eligible for reimbursement and, that at least annually, the financial responsibility of the parent and the child to contribute to the cost of care be reassessed, taking into consideration changes in income.

Section F.9. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the county of financial responsibility shall pay the costs of boarding care. Because the Department does not have rate-setting authority over eligible private facilities licensed under the provisions of Minnesota Rules DPW 1, 5 and 8, it is reasonable and necessary that a rate for the costs of boarding care be negotiated and reduced to a written agreement.

Section F.10. is reasonable and necessary since the Department has always recognized the need of families, who care for their mentally retarded child in their own home on a daily basis, for a period of respite care and/or the provision to place their child in temporary care due to a family emergency. Futhermore, the Department recognizes that state institutions will now provide for temporary care and, by allowing the same temporary care provisions under this Rule, the parent would have a choice of placement for their child.

Section F.11. is reasonable and necessary to assure that the appropriations covered by this Rule are used for purposes of eligible boarding care costs as defined in the Rule.

Section G. entitled "Provisions Governing Claims for Reimbursement" is reasonable and necessary because the state agency must have this information in order to reimburse local agencies for eligible claims and so that local agencies will know what data must be reported; how the rate of reimbursement will be determined; when the local agencies can expect reimbursement; and for the state to provide separate accounts for each appropriation.

Section G.1. a-k is reasonable and necessary so that local agencies know what data is required to claim reimbursement and how frequently such claims may be filed. Historically, the state had required monthly submittal of claims. This was burdensome for the local agencies for several reasons: a) treatment centers do not regularly bill every 30 days, b) insurance payments are frequently made 60 days after treatment has begun, c) when another county welfare department is involved as the county of financial responsibility, the county of service where the treatment center is located may not process or forward billings on a timely basis. Since the state must assure that all local agencies are reimbursed at the same percentage level, it is reasonable and necessary to allow for a maximum length of time for the local agencies to submit all claims and the state to be assured of accurate claims on a timely basis with no errors.

Section G.2. a-d is reasonable and necessary to assure that the child's eligibility under cost of care is maintained. This is especially important because Minnesota Statute 252.27, Subdivision 2, requires the parent and the child to pay a fee in order to be eligible, and Minnesota Statute 252.27, Subdivision 3, provides that the county attorney may initiate civil action to collect any unpaid reimbursement. Additionally, the state agency shall not reimburse from these state appropriations for costs of boarding care already reimbursed by other federal or state funding sources or insurance payments.

Section G.3. is reasonable and necessary to assure that claims are received and reimbursed on a timely basis and that the fiscal books covering the appropriation are closed on a timely basis, as required.

Section G.4. a-e is reasonable and necessary to assure that the state agency complies with the provisions of Minnesota Statute 252.27, Subdivision 1, which requires that, if the state appropriation for purposes of cost of care reimbursement is insufficient, reimbursement shall be prorated. The state agency also feels that it is reasonable and necessary that local agencies be familiar with the process used by the state agency to determine the rate of reimbursement. In order to assure that local agencies are all reimbursed at the same rate, it is reasonable and necessary that an inflation factor be provided in the calculations (G.4.b.). Example: For the fiscal year ending June 30, 1977, each local agency was equally reimbursed 60 percent of the eligible claims submitted for cost of care of mentally retarded children based on the formula in this section. Had the state agency used the rate of 70 percent each month, the appropriation would have been exhausted before the end of the year and local agencies claiming reimbursement during the latter part of the fiscal year would not have received any reimbursement. It is reasonable that local agencies expect that the state agency can provide such assurances that monies will be available for reimbursement throughout the entire fiscal year.

Section G.5. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, requires that local agencies may receive reimbursement "not exceeding 70 percent."

Section G.6. is reasonable and necessary because the Legislature allocates to the state agency two separate appropriations to be available for the purposes of cost of care reimbursement for two distinct disability groups.

Section G.7. is reasonable and necessary because the state agency desires to allow for reimbursement of emotionally handicapped children placed in Rule 8 group homes in the event the appropriation for residential treatment exceeds the amount needed to cover the costs of children in Rule 5 child-caring institutions. Although the current rules have never allowed for reimbursement of costs in Rule 8 group homes, it has happened, in one instance in the history of these appropriations, that a small amount of monies were available to help defray such costs of the local agencies.

Commissioner of Public Welfare

Edward J. Dirkswager, Jr.

Dated: March 14, 1978

IM/cfh

RECEIVED
MAR 16 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
COMMISSIONER OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE ADMINISTRATION OF REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

STATEMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, and in support thereof, the Department of Public Welfare will introduce the following evidence:

Testimony will be presented explaining the history of Cost of Care and the need for the proposed rule. We may call one or more of the following expert witnesses to testify:

Sandra Erickson, Administrative Generalist
Department of Public Welfare

Ms. Erickson may explain the provisions of the proposed rule and why these provisions are reasonable and necessary.

Phillip Ohman, Accounting Supervisor
Department of Public Welfare

Mr. Ohman may explain the process of state reimbursement from the appropriations available to cover Cost of Care as proposed in Rule 30.

Ms. Sandra Reuben, Research Analyst
Department of Public Welfare

Ms. Reuben may provide actual data documenting the number of children served under Cost of Care; total days of care provided; and examples of actual costs for residential treatment as submitted for reimbursement under the provisions of Rule 30.

Ms. Beverly Driscoll, Assistant to the Commissioner
Department of Public Welfare

Ms. Driscoll may explain the legislative action and intent surrounding the changes in Minnesota Statute 252.27 (1976), as amended by Laws of 1977, Chapter 331.

Dept's Exhibit No. [redacted] L
File No.
Date

We intend to introduce the following documentary evidence:

A. Copies of all written responses received during the public comment period following publication of the proposed temporary rules. This period covers July 25, 1977 to August 14, 1977.

B. Copies of all written responses received subsequent to the Department's publication of a Notice of Intent to Solicit Outside Opinion. This period covers November 7, 1977 to December 1, 1977.

C. Copies of all other written responses received from local public and private agencies and individuals which were solicited by this Department during the final drafting of this rule and those written responses received later that the close of the comment periods allowed under Items A and B above.

We will be citing the following Statutes:

Minnesota Statutes:

Chapter 252.27, Subdivisions 1, 2, and 3
Chapter 246.51
Chapter 256B.35
Chapter 62A.151

Commissioner of Public Welfare

Dated: March 14, 1978

Edward J. Dirkswager, Jr.

IM/cfo

EXHIBIT A

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINERS

ROOM 300 – 1745 UNIVERSITY AVENUE

ST. PAUL, MINNESOTA 55104

(612) 296-6910

June 5, 1978

Commissioner Edward J. Dirkswager, Jr.
Department of Public Welfare
Fourth Floor, Centennial Office Bldg.
Saint Paul, Minnesota 55155

Attention: Ms. Sandra Erickson
Administrative Generalist

Re: In the Matter of the Proposed Adoption of Rule 30 of the Department of Public Welfare Governing the Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children.
Docket No. DPW-78-045-SM.

Dear Ms. Erickson:

Enclosed and served upon you by mail, please find the Report of the Hearing Examiner and the official record in the above-entitled matter.

Sincerely,

STEVE M. MIHALCHICK
Hearing Examiner

SMM:sw
Encs.



AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

DPW-78-045-SM

AFFIDAVIT OF SERVICE

SUSAN WOJCIK, being first duly sworn, deposes and says that on the 5th day of June 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of Hearing Examiner

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat., § 16.54 (1974), a true and correct copy thereof on all persons at the addresses shown on the attached mailing list.

Susan Wojcik

Subscribed and sworn to before me
this 5th day of June, 1978.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

Commissioner Edward J. Dirkswager, Jr.
Department of Public Welfare
Fourth Floor, Centennial Office Bldg.
Saint Paul, Minnesota 55155

Attention: Ms. Sandra Erickson
Administrative Generalist

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rule 30 of the Department of Public Welfare Governing the Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing in Saint Paul, Minnesota on April 17, 1978, before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing Examiner.

This is a rule hearing pursuant to Minn. Stat. Ch. 15 to determine whether the proposed rule should be adopted.

Sandra Erickson, Administrative Generalist; Phillip Ohman, Accounting Supervisor; Sandra Reuben, Research Analyist; and Barbara Gill, Special Assistant Attorney General, appeared for the Department of Public Welfare. Thirteen persons attending the hearing signed the hearing register. The hearing continued until all interested persons had an opportunity to participate.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and for notifying

persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On March 13, 1978, the Department filed the following documents with the Chief Hearing Examiner:

(a) The proposed rule;
(b) The Order for Hearing;
(c) The Notice of Hearing;
(d) A copy of the Notice of Intent to Solicit Outside Opinion published at 2 State Register 952 (November 7, 1977);
(e) Materials received in response to that Notice; and
(f) An Opinion that a fiscal statement was not required in this matter.

2. On March 6, 1978, a Notice of Hearing and a copy of the proposed rule were published at 2 State Register 1634.

3. On March 9, 1978, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On March 16, 1978, the Department filed the following documents:

(a) The Affidavit of Receipt of the Secretary of State's list;
(b) The Affidavits of Mailing;
(c) The Secretary of State's Certificate and list;
(d) The Statement of Need; and
(e) The Statement of Evidence, including the names of witnesses to be called.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through May 8, 1978, for the receipt of written comments and statements, the period having been extended by Order of the Hearing Examiner at the hearing to the maximum 20 calendar days. A comment from the Minnesota Governor's Council on Developmental Disabilities was received after the close of the record.

Statutory Authority

6. Minn. Stat. § 252.27, as amended by Laws 1978, ch. 560, § 3, provides in relevant part:

252.27 Cost of boarding care outside of home or institution.

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256D.18. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of $125 per month. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivision 2 and subdivision 3.

Need and Reasonableness of Proposed Rule

7. The Examiner adopts the attached Statement of Need (Department's Exhibit K) and Memorandum of the Department (Department's Exhibit S) as his Findings demonstrating the need for and reasonableness of all sections of the proposed rule except the definitions found in sections B.2., 3., 4., 5., 6., 7. and 8. The Statement of Need was filed 25 days prior to the hearing and was read in its entirety by the Department's representatives at the hearing. Those representatives also explained

certain provisions of the rule beyond the justification presented in the Statement of Need and explained changes to the proposed rule that the Department proposed at the hearing (Department's Exhibit N). The Department's representatives responded to all questions and suggestions made by interested persons and agreed to some of the suggested changes. Those changes, as well as responses to all written comments timely filed after the hearing, are contained in the Department's Memorandum. Between the two documents, the Department has presented a reasonable basis for all sections of the rule except those listed above and has addressed the concerns of all interested persons and agencies.

8. The Department presented no justification for seven of the eleven definitions contained in section B. of the rule. Three of the terms, "state agency", "county agency" and "county of financial responsibility", are so commonly known in the field that their definition is not necessary. To the extent they repeat statutory language, the duplication is certainly not "crucial to the ability of a person affected by [the] rule to comprehend its meaning and effect", as required by Minn. Stat. § 15.0412, subd. 1. These three definitions should be deleted.

9. The Department also failed to present any evidence of the reasonableness of the definition of "social worker". The Examiner will take notice however of the fact that the definition is the same as that in existing Minn. Rule DPW 33, and substantially equivalent to the definition found in existing Minn. Rule DPW 30. Thus, this definition is not a new rule and need not be justified in this hearing.

10. Definitions of "emotionally handicapped child", "mentally retarded" and "epileptic" are given in sections B.2., 3. and 4. of the rule and, again, the Department presented no specific justification for them. They must, therefore, be deleted because the Department has failed to "make an affirmative

presentation of facts establishing the need for and reasonableness of the rule," as required by Minn. Stat. § 15.0412, subd. 4.

The Examiner is aware that this is a technical finding, especially in light of the fact that interested persons did not object to the definitions and that they appear to be reasonable on their face. It would appear that operation of the rule in whole will not be affected because similar definition can be found in other authorities (statutes, rules) that can be applied by the Department.

CONCLUSIONS

1. Due, timely and adequate notice of the hearing was properly served and published by the Department. All other substantive and procedural requirements have been fulfilled.

2. The Department has demonstrated its statutory authority to adopt proposed Minn. Rule DPW 30, and to repeal existing Minn. Rules DPW 30, 30a, 33 and 33a.

3. Except as stated in Findings No. 8 and 10, the Department has demonstrated the need for and reasonableness of the proposed rule by an affirmative presentation of facts.

4. The modifications proposed in Department's Exhibit S do not appear to be substantial changes as that term is applied in Minn. Rule HE 108.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rule be modified as suggested in Department's Exhibit S and Findings No. 8 and 10 and that so modified, it be adopted. It is further recommended that existing Minn. Rules DPW 30, 30a, 33 and 33a be repealed simultaneously with the adoption of the proposed rule.

Dated: June 5, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

RECEIVED
MAR 16 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
COMMISSIONER OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

STATEMENT OF NEED

The above-captioned Rule is a single new rule governing reimbursement to local county welfare boards and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. Current rules governing reimbursement are Minnesota Rules DPW 30 and 33, and Temporary Rules DPW 30a and 33a. This Rule is authorized by Minnesota Statute 252.27 (1976), as amended by Minnesota Laws 1977, ch. 331. This Rule is necessary to comply with legislative mandate, to bring current rules up to date with new legislation, and to assure uniform implementation of eligibility requirements and to allow for reimbursement from state appropriations.

An appropriation to allow for reimbursement for the cost of care of mentally retarded or epileptic children placed in residential treatment outside state institutions was established by the Minnesota Legislature in 1969 through amendment of Minnesota Statutes, Chapter 252. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 30 was promulgated on July 1, 1969. Two years later, during the 1971 Legislative Session, Minnesota Statute, Section 252.27 was amended to include the emotionally handicapped child and a second, separate appropriation of money was made available for reimbursement. This law was enacted because of the concurrent closing of the Minnesota Residential Treatment Center, a state institution serving the emotionally handicapped child under age 12. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 33 was promulgated on December 14, 1971. In compliance with legislative intent to reimburse the costs of residential treatment of children under age 12, Minnesota Rule DPW 33 fixed a "priority" of reimbursement, i.e., the residential treatment costs of children, birth to 12 years of age in Minnesota Rule DPW 5 child-caring institutions, were reimbursed to the maximum percentage allowed by the law and any monies remaining in the appropriation could then be applied to reimburse the costs of residential treatment of the emotionally handicapped child, age 12 to their 18th birthday, placed in Minnesota Rule DPW 5 child-caring institutions. Child-caring institutions licensed under Minnesota Rule DPW 5 were specifically allowed under the provisions of Minnesota Rule DPW 33 because they most closely approximated the level of care, treatment, and supervision that was provided by the state facility, Minnesota Residential Treatment Center at Lino Lakes, Minnesota.

Dept's [illegible] K
FI[illegible]

From the inception of these cost of care appropriations, 1969 and 1971 respectively, the Law, Minnesota Statute, Section 252.27, Subdivision 2, mandated that the financial responsibility of the parent and the child to contribute toward the cost of care be determined "on the same basis as if the child were in a state institution for the mentally retarded, epileptic or emotionally handicapped, as provided in Sections 246.51 to 246.52 except that this provision is not applicable to mentally retarded, epileptic, or emotionally handicapped children, 18 years of age and older." Thus, the financial responsibility of parents earning $4,000 per year or more was fixed at ten percent of the cost of care, but not to exceed $60 per month. The financial responsibility of the patient (child) to contribute was based upon the ability of the patient to first meet his full cost of care from his own income or resources.

During the 1977 Legislative Session, Minnesota Statute 252.27 was amended to exclude the provisions of Section 246.51 and 246.52 and to provide that the Commissioner of Public Welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay.

On July 25, 1977, Temporary Minnesota Rules DPW 30a and 33a were published in the State Register, Vol. 2, No. 3, pp. 132-134. These temporary rules were adopted as of September 8, 1977, with the amendments as published in the State Register, Vol. 2, No. 14, p. 754, October 11, 1977. In the State Register of Monday, November 7, 1977, p. 952, the Department published a Notice of Intent to Solicit Outside Opinion in preparing a single new rule to replace the four rules in effect governing reimbursement to local county welfare departments and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. The adopted temporary rules were continued in effect until March 8, 1978 (State Register, Vol. 2, No. 24, p. 1168, December 19, 1977).

Section A of proposed Rule 30 is necessary to explain the scope and purpose of the Rule, as well as indicate the statutory authority for its promulgation.

Section B entitled "Definitions" is necessary to define the terms that are included in the Rule.

Section C entitled "Parental Financial Repsonsibility" is necessary so that the state agency can ensure that the requirements of Minnesota Statutes 252.27, Subdivision 2, are being met by the financially responsible parent.

Section C.1. is necessary and reasonable because the state must assure that the financial responsibility of parents to contribute to cost of care is determined in a fair and equitable manner on a statewide basis by the local county agencies. Because the Legislature determined that no family having an annual gross income of less than $11,000 should be required to contribute toward the cost of care of their child in a state institution, the state agency, in compliance with legislative intent that this same provision apply to the goal of deinstitutionalization of children and the placement of children in the least restrictive setting, promulgated temporary rules which allowed that same income cut-off point for parents wishing to place their children outside of state institutions. Historically, cost of care has not posed a greater financial burden upon parents using private treatment facilities versus state institutions. Therefore, because no parent having an annual gross income of less than $11,000 should be required to contribute and because the maximum monthly fee which may be charged to a parent is $125, it is necessary and reasonable to determine the monthly fee to be charged according to a sliding fee schedule adjusted by annual gross income and household size. During legislative committee hearings on the amendments to Minnesota Statute 252.27, the fees charged to a household of four, as contained in this Rule, were considered a fair and equitable determination. This sliding fee schedule has been in operation since the promulgation of the temporary rules on September 8, 1977. This fee schedule does not restrict the use of Federal Title XX Social Services money by imposing a greater fee; nor does it prevent the use of other such federal funding sources as AFDC and Medical Assistance.

Section C.2. is reasonable and necessary so that parents and county agencies will have a clear understanding of what constitutes annual gross income. Based upon comments received and questions raised by parents and county agencies regarding the term annual gross income, the temporary rules were amended to define annual gross income as contained in this Rule.

Section C.3. is reasonable and necessary to determine household size and the number of fees which may be charged to the financially responsible parent. So as not to work a hardship on the household having more than one child in out-of-home care; to allow for a contribution over and above the fee required; and to fix responsibility for the nonreimbursable costs of clothing and personal needs, it is necessary and reasonable that the Department can be flexible in matters pertaining to the determination of the monthly fee to be charged. The determination of $30 per month for clothing and personal needs is reasonable and necessary because that is the figure provided in Minnesota Statute 256B.35 for clothing and personal needs allowance for persons in nursing homes.

Section C.4. is reasonable and necessary so that the Department and local agencies can encourage and ensure parental cooperation in efforts to maximize all forms of federal and state reimbursement, as well as recovery of insurance benefits to which the child may be eligible.

Section C.5. is reasonable and necessary so that the need and type of treatment required for a mentally retarded child is not restricted by solely financial circumstances of the family. It is reasonable that an alternative to state institutional care be available and not contingent solely upon Title XIX eligibility if that eligibility exists, but at a greater cost to the family.

Section D entitled "Child's Financial Responsibility" is reasonable and necessary so that the state agency can ensure that the requirements of Minnesota Statute 252.27, Subdivision 2, are being met by the child who has income or resources of his own which may be used to offset the costs of his own treatment.

Section D.1. is necessary and reasonable so that unearned income or resources available to the child may be applied toward his cost of care and yet not exceed the monthly maximum fee of $125, as mandated by Minnesota Statute 252.27, Subdivision 2. It is also reasonable and necessary that, if a child has income or resources of his own, his costs of clothing and personal needs should first be met through his own income and not made an additional expense to his parents.

Section D.2. a-d is reasonable and necessary so that earned income available to the child may be applied, on a comparable basis as is unearned income, toward his cost of care and yet not work a hardship upon the child or discourage him from learning responsibility and discipline which comes from employment and meeting his own needs. Both county agencies and private residential treatment facilities recommended that this provision of a fee to be paid from the child's earned income be a part of this Rule and that it be similar to the policies governing the earned income of children receiving AFDC payments. The Department concurs and feels this is a reasonable and necessary provision to assure that the fee determination of the child, based on earned income, is administered fairly and uniformly on a statewide basis by the county agencies.

Section E.1 and 2 entitled "Individual Program and Services Plan" is reasonable and necessary to assure that the child placed in out-of-home care needs treatment and that the county agency has approved of the treatment plan and services to be provided to the child. It is reasonable and necessary that the child's responsible parent be actively involved in the planning for his child's treatment needs and that measurable goals related to the child's progress and eventual return to his own home and community be established. To assure that the child in out-of-home care is not "lost" in the treatment process, it is reasonable and necessary to require that, at a minimum, the child's continued treatment needs be assessed annually.

Section F entitled "Reimbursement Requirements" is reasonable and necessary so that county agencies may determine if the costs of residential treatment of a particular child are eligible for reimbursement from these state appropriations.

Section F.1. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that only children who are mentally retarded, epileptic or emotionally handicapped are eligible for cost of care.

Section F.2. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that reimbursement shall cease when the child reaches age 18.

Section F.3. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the cost shall be paid by the county of financial responsibility.

Section F.4. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 2, specifies that the Commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. Since the source of these state appropriations available to reimburse the costs of residential treatment are tax dollars, it is reasonable that individuals paying Minnesota taxes be eligible under the provisions of this Rule.

Section F.5. is reasonable and necessary so that where the child is not eligible for payment of his boarding care costs under other programs, he may be eligible under the provisions of this Rule. Additionally, it is reasonable and necessary that these appropriations not be claimed for reimbursement when the costs of boarding care have already been reimbursed under other funding sources.

Section F.6. a and b is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the facility shall be licensed by the Commissioner of Public Welfare.

Section F.6.c. is reasonable and necessary so that parents in joint planning with the county agency shall be able to place the child in the most appropriate treatment setting. It is recognized that because Minnesota does not have a secure facility for the placement of severely emotionally handicapped children, it is oftentimes necessary to place the child out of state in a secure treatment facility. Additionally, the Department realizes that, for many families, an out-of-state treatment facility for their child is physically closer, in terms of miles, than one within the State of Minnesota.

Section F.7. is reasonable and necessary to assure that there will be uniformity in the use of state accounts available for reimbursement and that "double payments" for the same child do not jeopardize claims submitted for reimbursement under the multiple number of accounts available.

Section F.8. is reasonable and necessary to assure that the child continues to be eligible for reimbursement and, that at least annually, the financial responsibility of the parent and the child to contribute to the cost of care be reassessed, taking into consideration changes in income.

Section F.9. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the county of financial responsibility shall pay the costs of boarding care. Because the Department does not have rate-setting authority over eligible private facilities licensed under the provisions of Minnesota Rules DPW 1, 5 and 8, it is reasonable and necessary that a rate for the costs of boarding care be negotiated and reduced to a written agreement.

Section F.10. is reasonable and necessary since the Department has always recognized the need of families, who care for their mentally retarded child in their own home on a daily basis, for a period of respite care and/or the provision to place their child in temporary care due to a family emergency. Futhermore, the Department recognizes that state institutions will now provide for temporary care and, by allowing the same temporary care provisions under this Rule, the parent would have a choice of placement for their child.

Section F.11. is reasonable and necessary to assure that the appropriations covered by this Rule are used for purposes of eligible boarding care costs as defined in the Rule.

Section G. entitled "Provisions Governing Claims for Reimbursement" is reasonable and necessary because the state agency must have this information in order to reimburse local agencies for eligible claims and so that local agencies will know what data must be reported; how the rate of reimbursement will be determined; when the local agencies can expect reimbursement; and for the state to provide separate accounts for each appropriation.

Section G.1. a-k is reasonable and necessary so that local agencies know what data is required to claim reimbursement and how frequently such claims may be filed. Historically, the state had required monthly submittal of claims. This was burdensome for the local agencies for several reasons: a) treatment centers do not regularly bill every 30 days, b) insurance payments are frequently made 60 days after treatment has begun, c) when another county welfare department is involved as the county of financial responsibility, the county of service where the treatment center is located may not process or forward billings on a timely basis. Since the state must assure that all local agencies are reimbursed at the same percentage level, it is reasonable and necessary to allow for a maximum length of time for the local agencies to submit all claims and the state to be assured of accurate claims on a timely basis with no errors.

Section G.2. a-d is reasonable and necessary to assure that the child's eligibility under cost of care is maintained. This is especially important because Minnesota Statute 252.27, Subdivision 2, requires the parent and the child to pay a fee in order to be eligible, and Minnesota Statute 252.27, Subdivision 3, provides that the county attorney may initiate civil action to collect any unpaid reimbursement. Additionally, the state agency shall not reimburse from these state appropriations for costs of boarding care already reimbursed by other federal or state funding sources or insurance payments.

Section G.3. is reasonable and necessary to assure that claims are received and reimbursed on a timely basis and that the fiscal books covering the appropriation are closed on a timely basis, as required.

Section G.4. a-e is reasonable and necessary to assure that the state agency complies with the provisions of Minnesota Statute 252.27, Subdivision 1, which requires that, if the state appropriation for purposes of cost of care reimbursement is insufficient, reimbursement shall be prorated. The state agency also feels that it is reasonable and necessary that local agencies be familiar with the process used by the state agency to determine the rate of reimbursement. In order to assure that local agencies are all reimbursed at the same rate, it is reasonable and necessary that an inflation factor be provided in the calculations (G.4.b.). Example: For the fiscal year ending June 30, 1977, each local agency was equally reimbursed 60 percent of the eligible claims submitted for cost of care of mentally retarded children based on the formula in this section. Had the state agency used the rate of 70 percent each month, the appropriation would have been exhausted before the end of the year and local agencies claiming reimbursement during the latter part of the fiscal year would not have received any reimbursement. It is reasonable that local agencies expect that the state agency can provide such assurances that monies will be available for reimbursement throughout the entire fiscal year.

Section G.5. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, requires that local agencies may receive reimbursement "not exceeding 70 percent."

Section G.6. is reasonable and necessary because the Legislature allocates to the state agency two separate appropriations to be available for the purposes of cost of care reimbursement for two distinct disability groups.

Section G.7. is reasonable and necessary because the state agency desires to allow for reimbursement of emotionally handicapped children placed in Rule 8 group homes in the event the appropriation for residential treatment exceeds the amount needed to cover the costs of children in Rule 5 child-caring institutions. Although the current rules have never allowed for reimbursement of costs in Rule 8 group homes, it has happened, in one instance in the history of these appropriations, that a small amount of monies were available to help defray such costs of the local agencies.

Commissioner of Public Welfare

Edward J. Dirkswager, Jr.

Dated: March 14, 1978

IM/cfh

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

Dept's Exhibit No. S
Pl's No.
SM Date 5/8/78

MEMORANDUM OF THE DEPARTMENT

Following are comments of the Department concerning testimony and written statements which have been submitted to the Hearing Examiner in relation to proposed DPW Rule 30. The Department appreciates the wide response which was received on the proposed rule, both at the public hearing and in later written statements. We especially appreciate those comments which recognized the attempts which the Department made to seek outside opinion regarding the rule and to incorporate those comments into the final draft of the rule. Although we feel that the Department's testimony at the public hearing was responsive to the issues raised, we submit the following comments to further clarify our position concerning the proposed rule. For purposes of clarity, each section of the rule will be addressed in order. References will be made to all responses which pertain to a given section.

Before beginning with specific comments in Part II, we wish to reiterate, in Part I below, the corrections and proposed changes in the rule which were made by the Department at the public hearing.

Part I - Proposed Department Changes:

Section B.9. These shall include care, board and room, training and treatment, supervision, medical, ~~clothing and personal needs~~ and miscellaneous expenses which are an integral part of the child's individual program plan and which are nonreimbursable pursuant to Section F.5. of this rule.

Section C.1. Parents shall be responsible for reimbursing the county making payments for ~~boarding~~ cost of care.

Section C.3. Exceptions:

(a) If the child has income or resources of his own, an amount not to exceed $30 per month from the child's income shall be used to meet the child's clothing and personal needs, and parents are relieved of this responsibility.
(b) If the parents' sole source of income is from receipt of Public Assistance and the child has no income or resources of his own to meet his clothing and personal needs, $30 per month for clothing and personal needs may be charged to miscellaneous expenses under cost of care expenditures.

Section G.1.e. Period of ~~boarding~~ out-of-home care covered.

Section G.1.f. ~~Charges~~ Expenditures for ~~boarding care~~ cost of care.

Section G.1.g. Parent fee charged ~~if any~~.

Section G.1.h. Child fee charged ~~if any~~.

Section G.1.j. Amount of ~~reimbursable~~ claim which shall be shown as the ~~gross~~ reimbursable ~~costs~~ expenditures minus fees charged to parent and child.

Section G.1.k. Net ~~reimbursable~~ claim which shall be shown as the ~~reimbursable~~ amount of the claim less any applicable recoveries. Applicable recoveries shall include ~~receipts of parent and child fees,~~ parent and child contributions in excess of the fees due, insurance payments, prior overpayments, canceled checks, and other receipts as specified by the county agency and approved by the State Agency.

Section G.2.a. ~~Current~~ Parent and child fees due.

Section G.2.b. Reimbursable costs ~~of boarding care~~.

Section G.2.c. Nonreimbursable costs ~~of boarding care~~.

Section G.2.d. ~~Past due parent and child fees.~~

Section G.3. The county agency shall submit this quarterly report to the State Agency within 15 days of the end of each quarter, specifically no later than October 15, January 15, April 15, and July 15. ~~No claims will be considered for reimbursement if received by the State Agency 60 days after the close of the fiscal year for services provided during the fiscal year just ended.~~ Quarterly claims shall include only expenditures for services provided during the current fiscal year. Retroactive rate increases shall be considered current expenditures in the fiscal year in which they are granted by the State Agency. By August 31, the county agency shall submit any claims for expenditures for services provided during the prior fiscal year not previously reported.

Section G.4.b. Estimate total net ~~reimbursable~~ claims for the year by multiplying the amount determined in "a" above by five;

Section G.4.d. Reimburse the first, second, and third quarter net ~~reimbursable~~ claims at the percentage determined in ~~"d"~~ "c" within 45 days of the end of each quarter.

Section G.4.e. Calculate total net ~~reimbursable~~ claims for the year, the total allowable reimbursement, and make final settlement payments within 120 days of the close of the State fiscal year.

Section G.7. For purposes of the boarding care of emotionally handicapped children, facilities licensed under Minn. Rule DPW 8 shall be reimbursed only after ~~boarding~~ cost of care ~~costs~~ expenditures of children in Minn. Rule DPW 5 licensed facilities have been reimbursed.

Part II - Specific Comments:

Section B.1: A statement from Ethel Schoen, advocate for the blind, suggests raising eligibility age for cost of care reimbursement from 18 years to 21 years. Because Minnesota Statute 252.27, Subdivision 1, specifies that reimbursement shall cease when the child reaches age 18, the Department is unable to make this change.

Section B.2.a: The Minnesota Nurses Association recommends that this definition be expanded to include the judgment of psychiatric/mental health nurses with a master's degree. The Department agrees that this group of professionals can assess the determination of a psychiatric or other emotional disorder and, therefore, recommends the following change:

> B.2.a: The determination of a psychiatric or other emotional disorder shall be the judgment of a psychiatric/mental health nurse with a master's degree, or social worker, or psychologist, or a consulting psychologist, or a psychiatrist.

Section B.9: Statements from Thomas L. Quimby, D. Bill Olson, Mr. and Mrs. J.A. Doyle, Mr. and Mrs. Roger Benson, C.P. Keltgen, Lois Engen, and Joan Kruse suggest that medical expenses be included as a part of cost of care. Mr. Miles J. Wangensteen, Director of St. Louis County Welfare Department, questions "responsibility for medical care" and suggests this be clarified in the rule. The Department feels the definition of cost of care clearly shows that nonreimbursable medical expenses are included and the reference in this definition to Section F.5. of the rule provides the specification and clarification suggested by Mr. Wangensteen. The Department would be willing to include additional explanatory information and procedures in administrative manual material.

Mr. Michael Weber, Director of Community Services at the Hennepin County Welfare Department, suggests that the second sentence of this definition be further clarified to show that the phrase "which are nonreimbursable" refers to all costs in B.9. Grammatically, the first word in the second sentence, "these", refers back to the first sentence of B.9. which "includes all costs....". The second sentence lists what is considered all costs of necessary care, treatment and training and which are nonreimbursable pursuant to Section F.5.

The Department struck the words clothing and personal needs from the definition of cost of care because it was not clear that these items were reimbursement eligible for children who had no income and whose parents' sole income was Public Assistance. The Department proposed to clarify this matter by adding a second exception to Section C.3. as submitted at the public hearing.

Section B.10: Mr. James Yeager, Director of Northwood Children's Home, suggests that the definition of parent be further developed to show parental financial responsibility in situations of divorce, separation and remarriage. The Department does not feel that a list of all possible parent/child relationships is appropriate or that such specification is necessary in this rule. The Department would be willing, however, to include additional explanatory information and procedures in administrative manual material.

Section B.11: Mr. Robert Tuttle, Director of MinnARC, suggested that diagnostic services be included in the definition of temporary care. As the Department indicated at the time of the hearing, diagnostic services have always been a part of cost of care whether for purposes of temporary care or long-term residential treatment. Although this has been and continues to be a part of administrative manual material, the Department agrees that for purposes of specificity the term diagnostic services be added as follows:

> B.11: "Temporary care" means the placement, in a licensed facility for purposes of diagnostic services or boarding care, of a mentally retarded or epileptic child requiring 24-hour care and treatment, for a temporary period of time not to exceed 90 days within a 12-month period of time.

Section C.1. Mr. Dale Szyszka, Director of Big Stone County Welfare Department, suggests the fee schedule is too low. Mr. Thomas L. Quimby suggests the fee schedule is too high. Mr. Miles Wangensteen, Director of St. Louis County Welfare Department, suggests that the Title XX fee schedule be used in determining fees for all social services. In response to these comments, the Department would reiterate its testimony concerning Section C.1. as contained in the Statement of Need and during the public hearing. Additionally, the Department is bound by the duality of fee schedules in order that Title XX funds be available for the mandatory service of residential treatment (Minn. Rule DPW 160, C.2.h.(1) and (2)) and, at the same time, not exceed the statutory maximum fee of $125.00 as fixed in Minn. Stat. 252.27. Minn. Rule DPW 160 specifically addresses this issue in Section G.8.d.(1). Given the fact that the Title XX fee schedule is adjusted upward on an annual basis (Public Law 93-647, Title XX of the Social Security Act, 45 CFR 228.60) and that the cost of care fee schedule remains limited by state statute and rule, the Department feels that dual fee schedules may not be the ideal situation, but sees no other way to handle the problem. Mr. Robert Tuttle, Director of MinnARC, also stated that the rule should prevent the possibility of the Department charging the parent and/or the child a fee that would exceed the actual cost of the residential treatment. In addition to the Department's response at the hearing which clearly indicated that charging fees in excess of actual cost would be illegal and subject the Department to multiple lawsuits, the Department also wishes to cite Minn. Rule DPW 160, G.8.d., which states, in part, that no fee shall exceed the actual cost of all the services in the service plan.

Section C.2: Mr. Robert Tuttle, Director of MinnARC, proposed to use the Federal Form 1040 as documentation of annual gross income. The Department does not require written documentation of income, but can accept the use of the Form 1040 if parents wish to use it as verification provided that information regarding other sources of annual gross income is also declared.

The Department is using a uniform definition of gross income which serves as the basis for determining eligibility for all social services in Minnesota, with the single exception that General Assistance is not included in gross income for purposes of cost of care (Minn. Rule DPW 160, A.5.i., Title XX Federal Regulations, 45 CFR 228.66). These same sources of income are used to define income in Minn. Stat. 290.012, Subd. 4; Minn. Stat. 290.0601, Subd. 2 and Subd. 4. Minnesota Department of Revenue has verified the fact that there is no conflict between the Department's definition and that of the Minnesota Department of Revenue and the Internal Revenue Service's definition as contained in the Internal Revenue Code of 1954 as amended through December 31, 1972. The Department, therefore, would recommend leaving this definition unchanged.

Section D.1: The second paragraph of Item D.1. in the letter from Hennepin County Welfare Department makes specific reference to SSI (Supplemental Security Income) benefits. Public Law 92-603, October 30, 1972, established Title XVI of the Social Security Act (SSI). On October 20, 1976, Public Law 94-566 amended and broadened the provisions of SSI to include the disabled child in out-of-home care. This Public Law and its accompanying Federal Regulations, 20 CFR 416, specify the responsibilities of the "representative payee" for the SSI benefit paid on behalf of the child. Whatever restrictions, if any, that may be placed on the use of the $22.80 per month, are the sole prerogative of the appointed representative payee. The representative payee is accountable to the Social Security Administration for expenditures made from the monthly benefit.

To include in this rule all Public Laws, Federal Regulations, State Laws, and all other Department Rules which may govern the use of all sources of unearned income would only duplicate what is already mandated by those laws, regulations and rules. The Department will include such explanatory information and references in its administrative manual material.

Section D.2: Mr. Miles Wangensteen, Director of St. Louis County Welfare Department, proposes that earned income of children under age 14 be excluded. Contrary to Mr. Wangensteen's rationale, the Department feels that such an exception based upon age and source of income (earned vs. unearned) would be inequitable treatment of individuals under the provisions of this rule and would constitute a substantial change. The Department recommends leaving this section unchanged.

Section E: The Hearing Examiner raised the issue of parent involvement in planning for their child's residential treatment. The Department wishes to emphasize that this rule governs reimbursement and does not duplicate program requirements already contained in other Department rules which are binding upon local county welfare departments and licensed treatment facilities. For example, the following rules already require maximum parent involvement even so far as to solicit the parent's appraisal of the facility following the child's return to his own home: Minn. Rule DPW 216, B.2., 5.g., 6 and 7.a; Minn. Rule DPW 185, C.2.c. and C.3.a; Minn. Rule DPW 160, E.2 and 4; and F.1.a; and the licensing rules of this Department which have program requirements for the licensed facilities, e.g., Minn. Rules DPW 1, 5, and 34.

Section F.5: Mr. Charles Olson, Director of Rock County Welfare Department, states that cost of care funds would be excluded to any child that is eligible for Title XX. The Department feels that Mr. Olson's interpretation is erroneous since each local county welfare department has total control of how they wish to use their Title XX allocation and do, in fact, submit a county plan which indicates how the agency will earn all social service funds. In conference with Mr. Olson on 4-27-78, this Department again discussed with Mr. Olson the details of how to allocate his social service funds in order to use solely cost of care funds, or mix cost of care with Title XX, and how these funds may be shifted during the social service program year. The Department feels that to delete Title XX from this section would cause severe restrictions to all local county welfare departments in their efforts to use a variety of funding sources to meet the high costs of residential treatment. The Department recommends that this section remain unchanged.

Section G: Mr. Robert Wahlberg, representing the Ramsey County Welfare Department, presented written testimony (Public's Ex.8) that raised questions he felt were answered by the Department's proposed changes during the hearing. Mr. Wahlberg had only one issue (#3 of their letter, Item G.1.k.) which he felt required further clarification. The Department has never in the past, by rule or administrative manual material, required the Refund and Cancellation Report (DPW-216) be completed for each child. The Department has always used totals of children and costs because of the administrative burden to collect such data on a child-by-child basis. It is the Department's opinion that the specific procedural forms used to meet administrative standards found in rules are not the proper subject of rule-making. The Department has already discussed this matter with Mr. Wahlberg so that he is aware that there are no substantive changes in reporting being required by this rule.

Hennepin County raises the issue of quarterly reporting resulting in a less beneficial cash flow. In point of fact, the current rules governing reimbursement under cost of care do not specify when the Department shall reimburse the local agencies. It is true that the local agencies are now reporting on a monthly basis; however, reimbursement is not made on a monthly basis. As stated in testimony by Department witnesses, the reimbursement pre-audit process is taking a minimum of three months. This rule would, in fact, achieve the beneficial cash flow Hennepin County is referring to in Item G.1.

Mr. Dale Szyszka, Director of Big Stone County Welfare Department, Ms. Sandy Scheer, Social Worker at Stearns County Welfare Department, and Mr. Tom Henderson, Director of Brown County Welfare Department, take issue with the final provision of this rule (G.7.). The Department feels that it is a gross, erroneous statement to say that this reimbursement rule discriminates against "rural" counties and against Rule 8 group homes. Each county has equal access and authority to claim reimbursement from these appropriations. Each county receives the same rate of reimbursement for expenditures under cost of care. The Department feels that its oral testimony and Statement of Need clearly indicate legislative intent for the use of these funds; that if funds are available, they can be used for Rule 8 group homes and, because Rule 8 group homes were never allowed under the existing Rules 30 and 33, the Department is expanding the number of eligible facilities to include Rule 8 homes, when monies are available.

IM/cfg

CHANGES Minn. Rule DPW 30: Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children

Section B.9. "Cost of Care" includes all costs of the necessary care, treatment and training of the child that are appropriately provided in the boarding care facility. These shall include care, board and room, training and treatment, supervision, medical, ~~clothing and personal needs~~ and miscellaneous expenses which are an integral part of the child's individual program plan and which are nonreimburseable pursuant to Section F.5. of this rule.

Section C.1. Parents shall be responsible for reimbursing the county making payments for ~~boarding~~ cost of care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

Section C.3. Exceptions:

(a) If the child has income or resources of his own, an amount not to exceed $30 per month from the child's income shall be used to meet the child's clothing and personal needs, and parents are relieved of this responsibility.

(b) If the parents' sole source of income is from receipt of Public Assistance and the child has no income or resources of his own to meet his clothing and personal needs, $30 per month for clothing and personal needs may be charged to miscellaneous expenses under cost of care expenditures.

Section G.1.e. Period of ~~boarding~~ out-of-home care covered.

Section G.1.f. ~~Charges~~ Expenditures for ~~boarding care~~ cost of care.

Section G.1.g. Parent fee charged ~~if any~~.

Section G.1.h. Child fee charged ~~if any~~.

Section G.1.j. Amount of ~~reimbursable~~ claim which shall be shown as the ~~gross~~ reimbursable ~~costs~~ expenditures minus fees charged to parent and child.

Section G.1.k. Net ~~reimbursable~~ claim which shall be shown as the ~~reimbursable~~ amount of the claim less any applicable recoveries. Applicable recoveries shall include ~~receipts of parent and child fees~~, parent and child contributions in excess of the fees due, insurance payments, prior overpayments, canceled checks, and other receipts as specified by the county agency and approved by the State Agency.

Section G.2.a. ~~Current~~ Parent and child fees due.

Section G.2.b. Reimbursable costs ~~of boarding care~~.

Section G.2.c. Nonreimbursable costs ~~of boarding care~~.

Section G.2.d. ~~Past due parent and child fees~~.

Section G.3. The county agency shall submit this quarterly report to the State Agency within 15 days of the end of each quarter, specifically no later than October 15, January 15, April 15, and July 15. ~~No claims will be considered for reimbursement if received by the State Agency 60 days after the close of the fiscal year for services provided during the fiscal year just ended.~~ Quarterly claims shall include only expenditures for services provided during the current fiscal year. Retroactive rate increases shall be considered current expenditures in the fiscal year in which they are granted by the State Agency. By August 31, the county agency shall submit any claims for expenditures for services provided during the prior fiscal year not previously reported.

Section G.4.b. Estimate total net ~~reimbursable~~ claims for the year by multiplying the amount determined in "a" above by five;

Section G.4.d. Reimburse the first, second, and third quarter net ~~reimbursable~~ claims at the percentage determined in ~~"d"~~ "c" within 45 days of the end of each quarter.

Section G.4.e. Calculate total net ~~reimbursable~~ claims for the year, the total allowable reimbursment, and make final settlement payments within 120 days of the close of the State fiscal year.

Section G.7. For purposes of the boarding care of emotionally handicapped children, facilities licensed under Minn. Rule DPW 8 shall be reimbursed only after ~~boarding~~ cost of care ~~costs~~ expenditures of children in Minn. Rule DPW 5 licensed facilities have been reimbursued.

RECEIVED
MAR 13 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, 55155, on April 17, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 55104, (612) 296-8112, either before the hearing or within five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

Proposed Rule 30 combines Minn. Rules DPW-30 and 33, and replaces Minn. Temporary Rules DPW-30a and 33a, governs the administration of reimbursement to county welfare boards and human service boards for the costs of boarding care outside state institutions for children between birth and eighteen years of age who are mentally retarded, epileptic or emotionally handicapped. Following an extensive definition section, this rule includes the following provisions: 1) determination of parental financial responsibility; 2) a sliding fee schedule based upon household size and income; 3) determination of child financial responsibility; 4) provisions for temporary care of up to 90 days; 5) requirements for an individual program and services plan for the child placed outside of his own home; 6) reporting requirements for local agencies; 7) reimbursement requirements for eligible claims; 8) the method and times of State Agency reimbursement; 9) establishment of a priority for application of recoveries; 10) establishment of a priority of reimbursement based upon licensure status of the residential facility, and 11) establishment of two separate accounts for the reimbursement of monies from the State appropriations.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Sandra Erickson, Division of Social Services, Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota, 55155, (612) 296-3954. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rule is contained in Minn. Stat. 252.27. A "statement of need" explaining why the agency feels the proposed rule is necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Depts Exhibit No. C
File No.
Date

Please be advised that Minn. Stat. Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone number (612) 296-5615.

Edward J. Dirkswager Jr.

EDWARD J. DIRKSWAGER, JR.
Commissioner

Dated: February 15, 1978

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

CERTIFICATE OF DELIVERY
SECRETARY
OF STATE'S
LIST

I hereby certify that the attached 485 labels, 4 Sheets) sheets constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock A .M. this 8th day of March, 1978, have requested pursuant to M.S. 1976 Sec. 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

BY Cheri L. Mattson

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

DIANE L. HENDERSON, being duly sworn on oath deposes and says:

1) That she is an employee of the Special Services Division of the Department of Public Welfare for the State of Minnesota.

2) That on the 8th day of March, 1978, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

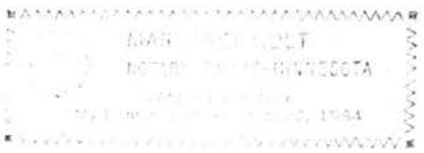
3) That on the 8th day of March, 1978, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Diane Lynn Henderson

Subscribed and sworn to before me
this 9th day of March,
1978.

Margaret Holt



STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF MAILING

DIANE LYNN HENDERSON, being first duly sworn, deposes and says:

That on the 9th day of March, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Diane Lynn Henderson

Subscribed and sworn to before me this 9th day of March, 1978

Notary Public,

Ramsey County, Minnesota

My Commission expires Sept 22, 1984

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN, RULE 30

AFFIDAVIT OF ADDITIONAL MAILING

DIANE LYNN HENDERSON, being first duly sworn, deposes and says:

That on the 9th day of March, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to mailing the attached Notice of Hearing to all persons and associations listed on the Secretary of State's list, she also served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid to the following agencies:

All Minnesota County Welfare Departments
All Minnesota Human Service Boards
All Minnesota Area Mental Health Boards
All Minnesota State Hospitals
9 Extra Mailings on Attached List

Diane Lynn Henderson

Subscribed and sworn to before me
this 9th day of March
Margaret Holt



Ms. Kay Nee, Executive Director of MN. Assoc. of Voluntary Social Service Agencies

Association of Minnesota Counties

Mr. Harold Topper, Director of Assoc. of Residences for the Retarded in Minnesota

Ms. Ann Henry, Attorney-at-Law, Legal Advocacy for the Developmentally Disabled

Mr. Robert Tuttle, MN Assoc. for Retarded Citizens, Inc.

Mr. Jeff Levy, Metro State University

Ms. Sandra Sickler, Payment Counselor, Hennepin County Welfare Department

John L. Doman, Director of St. Cloud Children's Home

Verlyn R. Wenndt, Director of Bar-None Boy's Ranch

RECEIVED
MAR 16 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
COMMISSIONER OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

STATEMENT OF NEED

The above-captioned Rule is a single new rule governing reimbursement to local county welfare boards and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. Current rules governing reimbursement are Minnesota Rules DPW 30 and 33, and Temporary Rules DPW 30a and 33a. This Rule is authorized by Minnesota Statute 252.27 (1976), as amended by Minnesota Laws 1977, ch. 331. This Rule is necessary to comply with legislative mandate, to bring current rules up to date with new legislation, and to assure uniform implementation of eligibility requirements and to allow for reimbursement from state appropriations.

An appropriation to allow for reimbursement for the cost of care of mentally retarded or epileptic children placed in residential treatment outside state institutions was established by the Minnesota Legislature in 1969 through amendment of Minnesota Statutes, Chapter 252. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 30 was promulgated on July 1, 1969. Two years later, during the 1971 Legislative Session, Minnesota Statute, Section 252.27 was amended to include the emotionally handicapped child and a second, separate appropriation of money was made available for reimbursement. This law was enacted because of the concurrent closing of the Minnesota Residential Treatment Center, a state institution serving the emotionally handicapped child under age 12. To govern the administration of reimbursement from this appropriation, Minnesota Rule DPW 33 was promulgated on December 14, 1971. In compliance with legislative intent to reimburse the costs of residential treatment of children under age 12, Minnesota Rule DPW 33 fixed a "priority" of reimbursement, i.e., the residential treatment costs of children, birth to 12 years of age in Minnesota Rule DPW 5 child-caring institutions, were reimbursed to the maximum percentage allowed by the law and any monies remaining in the appropriation could then be applied to reimburse the costs of residential treatment of the emotionally handicapped child, age 12 to their 18th birthday, placed in Minnesota Rule DPW 5 child-caring institutions. Child-caring institutions licensed under Minnesota Rule DPW 5 were specifically allowed under the provisions of Minnesota Rule DPW 33 because they most closely approximated the level of care, treatment, and supervision that was provided by the state facility, Minnesota Residential Treatment Center at Lino Lakes, Minnesota.

Dept's Exhibit No. K
File No.
Date

From the inception of these cost of care appropriations, 1969 and 1971 respectively, the Law, Minnesota Statute, Section 252.27, Subdivision 2, mandated that the financial responsibility of the parent and the child to contribute toward the cost of care be determined "on the same basis as if the child were in a state institution for the mentally retarded, epileptic or emotionally handicapped, as provided in Sections 246.51 to 246.52 except that this provision is not applicable to mentally retarded, epileptic, or emotionally handicapped children, 18 years of age and older." Thus, the financial responsibility of parents earning $4,000 per year or more was fixed at ten percent of the cost of care, but not to exceed $60 per month. The financial responsibility of the patient (child) to contribute was based upon the ability of the patient to first meet his full cost of care from his own income or resources.

During the 1977 Legislative Session, Minnesota Statute 252.27 was amended to exclude the provisions of Section 246.51 and 246.52 and to provide that the Commissioner of Public Welfare shall promulgate rules to determine the responsibility of the parents and the child tc contribute to the cost of care and treatment based upon ability to pay.

On July 25, 1977, Temporary Minnesota Rules DPW 30a and 33a were published in the State Register, Vol. 2, No. 3, pp. 132-134. These temporary rules were adopted as of September 8, 1977, with the amendments as published in the State Register, Vol. 2, No. 14, p. 754, October 11, 1977. In the State Register of Monday, November 7, 1977, p. 952, the Department published a Notice of Intent to Solicit Outside Opinion in preparing a single new rule to replace the four rules in effect governing reimbursement to local county welfare departments and human services boards for the costs of residential treatment of mentally retarded, epileptic and emotionally handicapped children placed outside of state institutions. The adopted temporary rules were continued in effect until March 8, 1978 (State Register, Vol. 2, No. 24, p. 1168, December 19, 1977).

Section A of proposed Rule 30 is necessary to explain the scope and purpose of the Rule, as well as indicate the statutory authority for its promulgation.

Section B entitled "Definitions" is necessary to define the terms that are included in the Rule.

Section C entitled "Parental Financial Repsonsibility" is necessary so that the state agency can ensure that the requirements of Minnesota Statutes 252.27, Subdivision 2, are being met by the financially responsible parent.

Section C.1. is necessary and reasonable because the state must assure that the financial responsibility of parents to contribute to cost of care is determined in a fair and equitable manner on a statewide basis by the local county agencies. Because the Legislature determined that no family having an annual gross income of less than $11,000 should be required to contribute toward the cost of care of their child in a state institution, the state agency, in compliance with legislative intent that this same provision apply to the goal of deinstitutionalization of children and the placement of children in the least restrictive setting, promulgated temporary rules which allowed that same income cut-off point for parents wishing to place their children outside of state institutions. Historically, cost of care has not posed a greater financial burden upon parents using private treatment facilities versus state institutions. Therefore, because no parent having an annual gross income of less than $11,000 should be required to contribute and because the maximum monthly fee which may be charged to a parent is $125, it is necessary and reasonable to determine the monthly fee to be charged according to a sliding fee schedule adjusted by annual gross income and household size. During legislative committee hearings on the amendments to Minnesota Statute 252.27, the fees charged to a household of four, as contained in this Rule, were considered a fair and equitable determination. This sliding fee schedule has been in operation since the promulgation of the temporary rules on September 8, 1977. This fee schedule does not restrict the use of Federal Title XX Social Services money by imposing a greater fee; nor does it prevent the use of other such federal funding sources as AFDC and Medical Assistance.

Section C.2. is reasonable and necessary so that parents and county agencies will have a clear understanding of what constitutes annual gross income. Based upon comments received and questions raised by parents and county agencies regarding the term annual gross income, the temporary rules were amended to define annual gross income as contained in this Rule.

Section C.3. is reasonable and necessary to determine household size and the number of fees which may be charged to the financially responsible parent. So as not to work a hardship on the household having more than one child in out-of-home care; to allow for a contribution over and above the fee required; and to fix responsibility for the nonreimbursable costs of clothing and personal needs, it is necessary and reasonable that the Department can be flexible in matters pertaining to the determination of the monthly fee to be charged. The determination of $30 per month for clothing and personal needs is reasonable and necessary because that is the figure provided in Minnesota Statute 256B.35 for clothing and personal needs allowance for persons in nursing homes.

Section C.4. is reasonable and necessary so that the Department and local agencies can encourage and ensure parental cooperation in efforts to maximize all forms of federal and state reimbursement, as well as recovery of insurance benefits to which the child may be eligible.

Section C.5. is reasonable and necessary so that the need and type of treatment required for a mentally retarded child is not restricted by solely financial circumstances of the family. It is reasonable that an alternative to state institutional care be available and not contingent solely upon Title XIX eligibility if that eligibility exists, but at a greater cost to the family.

Section D entitled "Child's Financial Responsibility" is reasonable and necessary so that the state agency can ensure that the requirements of Minnesota Statute 252.27, Subdivision 2, are being met by the child who has income or resources of his own which may be used to offset the costs of his own treatment.

Section D.1. is necessary and reasonable so that unearned income or resources available to the child may be applied toward his cost of care and yet not exceed the monthly maximum fee of $125, as mandated by Minnesota Statute 252.27, Subdivision 2. It is also reasonable and necessary that, if a child has income or resources of his own, his costs of clothing and personal needs should first be met through his own income and not made an additional expense to his parents.

Section D.2. a-d is reasonable and necessary so that earned income available to the child may be applied, on a comparable basis as is unearned income, toward his cost of care and yet not work a hardship upon the child or discourage him from learning responsibility and discipline which comes from employment and meeting his own needs. Both county agencies and private residential treatment facilities recommended that this provision of a fee to be paid from the child's earned income be a part of this Rule and that it be similar to the policies governing the earned income of children receiving AFDC payments. The Department concurs and feels this is a reasonable and necessary provision to assure that the fee determination of the child, based on earned income, is administered fairly and uniformly on a statewide basis by the county agencies.

Section E.1 and 2 entitled "Individual Program and Services Plan" is reasonable and necessary to assure that the child placed in out-of-home care needs treatment and that the county agency has approved of the treatment plan and services to be provided to the child. It is reasonable and necessary that the child's responsible parent be actively involved in the planning for his child's treatment needs and that measurable goals related to the child's progress and eventual return to his own home and community be established. To assure that the child in out-of-home care is not "lost" in the treatment process, it is reasonable and necessary to require that, at a minimum, the child's continued treatment needs be assessed annually.

Section F entitled "Reimbursement Requirements" is reasonable and necessary so that county agencies may determine if the costs of residential treatment of a particular child are eligible for reimbursement from these state appropriations.

Section F.1. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that only children who are mentally retarded, epileptic or emotionally handicapped are eligible for cost of care.

Section F.2. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that reimbursement shall cease when the child reaches age 18.

Section F.3. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the cost shall be paid by the county of financial responsibility.

Section F.4. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 2, specifies that the Commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. Since the source of these state appropriations available to reimburse the costs of residential treatment are tax dollars, it is reasonable that individuals paying Minnesota taxes be eligible under the provisions of this Rule.

Section F.5. is reasonable and necessary so that where the child is not eligible for payment of his boarding care costs under other programs, he may be eligible under the provisions of this Rule. Additionally, it is reasonable and necessary that these appropriations not be claimed for reimbursement when the costs of boarding care have already been reimbursed under other funding sources.

Section F.6. a and b is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the facility shall be licensed by the Commissioner of Public Welfare.

Section F.6.c. is reasonable and necessary so that parents in joint planning with the county agency shall be able to place the child in the most appropriate treatment setting. It is recognized that because Minnesota does not have a secure facility for the placement of severely emotionally handicapped children, it is oftentimes necessary to place the child out of state in a secure treatment facility. Additionally, the Department realizes that, for many families, an out-of-state treatment facility for their child is physically closer, in terms of miles, than one within the State of Minnesota.

Section F.7. is reasonable and necessary to assure that there will be uniformity in the use of state accounts available for reimbursement and that "double payments" for the same child do not jeopardize claims submitted for reimbursement under the multiple number of accounts.

Section F.8. is reasonable and necessary to assure that the child continues to be eligible for reimbursement and, that at least annually, the financial responsibility of the parent and the child to contribute to the cost of care be reassessed, taking into consideration changes in income.

Section F.9. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, specifies that the county of financial responsibility shall pay the costs of boarding care. Because the Department does not have rate-setting authority over eligible private facilities licensed under the provisions of Minnesota Rules DPW 1, 5 and 8, it is reasonable and necessary that a rate for the costs of boarding care be negotiated and reduced to a written agreement.

Section F.10. is reasonable and necessary since the Department has always recognized the need of families, who care for their mentally retarded child in their own home on a daily basis, for a period of respite care and/or the provision to place their child in temporary care due to a family emergency. Futhermore, the Department recognizes that state institutions will now provide for temporary care and, by allowing the same temporary care provisions under this Rule, the parent would have a choice of placement for their child.

Section F.11. is reasonable and necessary to assure that the appropriations covered by this Rule are used for purposes of eligible boarding care costs as defined in the Rule.

Section G. entitled "Provisions Governing Claims for Reimbursement" is reasonable and necessary because the state agency must have this information in order to reimburse local agencies for eligible claims and so that local agencies will know what data must be reported; how the rate of reimbursement will be determined; when the local agencies can expect reimbursement; and for the state to provide separate accounts for each appropriation.

Section G.1. a-k is reasonable and necessary so that local agencies know what data is required to claim reimbursement and how frequently such claims may be filed. Historically, the state had required monthly submittal of claims. This was burdensome for the local agencies for several reasons: a) treatment centers do not regularly bill every 30 days, b) insurance payments are frequently made 60 days after treatment has begun, c) when another county welfare department is involved as the county of financial responsibility, the county of service where the treatment center is located may not process or forward billings on a timely basis. Since the state must assure that all local agencies are reimbursed at the same percentage level, it is reasonable and necessary to allow for a maximum length of time for the local agencies to submit all claims and the state to be assured of accurate claims on a timely basis with no errors.

Section G.2. a-d is reasonable and necessary to assure that the child's eligibility under cost of care is maintained. This is especially important because Minnesota Statute 252.27, Subdivision 2, requires the parent and the child to pay a fee in order to be eligible, and Minnesota Statute 252.27, Subdivision 3, provides that the county attorney may initiate civil action to collect any unpaid reimbursement. Additionally, the state agency shall not reimburse from these state appropriations for costs of boarding care already reimbursed by other federal or state funding sources or insurance payments.

Section G.3. is reasonable and necessary to assure that claims are received and reimbursed on a timely basis and that the fiscal books covering the appropriation are closed on a timely basis, as required.

Section G.4. a-e is reasonable and necessary to assure that the state agency complies with the provisions of Minnesota Statute 252.27, Subdivision 1, which requires that, if the state appropriation for purposes of cost of care reimbursement is insufficient, reimbursement shall be prorated. The state agency also feels that it is reasonable and necessary that local agencies be familiar with the process used by the state agency to determine the rate of reimbursement. In order to assure that local agencies are all reimbursed at the same rate, it is reasonable and necessary that an inflation factor be provided in the calculations (G.4.b.). Example: For the fiscal year ending June 30, 1977, each local agency was equally reimbursed 60 percent of the eligible claims submitted for cost of care of mentally retarded children based on the formula in this section. Had the state agency used the rate of 70 percent each month, the appropriation would have been exhausted before the end of the year and local agencies claiming reimbursement during the latter part of the fiscal year would not have received any reimbursement. It is reasonable that local agencies expect that the state agency can provide such assurances that monies will be available for reimbursement throughout the entire fiscal year.

Section G.5. is reasonable and necessary because Minnesota Statute 252.27, Subdivision 1, requires that local agencies may receive reimbursement "not exceeding 70 percent."

Section G.6. is reasonable and necessary because the Legislature allocates to the state agency two separate appropriations to be available for the purposes of cost of care reimbursement for two distinct disability groups.

Section G.7. is reasonable and necessary because the state agency desires to allow for reimbursement of emotionally handicapped children placed in Rule 8 group homes in the event the appropriation for residential treatment exceeds the amount needed to cover the costs of children in Rule 5 child-caring institutions. Although the current rules have never allowed for reimbursement of costs in Rule 8 group homes, it has happened, in one instance in the history of these appropriations, that a small amount of monies were available to help defray such costs of the local agencies.

Commissioner of Public Welfare

Edward J. Dirkswager, Jr.

Dated: March 14, 1978

IM/cfh

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OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.
COMMISSIONER OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE ADMINISTRATION OF REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN

STATEMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, and in support thereof, the Department of Public Welfare will introduce the following evidence:

Testimony will be presented explaining the history of Cost of Care and the need for the proposed rule. We may call one or more of the following expert witnesses to testify:

Sandra Erickson, Administrative Generalist
Department of Public Welfare

Ms. Erickson may explain the provisions of the proposed rule and why these provisions are reasonable and necessary.

Phillip Ohman, Accounting Supervisor
Department of Public Welfare

Mr. Ohman may explain the process of state reimbursement from the appropriations available to cover Cost of Care as proposed in Rule 30.

Ms. Sandra Reuben, Research Analyst
Department of Public Welfare

Ms. Reuben may provide actual data documenting the number of children served under Cost of Care; total days of care provided; and examples of actual costs for residential treatment as submitted for reimbursement under the provisions of Rule 30.

Ms. Beverly Driscoll, Assistant to the Commissioner
Department of Public Welfare

Ms. Driscoll may explain the legislative action and intent surrounding the changes in Minnesota Statute 252.27 (1976), as amended by Laws of 1977, Chapter 331.

Dept's Exhibit No. [redacted]
File No.
Date

We intend to introduce the following documentary evidence:

A. Copies of all written responses received during the public comment period following publication of the proposed temporary rules. This period covers July 25, 1977 to August 14, 1977.

B. Copies of all written responses received subsequent to the Department's publication of a Notice of Intent to Solicit Outside Opinion. This period covers November 7, 1977 to December 1, 1977.

C. Copies of all other written responses received from local public and private agencies and individuals which were solicited by this Department during the final drafting of this rule and those written responses received later that the close of the comment periods allowed under Items A and B above.

We will be citing the following Statutes:

Minnesota Statutes:

Chapter 252.27, Subdivisions 1, 2, and 3
Chapter 246.51
Chapter 256B.35
Chapter 62A.151

Commissioner of Public Welfare

Dated: March 14, 1978

Edward J. Dirkswager, Jr.

IM/cfo

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rule 30 of the Department of Public Welfare Governing the Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing in Saint Paul, Minnesota on April 17, 1978, before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing Examiner.

This is a rule hearing pursuant to Minn. Stat. Ch. 15 to determine whether the proposed rule should be adopted.

Sandra Erickson, Administrative Generalist; Phillip Ohman, Accounting Supervisor; Sandra Reuben, Research Analyist; and Barbara Gill, Special Assistant Attorney General, appeared for the Department of Public Welfare. Thirteen persons attending the hearing signed the hearing register. The hearing continued until all interested persons had an opportunity to participate.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General and for notifying

persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On March 13, 1978, the Department filed the following documents with the Chief Hearing Examiner:

(a) The proposed rule;
(b) The Order for Hearing;
(c) The Notice of Hearing;
(d) A copy of the Notice of Intent to Solicit Outside Opinion published at 2 State Register 952 (November 7, 1977);
(e) Materials received in response to that Notice; and
(f) An Opinion that a fiscal statement was not required in this matter.

2. On March 6, 1978, a Notice of Hearing and a copy of the proposed rule were published at 2 State Register 1634.

3. On March 9, 1978, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On March 16, 1978, the Department filed the following documents:

(a) The Affidavit of Receipt of the Secretary of State's list;
(b) The Affidavits of Mailing;
(c) The Secretary of State's Certificate and list;
(d) The Statement of Need; and
(e) The Statement of Evidence, including the names of witnesses to be called.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through May 8, 1978, for the receipt of written comments and statements, the period having been extended by Order of the Hearing Examiner at the hearing to the maximum 20 calendar days. A comment from the Minnesota Governor's Council on Developmental Disabilities was received after the close of the record.

Statutory Authority

6. Minn. Stat. § 252.27, as amended by Laws 1978, ch. 560, § 3, provides in relevant part:

252.27 Cost of boarding care outside of home or institution.

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256D.18. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of $125 per month. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivision 2 and subdivision 3.

Need and Reasonableness of Proposed Rule

7. The Examiner adopts the attached Statement of Need (Department's Exhibit K) and Memorandum of the Department (Department's Exhibit S) as his Findings demonstrating the need for and reasonableness of all sections of the proposed rule except the definitions found in sections B.2., 3., 4., 5., 6., 7. and 8. The Statement of Need was filed 25 days prior to the hearing and was read in its entirety by the Department's representatives at the hearing. Those representatives also explained

certain provisions of the rule beyond the justification presented in the Statement of Need and explained changes to the proposed rule that the Department proposed at the hearing (Department's Exhibit N). The Department's representatives responded to all questions and suggestions made by interested persons and agreed to some of the suggested changes. Those changes, as well as responses to all written comments timely filed after the hearing, are contained in the Department's Memorandum. Between the two documents, the Department has presented a reasonable basis for all sections of the rule except those listed above and has addressed the concerns of all interested persons and agencies.

8. The Department presented no justification for seven of the eleven definitions contained in section B. of the rule. Three of the terms, "state agency", "county agency" and "county of financial responsibility", are so commonly known in the field that their definition is not necessary. To the extent they repeat statutory language, the duplication is certainly not "crucial to the ability of a person affected by [the] rule to comprehend its meaning and effect", as required by Minn. Stat. § 15.0412, subd. 1. These three definitions should be deleted.

9. The Department also failed to present any evidence of the reasonableness of the definition of "social worker". The Examiner will take notice however of the fact that the definition is the same as that in existing Minn. Rule DPW 33, and substantially equivalent to the definition found in existing Minn. Rule DPW 30. Thus, this definition is not a new rule and need not be justified in this hearing.

10. Definitions of "emotionally handicapped child", "mentally retarded" and "epileptic" are given in sections B.2., 3. and 4. of the rule and, again, the Department presented no specific justification for them. They must, therefore, be deleted because the Department has failed to "make an affirmative

presentation of facts establishing the need for and reasonableness of the rule," as required by Minn. Stat. § 15.0412, subd. 4.

The Examiner is aware that this is a technical finding, especially in light of the fact that interested persons did not object to the definitions and that they appear to be reasonable on their face. It would appear that operation of the rule in whole will not be affected because similar definition can be found in other authorities (statutes, rules) that can be applied by the Department.

CONCLUSIONS

1. Due, timely and adequate notice of the hearing was properly served and published by the Department. All other substantive and procedural requirements have been fulfilled.

2. The Department has demonstrated its statutory authority to adopt proposed Minn. Rule DPW 30, and to repeal existing Minn. Rules DPW 30, 30a, 33 and 33a.

3. Except as stated in Findings No. 8 and 10, the Department has demonstrated the need for and reasonableness of the proposed rule by an affirmative presentation of facts.

4. The modifications proposed in Department's Exhibit S do not appear to be substantial changes as that term is applied in Minn. Rule HE 108.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rule be modified as suggested in Department's Exhibit S and Findings No. 8 and 10 and that so modified, it be adopted. It is further recommended that existing Minn. Rules DPW 30, 30a, 33 and 33a be repealed simultaneously with the adoption of the proposed rule.

Dated: June 5, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD J. DIRKSWAGER, JR.

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rule 30 of the Department of Public Welfare Governing the Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children.

ORDER ADOPTING THE RULE

The above-entitled matter came on for hearing before Hearing Examiner Steve M. Mihalchick, of the State Office of Hearing Examiners on April 17, 1978, in Conference Room D of the Veterans Service Building, after proper notice was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

At said hearing the proposed Rule 30 as published at 2 State Register 1634 (Mar. 6, 1978) was considered. The following persons testified for the Department of Public Welfare: Sandra Erickson, Phillip Ohman, and Sandra Reuben. The hearing continued until all interested groups and persons had an opportunity to be heard. Pursuant to order of the Hearing Examiner the record was held open for 20 days for the submission of written comments and statements.

Based upon all the records and proceedings, the Hearing Examiner made Findings of Fact, Conclusions and a Recommendation which are contained in the Report of the Hearing Examiner dated June 5, 1978. Said Report is attached hereto as Exhibit A.

Pursuant to the requirements of Minn. Stat. § 15.0412, subd. 4 (1977) said Report was available to all affected persons for at least five days.

Having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above-captioned rule and the reasonableness thereof,

NOW THEREFORE, IT IS ORDERED, that the Findings of the Hearing Examiner numbered 8 and 10 are hereby rejected. The remaining Findings, the Conclusions of the Hearing Examiner are hereby adopted and incorporated herein. In addition, the Commissioner makes the following:

FINDINGS OF FACT

1. The definition of "state agency" in section B. 5. and the definition of "county agency" in section B. 6. are equivalent to the definitions of these terms in existing Rules 30 and 33. Thus, these definitions are not a new rule and need not be justified in this hearing. The definition of "county of financial responsibility" in section B. 7. is necessary to the operation of the rule as evidenced by the language of section F. 9.: "The costs of boarding care shall be paid by the county of financial responsibility as herein defined." Although these three terms are commonly known in the field, it is necessary and reasonable to define them because the rule affects persons who may not be familiar with this field. Two examples are parents of children in residential treatment, and attorneys who represent such parents or children. Both groups are affected by the rule and should be able to readily understand it.

2. The definitions of "emotionally handicapped child,"

"mentally retarded" and "epileptic" are necessary to the operation of section F. 1. which provides that it is a condition of reimbursement to the county agency that

> The child has been diagnosed as mentally retarded, epileptic or emotionally handicapped <u>on the basis of criteria herein defined.</u>

(Emphasis added.) It is reasonable and necessary to define the terms used in a rule so that the rule will be clear and easily understood by the public.

IT IS FURTHER ORDERED, that existing Minn. Rules DPW 30, 30a, 33 and 33a are hereby repealed; and that this rule, identified as Rule 30 of the Rules of the Minnesota Department of Public Welfare is adopted this _____ day of _____, 1978, and after this day Rule 30 shall read in its entirety as set forth in the attached Exhibit B, pursuant to the authority vested in me, and pursuant to Minn. Stats. Chapters 15 and 252.

Dated: July 19, 1978

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Edward J. Dirkswager, Jr.
Commissioner

CHANGES Minn. Rule DPW 30: Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children

Section B.9. "Cost of Care" includes all costs of the necessary care, treatment and training of the child that are appropriately provided in the boarding care facility. These shall include care, board and room, training and treatment, supervision, medical, ~~clothing and personal needs~~ and miscellaneous expenses which are an integral part of the child's individual program plan and which are nonreimburseable pursuant to Section F.5. of this rule.

Section C.1. Parents shall be responsible for reimbursing the county making payments for ~~boarding~~ cost of care. The amount of reimbursement shall be based on the annual gross income of the parents as adjusted by household size. The monthly amount to be paid by the parent shall be fixed by the following fee schedule:

Section C.3. Exceptions:

(a) If the child has income or resources of his own, an amount not to exceed $30 per month from the child's income shall be used to meet the child's clothing and personal needs, and parents are relieved of this responsibility.
(b) If the parents' sole source of income is from receipt of Public Assistance and the child has no income or resources of his own to meet his clothing and personal needs, $30 per month for clothing and personal needs may be charged to miscellaneous expenses under cost of care expenditures.

Section G.1.e. Period of ~~boarding~~ out-of-home care covered.

Section G.1.f. ~~Charges~~ Expenditures for ~~boarding care~~ cost of care.

Section G.1.g. Parent fee charged ~~if any~~.

Section G.1.h. Child fee charged ~~if any~~.

Section G.1.j. Amount of ~~reimbursable~~ claim which shall be shown as the ~~gross~~ reimbursable ~~costs~~ expenditures minus fees charged to parent and child.

Section G.1.k. Net ~~reimbursable~~ claim which shall be shown as the ~~reimbursable~~ amount of the claim less any applicable recoveries. Applicable recoveries shall include ~~receipts of parent and child fees~~, parent and child contributions in excess of the fees due, insurance payments, prior overpayments, canceled checks, and other receipts as specified by the county agency and approved by the State Agency.

Section G.2.a. ~~Current~~ Parent and child fees due.

Section G.2.b. Reimbursable costs ~~of boarding care~~.

Section G.2.c. Nonreimbursable costs ~~of boarding care~~.

Section G.2.d. ~~Past due parent and child fees~~.

Section G.3. The county agency shall submit this quarterly report to the State Agency within 15 days of the end of each quarter, specifically no later than October 15, January 15, April 15, and July 15. ~~No claims will be considered for reimbursement if received by the State Agency 60 days after the close of the fiscal year for services provided during the fiscal year just ended.~~ Quarterly claims shall include only expenditures for services provided during the current fiscal year. Retroactive rate increases shall be considered current expenditures in the fiscal year in which they are granted by the State Agency. By August 31, the county agency shall submit any claims for expenditures for services provided during the prior fiscal year not previously reported.

Section G.4.b. Estimate total net ~~reimbursable~~ claims for the year by multiplying the amount determined in "a" above by five;

Section G.4.d. Reimburse the first, second, and third quarter net ~~reimbursable~~ claims at the percentage determined in ~~"d"~~ "c" within 45 days of the end of each quarter.

Section G.4.e. Calculate total net ~~reimbursable~~ claims for the year, the total allowable reimbursment, and make final settlement payments within 120 days of the close of the State fiscal year.

Section G.7. For purposes of the boarding care of emotionally handicapped children, facilities licensed under Minn. Rule DPW 8 shall be reimbursed only after ~~boarding~~ cost of care ~~costs~~ expenditures of children in Minn. Rule DPW 5 licensed facilities have been reimbursued.

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Barbara D. Gill, do hereby declare that I have examined proposed Rule 30 and all related documents and that, based upon them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Barbara D. Gill

BARBARA D. GILL

Dated: July 24, 1978

DPW-78-045-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on April 17, 1978, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Public Welfare on June 5, 1978; and

WHEREAS, the Department of Public Welfare has now determined to adopt the rule pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Public Welfare has submitted said rule to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rule is not substantially different from that proposed at the public hearing and that the Department of Public Welfare has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Public Welfare has the responsibility of submitting the complete hearing record and the rule as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 21st day of July, 1978.

By: George A. Beck
GEORGE A. BECK
Hearing Examiner

For: DUANE R. HARVES
Chief Hearing Examiner

DPW-78-045-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULE 30 OF THE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE REIMBURSEMENT FOR COST OF CARE OF MENTALLY RETARDED OR EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILDREN.	)	SUPPLEMENT REPORT OF HEARING EXAMINER

The Order Adopting the Rule issued July 19, 1978, rejected Findings numbered 8 and 10 of the Report of Hearing Examiner. Minn. Stat. § 15.0412, subd. 1, provides in part:

> "No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect."

For the reasons pointed out in the Commissioner's Order, the Examiner is convinced that the definitions previously rejected in Findings 8 and 10 are necessary and reasonable and that, to the extent they repeat statutory language, that duplication is crucial to the ability of persons affected by the rule to comprehend its meaning and effect.

Dated this 21st day of July, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Duane Harves
Chief Hearing Examiner

DATE: 7/19/78

FROM : Barbara D. Gill
Special Assistant
Attorney General

BDG

RECEIVED
JUL 21 1978
OFFICE OF HEARING EXAMINERS

SUBJECT: DPW Proposed Rule 30

Pursuant to Minn. Reg. H.E. 107 I hereby submit, on behalf of the Department of Public Welfare, the following documents:

1. Rule 30 as proposed.
2. Rule 30 as adopted. This document is attached to the Order Adopting the Rule as Exhibit B.
3. Order Adopting the Rule with Report of Hearing Examiner attached as Exhibit A.
4. A two page document entitled "Changes in Proposed Rule 30" which summarizes the changes which have been made in the Rule as originally proposed and the Rule as adopted. These changes appear as they are communicated to the State Register; that is, words being deleted are struck out and words being added are underlined.

The Report of Hearing Examiner was received on June 6, 1978. As required by Minn. Stat. § 15.0412 subd. 4, five days have elapsed prior to submission of the rules to the Chief Hearing Examiner.

BDG/bb

cc Sandra Erickson

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 — 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

July 21, 1978

Ms. Sandra Erickson
Administrative Generalist
Department of Public Welfare
4th Floor - Centennial Office Bldg.
St. Paul, Minnesota 55155

Re: DPW Rule 30; DPW-78-045-SM

Dear Ms. Erickson:

Enclosed please find the documents which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. § 15.052, Subd. 3. Also enclosed is the Supplemental Report of Hearing Examiner, dated July 21, 1978.

Yours very truly,

GEORGE A. BECK
Hearing Examiner

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Enc.

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA HE 5 (4-77)

OFFICE MEMORANDUM

DEPARTMENT: OFFICE OF HEARING EXAMINERS

DATE: March 10, 1978

TO : BOB HAMPER
DPW

FROM: DUANE R. HARVES
Chief Hearing Examiner

RE : ASSIGNMENT OF HEARING EXAMINER

In accordance with your request, the following Hearing Examiner and docket number have been assigned to the matter listed below. The date, time and location of the hearing is also hereby confirmed. Please refer to our docket number on all future correspondence regarding this matter.

In order for us to process the file listed below, an Admin. Form 1060 must be completed. This form is available from our office. In the event a 1060 has not been completed, please forward to us a completed 1060 within the next five days. If you have any questions regarding the proper use of this form, please contact Susan Derus at 296-8103.

~~According to statute, a transcript is always prepared for rules hearings.~~ rule hearings and In/contested case hearings, a transcript is prepared only when requested. In the event you wish to order a transcript, and have not already informed us, please do so as soon as possible. Questions regarding transcript charges should also be referred to Susan Derus at 296-8103.

CASE TITLE	HEARING EXAMINER DOCKET NO.	HEARING EXAMINER ASSIGNED	DATE, TIME AND LOCATION OF HEARING
DPW Rule 30	DPW-78-045-SM	Steve M. Mihalchick	April 17, 1978, 9:00 a.m. Room D, Vets Service Bldg.

(e) For state representative, 20 cents per capita or $7,500, whichever is greater.

1. Darrell R. Miller was a candidate for election in District 32B in 1976.

2. The Miller Volunteer Committee, Ruby Miller, Treasurer, was registered with the Board and filed Reports of Receipts and Expenditures as required by law.

3. Ruby Miller, Treasurer, Miller Volunteer Committee filed a Report of Receipts and Expenditures on January 31, 1977, disclosing campaign expenditures of $7,512.66, or $12.66 in excess of the 1976 campaign expenditure limit. On June 6, 1977, at the direction of the Board, a letter was sent to Ruby Miller, Treasurer, Miller Volunteer Committee, Pine Island, Minnesota, indicating the Board had reason to believe the Miller Volunteer Committee had exceeded the 1976 campaign expenditure limit. The letter was received by Ruby Miller, Treasurer of the committee on June 7, 1977. On July 12, 1977, another letter was sent to Ms. Miller requesting an answer to the letter of June 6, 1977. It was received by Darrell Miller on July 20, 1977. On or about August 1, 1977, a receipt for $9.54 in newspaper subscriptions was provided the Board without additional comment. The Board accepted the $9.54 as non-campaign expenditures, however, the Miller Volunteer Committee was still $3.12 in excess of the campaign expenditure limit. On August 17, 1977, another letter was forwarded to Ms. Miller requesting additional information on the excess expenditures. No response was received. The Board then directed another letter dated September 8, 1977, be sent indicating that unless the Board received information disputing the Board's position, it would be presumed the Miller Volunteer Committee was $3.12 in excess of the expenditure limit. The letter was received on September 19, 1977, by Darrell R. Miller and as of October 11, 1977, no response from Darrell Miller or Ruby Miller was received.

Board Decision

Based on the aforementioned communication, the Ethical Practices Board finds probable cause to believe that the Miller Volunteer Committee exceeded the 1976 campaign expenditure limit by $3.12. The Board directs its Executive Director and legal counsel to take the appropriate legal measures to obtain the penalty pursuant to Minn. Stat. § 10A.28.

Adopted by the Ethical Practices Board on October 11, 1977.

Metropolitan Council

Public Hearings on Proposed Revised Aviation Guide Chapter to the Metropolitan Development Guide

The Metropolitan Council will hold two public hearings to receive public comment on a proposed revised Aviation Guide Chapter to the Metropolitan Development Guide. The public hearings will be held on Tuesday, November 29, 1977, 7:30 p.m., at Richfield West Junior High School, 75 St. and Oliver Av. S., Richfield, Minnesota and on Wednesday, November 30, 1977, 7:30 p.m., at the Metropolitan Council Chambers, 300 Metro Square Building, Seventh and Robert Streets (use Jackson Street entrance), St. Paul, Minnesota 55101. All interested persons are encouraged to attend and offer their comments or to submit written statements to the Metropolitan Council at the above address. Written comments may be submitted until Dec. 7, seven days following the hearing. Persons are encouraged to register in advance to speak by contacting the Metropolitan Council's public hearing coordinator at 291-6482. Those who register first will be scheduled to speak first. Copies of the proposed revised Aviation Guide Chapter are available free of charge from the Metropolitan Council's Public Information Office, 291-6464.

John Boland
Chairman

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Rules Governing Cost of Care Reimbursement for Mentally Retarded, Epileptic and Emotionally Handicapped Children

Notice is hereby given that the Minnesota Department of Public Welfare is seeking information or opinions from sources outside the Department of Welfare in preparing a single new rule governing reimbursement to local county welfare departments for the costs of residential treatment of mentally retarded epileptic and emotionally handicapped children placed outside of state institutions, and the financial responsibility of the parent(s) and the child to contribute to the cost of care expenditures. This rule is authorized by Minn. Stat. § 252.27 (1976), as amended by Laws of 1977 ch. 331.

Current rules relating to the cost of care program are

Minn. Rules DPW 30 and 33, and Temporary Rules DPW 30a and 33a as published at 2 S.R. 754 (October 11, 1977).

All interested parties desiring to submit information and comments on the subject matter of the proposed rule should address their statements to:

Sandra Erickson
Division of Social Services
Department of Public Welfare
Centennial Office Building
St. Paul, Minnesota 55155

All written material received by the Department of Public Welfare will become part of the hearing record for the rule. All statements must be received by December 1, 1977.

Department of Transportation

Notice of Regional Public Information Meetings on Development of a State Transportation Plan

Additional public information meetings on the state transportation plan have been confirmed by the Minnesota Department of Transportation (MnDOT). Meetings will be conducted in each of the State's development regions. The purpose of the meetings will be to present the policy positions of the regional task forces that have been assisting the Department in the development of the state transportation plan. The final meeting schedule is:

Region	*Date*	*City*	*Time*	*Location*
RDC 1	November 14	Warren	7:00 p.m.	Warren State Bank 202 West Johnson
RDC 2	December 1	Bemidji	7:30 p.m.	J. W. Smith Elementary School 18th Street and America Avenue
RDC 3	November 21	Grand Rapids	7:30 p.m.	City Hall Council Chambers 420 Pokegama North
RDC 3	November 22	Duluth	7:30 p.m.	First United Methodist Church Lakeview Room Skyline Parkway and Central Entrance
RDC 4	November 30	Fergus Falls	7:00 p.m.	Fergus Falls Community College Science Auditorium Old Highway 210 West
RDC 5	December 5	Brainerd	7:00 p.m.	Crow Wing County Service Building Meeting Room 1 Behind County Courthouse on Laurel
RDC 6W	December 1	Appleton	7:30 p.m.	Civic Center 323 West Schlieman Avenue
RDC 6E	December 1	Tentative	7:00 p.m.	Tentative
RDC 7W	December 7	St. Cloud	7:00 p.m.	City Hall Annex Fourth Avenue North
RDC 7E	December 5	Mora	7:00 p.m.	Mora City Library 200 West Maple Avenue
RDC 8	December 1	Slayton	7:30 p.m.	Murray County Courthouse Annex South of County Courthouse on Broadway
RDC 9	December 7	Mankato	8:00 p.m.	Region 9 Office 120 South Broad Street