

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

05.0009.0882

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-16-86
DATE FOR REVIEW 4-25
DATE DUE 5-1

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved 4/29/86 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 4-30-86 Revisor approved 4.16.86 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 4.16.86 Date combined w/ FF

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
✓ 2.12.86 At least 30 days prior to ~~hearing~~/adoption
✓ Affidavit of Additional Mailing

✓ Mailing list Certificate

✓ Publication in State Register
2.17.86 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined w/ Order Adopting

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ Fiscal Note

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: LEONARD W. LEVINE, Commissioner
Department of Human Services

ATTN: DEBORAH HUSKINS
Special Assistant Attorney General

DATE: 4/28/86

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers

The above-referenced rule has been approved as to its legality by the Attorney General on April 29, 1986.

Enclosed is the agency's copy of the approved rule. ' is office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1267

Department of Human Services

Adopted Rule Relating to Medical Assistance Reimbursement to Day Service Providers

Rule as Adopted

9525.1220 CLIENT ELIGIBILITY.

The day service provider may receive medical assistance reimbursement for providing day training and habilitation services to an eligible person if the person meets the criteria in items A to G:

A to C. [Unchanged.]

D. the person is not of school age as defined in Minnesota Statutes, section 120.17, subdivision 1;

E. [Unchanged.]

F. the person does not receive day training and habilitation services at the ICF/MR from an approved day service provider or as part of the medical assistance rate of the ICF/MR; and

G. the person is currently capable of only "inconsequential" work activity as defined in part 9525.1210, subpart 15 and the service provided is supervision, assistance, or training during habilitative work activities.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 30 1986
Joan Anderson Growe
Secretary of State
10:50 AM

APPROVED AS TO FORM AND LEGALITY
4/29 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Department of Human Services

Proposed Rule Relating to Medical Assistance Reimbursement to Day Service Providers

Rule as Proposed

9525.1220 CLIENT ELIGIBILITY.

The day service provider may receive medical assistance reimbursement for providing day training and habilitation services to an eligible person if the person meets the criteria in items A to ~~F~~ G:

A to C. [Unchanged.]

D. the person is not of school age as defined in Minnesota Statutes, section 120.17, subdivision 1; ~~and~~

E. [Unchanged.]

F. the person does not receive day training and habilitation services at the ICF/MR from an approved day service provider or as part of the medical assistance rate of the ICF/MR; and

G. the person is currently capable of only "inconsequential" work activity as defined in part 9525.1210, subpart 15 and the service provided is supervision, assistance, or training during habilitative work activities.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD882

Agency: Department of Human Services

Division:

Agency Contact: Lisa Rotegard

Minnesota Rules: Part 9525.1220

Title: Proposed Rule Relating to Medical Assistance Reimbursement to Day Service Providers

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Susan E. Quayle
Assistant Revisor
Phone: 296-0956

Date: January 17, 1986

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the State Register on February 17, 1986 and was sent by United States Mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on February 12, 1986. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The amendment to Minnesota Rules, part 9525.1220 shall be adopted as originally proposed.

The Department received one comment on the proposed amendment to Minnesota Rules, Part 9525.1220. Kris Pflepson, the director of Stearns County DAC, commented that the amendment "was too restrictive in determining whether a client can or cannot receive day services." The Department considered the comment but made no changes in the proposed amendment. The criteria for client eligibility does not restrict a client from receiving day services. It restricts client eligibility for MA reimbursement of certain vocational activities that may be provided by the training and habilitation agency.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Department of Human Services' Rule Governing Medical Assitance Reimbursement to Day Service Providers is adopted this 16th day of April, 1986, pursuant to authority vested in me by Minnesota Statutes, section 256B.501, subdivision 10.

LEONARD W. LEVINE, Commissioner
DEPARTMENT OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 24 day of Jan., 1986 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Human Services for that purpose and be published in the State Register.

STATE OF MINNESOTA

Sarah Levine

COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256B.501, subdivision 10.

All persons have 30 days or until 4:30 p.m., March 19, 1986, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Lisa Rotegard
MR Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 297-3829

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rules is attached to this notice. A free copy of the rule is available upon request from:

Vicki Lear
MR Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 296-2160

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Vicki Lear upon request.

The adoption of this rule amendment will not require any expenditures of public moneys by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lisa Rotegard.

1-24-86
Date

Leonard W. Levine
Commissioner of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE DEPARTMENT OF HUMAN SERVICES RULE GOVERNING MEDICAL ASSISTANCE REIMBURSEMENT TO DAY SERVICE PROVIDERS, MINNESOTA RULES, PART 9525.1220

AFFIDAVIT OF MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 12th day of February, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I served the attached Notice of Proposed Adoption of a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department.

Nancy Storelee

Subscribed and sworn to before me

this 12th day of February, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256B.501, subdivision 10.

All persons have 30 days or until 4:30 p.m., March 19, 1986, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 297-3829

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rules is attached to this notice. A free copy of the rule is available upon request from:

Vicki Lear
MR Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 296-2160

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Vicki Lear upon request.

The adoption of this rule amendment will not require any expenditures of public moneys by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lisa Rotegard.

1-24-86
Date

Leonard W. Levine
Commissioner of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE DEPARTMENT OF HUMAN SERVICES RULE GOVERNING MEDICAL ASSISTANCE REIMBURSEMENT TO DAY SERVICE PROVIDERS, MINNESOTA RULES, PART 9525.1220

AFFIDAVIT OF ADDITIONAL MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 12th day of February, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Proposed Adoption of a Rule Without a Public Hearing to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, I also served the attached notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following agencies:

.The 87 Minnesota County Human Services Agencies
.165 Advocates and Other Interested Parties (See attached list)

Nancy Storelee

Subscribed and sworn to before me

this 12th day of February, 1986.

Louise J. Brendel

LOUISE J. BRENDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

ALEXANDRIA OPPORTUNITIES CENTER
3401 South Broadway
P.O. Box 368
Alexandria, MN 56308

ALPHA DAC
919 James
Albert Lea, MN 56007

ALPHA II DAC
308 Water Street
Albert Lea, MN 56007

ALPHA III DAC
421 Adams Avenue
Albert Lea, MN 56007

ALPHA IV DAC
909 Janson Street
Apt. 920/101 Albert Lea, MN 56007

ANOKA COUNTY DAC
1141 - 89th Avenue Northeast
Blaine, MN 55434

ANOKA COUNTY DAC (Satellite Center)
1415 - 6th Avenue South
Anoka, MN 55303

AVEYRON CENTER
5707 West Broadway
Minneapolis, MN 55428

BECKER COUNTY DAC
900 East Central Street
Detroit Lakes, MN 56501

BECKER COUNTY DAC EARLY
INTERVENTION PROGRAM
200 East State Street
Detroit Lakes, MN 56501

BELTRAMI COUNTY DAC
523 - 19th Street
Bemidji, MN 56601

BIG STONE COUNTY DAC
Old Bank Building
Clinton, MN 56225

CARVER COUNTY DAC
St. Boniface School
St. Bonifacius, MN 55375

BLUE EARTH COUNTY DAC
15 Map Drive
Mankato, MN 56001

CEDAR BRANCH DAC
P.O. Box 316
Adams, MN 55909

BLUE EARTH COUNTY DAC II
Training & Habilitation Center
15 Map Drive
Mankato, MN 56001

CEREBRAL PALSY CENTER, INC WAC
6300 Walker
St. Louis Park, MN 55416

BRIGHTER DAY ACHIEVEMENT
500 South Walnut Avenue
Mora, MN 55051

CHIPPEWA COUNTY/YELLOW MEDICINE DAC
Fairgrounds
Box 348
Montevideo, MN 56256

CANBY ACTIVITY CENTER
County Road 3
Canby, MN 56220

CHISAGO COUNTY DAC
Box 410
Chisago City, MN 55013

CANNON FALLS PRESCHOOL DAC
St. Ansgars Lutheran Church
Cannon Falls, MN 55009

CLAY COUNTY DAC
1503 First Avenue North
Moorhead, MN 56560

CAREERS TRAINING CENTER
415 North Grove
Owatonna, MN 55060

DAKOTA INC.
ANNEX
240 Pilot Knob Road
Mendota Heights, MN 55120

DAKOTA INC.
HASTINGS ADULT CENTER
121 East Second Street
Hastings, MN 55033

DODGE COUNTY DAC
602 Central Avenue South
Dodge Center, MN 55927

DAKOTA INC.
HASTINGS EARLY INTERVENTION CENTER
207 West 2nd
Hastings, MN 55033

DOUGLAS COUNTY ACHIEVEMENT CENTER
524 Willow Drive
Alexandria, MN 56308

DAKOTA INC.
INVER GROVE HEIGHTS
Hilltop Elementary School
9875 Inver Grove Trail
Inver Grove Heights, MN 55075

DOUGLAS COUNTY DAC EARLY
INTERVENTION PROGRAM
2210 Lincoln Avenue East
Alexandria, MN 56308

DAKOTA INC.
PROJECT DAKOTA
Holy Trinity Catholic School
745 - 6th Avenue South
South St. Paul, MN 55075

EAST POLK DAC
326 North Mark Avenue
Fossten, MN 56542

DAKOTA INC.
Robert Street Adult Center
149 East Thompson Avenue
West St. Paul, MN 55118

EAST RANGE DAC, INC.
800 "A" Avenue
Eveleth, MN 55734

DAKOTA INC.
ROSEMOUNT CENTER
2665 West 145th Street
Rosemount, MN 55068

DACs OF MINNEAPOLIS, INC. I
2730 East 31st Street
Minneapolis, MN 55406

DACs OF MINNEAPOLIS, INC. II
7145 Harriet Avenue South
Richfield, MN 55423

DAKOTA INC.
BIDWELL ADULT CENTER
1037 Bidwell Avenue
West St. Paul, MN 55118

AKOTA INC.
ennepin Center
0 West - 92nd Street
omington, MN 55420

KOTA INC.
RNSVILLE ADULT CENTER
215 Nicollet Avenue
nsville, MN 55337

OTA INC.
NSVILLE/EAGAN CENTER
ar Elementary School
0 County Road 30

CLEARWATER DAC
8th and Hal[illegible] Avenue
Bagley, MN 56621

COTTAGE GROVE ADULT CENTER
8180 South Belden Boulevard
Cottage Grove, MN 55016

COTTAGE GROVE EARLY CHILDHOOD CENTER
8180 South Belden Boulevard
Cottage Grove, MN 55016

COURAGE CENTER THERAPEUTIC SERVICES
PRESCHOOL DAC
3915 Golden Valley Road
Golden Valley, MN 55422

CROSSROADS DAC
101 East Benson Avenue
Willmar, MN 56201

CUSTOM CONTRACTS AND SERVICES
1410 Energy Park Drive
St. Paul, MN 55108

KANDIYOHI COUNTY DAC
Atwater, MN 56209

HOUSTON COUNTY DAC
730 North Pine
Caledonia, MN 55921

KAPOSIA DAC
179 East Robie Street
St. Paul, MN 55107

HOUSTON COUNTY DAC-BADGER SITE
425 North Badger
Caledonia, MN 55921

KAPOSIA DLC - ANNEX
193 East Robie, Apt. #4
St. Paul, MN 55107

HUBBARD COUNTY DAC
611 Lake Street
Park Rapids, MN 56470

KAPOSIA DLC - WORK COMPONENT
153 East Thompson Avenue
West St. Paul, MN 55118

ITA-BEL-KOO DAC
Main Street
Northome, MN 56661

KIMBALL DAC
Box 383
Kimball, MN 55353

ITASCA COUNTY DAC
Roosevelt and First Street
Coleraine, MN 55722

KITTSON COUNTY DAC
Lake Bronson Public School
Lake Bronson, MN 56734

JACKSON COUNTY DAC
412 Broadway
Lakefield, MN 56150

GOODHUE COUNTY DAC-PARK SITE
240 Mississippi
Red Wing, MN 55066

GOODHUE COUNTY DAC - WANAMINGO SITE
Wanamingo Public Schools - Room 130
Wanamingo, MN 55983

GOODHUE COUNTY DAC - WEST MAIN
1603 West Main Street
Red Wing, MN 55066

GRANT COUNTY DAC
302 Dakota Avenue
Hoffman, MN 56339

HARBOR SCHOOL DAC
910 - 9th Street South
Moorhead, MN 56560

HOPE DAC
Ruthton, MN 56170

EXTENDED PROGRAM IN THE COMMUNITY
(EPIC)
Highway 3 South
Dundas, MN 55019

FALLS DAC
205 West 13th Street
Thief River Falls, MN 56701

FARIBAULT COUNTY DAC
Dewey and Highway 254, Box 536
Forst, MN 56033

FILLMORE COUNTY DAC
108 Fillmore Place, Box 205
Preston, MN 55965

FLOODWOOD DAC
Ash Street
Floodwood, MN 55736

FOREST LAKE EARLY CHILDHOOD CENTER
Faith Lutheran Church
886 North Lake Shore Drive
Forest Lake, MN 55025

WEST NICOLLET/BROWN COUNTY [redacted]
2104 North Broadway
New Ulm, MN 56073

THERAPEUTI[redacted]CHILD
DEVELOPMENT PROGRAM
319 Eagle Street
St. Paul, MN 55102

WILKIN COUNTY DAC
430 - 9th Street North
Breckenridge, MN 56520

TODD COUNTY DAC
P.O. Box 206
501 West Sixth Street
Browerville, MN 56438

WINONA COUNTY DAC
1721 West Service Drive
Winona, MN 55987

UNITED DAC OF DULUTH
500 East 10th Street
Duluth, MN 55805

WRIGHT COUNTY DAC
(Satellite II)
Evangelical Lutheran Church
of Cokato
280 - 3rd Street East
Cokato, MN 55321

WABASHA COUNTY DAC
105 - 3rd Street East
Wabasha, MN 55981

WADENA COUNTY DAC
Box 235 Highway 71
Sebeka, MN 56477

WASECA COUNTY DAC
200 - 16th Avenue Southeast
Waseca, MN 56093

STEVENS COUNTY DAC
203 Green River Road
Morris, MN 56267

SHORELINE EARLY INTERVENTION
PROGRAM & BUDGET PROGRAM
3745 Shoreline Drive
Wayzata, MN 55391

STILLWATER ADULT SERVICES
6049 Pal Avenue North
Oak Park Heights, MN 55082

SIBLEY COUNTY DAC
700 Marion Drive
Arlington, MN 55307

STILLWATER EARLY CHILDHOOD CENTER
813 West Myrtle
Stillwater, MN 55082

STEARNS COUNTY DAC
(Satellite I) Alano Building
Cold Spring, MN 56320

SWAN LAKE DAC
515 - 11th Street
Windom, MN 56101

STEARNS COUNTY DAC
(Sauk Centre) Elm and Sinclair Lewis
Sauk Centre, MN 56378

SWAN LAKE DAC - SATELLITE
108 - 9th Street
Windom, MN 56101

STEARNS COUNTY DAC
Washington School
820 - 8th Avenue South
St. Cloud, MN 56301

SWIFT COUNTY DAC
Highway 12 West
Benson, MN 56215

STEELE COUNTY DAC
560 Dunnell Drive
Owatonna, MN 55060

ST. PAUL'S DAC
690 South Cleveland
St. Paul, MN 55116

ROBERT W. MIGGINS
CHRESTOMATHY CENTER
310 East 38th Street
Minneapolis, MN 55409

ST. PAUL PARK ADULT SERVICES
520 Pullman
St. Paul Park, MN 55071

ROCK COUNTY DAC
807 West Main
Luverne, MN 56156

SCHOOL FOR SOCIAL DEVELOPMENT
1915 Chicago Avenue South
Minneapolis, MN 55403

ROSEAU DAY ACTIVITY CENTER
204 - 2nd Avenue Northeast
Roseau, MN 56751

SCOTT COUNTY DAC
20560 Langford Way
Jordan, MN 55352

ST. ANTHONY DAC
3301 Silver Lake Road Northeast
Minneapolis, MN 55418

SHERBURNE COUNTY DAC
Saron Lutheran Church
311 Lake Street South
Big Lake, MN 55309

ST. CLOUD HABILITATION CENTER
Kimball DAC
2719 Division
St. Cloud, MN 56031

SHERBURNE COUNTY DAC
AT ELD RIVER
lincoln Community Center, Room 217
600 School Street
Elk River, MN 55330

ST. DAVID'S DAC
13000 St. David's Road
Minnetonka, MN 55343

RANGE CENTER INC.
1001 - 8th Avenue Northwest
Chisholm, MN 55719

PAUL BUNYAN DAC
P.O. Box 701
500 Tamarac Street
Brainerd, MN 56401

REDWOOD COUNTY DAC
515 West Bridge Street
Redwood Falls, MN 56283

PINE COUNTY DAC
Main Street North & 2nd Street
Sandstone, MN 55072

RENVILLE COUNTY DAC
Box 115, Fairgrounds
Bird Island, MN 55310

PINE RIVER AREA DAC
Highway 10
Pine River, MN 56474

REUBEN LINDH LEARNING CENTER
1120 East 37th Street
Minneapolis, MN 55407

PINEWOOD LEARNING CENTER
915 - 18th Street
Cloquet, MN 55720

REUBEN LINDH LEARNING CENTER
3616 - 12th Avenue South
Minneapolis, MN 55407

POLK COUNTY DAC
515 - 5th Avenue South
Crookston, MN 56716

RICE COUNTY ACTIVITY CENTER
21 Northeast 10th Street
Faribault, MN 55021

POTENTIAL UNLIMITED
208 East Main Street
Waterville, MN 56096

OPEN ARMS DAC -
MANKATO REHAB CEN[redacted]
15 Map Drive
Mankato, MN 56001

OPPORTUNITY WORKSHOP DAC
7400 Laurel Avenue
Golden Valley, MN 55426

OPPORTUNITY WORKSHOP WORK
ACTIVITY CENTER
5500 Opportunity Court
Minnetonka, MN 55343

OTTER TAIL COUNTY DAC -
FERGUS FALLS BRANCH
Fir Avenue West
Fergus Falls, MN 56537

OTTER TAIL COUNTY DAC -
Satellite I
2nd Avenue, DAC Building
Dent, MN 56528

OTTER TAIL COUNTY DAC -
Satellite II
County Road 42
Parkers Prairie, MN 56361

NORTH[redacted]ST LEARNING CENTER
REC[redacted]LING DEPOT
2315 First Street North
North St. Paul, MN 55109

NORTHERN CASS DAC
Ah-Gwah-Ching Campus
Ah-Gwah-Ching, MN 56430

NORTHLAND DAC
20th Avenue and Shorewood Drive
International Falls, MN 56649

OAK GROVE ACHIEVEMENT CENTER
Highway 46 E
Austin, MN 55912

OAKDALE EARLY CHILDHOOD
CENTER - DLC
6675 - 50th Street North
Oakdale, MN 55109

OLMSTED COUNTY DAC
2118 Campus Drive Southeast
Rochester, MN 55904

NOBLES COUNTY DAC
2121 Nobles Street
Worthington, MN 56187

NORMAN COUNTY DAC
103 & 105 West 4th Avenue
Ada, MN 56510

NORTH METRO DAC
7400 Laurel Avenue North
Golden Valley, MN 55426

NORTH SUBURBAN DAC
1393 Garden Avenue
St. Paul, MN 55113

NORTHEAST LEARNING CENTER
ADULT PROGRAM
Gladstone Community Education Center
Frost & Manton
Maplewood, MN 55109

NORTHEAST LEARNING CENTER
PRESCHOOL PROGRAM
1060 Sterling Avenue North
Maplewood, MN 55119

MERRICK COMPANIES INC.
1728 Gervais Avenue
Maplewood, MN 55109

MIDWAY TRAINING SERVICES
1549 University Avenue
St. Paul, MN 55104

MIDWEST SPECIAL SERVICES, INC. DAC
900 Ocean Street
St. Paul, MN 55106

MILLE LACS AREA DAC
P.O. Box 92
115-125 - First Street Southeast
Milaca, MN 56353

MORRISON COUNTY DAC
307 Northwest 9th Avenue
Little Falls, MN 56345

MURRAY COUNTY DAC
2516 - 27th Street
Slayton, MN 56172

MARSHALL COUNTY DAC
228 East Johnson Aven
Warren, MN 56762

LAC QUI P[illegible]E COUNTY DAC, INC.
P.O. Box [illegible]
Madison, MN 56356

MARTIN COUNTY DAC
100 West 2nd Street
Sherburne, MN 56171

LAKE COUNTY DAC
P.O. Box 143
Knife River, MN 55609

McDONNEL DAC-NORTHEAST
2534 Central Avenue Northeast
Minneapolis, MN 55418

LeSUEUR COUNTY DAC
519 West Pacquine Street
Waterville, MN 56096

McDONNELL DAC-SOUTH
1926 Nicollet Avenue South
Minneapolis, MN 55403

LOUISE WHITBECK FRASER DAC, INC.
2400 West 64th Street
Minneapolis, MN 55423

McLEOD COUNTY DAC
311 Fairlawn Avenue West
Winsted, MN 55395

LYON COUNTY DAC
501 South Whitney Street
Marshall, MN 56258

MEEKER COUNTY DAC
428 East 10th Street
Litchfield, MN 55355

MAHNOMEN COUNTY DAC
Box 323
Mahnomen, MN 56557

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED AMENDMENT
TO THE DEPARTMENT OF HUMAN SERVICES RULE
GOVERNING MEDICAL ASSISTANCE REIMBURSEMENT
TO DAY SERVICE PROVIDERS, MINNESOTA RULES,
PART 9525.1220

CERTIFICATE

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1, that their names be placed on file with and maintained by the Department of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 2:00 p.m. this 12th day of February, 1986.

Nancy Storlee

Part 8. RATE MODIFICATION REPORT.

Outpatient surgical centers shall file rate modification reports with the system. The reports must be filed no less than 60 days before the effective date of a modification to the facility's aggregate rate schedule. For the purposes of this requirement, "aggregate rate schedule" means the facility's average expected revenue per patient visit; and "modifications" means changes in the aggregate rate schedule due to changes in the facility's prices. The report must be filed according to instructions provided by the system.

Part 9. FILING FEES.

The following filing fees apply when an outpatient surgical center files required reports with the Commissioner of Health, rather than with a voluntary, nonprofit reporting organization:

A. for an annual financial information report, the filing fee is $100 or 0.00025 times the facility's gross revenue during its most recently completed fiscal year, whichever is less;

B. for an annual status report, the filing fee is $100 or 0.00025 times the facility's gross revenue during its most recently completed fiscal year, whichever is less; and

C. for a rate modification report, the filing fee is $10.

Part 10. LATE FILING FEE.

Outpatient surgical centers that submit a required report after the due date, and that have not obtained an extension of time pursuant to Minnesota Rules, part 4650.0140, are subject to a late filing fee of $10 per day that the report is late. For this purpose, a report must be complete to be considered to have been filed, subject to the system's review pursuant to Minnesota Rules, part 4650.0150.

Department of Human Services

Proposed Rule Relating to Medical Assistance Reimbursement to Day Service Providers

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256B.501, subdivision 10.

All persons have 30 days or until 4:30 p.m., March 19, 1986, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Lisa Rotegard
MR Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 297-3829

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rules is attached to this notice. A free copy of the rule is available upon request from:

Vicki Lear
MR Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155
(612) 296-2160

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Vicki Lear upon request.

The adoption of this rule amendment will not require any expenditures of public moneys by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lisa Rotegard.

January 24, 1986

Leonard W. Levine
Commissioner of Human Services

Rule as Proposed

9525.1220 CLIENT ELIGIBILITY.

The day service provider may receive medical assistance reimbursement for providing day training and habilitation services to an eligible person if the person meets the criteria in items A to ~~F~~ G:

A to C. [Unchanged.]

D. the person is not of school age as defined in Minnesota Statutes, section 120.17, subdivision 1; ~~and~~

E. [Unchanged.]

F. the person does not receive day training and habilitation services at the ICF/MR from an approved day service provider or as part of the medical assistance rate of the ICF/MR; and

G. the person is currently capable of only "inconsequential" work activity as defined in part 9525.1210, subpart 15 and the service provided is supervision, assistance, or training during habilitative work activities.

Department of Jobs and Training

Proposed Rule Relating to Rehabilitation Services Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Jobs and Training (Department) proposes to adopt the above entitled rules. A copy of the proposed rules is attached to this notice.

Because fees for rehabilitation services are fixed by rule rather than law, the procedures for adoption of noncontroversial rules will be used. See Minnesota Statutes, section 16A.128, subdivision 2(a) (1984). Authority for adoption of these rules is contained in Minnesota Statutes, section 129A.03. (b), (c), and (m).

Persons interested in these rules will have 30 days to submit comments in support or opposition to the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the State Register on February 17, 1986 and was sent by United States Mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on February 12, 1986. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The amendment to Minnesota Rules, part 9525.1220 shall be adopted as originally proposed.

The Department received one comment on the proposed amendment to Minnesota Rules, Part 9525.1220. Kris Pflepson, the director of Stearns County DAC, commented that the amendment "was too restrictive in determining whether a client can or cannot receive day services." The Department considered the comment but made no changes in the proposed amendment. The criteria for client eligibility does not restrict a client from receiving day services. It restricts client eligibility for MA reimbursement of certain vocational activities that may be provided by the training and habilitation agency.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Department of Human Services' Rule Governing Medical Assitance Reimbursement to Day Service Providers is adopted this 16th day of April, 1986, pursuant to authority vested in me by Minnesota Statutes, section 256B.501, subdivision 10.

LEONARD W. LEVINE, Commissioner
DEPARTMENT OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

STATEMENT OF NEED AND REASONABLENESS

The Department of Human Services' authority for promulgating this above-entitled rule amendment is contained in Minnesota Statutes, section 256B.501, subdivision 10.

The Commissioner of Human Services believes that the proposed amendment to Minnesota Rules, parts 9525.1200 to 9525.1330 is noncontroversial in nature and therefore appropriate for promulgation pursuant to Minnesota Statutes, sections 14.22 to 14.28. The amendment to part 9525.1220 simply restates directives that are already included in the rules governing Medical Assistance Reimbursement to Training and Habilitation Service Providers, Minnesota Rules, parts 9525.1200 to 9525.1330. The amendment was at the request of the Health Care Financing Administration and the intent of the amendment is to ensure that directives pertaining to client eligibility for training and habilitation services are clear.

BACKGROUND

The Health Care Financing Administration (HCFA) reviewed medical assistance reimbursement training and habilitation services from April 8, 1985 to April 12, 1985. One recommendation made by HFCA was that the "state stop claiming federal financial participation (FFP) for vocational component of Development Achievement Center (DAC) services for clients whose Individual Program Plans (IPP) show vocational activity as the first priority". The Department argued that (1) work has been recognized by HCFA as an area of habilitation when it focuses on the development and maintenance of life skills that enable the individual to function to the best of his or her capacity and (2) work-related activities in DAC's are primarily "therapeutic" as defined by 29 CFR 525.1 and are therefore habilitative. The Department did agree to modify its rules and regulations regarding the Medical Assistance (MA) funding of therepeutic work activity to fully comply with any forthcoming regulation changes or transmittals from the Department of Health and Human Services. In the meantime the Department agreed "to amend its rules governing MA reimbursement of training and habilitation services to more clearly state that persons capable of productive or competitive employment are not eligible for MA reimbursement of vocational activities".

Part 9525.1220, item G

The addition of item G is necessary to comply with HCFA's request that the Department amend its rules to more clearly state that persons capable of productive or competitive employment are not eligible for MA reimbursement of vocational activities. Item G is a restatement of the standard set in part 9525.1210, subpart 15 and referred to in part 9525.1250, subpart 1. Including item G in 9525.1220 will ensure that there is no confusion as to its application with regard to eligibility for service.

It is reasonable to include the item G., "the person is currently capable of only "inconsequential" work activity as defined in part 9525.1210, subpart 15 and the service provided is supervision, assistance, or training during habilitation work activities", in part 9525.1220 (Client Eligibility) because specific criteria for MA reimbursement of services for eligible persons are included in this part.

1-24-86
Date

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendment to the Department of Human Services' Rule Governing Medical Assistance Reimbursement to Day Service Providers, Minnesota Rules, part 9525.1220

DECLARATION OF COUNSEL

I, Deborah Huskins, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2000 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0882.

Deborah L. Huskins

Special Assistant Attorney General

Fiscal Note for an Amendment to MN Rules, parts 9525.1220 to 9525.1330 Governing Medical Assistance (MA) Reimbursement of Training and Habilitation Services.

There is no fiscal impact to local or state governments as a result of this proposed amendment. The amendment mearly restates language already embodied in part 9525.1210, subpart 15 and part 9525.1250, subpart 1 of the rules.



SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Human Services

PHONE : 296-2794

DATE : April 16, 1986

TO : Judith Wehrwein
Attorney General

FROM : Bob Hamper
DHS BH

SUBJECT : Review of Minnesota Rules, part 9525.1220 (Noncontroversial)

Enclosed for your review is the rule file for Minnesota Rules, part 9525.1220.

If you have any questions about the rule file, please call me at 296-2794.

P.S. There was no Notice of Solicitation on this rule.