Minnesota Department of Human Services
Direct Care & Treatment Administration, Financial Services

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing the Cost of Care for Clients in State-Operated Facilities, Minnesota Rules, Parts 9515.1000 – 9515.2600; Revisor’s ID Number 4500

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible amendment to the rules governing the reimbursement for cost of care in state facilities. The Department is considering rule amendments that update and clarify the process used to determine the ability of patients, clients, and relatives to pay for the cost of care in a state facility when no other payer is available or when the only payer available is a public payer. The proposed rule amendments would clarify how the state may verify a patient’s personal assets using credit checks and personal income tax information; clarify when a financial interview is needed and, if needed, when and how the interview would occur; clarify the frequency of the determination of ability to pay calculation; and remove outdated tables embedded in the rules. This amendment would also align information requests with current Health Insurance Portability and Accountability Act (HIPAA) and financial institution requirements for asset verification.

Persons Affected. The rule amendments would likely affect individuals in state-operated facilities and their responsible relatives.

Statutory Authority. Minnesota Statutes, section 246.51, subdivision 2, requires the Department to adopt rules to establish “uniform standards for determination of client liability and relative, guardian or conservator responsibility for care provided at state facilities.”

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the State Register that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Department does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, and requests for more information on this possible rules amendment should be directed to Michelle Tenney, regarding cost of care policy, or Vanessa Vogl, regarding rulemaking:

Michelle Tenney
Minnesota Department of Human Services
Direct Care and Treatment Financial Services
PO Box 65979
Saint Paul, MN 55164-0979
TTY users may call the Department at (800) 627-3529. You can also submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at https://minnesotaoah.granicusideas.com/discussions.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: May 9, 2018

Amy Akbay, Chief General Counsel
Minnesota Department of Human Services