

**CHAPTER 9530**  
**DEPARTMENT OF HUMAN SERVICES**  
**CHEMICAL DEPENDENCY PROGRAMS**

**LICENSURE OF CHEMICAL DEPENDENCY  
REHABILITATION PROGRAMS**

9530 4100 DEFINITIONS  
9530 4110 SCOPE  
9530 4120 LICENSING OF PROGRAMS  
9530 4130 NEGATIVE LICENSING ACTIONS  
9530 4200 POLICY AND PROCEDURES  
MANUAL  
9530 4210 MANUAL STATEMENT OF  
PROGRAM PURPOSE AND GOALS  
9530 4220 GOVERNING BODY OF PROGRAM  
LICENSE HOLDER  
9530 4230 PROGRAM EVALUATION  
9530 4250 PERSONNEL POLICIES AND  
PROCEDURES  
9530 4260 PERSONNEL FILES  
9530 4270 STAFF QUALIFICATIONS  
9530 4280 STAFFING REQUIREMENTS  
9530 4300 ADMISSION, INFORMATION AND  
REFERRAL, AND DISCHARGE  
POLICIES  
9530 4310 POLICIES AND PROCEDURES  
WHICH GUARANTEE CLIENT  
RIGHTS  
9530 4320 HEALTH MONITORING SERVICES  
9530 4330 MEDICAL SERVICES  
9530 4340 PROTECTIVE PROCEDURES  
9530 4350 CLIENT RECORDS  
9530 4370 CATEGORY I CLIENT SERVICES  
9530 4380 CATEGORY II CLIENT SERVICES  
9530 4390 CATEGORY III CLIENT SERVICES  
9530 4400 CATEGORY IV CLIENT SERVICES  
9530 4410 INDIVIDUAL TREATMENT PLANS  
FOR CATEGORY II, III, AND IV  
CLIENTS  
9530 4450 ADDITIONAL REQUIREMENTS FOR  
PROGRAMS SERVING  
ADOLESCENTS  
9530 5300 LICENSURE  
9530 6600 CHEMICAL DEPENDENCY CARE  
FOR PUBLIC ASSISTANCE  
RECIPIENTS, GENERAL  
PROVISIONS

9530 6605 DEFINITIONS  
9530 6630 PLACEMENT CRITERIA FOR  
PRIMARY REHABILITATION  
9530 6635 PLACEMENT CRITERIA FOR  
PRIMARY REHABILITATION IN A  
HOSPITAL SETTING  
9530 6640 PLACEMENT CRITERIA FOR  
EXTENDED CARE  
9530 6645 PLACEMENT CRITERIA FOR A  
HALFWAY HOUSE  
9530 6650 EXCEPTIONS TO PLACEMENT  
CRITERIA  
9530 6655 APPEALS  
9530 6800 ASSESSMENT OF NEED FOR  
CHEMICAL DEPENDENCY  
TREATMENT PROGRAMS  
9530 6810 COUNTY BOARD RESPONSIBILITY  
TO REVIEW NEED FOR NEW OR  
EXPANDED CHEMICAL  
DEPENDENCY TREATMENT  
PROGRAMS  
9530 7000 DEFINITIONS  
9530 7005 SCOPE AND APPLICABILITY  
9530 7010 COUNTY RESPONSIBILITY TO  
PROVIDE CHEMICAL DEPENDENCY  
TREATMENT SERVICES  
9530 7015 CLIENT ELIGIBILITY UNDER THE  
CONSOLIDATED CHEMICAL  
DEPENDENCY TREATMENT FUND  
9530 7020 COUNTY RESPONSIBILITY TO  
DETERMINE CLIENT ELIGIBILITY  
FOR CONSOLIDATED CHEMICAL  
DEPENDENCY TREATMENT FUNDS  
AND CLIENT'S ABILITY TO PAY  
FOR TREATMENT  
9530 7025 DENIAL OF PAYMENT  
9530 7030 ELIGIBLE VENDOR'S DUTY TO  
PARTICIPATE IN A CLIENT  
INFORMATION SYSTEM

NOTE: The amendments to parts in this chapter as adopted on July 13, 1987, at 12 State Register, page 53, are effective January 1, 1988, unless otherwise specified

**9530.0100 [Repealed, 12 SR 1451]**

**9530.0200 [Repealed, 12 SR 1451]**

**9530.0300 [Repealed, 12 SR 1451]**

**9530.0400 [Repealed, 12 SR 1451]**

**9530.0500 [Repealed, 12 SR 1451]**

**9530.0600 [Repealed, 12 SR 1451]**

**9530.0700 [Repealed, 12 SR 1451]**

**9530.0800 [Repealed, 12 SR 1451]**

**9530.0900 [Repealed, 12 SR 1451]**

**9530.1000 [Repealed, 12 SR 1451]**

**9530.1100 [Repealed, 12 SR 1451]**

**9530.1200 [Repealed, 12 SR 1451]**

# MINNESOTA RULES 1988

253

## CHEMICAL DEPENDENCY PROGRAMS 9530.4100

9530.1300 [Repealed, 12 SR 1451]

9530.1400 [Repealed, 12 SR 1451]

9530.1500 [Repealed, 12 SR 1451]

9530.1600 [Repealed, 12 SR 1451]

9530.1700 [Repealed, 12 SR 1451]

9530.2500 [Repealed, 12 SR 1451]

9530.2600 [Repealed, 12 SR 1451]

9530.2700 [Repealed, 12 SR 1451]

9530.2800 [Repealed, 12 SR 1451]

9530.2900 [Repealed, 12 SR 1451]

9530.3000 [Repealed, 12 SR 1451]

9530.3100 [Repealed, 12 SR 1451]

9530.3200 [Repealed, 12 SR 1451]

9530.3300 [Repealed, 12 SR 1451]

9530.3400 [Repealed, 12 SR 1451]

9530.3500 [Repealed, 12 SR 1451]

9530.3600 [Repealed, 12 SR 1451]

9530.3700 [Repealed, 12 SR 1451]

9530.3800 [Repealed, 12 SR 1451]

9530.3900 [Repealed, 12 SR 1451]

9530.4000 [Repealed, 12 SR 1451]

### LICENSURE OF CHEMICAL DEPENDENCY REHABILITATION PROGRAMS

#### 9530.4100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9530.4100 to 9530.4450, the following terms have the meanings given them.

Subp. 2. **Adolescent.** "Adolescent" means an individual under 18 years of age, defined as a child under Minnesota Statutes, section 260.015, subdivision 2.

Subp. 3. **Applicant.** "Applicant" means an individual, organization, partnership, voluntary association, corporation, or other public or private organization that submits an application for licensure under parts 9530.4100 to 9530.4450.

Subp. 4. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances as defined in Minnesota Statutes, chapter 152.

Subp. 5. **Chemical abuse.** "Chemical abuse" means a pattern of inappropriate and harmful chemical use as defined in subpart 14. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life such as loss of a job, death of a loved one, or sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subp. 6. **Chemical dependency.** "Chemical dependency" means a pattern of pathological use as defined in subpart 18, accompanied by the physical manifes-

tations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use. Chemical dependency includes a pattern of pathological use as defined in subpart 18, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal, which has been interrupted by a period of incarceration or hospitalization.

**Subp. 7. Chemical dependency counselor.** "Chemical dependency counselor" means a staff person of a rehabilitation program who meets the qualifications specified under part 9530.4270, subpart 4.

**Subp. 8. Client.** "Client" means an individual who seeks or obtains chemical dependency rehabilitation services.

**Subp. 9. Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative. If the commissioner enlists an agency to assist in determining whether a license application meets the requirements of parts 9530.4100 to 9530.4450, under Minnesota Statutes, section 245A.16, subdivision 1, the agency shall be included as a designated representative of the commissioner.

**Subp. 10. Department.** "Department" means the Minnesota Department of Human Services.

**Subp. 11. Detoxification program.** "Detoxification program" has the meaning given it in Minnesota Statutes, section 254A.08, subdivision 2.

**Subp. 12. Health assessment.** "Health assessment" means the process of evaluating a client's physical condition to determine the level and type of care required and the immediacy of service needs, in accordance with part 9530.4320.

**Subp. 13. Individual treatment plan.** "Individual treatment plan" means a written plan of treatment developed by a chemical dependency counselor, in consultation with the client, on the basis of the client's evaluation results and reviewed at scheduled intervals in accordance with part 9530.4410, subparts 2 to 4.

**Subp. 14. Inappropriate and harmful use.** "Inappropriate and harmful use" means use of a chemical that exceeds social or legal standards of acceptability, the outcome of which is characterized by three or more of the following:

- A. weekly use to intoxication;
- B. inability to function in a social setting without becoming intoxicated;
- C. driving after consuming sufficient chemicals to be considered legally impaired under Minnesota Statutes, section 169.121, whether or not an arrest takes place;
- D. excessive spending on chemicals that results in an inability to meet financial obligations;
- E. loss of friends due to behavior while intoxicated; or
- F. chemical use that prohibits the individual from meeting work, school, family, or social obligations.

**Subp. 15. Intoxicated individual.** "Intoxicated individual" means an individual who has a blood alcohol content of 0.10 or greater, or whose mental or physical functioning is substantially impaired as a result of the physiological presence of a chemical.

**Subp. 16. License.** "License" has the meaning given it in Laws of Minnesota 1987, chapter 333, section 2, subdivision 8, to be codified as Minnesota Statutes, section 245A.02, subdivision 8.

**Subp. 17. License holder.** "License holder" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for and licensed to operate a rehabilitation program.

**Subp. 18. Pathological use.** "Pathological use" means the compulsive use of a chemical characterized by three or more of the following:

- A. daily use required for adequate functioning;
- B. an inability to abstain from use;
- C. repeated efforts to control or reduce excessive use;
- D. binge use, such as remaining intoxicated throughout the day for at least two days at a time;
- E. amnesic periods for events occurring while intoxicated; and
- F. continuing use despite a serious physical disorder that the individual knows is exacerbated by continued chemical use.

**Subp. 19. Program design.** "Program design" means the number and type of client services a program provides, the methods used to achieve desired client outcomes, and the schedule of program services.

**Subp. 20. Program director.** "Program director" means the individual designated by the license holder to be responsible for all operations of a rehabilitation program, and who meets the qualifications specified under part 9530.4270, subpart 2.

**Subp. 21. Protective procedure.** "Protective procedure" means an action taken by a staff person of a rehabilitation program to protect a client from harming self or others. Protective procedures must be used in accordance with part 9530.4340, and include the following actions in order of increasing restrictiveness:

A. Restriction, which means the restriction of a client to the facility by locking doors, or by other means such as deprivation of appropriate clothing.

B. Seclusion, which means the seclusion or temporary placement of a client, without client consent, in an environment preventing social contact.

C. Physical restraint, which means the restraint of a client by use of equipment to limit movement of limbs, or use of physical means to limit the body of movement.

D. Chemical restraint, which means the restraint of a client through the use of sedating medication or major tranquilizers.

**Subp. 22. Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation provided in a residential facility and offering a program of rehabilitation services to five or more chemically dependent clients on a 24 hour basis. A rehabilitation program must be at least one of the following four types of programs:

A. A Category I rehabilitation program is a licensed detoxification program that provides short-term care for the purpose of detoxifying and evaluating intoxicated clients and that provides clients access into appropriate care and treatment according to an individual client's needs.

B. A Category II rehabilitation program is a licensed chemical dependency rehabilitation program that provides intensive, primary therapeutic services to clients who do not require detoxification. Category II programs provide at least 30 hours a week per client of chemical dependency services including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

C. A Category III rehabilitation program is a licensed chemical dependency rehabilitation program that offers an extended, long-term combination of in house chemical dependency services and community ancillary resources. Category III programs provide an average of 15 hours a week per client of chemical dependency services including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

D. A Category IV rehabilitation program is a licensed chemical dependency rehabilitation program that is offered in a halfway house or transitional semi-independent living arrangement with an emphasis on aftercare, community ancillary services, and securing employment. Category IV programs provide at

least five hours a week per client of rehabilitation services which may include group counseling, employment counseling, and individual counseling.

**Subp. 23. Rehabilitation services.** "Rehabilitation services" means a medically necessary group of services arranged and provided by a rehabilitation program to address the individual needs of a chemically dependent client. The goal of rehabilitation services is to alter the client's pattern of chemical use by assisting the client in recognizing the harmful effects of chemicals on themselves and others, to develop the skills necessary to avoid inappropriate and harmful chemical use, and to identify alternative methods of meeting the needs previously met by chemical use.

**Subp. 24. Target population.** "Target population" means that portion of chemically dependent individuals with specific, identified characteristics that a rehabilitation program proposes to serve.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4110 SCOPE.

**Subpart 1. Applicability.** Parts 9530.4100 to 9530.4450 apply to all applicants and license holders offering a rehabilitation program to five or more chemically dependent clients at one time.

Parts 9530.4100 to 9530.4450 must be read in conjunction with Minnesota Statutes, sections 245A.01 to 245A.16.

**Subp. 2. Inapplicability.** Parts 9530.4100 to 9530.4450 do not apply to Category II, III, or IV rehabilitation programs located within a hospital, licensed under Minnesota Statutes, sections 144.50 to 144.56, except hospitals that accept funds under Minnesota Statutes, chapter 254B. A Category I program located in a hospital, licensed under Minnesota Statutes, sections 144.50 to 144.56, does not require a license issued under parts 9530.4100 to 9530.4450.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4120 LICENSING OF PROGRAMS.

**Subpart 1. License required.** A rehabilitation program may not operate in Minnesota unless it has a current valid license or provisional license as required by Minnesota Statutes, sections 245A.01 to 245A.16. An applicant or license holder applying for more than one program license may reference in the second application the materials submitted with the applicant's or license holder's first application.

**Subp. 2. Licensing information available.** The commissioner shall furnish a copy of parts 9530.4100 to 9530.4450 and other pertinent materials, including an application form and instructions for obtaining a license, upon written request.

**Subp. 3. Contents of application.** An applicant shall submit the following to the commissioner prior to issuance of a license:

A. an application, on a form supplied by the commissioner, which includes the applicant's name and address, the name of the rehabilitation program, the location of the facility, the category of license applied for, proposed program capacity, and target population;

B. documentation of compliance with all applicable building codes, fire and safety codes, health rules, as specified under subpart 5, zoning ordinances, and other applicable rules and regulations or documentation that an appropriate waiver has been granted. The granting of a waiver does not constitute a modification of any requirement of parts 9530.4100 to 9530.4400;

C. documentation that it has completed an assessment of need for a new or expanded program in accordance with part 9530.6800;

# MINNESOTA RULES 1988

257

## CHEMICAL DEPENDENCY PROGRAMS 9530.4120

- D. a copy of its admission and discharge policies and criteria;
  - E. the number of hours of counseling provided, and other rehabilitative client services;
  - F. a list of its governing body, and documentation that its program director and other direct service staff meet the qualifications specified under part 9530.4270;
  - G. documentation of compliance with Minnesota Statutes, section 245A.04, subdivision 3, on forms and in a manner prescribed by the commissioner;
  - H. documentation that its medical services comply with part 9530.4320;
  - I. documentation of insurance coverage, including bonding, sufficient to cover all client funds, property, and interests and all grants awarded to the program;
  - J. a client fee schedule;
  - K. a plan for funding that meets the total projected program costs for a period of at least one year in addition to start up costs;
  - L. a program evaluation plan that complies with part 9530.4230, subpart 1;
  - M. a program abuse prevention plan that complies with part 9555.8200;
- and
- N. a nonrefundable licensing fee.

**Subp. 4. Reapplication.** Application for a license must be made in accordance with subpart 3 at least 90 days before the date of expiration on the current license or when a program proposes to make any of the changes identified in subpart 6. An applicant for relicensure must also submit a program evaluation report that complies with part 9530.4230, subpart 3.

**Subp. 5. Health facility licenses.** Rehabilitation programs must have the following licenses:

A. Category I programs must have at least a supervised living facility class B license, in accordance with parts 4665.0100 to 4665.9900, from the Minnesota Department of Health.

B. Category II and III programs must have at least a supervised living facility class A or B license, in accordance with parts 4665.0100 to 4665.9900, from the Minnesota Department of Health.

C. Category IV programs must have at least a supervised living facility class A or B, in accordance with parts 4665.0100 to 4665.9900, or a board and lodging license, in accordance with parts 4625.0100 to 4625.5000, issued by the Minnesota Department of Health.

**Subp. 6. Change in license terms.** A license holder must apply to the commissioner and a new license must be issued before the license holder:

- A. increases the licensed capacity;
  - B. changes Minnesota Department of Health licensure status;
  - C. changes program location;
  - D. changes, sells, or transfers ownership or responsibility for the operation of the program;
  - E. reduces the total number of hours of rehabilitation services provided;
- or
- F. changes staffing patterns or ratios, reducing the amount of program services offered.

A license holder shall initiate the study required under Minnesota Statutes, section 245A.04, subdivision 3, within ten days of the addition of a new employee of the rehabilitation program. The study must be initiated on forms and in a manner prescribed by the commissioner.

Subp. 7. **Access by commissioner.** A rehabilitation program is subject to review, with or without notice, by the commissioner in accordance with Laws of Minnesota 1987, chapter 333, section 4, to be codified as Minnesota Statutes, section 245A.04, subdivision 5. The commissioner's right to access shall include complete access to all clients and staff, and to all client, staff, financial, and administrative program records needed to determine whether the rehabilitation program meets the standards of parts 9530.4100 to 9530.4450. The commissioner may review and copy records in compliance with Minnesota Statutes, sections 13.46, and 254A.09; and Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

#### **9530.4130 NEGATIVE LICENSING ACTIONS.**

Negative licensing actions shall be taken in accordance with Minnesota Statutes, sections 245A.03 to 245A.09.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

#### **9530.4200 POLICY AND PROCEDURES MANUAL.**

Each license holder shall develop a written policy and procedures manual. The manual must contain the following materials:

A. a statement of program philosophy and goals that complies with part 9530.4210;

B. a program design, as defined in part 9530.4100, subpart 19;

C. a program evaluation plan in accordance with part 9530.4230, subpart 1;

D. personnel policies that comply with part 9530.4250;

E. admission, information and referral, and discharge policies that comply with part 9530.4300;

F. policies and procedures that protect client's rights as required under part 9530.4310;

G. a health monitoring plan, as prescribed under part 9530.4320;

H. a medical services plan that complies with part 9530.4330;

I. a protective procedures policy that complies with part 9530.4340, if the program elects to use protective procedures; and

J. policies and procedures for maintaining clients' records under part 9530.4350.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

#### **9530.4210 MANUAL STATEMENT OF PROGRAM PURPOSE AND GOALS.**

The manual must contain a complete statement describing the rehabilitation program's purpose and goals. The statement must include a description of the geographical area to be served, the type of services offered, and the target population to be served.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

#### **9530.4220 GOVERNING BODY OF PROGRAM LICENSE HOLDER.**

The license holder must have a governing body that is accountable for and has authority over the policies and activities of the rehabilitation program. The license holder must document that the program director reports to the governing

# MINNESOTA RULES 1988

259

## CHEMICAL DEPENDENCY PROGRAMS 9530.4230

body or its designated representative at least four times per year. In the case of a program owned by a sole proprietor or partnership, the sole proprietor or partners are the governing body for the purposes of this requirement. In the case of a program owned by a corporation, the corporation's board of directors is the governing body for the purposes of this requirement. The license holder must provide the department with a list of names and titles of the members of its governing body. A program operating within Minnesota with headquarters outside of the state shall have a duly authorized license holder within this state.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4230 PROGRAM EVALUATION.

**Subpart 1. Evaluation plan.** The license holder of a Category II, III, or IV program shall submit a program evaluation plan with its application for license. The plan must include the goal or goals of the program, measurable objectives that address anticipated changes in client behavior, and measurable objectives that address program activities that facilitate clients' achievement of desired outcomes. The plan must specify what information will be collected to measure the achievement of the program objectives, and how the information will be collected, analyzed, and used to improve client outcomes.

**Subp. 2. Follow-up data for Category II, III, and IV programs.** The license holder of a Category II, III, or IV program shall obtain follow-up data after a client discontinues the program, regardless of the client's discharge status. The data must be collected on either a six month or 12 month basis. The data must be collected from 100 percent of the discharged clients or 100 clients, whichever is less. The clients must be selected proportionately from clients who complete the program and clients who do not complete the program.

Documentation of at least two efforts to locate a client for follow-up shall be made on each client until 100 clients have been contacted or until attempts have been made on 100 percent. Follow-up contacts should ascertain, for each client:

- A. changes in chemical use patterns, including the longest period of abstinence from all chemical use;
- B. participation in services identified in the client's aftercare plan;
- C. hospital admissions that occurred following discharge;
- D. arrests, convictions, and incarcerations that occurred following discharge;
- E. work or school problems associated with chemical use that occurred following discharge; and
- F. admissions to detoxification or chemical dependency treatment programs that occurred following discharge.

**Subp. 3. Participation in the Drug and Alcohol Abuse Normative Evaluation System.** A program that participates in the Drug and Alcohol Abuse Normative Evaluation System meets the requirements of subpart 2, items A to F.

**Subp. 4. Evaluation report.** The license holder shall submit an evaluation report with its application for relicensure. The report shall include summary data on the age, race, and sex of all clients admitted and summary data on whether clients discharged from the program completed the program or left before completion.

Category II, III, and IV programs must also include a summary of data collected pursuant to subparts 1 and 2, and documentation verifying the use of the evaluation findings to improve client outcomes.

Upon written request, a license holder shall submit additional information that the commissioner reasonably requires to meet statutory duties.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*



**9530.4250 PERSONNEL POLICIES AND PROCEDURES.**

Subpart 1. **Policy requirements.** The license holder shall have written personnel policies, and shall make them available to each employee when hired. Personnel policies must:

- A. comply with federal, state, and local regulations regarding employment;
- B. assure that employee retention, promotion, job assignment, or pay are not affected by a good faith communication between an employee and the Minnesota Department of Health, the Minnesota Department of Human Services, or the local agencies for investigation of complaints regarding a client's rights, health, or safety concern;
- C. contain job descriptions for each position specifying responsibilities, degree of authority to execute job responsibilities, standards of job performance related to the specified job responsibilities, and qualifications;
- D. provide for job performance evaluations, based on the standards of job performance, to be conducted on a regular and continuing basis, with a written annual review;
- E. describe the employees' conditions of employment, including their benefits, hours of work, and methods of promotion;
- F. describe the behavior which constitutes grounds for disciplinary action, suspension, or dismissal, including policies on mental health and chemical use problems, policies prohibiting personal involvement with clients in violation of Minnesota Statutes, chapter 148A, and policies prohibiting client abuse as specified under Minnesota Statutes, sections 626.556 and 626.557;
- G. include a chart or description of organizational structure indicating lines of authority and responsibilities;
- H. describe a grievance procedure for use by staff that allows the aggrieved party to bring the grievance to the highest level of authority in the operation of the program; and
- I. include a program of orientation for all new staff based on a written plan that, at a minimum, must provide for training related to the specific job functions for which the employee was hired, program policies and procedures, the needs of clients to be served, and the areas identified in subpart 2, items A to D.

**Subp. 2. Staff development plan.** The license holder shall have a written staff development plan. The staff development plan shall identify training adapted to the needs of the program's target population. The plan must specify training requirements for counselors in current treatment concepts and methods.

The license holder must assure that each staff person working directly with clients receives at least 15 hours of continuing education annually. All training completed must be recorded in individual personnel files. The training must include the following areas in a 12 month period:

- A. confidentiality rules and regulations and how they specifically pertain to clients;
- B. protective procedures;
- C. clients' rights, including rights of persons admitted according to the Minnesota Commitment Act, Minnesota Statutes, chapter 253B; and
- D. reporting of abuse of vulnerable adults and maltreatment of minors as specified under Minnesota Statutes, sections 626.556 and 626.557, and parts 9555.8000 to 9555.8500 and 9560.0250 to 9560.0300.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

**9530.4260 PERSONNEL FILES.**

Each license holder shall maintain a separate personnel file for each employee. At a minimum, the file must contain the following:

- A. an application for employment completed and signed by the employee which includes the employee's qualifications for employment;
- B. names and addresses of all previous employers for the past five years for program directors, chemical dependency counselor supervisors, and employees who are responsible for the provision of rehabilitative services;
- C. documentation of orientation;
- D. a record of training and education activities completed by the employee during employment; and
- E. an annual job performance evaluation.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

**9530.4270 STAFF QUALIFICATIONS.**

**Subpart 1. Qualifications applying to all employees working directly with clients.** All employees working directly with clients must meet the following qualifications:

- A. the employee must be 18 years of age or older;
- B. the employee must not have had a felony conviction or have been incarcerated as a result of a felony conviction in the last three years; and
- C. program directors, chemical dependency counselor supervisors, and employees who are responsible for the provision of rehabilitative services must document two years of freedom from chemical use problems.

**Subp. 2. Program director qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a program director must document that the program director meets the criteria established in items A to C.

A. The program director must document at least one year of work experience in direct service to individuals with chemical use problems or one year of work experience in the management or administration of direct services to individuals with chemical use problems.

B. The program director must either:

- (1) have at least a baccalaureate degree; or
- (2) document three years of general work experience in administration or personnel supervision in human services.

C. The program director must know and understand the implications of parts 9530.4100 to 9530.4450.

**Subp. 3. Chemical dependency counselor supervisor qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a chemical dependency counselor supervisor must include documentation that the individual meets the criteria established in items A to C:

A. The individual is competent in the areas specified in subpart 4, and the competency is documented in accordance with subpart 5.

B. The individual has three or more years experience in the provision of individual and group counseling to chemically dependent clients by January 1, 1989.

C. The individual knows and understands the implications of parts 9530.4100 to 9530.4450.

**Subp. 4. Chemical dependency counselor qualifications.** In addition to the requirements specified under subpart 1, the personnel file of a chemical dependency counselor must include documentation of the individual's competency in the following areas:

- A. knowledge of chemical abuse and dependency;
- B. chemical use assessment, as defined in part 9530.6605, subpart 8, including client interviewing and screening;
- C. case management, including treatment planning, general knowledge of social services and appropriate referrals, and record keeping, reporting requirements, and confidentiality rules and regulations that apply to chemical dependency clients; and
- D. individual and group counseling, including crisis intervention.

**Subp. 5. Documentation of chemical dependency counselor qualifications.** The department will accept one of the following as adequate documentation that a chemical dependency counselor is competent in the areas required under subpart 4:

A. the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, or is a licensed registered nurse; has successfully completed 30 hours of classroom instruction in each of the areas identified in subpart 4, items A and B; and has successfully completed 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

B. the individual has documented the successful completion of the following:

- (1) 60 hours of classroom training in the subject area identified in subpart 4, item A;
- (2) 30 hours of classroom training in the subject area identified in subpart 4, item B;
- (3) 160 hours of classroom training in the subject areas identified in subpart 4, items C and D; and
- (4) completion of 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

C. the individual is certified by the Institute for Chemical Dependency Professionals of Minnesota, Inc., as a chemical dependency counselor or as a chemical dependency counselor reciprocal, through the evaluation process established by the Certification Reciprocity Consortium Alcohol and Other Drug Abuse, Inc., and published in the Case Presentation Method Trainer's Manual, copyright 1986. This manual is incorporated by reference. It is available at the State Law Library, Ford Building, 117 University Avenue, Saint Paul, MN 55155. It is not subject to frequent change; or

D. the individual successfully completed three years of supervised work experience as a chemical dependency counselor before January 1, 1988.

After January 1, 1993, chemical dependency counselors must document that they meet the requirements of item A, B, or C in order to comply with this subpart.

**Subp. 6. Family counselor qualifications.** In addition to the requirements in subpart 1, the personnel file of a family counselor must document:

A. that the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology; or is a licensed registered nurse; or meets the requirements of subpart 5, item B or C;

B. that the individual has at least 30 hours of classroom instruction in family dynamics; and

C. that the individual has had at least 150 hours of supervised experience as a family counselor, either as a student or as an employee.

An individual is also qualified as a family counselor if the individual meets the requirements of item A and was employed as a family counselor in a licensed program before January 1, 1988. After January 1, 1989, family counselors must

document that they meet the requirements of items A, B, and C in order to comply with this subpart.

**Subp. 7. Technician qualifications.** In addition to the requirements in subpart 1, the personnel file of a technician employed by a Category I program must include documentation of six months of freedom from chemical use problems and the individual's competency in the following areas:

A. knowledge of client rights and staff responsibilities as outlined in parts 9530.4200 to 9530.4370;

B. knowledge of and ability to perform basic health assessment procedures including:

(1) blood pressure, pulse, temperature, and respiration readings;

(2) interviewing to obtain relevant medical history and current health complaints; and

(3) visual assessment of client health status;

C. knowledge of and ability to perform basic first aid procedures, including cardiopulmonary resuscitation and first aid for seizures, trauma, and fainting; and

D. knowledge of and ability to perform basic client care functions, including monitoring client hygiene and assisting clients unable to provide self care, and monitoring client behavior as it relates to health status.

Individuals who do not possess all of the qualifications specified in this subpart may be hired as technicians only if the license holder has a written training program that provides training in the areas specified in items A to D within 30 days of the date of hiring.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4280 STAFFING REQUIREMENTS.

**Subpart 1. Program director required.** Each rehabilitation program must have a program director. The program director must be under contract or employed full time by the license holder.

**Subp. 2. Chemical dependency counselor supervisor requirements.** Every rehabilitation program must employ a chemical dependency counselor supervisor who meets the requirements under part 9530.4270, subpart 3. A single individual may be simultaneously employed as the program director, chemical dependency counselor supervisor, and as a chemical dependency counselor if the individual meets the qualifications for each position. If a chemical dependency counselor is simultaneously a chemical dependency counselor supervisor or program director, that individual shall be considered a 0.5 full-time equivalent chemical dependency counselor for purposes of meeting the staffing requirements under subparts 4 to 6.

**Subp. 3. Responsible staff person.** Each program director shall, during all hours of operation, designate a staff member who is present in the facility as responsible for the program.

A technician in training may not be the designated responsible staff person.

**Subp. 4. Category I staffing requirements.** A Category I program shall provide one full-time equivalent qualified assessor who meets the criteria in part 9530.6615, subpart 2, for each 15 clients being served by the program. This may be provided by part-time, full-time, or contracted staff or staff from another agency guaranteed by interagency contract.

A Category I program must have one technician on duty at all times for each ten clients in the program. For the purpose of establishing this ratio, all health care personnel whose qualifications meet or exceed those for technicians under part 9530.4270, subpart 7, may be counted as technicians. An individual may not

be counted as both a technician and a chemical dependency counselor. A Category I program must have a nurse, licensed under Minnesota Statutes, sections 148.171 to 148.285, available for consultation and supervision.

**Subp. 5. Category II staffing requirements.** Each Category II program shall provide one full-time chemical dependency counselor for each 12 clients being served by the program.

**Subp. 6. Category III and IV staffing requirements.** Each Category III and IV license holder shall provide one full-time chemical dependency counselor for each 24 clients being served by the program.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4300 ADMISSION, INFORMATION AND REFERRAL, AND DISCHARGE POLICIES.**

**Subpart 1. Admission policy.** Each license holder shall have a written admission policy. A copy of the admission policy must be submitted to the commissioner with the application for a license. This policy must be posted in the area of the facility where clients are admitted, or given to all interested individuals upon inquiry and all clients upon admission. The admissions policy shall also designate which staff members are authorized to admit and discharge clients.

The license holder must have a written policy that requires that no client be discriminated against during admission, discharge, or the provision of program services in accordance with Minnesota Statutes, sections 253B.04, subdivision 1, and 363.03.

**Subp. 2. Admission criteria for Category I programs.** A Category I program is limited to admitting clients who meet the criteria in the programs admission criteria, which is approved by the physician in accordance with part 9530.4330, subpart 3, item A, and who meet the criteria of at least one of the following:

- A. clients who appear to be intoxicated;
- B. clients experiencing physical, mental, or emotional problems due to withdrawal from alcohol or another drug;
- C. clients held under Minnesota Statutes, section 253B.07, subdivision 6;
- D. clients who have been committed under Minnesota Statutes, chapter 253B, and who are in need of temporary placement; or
- E. clients who are being held as chemically dependent under Minnesota Statutes, section 253B.05, subdivisions 1 and 2.

**Subp. 3. Admission criteria for Category II, III, and IV programs.** The license holder of a Category II, III, or IV program shall maintain in the client files documentation that each client meets the criteria for placement in parts 9530.6600 to 9530.6655; or the client meets the definition of chemically dependent provided in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition, Revised), published by the American Psychiatric Association, copyright, 1987. This definition is incorporated by reference. It is available through the Minitex interlibrary loan system.

**Subp. 4. Individuals not served by program.** The following individuals shall not be admitted:

- A. An individual in need of emergency medical care not provided by the program.
- B. An individual who poses a substantial likelihood of physical harm to self or others, as demonstrated by an attempt or threat to physically harm self or others, if the behavior is beyond the behavior management capabilities of the program and staff.
- C. An individual not meeting the program's admission criteria.

All denials under item A or B that involve the commission of a crime against a license holder's employee or on a license holder's property, as provided under Code of Federal Regulations, title 42, section 2.51, must be reported to a law enforcement agency with proper jurisdiction. All denials under item A or B that involve a bona fide medical emergency, as provided under Code of Federal Regulations, title 42, section 2.1(b)(1), must be referred to a medical facility capable of admitting the individual.

**Subp. 5. Discharge and transfer policies.** Each license holder shall have a written policy that specifies conditions under which a client shall be discharged. The policy shall include the following:

A. specific objectives a client must meet before obtaining a staff approved discharge;

B. client behavior that constitutes reason for a discharge at staff request;

C. procedures, consistent with Minnesota Statutes, section 253B.16, subdivision 2, that staff must follow when a client who has been committed under Minnesota Statutes, chapter 253B, is to be discharged;

D. procedures staff must follow when a client leaves against staff or medical advice and when the client may be dangerous to self or others; and

E. other community resources to be used if the client is determined to be inappropriate for continued stay in the program.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4310 POLICIES AND PROCEDURES WHICH GUARANTEE CLIENT RIGHTS.**

**Subpart 1. Client rights; explanation.** Clients shall have, in addition to rights defined in parts 9530.4300 to 9530.4410, all applicable rights established in Minnesota Statutes, sections 144.651, 626.556, and 626.557; and chapters 254A and 253B. The license holder shall give each client on admission a written statement of client rights and responsibilities, approved by the commissioner for rehabilitation programs governed by parts 9530.4100 to 9530.4450. Program staff shall explain to all clients their rights and responsibilities. A list of client rights and responsibilities must be posted in a place accessible to the clients.

**Subp. 2. Grievance procedure.** Each license holder and applicant shall have a written procedure for hearing, considering, and responding to client grievances. The procedure shall be given to clients or their representatives on admission. The procedure must include direct client access to the program director. The procedure must include program staff assistance in the development and processing of the grievance. The procedure shall be posted in a place accessible to the clients and shall include the telephone number and address of the Department of Human Services, Licensing Division, and the Department of Health, Office of Health Facility Complaints. The procedure must also be available to former clients of the program. The procedure must provide an initial response from the facility to a client or former client within three days of the facility's receipt of the grievance.

**Subp. 3. Client property management.** Each license holder and applicant shall establish a written procedure for the management of the personal property of clients admitted to the program. The procedure must include:

A. A written record of each personal property item held in trust by the program, signed by the staff and the client, or by two staff members in cases of client noncooperation.

B. A procedure whereby clients may retain control of all possessions that do not present a danger to self or others, or are not medically contraindicated, except that the facility may establish policies regarding the use of personal property to assure that program activities and the rights of other patients are not

infringed, and may take temporary custody of property as a consequence of a violation of the policies.

C. A client fund account maintained separately from program fund accounts, or a policy statement that client funds will not be supervised by the program.

D. A procedure for abandoned property whereby there is a written agreement between the client and the program, and the program retains client property after client discharge as follows:

(1) Client property must be retained for a minimum of seven days in a Category I program.

(2) Client property must be retained for a minimum of 30 days in a Category II or III program.

(3) Client property must be retained for a minimum of 60 days in a Category IV program.

E. A procedure whereby all property held in trust is returned to the client upon discharge, regardless of discharge status, with the following exceptions:

(1) drugs, drug paraphernalia, and drug containers that are forfeited under Minnesota Statutes, section 152.19 shall be destroyed by staff or given over to the custody of a local law enforcement agency, in accordance with the Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987;

(2) weapons, explosives, and other property which may cause serious harm to self or others shall be given over to the custody of a local law enforcement agency, and the client shall be notified of the transfer and of the right to reclaim any licit property transferred; and

(3) legal chemicals which have been determined harmful by a physician after examining the client, except when approved for continued use by the client's personal physician.

**Subp. 4. Photographs of client.** All photographs, video tapes, and motion pictures of clients taken on program premises or by program personnel are considered a client record. Photographs for identification and recordings by video and audio tape for the purpose of enhancing either therapy or staff supervision may be required of clients, but may only be available for use as communications within a program. Clients must be informed when their actions are being recorded by camera or tape, and have the right to deny any taping or photography except as authorized by this subpart.

**Subp. 5. Visitors.** Clients shall be allowed to receive visitors. Clients shall be allowed to receive visits at all reasonable times from their personal physician, religious advisor, county case manager, parole or probation officer, and attorney. A client's right to receive visitors other than a personal physician, religious advisor, county case manager, parole or probation officer, or attorney may be subject to reasonable written visiting rules and hours established by the license holder for all clients. The program director may impose limitations as necessary for the welfare of the client provided the program director documents the limitations and reasons in the client's individual treatment plan.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4320 HEALTH MONITORING SERVICES.

**Subpart 1. Health monitoring plan.** Each license holder shall have a written plan for monitoring the client's health that is consistent with the requirements of the license holder's Minnesota Department of Health license. The health monitoring plan must be approved by a licensed physician, must establish sequential health monitoring procedures, must specify the staff responsible for monitoring clients' health, and must address items A to G:

# MINNESOTA RULES 1988

267

## CHEMICAL DEPENDENCY PROGRAMS 9530.4330

- A. measurement of client vital signs, including pulse, blood pressure, respiration, and temperature;
- B. a visual assessment of client health status;
- C. obtaining current health complaints and relevant medical history by client interview;
- D. recording assessment information and findings in the client file;
- E. ongoing stabilization of vital signs;
- F. ongoing identification of injuries that jeopardize a client's physical functions;
- G. criteria for determining when it is necessary to transfer a client to a hospital licensed under Minnesota Statutes, sections 144.50 to 144.56; and
- H. client's ongoing nutritional needs.

Category I programs must provide items A and B within one hour of a client's admission. Category II, III, and IV programs must provide items A and B within 72 hours of a client's admission.

**Subp. 2. Category I health monitoring procedures.** In addition to providing the health monitoring procedures required under subpart 1, each Category I rehabilitation program must also provide at least hourly observation of a client by a technician.

**Subp. 3. Category II, III, and IV health monitoring procedures.** In Category II, III, and IV programs the information gained through the health monitoring procedures required under subpart 1 must be included in the individual treatment plan, in accordance with part 9530.4370, subpart 3, item C.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4330 MEDICAL SERVICES.

**Subpart 1. Medical services description.** With each application for a license, an applicant shall submit a complete description of the medical services offered by the license holder including nursing services, dietary services, medication dispensing services, and emergency physician services.

**Subp. 2. Emergency physician services.** Each license holder or applicant shall have available one or more licensed physicians, or a medical clinic, to provide emergency medical services. A schedule that lists the names, telephone numbers, and call days of the emergency physicians shall be posted near a telephone accessible to program staff. The license holder or applicant shall record an alternate source for medical consultation and services if the physician under contract with the license holder is not available in a medical emergency.

**Subp. 3. Category I physician contract.** In addition to the requirements under subpart 2, each Category I license holder or applicant shall have a licensed physician available for medical supervision. Each program must require and record annually a physician's approval of the following procedures and practices before they may be used:

- A. admission criteria and admission health assessment procedures and discharge health standards and health assessment procedures; and
- B. procedures for routine medical monitoring of clients, including:
  - (1) frequency of client observations; and
  - (2) scope of medical services to be provided by the facility, including physical indicators for physician or hospital referral and procedures for referral; and
- C. formulation of standing orders regarding what medication, if any, will be administered to clients requiring withdrawal regimen.

**Subp. 4. Category II and III consultation services.** In addition to the require-



ments under subpart 2, the license holder or applicant of a Category II or III program shall have available a licensed physician and a licensed nurse for necessary medical care for all clients in the program. The license holder or applicant shall document the availability of a psychiatrist or a licensed psychologist to provide, at the discretion of the program director, psychiatric and psychological evaluation services for clients of the program. The license holder or applicant shall also document the availability of a family counselor to provide, at the discretion of the program director, family counseling services.

**Subp. 5. Administration of prescription medications.** Each license holder that elects to provide for the administration of prescription medications shall have a staff member employed for this function who is licensed to practice nursing under Minnesota Statutes, sections 148.171 to 148.285. Oral prescription medications, if administered within the facility, must be stored, recorded, and administered, under the supervision of a licensed registered nurse, by an individual having a medication administration certificate from a training program approved by the Minnesota Department of Health or a license to practice nursing. Administration of medications by injection shall be limited to staff members with a license to practice nursing under Minnesota Statutes, sections 148.171 to 148.285 or 148.29 to 148.299, or a license to practice medicine under Minnesota Statutes, chapter 147. All medications administered must be recorded in the client file and signed, timed, and dated by the personnel administering the medication. This charting must include the dosage and route of medication.

Category I programs shall not permit self administration of prescription medications.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4340 PROTECTIVE PROCEDURES.**

**Subpart 1. Protective procedures plan.** Each license holder or applicant shall have a written plan that establishes the procedures program staff must follow when responding to a client who is exhibiting behavior that is threatening to the safety of the client or others. The plan shall include procedures that prevent the client from harming self or others. The plan must also include emergency resources the program staff must contact when a client's behavior cannot be controlled by the procedures established in this plan.

Protective procedures may not be used to enforce facility rules or for the convenience of staff. Protective procedures may be used only in cases where a less restrictive alternative will not protect the client or others from harm, and where the client is in imminent danger of causing injury to self or others. If a program elects to use protective procedures, it must have a written policy that defines under what emergency conditions protective procedures such as physical restraints or seclusions will be used. The program's protective procedures must not violate the provisions of parts 9555.8000 to 9555.8500.

**Subp. 2. Review and use of protective procedures.** The protective procedures plan must be reviewed and approved by the program director, the governing body, and a licensed physician prior to implementation. Approval shall be reviewed annually by the program director, a physician, and the governing body or its designated representative. Protective procedures must be employed only as authorized by Minnesota Statutes, chapter 253B, the Minnesota Commitment Act.

Each use of a protective procedure must be recorded in a central log and in the client file. The client record must include:

- A. a description of specific client behavior precipitating a decision to use a protective procedure, including date, time, and program staff present;
- B. the specific means whereby the client's behavior was limited;

# MINNESOTA RULES 1988

269

## CHEMICAL DEPENDENCY PROGRAMS 9530.4350

C. the time the protective procedure began, the time ended, and the time of each staff observation of the client during the procedure;

D. the program staff authorizing the use of the protective procedure and the program staff directly involved in the protective procedure and observation process; and

E. a brief description of the purpose for using a protective procedure, including less restrictive intervention means considered or employed prior to the decision to use a protective procedure, and a description of the behavioral results obtained through the use of the procedure.

**Subp. 3. Restriction.** Restriction must be used only when authorized by law or when necessary to prevent harm to the client or others.

**Subp. 4. Seclusion.** Seclusion must be employed solely for the purpose of preventing client harm to self or others. Seclusion facilities must be equipped in a manner which prevents clients from harming themselves with projections, windows, electrical fixtures, or hard objects usable for self harm, and must allow the client to be readily observed without being interrupted. Seclusion must be authorized by the senior staff on duty, in accordance with written policies.

A client shall not be placed in seclusion for more than 12 hours. Clients in seclusion shall be observed every quarter hour for the duration of seclusion and shall be in continuous hearing range of program staff. Program staff shall have a process for removing the client to a more restrictive setting in the facility or the community if seclusion does not sufficiently assure client safety.

Seclusion areas may be used for other purposes, such as intensive observation, if the room meets normal standards of care for the purpose and if the room is not locked.

**Subp. 5. Physical restraint.** Physical restraint must be used only in cases where less restrictive means will not assure client safety. Clients in physical restraint shall be attended by a licensed nurse. Physical restraint must be authorized by the program director or a licensed physician prior to placing the client in restraint when possible, and within 30 minutes of initiation of restraint when the program director or a licensed physician is not present in the facility. Authorization for physical restraint must not exceed 12 hours. Restraint equipment must be designed, used, and maintained to ensure protection from self harm with minimal client discomfort. A client in restraint equipment must be checked for circulatory problems every 15 minutes. Restraint equipment must be loosened at least once every 60 minutes to allow change of position, unless the loosening would be dangerous to the client or others. If the restraints are not loosened every hour, the client's behavior that prevented loosening the restraints must be recorded in the client's file. Clients shall not remain in physical restraint for a total period of more than four hours.

**Subp. 6. Chemical restraint.** Chemical restraint must only be used in a facility with at least a supervised living facility class B license from the Minnesota Department of Health. Chemical restraint must be implemented in accordance with the program's medication administration plan and consistent with its license from the Minnesota Department of Health. Clients under chemical restraint shall be attended by a licensed physician or by a licensed nurse who shall assess the health status of the client as directed by the authorizing physician.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### 9530.4350 CLIENT RECORDS.

**Subpart 1. Client records required.** License holders shall maintain a central file of client records on the program premises in which information and documents are maintained in a standardized manner. The content and format of client records must be uniform and entries in each case record must be signed and

dated. Client records must be protected against loss, tampering, or unauthorized disclosure in compliance with Minnesota Statutes, section 254A.09; Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987; and, if applicable, Minnesota Statutes, chapter 13. License holders shall maintain a system for periodic review to ensure entries are current.

**Subp. 2. Category I client records.** Client records in Category I programs must include the following:

A. a chemical use screening, and, if appropriate, a chemical use assessment completed in accordance with part 9530.4410, subpart 3, item B;

B. an individual abuse prevention plan that complies with part 9555.8300; and

C. a record of referrals made in accordance with part 9530.4370, subpart 3.

**Subp. 3. Category II, III, and IV client records.** Client records in Category II, III, and IV programs must include the following:

A. a chemical use evaluation, completed in accordance with part 9530.4410, subpart 3, item B;

B. an individual abuse prevention plan that complies with part 9555.8300;

C. short-term goals established in accordance with part 9530.4410, subpart 1;

D. an individual treatment plan, completed in accordance with part 9530.4410, subpart 3;

E. progress notes, in accordance with part 9530.4410, subpart 4;

F. an aftercare plan, written in accordance with part 9530.4410, subpart 6; and

G. a discharge summary, written in accordance with part 9530.4410, subpart 5.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4370 CATEGORY I CLIENT SERVICES.**

**Subpart 1. Chemical use assessment.** Each Category I license holder shall screen each client admitted to its program to determine if the client is chemically dependent or a chemical abuser. Each Category I license holder shall provide or arrange for the provision of a chemical use assessment for each client admitted to its program who is determined to be chemically dependent or a chemical abuser. The chemical use assessment shall be conducted by a qualified assessor, as defined in part 9530.6605, subpart 4. Information obtained in the assessment and the findings of the assessor shall be recorded in the client's case file, and must include the following:

A. the client's chemical use, including amounts of chemical use, frequency of use, and periods of voluntary abstinence;

B. the client's age, sex, cultural background, sexual preference, and the geographic location of the client's home;

C. specific behaviors exhibited by the client when under the influence of chemicals, such as verbal or physical fights, impaired social relationships, criminal behaviors, and other antisocial behaviors;

D. the client's current family status; the client's family history including history of or presence of neglect, or emotional, physical, or sexual abuse; the client's level of family support; the effects of the client's chemical use on other family members and significant others; and chemical use, abuse, or dependency among other family members and significant others and its effect on the client;

E. previous assessments or attempts at treatment of the client for chemical abuse or dependency, or mental illness;

F. the client's mental disorders, documented by a psychiatrist, licensed consulting psychologist, or licensed psychologist, which may have contributed to the problem brought on by chemical misuse, or which in combination with chemical use, abuse, or dependency present serious health risks;

G. the client's arrests or legal interventions related to chemical use;

H. the ability of the client to seek, obtain, be trained for, or function appropriately in a work setting relative to the use, abuse, or dependency on chemicals;

I. the ability of the client to function in an educational setting, and changes in the client's level of functioning relative to use, abuse, or dependency; and

J. the appropriateness of an involuntary referral through the civil commitment process.

Subp. 2. **Client education.** The license holder of a Category I program shall provide clients with written materials concerning the effects of chemical abuse, and assistance regarding chemical abuse and chemical dependency problems.

Subp. 3. **Category I client referral.** A Category I license holder shall provide referrals to chemical dependency services to clients served in the detoxification program as indicated by the client's chemical use assessment. Referrals may also be made for economic, social, and health services as the individual client may require. Each referral must:

A. be individualized and part of a comprehensive plan for service based on the chemical use assessment;

B. recognize geographical, economic, educational, and employment status as factors affecting treatment planning; and

C. be fully recorded in the individual client file.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4380 CATEGORY II CLIENT SERVICES.**

Each client in a Category II program shall be provided with a minimum of 30 hours per week of the rehabilitative services specified in items A to E. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the changes in life style necessary for the client to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required 30 hours of rehabilitative service.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

**9530.4390 CATEGORY III CLIENT SERVICES.**

Each client in a Category III program shall be provided with an average of 15 hours per week of the rehabilitative services specified in items A to F. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the necessary changes in life style to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

F. Living skills development to assist the client in learning basic skills necessary for independent living.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required 15 hours of rehabilitative service.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

**9530.4400 CATEGORY IV CLIENT SERVICES.**

Each client in a Category IV program shall be provided with a minimum of five hours per week of the rehabilitative services specified in items A to G. The services shall be provided to each client in the amount specified in the client's individual treatment plan under part 9530.4410, subpart 3.

A. Individual and group counseling to assist the client in identifying and addressing problems related to chemical use and developing strategies for avoiding inappropriate chemical use after treatment.

B. Family counseling to assist the client in identifying the impact of inappropriate chemical use on others and to assist the client and family in identifying and changing behaviors that contribute to inappropriate chemical use.

C. Client education to provide information to the client concerning strategies for avoiding inappropriate chemical use and to provide the client with information concerning health problems related to chemical use and the necessary changes in life style to regain and maintain health.

D. Therapeutic recreation to provide the client with an opportunity to participate in recreational activities without the use of mood altering chemicals and to learn to plan and select leisure activities that do not involve the inappropriate use of chemicals.

E. Health and medical services to assist the client in reaching and maintaining an acceptable level of health and physical fitness.

F. Living skills development to assist the client in learning basic skills necessary for independent living.

G. Employment or educational services to assist the client in becoming financially independent.

Other rehabilitative services may be provided as indicated in the client's individual treatment plan. Self-help groups may not be included in the required five hours of rehabilitative service.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

**9530.4410 INDIVIDUAL TREATMENT PLANS FOR CATEGORY II, III, AND IV CLIENTS.**

**Subpart 1. Individual short-term goals.** Short-term goals shall be written by a chemical dependency counselor or the staff member who admits a client. The short-term goals must be written in cooperation with the client. The client's short-term goals must be written within three days of the client's admission to the program. The short-term goals must address the client's immediate needs.

**Subp. 2. Individual treatment plans.** The chemical dependency counselor must complete an individual treatment plan with the client in a Category II, III, or IV program. The individual treatment plan must be completed within ten days of the client's admission in a Category II program and within 21 days of the client's admission in a Category III or IV program. The plan must be developed with information from the client, the program staff, appropriate representatives from outside social service and criminal justice agencies, and other appropriate resources. The plan must provide for involvement of the client's family at the earliest opportunity.

The client shall have an opportunity to have active, direct involvement in developing the individual treatment plan. The individual treatment plan must be signed by the client and the chemical dependency counselor, and the participation of others must be noted in the plan. The individual treatment plan and documentation related to it must be kept at the facility in the client's case file.

**Subp. 3. Plan contents.** An individual treatment plan must include items A to F.

A. Documentation, if the client is receiving public assistance, that the client has received a chemical use assessment according to parts 9530.6600 to 9530.6655 prior to admission.

B. An evaluation of the client's chemical use problems. The evaluation must be completed within three days of admission. The evaluation shall be recorded in the individual client file, and must include consideration of the following:

(1) The client's chemical use history.

(2) The client's history, including the client's use of social services; cultural background; vocational and educational history, including reading ability; family relationship information; need for parenting skills education; and use of leisure time.

(3) The client's susceptibility to abuse or neglect according to part 9555.8300.

(4) The evaluation results written by a chemical dependency counselor and based on subitems (1), (2), and (3). If the evaluation information does not support a determination that the client is chemically dependent, or that the program services do not meet the client's assessed needs, the client shall be discharged and informed of any other services needed, as indicated by the evaluation.

C. A list of all health services required by the client, the frequency of

health services to be provided, and the staff person or outside resource responsible for providing the health services.

D. Specific problems to be resolved by the client.

E. Specific, time limited client goals in order of priority, and measurable objectives for meeting those goals.

F. Specific methods and resources, including which of the rehabilitative services in parts 9530.4380 to 9530.4400 will be provided and in what amount, to assist the client to achieve the desired outcome.

**Subp. 4. Plan review.** The program director shall assure the review of the client's progress in achieving individual treatment plan objectives. Progress notes must be entered in a client's file at least twice per week in Category II programs, and at least weekly in Category III and IV programs. Progress notes must indicate the type and amount of each rehabilitative service the client has received and must indicate whether the services have had the desired impact. All entries in client records must be legible, signed, and dated.

A client's progress in achieving each individual treatment plan objective must be reviewed with the client, and the client's participation in the review must be documented in his or her case file. Clients must be notified of the right to access plan reviews.

**Subp. 5. Aftercare plan.** A chemical dependency counselor shall develop a written aftercare plan for each client who completes the program before the client is discharged. The aftercare plan must:

A. include a brief review of the client's problems, strengths, and needs while a client of the program, including program services provided;

B. address the client's progress in achieving each of the goals identified in the individual treatment plan;

C. identify the individuals, including at least the client and the chemical dependency counselor, who participated in the development of the aftercare plan;

D. identify client goals and objectives for services following discharge, with specific timelines; and

E. identify individuals or agencies who will be working with the client after transfer or discharge. A copy of the aftercare plan must be given to the client and, when allowed by state and federal data privacy laws and regulations, other relevant individuals or agencies at the time of the client's discharge.

**Subp. 6. Discharge summary.** A chemical dependency counselor shall write a discharge summary for each client who leaves against staff or medical advice. The summary must be completed within five days of the client's discharge and include at least the following information:

A. a brief review of the client's problems, strengths, and needs while a client of the program, including program services provided; and

B. the client's progress in achieving each of the goals identified in the individual treatment plan.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

### **9530.4450 ADDITIONAL REQUIREMENTS FOR PROGRAMS SERVING ADOLESCENTS.**

**Subpart 1. Programs serving adolescents.** In addition to the requirements of parts 9530.4100 to 9530.4410, all license holders of Category II, III, and IV programs that serve adolescents must meet the requirements of subparts 2 to 8.

**Subp. 2. Chemical dependency counselor qualifications.** In addition to the requirements specified under part 9530.4270, subparts 1 and 4, the personnel file of a chemical dependency counselor providing rehabilitation services to adolescents must document:

# MINNESOTA RULES 1988

275

## CHEMICAL DEPENDENCY PROGRAMS 9530.4450

A. that the individual has had an additional 30 hours of classroom instruction in adolescent development; and

B. that the individual has had at least 150 hours of supervised experience as an adolescent chemical dependency counselor, either as a student or as an employee.

**Subp. 3. Staffing ratios.** A Category II license holder serving adolescents shall have at least one chemical dependency counselor for each eight adolescent clients. A Category III or IV license holder serving adolescents shall have at least one chemical dependency counselor for each ten adolescent clients.

When a Category II, III, or IV license holder provides services to both adolescent and adult clients, the number of chemical dependency counselors that the license holder must provide must be determined as follows:

A. When a Category II license holder provides services to both adolescents and adults at the same time, the number of staff persons necessary to meet the staff ratio of part 9530.4280, subpart 5, and the staff ratio of subpart 3 must be determined by making the following computation:

(1) multiply the number of adults being served by the program by .083;

(2) multiply the number of adolescents being served by the program by .125;

(3) add the two figures that result from the multiplication in subitems (1) and (2);

(4) the sum of subitems (1) and (2) is the number of full-time equivalent chemical dependency counselors the license holder must provide.

B. When a Category III or IV license holder provides services to both adolescents and adults at the same time, the number of staff persons necessary to meet the staff ratio of part 9530.4280, subpart 6, and the staff ratio of subpart 3 must be determined by making the following computation:

(1) multiply the number of adults being served by the program by .042;

(2) multiply the number of adolescents being served by the program by .100;

(3) add the two figures that result from the multiplication in subitems (1) and (2);

(4) the sum of subitems (1) and (2) is the number of full-time equivalent chemical dependency counselors the license holder must provide.

**Subp. 4. Academic program requirements.** License holders who serve adolescent clients must provide an academic program for a minimum of 172 days per year as specified under item A or B.

A. The license holder shall enter into a cooperative agreement with the local school district for the provision of academic services to the adolescent clients in the program. The agreement must be included in the application for licensure, and shall include the following:

(1) a provision, meeting the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67-1, as amended through August 10, 1987, between the program staff and the staff of the local school district regarding the sharing of client records and information;

(2) a description of the methods to be used to ensure the coordination of individual treatment plans and individual academic plans;

(3) a description of the space and equipment to be made available by the program or the school district for the academic instruction of clients;

(4) the amount of time the program will make available for academic instruction and the specific schedule of when academic instruction will be provided; and



(5) a description of the methods to be used to ensure that the staff of the local school district know and understand the license holder's policies and procedures developed in compliance with parts 9530.4310 and 9530.4340.

B. License holders who do not make academic instruction available through the local school district, as specified in item A, must provide an academic program for adolescent clients that meets the Minnesota Department of Education requirements for private schools. Documentation that these requirements have been met must be included in the application for licensure.

**Subp. 5. Individual treatment plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 2, individual treatment plans for adolescent clients must include the following:

A. objectives for improving the client's academic performance, including at least ten hours per week of supervised academic instruction; and

B. objectives for learning leisure activities that do not include chemical use.

**Subp. 6. Aftercare plan requirements.** In addition to the requirements specified under part 9530.4410, subpart 5, the aftercare plan for an adolescent client must address the client's progress in achieving academic objectives, and must include plans for participation in a self-help group.

**Statutory Authority:** *MS s 245A.09 subd 1*

**History:** *12 SR 1451*

#### **9530.5300 LICENSURE.**

*[For text of subps 1 to 6, see M.R. 1987]*

**Subp. 7. Licensure procedures.** Before issuance of a license or provisional license, the following steps shall be completed:

A. The commissioner shall determine the need for a new or expanded program in accordance with part 9530.6800.

*[For text of subp 7, items B and C, see M.R. 1987]*

*[For text of subps 8 to 11, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

#### **9530.6600 CHEMICAL DEPENDENCY CARE FOR PUBLIC ASSISTANCE RECIPIENTS; GENERAL PROVISIONS.**

*[For text of subps 1 and 2, see M.R. 1987]*

**Subp. 3. Funding sources governed.** All financial resources allocated for chemical abusing or dependent individuals under Minnesota Statutes, chapters 246, 254B, 256B, 256D, and 256E, shall be expended in accordance with parts 9530.6600 to 9530.6655.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

#### **9530.6605 DEFINITIONS.**

*[For text of subps 1 to 14, see M.R. 1987]*

**Subp. 15. Extended care.** "Extended care" means a licensed chemical dependency rehabilitation program that offers a long-term combination of in house chemical dependency services and community ancillary resources. Extended care programs must provide at least 15 hours a week per individual of chemical

# MINNESOTA RULES 1988

277

## CHEMICAL DEPENDENCY PROGRAMS 9530.6635

dependency services including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

*[For text of subp 16, see M.R. 1987]*

**Subp. 17. Halfway house.** "Halfway house" means a licensed chemical dependency rehabilitation program that offers a transitional semi-independent living arrangement with an emphasis on aftercare, community ancillary services, and securing employment. Halfway house programs must provide at least five hours a week of chemical dependency rehabilitation services which may include group counseling, employment counseling, individual counseling, or self-help groups.

*[For text of subps 18 to 21, see M.R. 1987]*

**Subp. 21a. Prepaid health plan.** "Prepaid health plan" means an organization that contracts with the department to provide medical services, including chemical dependency treatment services, to enrollees in exchange for a prepaid capitation rate; and that uses funds authorized under Minnesota Statutes, chapters 256B and 256D.

**Subp. 22. Primary rehabilitation in a free standing facility.** "Primary rehabilitation in a free standing facility" means a licensed chemical dependency rehabilitation program that is not located in an acute care hospital, and that provides intensive therapeutic services following detoxification. At least 30 hours a week per individual of chemical dependency services must be provided, including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

**Subp. 23. Primary rehabilitation in a hospital setting.** "Primary rehabilitation in a hospital setting" means a licensed chemical dependency rehabilitation program that has 24-hour nursing surveillance and physician availability and that provides intensive therapeutic services following detoxification in an acute care facility. At least 30 hours a week per individual of chemical dependency services must be provided, including group and individual counseling, client education, and other services specific to chemical dependency rehabilitation.

**Subp. 24. Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation provided in a residential facility as defined in Minnesota Statutes, section 245.782, subdivision 6.

*[For text of subp 25, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.6630 PLACEMENT CRITERIA FOR PRIMARY REHABILITATION.**

A client shall be placed in primary rehabilitation in a free standing facility or hospital setting when the client meets the criteria in items A, B, and C.

*[For text of item A, see M.R. 1987]*

B. The client is unable to abstain from chemical use when the client is outside a facility that controls access to chemicals.

*[For text of item C, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.6635 PLACEMENT CRITERIA FOR PRIMARY REHABILITATION IN A HOSPITAL SETTING.**

A client assessed as a chemical abuser or as chemically dependent under part 9530.6620, subpart 2; and meeting the criteria of item A or B shall be placed in primary rehabilitation in a hospital setting.

*[For text of items A and B, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.6640 PLACEMENT CRITERIA FOR EXTENDED CARE.**

A client shall be placed in extended care if the client is assessed as chemically dependent under part 9530.6620, subpart 2, and is experiencing four or more of the following:

A. The client has participated in primary rehabilitation within the past two years.

*[For text of items B to G, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.6645 PLACEMENT CRITERIA FOR A HALFWAY HOUSE.**

A client shall be placed in a halfway house if the client has been assessed as chemically dependent under part 9530.6620, subpart 2; has either been discharged from a detoxification, primary rehabilitation, or extended care program, or is currently participating in an outpatient program; and has experienced three or more of the following:

A. the client is unable to avoid chemical use related problems outside a facility that controls access to chemicals;

*[For text of items B to E, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.6650 EXCEPTIONS TO PLACEMENT CRITERIA.**

*[For text of subpart 1, see M.R. 1987]*

Subp. 2. **Adolescent exceptions to placement criteria.** An adolescent client assessed as a chemical abuser or as chemically dependent under part 9530.6620, subpart 2, may be placed in primary rehabilitation when one or more of the following items can be documented:

*[For text of subp 2, items A to C, see M.R. 1987]*

*[For text of subps 3 and 4, see M.R. 1987]*

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.6655 APPEALS.**

Subpart 1. **Client's right to a second assessment.** A client who has been assessed under part 9530.6615, and who disagrees with the level of chemical dependency care proposed by the assessor, shall have the right to request a second chemical use assessment. The county or the prepaid health plan shall inform the client in writing of the right to request a second assessment at the time the client is assessed for a program placement. The county or the prepaid health plan shall also inform the client that the client's request must be in writing or on a form approved by the commissioner, and must be received by the county or the prepaid health plan within five working days of completion of the original assessment or before the client enters treatment, whichever occurs first.

The county or the prepaid health plan shall provide a second chemical use

assessment by a different qualified assessor within five working days of receipt of a request for reassessment. If the client agrees with the second level of care determination, the county or the prepaid health plan shall place the client in accordance with parts 9530.6625 to 9530.6650 and the second assessment.

If, after receiving the second assessment, a client who is not an enrollee in a prepaid health plan still disagrees with the county's level of care determination, the client has a right to appeal under subpart 2. If, after receiving the second assessment, a client who is enrolled in a prepaid health plan still disagrees with the prepaid health plan's proposed level of care, the client has the right to an appeal under part 9500.1463.

**Subp. 2. Client's right to appeal.** Clients who are denied an assessment under part 9530.6615, denied a second assessment under subpart 1, denied placement, or who disagree with the level of chemical dependency care proposed shall have the right to a fair hearing under Minnesota Statutes, section 256.045. Notice of the right to appeal must be given in accordance with part 9550.0092.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.6800 ASSESSMENT OF NEED FOR CHEMICAL DEPENDENCY TREATMENT PROGRAMS.**

**Subpart 1. Assessment of need required for licensure.** Before a license or a provisional license may be issued, the need for the chemical dependency treatment or rehabilitation program must be determined by the commissioner. Need for an additional or expanded chemical dependency treatment program must be determined, in part, based on the recommendation of the county board of commissioners of the county in which the program will be located and the documentation submitted by the applicant at the time of application.

If the county board fails to submit a statement to the commissioner within 60 days of the county board's receipt of the written request from an applicant, as required under part 9530.6810, the commissioner shall determine the need for the applicant's proposed chemical dependency treatment program based on the documentation submitted by the applicant at the time of application.

**Subp. 2. Documentation of need requirements.** An applicant for licensure under parts 9530.2500 to 9530.4000 and 9530.5000 to 9530.6500 must submit the documentation in items A and B to the commissioner with the application for licensure:

**A.** The applicant must submit documentation that it has requested the county board of commissioners of the county in which the chemical dependency treatment program will be located to submit to the commissioner both a written statement that supports or does not support the need for the program and documentation of the rationale used by the county board to make its determination.

**B.** The applicant must submit a plan for attracting an adequate number of clients to maintain its proposed program capacity, including:

- (1) a description of the geographic area to be served;
- (2) a description of the target population to be served;
- (3) documentation that the capacity or program designs of existing programs are not sufficient to meet the service needs of the chemically abusing or chemically dependent target population if that information is available to the applicant;
- (4) a list of referral sources, with an estimation as to the number of clients the referral source will refer to the applicant's program in the first year of operation; and
- (5) any other information available to the applicant that supports the need for new or expanded chemical dependency treatment capacity.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.6810 COUNTY BOARD RESPONSIBILITY TO REVIEW NEED FOR NEW OR EXPANDED CHEMICAL DEPENDENCY TREATMENT PROGRAMS.**

When an applicant for licensure under parts 9530.2500 to 9530.4000 or 9530.5000 to 9530.6500 requests a written statement of support for a proposed chemical dependency treatment program from the county board of commissioners of the county in which the proposed program is to be located, the county board, or the county board's designated representative, shall submit a statement to the commissioner that either supports or does not support the need for the applicant's program. The county board's statement must be submitted in accordance with items A and B:

A. the statement must be submitted within 60 days of the county board's receipt of a written request from the applicant for licensure; and

B. the statement must include the rationale used by the county board to make its determination.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.7000 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 9530.7000 to 9530.7030, the following terms have the meanings given them.

Subp. 2. **Chemical.** "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances as defined in Minnesota Statutes, chapter 152.

Subp. 3. **Chemical abuse.** "Chemical abuse" means a pattern of inappropriate and harmful use as defined in subpart 12. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life, such as loss of a job, death of a loved one, or sudden changes in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subp. 4. **Chemical dependency.** "Chemical dependency" means a pattern of pathological use as defined in subpart 17, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use. Chemical dependency includes a pattern of pathological use as defined in subpart 17, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use, which has been interrupted by a period of incarceration or hospitalization.

Subp. 5. **Chemical dependency treatment services.** "Chemical dependency treatment services" means licensed outpatient chemical dependency treatment programs and licensed chemical dependency rehabilitation programs.

Subp. 6. **Client.** "Client" means an individual who has requested chemical abuse or dependency services, or for whom chemical abuse or dependency services have been requested, from a local agency.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 8. **Consolidated Chemical Dependency Treatment Fund.** "Consolidated Chemical Dependency Treatment Fund" means money appropriated for payment of chemical dependency treatment services under Minnesota Statutes, chapter 254B.

# MINNESOTA RULES 1988

281

## CHEMICAL DEPENDENCY PROGRAMS 9530.7000

**Subp. 9. Copayment.** "Copayment" means the amount an insured person is obligated to pay before the person's third-party payment source is obligated to make a payment, or the amount an insured person is obligated to pay in addition to the amount the person's third-party payment source is obligated to pay.

**Subp. 10. Drug and Alcohol Abuse Normative Evaluation System or DAANES.** "Drug and Alcohol Abuse Normative Evaluation System" or "DAANES" means the client information system operated by the department's Chemical Dependency Program Division.

**Subp. 11. Department.** "Department" means the Minnesota Department of Human Services.

**Subp. 12. Inappropriate and harmful use.** "Inappropriate and harmful use" means use of a chemical that exceeds social or legal standards of acceptability, the outcome of which is characterized by three or more of the following:

- A. weekly use to intoxication;
- B. inability to function in a social setting without becoming intoxicated;
- C. driving after consuming sufficient chemicals to be considered legally impaired under Minnesota Statutes, section 169.121, whether or not an arrest takes place;
- D. excessive spending on chemicals that results in an inability to meet financial obligations;
- E. loss of friends due to behavior while intoxicated; or
- F. chemical use that prohibits one from meeting work, school, family, or social obligations.

**Subp. 13. Income.** "Income" means the total amount of cash received by an individual from the following sources:

- A. cash payments for wages or salaries;
- B. cash receipts from nonfarm or farm self-employment, minus deductions allowed by the federal Internal Revenue Service for business or farm expenses;
- C. regular cash payments from social security, railroad retirement, unemployment compensation, workers' union funds, veterans' benefits, Aid to Families with Dependent Children, Supplemental Security Income, General Assistance, training stipends, alimony, child support, and military family allotments;
- D. cash payments from private pensions, government employee pensions, and regular insurance or annuity payments;
- E. cash payments for dividends, interest, rents, or royalties; and
- F. periodic cash receipts from estates or trusts.

Income does not include capital gains; any cash assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump sum inheritances, one time insurance payments, or compensation for injury; and noncash benefits such as health insurance, food or rent received in lieu of wages, and noncash benefits from programs such as Medicare, Medical Assistance, Food Stamps, school lunches, and housing assistance. Annual income is the amount reported and verified by an individual as current income calculated prospectively to cover one year.

**Subp. 14. Local agency.** "Local agency" means the county or multi county agency authorized under Minnesota Statutes, sections 254B.01, subdivision 5, and 254B.03, subdivision 1, to make placements and submit state invoices under the Consolidated Chemical Dependency Treatment Fund.

**Subp. 15. Minor child.** "Minor child" means an individual under the age of 18 years.

**Subp. 16. Negotiated rate.** "Negotiated rate" means a payment amount for

halfway house clients that includes room and board and treatment costs that is either set by or negotiated by the state or local agency.

**Subp. 17. Pathological use.** "Pathological use" means the compulsive use of a chemical characterized by three or more of the following:

- A. daily use required for adequate functioning;
- B. an inability to abstain from use;
- C. repeated efforts to control or reduce excessive use;
- D. binge use, such as remaining intoxicated throughout the day for at least two days at a time;
- E. amnesic periods for events occurring while intoxicated; and
- F. continuing use despite a serious physical disorder the individual knows is exacerbated by continued use.

**Subp. 18. Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation provided in a residential facility as defined in Minnesota Statutes, section 245.782, subdivision 6.

**Subp. 19. Responsible relative.** "Responsible relative" means a client's spouse and the parent of a minor child who is a client.

**Subp. 20. Third-party payment source.** "Third-party payment source" means a person, entity, or public or private agency other than medical assistance or general assistance medical care that has a probable obligation to pay all or part of the costs of a client's chemical dependency treatment.

**Subp. 21. Vendor.** "Vendor" means a licensed provider of chemical dependency treatment services who meets the criteria established in Minnesota Statutes, section 254B.05.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.7005 SCOPE AND APPLICABILITY.**

Parts 9530.7000 to 9530.7030 govern the administration of the Consolidated Chemical Dependency Treatment Fund, establish the criteria to be applied by local agencies to determine a client's eligibility under the Consolidated Chemical Dependency Treatment Fund, and establish a client's obligation to pay for chemical dependency treatment services.

These parts must be read in conjunction with Minnesota Statutes, chapter 254B, and parts 9530.6600 to 9530.6655.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.7010 COUNTY RESPONSIBILITY TO PROVIDE CHEMICAL DEPENDENCY TREATMENT SERVICES.**

The local agency shall provide chemical dependency treatment services to eligible clients residing within the county who have been assessed and placed by the county in accordance with parts 9530.6600 to 9530.6655.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

### **9530.7015 CLIENT ELIGIBILITY UNDER THE CONSOLIDATED CHEMICAL DEPENDENCY TREATMENT FUND.**

**Subpart 1. Client eligibility to have treatment totally paid under the Consolidated Chemical Dependency Treatment Fund.** A client who meets the criteria established in item A, B, C, or D shall be eligible to have chemical dependency treatment paid for totally with funds from the Consolidated Chemical Dependency Treatment Fund.

# MINNESOTA RULES 1988

283

## CHEMICAL DEPENDENCY PROGRAMS 9530.7015

A. The client is eligible for AFDC as determined under parts 9500.2000 to 9500.2880.

B. The client is eligible for medical assistance as determined under parts 9505.0010 to 9505.0150.

C. The client is eligible for general assistance, general assistance medical care, or work readiness as determined under parts 9500.1200 to 9500.1318.

D. The client's income is less than 60 percent of the state median income, as determined by the local agency under part 9530.7020, subpart 1.

Clients eligible under items A and B shall not be eligible for Consolidated Chemical Dependency Treatment Fund services, except for transitional residence, extended care programs, and culturally specific programs as defined in part 9530.6605, subpart 13, until medical assistance program waivers are secured under United States Code, title 42, section 1915(b), as authorized under Minnesota Statutes, section 254B.08, and shall continue to be eligible for Consolidated Chemical Dependency Treatment Fund services according to Minnesota Statutes, chapter 256B, until medical assistance program waivers are secured under United States Code, title 42, section 1915(b), as authorized under Minnesota Statutes, section 254B.08.

**Subp. 2. Client eligibility to have treatment initially paid for from the Consolidated Chemical Dependency Treatment Fund.** Except as provided under subpart 4, item D, a client who has an income between 60 and 115 percent of the state median income, as determined by the local agency under part 9530.7020, subpart 1, and who does not have an available third-party payment source, shall be eligible to have treatment paid for with Consolidated Chemical Dependency Treatment Funds, as follows:

A. The client or responsible relative shall be billed in accordance with the sliding fee scale established under part 9530.7020, subpart 3, if the client's total obligation under the sliding fee scale is less than the total cost of the client's chemical dependency treatment.

B. If a client with no responsible relatives is placed in a halfway house, the client shall be billed under part 9530.7020, subpart 4, if the client's countable income is less than the sum of the negotiated rate plus the clothing and personal needs allowance and the earned income disregard allowed under Minnesota Statutes, section 256D.06, subdivisions 1 and 1b.

**Subp. 3. Client with third-party payment source eligibility to have treatment initially paid for from the Consolidated Chemical Dependency Treatment Fund.** Except as provided under subpart 4, item D, a client shall be eligible to have treatment paid for with Consolidated Chemical Dependency Treatment Funds, and the client or the responsible relative shall be billed in accordance with the sliding fee scale established under part 9530.7020, subpart 3, if the client has an income between 60 and 115 percent of the state median income, as determined by the local agency under part 9530.7020, subpart 1, and the client meets the conditions under items A and B.

A. The client does not have a third-party payment source that will cover the total cost of the client's chemical dependency treatment.

B. The client's copayment exceeds the client's total obligation under the sliding fee scale established in part 9530.7020, subpart 3.

**Subp. 4. Client ineligible to have treatment paid for from the Consolidated Chemical Dependency Treatment Fund.** A client who meets the criteria in item A, B, C, or D shall be ineligible to have chemical dependency treatment services paid for with Consolidated Chemical Dependency Treatment Funds.

A. The client has an income that exceeds 115 percent of the state median income, as determined by the local agency under part 9530.7020, subpart 1.

B. The client has an income between 60 and 115 percent of the state median income, as determined by the local agency under part 9530.7020, subpart



1, and the total cost of the client's treatment is equal to or less than the client's total obligation under the sliding fee scale established under part 9530.7020, subpart 3.

C. The client has an available third-party payment source that will pay the total cost of the client's treatment, or the client's copayment is equal to or less than the client's total obligation under the sliding fee scale established in part 9530.7020, subpart 3.

D. The client meets the criteria under subpart 2 or 3, but the county's allocation under Minnesota Statutes, section 254B.02, subdivisions 1 and 2, has been exhausted, the county's maintenance of effort has been met as required under Minnesota Statutes, section 254B.02, subdivision 3, and the local agency has been notified by the department that only clients who meet the criteria under subpart 1 are eligible to have their chemical dependency treatment services paid for under the Consolidated Chemical Dependency Treatment Fund.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.7020 COUNTY RESPONSIBILITY TO DETERMINE CLIENT ELIGIBILITY FOR CONSOLIDATED CHEMICAL DEPENDENCY TREATMENT FUNDS AND CLIENT'S ABILITY TO PAY FOR TREATMENT.**

Subpart 1. **Local agency duty to determine client eligibility.** The local agency shall determine a client's eligibility at the time the client seeks treatment and is assessed under parts 9530.6600 to 9530.6655. To determine a client's eligibility, the local agency must determine the client's income, the size of the client's family, the availability of a third party payment source, and a responsible relative's ability to pay for the client's chemical dependency treatment, as specified in items A to F:

A. The local agency must determine the client's income. A client who is a minor child shall not be deemed to have income available to pay for chemical dependency treatment, unless the minor child is responsible for payment under Minnesota Statutes, section 144.347, for chemical dependency treatment services sought under Minnesota Statutes, section 144.343, subdivision 1.

B. The local agency must determine the client's family size. A client's family size shall include the client, the client's spouse, and the number of dependents claimed by the client or the client's spouse on his or her individual federal income tax return. If the client is a minor child, the family size shall include the client, the client's parents, and the client's siblings who are claimed as dependents on the client's parent's individual federal income tax return.

C. The local agency must determine the availability of a third party payment source, including the availability of total payment, partial payment, amount of copayment, and any special conditions or procedures the third party payor requires clients to follow. The local agency shall require the client to follow all special conditions or procedures established by the third party payment source, including the third party payment source's appeal and grievance procedure, and shall require the client to assign to the department his or her rights and the rights of minor children to benefits. The local agency shall require the client to provide verification of the client's third party payment source's approval or refusal to pay for chemical dependency treatment services before the local agency places the client. If the client or responsible relative is unable to provide verification of the third party payment source's approval or refusal, the local agency must assist the client to obtain the verification. If the client or responsible relative, with the assistance of the local agency, is still unable to obtain verification from the client's third party payment source, the local agency shall place the client.

D. The local agency shall determine a responsible relative's income.

E. The local agency shall apply the information on the client's and

responsible relative's income and family size to the sliding fee scale established in subpart 3, and determine the monthly payment amount and the total obligation for which the client or responsible relative is liable. The local agency shall record this information on a form supplied by the commissioner, and send the form to the department.

F. The local agency shall reassess a client's eligibility, redetermine the client's and responsible relative's ability to pay for chemical dependency treatment services, and redetermine the client's and responsible relative's total obligation and monthly payment amount as specified in subitems (1) to (4). For purposes of this item, placement of a client into more than one chemical dependency treatment program in less than ten working days, or placement of a client into a chemical dependency treatment program that is structured to provide rehabilitation services followed by outpatient chemical dependency treatment services shall be treated as a single placement.

(1) The local agency shall reassess a client's eligibility, redetermine the client's and responsible relative's ability to pay for chemical dependency treatment services, and redetermine the client's and responsible relative's total obligation and monthly payment amount each time a client is placed for chemical dependency treatment services. The total obligation for a second or subsequent placement shall be added to any unpaid obligation of the client or responsible relative, and the monthly payments for a second or subsequent placement shall begin in the month following the last monthly billing from the previous obligation.

(2) When two or more clients, for whom another client or responsible relative is financially responsible, are placed for chemical dependency treatment services, the local agency shall add the total obligation for the second or subsequent client to the unpaid obligation of the client or responsible relative, and the monthly payments for the second or subsequent client shall begin in the month following the last monthly billing from the previous obligation.

(3) If a client with no responsible relatives is placed in a halfway house, the client's obligation to make monthly payments for a previous placement shall be suspended, and the client's monthly obligation while in the halfway house shall be determined by the local agency in accordance with subpart 4. The client's obligation to resume making monthly payments for a previous placement shall resume 30 days after the client is discharged from the halfway house.

(4) If a client with a responsible relative is placed in a halfway house, the client's and responsible relative's ability to pay for chemical dependency treatment services shall be reassessed, the local agency shall redetermine the client's and responsible relative's total obligation and monthly payment amount, and the client and responsible relative must continue to make monthly payments in accordance with subitem (1).

**Subp. 2. Client and responsible relative obligation to cooperate.** A client and responsible relative shall cooperate with the local agency, shall provide income or wage verification, family size verification, information on any special procedures required by the client's or responsible relative's third party payment source, and shall make an assignment of third party payment rights under subpart 1, item C. If a client or responsible relative does not cooperate, the client shall be deemed to be ineligible to have Consolidated Chemical Dependency Treatment Funds pay for his or her chemical dependency treatment, and the client and responsible relative shall be obligated to pay for the full cost of chemical dependency treatment services provided to the client.

**Subp. 3. Sliding fee scale.** A client or responsible relative who has an income that falls between 60 and 115 percent of the state median income shall be required to make payments to the department for the cost of the client's chemical dependency treatment. The total amount a client or responsible relative shall be required to pay shall not exceed the total cost of the client's chemical dependency

# MINNESOTA RULES 1988

## 9530.7020 CHEMICAL DEPENDENCY PROGRAMS

286

treatment services, including room and board costs. The amount of the total obligation and monthly payments shall be determined in accordance with the following sliding fee scale.

**A. FAMILY OF ONE:**

60% = \$10,725                      100% = \$17,876                      115% = \$20,557

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 10,725	\$ 0 - 894	\$ 0	\$ 0
10,726 - 11,626	895 - 969	10	60
11,627 - 12,527	970 - 1,044	18	108
12,528 - 13,428	1,045 - 1,119	27	162
13,429 - 14,329	1,120 - 1,194	38	228
14,330 - 15,230	1,195 - 1,269	52	312
15,231 - 16,131	1,270 - 1,344	68	408
16,132 - 17,032	1,345 - 1,419	85	510
17,033 - 17,933	1,420 - 1,494	105	630
17,934 - 18,834	1,495 - 1,570	127	762
18,835 - 19,735	1,571 - 1,645	151	906
19,736 - 20,557	1,646 - 1,713	177	1,062

**B. FAMILY OF TWO:**

60% = \$14,026                      100% = \$23,376                      115% = \$26,882

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 14,026	\$ 0 - 1,169	\$ 0	\$ 0
14,027 - 14,927	1,170 - 1,244	10	60
14,928 - 15,828	1,245 - 1,319	18	108
15,829 - 16,729	1,320 - 1,394	27	162
16,730 - 17,630	1,395 - 1,469	38	228
17,631 - 18,531	1,470 - 1,544	52	312
18,532 - 19,432	1,545 - 1,619	68	408
19,433 - 20,333	1,620 - 1,694	85	510
20,334 - 21,234	1,695 - 1,770	105	630
21,235 - 22,135	1,771 - 1,845	127	762
22,136 - 23,036	1,846 - 1,920	151	906
23,037 - 23,937	1,921 - 1,995	177	1,062
23,938 - 24,838	1,996 - 2,070	205	1,230
24,839 - 25,739	2,071 - 2,145	235	1,410
25,740 - 26,640	2,146 - 2,220	267	1,602
26,641 - 26,882	2,221 - 2,240	302	1,812

**C. FAMILY OF THREE:**

60% = \$17,326                      100% = \$28,876                      115% = \$33,207

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 17,326	\$ 0 - 1,444	\$ 0	\$ 0
17,327 - 18,227	1,445 - 1,519	10	60
18,228 - 19,128	1,520 - 1,594	18	108
19,129 - 20,029	1,595 - 1,669	27	162
20,030 - 20,930	1,670 - 1,744	38	228
20,931 - 21,831	1,745 - 1,819	52	312
21,832 - 22,732	1,820 - 1,894	68	408

# MINNESOTA RULES 1988

## CHEMICAL DEPENDENCY PROGRAMS 9530.7020

22,733 - 23,633	1,895 - 1,969	85	510
23,634 - 24,534	1,970 - 2,045	105	630
24,535 - 25,435	2,046 - 2,120	127	762
25,436 - 26,336	2,121 - 2,195	151	906
26,337 - 27,237	2,196 - 2,270	177	1,062
27,238 - 28,138	2,271 - 2,345	205	1,230
28,139 - 29,039	2,346 - 2,420	235	1,410
29,040 - 29,940	2,421 - 2,495	267	1,602
29,941 - 30,841	2,496 - 2,570	302	1,812
30,842 - 31,742	2,571 - 2,645	338	2,028
31,743 - 32,643	2,646 - 2,720	377	2,262
32,644 - 33,207	2,721 - 2,767	417	2,502

**D. FAMILY OF FOUR:**

60% = \$20,626                      100% = \$34,376                      115% = \$39,532

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 20,626	\$ 0 - 1,719	\$ 0	\$ 0
20,627 - 21,527	1,720 - 1,794	10	60
21,528 - 22,428	1,795 - 1,869	18	108
22,429 - 23,329	1,870 - 1,944	27	162
23,330 - 24,230	1,945 - 2,019	38	228
24,231 - 25,131	2,020 - 2,094	52	312
25,132 - 26,032	2,095 - 2,169	68	408
26,033 - 26,933	2,170 - 2,244	85	510
26,934 - 27,834	2,245 - 2,320	105	630
27,835 - 28,735	2,321 - 2,395	127	762
28,736 - 29,636	2,396 - 2,470	151	906
29,637 - 30,537	2,471 - 2,545	177	1,062
30,538 - 31,438	2,546 - 2,620	205	1,230
31,439 - 32,339	2,621 - 2,695	235	1,410
32,340 - 33,240	2,696 - 2,770	267	1,602
33,241 - 34,141	2,771 - 2,845	302	1,812
34,142 - 35,042	2,846 - 2,920	338	2,028
35,043 - 35,943	2,921 - 2,995	377	2,262
35,944 - 36,844	2,996 - 3,070	417	2,502
36,845 - 37,745	3,071 - 3,145	460	2,760
37,746 - 38,646	3,146 - 3,221	505	3,030
38,647 - 39,532	3,222 - 3,294	551	3,306

**E. FAMILY OF FIVE:**

60% = \$23,926                      100% = \$39,876                      115% = \$45,857

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 23,926	\$ 0 - 1,994	\$ 0	\$ 0
23,927 - 24,827	1,995 - 2,069	10	60
24,828 - 25,728	2,070 - 2,144	18	108
25,729 - 26,629	2,145 - 2,219	27	162
26,630 - 27,530	2,220 - 2,294	38	228
27,531 - 28,431	2,295 - 2,369	52	312
28,432 - 29,332	2,370 - 2,443	68	408
29,333 - 30,233	2,444 - 2,519	85	510
30,234 - 31,134	2,520 - 2,595	105	630
31,135 - 32,035	2,596 - 2,670	127	762
32,036 - 32,936	2,671 - 2,745	151	906

# MINNESOTA RULES 1988

## 9530.7020 CHEMICAL DEPENDENCY PROGRAMS

288

32,937 - 33,837	2,746 - 2,820	177	1,062
33,838 - 34,738	2,821 - 2,895	205	1,230
34,739 - 35,639	2,896 - 2,970	235	1,410
35,640 - 36,540	2,971 - 3,045	267	1,602
36,541 - 37,441	3,046 - 3,120	302	1,812
37,442 - 38,342	3,121 - 3,195	338	2,028
38,343 - 39,243	3,196 - 3,270	377	2,262
39,244 - 40,144	3,271 - 3,345	417	2,502
40,145 - 41,045	3,346 - 3,420	460	2,760
41,046 - 41,946	3,421 - 3,496	505	3,030
41,947 - 42,847	3,497 - 3,571	551	3,306
42,848 - 43,748	3,572 - 3,646	600	3,600
43,749 - 44,649	3,647 - 3,721	651	3,906
44,650 - 45,550	3,722 - 3,796	704	4,224
45,551 - 45,857	3,797 - 3,821	759	4,896

**F. FAMILY OF SIX:**

60% = \$27,226

100% = \$45,376

115% = \$52,182

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 27,226	\$ 0 - 2,269	\$ 0	\$ 0
27,227 - 28,127	2,270 - 2,344	10	60
28,128 - 29,028	2,345 - 2,419	18	108
29,029 - 29,929	2,420 - 2,494	27	162
29,930 - 30,830	2,495 - 2,569	38	228
30,831 - 31,731	2,570 - 2,644	52	312
31,732 - 32,632	2,645 - 2,719	68	408
32,633 - 33,533	2,720 - 2,794	85	510
33,534 - 34,434	2,795 - 2,870	105	630
34,435 - 35,335	2,871 - 2,945	127	762
35,336 - 36,236	2,946 - 3,020	151	906
36,237 - 37,137	3,021 - 3,095	177	1,062
37,138 - 38,038	3,096 - 3,170	205	1,230
38,039 - 38,939	3,171 - 3,245	235	1,410
38,940 - 39,840	3,246 - 3,320	267	1,602
39,841 - 40,741	3,321 - 3,395	302	1,812
40,742 - 41,642	3,396 - 3,470	338	2,028
41,643 - 42,543	3,471 - 3,545	377	2,262
42,544 - 43,444	3,546 - 3,620	417	2,502
43,445 - 44,345	3,621 - 3,695	460	2,760
44,346 - 45,246	3,696 - 3,770	505	3,030
45,247 - 46,147	3,771 - 3,846	551	3,306
46,148 - 47,048	3,847 - 3,921	600	3,600
47,049 - 47,949	3,922 - 3,996	651	3,906
47,950 - 48,850	3,997 - 4,071	704	4,224
48,851 - 49,751	4,072 - 4,146	759	4,554
49,752 - 50,652	4,147 - 4,221	816	4,896
50,653 - 51,553	4,222 - 4,296	876	5,256
51,554 - 52,182	4,297 - 4,349	937	5,622

**G. FAMILY OF SEVEN:**

60% = \$27,845

100% = \$46,408

115% = \$53,369

# MINNESOTA RULES 1988

289

## CHEMICAL DEPENDENCY PROGRAMS 9530.7020

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 27,845	\$ 0 - 2,320	\$ 0	\$ 0
27,846 - 28,746	2,321 - 2,396	10	60
28,747 - 29,647	2,397 - 2,471	18	108
29,648 - 30,548	2,472 - 2,546	27	162
30,549 - 31,449	2,547 - 2,621	38	228
31,450 - 32,350	2,622 - 2,696	52	312
32,351 - 33,251	2,697 - 2,771	68	408
33,252 - 34,152	2,772 - 2,846	85	510
34,153 - 35,053	2,847 - 2,921	105	630
35,054 - 35,954	2,922 - 2,996	127	762
35,955 - 36,855	2,997 - 3,071	151	906
36,856 - 37,756	3,072 - 3,146	177	1,062
37,757 - 38,657	3,147 - 3,221	205	1,230
38,658 - 39,558	3,222 - 3,297	235	1,410
39,559 - 40,459	3,298 - 3,372	267	1,602
40,460 - 41,360	3,373 - 3,447	302	1,812
41,361 - 42,261	3,448 - 3,522	338	2,028
42,262 - 43,162	3,523 - 3,597	377	2,262
43,163 - 44,063	3,598 - 3,672	417	2,502
44,064 - 44,964	3,673 - 3,747	460	2,760
44,965 - 45,865	3,748 - 3,822	505	3,030
45,866 - 46,766	3,823 - 3,897	551	3,306
46,767 - 47,667	3,898 - 3,972	600	3,600
47,668 - 48,568	3,973 - 4,047	651	3,906
48,569 - 49,469	4,048 - 4,122	704	4,224
49,470 - 50,370	4,123 - 4,198	759	4,554
50,371 - 51,271	4,199 - 4,273	816	4,896
51,272 - 52,172	4,274 - 4,348	876	5,256
52,173 - 53,073	4,349 - 4,423	937	5,622
53,074 - 53,369	4,424 - 4,447	1,000	6,000

**H. FAMILY OF EIGHT:**

60% = \$28,463

100% = \$47,439

115% = \$54,555

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 28,463	\$ 0 - 2,372	\$ 0	\$ 0
28,464 - 29,364	2,373 - 2,447	10	60
29,365 - 30,265	2,448 - 2,522	18	108
30,266 - 31,166	2,523 - 2,597	27	162
31,167 - 32,067	2,598 - 2,672	38	228
32,068 - 32,968	2,673 - 2,747	52	312
32,969 - 33,869	2,748 - 2,822	68	408
33,870 - 34,770	2,823 - 2,898	85	510
34,771 - 35,671	2,899 - 2,973	105	630
35,672 - 36,572	2,974 - 3,048	127	762
36,573 - 37,473	3,049 - 3,123	151	906
37,474 - 38,374	3,124 - 3,198	177	1,062
38,375 - 39,275	3,199 - 3,273	205	1,230
39,276 - 40,176	3,274 - 3,348	235	1,410
40,177 - 41,077	3,349 - 3,423	267	1,602
41,078 - 41,978	3,424 - 3,498	302	1,812
41,979 - 42,879	3,499 - 3,573	338	2,028
42,880 - 43,780	3,574 - 3,648	377	2,262

# MINNESOTA RULES 1988

## 9530.7020 CHEMICAL DEPENDENCY PROGRAMS

290

43,781 - 44,681	3,649 - 3,723	417	2,502
44,682 - 45,582	3,724 - 3,799	460	2,760
45,583 - 46,483	3,800 - 3,874	505	3,030
46,484 - 47,384	3,875 - 3,949	551	3,306
47,385 - 48,285	3,950 - 4,024	600	3,600
48,286 - 49,186	4,025 - 4,099	651	3,906
49,187 - 50,087	4,100 - 4,174	704	4,224
50,088 - 50,988	4,175 - 4,249	759	4,554
50,989 - 51,889	4,250 - 4,324	816	4,896
51,890 - 52,790	4,325 - 4,399	876	5,256
52,791 - 53,691	4,400 - 4,474	937	5,622
53,692 - 54,555	4,475 - 4,546	1,000	6,000

**I. FAMILY OF NINE:**

60% = \$29,082

100% = \$48,470

115% = \$55,741

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 29,082	\$ 0 - 2,424	\$ 0	\$ 0
29,083 - 29,983	2,425 - 2,499	10	60
29,984 - 30,884	2,500 - 2,574	18	108
30,885 - 31,785	2,575 - 2,649	27	162
31,786 - 32,686	2,650 - 2,724	38	228
32,687 - 33,587	2,725 - 2,799	52	312
33,588 - 34,488	2,800 - 2,874	68	408
34,489 - 35,389	2,875 - 2,949	85	510
35,390 - 36,290	2,950 - 3,024	105	630
36,291 - 37,191	3,025 - 3,099	127	762
37,192 - 38,092	3,100 - 3,174	151	906
38,093 - 38,993	3,175 - 3,249	177	1,062
38,994 - 39,894	3,250 - 3,325	205	1,230
39,895 - 40,795	3,326 - 3,400	235	1,410
40,796 - 41,696	3,401 - 3,475	267	1,602
41,697 - 42,597	3,476 - 3,550	302	1,812
42,598 - 43,498	3,551 - 3,625	338	2,028
43,499 - 44,399	3,626 - 3,700	377	2,262
44,400 - 45,300	3,701 - 3,775	417	2,502
45,301 - 46,201	3,776 - 3,850	460	2,760
46,202 - 47,102	3,851 - 3,925	505	3,030
47,103 - 48,003	3,926 - 4,000	551	3,306
48,004 - 48,904	4,001 - 4,075	600	3,600
48,905 - 49,805	4,076 - 4,150	651	3,906
49,806 - 50,706	4,151 - 4,226	704	4,224
50,707 - 51,607	4,227 - 4,301	759	4,554
51,608 - 52,508	4,302 - 4,376	816	4,896
52,509 - 53,409	4,377 - 4,451	876	5,256
53,410 - 54,310	4,452 - 4,526	937	5,622
54,311 - 55,211	4,527 - 4,601	1,000	6,000
55,212 - 55,741	4,602 - 4,645	1,066	6,396

**J. FAMILY OF TEN:**

60% = \$29,701

100% = \$49,501

115% = \$56,926

Annual Income	Monthly Income	Monthly Payment	Total Obligation
\$ 0 - 29,701	\$ 0 - 2,475	\$ 0	\$ 0
29,702 - 30,602	2,476 - 2,550	10	60

# MINNESOTA RULES 1988

291

## CHEMICAL DEPENDENCY PROGRAMS 9530.7020

30,603 - 31,503	2,551 - 2,625	18	108
31,504 - 32,404	2,626 - 2,700	27	162
32,405 - 33,305	2,701 - 2,775	38	228
33,306 - 34,206	2,776 - 2,851	52	312
34,207 - 35,107	2,852 - 2,926	68	408
35,108 - 36,008	2,927 - 3,001	85	510
36,009 - 36,909	3,002 - 3,076	105	630
36,910 - 37,810	3,077 - 3,151	127	762
37,811 - 38,711	3,152 - 3,226	151	906
38,712 - 39,612	3,227 - 3,301	177	1,062
39,613 - 40,513	3,302 - 3,376	205	1,230
40,514 - 41,414	3,377 - 3,451	235	1,410
41,415 - 42,315	3,452 - 3,526	267	1,602
42,316 - 43,216	3,527 - 3,601	302	1,812
43,217 - 44,117	3,602 - 3,676	338	2,028
44,118 - 45,018	3,677 - 3,752	377	2,262
45,019 - 45,919	3,753 - 3,827	417	2,502
45,920 - 46,820	3,828 - 3,902	460	2,760
46,821 - 47,721	3,903 - 3,977	505	3,030
47,722 - 48,622	3,978 - 4,052	551	3,306
48,623 - 49,523	4,053 - 4,127	600	3,600
49,524 - 50,424	4,128 - 4,202	651	3,906
50,425 - 51,325	4,203 - 4,277	704	4,224
51,326 - 52,226	4,278 - 4,352	759	4,554
52,227 - 53,127	4,353 - 4,427	816	4,896
53,128 - 54,028	4,428 - 4,502	876	5,256
54,029 - 54,929	4,503 - 4,577	937	5,622
54,930 - 55,830	4,578 - 4,653	1,000	6,000
55,831 - 56,731	4,654 - 4,728	1,066	6,396
56,732 - 56,926	4,729 - 4,744	1,134	6,804

This fee schedule is based on the estimated Minnesota State Median Income for a four person household in federal fiscal year 1988. The Bureau of the Census developed the median income estimates for each state from three sources of data: the March 1986 Current Population Survey; the 1980 Census of Population; and per capita income estimates from the Bureau of Economic Analysis. These median income estimates were published in the Federal Register, Volume 52, No. 160/Wednesday, August 19, 1987, pages 31030 and 31031.

**Subp. 4. Halfway house client fees.** When a client who has no responsible relatives is placed in a halfway house, the local agency shall determine the client's countable income in accordance with parts 9500.1200 to 9500.1318. The local agency shall subtract the amount established as the clothing and personal needs allowance for medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 1, and shall subtract the amount established as an additional earned income disregard under Minnesota Statutes, section 256D.06, subdivision 1b, from the client's countable income. The local agency shall subtract the amount of income that remains from the negotiated rate for the halfway house to determine how much of the negotiated rate shall be paid for with funds from the Consolidated Chemical Dependency Treatment Fund.

The local agency shall record this information on a form supplied by the commissioner, and send the form to the department. The department shall bill the client monthly, in accordance with the information supplied by the local agency.

The local agency shall make a monthly redetermination of a halfway house client's countable income and the amount the client owes toward the negotiated rate in accordance with this subpart.

**Statutory Authority:** *MS s 254B.03 subd 5; 254B.04 subd 2*

**History:** *12 SR 53; 12 SR 2748*



**9530.7025 DENIAL OF PAYMENT.**

Subpart 1. **Denial of payment when required assessment not completed.** The department shall deny payments from the Consolidated Chemical Dependency Treatment Fund to vendors for chemical dependency treatment services provided to clients who have not been assessed and placed by the county in accordance with parts 9530.6600 to 9530.6655.

Subp. 2. **Denial of state participation in Consolidated Chemical Dependency Treatment Fund payments when client found not eligible.** The department shall pay vendors from the Consolidated Chemical Dependency Treatment Fund for chemical dependency treatment services provided to clients and shall bill the county for 100 percent of the costs of chemical dependency treatment services as follows:

A. The department shall bill the county for 100 percent of the costs of a client's chemical dependency treatment services when the department determines that the client was not placed in accordance with parts 9530.6600 to 9530.6655.

B. When a county's allocation under Minnesota Statutes, section 254B.02, subdivisions 1 and 2, has been exhausted, and the county's maintenance of effort has been met as required under Minnesota Statutes, section 254B.02, subdivision 3, and the local agency has been notified by the department that the only clients who are eligible to have their treatment paid for from the Consolidated Chemical Dependency Treatment Fund are clients who are eligible under part 9530.7015, subpart 1, the department shall bill the county for 100 percent of the costs of a client's chemical dependency treatment services when the department determines that the client was not eligible under part 9530.7015, subpart 1.

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*

**9530.7030 ELIGIBLE VENDOR'S DUTY TO PARTICIPATE IN A CLIENT INFORMATION SYSTEM.**

Subpart 1. **Participation a condition of eligibility.** To be eligible for payment under the Consolidated Chemical Dependency Treatment Fund, a vendor must participate in DAANES, or another client information system that collects data on all individuals who are served by the vendor, is approved by the commissioner, and meets the criteria in subpart 2.

Subp. 2. **Criteria for approval of a client information system.** The commissioner shall approve a vendor's participation in a client information system other than DAANES if the system collects and maintains the data identified in items A to F. The information system must collect the data identified in items B, C, D, E, and G on either a six month or 12 month basis.

A. demographic data, including age, race, sex, marital status, educational achievement, employment status, and county of residence if a Minnesota resident, or state or nation of residence if not a Minnesota resident;

B. chemical use history, including diagnosis at intake, frequency of chemical use, chemicals used, and longest period of abstinence from all chemical use during the six or 12-months before intake;

C. all admissions into detoxification, outpatient, primary residential, extended care, and halfway houses that occurred more than six or 12 months before intake;

D. all admissions into detoxification, outpatient, primary residential, extended care, and halfway houses that occurred during the six or 12 months before intake;

E. other problems associated with chemical use, abuse, or dependency, including psychiatric and medical hospital admissions that occurred in the six or 12 months before intake; arrests, convictions, and incarcerations that occurred

MINNESOTA RULES 1988

CHEMICAL DEPENDENCY PROGRAMS 9530.7030

in the six or 12 months before intake; and problems at work or school associated with chemical use that occurred in the six or 12 months before intake;

F. discharge information, including reasons for discharge, referrals made at discharge, length of stay or length of participation in the program, and total costs of treatment; and

G. six or 12 month follow-up information, including longest period of abstinence from all chemical use; which chemicals were used, if any, following discharge; hospital admissions that occurred following discharge; arrests, convictions, and incarcerations that occurred following discharge; employment status, and work or school problems associated with chemical use that occurred following discharge; and admissions to detoxification or chemical dependency treatment programs that occurred following discharge.

Subp. 3. Data retention requirements for vendors who do not participate in DAANES. Eligible vendors who receive payment under the Consolidated Chemical Dependency Treatment Fund must maintain the data identified in subpart 2, items A to F, on each individual admitted and discharged by the vendor. Individual data must be retained by the vendor for a period of two years.

Subp. 4. Reporting requirements for vendors who do not participate in DAANES. Eligible vendors who receive payment under the Consolidated Chemical Dependency Treatment Fund must provide a summary of the data identified in subpart 2, items A to F, to the department on all individuals admitted during each calendar year, beginning on July 1, 1987. The information must be received by the department by March 31 of the succeeding year. The vendor must provide cross tabular and follow-up data to the department upon request. The summary data must be submitted in the following format:

MINNESOTA CHEMICAL DEPENDENCY TREATMENT SURVEY

MINNESOTA DEPARTMENT OF HUMAN SERVICES

CHEMICAL DEPENDENCY PROGRAM DIVISION

Facility Name: \_\_\_\_\_

Calendar Year: \_\_\_\_\_

I. Vendors shall indicate the number of Minnesota residents and non-Minnesota residents admitted to their program during this calendar year:

	Rehabilitation	Outpatient	Combination
Minnesota Residents			
Non-Minnesota Residents			
Total			

# MINNESOTA RULES 1988

## 9530.7030 CHEMICAL DEPENDENCY PROGRAMS

294

II. Vendors shall provide the number of clients admitted to their program during this calendar year by age, sex, and race in the appropriate box(es) below:

### REHABILITATION PROGRAM

Sex	Male							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

Sex	Female							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

# MINNESOTA RULES 1988

295

## CHEMICAL DEPENDENCY PROGRAMS 9530.7030

Vendors shall indicate the patient days of service provided by their rehabilitation program for this calendar year:

### OUTPATIENT PROGRAM

Sex	Male							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

Sex	Female							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

# MINNESOTA RULES 1988

## 9530.7030 CHEMICAL DEPENDENCY PROGRAMS

Vendors shall indicate the patient hours of service provided by their outpatient program for this calendar year:

### COMBINATION PRIMARY REHABILITATION/OUTPATIENT PROGRAM

Sex	Male							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

Sex	Female							
Age	Race	White	Black	Indian	Hisp.	Asian	Other	Total
0-14								
15-17								
18-20								
21-30								
31-44								
45-59								
60-64								
Over 64								
Total								

Vendors shall indicate the patient days of rehabilitation service and the patient hours of outpatient service provided by their program for this calendar year:

Rehabilitation Days: \_\_\_\_\_.

Outpatient Hours: \_\_\_\_\_.

# MINNESOTA RULES 1988

297

## CHEMICAL DEPENDENCY PROGRAMS 9530.7030

III. Vendors shall indicate the discharge status, as categorized in the following table, for all clients discharged during this calendar year separated by consolidated treatment fund clients and other clients.

	Consolidated Treatment Fund Clients	Other Clients
Completed program		
Transferred to other program		
Assessed as inappropriate for this program		
Against staff advice/patient left		
Staff requested (behavioral)		
Other		
Total		

# MINNESOTA RULES 1988

## 9530.7030 CHEMICAL DEPENDENCY PROGRAMS

IV. Vendors shall, based on all follow-up data collected during this calendar year, indicate the number and percent of clients who are continuously abstinent from all chemicals, as defined in Minnesota Rules, part 9530.6605, subpart 5, from date of discharge to date of follow-up. Vendors shall also indicate whether the follow-up information covers a six month or a 12 month time period. Vendors shall indicate these data by program completers and noncompleters and separate the clients by consolidated treatment fund clients and other clients.

To calculate and report these numbers and percents, the vendor shall indicate the number of clients from whom follow-up data was obtained for each of the four categories of clients and shall indicate the number of clients in each category who were abstinent from the date of discharge to the date of follow-up.

	Consolidated Treatment Fund Clients	Other Clients
	<b>Completers</b>	<b>Completers</b>
Number Abstinent		
Number Interviewed		
Percent Abstinent		
	<b>Noncompleters</b>	<b>Noncompleters</b>
Number Abstinent		
Number Interviewed		
Percent Abstinent		

Length of followup time period: \_\_\_\_\_

**Statutory Authority:** *MS s 254B.03 subd 5*

**History:** *12 SR 53*