

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

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**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; and
- B. 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.

*[For text of subps 2 to 7, see M.R.]*

**Statutory Authority:** *MS s 245A.04; 245A.09*

**History:** *15 SR 2043*

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

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

Subp. 2. **Programs governed.** Parts 9530.6600 to 9530.6655 apply to counties and chemical dependency or abuse treatment programs licensed to provide chemical dependency or chemical abuse related services under parts 9530.4100 to 9530.4450, and 9530.5000 to 9530.6500, or similar programs located in acute care hospitals.

*[For text of subp 3, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

**9530.6605 DEFINITIONS.**

*[For text of subps 1 to 10, see M.R.]*

Subp. 10a. **Combination inpatient/outpatient treatment.** "Combination inpatient/outpatient treatment" means chemical dependency primary rehabilitation licensed as Category II under parts 9530.4100 to 9530.4450 of seven to 14 days duration followed by outpatient chemical dependency treatment licensed under parts 9530.5000 to 9530.6500 of three or more weeks duration. The duration requirements may be altered if specified in a host county agreement conforming to part 9550.0040.

*[For text of subp 11, see M.R.]*

Subp. 12. **County.** "County" means the county of financial responsibility as defined under Minnesota Statutes, section 256G.02, subdivision 4, or the county designee.

*[For text of subps 13 to 15, see M.R.]*

Subp. 15a. **Facility that controls access to chemicals.** "Facility that controls access to chemicals" means a residential facility licensed by the commissioner of corrections, health, or human services that meets the following, or any residence which the county can document meets the following:

A. has rules prohibiting residents from bringing chemicals into the facility;

B. has rules prohibiting residents from using chemicals while residing in the facility; and

C. has penalties that are imposed upon violation of these rules.

A facility that controls access to chemicals does not include a program licensed according to parts 9530.5000 to 9530.6500.

*[For text of subps 16 to 25, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

#### 9530.6615 CHEMICAL USE ASSESSMENTS.

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

Subp. 3. **Method of assessment.** The method of assessment must include a personal interview with the client in order to make a finding about the extent of the problem with chemical use. It must also include collateral contacts and a review of relevant records or reports regarding the client consistent with confidentiality and data privacy provisions in Minnesota Statutes, chapter 13; sections 144.343 and 254A.09; and Code of Federal Regulations, title 42, parts 2.1 to 2.67. If an assessor is unable to make collateral contacts, the assessor must include in the client's case record an explanation of why collateral contacts were not made.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

#### 9530.6620 PLACEMENT INFORMATION.

Subpart 1. **Level of care determination.** The information in items A to I must be considered when determining the level of care for a client. If a treatment provider identifies additional information that indicates that a client has not been placed in the most appropriate level of care, the treatment provider shall, in compliance with confidentiality and data privacy provisions in Minnesota Statutes, chapter 13; sections 144.343 and 254A.09; and Code of Federal Regulations, title 42, parts 2.1 to 2.67, provide the county with the additional information for the county to consider in determining whether the placement was made at the appropriate level of care and whether an alternative placement must be made.

*[For text of items A to I, see M.R.]*

*[For text of subp 2, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

**9530.6625 CHEMICAL DEPENDENCY PROGRAMS**

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**9530.6625 PLACEMENT CRITERIA FOR OUTPATIENT TREATMENT.**

A client shall be referred to outpatient treatment when the client is assessed as capable of functioning in the usual community environment in spite of the existing chemical use and meets the criteria in item A, B, or C.

A. The client has been assessed as a chemical abuser under part 9530.6620, subpart 2, and is experiencing one or more of the following:

- (1) an arrest or legal intervention related to chemical use in the past year;
- (2) loss or impairment of employment or education due to chemical use; or
- (3) deterioration of family relationships due to chemical use.

B. The client has been assessed as chemically dependent under part 9530.6620, subpart 2.

C. The client has been assessed as meeting the criteria in part 9530.6630, subpart 1, and the client will be residing in a residential facility that controls access to chemicals.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

**9530.6630 PLACEMENT CRITERIA FOR PRIMARY REHABILITATION OR COMBINATION INPATIENT/OUTPATIENT TREATMENT.**

Subpart 1. **Criteria for placement.** A client shall be placed in primary rehabilitation or in combination inpatient/outpatient treatment when the client meets the criteria in items A, B, and C.

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

B. The client is unable to abstain from chemical use for fewer than seven consecutive days during the 30 days preceding assessment while the client has been outside a facility that controls access to chemicals.

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

Subp. 2. **Type of placement.** The county may choose between a placement in primary rehabilitation in a free standing facility or hospital setting or in combination inpatient/outpatient treatment unless the client meets the criteria in part 9530.6631 or 9530.6635. A client meeting the criteria in part 9530.6631 shall be placed in combination inpatient/outpatient treatment. A client meeting the criteria in part 9530.6635 shall be placed in primary rehabilitation in a hospital setting.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

**9530.6631 PLACEMENT CRITERIA FOR COMBINATION INPATIENT/OUTPATIENT TREATMENT.**

A client shall be placed in combination inpatient/outpatient treatment when the client meets the criteria in part 9530.6630, subpart 1, and the client has abstained from chemical use outside a residential facility that controls access to chemicals for at least 30 consecutive days in the past 180 days.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

**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 the client is experiencing four or more of the following:

A. The client has participated in primary rehabilitation within the past two years or has participated in Category II, III, or IV programs for a total of three or more times in the client's lifetime.

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

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

### **9530.6641 REPEAT RESIDENTIAL PLACEMENTS.**

A client who has participated in extended care under part 9530.6640 for 21 consecutive days within the past 24 months shall not be placed in Category II or III treatment. The client shall be provided with other appropriate social services according to part 9550.0090. These services may include outpatient treatment, halfway house services, case management, and housing referral.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

### **9530.6650 EXCEPTIONS TO PLACEMENT CRITERIA.**

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

Subp. 3. [Repealed, 16 SR 391]

Subp. 3a. **Exceptions to part 9530.6641.** A client meeting the criteria in part 9530.6641 shall be exempt from its provisions when the client meets one of the following:

- A. the client is pregnant or a single custodial parent;
- B. the client:

(1) has a physical or mental health diagnosis that negatively affects the client's ability to benefit from treatment and that was not recognized at the time of the client's most recent placement; and

(2) is being referred to a program that offers specific services that address the client's physical or emotional condition; or

C. the client has voluntarily left a treatment program within the seven days preceding assessment and is being referred to the same program.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

### **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.

Subp. 2. **Client's right to appeal.** A client has the right to a fair hearing under Minnesota Statutes, section 256.045, if the client:

- A. is denied an assessment under part 9530.6615;
- B. is denied a second assessment under subpart 1;
- C. is denied placement;
- D. disagrees before services begin with the level of chemical dependency care or the length of placement that the county or the prepaid health plan proposes to authorize; or
- E. is receiving authorized services and is denied additional services that would extend the length of the current placement beyond the end date specified in the placement authorization.

Notice of the right to appeal must be given according to part 9550.0092. Clients who are enrolled in a prepaid health plan and clients who are not enrolled in a prepaid health plan have the same appeal rights.

Subp. 3. **Services during appeal of additional services.** Appealing under subpart 2, item E, does not entitle a client to continue receiving services beyond the end date specified in the placement authorization while the appeal is being decided. A provider may continue services to the client beyond the end date specified in the placement authorization while the appeal is being decided, but the conditions in items A and B govern payment for the continued services.

A. The provider shall be financially responsible for all hours or days of service in excess of the amount of service to which an appeals referee determines the client is entitled.

B. The provider shall not charge the client for any services provided beyond the end date specified in the placement authorization.

Subp. 4. **Considerations in granting or denying additional services.** The county or the prepaid health plan shall take into consideration the following factors in determining whether to grant or deny additional services:

A. the usual and customary length of placement for the level of care received by the client;

B. whether the client has achieved the objectives stated in the client's individual treatment plan;

C. whether the client is making satisfactory progress toward achieving the objectives stated in the client's individual treatment plan; and

D. whether there is an aftercare plan that reasonably addresses the client's needs for continued service.

**Statutory Authority:** *MS s 245B.03; 254A 03*

**History:** *16 SR 391*

### 9530.7000 DEFINITIONS.

*[For text of subps 1 to 9, see M.R.]*

Subp. 9a. **Custodial parent.** "Custodial parent" means a birth or adoptive parent who has physical custody or joint physical custody as defined in Minnesota Statutes, section 518.003, subdivision 3, paragraph (c) or (d) of a minor child at the time of assessment.

*[For text of subps 10 to 21, see M.R.]*

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

### 9530.7021 PAYMENT AGREEMENTS.

When the local agency, the client, and the vendor agree that the vendor will

accept payment from a third-party payment source for an eligible client's treatment, the local agency, the client, and the vendor shall enter into a third-party payment agreement. The agreement must stipulate that the vendor will accept, as payment in full for services provided the client, the amount the third-party payor is obligated to pay for services provided the client plus the amount of any fee owed by the client as determined under part 9530.7022. The agreement must be executed in a form prescribed by the commissioner and is not effective unless an authorized representative of each of the three parties has signed it. The local agency shall maintain a record of third-party payment agreements into which the local agency has entered.

The vendor shall notify the local agency as soon as possible and not less than one business day before discharging a client whose treatment is covered by a payment agreement under this part if the discharge is caused by disruption of the third-party payment.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*

### **9530.7031 VENDOR'S DUTY TO COLLECT CLIENT FEES.**

A vendor shall collect client fees according to the requirements of items A to G.

A. A vendor of Category III or Category IV rehabilitation services shall determine the fee for each client who has no responsible relative and who is not the custodial parent of a minor child. The fee must be determined monthly according to part 9530.7024 for each month the client receives rehabilitation services from the vendor.

B. The vendor shall collect the fee from the client and provide the client with a receipt on a form supplied by the department.

C. A client's failure to pay a fee under this part is cause for discharge from a vendor's rehabilitation program only if the discharge is in accordance with the vendor's discharge and transfer policy specified in part 9530.4300, subpart 5. However, clients committed according to Minnesota Statutes, chapter 253B, shall be discharged only according to Minnesota Statutes, chapter 253B.

D. Within 15 days after the end of the month for which the fee was determined, the vendor shall remit to the department the client fee collected according to this part and client-identifying information on a form supplied by the commissioner.

E. The commissioner shall pay the vendor, at least quarterly, an amount equal to five percent of the client fees collected by the vendor and remitted to the commissioner.

F. The vendor's obligation to collect fees ends when the client is discharged.

G. The commissioner shall bill the client for any fee the client owes but has not paid to the vendor according to this part, based on information supplied by the vendor.

**Statutory Authority:** *MS s 245B.03; 254A.03*

**History:** *16 SR 391*