

CHAPTER 9553
DEPARTMENT OF HUMAN SERVICES
PAYMENT; INTERMEDIATE CARE FACILITIES

9553 0050 DETERMINATION OF TOTAL
OPERATING COST PAYMENT RATE

9553.0050 DETERMINATION OF TOTAL OPERATING COST PAYMENT RATE.

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

Subp 3 **One time adjustment to program operating cost payment rate.** For the purposes of this subpart, "additional program staff" means staff in excess of the number included in the facility's total payment rate during the rate year covering the date of the finding of deficiency or need. The one time adjustment shall be determined according to items A to H

A A facility is eligible for a one time adjustment to the facility's program operating cost payment rate when the facility meets one of the conditions in subitems (1) to (4) and the conditions in item B.

(1) The commissioner or the commissioner of health has issued a correction order to the facility under parts 9525 0215 to 9525 0355 or 4665 0100 to 4665 9900.

(2) The federal government has issued a deficiency order under Code of Federal Regulations, title 42, section 442, as amended through October 1, 1991, requiring the facility to correct a deficiency in the number or type of program staff necessary to implement the residents' individual program plans.

(3) The commissioner has determined a need exists based on a determination or redetermination of need plan approved under parts 9525 0004 to 9525 0036 and Minnesota Statutes, section 252 28

(4) The commissioner has approved, under parts 9525 0004 to 9525 0036 and Minnesota Statutes, section 252 28, a Class A facility's plan to substantially modify the facility to serve persons who require a facility that meets the standards for impractical evacuation capability as provided in the Code of Federal Regulations, title 42, section 483 470(j), as amended through October 1, 1991. For purposes of this subitem, "substantially modify" means to modify the facility so that at least 50 percent of the licensed beds may be used to serve persons who meet the criteria in part 9510 1050, subpart 2, items C and D

[For text of item B, see M.R.]

C The facility must submit to the commissioner a written request for the one time adjustment to the program operating cost payment rate. The request must include.

[For text of subitems (1) to (4), see M.R.]

(5) an explanation of the reasons the facility was unable to meet staff ratios necessary to implement individual resident program plans under payment rates established by current or prior reimbursement rules

[For text of items D to H, see M.R.]

Statutory Authority: *MS s 256B 092*

History: *18 SR 2244*