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SEP 20 1995



**STATE OF MINNESOTA  
VETERANS HOMES BOARD**

VETERANS SERVICE BUILDING  
20 WEST 12TH STREET, ROOM 122  
ST. PAUL, MINNESOTA 55155  
(612) 296-2073

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September 20, 1995

Ms. Maryanne V. Hruby, Executive Director  
Legislative Commission to Review Administrative Rules  
55 State Office Building, 100 Constitution Avenue  
St. Paul, MN 55155

RE: In the Matter of the Proposed Amendment of Rules of the  
Veterans Homes Board Governing the Operation of the  
Minnesota Veterans Homes

Dear Ms. Hruby:

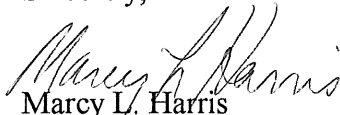
The Veterans Homes Board intends to adopt rules governing the operation of the Minnesota Veterans Homes. The Notice of Intent to Adopt Rules should be published in the October 2, 1995 edition of the State Register.

Pursuant to Minnesota Statutes, §§14.131 and 14.23, the Board has prepared a Statement of Need and Reasonableness which is now available to the public. A copy of this Statement is enclosed with this letter.

I am also enclosing a copy of the Notice of Intent to Adopt Rules and a copy of the proposed Rules for your information.

Please contact me if you have any questions or need additional information.

Sincerely,

  
Marcy L. Harris  
Rules Writer

encl.

# State of Minnesota Veterans Homes Board

(TO APPEAR IN STATE REGISTER 10/2/95)

## Proposed Permanent Rules Governing the Minnesota Veterans Homes

### Notice of Intent to Adopt Rules Without a Public Hearing

**Introduction.** The Minnesota Veterans Homes Board intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Marcy L. Harris  
Minnesota Veterans Homes Board  
122 Veterans Services Building  
St. Paul, Minnesota 55155  
(612) 297-5254  
(612) 296-6177 (fax)

**Subject of Rules and Statutory Authority.** The proposed rules are about admissions, discharges, maintenance charges, and services affecting residents of the Minnesota Veterans Homes. The statutory authority to adopt the rules is *Minnesota Statutes*, §198.003, subdivision 1. A copy of the proposed rules is published in the *State Register*, and attached to this Notice as mailed. A free copy of the rules is available upon request from Marcy Harris, at the address or telephone number listed above.

**Comments.** You have until 4:30 p.m., Wednesday, November 1, 1995 to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comments, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 1, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Veterans Homes Board will follow procedures in *Minnesota Statutes*, §§14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Veterans Homes Board and may not result in a substantial change in the proposed rules as printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is not available. This Statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied on to support the proposed rules. A free copy of the Statement may be obtained from Marcy Harris at the address or telephone number listed above.

**Small Business Considerations.** It is the position of the Veterans Homes Board that these proposed rules are not subject to *Minnesota Statutes*, §14.115, subdivision 4 regarding small business considerations in rulemaking.

**Expenditure of Public Money by Local Public Bodies.** The proposed rules will not result in the expenditure of public monies by local public bodies.

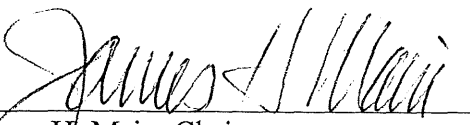
**Impact on Agricultural Lands.** The proposed rules will not have an impact on agricultural land.

**Lobbyist Registration.** Minnesota Statutes, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at:

Ethical Practices Board  
First Floor South, Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155-1603  
(612) 296-5148

**Adoption and Review of Rules.** If no hearing is required, after the end of the comment period the Veterans Homes Board may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to Marcy Harris at the address or telephone number listed above.

9-17-95  
Date

  
James H. Main, Chairman  
Minnesota Veterans Homes Board

**STATE OF MINNESOTA  
VETERANS HOMES BOARD**

**In the Matter of the Proposed  
Amendment of Rules of the  
Veterans Homes Board Governing  
The Operation of the Minnesota  
Veterans Homes**

**STATEMENT OF NEED  
AND REASONABLENESS**

**GENERAL BACKGROUND**

This statement of need and reasonableness is prepared according to the requirements set forth in Minnesota Statutes §14.23 and Minnesota Rules 2010.0700. It contains a summary of the evidence and arguments in support of the need for and reasonableness of the proposed amendments to the Minnesota Veterans Homes Board rules.

In 1988, the legislature created the Minnesota Veterans Homes Board of Directors ("Board") and delegated to the Board the authority to determine policy and adopt, amend and repeal rules for the governance of the Minnesota Veterans Homes ("Homes"). 1988 Minnesota Laws, Chapter 699, §§ 6 and 7. Since receiving responsibility for the Homes, the Board has promulgated rules related to the governance of the Homes, which generally cover the following areas: admission and eligibility requirements, transfers and discharges from the Homes, determination of maintenance charges, resident care and resident rights.

The proposed rule amendments seek to clarify and improve the Veterans Homes Board rules, in order to improve the delivery of services to residents of the Homes. These proposed rules amendments were prepared with input from staff, residents and family members of the Homes, and meetings were held with facility staff, Resident Councils and Family Councils at all of the Homes.

Additionally, a public advisory group was convened, consisting of representatives from veterans organizations, county veterans services offices, and representatives of the legal profession interested in the issues generally affecting potential residents of the Homes and their family members. Also, other interested parties were notified and their comments and recommendations were solicited. The recommendations and suggestions of these people were incorporated into the proposed rule amendments whenever possible.

As the rules have been implemented, facility staff, residents and members of the public noted areas where the rules could be improved to strengthen their effectiveness, increase efficiency of operations, and improve the delivery of services to residents and family members. Of considerable concern was the efficiency of the current admission procedures, and rule amendments were developed to address these concerns. In addition, it was determined that rule amendments were needed to address issues regarding residency, representative payee status, discharge grounds and procedures, and expense deductions for spouses and dependents. Last, where appropriate, rules were streamlined and redundant language eliminated, to meet the concerns raised about clarity and amplitude of the rules. The proposed rule amendments are needed to improve the efficiency of operations of the Homes, which in turn improve the delivery of services to the residents and their families. The proposed rule amendments appropriately and reasonably address the issues raised regarding operation of the Minnesota Veterans Homes and implementation of the rules governing them.

## STATUTORY AUTHORITY

The Board has the authority to adopt, amend and repeal rules for the governance of the Homes. Minnesota Statutes, §198.003, subdivision 1. The proposed rule amendments are being promulgated on the basis of this authority.

## ADDITIONAL REQUIREMENTS

The proposed rule amendments will not require the expenditure of public money by a local body following adoption; therefore, a fiscal note does not need to be included with the notice of intent to adopt the rules. Minnesota Statutes, §14.11, subdivision 1.

The proposed amendments will not have a direct impact on agricultural land in the state, therefore the Board is exempt from compliance with Minnesota Statutes, §§17.80 to 17.84. Minnesota Statutes, §14.11, subdivision 2.

Small businesses are not affected by the proposed rules; therefore, the Board does not need to consider the methods outlined in Minnesota Statutes, §14.115, regarding reducing the impact of the rules on small businesses. Small businesses have not participated in the rulemaking process.

## SPECIFIC STATEMENT OF NEED AND REASONABLENESS

9050.0040 DEFINITIONS.

...  
SUBP. 18. **BOARD-OPERATED FACILITY.** "BOARD-OPERATED FACILITY" MEANS A BUILDING LOCATED ON A MINNESOTA VETERANS HOME CAMPUS IN, INCLUDING BUT NOT LIMITED TO BUILDINGS, UNITS AND GROUNDS, AT WHICH NURSING CARE OR BOARDING CARE IS PROVIDED.

This amendment is necessary to clarify that references to a board-operated facility refer to the entire campus of a veterans home. This amendment is reasonable because it assures that the term is properly inclusive.

...

~~SUBP. 25. **CHEMICAL DEPENDENCY TREATMENT PROGRAM.** "CHEMICAL DEPENDENCY TREATMENT PROGRAM" MEANS AN IN-PATIENT, RESIDENTIAL TREATMENT PROGRAM OPERATED IN A LICENSED HOSPITAL OR LICENSED FACILITY UNDER PARTS 9530.4100 TO 9530.4450.~~

This amendment is necessary due to changes to 9050.0070, which change the criteria for evaluation of persons with substance abuse disorders. As a result of those changes, the term "chemical dependency treatment program" is no longer used in the rules. It is reasonable to delete obsolete definitions.

...

~~SUBP. 34. **DIETICIAN DIETITIAN.** "DIETICIAN" "DIETITIAN" MEANS A DIETICIAN DIETITIAN REGISTERED WITH THE NATIONAL COMMISSION ON DIETETIC REGISTRATION.~~

This amendment is necessary in order to correct the spelling of dietitian. It is reasonable that the rules reflect the correct spelling of this word. This is a technical amendment and does not change the substance of the rules.

...

~~SUBP. 36. **DISCHARGE.** "DISCHARGE" MEANS A TERMINATION OF RESIDENCE IN THE NURSING HOME OR BOARDING CARE HOME THAT IS DOCUMENTED IN THE DISCHARGE SUMMARY SIGNED BY THE ATTENDING PHYSICIAN. A DISCHARGE INCLUDES THE PERMANENT MOVEMENT OF A RESIDENT FROM THE CAMPUS OF ONE BOARD-OPERATED FACILITY TO ANOTHER, WHETHER TO THE SAME OR TO A DIFFERENT LEVEL OF CARE. FOR PURPOSES OF THIS DEFINITION, A DISCHARGE DOES NOT INCLUDE:~~

~~A. TRANSFER OR BED CHANGE WITHIN A PARTICULAR NURSING OR BOARDING CARE HOME;~~

B. A TRANSFER FROM ONE LICENSURE LEVEL TO ANOTHER AT THE SAME MINNESOTA VETERANS HOME CAMPUS; OR

C. AN ABSENCE FROM THE NURSING HOME OR BOARDING CARE HOME FOR HOSPITALIZATION, TREATMENT PURPOSES, OR PERSONAL REASONS WHEN THE RESIDENT IS EXPECTED TO RETURN TO THE SAME NURSING HOME OR BOARDING CARE HOME AND COMPLIES WITH THE BED HOLD REQUIREMENTS OF PART 9050.0150.

It is necessary to include this amendment to clarify that only residents who are being permanently moved from one facility to another will be discharged, in contrast to residents who may require a temporary transfer from one level of care to another. In the latter instance, a resident who is temporarily transferred would be able to maintain his or her place at the original facility without facing discharge and reapplying to the facility. This is a reasonable amendment because it provides assurance to residents of their rights relative to temporary transfers.

...  
~~SUBP. 40A. EQUIVALENT CHEMICAL DEPENDENCY PROGRAM. "EQUIVALENT CHEMICAL DEPENDENCY PROGRAM" MEANS AN UNLICENSED CHEMICAL DEPENDENCY PROGRAM THAT MEETS THE PROGRAM DESIGN REQUIREMENTS OF PARTS 9530.4100 TO 9530.4450 OR 9530.5000 TO 9530.6500.~~

This amendment is necessary due to changes to 9050.0070, which change the criteria for evaluation of persons with substance abuse disorders. As a result of those changes, the term "equivalent chemical dependency treatment program" is no longer used in the rules. It is reasonable to delete obsolete definitions.

...  
SUBP. 69A. MAKE AVAILABLE. "MAKE AVAILABLE" MEANS TO ASSIST A RESIDENT IN OBTAINING INFORMATION ABOUT AND ARRANGE FOR A RESIDENT'S ACCESS TO A PARTICULAR SERVICE, BUT NOT NECESSARILY ASSURE PAYMENT FOR THAT SERVICE. THE BOARD SHALL DETERMINE ANNUALLY WHICH SERVICES WILL BE PAID FOR BY THE BOARD-OPERATED FACILITIES, BASED ON APPROPRIATIONS.

This amendment is necessary in order to clarify which services are made available to residents,



versus those services that are provided, pursuant to 9050.1030. This revised definition complements the revisions to 9050.1030. This amendment is reasonable because it clarifies the definition and better informs residents of the process for determining which services will be made available.

...  
~~SUBP. 88. PATHOLOGICAL USE. "PATHOLOGICAL USE" HAS THE MEANING GIVEN IT IN PART 9530.4100, SUBPART 18.~~

This term is not used in the veterans homes board rules. It is necessary to delete it in order to assure that the definitions are current, concise and cohesive relative to the rules to which they pertain. It is reasonable to delete this definition, because the term is not used in the rules, thereby making it an unnecessarily defined term.

...  
~~SUBP. 99. REHABILITATION PROGRAM. "REHABILITATION PROGRAM" MEANS A PROGRAM OF CHEMICAL DEPENDENCY TREATMENT OR REHABILITATION PROVIDED IN A RESIDENTIAL FACILITY.~~

This amendment is necessary due to changes to 9050.0070, which change the criteria for evaluation of persons with substance abuse disorders. As a result of those changes, the term "rehabilitation program" will no longer be used in the rules. It is reasonable to delete obsolete definitions.

...  
~~SUBP. 101. REPRESENTATIVE PAYEE. "REPRESENTATIVE PAYEE" MEANS AN INDIVIDUAL DESIGNATED BY THE SOCIAL SECURITY ADMINISTRATION OR AN AUTHORIZED PAYEE DESIGNATED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO RECEIVE BENEFITS ON BEHALF OF THE APPLICANT OR RESIDENT.~~

This amendment is necessary to clarify that the term representative payee also includes authorized payees designated by the United States Department of Veterans Affairs; it is a reasonable

amendment because it makes applicants, residents and other interested parties aware that the definition includes the USDVA's authorized payee designation.

9050.0050 PERSONS ELIGIBLE FOR ADMISSION.

SUBP. 3A. RESIDENCY. FOR PURPOSES OF DETERMINING RESIDENCY UNDER MINNESOTA STATUTES, SECTION 198.022, PARAGRAPHS (2) AND (3), A PERSON SHALL BE CONSIDERED A RESIDENT OF MINNESOTA IF:

A. THE PERSON CURRENTLY RESIDES IN MINNESOTA AND INTENDS TO RESIDE IN THE STATE PERMANENTLY; AND

B. THE PERSON DOES NOT OWN OR MAINTAIN A HOME IN ANOTHER STATE.

The Minnesota Veterans Homes Board has the obligation to admit persons to the veterans homes who are residents of Minnesota, pursuant to Minnesota Statutes, §198.022. In order to fulfill this obligation, this amendment is necessary, because it defines residency for purposes of admission of the veterans homes.

In seeking to define residency, the constitutional limitations on residency requirements, as determined by state and federal law, were taken into consideration. The resulting definition is reasonable because it reflects these limitations and yet assures that the Homes will be available to those persons who are residents of the state or whose military service was credited to Minnesota.

**SUBP. 4. EXCEPTIONS. AN APPLICANT OTHERWISE ELIGIBLE FOR ADMISSION TO A BOARD-OPERATED FACILITY UNDER SUBPART 2 OR 3 WHO HAS ADEQUATE MEANS OF SUPPORT MAY BE ADMITTED TO A BOARD-OPERATED FACILITY IF THE APPLICANT COMPLIES WITH THE REQUIREMENTS IN MINNESOTA STATUTES, SECTION 198.03. AN APPLICANT SEEKING ADMISSION UNDER MINNESOTA STATUTES, SECTION 198.03, AND THIS SUBPART MUST NOT HAVE PAST UNPAID BILLS TO THE STATE FOR MAINTENANCE CHARGES FOR PRIOR RESIDENCE IN A BOARD-OPERATED FACILITY. AN APPLICANT WHO HAS PAST UNPAID BILLS TO THE STATE FOR MAINTENANCE CHARGES FOR PRIOR RESIDENCE IN A BOARD-OPERATED**

FACILITY MUST SATISFY THE PAST DEBT FOR MAINTENANCE CHARGES BEFORE AN APPLICATION FOR ADMISSION THAT APPLICANT WILL BE PLACED ON THE ACTIVE WAITING LIST. FOR THE PURPOSE OF THIS PART "SATISFY" MEANS THAT THE APPLICANT HAS EITHER PAID THE DEBT OR ENTERED INTO AN AGREEMENT TO REPAY THE DEBT. THE AGREEMENT MUST CONFORM WITH MINNESOTA STATUTES, SECTION 198.03, SUBDIVISION 3.

This amendment is necessary to make a grammatical correction. It is reasonable that the rules be written clearly, to decrease misunderstandings. This is a technical amendment and does not change the substance of the rules.

9050.0055 ADMISSIONS PROCESS, WAITING LIST, PRIORITY.

SUBPART 1. **PROCESS.** A PERSON SEEKING ADMISSION TO A BOARD-OPERATED FACILITY MAY OBTAIN AN APPLICATION FORM AND INFORMATION DESCRIBING THE REQUIRED APPLICATION PROCEDURES FROM THE FACILITY. THE SOCIAL SERVICES STAFF OF THE BOARD-OPERATED FACILITY SHALL ASSIST THE PERSON TO COMPLETE THE APPLICATION FORM AND PROCESS. WHEN AN APPLICATION IS REQUESTED, THE SOCIAL SERVICES STAFF SHALL PROVIDE A CHECKLIST OF ITEMS REQUIRING DOCUMENTATION, INFORMATION, OR VERIFICATION TO COMPLETE THE APPLICATION. ~~AN APPLICATION IS COMPLETE WHEN THE FOLLOWING INFORMATION IS RECEIVED BY THE BOARD-OPERATED FACILITY:-~~

- ~~\_\_\_\_\_ A. A COMPLETED, SIGNED APPLICATION FORM;~~
- ~~\_\_\_\_\_ B. A COPY OF THE PERSON'S MILITARY DISCHARGE PAPERS OR VERIFICATION FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR NATIONAL PERSONNEL RECORDS CENTER; AND~~
- ~~\_\_\_\_\_ C. THE FOLLOWING MEDICAL RECORDS:-~~
  - ~~\_\_\_\_\_ (1) A DISCHARGE SUMMARY FROM ALL HOSPITALS AT WHICH THE PERSON RECEIVED TREATMENT WITHIN THE TWO YEARS BEFORE APPLICATION;~~
  - ~~\_\_\_\_\_ (2) A PATIENT CARE INFORMATION FORM FROM THE CURRENT NURSING HOME, IF ANY; AND~~
  - ~~\_\_\_\_\_ (3) IF THE PERSON RESIDES AT HOME AT THE TIME OF APPLICATION, A PATIENT CARE INFORMATION FORM COMPLETED BY THE PRIMARY CAREGIVER.~~

~~\_\_\_\_\_ THE SOCIAL SERVICES STAFF OF THE BOARD-OPERATED FACILITY SHALL KEEP A CHECKLIST ON WHICH TO RECORD THE DATE OF RECEIPT OF INFORMATION FOR THE PERSON'S APPLICATION FILE. UPON COMPLETION OF AN APPLICATION FILE, A DETERMINATION MUST BE MADE BY THE BOARD-OPERATED FACILITY SOCIAL SERVICES STAFF AS TO WHETHER THE APPLICANT MEETS THE GENERAL~~

~~ELIGIBILITY REQUIREMENTS IN PART 9050.0050. IF THE REQUIREMENTS OF PART 9050.0050 ARE MET, AN APPLICANT'S NAME MUST BE REFERRED TO THE ADMISSIONS COMMITTEE OR BE PLACED ON THE WAITING LIST FOR THE PARTICULAR FACILITY AS SPECIFIED IN SUBPART 3.~~

The revisions to this rule are designed to streamline the admission procedure and the rule itself, and to clarify the admission procedure. Under the current rules, the admission process is not presented in chronological order, which has caused some confusion on the part of staff, applicants, residents and their representatives. Additionally, the documents or information required to be considered for admission appear in more than one section of the rules, which is also confusing. Finally, as noted, there is a need to expedite the admission process, in order to further serve veterans eligible for admission to the facilities.

The amendments to subpart 1 involve a technical reorganization of the admissions process. Thus, pre-admission screening, documents required for to determine admission eligibility, and the review of an application are included in subparts 2, 3 and 4, respectively. The amendments to this subpart are necessary in order to better define the process by which a person makes application to the veterans homes, and to provide a clear chronological flow of this procedure. The revision is reasonable because applicants will have a clearer understanding of the requirements and processes for admission to the veterans homes.

**SUBP. 1A. PRE-ADMISSION SCREENING.** ~~THE SOCIAL SERVICES STAFF OF THE BOARD-OPERATED FACILITY SHALL KEEP A CHECKLIST ON WHICH TO RECORD THE DATE OF RECEIPT OF INFORMATION FOR THE PERSON'S APPLICATION FILE. UPON COMPLETION OF AN APPLICATION FILE, A DETERMINATION MUST BE MADE BY THE BOARD-OPERATED FACILITY SOCIAL SERVICES STAFF AS TO WHETHER THE APPLICANT CONDUCT A PRE-ADMISSION SCREENING OF APPLICANTS, SIMILAR TO THAT PRESCRIBED IN MINNESOTA STATUTES, SECTION 256B.0911, IN ORDER TO DETERMINE WHETHER THE PERSON MEETS THE GENERAL ELIGIBILITY REQUIREMENTS IN PART 9050.0050. IF THE THESE REQUIREMENTS ARE MET, AN~~

APPLICANT'S NAME AND APPLICATION FILE MUST BE REFERRED TO THE ADMISSIONS COMMITTEE OR BE PLACED ON THE WAITING LIST FOR THE PARTICULAR FACILITY AS SPECIFIED IN SUBPART 3.

This amendment places a new subpart in this rule, clarifying when pre-admission screening occurs, its purpose and by whom it will be conducted. The rule language regarding pre-admission screening was originally located in 9050.0060, subpart 4, as part of the admissions committee review process. It is necessary to amend this rule because pre-admission screening, as its name implies, is intended to determine whether the applicant meets the basic eligibility requirements (i.e. veteran status). Therefore, the description of the process is properly placed in this rule. Also, because of the nature of this function, it is necessary to amend the rule to state that staff will be conducting pre-admission screenings, rather than the admissions review committee. This rule amendment is reasonable because it informs applicants who will be conducting pre-admission screenings, and it places pre-admission screening in a more appropriate section of the rules, thus making the admission procedure easier to understand for applicants and their representatives.

SUBP. 1B. ADMISSION APPLICATION. THE SOCIAL SERVICES STAFF SHALL OBTAIN THE FOLLOWING INFORMATION FROM AN APPLICANT:

A. A SIGNED APPLICATION FORM;

B. VERIFICATION OF ELIGIBILITY IN PART 9050.0050;

C. MILITARY SERVICE RECORDS OR DISCHARGE INFORMATION ABOUT THE APPLICANT OR THE APPLICANT'S SPOUSE;

D. MEDICAL AND PSYCHIATRIC INFORMATION FROM PREVIOUS OR CURRENT PLACEMENTS AND CURRENT ATTENDING PHYSICIANS AND, AS APPROPRIATE, PSYCHOLOGISTS OR PSYCHIATRISTS, INCLUDING LEVEL OF CARE INFORMATION FROM PREVIOUS AND CURRENT PLACEMENTS;

E. INFORMATION FROM THE APPLICANT'S PREVIOUS OR CURRENT PLACEMENTS ABOUT THE APPLICANT'S COMPLIANCE WITH THE APPLICANT'S MEDICAL TREATMENT PLAN OR INDIVIDUAL TREATMENT OR CARE PLAN; AND

F. BUREAU OF CRIMINAL APPREHENSION REPORTS OR CRIMINAL BACKGROUND INFORMATION OR REPORTS, AS APPROPRIATE;

THE APPROPRIATE CLINICAL STAFF SHALL INTERVIEW THE APPLICANT OR

THE APPLICANT'S LEGAL REPRESENTATIVE, IF ANY, AND THE APPLICANT'S FAMILY MEMBERS WITH THE APPLICANT'S CONSENT, AND SHALL REVIEW THE APPLICATION FOR ADMISSION.

THE SOCIAL SERVICES STAFF OF THE BOARD-OPERATED FACILITY SHALL KEEP A CHECKLIST ON WHICH TO RECORD THE DATE OF RECEIPT OF INFORMATION FOR THE PERSON'S APPLICATION FILE.

This amendment combines 9050.0055, subp. 1 and 9050.0060 into one section that addresses what information is needed for application to a veterans home, and then combines the redundancies therein. This amendment is necessary in order for applicants to have a clear understanding of what documentation is required, without having to search through different sections of the rules. It is a necessary amendment because it addresses the documentation required to be considered for admission in one subpart, thereby consolidating the information and removing redundant language.

**SUBP. 2. TIMING OF REVIEW BY THE ADMISSIONS COMMITTEE. THE ADMISSIONS COMMITTEE SHALL REVIEW AN APPLICATION FOR ADMISSION TO DETERMINE THE APPLICANT'S SUITABILITY FOR ADMISSION TO A BOARD-OPERATED FACILITY AS DETERMINED BY THE CRITERIA IN PART 9050.0070, SUBPARTS 3 AND 4, ACCORDING TO ITEMS A AND B, AND DETERMINE THE APPLICANT'S SUITABILITY FOR ADMISSION TO A BOARD-OPERATED FACILITY AS DETERMINED BY THE CRITERIA IN PART 9050.0070, SUBPARTS 3 AND 4.**

A. IF THE BOARD-OPERATED FACILITY TO WHICH A PERSON HAS APPLIED HAS NO WAITING LIST, THE ADMISSIONS COMMITTEE SHALL REVIEW THE APPLICATION FILE WITHIN ~~TEN~~ FIVE WORKING DAYS OF ITS COMPLETION.

B. IF THE BOARD-OPERATED FACILITY TO WHICH THE PERSON HAS APPLIED HAS A WAITING LIST, THE ADMISSIONS COMMITTEE SHALL REVIEW THE APPLICATION FILE WITHIN ~~TEN~~ FIVE WORKING DAYS FROM THE TIME THE APPLICANT'S NAME REACHES THE FIRST PLACE ON THE ACTIVE WAITING LIST AND A BED BECOMES AVAILABLE.

There are two proposed amendments to this subpart: the first is a clarification, and the second affects the time for the admissions committee to complete an application review. The amendment contained in the first paragraph is necessary because the current language incorrectly gives the impression that items A and B form part of the criteria for admission, when in fact they state the time

within which the admissions committee will review an application file; it is a reasonable amendment because it provides applicants for admission with a clear understanding of when the admission committee will make a determination.

The proposed amendments to items A and B reduce the time within which the admission committee has to review an application file, from 10 days to 5 days. The amendments are necessary to assure that admissions committee determinations are made as expeditiously as possible, which in turn would allow applicants accepted for admission to enter a Home as soon as practicable. The reduction in the time to complete the admission review is reasonable because the time provided will still be sufficient to perform a meaningful review -- the reviews will simply be conducted in a more timely manner.

**SUBP. 3. WAITING LISTS. EACH BOARD-OPERATED FACILITY SHALL MAINTAIN AN ACTIVE WAITING LIST AND AN INACTIVE WAITING LIST TO DETERMINE THE ADMISSION PRIORITY OF APPLICANTS. THE ACTIVE WAITING LIST IS FOR APPLICANTS DESIRING THE FIRST AVAILABLE BED AT THE LEVEL OF CARE APPROPRIATE TO THE APPLICANT'S NEEDS. THE INACTIVE WAITING LIST IS FOR THOSE APPLICANTS WHO DO NOT WANT TO EXERCISE THEIR OPTION FOR ADMISSION, BUT WHO WANT TO BE PREPARED TO EXERCISE THAT OPTION AND WANT TO BE KEPT INFORMED OF OPENINGS OR OF THE LENGTH OF THE ACTIVE WAITING LIST AT THE BOARD-OPERATED FACILITY.**

**IF AN ELIGIBLE APPLICANT CANNOT BE CONSIDERED FOR ADMISSION TO A BOARD-OPERATED FACILITY WITH AN APPROPRIATE LEVEL OF CARE DUE TO UNAVAILABILITY OF A BED, THE APPLICANT MUST BE PLACED ON EITHER AN ACTIVE OR INACTIVE WAITING LIST ACCORDING TO PREFERENCE. AN APPLICANT SHALL INDICATE PREFERENCE FOR THE ACTIVE OR INACTIVE WAITING LIST ON A SEPARATE FORM. AN APPLICANT MAY REQUEST MOVEMENT FROM ONE WAITING LIST TO ANOTHER AT ANY TIME, UNLESS THE REQUEST IS PRECLUDED BY SUBPART 5 7. AN APPLICANT REQUESTING MOVEMENT FROM ONE WAITING LIST TO ANOTHER MUST BE PLACED AT THE BOTTOM OF THE WAITING LIST TO WHICH MOVEMENT WAS REQUESTED. THE APPLICANT'S POSITION ON THE WAITING LIST IS DETERMINED BY THE DATE ON WHICH THE APPLICATION FILE FORM IS COMPLETE RECEIVED.**

The first amendment of this section is necessary, due to a renumbering of this subpart. It is reasonable in order to maintain numerical consistency within the rules. This is a technical amendment and does not change the substance of the rule.

The second amendment provides that a person's name will be placed on a waiting list when the application form is received by the facility, rather than upon completion of the entire application file. This is necessary in order to prevent the accumulation of documentation that may be obsolete by the time a person's name reaches the top of the waiting list. It is reasonable to expedite placing applicants' names on a waiting list so that persons may be considered for admission to a facility as soon as practicable.

**SUBP. 4. PRIORITY.** IF IT IS DETERMINED BY THE UTILIZATION REVIEW COMMITTEE THAT A CURRENT RESIDENT NEEDS A LEVEL OF CARE NOT OFFERED AT THE BOARD-OPERATED FACILITY WHERE THE RESIDENT IS STAYING THE CURRENT RESIDENT HAS PRIORITY FOR CONSIDERATION FOR ADMISSION TO OTHER BOARD-OPERATED FACILITIES AT AN APPROPRIATE LEVEL OF CARE IF THEY MEET THE CRITERIA FOR THAT LEVEL OF CARE AND A BED IS AVAILABLE. A PERSON WHO IS DISCHARGED FOR FAILURE TO MEET BED HOLD CRITERIA IN PART 9050.0150, SUBPART 2 OR 3, HAS PRIORITY FOR CONSIDERATION FOR ADMISSION TO A BOARD-OPERATED FACILITY AT AN APPROPRIATE LEVEL OF CARE IF THE PERSON MEETS THE CRITERIA FOR THAT LEVEL OF CARE AND A BED IS AVAILABLE. A PERSON ON THE ACTIVE WAITING LIST MUST BE CONSIDERED FOR ADMISSION AND, IF APPROVED BY THE ADMISSIONS COMMITTEE, OFFERED A BED CONSISTENT WITH THE PERSON'S POSITION ON THE ACTIVE WAITING LIST AND THE PERSON'S CASE MIX CLASSIFICATION AND LEVEL OF CARE NEEDS AS DETERMINED BY THE ADMISSIONS COMMITTEE. A PERSON OFFERED ADMISSION HAS ~~SEVEN~~ THREE WORKING DAYS TO CONSIDER THE OFFER. IF THE PERSON DECLINES THE OFFER OF ADMISSION, THE PERSON'S NAME MUST BE PUT ON THE BOTTOM OF THE ACTIVE WAITING LIST, UNLESS THE PERSON REQUESTS REMOVAL FROM THE ACTIVE WAITING LIST OR TRANSFER TO THE INACTIVE WAITING LIST. IF THE PERSON FAILS TO RESPOND TO THE OFFER OF ADMISSION WITHIN ~~SEVEN~~ THREE WORKING DAYS FROM THE DATE THE OFFER IS MADE, THE PERSON'S APPLICATION FILE MUST BE CLOSED AND THE PERSON'S NAME REMOVED FROM ALL WAITING LISTS. A PERSON WHOSE NAME IS REMOVED FROM ALL WAITING LISTS FOR FAILURE TO RESPOND TO AN OFFER FOR ADMISSION MUST REAPPLY.



This amendment is necessary in order to expedite the admission process. Reducing the time that an applicant may accept an offer of admission to a Home hastens the process of going through the waiting list for applicants willing and able to accept an offer of admission. This amendment is reasonable because it still allows applicants a reasonable amount of time, after receipt of the offer, to determine whether they wish to accept an offer of admission.

**SUBP. 5. LIMITATIONS ON REFUSALS TO EXERCISE OPTION FOR ADMISSION FROM ACTIVE WAITING LIST. ~~REFUSAL OR FAILURE TO EXERCISE THE OPTION FOR ADMISSION FROM THE ACTIVE WAITING LIST IS LIMITED AS SET FORTH IN ITEMS A AND B.~~**

~~A. A PERSON WHO IS PLACED ON THE WAITING LIST AFTER MAY 29, 1990, AND WHO TWICE REFUSES AN OPPORTUNITY FOR ADMISSION MUST BE REMOVED FROM THE ACTIVE WAITING LIST AND PLACED ON THE INACTIVE WAITING LIST. THE PERSON IS NOT PERMITTED TO TRANSFER TO THE ACTIVE WAITING LIST FOR ONE YEAR FROM THE DATE THE PERSON REFUSED AN OPPORTUNITY FOR ADMISSION UNLESS THE PERSON CAN VERIFY BY AN ATTENDING PHYSICIAN A SIGNIFICANT CHANGE IN HEALTH STATUS SINCE THE DATE OF LAST REFUSAL. "SIGNIFICANT CHANGE" MEANS THE WORSENING OF AN APPLICANT'S MEDICAL CONDITION DUE TO AN UNEXPECTED HEALTH CONDITION SUCH AS A SUDDEN STROKE OR HEART ATTACK.~~

~~B. A PERSON WHO IS ON THE WAITING LIST AS OF MAY 29, 1990, AND WHO HAS PREVIOUSLY REFUSED ONE OR MORE OPPORTUNITIES FOR ADMISSION MUST BE ALLOWED ONE ADDITIONAL OPPORTUNITY FOR ADMISSION BEFORE BEING MOVED TO THE INACTIVE WAITING LIST.~~

When this rule was written, it was necessary to make provision for persons who had applied to the veterans homes prior to May 29, 1990. Due to the passage of time, this provision is now obsolete. This amendment is therefore necessary in order to delete the obsolete references to persons who were on waiting lists prior to May 29, 1990. It is reasonable to delete obsolete references so that the rules be maintained as current.

9050.0060 ADMISSIONS COMMITTEE; CREATION, COMPOSITION, AND DUTIES.

**SUBP. 2. COMPOSITION OF ADMISSIONS COMMITTEE. THE ADMISSIONS**

COMMITTEE MUST CONSIST OF THE FOLLOWING STAFF MEMBERS OF THE BOARD-OPERATED FACILITY: THE ADMINISTRATOR OR A DESIGNEE, A REGISTERED NURSE, AND A SOCIAL WORKER. ADDITIONAL THE ADMISSIONS COMMITTEE MEMBERS MAY INCLUDE CONSULT WITH ANY OF THE FOLLOWING STAFF MEMBERS, AS INDICATED BY THE DIAGNOSIS OR DIAGNOSES OF THE APPLICANT TO BE REVIEWED: A CHEMICAL DEPENDENCY COUNSELOR, A MENTAL HEALTH PROFESSIONAL OR MENTAL HEALTH PRACTITIONER, A PHYSICAL THERAPIST, AN OCCUPATIONAL THERAPIST, A SPEECH THERAPIST, A ~~DIETICIAN~~ DIETITIAN, A CHAPLAIN, OR A STAFF PSYCHOLOGIST OR PSYCHIATRIST. THE APPLICANT'S ATTENDING PHYSICIAN MUST BE ~~INCLUDED ON~~ CONSULTED OR GIVEN THE OPPORTUNITY TO PRESENT INFORMATION TO THE ADMISSIONS COMMITTEE IF THE PHYSICIAN CHOOSES TO PARTICIPATE.

The amendment is necessary in order to expedite the admission committee review process, and this is achieved by requiring that only the three specific facility staff comprise the committee, and allowing the committee to consult with additional key staff rather than mandating appointment their appointment. An applicant's attending physician will still be permitted to provide information, but he or she will not be part of the committee. This is particularly appropriate since the process will be further expedited by not having to educate the different attending physicians on the admission criteria and committee process prior to a review. This rule is also necessary to ensure greater consistency in the decision-making process, by having the decision-makers remain constant. It is reasonable to make the members of the admissions committee constant because it will allow decisions to be made with consistency and greater speed than if the composition of the committee fluctuates.

**SUBP. 3. DUTIES.** THE ADMISSIONS COMMITTEE HAS THE DUTIES SPECIFIED IN ITEMS A AND B.

A. THE ADMISSIONS COMMITTEE SHALL REVIEW AND ACT ON ALL APPLICATIONS BY ~~CONDUCTING A SCREENING AS SPECIFIED IN SUBPART 4, AND BY~~ REVIEWING THE COMPLETED APPLICATION AND DOCUMENTATION IN PART 9050.0055. THE ADMISSIONS COMMITTEE SHALL DETERMINE WHETHER OR NOT TO ADMIT THE APPLICANT ACCORDING TO THE FACILITY'S ABILITY TO MEET THE APPLICANT'S CARE NEEDS, BASED ON THE ADMISSIONS CRITERIA IN PART 9050.0070, SUBPARTS 3 AND 4.

B. THE ADMISSIONS COMMITTEE SHALL RECORD THE MINUTES OF EACH COMMITTEE MEETING. THE MINUTES MUST REFLECT THE DATE OF THE REVIEW, THE APPLICANT'S NAME AND MEDICAL DIAGNOSIS, THE CURRENT LIVING STATUS OF THE APPLICANT, THE REASON FOR THE PLACEMENT REQUEST, A BRIEF DESCRIPTION OF THE APPLICANT'S PHYSICAL OR MENTAL STATUS, AND THE RATIONALE BEHIND THE COMMITTEE DECISION. THE MINUTES MUST BE KEPT BY THE ADMINISTRATOR FOR THE TIME SPECIFIED FOR RETENTION OF MEDICAL RECORDS IN PARTS 4655.3200 TO 4655.3600.

The revision in subpart 3 is necessary because the subpart to which it refers is being deleted.

It is reasonable to make this amendment because the rules should not contain references to non-existent subparts. This is a technical amendment and does not change the substance of the rules.

~~SUBP. 4. SCREENING. TO PREPARE FOR REVIEW OF AN APPLICATION FOR ADMISSION, THE ADMISSIONS COMMITTEE OR ITS DESIGNATED REPRESENTATIVES SHALL CONDUCT A PRE-ADMISSION SCREENING SIMILAR TO THAT PRESCRIBED IN MINNESOTA STATUTES, SECTION 256B.0911. THE ADMISSIONS COMMITTEE OR ITS DESIGNATED REPRESENTATIVES SHALL INTERVIEW THE APPLICANT OR THE APPLICANT'S LEGAL REPRESENTATIVE, IF ANY, AND THE APPLICANT'S FAMILY MEMBERS WITH THE APPLICANT'S CONSENT. THE ADMISSIONS COMMITTEE SHALL ALSO OBTAIN THE FOLLOWING INFORMATION:-~~

~~\_\_\_\_\_ A. MILITARY SERVICE RECORDS OR DISCHARGE INFORMATION ABOUT THE APPLICANT OR THE APPLICANT'S SPOUSE;-~~

~~\_\_\_\_\_ B. MEDICAL AND PSYCHIATRIC INFORMATION FROM PREVIOUS OR CURRENT PLACEMENTS AND CURRENT ATTENDING PHYSICIANS AND, AS APPROPRIATE, PSYCHOLOGISTS OR PSYCHIATRISTS;-~~

~~\_\_\_\_\_ C. INFORMATION FROM THE APPLICANT'S PREVIOUS OR CURRENT PLACEMENTS ABOUT THE APPLICANT'S COMPLIANCE WITH THE APPLICANT'S MEDICAL TREATMENT PLAN OR INDIVIDUAL TREATMENT OR CARE PLAN;-~~

~~\_\_\_\_\_ D. BUREAU OF CRIMINAL APPREHENSION REPORTS OR CRIMINAL BACKGROUND INFORMATION OR REPORTS, AS APPROPRIATE;-~~

~~\_\_\_\_\_ E. LEVEL OF CARE INFORMATION FROM PREVIOUS AND CURRENT PLACEMENTS; AND~~

~~\_\_\_\_\_ F. FINANCIAL STATUS FOR PURPOSES OF DETERMINING THE APPLICANT'S ABILITY TO PAY.~~

The deletion of this subpart is necessary because the substantive elements have been moved to another rule (see revised 9050.0055, subpart 3), which in turn represents a combination of this

subpart and another rule subpart. It is reasonable to delete this section because it is now redundant with another subpart.

9050.0070 TYPES OF ADMISSIONS.

**SUBP. 3. CRITERIA FOR ADMISSION TO AND CONTINUED STAY IN A BOARDING CARE FACILITY.** THE DECISION ABOUT ADMISSION TO OR CONTINUED STAY IN A BOARD-OPERATED FACILITY LICENSED TO PROVIDE BOARDING CARE MUST BE BASED ON THE FACILITY'S ABILITY TO MEET THE CARE NEEDS OF THE APPLICANT OR RESIDENT. A PERSON WHOSE CARE NEEDS CAN BE MET BY THE BOARD-OPERATED FACILITY MUST BE ADMITTED, PLACED ON THE WAITING LIST, OR RETAINED AS A RESIDENT IF THE ADMISSIONS COMMITTEE OR UTILIZATION COMMITTEE DETERMINES THE PERSON MEETS THE CRITERIA IN ITEMS A TO N. A PERSON WHOSE CARE NEEDS CANNOT BE MET MUST BE DENIED ADMISSION OR CONTINUED STAY IF THE ADMISSIONS COMMITTEE OR UTILIZATION REVIEW COMMITTEE DETERMINES THE PERSON DOES NOT MEET THE CRITERIA IN ITEMS A TO N.

....

G. A PERSON MUST BE PHYSICALLY AND MENTALLY CAPABLE OF PROVIDING PERSONAL CARE AND HYGIENE INCLUDING DRESSING, GROOMING, EATING, TOILETING, AND WASHING OTHER THAN BATHING. A PERSON WHO HAS A DIAGNOSIS OF MENTAL ILLNESS MUST BE ASSESSED BY A STAFF AN ATTENDING PSYCHIATRIST OR PSYCHOLOGIST.

....

J. A STAFF AN ATTENDING PSYCHIATRIST OR PSYCHOLOGIST MUST ASSESS PERSONS WITH A HISTORY OF VIOLENT OR SELF-ABUSIVE BEHAVIOR AND DETERMINE IF SIGNIFICANT RISK FACTORS CURRENTLY EXIST WHICH SUGGEST THAT THE INDIVIDUAL POSES A THREAT OF HARM TO SELF OR OTHERS TO DETERMINE THE FACILITY'S ABILITY TO MEET THE SAFETY NEEDS OF THE PERSON AND OTHER PERSONS AT THE FACILITY.

....

~~L. A PERSON WITH A DIAGNOSIS OF CHEMICAL ABUSE WITHIN THE PAST SIX MONTHS OR A DIAGNOSIS OF CHEMICAL DEPENDENCY, EXCLUDING A CHEMICAL DEPENDENCY DIAGNOSIS OF "IN REMISSION," MUST HAVE SUCCESSFULLY COMPLETED A CHEMICAL DEPENDENCY TREATMENT PROGRAM AS PRESCRIBED IN PARTS 9050.0040, SUBPARTS 25 AND 99, AND 9530.5000 TO 9530.6500, OR AN EQUIVALENT CHEMICAL DEPENDENCY PROGRAM, OR MUST BE CHEMICALLY FREE. FOR THE PURPOSES OF THIS ITEM, A PERSON IS CHEMICALLY FREE IF THE PERSON HAS THREE MONTHS OF NONUSE OR USE WITH NO SYMPTOMS OF DEPENDENCY AS IDENTIFIED IN THE CURRENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS PRIOR TO ADMISSION AND DEMONSTRATES NO SYMPTOMS OF ABUSE OR DEPENDENCY DURING RESIDENCE.~~

WHO HAS AN ACTIVE SUBSTANCE USE DISORDER MUST BE EVALUATED BY AN ATTENDING PSYCHOLOGIST OR PSYCHIATRIST. THE EVALUATION MUST INCLUDE AN ASSESSMENT OF THE PERSON'S CHEMICAL HEALTH NEEDS, THE CURRENT SEVERITY OF THE PERSON'S DISORDER AND WHETHER THE BOARD-OPERATED FACILITY CAN MEET THE CARE NEEDS OF THE PERSON. IF THE MEDICAL RECORDS OBTAINED BY THE ADMISSIONS COMMITTEE DO NOT ADEQUATELY DOCUMENT THAT A PERSON IS CHEMICALLY FREE PERSON'S SUBSTANCE DISORDER STATUS, THE PERSON'S CHEMICAL-FREE STATUS MAY BE VERIFIED BY A COLLATERAL CONTACT. FOR PURPOSES OF THIS PART, "COLLATERAL CONTACT" MEANS AN ORAL OR WRITTEN COMMUNICATION INITIATED BY FACILITY STAFF FOR THE PURPOSE OF GATHERING INFORMATION FROM AN INDIVIDUAL OR AGENCY, OTHER THAN THE APPLICANT, TO VERIFY OR SUPPLEMENT INFORMATION PROVIDED BY THE APPLICANT. COLLATERAL CONTACT INCLUDES CONTACT WITH FAMILY MEMBERS, CRIMINAL JUSTICE AGENCIES, EDUCATIONAL INSTITUTIONS, AND EMPLOYERS. THE CURRENT LIST OF ACCEPTED EQUIVALENT CHEMICAL DEPENDENCY PROGRAMS AS DEFINED IN PART 9050.0040, SUBPART 40A, MUST BE KEPT AT THE BOARD OFFICE.

. . .

The amendments to items G and J allow applicants to be assessed by either their attending psychiatrist or psychologist, or by a staff psychiatrist or psychologist; all assessments will continue to be reviewed by the admissions committee to ensure an applicant's suitability for placement in a Home. The amendment is necessary in order to permit applicants to utilize the services of their attending psychiatrists or psychologists. It is reasonable to allow applicants to submit assessments from their attending psychiatrists or psychologists because it reduces duplication of services and costs in situations where applicants already have attending psychiatrists or psychologists and current diagnoses and assessments.

The proposed rule amendment to item L is necessary due to changes in definitions, interpretations and treatment programs relative to substance abuse. Several treatment programs are currently designed to be long-term, on-going programs; persons in such programs may be currently ineligible for admission to the Homes. Therefore, this amendment is necessary to permit the Homes

to provide services and support to a portion of the veteran population that critically needs the Homes' assistance. Additionally, the amendment is necessary because the current language of the rules is too restrictive relative to several of substance abuse treatment programs which are available and utilized by veterans (including federal veterans administration facilities).

This amendment is reasonable because it allows greater flexibility for admissions determinations. The rules continue to require that applicants with substance abuse disorder issues be diagnosed and assessed by a psychiatrist or psychologist, and the facility staff will still review each applicant's file to determine the applicant's suitability for admission, namely, that the applicant meets the Home's level of care criteria and the facility can adequately meet the care needs of the applicant.

**SUBP. 4. CRITERIA FOR ADMISSION TO AND CONTINUED STAY IN A NURSING HOME FACILITY. THE DECISION ABOUT ADMISSION OR CONTINUED STAY IN A BOARD-OPERATED FACILITY LICENSED AS A NURSING HOME MUST BE BASED ON THE FACILITY'S ABILITY TO MEET THE CARE NEEDS OF THE PERSON. A PERSON WHOSE CARE NEEDS CAN BE MET BY THE FACILITY MUST BE ADMITTED, PLACED ON THE WAITING LIST, OR RETAINED AS A RESIDENT IF THE ADMISSIONS COMMITTEE OR UTILIZATION REVIEW COMMITTEE DETERMINES THAT THE PERSON MEETS ALL OF THE CRITERIA IN ITEMS A TO G. A PERSON WHOSE CARE NEEDS CANNOT BE MET MUST NOT BE ADMITTED OR RETAINED AS A RESIDENT IF THE ADMISSIONS COMMITTEE DETERMINES THE PERSON FAILS TO MEET ALL OF THE CRITERIA IN ITEMS A TO G.**

~~F. A STAFF AN ATTENDING PSYCHIATRIST OR PSYCHOLOGIST MUST ASSESS PERSONS WITH A HISTORY OF VIOLENT OR SELF-ABUSIVE BEHAVIOR AND DETERMINE IF SIGNIFICANT RISK FACTORS CURRENTLY EXIST THAT SUGGEST THAT THE INDIVIDUAL POSES A THREAT OF HARM TO SELF OR OTHERS TO DETERMINE THE FACILITY'S ABILITY TO MEET THE SAFETY NEEDS OF THE PERSON AND OTHER PERSONS AT THE FACILITY.~~

~~G. A PERSON WITH A DIAGNOSIS OF CHEMICAL ABUSE WITHIN THE PAST SIX MONTHS OR A DIAGNOSIS OF CHEMICAL DEPENDENCY, EXCLUDING A CHEMICAL DEPENDENCY DIAGNOSIS OF "IN REMISSION," MUST HAVE SUCCESSFULLY COMPLETED A CHEMICAL DEPENDENCY TREATMENT PROGRAM AS DESCRIBED IN PARTS 9050.0040, SUBPARTS 25 AND 99, AND 9530.5000 TO 9530.6500, OR AN EQUIVALENT CHEMICAL DEPENDENCY PROGRAM, OR MUST BE CHEMICALLY~~

~~FREE. FOR THE PURPOSE OF THIS ITEM, A PERSON IS CHEMICALLY FREE IF THE PERSON HAS THREE MONTHS OF NONUSE OR USE WITH NO SYMPTOMS OF DEPENDENCY AS IDENTIFIED IN THE CURRENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS BEFORE ADMISSION AND DEMONSTRATES NO SYMPTOMS OF ABUSE OR DEPENDENCY DURING RESIDENCE. WHO HAS AN ACTIVE SUBSTANCE USE DISORDER MUST BE EVALUATED BY AN ATTENDING PSYCHOLOGIST OR PSYCHIATRIST. THE EVALUATION MUST INCLUDE AN ASSESSMENT OF THE PERSON'S CHEMICAL HEALTH NEEDS, THE CURRENT SEVERITY OF THE PERSON'S DISORDER AND WHETHER THE BOARD-OPERATED FACILITY CAN MEET THE CARE NEEDS OF THE PERSON. IF THE MEDICAL RECORDS OBTAINED BY THE ADMISSIONS COMMITTEE DO NOT ADEQUATELY DOCUMENT THAT A PERSON IS CHEMICALLY FREE THE PERSON'S SUBSTANCE DISORDER STATUS, THE PERSON'S CHEMICAL-FREE STATUS MAY BE VERIFIED BY A COLLATERAL CONTACT. FOR PURPOSES OF THIS PART, "COLLATERAL CONTACT" MEANS AN ORAL OR WRITTEN COMMUNICATION INITIATED BY FACILITY STAFF FOR THE PURPOSE OF GATHERING INFORMATION FROM AN INDIVIDUAL OR AGENCY, OTHER THAN THE APPLICANT, TO VERIFY OR SUPPLEMENT INFORMATION PROVIDED BY THE APPLICANT. COLLATERAL CONTACT INCLUDES CONTACT WITH FAMILY MEMBERS, CRIMINAL JUSTICE AGENCIES, EDUCATION INSTITUTIONS, AND EMPLOYERS. THE CURRENT LIST OF ACCEPTED EQUIVALENT CHEMICAL DEPENDENCY PROGRAMS AS DEFINED IN PART 9050.0040, SUBPART 40A, SHALL BE KEPT AT THE BOARD OFFICE. PERSONS WHOSE LONG-TERM MEDICAL CONDITION IS ASSESSED AS PRECLUDING CONTINUED CHEMICAL ABUSE SUBSTANCE DISORDER MAY BE ACCEPTED FOR NURSING CARE.~~

Please see the statement of need and reasonableness following 9050.0070, subpart 3 for an explanation of the amendments regarding attending physicians and substance abuse diagnoses.

9050.0200 DISCHARGE.

...  
SUBP. 3. **GROUND FOR DISCHARGE.** DISCHARGE PROCEDURES MUST BE INSTITUTED WITH REGARD TO A RESIDENT IF ONE OF THE FOLLOWING GROUNDS OR CIRCUMSTANCES EXIST:

A. THE RESIDENT OR RESIDENT'S LEGAL REPRESENTATIVE FAILS OR REFUSES TO COMPLY WITH PAYMENT OBLIGATIONS IN THE ADMISSION AGREEMENT AS PROVIDED FOR IN PART 9050.0040, SUBPART 5, ITEM C;

B. THE RESIDENT OR RESIDENT'S LEGAL REPRESENTATIVE MAKES A WRITTEN REQUEST FOR DISCHARGE OF THE RESIDENT;

C. THE BOARD-OPERATED FACILITY IS UNABLE TO MEET THE CARE NEEDS OF THE RESIDENT, AS DETERMINED BY THE UTILIZATION REVIEW COMMITTEE ACCORDING TO PART 9050.0070, SUBPART 3 OR 4;

D. THE RESIDENT NO LONGER HAS A MEDICAL NEED FOR THE SERVICES PROVIDED BY A BOARD-OPERATED FACILITY, AS DETERMINED BY THE UTILIZATION REVIEW COMMITTEE ACCORDING TO PART 9050.0070, SUBPART 3 OR 4;

E. THE RESIDENT'S BEHAVIOR POSES AN IMMEDIATE THREAT TO THE HEALTH OR SAFETY OF THE RESIDENT, OTHER RESIDENTS OR STAFF OF A BOARD-OPERATED FACILITY, AS DETERMINED BY THE UTILIZATION REVIEW COMMITTEE ACCORDING TO PART 9050.0070, SUBPART 3 OR 4;

F. THE RESIDENT IS ABSENT WITHOUT NOTICE FROM THE FACILITY FOR MORE THAN 96 CONSECUTIVE HOURS OR A DEFINITIVE ARRANGEMENT HAS BEEN MADE FOR AN ABSENCE LONGER THAN 96 HOURS AND THE RESIDENT FAILS TO COMPLY WITH THAT ARRANGEMENT; OR

G. THE RESIDENT OR RESIDENT'S LEGAL REPRESENTATIVE:

(1) FALSIFIES OR FRAUDULENTLY REPRESENTS INFORMATION ON INCOME DISCLOSURE AND VERIFICATION FORMS REQUIRED IN PARTS 9050.0800 TO 9050.0900;

(2) REFUSES TO PROVIDE INFORMATION OR RELEASES; OR

(3) FALSIFIES OR FRAUDULENTLY REPRESENTS INFORMATION RELATING TO CRITERIA IN PART 9050.0070, SUBPART 3 OR 4, ~~OR ISSUES IN PART 9050.0060, SUBPART 4.~~

The proposed amendment to item D is necessary to clarify to residents that they will be discharged if they have no medical need to continue residence in a Home. It is also necessary that the Homes have the ability to discharge residents who are no longer in need of their services, to discourage unnecessary institutionalization and to have available space for those persons who do have



the medical need for the services provided at the Homes. It is reasonable that residents be made aware of the grounds upon which they can be discharged.

The proposed revision to item E is necessary to clarify that the Homes have the ability to discharge residents who pose an immediate threat to themselves, other residents or staff. It is reasonable that residents and other interested parties are made aware of the specific grounds upon which a resident may be discharged.

9050.0220 INVOLUNTARY DISCHARGE PROCEDURES.

SUBPART 1. GENERALLY, RECOMMENDATIONS. INVOLUNTARY DISCHARGE FOR A REASON SPECIFIED IN PART 9050.0200, SUBPART 3, ITEM C, MUST BE BASED ON THE RECOMMENDATION OF THE UTILIZATION REVIEW COMMITTEE. INVOLUNTARY DISCHARGE UNDER PART 9050.0200, SUBPART 3, ITEM A, ~~D F~~, OR ~~E G~~, MUST BE BASED ON THE RECOMMENDATIONS OF THE FACILITY FINANCIAL STAFF OR SOCIAL SERVICES STAFF.

SUBP. 3. **RECONSIDERATION.** A RESIDENT OR THE RESIDENT'S LEGAL REPRESENTATIVE MAY REQUEST A RECONSIDERATION OF THE INITIAL NOTICE OF INVOLUNTARY DISCHARGE. THE REQUEST MUST BE MADE IN WRITING WITHIN TEN DAYS OF RECEIPT OF THE INITIAL NOTICE OF INVOLUNTARY DISCHARGE. RECONSIDERATION MUST BE BEFORE THE ADMINISTRATOR OF THE BOARD-OPERATED FACILITY UNDER THE PROCEDURES IN SUBPART 4. ~~ONCE THE RESIDENT HAS REQUESTED A RECONSIDERATION, THE REMAINING TIME FOR FILING AN ADMINISTRATIVE APPEAL MUST BE STAYED UNTIL THE RECONSIDERATION DECISION IS ISSUED.~~

This amendment is necessary because it provides notice to residents and their representatives that a resident will have 30 days from the issuance of a preliminary discharge order to request an administrative hearing. The current rule inappropriately states that the time within which to request an appeal is stayed following the issuance of a discharge notice. It is reasonable that the rules reflect the correct time frame for the discharge procedure, so that residents and their representatives may fashion their responses in a timely manner.

**SUBP. 4. RECONSIDERATION PROCEDURES, SCHEDULING, REPRESENTATION.**

A. A RESIDENT MAY BE REPRESENTED AT A RECONSIDERATION UNDER THIS PART BY AN ATTORNEY, THE RESIDENT, AN ADVOCATE FROM THE OFFICE OF THE OMBUDSMAN FOR OLDER MINNESOTANS, OR OTHER PERSON OF THE RESIDENT'S OWN CHOOSING.

B. A RESIDENT ~~AND~~ OR THE RESIDENT'S REPRESENTATIVE MAY QUESTION WITNESSES AND PRESENT REASONS WHY THE RESIDENT SHOULD NOT BE DISCHARGED.

This amendment is necessary to correct an error in the language of the current rule. It is reasonable that the rule be presented in a manner that is not misleading to interested persons. This is a technical amendment and does not change the substance of the rule.

**SUBP. 5. ADMINISTRATOR'S DECISION AND PRELIMINARY ORDER. THE ADMINISTRATOR, 10 DAYS AFTER ISSUANCE OF THE INITIAL NOTICE OF INVOLUNTARY DISCHARGE IF NO RECONSIDERATION IS REQUESTED OR AFTER THE RECONSIDERATION PROCEEDING AND ON REVIEW OF THE RECORD, SHALL REVIEW THE QUESTION OF DISCHARGE AND ISSUE A PRELIMINARY ORDER SUPPORTING OR REVERSING THE INITIAL INVOLUNTARY DISCHARGE NOTICE AND STATE THE REASONS FOR THE INVOLUNTARY DISCHARGE.**

This amendment is necessary to clarify when a preliminary discharge order will be issued if a resident does not request a reconsideration of the initial notice. The current rule does not address the procedure if no reconsideration is requested. It is reasonable that the rules state with clarity what the procedure is for discharges, because of the significant impact an improper understanding of the discharge process may have on residents' exercises of their rights in a discharge situation.

**SUBP. 6. APPEALS PROCESS. ~~AN APPLICANT OR A RESIDENT, OR THE RESIDENT'S LEGAL REPRESENTATIVE, MAY APPEAL A PRELIMINARY DISCHARGE OR TRANSFER ORDER. A REQUEST FOR RECONSIDERATION WITHIN THE TEN-DAY TIME PERIOD WILL STAY THE REMAINING TIME WHICH A RESIDENT HAS TO~~**

REQUEST AN ADMINISTRATIVE APPEAL. A RESIDENT OR RESIDENT'S LEGAL REPRESENTATIVE HAS 30 DAYS AFTER ISSUANCE OF THE PRELIMINARY DISCHARGE OR TRANSFER ORDER TO REQUEST AN ADMINISTRATIVE APPEAL. APPEALS MUST BE IN ACCORDANCE WITH CONTESTED CASE PROCEDURES UNDER THE ADMINISTRATIVE PROCEDURE ACT, MINNESOTA STATUTES, SECTION 14.48 ET. SEQ., UNTIL RULES ARE ADOPTED UNDER MINNESOTA STATUTES, SECTION 144A.135, BY THE COMMISSIONER OF HEALTH. ONCE THE RULES ADOPTED UNDER MINNESOTA STATUTES, SECTION 144A.135, HAVE TAKEN EFFECT, ALL APPEALS MUST BE IN ACCORDANCE WITH THOSE RULES. THE ADMINISTRATOR SHALL INFORM THE RESIDENT OR APPLICANT OF THE RULES THAT GOVERN THE APPEAL IN THE NOTICE PROVIDED UNDER PART 9050.0100, SUBPART 2, OR 9050.0200, SUBPART 4. THE FINAL DISCHARGE ORDER SHALL BE ISSUED BY THE EXECUTIVE DIRECTOR OF THE VETERANS HOMES BOARD, AFTER REVIEW OF THE ENTIRE RECORD INCLUDING THE RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGE. A FINAL DISCHARGE ORDER ISSUED BY THE ADMINISTRATOR EXECUTIVE DIRECTOR OF THE VETERANS HOMES BOARD FOLLOWING THE OFFICE OF ADMINISTRATIVE HEARINGS' REVIEW REMAINS IN EFFECT PENDING ANY APPEAL JUDICIAL REVIEW PURSUANT TO MINNESOTA STATUTES, SECTION 14.63 ET. SEQ. NOTWITHSTANDING THIS PROVISION, THE ADMINISTRATOR MAY, FOR GOOD CAUSE SHOWN, WAIVE IMPOSITION OF THE DISCHARGE ORDER UNTIL ALL APPEALS HAVE BEEN CONCLUDED.

NOTHING IN THIS PART MAY BE CONSTRUED TO LIMIT, CHANGE, OR RESTRICT OTHER APPEAL OR REVIEW PROCEDURES AVAILABLE TO A RESIDENT UNDER LAW.

There are two amendments to this subpart: the first relates to the time in which an appeal of a discharge order must be made, and the second relates to who will be making the final discharge determination.

The first amendment is necessary to both correct and clarify the time frames applicable to the administrative appeal process. The current rule incorrectly states that a resident has 30 days from a discharge notice to file an administrative appeal; this amendment is necessary to correct this and properly reflect that the resident has 30 days from the date a preliminary discharge order is issued to request an administrative appeal. This amendment is reasonable because it clarifies the administrative appeals process, and because it reduces potential hardships to residents, which may be caused by an

incorrect perception of the time frames governing the discharge process.

The second proposed amendment to this subpart provides that the executive director of the Board, rather than the administrators of the facilities, shall be responsible for issuing the final discharge order. This amendment is necessary to assure that the discharge process is fair, by having an agency representative other than the administrator of the facility make the final agency decision, since the administrator makes the determinations for both the initial notices and preliminary orders for discharge. It is reasonable that the executive director make the final discharge order because the executive director is the agency head and the discharge order is the final agency action.

9050.0230 ENFORCEMENT OF FINAL DISCHARGE ORDER.

A FINAL DISCHARGE ORDER IS THE ORDER ISSUED BY THE ADMINISTRATOR OF A BOARD-OPERATED FACILITY EXECUTIVE DIRECTOR OF THE VETERANS HOMES BOARD FOLLOWING REVIEW OF THE PRELIMINARY DISCHARGE ORDER UNDER MINNESOTA STATUTES, CHAPTER 14, OR THE ORDER ISSUED BY THE ADMINISTRATOR OF A BOARD-OPERATED FACILITY IF NO REVIEW WAS REQUESTED. A FINAL DISCHARGE ORDER IS THE FINAL AGENCY ACTION DECISION. WHEN A RESIDENT REFUSES TO COMPLY WITH THE TERMS OF A FINAL DISCHARGE ORDER ISSUED FOLLOWING REVIEW UNDER MINNESOTA STATUTES, CHAPTER 14, AND THE FINAL AGENCY ACTION DECISION, THE ADMINISTRATOR MAY SEEK ENFORCEMENT OF THE FINAL DISCHARGE ORDER BY APPLYING TO THE DISTRICT COURT FOR AN ORDER ENFORCING THE ADMINISTRATIVE ORDER OF DISCHARGE. PURSUANT TO MINNESOTA STATUTES, SECTION 198.045, THE DISTRICT COURT MAY ORDER THE SHERIFF OF THE COUNTY IN WHICH THE BOARD-OPERATED FACILITY IS LOCATED TO REMOVE THE RESIDENT FROM THE BOARD-OPERATED FACILITY AND AUTHORIZE THE ADMINISTRATOR TO REMOVE THE RESIDENT'S PROPERTY AND HOLD IT UNTIL IT CAN BE RETURNED TO THE FORMER RESIDENT. UPON ISSUANCE OF THE COURT ORDER, THE PROCEDURES IN PART 9050.0210 REGARDING VOLUNTARY DISCHARGE MUST BE FOLLOWED, TO THE EXTENT POSSIBLE, TO EFFECT THE DISCHARGE.

Please see the statement of need and reasonableness following 9050.0220, subpart 6 for an explanation of the amendment regarding the executive director issuing final discharge orders.

9050.0400 UTILIZATION REVIEW COMMITTEE.

SUBP. 2. **COMPOSITION.** THE UTILIZATION REVIEW COMMITTEE CONSISTS OF TWO PHYSICIANS AND AT LEAST ONE OF EACH OF THE FOLLOWING PROFESSIONALS: A REGISTERED NURSE, THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE, A SOCIAL WORKER, AND A MEDICAL RECORDS TECHNICIAN, WHO SHALL NOT PARTICIPATE IN A VOTING CAPACITY. ADDITIONAL COMMITTEE MEMBERS MAY INCLUDE ANY OF THE FOLLOWING STAFF MEMBERS AS INDICATED BY THE DIAGNOSIS OR DIAGNOSES OF THE RESIDENT TO BE REVIEWED: A CHEMICAL DEPENDENCY COUNSELOR, A MENTAL HEALTH PRACTITIONER OR MENTAL HEALTH PROFESSIONAL, OR A ~~DIETICIAN~~ DIETITIAN. THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE, ONE OTHER COMMITTEE MEMBER, AND AT LEAST TWO PHYSICIANS MUST BE IN ATTENDANCE TO HOLD A MEETING AND TO TAKE ACTION.

SUBP. 3. **DUTIES.** THE DUTIES OF THE UTILIZATION COMMITTEE ARE TO:

A. REVIEW THE NECESSITY AND APPROPRIATENESS OF ADMISSIONS, BED HOLDS, TRANSFERS, AND THE NEED FOR DISCHARGE OF ALL RESIDENTS ACCORDING TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, THIS CHAPTER 9050, AND DEPARTMENT OF HEALTH NURSING AND BOARDING CARE CRITERIA SPECIFIED IN PARTS 4655.0400, 4655.0500, 4655.0700, AND 4655.1500;

The first amendment is necessary in order to correct the spelling of dietitian; the second is a technical reference correction. It is reasonable that the rules reflect correct spellings and properly reference rules. These are technical amendments and do not change the substance of the rules.

9050.0520 MAINTENANCE CHARGE; DELINQUENT ACCOUNTS; INTEREST; DISCHARGE.

SUBPART 1. **INTEREST ON DELINQUENT ACCOUNTS.** A RESIDENT'S ACCOUNT IS CONSIDERED DELINQUENT IF A RESIDENT WILLFULLY REFUSES OR WILLFULLY FAILS TO PAY THE BILL BY THE DUE DATE. ~~APPLICANTS OR~~ RESIDENTS MUST BE NOTIFIED IF PAYMENT HAS NOT BEEN RECEIVED BY THE DUE DATE PRINTED ON THE BILL. INTEREST MUST BE CHARGED ON ALL DELINQUENT ACCOUNTS, EFFECTIVE THE DATE THE BILL WAS DUE, AS PROVIDED IN MINNESOTA STATUTES, SECTION 334.01. FOR PURPOSES OF THIS SUBPART, "WILLFUL REFUSAL OR WILLFUL FAILURE TO PAY" MEANS A SITUATION IN WHICH:

A. THE DECISION OF WHETHER TO PAY IS COMPLETELY WITHIN THE CONTROL OF THE RESIDENT OR THE RESIDENT'S LEGAL REPRESENTATIVE; OR

B. A RESIDENT OR THE RESIDENT'S LEGAL REPRESENTATIVE HAS THE ABILITY OR RESOURCES TO PAY THE MAINTENANCE CHARGE AND FAILS TO PAY.

This amendment is necessary because it inappropriately refers to applicants. Applicants would not have interest applied to maintenance charges, since they are not yet residents of the veterans homes. This amendment is reasonable because it clarifies that the rule would only apply to residents. This is a technical amendment and does not change the substance of the rules.

#### 9050.0580 REVIEW OF MAINTENANCE CHARGE DETERMINATION.

AN APPLICANT OR RESIDENT OR LEGAL REPRESENTATIVE MAY REQUEST THAT THE ADMINISTRATOR OF A BOARD-OPERATED FACILITY RECONSIDER A MAINTENANCE CHARGE DETERMINATION. THE REQUEST MUST BE SUBMITTED IN WRITING TO THE ADMINISTRATOR WITHIN TEN DAYS OF RECEIPT OF THE MAINTENANCE CHARGE NOTICE. THE ADMINISTRATOR SHALL, WITHIN RECEIPT OF THE REQUEST, CONDUCT A REVIEW OF THE MAINTENANCE CHARGE DETERMINATION. THE REVIEW MUST BE IN THE SAME FORMAT AND TIME FRAMES AS THE RECONSIDERATION PROCEDURES UNDER PART 9050.0220 SUBPARTS 3 AND 4. THE ADMINISTRATOR'S DETERMINATION IS FINAL UPON RECEIPT BY THE APPLICANT OR RESIDENT, OR LEGAL REPRESENTATIVE, AND IS THE FINAL AGENCY ACTION.

The current rule indicates that an applicant or resident may request a reconsideration of a maintenance charge determination, and that the procedure shall be as contained in 9050.0220. The referenced section contains a description of the entire discharge procedure, which was not intended to apply, and which would be inappropriate to apply, to a reconsideration determination. This amendment is necessary in order to provide a correct citation to the procedure that will be applicable to a reconsideration of a maintenance charge determination. It is reasonable to provide the correct citation in order that persons who wish to request a reconsideration are able to reference and review the specific procedures that are to be followed.

#### 9050.0600 PROPERTY LIMITATIONS.

...  
**SUBP. 3. OTHER PROPERTY LIMITATIONS.** THE FACILITY FINANCIAL STAFF SHALL EXCLUDE THE VALUE OF THE FOLLOWING PERSONAL PROPERTY:

A. ONE MOTOR VEHICLE, FOR PERSONAL USE;

B. THE VALUE OF A PREPAID BURIAL ACCOUNT, BURIAL PLAN, BURIAL CONTRACT, OR BURIAL TRUST UP TO \$2,500 FOR PERSONS WHO ARE ALREADY RESIDENTS OF A BOARD OPERATED FACILITY WHEN THE INVESTMENT IS MADE. IF THE INVESTMENT IS MADE BY THE PERSON BEFORE ADMISSION TO A BOARD OPERATED FACILITY, \$5,000 OR THE ENTIRE AMOUNT OF THE AN INVESTMENT MUST BE EXCLUDED MADE PRIOR TO ADMISSION, WHICHEVER IS GREATER;

...

This amendment is necessary in order to increase the amount that may be placed in burial plans or trusts by residents or applicants. This is a reasonable amendment because the costs of burial and related expenses has increased, while the amount provided for in the current rule has remained static for several years and is understated relative to current costs.

9050.0750 DEDUCTION FOR VOLUNTARY SUPPORT OF DEPENDENT SPOUSE OR HOUSEHOLD.

...

SUBP. 2. DETERMINATION OF SPOUSE'S OR DEPENDENT'S MONTHLY EXPENSES. A SPOUSE'S MONTHLY EXPENSES ARE THE DEDUCTION FOR THE BASIC NEEDS OF THE DEPENDENT SPOUSE OR HOUSEHOLD IS THE SUM OF THE FOLLOWING EXPENSES, PRORATED ON A MONTHLY BASIS AS THEY ARE INCURRED OR CAN BE ESTIMATED WITH REASONABLE CERTAINTY:

A. EXPENSES RELATED TO THE HOMESTEAD AS FOLLOWS:

A(1). MONTHLY RENT OR HOUSE PAYMENT, MORTGAGE, OR HOME EQUITY LOAN PAYMENTS, EXCEPT THAT HOME EQUITY LOANS OBTAINED AFTER THE DATE OF A RESIDENT'S ADMISSION MUST BE RELATED TO EXPENSES OF THE HOMESTEAD OR OTHER BASIC NEEDS FOR WHICH A DEDUCTION IS REQUESTED;

B (2). COSTS OF SUPPORTING A DEPENDENT CHILD OR CHILDREN RESIDING WITH THE SPOUSE;

C(3). REAL ESTATE TAXES;

D(4). HOMEOWNER'S OR RENTER'S INSURANCE;

E(5). HOME MAINTENANCE AND REPAIR COSTS IN A REASONABLE AMOUNT;

(6). ASSOCIATION FEES FOR TOWNHOUSES, CONDOMINIUMS OR SIMILAR ARRANGEMENTS;

F (7). ELECTRIC AND GAS CHARGES;

G (8). WATER AND SEWER CHARGES;

- H (9). SOLID WASTE REMOVAL CHARGES;
- I (10). TELEPHONE COSTS;
- J. B. TRANSPORTATION COSTS, INCLUDING COSTS OF PUBLIC TRANSPORTATION AND COSTS OF ACQUIRING AND MAINTAINING A PRIVATELY OWNED MOTOR VEHICLE;
- K. C. FOOD;
- L. D. CLOTHING;
- M. E. MEDICAL INSURANCE FOR THE SPOUSE AND THE APPLICANT'S OR RESIDENT'S DEPENDENT CHILD OR CHILDREN RESIDING WITH THE SPOUSE;
- N. F. MEDICAL EXPENSE PAYMENTS;
- O. G. PERSONAL NEEDS OF THE SPOUSE OR DEPENDENT CHILD OR CHILDREN;
- P. H. PAYMENTS FOR DOCUMENTED CONSUMER DEBTS INCURRED BEFORE THE RESIDENT'S ADMISSION TO A BOARD-OPERATED FACILITY FOR WHICH THE SPOUSE IS LEGALLY RESPONSIBLE; AND
- Q. I. SUPPORT PAYMENTS ACTUALLY PAID BY THE SPOUSE TO ~~HIS OR HER~~ A FORMER SPOUSE OR DEPENDENTS WHO DO NOT RESIDE WITH HIM OR HER THE SPOUSE.

The proposed amendments to this subpart are necessary to clarify that a spouse or dependent will be allowed to claim deductions for homestead-related expenses only, versus costs related to vacation or second homes and the like. This subpart is also amended to include such expenses as home repairs and townhouse or association fees; it is necessary to include these items so that such expenses, which are appropriately designated as homestead-related costs, may be deducted by dependents. It is reasonable to inform applicants, residents and their dependents of the expenses that will be allowed or excluded in making such determinations so that they are able to budget accordingly, and to compile and present appropriate documentation to facility financial staff as needed.

SUBP. 2A. RESOURCES EXCLUDED. IN DETERMINING A SPOUSE'S OR HOUSEHOLD'S AVAILABLE RESOURCES, THE FACILITY FINANCIAL STAFF SHALL EXCLUDE FROM CONSIDERATION THE FOLLOWING:

- A. REAL PROPERTY EXCLUDED UNDER 9050.0600, SUBPART 2;
- B. ONE MOTOR VEHICLE PER HOUSEHOLD, FOR PERSONAL USE;



C. HOUSEHOLD GOODS AND FURNITURE, PERSONAL EFFECTS, WEARING APPAREL AND JEWELRY REGULARLY USED BY THE SPOUSE OR DEPENDENT CHILD OR CHILDREN IN DAY-TO-DAY LIVING;

D. THE VALUE OF PERSONAL PROPERTY USED TO PRODUCE INCOME, INCLUDING TOOLS, IMPLEMENTS, FARM ANIMALS AND INVENTORY, OR CAPITAL AND OPERATING ASSETS OF A TRADE OR BUSINESS NECESSARY TO INCOME PRODUCTION;

E. LIFE INSURANCE POLICIES;

F. INDIVIDUAL RETIREMENT ACCOUNTS, KEOGH ACCOUNTS OR OTHER PENSION OR DEFERRED COMPENSATION PLAN ACCOUNTS;

G. BURIAL ACCOUNTS, BURIAL PLANS, BURIAL CONTRACTS, OR BURIAL TRUSTS;

H. OTHER PERSONAL PROPERTY SPECIFICALLY EXCLUDED BY FEDERAL LAW, FEDERAL REGULATION, OR STATE LAW.

The current rule refers to available resources, and that such resources will be considered in determining dependents' deductions from an applicant's or resident's gross monthly income; however, there is nothing which indicates what resources are available or excluded, or how available resources will be treated relative to the expense deduction.

As a result, this proposed amendment is necessary because it identifies which dependent resources will be excluded from a determination of available resources for the purposes of computing deductions from an applicant's or resident's gross monthly income. Formal recognition and definition of the two categories of resources makes application of the rule regarding use of dependent resources possible. The proposed amendment is reasonable because it provides a set of standards for determining excludable resources, and it allows the spouse or dependents to exclude from available resources the homestead, income-producing property and a significant amount of personal property.

SUBP. 2B. APPLICATION OF DEPENDENT'S AVAILABLE RESOURCES. IF AN APPLICANT OR RESIDENT, OR THE SPOUSE OF AN APPLICANT OR RESIDENT, REQUESTS A DEDUCTION FROM THE APPLICANT'S OR RESIDENT'S GROSS MONTHLY INCOME FOR SUPPORT OF A DEPENDENT SPOUSE OR HOUSEHOLD, THE FACILITY FINANCIAL STAFF SHALL VERIFY THE AVAILABLE RESOURCES OF THE DEPENDENT

SPOUSE OR HOUSEHOLD. ALL RESOURCES LISTED IN SUBPART 2A SHALL BE EXCLUDED FOR THE PURPOSES OF DETERMINING AVAILABILITY OF RESOURCES. IF THE FACILITY FINANCIAL STAFF HAVE VERIFIED THAT THE DEPENDENT SPOUSE OR HOUSEHOLD HAS NO RESOURCES AVAILABLE OTHER THAN EXCLUDED RESOURCES, THEN A DEDUCTION FROM THE APPLICANT'S OR RESIDENT'S GROSS MONTHLY INCOME WILL BE CALCULATED ACCORDING TO SUBPART 3.

The current rule refers to available resources, and that such resources will be considered in determining dependents' deductions from an applicant's or resident's gross monthly income; however, there is nothing which indicates what resources are available or excluded, or how available resources will be treated relative to the expense deduction.

This amendment is necessary in order to determine how dependents' available resources will be treated relative to requests for deductions from applicants' or residents' gross monthly income. This amendment is reasonable because it requires the use of available resources by dependents for the dependents' needs without impoverishing them or requiring dependents to relinquish their resources to pay for an applicant's or resident's care within the facilities.

9050.0755 CALCULATION OF CHARGEABLE INCOME OF APPLICANT OR RESIDENT.  
THE CHARGEABLE INCOME OF AN APPLICANT OR RESIDENT IS AS FOLLOWS:  
A. TOTAL THE PERSON'S GROSS INCOME ACCORDING TO PART 9050.0710;  
B. SUBTRACT FROM THE TOTAL GROSS INCOME THE APPLICABLE EXPENSES OR DEDUCTIONS IN PARTS 9050.0720 TO 9050.0750 TO GET THE NET INCOME;  
C. SUBTRACT FROM NET INCOME \$85 \$90 FOR PERSONAL NEEDS;  
D. MULTIPLY ITEM C BY 0.05 AND DEDUCT THIS AMOUNT FROM ITEM C; AND  
E. THE SUM CALCULATED IN ITEM D IS THE APPLICANT'S OR RESIDENT'S MONTHLY CHARGEABLE INCOME.

This amendment is necessary because residents' base amount of personal need allowance has not been increased for several years, in spite of general increases in costs. The increase from \$85 to \$90 is reasonable because the same amount is allowed to be retained under the federal veterans benefits regulations, which in part govern the state veterans homes.

9050.0770 BENEFITS APPLICATION REQUIRED.

AN APPLICANT OR RESIDENT OR LEGAL REPRESENTATIVE, IF ANY, MUST APPLY FOR THE MAXIMUM OF EVERY BENEFIT FOR WHICH THE APPLICANT OR RESIDENT MAY BE ELIGIBLE THAT WILL INCREASE THE INCOME OF THE APPLICANT OR RESIDENT. THE BOARD-OPERATED FACILITY STAFF SHALL PROVIDE AN APPLICANT OR RESIDENT OR LEGAL REPRESENTATIVE INFORMATION ABOUT POSSIBLE AVAILABLE BENEFITS OR PROGRAMS OF ASSISTANCE AND ASSISTANCE IN MAKING APPLICATION FOR THOSE BENEFITS.

IF THE FACILITY STAFF DETERMINES THAT AN APPLICANT OR RESIDENT IS NOT ABLE TO MANAGE HIS OR HER PERSONAL FINANCIAL AFFAIRS, THE FACILITY STAFF SHALL RECOMMEND THAT THE FACILITY BE AUTHORIZED TO RECEIVE AND DISBURSE BENEFIT PAYMENTS FOR WHICH THE APPLICANT OR RESIDENT MAY BE ELIGIBLE.

This amendment is necessary to clarify that the facilities may request that the Home be appointed representative payee if a resident is unable to manage his or her financial affairs. This amendment does not mandate that the Home be named if another payee is willing and able to be appointed. It is reasonable that the facilities be allowed to arrange for representative payee status on behalf of residents, to assure that benefit payments are properly made and applied.

9050.0800 FINANCIAL INFORMATION AND INTERVIEW.

...  
**SUBP. 2. RIGHTS, DUTIES, AND CONSEQUENCES OF INTERVIEW AND PROVIDING INFORMATION.** BEFORE CONDUCTING AN APPLICANT'S OR RESIDENT'S INTERVIEW TO DETERMINE FINANCIAL STATUS OR ABILITY TO PAY, THE INTERVIEWER FACILITY FINANCIAL STAFF SHALL PROVIDE THE FOLLOWING INFORMATION TO THE APPLICANT OR RESIDENT:

...  
This amendment is necessary to clarify that the subpart refers to providing information as well as to the financial interview, and it is reasonable that the rule and subpart headings, as well as the body of the subpart, accurately reflect the content of the rule. This is a technical change, and does not affect the substance of the rule.

9050.0820 VERIFICATION OF FINANCIAL INFORMATION.

SUBP. 2. **INFORMATION TO BE VERIFIED.** THE FOLLOWING ITEMS MUST BE VERIFIED:

- A. INCOME;
- B. INSURANCE BENEFITS;
- C. PROPERTY;
- D. EXPENSES OR DEDUCTIONS CLAIMED;
- E. NUMBER OF DEPENDENTS CLAIMED LEGAL RELATIONSHIP BETWEEN THE APPLICANT OR RESIDENT AND DEPENDENT SPOUSE AND CHILDREN, IF SUPPORT WILL BE REQUESTED UNDER PART 9050.0750;
- F. SOCIAL SECURITY BENEFITS;
- G. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS BENEFITS;
- H. PENSIONS AND ANNUITIES; AND
- I. TRANSFERS OF PROPERTY ACCORDING TO PART 9050.0650.

This amendment is necessary because verification is required to determine the legal relationship between an applicant or resident and dependents before a deduction for support of dependents will be considered. It is reasonable to notify all interested persons of the verification requirement so they are aware of it and can obtain the information needed to process a request.

SUBP. 3. **TIME OF VERIFICATION.** THE FACILITY FINANCIAL OFFICER STAFF MUST REQUEST VERIFICATION OF THE REQUIRED INFORMATION NO EARLIER THAN 60 DAYS BEFORE ADMISSION AND NO LATER THAN 30 DAYS FROM THE DATE OF ADMISSION OR DATE OF FINANCIAL STATUS REVIEW OR OTHER REVIEW OF FINANCIAL STATUS AS PROVIDED IN PART 9050.0560, SUBPART 1.

The first amendment changes the reference from facility financial officer to staff; it is necessary in order to properly indicate to applicants, residents and their representatives from whom such requests for information will be made. It is reasonable that applicants or residents have a clear understanding of the admissions process and with whom they will be interacting, to reduce any confusion or surprise in the process.

The second amendment extends the time during which the facility staff may request

verification of financial information, from the date of admission to 30 days after the date of admission. This amendment is necessary in order to provide staff with sufficient time to request and process financial information. Since the financial information is not necessary to the admission eligibility determination, and because of the stress inherent in the admission process to any such facility, it is reasonable to allow this information to be provided after the date of admission

9050.1030 RESIDENT CARE SERVICES.

SUBPART 1. GENERAL. CARE SERVICES PROVIDED TO RESIDENTS OF MINNESOTA VETERANS HOMES MUST BE CONSISTENT WITH THE OVERALL GOALS AND OBLIGATIONS OF EACH FACILITY AS EXPRESSED IN STATUTE, THE HOMES' MISSION STATEMENTS, AND RULES GOVERNING THE BOARD-OPERATED FACILITIES, AND MUST BE CONSISTENT WITH AVAILABLE FUNDING AND LIMITED IF THE SERVICE IS NOT REIMBURSABLE BY PUBLIC OR PRIVATE RESOURCES ACCORDING TO MINNESOTA STATUTES, SECTION 144.651, SUBDIVISION 6.

CARE SERVICES ARE PROVIDED ACCORDING TO DEPARTMENT OF HEALTH LICENSURE REGULATIONS AND THE CERTIFICATION REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. LAWS PERTAINING TO RESIDENT CARE SERVICES INCLUDE CHAPTER CHAPTERS 4655 AND 4658; MINNESOTA STATUTES, CHAPTERS 144 AND 144A; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; ~~AND~~ UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS PUBLICATIONS SHALL BE AVAILABLE FOR REVIEW AT EACH BOARD-OPERATED FACILITY.

PAYMENT OF RESIDENT CARE SERVICES THAT ARE MADE AVAILABLE MUST BE AUTHORIZED BY THE BOARD. THE BOARD SHALL DETERMINE ANNUALLY WHICH SERVICES WILL BE PAID FOR BY THE BOARD-OPERATED FACILITIES, BASED ON APPROPRIATIONS.

~~SERVICES THAT ARE VETERAN-EXCLUSIVE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS ARE NOT AVAILABLE TO NONVETERAN RESIDENTS ACCORDING TO PART 9050.0510, SUBPART 2.~~

A RESIDENT, RESIDENT'S GUARDIAN, LEGAL REPRESENTATIVE, FAMILY MEMBER, CONSERVATOR, OR OTHER PERSON DESIGNATED BY THE RESIDENT MUST BE INFORMED IN WRITING BY THE ADMISSION STAFF OF EACH BOARD-OPERATED FACILITY OR THE RESIDENT'S SOCIAL WORKER, BEFORE OR AT THE TIME OF ADMISSION AND WHEN CHANGES OCCUR, OF SERVICES THAT ARE INCLUDED IN

THE FACILITY'S BASIC PER DIEM AND OF OTHER SERVICES THAT MAY BE AVAILABLE AT ADDITIONAL CHARGES.

THE FACILITY STAFF SHALL ASSIST RESIDENTS IN OBTAINING INFORMATION AND MAKING APPLICATION FOR POSSIBLE BENEFITS OR PROGRAMS TO WHICH THE RESIDENTS ARE ENTITLED ACCORDING TO PARTS 9050.0770 AND 9050.0800, SUBPART 2, ITEM G, AND MINNESOTA STATUTES, SECTION 144.651, SUBDIVISION 17.

SUBP. 1A. PROVIDED SERVICES.

A. EACH BOARD-OPERATED FACILITY SHALL PROVIDE AT LEAST THE FOLLOWING SERVICES:

(1) A MEDICAL DIRECTOR;

(2) AN ATTENDING PHYSICIAN;

(3) PRIMARY CARE NURSING SERVICES;

(4) DIETARY SERVICES, INCLUDING AN ADEQUATELY EQUIPPED KITCHEN AT EACH BOARD-OPERATED FACILITY, AND QUALIFIED FACILITY STAFF TO SUPPLY THE NECESSARY FOOD REQUIREMENTS OF THE RESIDENTS;

(5) SPECIALIZED REHABILITATION SERVICES, SUCH AS PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND SPEECH THERAPY, TO IMPROVE AND MAINTAIN MAXIMUM FUNCTIONING;

(6) HOUSEKEEPING SERVICES TO ENSURE A CLEAN, SANITARY, AND SAFE PHYSICAL ENVIRONMENT FOR RESIDENTS AND TO KEEP THE FACILITY FREE FROM OFFENSIVE ODORS, DUST, RUBBISH, AND SAFETY HAZARDS;

(7) MAINTENANCE SERVICES TO ENSURE THAT THE PHYSICAL PLANT IS KEPT IN A STATE OF GOOD REPAIR AND OPERATION WITH REGARD TO THE HEALTH, COMFORT, SAFETY, AND WELL-BEING OF RESIDENTS AND OTHERS;

(8) TRANSPORTATION TO AND FROM APPROVED MEDICAL PROVIDERS PROVIDED OR ARRANGED FOR BY EACH BOARD-OPERATED FACILITY, IF THE PROVIDERS ARE LOCATED WITHIN THE AREA REGULARLY SERVICED BY THE TRANSPORTATION STAFF OF THE FACILITY;

(9) RECREATIONAL THERAPY SERVICES;

(10) ON-SITE SOCIAL WORK SERVICES; AND

(11) CHAPLAIN SERVICES, AND PRIVATE SPACE PROVIDED FOR RESIDENTS TO MEET WITH CLERGY OF THE RESIDENTS' CHOICE.

B. FOR PURPOSES OF ITEM A, SUBITEM (2), EACH RESIDENT MUST BE ASSIGNED AN ATTENDING PHYSICIAN WHO IS RESPONSIBLE FOR OVERALL MEDICAL CARE OF THE RESIDENT. A RESIDENT MAY CHOOSE A PRIVATE ATTENDING PHYSICIAN AT THE RESIDENT'S OWN EXPENSE IF THE PHYSICIAN AGREES TO COMPLY WITH REGULATORY STANDARDS GOVERNING THE FACILITY.

THE ATTENDING PHYSICIAN SHALL PRESCRIBE A PLANNED REGIMEN OF RESIDENT CARE BASED ON A MEDICAL EVALUATION OF THE RESIDENT'S IMMEDIATE AND LONG-TERM NEEDS. THE ATTENDING PHYSICIAN MUST BE IDENTIFIED ON THE RESIDENT'S MEDICAL CHART.

THE ATTENDING PHYSICIAN SHALL MAKE ARRANGEMENTS FOR THE MEDICAL CARE OF THE RESIDENT IN THE EVENT OF AN ON-SITE EMERGENCY OR

A PLANNED ABSENCE BY THE ATTENDING PHYSICIAN.

C. FOR PURPOSES OF ITEM A, SUBITEM (4), A QUALIFIED DIETITIAN, AS DEFINED IN PART 9050.0040, SUBPART 34, OR DIETARY SUPERVISOR IF QUALIFIED, MUST BE EMPLOYED OR CONTRACTED WITH TO SUPERVISE THE FOOD SERVICE DEPARTMENT OF EACH FACILITY. A QUALIFIED DIETARY SUPERVISOR IS A PERSON TRAINED OR EXPERIENCED IN THE PLANNING AND PREPARATION OF MEALS AS STATED IN PART 4655.8510. THE DIETARY STAFF SHALL PREPARE THERAPEUTIC DIETS AS ORDERED BY THE RESIDENT'S ATTENDING PHYSICIAN, ACCORDING TO FEDERAL AND STATE STANDARDS.

SUBP. 1B. SERVICES MADE AVAILABLE. EACH BOARD-OPERATED FACILITY MUST MAKE THE FOLLOWING SERVICES AVAILABLE:

A. MENTAL HEALTH SERVICES, EITHER ON-SITE OR THROUGH OTHER MEANS SUCH AS CONTRACT SERVICES, SHARING AGREEMENTS, OR OTHER ARRANGEMENTS, WITH MENTAL HEALTH SERVICES OFFERED ON REQUEST BY THE RESIDENT OR AS DETERMINED BY MEMBERS OF THE RESIDENT'S INDIVIDUAL CARE PLAN TEAM, WHICH MAY INCLUDE A STAFF PSYCHOLOGIST, STAFF PSYCHIATRIST, OR CHEMICAL DEPENDENCY COUNSELOR;

B. DENTAL CARE SERVICES, INCLUDING, BUT NOT LIMITED TO, CLEANING OF TEETH BY THE DENTIST OR DENTAL HYGIENIST, AN EXAMINATION OF THE RESIDENT'S TEETH AND MOUTH BY THE DENTIST, TAKING OF NECESSARY X-RAYS AS DETERMINED BY THE DENTIST, PROPER FITTING OF DENTURES, REPAIR OF DENTURES, AND TREATMENT OF ABNORMALITIES CAUSED BY DENTURES AS DETERMINED BY THE DENTIST. EACH FACILITY MUST HAVE A WRITTEN AGREEMENT WITH A LICENSED DENTIST OR DENTISTS TO PROVIDE EMERGENCY DENTAL CARE WHEN NECESSARY;

C. PODIATRIC CARE SERVICES, THROUGH A PODIATRIST OR PHYSICIAN, WITH THE APPROVAL OF THE RESIDENT'S ATTENDING PHYSICIAN;

D. OPTOMETRIC CARE SERVICES;

E. DIAGNOSTIC SERVICES ON WRITTEN ORDER OF THE RESIDENT'S ATTENDING PHYSICIAN, EXAMPLES OF WHICH INCLUDE, BUT ARE NOT LIMITED TO, X-RAYS AND LABORATORY WORK, SUCH AS BLOOD TESTS;

F. PHARMACEUTICAL SERVICES;

G. TRANSPORTATION TO AND FROM MEDICAL PROVIDERS; AND

H. CHIROPRACTIC CARE SERVICES, ACCORDING TO MINNESOTA STATUTES, SECTION 198.065, ON WRITTEN ORDER OF THE RESIDENT'S ATTENDING PHYSICIAN.

~~SUBP. 2. NURSING SERVICES. PRIMARY CARE NURSING SERVICES FOR EACH MINNESOTA VETERANS HOME RESIDENT ARE THE RESPONSIBILITY OF THE NURSING STAFF.~~

~~NURSING CARE SERVICES PROVIDED TO RESIDENTS IN NURSING CARE UNITS MUST BE ACCORDING TO PART 9050.0040, SUBPART 83, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS STANDARDS.~~

~~DOMICILIARY CARE SERVICES PROVIDED TO DOMICILIARY RESIDENTS MUST BE ACCORDING TO PARTS 4655.0100, SUBPART 3, AND 9050.0040, SUBPART 16, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS STANDARDS.~~

~~SUBP. 3. DIETARY SERVICES. AT EACH BOARD OPERATED FACILITY, AN ADEQUATELY EQUIPPED KITCHEN MUST BE MAINTAINED AND QUALIFIED FACILITY STAFF MUST BE EMPLOYED TO SUPPLY THE NECESSARY FOOD REQUIREMENTS OF THE RESIDENTS. DIETARY SERVICES PROVIDED TO RESIDENTS MUST BE ACCORDING TO PARTS 4655.8500 TO 4655.8800; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~A QUALIFIED DIETICIAN, AS DEFINED IN PART 9050.0040, SUBPART 34, OR DIETARY SUPERVISOR IF QUALIFIED, MUST BE EMPLOYED OR CONTRACTED WITH TO SUPERVISE THE FOOD SERVICE DEPARTMENT OF EACH FACILITY. A QUALIFIED DIETARY SUPERVISOR IS A PERSON TRAINED OR EXPERIENCED IN THE PLANNING AND PREPARATION OF MEALS AS STATED IN PART 4655.8510. THE DIETARY STAFF SHALL PREPARE THERAPEUTIC DIETS AS ORDERED BY THE RESIDENT'S ATTENDING PHYSICIAN, ACCORDING TO FEDERAL AND STATE STANDARDS AND ESTABLISHED RECOMMENDED DAILY ALLOWANCES.~~

~~A DIETICIAN SHALL ENSURE THAT NUTRITIONAL CARE PLANS ARE DEVELOPED ACCORDING TO EACH RESIDENT'S NUTRITIONAL NEEDS AND THAT AN INDIVIDUAL DIET CARD IS MAINTAINED FOR EACH RESIDENT.~~

~~SUBP. 4. RECREATIONAL THERAPY. AT EACH BOARD OPERATED FACILITY, A RECREATIONAL THERAPY PROGRAM MUST BE PROVIDED ACCORDING TO PART 4655.5200; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION FOR STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION FOR STATE NURSING HOMES: DOMICILIARY CARE STANDARDS. RECREATIONAL THERAPY PROGRAMS MUST BE APPROPRIATE TO THE NEEDS AND INTERESTS OF RESIDENTS TO MAXIMIZE INDIVIDUAL RESIDENTS' PHYSICAL AND PSYCHOSOCIAL LEVELS.~~

~~ADEQUATE EQUIPMENT, SPACE, AND SUPPLIES FOR RECREATIONAL THERAPY PROGRAMS MUST BE PROVIDED AT EACH FACILITY.~~

~~A RESIDENT'S RECREATION PLAN MUST BE INTEGRATED INTO THE RESIDENT'S CARE PLAN AND DOCUMENTATION OF RECREATIONAL THERAPY PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~A QUALIFIED STAFF MEMBER RESPONSIBLE FOR THE RECREATIONAL THERAPY PROGRAM SHALL MEET AT LEAST THE MINIMUM QUALIFICATIONS IN PART 4655.5200, SUBPART 5.~~

~~SUBP. 5. SOCIAL WORK SERVICES. ON-SITE SOCIAL WORK SERVICES MUST BE PROVIDED TO RESIDENTS OF EACH BOARD OPERATED FACILITY BY QUALIFIED SOCIAL WORKERS TO MEET THE PSYCHOSOCIAL NEEDS OF INDIVIDUAL RESIDENTS.~~



~~THE PROVISION OF SOCIAL SERVICES MUST BE DOCUMENTED IN THE RESIDENT'S CHART. DOCUMENTATION MUST INCLUDE A SOCIAL SERVICES ASSESSMENT OR PLAN AND QUARTERLY PROGRESS REPORTS ON EACH RESIDENT IN THE FACILITY ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~SUBP. 6. HOUSEKEEPING SERVICES. HOUSEKEEPING SERVICES MUST BE MAINTAINED AT EACH BOARD-OPERATED FACILITY TO ENSURE A CLEAN, SANITARY, AND SAFE PHYSICAL ENVIRONMENT FOR RESIDENTS ACCORDING TO PARTS 4655.9000 TO 4655.9070. THE FACILITY MUST BE KEPT FREE FROM OFFENSIVE ODORS, DUST, RUBBISH, AND SAFETY HAZARDS. AN EXAMPLE OF A SAFETY HAZARD WOULD BE THE ACCUMULATION OF COMBUSTIBLE MATERIAL OR WASTE IN UNASSIGNED AREAS.~~

~~SUBP. 7. MEDICAL DIRECTOR. EACH BOARD-OPERATED FACILITY MUST HAVE A MEDICAL DIRECTOR ACCORDING TO PART 9050.0040, SUBPART 73; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~SUBP. 8. ATTENDING PHYSICIAN. EACH RESIDENT MUST BE ASSIGNED AN ATTENDING PHYSICIAN WHO IS RESPONSIBLE FOR OVERALL MEDICAL CARE OF THE RESIDENT. A RESIDENT MAY CHOOSE A PRIVATE ATTENDING PHYSICIAN AT THE RESIDENT'S OWN EXPENSE IF THE PHYSICIAN AGREES TO COMPLY WITH REGULATORY STANDARDS GOVERNING THE HOME. REGULATORY STANDARDS INCLUDE PARTS 4655.4600 AND 4655.4700; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~THE ATTENDING PHYSICIAN SHALL PRESCRIBE A PLANNED REGIMEN OF RESIDENT CARE BASED ON A MEDICAL EVALUATION OF THE RESIDENT'S IMMEDIATE AND LONG-TERM NEEDS. THE ATTENDING PHYSICIAN MUST BE IDENTIFIED ON THE RESIDENT'S MEDICAL CHART.~~

~~THE ATTENDING PHYSICIAN SHALL MAKE ARRANGEMENTS FOR THE MEDICAL CARE OF THE RESIDENT IN THE EVENT OF AN ON-SITE EMERGENCY OR A PLANNED ABSENCE BY THE ATTENDING PHYSICIAN.~~

~~SUBP. 9. CHAPLAIN SERVICES. SPIRITUAL CARE MUST BE PROVIDED BY A CHAPLAIN TO RESIDENTS OF EACH BOARD-OPERATED FACILITY ACCORDING TO PART 4655.5300; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE~~

~~STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES:  
DOMICILIARY CARE STANDARDS.~~

~~———— ADEQUATE SPACE MUST BE PROVIDED FOR CHAPLAIN SERVICES AND PRIVATE SPACE PROVIDED FOR A RESIDENT TO MEET WITH CLERGY OF THE RESIDENT'S CHOICE.~~

~~———— SUBP. 10. MENTAL HEALTH SERVICES. MENTAL HEALTH SERVICES MUST BE MADE AVAILABLE TO RESIDENTS WHO MEET ADMISSION AND CONTINUED STAY CRITERIA AS SPECIFIED IN PART 9050.0070, SUBPARTS 3 AND 4, AT EACH BOARD-OPERATED FACILITY EITHER ON-SITE OR THROUGH OTHER MEANS SUCH AS CONTRACT SERVICES, SHARING AGREEMENTS, OR OTHER ARRANGEMENTS ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~———— A RESIDENT MUST BE OFFERED MENTAL HEALTH SERVICES ON REQUEST BY THE RESIDENT, OR AS DETERMINED BY MEMBERS OF THE RESIDENT'S INDIVIDUAL CARE PLAN TEAM, WHICH MAY INCLUDE A STAFF PSYCHOLOGIST, STAFF PSYCHIATRIST, OR CHEMICAL DEPENDENCY COUNSELOR.~~

~~———— THESE SERVICES MUST INCLUDE, BUT ARE NOT LIMITED TO, ASSESSMENT, DIAGNOSIS, SUPPORTIVE COUNSELING OR SELF-HELP GROUPS FOR RESIDENTS PRESENTING BEHAVIORAL PROBLEMS, PSYCHIATRIC DISORDERS, AND CHEMICAL DEPENDENCY OR CHEMICAL ABUSE DISORDERS. THESE SERVICES MUST BE PROVIDED THROUGH DISCIPLINES SUCH AS PSYCHOLOGY, PSYCHIATRY, AND CHEMICAL DEPENDENCY.~~

~~———— DOCUMENTATION OF MENTAL HEALTH SERVICES PROVIDED TO A RESIDENT MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~———— SUBP. 11. DENTAL CARE SERVICES. DENTAL CARE MUST BE MADE AVAILABLE FOR RESIDENTS OF EACH BOARD-OPERATED FACILITY ACCORDING TO PART 4655.4800; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~———— EACH FACILITY MUST HAVE A WRITTEN AGREEMENT WITH A LICENSED DENTIST OR DENTISTS TO PROVIDE EMERGENCY DENTAL CARE WHEN NECESSARY.~~

~~———— DENTAL CARE FOR RESIDENTS CONSISTS OF, BUT IS NOT LIMITED TO, CLEANING OF TEETH BY THE DENTIST OR DENTAL HYGIENIST, AN EXAMINATION OF THE RESIDENT'S TEETH AND MOUTH BY THE DENTIST, TAKING OF NECESSARY X-RAYS AS DETERMINED BY THE DENTIST, PROPER FITTING OF DENTURES, REPAIR OF DENTURES, AND TREATMENT OF ABNORMALITIES CAUSED BY DENTURES AS DETERMINED BY THE DENTIST.~~

~~———— DOCUMENTATION OF DENTAL CARE PROVIDED MUST BE MAINTAINED IN THE~~

~~RESIDENT'S CHART.~~

~~———— SUBP. 12. **PODIATRIC CARE SERVICES.** PODIATRIC CARE MUST BE MADE AVAILABLE AT EACH BOARD-OPERATED FACILITY TO RESIDENTS THROUGH A PODIATRIST OR PHYSICIAN, WITH THE APPROVAL OF THE RESIDENT'S ATTENDING PHYSICIAN, ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~———— DOCUMENTATION OF PODIATRIC CARE PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~———— SUBP. 13. **OPTOMETRIC CARE SERVICES.** OPTOMETRIC CARE MUST BE MADE AVAILABLE TO RESIDENTS OF EACH BOARD-OPERATED FACILITY ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~———— CONSULTATION OR TREATMENT WITH THE OPTOMETRIST MUST BE ON WRITTEN ORDER OF THE RESIDENT'S ATTENDING PHYSICIAN. FOR RESIDENTS NEEDING REPLACEMENT OF REFRACTORY LENSES, THE NURSING DEPARTMENT MAY REQUEST A RESIDENT'S APPOINTMENT WITH THE OPTOMETRIST.~~

~~———— DOCUMENTATION OF OPTOMETRIC CARE PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~———— SUBP. 14. **CHIROPRACTIC CARE SERVICES.** CHIROPRACTIC CARE MUST BE MADE AVAILABLE TO RESIDENTS OF EACH BOARD-OPERATED FACILITY ACCORDING TO MINNESOTA STATUTES, SECTION 198.065. TREATMENT BY A CHIROPRACTOR MUST BE ON WRITTEN ORDER OF THE RESIDENT'S ATTENDING PHYSICIAN.~~

~~———— DOCUMENTATION OF CHIROPRACTIC CARE PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~———— SUBP. 15. **DIAGNOSTIC SERVICES.** DIAGNOSTIC SERVICES MUST BE MADE AVAILABLE TO RESIDENTS OF EACH BOARD-OPERATED FACILITY ON WRITTEN ORDER OF THE RESIDENT'S ATTENDING PHYSICIAN ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS. PAYMENTS FOR DIAGNOSTIC SERVICES ARE DETERMINED ACCORDING TO PART 9050.0510.~~

~~———— EXAMPLES OF DIAGNOSTIC SERVICES INCLUDE, BUT ARE NOT LIMITED TO, X-RAYS AND LABORATORY WORK, SUCH AS BLOOD TESTS.~~

~~———— DOCUMENTATION OF DIAGNOSTIC CARE PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~— SUBP. 16. PHARMACEUTICAL SERVICES. PHARMACEUTICAL SERVICES MUST BE MADE AVAILABLE THROUGH A LICENSED PHARMACIST BY EACH BOARD-OPERATED FACILITY TO MEET THE NEEDS OF RESIDENTS ACCORDING TO PARTS 4658.1300 TO 4658.1365 AND 4655.7790 TO 4655.7860; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE TO INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE TO INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS. A LICENSED PHARMACIST IS DEFINED IN PART 9050.0040, SUBPART 92.~~

~~— DOCUMENTATION OF PHARMACEUTICAL SERVICES PROVIDED MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~— SUBP. 17. SPECIALIZED REHABILITATION SERVICES. SPECIALIZED REHABILITATION SERVICES SUCH AS PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND SPEECH THERAPY MUST BE PROVIDED TO RESIDENTS TO IMPROVE AND MAINTAIN MAXIMUM FUNCTIONING ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~— DOCUMENTATION OF SPECIALIZED REHABILITATION SERVICES MUST BE MAINTAINED IN THE RESIDENT'S CHART.~~

~~— SUBP. 18. MAINTENANCE. MAINTENANCE SERVICES MUST BE MAINTAINED AT EACH BOARD-OPERATED FACILITY TO ENSURE THAT THE PHYSICAL PLANT IS KEPT IN A CONTINUOUS STATE OF GOOD REPAIR AND OPERATION WITH REGARD TO THE HEALTH, COMFORT, SAFETY, AND WELL-BEING OF RESIDENTS AND OTHERS ACCORDING TO CHAPTER 4660; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3; AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS.~~

~~— SUBP. 19. TRANSPORTATION. A MEANS OF TRANSPORTATION TO AND FROM APPROVED MEDICAL PROVIDERS MUST BE PROVIDED OR ARRANGED FOR BY EACH BOARD-OPERATED FACILITY ACCORDING TO UNITED STATES DEPARTMENT OF VETERANS AFFAIRS CODE M-1, PART 1, CHAPTER 3, AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS GUIDE FOR INSPECTION OF STATE VETERANS HOMES NURSING HOME CARE STANDARDS AND GUIDE FOR INSPECTION OF STATE VETERANS HOMES: DOMICILIARY CARE STANDARDS, IF THE PROVIDERS ARE LOCATED WITHIN THE AREAS REGULARLY SERVICED BY THE TRANSPORTATION STAFF OF THE FACILITY.~~

The amendments to this rule represent a reorganization of the current rule, and are necessary to promote both clarity and streamlining of the rule. It is reasonable that the rule state with clarity

the laws, rules and regulations that are applicable in determining care services for residents, and to clearly identify the services that will be provided or made available.

Subpart 1 adds two references for clarification purposes. The reference to veterans'-exclusive services is deleted because it is referenced elsewhere in the rules and is redundant here. The language regarding payments by the facilities for services made available to residents reinforces language contained in the rule definitions, and clarifies how the determination for payment will be made. These are technical amendments and do not change the substance of the rule.

Subparts 1a and 1b reflect a reorganization of current subparts 2 through 19. The services are broken down by subpart, defining those services that are provided by the facilities and those that are made available. Additionally, since the laws, rules, regulations and guides referenced in subpart 1 would apply to all of the former subparts 2 through 19 and to proposed subparts 1a and 1b, all duplicative references to these were deleted. By reorganizing and reducing redundancies, the substance of the rule is made easier to understand. Because proposed subparts 1a and 1b contain all of the substantive information of subparts 2 through 19 of the current rule, these subparts are deleted. These amendments are technical changes and do not affect the substance of the rule.

#### 9050.1070 RESIDENT RIGHTS AND RESPONSIBILITIES

SUBP. 22. **RESIDENT FUNDS.** RESIDENT FUNDS MUST BE HANDLED ACCORDING TO PARTS 4655.1910, SUBPART 6; 4655.4100 TO 4655.4170; AND MINNESOTA STATUTES, SECTIONS 144.651, SUBDIVISION 25; AND 198.265, AND BE IN COMPLIANCE WITH ITEMS A TO ~~D~~ E.

B. IF THE FACILITY STAFF DETERMINES THAT A RESIDENT IS UNABLE TO MANAGE PERSONAL FINANCIAL AFFAIRS, THE ADMINISTRATOR OR DESIGNEE SHALL TAKE APPROPRIATE STEPS TO ASSURE THAT THE RESIDENT'S PERSONAL FINANCIAL AFFAIRS WILL BE APPROPRIATELY MANAGED, INCLUDING BUT NOT LIMITED TO, HAVING THE FACILITY AUTHORIZED TO RECEIVE BENEFIT PAYMENTS ON BEHALF OF THE RESIDENT FROM THE SOCIAL SECURITY ADMINISTRATION AND

THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND SEEKING APPOINTMENT OF A CONSERVATOR OR GUARDIAN.

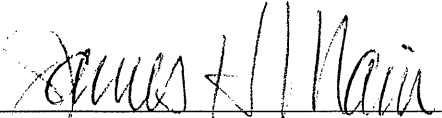
C. RESIDENTS MAY KEEP MONEY IN A PERSONAL FUND ACCOUNT AT THE BOARD-OPERATED FACILITY, AS DEFINED IN PART 9050.0040, SUBPART 90, AND ACCORDING TO MINNESOTA STATUTES, SECTION 198.265, OR IN FUND ACCOUNTS OFF FACILITY PREMISES. RESIDENT FUND ACCOUNTS AT THE FACILITY ARE SOLELY FOR THE RESIDENT'S USE, AND THE FACILITY CASHIER SHALL RETAIN SUFFICIENT LIQUID FUNDS TO SATISFY NORMAL DEMAND WITHDRAWAL REQUESTS OF RESIDENTS AND OTHER ANTICIPATED NEEDS. RESIDENT FUND ACCOUNTS MUST NOT DRAW INTEREST DIRECTLY TO RESIDENTS, BUT THE INTEREST MUST BE USED BY THE BOARD ONLY FOR THE DIRECT BENEFIT OF THE RESIDENTS OF THE HOMES. BEFORE DEPOSITING MONEY IN A FUND ACCOUNT AT THE FACILITY, A RESIDENT MUST SIGN AN AGREEMENT THAT THE RESIDENT IS WILLING TO HAVE MONEY IN AN ACCOUNT THAT DOES NOT DRAW INTEREST DIRECTLY TO THE RESIDENT.

RESTRICTIONS PLACED ON A RESIDENT'S PERSONAL FUNDS BY THE RESIDENT, RESIDENT'S GUARDIAN, OR PERSON RESPONSIBLE FOR THE RESIDENT'S FUND ACCOUNT MUST BE DOCUMENTED IN THE RESIDENT'S TREATMENT PLAN.

D. THE CASHIER AT THE FACILITY SHALL HAVE REGULAR POSTED HOURS DURING WHICH RESIDENTS MAY DEPOSIT OR WITHDRAW FUNDS. THE CASHIER SHALL GIVE A RECEIPT TO PERSONS DEPOSITING FUNDS AND ENSURE THAT WITHDRAWAL FORMS ARE SIGNED WHEN FUNDS ARE WITHDRAWN.

E. UNCLAIMED ACCOUNT BALANCES AT THE FACILITY MUST BE DISPOSED OF ACCORDING TO MINNESOTA STATUTES, SECTIONS 198.23 AND 198.231.

This amendment is necessary to clarify that the facilities may request appointment as representative payee if a resident is unable to manage his or her financial affairs. This amendment does not mandate that the Home be named if another payee is willing and able to be appointed. It is reasonable that the facilities be allowed to arrange for representative payee status on behalf of residents, to assure that benefit payments are properly made and applied.

  
James H. Main, Chairman  
Minnesota Veterans Homes Board

9-17-95  
Date