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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1287

02/18/2019 Authored by Fischer; Hamilton; Xiong, T.; Zerwas; Cantrell and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; establishing a parenting with a disability support
1.3 services pilot project; requiring a report; appropriating money.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. PARENTING WITH A DISABILITY; SUPPORT SERVICES; PILOT
1.6 PROJECT.

1.7 Subdivision 1. Purpose. The commissioner of human services shall establish a pilot
1.8 project to assist parents with disabilities in childrearing tasks. The purpose of this pilot
1.9 project is to assist a parent with a disability in childrearing tasks and to prevent removal of
1.10 a child from a parent solely because the parent has a disability.

1.11 Subd. 2. Definitions. (a) For the purposes of this section, the definitions in Minnesota
1.12 Statutes, section 256B.0659, subdivision 1, apply except for the following terms that have
1.13 the meanings given them in this subdivision.

1.14 (b) "Adaptive parenting equipment" means a piece of equipment that increases, extends,
1.15 or improves the parenting capabilities of a parent with a disability.

1.16 (c) "Child" means a person under 18 years of age.

1.17 (d) "Childrearing task" means a task that assists a parent with a disability to care for the
1.18 child. Childrearing task includes, but is not limited to: lifting and carrying the child,
1.19 organizing supplies for the child, preparing meals for the child, washing clothing and bedding
1.20 for the child, bathing the child, childproofing the home the parent and child live in, and
1.21 assisting with transporting the child.

1.22 (e) "Commissioner" means the commissioner of human services.

2.1 (f) "Parent" means a child's biological, foster, or adoptive parent or legal guardian who
2.2 is legally obligated to care for and support that child.

2.3 (g) "Person with a disability" means an individual who has a physical, mental, or
2.4 psychological impairment or dysfunction that limits independent functioning in the family,
2.5 community, or employment.

2.6 (h) "Supportive parenting service" means a service that (1) helps a parent with a disability
2.7 compensate for aspects of the parent's disability that affect the parent's ability to care for
2.8 the child, and (2) enables the parent to complete parental responsibilities, including
2.9 childrearing tasks. Supportive parenting service does not include disciplining the parent's
2.10 child.

2.11 Subd. 3. **Personal care assistance services; covered services.** (a) If a parent is eligible
2.12 for and receiving personal care assistance services through medical assistance under
2.13 Minnesota Statutes, section 256B.0659, the parent is eligible to receive personal care
2.14 assistance services for supportive parenting services under this section. A parent must use
2.15 one personal care assistant (PCA) under this section at a time, regardless of the parent's
2.16 number of children. Supportive parenting services provided under this section are services
2.17 to the parent and not the child.

2.18 (b) Supportive parenting services must be provided by a different PCA than the PCA
2.19 providing medical assistance personal care assistance services under Minnesota Statutes,
2.20 section 256B.0659. The PCA providing supportive parenting services under this section
2.21 must not perform medical assistance personal care assistance services. The PCA providing
2.22 medical assistance personal care assistance services and the PCA providing supportive
2.23 parenting services may be scheduled to support the parent at the same time.

2.24 (c) Supportive parenting services under this section must not replace medical assistance
2.25 personal care assistance services under Minnesota Statutes, section 256B.0659. Supportive
2.26 parenting services under this section do not count toward a parent's 275 hours per month
2.27 of medical assistance personal care assistance under Minnesota Statutes, section 256B.0659,
2.28 subdivision 11, paragraph (a), clause (10).

2.29 (d) A parent's supportive parenting services shall be limited to 40 hours per month.

2.30 (e) If the commissioner deems necessary, the commissioner shall develop standards and
2.31 training requirements for a provider providing supportive parenting services under this
2.32 subdivision.

3.1 Subd. 4. **Adaptive parenting equipment.** A parent eligible for PCA services under
3.2 subdivision 3 is also eligible to receive adaptive parenting equipment. The commissioner
3.3 shall develop a process for a parent to apply for adaptive parenting equipment. The process
3.4 shall include an evaluation of the parent's adaptive parenting equipment needs.

3.5 Subd. 5. **Grants.** (a) The commissioner, in consultation with the advisory committee
3.6 described in subdivision 7, shall develop an application process for and award two-year
3.7 state-funded grants to personal care assistance provider agencies to provide services in
3.8 subdivision 3. A grant applicant must be an approved personal care assistance provider
3.9 agency as defined in Minnesota Statutes, section 256B.0659, subdivision 1, paragraph (l).

3.10 (b) The grantee shall bill the department on forms provided by and in a manner prescribed
3.11 by the commissioner. The commissioner shall pay a provider under this section at the same
3.12 rates provided for services under Minnesota Statutes, section 256B.0659.

3.13 Subd. 6. **Report.** Within six months after the pilot project has concluded, or by January
3.14 1, 2021, whichever is earlier, the commissioner of human services, in consultation with the
3.15 advisory committee, must submit a report on the pilot project to the chairs and ranking
3.16 members of the legislative committees having jurisdiction over health and human services
3.17 policy and finance. At a minimum, the report must address the following items:

3.18 (1) the total number of parents that were provided service through the pilot project;

3.19 (2) an analysis of the efficacy of this pilot project;

3.20 (3) the total cost of developing the service provided under the pilot project;

3.21 (4) proposed legislative changes to expand the pilot project; and

3.22 (5) any other information the commissioner deems necessary.

3.23 Subd. 7. **Advisory Committee.** (a) The Parenting with a Disability Advisory Committee
3.24 is established according to Minnesota Statutes, section 15.059.

3.25 (b) The Parenting with a Disability Advisory Committee shall consist, at a minimum,
3.26 of the following members:

3.27 (1) four public members, as defined in Minnesota Statutes, section 645.44, subdivision
3.28 5a. The public members shall be either persons with a disability and parents or caregivers
3.29 to such persons, appointed by the commissioner of human services;

3.30 (2) two members who are personal care assistance providers, appointed by the
3.31 commissioner of human services;

4.1 (3) two members of the senate, one member appointed by the senate majority leader and
4.2 one member appointed by the senate minority leader; and

4.3 (4) two members of the house of representatives, one member appointed by the speaker
4.4 of the house and one member appointed by the house of representatives minority leader.

4.5 (c) The committee shall elect a chair from among its members.

4.6 (d) A committee member may not vote on a decision of the committee in which the
4.7 member has either a direct or indirect personal financial interest.

4.8 (e) The advisory committee duties shall, at a minimum, include:

4.9 (1) advising the commissioner regarding the methods to expand and improve the
4.10 efficiency of services for parents with a disability; and

4.11 (2) assisting with the report required in subdivision 6, including proposing legislative
4.12 changes.

4.13 Subd. 8. **Appropriation.** \$..... in fiscal year 2020 is appropriated from the general fund
4.14 to the commissioner of human services to pay for the costs of establishing and administering
4.15 the pilot project under this section. This is a onetime appropriation. The unencumbered
4.16 balance in the first year does not cancel but is available the second year.

4.17 **Sec. 2. FEDERAL WAIVER APPROVAL.**

4.18 The commissioner shall seek all necessary federal waivers, amendments to the state
4.19 plan, and approval from the Centers for Medicare and Medicaid Services to expand the
4.20 parenting with a disability support services pilot project under section 1.