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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1445

02/20/2017 Authored by Lohmer; Schomacker; Dean, M.; Lieblich and Loeffler
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; establishing an exception to budget methodology for
1.3 persons leaving institutions and crisis residential settings; modifying
1.4 consumer-directed community supports budget methodology; requiring reports;
1.5 amending Laws 2015, chapter 71, article 7, section 54; proposing coding for new
1.6 law in Minnesota Statutes, chapter 256B.

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

1.8 Section 1. [256B.4915] EXCEPTION TO THE BUDGET METHODOLOGY FOR
1.9 PERSONS LEAVING INSTITUTIONS AND CRISIS RESIDENTIAL SETTINGS.

1.10 (a) By September 30, 2017, the commissioner shall establish an institutional and crisis
1.11 bed consumer-directed community supports budget exception process as described in the
1.12 home and community-based services waivers under sections 256B.092 and 256B.49. This
1.13 budget exception process shall be available for any individual who:

1.14 (1) is not offered available and appropriate services within 60 days since approval for
1.15 discharge from the individual's current institutional setting; or

1.16 (2) requires services that are more expensive than appropriate less-restrictive services
1.17 using the consumer-directed community supports option.

1.18 (b) Institutional settings for purposes of this exception include intermediate care facilities
1.19 for persons with developmental disabilities; nursing facilities; acute care hospitals; Anoka
1.20 Metro Regional Treatment Center; Minnesota Security Hospital; and crisis beds. The budget
1.21 exception shall be limited to no more than the amount of appropriate less-restrictive available
1.22 services determined by the lead agency managing the individual's home and community-based
1.23 services waiver. The lead agency shall notify the Department of Human Services of the
1.24 budget exception.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. Laws 2015, chapter 71, article 7, section 54, is amended to read:

2.3 Sec. 54. **EXPANSION OF CONSUMER-DIRECTED COMMUNITY SUPPORTS**
 2.4 **BUDGET METHODOLOGY EXCEPTION.**

2.5 (a) No later than September 30, ~~2015~~ 2017, if necessary, the commissioner of human
 2.6 services shall submit an amendment to the Centers for Medicare and Medicaid Services for
 2.7 the home and community-based services waivers authorized under Minnesota Statutes,
 2.8 sections 256B.092 and 256B.49, to ~~establish an~~ expand the 2015 exception to the
 2.9 consumer-directed community supports budget methodology to provide up to ~~20~~ 30 percent
 2.10 more funds for both:

2.11 (1) consumer-directed community supports participants who ~~have graduated from high~~
 2.12 ~~school and~~ have a coordinated service and support plan which identifies the need for ~~more~~
 2.13 ~~services under consumer-directed community supports, either prior to graduation or in order~~
 2.14 ~~to increase the amount of time a person works or to improve their employment opportunities,~~
 2.15 an increased amount of services or supports under consumer-directed community supports
 2.16 than the amount they are eligible to receive currently receiving under the current
 2.17 consumer-directed community supports budget methodology; and:

2.18 (i) to increase the amount of time a person works or otherwise improves employment
 2.19 opportunities;

2.20 (ii) to plan a transition to, move to, or live in a setting as described in Minnesota Statutes,
 2.21 section 256D.44, subdivision 5, paragraph (f), clause (1), item (ii), or (g); or

2.22 (iii) to develop and implement a positive behavior support plan;

2.23 (2) home and community-based waiver participants who are currently using licensed
 2.24 ~~services providers~~ for employment supports or services during the day or residential services,
 2.25 either of which cost more annually than the person would spend under a consumer-directed
 2.26 community supports plan for individualized employment supports or services during the
 2.27 day any or all of the supports needed to meet the goals identified in paragraph (a), clause
 2.28 (1).

2.29 (b) The exception under paragraph (a) is limited to those persons who can demonstrate
 2.30 either that they will have to ~~leave~~ discontinue using consumer-directed community supports
 2.31 ~~and use~~ accept other non-self-directed waiver services because their ~~need for day or~~
 2.32 ~~employment supports~~ needed for the goals described in paragraph (a), clause (1), cannot be
 2.33 met within the consumer-directed community supports budget limits ~~or they will move to~~

3.1 ~~consumer-directed community supports and their services will cost less than services~~
3.2 ~~currently being used.~~

3.3 (c) The exception under paragraph (a), clause (2), is limited to those persons who can
3.4 demonstrate that, upon choosing to become a consumer-directed community support
3.5 participant, the total cost of services, including the exception, will be less than the cost of
3.6 current waiver services.

3.7 **EFFECTIVE DATE.** The exception under this section is effective October 1, 2017, or
3.8 upon federal approval, whichever is later. The commissioner of human services shall notify
3.9 the revisor of statutes when federal approval is obtained.

3.10 Sec. 3. **CONSUMER-DIRECTED COMMUNITY SUPPORTS REVISED BUDGET**
3.11 **METHODOLOGY REPORT.**

3.12 (a) The commissioner of human services, in consultation with stakeholders and others
3.13 including representatives of lead agencies, home and community-based services waiver
3.14 participants using consumer-directed community supports, advocacy groups, state agencies,
3.15 the Institute on Community Integration at the University of Minnesota, and service and
3.16 financial management providers, shall develop a revised consumer-directed community
3.17 supports budget methodology. The new methodology shall be based on (1) the costs of
3.18 providing services as reflected by the wage and other relevant components incorporated in
3.19 the disability waiver rate formulas under chapter 256B, and (2) state to county waiver-funding
3.20 methodologies. The new methodology should develop individual consumer-directed
3.21 community supports budgets comparable to those provided for similar needs individuals if
3.22 paying for non-consumer-directed community supports waiver services.

3.23 (b) By December 15, 2018, the commissioner shall report a revised consumer-directed
3.24 community supports budget methodology, including proposed legislation and funding
3.25 necessary to implement the new methodology, to the chairs and ranking minority members
3.26 of the house of representatives and senate committees with jurisdiction over health and
3.27 human services.

3.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.