

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2397

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DATE
03/02/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; establishing supported decision making grant programs;
1.3 requiring reports; appropriating money; proposing coding for new law in Minnesota
1.4 Statutes, chapter 256.

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

1.6 Section 1. 256.4771] SUPPORTED-DECISION-MAKING PROGRAMS.

1.7 Subdivision 1. Authorization. The commissioner of human services shall award general
1.8 operating grants to public and private nonprofit organizations and counties to provide and
1.9 promote supported decision making.

1.10 Subd. 2. Definitions. (a) For the purposes of this section, the terms in this section have
1.11 the meanings given.

1.12 (b) "Supported decision making" has the meaning given in section 524.5-102, subdivision
1.13 16a.

1.14 (c) "Supported-decision-making services" means services provided to help an individual
1.15 consider, access, or develop supported decision making, potentially as an alternative to
1.16 more restrictive forms of decision making, including guardianship and conservatorship.
1.17 The services may be provided to the individual, family members, or trusted support people.
1.18 The individual may currently be a person subject to guardianship or conservatorship, but
1.19 the services must not be used to help a person access a guardianship or conservatorship.

1.20 Subd. 3. Grants. (a) The grants must be distributed as follows:

1.21 (1) at least 75 percent of the grant funding must be used to fund programs or organizations
1.22 that provide supported-decision-making services;

2.1 (2) no more than 20 percent of the grant funding may be used to fund county or Tribal
2.2 programs that provide supported-decision-making services; and

2.3 (3) no more than five percent of the grant funding may be used to fund programs or
2.4 organizations that promote the use and advancement of supported decision making.

2.5 (b) The grants must be distributed in a manner to promote racial and geographic diversity
2.6 in the populations receiving services as determined by the commissioner.

2.7 Subd. 4. **Evaluation and report.** By June 30, 2024, and every two years after that, the
2.8 commissioner must report on the impact and outcomes of the grants to
2.9 supported-decision-making programs to the chairs and ranking minority members of the
2.10 legislative committees with jurisdiction over human services. The report must detail how
2.11 the funding was used to achieve the requirements in subdivision 3.

2.12 Subd. 5. **Applications.** Any public or private nonprofit agency may apply to the
2.13 commissioner for a grant under subdivision 3, paragraph (a), clause (1) or (3). Any county
2.14 or Tribal agency in Minnesota may apply to the commissioner for a grant under subdivision
2.15 3, paragraph (a), clause (2). The application must be submitted in a form approved by the
2.16 commissioner.

2.17 Subd. 6. **Duties of grantees.** Every public or private nonprofit agency, county, or Tribal
2.18 agency that receives a grant to provide or promote supported decision making must comply
2.19 with rules related to the administration of the grants.

2.20 Sec. 2. **DIRECTION TO THE COMMISSIONER.**

2.21 By December 15, 2023, the commissioner shall issue a report to the governor and the
2.22 chairs and ranking minority members of the legislative committees with jurisdiction over
2.23 human services detailing how medical assistance service providers could be reimbursed for
2.24 providing supported decision-making services. The report must detail recommendations for
2.25 all medical assistance programs, including all home and community-based programs, to
2.26 provide for reimbursement for supported-decision-making services. The report must develop
2.27 detailed provider requirements for reimbursement, including the criteria necessary to provide
2.28 high-quality services. In developing provider requirements, the commissioner shall consult
2.29 with all relevant stakeholders, including organizations currently providing supported decision
2.30 making services. The report must also include strategies to promote equitable access to
2.31 supported-decision-making services among People of Color, people from culturally specific
2.32 communities, people from rural communities, and other people who may experience barriers
2.33 to accessing medical assistance home and community-based services.

3.1 Sec. 3. **APPROPRIATIONS; SUPPORTED-DECISION-MAKING PROGRAM.**

3.2 \$7,500,000 in fiscal year 2023, \$7,500,000 in fiscal year 2024, and \$7,500,000 in fiscal
3.3 year 2025 are appropriated from the general fund to the commissioner of human services
3.4 for grants to fund supported-decision-making programs under Minnesota Statutes, section
3.5 256.4771. Any unexpended amount from fiscal year 2023 does not cancel and is available
3.6 until June 30, 2024.

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