

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4733

(SENATE AUTHORS: HOFFMAN and Mann)

DATE
03/07/2024

D-PG

Introduction and first reading
Referred to Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; modifying waiver reimagine phase II; amending Laws
1.3 2021, First Special Session chapter 7, article 13, section 73.

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

1.5 Section 1. Laws 2021, First Special Session chapter 7, article 13, section 73, is amended
1.6 to read:

1.7 **Sec. 73. WAIVER REIMAGINE PHASE II.**

1.8 (a) The commissioner of human services must implement a two-home and
1.9 community-based services waiver program structure, as authorized under section 1915(c)
1.10 of the federal Social Security Act, that serves persons who are determined by a certified
1.11 assessor to require the levels of care provided in a nursing home, a hospital, a neurobehavioral
1.12 hospital, or an intermediate care facility for persons with developmental disabilities. The
1.13 two-home and community-based services waiver program structure implemented by the
1.14 commissioner under this paragraph must not be based on the setting in which the person
1.15 with disabilities lives. The commissioner must implement a two-home and community-based
1.16 services waiver program structure that is based on the support needs of the person with
1.17 disabilities.

1.18 (b) The commissioner of human services must implement an individualized budget
1.19 methodology, as authorized under section 1915(c) of the federal Social Security Act, that
1.20 serves persons who are determined by a certified assessor to require the levels of care
1.21 provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care
1.22 facility for persons with developmental disabilities. The individualized budget methodology

2.1 implemented by the commissioner under this paragraph must not be based on the setting in
2.2 which the person with disabilities lives. The commissioner must implement an individualized
2.3 budget methodology based on the support needs of the person with disabilities. The
2.4 commissioner must increase individualized home and community-based services waiver
2.5 budgets at a commensurate rate with increases to rates within the disability waiver rate
2.6 system to meet assessed service needs.

2.7 (c) The commissioner of human services may seek all federal authority necessary to
2.8 implement this section.

2.9 (d) The commissioner must ensure that the new waiver service menu and individual
2.10 budgets allow people to live in their own home, family home, or any home and
2.11 community-based setting of their choice. The commissioner must ensure, within available
2.12 resources and subject to state and federal regulations and law, that waiver reimagine does
2.13 not result in unintended service disruptions.

2.14 (e) The commissioner shall not implement waiver reimagine phase II until the
2.15 commissioner verifies to the chairs and ranking minority members of the legislative
2.16 committees with jurisdiction over human services that MnCHOICES 2.0 demonstrates a
2.17 clear and dependable standard for determining all waiver service eligibility and is effective
2.18 and culturally responsive to the needs of all current and prospective Minnesota disability
2.19 services waiver recipients. Evidence of MnCHOICES 2.0 operating inefficiently and
2.20 ineffectively includes but is not limited to:

2.21 (1) the need to utilize multiple workarounds to use the system; and

2.22 (2) a system outcomes rate of appeal by affected waiver recipients of greater than five
2.23 percent.

2.24 **EFFECTIVE DATE.** This section is effective July 1, 2024, or 90 days after federal
2.25 approval, whichever is later. The commissioner of human services shall notify the revisor
2.26 of statutes when federal approval is obtained.