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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2992

02/22/2018 Authored by O'Driscoll
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; directing commissioner of human services to seek
1.3 waiver to allow limited developmental disability waiver services to be provided
1.4 to waiver participants who are temporary inpatients of a hospital.

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

1.6 Section 1. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES.**

1.7 The commissioner of human services shall seek a waiver to the prohibition found in
1.8 Code of Federal Regulations, title 42, section 441.301(b)(1)(ii), against furnishing
1.9 developmental disability waiver services to developmental disability waiver participants
1.10 who are temporary inpatients of a hospital. The commissioner's waiver application shall
1.11 seek to amend the developmental disability waiver plan to allow developmental disability
1.12 waiver participants to receive nonmedical-care-related services from direct care staff,
1.13 including personal care assistants, personal support staff, night supervision staff, and other
1.14 direct care staff providing services supportive of the participant's nonmedical-care-related
1.15 needs while hospitalized, such as communication, positive behavior, self-care, and
1.16 socialization. The commissioner shall not seek any waiver plan amendment that would
1.17 result in a duplication of medical-care-related services. The commissioner shall not assume
1.18 that inpatient hospital services are duplicative of nonmedical-care-related services offered
1.19 under the developmental disability waiver. The commissioner shall work with interested
1.20 stakeholders to develop the waiver request and waiver plan amendment in order to ensure
1.21 the health, safety, and physical, mental, and emotional well-being of developmental disability
1.22 waiver participants while the participants are hospitalized for acute medical care.