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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 240

01/11/2023 Authored by Reyer, Schomacker, Frederick, Curran, Fischer and others
The bill was read for the first time and referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; providing medical assistance reimbursement for parents
1.3 and spouses providing services under consumer-directed community supports and
1.4 community first services and supports; amending Minnesota Statutes 2022, sections
1.5 256B.4911, by adding a subdivision; 256B.85, subdivision 7, by adding a
1.6 subdivision.

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

1.8 Section 1. Minnesota Statutes 2022, section 256B.4911, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 6. Services provided by parents and spouses. (a) This subdivision limits medical
1.11 assistance payments under the consumer-directed community supports option for personal
1.12 assistance services provided by a parent to the parent's minor child or provided by a
1.13 participant's spouse. This subdivision applies to the consumer-directed community supports
1.14 option available under the following:

- 1.15 (1) alternative care program;
1.16 (2) brain injury waiver;
1.17 (3) community alternative care waiver;
1.18 (4) community access for disability inclusion waiver;
1.19 (5) developmental disabilities waiver;
1.20 (6) elderly waiver; and
1.21 (7) Minnesota senior health option.

2.1 (b) For the purposes of this subdivision, "parent" means a parent, stepparent, or legal
 2.2 guardian of a minor.

2.3 (c) If multiple parents are providing personal assistance services to their minor child or
 2.4 children, each parent may provide up to 40 hours of personal assistance services in any
 2.5 seven-day period regardless of the number of children served. The total number of hours
 2.6 of personal assistance services provided by all of the parents must not exceed 80 hours in
 2.7 a seven-day period regardless of the number of children served.

2.8 (d) If only one parent is providing personal assistance services to the parent's minor
 2.9 child or children, the parent may provide up to 60 hours of personal assistance services in
 2.10 a seven-day period regardless of the number of children served.

2.11 (e) If a participant's spouse is providing personal assistance services, the spouse may
 2.12 provide up to 60 hours of personal assistance services in a seven-day period.

2.13 (f) This subdivision must not be construed to permit an increase in the total authorized
 2.14 consumer-directed community supports budget for an individual.

2.15 **EFFECTIVE DATE.** This section is effective, or upon federal approval, whichever
 2.16 is later. The commissioner of human services shall notify the revisor of statutes when federal
 2.17 approval is obtained.

2.18 Sec. 2. Minnesota Statutes 2022, section 256B.85, subdivision 7, is amended to read:

2.19 Subd. 7. **Community first services and supports; covered services.** Services and
 2.20 supports covered under CFSS include:

2.21 (1) assistance to accomplish activities of daily living (ADLs), instrumental activities of
 2.22 daily living (IADLs), and health-related procedures and tasks through hands-on assistance
 2.23 to accomplish the task or constant supervision and cueing to accomplish the task;

2.24 (2) assistance to acquire, maintain, or enhance the skills necessary for the participant to
 2.25 accomplish activities of daily living, instrumental activities of daily living, or health-related
 2.26 tasks;

2.27 (3) expenditures for items, services, supports, environmental modifications, or goods,
 2.28 including assistive technology. These expenditures must:

2.29 (i) relate to a need identified in a participant's CFSS service delivery plan; and

2.30 (ii) increase independence or substitute for human assistance, to the extent that
 2.31 expenditures would otherwise be made for human assistance for the participant's assessed
 2.32 needs;

3.1 (4) observation and redirection for behavior or symptoms where there is a need for
3.2 assistance;

3.3 (5) back-up systems or mechanisms, such as the use of pagers or other electronic devices,
3.4 to ensure continuity of the participant's services and supports;

3.5 (6) services provided by a consultation services provider as defined under subdivision
3.6 17, that is under contract with the department and enrolled as a Minnesota health care
3.7 program provider;

3.8 (7) services provided by an FMS provider as defined under subdivision 13a, that is an
3.9 enrolled provider with the department;

3.10 (8) CFSS services provided by a support worker who is a parent, stepparent, or legal
3.11 guardian of a participant under age 18, or who is the participant's spouse. ~~These support~~
3.12 ~~workers shall not:~~ Covered services under this clause are subject to the limitations described
3.13 in subdivision 7b; and

3.14 ~~(i) provide any medical assistance home and community-based services in excess of 40~~
3.15 ~~hours per seven-day period regardless of the number of parents providing services,~~
3.16 ~~combination of parents and spouses providing services, or number of children who receive~~
3.17 ~~medical assistance services; and~~

3.18 ~~(ii) have a wage that exceeds the current rate for a CFSS support worker including the~~
3.19 ~~wage, benefits, and payroll taxes; and~~

3.20 (9) worker training and development services as described in subdivision 18a.

3.21 **EFFECTIVE DATE.** This section is effective, or upon federal approval, whichever
3.22 is later. The commissioner of human services shall notify the revisor of statutes when federal
3.23 approval is obtained.

3.24 Sec. 3. Minnesota Statutes 2022, section 256B.85, is amended by adding a subdivision to
3.25 read:

3.26 **Subd. 7b. Services provided by parents and spouses.** (a) This subdivision applies to
3.27 services and supports described in subdivision 7, clause (8).

3.28 (b) If multiple parents are support workers providing CFSS services to their minor child
3.29 or children, each parent may provide up to 40 hours of medical assistance home and
3.30 community-based services in any seven-day period regardless of the number of children
3.31 served. The total number of hours of medical assistance home and community-based services

4.1 provided by all of the parents must not exceed 80 hours in a seven-day period regardless of
4.2 the number of children served.

4.3 (c) If only one parent is a support worker providing CFSS services to the parent's minor
4.4 child or children, the parent may provide up to 60 hours of medical assistance home and
4.5 community-based services in a seven-day period regardless of the number of children served.

4.6 (d) If a participant's spouse is a support worker providing CFSS services, the spouse
4.7 may provide up to 60 hours of medical assistance home and community-based services in
4.8 a seven-day period.

4.9 (e) Paragraphs (b) to (d) must not be construed to permit an increase in either the total
4.10 authorized service budget for an individual or the total number of authorized service units.

4.11 (f) A participant's parent or spouse must not receive a wage that exceeds the current rate
4.12 for a CFSS support worker, including wages, benefits, and payroll taxes.

4.13 **EFFECTIVE DATE.** This section is effective, or upon federal approval, whichever
4.14 is later. The commissioner of human services shall notify the revisor of statutes when federal
4.15 approval is obtained.