

SENATE

STATE OF MINNESOTA

NINETY-FOURTH SESSION

S.F. No. 2439

(SENATE AUTHORS: HOFFMAN)			
DATE	D-PG		OFFICIAL STATUS
03/13/2025	751	Introduction and first reading	
		Referred to Human Services	
03/20/2025	889a	Comm report: To pass as amended	
	909	Second reading	
	6285	Rule 47, returned to Human Services	
		See HF2115	

1.1

A bill for an act

1.2

relating to human services; modifying provisions relating to aging and disability

1.3

services; correcting cross-references; making conforming and technical changes;

1.4

amending Minnesota Statutes 2024, sections 252.28, subdivision 2; 252.41,

1.5

subdivision 3; 252.42; 252.43; 252.44; 252.45; 252.46, subdivision 1a; 256B.092,

1.6

subdivisions 1a, 11a; 256B.49, subdivisions 13, 29.

1.7

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

1.8

Section 1. Minnesota Statutes 2024, section 252.28, subdivision 2, is amended to read:

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Subd. 2. **Rules; program standards; licenses.** The commissioner of human services

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shall:

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(1) Establish uniform rules and program standards for each type of residential and day

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facility or service for persons with developmental disabilities, including state hospitals under

1.13

control of the executive board and serving persons with developmental disabilities, and

1.14

excluding persons with developmental disabilities residing with their families.

1.15

(2) Grant licenses according to the provisions of ~~Laws 1976, chapter 243, sections 2 to~~

1.16

~~13~~ chapter 245A.

1.17

Sec. 2. Minnesota Statutes 2024, section 252.41, subdivision 3, is amended to read:

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Subd. 3. **Day services for adults with disabilities.** (a) "Day services for adults with

1.19

disabilities" or "day services" means services that:

1.20

(1) include supervision, training, assistance, support, facility-based work-related activities,

1.21

or other community-integrated activities designed and implemented in accordance with the

1.22

support plan and support plan addendum required under sections ~~245D.02, subdivision 4,~~

~~paragraphs (b) and (c), 245D.02, subdivisions 4b and 4c, and 256B.092, subdivision 1b,~~  
and Minnesota Rules, part 9525.0004, subpart 12, to help an adult reach and maintain the  
highest possible level of independence, productivity, and integration into the community;

(2) include day support services, prevocational services, ~~day training and habilitation~~  
~~services~~, structured day services, and adult day services as defined in Minnesota's federally  
approved disability waiver plans; ~~and~~

(3) include day training and habilitation services; and

(4) are provided by a vendor licensed under sections 245A.01 to 245A.16, 245D.27 to  
245D.31, 252.28, subdivision 2, or 252.41 to 252.46, or Minnesota Rules, parts 9525.1200  
to 9525.1330, to provide day services.

(b) Day services reimbursable under this section do not include special education and  
related services as defined in the Education of the Individuals with Disabilities Act, United  
States Code, title 20, chapter 33, section 1401, clauses (6) and (17), or vocational services  
funded under section 110 of the Rehabilitation Act of 1973, United States Code, title 29,  
section 720, as amended.

(c) Day services do not include employment exploration, employment development, or  
employment support services as defined in the home and community-based services waivers  
for people with disabilities authorized under sections 256B.092 and 256B.49.

Sec. 3. Minnesota Statutes 2024, section 252.42, is amended to read:

**252.42 SERVICE PRINCIPLES.**

The design and delivery of services eligible for reimbursement should reflect the  
following principles:

(1) services must suit a person's chronological age and be provided in the least restrictive  
environment possible, consistent with the needs identified in the person's support plan and  
support plan addendum required under sections 256B.092, subdivision 1b, and ~~245D.02,~~  
~~subdivision 4, paragraphs (b) and (c)~~ 245D.02, subdivisions 4b and 4c, and Minnesota Rules,  
part 9525.0004, subpart 12;

(2) a person with a disability whose individual support plans and support plan addendums  
authorize employment or employment-related activities shall be given the opportunity to  
participate in employment and employment-related activities in which nondisabled persons  
participate;

(3) a person with a disability participating in work shall be paid wages commensurate with the rate for comparable work and productivity except as regional centers are governed by section 246.151;

(4) a person with a disability shall receive services which include services offered in settings used by the general public and designed to increase the person's active participation in ordinary community activities;

(5) a person with a disability shall participate in the patterns, conditions, and rhythms of everyday living and working that are consistent with the norms of the mainstream of society.

Sec. 4. Minnesota Statutes 2024, section 252.43, is amended to read:

**252.43 COMMISSIONER'S DUTIES.**

(a) The commissioner shall supervise lead agencies' provision of day services to adults with disabilities. The commissioner shall:

(1) determine the need for day ~~programs~~ services, except for adult day services, under sections 256B.4914 and 252.41 to 252.46 operated in a day services facility licensed under sections 245D.27 to 245D.31;

~~(2) establish payment rates as provided under section 256B.4914;~~

~~(3)~~ (2) adopt rules for the administration and provision of day services under sections 245A.01 to 245A.16; 252.28, subdivision 2; or 252.41 to 252.46; or Minnesota Rules, parts 9525.1200 to 9525.1330;

~~(4)~~ (3) enter into interagency agreements necessary to ensure effective coordination and provision of day services;

~~(5)~~ (4) monitor and evaluate the costs and effectiveness of day services; and

~~(6)~~ (5) provide information and technical help to lead agencies and vendors in their administration and provision of day services.

(b) A determination of need in paragraph (a), clause (1), shall not be required for a change in day service provider name or ownership.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 5. Minnesota Statutes 2024, section 252.44, is amended to read:

**252.44 LEAD AGENCY BOARD RESPONSIBILITIES.**

When the need for day services in a county or tribe has been determined under section ~~252.28~~ 252.43, the board of commissioners for that lead agency shall:

(1) authorize the delivery of day services according to the support plans and support plan addendums required as part of the lead agency's provision of case management services under sections ~~256B.0913, subdivision 8;~~ 256B.092, subdivision 1b; and 256B.49, subdivision 15; and ~~256S.10~~ and Minnesota Rules, parts 9525.0004 to 9525.0036;

(2) ensure that transportation is provided or arranged by the vendor in the most efficient and reasonable way possible; and

(3) monitor and evaluate the cost and effectiveness of the services.

Sec. 6. Minnesota Statutes 2024, section 252.45, is amended to read:

**252.45 VENDOR'S DUTIES.**

A day service vendor enrolled with the commissioner is responsible for items under clauses (1), (2), and (3), and extends only to the provision of services that are reimbursable under state and federal law. A vendor providing day services shall:

(1) provide the amount and type of services authorized in the individual service plan under the support plan and support plan addendum required under sections ~~245D.02, subdivision 4, paragraphs (b) and (c)~~ 245D.02, subdivisions 4b and 4c, and 256B.092, subdivision 1b, and Minnesota Rules, part 9525.0004, subpart 12;

(2) design the services to achieve the outcomes assigned to the vendor in the support plan and support plan addendum required under sections ~~245D.02, subdivision 4, paragraphs (a) and (b)~~ 245D.02, subdivisions 4b and 4c, and 256B.092, subdivision 1b, and Minnesota Rules, part 9525.0004, subpart 12;

(3) provide or arrange for transportation of persons receiving services to and from service sites;

(4) enter into agreements with community-based intermediate care facilities for persons with developmental disabilities to ensure compliance with applicable federal regulations; and

(5) comply with state and federal law.

5.1 Sec. 7. Minnesota Statutes 2024, section 252.46, subdivision 1a, is amended to read:

5.2 Subd. 1a. **Day training and habilitation rates.** The commissioner shall establish a  
5.3 ~~statewide rate-setting methodology rates~~ for all day training and habilitation services and  
5.4 for transportation delivered as a part of day training and habilitation services as provided  
5.5 ~~under section 256B.4914. The rate-setting methodology must abide by the principles of~~  
5.6 ~~transparency and equitability across the state. The methodology must involve a uniform~~  
5.7 ~~process of structuring rates for each service and must promote quality and participant choice.~~

5.8 **EFFECTIVE DATE.** This section is effective January 1, 2026.

5.9 Sec. 8. Minnesota Statutes 2024, section 256B.092, subdivision 1a, is amended to read:

5.10 Subd. 1a. **Case management services.** (a) Each recipient of a home and community-based  
5.11 waiver shall be provided case management services by qualified vendors as described in  
5.12 the federally approved waiver application.

5.13 (b) Case management service activities provided to or arranged for a person include:

5.14 (1) development of the person-centered support plan under subdivision 1b;

5.15 (2) informing the individual or the individual's legal guardian or conservator, or parent  
5.16 if the person is a minor, of service options, including all service options available under the  
5.17 waiver plan;

5.18 (3) consulting with relevant medical experts or service providers;

5.19 (4) assisting the person in the identification of potential providers of chosen services,  
5.20 including:

5.21 (i) providers of services provided in a non-disability-specific setting;

5.22 (ii) employment service providers;

5.23 (iii) providers of services provided in settings that are not controlled by a provider; and

5.24 (iv) providers of financial management services;

5.25 (5) assisting the person to access services and assisting in appeals under section 256.045;

5.26 (6) coordination of services, if coordination is not provided by another service provider;

5.27 (7) evaluation and monitoring of the services identified in the support plan, which must  
5.28 incorporate at least one annual face-to-face visit by the case manager with each person; and

5.29 (8) reviewing support plans and providing the lead agency with recommendations for  
5.30 service authorization based upon the individual's needs identified in the support plan.

(c) Case management service activities that are provided to the person with a developmental disability shall be provided directly by county agencies or under contract. If a county agency contracts for case management services, the county agency must provide each recipient of home and community-based services who is receiving contracted case management services with the contact information the recipient may use to file a grievance with the county agency about the quality of the contracted services the recipient is receiving from a county-contracted case manager. If a county agency provides case management under contracts with other individuals or agencies and the county agency utilizes a competitive proposal process for the procurement of contracted case management services, the competitive proposal process must include evaluation criteria to ensure that the county maintains a culturally responsive program for case management services adequate to meet the needs of the population of the county. For the purposes of this section, "culturally responsive program" means a case management services program that: (1) ensures effective, equitable, comprehensive, and respectful quality care services that are responsive to individuals within a specific population's values, beliefs, practices, health literacy, preferred language, and other communication needs; and (2) is designed to address the unique needs of individuals who share a common language or racial, ethnic, or social background.

(d) Case management services must be provided by a public or private agency that is enrolled as a medical assistance provider determined by the commissioner to meet all of the requirements in the approved federal waiver plans. Case management services must not be provided to a recipient by a private agency that has a financial interest in the provision of any other services included in the recipient's support plan. For purposes of this section, "private agency" means any agency that is not identified as a lead agency under section 256B.0911, subdivision 10.

(e) Case managers are responsible for service provisions listed in paragraphs (a) and (b). Case managers shall collaborate with consumers, families, legal representatives, and relevant medical experts and service providers in the development and annual review of the person-centered support plan and habilitation plan.

(f) For persons who need a positive support transition plan as required in chapter 245D, the case manager shall participate in the development and ongoing evaluation of the plan with the expanded support team. At least quarterly, the case manager, in consultation with the expanded support team, shall evaluate the effectiveness of the plan based on progress evaluation data submitted by the licensed provider to the case manager. The evaluation must identify whether the plan has been developed and implemented in a manner to achieve the following within the required timelines:

(1) phasing out the use of prohibited procedures;

(2) acquisition of skills needed to eliminate the prohibited procedures within the plan's timeline; and

(3) accomplishment of identified outcomes.

If adequate progress is not being made, the case manager shall consult with the person's expanded support team to identify needed modifications and whether additional professional support is required to provide consultation.

(g) The Department of Human Services shall offer ongoing education in case management to case managers. Case managers shall receive no less than 20 hours of case management education and disability-related training each year. The education and training must include person-centered planning, informed choice, informed decision making, cultural competency, employment planning, community living planning, self-direction options, and use of technology supports. Case managers must annually complete an informed choice curriculum and pass a competency evaluation, in a form determined by the commissioner, on informed decision-making standards. By August 1, 2024, all case managers must complete an employment support training course identified by the commissioner of human services. For case managers hired after August 1, 2024, this training must be completed within the first six months of providing case management services. For the purposes of this section, "person-centered planning" or "person-centered" has the meaning given in section 256B.0911, subdivision 10. Case managers must document completion of training in a system identified by the commissioner.

**EFFECTIVE DATE.** This section is effective August 1, 2025.

Sec. 9. Minnesota Statutes 2024, section 256B.092, subdivision 11a, is amended to read:

Subd. 11a. **Residential support services criteria.** (a) For the purposes of this subdivision, "residential support services" means the following residential support services reimbursed under section 256B.4914: community residential services, customized living services, and 24-hour customized living services.

(b) In order to increase independent living options for people with disabilities and in accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with section 245A.03, subdivision 7, the commissioner must establish and implement criteria to access residential support services. The criteria for accessing residential support services must prohibit the commissioner from authorizing residential support services unless at least all of the following conditions are met:

(1) the individual has complex behavioral health or complex medical needs; and

(2) the individual's service planning team has considered all other available residential service options and determined that those options are inappropriate to meet the individual's support needs.

(c) Nothing in this subdivision shall be construed as permitting the commissioner to establish criteria prohibiting the authorization of residential support services for individuals described in the statewide priorities established in subdivision 12, the transition populations in subdivision 13, and the licensing moratorium exception criteria under section 245A.03, subdivision 7, paragraph (a).

(d) Individuals with active service agreements for residential support services on the date that the criteria for accessing residential support services become effective are exempt from the requirements of this subdivision, and the exemption from the criteria for accessing residential support services continues to apply for renewals of those service agreements.

**EFFECTIVE DATE.** This section is effective 90 days following federal approval of Laws 2021, First Special Session chapter 7, article 13, section 18.

Sec. 10. Minnesota Statutes 2024, section 256B.49, subdivision 13, is amended to read:

Subd. 13. **Case management.** (a) Each recipient of a home and community-based waiver shall be provided case management services by qualified vendors as described in the federally approved waiver application. The case management service activities provided must include:

(1) finalizing the person-centered written support plan within the timelines established by the commissioner and section 256B.0911, subdivision 29;

(2) informing the recipient or the recipient's legal guardian or conservator of service options, including all service options available under the waiver plans;

(3) assisting the recipient in the identification of potential service providers of chosen services, including:

(i) available options for case management service and providers;

(ii) providers of services provided in a non-disability-specific setting;

(iii) employment service providers;

(iv) providers of services provided in settings that are not community residential settings; and

(v) providers of financial management services;



9.1 (4) assisting the recipient to access services and assisting with appeals under section  
9.2 256.045; and

9.3 (5) coordinating, evaluating, and monitoring of the services identified in the service  
9.4 plan.

9.5 (b) The case manager may delegate certain aspects of the case management service  
9.6 activities to another individual provided there is oversight by the case manager. The case  
9.7 manager may not delegate those aspects which require professional judgment including:

9.8 (1) finalizing the person-centered support plan;

9.9 (2) ongoing assessment and monitoring of the person's needs and adequacy of the  
9.10 approved person-centered support plan; and

9.11 (3) adjustments to the person-centered support plan.

9.12 (c) Case management services must be provided by a public or private agency that is  
9.13 enrolled as a medical assistance provider determined by the commissioner to meet all of  
9.14 the requirements in the approved federal waiver plans. If a county agency provides case  
9.15 management under contracts with other individuals or agencies and the county agency  
9.16 utilizes a competitive proposal process for the procurement of contracted case management  
9.17 services, the competitive proposal process must include evaluation criteria to ensure that  
9.18 the county maintains a culturally responsive program for case management services adequate  
9.19 to meet the needs of the population of the county. For the purposes of this section, "culturally  
9.20 responsive program" means a case management services program that: (1) ensures effective,  
9.21 equitable, comprehensive, and respectful quality care services that are responsive to  
9.22 individuals within a specific population's values, beliefs, practices, health literacy, preferred  
9.23 language, and other communication needs; and (2) is designed to address the unique needs  
9.24 of individuals who share a common language or racial, ethnic, or social background.

9.25 (d) Case management services must not be provided to a recipient by a private agency  
9.26 that has any financial interest in the provision of any other services included in the recipient's  
9.27 support plan. For purposes of this section, "private agency" means any agency that is not  
9.28 identified as a lead agency under section 256B.0911, subdivision 10.

9.29 (e) For persons who need a positive support transition plan as required in chapter 245D,  
9.30 the case manager shall participate in the development and ongoing evaluation of the plan  
9.31 with the expanded support team. At least quarterly, the case manager, in consultation with  
9.32 the expanded support team, shall evaluate the effectiveness of the plan based on progress  
9.33 evaluation data submitted by the licensed provider to the case manager. The evaluation must

10.1 identify whether the plan has been developed and implemented in a manner to achieve the  
10.2 following within the required timelines:

10.3 (1) phasing out the use of prohibited procedures;

10.4 (2) acquisition of skills needed to eliminate the prohibited procedures within the plan's  
10.5 timeline; and

10.6 (3) accomplishment of identified outcomes.

10.7 If adequate progress is not being made, the case manager shall consult with the person's  
10.8 expanded support team to identify needed modifications and whether additional professional  
10.9 support is required to provide consultation.

10.10 (f) The Department of Human Services shall offer ongoing education in case management  
10.11 to case managers. Case managers shall receive no less than 20 hours of case management  
10.12 education and disability-related training each year. The education and training must include  
10.13 person-centered planning, informed choice, informed decision making, cultural competency,  
10.14 employment planning, community living planning, self-direction options, and use of  
10.15 technology supports. Case managers must annually complete an informed choice curriculum  
10.16 and pass a competency evaluation, in a form determined by the commissioner, on informed  
10.17 decision-making standards. By August 1, 2024, all case managers must complete an  
10.18 employment support training course identified by the commissioner of human services. For  
10.19 case managers hired after August 1, 2024, this training must be completed within the first  
10.20 six months of providing case management services. For the purposes of this section,  
10.21 "person-centered planning" or "person-centered" has the meaning given in section 256B.0911,  
10.22 subdivision 10. Case managers shall document completion of training in a system identified  
10.23 by the commissioner.

10.24 **EFFECTIVE DATE.** This section is effective August 1, 2025.

10.25 Sec. 11. Minnesota Statutes 2024, section 256B.49, subdivision 29, is amended to read:

10.26 Subd. 29. **Residential support services criteria.** (a) For the purposes of this subdivision,  
10.27 "residential support services" means the following residential support services reimbursed  
10.28 under section 256B.4914: community residential services, customized living services, and  
10.29 24-hour customized living services.

10.30 (b) In order to increase independent living options for people with disabilities and in  
10.31 accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with  
10.32 section 245A.03, subdivision 7, the commissioner must establish and implement criteria to  
10.33 access residential support services. The criteria for accessing residential support services

11.1 must prohibit the commissioner from authorizing residential support services unless at least  
11.2 all of the following conditions are met:

11.3 (1) the individual has complex behavioral health or complex medical needs; and

11.4 (2) the individual's service planning team has considered all other available residential  
11.5 service options and determined that those options are inappropriate to meet the individual's  
11.6 support needs.

11.7 (c) Nothing in this subdivision shall be construed as permitting the commissioner to  
11.8 establish criteria prohibiting the authorization of residential support services for individuals  
11.9 described in the statewide priorities established in subdivision ~~12~~ 11a, the transition  
11.10 populations in subdivision ~~13~~ 24, and the licensing moratorium exception criteria under  
11.11 section 245A.03, subdivision 7, paragraph (a).

11.12 ~~(e)~~ (d) Individuals with active service agreements for residential support services on the  
11.13 date that the criteria for accessing residential support services become effective are exempt  
11.14 from the requirements of this subdivision, and the exemption from the criteria for accessing  
11.15 residential support services continues to apply for renewals of those service agreements.

11.16 **EFFECTIVE DATE.** This section is effective 90 days following federal approval of  
11.17 Laws 2021, First Special Session chapter 7, article 13, section 30.