

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

S.F. No. 3782

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DATE	D-PG	OFFICIAL STATUS
02/27/2020	5043	Introduction and first reading Referred to Human Services Reform Finance and Policy
03/11/2020	5376a 5402	Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to human services; establishing state policy regarding disability services;

1.3 modifying disability waiver reconfiguration project; amending Laws 2019, First

1.4 Special Session chapter 9, article 5, section 86; proposing coding for new law in

1.5 Minnesota Statutes, chapter 256B.

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

1.7 Section 1. **[256B.4905] HOME AND COMMUNITY-BASED SERVICES POLICY**

1.8 **STATEMENT.**

1.9 Subdivision 1. **Employment first policy.** It is the policy of this state that all working-age

1.10 Minnesotans with disabilities can work, want to work, and can achieve competitive integrated

1.11 employment, and that each working-age Minnesotan with a disability be offered the

1.12 opportunity to work and earn a competitive wage before being offered other supports and

1.13 services.

1.14 Subd. 2. **Employment first implementation for disability waiver services.** The

1.15 commissioner of human services shall ensure that:

1.16 (1) the disability waivers under sections 256B.092 and 256B.49 support the presumption

1.17 that all working-age Minnesotans with disabilities can work, want to work, and can achieve

1.18 competitive integrated employment; and

1.19 (2) each waiver recipient of working age be offered, after an informed decision-making

1.20 process and during a person-centered planning process, the opportunity to work and earn a

1.21 competitive wage before being offered exclusively day services as defined in section

1.22 245D.03, subdivision 1, paragraph (c), clause (4), or successor provisions.

2.1 Subd. 3. **Independent living first policy.** It is the policy of this state that all adult
2.2 Minnesotans with disabilities can and want to live independently with proper supports and
2.3 services; and that each adult Minnesotan with a disability be offered the opportunity to live
2.4 as independently as possible before being offered supports and services in provider-controlled
2.5 settings.

2.6 Subd. 4. **Independent living first implementation for disability waiver services.** The
2.7 commissioner of human services shall ensure that:

2.8 (1) the disability waivers under sections 256B.092 and 256B.49 support the presumption
2.9 that all adult Minnesotans with disabilities can and want to live independently with proper
2.10 services and supports as needed; and

2.11 (2) each adult waiver recipient be offered, after an informed decision-making process
2.12 and during a person-centered planning process, the opportunity to live as independently as
2.13 possible before being offered customized living services provided in a single family home
2.14 or residential supports and services as defined in section 245D.03, subdivision 1, paragraph
2.15 (c), clause (3), or successor provisions, unless the residential supports and services are
2.16 provided in a family adult foster care residence under a shared living option as described
2.17 in Laws 2013, chapter 108, article 7, section 62.

2.18 Subd. 5. **Self-direction first policy.** It is the policy of this state that adult Minnesotans
2.19 with disabilities and families of children with disabilities can and want to use self-directed
2.20 services and supports; and that each adult Minnesotan with a disability and each family of
2.21 the child with a disability be offered the opportunity to choose self-directed services and
2.22 supports before being offered services and supports that are not self-directed.

2.23 Subd. 6. **Self-directed first implementation for disability waiver services.** The
2.24 commissioner of human services shall ensure that:

2.25 (1) the disability waivers under sections 256B.092 and 256B.49 support the presumption
2.26 that adult Minnesotans with disabilities and families of children with disabilities can and
2.27 want to use self-directed services and supports, including self-directed funding options; and

2.28 (2) each waiver recipient be offered, after an informed decision-making process and
2.29 during a person-centered planning process, the opportunity to choose self-directed services
2.30 and supports, including self-directed funding options, before being offered services and
2.31 supports that are not self-directed.

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

3.1 Sec. 2. Laws 2019, First Special Session chapter 9, article 5, section 86, is amended to
 3.2 read:

3.3 Sec. 86. **DISABILITY WAIVER RECONFIGURATION.**

3.4 Subdivision 1. **Intent.** It is the intent of the legislature to reform the medical assistance
 3.5 waiver programs for people with disabilities to simplify administration of the programs;
 3.6 Disability waiver reconfiguration must incentivize inclusive, person-centered, individualized
 3.7 supports, and services; enhance each person's self-determination and personal authority
 3.8 over the person's service choice; align benefits across waivers, ~~encourage;~~ ensure equity
 3.9 across programs and populations, ~~and;~~ promote long-term sustainability of ~~needed~~ waveer
 3.10 services. To the maximum extent possible, the Disability waiver reconfiguration must; and
 3.11 maintain service stability and continuity of care; while prioritizing, promoting the most,
 3.12 and creating incentives for independent and, integrated, and individualized supports of each
 3.13 person's choosing in both short and long term and services chosen by each person through
 3.14 an informed decision-making process and person-centered planning.

3.15 Subd. 2. **Report.** By January 15, 2021, the commissioner of human services shall submit
 3.16 a report to the members of the legislative committees with jurisdiction over human services
 3.17 on any necessary waivers, state plan amendments, requests for new funding or realignment
 3.18 of existing funds, any changes to state statute or rule, and any other federal authority
 3.19 necessary to implement this section. The report must include information about the
 3.20 commissioner's work to collect feedback and input from providers, persons accessing home
 3.21 and community-based services waivers and their families, and client advocacy organizations.

3.22 Subd. 3. **Proposal.** By January 15, 2021, the commissioner shall develop a proposal to
 3.23 reconfigure the medical assistance waivers provided in sections 256B.092 and 256B.49.
 3.24 The proposal shall include all necessary plans for implementing two home and
 3.25 community-based services waiver programs, as authorized under section 1915(c) of the
 3.26 Social Security Act that serve persons who are determined to require the levels of care
 3.27 provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care
 3.28 facility for persons with developmental disabilities. The proposal must include in each home
 3.29 and community-based waiver program options to self-direct services. Before submitting
 3.30 the final report to the legislature, the commissioner shall publish a draft report with sufficient
 3.31 time for interested persons to offer additional feedback.

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