

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1395

03/11/2013 Authored by Dehn, R.; Clark and Huntley

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

04/02/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to human services; changing certain residency ratio restrictions for home
1.3 and community-based services waiver recipients; requiring recommendations
1.4 by the commissioner of human services; amending Minnesota Statutes 2012,
1.5 section 256B.492.

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

1.7 Section 1. Minnesota Statutes 2012, section 256B.492, is amended to read:

1.8 **256B.492 HOME AND COMMUNITY-BASED SETTINGS FOR PEOPLE**
1.9 **WITH DISABILITIES.**

1.10 (a) Individuals receiving services under a home and community-based waiver under
1.11 section 256B.092 or 256B.49 may receive services in the following settings:

1.12 (1) an individual's own home or family home;

1.13 (2) a licensed adult foster care setting of up to five people; and

1.14 (3) community living settings as defined in section 256B.49, subdivision 23, where
1.15 individuals with disabilities may reside in all of the units in a building of four or fewer
1.16 units, and no more than the greater of four or 25 percent of the units in a multifamily
1.17 building of more than four units, unless required by the Housing Opportunities for Persons
1.18 with AIDS program.

1.19 (b) The settings in paragraph (a) must not:

1.20 (1) be located in a building that is a publicly or privately operated facility that
1.21 provides institutional treatment or custodial care;

1.22 (2) be located in a building on the grounds of or adjacent to a public or private
1.23 institution;

2.1 (3) be a housing complex designed expressly around an individual's diagnosis or
2.2 disability, unless required by the Housing Opportunities for Persons with AIDS program;

2.3 (4) be segregated based on a disability, either physically or because of setting
2.4 characteristics, from the larger community; and

2.5 (5) have the qualities of an institution which include, but are not limited to:
2.6 regimented meal and sleep times, limitations on visitors, and lack of privacy. Restrictions
2.7 agreed to and documented in the person's individual service plan shall not result in a
2.8 residence having the qualities of an institution as long as the restrictions for the person are
2.9 not imposed upon others in the same residence and are the least restrictive alternative,
2.10 imposed for the shortest possible time to meet the person's needs.

2.11 (c) The provisions of paragraphs (a) and (b) do not apply to any setting in which
2.12 individuals receive services under a home and community-based waiver as of July 1,
2.13 2012, and the setting does not meet the criteria of this section.

2.14 (d) Notwithstanding paragraph (c), a program in Hennepin County established as
2.15 part of a Hennepin County demonstration project is qualified for the exception allowed
2.16 under paragraph (c).

2.17 (e) The commissioner shall submit an amendment to the waiver plan no later than
2.18 December 31, 2012.

2.19 **Sec. 2. RECOMMENDATIONS FOR CONCENTRATION LIMITS ON HOME**
2.20 **AND COMMUNITY-BASED SETTINGS.**

2.21 The commissioner of human services shall consult with the Minnesota Olmstead
2.22 subcabinet, advocates, providers, and city representatives to develop recommendations
2.23 on concentration limits on home and community-based settings, as defined in
2.24 Minnesota Statutes, section 256B.492, as well as any other exceptions to the definition.
2.25 The recommendations must be consistent with Minnesota's Olmstead plan. The
2.26 recommendations and proposed legislation must be submitted to the chairs and ranking
2.27 minority members of the legislative committees with jurisdiction over health and human
2.28 services policy and finance by February 1, 2014.