

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3193

03/01/2018 Authored by Schomacker

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

03/14/2018 Adoption of Report: 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; modifying provisions governing day training and

1.3 habilitation services and prevocational services; amending Minnesota Statutes

1.4 2016, section 256B.4914, subdivision 4; Minnesota Statutes 2017 Supplement,

1.5 sections 252.41, subdivision 3; 256B.4913, subdivision 7.

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

1.7 Section 1. Minnesota Statutes 2017 Supplement, section 252.41, subdivision 3, is amended

1.8 to read:

1.9 Subd. 3. **Day training and habilitation services for adults with developmental**

1.10 **disabilities.** (a) "Day training and habilitation services for adults with developmental

1.11 disabilities" means services that:

1.12 (1) include supervision, training, assistance, center-based work-related activities, or

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

1.14 individual service and individual habilitation plans required under Minnesota Rules, parts

1.15 9525.0004 to 9525.0036, to help an adult reach and maintain the highest possible level of

1.16 independence, productivity, and integration into the community; and

1.17 (2) are provided by a vendor licensed under sections 245A.01 to 245A.16 and 252.28,

1.18 subdivision 2, to provide day training and habilitation services.

1.19 (b) Day training and habilitation services reimbursable under this section do not include

1.20 special education and related services as defined in the Education of the Individuals with

1.21 Disabilities Act, United States Code, title 20, chapter 33, section 1401, clauses (6) and (17),

1.22 or vocational services funded under section 110 of the Rehabilitation Act of 1973, United

1.23 States Code, title 29, section 720, as amended.

(c) Except for specified service units authorized and provided in the transition period defined in section 256B.4913, subdivision 7, paragraph (b), day training and habilitation 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.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2018.

Sec. 2. Minnesota Statutes 2017 Supplement, section 256B.4913, subdivision 7, is amended to read:

Subd. 7. **New services.** (a) A service added to section 256B.4914 after January 1, 2014, is not subject to rate stabilization adjustment in this section.

(b) The commissioner shall implement the new services in section 256B.4914, subdivision 3, clauses (23), (24), and (25). Transition to the new services shall occur as service agreements renew or service plans change, except that service authorizations of daily units of day training and habilitation services and prevocational services that have rates subject to rate stabilization under this section as of July 1, 2018, shall transition service unit authorizations that fall under the new services in section 256B.4914, subdivision 3, clauses (23), (24), and (25), no later than the date that rate stabilization under this section concludes.

(c) Service authorizations that include the delayed transition under paragraph (b) shall not also authorize and bill for the new services in section 256B.4914, subdivision 3, clauses (23), (24), and (25), on the same day that a daily unit or partial day unit of day training and habilitation services or prevocational services is billed.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 3. Minnesota Statutes 2016, section 256B.4914, subdivision 4, is amended to read:

Subd. 4. **Data collection for rate determination.** (a) Rates for applicable home and community-based waived services, including rate exceptions under subdivision 12, are set by the rates management system.

(b) Data for services under section 256B.4913, subdivision 4a, shall be collected in a manner prescribed by the commissioner.

(c) Data and information in the rates management system may be used to calculate an individual's rate.

(d) Service providers, with information from the community support plan and oversight by lead agencies, shall provide values and information needed to calculate an individual's rate into the rates management system. The determination of service levels must be part of a discussion with members of the support team as defined in section 245D.02, subdivision 34. This discussion must occur prior to the final establishment of each individual's rate. The values and information include:

(1) shared staffing hours;

(2) individual staffing hours;

(3) direct registered nurse hours;

(4) direct licensed practical nurse hours;

(5) staffing ratios;

(6) information to document variable levels of service qualification for variable levels of reimbursement in each framework;

(7) shared or individualized arrangements for unit-based services, including the staffing ratio;

(8) number of trips and miles for transportation services; and

(9) service hours provided through monitoring technology.

(e) Updates to individual data must include:

(1) data for each individual that is updated annually when renewing service plans; and

(2) requests by individuals or lead agencies to update a rate whenever there is a change in an individual's service needs, with accompanying documentation.

(f) Lead agencies shall review and approve all services reflecting each individual's needs, and the values to calculate the final payment rate for services with variables under subdivisions 6, 7, 8, and 9 for each individual. Lead agencies must notify the individual and the service provider of the final agreed-upon values and rate, and provide information that is identical to what was entered into the rates management system. If a value used was mistakenly or erroneously entered and used to calculate a rate, a provider may petition lead agencies to correct it. Lead agencies must respond to these requests. When responding to the request, the lead agency must consider:

(1) meeting the health and welfare needs of the individual or individuals receiving services by service site, identified in their coordinated service and support plan under section 245D.02, subdivision 4b, and any addendum under section 245D.02, subdivision 4c;

(2) meeting the requirements for staffing under subdivision 2, paragraphs (f), (i), and (m); and meeting or exceeding the licensing standards for staffing required under section 245D.09, subdivision 1; and

(3) meeting the staffing ratio requirements under subdivision 2, paragraph (n), and meeting or exceeding the licensing standards for staffing required under section 245D.31.

(g) To aid in the transition required in section 256B.4913, subdivision 7, paragraph (b), discussion of transition to the new services in subdivision 3, clauses (23), (24), and (25), shall be a part of the service planning process. Lead agencies authorizing daily units of day training and habilitation services and prevocational services shall enter information into the rate management system indicating the average units of employment development services, employment exploration services, and employment support services that are expected to be provided within the transition period daily rate.

EFFECTIVE DATE. This section is effective July 1, 2018.