

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

**S.F. No. 3388**

(SENATE AUTHORS: FATEH)

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to human services; prohibiting private agencies from providing case  
1.3 management services to persons receiving certain waiver services; amending  
1.4 Minnesota Statutes 2020, section 256B.49, subdivision 13.

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

1.6 Section 1. Minnesota Statutes 2020, section 256B.49, subdivision 13, is amended to read:

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

1.10 (1) finalizing the person-centered written coordinated service and support plan within  
1.11 the timelines established by the commissioner and section 256B.0911, subdivision 3a,  
1.12 paragraph (e);

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

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

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

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

1.19 (iii) employment service providers;

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

1.21 and

2.1 (v) providers of financial management services;

2.2 (4) assisting the recipient to access services and assisting with appeals under section  
2.3 256.045; and

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

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

2.9 (1) finalizing the person-centered coordinated service and support plan;

2.10 (2) ongoing assessment and monitoring of the person's needs and adequacy of the  
2.11 approved person-centered coordinated service and support plan; and

2.12 (3) adjustments to the person-centered coordinated service and support plan.

2.13 (c) Case management services must be provided by a public ~~or private~~ agency that is  
2.14 enrolled as a medical assistance provider determined by the commissioner to meet all of  
2.15 the requirements in the approved federal waiver plans. Case management services must not  
2.16 be provided to a recipient by a private agency ~~that has any financial interest in the provision~~  
2.17 ~~of any other services included in the recipient's coordinated service and support plan.~~ For  
2.18 purposes of this section, "private agency" means any agency that is not identified as a lead  
2.19 agency under section 256B.0911, subdivision 1a, paragraph (e).

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

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

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

2.30 (3) accomplishment of identified outcomes.

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

3.4 (e) The Department of Human Services shall offer ongoing education in case management  
3.5 to case managers. Case managers shall receive no less than ten hours of case management  
3.6 education and disability-related training each year. The education and training must include  
3.7 person-centered planning. For the purposes of this section, "person-centered planning" or  
3.8 "person-centered" has the meaning given in section 256B.0911, subdivision 1a, paragraph  
3.9 (f).