

## CHAPTER 256E

## COMMUNITY SOCIAL SERVICES

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**256E.01 CITATION.**

Sections 256E.01 to 256E.12 may be cited as the "Community Social Services Act."

**History:** 1979 c 324 s 1

**256E.02 PURPOSE.**

It is the purpose of the "Community Social Services Act" to establish a system of planning for and providing community social services administered by the boards of county commissioners of each county under the supervision of the commissioner of human services.

**History:** 1979 c 324 s 2; 1984 c 654 art 5 s 58

**256E.03 DEFINITIONS.**

Subdivision 1. For the purposes of sections 256E.01 to 256E.12 the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. (a) "Community social services" means services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.08, subdivision 1, to the following groups of persons:

(1) families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18 and their children, and other adolescents;

(2) persons, including adolescents, who are under the guardianship of the commissioner of human services as dependent and neglected wards;

(3) adults who are in need of protection and vulnerable as defined in section 626.5572;

(4) persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(5) emotionally disturbed children and adolescents, persons who are chronically and acutely mentally ill and who are unable to provide for their own needs or to independently engage in ordinary community activities;

(6) persons with mental retardation as defined in section 252A.02, subdivision 2, or with related conditions as defined in section 252.27, subdivision 1a, who are unable to provide for their own needs or to independently engage in ordinary community activities;

(7) drug dependent and intoxicated persons, including adolescents, as defined in section 254A.02, subdivisions 5 and 7, and persons, including adolescents, at risk of harm to self or others due to the ingestion of alcohol or other drugs;

(8) parents whose income is at or below 70 percent of the state median income and who are in need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment;

(9) children and adolescents involved in or at risk of involvement with criminal activity; and

(10) other groups of persons who, in the judgment of the county board, are in need of social services.

(b) Except as provided in section 256E.08, subdivision 5, community social services do not include public assistance programs known as the Minnesota family investment program, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145A.09 to 145A.13.

Subd. 3. "Commissioner" means the commissioner of human services.

Subd. 4. "State social services plan" means the state social services plan developed pursuant to section 256E.04.

Subd. 5. "County plan" means the community social services plan required by section 256E.09.

Subd. 6. "County board" means the board of county commissioners in each county.

Subd. 7. "Human services board" means a board established pursuant to section 402.02, Laws 1974, chapter 293 or Laws 1976, chapter 340.

**History:** 1979 c 324 s 3; 1981 c 355 s 3; 1Sp1981 c 4 art 1 s 127; 1982 c 607 s 15; 1984 c 654 art 5 s 38,58; 1985 c 21 s 58; 1987 c 309 s 26; 1989 c 282 art 2 s 126; 1992 c 464 art 1 s 55; 1995 c 229 art 4 s 13; 1997 c 85 art 4 s 15; 1997 c 239 art 6 s 1; 1999 c 159 s 66; 2002 c 221 s 40

#### 256E.04 BIENNIAL STATE PLAN.

Subdivision 1. **Social services plan.** The commissioner shall prepare a biennial social services plan and present the plan to the governor. The commissioner shall update the plan biennially. The plan shall include:

- (a) a description of state social service programs and priorities;
- (b) an overview of all county biennial community social services plans;
- (c) identification of social services program requirements which counties have identified as unnecessarily administratively burdensome;
- (d) identification of social services program requirements for which inadequate state and local funding is available; and
- (e) identification of unmet needs reported by the county agencies.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Subd. 2. **Public review and comment.** Copies of the proposed state plan shall be made reasonably available to the public allowing sufficient time for public review and comment. Copies of the updated state social services plan shall be submitted to the governor and the legislature on July 1, after approval of county social service plans and any amendments to those plans; and shall be made available to the public.

**History:** 1979 c 324 s 4; 1981 c 355 s 4; 1991 c 94 s 12; 1994 c 529 s 12; 1997 c 7 art 2 s 46

#### 256E.05 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

Subdivision 1. **General supervision.** The commissioner of human services shall supervise the community social services administered by the counties through standard-setting, technical assistance to the counties, approval of county plans, preparation of the state biennial plan, evaluation of community social services programs and distribution of public money for services. The commissioner shall establish minimum administrative and service standards for the provision of community social services by county boards of commissioners, by the promulgation of a permanent administrative rule under chapter 14.

Subd. 1a. **Review of administrative requirements.** The commissioner may review social services administrative rule requirements and adopt amendments under chapter 14 to reduce administrative costs and complexity by eliminating unnecessary or excessive paperwork, simplifying or consolidating program requirements, or emphasizing outcomes rather than procedures. In determining the reasonableness of the requirements, the commissioner shall consider the needs the service was developed to address and the adequacy of the state and local funding available to provide the service.

Subd. 2. **Plan approval.** Within 60 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 1, the commissioner shall certify whether the plan fulfills the purposes and requirements of section 256E.09, state and federal law and the rules of the state agency. On certifying that the plan does not do so, the commissioner shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of the intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Subd. 3. **Additional duties.** The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) To the extent possible, coordinate other categorical social services grant applications and plans required of counties so that the applications and plans are included in and are consistent with the timetable and other requirements for the community social services plan in subdivision 2 and section 256E.09;

(c) Provide to the chair of each county board, in addition to notice required pursuant to sections 14.05 to 14.28, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training, technical assistance, and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) Design and implement a method of monitoring and evaluating social services, including site visits that utilize quality control audits to assure county compliance with applicable standards, guidelines, and the county and state social services plans;

(f) Design and implement a system that uses corrective action procedures as established in subdivision 5 and a schedule of fines to ensure county compliance with statutes, rules, federal laws, and federal regulations governing community social services. In determining the amount of the fine, the commissioner may consider the number of community social services clients or applicants affected by the county's failure to comply with the law or rule, the severity of the noncompliance, the duration of the noncompliance, the resources allocated for the provision of the service in the community social services plan approved under section 256E.09, and the amount the county is levying for social services and income maintenance programs as reported under section 275.62, subdivision 1, clause (2). Fines levied against a county under this subdivision must not exceed ten percent of the county's community social services allocation for the year in which the fines are levied;

(g) Design and implement an incentive program for the benefit of counties that perform at a level that consistently meets or exceeds the minimum standards in law and rule. Fines collected under paragraph (e) may be placed in an incentive fund and used for the benefit of counties that meet and exceed the minimum standards;

(h) Specify requirements for reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17), to account for aids distributed under section 256E.06, funds from Title XX of the Social Security Act distributed under Minnesota

Statutes, section 256E.07, claims under Title IV-E of the Social Security Act, mental health funding, and other social services expenditures and activities; and

(i) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Subd. 3a. **Demonstration project.** (a) The commissioner may establish demonstration projects to test alternatives to existing state requirements.

(b) At least one demonstration project may be developed to demonstrate alternative methods of social services planning. For the purposes of this demonstration project, the commissioner:

(1) shall allow participating counties to combine all social services plans into one comprehensive plan unless a separate plan is necessary to comply with federal regulations or maintain federal financial participation;

(2) may waive social service program maintenance of effort requirements not required to comply with federal regulations or maintain federal financial participation, at the request of a county or counties participating in the planning process;

(3) may exempt counties participating in the planning demonstration from fiscal sanctions for noncompliance with social services requirements in state statute, provided the county proposal includes a schedule of fines for noncompliance approved by the commissioner;

(4) may establish a county match requirement for social services. If the county has spent or obligated all of its state and federal social services funds and the required matching funds, the county must be considered to be making reasonable efforts to comply with all state social services requirements as required in section 256E.081, subdivision 2, and is not required to provide social services beyond the services included in the county's amended community social services plan; and

(5) shall require participating counties to describe the system to be used to evaluate performance under the combined county plan.

(c) At least one demonstration project may be developed to test alternative methods of delivering services to persons with developmental disabilities or persons with mental illness.

(d) Up to six demonstration projects may be established to test alternatives to existing requirements that maintain or enhance services but reduce administrative burdens, eliminate unnecessary or excessive paperwork, simplify or consolidate requirements, or otherwise reduce administrative costs and complexity of social services programs.

(e) The commissioner shall consult with county staff, service providers, and service recipients or their advocates in the selection of the proposals for the demonstration projects.

(f) In selecting the demonstration projects, the commissioner may give preference to proposals submitted by two or more counties.

(g) During the duration of the demonstration projects, the commissioner may waive administrative rule requirements in the demonstration counties if the proposal demonstrates that the needs the requirements were developed to address can be met using an alternative approach. The commissioner shall not waive rule requirements which affect an individual's eligibility for services or right to due process.

(h) If the county fails to meet the conditions in the demonstration project proposal as approved by the commissioner, the commissioner may rescind the waiver of the rule requirements.

(i) The demonstration projects must be completed by July 1, 1995.

(j) The legislative auditor shall evaluate the results of the demonstration projects.

(k) If the results of the demonstration projects indicate that the needs the administrative rule requirements were developed to address can be met by means that are less costly and less prescriptive, and that give counties greater flexibility when providing social services, the commissioner may amend or repeal the appropriate social

services rule requirement under chapter 14. If the requirement is specified in statute, the commissioner shall recommend legislative changes in the biennial state plan under section 256E.04, subdivision 1.

**Subd. 4. Reduction of federal fiscal sanctions.** The commissioner shall establish and maintain a monitoring program designed to reduce the possibility of noncompliance with federal laws and federal regulations that may result in federal fiscal sanctions. If a county is not complying with federal law or federal regulation and the noncompliance may result in federal fiscal sanctions, the commissioner may withhold a portion of the county's share of state and federal funds for that program. The amount withheld must be equal to the percentage difference between the level of compliance maintained by the county and the level of compliance required by the federal regulations, multiplied by the county's share of state and federal funds for the program. The state and federal funds may be withheld until the county is found to be in compliance with all federal laws or federal regulations applicable to the program. If a county remains out of compliance for more than six consecutive months, the commissioner may reallocate the funds withheld to counties that are in compliance with the federal regulations.

**Subd. 5. Corrective action procedure.** The commissioner must comply with the following procedures when imposing fines under subdivision 3, paragraph (e), or reducing county funds under subdivision 4.

(a) The commissioner shall notify the county, by certified mail, of the statute, rule, federal law, or federal regulation with which the county has not complied.

(b) The commissioner shall give the county 30 days to demonstrate to the commissioner that the county is in compliance with the statute, rule, federal law, or federal regulation cited in the notice or to develop a corrective action plan to address the problem. Upon request from the county, the commissioner shall provide technical assistance to the county in developing a corrective action plan. The county shall have 30 days from the date the technical assistance is provided to develop the corrective action plan.

(c) The commissioner shall take no further action if the county demonstrates compliance.

(d) The commissioner shall review and approve or disapprove the corrective action plan within 30 days after the commissioner receives the corrective action plan.

(e) If the commissioner approves the corrective action plan submitted by the county, the county has 90 days after the date of approval to implement the corrective action plan.

(f) If the county fails to demonstrate compliance or fails to implement the corrective action plan approved by the commissioner, the commissioner may fine the county according to subdivision 3, paragraph (e), or may reduce the county's share of state or federal funds according to subdivision 4.

(g) The commissioner may not impose a fine or reduce funds under this subdivision if the county demonstrates that:

(1) the county is unable to comply with a social services administrative rule due to fiscal limitations and the county has met the requirements in section 256E.081; or

(2) the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements.

(h) The county may appeal the fine or the reduction in funds under section 256E.06, subdivision 10.

**Subd. 6. County obligation to fund community social services.** Counties subject to a fine or reduction of funds under subdivision 5, paragraph (f), shall not reduce the level of funding of community social services to cover the cost of the fine or reduction of funds.

**History:** 1979 c 324 s 5; 1981 c 355 s 5,6; 1982 c 424 s 130; 1982 c 607 s 16; 1984 c 526 s 1; 1984 c 654 art 5 s 58; 1986 c 413 s 1; 1986 c 444; 1989 c 89 s 14-17; 1989 c 282 art 2 s 127; 1991 c 94 s 13-17; 1992 c 511 art 5 s 6; 1995 c 233 art 2 s 56

**256E.06 DISTRIBUTION OF STATE AIDS.**

Subdivision 1. **Formula.** The commissioner of human services shall distribute community social service aids to each county board in an amount determined according to the following formula:

In calendar year 1982 and thereafter:

(a) One-third shall be distributed on the basis of the average unduplicated number of persons who receive Minnesota family investment program assistance, general assistance, and medical assistance per month in the calendar year two years prior to the year for which funds are being distributed as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of human services; and

(b) One-third shall be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) One-third shall be distributed on the basis of the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

Subd. 2. **Formula limitation.** The amounts computed pursuant to subdivision 1 shall be subject to the following limitations:

(a) No county shall be allocated more than 130 percent of the amount received prior to any penalty imposed under subdivision 7 in the immediately preceding year. If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.

(b) Each county shall be guaranteed a percentage increase over the previous year's allocation equal to 0.2 percent for each percentage increase in the statewide allocation, up to a maximum guaranteed increase of one percent when the statewide allocation increases by five percent or more. If the amount allocated to any county pursuant to subdivision 1 is less than this amount, the shortage shall be recovered from all counties in direct proportion to their initial allocations.

(c) If the amount to be allocated statewide in any year is less than the amount allocated in the previous year, then the provisions of clause (b) shall not apply, and each county's allocation shall be equal to its previous year's allocation reduced by the same percentage that the statewide allocation was reduced.

(d) For the purpose of calculating the 1991 Community Social Services Act allocation, the 1990 allocation must be increased by the following amounts: \$46,487 for Crow Wing county, \$21,995 for Fillmore county, \$5,368 for Hubbard county, \$24,225 for Lac Qui Parle county, and \$4,444 for Red Lake county.

Subd. 2a. [Repealed, 1987 c 403 art 5 s 22]

Subd. 2b. **County social service grants for former GRH recipients.** (a) Notwithstanding subdivisions 1 and 2, and notwithstanding the provision in Laws 1995, chapter 207, article 1, section 2, subdivision 3, that authorized the commissioner to transfer funds from the group residential housing account to community social services aids to counties, beginning July 1, 1995, money used to provide continuous funding for assistance to persons who are no longer eligible for assistance under the group residential housing program under chapter 256I, as specified in paragraph (b), is added to the community social services aid amount for the county in which the group residential housing setting for which the person is no longer eligible is located. Notwithstanding the provision in Laws 1995, chapter 207, article 1, section 2, subdivision 3, that required the increased Community Social Services Act appropriations to be used to proportionately increase each county's aid, this money must not be apportioned to any other county or counties.

(b) Former group residential housing recipients for whom money is added to a county's aid amount under paragraph (a) include:

(1) persons receiving services in Hennepin county from a provider that on August 1, 1984, was licensed under Minnesota Rules, parts 9525.0520 to 9525.0660, but was

funded as a group residence under the general assistance or Minnesota supplemental aid programs;

(2) persons residing in a setting with a semi-independent living services license under Minnesota Rules, parts 9525.0900 to 9525.1020; and

(3) persons residing in family foster care settings who have become ineligible for group residential housing assistance because they receive services through the medical assistance community-based waiver for persons with mental retardation or related conditions under section 256B.0916.

**Subd. 3. Payments to counties.** The commissioner of human services shall make payments for community social services to each county on or before July 10 of each year.

**Subd. 4.** [Repealed, 1981 c 355 s 34]

**Subd. 5. Community social service levy.** In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services at least equal to the amount determined in subdivisions 1 and 2. Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be used by counties to match federal money. It is the intention of the legislature that the aid paid to counties under this section be used to provide property tax relief within the county.

**Subd. 6. Failure to spend.** A county which has not spent the aids granted under subdivision 1 for community social services within two years of receiving those aids shall receive a reduction in aid calculated pursuant to subdivision 1. This reduction shall be made in the calendar year which begins no more than 30 months after the underspending has occurred and shall be equal to one-half the amount of aids which were not spent.

**Subd. 7. Failure to levy.** A county which levies less than the levy required in subdivision 5, shall receive a reduction in the aid calculated pursuant to subdivisions 1 and 2. The commissioner shall calculate the reduced aid as follows:

(a) Divide the amount levied by the amount required to be levied in subdivision 5; and

(b) Multiply the ratio derived in clause (a) times the aid calculated under subdivisions 1 and 2.

The amount of the reduction in aid shall be returned to the general fund. The reduction in aid imposed under this subdivision shall be effective for one year, and aid in the following year shall be calculated under subdivisions 1 and 2 as though the reduction had not occurred. This provision applies to penalties imposed for the year 1989 and all subsequent years.

**Subd. 8. Inappropriate expenditures.** Beginning in calendar year 1981, in counties containing a city of the first class, the distribution in aid provided in subdivision 1 shall be reduced by an amount equal to the community social service aids allocated pursuant to subdivision 1 in the immediately preceding year which have been spent for purposes other than community social services.

**Subd. 9.** [Repealed, 1998 c 254 art 1 s 70]

**Subd. 10. Appeal.** Prior to certifying any reduction in aids, the commissioner shall notify the county of the intention to certify a reduction. The commissioner shall notify the county of the right to a hearing. If the county requests a hearing within 30 days of notification of intention to reduce aids, the commissioner shall not certify any reduction in aids until a hearing is conducted and a decision rendered in accordance with the provisions of chapter 14 for contested cases.

**Subd. 11.** [Repealed, 1981 c 355 s 34]

**Subd. 12.** [Repealed, 1994 c 587 art 3 s 21; 1995 c 207 art 2 s 39]

Subd. 13. [Repealed, 1995 c 207 art 2 s 39]

**History:** 1979 c 324 s 6; 1981 c 355 s 7-9; 1Sp1981 c 1 art 6 s 8; 1Sp1981 c 4 art 1 s 128; 1982 c 424 s 130; 3Sp1982 c 1 art 2 s 5; 1983 c 312 art 1 s 23; art 9 s 9; 1984 c 654 art 5 s 58; 1985 c 21 s 59; 1986 c 413 s 2; 1986 c 444; 1990 c 568 art 2 s 63,64; 1992 c 511 art 1 s 7; 1993 c 375 art 4 s 2; 1994 c 587 art 3 s 4-6; 1997 c 85 art 4 s 16,17; 1997 c 203 art 9 s 14; 1999 c 159 s 67,68; 2002 c 374 art 10 s 8

## 256E.07 TITLE XX ALLOCATION.

Subdivision 1. **Formula.** In federal fiscal year 1985 and subsequent years, money for social services that is received from the federal government to reimburse counties for social service expenditures according to title XX of the Social Security Act shall be allocated to each county according to the following formula:

(a) Two-thirds shall be allocated on the basis of the annual average number of unduplicated active monthly caseloads in each county in the following programs: the Minnesota family investment program, medical assistance, general assistance, supplementary security income, and Minnesota supplemental aid.

(b) One-third shall be allocated on the basis of the number of persons residing in the county as determined by the most recent estimate of the state demographer.

(c) The commissioner shall allocate to the counties according to this section the total money received from the federal government for social services according to title XX of the Social Security Act, except that portion of the state's allocation which the legislature authorizes for administrative purposes and for migrant day care.

Subd. 1a. [Repealed, 1996 c 310 s 1]

Subd. 1b. **Unutilized funds.** The commissioner of human services shall annually review the use of title XX allocations by county and, pursuant to the formula found in subdivision 1, reallocate unused money among those counties who have expended their full portion.

Subd. 2. [Repealed, 1982 c 607 s 19]

Subd. 3. [Repealed, 1984 c 654 art 5 s 59]

**History:** 1979 c 324 s 7; 1981 c 355 s 10,11; 1982 c 607 s 17; 1984 c 654 art 5 s 39-41,58; 1997 c 85 art 4 s 18; 1999 c 159 s 69

## 256E.08 DUTIES OF COUNTY BOARDS.

Subdivision 1. **Responsibilities.** The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing:

(1) information about the symptoms and characteristics of specific problems of the identified groups to increase understanding and acceptance by the general public, to help alleviate fears of seeking help, and to enable access to appropriate assistance;

(2) an assessment of the needs of each person applying for assistance which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs. These diagnostic and evaluation activities shall evaluate the functioning of each person with regard to an illness or disability, screen for placement, and determine the need for services;

(3) protection aimed at alleviating urgent needs of each person by determining urgent need, shielding persons in hazardous conditions when they are unable to care for themselves, and providing urgently needed assistance;



(4) supportive and rehabilitative activities that assist each person to function at the highest level of independence possible for the person, preferably without removing the person from home. These activities include coordinating with local public rehabilitation agencies, local education agencies, and other agencies, both to increase the client's level of functioning and to maintain current levels of functioning;

(5) a means of facilitating access of physically handicapped or impaired persons to activities appropriate to their needs; and

(6) administrative activities to coordinate and facilitate the effective use of formal and informal helping systems to best address client needs and goals. This includes assisting the client in making informed decisions about opportunities and services, assuring timely access to needed assistance, providing opportunities and encouragement for self-help activities, and coordinating all services to meet the client's needs and goals. County case management shall be responsible for determining appropriate care and activities.

A county board may delegate to a local social services agency established under chapter 393 authority to provide or approve contracts for the purchase of the kinds of community social services that were provided or contracted for by the county welfare boards before the enactment of Laws 1979, chapter 324. The county board must determine how citizens will participate in the planning process, give final approval to the community social services plan, and distribute community social services money.

**Subd. 2. County staff.** The board may appoint a director of community social services to serve at the pleasure of the board and to perform the administrative functions required of the board by sections 256E.01 to 256E.12. The board may assign to the director of community social services the duties of the welfare director as described in section 393.04.

**Subd. 3. Administration of income maintenance programs.** The county board may designate itself, a human services board, or a local social services agency to perform the functions of local social services agencies as prescribed in chapter 393 and assigned to county agencies in other law which pertains to the administration of income maintenance programs known as the Minnesota family investment program, general assistance, Minnesota supplemental aid, medical assistance, general assistance medical care, and emergency assistance.

**Subd. 4. Contracts for services.** The county board may contract for community social services programs with a human services board, a multicounty board established by a joint powers agreement, other political subdivisions, or private organizations. The final approval of the community social services plan required in section 256E.09 shall be made by the county board of each county. Nothing in this subdivision shall be construed to negate any collective bargaining unit agreements that are operative on July 1, 1979 between currently existing exclusive representatives and the county.

**Subd. 4a. Exemption from liability.** The state of Minnesota, the county boards participating in the community social services plan, or the agencies acting on behalf of the county boards in the implementation and administration of the community social services plan shall not be liable for damages, injuries, or liabilities sustained through the purchase of services by the individual, the individual's family, or the authorized representative under this section with funds received through the community social services plan. Liabilities include, but are not limited to, workers' compensation liability, the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act (FUTA).

**Subd. 5. Community social services fund.** In the accounts and records of each county there shall be created a community social services fund. All money provided for community social services programs under sections 256E.06 and 256E.07 and all other revenues; fees; grants-in-aid, including those from public assistance programs identified in section 256E.03, subdivision 2, paragraph (b), that pay for services such as child care, waived services under the medical assistance programs, alternative care grants, and other services funded by these programs through federal or state waivers; gifts; or bequests designated for community social services purposes shall be identified in the

record of the fund and in the report required in subdivision 8. This fund shall be used exclusively for planning and delivery of community social services as defined in section 256E.03, subdivision 2. If county boards have joined for purposes of administering community social services, the county boards may create a joint community social services fund. If a human services board has been established, the human services board shall account for community social services money as required in chapter 402.

**Subd. 6. Fees for services.** The county board may establish a schedule of fees based upon clients' ability to pay to be charged to recipients of community social services. Payment, in whole or in part, for services may be accepted from any person except that no fee may be charged to persons or families whose adjusted gross household income is below the federal poverty level. When services are provided to any person, including a recipient of aids administered by the federal, state or county government, payment of any charges due may be billed to and accepted from a public assistance agency or from any public or private corporation.

**Subd. 7. [Repealed, 1987 c 363 s 14]**

**Subd. 8. Reporting by counties.** Beginning in calendar year 1980 each county shall submit to the commissioner of human services a financial accounting of the county's community social services fund, and other data required by the commissioner under section 256E.05, subdivision 3, paragraph (g), shall include:

(a) A detailed statement of income and expenses attributable to the fund in the preceding quarter; and

(b) A statement of the source and application of all money used for social services programs by the county during the preceding quarter, including the expenditures for each service provided, as required by the commissioner of human services.

In addition, each county shall submit to the commissioner of human services no later than February 15 of each year, a detailed balance sheet of the community social development fund for the preceding calendar year.

If county boards have joined or designated human service boards for purposes of providing community social services programs, the county boards may submit a joint statement or the human service board shall submit the statement, as applicable.

**Subd. 9. [Repealed, 1996 c 310 s 1]**

**Subd. 10. Intercounty cooperation.** Two or more contiguous counties that are situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or the metropolitan area as defined in section 473.121, subdivision 2, and that have not established a human services board may, by resolution of their respective county boards, agree to combine into one board for social service purposes to serve the counties that enter into the agreement. The joint board shall have the same powers, duties, and functions as the individual county boards. The term of the joint board, withdrawal from the joint board, composition of the board, and contribution to the expenses of the board shall be according to the terms of the agreement. Nothing in this section shall prevent a county board from purchasing services from an agency outside the boundaries of the Minnesota economic development region in which it is situated. A joint board established pursuant to this section may encompass completely two regions. Insofar as possible, social services which are jointly administered shall be equally accessible to all residents of the counties that are party to the agreement.

**Subd. 11. Use of community social services funds for foster care.** If foster care services are described in a county's community social services plan, the county may use funds from its community social services fund to provide foster care benefits on behalf of children for whom the county has legal placement responsibility pursuant to court order or voluntary placement agreement.

**History:** 1979 c 324 s 8; 1981 c 355 s 12-14; 1983 c 10 s 1; 1983 c 151 s 4; 1984 c 378 s 1; 1984 c 609 s 19; 1984 c 654 art 5 s 58; 1Sp1985 c 9 art 2 s 67; 1986 c 394 s 20; 1986 c 413 s 3; 1986 c 444; 1989 c 89 s 18,19; 1989 c 282 art 2 s 128; 1990 c 426 art 1 s 30; 1991 c 94 s 18; 1994 c 631 s 31; 1995 c 207 art 11 s 7; 1996 c 416 s 2; 1996 c 465 art 3 s 40; 1997 c 85 art 4 s 19; 1999 c 159 s 70; 2000 c 369 s 1

**256E.081 FISCAL LIMITATIONS:**

Subdivision 1. **Service limitation.** If the county has met the requirements in subdivisions 2, 3, and 4, the county shall not be required to provide social services beyond the services required in federal law or state statute or included in the county's amended community social services plan.

Subd. 2. **Demonstration of reasonable effort.** The county shall make reasonable efforts to comply with all state social services requirements. For the purposes of this section, a county is making reasonable efforts if the county meets the following requirements:

(1) the total amount of money budgeted by the county for social services is equal to or greater than the total amount spent by the county for social services in the prior year, adjusted by any change in state or federal funding used by the county to fund social services in the prior year. When calculating the adjustment for changes in state or federal funding, the amount of the change in any funding source which can be used by the county for purposes other than social services shall be limited to an amount which has been adjusted by a formula based upon the proportionate share which social services is of the total county levy certified to the county auditor under section 275.07, subdivision 1, before the application of any aids;

(2) the county has spent, obligated, or projects expenditures in excess of the amount budgeted by the county for at least one social service program or service;

(3) the total social services expenditures for the county are projected to meet or exceed the total amount of money available for social services from all sources of social services funding; and

(4) the county has made efforts to comply with social services requirements within the limits of available funding, including efforts to identify and apply for commonly available state and federal funding for social services programs or services.

Subd. 3. **Identification of services to be provided.** If a county has made reasonable efforts, as defined in subdivision 2, to comply with all social services administrative rule requirements and is unable to meet all requirements, the county must provide services according to an amended community social services plan developed by the county and approved by the commissioner under section 256E.09, subdivision 6. The plan must identify for the remainder of the calendar year the social services administrative rule requirements the county shall comply with within its fiscal limitations and identify the social services administrative rule requirements the county will not comply with due to fiscal limitations. The plan must specify how the county intends to provide services required by federal law or state statute, including but not limited to:

(1) providing services needed to protect children and vulnerable adults from maltreatment, abuse, and neglect;

(2) providing emergency and crisis services needed to protect clients from physical, emotional, or psychological harm;

(3) assessing and documenting the needs of persons applying for services;

(4) providing case management services to developmentally disabled clients, adults with serious and persistent mental illness, and children with severe emotional disturbances;

(5) providing day training and habilitation services for persons with developmental disabilities and family community support services for children with severe emotional disturbances;

(6) providing subacute detoxification services;

(7) providing public guardianship services; and

(8) fulfilling licensing responsibilities delegated to the county by the commissioner under section 245A.16.

Subd. 4. **Denial, reduction, or termination of services.** (a) Before a county denies, reduces, or terminates services to an individual due to fiscal limitations, the county

must meet the requirements in subdivisions 2 and 3, and document in the person's individual service plan:

- (1) the person's service needs;
- (2) the alternatives considered for meeting the person's service needs; and
- (3) the actions that will be taken to prevent abuse or neglect as defined in sections 626.556, subdivision 2, paragraphs (a), (c), (d), and (k); and maltreatment as defined in section 626.5572, subdivision 15.

(b) The county must notify the individual and the individual's guardian in writing of the reason for the denial, reduction, or termination of services and of the individual's right to an appeal under section 256.045.

(c) The county must inform the individual and the individual's guardian in writing that the county will, upon request, meet to discuss alternatives and amend the individual service plan before services are terminated or reduced.

**History:** 1991 c 94 s 19; 1995 c 229 art 4 s 14

#### 256E.09 COMMUNITY SOCIAL SERVICE PLANS.

Subdivision 1. **Plan proposal.** Beginning in 1989, and every two years after that, the county board shall submit to the commissioner a proposed and final community social services plan for the next two calendar years. The county board shall publish and make available upon request to all county residents the proposed biennial community social services plan that will be considered by the county board in its budget deliberations. A narrative, summarized form of the proposed plan, setting forth approximate budgeting levels, may be made available to requesters. The summarized form of the proposed plan must include a prominent notice that the detailed proposed plan to be considered by the county board is available to county residents upon request. The final plan shall be submitted to the commissioner within 30 days after final adoption of the county budget by the county board. If the commissioner's certification of the final plan is delayed beyond January 1 of the first year of the plan, the previous community social services plan shall remain in effect until the final plan is certified. This does not affect the plan approval process in section 256E.05, subdivision 2.

Subd. 2. **Citizen participation.** The county board shall provide opportunities for participation by citizens in the county, including representatives of users of services, in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process.

Subd. 3. **Plan content.** The biennial community social services plan shall include:

- (1) a description of the planning process, including methods used to assess needs and obtain citizen input;
- (2) intended outcomes and outcome indicators for each program area;
- (3) a description of resources allocated within the county to support each program and service;
- (4) a description of the services to be provided;
- (5) an analysis of the adequacy of resources available to support the community social services plan including estimates of unmet needs;
- (6) a description of how the service system will be coordinated within each program area; and
- (7) a statement signed by the county board or its designee that the county is in compliance with specified Minnesota Statutes.

Subd. 4. [Repealed, 1991 c 94 s 25]

Subd. 5. [Repealed, 1991 c 94 s 25]

Subd. 6. **Plan amendment.** After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit to the commissioner its amendment and a statement signed by the

county board or its designee that the county is in compliance with specified Minnesota Statutes. When certifying the amendment according to section 256E.05, subdivision 2, the commissioner shall consider:

(1) the effect of the proposed amendment on efforts to prevent inappropriate or facilitate appropriate residential placements; and

(2) the resources allocated for the provision of services in the community social services plan approved under section 256E.09, and the amount the county is levying for social services and income maintenance programs as reported under section 275.62, subdivision 1, clause (2).

**History:** 1979 c 324 s 9; 1981 c 355 s 15-17; 1982 c 607 s 18; 1984 c 654 art 5 s 58; 1986 c 413 s 4; 1986 c 444; 1987 c 403 art 5 s 20; 1988 c 512 s 1; 1988 c 576 s 1; 1989 c 282 art 2 s 129,130; 1991 c 94 s 20-22; 1992 c 511 art 5 s 7; 1994 c 432 s 1; 1994 c 529 s 13

#### 256E.10 PROGRAM EVALUATION.

Subdivision 1. **County evaluation.** Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than March 1 of each year and shall include:

(a) The number and type of recipients of each service; and

(b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

Subd. 2. **Statewide evaluation.** At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.

At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

**History:** 1979 c 324 s 10; 1981 c 355 s 18

#### 256E.11 PILOT PROGRAMS.

Nothing in sections 256E.01 to 256E.12 shall prohibit the commissioner from making grants for pilot programs in certain counties or on a statewide basis when the legislature authorizes money to encourage innovation in community social services programs or to respond to the needs of a specified group of persons.

**History:** 1979 c 324 s 11

#### 256E.115 SAFE HOUSES, TRANSITIONAL HOUSING, AND INDEPENDENT LIVING ASSISTANCE SERVICES FOR YOUTH.

Subdivision 1. **Definitions; commissioner duties.** (a) The following definitions apply to this section:

(1) "Targeted youth" means children who are ages 16 to 21 and who are in out-of-home placement, leaving out-of-home placement, at risk of becoming homeless, or homeless.

(2) "Safe house" means a facility providing emergency housing for homeless targeted youth with the goal of reuniting the family if appropriate and possible.

(3) "Transitional housing" means congregate or cooperative housing for targeted youth who are transitioning to independent living.

(4) "Independent living assistance" means services provided to assist targeted youth who are not living in a safe house or transitional housing to make the transition to independent living.

(b) The commissioner shall issue a request for proposals from organizations that are knowledgeable about the needs of targeted youth for the purpose of establishing a system of safe houses, transitional housing, and independent living assistance for such youth. The commissioner shall also assist in coordinating funding from federal and state grant programs and funding available from a variety of sources for efforts to promote a continuum of services for targeted youth through a consolidated grant application. The commissioner shall analyze the needs of targeted youth and gaps in services throughout the state and determine how to best serve those needs within the available funding.

**Subd. 2. Program service requirements; participation requirements; licensure of independent living assistance providers.** (a) The following services, or adequate access to referrals for the following services, must be made available to the targeted youth participating in the programs described in subdivision 1:

(1) counseling services for the youth, and their families, if appropriate, on site, to help with problems that contributed to the homelessness or could impede making the transition to independent living;

(2) job services to help youth find employment in addition to creating jobs on site, including food service, maintenance, child care, and tutoring;

(3) health services that are confidential and provide preventive care services, crisis referrals, and other necessary health care services;

(4) living skills training to help youth learn how to care for themselves; and

(5) education services that help youth enroll in academic programs, if they are currently not in a program.

(b)(1) Targeted youth who have current drug or alcohol problems, a recent history of violent behaviors, or a mental health disorder or issue that is not being resolved through counseling or treatment are not eligible to receive the services described in subdivision 1.

(2) Targeted youth who are not employed, participating in employment training, or enrolled in an academic program are not eligible to receive transitional housing or independent living assistance.

(c) Providers of independent living assistance services must be licensed under section 245A.22.

**History:** 1989 c 282 art 2 s 131; 1995 c 207 art 4 s 4; 1997 c 248 s 43; 2001 c 161 s 50

## **256E.12 GRANTS FOR COMMUNITY SUPPORT SERVICES PROGRAMS FOR PERSONS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS.**

**Subdivision 1. Statewide program.** The commissioner shall establish a statewide program to assist counties in providing services to persons with serious and persistent mental illness as defined in section 245.462, subdivision 20. The commissioner shall make grants to counties to establish, operate, or contract with private providers to provide services designed to help persons with serious and persistent mental illness remain and function in their own communities. Grants received pursuant to this section may be used to fund community support services programs as specified in section 245.462, subdivision 6, and case management activities that cannot be billed to the medical assistance program under sections 256B.02, subdivision 8, and 256B.0625.

**Subd. 2. Grant application.** To apply for a grant a county board shall submit an application and budget for the use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. A county receiving a grant under this section shall finance at least ten percent of the cost of services for persons with serious and persistent mental illness from local resources, which may include private contributions and federal money.

Subd. 3. **Allocation of grants.** The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services to persons with serious and persistent mental illness. The commissioner shall promulgate permanent rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall specify requirements for reports, including quarterly fiscal reports, according to section 256.01, subdivision 2, paragraph (17). The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping persons with serious and persistent mental illness remain and function in their own communities.

Subd. 4. **Grant calendar year.** For calendar year 1992 and all subsequent years, the commissioner shall allocate the money appropriated under this section on a calendar year basis. The commissioner may continue to allocate part of the money on a state fiscal year basis for special projects.

**History:** 1979 c 324 s 12; 1981 c 355 s 19; 1984 c 640 s 32; 1Sp1985 c 9 art 2 s 68; 1986 c 349 s 2; 1986 c 444; 1987 c 403 art 2 s 109; 1988 c 689 art 2 s 205-207, 268; 1989 c 89 s 20; 1991 c 94 s 23

### **256E.13 RIGHT TO RECEIVE SERVICES IN ANOTHER COUNTY.**

A person who is eligible for extended employment services under this chapter has the right to request and receive services outside the county of financial responsibility. The county shall consider the request and shall not disapprove a request for extended employment services solely on the basis that the service is located outside the county.

**History:** 1988 c 512 s 2

### **256E.14 GRANTS FOR CASE MANAGEMENT FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.**

The commissioner shall distribute to counties the appropriation made available under this section for case management services for persons with mental retardation or related conditions as provided in this section. The appropriation must be distributed to the counties on the basis of the number of persons with mental retardation or a related condition that were receiving case management services from the county on the January 1 preceding the start of the fiscal year in which the funds are distributed. The appropriation may be reduced by the amount necessary to meet the state match for medical reimbursement under section 256B.092, subdivision 2a.

**History:** 1989 c 282 art 6 s 31; 1992 c 513 art 9 s 32

### **256E.15 TRANSFER OF FUNDS TO MEDICAL ASSISTANCE.**

(a) The commissioner shall reduce the payment to be made under sections 256E.06 and 256E.14 to each county on July 1, 1994, by the amount of the state share of medical assistance reimbursement for residential services provided under the home and community-based waiver program authorized in section 256B.092 from January 1, 1994 to March 31, 1994, for clients for whom the county is financially responsible and have transferred from the semi-independent living services program to the home and community-based waiver program. For the purposes of this section, residential services include supervised living, in-home support, and respite care services. The commissioner shall similarly reduce the payments to be made between October 1, 1994 and December 31, 1996, for the quarters between April 1, 1994 and June 30, 1996. All reduced amounts shall be transferred to the medical assistance state account.

(b) Beginning fiscal year 1997, the appropriation under sections 256E.06 and 256E.14 shall be reduced by the amount of the state share of medical assistance reimbursement for residential services provided under the home and community-based waiver program under section 256B.092 from January 1, 1995 to December 31, 1995, for persons who have transferred from the semi-independent living services program to the home and community-based waiver program. The base appropriation for the medical assistance state account shall be increased by the same amount.

**History:** 1Sp1993 c 1 art 4 s 9