

256B.8502 COMMUNITY FIRST SERVICES AND SUPPORTS; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this section and sections 256B.85 and 256B.851, the terms in this section have the meanings given.

Subd. 2. **Activities of daily living or ADLs.** "Activities of daily living" or "ADLs" means:

(1) dressing, including assistance with choosing, applying, and changing clothing and applying special appliances, wraps, or clothing;

(2) grooming, including assistance with basic hair care, oral care, shaving, applying cosmetics and deodorant, and care of eyeglasses and hearing aids. Grooming includes nail care, except for recipients who are diabetic or have poor circulation;

(3) bathing, including assistance with basic personal hygiene and skin care;

(4) eating, including assistance with hand washing and applying orthotics required for eating or feeding;

(5) transfers, including assistance with transferring the participant from one seating or reclining area to another;

(6) mobility, including assistance with ambulation and use of a wheelchair. Mobility does not include providing transportation for a participant;

(7) positioning, including assistance with positioning or turning a participant for necessary care and comfort; and

(8) toileting, including assistance with bowel or bladder elimination and care, transfers, mobility, positioning, feminine hygiene, use of toileting equipment or supplies, cleansing the perineal area, inspection of the skin, and adjusting clothing.

Subd. 3. **Additional revenue for shared services.** "Additional revenue for shared services" means the difference between the rate paid to an agency-provider for serving a single participant and the sum of the rates paid to an agency-provider for shared services provided to more than one recipient.

Subd. 4. **Agency-provider model.** "Agency-provider model" means a method of CFSS under which a qualified agency provides services and supports through the agency's own employees and policies. The agency must allow the participant to have a significant role in the selection and dismissal of support workers of their choice for the delivery of their specific services and supports.

Subd. 5. **Behavior.** "Behavior" means a description of a need for services and supports used to determine the home care rating and additional service units. The presence of Level I behavior is used to determine the home care rating.

Subd. 6. **Budget model.** "Budget model" means a service delivery method of CFSS that allows the use of a service budget and assistance from a financial management services (FMS) provider for a participant to directly employ support workers and purchase supports and goods.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of human services.

Subd. 8. **Community first services and supports or CFSS.** "Community first services and supports" or "CFSS" means the assistance and supports program under this section needed for accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance

to accomplish the task or constant supervision and cueing to accomplish the task, or the purchase of goods as defined in section 256B.85, subdivision 7, clause (3), that replace the need for human assistance.

Subd. 9. Community first services and supports delivery plan or CFSS service delivery plan. "Community first services and supports service delivery plan" or "CFSS service delivery plan" means a written document detailing the services and supports chosen by the participant to meet assessed needs that are within the approved CFSS service authorization, as determined in section 256B.85, subdivision 8. Services and supports are based on the support plan identified in sections 256B.092, subdivision 1b, and 256S.10.

Subd. 10. Complex health-related needs. "Complex health-related needs" means an intervention listed in clauses (1) to (8) that has been ordered by a physician, advanced practice registered nurse, or physician's assistant and is specified in an assessment summary, including:

- (1) tube feedings requiring:
 - (i) a gastrojejunostomy tube; or
 - (ii) continuous tube feeding lasting longer than 12 hours per day;
- (2) wounds described as:
 - (i) stage III or stage IV;
 - (ii) multiple wounds;
 - (iii) requiring sterile or clean dressing changes or a wound vac; or
 - (iv) open lesions such as burns, fistulas, tube sites, or ostomy sites that require specialized care;
- (3) parenteral therapy described as:
 - (i) IV therapy more than two times per week lasting longer than four hours for each treatment; or
 - (ii) total parenteral nutrition (TPN) daily;
- (4) respiratory interventions, including:
 - (i) oxygen required more than eight hours per day;
 - (ii) respiratory vest more than one time per day;
 - (iii) bronchial drainage treatments more than two times per day;
 - (iv) sterile or clean suctioning more than six times per day;
 - (v) dependence on another to apply respiratory ventilation augmentation devices such as BiPAP and CPAP; and
 - (vi) ventilator dependence under section 256B.0651;
- (5) insertion and maintenance of catheter, including:
 - (i) sterile catheter changes more than one time per month;
 - (ii) clean intermittent catheterization, and including self-catheterization more than six times per day; or
 - (iii) bladder irrigations;

(6) bowel program more than two times per week requiring more than 30 minutes to perform each time;

(7) neurological intervention, including:

(i) seizures more than two times per week and requiring significant physical assistance to maintain safety; or

(ii) swallowing disorders diagnosed by a physician, advanced practice registered nurse, or physician's assistant and requiring specialized assistance from another on a daily basis; and

(8) other congenital or acquired diseases creating a need for significantly increased direct hands-on assistance and interventions in six to eight activities of daily living.

Subd. 11. **Component value.** "Component value" means an underlying factor that is built into the rate methodology to calculate service rates and is part of the cost of providing services.

Subd. 12. **Consultation services.** "Consultation services" means assisting a participant in making informed choices about CFSS services in general and self-directed tasks in particular, and in developing a person-centered CFSS service delivery plan to achieve quality service outcomes.

Subd. 13. **Critical activities of daily living.** "Critical activities of daily living" means transferring, mobility, eating, and toileting.

Subd. 14. **Dependency.** "Dependency" in activities of daily living means a person requires hands-on assistance or constant supervision and cueing to accomplish one or more of the activities of daily living every day or on the days during the week that the activity is performed; however, a child must not be found to be dependent in an activity of daily living if, because of the child's age, an adult would either perform the activity for the child or assist the child with the activity and the assistance needed is the assistance appropriate for a typical child of the same age.

Subd. 15. **Extended CFSS.** "Extended CFSS" means CFSS services and supports provided under CFSS that are included in the CFSS service delivery plan through one of the home and community-based services waivers and as approved and authorized under chapter 256S and sections 256B.092, subdivision 5, and 256B.49, which exceed the amount, duration, and frequency of the state plan CFSS services for participants. Extended CFSS excludes the purchase of goods.

Subd. 16. **Financial management services provider or FMS provider.** "Financial management services provider" or "FMS provider" means a qualified organization required for participants using the budget model under section 256B.85, subdivision 13, that is an enrolled provider with the department to provide vendor fiscal/employer agent financial management services (FMS).

Subd. 17. **Health-related procedures and tasks.** "Health-related procedures and tasks" means procedures and tasks related to the specific assessed health needs of a participant that can be taught or assigned by a state-licensed health care or mental health professional and performed by a support worker.

Subd. 18. **Individual provider support worker.** "Individual provider support worker" means a support worker who is an individual provider as defined in section 256B.0711, subdivision 1.

Subd. 19. **Instrumental activities of daily living.** "Instrumental activities of daily living" means activities related to living independently in the community, including but not limited to: meal planning, preparation, and cooking; shopping for food, clothing, or other essential items; laundry; housecleaning; assistance with medications; managing finances; communicating needs and preferences during activities; arranging supports; and assistance with traveling around and participating in the community, including traveling to medical

appointments. For purposes of this subdivision, traveling includes driving and accompanying the recipient in the recipient's chosen mode of transportation and according to the individual CFSS service delivery plan.

Subd. 20. **Lead agency.** "Lead agency" has the meaning given in section 256B.0911, subdivision 10.

Subd. 21. **Legal representative.** "Legal representative" means parent of a minor, a court-appointed guardian, or another representative with legal authority to make decisions about services and supports for the participant. Other representatives with legal authority to make decisions include but are not limited to a health care agent or an attorney-in-fact authorized through a health care directive or power of attorney.

Subd. 22. **Level I behavior.** "Level I behavior" means physical aggression toward self or others or destruction of property that requires the immediate response of another person.

Subd. 23. **Medication assistance.** "Medication assistance" means providing verbal or visual reminders to take regularly scheduled medication, and includes any of the following supports listed in clauses (1) to (3) and other types of assistance, except that a support worker must not determine medication dose or time for medication or inject medications into veins, muscles, or skin:

(1) under the direction of the participant or the participant's representative, bringing medications to the participant including medications given through a nebulizer, opening a container of previously set-up medications, emptying the container into the participant's hand, opening and giving the medication in the original container to the participant, or bringing to the participant liquids or food to accompany the medication;

(2) organizing medications as directed by the participant or the participant's representative; and

(3) providing verbal or visual reminders to perform regularly scheduled medications.

Subd. 24. **Participant.** "Participant" means a person who is eligible for CFSS.

Subd. 25. **Participant's representative.** "Participant's representative" means a parent, family member, advocate, or other adult authorized by the participant or participant's legal representative, if any, to serve as a representative in connection with the provision of CFSS. If the participant is unable to assist in the selection of a participant's representative, the legal representative shall appoint one.

Subd. 26. **Payment rate or rate.** "Payment rate" or "rate" means reimbursement to an eligible provider for services provided to a qualified individual based on an approved service authorization.

Subd. 27. **Person-centered planning process.** "Person-centered planning process" means a process that is directed by the participant to plan for CFSS services and supports.

Subd. 28. **Service budget.** "Service budget" means the authorized dollar amount used for the budget model or for the purchase of goods.

Subd. 29. **Shared services.** "Shared services" means the provision of CFSS services by the same CFSS support worker to two or three participants who voluntarily enter into a written agreement to receive services at the same time, in the same setting, and through the same agency-provider or FMS provider.

Subd. 30. **Support worker.** "Support worker" means a qualified and trained employee of the agency-provider as required by section 256B.85, subdivision 11b, or of the participant employer under the budget model as required by section 256B.85, subdivision 14, who has direct contact with the participant and provides services as specified within the participant's CFSS service delivery plan.

Subd. 31. **Unit.** "Unit" means the increment of service based on hours or minutes identified in the service agreement.

Subd. 32. **Vendor fiscal employer agent.** "Vendor fiscal employer agent" means an agency that provides financial management services.

Subd. 33. **Wages and benefits.** "Wages and benefits" means the hourly wages and salaries, the employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation, mileage reimbursement, health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, contributions to employee retirement accounts, or other forms of employee compensation and benefits.

Subd. 34. **Wages and wage-related costs.** "Wages and wage-related costs" means increased wages and any corresponding increase in the employer's or participant employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation premiums, and contributions to employee retirement accounts when the contribution is a function of wages.

Subd. 35. **Worker training and development.** "Worker training and development" means services provided according to section 256B.85, subdivision 18a, for developing workers' skills as required by the participant's individual CFSS service delivery plan that are arranged for or provided by the agency-provider or purchased by the participant employer. These services include training, education, direct observation and supervision, and evaluation and coaching of job skills and tasks, including supervision of health-related tasks or behavioral supports.

History: 2013 c 108 art 7 s 49; 2014 c 275 art 1 s 69; 2014 c 312 art 26 s 4; 2019 c 54 art 2 s 40; 2020 c 83 art 1 s 70; 2021 c 30 art 13 s 59; 1Sp2021 c 7 art 13 s 49,55; 2022 c 98 art 17 s 18,26; 2024 c 108 art 1 s 19; 1Sp2025 c 9 art 2 s 38; 2026 c 121 art 9 s 46,61