

Chapter: 90

Session: 2017 Regular Session

Topic: Modifying child foster care background studies, home and community-based services, and the disability waiver rate system

Analyst: Danyell A. Punelli
Sarah Sunderman

Date: June 1, 2017

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This act: (1) modifies child and adult foster care background studies; (2) modifies home and community-based services licensing requirements; (3) modifies planning and case management requirements under certain home and community-based services waivers; and (4) adds individualized home supports to home and community-based services.

Section

- 1 **Adult foster care and community residential setting license capacity.** Amends § 245A.11, subd. 2a. Extends the sunset on adult foster care settings licensed for five beds. Makes this section effective the day following final enactment.
- 2 **Licensed programs.** Amends § 245C.03, subd. 1. Modifies the short-term substitute caregiver exemption from background study requirements by specifying that the exemption only applies when the license holder resides in the home where child foster care services are provided. Makes this section effective the day following final enactment.
- 3 **Licensed programs.** Amends § 245C.04, subd. 1. Modifies information collection requirements under sections 245C.05, subdivisions 1 and 5 by requiring a county or private agency to collect and forward information when the applicant or license holder resides in the home where child foster care services will be provided. Requires child foster care applicants or license holders who do not reside in the home where services are provided to collect and forward information, rather than the county or private agency. Makes this section effective the day following final enactment.
- 4 **County or private agency.** Amends § 245C.05, subd. 2a. Specifies that county and private agencies must collect background study information only when a child foster care applicant or license holder resides in the home where child foster care services are provided. Makes this section effective the day following final enactment.

Section

- 5 **Human services licensed programs.** Amends § 245C.10, subd. 9. Modifies commissioner cost recovery for background studies by limiting the child foster care exception to when the applicant or license holder resides in the home where child foster care services are provided. Makes this section effective the day following final enactment.
- 6 **Notice to county or private agency.** Amends § 245C.17, subd. 5. Modifies the requirement that the commissioner give notice to the county or private agency that initiated the background study only for studies when the applicant or license holder resides in the home where child foster care services are provided. Makes this section effective the day following final enactment.
- 7 **Notice to county agency.** Amends § 245C.17, subd. 6. Modifies the requirement that the commissioner give notice to the county agency that initiated the background study only for studies when the applicant or license holder resides in the adult foster care residence. Makes this section effective the day following final enactment.
- 8 **Submission of reconsideration request.** Amends § 245C.21, subd. 1a. Specifies that only those applicants or license holders who reside in the home where child foster care, adult foster care, or family adult day services are provided must submit a request of reconsideration of disqualification to the county agency that initiated the background study. Makes this section effective the day following final enactment.
- 9 **Commissioner's notice of disqualification that is not set aside.** Amends § 245C.23, subd. 2. Requires commissioner to notify the county or private agency that initiated the background study of reconsideration results only when the applicant or license holder resides in the home where child foster care and adult foster care services are provided. Makes this section effective the day following final enactment.
- 10 **Applicability.** Amends § 245D.03, subd. 1. Adds individualized home support services to intensive support services under the home and community-based services standards. Makes this section effective the day following final enactment.
- 11 **Protection-related rights.** Amends § 245D.04, subd. 3. Modifies the list of a person's protection-related rights giving recipients of home and community-based services the right to use the lock on a bedroom or unit door and have access to personal possessions at any time, including financial resources. Modifies the list of protection-related rights for persons residing in certain residential sites to include: (1) the freedom to come and go from the residence at will; (2) the right to choose visitors and the time of visits; (3) the freedom and support to access food and potable water at any time; and (4) the right to a setting that is free from hazards that threaten the person's health or safety. Makes this section effective the day following final enactment.
- 12 **Assessment and initial service planning.** Amends § 245D.071, subd. 3. Requires a discussion of how technology might be used to meet the person's desired outcomes to be included in the 45-day planning meeting and requires a summary of this discussion to be included in the coordinated service and support plan or plan addendum. Makes this section effective the day following final enactment.
- 13 **Orientation to program requirements.** Amends § 245D.09, subd. 4. Modifies orientation requirements for direct support staff. Makes this section effective the day following final enactment.

Section

- 14** **Alternative sources of training.** Amends § 245D.09, subd. 5a. Allows the commissioner to approve online training and competency-based assessments in place of a specific number of hours of training. Requires the commissioner to provide a list of preapproved trainings that do not need approval for each individual license holder. Makes this section effective the day following final enactment.
- 15** **Admission criteria.** Amends § 245D.11, subd. 4. Modifies the list of admission criteria by adding a requirement that the person or person's legal representative and license holder sign and date a residency agreement when the license holder provides foster care and supported living services to a person living in community residential settings, adult foster home, or a family foster home. Specifies additional requirements related to the residency agreement.
- 16** **Bedrooms.** Amends § 245D.24, subd. 3. Requires each person to have a choice of roommate. Requires a person to be allowed to lock his or her bedroom door. Lists license holder requirements related to the safety of persons locking bedroom doors. Makes this section effective the day following final enactment.
- 17** **Assessment and support planning.** Amends § 256B.0911, subd. 3a. Modifies written community support plan requirements to include the option of receiving services in a non-disability-specific setting. Makes this section effective the day following final enactment.
- 18** **Case management services.** Amends § 256B.092, subd. 1a. Modifies the list of case management service activities to include identifying services provided in a non-disability-specific setting. Makes this section effective the day following final enactment.
- 19** **Case management.** Amends § 256B.49, subd. 13. Modifies the list of case management service activities to include identifying services provided in a non-disability-specific setting. Makes this section effective the day following final enactment.
- 20** **New services.** Amends § 256B.4913, by adding subd. 7. Exempts a service added to the disability waiver rate system after January 1, 2014, from the rate stabilization adjustment. Makes this section effective the day following final enactment.
- 21** **Applicable services.** Amends § 256B.4914, subd. 3. Modifies the list of applicable services under the disability waiver rate system to include individualized home supports. Makes this section effective the day following final enactment.
- 22** **Base wage index and standard component values.** Amends § 256B.4914, subd. 5. Modifies the base wage index calculation by adding individualized home supports. Makes this section effective the day following final enactment.
- 23** **Payments for unit-based services with programming.** Amends § 256B.4914, subd. 8. Adds individualized home supports to unit-based payments with programming. Makes this section effective the day following final enactment.
- 24** **Budget neutrality adjustments.** Amends § 256B.4914, subd. 16. Exempts the individualized home supports rate from budget neutrality adjustments. Makes this section effective the day following final enactment.