

S.F. No. 2774— Reorganizing provisions governing disability waiver rate setting realignment

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SF 2774 reorganizes Minnesota Statutes, section 256B.4914. This section of statute contains the disability waiver rate system (DWRS), which determines the services rates for most disability waiver services.

The primary purpose of SF 2774 is to reorganize the statute without changing the meaning or effect of the provisions contained in it. The reorganization will result in statutes that are easier to amend. SF 2774 also renders the statute, in the judgment of the non-partisan staff from the House and Senate, easier to read. It also strikes obsolete language. SF 2774 is intended to be logically and mathematically equivalent to the current statutory language and DHS policy.

SF 2774 appears to have a large amount of new and stricken language. Unless the language was obviously obsolete, the language that appears to be removed is moved and appears as new language elsewhere in the bill. Other portions of new language are recreations of existing language that are repeated to create separate rate calculations for each service. The current law language attempts to use the same language to describe rates for multiple services, but since the rates are often different, the existing language is full of exceptions and qualifications. By recreating the language for each service without any unnecessary exceptions or qualifications, the language becomes easier to read and amend.

The non-partisan staff also took this opportunity to render terms more consistent throughout the statute and make the basic format of the rate calculations consistent.

The Department of Human Services provided several “housekeeping” changes that non-partisan staff incorporated, such as modified employment classification names, updated SOC codes, and updated values for certain component values to match their values as of December 31, 2021.

SF 2774 is the result of a Revisor’s Instruction found in the 2021 HHS policy bill at Minnesota Laws 2021, chapter 30, article 12, section 6, paragraph (b). After the Revisor determined that the Revisor’s Office did not have the editorial authority required to make the changes necessary to

achieve the legislature's intent, the Revisor suggested that introducing a bill would be a more appropriate method for fulfilling the legislature's intent.