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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3847

03/15/2018 Authored by Lohmer, Schomacker, Zerwas, Albright and Halverson
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

A bill for an act

relating to human services; expanding budget methodology exceptions for consumer-directed community supports; establishing a onetime grant program to promote consumer-directed community supports; appropriating money; amending Laws 2017, First Special Session chapter 6, article 1, section 45.

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

Section 1. Laws 2017, First Special Session chapter 6, article 1, section 45, is amended to read:

Sec. 45. CONSUMER-DIRECTED COMMUNITY SUPPORTS BUDGET METHODOLOGY EXCEPTION FOR PERSONS LEAVING INSTITUTIONS AND CRISIS RESIDENTIAL SETTINGS, AND FOR THE PREVENTION OF AN IMMINENT CRISIS PLACEMENT.

(a) By September 30, 2017 2018, the commissioner shall establish an institutional, home and community-based residential, and crisis bed consumer-directed community supports budget exception process in the home and community-based services waivers under Minnesota Statutes, sections 256B.092 and 256B.49. This budget exception process shall be available for any individual who:

(1) is not offered available and appropriate services within 60 days since approval for discharge from the individual's current institutional setting; and

(2) requires services that are more expensive than appropriate services provided in a noninstitutional setting using the consumer-directed community supports option.

2.1 (b) Institutional settings for purposes of this exception include intermediate care facilities  
2.2 for persons with developmental disabilities; nursing facilities; acute care hospitals; Anoka  
2.3 Metro Regional Treatment Center; Minnesota Security Hospital; and crisis beds.

2.4 (c) Home and community-based residential settings for the purposes of this exception  
2.5 process includes foster care when the cost of utilizing consumer-directed community supports  
2.6 is less than the cost of the current foster care placement.

2.7 (d) The budget exception shall be limited to no more than the amount of appropriate  
2.8 services provided in a noninstitutional setting as determined by the lead agency managing  
2.9 the individual's home and community-based services waiver. The lead agency shall notify  
2.10 the Department of Human Services of the budget exception.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. **EXPANSION OF CONSUMER-DIRECTED COMMUNITY SUPPORTS**  
2.13 **BUDGET METHODOLOGY EXCEPTION.**

2.14 (a) No later than September 30, 2018, if necessary, the commissioner of human services  
2.15 shall submit an amendment to the Centers for Medicare and Medicaid Services for the home  
2.16 and community-based services waivers authorized under Minnesota Statutes, sections  
2.17 256B.092 and 256B.49, to expand the exceptions to the consumer-directed community  
2.18 supports budget methodology under Laws 2015, chapter 71, article 7, section 54, and Laws  
2.19 2017, First Special Session chapter 6, article 1, section 44, to provide up to 30 percent more  
2.20 funds for consumer-directed community support participants on a waiting list for crisis  
2.21 services to prevent imminent crisis placement in an institutional setting. This increase may  
2.22 be provided for no longer than 12 months.

2.23 (b) The expanded exception under paragraph (a) is limited to those persons who can  
2.24 demonstrate that they will have to discontinue using consumer-directed community supports  
2.25 and accept other non-self-directed waiver services because the person's needed supports  
2.26 cannot be met within the consumer-directed community supports budget limits.

2.27 **EFFECTIVE DATE.** The exception under this section is effective October 1, 2018, or  
2.28 upon federal approval, whichever is later. The commissioner of human services shall notify  
2.29 the revisor of statutes when federal approval is obtained.

3.1       Sec. 3. **REGIONAL AND LOCAL CONSUMER-DIRECTED COMMUNITY**  
3.2 **SUPPORTS EDUCATION AND MARKETING GRANTS.**

3.3       (a) The commissioner of human services shall award onetime, competitive grants to  
3.4 eligible applicants for regional and local projects targeted to a designated community of the  
3.5 applicant's choosing, which may consist of a specific geographic area or population, to:  
3.6 increase awareness of consumer-directed community supports; increase the rate of utilization  
3.7 of consumer-directed community supports, specifically in counties with low enrollment in  
3.8 the program; promote the benefits of support planning services; or connect eligible persons  
3.9 with disabilities, their parents and family members, and lead agency staff to education and  
3.10 resources related to consumer-directed community supports.

3.11       (b) The project areas for the grant include local or community-based initiatives to: (1)  
3.12 promote the benefits of consumer-directed community supports; and (2) provide informational  
3.13 materials and other resources to persons with disabilities eligible for consumer-directed  
3.14 community supports, their parents and family members, and lead agency staff.

3.15       (c) Eligible applicants may include, but are not limited to, statewide nonprofit  
3.16 organizations with regional and local presence that provide advocacy services and supports  
3.17 for persons with disabilities and their parents and family members.

3.18       (d) Applicants must: (1) describe the proposed project, including the targeted community  
3.19 and how the project meets the requirements of this section; and (2) identify the proposed  
3.20 outcomes of the project and the evaluation process to measure these outcomes.

3.21       (e) In awarding the regional and local consumer-directed community supports education  
3.22 and marketing grants, the commissioner of human services must give priority to applicants  
3.23 who demonstrate that the proposed project:

3.24       (1) is supported by and appropriately targeted to the community the applicant serves;

3.25       (2) is designed to coordinate with other community activities related to initiatives aimed  
3.26 at promoting independence, inclusion, and self-direction in the lives of persons with  
3.27 disabilities;

3.28       (3) is conducted by an applicant able to demonstrate expertise in the project areas;

3.29       (4) utilizes and enhances existing activities and resources or involves innovative  
3.30 approaches to achieve success in the project areas; and

3.31       (5) strengthens community relationships and partnerships in order to achieve the project  
3.32 areas.

4.1 (f) The commissioner shall divide the state into specific geographic regions and allocate  
 4.2 a percentage of the money available for the regional and local consumer-directed community  
 4.3 supports education and marketing grants to projects aimed at each geographic region with  
 4.4 an emphasis on counties with low rates of utilization of consumer-directed community  
 4.5 supports.

4.6 (g) The commissioner shall award the grants by January 31, 2019.

4.7 (h) A grantee shall report to the commissioner of human services on the progress of the  
 4.8 project at least once during the grant period, and, within two months of the end of the grant  
 4.9 period, shall submit a final report to the commissioner that includes the measurable outcomes.

4.10 (i) The commissioner of human services shall:

4.11 (1) develop the criteria and procedures to allocate the grants under this section, evaluate  
 4.12 all applicants on a competitive basis, award the grants, and select qualified providers to  
 4.13 offer technical assistance to grant applicants and grantees. The selected providers shall assist  
 4.14 applicants and grantees with project design, evaluation methods, materials, and training;  
 4.15 and

4.16 (2) submit by January 15, 2020, a progress report on the consumer-directed community  
 4.17 supports education and marketing grants under this section to the chairs and ranking minority  
 4.18 members of the legislative committees with jurisdiction over health finance and policy. The  
 4.19 report shall include:

4.20 (i) information on the grantees;

4.21 (ii) a summary of all projects undertaken with the grants;

4.22 (iii) the measurable outcomes established by the grantees, an explanation of the evaluation  
 4.23 process used to determine whether the outcomes were met, and the results of the evaluation;  
 4.24 and

4.25 (iv) an accounting of how the grant funds were spent.

4.26 Sec. 4. **APPROPRIATION.**

4.27 \$..... in fiscal year 2019 is appropriated from the general fund to the commissioner of  
 4.28 human services for the regional and local consumer-directed community supports education  
 4.29 and marketing grants described in section 3. This is a onetime appropriation.