

CHAPTER 256E

COMMUNITY SOCIAL SERVICES

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256E.04 BIENNIAL STATE PLAN.

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

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment;

(c) A summary and analysis of all county biennial community social services plans;

(d) Identification of social services program requirements which counties have identified as unnecessarily administratively burdensome;

(e) Identification of social services program requirements for which inadequate state and local funding is available; and

(f) 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.

[For text of subd 2, see M.S.1990]

History: 1991 c 94 s 12

256E.05 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

[For text of subd 1, see M.S.1990]

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 14.36, 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 under section 275.50, subdivision 5. 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.

[For text of subd 4, see M.S.1990]

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.

[For text of subd 6, see M.S.1990]

History: 1991 c 94 s 13-17

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 county welfare board 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.

[For text of subs 2 to 10, see M.S.1990]

History: 1991 c 94 s 18

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 626.557, subdivision 2, paragraphs (d) and (e).
- (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

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 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.

[For text of subd 2, see M.S.1990]

- 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) county outcome goals and specific objectives 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 under section 275.50, subdivision 5.

History: 1991 c 94 s 20-22

NOTE: Subdivision 3, as amended by Laws 1991, chapter 94, section 21, is effective January 1, 1993. See Laws 1991, chapter 94, section 26.

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

[For text of subs 1 to 3, see M.S.1990]

Subd. 4. 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: 1991 c 94 s 23