

## Disability Services Division 2012 Legislative Updates

June 25 and June 29 Webinars



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### Included in this update

- Health and Human Services Omnibus Budget Bill
  - Chapter 247
- Health and Human Services Policy Bill
  - Chapter 216
- Advisory Council Bill
  - Chapter 271



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### Status of long term care report

- AKA "gaps analysis"
- Biennial report
- First report is due August 2013
- Expanded to include individuals with disabilities and individuals with mental illness



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## Needs Determination

- Focus on licensed long-term care services for individuals with disabilities
- Annual report due February 1
- Establishes the basis for corporate foster care capacity reduction beginning July 1, 2014



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## Corporate foster care capacity reduction

- Delays capacity reduction to July 1, 2014
- De-license up to 128 beds
- Beds with a mental health certification are exempt from the capacity reduction



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## Adult foster care planned closure

- Allows for temporary rate increase when the provider submits a plan approved by the commissioner
- Must consult with lead agencies
- Separate process from the corporate foster care capacity reduction



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## Defining HCBS settings

- Expand options available through the disability waivers
- Separation of provider of housing (i.e., landlord) from provider of services
- 4 units or 25% of the building, depending on the size of the building
- Grandfathering-in for existing buildings
- Requires waiver plan amendments by December 31, 2012



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## MSA Shelter Needy

- Modifies criteria to comply with size of building in the HCBS settings language
- Allows for provider to be in control of the lease if there is a plan to transition to the individual within two years



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## 5<sup>th</sup> bed options

- 5-bed license
  - Extend date until June 30, 2016
  - Within moratorium limits
- 5-bed respite
  - Allows 5<sup>th</sup> bed to be designated for respite if criteria are met
  - Within moratorium limits



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## Foster care for individuals with autism

- Requires DHS to identify and work with counties
- Assist with issuing a Request for Information to identify a qualified provider
- Work within existing moratorium capacity



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## Autism housing with supports study

- Evaluate various models for children with Autism Spectrum Disorder (ASD)
- Report to the legislature January 15, 2013
- Include implementation plan



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## MA-EPD

- Eliminates upper age limit
- Allows individuals who turn 65 and choose to retire to retain assets
- Effective April 1, 2012



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## PCA relative care rate reduction

- 20% reimbursement rate reduction is delayed until July 1, 2013
- DHS is prohibited from recovering payment from providers



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## Provider rates

- 2011 lower needs congregate living rate reduction is reduced from 10% to 5% if receive approval for federal participation for Alternative Care
- 2011 contingent reduction related to nursing facility level of care is delayed until July 1, 2013
- Commissioner may allow providers and health plans can assume responsibility for family deductible



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## Grants

- People Inc. receives ongoing \$65,000 grant
- Advocating Change Together receives one-time \$50,000 grant



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## MnCHOICES

- Consistent terminology across programs
- Consistent certified assessor requirements
- Clarifies training requirements for certified assessors



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## Case Management Reform

- Separation of administration from case management service
- Study due Feb. 1, 2013
  - Further case management reform recommendations
  - Role of counties and tribes
- Host county notification for all waivers
- PCA no longer an excluded time service



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## Other assessment and service plan changes

- Addendum to the individual's plan
- Waiver providers may provide recommendations on the assessment
- Providers held harmless if request an individual's plan, but have not received it



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## HCBS Provider Standards

- Chapter 245D establishes statewide standards for 13 services
- Counties and tribes are the lead investigative agencies for vulnerable adult reports
- Requires consultation with stakeholders on design of funding recommendations
- Implementation on January 1, 2014



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## Disability waiver rates

- Requires DHS to propose legislation by February 15, 2013
- Use 2012 as a “research period”
- Budget neutrality in four service areas
  - Residential
  - Day program
  - Unit-based with programming
  - Unit-based without programming



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## Disability waiver rates

- Implementation January 1, 2014
- No adjustment greater than 1% to the rate for 2014, 2015, 2016
- Continue to consult with Advisory Committee



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## Service changes

- Independent Living Skills (ILS) daily rates
- CDCS budget methodology increase for transition youth
- Family Support Grant (FSG) not available if receiving any waiver, PCA or CSG
- Collecting additional information on PDN authorizations



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## Licensing-related studies

- Evaluation of health and human services regulatory responsibilities
- Recommendations on whether to license PCA



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## State Quality Council

- Adds two new responsibilities
  - Identify issues related to financial and personal risk that impede optimizing choice
  - Recommendations to legislature by January 15, 2013, on statutory and rule changes to promote service and housing choices balanced with consumer protection



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## Disability biennial report

- Eliminates annual waiver report
- Eliminates biennial quality assurance report
- Creates new biennial report
  - Summary of overarching goals and priorities for individuals with disabilities
  - Status update on various programs



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## Public guardianship rule

- Amended authorizing statute to allow rule-making process to move forward
- Rule will be amended to replace quarterly reports with annual reports



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## PCA Changes

- Clean up from 2009 and 2010 changes
- Notice not required if investigating a provider organization
- 72.5% requirement for wages and benefits doesn't include qualified professional
- 10-day notice for any changes will be in effect beginning July 1, 2012



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## PDN

- Data on PDN authorization will be collected using the hourly nursing determination matrix



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## TBI Advisory Council

- Extends sunset date until June 30, 2014



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## QUESTIONS?



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