Disability Services Division
2012 Legislative Updates

June 25 and June 29 Webinars

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

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
<table>
<thead>
<tr>
<th>Needs Determination</th>
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<tbody>
<tr>
<td>Focus on licensed long-term care services for individuals with disabilities</td>
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<td>Annual report due February 1</td>
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<td>Establishes the basis for corporate foster care capacity reduction beginning July 1, 2014</td>
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<table>
<thead>
<tr>
<th>Corporate foster care capacity reduction</th>
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<tr>
<td>Delays capacity reduction to July 1, 2014</td>
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<tr>
<td>De-license up to 128 beds</td>
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<td>Beds with a mental health certification are exempt from the capacity reduction</td>
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<th>Adult foster care planned closure</th>
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<td>Allows for temporary rate increase when the provider submits a plan approved by the commissioner</td>
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<td>Must consult with lead agencies</td>
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<td>Separate process from the corporate foster care capacity reduction</td>
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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

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

5th bed options

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

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

MA-EPD
• Eliminates upper age limit
• Allows individuals who turn 65 and choose to retire to retain assets
• Effective April 1, 2012
PCA relative care rate reduction

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

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

Grants

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

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

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

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
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

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

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
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

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

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
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

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

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
PDN

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

TBI Advisory Council

• Extends sunset date until June 30, 2014

QUESTIONS?