

**NUMBER**

#20-56-08

**DATE**

July 23, 2020

**OF INTEREST TO**

County/tribal directors

Social services supervisors and  
staff

HCBS waiver service providers

People who receive HCBS  
waiver services

**ACTION/DUE DATE**

Please read information and  
prepare for implementation

**EXPIRATION DATE**

July 23, 2022

## Non-electronic public notice requirement waived for Waiver Reimagine amendments

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### TOPIC

Change to the method DHS will use to provide the public notice for  
Waiver Reimagine amendments

### PURPOSE

Provide information about how DHS has changed the public notice  
process for the Waiver Reimagine waiver amendments

### CONTACT

Disability Services Division: [dsd.responsecenter@state.mn.us](mailto:dsd.responsecenter@state.mn.us)

### SIGNED

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Assistant Commissioner

Community Supports Administration

MATT ANDERSON

Assistant Commissioner

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### TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over  
time. The Minnesota Department of Human Services (DHS) supports the  
use of "People First" language.

## I. Background

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People who receive services and their families have told DHS that Minnesota's disability waiver programs are complicated and limit their flexibility. In response, DHS is working to make the waiver system easier to understand and use. The Waiver Reimagine project will streamline the system so people and families can focus on the life they want in the community.

In 2019, the Legislature authorized DHS to make system-level improvements to the disability waiver programs, starting with streamlining services available across the following waivers:

- Brain Injury (BI) Waiver
- Community Alternative Care (CAC) Waiver
- Community Access for Disability Inclusion (CADI) Waiver
- Developmental Disabilities (DD) Waiver.

DHS is seeking an amendment to all disability waivers to simplify the service menus. This change will make programs more understandable and accessible for people and their families and allow lead agencies and providers to use consistent policies and procedures across populations.

Before submitting the amendments to the federal Centers for Medicare & Medicaid Services (CMS), DHS must provide a 30-day public notice to gather meaningful feedback from people who receive and are eligible for services. CMS requires the public notice to include at least one electronic and one non-electronic method for the public to provide feedback. Historically, DHS has met the non-electronic public notice requirement by asking lead agencies (counties, tribal nations and managed care organizations) to display hard copies of the waiver renewal and notice in their offices during the 30-day public comment period.

In response to the COVID-19 pandemic, most lead agencies have closed their offices and are working remotely. Many other workplaces and gathering spaces have been closed or limited as well, in accordance with social distancing guidelines from the Centers for Disease Control and Prevention. It is possible that some spaces could be closed through the end of the year. Therefore, it would not be safe or effective to post hard copies of the public notice.

## II. Change to requirement

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DHS received approval from CMS to waive the non-electronic public notification requirement for the Waiver Reimagine amendments. The change to the public notice process ensures DHS will comply with 2019 legislation to implement the simplified waiver service menu in January 2021.

DHS is making this change with authority from [Executive Order 20-11 \(PDF\)](#), which allows the commissioner to use an [Appendix K](#) to request temporary modifications to CMS requirements for 1915(c) waivers.

### III. How DHS will provide the notice

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DHS will announce the public notice for the Waiver Reimagine amendments electronically via:

- [Disability Services Division's stakeholder eList](#)
- [Disability Services Division's lead agency eList](#)
- [Minnesota Health Care Programs provider news and updates](#).

To subscribe to the Disability Services Division's eLists, visit [CBSM – Disability Services Division eLists](#).

DHS will also announce that the Waiver Reimagine amendment draft has been posted for public comment in weekly stakeholder meetings with lead agency staff from the seven state regions and in weekly calls with providers, stakeholders and representatives from provider trade associations.

### Americans with Disabilities Act (ADA) advisory

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This information is available in accessible formats for people with disabilities by calling 651-431-4300 (local) or 866-267-7655 (toll free), or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.