Bill Summary Comparison of

Health and Human Services

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| Senate File: 800-3 | House File: UES0800-2 |
| Article 2: Housing | Article 4: Children and Families |

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| Article 2: Housing |  | Article 4: Housing and Families |
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| **Sections 1 and 2 (144D.04, subds. 2 and 2a)** amend the housing with services establishment chapter of law by adding contract requirements for residents receiving one or more health-related services from the establishments’ arranged home care provider. | Senate only |  |
| **Section 3 (245A.03, subd. 7)** adds two exceptions to the DHS licensing moratorium for new foster care licenses or community residential setting licenses; one is for people transitioning from the residential care waivers services to foster care services, as determined to be needed by the commissioner, and the second is for people receiving services under Minnesota Statutes, chapter 245D and residing in an unlicensed setting before May 1, 2017, under certain circumstances.   New paragraph (h) allows the commissioner to adjust capacity to address needs identified in the annual report balancing long-term care services and supports, and new paragraph (i) requires the commissioner to notify the license holder when its beds are reduced.  New paragraph (j) prohibits the commissioner from issuing a license for children’s residential treatment services that the Centers for Medicare and Medicaid Services would consider an institution for mental diseases. | Senate only |  |
| **Section 4 (245A.04, subd. 14)** requires an adult foster care license holder to receive a copy of the resident termination policy established in section 7. | Senate only |  |
| **Section 5 to 7** amend chapter 245A, the DHS licensing act, establishing new subdivisions in the statute related to special conditions for residential programs. | Senate only |  |
| **Section 5 (245A.11, subd. 9)** requires that a resident receiving services must have the choice of a roommate, and both must consent in writing, and the license holder must provide a lock for each resident’s bedroom door, unless otherwise indicated for health, safety, or well-being of the resident. | Senate only |  |
| **Section 6 (245A.11, subd. 10)** establishes adult foster care resident rights. | Senate only |  |
| **Section 7 (245A.11 subd. 11)** specifies the adult foster care service termination provisions for elderly waiver participants | Senate only |  |
| **Sections 8 to 12** amend chapter 245D, the home and community-based waivered services.  | Senate only  |  |
| **Section 8 (245D.04, subd. 3)** expands the rights of a person receiving services by a licensed provider, to include the right to lock the bedroom door and access personal possessions, to name a couple. | Senate only\*See H.F. 696, which is on the General Register |  |
| **Section 9 (245D.071, subd. 3)** requires that within 45 days of the service initiation, the provider must determine how to support the person so the person has control of the person’s schedule. | Senate only\* See H.F. 696, which is on the General Register |  |
| **Section 10 (245D.11, subd. 4)** modifies license holder admission criteria, by requiring the person or person’s legal representative and the license holder to sign and date the residency agreement when the license holder provides certain services. | Senate only\* See H.F. 696, which is on the General Register |  |
| **Section 11 (245D.24, subd. 3)** relates to community residential settings, and requires each person receiving services to have a choice of a roommate. This section also provides that a person must be allowed to lock the person’s bedroom door. | Senate only\* See H.F. 696, which is on the General Register |  |
| **Section 12 (256.045, subd. 3)** amends the state agency hearings section of law to allow for a hearing when the person is issued a notice of service termination under 245A.11, subd 11. | Senate only |  |
| **Section 13 (256B.051)** establishes the housing support services program.  If the program is approved by the federal government, the services will be reimbursed through medical assistance. **Subdivision 1**states the purpose of the program, which is to provide housing support services to individuals with a disability that limits their ability to obtain or maintain stable housing.**Subdivision 2** defines terms.**Subdivision 3** provides the eligibility criteria for the program.  The individual must (1) be 18 years or older, (2) be enrolled in medical assistance, (3) have a need for the services based on an assessment, (4) reside in or plan to reside in a community-based setting, and (5) have evidence of unstable housing.**Subdivision 4** specifies the methods in which the assessment of functional need must be conducted. **Subdivision 5** defines the services provided under the program, which include housing transition services and housing and tenancy sustaining services.**Subdivision 6** specifies provider eligibility.**Subdivision 7** provides that supplemental rates for housing with services establishments and group residential housing are reduced if the individual is eligible for housing support services. | Senate only |  |
| **Section 14 (256B.0911, subd. 3a)** amends long-term care consultation services, by requiring that at the time of reassessment, the certified assessor shall offer the person the option to receive alternative housing and service options, under certain circumstances. | Senate only |  |
| **Sections 15 to 17 (256B.0915, subd. 1, 256B.092, subd. 4, 256B.49, subd. 11**) require the commissioner to comply with the requirements in the federally approved transition plan for the home and community-based services and elderly waivers. | Senate only |  |
| **Section 18 (256B.49, subd. 15)** strikes outdated language. | Senate only |  |
| **Sections 19 to 21** amend the statute related to adult foster care planned closures. | Senate only |  |
| **Section 19 (256B.493, subd. 1)** modifies the commissioner’s duties. The commissioner has the authority to manage statewide licensed corporate foster care or community residential settings capacity, including the reduction and realignment of current foster care or community residential settings, to accomplish the consolidation or closure of settings. | Senate only |  |
| **Section 20 (256B.493, subd. 2)** requires the commissioner to use a resource need determination process, managed at the state level, to align capacity where needed.  | Senate only |  |
| **Section 21 (256B.493, subd. 2a)** is a new subdivision specifying the closure process.  The commissioner shall work with stakeholders to establish a process for adult foster care or community residential setting closures.  This section lists what the closure plan must include. | Senate only |  |
| **Sections 22 and 23 (256D.44, subds. 4 and 5)** modify the Minnesota supplemental aid program by increasing the income supplement for individuals who are in need of housing assistance. This section also expands the eligibility for this supplement to individuals who are relocating from group residential housing and individuals who are eligible for personal care assistance services, and strikes paragraph (g), which expired June 30, 2016. | Senate only |  |
| **Sections 24, 26, 27, 29, 30, 31, 32, 33, 37, and 40** are technical; “group residential housing” (GRH) is being changed to “housing support services.”  This terminology is changed in several sections. | Senate only |  |
| **Section 25 (256I.04, subd. 1)** expands the eligibility for GRH to individuals who receive licensed residential crisis stabilization services and medical assistance. The individual may receive concurrent GRH payments when receiving crisis stabilization services. | Similar. The Senate changes terminology from “group residential housing” to “housing support services” and the House does not, based on the Senate only section 13 establishing the housing support services program. This difference is throughout the GRH related sections. Paragraph (c) is identical. The effective date contains a technical difference, based on language differences. | Sec. 43. Individual eligibility requirements. Amends § 256I.04, subd. 1. Modifies GRH individual eligibility requirements by adding individuals who are receiving licensed residential crisis stabilization services and medical assistance. Allows these individuals to receive concurrent GRH payments if receiving licensed residential crisis stabilization services. Makes this section effective October 1, 2017. |
| **Section 28 (256I.04, subd. 3)** amends an existing group residential housing moratorium exception on the development of group residential housing beds by adding another 36 beds for supportive housing units in Anoka, Dakota, Hennepin, or Ramsey County for homeless adults defined in this section. | Similar. The Senate changes GRH terminology and the House does not. Both the Senate and House add 36 beds to an existing GRH moratorium exception. | Sec. 44. Moratorium on development of group residential housing beds. Amends § 256I.04, subd. 3. Modifies an exception to the moratorium on the development of GRH beds by increasing the number of supportive housing units that are allowed in Anoka, Dakota, Hennepin, or Ramsey County for homeless adults with a mental illness, a history of substance abuse, or HIV/AIDS. |
| **Section 34 (256I.05, subd. 1p)** adds a supplementary services rate not to exceed $700 per month for a housing support provider (GRH) in St Louis County. | Similar. GRH terminology difference and technical differences.Recommend Senate for technical differences.  | Sec. 45. Supplementary rate; St. Louis County. Amends § 256I.05, by adding subd. 1p. Requires a county agency to negotiate a supplemental rate, not to exceed $700 per month, including any legislatively authorized inflationary adjustments, for a GRH provider located in St. Louis County that operates a 35-bed facility that serves women who are chemically dependent, mentally ill, or both, and provides certain support services. |
| **Section 35 (256I.05, subd. 1q)** adds a supplementary services rate not to exceed $750 per month for a housing support provider (GRH) in Olmstead County. | Similar. GRH terminology difference and technical difference in subdivision numbering. | Sec. 47. Supplemental rate; Olmsted County. Amends § 256I.05, by adding subd. 1p. Requires a county agency to negotiate a supplemental rate, not to exceed $750 per month, including any legislatively authorized inflationary adjustments, for a GRH provider located in Olmsted County that operates long-term residential facilities with a total of 104 beds that serve chemically dependent men and women and provide 24-hour-a-day supervision and other support services. |
| **Section 36 (256I.05, subd. 1r)** adds a supplementary services rate not to exceed the maximum rate in subd 1a for a housing support provider (GRH) in Anoka County. | Similar. GRH terminology difference and other technical differences. House includes language specifying Anoka County is not responsible for any additional costs associated with the supplemental rate and the Senate does not.Recommend House for technical differences. | Sec. 46. Supplemental rate; Anoka County. Amends § 256I.05, by adding subd. 1p. Requires a county agency to negotiate a supplemental rate for 42 beds, not to exceed the standard GRH supplemental rate, including any legislatively authorized inflationary adjustments, for a GRH provider located in Anoka County that provides emergency housing on the former Anoka Regional Treatment Center campus. States Anoka County is not responsible for any additional costs associated with this supplemental rate. |
| **Section 38 (256I.05, subd. 11)** modifies (GRH) by establishing an alternative financing mechanism for existing emergency shelter beds, based on a plan submitted by the county and approved by the commissioner. The Commissioner of Human Services is required to make a cost-neutral transfer of funding from the GRH fund to the county for emergency shelter beds removed from the GRH census.  The county must submit a biennial plan by August 1, beginning in 2017, which describes outcomes, efficiencies, eligibility, and quality assurance.  The funding may be used for room and board or supplemental services.   | Paragraph (a) is identical. Paragraph (b) has a technical terminology difference (staff recommends the House language).  | Sec. 48. Transfer of emergency shelter funds. Amends § 256I.05, by adding subd. 11. Requires the commissioner to make a cost-neutral transfer of funding from the GRH fund to county human service agencies for emergency shelter beds removed from the GRH census under a biennial plan submitted by the county and approved by the commissioner. Sets the due date of the biennial plan on August 1, beginning August 1, 2017. Lists the information that must be described in the plan, including: (1) anticipated and actual outcomes for persons experiencing homelessness; (2) improved efficiencies in administration; (3) requirements for individual eligibility; and (4) plans for quality assurance monitoring and outcomes. Requires the commissioner to review the county plan to monitor implementation and outcomes. Allows the funding to be used for room and board or supplemental services. Requires funding to be allocated annually. Requires the room and board portion of the allocation to be determined at the time of transfer. Allows the commissioner or county to return beds to the GRH fund with 180 days’ notice. Makes this section effective July 1, 2017. |
| **Section 39 (256I.05 , subd. 12)** provides that for every provider with a supplementary services rate over $300, the commissioner shall reduce by 5% the difference between the total supplementary rate in effect 7/1/17, and $300, and decrease by 10% the difference between the total supplementary service rate in effect 7/1/19, and $300. One provider is exempt from this reduction.  | Senate only |  |
| **Section 41 (256I.06, subd. 8)** adds a new paragraph (c) specifying that the GRH rate for an individual who receives licensed residential crisis stabilization services is calculated so the state pays the full room and board rate. | Similar. Senate changes GRH terminology and the House does not. Paragraph (c) is identical. The effective date contains a technical difference. | Sec. 49. Amount of group residential housing payment. Amends § 256I.06, subd. 8. Establishes the GRH payment calculation for individuals who receive licensed residential crisis stabilization services. Makes this section effective October 1, 2017. |
| **Section 42 (256I.09)** requires the commissioner to award grants to agencies through the annual competitive process for: (1) outreach to locate and engage people who are homeless or residing in segregated settings to screen for basic needs and assist with a referral to community living resources; (2) build capacity to provide technical assistance on housing and support service resources, and (3) streamline the administration and monitoring of activities related to housing support funds. | Senate only |  |
| **Section 43** is a revisor instruction changing “group residential housing” to “housing support services.” | Senate only |  |