

June 15, 2020

House Health & Human Services Finance Committee



RE: Department of Human Services COVID-19 Waivers and Modifications Continuance

Chair Liebling and Members of the Health & Human Services Finance Committee,

Thank you for the opportunity to comment on the various waivers and regulatory modifications that have been part of the response to COVID-19 by the Department of Human Services. The waivers have allowed flexibility for Minnesotans with disabilities statewide in accessing important programs like housing supports and food assistance, as well as other vital home and community-based services that help them live and work independently throughout this pandemic and beyond.

Many of the waivers have opened up new and innovative ways to provide services, and many will be critically important to continue after the peacetime emergency ends. There would be significant disruption to individuals' lives, their housing, and many of the supports they access, if the waivers were allowed to expire immediately after the peacetime emergency. In order to avoid these disruptions and confusion, we support language from the Department of Human Services that extend Executive Orders 20-11 and 20-12 for sixty days or longer or, if required by federal law, to receive enhanced federal financial support or comply with other federal timelines.

We have the following recommendations regarding COVID-19 state or federal waivers or modifications:

Executive Order 20-12: <https://mn.gov/dhs/waivers-and-modifications/>

12. Allowing telemedicine alternative for School-Linked Mental Health services and Intermediate School District Mental Health services for children and their families (CV21) **We support continuation beyond the peacetime emergency until 2021 or beyond.**

13. Modifying certain background study requirements – Amended (CV23) **We support continuation for 60 days following the peacetime emergency but have reservations about doing so far beyond this point without some parameters in place to ensure sufficient oversight.**

14. Waiving in-person requirement to allow fair hearings to take place by telephone or video (CV29) **We have reservations about continuing this waiver beyond 60 days following the peacetime emergency. The lack of an in-person hearing may put some people with disabilities at a serious disadvantage in the hearing process and we want to protect that option.**

17. Allowing exemption for temporary absence policy in Housing Support (CV27) **We support continuation beyond the peacetime emergency until 2021 or beyond to assure stability in individuals' housing and assist those who may have to leave their housing to recover from COVID-19.**

21. Allowing flexibility in housing licensing requirements (CV38) **We support continuation beyond the peacetime emergency until 2021 or beyond to allow for temporary relocations of people recovering from COVID-19.**

29. Modifying certain requirements for Early Intensive Developmental and Behavioral Intervention (EIDBI) services **We support continuation beyond the peacetime emergency until 2021 or ongoing for telemedicine services for autism therapies.**

32. Allowing flexibility for personal care assistance (PCA) service oversight and hours (CV53) **We strongly support extension beyond the peacetime emergency or ongoing including the increase in allowed hours for PCAs to work from 275 to 310 per month, and urge legislative leadership to fund this indefinitely. This specific change is vital for our stakeholders, as many parent advocates offer more PCA services/supports for their children during this pandemic.**

Waivers under peacetime emergency authority, Executive Order 20-12: Federal Medicaid and MinnesotaCare approvals received. We support extension of all of the following federally approved waivers:

1. Preserving health care coverage for Medical Assistance and MinnesotaCare — Amended (CV17)
2. Allowing phone or video visits for waiver programs (CV15)
3. Expanding access to telemedicine services for Children’s Health Insurance Program, Medical Assistance and MinnesotaCare enrollees (CV16)
4. Allowing 90-day supply of prescription maintenance medications (CV19)
5. Postponing provider screening and re-enrollment (CV22)
6. Eliminating cost-sharing for COVID-19 diagnosis, treatment (CV20)
7. Expanding telemedicine in health care, mental health, and substance use disorder settings (CV30)
8. Allowing phone or video use for targeted case management visits (CV24)
9. Allowing remote delivery of adult day services (CV44)
10. Expanding remote Home and Community Based Services waiver services for people with disabilities – Amended (CV43)

Changes under existing authority to respond to COVID-19

We support the following additional waivers to state compliance with federal programs made to respond to the COVID-19 peacetime emergency:

3. Implementation of federal changes to the Supplemental Nutrition Assistance Program (CV18, CV37, CV39 and CV42) **We support waiving work requirements for SNAP and the temporary benefit increase to respond to the COVID-19 crisis.**

10. Confirming the Availability of Employment Services and the Right to Make Informed Choices and During the Peacetime Emergency (CV75) **We support the right of people with disabilities to make informed choices when deciding to return to work during and after the peacetime emergency, and encourage individuals to consider transitioning to competitive, integrated employment.**

Thank you for holding a hearing to discuss these important waivers in response to COVID-19, and for the opportunity to provide feedback in response. We are happy to connect and discuss these comments more in-depth, or respond to any questions or concerns that may arise, and are grateful for your ongoing support and leadership on behalf of Minnesotans with disabilities statewide.

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