



April 8, 2024

The Honorable Mohamud Noor  
Chair, Human Services Finance Committee  
Minnesota House of Representatives  
379 State Office Building  
St. Paul, MN 55155

The Honorable Anne Neu Brindley  
Republican Lead, Human Services Finance Committee  
Minnesota House of Representatives  
251 State Office Building  
St. Paul, MN 55155

**Re: Legal Aid letter regarding HF 5280**

Dear Chair Noor, Lead Neu Brindley, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center write regarding HF 5280, the Governor's human services budget bill. We have comments on two sections of this bill.

**Support: Disability Home and Community-based Services Reimbursement in Acute Care Hospital Stays (lines 7.8-7.23)**

Individuals with disabilities who live in home and community-based waiver settings often receive complex and specialized care from disability waiver providers. When these individuals are hospitalized, they are often forced to go without their needed specialized care due to Medicaid rules that prevent billing for waiver services while a person is in a hospital setting. Reimbursing providers of disability waiver services who are serving clients who are hospitalized will allow for a continuity of care that will improve outcomes for children and adults with complex health conditions. In addition, allowing these providers to continue to provide home and community-based services during a hospital stay will ease the burden on hospital staff, who are overworked as is and often do not have the specialized training and knowledge to work with individuals with complex disability-related needs. We urge you to support this section.

**Oppose: Direct Care and Treatment (DCT) Expedited Rulemaking (lines 47.22-47.26)**

We urge you to oppose expedited rulemaking for DCT. The current proposed legislation permits DCT to adopt rules using the expedited rulemaking process in Minn. Stat. § 14.389 until

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July 1, 2030. Notice and comment rulemaking is essential to ensure that all voices are heard in the governance of DCT, and that the need for and reasonableness of the rules are established as required by Chapter 14. The formal rulemaking process gives members of the public an opportunity to submit comments and testimony about the governance of DCT and will likely improve how DCT functions. Given that existing rules will remain in effect while new rules are adopted, the provision allowing for expedited rulemaking is unnecessary and has the potential to exclude valuable voices from the governance of DCT.

Rejecting expedited rulemaking is especially important because DCT declined to establish an advisory committee or other way for more members of the public to add input. Advisory committees are essential to ensure that the DCT board receives input from a variety of diverse perspectives. The refusal to provide an avenue for public input as this department gets started, coupled with expedited rulemaking, signals that DCT does not appear interested in accepting input from a variety of diverse perspectives as it begins its work.

Thank you for the opportunity to provide input on HF 5280.

Sincerely,



Jennifer Purrington  
Legal Director/Deputy Director  
Minnesota Disability Law Center



Ellen Smart  
Staff Attorney  
Legal Aid

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