

1.1 ..... moves to amend H.F. No. 2408 as follows:

1.2 Page 13, after line 16, insert:

1.3 "Sec. .... Minnesota Statutes 2010, section 256B.0915, subdivision 8, is amended to  
1.4 read:

1.5 Subd. 8. **Services and supports.** (a) Services and supports shall meet the  
1.6 requirements set out in United States Code, title 42, section 1396n.

1.7 (b) Services and supports shall promote consumer choice and be arranged and  
1.8 provided consistent with individualized, written care plans.

1.9 (c) The state of Minnesota, county, managed care organization, or tribal government  
1.10 under contract to administer the elderly waiver shall not be liable for damages, injuries,  
1.11 or liabilities sustained through the purchase of direct supports or goods by the person,  
1.12 the person's family, or the authorized representatives with funds received through  
1.13 consumer-directed community support services under the federally approved waiver plan.  
1.14 Liabilities include, but are not limited to, workers' compensation liability, the Federal  
1.15 Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act (FUTA).

1.16 (d) The consumer directed community supports budget methodology for an  
1.17 individual is limited to a reduction of ten percent from the projected cost for goods and  
1.18 services purchased by an agency. For current waiver recipients not using consumer  
1.19 directed community supports, the consumer directed budget shall include a ten percent  
1.20 reduction from current spending.

1.21 **EFFECTIVE DATE.** This section is effective July 1, 2013.

1.22 Sec. .... Minnesota Statutes 2010, section 256B.0916, subdivision 6a, is amended to  
1.23 read:

1.24 Subd. 6a. **Statewide availability of consumer-directed community support**  
1.25 **services.** (a) The commissioner shall submit to the federal Health Care Financing

2.1 Administration by August 1, 2001, an amendment to the home and community-based  
 2.2 waiver for persons with developmental disabilities to make consumer-directed community  
 2.3 support services available in every county of the state by January 1, 2002.

2.4 (b) If a county declines to meet the requirements for provision of consumer-directed  
 2.5 community supports, the commissioner shall contract with another county, a group of  
 2.6 counties, or a private agency to plan for and administer consumer-directed community  
 2.7 supports in that county.

2.8 (c) The state of Minnesota, county agencies, tribal governments, or administrative  
 2.9 entities under contract to participate in the implementation and administration of the home  
 2.10 and community-based waiver for persons with developmental disabilities, shall not be  
 2.11 liable for damages, injuries, or liabilities sustained through the purchase of support by the  
 2.12 individual, the individual's family, legal representative, or the authorized representative  
 2.13 with funds received through the consumer-directed community support service under  
 2.14 this section. Liabilities include but are not limited to: workers' compensation liability,  
 2.15 the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act  
 2.16 (FUTA).

2.17 (d) The consumer directed community supports budget methodology for an  
 2.18 individual is limited to a reduction of ten percent from the projected cost for goods and  
 2.19 services purchased by an agency. For current waiver recipients not using consumer  
 2.20 directed community supports, the consumer directed budget shall include a ten percent  
 2.21 reduction from current spending.

2.22 **EFFECTIVE DATE.** This section is effective July 1, 2012.

2.23 Sec. .... Minnesota Statutes 2010, section 256B.49, subdivision 16, is amended to read:

2.24 Subd. 16. **Services and supports.** (a) Services and supports included in the home  
 2.25 and community-based waivers for persons with disabilities shall meet the requirements set  
 2.26 out in United States Code, title 42, section 1396n. The services and supports, which are  
 2.27 offered as alternatives to institutional care, shall promote consumer choice, community  
 2.28 inclusion, self-sufficiency, and self-determination.

2.29 (b) Beginning January 1, 2003, the commissioner shall simplify and improve access  
 2.30 to home and community-based waived services, to the extent possible, through the  
 2.31 establishment of a common service menu that is available to eligible recipients regardless  
 2.32 of age, disability type, or waiver program.

2.33 ~~(c) Consumer directed community support services shall be offered as an option to~~  
 2.34 ~~all persons eligible for services under subdivision 11, by January 1, 2002. The consumer~~  
 2.35 directed community supports budget methodology for an individual is limited to a

3.1 reduction of ten percent from the projected cost for goods and services purchased by an  
 3.2 agency. For current waiver recipients not using consumer directed community supports,  
 3.3 the consumer directed budget shall include a ten percent reduction from current spending.

3.4 (d) Services and supports shall be arranged and provided consistent with  
 3.5 individualized written plans of care for eligible waiver recipients.

3.6 (e) A transitional supports allowance shall be available to all persons under a home  
 3.7 and community-based waiver who are moving from a licensed setting to a community  
 3.8 setting. "Transitional supports allowance" means a onetime payment of up to \$3,000, to  
 3.9 cover the costs, not covered by other sources, associated with moving from a licensed  
 3.10 setting to a community setting. Covered costs include:

3.11 (1) lease or rent deposits;

3.12 (2) security deposits;

3.13 (3) utilities setup costs, including telephone;

3.14 (4) essential furnishings and supplies; and

3.15 (5) personal supports and transports needed to locate and transition to community  
 3.16 settings.

3.17 (f) The state of Minnesota and county agencies that administer home and  
 3.18 community-based waived services for persons with disabilities, shall not be liable  
 3.19 for damages, injuries, or liabilities sustained through the purchase of supports by the  
 3.20 individual, the individual's family, legal representative, or the authorized representative  
 3.21 with funds received through the consumer-directed community support service under  
 3.22 this section. Liabilities include but are not limited to: workers' compensation liability,  
 3.23 the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act  
 3.24 (FUTA).

3.25 **EFFECTIVE DATE.** This section is effective July 1, 2012."

3.26 Page 19, after line 31, insert:

3.27 "Sec. .... **ESTABLISHMENT OF RATES FOR SHARED HOME AND**  
 3.28 **COMMUNITY-BASED WAIVER ADMINISTRATIVE SERVICES.**

3.29 By January 1, 2013, the commissioner of human services shall establish rates  
 3.30 to be paid for in-home services and personal supports under all of the home and  
 3.31 community-based waiver services programs consistent with the standards in Minnesota  
 3.32 Statutes, section 256B.4912, subdivision 2.

3.33 **EFFECTIVE DATE.** This section is effective July 1, 2012.

4.1       Sec. .... **HOME AND COMMUNITY-BASED SERVICES WAIVERS BUDGET**  
 4.2 **METHODOLOGY WAIVER AMENDMENT REQUIRED.**

4.3       The commissioner of human services shall submit an amendment to the Centers for  
 4.4 Medicare and Medicaid Services for the budget methodology changes under Minnesota  
 4.5 Statutes, sections 256B.0915, subdivision 8; 256B.0916, subdivision 6a; and 256B.49,  
 4.6 subdivision 16, by June 1, 2012.

4.7       **EFFECTIVE DATE.** This section is effective the day following final enactment."  
 4.8       Renumber the sections in sequence and correct the internal references  
 4.9       Amend the title accordingly