

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

1.2 Page 1, after line 14, insert:

1.3 "Sec. Minnesota Statutes 2010, section 144A.351, is amended to read:

1.4 **144A.351 BALANCING LONG-TERM CARE SERVICES AND SUPPORTS:**
1.5 **REPORT REQUIRED.**

1.6 The commissioners of health and human services, in consultation with ~~the~~
1.7 ~~cooperation of counties and~~ stakeholders, including persons who need or are using
1.8 long-term care services and supports, lead agencies, regional entities, senior and disability
1.9 organization representatives, service providers, community members, including local
1.10 businesses, and church representatives shall prepare a report to the legislature by August
1.11 15, ~~2004~~ 2014, and biennially thereafter, regarding the status of the full range of long-term
1.12 care services and supports for the elderly and children and adults with disabilities in
1.13 Minnesota. The report shall address:

- 1.14 (1) demographics and need for long-term care services and supports in Minnesota;
- 1.15 (2) summary of county and regional reports on long-term care gaps, surpluses,
1.16 imbalances, and corrective action plans;
- 1.17 (3) status of long-term care services by county and region including:
 - 1.18 (i) changes in availability of the range of long-term care services and housing
1.19 options;
 - 1.20 (ii) access problems regarding long-term care services; and
 - 1.21 (iii) comparative measures of long-term care services availability and ~~progress~~
1.22 changes over time; and
- 1.23 (4) recommendations regarding goals for the future of long-term care services and
1.24 supports, policy and fiscal changes, and resource needs."

1.25 Page 2, line 12, strike everything after the comma

1.26 Page 2, strike line 13

2.1 Page 2, line 14, strike everything before the period and insert "as a component of the
2.2 report on the status of long-term care services, required under section 144A.351"

2.3 Page 3, line 12, strike ", and" and insert a period and strike "immediately" and after
2.4 the second "the" insert "statewide" and strike "for the"

2.5 Page 3, line 13, strike "home" and delete the new language

2.6 Page 3, line 14, delete the new language and insert "if necessary to maintain
2.7 statewide long-term care residential service capacity within budgetary limits, including
2.8 all legislatively mandated reductions. If a licensed adult foster home becomes no
2.9 longer viable, the lead agency, with the assistance of the department, shall facilitate a
2.10 consolidation of settings or closure"

2.11 Page 3, after line 16, insert:

2.12 "(f) A resource need determination process, managed at the state level, using
2.13 the available reports required by section 144A.351, will determine where the reduced
2.14 capacity required under paragraph (e), will occur. The commissioner shall consult with
2.15 the stakeholders described in section 144A.351, and employ a variety of methods to
2.16 improve the state's capacity to meet long-term care service needs within budgetary limits,
2.17 including seeking proposals from service providers or lead agencies to change service
2.18 type, capacity, or location to improve services, increase the independence of residents,
2.19 and better meet needs identified by the long-term care services reports and statewide data
2.20 and information. By February 1 of each year, the commissioner shall provide information
2.21 and data on the overall capacity of licensed long-term care services, actions taken under
2.22 this subdivision to manage statewide long-term care services and supports resources, and
2.23 any recommendations for change to the legislative committees with jurisdiction over the
2.24 health and human services budget."

2.25 Page 13, after line 16, insert:

2.26 "Sec. Minnesota Statutes 2011 Supplement, section 256B.49, subdivision 15, is
2.27 amended to read:

2.28 Subd. 15. **Individualized service plan; comprehensive transitional service plan;**
2.29 **maintenance service plan.** (a) Each recipient of home and community-based waived
2.30 services shall be provided a copy of the written service plan which:

2.31 (1) is developed and signed by the recipient within ten working days of the
2.32 completion of the assessment;

2.33 (2) meets the assessed needs of the recipient;

2.34 (3) reasonably ensures the health and safety of the recipient;

2.35 (4) promotes independence;

2.36 (5) allows for services to be provided in the most integrated settings; and

3.1 (6) provides for an informed choice, as defined in section 256B.77, subdivision 2,
3.2 paragraph (p), of service and support providers.

3.3 (b) In developing the comprehensive transitional service plan, the individual
3.4 receiving services, the case manager, and the guardian, if applicable, will identify
3.5 the transitional service plan fundamental service outcome and anticipated timeline to
3.6 achieve this outcome. Within the first 20 days following a recipient's request for an
3.7 assessment or reassessment, the transitional service planning team must be identified. A
3.8 team leader must be identified who will be responsible for assigning responsibility and
3.9 communicating with team members to ensure implementation of the transition plan and
3.10 ongoing assessment and communication process. The team leader should be an individual,
3.11 such as the case manager or guardian, who has the opportunity to follow the recipient to
3.12 the next level of service.

3.13 Within ten days following an assessment, a comprehensive transitional service plan
3.14 must be developed incorporating elements of a comprehensive functional assessment and
3.15 including short-term measurable outcomes and timelines for achievement of and reporting
3.16 on these outcomes. Functional milestones must also be identified and reported according
3.17 to the timelines agreed upon by the transitional service planning team. In addition, the
3.18 comprehensive transitional service plan must identify additional supports that may assist
3.19 in the achievement of the fundamental service outcome such as the development of greater
3.20 natural community support, increased collaboration among agencies, and technological
3.21 supports.

3.22 The timelines for reporting on functional milestones will prompt a reassessment of
3.23 services provided, the units of services, rates, and appropriate service providers. It is
3.24 the responsibility of the transitional service planning team leader to review functional
3.25 milestone reporting to determine if the milestones are consistent with observable skills
3.26 and that milestone achievement prompts any needed changes to the comprehensive
3.27 transitional service plan.

3.28 For those whose fundamental transitional service outcome involves the need to
3.29 procure housing, a plan for the recipient to seek the resources necessary to secure the least
3.30 restrictive housing possible should be incorporated into the plan, including employment
3.31 and public supports such as housing access and shelter needy funding.

3.32 (c) Counties and other agencies responsible for funding community placement and
3.33 ongoing community supportive services are responsible for the implementation of the
3.34 comprehensive transitional service plans. Oversight responsibilities include both ensuring
3.35 effective transitional service delivery and efficient utilization of funding resources.

4.1 (d) Following one year of transitional services, the transitional services planning
 4.2 team will make a determination as to whether or not the individual receiving services
 4.3 requires the current level of continuous and consistent support in order to maintain the
 4.4 recipient's current level of functioning. Recipients who are determined to have not had
 4.5 a significant change in functioning for 12 months must move from a transitional to a
 4.6 maintenance service plan. Recipients on a maintenance service plan must be reassessed
 4.7 to determine if the recipient would benefit from a transitional service plan at least every
 4.8 12 months and at other times when there has been a significant change in the recipient's
 4.9 functioning. This assessment should consider any changes to technological or natural
 4.10 community supports.

4.11 (e) When a county is evaluating denials, reductions, or terminations of home and
 4.12 community-based services under section 256B.49 for an individual, the case manager
 4.13 shall offer to meet with the individual or the individual's guardian in order to discuss the
 4.14 prioritization of service needs within the individualized service plan, comprehensive
 4.15 transitional service plan, or maintenance service plan. The reduction in the authorized
 4.16 services for an individual due to changes in funding for waived services may not exceed
 4.17 the amount needed to ensure medically necessary services to meet the individual's health,
 4.18 safety, and welfare.

4.19 (f) At the time of reassessment, local agency case managers shall assess each
 4.20 recipient of community alternatives for disabled individuals or traumatic brain injury
 4.21 waived services currently residing in a licensed adult foster home that is not the primary
 4.22 residence of the license holder, or in which the license holder is not the primary caregiver,
 4.23 to determine if that recipient could appropriately be served in a community-living setting.
 4.24 If appropriate for the recipient, the case manager shall offer the recipient, through a
 4.25 person-centered planning process, the option to receive alternative housing and service
 4.26 options. ~~In the event that the recipient chooses to transfer from the adult foster home,~~
 4.27 ~~the vacated bed shall not be filled with another recipient of waiver services and group~~
 4.28 ~~residential housing, unless provided under section 245A.03, subdivision 7, paragraph (a),~~
 4.29 ~~clauses (3) and (4), and the licensed capacity shall be reduced accordingly. If the adult~~
 4.30 ~~foster home becomes no longer viable due to these transfers, the county agency, with the~~
 4.31 ~~assistance of the department, shall facilitate a consolidation of settings or closure. This~~
 4.32 reassessment process shall be completed by ~~June 30, 2012~~ July 1, 2013."

4.33 Page 14, line 5, delete everything after "institution"

4.34 Page 14, delete line 6

4.35 Page 14, line 7, delete "institution" and insert "which" and after the colon insert "
 4.36 regimented meal and sleep times, limitations on visitors, and lack of privacy. Restrictions

5.1 agreed to and documented in the person's individual service plan shall not result in a
 5.2 residence having the qualities of an institution as long as the restrictions for the person are
 5.3 not imposed upon others in the same residence and are the least restrictive alternative,
 5.4 imposed for the shortest possible time to meet the person's needs."

5.5 Page 14, delete lines 8 to 10

5.6 Page 15, line 27, delete the new language

5.7 Page 15, delete lines 28 to 32

5.8 Page 15, line 33, delete the new language

5.9 Page 16, line 1, delete the new language

5.10 Page 16, delete lines 2 to 4

5.11 Page 19, after line 31, insert:

5.12 "Sec. **HOME AND COMMUNITY-BASED SERVICES WAIVERS**

5.13 **AMENDMENT.**

5.14 By September 1, 2012, the commissioner of human services shall submit
 5.15 amendments to the home and community-based services waiver plans consistent with
 5.16 the definition of home and community-based settings under Minnesota Statutes, section
 5.17 256B.492, and a request to allow an exception for a five year transition period for those
 5.18 settings that serve more than 20 percent of persons with disabilities as of January 1, 2012,
 5.19 but otherwise meet the definition in this section. Within the parameters of the approved
 5.20 home and community-based services waiver plans, providers may request an exception for
 5.21 a transition period from the commissioner of human services. The commissioner must
 5.22 maintain a list of those settings that have been approved for this exception, and allow
 5.23 home and community-based payments to be made for services provided."

5.24 Renumber the sections in sequence and correct the internal references

5.25 Amend the title accordingly