

1.1 moves to amend H.F. No. 1211 as follows:

1.2 Page 1, delete section 1, and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 256B.0916, subdivision 2, is amended to
1.4 read:

1.5 Subd. 2. **Distribution of funds; partnerships.** (a) Beginning with fiscal year 2000,
1.6 the commissioner shall distribute all funding available for home and community-based
1.7 waiver services for persons with developmental disabilities to individual counties or to
1.8 groups of counties that form partnerships to jointly plan, administer, and authorize funding
1.9 for eligible individuals. The commissioner shall encourage counties to form partnerships
1.10 that have a sufficient number of recipients and funding to adequately manage the risk
1.11 and maximize use of available resources.

1.12 (b) Counties must submit a request for funds and a plan for administering the
1.13 program as required by the commissioner. The plan must identify the number of clients to
1.14 be served, their ages, and their priority listing based on:

- 1.15 (1) requirements in Minnesota Rules, part 9525.1880; and
- 1.16 (2) statewide priorities identified in section 256B.092, subdivision 12.

1.17 The plan must also identify changes made to improve services to eligible persons and to
1.18 improve program management.

1.19 (c) In allocating resources to counties, priority must be given to groups of counties
1.20 that form partnerships to jointly plan, administer, and authorize funding for eligible
1.21 individuals and to counties determined by the commissioner to have sufficient waiver
1.22 capacity to maximize resource use.

1.23 (d) Within 30 days after receiving the county request for funds and plans, the
1.24 commissioner shall provide a written response to the plan that includes the level of
1.25 resources available to serve additional persons.

1.26 (e) Counties are eligible to receive medical assistance administrative reimbursement
1.27 for administrative costs under criteria established by the commissioner.

2.1 (f) The commissioner shall manage waiver allocations in such a manner as to fully
 2.2 use available waiver funding.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.4 Sec. 2. Minnesota Statutes 2014, section 256B.0916, subdivision 11, is amended to read:

2.5 Subd. 11. **Excess spending.** County and tribal agencies are responsible for spending
 2.6 in excess of the allocation made by the commissioner. In the event a county or tribal agency
 2.7 spends in excess of the allocation made by the commissioner for a given allocation period,
 2.8 they must submit a corrective action plan to the commissioner for approval. The plan must
 2.9 state the actions the agency will take to correct their overspending for the year two years
 2.10 following the period when the overspending occurred. ~~Failure to correct overspending~~
 2.11 ~~shall result in recoupment of spending in excess of the allocation.~~ The commissioner
 2.12 shall recoup spending in excess of the allocation only in cases where statewide spending
 2.13 exceeds the appropriation designated for the home and community-based services waivers.
 2.14 Nothing in this subdivision shall be construed as reducing the county's responsibility to
 2.15 offer and make available feasible home and community-based options to eligible waiver
 2.16 recipients within the resources allocated to them for that purpose.

2.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.18 Sec. 3. Minnesota Statutes 2014, section 256B.0916, is amended by adding a
 2.19 subdivision to read:

2.20 Subd. 12. **Use of waiver allocations.** County and tribal agencies are responsible for
 2.21 spending the allocation made by the commissioner. In the event a county or tribal agency
 2.22 spends less than 97 percent of the allocation, while maintaining a list of persons waiting
 2.23 for waiver services, the county or tribal agency must submit a corrective action plan to
 2.24 the commissioner for approval. The plan must state the actions the agency will take to
 2.25 assure reasonable and timely access to home and community-based waiver services for
 2.26 persons waiting for services. If a county or tribe does not submit a plan when required
 2.27 or implement the changes required, the commissioner shall provide access to waiver
 2.28 services for those waiting within the county or tribe's available allocation and take other
 2.29 actions needed to assure that all waiver participants in that county or tribe are receiving
 2.30 appropriate waiver services to meet their needs.

2.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.32 Sec. 4. Minnesota Statutes 2014, section 256B.49, subdivision 26, is amended to read:

3.1 Subd. 26. **Excess allocations spending**. County and tribal agencies will
 3.2 be responsible for ~~authorizations in excess of~~ spending the allocation made by the
 3.3 commissioner. In the event a county or tribal agency ~~authorizes~~ spends in excess of
 3.4 the allocation made by the commissioner for a given allocation period, the county or
 3.5 tribal agency must submit a corrective action plan to the commissioner for approval.
 3.6 The plan must state the actions the agency will take to correct their overspending for
 3.7 the ~~year~~ two years following the period when the overspending occurred. ~~Failure to~~
 3.8 ~~correct overauthorizations shall result in recoupment of authorizations in excess of the~~
 3.9 ~~allocation.~~ The commissioner shall recoup funds spent in excess of the allocation only
 3.10 in cases where statewide spending exceeds the appropriation designated for the home
 3.11 and community-based services waivers. Nothing in this subdivision shall be construed
 3.12 as reducing the county's responsibility to offer and make available feasible home and
 3.13 community-based options to eligible waiver recipients within the resources allocated
 3.14 to them for that purpose. If a county or tribe does not submit a plan when required
 3.15 or implement the changes required, the commissioner shall provide access to waiver
 3.16 services for those waiting within the county or tribe's available allocation and take other
 3.17 actions needed to assure that all waiver participants in that county or tribe are receiving
 3.18 appropriate waiver services to meet their needs.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.20 Sec. 5. Minnesota Statutes 2014, section 256B.49, is amended by adding a subdivision
 3.21 to read:

3.22 Subd. 27. **Use of waiver allocations.** County and tribal agencies are responsible for
 3.23 spending the allocation made by the commissioner. In the event a county or tribal agency
 3.24 spends less than 97 percent of the allocation, while maintaining a list of persons waiting
 3.25 for waiver services, the county or tribal agency must submit a corrective action plan to
 3.26 the commissioner for approval. The plan must state the actions the agency will take
 3.27 to assure reasonable and timely access to home and community-based waiver services
 3.28 for persons waiting for services.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment."

3.30 Page 2, lines 20 and 21, delete the new language

3.31 Page 3, delete lines 15 to 18, and insert:

3.32 "(6) no adjustment to the rate in effect in clause (5) for the 12-month period
 3.33 immediately following the time period of clause (5). During this banding rate period, the
 3.34 commissioner shall not enforce any rate decrease or increase that would otherwise result

4.1 from the end of the banding period. The commissioner shall, upon enactment, seek federal
4.2 approval for the addition of this banding period."

4.3 Page 4, line 10, delete "train" and insert "offer training at least annually for"

4.4 Page 4, delete lines 12 and 13

4.5 Page 4, line 14, delete "interactive"

4.6 Page 4, line 34, strike "brought in"

4.7 Page 5, line 4, after the first semicolon insert "and" and strike "; and" and insert
4.8 a period

4.9 Page 5, line 5, before the period, insert "must also be considered"

4.10 Page 5, delete lines 12 and 13

4.11 Page 5, lines 19 to 26, reinstate the stricken language

4.12 Page 5, line 27, reinstate the stricken "provider observation of an individual's
4.13 service need."

4.14 Reletter the paragraphs in sequence

4.15 Page 9, delete lines 10 to 12

4.16 Page 9, lines 13, 14, 16 to 19, 21, and 22, delete the new language and reinstate
4.17 the stricken language

4.18 Page 11, delete lines 26 to 33, and insert:

4.19 "(i) No later than July 1, 2016, the commissioner shall develop and implement, in
4.20 consultation with stakeholders, a methodology sufficient to determine the shared staffing
4.21 levels necessary to meet, at a minimum, health and welfare needs of individuals who
4.22 will be living together in shared residential settings, and the required shared staffing
4.23 activities described in section 256B.4914, subdivision 2, paragraph (l). This determination
4.24 methodology must ensure staffing levels are adaptable to meet the needs and desired
4.25 outcomes for current and prospective residents in shared residential settings. Effective
4.26 the day following final enactment, until this determination methodology is developed and
4.27 implemented, the calculation for shared staffing will be based on the available shared
4.28 hours divided by the number of individuals served."

4.29 Page 12, lines 1 to 4, delete the new language

4.30 Page 12, line 13, delete "for review"

4.31 Page 12, delete lines 14 to 17

4.32 Page 12, line 18, delete everything before the period

4.33 Page 12, delete lines 25 to 27

4.34 Page 12, line 28, delete "(4)" and insert "(3)"

4.35 Page 12, line 30, delete the period and insert "; or"

4.36 Page 12, after line 30, insert:

5.1 "(4) when the authorized amount of shared staffing hours for recipients enrolled in
 5.2 residential services after January 1, 2014, is insufficient to cover their equal proportion of
 5.3 the available shared hours or is insufficient to cover their hours greater than the available
 5.4 shared hours. This provision is effective until the determination methodology under
 5.5 section 256B.4914, subdivision 10, paragraph (i), is developed and fully implemented.
 5.6 The commissioner, in cooperation with stakeholders, shall develop and implement, no
 5.7 later than July 1, 2015, an application covering shared hours related exception requests for
 5.8 recipients enrolled in residential services after January 1, 2014. This application replaces
 5.9 the information required in paragraph (d), clauses (1) to (3)."

5.10 Page 13, line 2, after the semicolon insert "and"

5.11 Page 13, lines 3 to 11, delete the new language

5.12 Page 13, line 14, after "recipients" insert ", an interested party,"

5.13 Page 13, line 16, after "recipient" insert ", the interested party,"

5.14 Page 13, line 24, after the comma insert "the interested party," and delete everything
 5.15 after the period

5.16 Page 13, delete lines 25 to 28

5.17 Page 13, line 29, delete the new language

5.18 Page 14, lines 1 and 2, delete the new language

5.19 Page 14, after line 5, insert:

5.20 "(j) The starting date for the rate exception will be the later of the date of the
 5.21 recipient's change in support or the date of the request to the lead agency for an exception."

5.22 Page 14, line 6, delete "(j)" and insert "(k)"

5.23 Page 14, line 9, after the second comma insert "withdrawn,"

5.24 Page 14, after line 10, insert:

5.25 "(l) No later than January 15, 2016, the commissioner shall provide research
 5.26 findings on the estimated fiscal impact, the primary cost drivers, and common population
 5.27 characteristics of recipients with needs that cannot be met by the framework rates.

5.28 (m) No later than July 1, 2016, the commissioner shall develop and implement,
 5.29 in consultation with stakeholders, a process to determine eligibility for rate exceptions
 5.30 for individuals with rates determined under the methodology in section 256B.4913,
 5.31 subdivision 4a. Determination of the eligibility for an exception will occur for all
 5.32 individuals as annual service renewals are completed.

5.33 (n) Approved rate exceptions will remain in effect in all cases until an individual's
 5.34 needs change as defined in paragraph (c), and remain in effect in all cases until an
 5.35 individual's needs change as defined in paragraph (c)."

5.36 Page 14, line 21, after "allocations" insert "shall be subject to the provisions"

6.1 Page 14, strike line 22

6.2 Page 14, lines 23 and 24, strike the old language and delete the new language

6.3 Page 14, line 25, strike everything before the period

6.4 Page 15, line 1, delete "1.113" and insert "1.133"

6.5 Page 15, after line 19, insert:

6.6 "Sec. **DIRECTION TO COMMISSIONER; REPORT REQUIRED.**

6.7 The commissioner of human services shall develop and submit a report to the chairs
6.8 and ranking minority members of the house of representatives and senate committees
6.9 and divisions with jurisdiction over health and human services policy and finance on
6.10 the implementation of Minnesota Statutes, sections 256B.0916, subdivisions 2, 11, and
6.11 12, and 256B.49, subdivisions 26 and 27. The commissioner shall submit the report
6.12 by February 15, 2017."

6.13 Renumber the sections in sequence and correct the internal references

6.14 Amend the title accordingly