



February 17, 2021

To: Members of the House Human Services Finance Committee  
RE: Waiver Reimagine and Senate File

Dear Chair Schultz and Committee Members,

We write to share our perspective on Waiver Reimagine and to share our support of Section 3 in House File 976.

The Minnesota Disability Law Center (MDLC) and the Legal Services Advocacy Project (LSAP) are statewide projects of Mid-Minnesota Legal Aid. MDLC serves as the Protection and Advocacy (P&A) organization for Minnesota, one of 49 other state P&A's federally designed under a Congressional act. MDLC provides free legal services to children and adults with disabilities in Minnesota. LSAP is the advocacy arm of Legal Aid and has provided legislative and administrative advocacy on behalf of Legal Aid's clients and all low-income Minnesotans since 1977.

### **Waiver Reimagine**

Thank you for this opportunity to discuss the Department's Waiver Reimagine project. Ensuring that waived services are **equitable, accessible, and promote life in community** for people who have disabilities is essential and we are grateful for all the work that stakeholders, legislators, and the Department have done to improve our disability services system.

We have been involved in conversations with the Department about Waiver Reimagine as it has been developed and have advocated for how it can advance the goals of equity, accessibility, timeliness, and promoting integration. We are grateful for the ways the Department has incorporated our feedback so far and will continue to advocate for how Waiver Reimagine can best serve our clients.

Under the current plans, there are several ways in which Waiver Reimagine will benefit our clients:

- **Equity:** It is important that people with similar support needs get access to the same types of services in similar amounts, with similar budgets. Waiver Reimagine will help accomplish this by making service menus available to everyone, regardless of their disability type, and by developing an individualized budget methodology.
- **Centralized management of funds:** Managing funds at the county level has often resulted in some counties underspending and inequitable access to needed services between counties
- **Accuracy and Understandability:** Waiver Reimagine will help to ensure services and processes are described in more complete and understandable ways.
- **Simplicity:** With fewer discrete service types and broader and more flexible definitions, it will be easier for people who have disabilities to navigate and use the service system. We note that it will be essential to be clear also about what the services cover and how they can be used.

We also see other opportunities to improve the disability service system through Waiver Reimagine:

- Timeliness: It would be helpful to improve how quickly people's applications are processed and how quickly service plans and request for changes to their services are completed and acted upon and this is something we believe could be part of Waiver Reimagine.
- Underserved Populations: Outreach to and better assessments (and services?) for populations that have not always accessed waiver services even if they would benefit from them is essential and this could be embedded in Waiver Reimagine.
- Consistency across counties: Minimizing or eliminating discrepant rules or practices across counties would be a helpful step to include. For example, county service authorization practices should be considered to ensure equity in access across counties.

We also have several questions to share about Waiver Reimagine as it progresses. We have shared these with the Department and offer them here for your information:

- How easy will it be to move from one waiver to the other? The facility with which a person can do this will have a significant impact on people's access to living in independent or non-provider controlled settings if they choose. Right now a person can make this kind of change without moving to a different waiver. How will this work under the new waivers and will there be any fiscal barriers?
- What does DHS's analysis show regarding "outliers" and the need for an exception process for individualized budgets? It would be nearly impossible to establish a budget setting formula that could adequately capture the costs for providing care to every service recipient. All waiver programs serve people who have individualized needs that exceed what a standardized budget formula can accommodate. What would a budget exceptions process under Waiver Reimagine look like, in terms of how it would be administered, by whom, and for how many expected waiver recipients?
- What transition planning will be available to support people who already use waiver services as the system moves to the new waivers? It's important to preserve continuity of care as changes are introduced and to ensure that participants and providers have support to navigate the transition.
- What opportunities for stakeholder involvement will be available as the project progresses? It is especially important to center the voices of people who have disabilities and we would be eager to work with the Department on stakeholder involvement.

### **House File 976**

We also write in support of Section 3 of House File 976, which directs the Commissioner of Human Services to convene a stakeholder group to discuss and develop a service ensuring that Minnesotans who have disabilities are able to access Personal Care Assistance and other direct support during periods of hospitalization. Our clients would benefit from having their PCAs or DSPs with them during hospitalization to ensure they have the individualized supports they need to help them navigate their health issues and communicate about and participate in their care. We are grateful to Representative Acomb for her leadership on this bill and to ARRM for advancing this important issue.

Thank you for your leadership on both of these important issues impacting Minnesotans who have disabilities. We would be happy to discuss either of these issues further with you if that would be helpful.

Sincerely,

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*Legal Services Advocacy Project*