

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Schomacker and others  
**Subject:** Adult Foster Care and Services for Persons with Disabilities  
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- 1**     **Adult foster care homes serving people with mental illness; certification.** Amends § 245A.03, by creating subd. 6a. Instructs the commissioner to develop a certification for corporate adult foster care homes that serve individuals with mental illness. Lists the requirements that must be met in order for the home to receive certification.
- 2**     **Adult foster care license capacity.** Amends § 245A.11, subd. 2a. Adds paragraph (e) which allows the commissioner to issue a variance for respite services. Under specified circumstances allows an adult foster care home to use a fifth bed for respite services.  
  
Modifies paragraph (f) to allow the commissioner to license an adult foster care home for five beds under certain circumstances if the home was licensed before March 1, 2011. Current law requires homes to be licensed before March 1, 2009. Provides that if a facility has been licensed for a fifth bed prior to June 30, 2016, the facility can continue to operate with a five bed capacity. Current law requires licensure prior to June 30, 2011.
- 3**     **Adult foster care; variance for alternate overnight supervision.** Amends § 245A.11, subd. 7. Provides that if a license holder has had a conditional license issued or other licensing sanction during the prior 24 months, then the provider cannot receive a variance for alternate overnight supervision. Current law prohibits the variance if a license holder has had a licensing action.
- 4**     **Alternate overnight supervision technology; adult foster care license.** Amends § 245A.11, subd. 7a. Makes technical changes and adds new paragraphs.  
  
Paragraph (k) requires the commissioner to provide detailed application forms.  
  
Paragraph (l) provides that a license holder must not have had a conditional license or licensing sanction for failure to provide adequate supervision, health care services, or resident safety within the previous 24 months in order to receive a license under this subdivision.  
  
Paragraph (m) requires the commissioner to review applications within 60 days and provide the applicant notice if the application is incomplete. Allows the applicant 45 days to submit the required information. Allows the commissioner 30 days to complete the review.  
  
Paragraph (n) requires the commissioner to deny or approve the application within 60 days.

Paragraph (o) defines supervision for purposes of this subdivision.

- 5 Risk management plan.** Amends § 245B.06, subd. 2. Modifies risk management plans that must be developed by developmental disabilities service providers. Requires license holders jointly providing services to a consumer to coordinate and use the resulting assessment of risk areas for the development of each license holder's risk management or the shared risk management plan. Requires the plan to identify referrals made when the consumer is vulnerable to risks outside the scope or control of licensed services.
- 6 Consumer data file.** Amends § 245B.07, subd. 1. Prohibits license holders from being sanctioned or penalized financially for not having a current individual service plan in the consumer's data file if the case manager fails to provide the plan after receiving a written request from the license holder.
- 7 Unlicensed home and community-based waiver providers of service to seniors and individuals with disabilities.** Amends § 245C.04, subd. 6. Adds paragraph (c). Provides that an annual background study does not need to be completed on an individual who works for a provider with DHS licensed programs and unlicensed services if the provider complies with certain requirements and the individual provides at least 40 hours of direct contact services in the provider's licensed program.
- 8 Probation officer and corrections agent.** Amends § 245C.05, subd. 7. Requires probation officers and corrections agents to notify the commissioner of an individual's conviction if the individual has been affiliated with a licensed program within the preceding year and has been convicted of a disqualifying crime.
- 9 Individual service plan.** Amends § 256B.092, subd. 1b. Requires approved, written, and signed changes to a consumer's services to be an addendum to the consumer's individual service plan.
- 10 State quality council.** Amends § 256B.097, subd. 3. Modifies the duties of the state quality council by adding two new duties.
- 11 Community-living settings.** Amends § 256B.49, subd. 23. Modifies the definition of "community-living settings" by adding a requirement that a service provider transfer a lease to an individual within two years of signing the initial lease. Allows the commissioner to approve an exception within sufficient time to ensure the continued occupancy by the individual if the landlord denies the transfer.
- 12 Adult foster care voluntary closure.** Creates § 256B.492.
- Subd. 1. Commissioner's duties; reports.** Instructs the commissioner to seek input from providers of adult foster care services on the conversion of adult foster care services to other community based services.
- Subd. 2. Inventory of foster care capacity.** Requires the commissioner to submit a report to the legislature on the types of individuals who need adult foster care services and the projected foster care capacity to meet the need.
- Subd. 3. Applications for planned closure of adult foster care facilities.** Allows the commissioner to implement a plan for closing adult foster care homes if the number of beds exceeds the need for beds. Sets out the process for closure of homes.
- Subd. 4. Criteria for review of applications.** Lists the criteria the commissioner must consider in evaluating the applications for closure. Requires that for approved proposals, a contract must be negotiated between the commissioner, the county of financial responsibility, and the provider.
- Subd. 5. Adjustment to rates.** Requires the commissioner to establish an enhanced rate to

facilitate the transition from adult foster care to community-based settings.

- 13**      **Special needs.** Amends § 256D.44, subd. 5. Requires the service provider to implement a plan with the recipient to transition the lease to the recipient's name. Requires a service provider to transfer a lease to an individual within two years of signing the initial lease. Allows the commissioner to approve an exception within sufficient time to ensure the continued occupancy by the individual if the landlord denies the transfer.
- 14**      **Innovation task force.** Establishes an innovation task force with members appointed by the commissioner of human services to review and make recommendations on provider or lead agency initiated pilot projects in home and community-based services for people with disabilities that otherwise would be limited by state-imposed regulatory or funding restrictions. Specifies the task force membership. Requires the commissioner to issue a request for proposals twice per year for service providers or lead agencies to develop and implement new models for residential services that support people with disabilities. Specifies the requirements pilot projects must meet. Requires the task force to recommend to the commissioner projects for implementation. Requires the commissioner to review the task force's recommendations to either discontinue or continue pilot projects. If a pilot project is discontinued, allows the affected recipients to return to services provided prior to the pilot project and to have funding for services restored to prepilot project levels. Prohibits providers or lead agencies whose pilot projects are not continued from being penalized due to a pilot project's performance.
- 15**      **Home and community-based settings for people with disabilities.** Specifies the types of settings in which individuals may receive services under a home and community-based waiver. Requires the commissioner to submit an amendment to the waiver plan no later than December 31, 2012.
- 16**      **Independent living services billing.** Requires the commissioner to allow for daily rate and 15-minute increment billing for independent living services under the BI and CADI waivers. Requires the commissioner to submit a waiver amendment to the state plan no later than December 31, 2012, if necessary to comply with this requirement.