

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes changes to the corporate foster care licensing moratorium, TEFRA parental fees, state agency hearings and PCA appeals, long-term care assessment and support planning, consultation for housing with services, and creates the community first choice option.

- 1** **Licensing moratorium.** Amends § 245A.03, subd. 7. Modifies the corporate foster care moratorium by limiting bed closures when a CADI or BI waiver recipient moves out of foster care to a community living setting to foster care providers with a licensed capacity of 24 or more beds. Allows license holders who have their capacity decreased under this provision to consolidate homes as necessary.
- 2** **Contribution amount.** Amends § 252.27, subd. 2a. Makes TEFRA parental fee temporary increases made in 2010 permanent.
- 3** **State agency hearings.** Amends § 256.045, subd. 3. Limits the scope of hearings involving appeals related to the reduction, suspension, denial, or termination of PCA services to the specific issues under written appeal. Makes this section effective for all notices of action dated on or after July 1, 2012.
- 4** **Appeals.** Amends § 256B.0659, by adding a subdivision. Allows PCA recipients adversely affected by the reduction, suspension, denial, or termination of services to appeal the decision. Requires the appeal to be in writing and to identify the specific issues the recipient would like to have considered in the appeal hearing and a summary of the basis, with supporting professional documentation if available, for contesting the decision. Allows temporary services to be authorized if a recipient has a change in condition or new information after the date of the assessment, until a new assessment is completed.
- 5** **Assessment and support planning.** Amends § 256B.0911, subd. 3a. With the permission of the person being assessed or the person's designated or legal representative, allows a client's provider of services to submit a copy of the provider's nursing assessment or written report outlining their recommendations regarding the client's care needs. Requires the person conducting the assessment to notify the provider of the date by which this information is to be submitted. Requires the information

to be provided to the person conducting the assessment and to be considered prior to the finalization of the assessment.

- 6 Consultation for housing with services.** Amends § 256B.0911, subd. 3c. Allows the commissioner to establish policies for exemptions from the consultation requirement and emergency admissions to registered housing with services establishments. Exempts prospective residents who have used financial planning services and created a long-term care plan in the 12 months prior to signing a lease or contract with a registered housing with services or assisted living establishment from long-term care consultation requirements. Exempts housing with services establishments registered as assisted living from certain requirements for prospective residents who are exempt from long-term care consultation.
- 7 Home and community-based settings.** Creates § 256B.492. Defines home and community-based settings for purposes of the home and community-based waiver programs.
- 8 Forecasted programs.** Amends Laws 2011, First Special Session chapter 9, art. 10, § 3, subd. 3. Modifies the reduction of rates for congregate living for individuals with lower needs and the reduction of customized living and 24-hour customized living component rates.
- 9 Community first choice option.** Under certain specified circumstances, requires the commissioner of human services to develop and request a state plan amendment to establish services, including self-directed options, under section 1915k of the Social Security Act by January 15, 2013, for implementation by July 1, 2013. Requires the commissioner to develop and provide to the chairs of the health and human services policy and finance committees legislation needed to reform and simplify home care, home and community-based waivers, and other community support services under the community first choice option by February 15, 2013. Specifies that any savings generated by this option shall accrue to the commissioner for development and implementation of community support services under the community first choice option. Requires the commissioner to consult with stakeholders, representatives of advocacy organizations, lead agencies, direct support staff, and a variety of service provider groups.