

Subject Home and community-based services respite services

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Overview

This bill creates certification requirements for children's out-of-home respite services under the chapter of statutes governing home and community-based services standards and removes respite services from the Disability Waiver Rate System.

Summary

Section	Description
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1	Licensed programs; other child care programs.
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Amends § 245C.04, subd. 1. Upon request of the license holder, requires the commissioner to conduct a background study of certain specified individuals who are newly affiliated with a home and community-based service provider licensed under the chapter of statutes governing home and community-based service standards and certified to provide children's out-of-home respite. Requires the license holder to collect and forward to the commissioner specified information. Requires the background study conducted by the commissioner to include a review of specified information including arrest and investigative information and juvenile court records.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

2	Fingerprints and photograph.
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Amends § 245C.05, subd. 5. Requires the subject of a background study conducted for children's out-of-home respite to provide the commissioner with a set of classifiable fingerprints obtained from an authorized agency for a national criminal history record check.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

Section	Description
3	<p>Human services licensed or certified programs.</p> <p>Amends § 245C.10, subd. 9. Allows the commissioner to charge a fee to certified children’s out-of-home respite programs for background studies.</p> <p>Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>
4	<p>Children’s out-of-home respite certification standards.</p> <p>Creates § 245D.34.</p> <p>Subd. 1. Certification. Paragraph (a) requires the commissioner to issue a children’s out-of-home respite certification for services licensed under the chapter of statutes governing home and community-based services standards when a license holder is determined to have met the requirements of this section. Makes this certification voluntary for license holders. Requires the certification to be printed on the license and identified on the commissioner’s public website.</p> <p>Paragraph (b) requires a license holder seeking certification to request this certification on the forms and in the manner prescribed by the commissioner.</p> <p>Paragraph (c) allows the commissioner to issue a correction order and an order of conditional license or a sanction if the commissioner finds that a license holder has failed to comply with the certification requirements.</p> <p>Paragraph (d) specifies a denial of certification or the removal of certification based on a determination that the certification requirements are not being met is not subject to appeal.</p> <p>Subd. 2. Certification requirements. Lists the requirements for certification under this section.</p> <p>Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>
5	<p>Community living settings.</p> <p>Amends § 256B.49, subd. 23. Modifies the list of information an extension request must include for extensions to the time limit for transferring a lease to a service recipient. Requires the service provider to submit another time-limited extension request to the commissioner to continue the cosigned lease arrangement in the event the landlord has not approved the transfer of the lease within the timelines of any approved time-limited request. Specifies the information required for a time-</p>

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limited extension request. Requires the commissioner to approve or deny an extension within 60 days. Limits the commissioner to granting a service recipient no more than three additional time-limited extensions.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

6 Applicable services.

Amends § 256B.4914, subd. 3, as amended by Laws 2022, chapter 33, section 1, subdivision 3. Removes respite services from the list of services with rates determined under DWRS.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

7 Payments for unit-based services with programming.

Amends § 256B.4914, subd. 8, as amended by Laws 2022, chapter 33, section 1, subdivision 8. Modifies unit of services for individualized home supports with training.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

8 Base wage index; calculations.

Amends Laws 2022, chapter 33, section 1, subd. 5a. Removes respite services from the base wage index.

Makes this section effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

9 Repealer.

Repeals Laws 2022, chapter 33, section 1, subd. 9a, effective January 1, 2023, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.



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