

**Subject** Disability determinations; consumer-directed community supports

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## Overview

In order to qualify as having a disability under medical assistance (MA), a person must satisfy the disability criteria used by the federal Social Security Administration (SSA) or a state medical review team (SMRT). In most cases, the SMRT uses the same criteria for disability and blindness as the SSA.

CDCS is an option under the MA waivers that provides a person with more choice and responsibility in managing his or her: (1) services and supports; and (2) budget allocation. A financial management services provider helps the person with financial and employer-related tasks.

## Summary

| Section | Description   |
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| 1       | <p><b>State medical review team.</b></p> <p>Amends § 256.01, subd. 29. Requires the commissioner of human services to accept a referral for a disability determination by the SMRT from any hospital-based or clinic-based licensed independent clinical social worker, licensed graduate social worker, or licensed independent social worker in the state of Minnesota, regardless of whether the referring social worker is employed by a county or Tribal agency.</p> |
| 2       | <p><b>Budget procedures.</b></p> <p>Amends § 256B.4911, by adding subd. 7. Requires a lead agency to provide to an MA waiver participant and the waiver participant's legal representative specified information related to their CDCS budget in an accessible format when authorizing or reauthorizing CDCS for MA waiver participants.</p>  |
| 3       | <p><b>Consumer-directed community supports policy.</b></p> <p>Amends § 256B.4911, by adding subd. 8. Requires policies governing CDCS to be created solely by the commissioner. Prohibits lead agencies from creating or implementing any policies that are in addition to or inconsistent with policies created by the commissioner or federal or state laws. States any handbooks, procedures, or</p>   |

| Section | Description |
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other guidance documents maintained by a lead agency do not have the force or effect of law and must not be given deference if introduced in an administrative and judicial review of human services matters.

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| 4 | <b>Direction to commissioner of human services; consumer-directed community supports.</b> |
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By December 31, 2024, requires the commissioner of human services to seek any necessary changes to MA waiver plans regarding CDCS to amend the CDCS budget formula, clarify requirements related to allowable goods and services provided under CDCS, clarify the rate authorized for services under the CDCS personal assistance category, and clarify rates paid to a participant's spouse or a parent of a minor participant under CDCS.



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