

**Subject** Out-of-home respite care services for children

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## Overview

This bill modifies home and community-based services standards for out-of-home respite care services for children. The home and community-based services standards apply to certain services provided under the medical assistance (MA) home and community-based services waivers, which provide services that are: (1) necessary to avoid institutionalization that are not offered in Minnesota's MA state plan, and (2) extensions of Minnesota's MA state plan services.

Minnesota has five MA waiver programs:

- Community Access for Disability Inclusion (CADI): Provides services for individuals with disabilities who need the level of care provided in a nursing home;
- Brain Injury (BI): Provides services for individuals with brain injury who need the level of care provided in a nursing home or neurobehavioral hospital;
- Developmental Disabilities or Related Conditions (DD): Provides services for individuals with developmental disabilities or related conditions who need the same level of care as provided in an intermediate care facility for persons with developmental disabilities (ICF/DD);
- Community Alternative Care (CAC): Provides services for individuals with chronic illness who need the level of care provided in a hospital; and
- Elderly Waiver (EW): Provides services for people who are over 65 years old and need the level of care provided in a nursing facility.

## Summary

Section	Description
1	<p><b>Out-of-home respite care services for children.</b></p> <p>Adds § 245D.13. Modifies home and community-based services standards for out-of-home respite care services for children.</p> <p><b>Subd. 1. Licensed setting required.</b> Limits home and community-based license holders providing out-of-home respite care services for children to only providing services in a licensed setting, unless exempt under subdivision 2. Defines “respite care services” for purposes of this section.</p> <p><b>Subd. 2. Exemption from licensed setting requirement.</b> Paragraph (a) specifies that this exemption does not apply to the provision of respite care services to a child in foster care under the chapters of statute that govern juvenile safety and placement and child in voluntary foster care for treatment.</p> <p>Paragraph (b) allows a home and community-based services license holder to provide out-of-home respite care services for children in an unlicensed residential setting if certain requirements are met, including:</p> <ul style="list-style-type: none"><li>▪ all background studies are completed;</li><li>▪ a child’s case manager conducts and documents an assessment of the residential setting and its environment before services are provided and at least once each calendar year thereafter if services continue to be provided at that residence;</li><li>▪ the services are provided in a residential setting that is not licensed to provide any other licensed services;</li><li>▪ the services are provided to no more than four children at any one time;</li><li>▪ the services are not provided to children and adults over the age of 21 in the same residence at the same time; and</li><li>▪ the services are not provided to a single family for more than 46 calendar days in a calendar year and no more than ten consecutive days.</li></ul> <p>Paragraph (c) prohibits a child from receiving out-of-home respite care services in more than two unlicensed residential settings in a calendar year.</p> <p>Paragraph (d) requires the license holder to ensure the requirements of this section are met.</p> <p><b>Subd. 3. Documentation requirements.</b> Requires the license holder to maintain specified documentation.</p>

Section	Description
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	Makes this section effective January 1, 2026, or upon federal approval, whichever is later. Requires the commissioner of human services to inform the revisor of statutes when federal approval is obtained.
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