

1.1 Senator moves to amend the delete-everything amendment (SCS4165A-2)
1.2 to S.F. No. 4165 as follows:

1.3 Page 79, after line 27, insert:

1.4 "Sec. 17. Minnesota Statutes 2020, section 256B.4911, subdivision 4, is amended to read:

1.5 Subd. 4. **Budget exception for persons leaving institutions and crisis residential**
1.6 **settings.** (a) The commissioner must establish an institutional and crisis bed
1.7 consumer-directed community supports budget exception process in the home and
1.8 community-based services waivers under sections 256B.092 and 256B.49. This budget
1.9 exception process must be available for any individual who:

1.10 (1) is not offered available and appropriate services within 60 days since approval for
1.11 discharge from the individual's current institutional setting; and

1.12 (2) requires services that are more expensive than appropriate services provided in a
1.13 noninstitutional setting using the consumer-directed community supports option.

1.14 (b) Institutional settings for purposes of ~~this exception~~ paragraph (a) include intermediate
1.15 care facilities for persons with developmental disabilities, nursing facilities, acute care
1.16 hospitals, Anoka Metro Regional Treatment Center, Minnesota Security Hospital, and crisis
1.17 beds.

1.18 (c) The budget exception under paragraph (a) shall be renewed each year as necessary
1.19 and consistent with the individual's needs, and must be limited to no more than the amount
1.20 of appropriate services provided in a noninstitutional setting as determined by the lead
1.21 agency managing the individual's home and community-based services waiver. The lead
1.22 agency must notify the ~~Department of Human Services~~ commissioner of the budget exception.

1.23 (d) Consistent with informed choice and informed decision making, the commissioner
1.24 must establish in the home and community-based services waivers under sections 256B.092
1.25 and 256B.49, a consumer-directed community supports budget exception process for
1.26 individuals living in licensed community residential settings whose cost of residential
1.27 services may otherwise exceed their available consumer-directed community supports
1.28 budget. The budget exception process must be available to any individual living in licensed
1.29 community residential settings.

1.30 (e) The budget exceptions under paragraph (d) shall be renewed each year as necessary
1.31 and consistent with the individual's needs, and must be limited to no more than the cost of
1.32 the community residential services previously authorized for the individual. The lead agency
1.33 must notify the commissioner of the budget exception.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.2 Page 86, after line 29, insert:

2.3 "Sec. 27. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**
2.4 **BUDGET EXCEPTIONS FOR COMMUNITY RESIDENTIAL SETTINGS.**

2.5 The commissioner of human services must take steps to inform individuals, families,
2.6 and lead agencies of the amendments to Minnesota Statutes, section 256B.4911, subdivision
2.7 4, and widely disseminate easily understood instructions for quickly applying for a budget
2.8 exception under that section.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.10 Renumber the sections in sequence and correct the internal references

2.11 Amend the title accordingly