

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

1.3 Page 66, after line 21, insert:

1.4 "Sec. 12. [256B.0909] LONG-TERM CARE DECISION REVIEWS.

1.5 Subdivision 1. Notice of intent to deny, reduce, suspend, or terminate required. At
1.6 least ten calendar days prior to issuing a written notice of action, a lead agency must provide
1.7 in a format accessible to the person, or the person's legal representative, if any, a notice of
1.8 its intent to deny, reduce, suspend, or terminate a person's access to or eligibility for:

1.9 (1) home and community-based waiver eligibility, including level of care determinations,
1.10 under sections 256B.092 and 256B.49;

1.11 (2) specific home and community-based services available under sections 256B.092 and
1.12 256B.49;

1.13 (3) consumer-directed community supports;

1.14 (4) the following state plan services:

1.15 (i) personal care assistance services under section 256B.0625, subdivisions 19a and 19c;

1.16 (ii) consumer support grants under section 256.476; or

1.17 (iii) community first services and supports under section 256B.85;

1.18 (5) semi-independent living services under section 252.275;

1.19 (6) relocation targeted case management services available under section 256B.0621,
1.20 subdivision 2, clause (4);

1.21 (7) case management services targeted to vulnerable adults or people with developmental
1.22 disabilities under section 256B.0924;

1.23 (8) case management services targeted to people with developmental disabilities under
1.24 Minnesota Rules, part 9525.0016; and

1.25 (9) obtaining necessary diagnostic information to gain access to or determine eligibility
1.26 under clauses (5) to (8).

1.27 Subd. 2. Opportunity to respond required. A lead agency must provide the person,
1.28 or the person's legal representative, if any, the opportunity to elect to respond to the agency's
1.29 intent to deny, reduce, suspend, or terminate eligibility or access to the services described
1.30 in subdivision 1. A lead agency must provide the person, or the person's legal representative,

2.1 if any, ten days to make an election to respond. If the person, or the person's legal
2.2 representative, if any, elects to respond, the agency must initiate a decision review.

2.3 Subd. 3. **Decision review.** (a) A lead agency must initiate a decision review for any
2.4 person who elects to respond under subdivision 2.

2.5 (b) The lead agency must conduct the decision review in a manner that allows for an
2.6 opportunity for interactive communication between the person and a representative of the
2.7 lead agency with specific knowledge regarding the proposed decision and the basis for the
2.8 decision. The interactive communication must be in a format that is accessible to the recipient,
2.9 and may include a phone call, written exchange, in-person meeting, or other format as
2.10 chosen by the person or the person's legal representative, if any.

2.11 (c) During the decision review, the representative of the lead agency must provide a
2.12 thorough explanation of the lead agency's intent to deny, reduce, suspend, or terminate
2.13 eligibility or access to the services described in subdivision 1 and provide the person, or
2.14 the person's legal representative, if any, an opportunity to ask questions about the decision.
2.15 If the lead agency's explanation of the decision is based on a misunderstanding of the person's
2.16 circumstances, incomplete information, missing documentation, or similar missing or
2.17 inaccurate information, the lead agency must provide the person or the person's legal
2.18 representative, if any, an opportunity to provide clarifying or additional information.

2.19 (d) A person with a representative is not required to participate in the decision review.
2.20 A person may also elect to have someone of the person's choosing participate in the decision
2.21 review.

2.22 Subd. 4. **Continuation of services.** During the decision review and until the lead agency
2.23 issues a written notice of action, the person must continue to receive covered services.

2.24 Subd. 5. **Notice of action.** Following a decision review, a lead agency may issue a notice
2.25 of action after considering the discussions and information provided during the decision
2.26 review.

2.27 Subd. 6. **Appeal rights.** Nothing in this section shall be construed to affect a person's
2.28 appeal rights under section 245.045."

2.29 Renumber the sections in sequence and correct the internal references

2.30 Amend the title accordingly