

Long-term Services and Supports Reviews

HF 2849/ SF 2655

Context:

Long-term services and supports (LTSS) are essential to the daily lives and wellbeing of many people with disabilities. LTSS encompasses a broad range of services, from assistance with bathing to medication management to meal preparation. Examples of LTSS programs are PCA services, CADI waivers, and brain injury waivers. In Minnesota, when a county reduces or denies a person's long-term services or supports, the client receives a Notice of Action (DHS-2828A-ENG).



Barrier 1: The notice is 9 pages long, difficult to understand, and only available in English.

Often, after receiving a Notice of Action, a client may call the county for assistance understanding the notice. The Disability Law Center (DLC) sees many cases where the client does not understand the Notice of Action.



Barrier 2: The county does not return the client's phone calls or the county has a policy not to discuss the case after an appeal has been filed.

Often, this means that the only way to resolve this issue is to go through a time-consuming appeal process. DLC sees many cases where the Notice of Action was sent because a form was missing, there was an error, or there was a misunderstanding between our client and the county.

When clients and/or their representatives are able to speak to their counties about these notices, appeals often become unnecessary, saving clients and counties time.

How does HF 2849/SF 2655 solve these problems?

1. Counties would be required to communicate with clients and/or their representatives if requested within ten days of receiving the Notice of Action. This will reduce the need for hearings as well as reduce months of worrying over potentially losing these important services.
2. Amends the Notice of Action so that page 1 explains the client's right to meet with the county.



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Recently, a DLC client (a child with down syndrome) received a Notice of Action indicating that the county had reduced their PCA services from five hours per day to *30 minutes per day*.

The reason for the reduction was not explained on the Notice of Action. DLC and the child's parents contacted the county, but multiple calls were not returned. DLC submitted letters from the child's therapist and doctor attesting that the child's needs had not changed. The county did not acknowledge the letters.

The case proceeded to a hearing. The judge ruled in favor of the child, and the PCA hours were restored.

This issue could have been resolved months earlier, had the county returned phone calls or acknowledged the additional documentation.