



March 26, 2024

The Honorable John A. Hoffman
Chair, Human Services Committee
Minnesota Senate
2111 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Jim Abeler
Ranking Minority Member, Human Services Committee
Minnesota Senate
2207 Minnesota Senate Bldg.
St. Paul, MN 55155

Re: Legal Aid letter of support regarding SF 2655

Dear Chair Hoffman, Ranking Minority Member Abeler, and Members of the Committee:

Legal Aid and the Minnesota Disability Law Center (DLC) write in strong support of SF 2655.

SF 2655 would require counties to speak to or meet with service participants and/or their legal representatives within ten days of issuing a Notice of Action suspending, reducing, or terminating the person's long-term supports and services (brain injury waivers, CADI waivers, CDCS services, elderly waivers, DD waivers, and PCA services).

Currently, service participants receive a Notice of Action, a nine-page form that is difficult to understand and normally provided only in English. A copy of this notice is included in the hearing materials. Often, a misunderstanding, error, or lack of documentation is the reason for the Notice of Action being sent—issues that could easily be resolved without a hearing. However, many counties do not return calls to service participants or their representative. Some counties even have policies that forbid case managers from discussing issues once an appeal has been filed. This results in needless hearings where counties must prepare appeal summaries and appear. On the service participant side, the person must appeal, wait weeks for a hearing, and then wait months for a decision after the hearing—all while worried about whether they will continue to receive the services they need to remain independent and get their basic needs met.

March 26, 2024

Here are two examples of DLC cases that demonstrate why this bill is needed:

- DLC had a client with autism who required a new fence in his backyard to assure that he did not run into traffic because he does not have age-appropriate safety skills. The county initially denied the request, stating there was not a disability-related need. The county met with DLC to discuss the issue. The county requested further diagnostic information, which DLC provided. Based on this information, the fence was approved, and there was no need for an appeal hearing.
- DLC had another client whose CDCS budget was reduced by \$15,000 after his MnCHOICES assessment. The assessor made several errors and found that the client no longer had seizures, issues with aggression and property destruction, and elopement. The reduction would have meant that the client would no longer be able to access supports necessary to attend his day program. DLC tried to contact the county several times and provided additional documentation highlighting the errors in the assessment. The county refused to communicate with DLC and stated that “the appeal is the proper process to discuss these issues.” After an appeal hearing, the judge ruled in favor of the client, largely based on the paperwork demonstrating that there were errors in the assessment.

This bill will help facilitate necessary conversations in these types of cases and prevent unnecessary appeal hearings, saving time and resources for everyone involved.

Thank you for allowing Legal Aid and DLC to provide written testimony. We urge passage of SF 2655.

Sincerely,



Jennifer Purrington
Legal Director/Deputy Director
Minnesota Disability Law Center



Ellen Smart
Staff Attorney
Legal Services Advocacy Project

This document has been formatted for accessibility. Please call Ellen Smart at 612/746-3761 if you need this document in an alternative format.