

1.1 Senator moves to amend the delete-everything amendment (SCS5335A-3)
1.2 to S.F. No. 5335 as follows:

1.3 Page 14, after line 16, insert:

1.4 "Sec. 15. Minnesota Statutes 2022, section 256B.4911, is amended by adding a subdivision
1.5 to read:

1.6 Subd. 7. **Budget procedures.** When a lead agency authorizes or reauthorizes
1.7 consumer-directed community supports services for a home and community-based services
1.8 waiver participant, the lead agency must provide to the waiver participant and the waiver
1.9 participant's legal representative the following information in an accessible format and in
1.10 a manner that meets the participant's needs:

1.11 (1) an explanation of how the participant's consumer-directed community supports
1.12 services budget was calculated, including a detailed explanation of the variables used in the
1.13 budget formula;

1.14 (2) a copy of the formula used to calculate the participant's consumer-directed community
1.15 supports services budget; and

1.16 (3) information about the participant's right to appeal the consumer-directed community
1.17 supports services budget in accordance with sections 256.045 and 256.0451.

1.18 Sec. 16. Minnesota Statutes 2022, section 256B.4911, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 8. **Consumer-direct community supports policy.** Policies governing the
1.21 consumer-directed community supports program must be created solely by the commissioner.
1.22 Lead agencies must not create or implement any policies that are in addition to or inconsistent
1.23 with policies created by the commissioner or federal or state laws. Any handbooks,
1.24 procedures, or other guidance documents maintained by a lead agency do not have the force
1.25 or effect of law, and must not be given deference if introduced in a state fair hearing
1.26 conducted under sections 256.045 and 256.0451."

1.27 Page 22, after line 25, insert:

2.1 "Sec. 26. **DIRECTION TO COMMISSIONER; CONSUMER-DIRECTED**
2.2 **COMMUNITY SUPPORTS.**

2.3 By December 31, 2024, the commissioner of human services shall seek any necessary
2.4 changes to home and community-based services waiver plans regarding consumer-directed
2.5 community supports in order to:

2.6 (1) clarify that allowable goods and services for a consumer-directed community supports
2.7 participant do not need to be for the sole benefit of the participant, and that goods and
2.8 services may benefit others if there is also a direct benefit to the participant based on the
2.9 participant's assessed needs;

2.10 (2) clarify that goods or services that support the participant's assessed needs for
2.11 community integration and inclusion are allowable under the consumer-directed community
2.12 supports program;

2.13 (3) clarify that the rate authorized for services approved under the consumer-directed
2.14 community supports personal assistance category may exceed the reasonable range of similar
2.15 services in the participant's community if the participant has an assessed need for an enhanced
2.16 rate; and

2.17 (4) clarify that a participant's spouse or a parent of a minor participant, as defined in the
2.18 waiver plans, may be paid for consumer-directed community support services at a rate that
2.19 exceeds that which would otherwise be paid to a provider of a similar service or that exceeds
2.20 what is allowed by the commissioner for the payment of personal care assistance services
2.21 if the participant has an assessed need for an enhanced rate."

2.22 Renumber the sections in sequence and correct the internal references