



February 25, 2025

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

The Honorable Jordan Rasmusson  
Ranking Minority Member, Human Services Committee  
Minnesota Senate  
2409 Minnesota Senate Bldg.  
St. Paul, MN 55155

**Re: Legal Aid/Minnesota Disability Law Center Letter Regarding SF 683**

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

Legal Aid and the Minnesota Disability Law Center (MDLC) thank you for the opportunity to provide written testimony regarding SF 683. We write to express significant concerns with this proposal, which seeks to strip power away from the Commissioner of the Department of Human Services (DHS) and embolden a newly created legislative commission to manage developmental disability services in Minnesota.

First, the set-up and authority of the legislative commission appear to run afoul of federal law. The Single State Agency requirement of federal Medicaid law sets forth that the state Medicaid agency must “administer or supervise the administration” of Medicaid services. *See* 42 C.F.R. § 431.10(b)(1). Specifically, the Medicaid agency is tasked with “mak[ing] rules and regulations that it follows in administering the plan or that are binding upon local agencies that administer the plan.” *See* 42 C.F.R. § 431.10(b)(2)(ii). SF 683 takes away this policy making authority from DHS, and instead gives it to the legislative commission. Requiring legislative approval for any type of policymaking related to day and prevocational services is both inefficient and inconsistent with how disability services are and should be managed in Minnesota.

Moreover, SF 683 appears to give the legislative commission the authority to end-run the moratorium on new Community Residential Settings (CRS) and Intermediate Care Facilities for Persons with Developmental Disabilities (ICF/DD). Minnesota should be moving away from

providing services in these types of segregated settings, and instead work to offer services to people with disabilities in the most integrated setting appropriate to their needs, consistent with this state's obligation to comply with the integration regulation, 28 C.F.R. § 35.130(d), and *Olmstead v. L.C.*, 527 US 581 (1999). The solutions to our current service problems lie in boosting provider pay, developing more creative service arrangements, and working to keep people in their own homes. Allowing the legislative commission the authority to bypass the moratorium on the creation of new CRS and ICF/DD settings represent a significant step in the wrong direction.

MDLC does not oppose the creation of a commission which examines the issues facing people with developmental disabilities in Minnesota. However, forming a legislative commission with decision-making power over Minnesota's developmental disability services is unwise and likely contravenes federal law.

Thank you for the opportunity to submit written testimony on this bill. We urge this committee to vote against it.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Purrington", written in a cursive style.

Jennifer Purrington  
Legal Director/Deputy Director  
Minnesota Disability Law Center

A handwritten signature in black ink, appearing to read "Ellen Smart", written in a cursive style.

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.