

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2215

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DATE
03/06/2025

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Introduction and first reading
Referred to Human Services

OFFICIAL STATUS

1.1A bill for an act

1.2relating to human services; modifying the requirements for Waiver Reimagine;

1.3establishing the Legislative Task Force on Waiver Reimagine; making

1.4appointments; requiring a report; amending Laws 2021, First Special Session

1.5chapter 7, article 13, section 75, subdivisions 4, as amended, 5, as amended.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision

1.84, as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

1.9Subd. 4. **Required report.** Prior to seeking federal approval for any aspect of waiver

1.10reimagine phase II and no later than December 15, 2026, in collaboration with the Waiver

1.11Reimagine Advisory Committee, the commissioner must submit to the chairs and ranking

1.12minority members of the legislative committees and divisions with jurisdiction over health

1.13and human services a report on plans for waiver reimagine phase II, as well as the actual

1.14Waiver Reimagine plan intended to be submitted for federal approval. The report must also

1.15include any plans to adjust or modify the streamlined menu of services, the existing rate or

1.16budget exemption criteria or process, the proposed individual budget ~~ranges~~ based on need

1.17and not location of services, including additional budget resources beyond the resources

1.18required to meet assessed need that may be necessary for the individual to live in the least

1.19restrictive environment, and the role of MnCHOICES 2.0 assessment tool in determining

1.20service needs and individual ~~budget ranges~~ budgets.

Sec. 2. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 5, as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

Subd. 5. **Transition process.** (a) Prior to implementation of wavier reimagine phase II, the commissioner must establish a process to assist people who use waiver services and lead agencies to transition to a two-waiver system with an individual budget methodology.

(b) The commissioner must ensure that the new waiver service menu and individual budgets allow people to live in their own home, family home, or any home and community-based setting of their choice, including ensuring that the assessment tool used to set individual budgets covers necessary services and resources to live in the least restrictive environment. The commissioner must ensure, subject to state and federal regulations and law, that waiver reimagine does not result in unintended service disruptions. The commissioner must ensure that individual budgets are set based on the needs of the individual and not tied to location of services, including additional resources beyond the resources required to meet assessed need that may be necessary for the individual to live in the least restrictive environment.

Sec. 3. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; INPUT ON WAIVER REIMAGINE PLAN.**

(a) Notwithstanding Laws 2021, First Special Session chapter 7, article 13, section 75, as amended by Laws 2024, chapter 108, article 1, section 28, and this act, prior to seeking federal approval for a Waiver Reimagine plan or implementation of the same, the commissioner of human services must first submit the Waiver Reimagine plan to the Legislative Task Force on Waiver Reimagine, to the legislature, and to all waiver service recipients in a specific communication directly to the recipients in a format the recipient can retrieve, allowing at least six months for review and input and for the commissioner to make any changes to the plan as a result of the input.

(b) The commissioner of human services shall not submit the Waiver Reimagine plan for federal approval without first receiving approval from the Legislative Task Force on Waiver Reimagine.

Sec. 4. **LEGISLATIVE TASK FORCE ON WAIVER REIMAGINE.**

Subdivision 1. **Membership.** (a) The Legislative Advisory Task Force on Waiver Reimagine consists of the following members:

3.1 (1) one member of the house of representatives, appointed by the speaker of the house
3.2 of representatives;

3.3 (2) one member of the house of representatives, appointed by the leader of the house of
3.4 representatives Democratic-Farmer-Labor caucus;

3.5 (3) one member of the senate, appointed by the senate majority leader;

3.6 (4) one member of the senate, appointed by the senate minority leader;

3.7 (5) four individuals presently receiving waiver benefits who are under the age of 65,
3.8 appointed by the Legislative Coordinating Commission. When making the appointments
3.9 under this clause, the Legislative Coordinating Commission must strive to appoint at least
3.10 one individual from greater Minnesota and at least one individual assessed to receive ten
3.11 or more hours of waiver services per day;

3.12 (6) one county employee who conducts long-term care consultation services assessments
3.13 for persons under the age of 65, appointed by the Minnesota Association of County Social
3.14 Services Administrators;

3.15 (7) one employee of an organization that operates on behalf of a county as a contracted
3.16 case manager to individuals under age 65 receiving waiver services, appointed by the
3.17 Legislative Coordinating Commission;

3.18 (8) one representative of the Department of Human Services with knowledge of the
3.19 requirements for a provider to participate in waiver service programs and of the
3.20 administration of benefits, appointed by the commissioner of human services;

3.21 (9) one employee of the Minnesota Council on Disability, appointed by the Minnesota
3.22 Council on Disability;

3.23 (10) one member each from two different disability advocacy organizations, appointed
3.24 by the Legislative Coordinating Commission. When making the appointment under this
3.25 clause, the Legislative Coordinating Commission must strive to appoint a member from a
3.26 self-advocate organization;

3.27 (11) two family members of individuals under the age of 18 who are receiving waived
3.28 services, appointed by the Legislative Coordinating Commission. When making the
3.29 appointments under this clause, the Legislative Coordinating Commission must strive to
3.30 appoint at least one member from greater Minnesota;

3.31 (12) two family members of individuals aged 18 or older and under age 65 who are
3.32 receiving waived services, appointed by the Legislative Coordinating Commission. When

4.1 making the appointments under this clause, the Legislative Coordinating Commission must
4.2 strive to appoint at least one member from greater Minnesota;

4.3 (13) two providers of waived services for persons who are under the age of 65,
4.4 appointed by the Legislative Coordinating Commission. When making the appointments
4.5 under this clause, the Legislative Coordinating Commission must strive to appoint at least
4.6 one member from greater Minnesota;

4.7 (14) one member appointed by the Minnesota Indian Affairs Council;

4.8 (15) one member of the Council on Developmental Disabilities, appointed by the
4.9 executive director of the council;

4.10 (16) one employee from the Office of Ombudsman for Mental Health and Developmental
4.11 Disabilities, appointed by the ombudsman;

4.12 (17) one employee from the Office of Ombudsman for Long Term Care, appointed by
4.13 the ombudsman;

4.14 (18) one employee from the Olmstead Implementation Office, appointed by the director
4.15 of the office;

4.16 (19) one member of a behavioral health advocacy organization that advocates on behalf
4.17 of recipients of waiver services, appointed by the Legislative Coordinating Commission;

4.18 (20) one provider of behavioral health services to recipients of waiver services, appointed
4.19 by the Legislative Coordinating Commission;

4.20 (21) one member from the Home Care Association, appointed by the Legislative
4.21 Coordinating Commission;

4.22 (22) an employee of the Department of Human Services that is a leader of the Advisory
4.23 Committee on Waiver Reimagine, appointed by the commissioner of human services;

4.24 (23) a member representing the interests of individuals from the Black, Indigenous, and
4.25 People of Color community who are under the age of 65 and receiving waiver services,
4.26 appointed by the Legislative Coordinating Commission;

4.27 (24) the assistant commissioner of aging and disability services;

4.28 (25) two current public members of the Advisory Committee on Waiver Reimagine,
4.29 appointed by the Legislative Coordinating Commission; and

4.30 (26) a member of the Minnesota Disability Law Center, appointed by the executive
4.31 director of Mid-Minnesota Legal Aid.

5.1 (b) Each appointing authority must make its appointments by September 30, 2025.

5.2 Appointments made by an agency or commissioner may also be made by a designee.

5.3 (c) The Legislative Coordinating Commission will serve as convener of the task force.

5.4 The convener must designate a member or members of the legislature serving on the task

5.5 force to serve as chair or cochairs.

5.6 Subd. 2. **Meetings; administrative support.** The first meeting of the task force must

5.7 be convened no later than November 30, 2025. The task force must meet at least quarterly.

5.8 Meetings are subject to Minnesota Statutes, chapter 13D. The task force may meet by

5.9 telephone or interactive technology consistent with Minnesota Statutes, section 13D.015.

5.10 The Legislative Coordinating Commission shall provide meeting space and administrative

5.11 and research support to the task force.

5.12 Subd. 3. **Duties.** (a) The task force must make findings and recommendations related

5.13 to Waiver Reimagine in Minnesota, including but not limited to the following:

5.14 (1) consolidation of the existing four disability home and community-based waiver

5.15 service programs into two waiver programs;

5.16 (2) budgets based on the needs of the individual that are not tied to location of services,

5.17 including additional resources beyond the resources required to meet assessed needs that

5.18 may be necessary for the individual to live in the least restrictive environment;

5.19 (3) individual budget methodologies, including methodologies that account for multiple

5.20 budget setting factors such as assessed need; history of authorized budgets; history of budget

5.21 utilization limited by unavailability of services, staff, and other factors; history of

5.22 hospitalizations; proximity of services; and availability of services, including transportation;

5.23 (4) criteria and process for provider rate exceptions and individualized budget exceptions;

5.24 (5) appropriate assessments, including the MnCHOICES 2.0 assessment tool, in

5.25 determining service needs and individualized budgets;

5.26 (6) covered services under each waiver program, including any proposed adjustments

5.27 to the menu of services;

5.28 (7) application process waiver services;

5.29 (8) service planning and authorization process for waiver services;

5.30 (9) process of a provider applying for and offering waived services;

(10) plan of support, financial and otherwise, to live in the person's own home and in the most integrated setting as defined under Title 2 of the Americans with Disability Act (ADA) Integration Mandate and in Minnesota's Olmstead Plan;

(11) program structure not based on where an individual receiving waived services lives, but rather the support needs of the individual regardless of location;

(12) intended and unintended consequences of Waiver Reimagine; and

(13) other items related to Waiver Reimagine as necessary.

(b) The task force must seek input from the public, counties, persons receiving waived services, families of persons receiving waived services, providers, state agencies, advocacy groups, and attorneys. The task force must hold public meetings to gather information to fulfill the purpose of the task force. The meetings must be accessible by remote participants. The Department of Human Services shall provide relevant data and research to the task force to facilitate their work.

Subd. 4. **Compensation; expenses.** Members of the task force may receive compensation and expense reimbursement as provided in Minnesota Statutes, section 15.059, subdivision 3.

Subd. 5. **Report; expiration.** The task force shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over waiver services no later than January 15, 2027. The report required by the Waiver Reimagine Advisory Committee in subdivision 4 of Laws 2021, First Special Session chapter 7, article 13, section 75, as amended by Laws 2024, chapter 108, article 1, section 28, and this act, must be presented to the Legislative Task Force prior to December 15, 2026. The task force report required under this subdivision must describe any concerns or recommendations related to Waiver Reimagine as identified by the task force.

Subd. 6. **Expiration.** The task force expires upon submission of its report, or December 31, 2027, whichever is earlier.

EFFECTIVE DATE. This section is effective the day following final enactment.