

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2439

(SENATE AUTHORS: HOFFMAN)

DATE	D-PG	OFFICIAL STATUS
03/13/2025	Introduction and first reading Referred to Human Services	

1.1A bill for an act

1.2relating to human services; requiring establishment of certain rates; modifying

1.3commissioner duties for certain day services; requiring case manager evaluation

1.4on informed decision making; correcting cross-references; amending Minnesota

1.5Statutes 2024, sections 252.43; 252.46, subdivision 1a; 256B.092, subdivisions

1.61a, 11a; 256B.49, subdivisions 13, 29.

1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8Section 1. Minnesota Statutes 2024, section 252.43, is amended to read:

1.9**252.43 COMMISSIONER'S DUTIES.**

1.10(a) The commissioner shall supervise lead agencies' provision of day services to adults

1.11with disabilities. The commissioner shall:

1.12(1) determine the need for day programs, except for adult day services, under sections

1.13256B.4914 and 252.41 to 252.46 operated in a day services facility licensed under sections

1.14245D.27 to 245D.31;

1.15(2) establish payment rates as provided under section 256B.4914;

1.16(3) adopt rules for the administration and provision of day services under sections

1.17245A.01 to 245A.16; 252.28, subdivision 2; or 252.41 to 252.46; or Minnesota Rules, parts

1.189525.1200 to 9525.1330;

1.19(4) enter into interagency agreements necessary to ensure effective coordination and

1.20provision of day services;

1.21(5) monitor and evaluate the costs and effectiveness of day services; and

(6) provide information and technical help to lead agencies and vendors in their administration and provision of day services.

(b) A determination of need in paragraph (a), clause (1), shall not be required for a change in day service provider name or ownership.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2024, section 252.46, subdivision 1a, is amended to read:

Subd. 1a. **Day training and habilitation rates.** The commissioner shall establish a ~~statewide rate-setting methodology~~ rates for all day training and habilitation services and for transportation delivered as a part of day training and habilitation services as provided under section 256B.4914. ~~The rate-setting methodology must abide by the principles of transparency and equitability across the state. The methodology must involve a uniform process of structuring rates for each service and must promote quality and participant choice.~~

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 3. Minnesota Statutes 2024, section 256B.092, subdivision 1a, is amended to read:

Subd. 1a. **Case management services.** (a) Each recipient of a home and community-based waiver shall be provided case management services by qualified vendors as described in the federally approved waiver application.

(b) Case management service activities provided to or arranged for a person include:

(1) development of the person-centered support plan under subdivision 1b;

(2) informing the individual or the individual's legal guardian or conservator, or parent if the person is a minor, of service options, including all service options available under the waiver plan;

(3) consulting with relevant medical experts or service providers;

(4) assisting the person in the identification of potential providers of chosen services, including:

(i) providers of services provided in a non-disability-specific setting;

(ii) employment service providers;

(iii) providers of services provided in settings that are not controlled by a provider; and

(iv) providers of financial management services;

3.1 (5) assisting the person to access services and assisting in appeals under section 256.045;

3.2 (6) coordination of services, if coordination is not provided by another service provider;

3.3 (7) evaluation and monitoring of the services identified in the support plan, which must
3.4 incorporate at least one annual face-to-face visit by the case manager with each person; and

3.5 (8) reviewing support plans and providing the lead agency with recommendations for
3.6 service authorization based upon the individual's needs identified in the support plan.

3.7 (c) Case management service activities that are provided to the person with a
3.8 developmental disability shall be provided directly by county agencies or under contract.
3.9 If a county agency contracts for case management services, the county agency must provide
3.10 each recipient of home and community-based services who is receiving contracted case
3.11 management services with the contact information the recipient may use to file a grievance
3.12 with the county agency about the quality of the contracted services the recipient is receiving
3.13 from a county-contracted case manager. If a county agency provides case management
3.14 under contracts with other individuals or agencies and the county agency utilizes a
3.15 competitive proposal process for the procurement of contracted case management services,
3.16 the competitive proposal process must include evaluation criteria to ensure that the county
3.17 maintains a culturally responsive program for case management services adequate to meet
3.18 the needs of the population of the county. For the purposes of this section, "culturally
3.19 responsive program" means a case management services program that: (1) ensures effective,
3.20 equitable, comprehensive, and respectful quality care services that are responsive to
3.21 individuals within a specific population's values, beliefs, practices, health literacy, preferred
3.22 language, and other communication needs; and (2) is designed to address the unique needs
3.23 of individuals who share a common language or racial, ethnic, or social background.

3.24 (d) Case management services must be provided by a public or private agency that is
3.25 enrolled as a medical assistance provider determined by the commissioner to meet all of
3.26 the requirements in the approved federal waiver plans. Case management services must not
3.27 be provided to a recipient by a private agency that has a financial interest in the provision
3.28 of any other services included in the recipient's support plan. For purposes of this section,
3.29 "private agency" means any agency that is not identified as a lead agency under section
3.30 256B.0911, subdivision 10.

3.31 (e) Case managers are responsible for service provisions listed in paragraphs (a) and
3.32 (b). Case managers shall collaborate with consumers, families, legal representatives, and
3.33 relevant medical experts and service providers in the development and annual review of the
3.34 person-centered support plan and habilitation plan.

(f) For persons who need a positive support transition plan as required in chapter 245D, the case manager shall participate in the development and ongoing evaluation of the plan with the expanded support team. At least quarterly, the case manager, in consultation with the expanded support team, shall evaluate the effectiveness of the plan based on progress evaluation data submitted by the licensed provider to the case manager. The evaluation must identify whether the plan has been developed and implemented in a manner to achieve the following within the required timelines:

(1) phasing out the use of prohibited procedures;

(2) acquisition of skills needed to eliminate the prohibited procedures within the plan's timeline; and

(3) accomplishment of identified outcomes.

If adequate progress is not being made, the case manager shall consult with the person's expanded support team to identify needed modifications and whether additional professional support is required to provide consultation.

(g) The Department of Human Services shall offer ongoing education in case management to case managers. Case managers shall receive no less than 20 hours of case management education and disability-related training each year. The education and training must include person-centered planning, informed choice, informed decision making, cultural competency, employment planning, community living planning, self-direction options, and use of technology supports. Case managers must annually pass a competency evaluation, in a form determined by the commissioner, on informed decision-making topics. By August 1, 2024, all case managers must complete an employment support training course identified by the commissioner of human services. For case managers hired after August 1, 2024, this training must be completed within the first six months of providing case management services. For the purposes of this section, "person-centered planning" or "person-centered" has the meaning given in section 256B.0911, subdivision 10. Case managers must document completion of training in a system identified by the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2025.

Sec. 4. Minnesota Statutes 2024, section 256B.092, subdivision 11a, is amended to read:

Subd. 11a. **Residential support services criteria.** (a) For the purposes of this subdivision, "residential support services" means the following residential support services reimbursed under section 256B.4914: community residential services, customized living services, and 24-hour customized living services.

(b) In order to increase independent living options for people with disabilities and in accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with section 245A.03, subdivision 7, the commissioner must establish and implement criteria to access residential support services. The criteria for accessing residential support services must prohibit the commissioner from authorizing residential support services unless at least all of the following conditions are met:

(1) the individual has complex behavioral health or complex medical needs; and

(2) the individual's service planning team has considered all other available residential service options and determined that those options are inappropriate to meet the individual's support needs.

(c) Nothing in this subdivision shall be construed as permitting the commissioner to establish criteria prohibiting the authorization of residential support services for individuals described in the statewide priorities established in subdivision 12, the transition populations in subdivision 13, and the licensing moratorium exception criteria under section 245A.03, subdivision 7, paragraph (a).

(d) Individuals with active service agreements for residential support services on the date that the criteria for accessing residential support services become effective are exempt from the requirements of this subdivision, and the exemption from the criteria for accessing residential support services continues to apply for renewals of those service agreements.

EFFECTIVE DATE. This section is effective 90 days following federal approval of Laws 2021, First Special Session chapter 7, article 13, section 18.

Sec. 5. Minnesota Statutes 2024, section 256B.49, subdivision 13, is amended to read:

Subd. 13. **Case management.** (a) Each recipient of a home and community-based waiver shall be provided case management services by qualified vendors as described in the federally approved waiver application. The case management service activities provided must include:

(1) finalizing the person-centered written support plan within the timelines established by the commissioner and section 256B.0911, subdivision 29;

(2) informing the recipient or the recipient's legal guardian or conservator of service options, including all service options available under the waiver plans;

(3) assisting the recipient in the identification of potential service providers of chosen services, including:

(i) available options for case management service and providers;

- 6.1 (ii) providers of services provided in a non-disability-specific setting;
- 6.2 (iii) employment service providers;
- 6.3 (iv) providers of services provided in settings that are not community residential settings;
- 6.4 and
- 6.5 (v) providers of financial management services;
- 6.6 (4) assisting the recipient to access services and assisting with appeals under section
- 6.7 256.045; and
- 6.8 (5) coordinating, evaluating, and monitoring of the services identified in the service
- 6.9 plan.
- 6.10 (b) The case manager may delegate certain aspects of the case management service
- 6.11 activities to another individual provided there is oversight by the case manager. The case
- 6.12 manager may not delegate those aspects which require professional judgment including:
- 6.13 (1) finalizing the person-centered support plan;
- 6.14 (2) ongoing assessment and monitoring of the person's needs and adequacy of the
- 6.15 approved person-centered support plan; and
- 6.16 (3) adjustments to the person-centered support plan.
- 6.17 (c) Case management services must be provided by a public or private agency that is
- 6.18 enrolled as a medical assistance provider determined by the commissioner to meet all of
- 6.19 the requirements in the approved federal waiver plans. If a county agency provides case
- 6.20 management under contracts with other individuals or agencies and the county agency
- 6.21 utilizes a competitive proposal process for the procurement of contracted case management
- 6.22 services, the competitive proposal process must include evaluation criteria to ensure that
- 6.23 the county maintains a culturally responsive program for case management services adequate
- 6.24 to meet the needs of the population of the county. For the purposes of this section, "culturally
- 6.25 responsive program" means a case management services program that: (1) ensures effective,
- 6.26 equitable, comprehensive, and respectful quality care services that are responsive to
- 6.27 individuals within a specific population's values, beliefs, practices, health literacy, preferred
- 6.28 language, and other communication needs; and (2) is designed to address the unique needs
- 6.29 of individuals who share a common language or racial, ethnic, or social background.
- 6.30 (d) Case management services must not be provided to a recipient by a private agency
- 6.31 that has any financial interest in the provision of any other services included in the recipient's

support plan. For purposes of this section, "private agency" means any agency that is not identified as a lead agency under section 256B.0911, subdivision 10.

(e) For persons who need a positive support transition plan as required in chapter 245D, the case manager shall participate in the development and ongoing evaluation of the plan with the expanded support team. At least quarterly, the case manager, in consultation with the expanded support team, shall evaluate the effectiveness of the plan based on progress evaluation data submitted by the licensed provider to the case manager. The evaluation must identify whether the plan has been developed and implemented in a manner to achieve the following within the required timelines:

(1) phasing out the use of prohibited procedures;

(2) acquisition of skills needed to eliminate the prohibited procedures within the plan's timeline; and

(3) accomplishment of identified outcomes.

If adequate progress is not being made, the case manager shall consult with the person's expanded support team to identify needed modifications and whether additional professional support is required to provide consultation.

(f) The Department of Human Services shall offer ongoing education in case management to case managers. Case managers shall receive no less than 20 hours of case management education and disability-related training each year. The education and training must include person-centered planning, informed choice, informed decision making, cultural competency, employment planning, community living planning, self-direction options, and use of technology supports. Case managers must annually pass a competency evaluation, in a form determined by the commissioner, on informed decision-making topics. By August 1, 2024, all case managers must complete an employment support training course identified by the commissioner of human services. For case managers hired after August 1, 2024, this training must be completed within the first six months of providing case management services. For the purposes of this section, "person-centered planning" or "person-centered" has the meaning given in section 256B.0911, subdivision 10. Case managers shall document completion of training in a system identified by the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2025.

Sec. 6. Minnesota Statutes 2024, section 256B.49, subdivision 29, is amended to read:

Subd. 29. **Residential support services criteria.** (a) For the purposes of this subdivision, "residential support services" means the following residential support services reimbursed

under section 256B.4914: community residential services, customized living services, and 24-hour customized living services.

(b) In order to increase independent living options for people with disabilities and in accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with section 245A.03, subdivision 7, the commissioner must establish and implement criteria to access residential support services. The criteria for accessing residential support services must prohibit the commissioner from authorizing residential support services unless at least all of the following conditions are met:

(1) the individual has complex behavioral health or complex medical needs; and

(2) the individual's service planning team has considered all other available residential service options and determined that those options are inappropriate to meet the individual's support needs.

(c) Nothing in this subdivision shall be construed as permitting the commissioner to establish criteria prohibiting the authorization of residential support services for individuals described in the statewide priorities established in subdivision ~~12~~ 11a, the transition populations in subdivision ~~13~~ 24, and the licensing moratorium exception criteria under section 245A.03, subdivision 7, paragraph (a).

~~(e)~~ (d) Individuals with active service agreements for residential support services on the date that the criteria for accessing residential support services become effective are exempt from the requirements of this subdivision, and the exemption from the criteria for accessing residential support services continues to apply for renewals of those service agreements.

EFFECTIVE DATE. This section is effective 90 days following federal approval of Laws 2021, First Special Session chapter 7, article 13, section 30.