

Senator moves to amend the delete-everything amendment (SCS2443A-5) to S.F. No. 2443 as follows:

Page 20, after line 10, insert:

"Sec. 22. Laws 2021, First Special Session chapter 7, article 13, section 73, is amended to read:

Sec. 73. WAIVER REIMAGINE PHASE II.

(a) After receiving federal approval, the commissioner of human services must implement a two-home and community-based services waiver program structure, as authorized under section 1915(c) of the federal Social Security Act, that serves persons who are determined by a certified assessor to require the levels of care provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care facility for persons with developmental disabilities.

(b) The commissioner of human services must implement an individualized budget methodology, as authorized under section 1915(c) of the federal Social Security Act, that serves persons who are determined by a certified assessor to require the levels of care provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care facility for persons with developmental disabilities.

(c) The commissioner of human services may seek all federal authority necessary to implement this section after receiving legislative approval of the final draft waiver plan.

(d) 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. The commissioner must ensure, within available resources and subject to state and federal regulations and law, that waiver reimagine does not result in unintended service disruptions.

Sec. 23. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 1, as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 1, is amended to read:

Subdivision 1. **Stakeholder consultation; generally.** (a) The commissioner of human services must consult with and seek input and assistance from stakeholders concerning potential adjustments ~~to the streamlined service menu from waiver reimagine phase I and~~ to the existing rate exemption criteria and process.

(b) The commissioner of human services must consult with, seek input and assistance from, and collaborate with stakeholders concerning the development and implementation of waiver reimagine phase II, including criteria and a process for individualized budget exemptions, and how waiver reimagine phase II can support and expand informed choice and informed decision making, including integrated employment, independent living, and self-direction, consistent with Minnesota Statutes, section 256B.4905.

(c) The commissioner of human services must consult with, seek input and assistance from, and collaborate with stakeholders concerning the implementation and revisions of the MnCHOICES 2.0 assessment tool.

Sec. 24. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 2, as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 2, is amended to read:

Subd. 2. **Public stakeholder engagement.** The commissioner must offer a public method to regularly receive input and concerns from people with disabilities and their families about waiver reimagine phase II. ~~The commissioner~~ assistant commissioner of aging and disability services shall personally provide quarterly public updates on policy development and on how recent stakeholder input is being incorporated into the current development and implementation of waiver reimagine phase II.

Sec. 25. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 3, as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 3, is amended to read:

Subd. 3. **Waiver Reimagine Advisory Committee.** (a) The commissioner must convene, at regular intervals throughout the development and implementation of waiver reimagine phase II, a Waiver Reimagine Advisory Committee that consists of a group of diverse, representative stakeholders. The commissioner must solicit and endeavor to include racially, ethnically, and geographically diverse membership from each of the following groups:

- (1) people with disabilities who use waiver services;
- (2) family members of people who use waiver services;
- (3) disability and behavioral health advocates;
- (4) lead agency representatives; and
- (5) waiver service providers.

3.1 (b) The commissioner must ensure that the membership of the Waiver Reimagine
3.2 Advisory Committee includes:

3.3 (1) two individuals presently receiving waiver benefits who are under the age of 65, at
3.4 least one of whom must be assessed to receive ten or more hours of waiver services per
3.5 day;

3.6 (2) one county employee who conducts long-term care consultation services assessments
3.7 for persons under the age of 65;

3.8 (3) one representative of the Department of Human Services with knowledge of the
3.9 requirements for a provider to participate in waiver service programs and of the
3.10 administration of benefits;

3.11 (4) one employee of the Minnesota Council on Disability;

3.12 (5) two family members of individuals under the age of 18 who are receiving waived
3.13 services;

3.14 (6) two family members of individuals aged 18 or older and under age 65 who are
3.15 receiving waived services;

3.16 (7) two providers of waived services for persons who are under the age of 65;

3.17 (8) one member of the Council on Developmental Disabilities;

3.18 (9) one employee from the Office of Ombudsman for Mental Health and Developmental
3.19 Disabilities;

3.20 (10) one employee from the Olmstead Implementation Office; and

3.21 (11) one member from the Home Care Association.

3.22 ~~(b)~~ (c) The assistant commissioner of aging and disability services must attend and
3.23 actively participate in meetings of the Waiver Reimagine Advisory Committee. The assistant
3.24 commissioner may not delegate attendance or active participation.

3.25 ~~(e)~~ (d) The Waiver Reimagine Advisory Committee must have the opportunity to
3.26 collaborate in a meaningful way in developing and providing feedback on proposed plans
3.27 for waiver reimagine components, including an individual budget methodology, criteria
3.28 and a process for individualized budget exemptions, the consolidation of the four current
3.29 home and community-based waiver service programs into two-waiver programs, the role
3.30 of assessments and the MnCHOICES 2.0 assessment tool in determining service needs and
3.31 individual budgets, and other aspects of waiver reimagine phase II.

4.1 ~~(d)~~ (e) The Waiver Reimagine Advisory Committee must have an opportunity to assist
4.2 in the development of and provide feedback on proposed adjustments and modifications to
4.3 the streamlined menu of services and the existing rate exception criteria and process.

4.4 Sec. 26. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 4,
4.5 as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

4.6 Subd. 4. **Required report.** Prior to seeking federal approval for any aspect of waiver
4.7 reimagine phase II and no later than December 15, 2026, in collaboration with the Waiver
4.8 Reimagine Advisory Committee, the commissioner must submit to the chairs and ranking
4.9 minority members of the legislative committees and divisions with jurisdiction over health
4.10 and human services a report on plans for waiver reimagine phase II, as well as the actual
4.11 Waiver Reimagine waiver plan intended to be submitted for federal approval. The report
4.12 ~~must also include any plans to~~ a clear explanation of how the proposed waiver plan submitted
4.13 with the report will adjust or modify the streamlined menu of services, the existing rate or
4.14 budget exemption criteria or process, the will establish proposed individual budget ranges
4.15 budgets based on the assessed needs of the individual, not location of services, will supply
4.16 the additional resources required for the individual to live in the least restrictive environment,
4.17 ~~and the role of MnCHOICES 2.0 assessment tool~~ will play in determining service needs
4.18 and individual ~~budget ranges~~ budgets.

4.19 Sec. 27. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 5,
4.20 as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

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

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

5.1 Sec. 28. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 6,
5.2 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 6, is amended to
5.3 read:

5.4 Subd. 6. **Online support planning tool.** The commissioner must develop an online
5.5 support planning and tracking tool for people using disability waiver services that allows
5.6 access to the total budget available to the person, the services for which they are eligible,
5.7 and the services they have chosen and used. The commissioner must explore operability
5.8 options that would facilitate real-time tracking of a person's remaining available budget
5.9 throughout the service year. The online support planning tool must provide information in
5.10 an accessible format to support the person's informed choice. The commissioner must seek
5.11 input from people with disabilities and the Waiver Reimagine Advisory Committee about
5.12 the online support planning tool prior to its implementation.

5.13 Sec. 29. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 7,
5.14 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 7, is amended to
5.15 read:

5.16 Subd. 7. **Curriculum and training.** The commissioner, in consultation with the Waiver
5.17 Reimagine Advisory Committee, must develop and implement a curriculum and training
5.18 plan to ensure all lead agency assessors and case managers have the knowledge and skills
5.19 necessary to comply with informed decision making for people who used home and
5.20 community-based disability waivers. Training and competency evaluations must be completed
5.21 annually by all staff responsible for case management as described in Minnesota Statutes,
5.22 sections 256B.092, subdivision 1a, paragraph (f), and 256B.49, subdivision 13, paragraph
5.23 (e).

5.24 Sec. 30. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; INPUT ON**
5.25 **WAIVER REIMAGINE PLAN.**

5.26 (a) Notwithstanding Laws 2021, First Special Session chapter 7, article 13, section 73,
5.27 as amended in this action, Laws 2021, First Special Session chapter 7, article 13, section
5.28 75, as amended by Laws 2024, chapter 108, article 1, section 28, and this act, prior to seeking
5.29 federal approval for a Waiver Reimagine plan or implementation of the same, the
5.30 commissioner of human services must first submit the Waiver Reimagine plan to the Waiver
5.31 Reimagine Advisory Committee, to the legislature, and to all waiver service recipients in
5.32 a specific communication directly to the recipients in a format the recipient can retrieve,

6.1 allowing at least six months for review and input and for the commissioner to make any
6.2 changes to the plan as a result of the input.

6.3 (b) The commissioner of human services shall not submit the Waiver Reimagine plan
6.4 for federal approval without first receiving approval from the legislature.

6.5 Sec. 31. **IMPLEMENTATION OF WAIVER REIMAGINE DEVELOPMENT**
6.6 **CHANGES.**

6.7 The commissioner of human services must use existing resources to implement the
6.8 changes to the process of developing the Waiver Reimagine waiver plan contained in this
6.9 article."