

➤ **Memo Delays Implementation of Disability Sections in HHS Bill**

The following memo was sent by the Department of Human Services (DHS) this past Friday, July 22, 2011.

Date: July 22, 2011

To: Lead Agencies and DSD Stakeholders

From: Alex Bartolic, Director, Disability Services Division

Subject: 2011 Health & Human Services (HHS) Omnibus Bill

Effective Date: July 22, 2011

Purpose of E-mail: Provide stakeholders with an update on the 2011 HHS Omnibus Bill

The 2011 Health and Human Services Omnibus Bill (1st Special Session, House File 25) that was signed into law by Governor Dayton on July 20 contains a number of changes that are specific to services for people with disabilities. Now that session has ended, we anticipate that you have many questions about the bill language and impacts to lead agencies, providers, and consumers.

Please do not take any action on the provisions in bill until you receive guidance from the Department. It is our intent to provide you with more detailed information on impacts and implementation procedures in the near future.

Thank you for understanding that we will need some time before we will be able to provide further information on the legislation for lead agencies, providers, or consumers. We will work as quickly as possible to prioritize the work ahead and provide you with further direction.

No actions are to be taken until guidance comes from DHS. Much of the [language in the health and human services \(HHS\) bill](#) is subject to interpretation, and we need clarification from DHS as quickly as possible.

In the update below on the HHS bill, we list page numbers and line numbers in the HHS bill so you can find the specific language for a particular item. The dollar amounts listed below are over a two-year period and are state dollars only. Double that amount of lost funding if the services are Medical Assistance-funded to include the loss in federal dollars.

We will attend a meeting on Thursday July 28th with staff from the Disability Services Division at DHS to review the HHS bill and receive more details.

➤ **More Details & Updates Re: Health & Human Services Budget**

- **Corporate Foster Care Not Allowed to Fill Vacancies (p. 163.15 & p. 206.21)**

Language was inserted in the final bill, without the knowledge of the disability community, to decrease the number of people allowed in an adult foster care home if one of its residents leaves. The

home would have no rights to appeal this reduction in capacity. We hadn't seen this language or received an interpretation of it before the bill was passed. Our initial interpretation after reading the language was that it applied to all adult foster care homes.

Disability advocates and providers raised concerns about this provision last week with Rep. Jim Abeler. Rep. Abeler said that this provision was added at the last minute during negotiations about the HHS bill. He said after closer review and communications from the disability community, he decided that he disagreed with that provision. He will ask the Department of Human Services not to enforce it.

Since then, we have received clarification from the Department of Human Services about this provision. Their interpretation is that it only applies to some individuals on the Community Alternatives for Disabled Individuals and Traumatic Brain Injury waivers, as defined on page 206 of the HHS bill. We will seek further clarification at the meeting on July 28th.

- **A 20% wage cut for personal care attendants (PCAs) who provide services to relatives (Line 172.33; Amount cut: \$24.1 million; Effective date: 10/1/11)**

This cut does not apply to individuals on a waiver who receive Consumer Directed Community Supports (CDCS). The bill language defines who would be affected:

"...relative means the parent or adoptive parent of an adult child, a sibling aged 16 years or older, an adult child, a grandparent, or a grandchild."

This is a cruel cut to the families impacted. If you or someone in your family is harmed by this wage cut, please send your story to Mike Gude at mikeg@arcmn.org

- **A cut in waived services by limiting enrollment in these programs (Starting at Line 263.16; Amount cut: \$48.1 million).**

Developmental Disabilities (DD) Waiver - six allocations per month
Community Alternatives for Disabled Individuals (CADI) Waiver - 60 allocations per month
Traumatic Brain Injury (TBI) & CAC Waivers - no limits on allocations. (We previously believed there was a limit of three allocations per month.)

Extra waiver allocations will be available for bed closures in ICFs/DD and nursing homes.

- **A cut in rates for a variety of community-based services funded by Medical Assistance (Starting at Line 208.1; Amount cut = \$43.9 million)**

A 1.5% cut for FY 2012 & 2013. There will be an additional rate cut of 1.67% if DHS does not apply for Medical Assistance Reform Waivers by July 1, 2012.

By Friday July 29th we should be able to provide you more details about [the HHS bill](#). Look for another update at that time. For a summary of other provisions on the HHS bill not listed here, go to our [Public Policy Update from June 20, 2011](#).