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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 408

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to human services; allowing certain people to provide independent living
1.3 skills services; regulating Centers for Independent Living; amending Minnesota
1.4 Statutes 2006, section 256B.49, subdivision 16, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2006, section 256B.49, subdivision 16, is amended to
1.7 read:

1.8 Subd. 16. Services and supports. (a) Services and supports included in the home
1.9 and community-based waivers for persons with disabilities shall meet the requirements set
1.10 out in United States Code, title 42, section 1396n. The services and supports, which are
1.11 offered as alternatives to institutional care, shall promote consumer choice, community
1.12 inclusion, self-sufficiency, and self-determination. In addition to the provider standards
1.13 and qualifications for the traumatic brain injury (TBI) and Community Alternatives for
1.14 Disabled Individuals (CADI) waivers listed in the Minnesota Disability Services Program
1.15 Manual, a person may provide independent living skills services if the lead agency
1.16 determines the person meets all of the provider qualifications.

1.17 (b) Beginning January 1, 2003, the commissioner shall simplify and improve access
1.18 to home and community-based waived services, to the extent possible, through the
1.19 establishment of a common service menu that is available to eligible recipients regardless
1.20 of age, disability type, or waiver program.

1.21 (c) Consumer directed community support services shall be offered as an option to
1.22 all persons eligible for services under subdivision 11, by January 1, 2002.

1.23 (d) Services and supports shall be arranged and provided consistent with
1.24 individualized written plans of care for eligible waiver recipients.

2.1 (e) A transitional supports allowance shall be available to all persons under a home
2.2 and community-based waiver who are moving from a licensed setting to a community
2.3 setting. "Transitional supports allowance" means a onetime payment of up to \$3,000, to
2.4 cover the costs, not covered by other sources, associated with moving from a licensed
2.5 setting to a community setting. Covered costs include:

2.6 (1) lease or rent deposits;

2.7 (2) security deposits;

2.8 (3) utilities set-up costs, including telephone;

2.9 (4) essential furnishings and supplies; and

2.10 (5) personal supports and transports needed to locate and transition to community
2.11 settings.

2.12 (f) The state of Minnesota and county agencies that administer home and
2.13 community-based waived services for persons with disabilities, shall not be liable
2.14 for damages, injuries, or liabilities sustained through the purchase of supports by the
2.15 individual, the individual's family, legal representative, or the authorized representative
2.16 with funds received through the consumer-directed community support service under
2.17 this section. Liabilities include but are not limited to: workers' compensation liability,
2.18 the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act
2.19 (FUTA).

2.20 Sec. 2. Minnesota Statutes 2006, section 256B.49, is amended by adding a subdivision
2.21 to read:

2.22 Subd. 22. **Centers for Independent Living.** Centers for Independent Living are
2.23 certified to provide services to individuals with disabilities to maximize their independence
2.24 and productivity and to help integrate these individuals into the mainstream of society.
2.25 The commissioner shall work collaboratively with the certified Centers for Independent
2.26 Living to develop statewide programs and services, including, but not limited to, setting
2.27 the waived provider standards to allow Centers for Independent Living to provide
2.28 services and supports included in the home and community-based waivers for persons with
2.29 disabilities such as independent living skills training, and other services as appropriate.