

1.1 A bill for an act

1.2 relating to human services; modifying 24-hour customized living services;

1.3 amending Minnesota Statutes 2008, section 256B.0915, subdivision 3h.

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

1.5 Section 1. Minnesota Statutes 2008, section 256B.0915, subdivision 3h, is amended to
1.6 read:

1.7 Subd. 3h. **Service rate limits; 24-hour customized living services.** (a) The
1.8 payment rates for 24-hour customized living services is a monthly rate negotiated and
1.9 authorized by the lead agency within the parameters established by the commissioner
1.10 of human services. The payment agreement must delineate the services that have been
1.11 customized for each recipient and specify the amount of each service to be provided. The
1.12 lead agency shall ensure that there is a documented need for all services authorized.
1.13 The lead agency shall not authorize 24-hour customized living services unless there is
1.14 a documented need for 24-hour supervision. For purposes of this section, "24-hour
1.15 supervision" means that the recipient requires assistance due to needs related to one or
1.16 more of the following:

1.17 (1) intermittent assistance with toileting or transferring;

1.18 (2) cognitive or behavioral issues;

1.19 (3) a medical condition that requires clinical monitoring; or

1.20 (4) other conditions or needs as defined by the commissioner of human services.

1.21 The lead agency shall ensure that the frequency and mode of supervision of the recipient
1.22 and the qualifications of staff providing supervision are described and meet the needs
1.23 of the recipient. Customized living services must not include rent or raw food costs.

1.24 The negotiated payment rate for 24-hour customized living services must be based on

2.1 services to be provided. Negotiated rates must not exceed payment rates for comparable
2.2 elderly waiver or medical assistance services and must reflect economies of scale. The
2.3 individually negotiated 24-hour customized living payments, in combination with the
2.4 payment for other elderly waiver services, including case management, must not exceed
2.5 the recipient's community budget cap specified in subdivision 3a.

2.6 (b) When a Class F or Class A home care provider is responsible for providing
2.7 services to persons in a registered housing with services establishment that adjoins a
2.8 nursing facility or hospital, is licensed to serve 12 or fewer persons, and has nighttime
2.9 staffing and supervision provided by staff in the adjoining building, persons who require
2.10 assistance in accordance with the assessment criteria outlined in paragraph (a) may be
2.11 assisted under a service plan that includes authorization up to the payment rate limits
2.12 established in this subdivision when all other requirements in this subdivision are met.
2.13 Time spent by staff providing services and supervision to the recipients of services
2.14 in each licensed program must be documented and allocated to each licensed program
2.15 accordingly. For purposes of this paragraph, "adjoining" means physically attached or
2.16 connected by a corridor to a nursing facility or hospital. This paragraph does not apply to
2.17 providers who are subject to section 325F.72. This paragraph expires on June 30, 2011.