

DISABILITY LAW

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American Sign Language Interpreter Services

The Legislature clarified that American Sign Language interpreters for services are required in both the Medical Assistance (MA) and General Assistance Medical Care (GAMC) programs, regardless of how many persons are employed by service provider organization.

*Chapter 147, Article 5, Section 17 and Article 7, Section 6 (HF 1078)
Effective July 1, 2007*

Appropriations for Employment Services

The following sums were appropriated for employment services:

- \$5.61 million from the general fund and \$6.92 million from the workforce development fund each year of the biennium for extended employment services for persons with severe disabilities;
- \$150,000 from the general fund and \$175,000 from the workforce development fund each year of the biennium for grants for the Minnesota Employment Center for People Who are Deaf or Hard-of-Hearing;
- slightly more than \$9 million from the general fund each year of the biennium for the State's vocational rehabilitation program for people with significant disabilities to assist with employment; and
- \$350,000 from the workforce development fund each year of the biennium for grants to provide interpreters for a regional transition program that specializes in providing culturally appropriate transition services leading to employment for deaf, hard-of-hearing, and deaf-blind students.

*Chapter 135, Article 1, Section 3, Subdivision 3 (HF 122)
Effective July 1, 2007*

Assistive Technology

The Legislature appropriated \$200,000 to obtain federal matching funds to be used for micro-loans for assistive technology and to continue the regional Assistive Technology (AT) collaboratives operated by Assistive Technology Minnesota. Also, recommendations on proposed legislation on AT needs and resources will be completed by the Minnesota Council on Disability and provided to the legislative chairs responsible for this area by January 1, 2009.

*Chapter 147, Article 7, Section 70 and Article 19, Section 8 (HF 1078)
Effective July 1, 2007*

Community Service Providers and Intermediate Care Facilities for Persons with Mental Retardation (ICF/MR)

The Legislature approved a 2% cost-of-increase for community service and ICF/MR providers for each of the next two years.

Chapter 147, Article 7, Section 74 (HF 1078)

2007 increase effective October 1, 2007 and 2008 increase effective July 1, 2008

Hearing Aids for Minors

The scope of coverage for hearing aids for persons 18 years of age or younger was expanded. Now coverage is available for any hearing loss that is not correctable; previously, coverage was available only if the hearing loss was due to functional congenital malfunction of the ears.

Chapter 60 (SF 805)

Effective August 1, 2007

Home Care Assessment and Service

The Medical Assistance Home Care Assessment law was amended to make clear that, rather than face-to-face assessment which is only required every three years, a Personal Care Assistant (PCA) telephone service update can be completed for two consecutive years when there is no change in the recipient's condition. Also, personal care provider organizations are required to notify the county and the PCA recipient of the need for a reassessment at least 60 days before the end of the current authorization. If a county does not complete the reassessment on time, the payment rate for the assessment will be reduced by 25%, beginning July 1, 2008.

Chapter 147, Article 7, Sections 9-11 (HF 1078)

Effective July 1, 2007 (except for assessment payment reduction, which is effective July 1, 2008)

Infant Hearing Screening

Hospitals are now required to screen newborns for hearing loss at birth.

Chapter 147, Article 16, Section 10 (HF 1078)

Effective May 26, 2007

Licensed Developmental Disabilities Providers

A family member who is licensed to provide adult foster care and disability services will be allowed to serve an adult relative provided: (1) the county certifies the qualified family member for adult foster care, and (2) the licensed provider family member is not also the legal guardian. The Minnesota Department of Human Services (DHS) must seek an amendment to the federal Home and Community Waiver Program in order to implement this change.

Chapter 112, Sections 49 and 50 (SF 1724)

Effective upon federal approval

Medical Assistance and General Assistance Medical Care Co-Pays

See Health Law Section below

Parent Fees for Children with Significant Disabilities

Minnesota law now clearly states that parent fees paid for children with significant disabilities using the Tax Equity Fiscal Responsibility Act (TEFRA) Medical Assistance Option or a home and community waiver program are eligible for employer-sponsored health flexible spending accounts.

Chapter 147, Article 7, Section 2 (HF 1078)

Effective July 1, 2007

Personal Care Assistant Services

Current administrative rules governing the training of personal care assistants, personal care provider responsibilities, PCA employment prohibitions, and supervision of personal care services under MA were added to the PCA law.

Chapter 147, Article 6, Sections 19-22 (HF 1078)

Effective July 1, 2007

Self-Directed Personal Supports Option

A new self-directed personal supports option for MA was authorized. Persons eligible for PCA services are eligible for the new self-directed option. The new service option allows PCA funds to be used in a more flexible manner for items or services to maintain or increase independence for persons with disabilities. DHS is required to establish a stakeholder group to work on developing the parameters for the program, which is expected to begin in 2008.

Chapter 147, Article 7, Sections 7 and 12 (HF 1078)

Effective July 1, 2007

Special Education Funding

Funding for special education services for students with disabilities was substantially increased.

Chapter 146, Article 3 (HF 2245)

Various effective dates

Special Transportation Services and Level of Need Assessment Requirements

DHS may not use a volume purchase contract through competitive bidding and negotiation for special transportation under MA. DHS has determined that the current broker contract will continue until it expires in June 2008. Level-of-need determinations, mileage reimbursement and other MA transportation access services will still be performed under a broker contract. Also, the level of need determination for non-emergency medical transportation eligibility must be performed by specified medical personnel. The level of need determinations, including stretcher transportation eligibility, must not be performed more than semi-annually unless the person's medical circumstances have changed. Persons living in licensed nursing facilities are automatically eligible for special transportation services.

*Chapter 147, Article 4, Sections 6 and 7 (HF 1078)
Effective July 1, 2007*

Supplemental Security Income (SSI) Penalty

See Public Benefits Law Section below