

## ***DISABILITY AND MENTAL HEALTH LAW***

### **Budget Cuts to Community Services for Persons with Disabilities**

Enrollment in home and community-based waiver services for persons with traumatic brain injury (TBI) were limited by the Legislature to 200 persons per year, and services for those eligible for nursing facility care through the Community Alternatives for Disabled Individuals (CADI) waiver were limited to 1,500 persons per year. These cuts take effect July 1, 2008. Included in these caseload caps are limits for persons participating in the integrated managed care program known as Minnesota Disability Health Option (MnDHO). The total funding cut for these services for the coming three years is nearly \$68 million, which includes the dollar-for-dollar federal match available under Medicaid. It is estimated that more than 2,400 eligible persons will not be able to access these community services over the next three years. Waiver service funding is used to pay staff, buy equipment or items and support people to live as independently as possible in the community and avoid institutional placement.

*Chapter 363, Article 18, Section 3 (HF 1812)*

### **Budget Cuts to State-Funded Grant Programs**

All state-funded grant programs operated by the Department of Human Services and the Department of Health were cut by 1.8%, except children and adult mental health services. Among the programs cut are Semi-Independent Living Services (SILS), Disability Link Line, Family Support Grant services, Region 10 Quality Assurance, and various aging and chemical dependency services.

*Chapter 363, Article 18, Section 3 (HF 1812)*

### **Children's Mental Health Services**

New limitations were placed on restrictive and aversive practices in children's mental health services and facilities.

*Chapter 234, Section 1 (SF 3049)*

### **Community Mental Health Services Report**

The Department of Human Services was required to report by January 16, 2009 on the availability of community mental health services for children, adolescents and adults, including whether mental health facilities should be expanded.

*Chapter 234, Section 5 (SF 3049)*

### **Cost-of-Living Adjustment (COLA) for Community Service Providers**

The Legislature delayed from July 1, 2008 to October 1, 2008 the scheduled 2% COLA adjustment for community service providers.

*Chapter 363, Article 15, Sections 7 and 17 (HF 1812)*

### **Election Improvements for Persons with Disabilities**

A new law: (1) adds to the list of those who can use an agent to submit an absentee ballot; (2) increases the time before an election during which an agent can deliver an absentee ballot to someone who can't get to the polls due to disability or incapacitating health reasons; (3) clarifies agent requirements; and (4) with some exceptions, requires closed captioning or transcripts for political advertisements.

*Chapter 295, Sections 8-10 (HF 3172)*

### **Housing Access Grants**

A new Housing Access Grant Program was established that will provide \$1.25 million in funding over three years for public and private agencies to support individuals with disabilities eligible for publicly-funded home and community-based services.

*Chapter 363, Article 15, Section 5 (HF 1812)*

### **Housing Subsidy for Persons with Disabilities**

The Minnesota Supplemental Aid (MSA) Shelter Needy Program has been expanded to include people eligible for home and community waiver services and people who will use the new self-directed personal supports option, which was passed last session and not yet implemented. This new subsidy of up to \$162 per month per person will begin July 1, 2008, and is estimated to provide nearly \$2 million in housing subsidies over the next three years.

*Chapter 363, Article 15, Section 6 (HF 1812)*

### **Notice of Disability Review for Persons Under 19 Years of Age**

Counties are required to send a notice of disability review to an enrollee in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) program six months prior (rather than the current requirement of three months prior) to the date that recertification of disability is due.

*Chapter 220 (SF 2024)*

### **Ombudsman's Access to Data**

The Ombudsman for Mental Health and Developmental Disabilities was given access to, and allowed to gather, certain data on behalf of a client. These data include copies of records. The definition of "client" of the Ombudsman was clarified to include a deceased person so that the Ombudsman may receive identifying data about a deceased person

*Chapter 219, Sections 1-4 (SF 3225)*

### **Privacy in Marketing Special Needs Basic Care**

New consumer protections were passed regarding individuals' privacy in marketing of the new Special Needs Basic Care managed care plan for persons with disabilities on Medical Assistance.

*Chapter 326, Article 1, Section 38 (HF 3222)*

### **Study on Provider Standards**

The Department of Health and the Department of Human Services must conduct a study of provider standards, which may include licensure, for Personal Care Attendant services and make recommendations to the legislature next February.

*Chapter 230, Section 6 (SF 3227)*

### **Targeted Case Management**

Targeted case management service limits, including relocation service, children and adult mental health, vulnerable adult and child welfare case management, became effective in March 2008, due to federal changes. Federal legislation to stop the federal agency limitations on case management services was passed in Congress in late June and will delay the effective date of the

Targeted Case Management regulations until April 1, 2009. Minnesota's targeted case management time lines will now remain in place until April 1, 2009.  
*Chapter 363, Article 15, Sections 1-4 and 7 (HF 1812)*

**Transportation Planning**

The Department of Transportation was required to plan to meet 80% of the unmet need for transportation in Greater Minnesota by 2015 and 90% by 2020.  
*Chapter 350, Article 1, Section 67 (HF 3800)*

**Voluntary Placement for Treatment**

New standards were adopted for the voluntary placement for treatment of children with mental health or developmental disabilities so that parental custody and responsibility for those children is not disrupted. Provisions requiring court oversight of independent living plans for juveniles over 15 years old who are in foster care are included.  
*Chapter 361, Article 6 (HF 3376)*