

Bulletin

January 14, 2003

Minnesota Department of Human Services • 444 Lafayette Rd. • St. Paul, MN 55155

OF INTEREST TO

- County Directors
- County Waiver DD Supervisors
- County Case Managers

Choice of service providers expanded for people on the MR/RC Waiver

TOPIC

MR/RC waiver and choice of providers.

PURPOSE

Clarify statutory changes that expand choice of service providers and assure protections for persons receiving MR/RC waived services.

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SIGNED

ACTION

Implement changes.

EFFECTIVE DATE

Effective immediately.

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BACKGROUND

Prior to July 2001, a person receiving services funded by the MR/RC waiver could not be served in a residential and day program operated under the same authority or ownership. This long-standing Minnesota policy was intended to provide people who use residential and day services with opportunities for community integration. It was also believed that involvement with more than one agency added protections for vulnerable people since they would come in contact with varied people throughout their day. This arrangement restricted vendor choice, and placed some limits on opportunities to participate in non-traditional day services.

WHAT HAS CHANGED

MN Statutes, section 256B.092, subd. 5 was amended to allow persons on the MR/RC waiver to choose one provider for both their residential and day services if certain actions are taken to assure protections equal to those in place for persons who continue to choose multiple vendors. This amendment expands choice for people on the MR/RC waiver.

MN Statutes, section 256B.092, subd. 5(b) states:

(b) The commissioner, in administering home and community-based waivers for persons with mental retardation and related conditions, shall ensure that day services for eligible persons are not provided by the person's residential service provider, unless the person or the person's legal representative is offered a choice of providers and agrees in writing to provision of day services by the residential service provider. The individual service plan for individuals who choose to have their residential service provider provide their day services must describe how health, safety, and protection needs will be met by frequent and regular contact with persons other than the residential service provider.

The intent of this change is to offer the individual health and safety needs of the person are supported as part of their Individual Service Plan, (ISP). Some possible options:

- The individual or their legal representative may choose to have their residential service vendor provide day services.
- The individual or legal representative may choose to have their day services provider become their residential services provider. Day service providers would need to follow the county contracting process to become a residential provider.
- The individual or their legal representative continue to have the option of separate residential habilitation providers and day services providers.

The legislative change, effective July 1, 2001, *applies only to persons on the MR/RC waiver.*

COUNTY ACTION REQUIRED

If a person chooses the same provider for both their residential and day services, the service coordinator must insure that other provider choices are offered so an informed choice can be made.

For example, if the person or their legal representative states that they would like to make a change in day service, the service coordinator must provide the person or the person's legal representative with a choice of available local providers. After reviewing the available options, the person or legal representative must agree in writing if they choose to use the same provider for residential and day services.

If the choice is made to use the same provider for residential and day services, the Individual Service Plan (ISP) must describe how health, safety and protection needs will be met by frequent and regular contact with persons other than the service provider. The ISP must also include goals and objectives for the non-residential services provided to the individual.

The county is responsible to assure that the county contracting process reflects the alternative option, to monitor the person's health, safety and protection, and to assure monitoring is performed for consumer satisfaction and other quality indications included in the person's ISP.

GENERAL QUESTIONS AND ANSWERS ABOUT CHOICE OF DAY PROVIDERS FOR MR/RC WAIVER RECIPIENTS

1. If a MR/RC waiver recipient chooses to use the same vendor for their residential and day services, who is responsible for monitoring these services?

The County Service Coordinator will monitor for health, safety and protection needs and will assure that monitoring is being performed based on the quality indicators included in the person's ISP. The ISP for those who choose one vendor for their residential and day services must describe how health, safety and protection needs will be met by frequent and regular contact with persons other than the residential service provider.

2. When will these changes take effect?

People on the MR/RC waiver may choose one vendor for residential and day services under the new statutory language on receipt of this bulletin.

3. Does this change service provision apply to persons on other waivers?

This change only applies to persons on the MR/RC waiver.

4. If a person receiving MR/RC services chooses their residential provider as vendor of their day services, how will this change be authorized?

Authorization will be recorded in an amendment to the person's ISP and documentation maintained in the person's file. The screening document and Service Agreement must also be revised to reflect this change in service.

PLANNING EXAMPLES

Steve lives in a licensed foster care residence with three of his friends. At his team meeting he stated that he did not want to attend his day program anymore. Instead he wanted to participate in various activities such as cooking, games, physical fitness exercise or visiting his grandmother. A tentative daily schedule of activities was drafted which included four weekly trips to the local YMCA. Steve and his legal representative were offered a choice of providers and chose to have Steve's residential staff provide support for him during the day. They made the request in writing and Steve's residential vendor agreed to provide the day services. Steve's ISP was amended to reflect this service change and his Service Coordinator will continue to monitor the vendor and to assure that monitoring is being performed based on the quality indicators included in his ISP that include Steve's health, safety and protection needs.

Sara was presented with various employment opportunity choices and decided that she wanted to work at the Humane Society and have one of her residential staff support her on the job. The residential provider agreed to provide staff to support Sara and became licensed as a supported employment provider. The team included her request for service change and her new job objectives and goals in her ISP. Sara and her legal representative stated in writing that she desired to use the same vendor for her residential and day services. Sara's County Service Coordinator will monitor her health, safety and protection needs and will assure that monitoring is being performed based on the quality indicators included in her ISP.

LEGAL AUTHORITY

Minnesota Statutes, 2001, sections 256B.092 Subd. 5(b).

RESOURCES ON THE INTERNET

Minnesota Statutes and Rules: www.leg.state.mn.us

DHS bulletins: www.dhs.state.mn.us Click on "Bulletins and Manuals"

DHS bulletins from 1998 on: www.dhs.state.mn.us/fmo/LegalMgt/bulletins/default.htm

ALTERNATIVE FORMATS

This information is available in other forms to persons with disabilities by contacting us at (651) 297-4112 (voice), toll free at 1 (800) 747-5484, or through the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1, or 1-877-627-3848 (speech-to-speech relay service).