

EXECUTIVE DIRECTOR
Jeremy Lane

LEGAL DIRECTOR
Pamela S. Hoopes

ADMINISTRATOR
Brenda Jursik

SUPERVISING ATTORNEYS
Roderick J. Macpherson III
Steven P. Elliot

MINNESOTA DISABILITY LAW CENTER

THE PROTECTION & ADVOCACY
SYSTEM FOR MINNESOTA

430 FIRST AVENUE NORTH, SUITE 300
MINNEAPOLIS, MN 55401-1780
(612) 332-1441
(TDD) 332-4668
Toll Free 1-800-292-4150
FAX (612) 334-5755

www.mnlegalservices.org/mdlc

ATTORNEYS
Jennifer E. Giesen
Luther Granquist
Kathleen Hagen
Anne L. Henry
Bonita Kallestad (Willmar)
Kathy S. Kosnoff
Barbara J. Kuhn
Anne M. Robertson
Barnett I. Rosenfield
Patricia M. Siebert

ADVOCATES
Linda Bonney (Grand Rapids)
Kurstin Dubbels (Fergus Falls)
Cynthia M. Jarvi (Minneapolis)
Sandra M. Moore (Duluth)
Janna Peterson (Moorhead)
Rochelle Roehrich (Minneapolis)
Sharon Sanders (Duluth)

THE CONSUMER DIRECTED COMMUNITY SUPPORTS OPTION

A review of the current service available
and summary of impending changes to Minnesota's
Home and Community-based Waiver programs

September 20, 2002

Background

In 1998, Minnesota received federal approval to amend its home and community-based waiver program for persons with mental retardation or related conditions ("MR/RC waiver") to include a new service called "Consumer-Directed Community Support Services," or CDCS. This new waiver category was broadly described as including "supports and services which provide support, care and assistance to a person, prevent the person's institutionalization, and allow the person to live an inclusive community life." The purpose of adding CDCS to the waiver was to increase the waiver's ability to meet individual service and support needs while giving the consumer greater control over what services and supports would be used and by whom they would be provided. However, the actual service description for CDCS contained little detail on what services and supports could or could not be purchased. It also failed to clearly delineate the extent to which the county could limit the consumer's authority over service planning and choice.

In 2001, legislation passed requiring DHS to add a CDCS option to the Community Alternatives for Disabled Individuals (CADI), Community Alternative Care (CAC), and Traumatic Brain Injury (TBI) waiver programs. The intent of this legislation was to extend flexibility and control to all persons in Minnesota who use waiver services to avoid placement in institutional facilities.¹

¹ The Legislature also passed a law in 2000 requiring DHS to (1) seek federal approval to extend the CDCS option in the MR/RC waiver statewide, and (2) ensure that such services would be in place by January 2001. For a variety of reasons going back to the state employees' strike, DHS did not meet these deadlines.