

**History-** prior to HCBS Waiver option Consumer- Directed Community Supports

**1981**

The federal government passed the **Omnibus Budget Reconciliation Act** which created the **Title XIX Home and Community-Based Services Program**.

**1984**

Minnesota implemented the Home and Community –Based Services Waiver for Persons with Mental Retardation or Related Conditions also referred to as the MR/RC Waiver.

**1989**

A two year grant focusing on self-determination was awarded for the Voucher Project a joint funded effort between the Governor's Council on Developmental Disabilities and Dakota County.

**1993**

In the **Omnibus Budget Reconciliation Act of 1993** Congress added a section to the Social Security Act formally recognizing that states could offer personal care services under their state Medicaid plans.

**History-** after 1998 HCBS Waiver option Consumer -Directed Community Supports

**2002** Minnesota Department of Human Services is awarded a three-year federal Systems Change grant from the Centers of Medicare and Medicaid Services to focus on Consumer Directed Personal Assistance Services and Supports previously known as the Consumer Support Grant Demonstration Project 1115 waiver proposal.

## **Consumer Directed Community Supports Timeline 1995-2006**

**1995**

Minnesota Legislature authorizes Department of Human Service to develop two pilot projects to test managed care reform of developmental disabilities services. The Demonstration Project for People with Disabilities identified two project sites: The Southern Minnesota Health Initiative-Blue Earth County and Project Foresight-Olmstead County. The MR/RC Waiver Allocation Structure Advisory Committee was formed to guide the Department of Human Service's activities in its pursuit of its legislative charge of managed care reform. Advisory members consisted of employees from four different counties, two employees from two residential providers, one employee from the Minnesota Disability Law Center, one employee from the Association of Retarded Citizens, one employee from the University of Minnesota-Institute on Community Integration and staff support from the Demonstration Project for People with Disabilities and the Department of Human Services.

## **1996**

**July** - Minnesota Department of Human Services submits a proposal to the Robert Wood Johnson Foundation requesting a three year grant of Self-Determination for Minnesotans with Developmental Disabilities. Department of Human Services will provide in-kind contribution to the Foundation's financial support and a federal dollar match will be available if the proposal is awarded. Minnesota laws passed in 1996 provided legislation that allowed DHS to authorize local county agencies to keep a reserve capacity within their MR/RC Waiver funds. The intent of the legislation was to support agencies in developing the resources needed to provide continuity of care for current and future waiver recipients.

## **1997**

**February** - Robert Wood Johnson Foundation awards grants to 18 states (including Minnesota) to further the self-determination initiative. Minnesota was one of nine states to receive a three year grant. Department of Human Services pursues an amendment to the MR/RC Waiver plan for service in part, because it had been selected to receive a Robert Wood Foundation grant for self determination projects.

**December** - Department of Human Services received federal approval to add to the MR/RC Waiver program an option called Consumer-Directed Community Supports.

## **1998**

An optional waived service called Consumer-Directed Community Supports is offered in Blue Earth, Dakota, and Olmstead Counties these counties receive a three year grant support from the Robert Wood Johnson Foundation for self-determination based on their current/past initiatives.

**July**- Department of Human Services receives federal approval to serve additional waiver recipients without using additional funding. County agencies that do not use their allowable waiver resources are able to optimize services using available funds to serve people who have been waiting for waived services.

## **1999**

**April**- Department of Human Services redesigns the DD Screening Document to assess the urgency or time frame in which waived services are needed.

Legislation in 1999 created several avenues by which the waiting list for MR/RC Waiver would be decreased and directed the Department of Human Services to eliminate or reduce the size of the waiver waiting list.

**June- Olmstead V. L.C. US Supreme Court** decision affirms the right of individuals eligible for Medicaid services to receive these services in the least restrictive setting.

## **2000**

Minnesota Legislature passes law MN Stat.256B.0916 requiring Department of Human Services to seek federal approval to extend the Consumer-Directed Community Supports option in the MR/RC Waiver statewide and ensure that such services would be in place by January 2002. DHS decides in an effort to streamline the system, uses this waiver request to make the option available to all disability and elderly waived service programs.

## 2001

**March-June-**The Department of Human Services opened enrollment to all eligible persons for a three-month period, resulting in about a fifty percent increase in the MR/RC Waiver program. Shortly after this enrollment surge, the **state's budget situation deteriorated.**

Minnesota Legislature passes law MN Stat.256B.49 requiring the Department of Human Services to add a Consumer-Directed Community Supports option to the Community Alternatives for Disabled Individuals (CADI), Community Alternative Care (CAC), and Traumatic Brain Injury (TBI) waiver programs.

**May-June-** Community Supports for Minnesotans with Disability Division conducts survey of county staff. County staff expresses need for a Manual on Consumer -Directed Supports that would outline county responsibilities, guidelines for developing county policies, and resource information across all waiver service programs.

**July-**MN Statutes, section, 256B.092, and subd.5 was amended to allow persons on the MR/RC waiver to choose one provider for both 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.

**November-** Minnesota Department of Human Services et al. issue draft of "Implementing Consumer Directed Supports in Home and Community- Based Service Waivers; A Guide for County Agency Staff." Minnesota Statutes section 256B.0916, Subd.7. states that beginning November 1, 2001, and each November 1 thereafter the commissioner shall issue an annual report on county and state use of available resources for the Home and Community-Based Waiver for Persons with Mental Retardation or Related Conditions.

**December** -Department of Human Services issues draft amendments regarding the implementation of Consumer -Directed Supports in Home and Community- Based Service Waivers. Department of Human Services presents an explanation of county responsibilities, guidelines for the development of county policies and resource information across all waiver service programs.

## 2002

**April-**Association of Retarded Citizens and the Disability Law Center respond to Department of Human Service's draft amendments on implementing Consumer-Directed Community Supports. Numerous concerns are voiced: Will the CDCS consumer have input on budget development? Will the CDCS consumer design the scope of the services needed? Will the CDCS consumer determine who will provide service?

**June-** Department of Human Services published the Summary of findings from the Consumer-Directed Supports Focus Groups.

**September-** Department of Human Services sent their initial CDCS amendments to the Center for Medicare and Medicaid in September.

**December-** Department of Human Services issues four memorandums to county human service directors on the subject of budget re-basing.

## 2003

The 2003 Legislature discontinued new openings in the MR/RC Waiver program and the Department of Human Services changed its method for allocating MR/RC Waiver funds.

**January-** Department of Human Services decides to cap payments to individual group homes and others that provide Home and Community- Based Services to persons with MR/RC disabilities. Department of Human Services also changes the amount of money available to each county for its annual budget to operate the MR/RC waiver.

**February-** Minnesota Governor Tim Pawlenty submits budget for 2004/2005 biennium with proposed cuts to health care and community support programs.

**March-** The Federal Center for Medicare and Medicaid Services approves waiver amendment allowing the Minnesota Department of Human Services to implement rebasing adjustment. Association for Residential Resources in Minnesota/Rodenberg-Roberts et. al. v. Goodno- Commissioner of Human Services et. al. ...A class action suit is filed in an effort to halt Minnesota's Department of Human Service rebasing funds allocated to counties for Home and Community-Based Waiver Services. A temporary restraining order is issued halting the further implementation of rebasing until the court issues a decision.

**April-** Masterman et.al. v. Goodno...A class action is filed on behalf of the Association of Retarded Citizens and individuals to halt the state "rebasing" funds allocated to counties for Home and Community-Based Waiver Services.

**June-** Minnesota Legislative Audit Commission directed the Office of Legislative Auditor to evaluate the Medicaid Home and Community-Based Waiver programs, in particular the waiver for person with mental retardation or related conditions. Report submitted in February 2004 finds lack of sufficient controls over the CDCS program.

**December-** Department of Human Services submits waiver amendments to the Federal Centers for Medicare and Medicaid Services to expand CDCS statewide and across all five Home and Community-Based waiver groups.

## 2004

**March-** Center for Medicare and Medicaid Services approved the amendment to the waiver plans. Previous Memorandum of Understanding is no longer in force. This opens services to all other long term care waivers.

**May-** Department of Human Services Disability Services Division released a Request for Proposals to design and conduct an independent, formative program and policy evaluation of the CDCS.

**June-** Masterman et.al.v.Goodno...Settlement is reached. Minnesota/ Department of Human Services agreed to increase county allocations and establish a new funding method for waiver. Required notifications and obligations when proposing amendments to Individual Service Plans and or/service recipients budgets and considerations when deciding to add new recipients to the waiver programs.

**July-** Minnesota Department of Human Services settled one of the two lawsuits filed in federal court regarding the rebasing of the Mental Retardation or Related Conditions (MR/RC) Waiver.

**September-** An independent evaluation of the Consumer Directed-Community Supports service was commissioned by the Department of Human Services.

**October-** Authorized changes in the MR/RC- CDCS went into partial effect in 37 participating counties. Department of Human Services submitted amendments to the Center for Medicare and Medicaid Services that includes expanding CDCS for recipients using the MR/RC, CADI, CAC, AC, TBI, EW, MSHO, (Minnesota Senior Health Options) MnDHO, (Minnesota Disability Health Options) waivers. The amendment includes state-level oversight of CDCS, the state sets the CDCS budgets with administration continuing at the county level. Many families see dramatic cuts in their MR/RC CDCS budgets and changes in expenditure options. Consumers are given the option of dropping MR/RC CDCS and returning to traditional waiver services. CDCS is eliminated as an option for people living in licensed residential settings. CDCS services are not available to an individual if the Primary Care Utilization Review has at any time restricted the individual or their representative. If a CDCS recipient exits the waiver more than once during the recipient's service plan year the recipient is ineligible for CDCS for the remainder of that service plan year.

**November-** Settlement agreement is reached in the ARRM et.al.v.Goodno et.al.case. Counties may not place across the board caps on service levels. Minnesota DHS will establish a new funding method for waiver.

## **2005**

**January** -Independent evaluation of the implementation phase of CDCS service ends.

**February-** Memo from Shirley York, Director, Disability Services Division, Minnesota Department of Human Services to The Honorable Linda Berglin, and The Honorable Fran Bradley RE: Consumer Directed Community Supports Service, required update on the independent evaluation. In Minnesota Laws 2004, Chapter 288, Article 3, Sec 32 the Department is required to provide the legislature with an update regarding the Department's efforts to monitor the following; 1. Whether any current consumer-directed option participants will have their funding reduce so significantly that their health, safety, and welfare at home will be jeopardized: 2. Whether replacement services will cost more or be of lower quality than their current consumer-directed services.

**April-** CDCS becomes available to waiver recipients statewide.

## **2006**

**April-** Individuals who were using the former CDCS service have until April 1, 2006 to adjust their service plans to meet their new budget. Ineligible individuals will automatically be eligible for the array of services available under the MR/RC Waiver.