



Senior Advocates FYI

6/2/2010

This is the final installment of SA-FYI for the 2010 legislative session. The final few weeks of session were hectic, as the Governor and legislature worked to come to an agreement to balance the state budget through June 30, 2011. As you are most likely aware, the Governor's authority to implement 2009 unallotments was challenged in court. The Supreme Court ruled in early May that the Governor exceeded his authority by implementing unallotments prior to a biennial budget agreement with the legislature. In the final week of the session, the legislature passed a health and human services (HHS) omnibus bill (HF2614) which was vetoed by the Governor. The legislature and the Governor then worked out a compromise which was reflected in an amended omnibus bill (Laws of 2010, First Special Session, HF 1, Chapter 1), referred to in the summary below as the omnibus budget bill. This compromise included many of the components of the legislature's original HHS omnibus bill (HF2614) as well as many of the Governor's original unallotment proposals. Full details regarding the bills and budget spreadsheets are available on the legislative web site: www.leg.state.mn.us.

The following pages list the bills that the MBA and other Senior Organization Network (SON) members were tracking during the session that have now been signed into law. Next to the description of each bill is the Session Law chapter number, as well as a link to the full text of the chapter.

The main source of research and information on bills and hearings for SA-FYI is the Legislative Resource Team of the Continuing Care Administration at the Department of Human Services. Without access to the work products of the legislative team, the number of bills followed by SA-FYI would not be possible.

Thank you for your interest in the 2010 Minnesota Legislative Session, especially as it relates to the impact on older adults. The Public Policy Committee of the MBA will be reviewing the role and functioning of Senior Advocates FYI and other meetings and conference calls that take place under its auspices. Increasing the frequency of issues of Senior Advocates FYI to its broad readership might be considered as a substitute for other meetings. Information will be shared regarding the MBA's decisions prior to the next January start of session. Your feedback on this issue is welcome. Please provide comments to John Selstad at the phone number or email address listed below.

**Senior Advocates FYI is a periodic update from the
Minnesota Board on Aging.
Call 1-800-882-6262 or e-mail john.selstad@state.mn.us**

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Senate File	House File	Description	Chapter Number
SF1770	HF2062	<p>Ladder Out of Poverty Task Force - Establishes a "Ladder Out of Poverty Task Force" to identify specific actions and policies to assist Minnesotans avert or escape poverty. Builds on specific strategies set forth by the Commission to End Poverty by 2020: 1) Establish public policies to encourage Minnesotans to accumulate and maintain assets, 2) ban predatory financial practices, 3) increase financial literacy.</p>	Signed into law 5/19/10 Chapter 374 (SF1770)
SF2540	HF2807	<p>Omnibus Transportation Bill -Includes <i>Council on Transportation Access</i> (Section 25) to study, evaluate, oversee, and make recommendations to improve the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of transportation services. Of 13 members, one each from DHS and MBA. DOT and DHS to staff. -Includes <i>Complete Streets</i> (Sections 11, 12, 52, 72). Defines “complete streets” as planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and disabilities. Requires the Department of Transportation (DOT) to consult with stakeholders to develop a “complete streets” policy. Requires DOT, in evaluating a complete-streets-related variance request, to consider certain standards.</p>	Signed into law 5/15/10 Chapter 351 (SF2540)
SF2549	HF2699	<p>Mortgage Provisions - Includes reverse mortgage provisions. Strengthens the counseling requirement for prospective borrowers. Provides for a 7-day right of rescission. Makes other changes to reverse mortgage statutes.</p>	Signed into law 5/19/10 Chapter 375 (SF2796)

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Senate File	House File	Description	Chapter Number
SF2796	HF3128	<p>Substitute Decision-Making</p> <p>- The bill modifies provisions affecting guardians and conservators; clarifies powers for health care agents, guardians, and others to make health care decisions for wards and protected persons; clarifies the information delivery process in a guardianship/conservatorship proceeding; specifies when a court may declare a health care directive unenforceable; works to delineate duties when a health care agent and guardian may co-exist; and modifies other provisions of statute that involve this type of substitute decision-making.</p>	<p>Signed into law 4/15/10 Chapter 254 (HF3128)</p>
SF2839	HF2942	<p>Commerce Dept. policy bill</p> <p>- Includes LTC Partnership provisions</p>	<p>Signed into law 5/25/10 Chapter 384 (SF2839)</p>
SF2903	HF3151	<p>New Family Options Regarding Care for a Body Following Death</p> <p>-Modifies provisions for viewing, transportation, and removal of a dead human body. (Older Women’s League priority)</p>	<p>Signed into law 4/22/10 Chapter 262 (HF3151)</p>
SF2923	HF3196	<p>Minnesota Department of Health (MDH) policy bill</p> <p>-Clarifies the commissioner of health’s regulatory functions related to home health care. Provides additional consumer protections for home care clients.</p>	<p>Signed into law 4/15/10 Chapter 246 (SF2923)</p>
SF2933	HF3234	<p>DHS Continuing Care Policy Bill</p> <p>- Contains policy and technical modifications regarding existing level of care (LOC), and personal care assistant (PCA) provisions.</p> <p>- Removes the discretion of the common entry points (CEPs) to determine whether or not a report is forwarded on to a lead agency. Requires the CEP to refer all reports to the lead agency.</p> <p>- Layaway status of nursing facility beds: Removes the 50% limit on the</p>	<p>Signed into law 5/15/10 Chapter 352 (SF2933)</p>

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Senate File	House File	Description	Chapter Number
		number of beds that can be in layaway, allows beds to be in layaway for 10 years rather than 5 years, and states no licensure or certification requirements are needed for beds in layaway. (Stakeholder provision).	
SF3027	HF3237	DHS Health Care Policy Bill - Includes LTC Partnership provisions	Signed into law 5/11/10 Chapter 310 (SF 3027)
Special Session SF1	Special Session HF1	Omnibus Budget Bill Includes Omnibus Health and Human Services Bill. See below for description of specific provisions.	Signed into 5/21/10 1st Special Session, Chapter 1 (HF1)

Selected omnibus budget bill provisions:

Program of All-Inclusive Care for the Elderly (PACE). Allows for the development of PACE in Minnesota. Appropriates funding to DHS for actuarial and administrative work to implement PACE.

Rate reduction for customized living and 24-hour customized living services. Reduces component rates and service rate limits for customized living services and 24-hour customized living services by 5 percent, effective July 1, 2010.

Housing with Services consumer information. Requires Housing with Services establishments to provide additional information to the Department of Health (MDH) through the registration process and the Uniform Consumer Information Guide (UCIG), including: whether services are included in the base rate to be paid by the resident; which services may be covered by Medicare; and information that will facilitate price comparisons, including a delineation of charges for rents and for services available. Requires Housing with Services establishments to include in their contracts with residents a delineation of the portion of the base rate that constitutes rent vs. services. Requires MDH and DHS to use the data provided by Housing with Services establishments to provide standardized information to consumers for the purpose of comparing long-term care options.

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Ombudsman support for Housing with Services termination of lease. Requires Housing with Services establishments to include contact information for the ombudsman for long-term care with a notice of termination of a resident's lease.

Nursing Facility Level of Care (NF LOC) delay. Delays implementation of the changes in NF LOC six months to July 1, 2011.

Essential Community Supports (ECS) delay. Delays implementation of the ECS program six months to July 1, 2011.

Notification of MA eligibility rules for MA-EPD (Medical Assistance – Employed Persons with Disabilities) enrollees. Requires DHS to notify MA-EPD enrollees at age 63 of the MA eligibility rules affecting income, assets, and treatment of spouse's income and assets that will be applied beginning at age 65.

Ratification of unallotments:

Reductions to Community Service/Community Services Development (CS/SD) grants. Effective retroactively to July 1, 2009, reduces CS/SD grants for each year of the biennium. Prohibits grants made this biennium from being used for new construction or building renovation.

Delay in Aging, Deaf and Hard of Hearing Services, and other Continuing Care grants. Reduces grants in FY11 and increases grants in FY12. Specifies that the adjustments are onetime and must not be applied to the base.

Limit the number of hours a PCA may work in a month. Personal Care Assistants (PCA) are limited to working 275 hours per month. This was an unallotment provision that was ratified and was extended beyond the unallotment period.

Delay nursing facility rate rebasing. Ratifies the governor's unallotment of nursing facility rate rebasing in FY10 and continues the delay through FY13. Rebasing will resume its previously determined schedule at 65% cost-based rate and 35% prior year rate on October 1, 2013.

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