

Disability Services System Administrative Rules

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Rule Writing Philosophy

Minimize Service Disruption!

Minimum Necessary

- Rely upon contract, state plans, individual service plans where possible

Clean Slate

- Not restricted by what currently exists
- Create what we need rather than shoehorning new concepts into old language

Disability Services Administrative Rules

- ▶ Rescind Chapter 441—25, Disability Services Management
- ▶ Agency 441, NEW Title XVII – Aging and Disability Services
 - **NEW 441—Chapter 221 – Disability Services Definitions**
 - **NEW 441—Chapter 222 – Disability Service Advisory Councils**
 - **NEW 441—Chapter 223 – Disability Services**
 - **NEW 441—Chapter 224 – Aging & Disability Resource Centers (ADRCs)**
 - **NEW 441—Chapter 229 – Data Collection**

ADRCs

	Organizations	Ages Served	Services
Current	<ul style="list-style-type: none"> • Only Area Agencies on Aging (AAAs) are designated as "ADRCs" 	<ul style="list-style-type: none"> • Only serve individuals with disabilities who are 18+ 	<ul style="list-style-type: none"> • Options Counseling
New	<ul style="list-style-type: none"> • AAAs are designated ADRCs • Disability Access Points (DAPs) are ADRCs • Potential for other organizations through application process • Department creates de-designation process 	<ul style="list-style-type: none"> • Now serve individuals with disabilities of all ages 	<ul style="list-style-type: none"> • Options Counseling • Information & Assistance

Financial Eligibility

	% of FPL	Asset Limits	Cost Share
Current <ul style="list-style-type: none"> Adults Children 	<ul style="list-style-type: none"> 150% FPL 500% per Household 	<ul style="list-style-type: none"> \$2,000/person; \$3,000/two+ people Includes resource inventory 	<ul style="list-style-type: none"> May cover adults above 150% on a sliding scale Any cost sharing or other client participation required by any federal, state, regional or municipal program in which the child participates shall be required
New <ul style="list-style-type: none"> Adults Children 	<ul style="list-style-type: none"> 200% FPL 200% FPL 	<ul style="list-style-type: none"> \$2,000/person; \$3,000/two+ people Includes resource inventory (No changes) 	<ul style="list-style-type: none"> Cost sharing no longer required

Access Standards

Service	Supported Community Living (SCL)	Day Habilitation and Employment Services	Service Coordination	Intensive Residential Services
Current	<ul style="list-style-type: none"> 30 days from request of support 	<ul style="list-style-type: none"> 60 days to referral for service 	<ul style="list-style-type: none"> Shall not have to travel more than 30 miles urban or 45 miles rural Receive contact w/i 10 days of initial request 	<ul style="list-style-type: none"> Min. of 120 beds statewide W/i 2 hours of residence Admit w/i 4 weeks from referral
New	<ul style="list-style-type: none"> 30 days from request of support (No change) 	<ul style="list-style-type: none"> 7 days to referral for service 	<ul style="list-style-type: none"> No distance standard (could be virtual, in person, etc.) Receive contact w/i 10 days of initial request (no change) 	<ul style="list-style-type: none"> Same access standards for providers No longer specified in disability services rules Will be in Medicaid provider manuals and communicated via informational letter

Disability Services Administrative Rules

Grievances & Appeals

	Grievances	Eligibility	Services
Current (MHDS Regions)	<ul style="list-style-type: none"> Rules detail MHDS Regions' grievance processes 	<ul style="list-style-type: none"> Two Tier approach: <ol style="list-style-type: none"> Via MHDS Regions Hearing process with Administrative Law Judge 	<ul style="list-style-type: none"> Two Tier approach: <ol style="list-style-type: none"> Via MHDS Regions Hearing process with Administrative Law Judge
New (Disability Access Points)	<ul style="list-style-type: none"> Via DAP manual Subsequent appeals under 441—Chapter 7 	<ul style="list-style-type: none"> HHS under 441—Chapter 7 	<ul style="list-style-type: none"> HHS under 441—Chapter 7

Next Steps in Rules Process



Submit Regulatory Analysis – Jan. 17



One Public Hearing – Feb. 25



Submit NOIA – Feb. 28



Two Public Hearings – April 8



Administrative Rules Review
Committee - TBD



Submit Adopted Filing – April 25



Effective Date – July 1

Opportunities to Provide Feedback



Regulatory Analysis Public
Comment Period: Feb. 5 – Feb. 25



Regulatory Analysis Public Hearing:
Feb. 25



NOIA Public Comment Period:
March 19 – April 8



NOIA Public Hearings (2): April 8



Administrative Rules Review
Committee Meeting - TBD



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Feedback Form



<https://forms.office.com/g/9DNt5cf8L9>

Thank you!