

# Corporate Foster Care Annual Needs Determination

Disability Services Division  
August 2016



Minnesota Department of **Human Services**

## Legislative Report

**For more information contact:**

Minnesota Department of Human Services  
Disability Services Division  
P.O. Box 64967  
St. Paul, MN 55164-0967  
651-431-4300

This information is available in accessible formats to individuals with disabilities by calling 651-431-4300, or by using your preferred relay service.

For other information on disability rights and protections, contact the agency's ADA coordinator.

Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$3,500.

*Printed with a minimum of 10 percent post-consumer material. Please recycle.*

**Table of contents**

I. Executive summary.....4

II. Legislation.....5

III. Background.....6

    A. Definitions.....6

IV. Overall corporate foster care capacity .....7

    A. Variance in statewide capacity of corporate foster care over the last year .....8

    B. Trends .....9

    C. Corporate foster care per capita .....9

    D. Corporate foster care per disability waiver population.....11

    E. Percentage of a county’s corporate foster care population that  
    lives outside its jurisdiction .....13

    F. Percentage of a county or tribe’s corporate foster care population that  
    comes from other counties or tribes .....15

V. Actions taken to manage statewide resources.....18

    A. Key activities during fiscal year 2016 .....19

VI. Recommendations for legislative changes.....24

## **I. Executive summary**

This report contains key themes and information about corporate foster care (including community residential) settings across Minnesota. DHS creates it annually to show variances in current data for these licensed settings by county and by population.

This report includes per capita concentrations and per disability waiver population concentrations of corporate foster care settings by county. It also contains maps and data that show where people live compared with their county of financial responsibility (CFR). Tribal information is included where possible.

This report includes a general description about the process the Minnesota Department of Human Services (DHS) uses to review and approve requests and recommendations for settings development. It also includes data on the number of requests DHS received during the past year.

It identifies the key activities the DHS Disability Services Division (DSD) successfully has worked on during the past year to improve our service-delivery system as it relates to corporate foster care settings, alternatives to this housing option and honoring each person's choices.

Recommendations for future legislative action conclude the report.

## II. Legislation

[Minnesota Statute, section 245A.03, subdivision 7\(e\)](#) requires the DHS Commissioner to conduct a resource needs determination process for corporate foster care and community residential settings.

### **Minn. Stat. §245A.03, subd. 7(e)**

(e) A resource need determination process, managed at the state level, using the available reports required by section [144A.351](#), and other data and information shall be used to determine where the reduced capacity required under paragraph (c) will be implemented. The commissioner shall consult with the stakeholders described in section [144A.351](#), and employ a variety of methods to improve the state's capacity to meet long-term care service needs within budgetary limits, including seeking proposals from service providers or lead agencies to change service type, capacity, or location to improve services, increase the independence of residents, and better meet needs identified by the long-term care services reports and statewide data and information. By February 1, 2013, and August 1, 2014, and each following year, the commissioner shall provide information and data on the overall capacity of licensed long-term care services, actions taken under this subdivision to manage statewide long-term care services and supports resources, and any recommendations for change to the legislative committees with jurisdiction over health and human services budget.

### III. Background

DHS combined the 2015 Corporate Foster Care Needs Determination report with the [Status of Long-Term Services and Supports \(LTSS\) report \(PDF\)](#). The required 2016 Corporate Foster Care Needs Determination report is a standalone document.

DHS publishes the LTSS report every other year following extensive surveys of lead agencies, providers and people who receive services. The 2015 LTSS report included key findings and themes related to housing and residential service needs, including:

- Out-of-home respite care
- Services in foster care
- Crisis respite care
- Settings located geographically distant from the person's county of financial responsibility (CFR).

According to a survey conducted as part of the 2015 LTSS report, corporate foster care availability did not meet demand, which resulted in a shortage for most lead agencies. Slightly more than two-thirds of lead agencies representing 89 percent of the state's population stated that corporate foster care settings are available in their county, but that availability falls short of demand. The 26 percent of lead agencies that stated corporate foster care availability in their county adequately meets the demand were mostly located in rural areas and only represent 9 percent of the state's population.

This report on corporate foster care includes information about continuing work to close these gaps in housing services.

#### A. Definitions

A corporate foster care setting is defined as a licensed foster care setting in which the license holder does not reside. A community residential setting is defined as a licensed foster care setting in which the license holder does not reside and all people who live in the setting are on the same disability waiver. These settings typically use a shift-staff model of support.

For this report, we will use the term "corporate foster care" to refer to both settings.

#### IV. Overall corporate foster care capacity

DHS tracks and maintains information on the state’s current capacity of licensed corporate foster care. Table 1 is a summary of the state’s capacity by region, including a comparison between the licensed corporate foster care capacity at the end of fiscal years (FY) 2015 and 2016.

**Note:** Numbers in parentheses are negative.

**Table 1: Number of DHS licensed corporate foster care beds in FY2015 compared with in FY2016**

Region	Largest county in region	Licensed beds in FY2015	Licensed beds in FY2016	Difference
1 northwest corner	Polk	241	238	(3)
2 north central	Beltrami	252	259	7
3 northeast corner	St. Louis	1,548	1,548	0
4 northwest	Clay	943	935	(8)
5 central	Crow Wing	577	582	5
6 west	Kandiyohi	831	817	(14)
7E central east	Chisago	514	511	(3)
7W central west	Stearns	885	868	(17)
8 southwest corner	Lyon	441	442	1
9 south central	Blue Earth	951	951	0
10 southeast corner	Olmsted	1,477	1,493	16
11 metro	Hennepin	5,082	5,050	(32)
Other		4	4	0
<b>Total</b>		13,746	13,698	(48)

The following is a summary of this data:

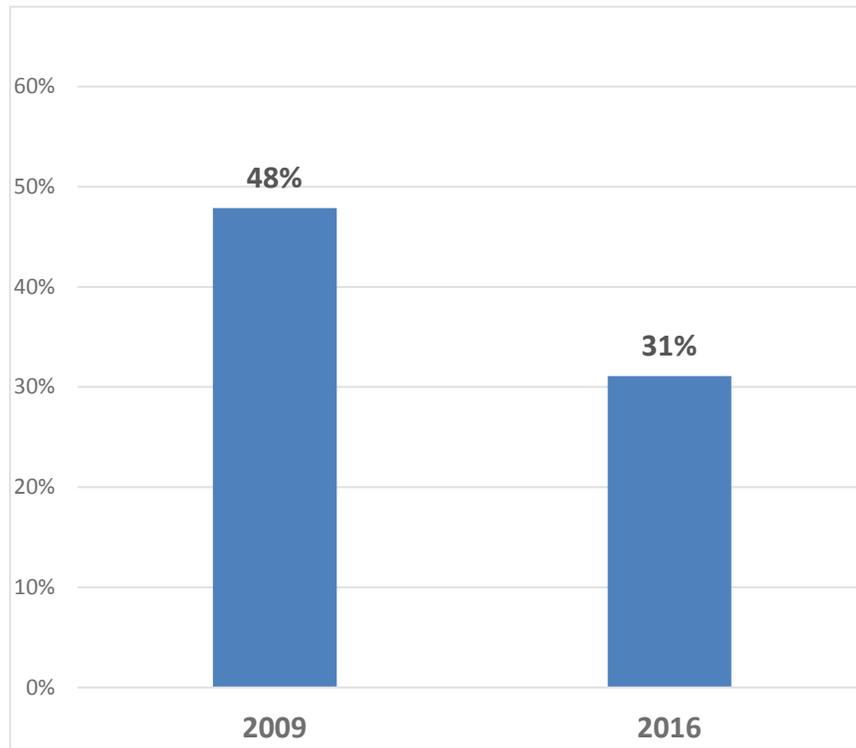
- In FY2015, there were 13,746 licensed corporate foster care beds in the state
- In FY2016, there were 13,698 licensed corporate foster care beds in the state
- There were forty-eight fewer licensed beds in FY2016 than in FY2015.

**Note:** Set July 1, 2013, the statewide baseline for corporate adult and child foster care beds is 13,700. The total number of licensed beds for each fiscal year, once moratorium exceptions are removed, are below the baseline.

As shown in Figure 1 below, when the moratorium took effect in 2009, 48 percent of people on waivers relied on corporate foster care (i.e., they lived in corporate foster care settings). In 2016, 31 percent of this population relies on corporate foster care.

## Corporate Foster Care Annual Needs Determination

**Figure 1. Percentage of people on waivers who rely on corporate foster care: 2009 compared with 2016**



Through the moratorium, we have reduced the reliance on corporate foster care – a more restrictive and expensive service model.

### A. Variance in statewide capacity of corporate foster care over the last year

This section discusses how the capacity of licensed corporate foster care beds varies across the state in comparison to last year's capacity. It highlights areas of the state that:

- May have greater concentrations of corporate foster care services
- Have very limited corporate foster care services available for their population.

This analysis looks at the following measures:

- Corporate foster care per capita
- Corporate foster care per disability waiver population
- Percentage of a county or tribe's corporate foster care population that lives outside its jurisdiction
- Percentage of a county or tribe's corporate foster care population that comes from other lead agencies.

Throughout this report, an outlier is defined as data that is one standard deviation higher or lower than the mean. A standard deviation is a statistical calculation to determine how much the data varies from the mean throughout a given sample or population.

## Corporate Foster Care Annual Needs Determination

Roughly two-thirds (68.2 percent) of the data should fall within one standard deviation of the mean, assuming the data is normally distributed (e.g. the data approximates a bell curve). Therefore, the number of outliers (i.e., lead agencies falling above or below one standard deviation from the mean) will be roughly one-third (31.8 percent) of the total number of lead agencies.

### B. Trends

We analyzed counties and tribes on a macro scale. This helped us see trends across the various measures so we could discover which counties and tribes have particularly high and/or low concentrations of corporate foster care relative to other counties and tribes in the state. The following are not considered, but are relevant:

- Availability of specialist providers and/or services (e.g., medical) in the county or tribe
- Availability of housing stock in the county
- The county's role as a region's population center
- Where a large institution may have been before it closed and shifted to corporate foster care settings.

Table 2 and 3 below, identify the counties and tribes that may exhibit a corporate foster care concentration that is substantially higher or lower than the average county or tribe in Minnesota. Note: "CFC" refers to corporate foster care.

**Table 2. Counties and tribes that exhibit a high concentration of corporate foster care**

High CFC per capita	High CFC per waiver population	Low percent of CFC in other counties or tribes	High percent of CFC from other counties or tribes
Blue Earth, Kandiyohi, Cass, Pine and Waseca	Blue Earth, Kandiyohi, Cass, Pine and Waseca	Blue Earth and Kandiyohi	Blue Earth, Cass, Pine and Waseca

**Table 3. Counties and tribes that exhibit a low concentration of corporate foster care (CFC)**

Low CFC per capita	Low CFC per waiver population	High percent of CFC in other counties or tribes	Low percent of CFC from other counties or tribes
Sibley, Leech Lake tribe, White Earth tribe, Jackson	Sibley, Leech Lake tribe and White Earth tribe	Sibley, Leech Lake tribe, White Earth tribe, Jackson	Sibley and Jackson

### C. Corporate foster care per capita

The corporate foster care per capita measure looks at how many people live in corporate foster care settings compared with the total population. Each county's corporate foster care per capita is calculated by dividing the total number of people who live in corporate foster care settings in that county by the county's total population.

## Corporate Foster Care Annual Needs Determination

On average, counties have a corporate foster care per capita of 0.31 percent (FY2015: 0.3 percent). This means that approximately one out of every 333 people in a county lives in a corporate foster care setting. The state, across all agency borders, has a corporate foster care per capita of 0.261 percent (FY2015: 0.25 percent), or one out of every 383 people.

Table 4 below lists counties that have a corporate foster care per capita greater than one standard deviation above the mean. The table's last column highlights how much the county exceeds the range of normal distribution by calculating the number of people that exceed the margin of one standard deviation above the mean.

**Table 4. Counties with corporate foster care (CFC) per capita greater than one standard deviation above the mean**

County	Percentage of total population who live in CFC	Number of people who live in CFC	Population	Number of people above one standard deviation above mean
Kandiyohi	0.86	364	42,542	170.22
Stevens	0.62	61	9,796	16.38
St. Louis	0.59	1,182	200,431	269.01
Martin	0.59	118	20,022	26.80
Blue Earth	0.58	379	65,787	79.33
Lyon	0.56	144	25,673	27.06
Waseca	0.54	102	18,989	15.50
Chippewa	0.54	65	12,109	9.84
Cass	0.53	153	28,706	22.24
Redwood	0.52	81	15,471	10.53
Grant	0.49	29	5,903	2.11
Clay	0.47	293	62,324	9.11
Pine	0.46	135	29,069	2.59

**NOTE:** Brown County was on last year's list but is not on this year's.

Table 5 below lists counties and tribes that have a corporate foster care per capita that is greater than one standard deviation below the mean. The table's last column highlights the extent to which, if the county or tribe were within one standard deviation of the mean, the additional number of people that would be expected to live in its jurisdiction.

**Table 5. Counties and tribes with corporate foster care per capita greater than one standard deviation below the mean**

County/tribe	Percentage of total population that lives in CFC	Number of people who live in CFC	Population	Number of people below one standard deviation below mean
Lake	0.17	18	10,631	0.1
Faribault	0.16	23	14,050	1
Anoka	0.16	549	344,151	37

## Corporate Foster Care Annual Needs Determination

County/tribe	Percentage of total population that lives in CFC	Number of people who live in CFC	Population	Number of people below one standard deviation below mean
Lincoln	0.16	Fewer than 10	5,771	1
Washington	0.16	390	251,597	39
Fillmore	0.15	32	20,834	3
Watonwan	0.14	15	10,952	4
Carver	0.13	127	98,741	41
Clearwater	0.12	11	8,803	4
Sherburne	0.12	108	91,705	48
Jackson	0.10	10	10,079	7
Scott	0.08	111	141,660	130
Red Lake	0.07	Fewer than 10	4,055	4
Sibley	0.06	Fewer than 10	14,875	16
White Earth tribe	0.00	0	9,562	16
Leech Lake tribe	0.00	0	10,660	18

**NOTE:** Cook and Lake of the Woods counties were on last year's list but not on this year's. Lake, Anoka, Washington, Red Lake and Fillmore counties (in grey) are new additions to the list.

### D. Corporate foster care per disability waiver population

This measure looks at how many people live in corporate foster care settings compared with the total number of people who are on disability waivers. Each county's corporate foster care per waiver population is calculated by dividing the total number of people who live in corporate foster care settings in that county by the county's total waiver population. A county waiver population includes all the people for which it is the county of financial responsibility (CFR).

On average, 38.4 percent of each county's waiver population lives in a corporate foster care setting (FY2015: 37 percent). In the state, across all agency borders, 32.9 percent (FY2015: 35 percent) of all people who are on disability waivers live in corporate foster care settings.

In some counties, the percentage of the waiver population who live in corporate foster care settings is significantly higher than the average. For example, Waseca and Dodge counties have more people who live in corporate foster care settings than they have in their total CFR population. This means that many people who live in corporate foster care settings in their counties are from other counties.

Again, it is important to note that in some counties, many historic corporate foster care settings resulted from state institution closures. There is a continuing effort to shift capacity to where people want to live.

Table 6 below lists counties whose corporate foster care per disability waiver population is greater than one standard deviation above the mean. The table's last column highlights the extent

## Corporate Foster Care Annual Needs Determination

to which the county exceeds the range of normal distribution by calculating how many people exceed the margin of one standard deviation above the mean.

**Table 6. Counties with corporate foster care per disability waiver population greater than one standard deviation above the mean**

County	Percentage of CFR waiver population that lives in CFC	Number of people who live in CFC	Total CFR waiver population	Number of people above one standard deviation above mean
Waseca	231.82	102	44	73
Dodge	94.00	47	50	14
Kandiyohi	92.62	364	393	104
Blue Earth	77.51	379	489	55
Cass	77.27	153	198	22
Pine	74.18	135	182	14
Stevens	73.49	61	83	6

**NOTE:** Beltrami, Chisago, Martin, Nicollet, Redwood and St. Louis counties were on last year's list but not on this year's. Dodge County (in grey) is a new addition to the list.

In other counties and tribes, the percentage of the waiver population who live in corporate foster care settings is significantly lower than the average. These counties and tribes may indicate areas in the state where the corporate foster care availability does not meet the probable demand.

Table 7 below lists counties and tribes whose corporate foster care per waiver population is greater than one standard deviation below the mean. The table's last column highlights the extent to which the county or tribe is low on the range of a normal distribution by calculating how many people exceed the margin of one standard deviation below the mean.

**Table 7. Counties and tribes with corporate foster care per disability waiver population greater than one standard deviation below the mean**

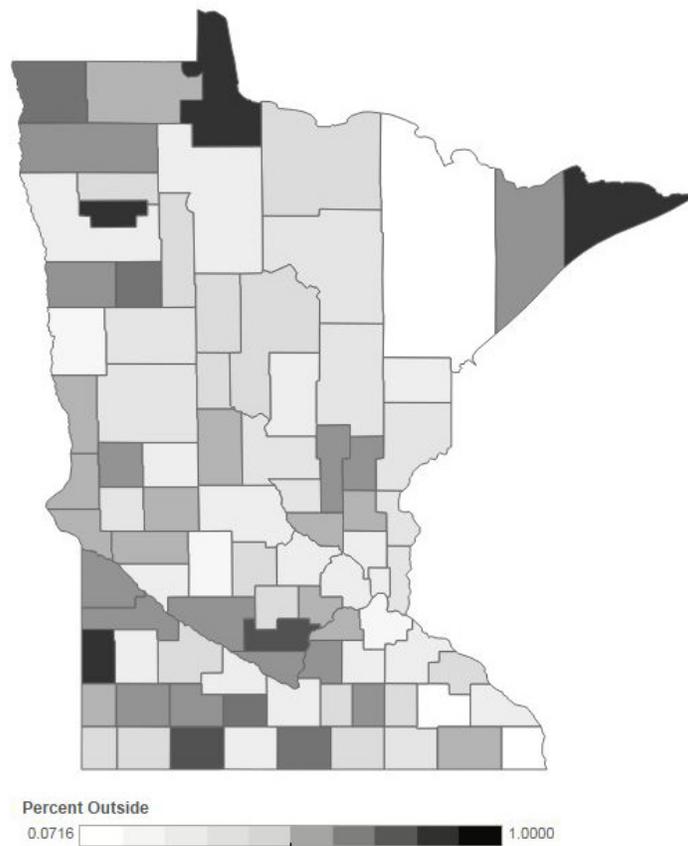
County/tribe	Percentage of CFR waiver population who live in CFC	Number of people who live in CFC	Total CFR waiver population	Number of people exceeding one standard deviation below mean
Red Lake	9.68	Fewer than 10	31	1
Sibley	6.62	Fewer than 10	136	6
Cook	0.00	0	30	3
Lake of the Woods	0.00	0	41	5
Leech Lake tribe	0.00	0	10	1
White Earth tribe	0.00	0	53	6

**NOTE:** Faribault, Jackson, Lac Qui Parle, Lake, Lincoln, Scott and Watonwan counties were on last year's list but not on this year's. Red Lake County (in grey) is a new addition the list.

E. Percentage of a county's corporate foster care population that lives outside its jurisdiction

This measure calculates for each county the percentage of people who live in corporate foster care settings located outside its jurisdiction. Our analysis found that, on average, people who receive corporate foster care live in a setting located in a county other than their CFR about 51 percent (FY2015: 48 percent) of the time. Figure 2 illustrates the distribution of this measure across the state.

Figure 2. Percentage of each county's corporate foster care population that lives outside its jurisdiction



As shown in Figure 2, some counties have a significantly higher-than-average percentage of people who receive corporate foster care but live in a setting located outside its jurisdiction. For example, in Cook and Lake of the Woods counties and the Leech Lake and White Earth tribes, 100 percent of people who receive corporate foster care live in a setting located in other county and/or tribe's jurisdiction. Table 8 below lists the counties and tribes in which this percentage is greater than one standard deviation above the mean.

## Corporate Foster Care Annual Needs Determination

**Table 8. Counties and tribes whose percentage of its corporate foster care population that lives outside its jurisdiction is greater than one standard deviation above the mean**

County or tribe	Percentage of its CFC population that lives outside its jurisdiction	Number of people who live in a CFC setting outside its jurisdiction
Cook	100	Fewer than 10
Lake of the Woods	100	10
Leech Lake tribe	100	Fewer than 10
White Earth tribe	100	Fewer than 10
Lincoln	93	26
Red Lake	91	10
Sibley	84	46
Jackson	83	38
Watonwan	79	37
Faribault	79	55
Kittson	74	17
Mahnomen	73	16
Norman	71	25
Nicollet	71	53
Kanabec	70	38
Mille Lacs	70	68

**NOTE:** Lac Qui Parle and Lake counties were on last year's list but not on this year's. Leech Lake tribe and Red Lake, Kanabec and Mille Lacs counties (in grey) are new additions to the list.

Some counties have a lower-than-average percentage of people who receive corporate foster care but live in a setting located outside its jurisdiction. Table 9 below lists counties in which this percentage is greater than one standard deviation below the mean.

**Table 9. Counties whose percentage of its corporate foster care population that lives outside its jurisdiction is greater than one standard deviation below the mean**

County	Percentage of its CFC population that lives outside its jurisdiction	Number of people who live in a CFC setting outside its jurisdiction
Ramsey	30	399
Hennepin	30	802
Crow Wing	29	46
Douglas	29	39
Stearns	29	115
Beltrami	28	45
Blue Earth	28	57
Martin	26	24
Rice	26	55

## Corporate Foster Care Annual Needs Determination

Dakota	22	170
Clay	19	47
Kandiyohi	17	31
Olmsted	13	61
Houston	10	Fewer than 10
St. Louis	7	54

**NOTE:** Ramsey, Hennepin, Douglas, Stearns and Blue Earth counties (in grey) are new additions to the list.

### F. Percentage of a county or tribe's corporate foster care population that comes from other counties or tribes

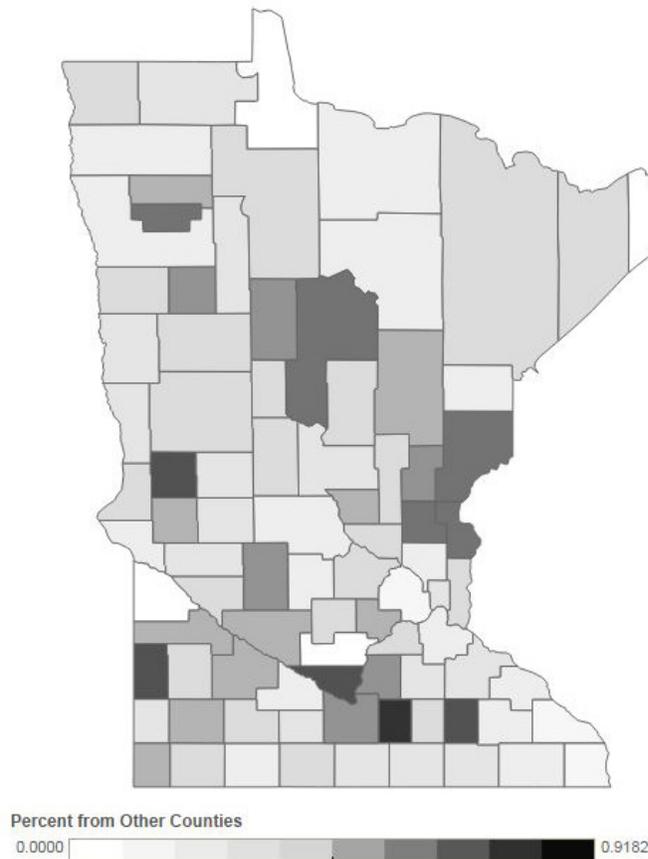
This measure calculates, for each county and tribe, the percentage of people who live in corporate foster care settings located in its jurisdiction but are from other counties and tribes. The previous measure looked at which counties and tribes had high or low percentages of people moving to corporate foster care settings located in other counties and tribes' jurisdictions. This measure looks at which counties and tribes have high or low percentages of people from other counties and tribes move into corporate foster care settings located within their jurisdictions.

**Note:** When reviewing this data, remember the focus, which is to help people live where they want to live. Where a person wants to live may not be located within his or her county or tribe's jurisdiction.

On average, 40.8 percent (FY2015: 40 percent) of a county's corporate foster care population comes from another county in the state. Figure 3 below illustrates the distribution of this measure across the state.

# Corporate Foster Care Annual Needs Determination

**Figure 3. Percentage of each county's corporate foster population that comes from other counties and tribes**



As shown in Figure 3, some counties have a significantly higher-than-average percentage of people who live in corporate foster care settings located within its jurisdiction but are from other counties and tribes.

Table 10 below lists the counties in which this percentage is greater than one standard deviation above the mean.

**Table 10. Counties whose percentage of its corporate foster care population that comes from other counties and tribes is greater than one standard deviation above the mean**

County	Percentage of its CFC population that is from other counties	Number of people in CFC who are from other counties
Waseca	91.8	101
Nicollet	82.3	102
Dodge	80.7	46
Lincoln	77.8	Fewer than 10
Grant	75.9	22
Cass	69.9	107
Pine	68.9	93
Chisago	67.9	152

## Corporate Foster Care Annual Needs Determination

County	Percentage of its CFC population that is from other counties	Number of people in CFC who are from other counties
Isanti	66.7	70
Red Lake	66.7	Fewer than 10
Mahnomen	62.5	10
Kanabec	61.9	26
Blue Earth	61.1	234
Hubbard	59.6	34

**NOTE:** Kandiyohi and Stevens counties were on last year's list but not on this year's. Dodge, Red Lake and Hubbard counties (in grey) are new additions to the list.

Some counties and tribes have a lower-than-average percentage of people who live in corporate foster care settings located within their jurisdictions but are from other counties and tribes. Table 11 below lists counties in which this percentage is greater than one standard deviation below the mean.

**Table 11. Counties whose percentage of its corporate foster care population that comes from other counties is greater than one standard deviation below the mean**

County	Percentage of its CFC population that is from other counties	Number of people in CFC who are from other counties
Stearns	22.7	84
Meeker	22.6	14
Olmsted	22.4	118
Wabasha	20.4	11
Jackson	20.0	Fewer than 10
Anoka	19.9	109
Fillmore	18.8	Fewer than 10
Houston	17.9	12
Hennepin	17.7	410
Winona	12.7	20
Lac Qui Parle	5.9	Fewer than 10
Sibley	0.0	0

**NOTE:** Itasca and Swift counties were on last year's list but not on this year's. Stearns, Meeker, Olmsted and Sibley counties (in grey) are new additions to the list.

## V. Actions taken to manage statewide resources

The DHS Disability Services Division (DSD) uses a consistent process to track statewide corporate foster care capacity. DSD does the following to support to each county and tribe:

- Interpret policy
- Solve problems
- Advise on procedures
- Define the qualifications for exceptions to the corporate foster care moratorium.

The goal of the moratorium is to retain that state’s current corporate foster care capacity at the established statutory baseline. The goal is not to decrease overall licensed capacity.

DHS approved 224 county requests for corporate foster care capacity changes. These approved requests involved 581 additional beds and 501 bed closures. We approved requests to the extent the moratorium allowed while maintaining our capacity to approve requests that are critical to people’s health and safety.

DSD gave priority to the requests that:

- Were required to assure people’s continued access to critical supports
- Addressed strategic capacity within a county, tribe or region.

Examples include foster care development to:

- Support children who have few residential options when they are unable to remain at home
- Assure critical access to respite services
- Accommodate people with very complex needs.

Table 12 below summarizes the requests from counties by region for corporate foster care development or closure.

**Note:** Numbers in parentheses are negative.

**Table 12. Regional requests approved for corporate foster care development or closure**

Region	Largest county	Beds added	Beds reduced	Total beds
1 northwest corner	Polk	6	(21)	(15)
2 north central	Beltrami	5	0	5
3 northeast corner	St. Louis	79	(74)	5
4 northwest	Clay	31	(36)	(5)
5 central	Crow Wing	21	(16)	5
6 west	Kandiyohi	67	(68)	(1)
7E central east	Chisago	27	(21)	6

## Corporate Foster Care Annual Needs Determination

Region	Largest county	Beds added	Beds reduced	Total beds
7W central west	Stearns	36	(22)	14
8 southwest corner	Lyon	8	(8)	0
9 south central	Blue Earth	34	(29)	5
10 southeast corner	Olmsted	98	(83)	15
11 metro	Hennepin	169	(123)	46
<b>Total</b>		<b>581</b>	<b>(501)</b>	<b>80</b>

Note: The beds added category above includes both:

- Moratorium exceptions
- Urgent health and safety needs.

An example of urgent health and safety need is when a provider de-admits a person from a corporate foster care setting and the person doesn't have options for another home, so institutionalization is the only choice.

In FY2016, DHS approved the addition of 22 beds that were exceptions to the moratorium. These include license exceptions:

- For people who require a hospital level of care, including people who are on the Community Alternative Care (CAC) and Brain-Injury-Neuro Behavioral (BI-NB) waivers
- For settings that require Minnesota Statute Chapter 144D housing with services registration (i.e., settings where 80 percent or more of the residents are 55 years or older)
- For the closure of a nursing facility, ICF/DD, regional treatment center or due to restructuring of state-operated facilities and closure plan in place (including people in the Jensen Settlement class who move into the community)
- Allowing people to move to the community who no longer require the level of care provided in state-operated facilities (e.g., Minnesota State Security Hospital and Anoka Regional Treatment Center).

In addition to the work by county corporate foster care moratorium liaisons, DSD works with the DHS licensing, mental health and housing divisions to manage statewide resources and capacity.

### A. Key activities during fiscal year 2016

The following are key activities DSD successfully has worked on during the past year to improve our service delivery system as it relates to:

- Corporate foster care settings
- Alternatives to this housing option
- Honoring each person's choices.

## Corporate Foster Care Annual Needs Determination

### Minnesota's Olmstead Plan

On Sept. 29, 2015, the federal court approved [Minnesota's Olmstead Plan \(PDF\)](#). The plan sets measurable goals in 13 topic areas in order to:

- Increase opportunities for people with disabilities to receive services that best meet their individual needs in the most integrated setting feasible
- Improve service delivery to promote a better quality of life.

The plan calls for people to have informed choice about where, with whom and in what type of housing they live. A person's supports and services need to be flexible and align with his or her preferences.

On Nov. 6, 2015, the court approved the state's Olmstead Plan work plans. The court approved two sets of revisions to the Plan, on April 12 and on June 21, 2016.

For each of the court's approval documents, see the following:

- [Nov. 6, 2015, approval of Olmstead work plans \(PDF\)](#)
- [April 12, 2016, approval of Olmstead work plans \(PDF\)](#)
- [June 21, 2016, approval of Olmstead work plans \(PDF\)](#).

The state submitted quarterly reports on its Olmstead Plan implementation progress to the court in February and May 2016.

### Person-Centered, Informed Choice and Transition Protocol

On March 4, 2016, DHS issued the second in a series of bulletins on person-centered practices. The [Lead Agency Requirements for Person-Centered Principles and Practices – Part 2, bulletin #16-56-02 \(PDF\)](#) launched the [Person-Centered, Informed Choice and Transition Protocol \(PDF\)](#). The protocol sets service- and supports-planning standards across disability, mental health, and aging and adult services. The protocol meets the requirements of several authorities, including:

- Minnesota's Olmstead Plan
- Jensen Settlement Agreement
- Centers for Medicare & Medicaid Services (CMS)
- Home and Community-Based Services Rule
- Licensing standards required by 245D
- Positive supports rule.

The [Part 1, bulletin #16-56-01 \(PDF\)](#), issued Feb. 11, 2016, introduced lead agency requirements for person-centered principles and practices, and cited numerous authorities that require the state to adopt these practices. [Part 3, bulletin #16-56-03 \(PDF\)](#), issued May 25, 2016, explains how DHS will monitor the lead agencies' compliance with new person-centered requirements.

## Corporate Foster Care Annual Needs Determination

### Respite services development for people with autism

As a result of 2014 legislation, one-time grant money became available for successful responders to develop respite services for children or adults with autism spectrum disorders (ASD). Funding spans state fiscal years 2016 and 2017. Of the three successful respondents, two are located in the metro area.

### New corporate foster care homes for children with severe autism

Following a 2014 request for information (RFI), DHS selected REM Heartland, REM Central Lakes and Meridian to develop a four-bed child-licensed corporate foster home for children with severe autism. The homes opened in 2015 and provide person-centered, positive support services to meet the unique needs of each child served. These homes currently operate at full capacity and serve children from the region where each home is located.

### Continued effort to increase short-term services for people with intellectual or developmental disabilities

DHS issued a request for proposal (RFP) for out-of-home crisis respite services and a request for information (RFI) for in-home crisis respite services. The RFP and RFI are intended to increase the network of providers who can successfully serve adults and children with intellectual or developmental disabilities (I/DD) in need of short-term services. DHS received a low response. We will re-issue the requests.

### Housing access services grant program

Housing access services (HAS), a DSD-managed grant program, has helped an estimated 411 people move to homes of their own that are not owned, leased or controlled by a Medicaid services provider during state FY 2016. These people moved from public housing, market-rate housing, a parent's home, congregate care or homelessness.

Of the 1,670 people who have moved with the support of HAS since the program began in 2009:

- 20 percent were homeless
- About 40 percent used Adult Rehabilitative Mental Health Services (ARMHS)
- One-third were on the Community Access for Disability Inclusion (CADI) Waiver
- More than 20 percent were either on the Developmental Disabilities (DD) Waiver or used semi-independent living services (SILS).

All people who use HAS are eligible for state plan home care services, ARMHS and/or a home and community-based services waiver.

Housing access services is an integral support for people who choose to assume the responsibility of living in their own homes rather than in group settings. During state FY 2014 and 2015:

- 98 percent reported they were happier in their new home
- 80 percent were looking for work and accepted an employment support referral
- 85 percent had Supplemental Nutrition Assistance Program (SNAP) (those who did not have SNAP received support to apply).

## Corporate Foster Care Annual Needs Determination

### Waiver amendments to support people in their own homes

To support people in their own homes, DHS proposed several waiver amendments across four disability waivers. We expect the following services to be available in late calendar year 2016.

#### *Individualized home supports*

Individualized home supports is a new waiver service DSD developed to support people in their own homes. This service provides support and training, and is available to people who are on the Brain Injury (BI), Community Alternative Care (CAC) and Community Access for Disability Inclusion (CADI) waivers.

Unique to this service, the individualized home supports service can be delivered through either:

- Real-time, two-way remote support
- Face-to-face support.

The remote support service delivery function is critical to meet a person's unscheduled needs and the community-staffing crisis. This remote support feature also was included in the supported living option, a Developmental Disabilities (DD) Waiver service that already provides supports similar to the new individualized home supports.

#### *Existing services added to waivers*

DHS made the following services available on all disability waiver programs:

- Crisis respite
- Night supervision
- Personal supports
- Positive support services
- Specialist services.

DHS added these services so the disability waiver programs have a more common service menu.

### Grantees make progress to develop alternatives to corporate foster care

State FY 2016 marks the third year of renewable grant contracts to develop alternatives to corporate foster care. The current four grantees are:

- Brown-Blue Earth-Nicollet counties
- Stearns County
- Washington County
- Anoka-Dakota-Hennepin-Ramsey counties.

The grantees have made considerable progress on the following deliverables:

- Including at least 45 people with disabilities who receive home and community-based services (HCBS) or their representatives in at least three planning events

## Corporate Foster Care Annual Needs Determination

- Organizing county waiver service coordinators, case managers and supervisors to meet new 245D requirements and build person-centered practices for the following: service planning, behavioral transition planning and natural supports community integration planning. This puts into practice the skills that lead agency staff develop during person-centered planning training, which is sponsored by the state and delivered by the University of Minnesota.
- Using these person-centered practices, people who want to move back to their home communities receive assistance to do so, and they are served in a more integrated manner by using HCBS and natural supports
- Holding roommate-matching events
- Doing outreach to people in school transition programs and day training and habilitation (DT&H) programs
- Estimating that a total of 450 people are projected to move out of or be diverted from corporate foster care and into more independent settings by the end of the second grant cycle in June 2017
- Moving (or will move), within the region, an additional 50 people with very high support needs and who would otherwise require the staffing/supports typical of a corporate foster care setting (e.g. 24-hour awake staff and a 2:4 staffing ratio) to alternate settings.
- Designing and implementing an annual internal county audit by the metro grantees to assure that people's assessments and work plans are completed using a person-centered approach and include person-centered options
- Working with stakeholders (including providers and landlords) to identify key aspects to developing viable alternatives to corporate foster care. Strong, cooperative relationships resulted and now contribute to coordinated regional efforts.
- Using existing non-corporate foster care housing and service options for people who currently live in corporate foster care settings and want to live in a more integrated and appropriate community settings
- Ensuring that alternatives to corporate foster care that are delivered as part of the grant meet the intent of the Centers for Medicare & Medicaid Services (CMS) guidance on allowable settings for home and community-based services.

## **VI. Recommendations for legislative changes**

Based on DHS' analysis and stakeholders' input, in some situations, modest development of corporate foster care and community residential licensed setting capacity is warranted and can be done through the needs determination and exception process managed by DHS. By working with lead agencies and providers, these additional exceptions are intended to help people live in their own homes, live near or with their families, and honor their choice in communities.

Examples of development that will help people live in their own homes, or live near or with their families:

- Strengthen the needs determination process in statute (e.g., clarify the commissioner's authority to close or relocate beds in order to address the needs determination findings)
- Develop corporate foster care and community residential settings for children who currently live in or are at risk of living in a more restrictive and expensive setting. This will give children a community-based option to receive services near their families and communities.
- Develop planned out-of-home respite settings so people who care for people with high support needs can schedule respite. This will:
  - Divert people from using more intensive services
  - Provide additional support for caregivers
  - Make it more likely they will continue to support the person who receives services in their home.
- Allow people who have transitioned to independent housing to return to a foster care or community residential settings if health and safety concerns arise with their new housing. This will allow people to try independent housing without fear of not being able to access foster care or community residential settings in the future. It also encourages provider to develop and offer more independent setting and service options.

Examples of development that help people live in their choice of communities:

- Allow people who are demitted by a foster care or community residential setting provider and continue to choose foster care or community residential setting services, to continue to receive the level of services they need in the community of their choice.
- Allow people who are transitioning from the residential care waiver service to choose to access alternative waiver services in a foster care or community residential setting in the community of their choice. (Note: The residential care waiver service won't be available until 2018. To facilitate a stable transition for people to new services, DHS will establish a voluntary closure rate adjustment.)
- Allow people who currently receive services in an unlicensed setting that are similar to services provided in a corporate foster care or community residential setting to choose to receive services in a licensed setting.