

## HCBS: Implementation plan for 2024 legislative changes

New laws passed by the 2024 Legislature include several provisions that impact home and community-based services (HCBS). This document outlines an overview of each change, instructions for what license holders need to do about the change, and the date the change is effective.

The hyperlinks within this document direct license holders to where the new laws can be found. When reviewing the new laws:

- Text that is stricken with a line through it reflects words that are being removed from the law.
- Text that is underlined reflects words that are being added to the law.
- Text that is unchanged reflects what the law was before and continues to be the law.

### Changes to staff qualifications

#### Overview

The new language modifies staff qualification requirements for designated coordinators, designated managers, positive support analysts, and positive support specialists.

#### Designated coordinator

Designated coordinators now have more ways to meet education and work experience requirements.

- A designated coordinator may have a baccalaureate degree in a field related to human services, education, or health and one year of full-time work experience providing direct care services to persons with disabilities or persons aged 65 and older or equivalent work experience providing care or education to vulnerable adults or children. Previously, a designated coordinator needed to have a baccalaureate degree in a field related to human services and one year of full-time work experience providing direct care services to persons with disabilities or persons aged 65 and older.
- A designated coordinator may have an associate degree in a field related to human services, education, or health and two years of full-time work experience providing direct care services to persons with disabilities or persons aged 65 and older, or equivalent work experience providing care or education to vulnerable adults or children. Previously, a designated coordinator needed to have an associate degree in a field related to human services and two years of full-time work experience providing direct care services to persons with disabilities or persons aged 65 and older.

- A designated coordinator may have a diploma in a field related to human services, education, or health from an accredited postsecondary institution and three years of full-time work experience providing direct care services to persons with disabilities or persons aged 65 or older or equivalent work experience providing care or education to vulnerable adults or children. Previously, a designated coordinator needed to have a diploma in a field related to human services from an accredited postsecondary institution and three years of full-time work experience providing direct care services to persons with disabilities or persons aged 65 or older.

[Minnesota Laws, Chapter 108, Article 1, Section 5](#)

**Effective date: August 1, 2024**

### **Designated manager**

Designated managers now need three years of supervisory level experience in a program that provides care or education to vulnerable adults or children. This replaces the previous requirement which stated that designated managers needed three years of supervisory level experience in a program providing direct support services to persons with disabilities or persons aged 65 and older.

[Minnesota Laws, Chapter 108, Article 1, Section 6](#)

**Effective date: August 1, 2024**

### **Positive support analyst**

There is now an option for a positive support analyst to have a baccalaureate degree, master's degree, or PhD in either a social services discipline or nursing. As before, if an individual does not have a degree, they may qualify for the position if they meet the qualifications of a mental health practitioner or are a board-certified behavior analyst or board-certified assistant behavior analyst by the Behavior Analyst Certification Board, Incorporated.

Instead of four years of experience, a positive support analyst may now have two years of supervised experience conducting functional behavior assessments and designing, implementing, and evaluating effectiveness of positive practices behavior support strategies for people who exhibit challenging behaviors as well as co-occurring mental disorders and neurocognitive disorder.

This requires federal approval before it can go into effect. DHS will be submitting federal waiver plan amendments and will notify license holders through the CBSM update when it is approved. Until notified of the change, license holders must follow the current requirement.

[Minnesota Laws, Chapter 108, Article 1, Section 8](#)

**Effective date: July 1, 2024, or upon federal approval, whichever occurs later**

## **Positive support specialist**

A positive support specialist can now have an associate degree in either a social services discipline or nursing. As before, if an individual does not have an associate degree, they still may qualify if they have two years of supervised experience working with individuals who exhibit challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder.

This requires federal approval before it can go into effect. DHS will be submitting federal waiver plan amendments and will notify license holders through the CBSM update when it is approved. Until notified of the change, license holders must follow the current requirement.

[Minnesota Laws, Chapter 108, Article 1, Section 9](#)

**Effective date: July 1, 2024, or upon federal approval, whichever occurs later**

## **What license holders need to do**

Current employees who met the previous staff qualifications are still eligible, no action is required from the license holder for those employees. License holders need to review the new staff qualification requirements and ensure that any new hires meet these minimum requirements.

## **Medication administration by staff younger than 18 years old**

### **Overview**

Starting on August 1, staff younger than 18 years of age may administer medication if they have completed the required medication administration training.

[Minnesota Laws, Chapter 108, Article 1, Section 7](#)

**Effective date: August 1, 2024**

## **What license holders need to do**

If a license holder plans on having staff younger than 18 years of age administer medication, they must ensure the minor has completed the required medication administration training.

## Public email addresses

### Overview

The license holder's email address will become public data. This applies to all license holders except family child foster care. The license holder can choose which email to provide as their public license holder email address.

[Minnesota Laws, Chapter 115, Article 19, Section 1](#)

**Effective date: January 1, 2025**

### What license holders need to do

At this time, license holders do not need to take any action. DHS Licensing will provide further guidance prior to January 1, 2025.

## Additional information

### Change of ownership

A license holder must notify DHS and follow specific processes if there will be a change in ownership. These existing standards were revised to clarify and improve the process. The description of the types of changes that require a new license replaces legal terms with easier to understand language. These updates are technical and the types of changes that require a new license will stay the same. The requirements clarify there are two different processes: (1) standard change of ownership process and (2) emergency change in ownership process. Most will use the standard process unless a specific emergency occurs.

The notification and application timeframes for the standard change of ownership process will increase to align with the 90 days DHS has to act on a complete application. Other updates in this area clarify the existing language.

The new emergency change in ownership process explains the steps to take if a license holder is inaccessible or unable to operate a program. This process allows another party to assume operation of a program if they notify DHS, receive approval, and meet certain requirements.

The requirements remove the temporary change in ownership license and most ownership transitions will use the standard change in ownership process.

[Minnesota Laws, Chapter 127, Article 62, Sections 2-6](#)

**Effective date: January 1, 2025**

## Assessment and initial service planning

This language aligns with changes made during the 2020 Legislative Session. It allows license holders to complete assessments before providing 45 days of service or within 60 calendar days of service initiation, whichever is shorter. It also updates language to make it clear that the initial planning meeting must be before providing 45 days of service or within 60 calendar days of service initiation. Sample forms will be updated by August 1.

[Minnesota Laws, Chapter 108, Article 1, Sections 3-4](#)

**Effective date: August 1, 2024**

## Forms for reporting service suspensions and service terminations

License holders must use DHS forms to report service suspensions and service terminations.

Please continue using your current forms and submit them to DHS via the fax system. Starting August 1, license holders must switch to using the standardized DHS forms, which are available online: [HCBS intensive services sample policies / Minnesota Department of Human Services \(mn.gov\)](#).

DHS will provide additional information as we develop new processes and forms.

[Minnesota Laws, Chapter 108, Article 1, Section 10](#)

**Effective date: August 1, 2024**

## Rental licensing regulations for community residential settings

Community residential settings that are actively serving residents are exempt from rental licensing regulations imposed by any town, municipality, or county.

[Minnesota Laws, Chapter 108, Article 1, Section 2](#)

**Effective date: May 18, 2024**

## Licensing moratorium changes – Community residential settings

Beginning August 1, 2024, there is a new exception to the moratorium on community residential setting licenses. The moratorium is lifted for people affected by the closure of supervised living facilities licensed under Minnesota Rules, chapter 4665 that have five or six beds, but are not certified as intermediate care facilities. There are a small number of programs that will meet this eligibility. This exception is available until June 30, 2025.

[Minnesota Laws, Chapter 125, Article 1, Sections 4-5](#)

**Effective date: August 1, 2024**

## Terms for revoked licenses operating under appeal

In serious cases, when programs are not meeting licensing requirements, DHS may revoke a license. If a license holder appeals a license revocation, they may continue to operate the program during the appeal process. Programs that operate under a revoked license during an appeal may need additional measures in place to ensure licensing requirements are met. Beginning on January 1, 2025, DHS has the authority to add terms the license holder must follow while operating under appeal.

[Minnesota Laws, Chapter 127, Article 62, Section 7](#)

**Effective date: January 1, 2025**

## Background studies

Updates on legislative changes related to background studies, as they become available, will be posted on the ["What's new" for background studies webpage](#).