

Aging and Adult Services and Disability Services Divisions

March 6, 2017

Home and Community-Based Services Providers

Dear Business Owner or Designee:

You are receiving this letter because you are an enrolled Minnesota home and community-based services (HCBS) waiver provider. If you provide services to people whose services are funded by a waiver – alternative care (AC,) brain injury (BI,) community alternative care (CAC,) community access for disability inclusion (CADI), developmental disabilities (DD) or elderly waiver (EW) – you must complete an attestation. More details about the attestation and types of services and settings is later in this letter.

Since the creation of our current HCBS waiver system, Minnesota’s Department of Human Services (DHS) and providers have been working together to ensure that older adults and people with disabilities have access to the highest-quality services. Providers like you play an important role in making sure that individuals make choices and pursue opportunities, contribute to their community, and are treated with dignity and respect.

In response to a new [federal HCBS rule](#), DHS is partnering with providers to further expand choice and autonomy for people who receive HCBS. The HCBS rule raises expectations around what is possible for older adults and people with disabilities—and it will change the way some services are currently provided. It aims to ensure that HCBS waiver services do not isolate a person from the community.

What does the new rule require?

Under the rule, people receiving HCBS waiver services must be able to make decisions for themselves, be active members of their communities, and live, work, and learn in ways that are meaningful to them. In 2017, all providers of services in day and residential settings must meet additional requirements to verify that individuals:

- Have choices in all aspects of their lives
- Receive supports in the most integrated setting possible for the person
- Have full access to the benefits of community living

What will I need to do?

Your first step will be to complete a process called attestation to demonstrate that you meet the new regulations under the HCBS rule or to indicate that you need more assistance. Through the attestation process you will provide documentation that shows how you are currently meeting—or how you plan to meet—the new setting requirements. **You must complete this process and comply with all new setting guidelines by September 1, 2017, unless you request an extension during the attestation process.**

Here is what you can expect in the coming weeks

- You will complete the attestation and upload documentation through an online form.

- You will soon receive instructions and a guidebook, customized for each type of setting, on how to complete the attestation electronically. We will send this to you through the PRVLTR folder in your MN–ITS mailbox. We will also mail a copy to your setting address.
- You will have at least 30 days to submit your initial responses after you receive your information. For each new setting regulation you will indicate whether you:
 - currently meet the regulation or
 - do not yet meet the regulation but are working to come into compliance by September 1, 2017.

Who needs to complete the attestation

Providers of services in the following settings are required to complete the attestation:

- Residential settings, including:
 - Adult foster care or supportive living services provided in a licensed setting
 - Child foster care or child supportive living services provided in a licensed setting
 - Customized living
- Day settings, including:
 - Adult day services—family and center based
 - Day training and habilitation, prevocational services and structured day

Your initial responses and the documentation you provide will help DHS understand what new regulations you are already meeting, where you may need help, and information to make any needed changes.

Adult day services or customized living providers: You will receive information in March and will have until **April 30, 2017**, to share your initial responses.

Day training and habilitation, prevocational, structured day and foster care or supported living services providers: You will receive information in April and will have until **May 31, 2017**, to share your initial responses.

How long will we have before we need to meet the new requirements?

Once you have submitted your initial attestation form, you will have until September 1, 2017, to comply with all new setting regulations unless you received an extension. Throughout this time, you will be able to update the online attestation form and upload new documentation to demonstrate how you are adapting services to meet these new requirements.

How can I get more information or help with this process?

DHS is committed to your success. We will provide comprehensive support through each step of the attestation process. We will also provide direct support and technical assistance to those providers who need it. For more information on how you can prepare for the attestation process, visit the [Transition plan for home and community-based settings](#) web page or email hcbs.settings@state.mn.us.

Please forward this letter to the appropriate person in your agency. Continue to watch for additional mailings from DHS in the coming weeks, and reach out to us with your questions or concerns. Together, we can continue to improve services for all Minnesotans.

Sincerely,

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