

At a state agency appeal, the client must show that the health, safety and welfare of the recipient of the proposed cut will be compromised in two ways:

1. The recipient's health, safety and welfare will be compromised under the proposed cut.
2. The recipient's health, safety and welfare will be compromised under the current budget if the recipient elects to receive services under the traditional Developmental Disabilities (DD) waiver.

County's Duty:

It is the county's duty to ensure medically necessary services to meet the recipient's health, safety and welfare. Minn.Stat. § 256B.092 Subd. 5(c) (2004).

The case manager must offer to meet with the recipient or his/her guardian to discuss how the recipient's needs can be met on the traditional waiver. Minn.Stat. § 256B.02 Subd. 5(c) (2004).

Standard Required for Service Eligibility:

What is the standard required to convince the Referee that services under the current plan meet the health, safety and welfare of the recipient?

The recipient must:

1. Have a developmental disability or a related condition;
2. Need daily intervention, supervision and on-going habilitation to learn necessary skills;
3. Require assistance to assure health and well-being and to care for his or her personal needs; and
4. Be at risk of placement in an ICF/MR to receive needed services if supports were not provided in the community.

An ICF/MR is a residential facility that provides 24-hour care, supervision and on-going habilitation services. ICF/MR services are provided in facilities of various sizes and may be operated by private or public providers.

For further information or advocacy services, contact Arc Greater Twin Cities at 952-920-0855 or visit www.arcgreatertwincities.org. Tell us what you think about this Arc Guide. Please complete a short survey online at <http://arcgreatertwincities.org/resources.aspx>. Thank you!