

# Position Statement

For 2024 Session

MACSSA has an organizational priority of “Strategic Position Development” with the goal of addressing challenges and leading innovation through thoughtful analysis that incorporates fiscal implications, systemic policy concerns, and legislative strategies in the development of policy and legislative positions.

## Moratorium Simplification

### Proposal

**Issue:** The moratorium on foster care residential settings, in certain circumstances, creates a barrier to securing appropriate placement options timely for individuals with high medical or behavioral needs.

**Implementation:** Modify MN Statute 245A.03 Subd 7 to no longer require a determination of need by the commissioner for counties to develop new foster care residential settings or increase existing home capacity (within licensing limits) when the exception criteria in 245A.03 Subd 7 are met. To address current gaps in placement options, add exception criteria to Subd 7 including children and adults in acute care transitions; people who are boarding in ED with no medical need for hospital level care and/or have previously met hospital level of care but are now medically clear for discharge; and individuals in a crisis respite for more than 90 days without a provider identified. Foster care residential settings that agree to only accept individuals who meet exception criteria may be developed prior to clients presenting with an immediate housing need.

### Systemic Priority/Paradigm Trend Alignment (highlight all that apply and explain why)

- **Equity:** Promote racial equity and eliminate racial disparities in the human services system for all people across the state. *(systemic priority)*
- **Workforce:** Advocate for strategies to sustain and equip the workforce, and simplify work given the forecasted labor shortages. *(systemic priority/paradigm trend)*
- **Technology:** Collaboratively seek state investment in systems transformation and modernization which must include appropriate county collaboration, oversight, and guidance. *(systemic priority/paradigm trend)*
- **Governance/Partnerships:** Co-create state/county governance that results in clear accountability, appropriate allocation of resources, stabilized service delivery, and improved outcomes for people served. *(systemic priority/paradigm trend)*
- **Resident Service:** Adapt to individual needs to support real choices *(paradigm trend)*

This position statement aligns with all priorities referenced in this section. These changes to statute will create additional housing options for individuals within our communities and will streamline service delivery and improve outcomes for people served.

### Operational Priority (Committee) Alignment (highlight all that apply and explain why)

Adult Services  
Behavioral Health

Children’s Services  
Equity

Healthcare  
Modernization

Policy  
Self-Sufficiency

**Why:** The moratorium on foster care residential settings directly impacts availability of housing and support services for adults and children with significant needs.

### Rationale/Background:

In years past a moratorium was established to control an over-abundance of child and adult foster care residential settings. Per MN Statute 245A.03 Subd 7 (e), the commissioner was tasked to consult with stakeholders to improve the state's capacity to meet the needs of people who want to move out of corporate foster care. Unfortunately, this positive effort created an unintended housing shortage for individuals with high needs who are not able to be successful in the community without more intensive staffing and supports.

The current moratorium exception process is designed to begin only after a person has lost their housing. It also adds steps to an already long and arduous process. Thus, leaving individuals stuck in emergency rooms, hospitals, state operated facilities, or with providers ill-equipped to meet their needs for long periods of time. It can take 8 months to over a year to complete a new foster care residential setting development.

Presently, counties are required to contact placement options throughout the entire state (sometimes out of state) to verify all existing housing options have been exhausted. If there are no placement options, the county must seek collaboration from a community entity to purchase, license, and staff a corporate foster home setting. If the county finds such collaboration, the county must submit a request to DHS to develop a new corporate foster care and exception to the moratorium for the specific individual who needs placement. Once approval from the state has been obtained, the foster care provider begins a search to locate and purchase a home appropriate for corporate foster care use. Once a home is purchased and any home modifications completed, the provider must complete residential setting licensing standards. Finally, the foster care provider must hire and train staff to provide care for the identified individual.

Removing the need for DHS approval to complete this process would create increased agility for counties to develop needed homes or increase their home capacity in advance of a person presenting with an immediate need. This flexibility allows counties to be more proactive in developing quality homes to meet the needs of their community members who meet moratorium exception criteria. This also enhances the possibility for individuals to find placement options within their home communities nearby their personal support networks verses being forced to move to an existing placement option in a different part of the state.

In addition to the improvements to person-centered support and enhancing community housing capacity for these individuals, this change would be an administrative cost savings for both DHS and counties. It will also reduce administrative and service costs within hospitals and other community settings where these individuals are "stuck" waiting for housing options to be developed if we were able to develop placement options for people more readily. To ensure compliance with the moratorium exception criteria, a space for documentation could be added to the Foster Care Residential Setting Application and state Rule 13 Licensing Audit process.

MN Statute 245A.03 Subd 7 (h) supports making modifications for capacity as needed. This statute states, "the commissioner may adjust capacity to address needs identified in section 144A.351". This statute references the Long-Term Care Services and Supports Report the commissioner completes compiling data "regarding the status of the full range of long-term care services and supports for the elderly and children and adults with disabilities and mental illness in Minnesota". This data includes the status of housing options, access problems, and resource development and transition needs.

Over the last 5 years we have seen a decrease in bed capacity to serve children and adults with significant medical and/or behavioral needs. This shortage creates long-term impacts for all individuals. We must have a full continuum of care to assure people can access the right service at the right time.

**High-level, one paragraph description of the issue and its importance:**

Counties are struggling to secure person-centered housing options for individuals with medical and/or behavioral needs where independent or community living with supports may not be appropriate. The current moratorium exception approval process is too reactive and slow to respond effectively to individual's urgent housing needs. This leaves vulnerable children and adults "boarding" in emergency rooms and hospitals for great lengths of time as they wait for our processes to unfold. Thus, the importance of adding exception criteria pertaining to children and adults in transition

from acute care settings, hospitals / emergency rooms, or crisis respite needing this level of care. Allowing counties to develop foster care residential settings or expand current home capacity, without commissioner approval would create needed efficiencies and streamline critical housing planning, specifically when meeting criteria laid out in statute.



**MACSSA**  
Minnesota Association of County  
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