

Rule Changes

Emergency Rule Changes: Emergency Rule Changes mean a change in the rule that happens now. It happens without public feedback. Emergency Rule Changes can only stay in place for a short time.

Section 21 and **Section 29** have Emergency Rule Changes made by the Legislature to increase the pay for home supports, work supports, and community supports. **Section 29** has another Emergency Rule Change to increase the caps to respite and home and work supports to match the new rates.

Section 28, **Section 65**, and **Section 13** also have rule changes to increase the pay for home, community, and school-based supports as well as a substantial increase for medication management. **Section 97** has a similar rule change which allows for an increase if there is an extraordinary unforeseeable circumstance.

Proposed Rule Changes: Proposed Rule Changes mean a change in the rule that might happen. The Department of Health and Human Services asks for public feedback on the change. After public feedback, the Department picks the changes it wants and makes the rule permanent as an Adopted Rule Change.

Section 113 (Non-Emergency Transportation) have Proposed Rule Changes to require the person, their parent or guardian, or their residential provider to provide an “Escort” when the Broker decides the person needs someone to ride with them. It also limits transportation to school for children with IEPs, removes transportation for families to see their children in residential placements, and allows the Broker to deny transportation to providers they decide are too far away.

Section 13 has Proposed Rule Changes to change what Case Managers are allowed to do. This would make it so Case Managers cannot help people manage their money, cannot help them with activities of daily living, and cannot drive them places. This would also make it so Case Management agencies cannot get paid for time spent on paperwork, meetings, data collection, or reminding people about their appointments. The time for public feedback is over.

Section 13, **Section 21**, **Section 29**, **Section 28**, **Section 65**, and **Section 97** have Proposed Rule Changes to increase the pay for home supports, work supports, and community supports. This would make the Emergency Rule Changes permanent. **Section 28** includes a new service rate to allow for Board Certified Behavior Analysts (“BCBAs”) and does not include the recommended new rate for Bachelor Level Behavioral Health Professionals (“BHPs”). **Section 13**, **Section 28**, and **Section 65** includes a 2% increase for direct care wage and benefits but doesn’t clearly demonstrate how to document it.

The proposed changes to **Chapter 101** of the Department of Education were withdrawn to allow for further input and may be proposed again next summer.

Adopted Rule Changes: Adopted Rule Changes means a change in the rule that is permanent. This happens after a Proposed Rule Change and public feedback.

There are no new adoptions.

Waiting Rule Changes: Sometimes we know a change in the rule is coming before an Emergency Rule Change or Proposed Rule Change because the Legislature asked for it.

There will need to be a new regulation for Section 28, Chapter II, at minimum, to describe how the new BCBA service will operate. However, there are many changes happening with Children’s Behavioral Services and it’s unclear how or when those changes and recommendations will align.