

**Position Statement on the Provision of Twenty-Four Hour Services to
Persons
With Intellectual and Other Developmental Disabilities**

By limiting twenty-four hour control of an individual with intellectual and other developmental disabilities by any one entity or person, and by providing a statewide quality assurance program, the State of Minnesota can better protect the safety of individuals with disabilities and ensure the quality of their care.

Position Statement

It is the position of The Arc Minnesota that:

The quality of life for individuals with intellectual and developmental disabilities is enhanced by having multiple individuals and entities involved in their lives. The Arc Minnesota would only approve of proposals to allow 24-hour care by one entity when oversight by unrelated individuals or entities is in place. Difficulty in ensuring the quality of care and protecting the safety of individuals means that 24-hour care by one entity should be very limited.

The State of Minnesota must ensure continued funding to establish a statewide quality assurance program. This program would evaluate all services and supports to protect the health and safety of all individuals with intellectual and developmental disabilities in Minnesota, but especially those who may receive 24-hour care from one entity.

Person-centered planning currently envisioned by the Minnesota Olmstead Plan should be the guiding principle in determining the type and location of day services and activities for individuals with disabilities. Non-traditional day services that are person-centered can be used as long as the individual's health and safety are protected and their needs are met.

Individuals under public guardianship must have an independent guardian to provide informed consent to twenty-four hour placement in government-operated services. Therefore, individuals under public guardianship living in government-operated residential programs must receive day services based on the consumer's needs and preferences from a separate provider, regardless of where the day services are provided.

It is preferable that the individual leave their residential site for day services of their choice unless: documented medical conditions preclude it; the individual has chosen to have a DT&H provider provide services in his/her own home or residence after a person-centered planning process; the individual has made an informed choice not to participate in day services; or the individual is retired from work.

The state and county must ensure an appropriate funding level for adequate day services chosen by the individual that meet their needs as stated in their individual service plan. The county must fund day services unless it can show an acceptable alternative to the provision of these services is available.

Issue

After the years of institutional care ended, Minnesota prohibited twenty-four hour control over an individual with disabilities by one entity as a matter of public policy. The basis for this policy position was the assumption that neglect or abuse of individuals with disabilities may occur in an environment where there is no oversight by unrelated individuals or entities other than the entity providing care. This potential for neglect or abuse can exist whenever one entity or person has twenty-four hour control over an individual with disabilities.

Despite this history, Minnesota policy on twenty-four hour control has been changing since 2003, when new statutes affecting the provision of “services during the day” were passed. These statutory changes effectively eliminated a previous mandate for day services. They state that day services do not have to be provided if the county funding is limited. (Minn. Statutes Section 256M Subd. 2.) To receive day services, the person’s individual service plan must specifically state the need for day services and state that the individual meets one of seven criteria. These changes mean that some individuals, often those who are aging out from special education services, may not receive day services and may not have the oversight of unrelated individuals or entities to guard them against neglect or abuse inherent in twenty-four hour control.

Most individuals with intellectual and developmental disabilities retain the expectation that they will leave their residences during the day for services when there has been a determination of need for day training and habilitation (DT&H) services authorized and provided by the county. However, there are those who wish to allow individuals or their guardians to choose to receive residential and day services from the same provider.

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Approved by The Arc Minnesota Board of Directors on September 13, 2014.

Approved by delegates at The Arc Minnesota Annual Business Meeting, November 14, 2014.