

Department of Human Services as a Direct Service Provider

Issue

In the past, the State of Minnesota's Department of Human Services (DHS) operated state hospitals. The state hospitals cared for the majority of people with intellectual and developmental disabilities (IDD). Today, some people with IDD still live in sites that are operated by DHS, called State Operated Community Services.

A mix of federal Medicaid dollars and state funds pays for these services. Public employees provide the direct support.

DHS licenses, oversees, and controls funding for services in these sites. It is a conflict of interest when state employees also provide direct support. It could create challenges for a person who has concerns about their staff or services when they need or want to file a complaint.

More conflicts occur when the State of Minnesota is also the guardian of people who access services from DHS. This could affect the quality of support provided to them.

Position

People with IDD have the best quality of life and most belonging in their communities when they can choose formal and informal supports. These supports, whenever possible, should be self-directed, individualized, and offered by staff of a person's choosing.

People living and working in sites controlled by DHS do not have these options. The Arc Minnesota believes that DHS should be the last resort for direct support to people with IDD.

In many cases, when DHS does provide these services, it creates a conflict of interest.

The Arc Minnesota supports policies that phase out services and sites that are provided or controlled by DHS. The same entity should not provide services for any individual for 24 hours per day.

Until DHS no longer provides direct services, it must minimize conflicts of interest.

Direct services provided by DHS must follow the same rules as other providers for the same or similar services.

Alternative licensing and outside monitoring would help protect the rights of persons with disabilities. They would help ensure quality and provide essential checks and balances, too.

Public guardianship should be also be phased out. Other decision-making options should always be tried and used before guardianships.

Reviewed and approved by The Arc Minnesota Public Policy Committee on 10.26.20