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## Media Release

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## Groups Sue To Halt Damaging Cuts To Disability Services

*Individuals and provider advocacy organizations argue state must uphold current rates*

SAINT PAUL, MINN. – Today, ARRM joined the Minnesota Organization for Habilitation and Rehabilitation (MOHR) and several individuals with disabilities in filing suit in federal court against Commissioner of Human Services Emily Johnson Piper, seeking an emergency injunction against the implementation of a 7 percent cut to the rates for community-based supportive services. The cut is set to go into effect on July 1.

“This cut will cause irreparable harm to our members and the people with disabilities they support as we are already in the midst of a workforce crisis due in large part to lack of wage competition,” said Sue Schettle, CEO of ARRM. “Since the complete breakdown of the legislative process failed to produce a sustainable fix to the regulatory dispute driving DHS to enact the cut, we are forced to seek injunctive relief from federal court to address this critical issue.”

The suit claims current Minnesota statute – unchanged as a result of Governor Mark Dayton’s veto of the omnibus supplemental spending bill – obligates Minnesota Department of Human Services (DHS) to continue to fully fund its obligations to the service rates paid for through the state’s Medicaid waivers, which allow people with disabilities to access an array of supports to live and work in community settings. It further claims provisions in federal law do not allow the Centers for Medicaid and Medicare Services (CMS) to withhold its matching Medicaid dollars should a court order compel the DHS to continue to fund services at existing rates.

Plaintiffs say an injunction is needed immediately because organizations and people with disabilities face devastating impacts should the cut go into effect.

Mike Burke, president of MOHR, represents more than 100 Minnesota day service providers. “All we are looking for is for some sense of long term stability,” said Burke. “Stability in a system that will allow us to pay our staff competitive wages, which ultimately helps thousands of people with disabilities across the state who rely on our services for their quality of life.”

The 7 percent cut was triggered by a CMS decision back in February to withdraw its match of a 3-year-old rate adjustment due to an inadvertent conflict with other rate changes made in 2017. The state, in turn, negated its portion of the rate adjustment, which plaintiffs argue it has no authority to do as state law still recognizes this funding obligation. Advocates tried to pass their own fix to this issue during the 2018 legislative session but the resolution was struck down as part of the Governor’s veto. Should the injunction be granted, advocates will work with legislators and the new Governor’s administration to permanently address the problem in the next legislative session.

Sam Orbovich of Fredrikson & Byron is representing the plaintiffs in their petition