

2026 Minnesota HCBS Updates

What Caregivers Need to Know



Illustrative AI-generated scene with fictional people.

Direct support professionals and field caregivers

Estimated study time: 45-60 minutes

Selected enacted Minnesota changes and separately labeled DHS implementation updates. Reviewed September 26, 2026.

Learning objectives

1. Recognize which 2026 changes affect everyday support.
2. Protect rights, choice and continuity of care.
3. Follow updated policies and agency training instructions.
4. Record actual services and resolve EVV errors honestly.
5. Recognize future changes and escalate questions before changing care.

How to use this guide

Read each section with the matching presentation slide. Pause at scenarios, explain your decision, and compare your reasoning with the discussion. Source numbers link to the references at the end.

Course terms

HCBS: home and community-based services. **DHS**: Minnesota Department of Human Services. **DSP**: direct support professional. **DC**: designated coordinator. **IHS**: individualized home supports. **ICS**: integrated community supports. **EVV**: electronic visit verification. **CBSM**: Community-Based Services Manual.

Assessment

Suggested final assessment: 10 questions drawn from the separate 30-question bank, with an 80% passing score. Your course provider configures the actual assessment. Estimated time is not an accredited CE award.

1. The 2026 update

COURSE SCOPE / Slide 3

- Selected Minnesota 245D/HCBS changes enacted in 2026.
- Current DHS implementation updates are labeled separately.
- Examples support practice; your individual service plan still matters.

Discussion. This course focuses on changes relevant to direct support work. It is not a complete survey of every Minnesota health law. You will practice responding to rights, policy, benefit and documentation situations. The manager course covers licensing and business decisions in more detail. Review the participant guide and complete the knowledge checks before the final assessment.

Sources: 1

2. Law, policy and your assignment

HOW TO READ A CHANGE / Slide 4

- An enacted law may have a future start date or approval condition.
- DHS instructions explain program implementation.
- Your manager communicates the applicable procedure and service plan.

Discussion. A headline is not enough to change a shift. Check what service the change covers, when it begins and what your role requires. A proposal or draft rule is not an enacted requirement. Agency instructions must comply with law; if they appear to conflict, raise the concern rather than ignoring it. This course separates new legal duties, ongoing duties and recommended work practices.

Sources: 1, 2

3. Changes already in effect

AS OF SEPTEMBER 26, 2026 / Slide 5

- May 28: clarified rights protections and policy distribution.
- August 1: annual-training flexibility and rights of minors.
- August 1: benefit-interruption protections and qualifying housing accounts.

Discussion. The dates apply to the specific provisions taught here. They do not make every part of the 2026 legislation effective at once. Some requirements cover only certain settings or services. Ask which revised agency policies apply to your work. The course does not authorize staff to implement future billing limits independently.

Sources: 3, 4, 5, 6, 7, 8

4. A safe home is a protected right

NEW CLARIFICATION / MAY 28, 2026 / Slide 6

- The law excludes clean, hazard-free and fire-code residential conditions from allowable rights restrictions.
- A signed plan cannot excuse an unsafe setting.
- Report hazards and use the emergency response process when needed.

Discussion. The amendment narrows which residential rights can be restricted under 245D.04, subdivision 3(c). The protections for cleanliness, freedom from health and safety hazards, and a dwelling unit meeting residential occupancy standards are outside that restriction permission. This applies within the statutory residential setting scope. A person or representative cannot sign away those conditions through a rights restriction.

Sources: 3

5. Scenario: the blocked exit

PRACTICE / Slide 7

- Boxes block a residential exit; a coworker says the family agreed.
- Protect immediate safety and notify the responsible manager.
- Record the facts and action taken; do not rely on a consent form to excuse the hazard.

Discussion. Discuss the first safe step under your emergency plan. Do not move heavy items or perform unfamiliar tasks that create another risk. A rights-restriction form does not make an unsafe setting acceptable. If facts suggest neglect or other maltreatment, follow applicable reporting duties as well. The exact incident and emergency response depends on the situation.

Sources: 3, 9

6. Policies reach the legal representative

NEW CLARIFICATION / MAY 28, 2026 / Slide 8

- Required rights-related policies must reach the person, legal representative and case manager.
- The deadline is within five working days of service initiation.
- Staff help people find the current policy and route requests promptly.

Discussion. The new language expressly includes the legal representative. The license holder owns this deadline; direct support staff may help deliver or explain materials according to their assignment. A family member is not automatically the legal representative. Confirm authority and protect private information. Record delivery as required by your agency.

Sources: 4

7. Basic services need a restraint policy

NEW CLARIFICATION / MAY 28, 2026 / Slide 9

- Basic-service providers must include an emergency manual-restraint policy.
- A written policy does not authorize untrained staff to restrain someone.
- Use prevention, approved emergency procedures and required reporting.

Discussion. The 2026 change clarifies the policy requirement for basic services. Existing 245D.061 requirements still govern emergency manual restraint, including limitations and staff training. This course teaches no physical restraint technique. Some agencies prohibit emergency restraint and teach alternatives. Learn your agency policy and do not improvise a hold for convenience, punishment or ordinary refusal.

Sources: 4, 10

8. Annual training still matters

NEW FLEXIBILITY / AUGUST 1, 2026 / Slide 10

- The license holder may delay annual training by up to 90 calendar days.
- The original due date starts the allowed delay period.
- Staff follow the agency deadline; this is not a personal automatic extension.

Discussion. The amendment is in 245D.09, subdivision 5, which covers annual training. It does not erase training content or automatically extend orientation, task-specific competency, certification validity or another law's deadline. Managers should identify the training affected and communicate the approved date. Ask before assuming that a missed class is covered by the change.

Sources: 5

9. Scenario: an overdue class

PRACTICE / Slide 11

- Your annual class was due last week; no revised date was given.
- Contact your supervisor and confirm the applicable deadline.
- Complete required training and keep the actual completion record.

Discussion. The law permits the license holder to use a delay of up to 90 calendar days. It does not let each employee independently add three months to every requirement. A new employee also cannot use the annual-training change to skip orientation before assigned duties. Never backdate a completion record.

Sources: 5

10. Children have age-appropriate choices

NEW RIGHTS / AUGUST 1, 2026 / Slide 12

- Children under 18 have a right to suitable or developmentally appropriate activities.
- Reasonable and prudent parenting considers safety, growth and the child's values.
- A disability alone is not a reason for a blanket activity ban.

Discussion. The new subdivision recognizes activities generally suitable for the same chronological age or developmentally appropriate activities. Reasonable and prudent parenting considers health and safety, best interests, cultural, religious and Tribal values, and emotional and developmental growth. Staff must work within their role and the child's plan. The new provision concerns minors and is not a substitute for adult choice.

Sources: 6

11. Scenario: a community event

PRACTICE / Slide 13

- A 16-year-old wants to attend a community music event.
- Consider their preferences, developmental needs and available support.
- Discuss the plan with the appropriate decision-makers instead of applying a blanket ban.

Discussion. A reasonable decision may include transportation, accessibility, supervision and a plan for getting help. The new law does not promise that every requested activity is always appropriate. It requires the child's rights and sensible parenting standard to be considered. Staff should escalate a proposed restriction and avoid inventing their own house rule.

Sources: 6

12. A benefit interruption is not an automatic stop

NEW PROTECTION / AUGUST 1, 2026 / Slide 14

- A public-benefit interruption lasting less than 60 days does not count as nonpayment for 245D suspension or termination.
- Do not cancel a shift or demand private payment on your own.
- Send the concern to the manager and support continuity.

Discussion. The new exception applies specifically to nonpayment caused by a public-benefit interruption of less than 60 days. It does not mean that other statutory grounds disappear, or that termination automatically becomes valid on day 60. Managers must evaluate the full requirements. Staff should report information accurately and continue under lawful agency direction and the authorized plan.

Sources: 7

13. Scenario: day 25 without benefits

PRACTICE / Slide 15

- A person's benefits have been interrupted for 25 days.
- A coworker says services must stop because payment is delayed.
- Escalate the problem; the interruption alone cannot support nonpayment suspension or termination.

Discussion. Explain the less-than-60-day protection in plain language without promising an individual eligibility result. Coordinate through your manager and case manager. Do not tell the person to leave, withhold support as leverage, or alter the record to suggest they refused services. If there is a separate immediate safety issue, use the appropriate safety process.

Sources: 7

14. Housing money needs a clear record

NEW DUTY FOR QUALIFYING ARRANGEMENTS / AUGUST 1 / Slide 16

- Some provider-connected multifamily housing arrangements require individual housing accounts or subaccounts.
- Statements go monthly and on request to the specified recipients.
- Staff handle money only as authorized and keep receipts and accurate records.

Discussion. The law is not a general instruction to open an account for every person receiving HCBS. It applies where housing payments pass through the license holder or controlling individual and the required housing relationship exists. Money in these accounts is for the person's housing expenses. Staff should promptly route missing-statement or unexplained-charge concerns to the responsible manager.

Sources: 8

15. Money concerns and maltreatment

2026 UPDATE + ONGOING REPORTING DUTIES / Slide 17

- The financial-exploitation definition changed for unauthorized spending in breach of a fiduciary duty.
- Do not dismiss a concern because money was later replaced.
- Protect safety, preserve facts and make required reports without waiting for an internal investigation.

Discussion. Chapter 95 removes the detriment phrase from the unauthorized-expenditure clause in 626.5572, subdivision 9(a)(1). Other parts of the definition have their own elements. Staff do not decide guilt. Follow the vulnerable-adult reporting process when there is reason to believe maltreatment occurred. Immediate danger requires emergency help. Internal notification must not improperly delay required reporting.

Sources: 11, 9

16. EVV enforcement in 2026

DHS IMPLEMENTATION UPDATE / REQUIRED SERVICES / Slide 18

- The provider compliance threshold increased to 80% for visits billed from July 1, 2026.
- DHS plans notices below that threshold beginning October 2026.
- All required visit data must still be submitted; 80% is not permission to omit visits.

Discussion. EVV is an existing requirement with a 2026 enforcement timeline, not a brand-new 2026 statute. It applies to specified services, not every HCBS service. Use actual visit information and the approved correction process. Providers remain responsible for complete data, including noncompliant visits. Agency performance thresholds do not authorize inaccurate records.

Sources: 12

17. Scenario: the missed clock-out

PRACTICE / Slide 19

- You notice that yesterday's visit has no end time.
- Report the error and use the approved correction workflow with the actual facts.
- Do not invent a time or delete the visit to improve the compliance score.

Discussion. Follow your agency's process for substantiating a correction. Explain the reason for the correction and preserve the record trail. A schedule alone does not prove when services actually occurred. Some approved EVV situations, such as live-in caregiver procedures, differ from ordinary real-time use; follow the applicable process.

Sources: 12

18. IHS limits: timing still matters

ENACTED LIMITS / IMPLEMENTATION PENDING / Slide 20

- With training: 182.5 hours/month, January 1, 2027 or later federal approval.
- Family-training six-hour daily cap: federally approved, with DHS implementation steps still pending in the June 30 notice.
- Follow current DHS instructions and the authorized plan.

Discussion. The June 30 DHS notice says to continue current CBSM policy and not implement the pending changes until instructions are issued. Family-training approval differs from the monthly training-cap approval status. Do not reduce hours independently based on a headline. Ask the coordinator to verify the latest DHS announcement and the individual authorization.

Sources: 2, 13

19. Future ICS documentation

FUTURE / OCTOBER 1, 2027 OR LATER FEDERAL APPROVAL / Slide 21

- New ICS access-service standards address incidental, unplanned support.
- The future standard requires documentation of each actual instance within 72 hours, with reasons for delay.
- Keep meeting current documentation requirements now.

Discussion. The enacted text in 256B.4914, subdivision 21(a), supplies the conditional start date. The future standard records the request, delivery, staff, support and whether direct one-to-one support followed. It does not require inventing an incident for every access-service day billed. Do not treat this future deadline as permission to delay notes required sooner under current rules or agency policy.

Sources: 14

20. A request to change the story

PRACTICE / RECORD INTEGRITY / Slide 22

- A colleague asks you to add services you did not deliver.
- Decline to falsify the record and use the compliance reporting route.
- An honest correction preserves what happened and explains the change.

Discussion. The 2026 fraud definition includes intentional deception and knowingly false material documentation. Ordinary errors still need correction, but an error is not automatically a finding of fraud. Keep notes factual, distinguish observation from what someone reported, and never sign for an event you cannot verify under the applicable rules.

Sources: 15

21. What to confirm before the next shift

RECOMMENDED WORK PRACTICE / Slide 23

- Know where the updated policies and emergency procedures are kept.
- Confirm your training due date and role-specific instructions.
- Raise rights, benefit, housing-money and documentation concerns promptly.

Discussion. Use this as a brief conversation with your supervisor. Identify the changes that apply to the people and services you support. Bring one question about a revised policy and one example of an issue you would escalate. This checklist is a suggested practice, not a separate legal deadline.

Sources: 4, 5, 7

22. Knowledge check

PAUSE AND DISCUSS / Slide 24

- Can a family sign away the right to a hazard-free residential setting?
- Does the annual-training change automatically extend orientation?
- May you stop services because benefits have been interrupted for 25 days?

Discussion. Answers: No to all three. The residential protections taught here are outside allowable rights restrictions. The training amendment concerns annual training and is a license-holder option. A benefit interruption under 60 days does not constitute nonpayment for suspension or termination. Discuss who you would contact and what you would record for each situation.

Sources: 3, 5, 7

23. Course completion

ASSESSMENT AND NEXT STEPS / Slide 25

- Review the participant guide and practice explanations.
- Complete 10 questions drawn from the 30-question bank; pass at 80%.
- Use current DHS notices whenever an implementation date is uncertain.

Discussion. The proposed course assessment uses ten randomly selected questions and an eight-out-of-ten passing score. The course owner must configure these settings in LearnPress. This course does not replace orientation, hands-on competency training or commissioner-required compliance training.

Continuing-education accreditation and seat time have not been certified.

Sources: 16

Practice and application

Answer before checking the explanation. These questions are practice, separate from your final assessment.

1. A chair blocks an emergency exit and someone says the resident agreed. What should you do?

Write or discuss your answer: _____

2. What does the 2026 annual-training amendment allow the license holder to do?

Write or discuss your answer: _____

3. A 25-day interruption in public benefits alone is treated how under the amended nonpayment rule?

Write or discuss your answer: _____

4. Does an 80% EVV threshold allow omission of the remaining visits?

Write or discuss your answer: _____

5. What did the June 30 DHS notice say about approval and implementation of family-training changes?

Write or discuss your answer: _____

Practice explanations

1. Address the immediate hazard safely and report it

Consent does not waive the protected safety requirement. Follow emergency procedures if immediate danger exists.

2. Delay covered annual training up to 90 calendar days after its due date

The limited option concerns annual training under the amended subdivision.

3. It is excluded from nonpayment as a suspension or termination ground

The law protects interruptions lasting less than 60 days from this nonpayment ground.

4. No; complete data for all required visits must still be submitted

A compliance threshold does not authorize leaving visits out.

5. Some family-training changes had federal approval but still awaited implementation steps

Approval status and implementation status differ. Check later instructions before acting.

One action for my role

The change I need to confirm: _____

Who I will contact: _____

Where I will find the current instruction: _____

References

Primary legal text controls the legal requirement. Check later DHS instructions for implementation. Links reviewed September 26, 2026.

1. DHS 2026 HCBS legislative summary

https://mn.gov/dhs/assets/2026%20legislative%20session%20summaries%20-%20ADC,%20AFC,%20CFRS,%20CRS,%20FADS,%20aand%20HCBS_tcm1053-754321.pdf

2. DHS June 30, 2026: upcoming IHS changes

https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-086534

3. Chapter 121, article 4, section 23: protection-related rights

<https://www.revisor.mn.gov/laws/2026/0/121/#laws.4.23.0>

4. Chapter 121, article 4, section 24: policies and representatives

<https://www.revisor.mn.gov/laws/2026/0/121/#laws.4.24.0>

5. Chapter 95, article 4, section 8: annual training

<https://www.revisor.mn.gov/laws/2026/0/95/#laws.4.8.0>

6. Chapter 95, article 5, sections 4-5: rights of minor children

<https://www.revisor.mn.gov/laws/2026/0/95/#laws.5.5.0>

7. Chapter 95, article 8, sections 2-3: service suspension and termination

<https://www.revisor.mn.gov/laws/2026/0/95/#laws.8.2.0>

8. Chapter 95, article 8, section 1: housing accounts

<https://www.revisor.mn.gov/laws/2026/0/95/#laws.8.1.0>

9. Minn. Stat. 626.557: reporting maltreatment of vulnerable adults

<https://www.revisor.mn.gov/statutes/cite/626.557>

10. Minn. Stat. 245D.061: emergency use of manual restraints

<https://www.revisor.mn.gov/statutes/cite/245D.061>

11. Chapter 95, article 7, sections 7-27: vulnerable adult protections

<https://www.revisor.mn.gov/laws/2026/0/95/#laws.7.23.0>

12. DHS EVV compliance timeline and required services

<https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/evv/>

13. Chapter 121, article 9, section 31: IHS limits

<https://www.revisor.mn.gov/laws/2026/0/121/#laws.9.31.0>

14. Chapter 121, article 9, section 37: future ICS access services

<https://www.revisor.mn.gov/laws/2026/0/121/#laws.9.37.0>

15. Chapter 121, article 4, sections 25-26: fraud and claim review

<https://www.revisor.mn.gov/laws/2026/0/121/#laws.4.25.0>

16. DHS DSD stakeholder announcement archive

<https://mn.gov/dhs/disability-aging/home-and-community-services/resources/stakeholder-electronic-mailing-archives/>