

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill is the Department of Human Services technical bill. It makes changes to mental health, chemical dependency, nursing facility, day training and habilitation, health care, child welfare, hearing procedures, and licensing laws.

#### Section

- 1 Commissioner of health; duties.** Amends § 144.225, subd. 2b. Corrects reference allowing commissioner of health to share birth record information and data with the commissioner of human services to identify a child who is the subject of threatened injury.
- 2 Duties of county board.** Amends § 245.4874. Clarifies that a child in the child welfare or juvenile justice systems does not need a mental health screening if a diagnostic assessment has been completed within 180 days.
- 3 Education program; additional requirement.** Amends § 245A.04, subd. 11. Deletes obsolete reference to Minnesota Rules and replaces it with correct rule numbers.
- 4 First aid training requirements.** Amends § 245A.14, subd. 12. Clarifies that teachers and assistant teachers in child care centers, and at least one staff person during field trips and when transporting children must complete first aid training within 90 days of starting work. Exempts training when an individual has completed first aid training within the past three years. Requires training to be repeated every three years. Allows the training to be less than eight hours.
- 5 Child passenger restraint systems; training requirement.** Amends § 245A.18, subd. 2. Clarifies that child passenger restraint system training does not apply to individuals

## Section

providing emergency relative foster care.

- 6 **Study subject affiliated with multiple facilities.** Amends § 245C.07. Deletes references to facilities licensed by the Department of Human Services. This change is needed to reflect that a license holder may have facilities licensed by the Department of Human Services, the Minnesota Department of Health, and/or the Department of Corrections. This change allows a single background study for subjects affiliated with multiple facilities.
- 7 **Direct contact pending completion of background study.** Amends § 245C.13, subd. 2. Corrects a cross-reference error.
- 8 **15-year disqualification.** Amends § 245C.15, subd. 2. Deletes incorrectly listed offense. Committing repeat offenses of criminal sexual conduct in the fifth degree was made a permanent disqualification in 2005. This offense was not deleted from the list of 15-year disqualifying offenses when the statute was changed.
- 9 **10-year disqualification.** Amends § 245C.15, subd. 3. Makes technical changes. The offense of criminal sexual conduct in the fifth degree was made a permanent disqualification in 2005. This offense was not deleted from the list of 10-year disqualifying offenses when the statute was changed. Adds the offenses of fraud in obtaining credit and financial transaction card fraud. Corrects a typographical error.
- 10 **Classification of certain data.** Amends § 245C.22, subd. 7. Makes technical change to notice requirement by adding a cross-reference.
- 11 **Ten-year bar to set aside disqualification.** Amends § 245C.24, subd. 3. Corrects two typographical errors.
- 12 **Rules for chemical dependency care.** Amends § 254A.03, subd. 3. Deletes descriptions of care and services.
- 13 **Program and service guidelines.** Amends § 254A.16, subd. 2. Deletes references sections 254A.12, 254A.14, and 256E.
- 14 **Chemical dependency treatment allocation.** Amends § 254B.02, subd. 1. Clarifies the formula for allocating funds for treatment of American Indians.
- 15 **Administrative adjustment.** Amends § 254B.02, subd. 5. Deletes obsolete language.
- 16 **Local agency duties.** Amends § 254B.03, subd. 1. Deletes obsolete language.
- 17 **Local agencies to pay state for county share.** Amends § 254B.03, subd. 3. Deletes obsolete language. Provides that local agencies shall pay the state for the county share of services authorized by the local agency.
- 18 **Payment; denial.** Amends § 254B.06, subd. 3. Removes obsolete language.
- 19 **Scope.** Amends § 256.0451, subd. 1. Adds that individuals are entitled to the hearing procedures under this section who are said to be responsible for serious and recurring maltreatment; who have failed to report maltreatment of a child under section 626.556 or a vulnerable adult under section 626.557; or who have been disqualified based on a preponderance of evidence that they committed a crime listed in section 245C.15. Makes technical change.
- 20 **Agency appeal summary.** Amends § 256.0451, subd. 3. Deletes Medicare Part D appeals from the list of those appeals in which the agency involved does not have to complete a state agency appeal summary. Adds that the agency involved in an appeal involving an individual said to be responsible for serious and recurring maltreatment; who have failed to report maltreatment of a child under section 626.556 or vulnerable adult under section 626.557; or have been disqualified based on a preponderance of evidence that they have committed a crime listed in section 245C.15 does not have to complete a state agency appeal summary.

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- 21 Hearing facilities and equipment.** Amends § 256.0451, subd. 11. Deletes Medicare Part D appeals from those that must be conducted in the county where the person involved resides. Adds to the list appeals involving individuals said to be responsible for serious and recurring maltreatment; who have failed to report maltreatment of a child under section 626.556 or vulnerable adult under section 626.557; or have been disqualified based on a preponderance of evidence that they have committed a crime listed in section 245C.15.
- 22 Developing the record.** Amends § 256.0451, subd. 19. Adds as exception hearings involving individuals said to be responsible for serious and recurring maltreatment; who have failed to report maltreatment of a child under section 626.556 or vulnerable adult under section 626.557; or have been disqualified based on a preponderance of evidence that they have committed a crime listed in section 245C.15.
- 23 Hearing authority.** Amends § 256.046. Eliminates an obsolete reference to AFDC.
- 24 Formulary committee.** Amends § 256B.0625, subd. 13c. Corrects a reference to the formulary committee, by referring to the "committee" rather than the "board."
- 25 Day treatment services.** Amends § 256B.0625, subd. 23. Clarifies that statutory provisions on MA coverage of day treatment services for children supersede rule provisions.
- 26 Purpose and goals.** Amends § 256B.0913, subd. 1. Corrects a description of the purpose of the alternative care program, by referring to "home" rather than "home and community-based" services.
- 27 Eligibility for funding for services for non-medical assistance recipients.** Amends § 256B.0913, subd. 4. Eliminates a reference to a "community-based setting" in a provision specifying that alternative care can be provided for case management services to assist with the relocation of nursing home and certified boarding care home residents.
- 28 Provider entity clinical infrastructure requirements.** Amends § 256B.0943, subd. 6. Clarifies that a clinical supervisor must be present and available on premises more than 50 percent of the time and that a diagnosis and treatment plan must be made by or reviewed, approved, and signed by a clinical supervisor.
- 29 Service delivery criteria.** Amends § 256B.0943, subd. 9. Clarifies requirements for day treatment by changing the requirement from "a minimum of a three hour time block" one day a week, to a "three hour time block" one day a week.
- 30 Documentation and billing.** Amends § 256B.0943, subd. 11. Adds the requirement that a provider may not bill for anything other than direct service time.
- 31 Excluded services.** Amends § 256B.0943, subd. 12. Provides that activities that are not direct service are excluded from medical assistance payments as children's therapeutic services and supports.
- 32 In general.** Amends § 256B.431, subd. 1. Changes the date by which the commissioner must provide nursing facilities with notice of rates for the following rate year, from May 1 to August 15. (This is related to the change in the start of the rate year from July 1 to October 1.)
- 33 Property costs after July 1, 1988.** Amends § 256B.431, subd. 3f. Updates a reference to the index used in setting nursing facility property rates.
- 34 Replacement-costs-new per bed limit effective July 1, 2001.** Amends § 256B.431, subd. 17e. Corrects a cross-reference to the definition of total replacement of a nursing facility.
- 35 Co-payments and coinsurance.** Amends § 256L.03, subd. 5. Expands the federally required exemption from copayments for pregnant women and children to include two additional MinnesotaCare copayments added in 2005-nonpreventive visits and nonemergency visits to a hospital emergency room.

**Section**

- 36**      **Eligibility conditions.** Amends § 259.67, subd. 4. Changes the placement of a provision within this section.
- 37**      **Duty to ensure placement prevention and family reunification; reasonable efforts.** Amends § 260.012. Clarifies a IV-E reasonable efforts requirement.
- 38**      **Investigation.** Amends § 260B.157, subd. 1. Clarifies that a court is to order a chemical health screening under specific circumstances when a child is alleged, or found to be, a delinquent child. Clarifies that a court is to order a mental health screening when a child is found to be delinquent.
- 39**      **Definitions.** Amends § 626.556, subd. 2. Clarifies the definition of substantial child endangerment.
- 40**      **Repealer.** Amends Laws 2005, ch. 98, art. 3, § 25. Reinstates Minnesota Statutes 2004, section 245.713, subdivision 2.
- 41**      **Revisor's instructions.** Instructs the revisor to correct internal cross-references and to make necessary punctuation, grammar, and sentence structure changes.
- 42**      **Repealer.** Repeals Minnesota Statutes 2004, sections 252.21; 252.22; 252.23; 252.24, subdivisions 1, 2, 3, and 4; 252.261 (each of these sections relate to developmental achievement centers of children with mental retardation or related conditions). Repeals Minnesota Statutes 2004, sections 254A.02, subdivisions 7, 9, 12, 14, 15, and 16; 254A.085; 254A.086; 254A.12; 254A.14, subdivisions 1, 2, and 3; 254A.15; 254A.16, subdivision 5; 254A.175; and 254A.18 (each of these sections are from the chapter regarding treatment for alcohol and drug abuse).

Repeals Minnesota Statutes 2005 Supplement, section 252.24, subdivision 5 (related to developmental achievement centers for children with mental retardation or related conditions).

Repeals Minnesota Rules, part 9503.0035, subpart 2 (regarding first aid training in child care centers).