

Subject DHS Community Supports Policy Bill

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Overview

This bill modifies provisions related to children’s mental health grants, home and community-based services, withdrawal management programs, substance use disorder, psychiatric residential treatment facility services, early intensive developmental and behavioral interventions, and housing support.

Summary

Section	Description
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1	Establishment and authority.
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	Amends § 245.4889, subd. 1. Clarifies that respite care grants may be used to provide services for children with emotional disturbance, and that case management services are not required to receive respite care services.
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2	Protection-related rights.
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	Amends § 245D.04, subd. 3. Modifies a person’s protection-related rights under the home and community-based services (HCBS) standards to specify the person’s right to associate with other persons of the person’s choice is the right to associate in the community.
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3	Assessment and initial service planning.
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	Amends § 245D.071, subd. 3. Adds to the list of items that must be determined based on information obtained from assessments, a person’s identified needs in a coordinated service and support plan, and other sources by including opportunities to develop and maintain essential and life-enriching skills, abilities, strengths, interests, and preferences, opportunities for community access, participation, and inclusion in preferred community activities, opportunities to develop and strengthen personal relationships with other persons of the person’s choice in the community, and opportunities to seek competitive employment and work at competitively paying jobs in the community.
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Section	Description
4	Clinically managed program. Amends § 245F.02, subd. 7. Updates cross-reference and modifies terminology from “medical professional” to “licensed practitioner” for withdrawal management staffing provision.
5	Medically monitored program. Amends § 245F.02, subd. 14. Updates cross-reference, modifies terminology from “medical director” to “licensed practitioner,” and requires the practitioner to be available rather than on site seven days per week.
6	Comprehensive assessment and assessment summary. Amends § 245F.06, subd. 2. Adds assessment summary requirement.
7	Services provided at clinically managed programs. Amends § 245F.12, subd. 2. Modifies terminology from “qualified medical professional” to “licensed practitioner.”
8	Services provided at medically monitored programs. Amends § 245F.12, subd. 3. Modifies terminology from “qualified medical professional” to “licensed practitioner.”
9	Exemption from license requirement. Amends § 245G.02, subd. 2. Specifies that screening, brief intervention, and referral to treatment (SBIRT) services are exempt from other statutory SUD assessment requirements.
10	Client records required. Amends § 245G.09, subd. 1. Requires a licensed nonresidential SUD treatment program to identify and document clients designated as receiving SBIRT services.
11	Rules for substance use disorder care. Amends § 254A.03, subd. 3. Specifies that SBIRT services are exempt from other statutory SUD assessment requirements.
12	Licensure required. Amends § 254B.05, subd. 1. Adds a cross reference to the definition for “licensed professional in private practice” to SUD assessment and treatment services section.

Section	Description
13	Authorization for foster care setting. Amends § 256B.0652, subd. 10. Modifies the list of MA home care services the commissioner is prohibited from authorizing when those services are provided in a foster care setting. Provides an immediate effective date.
14	Eligibility. Amends § 256B.0941, subd. 1. Removes requirement that eligibility for psychiatric residential treatment facility services be determined by the state medical review agent.
15	Per diem rate. Amends § 256B.0941, subd. 3. Clarifies that psychiatric residential treatment facility services may be billed by either the facility or the licensed professional providing the services; removes reference to the state medical review agent.
16	Definitions. Amends § 256B.0949, subd. 2. Modifies the definitions of “autism spectrum disorder or a related condition” and “early intensive developmental and behavioral intervention (EIDBI) benefit” under the statute governing the MA EIDBI benefit.
17	Comprehensive multidisciplinary evaluation. Amends § 256B.0949, subd. 5. Modifies the list of items that must be included in the comprehensive multidisciplinary evaluation by removing a requirement that information about the range of current EIDBI treatment modalities recognized by the commissioner be provided.
18	Individual treatment plan. Amends § 256B.0949, subd. 6. Modifies the list of items that must be specified in the individual treatment plan by removing specialized equipment or material and makes technical and conforming changes.
19	Revision of treatment options. Amends § 256B.0949, subd. 9. Modifies terminology and removes a requirement that the commissioner provide public notice of changes and a public comment period before revisions in department recognized treatment modalities become effective.
20	Covered services. Amends § 256B.0949, subd. 13. Paragraphs (a) and (b) remove the list of department recognized treatment modalities and, instead, require treatment to be based in developmental and behavioral evidence-based practices or practice-based evidence and to meet the treatment option requirements.

Section	Description
	Paragraph (c) specifies requirements for qualified EIDBI providers.
	Paragraph (e) makes terminology and grammatical changes and removes language describing EIDBI intervention observation and direction.
	Paragraph (f) requires intervention services to be provided under the direction of a qualified service provider. Allows interventions to take place across multiple settings. Specifies how the frequency and intensity of intervention services are provided. Allows intervention services to be provided individually or in a group.
	Paragraph (g) makes grammatical and terminology changes.
	Paragraphs (h) and (i) make conforming terminology changes.
	Paragraph (k) removes a limit on MA coverage of telemedicine services.
21	Person's rights. Amends § 256B.0949, subd. 14. Modifies a person's rights under EIDBI by requiring the person be free of all restricted procedures such as use of restraints.
22	EIDBI provider qualifications. Amends § 256B.0949, subd. 15. Makes a grammatical change and modifies qualifications for a level III provider by requiring completion of all required EIDBI training within six months of employment.
23	Agency duties. Amends § 256B.0949, subd. 16. Allows agencies delivering EIDBI services to have an office located in a border state (currently, agencies must have an office located in Minnesota).
24	Professional certification. Amends § 256D.02, subd. 17. Modifies the definition of "qualified professional" under the chapter of statutes governing general assistance by cross-referencing a new definition (the current definition is being removed in this bill).
25	Housing support. Amends § 256I.03, subd. 3. Makes terminology and technical changes.
26	Qualified professional. Amends § 256I.03, subd. 14. Modifies the definition of "qualified professional" under the chapter of statutes governing housing support by cross-referencing a new definition (the current definition is being removed in this bill).

Section	Description
27	Housing support agreements. Amends § 256I.04, subd. 2b. Makes terminology changes to conform to the change in the name of the program (housing support used to be called group residential housing).
28	Rate increases. Amends 256I.05, subd. 1c. Modifies language related to prior approval of absences to instead require advance reporting of absences.
29	Supplemental rate; Mahnommen county. Amends § 256I.05, subd. 1n. Makes a terminology change to conform to the change in the name of the program (housing support used to be called group residential housing).
30	State participation. Amends § 256I.05, subd. 8. Makes terminology changes to conform to the change in the name of the program (housing support used to be called group residential housing).
31	Time of payment. Amends § 256I.06, subd. 2. Makes conforming terminology changes.
32	Correction of overpayments and underpayments. Amends § 256I.06, by adding subd. 10. Requires the agency to make an adjustment to housing support payments issued to individuals consistent with requirements of federal law and regulation and state law and rule and to issue or recover benefits as appropriate. Specifies a recipient or former recipient is not responsible for overpayments due to agency error, unless the amount of the overpayment is large enough that a reasonable person would know it is an error.
33	Qualified professional. Amends § 256J.08, subd. 73a. Removes the definition of “qualified professional” under the chapter of statutes governing MFIP and adds a cross-reference to a new definition under the chapter of statutes governing public assistance simplification.
34	Qualified professional. Amends § 256P.01, by adding subd. 6a. Defines “qualified professional.”
35	Repealer. Repeals Minnesota Statutes, section 245F.02, subd. 20 (qualified medical professional).



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