

416.1 **ARTICLE 23**416.2 **DIRECT CARE AND TREATMENT**

416.3 Section 1. Minnesota Statutes 2015 Supplement, section 245.4889, subdivision 1,
416.4 is amended to read:

416.5 Subdivision 1. **Establishment and authority.** (a) The commissioner is authorized
416.6 to make grants from available appropriations to assist:

416.7 (1) counties;

416.8 (2) Indian tribes;

416.9 (3) children's collaboratives under section 124D.23 or 245.493; or

416.10 (4) mental health service providers.

416.11 (b) The following services are eligible for grants under this section:

416.12 (1) services to children with emotional disturbances as defined in section 245.4871,
416.13 subdivision 15, and their families;

416.14 (2) transition services under section 245.4875, subdivision 8, for young adults under
416.15 age 21 and their families;

416.16 (3) respite care services for children with severe emotional disturbances who are at
416.17 risk of out-of-home placement;

416.18 (4) children's mental health crisis services;

416.19 (5) mental health services for people from cultural and ethnic minorities;

416.20 (6) children's mental health screening and follow-up diagnostic assessment and
416.21 treatment;

416.22 (7) services to promote and develop the capacity of providers to use evidence-based
416.23 practices in providing children's mental health services;

416.24 (8) school-linked mental health services;

416.25 (9) building evidence-based mental health intervention capacity for children birth to
416.26 age five;

416.27 (10) suicide prevention and counseling services that use text messaging statewide;

416.28 (11) mental health first aid training;

416.29 (12) training for parents, collaborative partners, and mental health providers on the
416.30 impact of adverse childhood experiences and trauma and development of an interactive

416.31 Web site to share information and strategies to promote resilience and prevent trauma;

- 416.32 (13) transition age services to develop or expand mental health treatment and
416.33 supports for adolescents and young adults 26 years of age or younger;
- 416.34 (14) early childhood mental health consultation;
- 417.1 (15) evidence-based interventions for youth at risk of developing or experiencing a
417.2 first episode of psychosis, and a public awareness campaign on the signs and symptoms of
417.3 psychosis; ~~and~~
- 417.4 (16) psychiatric consultation for primary care practitioners; ~~and~~
- 417.5 (17) sustaining extended-stay inpatient psychiatric hospital services for children
417.6 and adolescents.
- 417.7 (c) Services under paragraph (b) must be designed to help each child to function and
417.8 remain with the child's family in the community and delivered consistent with the child's
417.9 treatment plan. Transition services to eligible young adults under paragraph (b) must be
417.10 designed to foster independent living in the community.
- 417.11 Sec. 2. Minnesota Statutes 2014, section 246.50, subdivision 7, is amended to read:
- 417.12 Subd. 7. **Client's county.** "Client's county" means the county of the client's legal
417.13 ~~settlement for poor relief purposes at the time of commitment or voluntary admission to a~~
417.14 ~~state facility, or if the client has no such legal settlement in this state, it means the county~~
417.15 ~~of commitment~~ financial responsibility under chapter 256G, except that where a client
417.16 ~~with no such legal settlement residence in this state is committed while serving a sentence~~
417.17 ~~at a penal institution, it means the county from which the client was sentenced.~~
- 417.18 Sec. 3. Minnesota Statutes 2014, section 246.54, as amended by Laws 2015, chapter
417.19 71, article 4, section 2, is amended to read:
- 417.20 **246.54 LIABILITY OF COUNTY; REIMBURSEMENT.**
- 417.21 Subdivision 1. ~~County portion for cost of care~~ **Generally.** (a) Except for chemical
417.22 dependency services provided under sections 254B.01 to 254B.09, the client's county
417.23 shall pay to the state of Minnesota a portion of the cost of care provided in a regional
417.24 treatment center or a state nursing facility to a client legally settled in that county. A
417.25 county's payment shall be made from the county's own sources of revenue and payments
417.26 shall equal a percentage of the cost of care, as determined by the commissioner, for each
417.27 day, or the portion thereof, that the client spends at a regional treatment center or a state
417.28 nursing facility ~~according to the following schedule:~~
- 417.29 Subd. 1a. **Anoka Metro Regional Treatment Center.** (a) A county's payment of
417.30 ~~the cost of care provided at Anoka Metro Regional Treatment Center shall be according to~~
417.31 ~~the following schedule:~~
- 417.32 (1) zero percent for the first 30 days;

417.33 (2) 20 percent for days 31 and over if the stay is determined to be clinically
417.34 appropriate for the client; and

418.1 (3) 100 percent for each day during the stay, including the day of admission, when
418.2 the facility determines that it is clinically appropriate for the client to be discharged.

418.3 (b) If payments received by the state under sections 246.50 to 246.53 exceed 80
418.4 percent of the cost of care for days over 31 for clients who meet the criteria in paragraph
418.5 (a), clause (2), the county shall be responsible for paying the state only the remaining
418.6 amount. The county shall not be entitled to reimbursement from the client, the client's
418.7 estate, or from the client's relatives, except as provided in section 246.53.

418.8 Subd. 1b. **Community behavioral health hospitals.** A county's payment of the
418.9 cost of care provided at state-operated community-based behavioral health hospitals shall
418.10 be according to the following schedule:

418.11 (1) 100 percent for each day during the stay, including the day of admission, when
418.12 the facility determines that it is clinically appropriate for the client to be discharged; and

418.13 (2) the county shall not be entitled to reimbursement from the client, the client's
418.14 estate, or from the client's relatives, except as provided in section 246.53.

418.15 Subd. 1c. **State-operated forensic services.** A county's payment of the cost of care
418.16 provided at state-operated forensic services shall be according to the following schedule:

418.17 (1) Minnesota Security Hospital: ten percent for each day, or portion thereof, that the
418.18 client spends in a Minnesota Security Hospital program. If payments received by the state
418.19 under sections 246.50 to 246.53 for services provided at the Minnesota Security Hospital
418.20 exceed 90 percent of the cost of care, the county shall be responsible for paying the state
418.21 only the remaining amount. The county shall not be entitled to reimbursement from the
418.22 client, the client's estate, or the client's relatives except as provided in section 246.53;

418.23 (2) forensic nursing home: ten percent for each day, or portion thereof, that the client
418.24 spends in a forensic nursing home program. If payments received by the state under
418.25 sections 246.50 to 246.53 for services provided at the forensic nursing home exceed 90
418.26 percent of the cost of care, the county shall be responsible for paying the state only the
418.27 remaining amount. The county shall not be entitled to reimbursement from the client, the
418.28 client's estate, or the client's relatives except as provided in section 246.53;

418.29 (3) forensic transition services: 50 percent for each day, or portion thereof, that the
418.30 client spends in the forensic transition services program. If payments received by the state
418.31 under sections 246.50 to 246.53 for services provided in the forensic transition services
418.32 exceed 50 percent of the cost of care, the county shall be responsible for paying the state
418.33 only the remaining amount. The county shall not be entitled to reimbursement from the
418.34 client, the client's estate, or the client's relatives except as provided in section 246.53; and

418.35 (4) residential competency restoration program:

419.1 (i) 20 percent for each day, or portion thereof, that the client spends in a residential
419.2 competency restoration program while the client is in need of restoration services;

419.3 (ii) 50 percent for each day, or portion thereof, that the client spends in a residential
419.4 competency restoration program once the examiner opines that the client no longer needs
419.5 restoration services; and

419.6 (iii) 100 percent for each day, or portion thereof, once charges against a client have
419.7 been resolved or dropped.

419.8 Subd. 2. **Exceptions.** (a) ~~Subdivision 1 does not apply to services provided at the~~
419.9 ~~Minnesota Security Hospital. For services at the Minnesota Security Hospital, a county's~~
419.10 ~~payment shall be made from the county's own sources of revenue and payments. Excluding~~
419.11 ~~the state-operated forensic transition service, payments to the state from the county shall~~
419.12 ~~equal ten percent of the cost of care, as determined by the commissioner, for each day, or~~
419.13 ~~the portion thereof, that the client spends at the facility. For the state-operated forensic~~
419.14 ~~transition service, payments to the state from the county shall equal 50 percent of the cost of~~
419.15 ~~care, as determined by the commissioner, for each day, or the portion thereof, that the client~~
419.16 ~~spends in the program. If payments received by the state under sections 246.50 to 246.53~~
419.17 ~~for services provided at the Minnesota Security Hospital, excluding the state-operated~~
419.18 ~~forensic transition service, exceed 90 percent of the cost of care, the county shall be~~
419.19 ~~responsible for paying the state only the remaining amount. If payments received by the~~
419.20 ~~state under sections 246.50 to 246.53 for the state-operated forensic transition service~~
419.21 ~~exceed 50 percent of the cost of care, the county shall be responsible for paying the state~~
419.22 ~~only the remaining amount. The county shall not be entitled to reimbursement from the~~
419.23 ~~client, the client's estate, or from the client's relatives, except as provided in section 246.53.~~

419.24 (b) ~~Regardless of the facility to which the client is committed, subdivision 1 does~~
419.25 ~~subdivisions 1, 1a, 1b, and 1c, do not apply to the following individuals:~~

419.26 (1) clients who are committed as sexual psychopathic personalities under section
419.27 253D.02, subdivision 15; and

419.28 (2) clients who are committed as sexually dangerous persons under section 253D.02,
419.29 subdivision 16.

419.30 Sec. 4. Minnesota Statutes 2014, section 246B.01, subdivision 1b, is amended to read:

419.31 Subd. 1b. **Civilly committed sex offender's county.** "Civilly committed sex
419.32 offender's county" means the county of the civilly committed sex offender's legal
419.33 settlement for poor relief purposes at the time of commitment. If the civilly committed
419.34 sex offender has no legal settlement for poor relief in this state, it means the county of
419.35 commitment financial responsibility under chapter 256G, except that when a civilly
420.1 committed sex offender with no legal settlement for poor relief residence in this state is
420.2 committed while serving a sentence at a penal institution, it means the county from which
420.3 the civilly committed sex offender was sentenced.

420.4 Sec. 5. Minnesota Statutes 2014, section 246B.01, subdivision 2b, is amended to read:

420.5 Subd. 2b. **Cost of care.** "Cost of care" means the commissioner's charge for housing
420.6 ~~and, treatment, aftercare services, and supervision~~ provided to any person admitted to or
420.7 on provisional discharge from the Minnesota sex offender program.

420.8 For purposes of this subdivision, "charge for housing ~~and, treatment, aftercare~~
420.9 ~~services, and supervision~~" means the cost of services, treatment, maintenance, bonds issued
420.10 for capital improvements, depreciation of buildings and equipment, and indirect costs
420.11 related to the operation of state facilities. The commissioner may determine the charge for
420.12 services on an anticipated average per diem basis as an all-inclusive charge per facility.

420.13 Sec. 6. Minnesota Statutes 2014, section 246B.035, is amended to read:

420.14 **246B.035 ANNUAL PERFORMANCE REPORT REQUIRED.**

420.15 The executive director of the Minnesota sex offender program shall submit
420.16 electronically a performance report to the chairs and ranking minority members of the
420.17 legislative committees and divisions with jurisdiction over funding for the program by
420.18 ~~January~~ February 15 of each year beginning in ~~2010~~ 2017. The report must include the
420.19 following:

420.20 (1) a description of the program, including the strategic mission, goals, objectives,
420.21 and outcomes;

420.22 (2) the programwide per diem reported in a standard calculated method as outlined
420.23 in the program policies and procedures;

420.24 (3) program annual statistics as outlined in the departmental policies and procedures;
420.25 and

420.26 (4) the sex offender program evaluation report required under section 246B.03. The
420.27 executive director shall submit a printed copy upon request.

420.28 Sec. 7. Minnesota Statutes 2014, section 246B.10, is amended to read:

420.29 **246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

420.30 (a) The civilly committed sex offender's county shall pay to the state a portion of the
420.31 cost of care provided in by the Minnesota sex offender program to a civilly committed sex
420.32 offender who has legally settled in that county. A county's payment must be made from
420.33 the county's own sources of revenue and payments must equal 25 percent of the cost of
421.1 care, as determined by the commissioner, for each day or portion of a day, that the civilly
421.2 committed sex offender spends at the facility receives services, either within a Department
421.3 of Human Services operated facility or while on provisional discharge.

421.4 (b) If payments received by the state under this chapter exceed 75 percent of the cost
421.5 of care, the county is responsible for paying the state the remaining amount.

421.6 (c) The county is not entitled to reimbursement from the civilly committed sex
421.7 offender, the civilly committed sex offender's estate, or from the civilly committed sex
421.8 offender's relatives, except as provided in section 246B.07.

421.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

421.10 Sec. 8. **REPORT ON ANOKA-METRO REGIONAL TREATMENT CENTER**
421.11 **(AMRTC), MINNESOTA SECURITY HOSPITAL (MSH), AND COMMUNITY**
421.12 **BEHAVIORAL HEALTH HOSPITALS (CBHH).**

421.13 The commissioner of human services shall issue a public quarterly report to the
421.14 chairs and minority leaders on the senate and house of representatives committees having
421.15 jurisdiction over health and human services issues on the AMRTC, MSH, and the CBHH.
421.16 The report shall contain information on the number of licensed beds, budgeted capacity,
421.17 occupancy rate, number of OSHA recordable injuries and the number of OSHA recordable
421.18 injuries due to patient aggression or restraint, number of clinical positions budgeted, the
421.19 percentage of those positions that are filled, the number of direct care positions budgeted,
421.20 and the percentage of those positions that are filled.