Bill Summary Comparison of

Health and Human Services

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| Senate File 3656-2 | House File 3138-3 |
| Article 29, State-Operated Services; Chemical and Mental Health | Article 3, Chemical and Mental Health |

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| Article 29, State-Operated Services; Chemical and Mental Health |  | Article 3, Chemical and Mental Health |
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|  | House only. | Section 1. Mental health screening. Amends § 13.851. Specifies that the treatment of data collected by a sheriff or corrections agency for individuals who may have a mental illness is governed by § 641.15, subd. 3a. |
| **Section 1 (245.4889, subd. 1)** amends the children’s mental health act, by striking the clause that allows school-linked mental health grants to be used for transportation, because it is moved to the next section, and adds a clause requiring a grantee to obtain all available third-party reimbursement sources, which is current practice. | Senate only. |  |
| **Section 2 (245.4889, subd. 1a)** lists the eligible applicants for school-linked mental health grants, and provides that allowable expenses include transportation, and equipment and set-up fees to deliver services via telemedicine. | Senate only. |  |
| **Section 3 (246.0415)** modifies the state-operated services chapter of law, by requiring that clients who exhibit assaultive or violent behavior, have severe behavior issues, or are involved with or are at risk of being involved with the criminal justice system be placed in or moved to a setting that meets the client’s needs and ensures the safety of the public. Clients must not be placed in a residential setting that jeopardizes the safety of others until the commissioner determines that the client is low risk for committing violent acts. | Senate only. |  |
|  | SF No. 3286, section 1, second reading. | Section 2. Grant of license; license extension. Amends § 245A.04, subd. 7. Allows the commissioner of human services to issue a temporary change of ownership license or provisional license. Prohibits commissioner from issuing or reissuing a license if the applicant had been denied a license, including a license following expiration of a provisional license, within the past two years. |
|  | SF No. 3286, section 2, second reading. | Section 3. Notification required. Amends § 245A.04, adding subd. 7a. Paragraph (a) requires a license holder to notify the commissioner and obtain approval before making any changes that would alter the license information.  Paragraph (b) requires a license holder to notify the commissioner at least 30 days before the change is effective, in writing, of certain listed changes.  Paragraph (c) requires a license holder to provide amended articles of incorporation or other documents reflecting a change to business structure or services. Makes this section effective August 1, 2018. |
|  | SF No. 3286, section 3, second reading. | Section 4. License application after a change of ownership. Proposes coding for § 245A.043.  Subd. 1. Transfer prohibited. Specifies that a license is not transferable or assignable.  Subd. 2. Change of ownership. Requires submission of a new license application when the commissioner determines that a change in ownership will occur. Specifies what constitutes a change in ownership.  Subd. 3. Change of ownership requirements. Paragraph (a) requires written notice to the commissioner of any proposed sale or change of ownership at least 60 days prior to the anticipated change, when the new owner intends to assume operation without interruption.  Paragraph (b) requires a prospective new owner or operator to submit a license application at least 30 days prior to the change, and comply with all statutory requirements.  Paragraph (c) allows the commissioner to develop application procedures for when the applicant is a current license holder, and the program is currently licensed by DHS and in substantial compliance.  Paragraph (d) specifies that the existing license holder is responsible for operating the program until a license is issued to the new owner or operator.  Paragraph (e) allows the commissioner to waive a new owner or operator’s licensing inspection, under certain circumstances.  Paragraph (f) requires a new owner or operator to submit a letter identifying how and when they will resolve any outstanding correction orders, if applicable.  Paragraph (g) specifies that any licensing actions taken against the existing license holder when the new owner or operator is applying for a license will remain in effect until the grounds for the action are corrected or no longer exist.  Paragraph (h) requires the commissioner to evaluate a license application according to statute.  Paragraph (i) allows the commissioner to deny an application according to statute, and allows for appeals.  Paragraph (j) specifies that this subdivision does not apply to a home-based program or service.  Subd. 4. Temporary change of ownership license. Establishes a temporary change of ownership license for a new owner or operator while the commissioner evaluates the new owner or operator’s license application. Allows commissioner to establish criteria for issuing such licenses.  Makes this section effective August 1, 2018. |
|  | SF No. 3286, section 4, second reading. | Section 5. Risk of harm; set aside. Amends § 245C.22, subd. 4. Requires the commissioner to set aside a disqualification for an individual in the chemical dependency field if:  (1) the individual is a nonviolent controlled substance offender;  (2) the individual is disqualified for one or more listed controlled substance offenses;  (3) the individual provides documentation of successful completion of treatment at least one year prior;  (4) the individual provides documentation of abstinence from controlled substances for at least one year prior; and  (5) the individual is seeking employment in the chemical dependency field. |
|  | SF No. 3286, section 5, second reading. | Section 6. Scope of set-aside. Amends § 245C.22, subd. 5. Provides an exception for a set-aside for a person in the chemical dependency field, under subd. 4. |
|  | SF No. 3286, section 6, second reading. | Section 7. License requirements. Amends § 245G.03, subd. 1. Specifies that the assessment of need process established in Minnesota Rules does not apply to programs licensed under chapter 245G. Allows the commissioner to deny a license if the services in the local area are sufficient to meet local need, and the addition of new services would be detrimental. |
|  | House only. | Section 8. Rules for substance use disorder care. Amends § 254A.03, subd. 3. Allows for a structured substance use disorder assessment provided to a recipient of public assistance to establish medical necessity and approval for an initial set of substance use disorder services. Specifies what the initial services must include. Makes this section effective July 1, 2018, contingent upon federal approval. |
| **Sections 4 and 5 (254B.02, subd. 1 and 254B.06, subd. 1)** strike language that allows the Department of Human Services to use consolidated chemical dependency treatment fund (CCDTF) revenues for administrative purposes. This section is effective July 1, 2018. | Sections 4 and 9 identical except for Senate effective date.  Staff recommends Senate. | Section 9. Chemical dependency treatment allocation. Amends § 254B.02, subd. 1. Removes language governing transfer of funds from the chemical dependency fund for administrative purposes. |
|  | SF No. 3286, section 7, second reading. | Section 10. Chemical dependency fund payment. Amends § 254B.03, subd. 2. Removes provision requiring prior approval from the commissioner for chemical dependency services. Allows the commissioner to deny a license if the services in the local area are sufficient to meet local need, and the addition of new services would be detrimental. |
|  | House only. | Section 11. State agency hearings. Amends § 256.045, subd. 3. Permits a state agency hearing for a county that disputes the cost of care for a client in a state-operated facility, when discharge is delayed and the county has developed a viable discharge plan. |
|  | SF No. 3286, section 12, second reading. | Section 12. Officer-involved community-based care coordination. Amends § 256B.0625, subd. 56a. Updates terminology related to post-arrest community-based service coordination for individuals with mental illness or substance use disorder. Adds language including Indian health service facilities, and adds qualified alcohol and drug counselors and recovery peer specialists to those who may provide care coordination under this section. Makes the section effective retroactively from March 1, 2018. |
|  | House only. | Section 13. Intake procedure; approved mental health screening. Amends § 641.15, subd. 3a. Allows a sheriff or local corrections staff to share certain mental health data and other private data on inmates, and to refer an offender to the local county social services agency in order to arrange services for the following services after the inmate is released:  (1) assist the inmate in applying for medical assistance of MinnesotaCare;  (2) refer the inmate for case management by a county;  (3) assist the inmate in obtaining state photo identification;  (4) secure an appointment with a mental health provider;  (5) obtain necessary medications; or  (6) provide behavioral health service coordination. |
|  | House only. | Section 14. Effective date. Amends Laws 2017, First Special Session chapter 6, article 8, § 71. Extends provision governing state-only MA funding payments for mental health services provided in children’s residential facilities that have been determined by the federal Centers for Medicare and Medicaid Services to be institutions for mental disease, until July 1, 2019. |
|  | House only. | Section 15. Effective date. Amends Laws 2017, First Special Session chapter 6, article 8, § 72. Extends provision governing state-only MA funding payments for mental health services provided in children’s residential facilities that have been determined by the federal Centers for Medicare and Medicaid Services to be institutions for mental disease, until July 1, 2019. |
|  | House only. | Section 16. Children’s mental health report and recommendations. Amends Laws 2017, First Special Session chapter 6, article 8, § 74. Extends the deadline for the children’s mental health report until January 15, 2019. |
| **Section 6** establishes the person-centered telepresence platform expansion work group.  Subdivision 1 requires the commissioner to convene the work group to explore opportunities to collaborate and expand strategies for person-centered innovation using Internet telepresence in delivering health and human services, as well as related educational and correctional services.  This subdivision lists the members that the Commissioner of Human Services, in consultation with the Commissioner of Health, shall appoint, and lists the duties of the work group in subdivision 3.  A report is due by January 15, 2019, under subdivision 4, and the work group expires on January 16, 2019, under subdivision 5. | Senate only. |  |