

# Chapter 7

2020 First Special Session

**Subject** DHS and MDH COVID-19-Related Waiver Extensions

**Analyst** Randall Chun  
Elisabeth Klarqvist  
Danyell Punelli  
Sarah Sunderman

**Date** June 22, 2020

## Overview

This act provides extensions to certain COVID-19 health and human services program waivers and modifications and appropriates money from the coronavirus relief federal fund for certain housing support modifications.

## Summary

Section	Description
---------	-------------

1	<b>Commissioner of human services; extension of COVID-19 human services program waivers and modifications.</b>
---	--

**Subd. 1. Waivers and modifications; federal funding extension.** When the peacetime emergency declared by the governor related to COVID-19 ends, allows the following waivers and modifications to human services programs required to comply with federal law to remain in effect for the time period set out in federal law or the time period set out in any federally approved waiver or state plan amendment, whichever is later.

- 1) CV17: preserving health coverage for MA and MinnesotaCare – continuing enrollment in these programs during the pandemic and not sending renewal or closure notices, unless the enrollee requests an end to coverage or moves out of state.
- 2) CV18: implementing federal changes to the Supplemental Nutrition Assistance Program (SNAP) – waiving work requirements for certain SNAP participants.
- 3) CV20: eliminating MA and MinnesotaCare cost-sharing for COVID-19 diagnosis, testing, and treatment.
- 4) CV37: implementing federal changes to SNAP – extending recertification dates for SNAP and the Minnesota Food Assistance Program (MFAP).

**Section Description**

---

- 5) CV39: implementing federal changes to SNAP – providing emergency increases of SNAP and MFAP benefits.
- 6) CV59: modifying eligibility period for the federally funded Refugee Cash Assistance Program – allowing the benefit eligibility period to be extended from eight months to 18 months, with the additional months not to extend beyond September 30, 2020.
- 7) CV60: modifying eligibility period for the federally funded Refugee Social Services Program – extending the 60-month eligibility period, with the additional months not to extend beyond September 30, 2020.

**Subd. 2. Waivers and modifications; extension to June 30, 2021.** When the peacetime emergency declared by the governor related to COVID-19 ends, allows the following waivers and modifications to human services programs, including any amendments to the waivers and modifications, to remain in effect until June 30, 2021, unless federal approval is not received at any time.

- 1) CV15: allowing phone or video visits for waiver programs – waiving certain requirements for face-to-face visits for the elderly and people with disabilities receiving long-term services and supports.
- 2) CV16: expanding access to telemedicine services for Children’s Health Insurance Program, MA, and MinnesotaCare enrollees, by allowing the expanded use of telephone calls, allowing more than three telemedicine visits a week, and making other changes.
- 3) CV21: allowing telemedicine to be used for school-linked mental health services and intermediate school district mental health services, including but not limited to no longer requiring the first visit to be in-person, allowing more than three telemedicine visits a week, and allowing use of the telephone and other non-secured communication platforms.
- 4) CV24: allowing phone or video use for targeted case management visits.
- 5) CV30: expanding telemedicine in health care, mental health, and substance use disorder settings, by expanding the list of providers authorized to use telemedicine and expanding the services that can be provided by telemedicine.
- 6) CV31: allowing counties to request administrative review and waiver of a portion of counties’ increased financial responsibility for a delay in discharge from psychiatric hospitals operated by DHS, if the delay is directly related to the COVID-19 pandemic.
- 7) CV38: allowing flexibility in housing licensing requirements – allows people to move to another setting, approved by DHS, in order to isolate and keep safe.

**Section Description**

---

- 8) CV43: expanding remote home and community-based services waiver services – allowing remote services by phone and other interactive technologies for people with disabilities.
- 9) CV44: allowing remote delivery of adult day services – authorizing licensed adult day services providers to provide certain similar services remotely and/or in-person to one person at a time.
- 10) CV45: modifying certain licensing requirements for substance use disorder treatment. Requires programs to become and remain familiar with MDH and CDC guidance on COVID-19 and to follow MDH and CDC guidance if a client or staff person tests positive for COVID-19. Allows continued flexibility to provide services via telephone or video communication, increased medication-assisted treatment take-home doses, and temporary suspension or limited attendance for group counseling. Removes requirements for opioid treatment programs to conduct community outreach activities and allows for verbal approval of a treatment plan, rather than requiring a signature.
- 11) CV49: modifying certain license requirements for adult day services – providing minimum health and safety standards for services provided remotely and in people’s homes during the peacetime emergency and requiring providers to notify the commissioner if they plan to provide services to existing clients during the peacetime emergency.
- 12) CV50: modifying certain requirements for early intensive developmental and behavioral intervention (EIDBI) services – allows more flexibility to provide services using phone and Internet video tools, clarifies limits on the number of telemedicine visits allowed per week, waives the face-to-face requirement for EIDBI coordinated care conferences, and waives the requirement to update the individual treatment plan to extend service authorizations.
- 13) CV53: allowing flexibility for personal care assistance (PCA) service oversight, except that the portion of this modification allowing PCA workers to bill 310 hours per month expires upon the expiration of the peacetime emergency – allowing qualified professionals to provide required in-person oversight of PCA workers via phone or video technology.
- 14) CV64: modifying certain certification requirements for mental health centers. Requires programs to become and remain familiar with MDH and CDC guidance on COVID-19 and to follow MDH and CDC guidance if a client or staff person tests positive for COVID-19. Allows flexibility for mental health professional supervision of clinical services at satellite locations, case consultation meetings, and mental health professional client-specific supervisory contact via telephone or video.

**Section Description**

---

**Subd. 3. Waivers and modifications; 60-day transition period.** When the peacetime emergency declared by the governor related to COVID-19 ends, allows all waivers and modifications issued by the commissioner related to COVID-19 that have not been extended under subdivisions 1, 2, and 4 to remain in effect for no more than 60 days, only for purposes of transitioning affected programs back to operating without the waivers or modifications.

**Subd. 4. Modification; extension to December 30, 2020.** When the peacetime emergency declared by the governor related to COVID-19 ends, requires the exemption for temporary absence policy in housing support (continuing housing support payments for people quarantined or hospitalized due to the COVID-19 pandemic), including any amendments to the modification, to remain in effect until December 30, 2020.

Provides that this section is effective the day following final enactment.

**2 Extension of medical cannabis program telemedicine flexibilities.**

When the peacetime emergency declared by the governor in response to COVID-19 ends, requires the following provisions in Executive Order 20-26 to remain in effect until June 30, 2021:

- authorization for health care practitioners to use telemedicine to conduct patient assessments to certify patient qualifying medical conditions (under current law, patient assessments to issue an initial certification of a qualifying medical condition must be made by in-person visits, and patient assessments to issue a recertification may be conducted via telemedicine); and
- authorization for medical cannabis manufacturer employees licensed as pharmacists to conduct consultations with patients or caregivers via telemedicine before distribution of medical cannabis (under current law, these consultations may be conducted remotely by videoconference and the patient must be at the distribution facility for the consultation).

Provides that this section is effective the day following final enactment.

**3 Appropriation; housing support temporary absence policy modification extension.**

Appropriates \$1,135,000 in fiscal year 2021 from the coronavirus relief federal fund to the commissioner of human services for extending the modification to the housing support temporary absence policy. Specifies that this is a onetime appropriation.

Provides that this section is effective the day following final enactment.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155