

1.1 ..... moves to amend H.F. No. 2128, in conference committee, House Article  
1.2 2, as follows:

1.3 On R6, House language, (H2128-4)

1.4 Page 88, lines 29 and 30, reinstate the stricken language

1.5 Page 88, line 31, reinstate the stricken "is exempt from the requirements of" and after  
1.6 the stricken period insert "sections 245G.03, subdivision 2, paragraph (b), and 254B.03,  
1.7 subdivision 2, paragraphs (d) and (e)."

1.8 On R66, House language, (H2128-4)

1.9 Page 143, line 20, delete everything after "(b)" and insert "The applicant must submit  
1.10 documentation that the applicant has notified the county as required under section 254B.03,  
1.11 subdivision 2."

1.12 Page 143, delete lines 21 to 30

1.13 Page 144, delete lines 1 to 3

1.14 On R68, House language, (H2128-4)

1.15 Page 144, before line 4, insert:

1.16 "Sec. .... Minnesota Statutes 2020, section 254B.03, subdivision 2, is amended to read:

1.17 Subd. 2. **Chemical dependency fund payment.** (a) Payment from the chemical  
1.18 dependency fund is limited to payments for services other than detoxification licensed under  
1.19 Minnesota Rules, parts 9530.6510 to 9530.6590, that, if located outside of federally  
1.20 recognized tribal lands, would be required to be licensed by the commissioner as a chemical  
1.21 dependency treatment or rehabilitation program under sections 245A.01 to 245A.16, and  
1.22 services other than detoxification provided in another state that would be required to be  
1.23 licensed as a chemical dependency program if the program were in the state. Out of state

2.1 vendors must also provide the commissioner with assurances that the program complies  
2.2 substantially with state licensing requirements and possesses all licenses and certifications  
2.3 required by the host state to provide chemical dependency treatment. Vendors receiving  
2.4 payments from the chemical dependency fund must not require co-payment from a recipient  
2.5 of benefits for services provided under this subdivision. The vendor is prohibited from using  
2.6 the client's public benefits to offset the cost of services paid under this section. The vendor  
2.7 shall not require the client to use public benefits for room or board costs. This includes but  
2.8 is not limited to cash assistance benefits under chapters 119B, 256D, and 256J, or SNAP  
2.9 benefits. Retention of SNAP benefits is a right of a client receiving services through the  
2.10 consolidated chemical dependency treatment fund or through state contracted managed care  
2.11 entities. Payment from the chemical dependency fund shall be made for necessary room  
2.12 and board costs provided by vendors meeting the criteria under section 254B.05, subdivision  
2.13 1a, or in a community hospital licensed by the commissioner of health according to sections  
2.14 144.50 to 144.56 to a client who is:

2.15 (1) determined to meet the criteria for placement in a residential chemical dependency  
2.16 treatment program according to rules adopted under section 254A.03, subdivision 3; and

2.17 (2) concurrently receiving a chemical dependency treatment service in a program licensed  
2.18 by the commissioner and reimbursed by the chemical dependency fund.

2.19 (b) A county may, from its own resources, provide chemical dependency services for  
2.20 which state payments are not made. A county may elect to use the same invoice procedures  
2.21 and obtain the same state payment services as are used for chemical dependency services  
2.22 for which state payments are made under this section if county payments are made to the  
2.23 state in advance of state payments to vendors. When a county uses the state system for  
2.24 payment, the commissioner shall make monthly billings to the county using the most recent  
2.25 available information to determine the anticipated services for which payments will be made  
2.26 in the coming month. Adjustment of any overestimate or underestimate based on actual  
2.27 expenditures shall be made by the state agency by adjusting the estimate for any succeeding  
2.28 month.

2.29 (c) The commissioner shall coordinate chemical dependency services and determine  
2.30 whether there is a need for any proposed expansion of chemical dependency treatment  
2.31 services. The commissioner shall deny vendor certification to any provider that has not  
2.32 received prior approval from the commissioner for the creation of new programs or the  
2.33 expansion of existing program capacity. The commissioner shall consider the provider's  
2.34 capacity to obtain clients from outside the state based on plans, agreements, and previous  
2.35 utilization history, when determining the need for new treatment services.

3.1 (d) At least 60 days prior to submitting an application for new licensure under chapter  
3.2 245G, the applicant must notify the county human services director in writing of the  
3.3 applicant's intent to open a new treatment program. The written notification must include,  
3.4 at a minimum:

3.5 (1) a description of the proposed treatment program; and

3.6 (2) a description of the target population to be served by the treatment program.

3.7 (e) The county human services director may submit a written statement to the  
3.8 commissioner, within 60 days of receiving notice from the applicant, regarding the county's  
3.9 support of or opposition to the opening of the new treatment program. The written statement  
3.10 must include documentation of the rationale for the county's determination. The commissioner  
3.11 shall consider the county's written statement when determining whether there is a need for  
3.12 the treatment program as required by paragraph (c)."

3.13 On R79, House language, (H2128-4)

3.14 Page 150, delete line 19

3.15 Renumber the sections in sequence and correct the internal references

3.16 Amend the title accordingly