

**Subject** Substance Use Disorder Services

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### Overview

This bill contains provisions related to client support for persons receiving substance use disorder (SUD) services, workforce and payment, documentation of treatment, and other issues related to the provision of SUD services.

## Article 1: Client Services and Supports

This article includes provisions related to a housing fidelity bond program, client access to birth records and driver's licenses, transition services, the use of guest speakers, and provider access to data collected by the commissioner.

### Section Description - Article 1: Client Services and Supports

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- 1 Housing fidelity bond program.**

Adds § 116J.418. Requires the commissioner of employment and economic development to request permission from the U.S. Department of Labor to implement a five-year pilot program to provide fidelity bonds for MA enrollees who are receiving, or have received, SUD treatment services within the last 12 months. Specifies related requirements for the commissioner.
- 2 Certified birth record for persons eligible for MA.**

Adds § 144.2256. Specifies the procedure by which an MA eligible individual who has been treated for an SUD within the last 12 months may apply to the state registrar or local issuance office and receive a certified birth record, or statement of no vital record found, and have all fees waived.
- 3 Birth record fees waived for people treated for substance use disorder.**

Amends § 144.226, by adding subd. 9. Provides that a subject of a birth record who is eligible for MA and has been treated for an SUD within the past 12 months shall not be charged any fees for a certified birth record or statement of no vital record found. Provides a January 1, 2023, effective date.

**Section Description - Article 1: Client Services and Supports**

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- 4      **Application; identification card or copy of driver’s license.**  
Amends § 171.06, by adding subd. 8. Specifies the procedure by which an MA eligible individual who has been treated for an SUD within the last 12 months may apply to the commissioner of public safety or driver’s license agent and receive an identification card or driver’s license, and have all fees waived.
- 5      **Guest speaker.**  
Amends § 245G.01, by adding subd. 13b. Provides a definition of “guest speaker.”
- 6      **Transition follow-up services.**  
Amends § 245G.07, by adding subd. 1a. Allows clients discharged from a treatment center to receive, upon client request, individual transition follow-up counseling services from that treatment center, for up to one year following discharge. Specifies service criteria and allows providers to bill for the service at the same rate as for individual counseling sessions. Limits clients to four sessions per month. Specifies documentation requirements and requires prepaid medical assistance plans to allow members to access this benefit. Provides a January 1, 2023, effective date.
- 7      **Transition support services.**  
Amends § 245G.07, by adding subd. 2a. (a) Requires the commissioner to offer transition support services for six months to a person who has completed a treatment program that required 15 or more hours of treatment services per week and receives MA or services from the behavioral health fund.  
  
(b) States that transition support services include a monthly \$500 voucher for recovery safe housing, \$500 per month for food support or any greater amount the individual is eligible for, child care up to 20 hours per week or any greater amount the individual is eligible for, and transportation services.  
  
(c) Requires the commissioner to maximize existing federal and state funding sources the person is eligible for, and not count these benefits as income for purposes of qualifying for public assistance programs.  
  
(d) States that these services are provided for the full six-month period regardless of public assistance eligibility during that period.
- 8      **Provider policies and procedures.**  
Amends § 245G.12. Requires license holders to identify in their written policies and procedures manual the groups and topics a guest speaker could address under the direction of a licensed alcohol and drug counselor.

**Section Description - Article 1: Client Services and Supports**

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**9 Substance use disorder treatment effectiveness.**

Amends § 254B.051. Requires all data collected by the commissioner from SUD treatment providers to be made available to providers. Specifies requirements the commissioner must follow in making this data available. These requirements include making the data available at least annually and allowing providers to compare their performance against other providers.

## **Article 2: Workforce**

This article includes provisions related to the practice of alcohol and drug counseling by former students, the content of staff training on HIV, billing in situations when clients have missed services, and provider payment rate increases.

**Section Description - Article 2: Workforce**

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**1 Former students.**

Amends § 148F.11, by adding subd. 2a. Allows former students to practice alcohol and drug counseling for 90 days from the former student's degree conferral date from an accredited program or from the last date the former student received course credit. Requires a supervisor to supervise the former student's practice. States that this right to practice automatically expires 90 days from the relevant date, whichever is later. States that the section is effective the day following final enactment.

**2 HIV training in chemical dependency treatment program.**

Amends § 245A.19. Requires the commissioner to outline the content required in annual staff training on HIV minimum standards by applicants and license holders for chemical dependency residential and nonresidential programs. Also makes technical changes.

**3 Rate requirements.**

Amends § 254B.05, subd. 5. The amendment to paragraph (a), clause (8), allows license holders unable to provide all residential treatment services because a client missed services to bill for the client's intensity level of services if the license holder can document the reason services were missed and interventions to address the client's absence. Allows hours in a treatment week to be reduced due to federally recognized holidays. Also makes a technical change in clause (3).

The amendment to paragraph (c), clause (5), eliminates the requirement that programs that offer services to individuals with co-occurring mental health and chemical dependency programs have 25 percent of their counseling staff be licensed

**Section Description - Article 2: Workforce**

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mental health professionals; this percentage is replaced with a requirement that the program have sufficient staff.

A new paragraph (i) requires programs using a qualified guest speaker to maintain documentation of the person's qualifications on the program topic, and requires a qualified counselor to be present during the delivery of content and responsible for documentation.

**4 Automatic inflation adjustment.**

Amends § 254B.05, by adding subd. 6. Requires the commissioner to adjust base rates for SUD services by the change in the CPI-U, beginning on or before July 1, 2024, until the new comprehensive rate framework for SUD residential and outpatient services is implemented. Requires the commissioner to report to the legislature on the status of framework implementation and provides that the subdivision expires the day following implementation of the new framework.

**5 Chemical dependency provider rate increase for 2022.**

Amends § 254B.12, by adding subd. 5. Provides a ten percent increase for SUD services provided on or after July 1, 2022.

### **Article 3: Service Preservation and Access**

This article includes provisions related to the operation of withdrawal management programs, service documentation and treatment plan reviews, DHS reporting on managed care SUD payment rates, and implementation of paperwork reductions and systems improvements.

**Section Description - Article 3: Service Preservation and Access**

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**1 General application and license requirements.**

Amends § 245F.04, subd. 1. Allows supervised living facilities with a class A license to operate withdrawal management programs (current law limits this to facilities with class B licenses).

**2 Documentation of treatment services.**

Amends § 245G.06, by adding subd. 2a. Allows treatment providers seven days to document in the client record information on the treatment services provided.

**Section Description - Article 3: Service Preservation and Access**

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- 3 Client record documentation requirements.**  
Amends § 245G.06, by adding subd. 2b. Requires license holders to document in the client record significant events, within 24 business hours of the event. Defines significant event and lists criteria for documentation.
- 4 Treatment plan review.**  
Amends § 245G.06, subd. 3. Eliminates the requirement that a review of all treatment services be documented weekly. Requires a treatment plan review to be entered into a client's file at least every 28 calendar days by an alcohol and drug counselor. Modifies requirements for the review. Provides an August 1, 2022, effective date.
- 5 Annual report on provider reimbursement rates.**  
Amends § 256B.69, subd. 9f. Requires the annual DHS report to the legislature on managed care and county-based purchasing plan reimbursement rates to include SUD service rates.
- 6 Direction to the commissioner; substance use disorder treatment paperwork reduction.**  
Amends Laws 2021, First Special Session chapter 7, article 11, section 38. Requires the commissioner to implement paperwork reductions and systems improvements within two years of contracting with a qualified vendor (strikes the current implementation date of December 15, 2022).
- 7 Repealer.**  
Repeals § 245G.05, subd. 2 (requirement that alcohol and drug counselors complete comprehensive assessment summaries).



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