

SF 4399/HF 4392 | Behavioral Health, Housing, Deaf and Hard of Hearing, Disability Services policy bill overview

- **Sections 2 & 21 | Disability Services Forms Clean-up**
 - This provision would modify Minnesota Statutes 245D.10 and 256B.4914 to require that lead agencies and providers use a specific form when reporting service terminations or providing information related to the Disability Waiver Rate System (DWRS). The forms have already been created and are already used by the majority of counties.

- **Section 18 | Personal Care Assistance (PCA) and Community First Services and Supports (CFSS) Remote Reassessment**
 - This provision builds on changes made in recent legislative sessions that allowed people on home and community-based waivers to obtain their annual long-term care consultation (LTCC) reassessment remotely, rather than in-person. This modification would ensure people on the PCA program have the same options to complete their required annual reassessment.

- **Section 19 | Technology First Policy Update**
 - The 2020 Legislature codified policy statements memorializing that adults and children with disabilities can use assistive technology and remote supports to enhance independence and quality of life and that DHS must ensure individuals with disabilities are offered the opportunity to choose assistive technology or remote supports. This provision provides a technical clarification to conform the technology policy statement with other disability policy statements to state that individuals should be offered opportunities to choose assistive technology before being offered traditional services.

- **Sections 1, 10, 20, & 38 | Minimum Wage Protections for People with Disabilities**
 - The 2021 Minnesota Legislature created the Task Force on Subminimum Wages (Minnesota Laws 2021, 1st Special Session, Chapter 7, Article 17 section 14) to develop a plan and make recommendations to phase out payment of special wages to people with disabilities on or before August 1, 2028. The 2023 Legislature enacted a number of provisions recommended by the Task Force to support employers, providers, lead agencies and the state phase out the use of special minimum wage. This proposal would require minimum wages for people with disabilities by August 1, 2028.

- **Sections 22-37 | Modernization of Deaf and Hard of Hearing Services Act**
 - This proposal will update and modernize the Deaf and Hard of Hearing Services Act. The proposal updates the Deaf and Hard of Hearing Services division (DHHS) duties and responsibilities. It

also modernizes language to respect to the identities and needs of the deaf, deafblind, and hard of hearing communities. The proposal has the following components:

- Modifies DHHSD's name to formally incorporate the term "DeafBlind" and change to the Deaf, DeafBlind, and Hard of Hearing State Services Division.
- Requires services that are linguistically affirmative.
- Technical, clarifying, and conforming changes.

- **Sections 3-9, 11-17 | Behavioral Health Technical Corrections**

- This proposal includes technical, clarifying, and policy changes:

- **SUD Cross-reference clean-up.** The 2023 legislature made changes to section 254B.05, subd. 5 that shifted clauses. Cross-references were not updated in section [256B.0759, subd. 4](#) which inadvertently results in the elimination of the rate enhancement for some [1115 SUD demonstration](#) enrollees. Removal of this rate enhancement was unintended and not part of fiscal tracking.
- **SUD Medically Monitored Intensive Inpatient Services level of care.** Changes are needed regarding the American Society of Addiction Medicine (ASAM) medically monitored level of care (3.7) for SUD providers in the 1115 demonstration. Currently there is one 3.7 provider in the state. This level of care is not identified in the demonstration implementation plan. Requiring this provider to enroll in the demonstration, would require them to identify themselves at an incorrect level of care. This provision would allow flexibility for 3.7 providers to in meeting the 1/1/24 deadline for residential providers to enroll in the demonstration.
- **SUD Definitions alignment clean-up.** This change would align the definition of peer recovery support services, recovery peer, and recovery peer qualifications for DHS licensed withdrawal management programs with existing language in substance use disorder licensed programs. These definitions were modified by the 2023 Legislature.
- **SUD Comprehensive Assessment clarifications.** This provision clarifies the difference between a comprehensive assessment when it is conducted within a program and needs to meet the licensing guidelines versus assessments completed outside a licensed program when those timelines do not apply. This provision also moves language about opioid education to service initiation rather than waiting to provide the information when the comprehensive assessment is done because the program has several days to complete.

- **Behavioral Health Fund clarification.** Language passed during the 2023 session conflicts with a different area of statute that needs to be clarified. Minnesota Statutes 254B.05, subdivision 5 (i) allows a program to bill for services prior to the completion of the comprehensive assessment if the assessment is completed within the required 245G licensing timeframes. Section 254B.04, subdivision 6 currently states that behavioral health fund eligibility is to be determined when the comprehensive assessment is complete. Since providers will be seeking funding for treatment prior to completion of the assessment, this provision would align behavioral health fund requirements so that eligibility may be determined upon date of request.
- **Corrections.** This provision reinstates and clarifies clause (6) in Section 254B.05 which was inadvertently deleted in the final human services budget bill. The language reinserts DHS authority to set rates for opioid treatment programs, consistent with Governor's budget language that was included in previous engrossments of the bill. It also conforms SUD statute to the recent organization name change of the Association for Recovery Community Organizations (ARCO) and clarifies their current scope of services to also include certification.