

1.1 moves to amend H.F. No. 1412 as follows:

1.2 Page 1, line 17, delete "credentialed,"

1.3 Page 1, line 22, delete everything after "26" and insert a period

1.4 Page 1, delete line 23

1.5 Page 2, line 19, after "patient" insert "if the communication is a scheduled appointment
1.6 and the standard of care for the service can be met through the use of audio-only
1.7 communication"

1.8 Page 2, after line 22, insert:

1.9 "(i) "Telemonitoring services" means the remote monitoring of clinical data related to
1.10 the enrollee's vital signs or biometric data by a monitoring device or equipment that transmits
1.11 the data electronically to a health care provider for analysis. Telemonitoring is intended to
1.12 collect an enrollee's health-related data for the purpose of assisting a health care provider
1.13 in assessing and monitoring the enrollee's medical condition or status."

1.14 Page 2, line 29, delete "patients" and insert "enrollees"

1.15 Page 4, line 23, delete "a result of"

1.16 Page 4, after line 24, insert:

1.17 "Subd. 7. Telemonitoring services. A health carrier must provide coverage for
1.18 telemonitoring services if:

1.19 (1) the telemonitoring service is medically appropriate based on the enrollee's medical
1.20 condition or status;

1.21 (2) the enrollee is cognitively and physically capable of operating the monitoring device
1.22 or equipment, or the enrollee has a caregiver who is willing and able to assist with the
1.23 monitoring devices or equipment; and

2.1 (3) the enrollee resides in a setting that is suitable for telemonitoring and not in a setting
 2.2 that has health care staff on site."

2.3 Page 8, line 16, delete the new language and strike "and"

2.4 Page 8, line 17, strike "visual"

2.5 Page 8, line 18, delete everything after "telehealth" and insert "with priority being given
 2.6 to interactive audio and visual communication, if available"

2.7 Page 8, line 19, delete the new language

2.8 Page 8, lines 28 to 32, delete the new language

2.9 Page 9, lines 1 to 4, delete the new language

2.10 Page 9, delete section 6

2.11 Page 15, line 10, reinstate "~~face-to-face~~" and delete "in-person"

2.12 Page 15, after line 25, insert:

2.13 "Sec. 9. Minnesota Statutes 2020, section 256B.0596, is amended to read:

2.14 **256B.0596 MENTAL HEALTH CASE MANAGEMENT.**

2.15 Counties shall contract with eligible providers willing to provide mental health case
 2.16 management services under section 256B.0625, subdivision 20. In order to be eligible, in
 2.17 addition to general provider requirements under this chapter, the provider must:

2.18 (1) be willing to provide the mental health case management services; and

2.19 (2) have a minimum of at least one contact with the client per week, either in-person or
 2.20 through telehealth, and at least one face-to-face in-person contact with the client every six
 2.21 months. This section is not intended to limit the ability of a county to provide its own mental
 2.22 health case management services."

2.23 Page 17, line 19, delete "a result of"

2.24 Page 17, line 25, after "means" insert a colon

2.25 Page 17, line 26, strike the second comma and insert a semicolon

2.26 Page 17, line 27, strike the second comma and insert a semicolon

2.27 Page 17, line 29, strike "and"

2.28 Page 17, line 31, after the stricken semicolon, insert "a mental health certified peer
 2.29 specialist under section 256B.0615, subdivision 5; a mental health certified family peer

3.1 specialist under section 256B.0616, subdivision 5; a mental health rehabilitation worker
3.2 under section 256B.0623, subdivision 5, paragraph (a), clause (4), and paragraph (b); a
3.3 mental health behavioral aide under section 256B.0943, subdivision 7, paragraph (b), clause
3.4 (3); a treatment coordinator under section 245G.11, subdivision 7; an alcohol and drug
3.5 counselor under section 245G.11, subdivision 5; a recovery peer under section 245G.11,
3.6 subdivision 8; and a mental health case manager under section 245.462, subdivision 4;"

3.7 Page 18, after line 8, insert:

3.8 "Sec. 11. Minnesota Statutes 2020, section 256B.0625, is amended by adding a subdivision
3.9 to read:

3.10 Subd. 3h. **Telemonitoring services.** (a) Medical assistance covers telemonitoring services
3.11 if a recipient:

3.12 (1) has been diagnosed and is receiving services for at least one of the following chronic
3.13 conditions: hypertension, cancer, congestive heart failure, chronic obstructive pulmonary
3.14 disease, asthma, or diabetes;

3.15 (2) requires at least five times per week monitoring to manage the chronic condition, as
3.16 ordered by the recipient's health care provider;

3.17 (3) has had two or more emergency room or inpatient hospitalization stays within the
3.18 last 12 months due to the chronic condition or the recipient's health care provider has
3.19 identified that telemonitoring services would likely prevent the recipient's admission or
3.20 readmission to a hospital, emergency room, or nursing facility;

3.21 (4) is cognitively and physically capable of operating the monitoring device or equipment,
3.22 or the recipient has a caregiver who is willing and able to assist with the monitoring device
3.23 or equipment; and

3.24 (5) resides in a setting that is suitable for telemonitoring and not in a setting that has
3.25 health care staff on site.

3.26 (b) For purposes of this subdivision, "telemonitoring services" means the remote
3.27 monitoring of data related to a recipient's vital signs or biometric data by a monitoring
3.28 device or equipment that transmits the data electronically to a provider for analysis. The
3.29 assessment and monitoring of the health data transmitted by telemonitoring must be
3.30 performed by one of the following licensed health care professionals: physician, podiatrist,
3.31 registered nurse, advanced practice registered nurse, physician assistant, respiratory therapist,
3.32 or a licensed professional working under the supervision of a medical director.

4.1 Sec. 12. Minnesota Statutes 2020, section 256B.0625, subdivision 13h, is amended to
4.2 read:

4.3 Subd. 13h. **Medication therapy management services.** (a) Medical assistance covers
4.4 medication therapy management services for a recipient taking prescriptions to treat or
4.5 prevent one or more chronic medical conditions. For purposes of this subdivision,
4.6 "medication therapy management" means the provision of the following pharmaceutical
4.7 care services by a licensed pharmacist to optimize the therapeutic outcomes of the patient's
4.8 medications:

4.9 (1) performing or obtaining necessary assessments of the patient's health status;

4.10 (2) formulating a medication treatment plan, which may include prescribing medications
4.11 or products in accordance with section 151.37, subdivision 14, 15, or 16;

4.12 (3) monitoring and evaluating the patient's response to therapy, including safety and
4.13 effectiveness;

4.14 (4) performing a comprehensive medication review to identify, resolve, and prevent
4.15 medication-related problems, including adverse drug events;

4.16 (5) documenting the care delivered and communicating essential information to the
4.17 patient's other primary care providers;

4.18 (6) providing verbal education and training designed to enhance patient understanding
4.19 and appropriate use of the patient's medications;

4.20 (7) providing information, support services, and resources designed to enhance patient
4.21 adherence with the patient's therapeutic regimens; and

4.22 (8) coordinating and integrating medication therapy management services within the
4.23 broader health care management services being provided to the patient.

4.24 Nothing in this subdivision shall be construed to expand or modify the scope of practice of
4.25 the pharmacist as defined in section 151.01, subdivision 27.

4.26 (b) To be eligible for reimbursement for services under this subdivision, a pharmacist
4.27 must meet the following requirements:

4.28 (1) have a valid license issued by the Board of Pharmacy of the state in which the
4.29 medication therapy management service is being performed;

4.30 (2) have graduated from an accredited college of pharmacy on or after May 1996, or
4.31 completed a structured and comprehensive education program approved by the Board of
4.32 Pharmacy and the American Council of Pharmaceutical Education for the provision and

5.1 documentation of pharmaceutical care management services that has both clinical and
5.2 didactic elements; and

5.3 ~~(3) be practicing in an ambulatory care setting as part of a multidisciplinary team or~~
5.4 ~~have developed a structured patient care process that is offered in a private or semiprivate~~
5.5 ~~patient care area that is separate from the commercial business that also occurs in the setting,~~
5.6 ~~or in home settings, including long-term care settings, group homes, and facilities providing~~
5.7 ~~assisted living services, but excluding skilled nursing facilities; and~~

5.8 ~~(4)~~ (3) make use of an electronic patient record system that meets state standards.

5.9 (c) For purposes of reimbursement for medication therapy management services, the
5.10 commissioner may enroll individual pharmacists as medical assistance providers. The
5.11 commissioner may also establish ~~contact requirements between the pharmacist and recipient,~~
5.12 ~~including limiting~~ limits on the number of reimbursable consultations per recipient.

5.13 ~~(d) If there are no pharmacists who meet the requirements of paragraph (b) practicing~~
5.14 ~~within a reasonable geographic distance of the patient, a pharmacist who meets the~~
5.15 ~~requirements may provide~~ The Medication therapy management services may be provided
5.16 via two-way interactive video telehealth as defined in subdivision 3b and may be delivered
5.17 into a patient's residence. Reimbursement shall be at the same rates and under the same
5.18 conditions that would otherwise apply to the services provided. To qualify for reimbursement
5.19 under this paragraph, the pharmacist providing the services must meet the requirements of
5.20 paragraph (b), ~~and must be located within an ambulatory care setting that meets the~~
5.21 ~~requirements of paragraph (b), clause (3).~~ ~~The patient must also be located within an~~
5.22 ~~ambulatory care setting that meets the requirements of paragraph (b), clause (3).~~ ~~Services~~
5.23 ~~provided under this paragraph may not be transmitted into the patient's residence.~~

5.24 ~~(e) Medication therapy management services may be delivered into a patient's residence~~
5.25 ~~via secure interactive video if the medication therapy management services are performed~~
5.26 ~~electronically during a covered home care visit by an enrolled provider. Reimbursement~~
5.27 ~~shall be at the same rates and under the same conditions that would otherwise apply to the~~
5.28 ~~services provided. To qualify for reimbursement under this paragraph, the pharmacist~~
5.29 ~~providing the services must meet the requirements of paragraph (b) and must be located~~
5.30 ~~within an ambulatory care setting that meets the requirements of paragraph (b), clause (3).~~

5.31 Sec. 13. Minnesota Statutes 2020, section 256B.0625, subdivision 20, is amended to read:

5.32 Subd. 20. **Mental health case management.** (a) To the extent authorized by rule of the
5.33 state agency, medical assistance covers case management services to persons with serious

6.1 and persistent mental illness and children with severe emotional disturbance. Services
6.2 provided under this section must meet the relevant standards in sections 245.461 to 245.4887,
6.3 the Comprehensive Adult and Children's Mental Health Acts, Minnesota Rules, parts
6.4 9520.0900 to 9520.0926, and 9505.0322, excluding subpart 10.

6.5 (b) Entities meeting program standards set out in rules governing family community
6.6 support services as defined in section 245.4871, subdivision 17, are eligible for medical
6.7 assistance reimbursement for case management services for children with severe emotional
6.8 disturbance when these services meet the program standards in Minnesota Rules, parts
6.9 9520.0900 to 9520.0926 and 9505.0322, excluding subparts 6 and 10.

6.10 (c) Medical assistance and MinnesotaCare payment for mental health case management
6.11 shall be made on a monthly basis. In order to receive payment for an eligible child, the
6.12 provider must document at least a face-to-face in-person contact with the child, the child's
6.13 parents, or the child's legal representative. To receive payment for an eligible adult, the
6.14 provider must document:

6.15 (1) at least a face-to-face in-person contact with the adult or the adult's legal representative
6.16 or a contact by ~~interactive video~~ telehealth that meets the requirements of subdivision 20b;
6.17 or

6.18 (2) at least a telephone contact with the adult or the adult's legal representative and
6.19 document a face-to-face in-person contact or a contact by ~~interactive video~~ telehealth that
6.20 meets the requirements of subdivision 20b with the adult or the adult's legal representative
6.21 within the preceding two months.

6.22 (d) Payment for mental health case management provided by county or state staff shall
6.23 be based on the monthly rate methodology under section 256B.094, subdivision 6, paragraph
6.24 (b), with separate rates calculated for child welfare and mental health, and within mental
6.25 health, separate rates for children and adults.

6.26 (e) Payment for mental health case management provided by Indian health services or
6.27 by agencies operated by Indian tribes may be made according to this section or other relevant
6.28 federally approved rate setting methodology.

6.29 (f) Payment for mental health case management provided by vendors who contract with
6.30 a county or Indian tribe shall be based on a monthly rate negotiated by the host county or
6.31 tribe. The negotiated rate must not exceed the rate charged by the vendor for the same
6.32 service to other payers. If the service is provided by a team of contracted vendors, the county
6.33 or tribe may negotiate a team rate with a vendor who is a member of the team. The team
6.34 shall determine how to distribute the rate among its members. No reimbursement received

7.1 by contracted vendors shall be returned to the county or tribe, except to reimburse the county
7.2 or tribe for advance funding provided by the county or tribe to the vendor.

7.3 (g) If the service is provided by a team which includes contracted vendors, tribal staff,
7.4 and county or state staff, the costs for county or state staff participation in the team shall be
7.5 included in the rate for county-provided services. In this case, the contracted vendor, the
7.6 tribal agency, and the county may each receive separate payment for services provided by
7.7 each entity in the same month. In order to prevent duplication of services, each entity must
7.8 document, in the recipient's file, the need for team case management and a description of
7.9 the roles of the team members.

7.10 (h) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for
7.11 mental health case management shall be provided by the recipient's county of responsibility,
7.12 as defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds
7.13 used to match other federal funds. If the service is provided by a tribal agency, the nonfederal
7.14 share, if any, shall be provided by the recipient's tribe. When this service is paid by the state
7.15 without a federal share through fee-for-service, 50 percent of the cost shall be provided by
7.16 the recipient's county of responsibility.

7.17 (i) Notwithstanding any administrative rule to the contrary, prepaid medical assistance
7.18 and MinnesotaCare include mental health case management. When the service is provided
7.19 through prepaid capitation, the nonfederal share is paid by the state and the county pays no
7.20 share.

7.21 (j) The commissioner may suspend, reduce, or terminate the reimbursement to a provider
7.22 that does not meet the reporting or other requirements of this section. The county of
7.23 responsibility, as defined in sections 256G.01 to 256G.12, or, if applicable, the tribal agency,
7.24 is responsible for any federal disallowances. The county or tribe may share this responsibility
7.25 with its contracted vendors.

7.26 (k) The commissioner shall set aside a portion of the federal funds earned for county
7.27 expenditures under this section to repay the special revenue maximization account under
7.28 section 256.01, subdivision 2, paragraph (o). The repayment is limited to:

7.29 (1) the costs of developing and implementing this section; and

7.30 (2) programming the information systems.

7.31 (l) Payments to counties and tribal agencies for case management expenditures under
7.32 this section shall only be made from federal earnings from services provided under this
7.33 section. When this service is paid by the state without a federal share through fee-for-service,

8.1 50 percent of the cost shall be provided by the state. Payments to county-contracted vendors
8.2 shall include the federal earnings, the state share, and the county share.

8.3 (m) Case management services under this subdivision do not include therapy, treatment,
8.4 legal, or outreach services.

8.5 (n) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,
8.6 and the recipient's institutional care is paid by medical assistance, payment for case
8.7 management services under this subdivision is limited to the lesser of:

8.8 (1) the last 180 days of the recipient's residency in that facility and may not exceed more
8.9 than six months in a calendar year; or

8.10 (2) the limits and conditions which apply to federal Medicaid funding for this service.

8.11 (o) Payment for case management services under this subdivision shall not duplicate
8.12 payments made under other program authorities for the same purpose.

8.13 (p) If the recipient is receiving care in a hospital, nursing facility, or residential setting
8.14 licensed under chapter 245A or 245D that is staffed 24 hours a day, seven days a week,
8.15 mental health targeted case management services must actively support identification of
8.16 community alternatives for the recipient and discharge planning.

8.17 Sec. 14. Minnesota Statutes 2020, section 256B.0625, subdivision 20b, is amended to
8.18 read:

8.19 Subd. 20b. **Mental health targeted case management through ~~interactive video~~**
8.20 **telehealth.** (a) Subject to federal approval, contact made for targeted case management by
8.21 ~~interactive video~~ telehealth shall be eligible for payment if:

8.22 (1) the person receiving targeted case management services is residing in:

8.23 (i) a hospital;

8.24 (ii) a nursing facility; or

8.25 (iii) a residential setting licensed under chapter 245A or 245D or a boarding and lodging
8.26 establishment or lodging establishment that provides supportive services or health supervision
8.27 services according to section 157.17 that is staffed 24 hours a day, seven days a week;

8.28 (2) ~~interactive video~~ telehealth is in the best interests of the person and is deemed
8.29 appropriate by the person receiving targeted case management or the person's legal guardian,
8.30 the case management provider, and the provider operating the setting where the person is
8.31 residing;

9.1 (3) the use of ~~interactive-video~~ telehealth is approved as part of the person's written
9.2 personal service or case plan, taking into consideration the person's vulnerability and active
9.3 personal relationships; and

9.4 (4) ~~interactive-video~~ telehealth is used for up to, but not more than, 50 percent of the
9.5 minimum required face-to-face in-person contact.

9.6 (b) The person receiving targeted case management or the person's legal guardian has
9.7 the right to choose and consent to the use of ~~interactive-video~~ telehealth under this subdivision
9.8 and has the right to refuse the use of ~~interactive-video~~ telehealth at any time.

9.9 (c) The commissioner shall establish criteria that a targeted case management provider
9.10 must attest to in order to demonstrate the safety or efficacy of delivering the service via
9.11 ~~interactive-video~~ telehealth. The attestation may include that the case management provider
9.12 has:

9.13 (1) written policies and procedures specific to ~~interactive-video~~ services delivered by
9.14 telehealth that are regularly reviewed and updated;

9.15 (2) policies and procedures that adequately address client safety before, during, and after
9.16 the ~~interactive-video~~ services are rendered by telehealth;

9.17 (3) established protocols addressing how and when to discontinue ~~interactive-video~~
9.18 services delivered by telehealth; and

9.19 (4) established a quality assurance process related to ~~interactive-video~~ services delivered
9.20 by telehealth.

9.21 (d) As a condition of payment, the targeted case management provider must document
9.22 the following for each occurrence of targeted case management provided by ~~interactive~~
9.23 ~~video~~ telehealth:

9.24 (1) the time the service began and the time the service ended, including an a.m. and p.m.
9.25 designation;

9.26 (2) the basis for determining that ~~interactive-video~~ telehealth is an appropriate and
9.27 effective means for delivering the service to the person receiving case management services;

9.28 (3) the mode of transmission of the ~~interactive-video~~ services delivered by telehealth
9.29 and records evidencing that a particular mode of transmission was utilized;

9.30 (4) the location of the originating site and the distant site; and

9.31 (5) compliance with the criteria attested to by the targeted case management provider
9.32 as provided in paragraph (c).

10.1 (e) For purposes of this section, telehealth is defined in accordance with section
10.2 256B.0625, subdivision 3b. The commissioner may limit the delivery of services by telehealth
10.3 to audio and visual communications if the commissioner determines that face-to-face
10.4 interaction is necessary to ensure that services are delivered appropriately and effectively."

10.5 Page 18, line 12, reinstate "~~face-to-face~~" and delete "in-person"

10.6 Page 18, after line 20, insert:

10.7 "Sec. 16. Minnesota Statutes 2020, section 256B.0924, subdivision 4a, is amended to
10.8 read:

10.9 Subd. 4a. **Targeted case management through interactive video.** (a) Subject to federal
10.10 approval, contact made for targeted case management by interactive video shall be eligible
10.11 for payment under subdivision 6 if:

10.12 (1) the person receiving targeted case management services is residing in:

10.13 (i) a hospital;

10.14 (ii) a nursing facility; or

10.15 (iii) a residential setting licensed under chapter 245A or 245D or a boarding and lodging
10.16 establishment or lodging establishment that provides supportive services or health supervision
10.17 services according to section 157.17 that is staffed 24 hours a day, seven days a week;

10.18 (2) ~~interactive video~~ telehealth is in the best interests of the person and is deemed
10.19 appropriate by the person receiving targeted case management or the person's legal guardian,
10.20 the case management provider, and the provider operating the setting where the person is
10.21 residing;

10.22 (3) the use of ~~interactive video~~ telehealth is approved as part of the person's written
10.23 personal service or case plan; and

10.24 (4) ~~interactive video~~ telehealth is used for up to, but not more than, 50 percent of the
10.25 minimum required face-to-face in-person contact.

10.26 (b) The person receiving targeted case management or the person's legal guardian has
10.27 the right to choose and consent to the use of ~~interactive video~~ telehealth under this subdivision
10.28 and has the right to refuse the use of ~~interactive video~~ telehealth at any time.

10.29 (c) The commissioner shall establish criteria that a targeted case management provider
10.30 must attest to in order to demonstrate the safety or efficacy of delivering the service via

11.1 ~~interactive-video~~ telehealth. The attestation may include that the case management provider
11.2 has:

11.3 (1) written policies and procedures specific to ~~interactive-video~~ services delivered by
11.4 telehealth that are regularly reviewed and updated;

11.5 (2) policies and procedures that adequately address client safety before, during, and after
11.6 the ~~interactive-video~~ services are rendered by telehealth;

11.7 (3) established protocols addressing how and when to discontinue ~~interactive-video~~
11.8 services delivered by telehealth; and

11.9 (4) established a quality assurance process related to ~~interactive-video~~ services delivered
11.10 by telehealth.

11.11 (d) As a condition of payment, the targeted case management provider must document
11.12 the following for each occurrence of targeted case management provided by ~~interactive~~
11.13 ~~video~~ telehealth:

11.14 (1) the time the service began and the time the service ended, including an a.m. and p.m.
11.15 designation;

11.16 (2) the basis for determining that ~~interactive-video~~ telehealth is an appropriate and
11.17 effective means for delivering the service to the person receiving case management services;

11.18 (3) the mode of transmission of the ~~interactive-video~~ services delivered by telehealth
11.19 and records evidencing that a particular mode of transmission was utilized;

11.20 (4) the location of the originating site and the distant site; and

11.21 (5) compliance with the criteria attested to by the targeted case management provider
11.22 as provided in paragraph (c).

11.23 (e) For purposes of this section, telehealth is defined in accordance with section
11.24 256B.0625, subdivision 3b. The commissioner may limit the delivery of services by telehealth
11.25 to audio and visual communications if the commissioner determines that face-to-face
11.26 interaction is necessary to ensure that services are delivered appropriately and effectively.

11.27 Sec. 17. Minnesota Statutes 2020, section 256B.0924, subdivision 6, is amended to read:

11.28 **Subd. 6. Payment for targeted case management.** (a) Medical assistance and
11.29 MinnesotaCare payment for targeted case management shall be made on a monthly basis.
11.30 In order to receive payment for an eligible adult, the provider must document at least one
11.31 contact per month, either in-person or by telehealth, and not more than two consecutive

12.1 months without a face-to-face in-person contact with the adult or the adult's legal
12.2 representative, family, primary caregiver, or other relevant persons identified as necessary
12.3 to the development or implementation of the goals of the personal service plan.

12.4 (b) Payment for targeted case management provided by county staff under this subdivision
12.5 shall be based on the monthly rate methodology under section 256B.094, subdivision 6,
12.6 paragraph (b), calculated as one combined average rate together with adult mental health
12.7 case management under section 256B.0625, subdivision 20, except for calendar year 2002.
12.8 In calendar year 2002, the rate for case management under this section shall be the same as
12.9 the rate for adult mental health case management in effect as of December 31, 2001. Billing
12.10 and payment must identify the recipient's primary population group to allow tracking of
12.11 revenues.

12.12 (c) Payment for targeted case management provided by county-contracted vendors shall
12.13 be based on a monthly rate negotiated by the host county. The negotiated rate must not
12.14 exceed the rate charged by the vendor for the same service to other payers. If the service is
12.15 provided by a team of contracted vendors, the county may negotiate a team rate with a
12.16 vendor who is a member of the team. The team shall determine how to distribute the rate
12.17 among its members. No reimbursement received by contracted vendors shall be returned
12.18 to the county, except to reimburse the county for advance funding provided by the county
12.19 to the vendor.

12.20 (d) If the service is provided by a team that includes contracted vendors and county staff,
12.21 the costs for county staff participation on the team shall be included in the rate for
12.22 county-provided services. In this case, the contracted vendor and the county may each
12.23 receive separate payment for services provided by each entity in the same month. In order
12.24 to prevent duplication of services, the county must document, in the recipient's file, the need
12.25 for team targeted case management and a description of the different roles of the team
12.26 members.

12.27 (e) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for
12.28 targeted case management shall be provided by the recipient's county of responsibility, as
12.29 defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds
12.30 used to match other federal funds.

12.31 (f) The commissioner may suspend, reduce, or terminate reimbursement to a provider
12.32 that does not meet the reporting or other requirements of this section. The county of
12.33 responsibility, as defined in sections 256G.01 to 256G.12, is responsible for any federal
12.34 disallowances. The county may share this responsibility with its contracted vendors.

13.1 (g) The commissioner shall set aside five percent of the federal funds received under
13.2 this section for use in reimbursing the state for costs of developing and implementing this
13.3 section.

13.4 (h) Payments to counties for targeted case management expenditures under this section
13.5 shall only be made from federal earnings from services provided under this section. Payments
13.6 to contracted vendors shall include both the federal earnings and the county share.

13.7 (i) Notwithstanding section 256B.041, county payments for the cost of case management
13.8 services provided by county staff shall not be made to the commissioner of management
13.9 and budget. For the purposes of targeted case management services provided by county
13.10 staff under this section, the centralized disbursement of payments to counties under section
13.11 256B.041 consists only of federal earnings from services provided under this section.

13.12 (j) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,
13.13 and the recipient's institutional care is paid by medical assistance, payment for targeted case
13.14 management services under this subdivision is limited to the lesser of:

13.15 (1) the last 180 days of the recipient's residency in that facility; or

13.16 (2) the limits and conditions which apply to federal Medicaid funding for this service.

13.17 (k) Payment for targeted case management services under this subdivision shall not
13.18 duplicate payments made under other program authorities for the same purpose.

13.19 (l) Any growth in targeted case management services and cost increases under this
13.20 section shall be the responsibility of the counties.

13.21 Sec. 18. Minnesota Statutes 2020, section 256B.094, subdivision 6, is amended to read:

13.22 Subd. 6. **Medical assistance reimbursement of case management services.** (a) Medical
13.23 assistance reimbursement for services under this section shall be made on a monthly basis.
13.24 Payment is based on face-to-face ~~or telephone~~ contacts, either in-person or through telehealth,
13.25 between the case manager and the client, client's family, primary caregiver, legal
13.26 representative, or other relevant person identified as necessary to the development or
13.27 implementation of the goals of the individual service plan regarding the status of the client,
13.28 the individual service plan, or the goals for the client. These contacts must meet the minimum
13.29 standards in clauses (1) and (2):

13.30 (1) there must be a face-to-face in-person contact at least once a month except as provided
13.31 in clause (2); and

14.1 (2) for a client placed outside of the county of financial responsibility, or a client served
14.2 by tribal social services placed outside the reservation, in an excluded time facility under
14.3 section 256G.02, subdivision 6, or through the Interstate Compact for the Placement of
14.4 Children, section 260.93, and the placement in either case is more than 60 miles beyond
14.5 the county or reservation boundaries, there must be at least one contact per month and not
14.6 more than two consecutive months without a face-to-face in-person contact.

14.7 (b) Except as provided under paragraph (c), the payment rate is established using time
14.8 study data on activities of provider service staff and reports required under sections 245.482
14.9 and 256.01, subdivision 2, paragraph (p).

14.10 (c) Payments for tribes may be made according to section 256B.0625 or other relevant
14.11 federally approved rate setting methodology for child welfare targeted case management
14.12 provided by Indian health services and facilities operated by a tribe or tribal organization.

14.13 (d) Payment for case management provided by county or tribal social services contracted
14.14 vendors shall be based on a monthly rate negotiated by the host county or tribal social
14.15 services. The negotiated rate must not exceed the rate charged by the vendor for the same
14.16 service to other payers. If the service is provided by a team of contracted vendors, the county
14.17 or tribal social services may negotiate a team rate with a vendor who is a member of the
14.18 team. The team shall determine how to distribute the rate among its members. No
14.19 reimbursement received by contracted vendors shall be returned to the county or tribal social
14.20 services, except to reimburse the county or tribal social services for advance funding provided
14.21 by the county or tribal social services to the vendor.

14.22 (e) If the service is provided by a team that includes contracted vendors and county or
14.23 tribal social services staff, the costs for county or tribal social services staff participation in
14.24 the team shall be included in the rate for county or tribal social services provided services.
14.25 In this case, the contracted vendor and the county or tribal social services may each receive
14.26 separate payment for services provided by each entity in the same month. To prevent
14.27 duplication of services, each entity must document, in the recipient's file, the need for team
14.28 case management and a description of the roles and services of the team members.

14.29 Separate payment rates may be established for different groups of providers to maximize
14.30 reimbursement as determined by the commissioner. The payment rate will be reviewed
14.31 annually and revised periodically to be consistent with the most recent time study and other
14.32 data. Payment for services will be made upon submission of a valid claim and verification
14.33 of proper documentation described in subdivision 7. Federal administrative revenue earned
14.34 through the time study, or under paragraph (c), shall be distributed according to earnings,

- 15.1 to counties, reservations, or groups of counties or reservations which have the same payment
- 15.2 rate under this subdivision, and to the group of counties or reservations which are not
- 15.3 certified providers under section 256F.10. The commissioner shall modify the requirements
- 15.4 set out in Minnesota Rules, parts 9550.0300 to 9550.0370, as necessary to accomplish this."
- 15.5 Renumber the sections in sequence and correct the internal references
- 15.6 Amend the title accordingly