

House Research Act Summary

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Article 1: Children's and Family Services

Overview

Article 1 makes changes to various children's and family services programs.

- 1 **Program services.** Amends § 13.319, subd. 3. Removes statutory citations of programs no longer administered by the Department of Education due to their transfer to the Department of Human Services in 2003.
- 2 **Program services.** Amends § 13.461, by adding subd. 29. Makes data on individuals receiving certain services administered by the Department of Human Services classified. (Data on these individuals is classified under current law under a Department of Education section. See section 1.)
- 3 **Program integrity.** Amends § 119B.02, subd. 5. Removes obsolete language.
- 4 **Establishment.** Amends § 119B.035, subd. 1. Clarifies that the at-home infant child care set-aside is based on a percentage of state funding for the basic sliding fee program.
- 5 **Special revenue account for child care.** Amends § 119B.074. Removes obsolete language.
- 6 **Reports.** Amends § 119B.08, subd. 1. Removes obsolete language.
- 7 **General eligibility requirements for all applicants for child care assistance.** Amends § 119B.09, subd. 1. Modifies income eligibility requirements.
- 8 **Authority to waive requirements during disaster periods.** Amends § 119B.26.

- Removes obsolete language and replaces it with up-to-date references.
- 9 **Additional powers of the commissioner; subpoenas.** Amends § 256.045, subd. 6. Removes obsolete language.
- 10 **Judicial review.** Amends § 256.045, subd. 7. Removes obsolete language.
- 11 **Physical presence.** Amends § 256J.13, subd. 2. Corrects a statutory reference.
- 12 **Income exclusions.** Amends § 256J.21, subd. 2. Corrects references to Minnesota Rules.
- 13 **MFIP transitional standard.** Amends § 256J.24, subd. 5. Updates the MFIP transitional standard effective October 1, 2004.
- 14 **Child under 12 weeks of age.** Amends § 256J.561, subd. 3. Allows families with children under the family cap provision to be eligible for the child under 12 weeks of age exception from universal participation.
- 15 **Social services.** Amends § 256J.74, subd. 1. Removes Minnesota Rule references to the former Community Social Services Act and makes reference to the new Children and Community Services Act.
- 16 **Quarterly comparison report.** Amends § 256J.751, subd. 2. Removes an obsolete statutory reference.
- 17 **Definitions.** Amends § 256J.95, subd. 2. Modifies the definition of “family unit” under the DWP program. Makes DWP family units subject to the same requirements as MFIP family units. Defines “caregiver.”
- 18 **Initial screening of applications.** Amends § 256J.95, subd. 6. Requires counties to screen DWP applicants for eligibility for other benefits as is required under the MFIP program.
- 19 **Universal participation required.** Amends § 256J.95, subd. 11. Corrects a statutory reference.
- 20 **Reinstatement following disqualification.** Amends § 256J.95, subd. 18. Clarifies MFIP and other TANF cash program eligibility of families who have been disqualified from the DWP program due to noncompliance.
- 21 **DWP overpayments and underpayments.** Amends § 256J.95, subd. 19. Clarifies the way in which corrections of overpayments or underpayments are handled under the DWP program.
- 22 **Subsequent income withholding.** Amends § 518.6111, subd. 7. Corrects a cross-reference.
- 23 **Federal funds for visitation and access.** Amends Laws 1997, ch. 245, art. 2, § 11, as amended by Laws 2003, First special session ch. 14, art. 10, § 7, and Laws 2004, ch. 288, art. 4, § 60. Corrects an error to reflect legislative intent so that recipients of access and visitation grant funds are chosen through RFP process. Current law directs funds to three specified agencies.
- 24 **Revisor’s instruction.** Instructs the Revisor to make several changes in terminology and to renumber certain sections as a result of the transfer of certain programs from the Department of Education to the Department of Human Services in 2003.

Article 2: Health Care and Continuing Care

Overview

This article makes clarifying and technical changes related to state health care programs and continuing care services.

- 1 **Competitive bidding.** Amends § 256B.04, subd. 14. Provides that state health care program rate changes do not affect contract payments for items that are volume purchased, unless specifically identified. Also makes changes in codification.
- 2 **Families with children income methodology.** Amends § 256B.056, subd. 1c. Requires

the commissioner to adjust MA income standards each July 1 by the annual update of the federal poverty guidelines. (This puts into statute language from a rider.)

- 3 **Community mental health center services.** Amends § 256B.0625, subd. 5. Replaces a repealed rule reference to community mental health center sliding fee scale requirements with a statutory citation.
- 4 **Organ and tissue transplants.** Amends § 256B.0625, subd. 27. Strikes language limiting MA coverage of organ and tissue transplants to those procedures covered by Medicare or approved by the advisory committee on organ and tissue transplants, and makes related changes related to coverage of transplants.
- 5 **Payment for long-term care consultation services.** Amends § 256B.0911, subd. 6. Requires the county to meet local objectives related to long-term care consultation services as approved by the commissioner in the biennial home and community-based services quality assurance plan on a form provided by the commissioner, rather than in the Community Social Services Act (CSSA) biennial plan. (This reflects the 2003 repeal of CSSA and its replacement by the Children and Community Services Act.)
- 6 **County biennial plan.** Amends § 256B.0913, subd. 13. Requires the county biennial plans for long-term care consultation services, alternative care, and the elderly waiver to be submitted as the home and community-based services quality assurance plan on a form provided by the commissioner, rather than incorporated into the biennial CSSA plan.
- 7 **County waiting list.** Amends § 256B.092, subd. 1f. Makes a conforming change related to elimination of reporting through the community social services plan.
- 8 **Payment limitation.** Amends § 256B.094, subd. 8. Makes a conforming change, eliminating a reference to the county community social services plan.
- 9 **Provider entity clinical infrastructure requirements.** Amends § 256B.0943, subd. 6. Requires children's therapeutic services and supports (CTSS) certified providers that provide day treatment programs to meet conditions related to provider availability, diagnoses and individual treatment plans, and supervisor reviews of client care. Also specifies clinical supervision standards for all other services provided under CTSS.
- 10 **Excluded services.** Amends § 256B.0943, subd. 12. Clarifies that service components of CTSS that are the responsibility of the residential or program license holder are not eligible for MA payment as children's therapeutic services and supports.
- 11 **Exception to excluded services.** Amends § 256B.0943, subd. 13. Updates rule references to group homes and residential treatment facilities.
- 12 **Rules.** Amends § 256B.503. Eliminates the requirement that rules adopted to implement Laws 1983, chapter 312, article 9, section 5 (case management for developmentally disabled) be in accord with chapter 256E (community social services provisions since repealed).
- 13 **Hospital outpatient reimbursement.** Amends § 256B.75. Corrects a cross-reference to critical access hospitals.
- 14 **General assistance medical care; eligibility.** Amends § 256D.03, subd. 3. Requires the commissioner to adjust GAMC income standards each July 1 by the annual update of the federal poverty guidelines. (This puts into statute language from a rider.)
- 15 **Family with children.** Amends § 256L.01, subd. 3a. Eliminates references to coverage of dependent siblings under MinnesotaCare. (MinnesotaCare coverage for this group ended October 1, 2003.)
- 16 **Annual income limits adjustment.** Amends § 256L.04, by adding subd. 7b. Requires the commissioner to adjust MinnesotaCare income standards each July 1 by the annual update of the federal poverty guidelines. (This puts into statute language from a rider.)
- 17 **Data management.** Amends § 626.557, subd. 12b. States that county social service agencies must maintain private data on individuals but are not required to prepare

investigation memorandums related to maltreatment of vulnerable adults.

18 Repealer. (a) Repeals the following statutory provisions: 119A.01, subdivision 3 (purpose statement for department of education); 119A.20 (abused child program); 119A.21 (program grants for abused children); 119A.22 (commissioner’s duties related to program grants); 119A.35 (advisory council on child abuse); 119B.21, subdivision 11 (advisory task force on child care issues); 256.014, subdivision 3 (DHS report on state and county computer systems); 256.045, subdivision 3c (DHS role in appeals related to fair hearings and child care programs); 256B.0629, subdivisions 1, 2, and 4 (advisory committee on organ and tissue transplants); and 256J.95, subdivision 20 (implementation of diversionary work program).

(b) Repeals Laws 1998, chapter 407, article 4, section 63 (requirement that DHS report annually on cost of indexing the MA income standards and provider rates, by the CPI).

Article 3: Miscellaneous Technical Changes

Overview

This article makes various technical changes to the Adult and Children’s Mental Health Acts.

- 1 Technical assistance.** Amends § 245.463, subd. 2. Removes the reference to the adult mental health component of the community social services plan.
- 2 Coordination.** Amends § 245.464, subd. 1. Removes the reference to the adult mental health component of the community social services plan as specified in section 245.463.
- 3 Spend according to plan; other listed duties.** Amends § 245.465, subd. 1. Removes references to the former Community Social Services Act and the county’s community social services plan.
- 4 Development of services.** Amends § 245.466, subd. 1. Removes the reference to community social services.
- 5 Local advisory council.** Amends § 245.466, subd. 5. Removes reference to component of the community social services plan. Deletes the requirement of a biennial county mental health plan.
- 6 Duties of county board.** Amends § 245.4661, subd. 7. Removes reference to the Community Social Services Act. Adds that mental health plans are to be based on a format and timetable to be determined by the commissioner.
- 7 Funds not properly used.** Amends § 245.483, subd. 1. Deletes references to the community social services plan and the former Community Social Services Act. Deletes the requirement for a biennial mental health plan.
- 8 Delayed payments.** Amends § 245.483, subd. 3. Deletes the requirement for a biennial mental health plan. Removes references to community social services and the former Community Social Services Act.
- 9 Technical assistance.** Amends § 245.4872, subd. 2. Deletes the reference to the children’s mental health component of the community social services plan.
- 10 Duties of the commissioner.** Amends § 245.4873, subd. 5. Deletes the reference to the commissioner’s duty to review the children’s mental health component of the community social services plan developed as specified in section 245.4872.
- 11 Duties of county board.** Amends § 245.4874. Removes the reference to the former Community Social Services Act and the community social services plan.
- 12 Development of children’s services.** Amends § 245.4875, subd. 1. Removes reference to

the community social services plan.

- 13 Local Children’s Advisory Council.** Amends § 245.4875, subd. 5. Deletes the reference to the county’s biennial children’s mental health component of the community social services plan.
- 14 Certification by the commissioner.** Amends § 245A.16, subd. 6. Changes reference from the former Community Social Services Act to the Children and Community Services Act.
- 15 Developmental achievement centers: salary adjustment per diem.** Amends § 252.24, subd. 5. Deletes that the requirement that the commissioner allocate the day habilitation service CSSA appropriation to county agencies in proportion to specified expenditures.
- 16 Consumer needs and preferences.** Amends § 252.282, subd. 2. Adds that continuous quality improvement goals may be considered when assessing the performance of providers.
- 17 Vendor’s report; audit.** Amends § 252.46, subd. 10. Deletes the requirement that fiscal information be submitted in an annual audit that complies with Minnesota Rules, parts 9550.0010 to 9550.0092.
- 18 State agency hearings.** Amends § 256.045, subd. 3. Replaces reference to the community social services plan with reference to chapter 256M or other social services the person is eligible for under state law.
- 19 Program coverage.** Amends § 256G.01, subd. 3. Deletes reference to the former Community Social Services Act.
- 20 Contents.** Amends § 256M.30, subd. 2. Makes technical corrections regarding service plan date from December 21, 2007 to December 31, 2007.
- 21 Fair hearing review.** Amends § 260C.212, subd. 12. Deletes reference to community social services.
- 22 Penalty for late reporting.** Amends § 275.62, subd. 4. Changes reference from section 256E.06 to new reference of chapter 256M.
- 23 Duties of team.** Amends § 626.5571, subd. 2. Deletes reference to the former Community Social Services Act.
- 24 Revisor instruction.** Instructs the revisor to delete references to “256E,” “Community Social Services Act,” and “community social services block grants” in specified statutes.
- 25 Repealer.** Instructs the revisor to repeal Minnesota Statutes 2004, section 245.713, subdivisions 2 and 4; section 245.716; and section 626.5551, subdivision 4.