

House Research Act Summary

CHAPTER: 262

SESSION: 2014 Regular Session

TOPIC: Department of Human Services Unsession Bill

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Article 1: Children and Family Services

Overview

This article removes obsolete language from children and family services provisions.

Section

- 1 State aid.** Amends § 256D.02, subd. 11. Modifies the definition of “state aid” by removing references to the general assistance medical care (GAMC) program, which no longer exists.
- 2 Resident.** Amends § 256D.02, subd. 12a. Removes references to GAMC and removes an obsolete date.
- 3 Duties of the commissioner.** Amends § 256D.04. Removes references to GAMC and makes conforming technical changes.
- 4 Social Security Number required.** Amends § 256D.045. Removes references to GAMC.
- 5 Time of payment of assistance.** Amends § 256D.07. Removes references to GAMC.
- 6 Moratorium on development of group residential housing beds.** Amends § 256I.04, subd. 3. Modifies exceptions to the GRH rates to remove obsolete language.

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- 7** **Rate increases.** Amends § 256I.05, subd. 1c. Eliminates a rate increase for a facility that has closed.
- 8** **Employed participants.** Amends § 256J.425, subd. 4. Eliminates a limit on an exemption from the hourly employment requirement due to an involuntary job loss under the MFIP program.
- 9** **Driver's license suspension.** Amends § 518A.65. Strikes the requirement for the commissioner to submit a biennial report to the legislature on the whether driver's license suspension is an effective child support enforcement mechanism.
- 10** **Repealer.** Amends Laws 2013, ch. 108, art. 3, § 48. Corrects the MFIP family cap repealer that was included in the 2013 HHS omnibus finance bill.
- 11** **Transition; provisions governing performance base funds.** Paragraph (a) repeals MFIP performance based funds effective January 1, 2016.
- Paragraph (b) makes MFIP performance-based funds effective January 1, 2016.
- 12** **Repealer.** Paragraph (a) repeals Minn. Stat. 2012, sections 119A.04, subd. 1 (transfers certain programs from the Department of Education to the Department of Human Services); 119B.09, subd. 2 (sliding fee); 119B.23 (county board authorization to make child care grants); 119B.231 (school readiness service agreements); 119B.232 (family, friend, and neighbor grant program); 256.01, subds. 3 (transfer of certain powers from the executive council to the commissioner of human services); 14 (child welfare reform pilots) and 14a (child welfare single benefit demonstration); 256.9792 (arrearage collection projects); 256D.02, subd. 19 (definition of "cost-effective"); 256D.05, subd. 4 (consent to review medical records); 256D.46 (Emergency MSA); 256I.05, subds. 1b (GRH rates for uncertified boarding care homes) and 5 (adult foster care rates); 256I.07 (GRH respite care pilot project; family adult foster care); 256K.35 (at-risk youth out-of-wedlock pregnancy prevention program); 259.85, subds. 2 to 5 (post adoption service grants program); 518A.53, subd. 7 (subsequent income withholding—related to child support orders that do not contain requirements for income withholding); 518A.74 (publication of names of delinquent obligors); and 626.5593 (peer review of local agency response of child maltreatment reports).
- Paragraph (b) repeals Minn. Stat. 2012, § 256J.24, subd. 10 (MFIP exit level), effective October 1, 2014.
- Paragraph (c) repeals Minn. Stat. 2013 Supplement, § 259.85, subd. 1 (post adoption service grants program).

Section**Article 2: Health Care****Overview**

This article removes obsolete or outdated language from law governing DHS health care programs. Most of the provisions relate to effective dates and reports to the legislature.

- 1 Evaluation.** Amends § 256.963, subd. 2. Strikes an outdated reporting requirement related to the emergency room diversion project.
- 2 Disproportionate numbers of low-income patients served.** Amends § 256.969, subd. 9. Strikes an outdated provision related to calculation of disproportionate share hospital payments.
- 3 Definitions.** Amends § 256B.69, subd. 2. Strikes outdated language allowing Itasca County to serve as a managed care demonstration provider until July 1, 2004.
- 4 Individualized education program and individualized family service plan services.** Amends § 256B.69, subd. 4b. Strikes obsolete effective date and federal approval references.
- 5 Prospective per capita payment.** Amends § 256B.69, subd. 5. Strikes an obsolete date reference and reporting requirement.
- 6 Managed care contracts.** Amends § 256B.69, subd. 5a. Strikes outdated references related to renewal of managed care contracts and capitation payment withholds.
- 7 Prospective reimbursement rates.** Amends § 256B.69, subd. 5a. Strikes an obsolete effective date reference for capitation rates.
- 8 Medical education and research fund.** Amends § 256B.69, subd. 5c. Strikes an obsolete provision related to a reduction in capitation rates.
- 9 Home and community-based waiver services.** Amends § 256B.69, subd. 6b. Strikes an obsolete effective date reference for coverage of elderly waiver services under managed care.
- 10 Prescription drugs.** Amends § 256B.69, subd. 6d. Strikes an outdated effective date reference for prescription drug rebates.
- 11 Continuation of prepaid medical assistance.** Amends § 256B.69, subd. 17. Strikes on obsolete date reference.
- 12 American Indian recipients.** Amends § 256B.69, subd. 29. Strikes an obsolete effective date reference related to coverage of services at Indian Health Service and tribal facilities.

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- 13 Medicare special needs plans; medical assistance basic health care.** Amends § 256B.69, subd. 28. Strikes an obsolete effective date and reporting requirement.
- 14 Prepaid health plan rates.** Amends § 256B.69, subd. 29. Strikes an obsolete date reference.
- 15 Provision of required materials in alternative formats.** Amends § 256B.69, subd. 30. Strikes an obsolete requirement related to seeking federal waivers to provide materials to prepaid health plan enrollees in alternative formats.
- 16 Duties of commissioner of health.** Amends § 256B.692, subd. 2. Strikes an obsolete effective date reference, and an obsolete fee assessment for county-based purchasing plans.
- 17 County proposals.** Amends § 256B.692, subd. 5. Strikes outdated language related to termination of PMAP contracts. Also strikes obsolete date references related to submittal of county-based purchasing plan proposals by county boards; this makes the option of proposal submission ongoing.
- 18 Repealer.** Repeals the following sections of law: § 256.964 (dental care pilot projects); § 256.9691 (MDH technology assessment review panel, to review disputes over health plan benefits for technology-assisted persons); § 256B.075, subd. 4 (outdated report on disease management); § 256B.0757, subd. 7 (state plan amendment request related to health care homes); § 256B.19, subd. 3 (outdated study on county financial participation rates); § 256B.53 (dental access grants to community clinics and other entities) § 256B.69, subds. 5e (outdated language related to hospital MERC payments), 6c (dental services demonstration project to provide services to state health care program enrollees), and 24a (outdated report on county social services and public health administrative costs); § 256B.692, subd. 10 (outdated report on county-based purchasing plan proposals).

Article 3: Chemical and Mental Health**Overview**

This article repeals obsolete statutes, makes conforming changes, and modifies certain services and definitions related to children's mental health.

- 1 Case management services.** Amends § 245.4871, subd. 3. Strikes the term “functional assessment.”
- 2 Child with severe emotional disturbance.** Amends § 245.4871, subd. 6. Strikes language related to the use of the phrases “child with severe emotional disturbance” and “child eligible for mental health case management.”
- 3 State level; coordination.** Amends § 245.4873, subd. 2. Strikes the requirement for the Children's Cabinet to perform certain state level coordinating duties under sections 245.494 and 245.495.

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- 4** **Duties of county board.** Amends § 245.4874, subd. 1. Strikes the requirement for county boards to provide the community with information about predictors and symptoms of emotional disturbance and how to access children's mental health services.
- 5** **Duties of case manager.** Amends § 245.4881, subd. 3. Strikes the requirement for a case manager to complete a functional assessment when a child has been determined eligible for case management services.
- 6** **Individual family community support plan.** Amends § 245.4881, subd. 4. Strikes the requirement for a case manager to complete a functional assessment.
- 7** **Availability of residential treatment.** Amends § 245.4882, subd. 1. Strikes the requirement that residential treatment must be designed to prevent placements in settings that are more costly or restrictive than necessary, and appropriate to the child's needs.
- 8** **Operation of regional treatment centers.** Amends § 246.0135. Strikes obsolete language on regional treatment centers and county cost of care.
- 9** **Garden of remembrance.** Amends § 246.325. Strikes the requirement for the commissioner to approve the wording and design for a sign at the cemetery.
- 10** **Regulatory methods.** Amends § 254B.05, subd. 2. Strikes the commissioner's discretionary authority to reduce licensing fees for chemical dependency treatment programs.
- 11** **American Indian child welfare projects.** Amends § 256.01, subd. 14b. Corrects a cross reference.
- 12** **Definitions.** Amends § 256B.0943, subd. 1. Clarifies the definition of "day treatment program" for children to mean that this is a mental health program of psychotherapy for three or more individuals and individual or group skills training provided by a multidisciplinary team.
- 13** **Covered service components of children's therapeutic services and supports.** Amends § 256B.0943, subd. 2. Modifies service components of children's therapeutic services and supports by striking "individual" therapy and substituting "patient or family member" therapy and adding "psychotherapy for crisis." Strikes clinical care consultation and inserts children's day treatment. Strikes family psychoeducation and services provided by a family peer specialist. Strikes paragraph (c) permitting allowed service components to be combined to constitute therapeutic programs such as day treatment and therapeutic preschool.
- Provides an immediate effective date.
- 14** **Qualifications of individual and team providers.** Amends § 256B.0943, subd. 7. Strikes cross reference to mental health practitioners and substitutes the term "clinical trainee." Strikes the paragraph (c) which provides the list of professionals required for a preschool program multidisciplinary team.
- Provides an immediate effective date.

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- 15 Required preservice and continuing education.** Amends § 256B.0943, subd. 8. Strikes references to the training and orientation topic requirements in Minnesota Rules, part 9535.4068.
- Provides an immediate effective date.
- 16 Service authorization.** Amends § 256B.0943, subd. 10. Provides that children's therapeutic services and supports are subject to the authorization criteria and standards published by the commissioner according to section 256B.0625, subd. 25. Current law, stricken in this section of the bill, requires the commissioner to publish in the State Register a list of health services requiring prior authorization.
- Provides an immediate effective date.
- 17 Excluded services.** Amends § 256B.0943, subd. 12. Removes consultation with other providers and activities that are not direct service time from the list of CTSS services not eligible for MA reimbursement.
- Provides an immediate effective date.
- 18 Repealer.** Paragraph (a) repeals Minn. Stat. 2012, §§ 245.0311 (transfer of personnel between institutions); 245.0312 (designating special care units); 245.4861 (public/academic liaison initiative—mental health research); 245.487, subds. 4 (implementation of children's mental health act) and 5 (continuation of existing services); 245.4871, subds. 7 (definition of clinical supervision), 11 (definition of diagnostic assessment), 18 (definition of functional assessment), and 25 (definition of mental health funds); 245.4872 (planning for a children's mental health system); 245.4873, subds. 3 (local level coordination for children's mental health system) and 6 (priorities—to be established by 1992); 245.4875, subds. 3 (local contracts for children's mental health system), 6 (local system of care; coordinating council), and 7 (other local authority); 245.4883, subd. 1 (availability of acute care hospital inpatient services); 245.490 (mission statement for regional treatment centers); 245.492, subds. 6 (definition of operational target population), 8 (integrated fund task force), 13 (local coordinating council, and 19 (start-up funds); 245.4932, subds. 2 (commissioner's responsibilities related to revenue enhancement), 3 (payments), and 4 (centralized disbursement of MA payments); 245.4933 (MA provider status); 245.494 (state level coordination); 245.63 (assistance or grant for a mental health services program); 245.652 (regional treatment centers; services for chemical use); 245.69, subd. 1 (commissioner's duties related to children's integrated mental health fund); 245.714 (maintenance of effort); 245.715 (qualifications as a community mental health center); 245.717 (withholding of funds) 245.718 (appeal); 245.721 (mental health information management system); 245.77 (legal decision or residency; receipt of federal funds); 245.827 (community initiatives for children); 246.012 (measure of services); 246.016 (office of commissioner of mental health and mental hospitals abolished); 246.023, subd. 1 (interagency committee—legislative policy); 246.28 (diagnostic tests and x-ray examinations; report); 251.045 (benefits for state employees of TB sanitariums); 252.038 (provision of residential services); 252.05 (penalty for abducting a resident with a developmental disability from a state hospital); 252.07 (expenses for sheriffs transporting residents with developmental disabilities to state

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hospitals); 252.09 (courses for teachers at state hospitals); 254.01, 254.03, 254.04, 254.06, 254.07 and 254.09 to 254.11 (Willmar Regional Treatment Center); 254A.05, subd. 1 (general duties of the Alcohol and Other Drug Abuse Advisory Council); 254A.07, subs. 1 and 2 (county board coordination of local alcohol and drug programs); 254A.16, subd. 1 (needs assessment); 254B.01, subd. 1 (eliminates a cross reference to session law); 254B.04, subd. 3 (amount of contribution; chemical dependency fund services; establishment of sliding fee scale).

Paragraph (b) repeals Minnesota Statutes 2013 Supplement, §§ 246.0251 (hospital administrator—commissioner’s authority to appoint); 254.05 (designation of state hospitals); and 254B.13, subd. 3 (commissioner’s evaluation of navigator pilot projects).

Article 4: Continuing Care**Overview**

This article removes obsolete provisions from continuing care statutes and rules.

- 1 Services; service definitions; service standards.** Amends § 256B.0913, subd. 5a. Removes language related to lead agencies contracting with providers of certain supplies and equipment under the alternative care program.
- 2 Provider requirements, payment, and rate adjustments.** Amends § 256B.0913, subd. 14. Removes language related to lead agencies negotiating rates and the commissioner setting maximum service rate limits under the alternative care program.
- 3 Service approval provisions.** Amends § 256B.0915, subd. 3c. Removes language related to lead agencies contracting for certain supplies and equipment.
- 4 Adult foster care rate.** Amends § 256B.0915, subd. 3d. Removes language requiring lead agencies to negotiate adult foster care rates under the elderly waiver program.
- 5 Payments for services; expenditure forecasts.** Amends § 256B.0915, subd. 3f. Removes language under the elderly waiver program requiring lead agencies to negotiate service rates with vendors. Requires lead agencies to authorize payments for services in accordance with the payment rates and limits published annually by the commissioner.
- 6 Service rate limits; state assumption of costs.** Amends § 256B.0915, subd. 3g. Clarifies service rate limits. Removes language allowing lead agencies to negotiate individual service rates with vendors.
- 7 Persons authorized to perform civil marriages.** Amends § 517.04. Changes the title of the person at the State Academy for the Deaf and the State Academy for the Blind who has authority to perform marriages.
- 8 Capacity of witnesses.** Amends § 595.06. Strikes outdated terminology related to the capacity of witnesses.

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9 Repealer. Paragraph (a) repeals Minn. Stat. 2012, §§ 158.13; 158.14; 158.15; 158.16; 158.17; 158.18; and 158.19 (Psychopathic Department at the U of M Hospitals); 245.072 (Division for Persons with Developmental Disabilities); 256.971 (services for deaf); 256.975, subd. 3 (Minnesota Board on Aging policy); 256.9753, subd. 4 (volunteer programs for retired senior citizens report); 256B.04, subd. 16 (personal care services rulemaking); 256B.0656 (consumer-directed home care project); 256B.0657 (self-directed supports option); 256B.0913, subd. 9 (contracting provisions for providers); 256B.0916, subds. 6 (home and community-based services federal waiver request) and 6a (MA plan amendment statewide availability of consumer-directed community support services); 256B.0928 (statewide caregiver support and respite care project); 256B.431, subds. 28 (nursing facility rate increases beginning July 1, 1999, and July 1, 2000), 31 (nursing facility rate increases beginning July 1, 2001, and July 1, 2002), 33 (staged reduction in rate disparities), 34 (nursing facility rate increases beginning July 1, 2001, and July 1, 2002), 37 (nursing home rate increases effective July 1, 2002), 38 (nursing home rate increases effective in fiscal year 2003), 39 (facility rates beginning on or after July 1, 2003), 40 (designation of areas to receive metropolitan rates), 41 (rate increases for October 1, 2005, and October 1, 2006), and 43 (rate increase for facilities in Stearns, Sherburne, and Benton counties); 256B.434, subd. 19 (nursing facility rate increases beginning October 1, 2007); 256B.440 (recommendation for a new reimbursement system); 256B.441, subds. 46 (calculation of quality add-on) and 46a (calculation of quality add-on for the rate year beginning October 1, 2007); 256B.491 (waivered services); 256B.501, subds. 3a (interim rates), 3b (settle up of costs), 3h (waiving interest charges), 3j (rulemaking authority), 3k (experimental project), 3l (temporary payment rate provisions), and 5e (rate adjustment for care provided to a medically fragile individual); 256B.5016 (ICF/MR managed care option); 256B.503 (rulemaking authority); and 626.557, subd. 16 (implementation authority; development of common report form for reporting maltreatment of vulnerable adults).

Paragraph (b) repeals Minn. Stat. 2013 Supplement, sections 256B.31 (continued hospital care for long term polio patient); 256B.501, subd. 5b (ICF/DD operating cost limitation after September 30, 1995); 256C.05 (criminal penalty for interference with a disabled person's enjoyment of public facilities or housing accommodations); and 256C.29 (communications devices required in bus terminals).

Paragraph (c) repeals Minn. Rules, parts 9549.0020, subps. 2, 12, 13, 20, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 43, 44, 46, and 47 (several definitions within the Nursing Facility Payment Rates rules); 9549.0030 (nursing facility cost allocation procedures); 9549.0035, subps. 4 (compensation for personal services), 5 (licensure and certification costs), and 6 (routine service costs); 9549.0036 (nonallowable costs); 9549.0040 (reporting by cost category); 9549.0041 (general reporting requirements); 9549.0050 (scope); 9549.0051, subps. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 (several definitions related to establishing nursing facility operating payment rates); 9549.0053 (determination and allocation of fringe benefits and payroll taxes, food costs, and dietitian consulting fees); 9549.0054 (determination of the allowable historical costs per diems); 9549.0055, subp. 4 (incorporations by reference); 9549.0056 (determination of operating cost payment rate); 9549.0060, subps. 1, 2, 3, 8, 9, 12, and 13 (several provisions related to the determination of the property-related payment rate); 9549.0061 (payment for real estate taxes and special

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assessments); and 9549.0070, subps. 1 (total payment rate) and 4 (adjustment of total payment rate).

Article 5: Operations**Overview**

This article removes various provisions from DHS licensing statutes and repeals obsolete language.

- 1** **Licensing data.** Amends § 13.46, subd 4. Strikes two clauses that detail when licensing data is classified as public.
- 2** **Licensing moratorium.** Amends Minnesota Statutes 2013 Supplement, § 245A.03, subd. 7. Strikes list of conditions a provider must have met in order to be exempt from the licensing moratorium. These conditions sunset on August 1, 2013. (Now residential settings are exempt if they meet adult mental health certification standards and their beds are occupied by residents with a primary diagnosis of mental illness.)
- 3** **Licensed programs.** Amends § 245C.04, subd. 1. Removes a condition limiting the commissioner’s authority to waive a repeat background study at the time of license reapplication. Law now in effect limits this adult foster care license holders who operate certain facilities. The amendment removes this limitation.

Strikes two obsolete paragraphs.
- 4** **Fingerprints.** Amends § 245C.05, subd. 5. Eliminates a cross reference to a paragraph that has been stricken in the preceding section (§ 245C.04, subd. 1, para (d)).
- 5** **Local welfare agency, Department of Human Services or Department of Health responsible for assessing or investigating reports of maltreatment.** Amends § 626.556, subd. 3c. Strikes paragraph (d) which required the commissioners of human services, public safety, and education to jointly submit a written report by January 15, 2007.
- 6** **Revisor’s instruction.** Instructs the revisor to make necessary changes in statutes and rules to conform with sections and parts repealed.
- 7** **Repealer.** Repeals §§ 245A.02, subd. 7b (definition of “interpretive guidelines”); 245A.09, subd. 12 (publication of interpretive guidelines); 245A.11, subd, 5 (overconcentration and dispersal of group homes—this subdivision applies to plans that were to be completed by 1990).