

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill modifies mental health provisions to require notification to an Indian child's tribe and to allow the tribe's participation in mental health placement and treatment decisions related to the child. It also modifies requirements related to level of care determinations, and service delivery in child day treatment programs.

#### Section

- 1 Admission criteria.** Amends § 245.4885, subd. 1. Adds a provision that when Indian Health Services funds or funds from a tribally owned facility under the Indian Self-Determination and Education Assistance Act are to be used to pay for treatment for a child with a severe emotional disturbance, then the Indian Health Service or the tribal facility must determine the appropriate level of care.
- 2 Emergency admission.** Amends § 245.4885, subd. 1a. Strikes the requirement that a level of care determination must be completed within five days of a child's admission to an acute care hospital for emergency treatment.
- 3 Licensure required.** Amends § 254B.05, subd. 1. Permits American Indian programs to provide chemical dependency treatment and related services off reservation.
- 4 Community health worker.** Amends § 256B.0625, subd. 49. Corrects a cross-reference to include licensed professional clinical counselors in the definition of mental health professional for purposes of medical assistance reimbursement for services.
- 5 Service delivery criteria.** Amends § 256B.0943, subd. 9. Removes recreation therapy, socialization therapy, and independent living skills therapy from services included in a day treatment program for children.

Adds a requirement for a mental health behavioral aide to provide services in compliance with a clinical supervision plan that has been approved by the responsible mental health professional. Removes the requirement for the mental health professional to provide on-site

observation for one hour during the first 12 hours of service delivery by the aide.

- 6 Reimbursement for mental health services.** Amends § 256B.761. Adds paragraph (c) which requires the commissioner to establish three levels of payment for mental health diagnostic assessments based on the complexity of the assessment. It is anticipated that this will be cost neutral.

- 7 Juvenile treatment screening team.** Amends § 260C.157, subd. 3. Adds a requirement for the social service agency working with the child to determine whether the child is an Indian child, and if so, to determine the child's tribe. Requires a representative of the child's tribe to be a member of the treatment team, unless the tribal authority declines to appoint a representative. Allows the tribe to delegate its authority to any other federally recognized Indian tribe.

Requires the court, when making a disposition plan that proposes an out-of-home placement that may exceed 30 days, to determine whether the child is an Indian child, and if so, to notify the child's tribe.

Requires notice be provided to the child's tribe if the juvenile treatment screening team decides to screen the child; requires that the tribe's representative be allowed to participate in the screening team.

When the tribe, tribal health services provider, or Indian Health Services proposes to place a child for treatment of an emotional disturbance, developmental disability, or chemical dependency with co-occurring emotional disturbance, the tribe or its delegated representative must submit necessary documentation to the county juvenile treatment screening team. The team must invite the tribe to participate in the screening team.