

Subject DHS Community Supports Policy Bill

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Overview

This bill contains changes to children’s mental health screening collection, the State Advisory Council on Mental Health, consolidated chemical dependency fund payments and terminology, and the Opioid Epidemic Response Advisory Committee, clarification of day services needs determination, updates to the chapter of statutes governing public guardianship for persons with developmental disabilities, clarification of terminology related to housing stabilization services, and updates to and clarification of the statutes governing community first services and supports (CFSS).

Summary

| Section | Description |
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| 1 | Duties of county board. Amends § 245.4874, subd. 1. Permits the commissioner to collect individual children’s mental health screening results for purposes of program evaluation and improvement. |
| 2 | Creation. Amends § 245.697, subd. 1. Modifies composition of the State Advisory Council on Mental Health. |
| 3 | Commissioner’s duties. Amends § 252.43. Clarifies the determination of need process for adult day services. Provides an immediate effective date. |
| 4 | Policy. Amends § 252A.01, subd. 1. Modifies the state’s policy on public guardianship of persons with developmental disabilities to align public guardianship statutes with |

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| | changes made in 2020 to modernize language and refocus the system on less restrictive alternatives. |
| 5 | Person with a developmental disability. Amends § 252A.02, subd. 2. Modifies the definition of “person with a developmental disability” in the chapter of statutes governing public guardianship of persons with developmental disabilities. |
| 6 | Person subject to public guardianship. Amends § 252A.02, subd. 9. Replaces the term “ward” with “person subject to public guardianship.” |
| 7 | Interested person. Amends § 252A.02, subd. 9. Modifies the definition of “interested person.” |
| 8 | Comprehensive evaluation. Amends § 252A.02, subd. 12. Updates terminology and makes technical changes. |
| 9 | Protected person. Amends § 252A.02, by adding subd. 16. Defines “protected person” under the chapter of statutes governing public guardianship of persons with developmental disabilities. |
| 10 | Respondent. Amends § 252A.02, by adding subd. 17. Defines “respondent” under the chapter of statutes governing public guardianship of persons with developmental disabilities. |
| 11 | Supported decision making. Amends § 252A.02, by adding subd. 18. Defines “supported decision making” under the chapter of statutes governing public guardianship of persons with developmental disabilities. |
| 12 | Standard for acceptance. Amends § 252A.03, subd. 3. Makes technical and conforming changes and requires the person subject to public guardianship be included in the process prior to the submission of the nomination. |
| 13 | Alternatives. Amends § 252A.03, subd. 4. Makes technical and conforming changes. |

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| 14 | Local agency. Amends § 252A.04, subd. 1. Makes conforming terminology changes. |
| 15 | Medication; treatment. Amends § 252A.04, subd. 2. Makes conforming terminology changes. |
| 16 | File. Amends § 252A.04, subd. 4. Makes conforming terminology changes and makes technical changes. |
| 17 | Commissioner's petition for appointment as public guardian. Amends § 252A.05. Makes a conforming change. |
| 18 | Who may file. Amends § 252A.06, subd. 1. Makes technical and conforming changes. |
| 19 | Contents. Amends § 252A.06, subd. 2. Makes conforming terminology changes. |
| 20 | With petition. Amends § 252A.07, subd. 1. Makes technical changes. |
| 21 | Copies. Amends § 252A.07, subd. 2. Makes conforming terminology changes. |
| 22 | Evaluation required; exception. Amends § 252A.07, subd. 3. Makes technical changes and conforming terminology changes. |
| 23 | Service of notice. Amends § 252A.081, subd. 2. Makes conforming terminology changes. |
| 24 | Attorney. Amends § 252A.081, subd. 3. Makes a conforming terminology change. |
| 25 | Defective notice of service. Amends § 252A.081, subd. 5. Makes conforming terminology changes. |
| 26 | Attorney appointment. Amends § 252A.09, subd. 1. Makes a conforming terminology change. |

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| 27 | Representation. Amends § 252A.09, subd. 2. Makes technical and conforming changes. |
| 28 | Waiver of presence. Amends § 252A.101, subd. 2. Makes conforming terminology changes. |
| 29 | Medical care. Amends § 252A.101, subd. 3. Makes conforming terminology changes. |
| 30 | Findings. Amends § 252A.101, subd. 5. Makes conforming terminology changes and clarifies language. |
| 31 | Notice of order; appeal. Amends § 252A.101, subd. 6. Makes conforming terminology changes. |
| 32 | Letters of guardianship. Amends § 252A.101, subd. 7. Makes conforming terminology changes and technical changes. |
| 33 | Dismissal. Amends § 252A.101, subd. 8. Makes conforming terminology changes and technical changes. |
| 34 | Additional powers. Amends § 252A.111, subd. 2. Makes conforming terminology changes. |
| 35 | Appointment of conservator. Amends § 252A.111, subd. 4. Makes conforming terminology changes. |
| 36 | Special duties. Amends § 252A.111, subd. 6. Makes conforming terminology changes. |
| 37 | Appointment of public guardian not a finding of incompetency. Amends § 252A.12. Makes conforming terminology changes. |
| 38 | Annual review. Amends § 252A.16. Makes conforming terminology changes. |

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| 39 | Effect of succession in office. Amends § 252A.17. Makes technical and conforming changes. |
| 40 | Petition. Amends § 252A.19, subd. 2. Makes conforming terminology changes and technical changes. |
| 41 | Comprehensive evaluation. Amends § 252A.19, subd. 4. Makes a conforming terminology change. |
| 42 | Court order. Amends § 252A.19, subd. 5. Makes a conforming terminology change. |
| 43 | Attorney general's role; commissioner's role. Amends § 252A.19, subd. 7. Makes a conforming terminology change. |
| 44 | Court-appointed counsel. Amends § 252A.19, subd. 8. Makes conforming terminology changes. |
| 45 | Cost of hearings. Amends § 252A.20. Makes technical and conforming changes. |
| 46 | Rules. Amends § 252A.21, subd. 2. Makes conforming terminology changes. |
| 47 | Private guardianships. Amends § 252A.21, subd. 4. Makes conforming changes. |
| 48 | Chemical dependency fund payment. Amends § 254B.03, subd. 2. Modifies reference to services eligible for payment from the chemical dependency fund. |
| 49 | Membership. Amends § 256.042, subd. 2. Modifies when terms end for members of the Opiate Epidemic Response Advisory Council. |
| 50 | Grants. Amends § 256.042, subd. 4. Modifies dates for grants proposed by the Opiate Epidemic Response Advisory Council; specifies that the council determines grant awards and amounts, and that the commissioner of human services administers the grants from the opiate epidemic response fund. |

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| 51 | Purpose. Amends § 256B.051, subd. 1. Clarifies terminology related to housing stabilization services under MA. |
| 52 | Eligibility. Amends § 256B.051, subd. 3. Clarifies terminology. |
| 53 | Housing stabilization services. Amends § 256B.051, subd. 5. Clarifies terminology. |
| 54 | Provider qualifications and duties. Amends § 256B.051, subd. 6. Clarifies terminology and requires a housing stabilization services provider to complete annual vulnerable adult training. |
| 55 | Housing support supplemental services rates. Amends § 256B.051, subd. 7. Clarifies terminology. |
| 56 | Home and community-based service documentation requirements. Amends § 256B.051, by adding subd. 8. Allows documentation to be collected and maintained either electronically or in paper form by housing stabilization services providers and requires documentation to be produced upon request by the commissioner. Specifies the information that must be included in the documentation. |
| 57 | Service standards. Amends § 256B.0947, subd. 6. Makes clarifying change. |
| 58 | Waiver transportation documentation and billing requirements. Amends § 256B.4912, subd. 13. Modifies documentation requirements for home and community-based waiver transportation service providers by clarifying the provider standards to align with current guidance and federal requirements. |
| 59 | Managed care contracts. Amends § 256B.69, subd. 5a. Requires managed care plans to use processes, forms, documentation, data reporting, and other policies consistent with MA fee-for-service or DHS contract requirements for community first services and supports (CFSS), which are scheduled to replace PCA services beginning in June. |
| 60 | Basis and scope. Amends § 256B.85, subd. 1. Clarifies that supports purchased under CFSS are not considered home care services. |

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| 61 | Definitions. Amends § 256B.85, subd. 2. Clarifies the definitions of “activities of daily living,” “complex health-related needs,” “CFSS service delivery plan,” “dependency,” “extended CFSS,” “level I behavior,” “medication assistance,” “participant’s representative,” and “shared services.” |
| 62 | Eligibility. Amends § 256B.85, subd. 3. Clarifies eligibility for CFSS. |
| 63 | Eligibility for other services. Amends § 256B.85, subd. 4. Makes technical changes. |
| 64 | Assessment requirements. Amends § 256B.85, subd. 5. Modifies assessment requirements under CFSS. |
| 65 | CFSS service delivery plan. Amends § 256B.85, subd. 6. Clarifies CFSS service delivery plans must meet the needs identified in the developmental disabilities waiver coordinated service and support plan. Requires the CFSS service delivery plan to describe the units or dollar amount available to the participant. |
| 66 | CFSS; covered services. Amends § 256B.85, subd. 7. Modifies prohibitions for CFSS support workers who are the parent, stepparent, or legal guardian of a participant under age 18, or who are a participant’s spouse. |
| 67 | Determination of CFSS service authorization amount. Amends § 256B.85, subd. 8. Clarifies the provision of additional service units for level I behaviors. |
| 68 | Authorization; exceptions. Amends § 256B.85, by adding subd. 8a. Provides for exceptions to CFSS service authorizations. |
| 69 | Noncovered services. Amends § 256B.85, subd. 9. Clarifies noncovered services in residential settings and for children under age 18 under CFSS. |

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| 70 | Agency provider and FMS provider qualifications and duties. Amends § 256B.85, subd. 10. Requires agency providers to complete required training as determined by the commissioner. Clarifies general duties of agency providers and FMS providers under CFSS. |
| 71 | Agency provider model. Amends § 256B.85, subd. 11. Requires the agency to make a reasonable effort to fulfill the participant's request for the participant's preferred worker. |
| 72 | Agency provider model; support worker competency. Amends § 256B.11b. Clarifies support worker competency requirements under CFSS. Clarifies requirements when providing shared services. |
| 73 | Requirements for enrollment of CFSS agency providers. Amends § 256B.85, subd. 12. Clarifies requirements CFSS agency providers must meet at the time of enrollment, reenrollment, and revalidation as a CFSS agency provider. |
| 74 | CFSS agency provider requirements; notice regarding termination of services. Amends § 256B.85, subd. 12b. Extends the timeline for agency providers to provide a termination of services notice to a participant from ten calendar days to 30 calendar days before the proposed termination of service. |
| 75 | Budget model. Amends § 256B.85, subd. 13. Requires two or more participants who are using the budget model, living in the same household, and using the same worker to use the same FMS provider. If the FMS provider advises that there is a joint employer in the budget model, requires all participants associated with that joint employer to use the same FMS provider. |
| 76 | Financial management services. Amends § 256B.85, subd. 13a. Expands FMS provider requirements to include providing written notice to the participant or the participant's representative at least 30 calendar days before a proposed service termination becomes effective. |
| 77 | Participant's representative responsibilities. Amends § 256B.85, by adding subd. 14a. Requires a participant to use a participant's representative to receive CFSS services if the participant is unable to direct the participant's own care. Lists circumstances under which a participant's representative is required. Lists requirements a participant's representative must meet. Lists certain persons who are prohibited from being a participant's representative. Allows for two persons to be designated as the participant's |

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| | representative. Requires the participant or the participant’s legal representative to appoint a participant’s representative. Requires a participant’s representative to enter into a written agreement with an agency provider or FMS provider and lists the items that must be included in the agreement. Allows a participant’s representative to temporarily delegate responsibility to another adult and lists duties a participant’s representative must meet in delegating responsibility. Allows a lead agency to disqualify a participant’s representative who engages in conduct that creates an imminent risk of harm to the participant, the support worker, or other staff. Requires a participant’s representative who fails to provide support required by the participant to be referred to the common entry point. |
| 78 | Documentation of support services provided; time sheets. Amends § 256B.85, subd. 15. Clarifies support workers must submit time sheets at least once per month. Makes technical changes. |
| 79 | Consultation services provider qualifications and requirements. Amends § 256B.85, subd. 17a. Expands the list of qualifications and requirements consultation services providers must meet under CFSS to include proof of surety bond coverage and reporting of maltreatment of minors and vulnerable adults. |
| 80 | Worker training and development services. Amends § 256B.85, subd. 18a. Requires worker training and development services to be delivered by an individual competent to perform, teach, or assign the tasks, including health-related tasks, identified in the plan through education, training, and work experience. Modifies the list of items worker training and development services do not include. |
| 81 | Service-related rights under an agency provider. Amends § 256B.85, subd. 20b. Clarifies participant’s service-related rights under an agency provider related to shared services. |
| 82 | Commissioner’s access. Amends § 256B.85, subd. 23. Makes technical and clarifying changes. |
| 83 | Sanctions; information for participants upon termination of services. Amends § 256B.85, subd. 23a. Clarifies consultation services providers must also provide a participant with notice of service termination and support the participant in transitioning to another provider. Allows the commissioner to inform the Ombudsman for Long-Term Care and the lead agencies for all participants with active service agreements of a consultation services provider whose enrollment has been suspended or terminated. |

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| 84 | Revisor instruction. Instructs the revisor of statutes to change the term “consolidated chemical dependency treatment fund” or similar terms to “behavioral health fund” in relevant statutes. Allows the revisor to make grammatical changes related to the term change. |
| 85 | Repealer. Repeals Minn. Stat. § 252.28, subd. 1 (DH&H determinations; redeterminations) and 5 (appeals), effective the day following final enactment. Repeals Minn. Stat. § 252A.02, subd. 8 (public conservator definition) and 10 (conservatee definition), and Minn. Stat. § 252A.21, subd. 3 (terminology), effective August 1, 2021. |



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