

Subject DHS Community Supports Policy Bill

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Overview

This bill makes technical, clarifying, and policy changes to various community supports programs including mental health services, children’s mental health, certified community behavioral health clinics, the corporate foster care moratorium, integrated community supports, mental health uniform service standards, substance use disorder treatment, assertive community treatment, telehealth services, personal care assistance, long-term care assessment and support planning, intensive treatment in foster care, early intensive developmental and behavioral interventions, and long-term homeless supportive services. This bill also establishes a systemic critical incident review team.

Summary

Section	Description
1	<p>Definitions.</p> <p>Amends § 62A.673, subd. 2. Modifies the definition of “health care provider” for purposes of the Minnesota Telehealth Act, by updating cross references and adding mental health clinical trainees.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>
2	<p>Other professionals.</p> <p>Amends § 148F.11, subd. 1. Strikes cross-reference and makes clarifying change.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>
3	<p>Diagnostic assessment.</p> <p>Amends § 245.467, subd. 2. Makes clarifying changes.</p>

Section	Description
	Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
4	Individual treatment plans. Amends § 245.467, subd. 3. Makes clarifying changes. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
5	Individual treatment plan. Amends § 245.4871, subd. 21. Adds paragraph (b), exempting licensed children’s residential facilities from existing individual treatment plan requirements and providing new requirements for those facilities. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
6	Diagnostic assessment. Amends § 245.4876, subd. 2. Makes clarifying changes; adds diagnostic assessment requirements for licensed children’s residential facilities. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
7	Individual treatment plans. Amends § 245.4876, subd. 3. Makes clarifying changes; exempts licensed children’s residential facilities from existing individual treatment plan requirements and specifies requirements for those facilities. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
8	Certified community behavioral health clinics. Amends § 245.735, subd. 3. Makes technical changes. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
9	Licensing moratorium. Amends § 245A.03, subd. 7. Modifies the corporate foster care moratorium by removing an obsolete exception to the moratorium.

Section	Description
	Provides an immediate effective date.
10	Integrated community supports; setting capacity report. Amends § 245D.12. Adds to the information that must be provided in an integrated community support setting capacity report by including information on the total number of people who could reside in the living units in certain multifamily housing buildings and receive integrated community supports. Provides an immediate effective date.
11	Mental health practitioner qualifications. Amends § 245I.04, subd. 4. Adds language allowing social work, psychology, or counseling clinical trainees to qualify as mental health practitioners. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
12	Initial training. Amends § 245I.05, subd. 3. Makes technical change. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
13	Generally. Amends § 245I.10, subd. 2. Modifies cross-reference. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
14	Standard diagnostic assessment; required elements. Amends § 245I.10, subd. 6. Makes technical change. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.
15	Rate requirements. Amends § 254B.05, subd. 5. Modifies cross-references. Makes this section effective July 1, 2022, or upon federal approval, whichever is later.

Section	Description
16	<p>Department of Human Services systemic critical incident review team.</p> <p>Amends § 256.01 by adding subd. 12b. Allows the commissioner to establish a systemic critical incident review team to review critical incidents related to vulnerable adults in facilities or services for which the Department of Human Services is the lead investigative agency. Specifies duties of the review team and requirements for the critical incident review process, including: data collection, systemic mapping of the critical incident, and analysis of the case for systemic influences. Specifies case selection committee requirements and data and disclosure prohibitions.</p>
17	<p>Definitions.</p> <p>Amends § 256B.0622, subd. 2. Makes clarifying changes to assertive community treatment crisis assessment and intervention definition.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>
18	<p>Telehealth services.</p> <p>Amends § 256B.0625, subd. 3b. Modifies cross-references and makes clarifying changes. Modifies paragraph (d) to specify that telehealth visits via telephone may satisfy face-to-face reimbursement requirements when services are provided under certain payment methods, from July 1, 2021, to July 1, 2023, or until the federal COVID-19 public health emergency ends, whichever is earlier.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later, except that the amendments to paragraph (d) are effective retroactively from July 1, 2021.</p>
19	<p>Personal care assistance choice option; qualifications; duties.</p> <p>Amends § 256B.0659, subd. 19. Removes obsolete language and makes technical changes.</p>
20	<p>Dialectical behavioral therapy.</p> <p>Amends § 256B.0671, subd. 6. Removes age eligibility requirement for dialectical behavioral therapy covered by medical assistance in intensive mental health outpatient treatment.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>

Section	Description
21	<p>Assessment and support planning.</p> <p>Amends § 256B.0911, subd. 3a. Makes technical changes and removes certain limitations on remote long-term care consultation services reassessments.</p>
22	<p>Required covered service components.</p> <p>Amends § 256B.0946, subd. 1. Modifies cross-reference.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>
23	<p>Service standards.</p> <p>Amends § 256B.0947, subd. 6. Modifies required updates for level of care assessments and function assessments from every 90 days to every six months; removes language requiring individual treatment plan review at least every 90 days.</p> <p>Makes this section effective July 1, 2022, or upon federal approval, whichever is later.</p>
24	<p>Definitions.</p> <p>Amends § 256B.0949, subd. 2. Adds a definition for “advanced certification” under the early intensive developmental and behavioral interventions (EIDBI) program.</p>
25	<p>Covered services.</p> <p>Amends § 256B.0949, subd. 13. Requires EIDBI providers with advanced certification overseeing implementation to document required qualifications for the treatment model used in a manner determined by the commissioner. Clarifies the meaning of intervention with a higher provider ratio. Makes qualified supervision professional attendance at a coordinated care conference optional. Removes the limitation that telehealth services must be provided by a licensed health care provider.</p>
26	<p>Outcomes.</p> <p>Amends § 256K.26, subd. 6. Clarifies that Tribes may provide long-term homeless supportive services. Updates terminology.</p>
27	<p>Eligible services.</p> <p>Amends § 256K.26, subd. 7. Clarifies that Tribes may provide long-term homeless supportive services.</p>
28	<p>Qualified professional.</p> <p>Amends § 256P.01, subd. 6a. Makes a conforming cross-reference change.</p>

Section	Description
	Makes this section effective July 1, 2022, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
29	Account creation. Amends § 256Q.06, by adding subd. 6. If an eligible individual is unable to establish his or her own Achieving a Better Life Experience (ABLE) account, allows an ABLE account to be established on behalf of the eligible individual by the eligible individual's agent under power of attorney or, if none, by the eligible individual's conservator or legal guardian, spouse, parent, sibling, or grandparent or a representative payee appointed for the eligible individual by the SSA, in that order. This change aligns Minnesota's ABLE statute with final federal IRS rules. Provides an immediate effective date.
30	Waivers and modifications; federal funding extension. Amends Laws 2020, First Special Session ch. 7, § 1, subd. 1, as amended by Laws 2021, First Special Session ch. 7, art. 2, § 71. Makes a technical change.
31	Revisor instruction. Instructs the revisor to change the term "chemical dependency" to "substance use disorder" throughout chapters 245G, 253B, 254A, and 254B and make any related grammatical changes.
32	Repealer. Repeals sections 254A.04 (Alcohol and Other Drug Abuse Advisory Council, expired June 30, 2018) and 254B.14 (chemical dependency continuum of care pilot projects).



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