

**Subject** DHS Policy Bill: Substance use disorder treatment updates; home and community-based services workforce development grant

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## Overview

This bill makes changes to cross-references and terminology resulting from the recent change from local agencies (typically counties) conducting “Rule 25” assessments and placements for substance use disorder (SUD) services through the behavioral health fund, to the direct access model currently in place for comprehensive assessments and services. The bill adds several definitions to chapter 254B and moves provisions governing behavioral health fund client eligibility, SUD assessment criteria dimensions and risk descriptions, and payment for services, from rule to statute. The bill also expands eligibility for the home and community-based services (HCBS) workforce development grant.

## Summary

| Section | Description   |
|---------|---|
| 1       | <b>Benefits.</b><br>Amends § 62N.25, subd. 5. Updates cross-reference.  |
| 2       | <b>Chemical dependency.</b><br>Amends § 62Q.1055. Updates cross-reference and terminology.  |
| 3       | <b>Alcoholism, mental health, and chemical dependency services.</b><br>Amends § 62Q.47. Updates cross references and terminology. |
| 4       | <b>Assessment report.</b><br>Amends § 169A.70, subd. 3. Updates cross-reference.  |

| <b>Section</b> | <b>Description</b>  |
|----------------|---|
| 5              | <b>Assessor standards; rules; assessment time limits.</b><br>Amends § 169A.70, subd. 4. Updates cross-reference; strikes language regarding county assessors and assessor financial conflict.   |
| 6              | <b>Change of ownership process.</b><br>Amends § 245A.043, subd. 3. Corrects cross-reference.  |
| 7              | <b>Assessment summary.</b><br>Amends § 245G.05, subd. 2. Updates terminology and cross-reference.   |
| 8              | <b>Definitions.</b><br>Amends § 245G.22, subd. 2. Strikes definition of “placing authority.”  |
| 9              | <b>Rules for substance use disorder care.</b><br>Amends § 254A.03, subd. 3. Strikes language relating to substance use disorder assessment criteria in rules; updates cross-references and terminology; strikes expiration date for paragraph allowing direct access for comprehensive assessments. |
| 10             | <b>Persons arrested outside of home county.</b><br>Amends § 254A.19, subd. 1. Deletes cross-reference; strikes language about county assessments; inserts language requiring the county in which a person is detained to give access to a qualified assessor.                                       |
| 11             | <b>Comprehensive assessments.</b><br>Amends § 254A.19, subd. 3. Strikes language regarding assessor financial conflicts of interest.  |
| 12             | <b>Civil commitments.</b><br>Amends § 254A.19, subd. 4. Updates terminology; strikes references to rules.   |
| 13             | <b>Assessments for detoxification programs.</b><br>Amends § 254A.19 by adding subd. 6. Specifies that for detoxification programs, a “chemical use assessment” is a comprehensive assessment and assessment summary; specifies assessor qualifications.   |
| 14             | <b>Assessments for children’s residential facilities.</b><br>Amends § 254A.19 by adding subd. 7. Specifies that for children’s residential facilities, a “chemical use assessment” is a comprehensive assessment and assessment summary; specifies assessor qualifications.                         |

| <b>Section</b> | <b>Description</b>   |
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| 15             | <b>Behavioral health fund.</b><br>Amends § 254B.01 by adding subd. 2a. Defines “behavioral health fund.”   |
| 16             | <b>Client.</b><br>Amends § 254B.01 by adding subd. 2b. Defines “client.”   |
| 17             | <b>Co-payment.</b><br>Amends § 254B.01 by adding subd. 2c. Defines “co-payment.”   |
| 18             | <b>Department.</b><br>Amends § 254B.01 by adding subd. 4c. Defines “department.”   |
| 19             | <b>Drug and Alcohol Abuse Normative Evaluation System or DAANES.</b><br>Amends § 254B.01 by adding subd. 4d. Defines “Drug and Alcohol Abuse Normative Evaluation System” or “DAANES.”   |
| 20             | <b>Local agency.</b><br>Amends § 254B.01, subd. 5. Updates definition of “local agency” by removing placement authority and inserting behavioral health fund eligibility determination.  |
| 21             | <b>Minor child.</b><br>Amends § 254B.01 by adding subd. 6a. Defines “minor child.”   |
| 22             | <b>Policyholder.</b><br>Amends § 254B.01 by adding subd. 6b. Defines “policyholder.”   |
| 23             | <b>Responsible relative.</b><br>Amends § 254B.01 by adding subd. 9. Defines “responsible relative.”  |
| 24             | <b>Third-party payment source.</b><br>Amends § 254B.01 by adding subd. 10. Defines “third-party payment source.”   |
| 25             | <b>Vendor.</b><br>Amends § 254B.01 by adding subd. 11. Defines “vendor.”   |
| 26             | <b>Local agency duties.</b><br>Amends § 254B.03, subd. 1. Removes language relating to local agency placement authority and inserts language requiring the local agency to determine behavioral health fund financial eligibility. Removes additional language relating to local agency assessments and cross-references to rules. |

| <b>Section</b> | <b>Description</b>   |
|----------------|--|
| 27             | <b>Behavioral health fund payment.</b><br>Amends § 254B.03, subd. 2. Removes language regarding county provision of substance use disorder services from the county's own resources.   |
| 28             | <b>Rules; appeal.</b><br>Amends § 254B.03, subd. 5. Removes language related to county SUD service placement and referrals.  |
| 29             | <b>Scope and applicability.</b><br>Amends § 254B.04, subd. 1. Removes eligibility language; inserts language outlining the scope of the section governing the behavioral health fund.  |
| 30             | <b>Client eligibility.</b><br>Amends § 254B.04 by adding subd. 1a. Inserts eligibility criteria for behavioral health fund services (stricken from subdivision 1 above). Adds further details on eligibility criteria that are currently in Minnesota Rules, part 9530.7015.   |
| 31             | <b>Eligibility for room and board services for persons in outpatient substance use disorder treatment.</b><br>Amends § 254B.04, subd. 2a. Removes language related to county assessment and placement in residential treatment; inserts language specific to room and board services; adds assessment dimension related to readiness to change.  |
| 32             | <b>Assessment criteria and risk descriptions.</b><br>Amends § 254B.04 by adding subd. 4. Codifies required SUD assessment criteria dimensions and risk descriptions currently in Minnesota Rules, part 9530.6622.  |
| 33             | <b>Local agency responsibility to provide services.</b><br>Amends § 254B.04 by adding subd. 5. Allows a local agency to employ individuals for administrative activities and to facilitate access to SUD treatment services.   |
| 34             | <b>Local agency to determine client financial eligibility.</b><br>Amends § 254B.04 by adding subd. 6. Adds language currently in Minnesota Rules, part 9530.7020. Requires the local agency to determine a client's financial eligibility for the behavioral health fund; requires the agency to pay for eligible clients; specifies how the agency must determine client eligibility; and specifies third-party payment requirements. |

| <b>Section</b> | <b>Description</b>   |
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| 35             | <b>Client fees.</b><br>Amends § 254B.04 by adding subd. 7. Adds language currently in Minnesota Rules, part 9530.7022. Specifies that a client whose income is within current household size and income guidelines will not pay a fee. |
| 36             | <b>Vendor must participate in DAANES system.</b><br>Amends § 254B.04 by adding subd. 8. Adds language requiring behavioral health fund vendors to participate in DAANES, a requirement currently in Minnesota Rules, part 9530.7030.   |
| 37             | <b>Vendor payment for drug dependent persons.</b><br>Amends § 256D.09, subd. 2a. Updates a cross-reference related to qualified assessors.   |
| 38             | <b>Substance use disorder.</b><br>Amends § 256L.03, subd. 2. Updates cross-references and terminology related to qualified assessors and direct access.  |
| 39             | <b>Substance use disorder assessments.</b><br>Amends § 256L.12, subd. 8. Updates cross-references and terminology.   |
| 40             | <b>Investigation.</b><br>Amends § 260B.157, subd. 1. Updates cross-references and terminology related to qualified assessors and direct access.  |
| 41             | <b>Juvenile treatment screening team.</b><br>Amends § 260B.157, subd. 3. Updates cross-reference.  |
| 42             | <b>Juvenile treatment screening team.</b><br>Amends § 260C.157, subd. 3. Updates cross-reference.  |
| 43             | <b>General duties.</b><br>Amends § 260E.20, subd. 1. Updates terminology and cross-reference.  |
| 44             | <b>Establishment of team.</b><br>Amends § 299A.299, subd. 1. Updates cross-reference.  |
| 45             | <b>HCBS Workforce Development Grant.</b><br>Amends Laws 2021, First Special Session ch. 7, art. 17, § 20.  |

**Section** **Description**

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**Subd. 1. Appropriation.** Expands eligibility for the HCBS workforce development grant by increasing maximum income eligibility from 200 percent to 300 percent of the federal poverty guidelines.

**Subd. 2. Public assistance eligibility.** Excludes workforce development grant money from being counted as income, assets, or personal property for purposes of determining eligibility or recertifying eligibility for various income assistance programs.

**Subd. 3. Medical assistance eligibility.** Excludes workforce development grant money from being counted as income or assets for purposes of determining eligibility for MA.

**46** **Revisor instruction.**

Instructs the revisor to renumber the subdivisions in section 254B.01 and correct any cross-references.

**47** **Repealer.**

Repeals §§ 169A.70, subd. 6 (alcohol safety programs; chemical use assessments; method of assessment); 245G.22, subd. 19 (opioid treatment programs; placing authorities); 254A.02, subd. 8a (placing authority definition); 254A.16, subd. 6 (responsibilities of the commissioner; monitoring of placing authorities); 254A.19, subds. 1a, 2, 5 (chemical use assessments; emergency room patients; probation officer as contact; assessment via telehealth); 254B.04, subds. 2b, 2c (eligibility for behavioral health fund services); and 254B.041, subd. 2 (substance use disorder rules; vendor collections; rule amendment).



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