

Subject Department of Human Services Technical and Policy Bill

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Overview

This bill contains Department of Human Services technical and policy changes to various behavioral health, substance use disorder, aging, and disability services.

Summary

Section	Description
1	Case management services. Amends § 245.462, subd. 3. Updates terminology from “assessment summary” to “community support plan.”
2	Individual community support plan. Amends § 245.462, subd. 12. Updates terminology from “assessment summary” to “community support plan.”
3	Duties of case manager. Amends § 245.4711, subd. 3. Updates terminology from “assessment summary” to “community support plan.”
4	Individual community support plan. Amends § 245.4711, subd. 4. Updates terminology from “assessment summary” to “community support plan.”
5	Appeals. Amends § 245.77. Updates terminology from “assessment summary” to “community support plan.”
6	Failure to maintain expenditures. Amends § 245.4835, subd. 2. Updates terminology from “assessment summary” to “community support plan.”

Section	Description
7	Case management services. Amends § 245.4871, subd. 3. Updates terminology from “assessment summary” to “community support plan.”
8	Individual family community support plan. Amends § 245.4871, subd. 19. Updates terminology from “assessment summary” to “community support plan.”
9	Individual case coordination. Amends § 245.4873, subd. 4. Updates terminology from “family assessment summary” to “individual family community support plan.”
10	Duties of case manager. Amends § 245.4881, subd. 3. Updates terminology from “assessment summary” to “community support plan.”
11	Individual family community support plan. Amends § 245.4881, subd. 4. Updates terminology from “assessment summary” to “community support plan.”
12	Admission criteria. Amends § 245.4885, subd. 1. Updates terminology from “assessment summary” to “community support plan.”
13	Appeals. Amends § 245.4887. Updates terminology from “assessment summary” to “community support plan.”
14	Licensing moratorium. Amends § 245A.03, subd. 7. Modifies an exception to the corporate foster care moratorium. Provides an immediate effective date.
15	Adult foster care and community residential settings; variance for alternate overnight supervision. Amends § 245A.11, subd. 7. Includes community residential settings in a requirement that requires a licensing variance for certain facilities to use alternate overnight supervision, makes technical changes, and removes obsolete language. Provides an immediate effective date.

Section	Description
16	<p>Delegation of authority to agencies.</p> <p>Amends § 245A.16, subd. 1. Includes dual licensure of child foster residence settings and community residential settings in a statute limiting the commissioner's delegation of certain licensing authority to county agencies.</p> <p>Provides an immediate effective date.</p>
17	<p>Applicability.</p> <p>Amends § 245D.03, subd. 1. Modifies the lists of basic support services and intensive support services under the chapter of statutes governing home and community-based services standards.</p>
18	<p>Operation of regional treatment centers.</p> <p>Amends § 246.0135. Removes language governing admission and discharge procedures for persons with developmental disabilities who move from one regional treatment center to another regional treatment center.</p>
19	<p>Membership terms, compensation, removal and expiration.</p> <p>Amends § 254A.035, subd. 2. Removes expiration date for the American Indian Advisory Council.</p>
20	<p>Room and board provider requirements.</p> <p>Amends § 254B.05, subd. 1a. Modifies behavioral health fund room and board vendor requirements by requiring awake staff on site whenever a client is present, rather than 24 hours per day; adds requirement for a vendor that is not licensed as a residential treatment program to have a policy for staff coverage when a client needs to be present at the room and board site unexpectedly.</p>
21	<p>Rate requirements.</p> <p>Amends § 254B.05, subd. 5. Requires treatment programs that provide on-site child care to be licensed under chapters 245A and 245G to receive enhanced reimbursement rates; removes language related to specific licensing requirements.</p>
22	<p>DHS systemic critical incident review team.</p> <p>Amends § 256.01, by adding subd. 12b. Paragraphs (a) and (b) allow 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; specify 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; require the critical incident review team to aggregate data collected for purposes of data analysis by regional teams; and require regional teams</p>

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	<p>to make recommendations to decrease the number and severity of critical incidents or improve the quality of the home and community-based system.</p> <p>Paragraphs (c) and (d) specify case selection committee requirements, data classification, and data and disclosure prohibitions.</p> <p>Paragraph (e) requires the commissioner to prepare an annual public report containing specified information related to cases reviewed and recommendations made to the commissioner regarding systemic changes that could decrease the number and severity of critical incidents or improve the quality of home and community-based services.</p> <p>Provides an immediate effective date.</p>
23	<p>MnCHOICES reassessments; option for alternative and self-directed waiver services.</p> <p>Amends § 256B.0911, subd. 23. Updates a cross-reference related to community living settings to conform to the repealer.</p> <p>Makes this section effective upon federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>
24	<p>Admission of persons to and discharge of persons from regional treatment centers.</p> <p>Amends § 256B.092, subd. 10. Removes language related to convening a screening team meeting when discharge is proposed, individual service plan modifications, discharge planning, and notifications. Requires assessments and support planning to be completed according to long-term care consultation services requirements.</p>
25	<p>State traumatic brain injury program.</p> <p>Amends § 256B.093, subd. 1. Removes the expiration date for the traumatic brain injury advisory committee.</p>
26	<p>Home and community-based settings for people with disabilities.</p> <p>Amends § 256B.492. Defines “community living setting,” “controlling individual,” and “license holder.” Clarifies the meaning of “direct financial interest” and “indirect financial interest.”</p> <p>Moves language related to community living setting requirements, cosigned leases, transition plans, transfer of leases, and lease transfer extensions from section 256B.49, subd. 23 (which is being repealed at the end of this bill) to this section.</p> <p>Makes this section effective upon federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>

Section	Description
27	<p>Closure process.</p> <p>Amends § 256B.493, subd. 2a. Removes language requiring a contract to be established between the commissioner, the counties of financial responsibility, and the participating license holder for each adult foster care planned closure approved by the commissioner.</p>
28	<p>Review and approval process.</p> <p>Amends § 256B.493, subd. 4. Removes language requiring a contract to be established between the commissioner, the counties of financial responsibility, and the participating license holder for each adult foster care planned closure approved by the commissioner.</p> <p>Provides an immediate effective date.</p>
29	<p>Customized living monthly service rate limits.</p> <p>Amends § 256S.202, subd. 1. Modifies the elderly waiver customized living monthly service rate limit by removing the subtraction of the maintenance needs allowance.</p>
30	<p>Facility of transfer.</p> <p>Amends § 524.5-104. Allows a guardian to appoint or name a person to exercise signature authority over an ABLE account; lists who may be selected for such authority.</p>
31	<p>Powers and duties of guardian.</p> <p>Amends § 524.5-313. Allows a guardian to appoint or name a person to exercise signature authority over an ABLE account; lists who may be selected for such authority.</p>
32	<p>Effective date.</p> <p>Amends Laws 2021, First Special Session ch. 7, art. 2, § 17, the effective date. Removes language related to federal approval in an effective date for a section related to background studies because federal approval was not required.</p>
33	<p>Effective date.</p> <p>Amends Laws 2021, First Special Session ch. 7, art. 6, § 12, the effective date. Removes language related to federal approval in an effective date for a section related to MA telemonitoring services because federal approval was not required.</p>
34	<p>Effective date.</p> <p>Amends Laws 2021, First Special Session ch. 7, art. 11, § 18, the effective date. Removes language related to federal approval in an effective date for a section</p>

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	related to MA substance use disorder treatment provider participation because federal approval was not required.
35	Effective date. Amends Laws 2021, First Special Session ch. 7, art. 13, § 43, the effective date. Removes language related to federal approval in an effective date for a section related to DWRS payments for residential support services because federal approval was not required.
36	Effective date. Amends Laws 2022, ch. 98, art. 4, § 37, the effective date. Removes language related to federal approval in an effective date for a section related to children’s intensive behavioral health services required covered service components because federal approval was not required.
37	Repealer. Repeals Minn. Stat. §§ 254B.13, subds. 1, 2, 2a, 4, 5, 6, 7, and 8 (pilot projects; chemical health care); 254B.16 (pilot projects; treatment for pregnant and postpartum women with substance use disorder); 256.041, subd. 10 (expiration of Cultural and Ethnic Communities Leadership Council); 256B.49, subd. 23 (community living settings); and 260.835, subd. 2 (American Indian Child Welfare Advisory Council expiration). Provides an immediate effective date.



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