

Subject DHS Human Services Policy Bill

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Overview

This bill is the Department of Human Services (DHS) human services policy bill and contains various provisions modifying personal care assistance and community first services and supports remote reassessment requirements, prioritizing technology in informed choice for disability waiver services, clarifying form usage for community-based waiver services, modernizing language in the Deaf and Hard-of-Hearing Act, establishing minimum wage protections for people with disabilities, and making technical corrections to behavioral health language. The bill also modifies statutes related to peer recovery support services, substance use disorder (SUD) comprehensive assessments, SUD level of care requirements, and medical assistance SUD demonstration project requirements.

Summary

Section	Description
1	<p>Special certificate prohibition.</p> <p>Amends § 177.24, by adding subd. 6. Beginning August 1, 2026, prohibits employers from hiring any new employee with a disability at a wage that is less than the highest applicable minimum wage. Beginning August 1, 2028, prohibits employers from paying an employee with a disability less than the highest applicable minimum wage.</p>
2	<p>Policy and procedure requirements.</p> <p>Amends § 245D.10, subd. 1. Requires a license holder to use forms provided by the commissioner to report service suspensions and service terminations under the chapter of statutes governing home and community-based service standards.</p> <p>Provides an August 1, 2024, effective date.</p>
3	<p>Peer recovery support services.</p> <p>Amends § 245F.02, subd. 17. Modifies the definition of “peer recovery support services” in the chapter of statutes governing withdrawal management programs.</p>

Section	Description
	Provides an immediate effective date.
4	Recovery peer. Amends § 245F.02, subd. 21. Modifies the definition of “recovery peer” in the chapter of statutes governing withdrawal management programs. Provides an immediate effective date.
5	Peer recovery support services. Amends § 245F.08, subd. 3. Modifies the description of peer recovery support services in the chapter of statutes governing withdrawal management programs by adding cross-references to service requirements and recovery peer qualifications. Provides an immediate effective date.
6	Recovery peer qualifications. Amends § 245F.15, subd. 7. Modifies recovery peer qualifications by adding cross-references to recovery peer qualifications and scope of practice for recovery peers. Provides an immediate effective date.
7	Opioid educational material. Amends § 245G.04, by adding subd. 3. Moves and modifies the requirement for a licensed SUD treatment facility to provide opioid educational material to a client seeking treatment for opioid use issues on the day of service initiation. Requires the license holder to use the opioid educational material approved by the commissioner that contains specified information. If the client is identified as having opioid use issues at a later time, requires the educational material to be provided at that time. Provides a January 1, 2025, effective date.
8	Comprehensive assessment requirements. Amends § 245G.05, subd. 3. Makes a conforming change by removing opioid educational material language that is moved to section 245G.04, subdivision 3, in this bill. Provides a January 1, 2025, effective date.
9	Contents. Amends § 245G.09, subd. 3. Makes a conforming cross-reference change. Provides a January 1, 2025, effective date.

Section	Description
10	<p>Lead agency board responsibilities.</p> <p>Amends § 252.44. Modifies lead agency board of commissioners' duties under the statutes governing day services to include additional duties related to ensuring, as of August 1, 2026, that employers do not hire any new employees with disabilities at a wage that is less than the applicable minimum wage and as of August 1, 2028, that any day service program pay employees with disabilities the highest applicable minimum wage.</p>
11	<p>Comprehensive assessments.</p> <p>Amends § 254A.19, subd. 3. Requires an eligible vendor of SUD treatment services to recommend, rather than approve, the nature, duration, and intensity of treatment after a comprehensive assessment. Requires a comprehensive assessment under the chapter of statutes governing treatment for alcohol and drug abuse to meet the SUD comprehensive assessment requirements when completed while the individual is in an SUD treatment program. Lists the duties of the assessor when a comprehensive assessment is completed for purposes of payment under specified provisions, or if the assessment is completed prior to service initiation by a licensed SUD treatment program licensed as a substance use disorder treatment program or an applicable Tribal license.</p>
12	<p>Local agency to determine client financial eligibility.</p> <p>Amends § 254B.04, subd. 6. Modifies the date of eligibility for services under the behavioral health fund from the date of comprehensive assessment to the date of request.</p>
13	<p>Licensure or certification required.</p> <p>Amends § 254B.05, subd. 1. Modifies requirements related to recovery community organizations that are eligible peer support services vendors by requiring certification from one of a list of accrediting organizations rather than membership. Expands the list of accrediting organizations to include the Alliance for Recovery Centered Organizations. Requires all recovery community organizations to be certified or accredited by January 1, 2025.</p>
14	<p>Rate requirements.</p> <p>Amends § 254B.05, subd. 5. Updates cross-reference; expands the list of eligible SUD treatment services for which the commissioner must establish rates by including SUD treatment services with medications for opioid use disorder provided in a licensed opioid treatment program.</p>
15	<p>Level of care requirements.</p> <p>Amends § 254B.19, subd. 1. Modifies level of care service hour requirements for clients assigned ASAM level 3.1 clinically managed low-intensity residential clients</p>

Section	Description
	and clients assigned ASAM level 3.5 clinically managed high-intensity residential clients.
	Makes this section effective upon federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
16	Provider participation. Amends § 256B.0759, subd. 2. Specifies that licensed residential treatment programs also licensed as hospitals, providing only ASAM 3.7 medically monitored inpatient level of care, are not required to enroll as demonstration project providers. Requires programs meeting these criteria to submit evidence of providing the required level of care to the commissioner to be exempt from enrolling in the demonstration.
17	Provider payment rates. Amends § 256B.0759, subd. 4. Updates cross-references related to medical assistance SUD demonstration project rates. Provides an immediate effective date.
18	Remote reassessments. Amends § 256B.0911, subd. 24. Allows remote reassessments to be substituted for two consecutive reassessments if followed by an in-person reassessment for personal care assistance and community first services and supports. Makes this section effective upon federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
19	Informed choice and technology prioritization in implementation for disability waiver services. Amends § 256B.4905, subd. 12. Requires the commissioner to ensure that each individual accessing waiver services is offered the opportunity to choose assistive technology, remote support, or both prior to the commissioner offering or reauthorizing services that utilize direct support staff.
20	Subminimum wages in home and community-based services reporting. Amends § 256B.4606, by adding subd. 2. Prohibits home and community-based services providers from paying a person with a disability a wage below the state minimum wage, or below the prevailing local minimum wage on the basis of the person's disability. Specifies that a special certificate authorizing payment of less than the minimum wage to a person with a disability is without effect as of August 1, 2028.

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21	<p>Data collection for rate determination.</p> <p>Amends § 256B.4914, subd. 4. Requires lead agencies to use forms provided by the commissioner to collect values and information needed to calculate an individual's rate in the Disability Waiver Rate System.</p> <p>Provides a January 1, 2025, effective date.</p>
22	<p>Deaf, DeafBlind, and Hard-of-Hearing Services Act; Citation.</p> <p>Amends § 256C.21. Makes technical changes and includes "DeafBlind" in the title of the act.</p> <p>Provides an August 1, 2024, effective date.</p>
23	<p>Culturally affirmative.</p> <p>Amends § 256C.23, subd. 1a. Modifies the definition of "culturally affirmative" in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
24	<p>Linguistically affirmative.</p> <p>Amends § 256C.23, by adding subd. 1b. Defines "linguistically affirmative" in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
25	<p>Deaf.</p> <p>Amends § 256C.23, subd. 2. Modifies the definition of "deaf" in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
26	<p>Hard-of-hearing.</p> <p>Amends § 256C.23, subd. 2a. Modifies the definition of "hard-of-hearing" in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
27	<p>Deafblind.</p> <p>Amends § 256C.23, subd. 2b. Modifies the definition of "deafblind" in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>

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28	<p>Interpreting services.</p> <p>Amends § 256C.23, subd. 2c. Modifies the definition of “interpreting services” in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
29	<p>Real-time captioning.</p> <p>Amends § 256C.23, subd. 6. Modifies the definition of “real-time captioning” in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
30	<p>Family and community intervener.</p> <p>Amends § 256C.23, subd. 7. Modifies the definition of “family and community intervener” in the Deaf, DeafBlind, and Hard-of-Hearing Services Act.</p> <p>Provides an August 1, 2024, effective date.</p>
31	<p>Deaf, DeafBlind, and Hard-of-Hearing State Services Division.</p> <p>Amends § 256C.233, subd. 1. Updates and modernizes the duties of the Deaf and Hard-of-Hearing State Services Division. Includes the Department of Commerce in the list of agencies with which this division partners. Makes conforming changes.</p> <p>Provides an August 1, 2024, effective date.</p>
32	<p>Responsibilities.</p> <p>Amends § 256C.233, subd. 2. Makes technical and conforming changes. Removes obsolete language.</p> <p>Provides an August 1, 2024, effective date.</p>
33	<p>Location.</p> <p>Amends § 256C.24, subd. 1. Makes conforming changes.</p> <p>Provides an August 1, 2024, effective date.</p>
34	<p>Responsibilities.</p> <p>Amends § 256C.24, subd. 2. Makes technical and conforming changes to regional service center responsibilities.</p> <p>Provides an August 1, 2024, effective date.</p>

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35	<p>Advisory committee.</p> <p>Amends § 256C.24, subd. 3. Makes technical and conforming changes. Limits advisory committee members to no more than three consecutive terms and no more than nine years in total.</p> <p>Provides an August 1, 2024, effective date.</p>
36	<p>Employment services.</p> <p>Amends § 256C.26. Makes technical and conforming changes.</p> <p>Provides an August 1, 2024, effective date.</p>
37	<p>Services for persons who are deafblind.</p> <p>Amends § 256C.261. Makes technical and conforming changes.</p> <p>Provides an August 1, 2024, effective date.</p>
38	<p>Phase-out of use of subminimum wage for medical assistance disability services.</p> <p>Requires the commissioner to seek all necessary amendments to Minnesota's federally approved disability waiver plans to require an individual receiving prevocational or employment support services to be compensated at or above the highest applicable minimum wage no later than August 1, 2028.</p>



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