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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2127**

03/11/2021 Authored by Schultz and Liebling  
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy  
04/12/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to human services; modifying provisions governing children and family

1.3 services, community supports, direct care and treatment, and chemical and mental

1.4 health services; making forecast adjustments; requiring reports; transferring money;

1.5 making technical and conforming changes; appropriating money; amending

1.6 Minnesota Statutes 2020, sections 62A.15, subdivision 4, by adding a subdivision;

1.7 62A.152, subdivision 3; 62A.3094, subdivision 1; 62Q.096; 119B.011, subdivision

1.8 15; 119B.025, subdivision 4; 144.0724, subdivision 4; 144.1501, subdivisions 1,

1.9 2, 3; 144.651, subdivision 2; 144D.01, subdivision 4; 144G.08, subdivision 7, as

1.10 amended; 148.90, subdivision 2; 148.911; 148B.30, subdivision 1; 148B.31;

1.11 148B.51; 148B.5301, subdivision 2; 148B.54, subdivision 2; 148E.010, by adding

1.12 a subdivision; 148E.120, subdivision 2; 148E.130, subdivision 1, by adding a

1.13 subdivision; 148F.11, subdivision 1; 245.462, subdivisions 1, 6, 8, 9, 14, 16, 17,

1.14 18, 21, 23, by adding a subdivision; 245.4661, subdivision 5; 245.4662, subdivision

1.15 1; 245.467, subdivisions 2, 3; 245.469, subdivisions 1, 2; 245.470, subdivision 1;

1.16 245.4712, subdivision 2; 245.472, subdivision 2; 245.4863; 245.4871, subdivisions

1.17 9a, 10, 11a, 17, 21, 26, 27, 29, 31, 32, 34, by adding a subdivision; 245.4876,

1.18 subdivisions 2, 3; 245.4879, subdivision 1; 245.488, subdivision 1; 245.4882,

1.19 subdivisions 1, 3; 245.4885, subdivision 1; 245.4889, subdivision 1; 245.4901,

1.20 subdivision 2; 245.62, subdivision 2; 245.735, subdivisions 3, 5, by adding a

1.21 subdivision; 245A.02, by adding subdivisions; 245A.03, subdivision 7; 245A.04,

1.22 subdivision 5; 245A.041, by adding a subdivision; 245A.043, subdivision 3;

1.23 245A.10, subdivision 4; 245A.65, subdivision 2; 245D.02, subdivision 20; 245F.04,

1.24 subdivision 2; 245G.03, subdivision 2; 246.54, subdivision 1b; 254B.01, subdivision

1.25 4a, by adding a subdivision; 254B.05, subdivision 5; 254B.12, by adding a

1.26 subdivision; 256.01, subdivision 14b; 256.0112, subdivision 6; 256.041; 256.042,

1.27 subdivisions 2, 4; 256.043, subdivision 3; 256B.0615, subdivisions 1, 5; 256B.0616,

1.28 subdivisions 1, 3, 5; 256B.0622, subdivisions 1, 2, 3a, 4, 7, 7a, 7b, 7d; 256B.0623,

1.29 subdivisions 1, 2, 3, 4, 5, 6, 9, 12; 256B.0624; 256B.0625, subdivisions 3b, 5, 5m,

1.30 19c, 20, 28a, 42, 48, 49, 56a; 256B.0757, subdivision 4c; 256B.0759, subdivisions

1.31 2, 4, by adding subdivisions; 256B.0911, subdivision 3a; 256B.092, subdivisions

1.32 4, 5, 12; 256B.0924, subdivision 6; 256B.094, subdivision 6; 256B.0941,

1.33 subdivision 1; 256B.0943, subdivisions 1, 2, 3, 4, 5, 5a, 6, 7, 9, 11; 256B.0946,

1.34 subdivisions 1, 1a, 2, 3, 4, 6; 256B.0947, subdivisions 1, 2, 3, 3a, 5, 6, 7;

1.35 256B.0949, subdivisions 2, 4, 5a; 256B.097, by adding subdivisions; 256B.25,

1.36 subdivision 3; 256B.439, by adding subdivisions; 256B.49, subdivisions 11, 11a,

1.37 17, by adding a subdivision; 256B.4914, subdivisions 5, 6, 7, 8, 9, by adding a

1.38 subdivision; 256B.69, subdivision 5a; 256B.761; 256B.763; 256B.85, subdivisions

2.1 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11b, 12, 12b, 13, 13a, 15, 17a, 18a, 20b, 23, 23a, by  
 2.2 adding subdivisions; 256D.03, by adding a subdivision; 256D.051, by adding  
 2.3 subdivisions; 256D.0515; 256D.0516, subdivision 2; 256E.34, subdivision 1;  
 2.4 256I.03, subdivision 13; 256I.04, subdivision 3; 256I.05, subdivisions 1a, 1c, 11;  
 2.5 256I.06, subdivisions 6, 8; 256J.08, subdivisions 15, 71, 79; 256J.10; 256J.21,  
 2.6 subdivisions 3, 4, 5; 256J.24, subdivision 5; 256J.30, subdivision 8; 256J.33,  
 2.7 subdivisions 1, 2, 4; 256J.37, subdivisions 1, 1b, 3, 3a; 256J.626, subdivision 1;  
 2.8 256J.95, subdivision 9; 256N.25, subdivisions 2, 3; 256N.26, subdivisions 11, 13;  
 2.9 256P.01, subdivisions 3, 6a, by adding a subdivision; 256P.04, subdivisions 4, 8;  
 2.10 256P.06, subdivisions 2, 3; 256P.07; 256S.18, subdivision 7; 256S.20, subdivision  
 2.11 1; 260.761, subdivision 2; 260C.007, subdivisions 6, 14, 26c, 31; 260C.157,  
 2.12 subdivision 3; 260C.212, subdivisions 1a, 13; 260C.4412; 260C.452; 260C.704;  
 2.13 260C.706; 260C.708; 260C.71; 260C.712; 260C.714; 260D.01; 260D.05; 260D.06,  
 2.14 subdivision 2; 260D.07; 260D.08; 260D.14; 260E.01; 260E.02, subdivision 1;  
 2.15 260E.03, subdivision 22, by adding subdivisions; 260E.06, subdivision 1; 260E.14,  
 2.16 subdivisions 2, 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2;  
 2.17 260E.24, subdivisions 2, 7; 260E.31, subdivision 1; 260E.33, subdivision 1, by  
 2.18 adding a subdivision; 260E.35, subdivision 6; 260E.36, by adding a subdivision;  
 2.19 295.50, subdivision 9b; 325F.721, subdivision 1; Laws 2019, First Special Session  
 2.20 chapter 9, article 14, section 3, as amended; Laws 2020, First Special Session  
 2.21 chapter 7, section 1, subdivision 2, as amended; Laws 2020, Fifth Special Session  
 2.22 chapter 3, article 10, section 3; proposing coding for new law in Minnesota Statutes,  
 2.23 chapters 245; 245A; 254B; 256B; 256P; proposing coding for new law as Minnesota  
 2.24 Statutes, chapter 245I; repealing Minnesota Statutes 2020, sections 16A.724,  
 2.25 subdivision 2; 245.462, subdivision 4a; 245.4871, subdivision 32a; 245.4879,  
 2.26 subdivision 2; 245.62, subdivisions 3, 4; 245.69, subdivision 2; 245.735,  
 2.27 subdivisions 1, 2, 4; 256B.0596; 256B.0615, subdivision 2; 256B.0616, subdivision  
 2.28 2; 256B.0622, subdivisions 3, 5a; 256B.0623, subdivisions 7, 8, 10, 11; 256B.0625,  
 2.29 subdivisions 5l, 35a, 35b, 61, 62, 65; 256B.0916, subdivisions 2, 3, 4, 5, 8, 11, 12;  
 2.30 256B.0943, subdivisions 8, 10; 256B.0944; 256B.0946, subdivision 5; 256B.097,  
 2.31 subdivisions 1, 2, 3, 4, 5, 6; 256B.49, subdivisions 26, 27; 256D.051, subdivisions  
 2.32 1, 1a, 2, 2a, 3, 3a, 3b, 6b, 6c, 7, 8, 9, 18; 256D.052, subdivision 3; 256J.08,  
 2.33 subdivisions 10, 53, 61, 62, 81, 83; 256J.21, subdivisions 1, 2; 256J.30, subdivisions  
 2.34 5, 7, 8; 256J.33, subdivisions 3, 4, 5; 256J.34, subdivisions 1, 2, 3, 4; 256J.37,  
 2.35 subdivision 10; Minnesota Rules, parts 9505.0370; 9505.0371; 9505.0372;  
 2.36 9520.0010; 9520.0020; 9520.0030; 9520.0040; 9520.0050; 9520.0060; 9520.0070;  
 2.37 9520.0080; 9520.0090; 9520.0100; 9520.0110; 9520.0120; 9520.0130; 9520.0140;  
 2.38 9520.0150; 9520.0160; 9520.0170; 9520.0180; 9520.0190; 9520.0200; 9520.0210;  
 2.39 9520.0230; 9520.0750; 9520.0760; 9520.0770; 9520.0780; 9520.0790; 9520.0800;  
 2.40 9520.0810; 9520.0820; 9520.0830; 9520.0840; 9520.0850; 9520.0860; 9520.0870;  
 2.41 9530.6800; 9530.6810.

2.42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.43 **ARTICLE 1**

2.44 **ECONOMIC SUPPORTS**

2.45 Section 1. Minnesota Statutes 2020, section 119B.011, subdivision 15, is amended to read:

2.46 Subd. 15. **Income.** "Income" means earned income as defined under section 256P.01,  
 2.47 subdivision 3, unearned income as defined under section 256P.01, subdivision 8, and public  
 2.48 assistance cash benefits, including the Minnesota family investment program, diversionary  
 2.49 work program, work benefit, Minnesota supplemental aid, general assistance, refugee cash  
 2.50 assistance, at-home infant child care subsidy payments, and child support and maintenance

3.1 distributed to ~~the~~ a family under section 256.741, subdivision 2a, and nonrecurring income  
3.2 over \$60 per quarter unless earmarked and used for the purpose for which it was intended.

3.3 The following are deducted from income: funds used to pay for health insurance premiums  
3.4 for family members, and child or spousal support paid to or on behalf of a person or persons  
3.5 who live outside of the household. Income sources that are not included in this subdivision  
3.6 and section 256P.06, subdivision 3, are not counted as income.

3.7 **EFFECTIVE DATE.** This section is effective March 1, 2023.

3.8 Sec. 2. Minnesota Statutes 2020, section 119B.025, subdivision 4, is amended to read:

3.9 Subd. 4. **Changes in eligibility.** (a) The county shall process a change in eligibility  
3.10 factors according to paragraphs (b) to (g).

3.11 (b) A family is subject to the reporting requirements in section 256P.07, subdivision 6.

3.12 (c) If a family reports a change or a change is known to the agency before the family's  
3.13 regularly scheduled redetermination, the county must act on the change. The commissioner  
3.14 shall establish standards for verifying a change.

3.15 (d) A change in income occurs on the day the participant received the first payment  
3.16 reflecting the change in income.

3.17 (e) During a family's 12-month eligibility period, if the family's income increases and  
3.18 remains at or below 85 percent of the state median income, adjusted for family size, there  
3.19 is no change to the family's eligibility. The county shall not request verification of the  
3.20 change. The co-payment fee shall not increase during the remaining portion of the family's  
3.21 12-month eligibility period.

3.22 (f) During a family's 12-month eligibility period, if the family's income increases and  
3.23 exceeds 85 percent of the state median income, adjusted for family size, the family is not  
3.24 eligible for child care assistance. The family must be given 15 calendar days to provide  
3.25 verification of the change. If the required verification is not returned or confirms ineligibility,  
3.26 the family's eligibility ends following a subsequent 15-day adverse action notice.

3.27 (g) Notwithstanding Minnesota Rules, parts 3400.0040, subpart 3, and 3400.0170,  
3.28 subpart 1, if an applicant or participant reports that employment ended, the agency may  
3.29 accept a signed statement from the applicant or participant as verification that employment  
3.30 ended.

3.31 **EFFECTIVE DATE.** This section is effective March 1, 2023.

4.1 Sec. 3. Minnesota Statutes 2020, section 256D.03, is amended by adding a subdivision to  
4.2 read:

4.3 Subd. 2b. **Budgeting and reporting.** County agencies shall determine eligibility and  
4.4 calculate benefit amounts for general assistance according to the provisions in sections  
4.5 256P.06, 256P.07, 256P.09, and 256P.10.

4.6 **EFFECTIVE DATE.** This section is effective March 1, 2023.

4.7 Sec. 4. Minnesota Statutes 2020, section 256D.051, is amended by adding a subdivision  
4.8 to read:

4.9 Subd. 20. **SNAP employment and training.** The commissioner shall implement a  
4.10 Supplemental Nutrition Assistance Program (SNAP) employment and training program  
4.11 that meets the SNAP employment and training participation requirements of the United  
4.12 States Department of Agriculture governed by Code of Federal Regulations, title 7, section  
4.13 273.7. The commissioner shall operate a SNAP employment and training program in which  
4.14 SNAP recipients elect to participate. In order to receive SNAP assistance beyond the time  
4.15 limit, unless residing in an area covered by a time-limit waiver governed by Code of Federal  
4.16 Regulations, title 7, section 273.24, nonexempt SNAP recipients who do not meet federal  
4.17 SNAP work requirements must participate in an employment and training program. In  
4.18 addition to county and tribal agencies that administer SNAP, the commissioner may contract  
4.19 with third-party providers for SNAP employment and training services.

4.20 **EFFECTIVE DATE.** This section is effective August 1, 2021.

4.21 Sec. 5. Minnesota Statutes 2020, section 256D.051, is amended by adding a subdivision  
4.22 to read:

4.23 Subd. 21. **County and tribal agency duties.** County or tribal agencies that administer  
4.24 SNAP shall inform adult SNAP recipients about employment and training services and  
4.25 providers in the recipient's area. County or tribal agencies that administer SNAP may elect  
4.26 to subcontract with a public or private entity approved by the commissioner to provide  
4.27 SNAP employment and training services.

4.28 **EFFECTIVE DATE.** This section is effective August 1, 2021.

5.1 Sec. 6. Minnesota Statutes 2020, section 256D.051, is amended by adding a subdivision  
5.2 to read:

5.3 Subd. 22. **Duties of commissioner.** In addition to any other duties imposed by law, the  
5.4 commissioner shall:

5.5 (1) supervise the administration of SNAP employment and training services to county,  
5.6 tribal, and contracted agencies under this section and Code of Federal Regulations, title 7,  
5.7 section 273.7;

5.8 (2) disburse money allocated and reimbursed for SNAP employment and training services  
5.9 to county, tribal, and contracted agencies;

5.10 (3) accept and supervise the disbursement of any funds that may be provided by the  
5.11 federal government or other sources for SNAP employment and training services;

5.12 (4) cooperate with other agencies, including any federal agency or agency of another  
5.13 state, in all matters concerning the powers and duties of the commissioner under this section;

5.14 (5) coordinate with the commissioner of employment and economic development to  
5.15 deliver employment and training services statewide;

5.16 (6) work in partnership with counties, tribes, and other agencies to enhance the reach  
5.17 and services of a statewide SNAP employment and training program; and

5.18 (7) identify eligible nonfederal funds to earn federal reimbursement for SNAP  
5.19 employment and training services.

5.20 **EFFECTIVE DATE.** This section is effective August 1, 2021.

5.21 Sec. 7. Minnesota Statutes 2020, section 256D.051, is amended by adding a subdivision  
5.22 to read:

5.23 Subd. 23. **Recipient duties.** Unless residing in an area covered by a time-limit waiver,  
5.24 nonexempt SNAP recipients must meet federal SNAP work requirements to receive SNAP  
5.25 assistance beyond the time limit.

5.26 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.1 Sec. 8. Minnesota Statutes 2020, section 256D.051, is amended by adding a subdivision  
6.2 to read:

6.3 Subd. 24. **Program funding.** (a) The United States Department of Agriculture annually  
6.4 allocates SNAP employment and training funds to the commissioner of human services for  
6.5 the operation of the SNAP employment and training program.

6.6 (b) The United States Department of Agriculture authorizes the disbursement of SNAP  
6.7 employment and training reimbursement funds to the commissioner of human services for  
6.8 the operation of the SNAP employment and training program.

6.9 (c) Except for funds allocated for state program development and administrative purposes  
6.10 or designated by the United States Department of Agriculture for a specific project, the  
6.11 commissioner of human services shall disburse money allocated for federal SNAP  
6.12 employment and training to counties and tribes that administer SNAP based on a formula  
6.13 determined by the commissioner that includes but is not limited to the county's or tribe's  
6.14 proportion of adult SNAP recipients as compared to the statewide total.

6.15 (d) The commissioner of human services shall disburse federal funds that the  
6.16 commissioner receives as reimbursement for SNAP employment and training costs to the  
6.17 state agency, county, tribe, or contracted agency that incurred the costs being reimbursed.

6.18 (e) The commissioner of human services may reallocate unexpended money disbursed  
6.19 under this section to county, tribal, or contracted agencies that demonstrate a need for  
6.20 additional funds.

6.21 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.22 Sec. 9. Minnesota Statutes 2020, section 256D.0515, is amended to read:

6.23 **256D.0515 ASSET LIMITATIONS FOR SUPPLEMENTAL NUTRITION**  
6.24 **ASSISTANCE PROGRAM HOUSEHOLDS.**

6.25 All Supplemental Nutrition Assistance Program (SNAP) households must be determined  
6.26 eligible for the benefit discussed under section 256.029. SNAP households must demonstrate  
6.27 that their gross income is equal to or less than ~~165~~ 200 percent of the federal poverty  
6.28 guidelines for the same family size.

6.29 Sec. 10. Minnesota Statutes 2020, section 256D.0516, subdivision 2, is amended to read:

6.30 Subd. 2. **SNAP reporting requirements.** The commissioner of human services shall  
6.31 implement simplified reporting as permitted under the Food and Nutrition Act of 2008, as

7.1 amended, and the SNAP regulations in Code of Federal Regulations, title 7, part 273. SNAP  
7.2 benefit recipient households required to report periodically shall not be required to report  
7.3 more often than one time every six months. ~~This provision shall not apply to households~~  
7.4 ~~receiving food benefits under the Minnesota family investment program waiver.~~

7.5 **EFFECTIVE DATE.** This section is effective March 1, 2023.

7.6 Sec. 11. Minnesota Statutes 2020, section 256E.34, subdivision 1, is amended to read:

7.7 Subdivision 1. **Distribution of appropriation.** The commissioner must distribute funds  
7.8 appropriated to the commissioner by law for that purpose to Hunger Solutions, a statewide  
7.9 association of food shelves organized as a nonprofit corporation as defined under section  
7.10 501(c)(3) of the Internal Revenue Code of 1986, to distribute to qualifying food shelves. A  
7.11 food shelf qualifies under this section if:

7.12 (1) it is a nonprofit corporation, or is affiliated with a nonprofit corporation, as defined  
7.13 in section 501(c)(3) of the Internal Revenue Code of 1986 or a federally recognized tribal  
7.14 nation;

7.15 (2) it distributes standard food orders without charge to needy individuals. The standard  
7.16 food order must consist of at least a two-day supply or six pounds per person of nutritionally  
7.17 balanced food items;

7.18 (3) it does not limit food distributions to individuals of a particular religious affiliation,  
7.19 race, or other criteria unrelated to need or to requirements necessary to administration of a  
7.20 fair and orderly distribution system;

7.21 (4) it does not use the money received or the food distribution program to foster or  
7.22 advance religious or political views; and

7.23 (5) it has a stable address and directly serves individuals.

7.24 Sec. 12. Minnesota Statutes 2020, section 256I.03, subdivision 13, is amended to read:

7.25 Subd. 13. **Prospective budgeting.** "Prospective budgeting" ~~means estimating the amount~~  
7.26 ~~of monthly income a person will have in the payment month~~ has the meaning given in  
7.27 section 256P.01, subdivision 9.

7.28 **EFFECTIVE DATE.** This section is effective March 1, 2023.

8.1 Sec. 13. Minnesota Statutes 2020, section 256I.06, subdivision 6, is amended to read:

8.2 Subd. 6. **Reports.** Recipients must report changes in circumstances according to section  
8.3 256P.07 ~~that affect eligibility or housing support payment amounts, other than changes in~~  
8.4 ~~earned income, within ten days of the change.~~ Recipients with countable earned income  
8.5 must complete a household report form at least once every six months according to section  
8.6 256P.10. ~~If the report form is not received before the end of the month in which it is due,~~  
8.7 ~~the county agency must terminate eligibility for housing support payments. The termination~~  
8.8 ~~shall be effective on the first day of the month following the month in which the report was~~  
8.9 ~~due. If a complete report is received within the month eligibility was terminated, the~~  
8.10 ~~individual is considered to have continued an application for housing support payment~~  
8.11 ~~effective the first day of the month the eligibility was terminated.~~

8.12 **EFFECTIVE DATE.** This section is effective March 1, 2023.

8.13 Sec. 14. Minnesota Statutes 2020, section 256I.06, subdivision 8, is amended to read:

8.14 Subd. 8. **Amount of housing support payment.** (a) The amount of a room and board  
8.15 payment to be made on behalf of an eligible individual is determined by subtracting the  
8.16 individual's countable income under section 256I.04, subdivision 1, for a whole calendar  
8.17 month from the room and board rate for that same month. The housing support payment is  
8.18 determined by multiplying the housing support rate times the period of time the individual  
8.19 was a resident or temporarily absent under section 256I.05, subdivision 1c, paragraph (d).

8.20 ~~(b) For an individual with earned income under paragraph (a), prospective budgeting~~  
8.21 ~~must be used to determine the amount of the individual's payment for the following six-month~~  
8.22 ~~period. An increase in income shall not affect an individual's eligibility or payment amount~~  
8.23 ~~until the month following the reporting month. A decrease in income shall be effective the~~  
8.24 ~~first day of the month after the month in which the decrease is reported.~~

8.25 ~~(e)~~ (b) For an individual who receives housing support payments under section 256I.04,  
8.26 subdivision 1, paragraph (c), the amount of the housing support payment is determined by  
8.27 multiplying the housing support rate times the period of time the individual was a resident.

8.28 **EFFECTIVE DATE.** This section is effective March 1, 2023.

8.29 Sec. 15. Minnesota Statutes 2020, section 256J.08, subdivision 15, is amended to read:

8.30 Subd. 15. **Countable income.** "Countable income" means earned and unearned income  
8.31 that is ~~not excluded under section 256J.21, subdivision 2~~ described in section 256P.06,  
8.32 subdivision 3, or disregarded under section 256J.21, subdivision 3, or section 256P.03.

9.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.

9.2 Sec. 16. Minnesota Statutes 2020, section 256J.08, subdivision 71, is amended to read:

9.3 Subd. 71. **Prospective budgeting.** "Prospective budgeting" ~~means a method of~~  
9.4 ~~determining the amount of the assistance payment in which the budget month and payment~~  
9.5 ~~month are the same~~ has the meaning given in section 256P.01, subdivision 9.

9.6 **EFFECTIVE DATE.** This section is effective March 1, 2023.

9.7 Sec. 17. Minnesota Statutes 2020, section 256J.08, subdivision 79, is amended to read:

9.8 Subd. 79. **Recurring income.** "Recurring income" means a form of income which is:

9.9 (1) received periodically, and may be received irregularly when receipt can be anticipated  
9.10 even though the date of receipt cannot be predicted; and

9.11 (2) from the same source or of the same type that is received and budgeted in a  
9.12 prospective month ~~and is received in one or both of the first two retrospective months.~~

9.13 **EFFECTIVE DATE.** This section is effective March 1, 2023.

9.14 Sec. 18. Minnesota Statutes 2020, section 256J.10, is amended to read:

9.15 **256J.10 MFIP ELIGIBILITY REQUIREMENTS.**

9.16 To be eligible for MFIP, applicants must meet the general eligibility requirements in  
9.17 sections 256J.11 to 256J.15, the property limitations in section 256P.02, and the income  
9.18 limitations in ~~section~~ sections 256J.21 and 256P.06.

9.19 **EFFECTIVE DATE.** This section is effective August 1, 2021.

9.20 Sec. 19. Minnesota Statutes 2020, section 256J.21, subdivision 3, is amended to read:

9.21 Subd. 3. **Initial income test.** The agency shall determine initial eligibility by considering  
9.22 all earned and unearned income ~~that is not excluded under subdivision 2~~ as defined in section  
9.23 256P.06. To be eligible for MFIP, the assistance unit's countable income minus the earned  
9.24 income disregards in paragraph (a) and section 256P.03 must be below the family wage  
9.25 level according to section 256J.24, subdivision 7, for that size assistance unit.

9.26 (a) The initial eligibility determination must disregard the following items:

9.27 (1) the earned income disregard as determined in section 256P.03;

10.1 (2) dependent care costs must be deducted from gross earned income for the actual  
10.2 amount paid for dependent care up to a maximum of \$200 per month for each child less  
10.3 than two years of age, and \$175 per month for each child two years of age and older;

10.4 (3) all payments made according to a court order for spousal support or the support of  
10.5 children not living in the assistance unit's household shall be disregarded from the income  
10.6 of the person with the legal obligation to pay support; and

10.7 (4) an allocation for the unmet need of an ineligible spouse or an ineligible child under  
10.8 the age of 21 for whom the caregiver is financially responsible and who lives with the  
10.9 caregiver according to section 256J.36.

10.10 (b) ~~After initial eligibility is established,~~ The income test is for a six-month period. The  
10.11 assistance payment calculation is based on ~~the monthly income test~~ prospective budgeting  
10.12 according to section 256P.09.

10.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, except for the  
10.14 amendments in subdivision 3, paragraph (b), which are effective March 1, 2023.

10.15 Sec. 20. Minnesota Statutes 2020, section 256J.21, subdivision 4, is amended to read:

10.16 Subd. 4. **Monthly Income test and determination of assistance payment.** ~~The county~~  
10.17 ~~agency shall determine ongoing eligibility and the assistance payment amount according~~  
10.18 ~~to the monthly income test.~~ To be eligible for MFIP, the result of the computations in  
10.19 paragraphs (a) to (e) applied to prospective budgeting must be at least \$1.

10.20 (a) Apply an income disregard as defined in section 256P.03, to gross earnings and  
10.21 subtract this amount from the family wage level. If the difference is equal to or greater than  
10.22 the MFIP transitional standard, the assistance payment is equal to the MFIP transitional  
10.23 standard. If the difference is less than the MFIP transitional standard, the assistance payment  
10.24 is equal to the difference. The earned income disregard in this paragraph must be deducted  
10.25 every month there is earned income.

10.26 (b) All payments made according to a court order for spousal support or the support of  
10.27 children not living in the assistance unit's household must be disregarded from the income  
10.28 of the person with the legal obligation to pay support.

10.29 (c) An allocation for the unmet need of an ineligible spouse or an ineligible child under  
10.30 the age of 21 for whom the caregiver is financially responsible and who lives with the  
10.31 caregiver must be made according to section 256J.36.

11.1 (d) Subtract unearned income dollar for dollar from the MFIP transitional standard to  
11.2 determine the assistance payment amount.

11.3 (e) When income is both earned and unearned, the amount of the assistance payment  
11.4 must be determined by first treating gross earned income as specified in paragraph (a). After  
11.5 determining the amount of the assistance payment under paragraph (a), unearned income  
11.6 must be subtracted from that amount dollar for dollar to determine the assistance payment  
11.7 amount.

11.8 ~~(f) When the monthly income is greater than the MFIP transitional standard after~~  
11.9 ~~deductions and the income will only exceed the standard for one month, the county agency~~  
11.10 ~~must suspend the assistance payment for the payment month.~~

11.11 **EFFECTIVE DATE.** This section is effective March 1, 2023.

11.12 Sec. 21. Minnesota Statutes 2020, section 256J.21, subdivision 5, is amended to read:

11.13 Subd. 5. **Distribution of income.** (a) The income of all members of the assistance unit  
11.14 must be counted. Income may also be deemed from ineligible persons to the assistance unit.  
11.15 Income must be attributed to the person who earns it or to the assistance unit according to  
11.16 paragraphs ~~(a) to~~ (b) and (c).

11.17 ~~(a) Funds distributed from a trust, whether from the principal holdings or sale of trust~~  
11.18 ~~property or from the interest and other earnings of the trust holdings, must be considered~~  
11.19 ~~income when the income is legally available to an applicant or participant. Trusts are~~  
11.20 ~~presumed legally available unless an applicant or participant can document that the trust is~~  
11.21 ~~not legally available.~~

11.22 (b) Income from jointly owned property must be divided equally among property owners  
11.23 unless the terms of ownership provide for a different distribution.

11.24 (c) Deductions are not allowed from the gross income of a financially responsible  
11.25 household member or by the members of an assistance unit to meet a current or prior debt.

11.26 **EFFECTIVE DATE.** This section is effective August 1, 2021.

11.27 Sec. 22. Minnesota Statutes 2020, section 256J.24, subdivision 5, is amended to read:

11.28 Subd. 5. **MFIP transitional standard.** (a) The MFIP transitional standard is based on  
11.29 the number of persons in the assistance unit eligible for both food and cash assistance. The  
11.30 amount of the transitional standard is published annually by the Department of Human  
11.31 Services.

12.1 (b) The amount of the MFIP cash assistance portion of the transitional standard is  
 12.2 increased \$100 per month per household. This increase shall be reflected in the MFIP cash  
 12.3 assistance portion of the transitional standard published annually by the commissioner.

12.4 (c) On October 1 of each year, the commissioner of human services shall adjust the cash  
 12.5 assistance portion under paragraph (a) for inflation based on the CPI-U for the prior calendar  
 12.6 year.

12.7 **EFFECTIVE DATE.** This section is effective for the fiscal year beginning on July 1,  
 12.8 2021.

12.9 Sec. 23. Minnesota Statutes 2020, section 256J.30, subdivision 8, is amended to read:

12.10 Subd. 8. **Late MFIP household report forms.** (a) Paragraphs (b) to (e) apply to the  
 12.11 reporting requirements in subdivision 7.

12.12 (b) When the county agency receives an incomplete MFIP household report form, the  
 12.13 county agency must immediately ~~return the incomplete form and clearly state what the~~  
 12.14 ~~caregiver must do for the form to be complete~~ contact the caregiver by phone or in writing  
 12.15 to acquire the necessary information to complete the form.

12.16 (c) The automated eligibility system must send a notice of proposed termination of  
 12.17 assistance to the assistance unit if a complete MFIP household report form is not received  
 12.18 by a county agency. The automated notice must be mailed to the caregiver by approximately  
 12.19 the 16th of the month. When a caregiver submits an incomplete form on or after the date a  
 12.20 notice of proposed termination has been sent, the termination is valid unless the caregiver  
 12.21 submits a complete form before the end of the month.

12.22 (d) An assistance unit required to submit an MFIP household report form is considered  
 12.23 to have continued its application for assistance if a complete MFIP household report form  
 12.24 is received within a calendar month after the month in which the form was due and assistance  
 12.25 shall be paid for the period beginning with the first day of that calendar month.

12.26 (e) A county agency must allow good cause exemptions from the reporting requirements  
 12.27 under subdivision 5 when any of the following factors cause a caregiver to fail to provide  
 12.28 the county agency with a completed MFIP household report form before the end of the  
 12.29 month in which the form is due:

12.30 (1) an employer delays completion of employment verification;

12.31 (2) a county agency does not help a caregiver complete the MFIP household report form  
 12.32 when the caregiver asks for help;

13.1 (3) a caregiver does not receive an MFIP household report form due to mistake on the  
13.2 part of the department or the county agency or due to a reported change in address;

13.3 (4) a caregiver is ill, or physically or mentally incapacitated; or

13.4 (5) some other circumstance occurs that a caregiver could not avoid with reasonable  
13.5 care which prevents the caregiver from providing a completed MFIP household report form  
13.6 before the end of the month in which the form is due.

13.7 Sec. 24. Minnesota Statutes 2020, section 256J.33, subdivision 1, is amended to read:

13.8 Subdivision 1. **Determination of eligibility.** (a) A county agency must determine MFIP  
13.9 eligibility prospectively ~~for a payment month~~ based on ~~retrospectively~~ assessing income  
13.10 and the county agency's best estimate of the circumstances that will exist in the payment  
13.11 month.

13.12 ~~Except as described in section 256J.34, subdivision 1, when prospective eligibility exists,~~  
13.13 (b) A county agency must calculate the amount of the assistance payment using ~~retrospective~~  
13.14 prospective budgeting. To determine MFIP eligibility and the assistance payment amount,  
13.15 a county agency must apply countable income, described in ~~section~~ sections 256P.06 and  
13.16 256J.37, subdivisions 3 to 4~~9~~, received by members of an assistance unit or by other  
13.17 persons whose income is counted for the assistance unit, described under sections ~~256J.21~~  
13.18 ~~and~~ 256J.37, subdivisions 1 to 2, and 256P.06, subdivision 1.

13.19 (c) This income must be applied to the MFIP standard of need or family wage level  
13.20 subject to this section and sections 256J.34 to 256J.36. Countable income received ~~in a~~  
13.21 ~~calendar month and not otherwise excluded under section 256J.21, subdivision 2,~~ must be  
13.22 applied to the needs of an assistance unit.

13.23 (d) An assistance unit is not eligible when the countable income equals or exceeds the  
13.24 MFIP standard of need or the family wage level for the assistance unit.

13.25 **EFFECTIVE DATE.** Paragraph (a) is effective March 1, 2023. Paragraph (b) is effective  
13.26 March 1, 2023, except the amendment striking section 256J.21 and inserting section 256P.06  
13.27 is effective August 1, 2021. Paragraph (c) is effective August 1, 2021, except the amendment  
13.28 striking "in a calendar month" is effective March 1, 2023. Paragraph (d) is effective March  
13.29 1, 2023.

13.30 Sec. 25. Minnesota Statutes 2020, section 256J.33, subdivision 2, is amended to read:

13.31 Subd. 2. **Prospective eligibility.** An agency must determine whether the eligibility  
13.32 requirements that pertain to an assistance unit, including those in sections 256J.11 to 256J.15

14.1 and 256P.02, will be met prospectively for the payment month period. ~~Except for the~~  
14.2 ~~provisions in section 256J.34, subdivision 1,~~ The income test will be applied retrospectively  
14.3 prospectively.

14.4 **EFFECTIVE DATE.** This section is effective March 1, 2023.

14.5 Sec. 26. Minnesota Statutes 2020, section 256J.33, subdivision 4, is amended to read:

14.6 Subd. 4. **Monthly income test.** A county agency must apply the monthly income test  
14.7 retrospectively for each month of MFIP eligibility. An assistance unit is not eligible when  
14.8 the countable income equals or exceeds the MFIP standard of need or the family wage level  
14.9 for the assistance unit. The income applied against the monthly income test must include:

14.10 (1) gross earned income from employment as described in chapter 256P, prior to  
14.11 mandatory payroll deductions, voluntary payroll deductions, wage authorizations, and after  
14.12 the disregards in section 256J.21, subdivision 4, and the allocations in section 256J.36;  
14.13 ~~unless the employment income is specifically excluded under section 256J.21, subdivision~~  
14.14 ~~2;~~

14.15 (2) gross earned income from self-employment less deductions for self-employment  
14.16 expenses in section 256J.37, subdivision 5, but prior to any reductions for personal or  
14.17 business state and federal income taxes, personal FICA, personal health and life insurance,  
14.18 and after the disregards in section 256J.21, subdivision 4, and the allocations in section  
14.19 256J.36;

14.20 (3) unearned income as described in section 256P.06, subdivision 3, after deductions  
14.21 for allowable expenses in section 256J.37, subdivision 9, and allocations in section 256J.36;  
14.22 ~~unless the income has been specifically excluded in section 256J.21, subdivision 2;~~

14.23 (4) gross earned income from employment as determined under clause (1) which is  
14.24 received by a member of an assistance unit who is a minor child or minor caregiver and  
14.25 less than a half-time student;

14.26 (5) child support received by an assistance unit, excluded under ~~section 256J.21,~~  
14.27 ~~subdivision 2, clause (49), or~~ section 256P.06, subdivision 3, clause (2), item (xvi);

14.28 (6) spousal support received by an assistance unit;

14.29 (7) the income of a parent when that parent is not included in the assistance unit;

14.30 (8) the income of an eligible relative and spouse who seek to be included in the assistance  
14.31 unit; and

14.32 (9) the unearned income of a minor child included in the assistance unit.

15.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.

15.2 Sec. 27. Minnesota Statutes 2020, section 256J.37, subdivision 1, is amended to read:

15.3 Subdivision 1. **Deemed income from ineligible assistance unit members.** The income  
15.4 of ineligible assistance unit members, except individuals identified in section 256J.24,  
15.5 subdivision 3, paragraph (a), clause (1), must be deemed after allowing the following  
15.6 disregards:

15.7 (1) an earned income disregard as determined under section 256P.03;

15.8 (2) all payments made by the ineligible person according to a court order for spousal  
15.9 support or the support of children not living in the assistance unit's household; and

15.10 (3) an amount for the unmet needs of the ineligible persons who live in the household  
15.11 who, if eligible, would be assistance unit members under section 256J.24, subdivision 2 or  
15.12 4, paragraph (b). This amount is equal to the difference between the MFIP transitional  
15.13 standard when the ineligible persons are included in the assistance unit and the MFIP  
15.14 transitional standard when the ineligible persons are not included in the assistance unit.

15.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

15.16 Sec. 28. Minnesota Statutes 2020, section 256J.37, subdivision 1b, is amended to read:

15.17 Subd. 1b. **Deemed income from parents of minor caregivers.** In households where  
15.18 minor caregivers live with a parent or parents or a stepparent who do not receive MFIP for  
15.19 themselves or their minor children, the income of the parents or a stepparent must be deemed  
15.20 after allowing the following disregards:

15.21 (1) income of the parents equal to 200 percent of the federal poverty guideline for a  
15.22 family size not including the minor parent and the minor parent's child in the household  
15.23 ~~according to section 256J.21, subdivision 2, clause (43);~~ and

15.24 (2) all payments made by parents according to a court order for spousal support or the  
15.25 support of children not living in the parent's household.

15.26 **EFFECTIVE DATE.** This section is effective August 1, 2021.

15.27 Sec. 29. Minnesota Statutes 2020, section 256J.37, subdivision 3, is amended to read:

15.28 Subd. 3. **Earned income of wage, salary, and contractual employees.** The agency  
15.29 must include gross earned income less any disregards in the initial ~~and monthly~~ income  
15.30 test. Gross earned income received by persons employed on a contractual basis must be

16.1 prorated over the period covered by the contract even when payments are received over a  
16.2 lesser period of time.

16.3 **EFFECTIVE DATE.** This section is effective March 1, 2023.

16.4 Sec. 30. Minnesota Statutes 2020, section 256J.37, subdivision 3a, is amended to read:

16.5 Subd. 3a. **Rental subsidies; unearned income.** (a) Effective July 1, 2003, the agency  
16.6 shall count \$50 of the value of public and assisted rental subsidies provided through the  
16.7 Department of Housing and Urban Development (HUD) as unearned income to the cash  
16.8 portion of the MFIP grant. The full amount of the subsidy must be counted as unearned  
16.9 income when the subsidy is less than \$50. The income from this subsidy shall be budgeted  
16.10 according to section ~~256J.34~~ 256P.09.

16.11 (b) The provisions of this subdivision shall not apply to an MFIP assistance unit which  
16.12 includes a participant who is:

16.13 (1) age 60 or older;

16.14 (2) a caregiver who is suffering from an illness, injury, or incapacity that has been  
16.15 certified by a qualified professional when the illness, injury, or incapacity is expected to  
16.16 continue for more than 30 days and severely limits the person's ability to obtain or maintain  
16.17 suitable employment; or

16.18 (3) a caregiver whose presence in the home is required due to the illness or incapacity  
16.19 of another member in the assistance unit, a relative in the household, or a foster child in the  
16.20 household when the illness or incapacity and the need for the participant's presence in the  
16.21 home has been certified by a qualified professional and is expected to continue for more  
16.22 than 30 days.

16.23 (c) The provisions of this subdivision shall not apply to an MFIP assistance unit where  
16.24 the parental caregiver is an SSI participant.

16.25 **EFFECTIVE DATE.** This section is effective March 1, 2023.

16.26 Sec. 31. Minnesota Statutes 2020, section 256J.626, subdivision 1, is amended to read:

16.27 Subdivision 1. **Consolidated fund.** The consolidated fund is established to support  
16.28 counties and tribes in meeting their duties under this chapter. Counties and tribes must use  
16.29 funds from the consolidated fund to develop programs and services that are designed to  
16.30 improve participant outcomes as measured in section 256J.751, subdivision 2. Counties and  
16.31 tribes that administer MFIP eligibility may use the funds for any allowable expenditures

17.1 under subdivision 2, including case management. Tribes that do not administer MFIP  
17.2 eligibility may use the funds for any allowable expenditures under subdivision 2, including  
17.3 case management, except those in subdivision 2, paragraph (a), clauses (1) and (6). All  
17.4 payments made through the MFIP consolidated fund to support a caregiver's pursuit of  
17.5 greater economic stability does not count when determining a family's available income.

17.6 Sec. 32. Minnesota Statutes 2020, section 256J.95, subdivision 9, is amended to read:

17.7 Subd. 9. **Property and income limitations.** The asset limits and exclusions in section  
17.8 256P.02 apply to applicants and participants of DWP. All payments, ~~unless excluded in~~  
17.9 ~~section 256J.21~~ as described in section 256P.06, subdivision 3, must be counted as income  
17.10 to determine eligibility for the diversionary work program. The agency shall treat income  
17.11 as outlined in section 256J.37, except for subdivision 3a. The initial income test and the  
17.12 disregards in section 256J.21, subdivision 3, shall be followed for determining eligibility  
17.13 for the diversionary work program.

17.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

17.15 Sec. 33. Minnesota Statutes 2020, section 256P.01, subdivision 3, is amended to read:

17.16 Subd. 3. **Earned income.** "Earned income" means ~~cash or in-kind~~ income earned through  
17.17 the receipt of wages, salary, commissions, bonuses, tips, gratuities, profit from employment  
17.18 activities, net profit from self-employment activities, payments made by an employer for  
17.19 regularly accrued vacation or sick leave, severance pay based on accrued leave time,  
17.20 ~~payments from training programs at a rate at or greater than the state's minimum wage,~~  
17.21 royalties, honoraria, or other profit from activity that results from the client's work, ~~service,~~  
17.22 effort, or labor for purposes other than student financial assistance, rehabilitation programs,  
17.23 student training programs, or service programs such as AmeriCorps. The income must be  
17.24 in return for, or as a result of, legal activity.

17.25 **EFFECTIVE DATE.** This section is effective August 1, 2021.

17.26 Sec. 34. Minnesota Statutes 2020, section 256P.01, is amended by adding a subdivision  
17.27 to read:

17.28 Subd. 9. **Prospective budgeting.** "Prospective budgeting" means estimating the amount  
17.29 of monthly income that an assistance unit will have in the payment month.

17.30 **EFFECTIVE DATE.** This section is effective March 1, 2023.

18.1 Sec. 35. Minnesota Statutes 2020, section 256P.04, subdivision 4, is amended to read:

18.2 Subd. 4. **Factors to be verified.** (a) The agency shall verify the following at application:

18.3 (1) identity of adults;

18.4 (2) age, if necessary to determine eligibility;

18.5 (3) immigration status;

18.6 (4) income;

18.7 (5) spousal support and child support payments made to persons outside the household;

18.8 (6) vehicles;

18.9 (7) checking and savings accounts;

18.10 (8) inconsistent information, if related to eligibility;

18.11 (9) residence; and

18.12 (10) Social Security number; ~~and~~ and

18.13 ~~(11) use of nonrecurring income under section 256P.06, subdivision 3, clause (2), item~~

18.14 ~~(ix), for the intended purpose for which it was given and received.~~

18.15 (b) Applicants who are qualified noncitizens and victims of domestic violence as defined  
18.16 under section 256J.08, subdivision 73, ~~clause (7)~~ clauses (8) and (9), are not required to  
18.17 verify the information in paragraph (a), clause (10). When a Social Security number is not  
18.18 provided to the agency for verification, this requirement is satisfied when each member of  
18.19 the assistance unit cooperates with the procedures for verification of Social Security numbers,  
18.20 issuance of duplicate cards, and issuance of new numbers which have been established  
18.21 jointly between the Social Security Administration and the commissioner.

18.22 **EFFECTIVE DATE.** This section is effective March 1, 2023, except for paragraph (b),  
18.23 which is effective July 1, 2021.

18.24 Sec. 36. Minnesota Statutes 2020, section 256P.04, subdivision 8, is amended to read:

18.25 Subd. 8. **Recertification.** The agency shall recertify eligibility ~~in an annual interview~~  
18.26 ~~with the participant. The interview may be conducted by telephone, by Internet telepresence,~~  
18.27 ~~or face-to-face in the county office or in another location mutually agreed upon. A participant~~  
18.28 ~~must be given the option of a telephone interview or Internet telepresence to recertify~~  
18.29 eligibility annually. During the interview recertification and reporting under section 256P.10,  
18.30 the agency shall verify the following:

- 19.1 (1) income, unless excluded, including self-employment earnings;
- 19.2 (2) assets when the value is within \$200 of the asset limit; and
- 19.3 (3) inconsistent information, if related to eligibility.

19.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.5 Sec. 37. Minnesota Statutes 2020, section 256P.06, subdivision 2, is amended to read:

19.6 Subd. 2. ~~Exempted individuals~~ **Exemptions.** (a) The following members of an assistance  
19.7 unit under chapters 119B and 256J are exempt from having their earned income count  
19.8 ~~towards~~ toward the income of an assistance unit:

- 19.9 (1) children under six years old;
- 19.10 (2) caregivers under 20 years of age enrolled at least half-time in school; and
- 19.11 (3) minors enrolled in school full time.

19.12 (b) The following members of an assistance unit are exempt from having their earned  
19.13 and unearned income count ~~towards~~ toward the income of an assistance unit for 12  
19.14 consecutive calendar months, beginning the month following the marriage date, for benefits  
19.15 under chapter 256J if the household income does not exceed 275 percent of the federal  
19.16 poverty guideline:

- 19.17 (1) a new spouse to a caretaker in an existing assistance unit; and
- 19.18 (2) the spouse designated by a newly married couple, both of whom were already  
19.19 members of an assistance unit under chapter 256J.

19.20 (c) If members identified in paragraph (b) also receive assistance under section 119B.05,  
19.21 they are exempt from having their earned and unearned income count ~~towards~~ toward the  
19.22 income of the assistance unit if the household income prior to the exemption does not exceed  
19.23 67 percent of the state median income for recipients for 26 consecutive biweekly periods  
19.24 beginning the second biweekly period after the marriage date.

19.25 (d) For individuals who are members of an assistance unit under chapters 256I and 256J,  
19.26 the assistance standard effective in January 2020 for a household of one under chapter 256J  
19.27 shall be counted as income under chapter 256I, and any subsequent increases to unearned  
19.28 income under chapter 256J shall be exempt.

20.1 Sec. 38. Minnesota Statutes 2020, section 256P.06, subdivision 3, is amended to read:

20.2 Subd. 3. **Income inclusions.** The following must be included in determining the income  
20.3 of an assistance unit:

20.4 (1) earned income; and

20.5 (2) unearned income, which includes:

20.6 (i) interest and dividends from investments and savings;

20.7 (ii) capital gains as defined by the Internal Revenue Service from any sale of real property;

20.8 (iii) proceeds from rent and contract for deed payments in excess of the principal and  
20.9 interest portion owed on property;

20.10 (iv) income from trusts, excluding special needs and supplemental needs trusts;

20.11 (v) interest income from loans made by the participant or household;

20.12 (vi) cash prizes and winnings according to guidance provided for the Supplemental  
20.13 Nutrition Assistance Program;

20.14 (vii) unemployment insurance income that is received by an adult member of the  
20.15 assistance unit unless the individual receiving unemployment insurance income is:

20.16 (A) 18 years of age and enrolled in a secondary school; or

20.17 (B) 18 or 19 years of age, a caregiver, and is enrolled in school at least half-time;

20.18 (viii) retirement, survivors, and disability insurance payments;

20.19 ~~(ix) nonrecurring income over \$60 per quarter unless earmarked and used for the purpose~~  
20.20 ~~for which it is intended. Income and use of this income is subject to verification requirements~~  
20.21 ~~under section 256P.04;~~

20.22 ~~(x)~~ (ix) retirement benefits;

20.23 ~~(xi)~~ (x) cash assistance benefits, as defined by each program in chapters 119B, 256D,  
20.24 256I, and 256J;

20.25 ~~(xii)~~ (xi) tribal per capita payments unless excluded by federal and state law;

20.26 ~~(xiii)~~ (xii) income and payments from service and rehabilitation programs that meet or  
20.27 exceed the state's minimum wage rate;

20.28 ~~(xiv)~~ (xiii) income from members of the United States armed forces unless excluded  
20.29 from income taxes according to federal or state law;

21.1 ~~(xv)~~ (xiv) all child support payments for programs under chapters 119B, 256D, and 256I;

21.2 ~~(xvi)~~ (xv) the amount of child support received that exceeds \$100 for assistance units

21.3 with one child and \$200 for assistance units with two or more children for programs under

21.4 chapter 256J; ~~and~~

21.5 ~~(xvii)~~ (xvi) spousal support; ~~and~~

21.6 (xvii) workers' compensation.

21.7 **EFFECTIVE DATE.** This section is effective March 1, 2023, except subdivision 3,

21.8 clause (2), item (vii), which is effective the day following final enactment and subdivision

21.9 3, clause (2), item (xvii), which is effective August 1, 2021.

21.10 Sec. 39. Minnesota Statutes 2020, section 256P.07, is amended to read:

21.11 **256P.07 REPORTING OF ~~INCOME AND~~ CHANGES.**

21.12 Subdivision 1. **Exempted programs.** Participants who receive Supplemental Security

21.13 Income and qualify for Minnesota supplemental aid under chapter 256D ~~and~~ or for housing

21.14 support under chapter 256I ~~on the basis of eligibility for Supplemental Security Income~~ are

21.15 exempt from ~~this section~~ reporting income.

21.16 **Subd. 1a. Child care assistance programs.** Participants who qualify for child care

21.17 assistance programs under chapter 119B are exempt from this section except for the reporting

21.18 requirements in subdivision 6.

21.19 **Subd. 2. Reporting requirements.** An applicant or participant must provide information

21.20 on an application and any subsequent reporting forms about the assistance unit's

21.21 circumstances that affect eligibility or benefits. An applicant or assistance unit must report

21.22 changes identified in ~~subdivision~~ subdivisions 3, 4, 5, 7, 8, and 9 during the application

21.23 period or by the tenth of the month following the month that the change occurred. When

21.24 information is not accurately reported, both an overpayment and a referral for a fraud

21.25 investigation may result. When information or documentation is not provided, the receipt

21.26 of any benefit may be delayed or denied, depending on the type of information required

21.27 and its effect on eligibility.

21.28 **Subd. 3. Changes that must be reported.** ~~An assistance unit must report the changes~~

21.29 ~~or anticipated changes specified in clauses (1) to (12) within ten days of the date they occur,~~

21.30 ~~at the time of recertification of eligibility under section 256P.04, subdivisions 8 and 9, or~~

21.31 ~~within eight calendar days of a reporting period, whichever occurs first. An assistance unit~~

21.32 ~~must report other changes at the time of recertification of eligibility under section 256P.04,~~

22.1 ~~subdivisions 8 and 9, or at the end of a reporting period, as applicable. When an agency~~  
22.2 ~~could have reduced or terminated assistance for one or more payment months if a delay in~~  
22.3 ~~reporting a change specified under clauses (1) to (12) had not occurred, the agency must~~  
22.4 ~~determine whether a timely notice could have been issued on the day that the change~~  
22.5 ~~occurred. When a timely notice could have been issued, each month's overpayment~~  
22.6 ~~subsequent to that notice must be considered a client error overpayment under section~~  
22.7 ~~119B.11, subdivision 2a, or 256P.08. Changes in circumstances that must be reported within~~  
22.8 ~~ten days must also be reported for the reporting period in which those changes occurred.~~  
22.9 ~~Within ten days, an assistance unit must report:~~

22.10 ~~(1) a change in earned income of \$100 per month or greater with the exception of a~~  
22.11 ~~program under chapter 119B;~~

22.12 ~~(2) a change in unearned income of \$50 per month or greater with the exception of a~~  
22.13 ~~program under chapter 119B;~~

22.14 ~~(3) a change in employment status and hours with the exception of a program under~~  
22.15 ~~chapter 119B;~~

22.16 ~~(4) a change in address or residence;~~

22.17 ~~(5) a change in household composition with the exception of programs under chapter~~  
22.18 ~~256I;~~

22.19 ~~(6) a receipt of a lump-sum payment with the exception of a program under chapter~~  
22.20 ~~119B;~~

22.21 ~~(7) an increase in assets if over \$9,000 with the exception of programs under chapter~~  
22.22 ~~119B;~~

22.23 ~~(8) a change in citizenship or immigration status;~~

22.24 ~~(9) a change in family status with the exception of programs under chapter 256I;~~

22.25 ~~(10) a change in disability status of a unit member, with the exception of programs under~~  
22.26 ~~chapter 119B;~~

22.27 ~~(11) a new rent subsidy or a change in rent subsidy with the exception of a program~~  
22.28 ~~under chapter 119B; and~~

22.29 ~~(12) a sale, purchase, or transfer of real property with the exception of a program under~~  
22.30 ~~chapter 119B. An assistance unit must report changes or anticipated changes as described~~  
22.31 ~~in this section.~~

22.32 (a) An assistance unit must report:

- 23.1 (1) a change in eligibility for Supplemental Security Income, Retirement Survivors  
 23.2 Disability Insurance, or another federal income support;
- 23.3 (2) a change in address or residence;
- 23.4 (3) a change in household composition with the exception of programs under chapter  
 23.5 256I;
- 23.6 (4) cash prizes and winnings according to guidance provided for the Supplemental  
 23.7 Nutrition Assistance Program;
- 23.8 (5) a change in citizenship or immigration status;
- 23.9 (6) a change in family status with the exception of programs under chapter 256I; and
- 23.10 (7) assets when the value is at or above the asset limit.

23.11 (b) When an agency could have reduced or terminated assistance for one or more payment  
 23.12 months if a delay in reporting a change specified in clauses (1) to (7) had not occurred, the  
 23.13 agency must determine whether a timely notice could have been issued on the day that the  
 23.14 change occurred. When a timely notice could have been issued, each month's overpayment  
 23.15 subsequent to the notice must be considered a client error overpayment under section  
 23.16 256P.08.

23.17 Subd. 4. **MFIP-specific reporting.** In addition to subdivision 3, an assistance unit under  
 23.18 chapter 256J, ~~within ten days of the change,~~ must report:

- 23.19 (1) a pregnancy not resulting in birth when there are no other minor children; ~~and~~  
 23.20 (2) a change in school attendance of a parent under 20 years of age ~~or of an employed~~  
 23.21 ~~child;~~ and
- 23.22 (3) an individual who is 18 or 19 years of age attending high school who graduates or  
 23.23 drops out of school.

23.24 Subd. 5. **DWP-specific reporting.** In addition to subdivisions 3 and 4, an assistance  
 23.25 unit participating in the diversionary work program under section 256J.95 must report on  
 23.26 an application:

- 23.27 (1) shelter expenses; and  
 23.28 (2) utility expenses.

23.29 Subd. 6. **Child care assistance programs-specific reporting.** (a) ~~In addition to~~  
 23.30 ~~subdivision 3,~~ An assistance unit under chapter 119B, within ten days of the change, must  
 23.31 report:

24.1 (1) a change in a parentally responsible individual's custody schedule for any child  
 24.2 receiving child care assistance program benefits;

24.3 (2) a permanent end in a parentally responsible individual's authorized activity; ~~and~~

24.4 (3) if the unit's family's annual included income exceeds 85 percent of the state median  
 24.5 income, adjusted for family size;

24.6 (4) a change in address or residence;

24.7 (5) a change in household composition;

24.8 (6) a change in citizenship or immigration status; and

24.9 (7) a change in family status.

24.10 (b) An assistance unit subject to section 119B.095, subdivision 1, paragraph (b), must  
 24.11 report a change in the unit's authorized activity status.

24.12 (c) An assistance unit must notify the county when the unit wants to reduce the number  
 24.13 of authorized hours for children in the unit.

24.14 Subd. 7. **Minnesota supplemental aid-specific reporting.** (a) In addition to subdivision  
 24.15 3 and notwithstanding the exemption in subdivision 1, an assistance unit participating in  
 24.16 the Minnesota supplemental aid program under section 256D.44, subdivision 5, paragraph  
 24.17 (g), within ten days of the change, chapter 256D must report shelter expenses.:

24.18 (1) a change in unearned income of \$50 per month or greater; and

24.19 (2) a change in earned income of \$100 per month or greater.

24.20 (b) An assistance unit receiving housing assistance under section 256D.44, subdivision  
 24.21 5, paragraph (g), including assistance units who also receive Supplemental Security Income,  
 24.22 must report:

24.23 (1) a change in shelter expenses; and

24.24 (2) a new rent subsidy or a change in a rent subsidy.

24.25 Subd. 8. **Housing support-specific reporting.** (a) In addition to subdivision 3, an  
 24.26 assistance unit participating in the housing support program under chapter 256I must report:

24.27 (1) a change in unearned income of \$50 per month or greater; and

24.28 (2) a change in earned income of \$100 per month or greater, with the exception of  
 24.29 participants already subject to six-month reporting requirements in section 256P.10.

25.1 (b) Notwithstanding the exemptions in subdivisions 1 and 3, an assistance unit receiving  
25.2 housing support under chapter 256I, including an assistance unit that receives Supplemental  
25.3 Security Income, must report:

25.4 (1) a new rent subsidy or a change in a rent subsidy;

25.5 (2) a change in the disability status of a unit member; and

25.6 (3) a change in household composition if the assistance unit is a participant in housing  
25.7 support under section 256I.04, subdivision 3, paragraph (a), clause (3).

25.8 Subd. 9. **General assistance-specific reporting.** In addition to subdivision 3, an  
25.9 assistance unit participating in the general assistance program under chapter 256D must  
25.10 report:

25.11 (1) a change in unearned income of \$50 per month or greater;

25.12 (2) a change in earned income of \$100 per month or greater, with the exception of  
25.13 participants who are already subject to six-month reporting requirements in section 256P.10;  
25.14 and

25.15 (3) changes in any condition that would result in the loss of a basis for eligibility in  
25.16 section 256D.05, subdivision 1, paragraph (a).

25.17 **EFFECTIVE DATE.** This section is effective March 1, 2023.

25.18 Sec. 40. **[256P.09] PROSPECTIVE BUDGETING OF BENEFITS.**

25.19 Subdivision 1. **Exempted programs.** Assistance units who qualify for child care  
25.20 assistance programs under chapter 119B; housing support assistance units under chapter  
25.21 256I who are not subject to reporting under section 256P.10; and assistance units who  
25.22 qualify for Minnesota Supplemental Aid under chapter 256D are exempt from this section.

25.23 Subd. 2. **Prospective budgeting of benefits.** An agency must use prospective budgeting  
25.24 to calculate an assistance payment amount.

25.25 Subd. 3. **Income changes.** Prospective budgeting must be used to determine the amount  
25.26 of the assistance unit's benefit for the following six-month period. An increase in income  
25.27 shall not affect an assistance unit's eligibility or benefit amount until the next case review  
25.28 unless otherwise required by section 256P.07. A decrease in income shall be effective on  
25.29 the date that the change occurs if the change is reported by the tenth of the month following  
25.30 the month when the change occurred. If the decrease in income is not reported by the tenth  
25.31 of the month following the month when the change occurred, the change in income shall  
25.32 be effective the month following the month when the change is reported.

26.1 **EFFECTIVE DATE.** This section is effective March 1, 2023.

26.2 Sec. 41. **[256P.10] SIX-MONTH REPORTING.**

26.3 Subdivision 1. **Exempted programs.** Assistance units who qualify for child care  
26.4 assistance programs under chapter 119B; assistance units who qualify for Minnesota  
26.5 Supplemental Aid under chapter 256D; and assistance units who qualify for housing support  
26.6 under chapter 256I and also receive Supplemental Security Income are exempt from this  
26.7 section.

26.8 Subd. 2. **Reporting.** (a) Every six months, an assistance unit that qualifies for the  
26.9 Minnesota family investment program under chapter 256J; an assistance unit that qualifies  
26.10 for general assistance under chapter 256D with earned income of \$100 per month or greater;  
26.11 or an assistance unit that qualifies for housing support under chapter 256I with earned  
26.12 income of \$100 per month or greater is subject to six month case reviews. The initial  
26.13 reporting period may be shorter than six months in order to align with other program reporting  
26.14 periods.

26.15 (b) An assistance unit that qualifies for the Minnesota family investment program and  
26.16 an assistance unit that qualifies for general assistance as described in paragraph (a) must  
26.17 complete household report forms as prescribed by the commissioner for redetermination of  
26.18 benefits.

26.19 (c) An assistance unit that qualifies for housing support as described in paragraph (a)  
26.20 must complete household report forms as prescribed by the commissioner to provide  
26.21 information about earned income.

26.22 (d) An assistance unit that qualifies for housing support and also receives assistance  
26.23 through the Minnesota family investment program shall be subject to the requirements of  
26.24 this section for purposes of the Minnesota family investment program but not for housing  
26.25 support.

26.26 (e) An assistance unit must submit a household report form in compliance with the  
26.27 provisions in section 256P.04, subdivision 11.

26.28 (f) An assistance unit may choose to report changes under this section at any time.

26.29 Subd. 3. **When to terminate assistance.** (a) An agency must terminate benefits when  
26.30 the participant fails to submit the household report form before the end of the six month  
26.31 review period. If the participant submits the household report form within 30 days of the  
26.32 termination of benefits, benefits must be reinstated and made available retroactively for the  
26.33 full benefit month.

27.1 (b) When an assistance unit is determined to be ineligible for assistance according to  
27.2 this section and chapter 256D, 256I, or 256J, the agency must terminate assistance.

27.3 **EFFECTIVE DATE.** This section is effective March 1, 2023.

27.4 Sec. 42. Laws 2020, First Special Session chapter 7, section 1, as amended by Laws 2020,  
27.5 Third Special Session chapter 1, section 3, is amended by adding a subdivision to read:

27.6 Subd. 5. **Waivers and modifications.** When the peacetime emergency declared by the  
27.7 governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by  
27.8 the proper authority, the following waivers and modifications to human services programs  
27.9 issued by the commissioner of human services pursuant to Executive Orders 20-12 and  
27.10 20-42, including any amendments to the waivers or modifications issued before the peacetime  
27.11 emergency expires, shall remain in effect until December 31, 2021, unless necessary federal  
27.12 approval is not received at any time for a waiver or modification:

27.13 (1) Executive Order 21-15: when determining eligibility for cash assistance programs,  
27.14 not counting as income any emergency economic relief provided through the American  
27.15 Rescue Plan Act of 2021; and

27.16 (2) CV.04.A4: waiving interviews for annual eligibility recertifications of households  
27.17 receiving cash assistance in which all necessary information has been submitted and verified.

27.18 Sec. 43. **DIRECTION TO COMMISSIONER; LONG-TERM HOMELESS**  
27.19 **SUPPORTIVE SERVICES REPORT.**

27.20 (a) No later than January 15, 2023, the commissioner of human services shall produce  
27.21 a report which shows the projects funded under Minnesota Statutes, section 256K.26, and  
27.22 provide a copy of the report to the chairs and ranking minority members of the legislative  
27.23 committees with jurisdiction over services for persons experiencing homelessness.

27.24 (b) This report must be updated annually for two additional years and the commissioner  
27.25 must provide copies of the updated reports to the chairs and ranking minority members of  
27.26 the legislative committees with jurisdiction over services for persons experiencing  
27.27 homelessness by January 15, 2024, and January 15, 2025.

27.28 Sec. 44. **2021 REPORT TO LEGISLATURE ON RUNAWAY AND HOMELESS**  
27.29 **YOUTH.**

27.30 Subdivision 1. **Report development.** The commissioner of human services is exempt  
27.31 from preparing the report required under Minnesota Statutes, section 256K.45, subdivision

28.1 2, in 2023 and shall instead update the information in the 2007 legislative report on runaway  
28.2 and homeless youth. In developing the updated report, the commissioner must use existing  
28.3 data, studies, and analysis provided by state, county, and other entities including:

28.4 (1) Minnesota Housing Finance Agency analysis on housing availability;

28.5 (2) the Minnesota state plan to end homelessness;

28.6 (3) the continuum of care counts of youth experiencing homelessness and assessments  
28.7 as provided by Department of Housing and Urban Development (HUD) required coordinated  
28.8 entry systems;

28.9 (4) the biannual Department of Human Services report on the Homeless Youth Act;

28.10 (5) the Wilder Research homeless study;

28.11 (6) the Voices of Youth Count sponsored by Hennepin County; and

28.12 (7) privately funded analysis, including:

28.13 (i) nine evidence-based principles to support youth in overcoming homelessness;

28.14 (ii) the return on investment analysis conducted for YouthLink by Foldes Consulting;

28.15 and

28.16 (iii) the evaluation of Homeless Youth Act resources conducted by Rainbow Research.

28.17 Subd. 2. **Key elements; due date.** (a) The report must include three key elements where  
28.18 significant learning has occurred in the state since the 2007 report, including:

28.19 (1) the unique causes of youth homelessness;

28.20 (2) targeted responses to youth homelessness, including the significance of positive  
28.21 youth development as fundamental to each targeted response; and

28.22 (3) recommendations based on existing reports and analysis on how to end youth  
28.23 homelessness.

28.24 (b) To the extent that data is available, the report must include:

28.25 (1) a general accounting of the federal and philanthropic funds leveraged to support  
28.26 homeless youth activities;

28.27 (2) a general accounting of the increase in volunteer responses to support youth  
28.28 experiencing homelessness; and

28.29 (3) a data-driven accounting of geographic areas or distinct populations that have gaps  
28.30 in service or are not yet served by homeless youth responses.

29.1 (c) The commissioner of human services shall consult with and incorporate the expertise  
29.2 of community-based providers of homeless youth services and other expert stakeholders to  
29.3 complete the report. The commissioner shall submit the report to the chairs and ranking  
29.4 minority members of the legislative committees with jurisdiction over youth homelessness  
29.5 by December 15, 2022.

29.6 Sec. 45. **REPEALER.**

29.7 (a) Minnesota Statutes 2020, sections 256D.051, subdivisions 1, 1a, 2, 2a, 3, 3a, 3b, 6b,  
29.8 6c, 7, 8, 9, and 18; 256D.052, subdivision 3; and 256J.21, subdivisions 1 and 2, are repealed.

29.9 (b) Minnesota Statutes 2020, sections 256J.08, subdivisions 10, 53, 61, 62, 81, and 83;  
29.10 256J.30, subdivisions 5, 7, and 8; 256J.33, subdivisions 3, 4, and 5; 256J.34, subdivisions  
29.11 1, 2, 3, and 4; and 256J.37, subdivision 10, are repealed.

29.12 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2021. Paragraph (b) is effective  
29.13 March 1, 2023.

## 29.14 **ARTICLE 2**

### 29.15 **CHILD PROTECTION**

29.16 Section 1. Minnesota Statutes 2020, section 256N.25, subdivision 2, is amended to read:

29.17 Subd. 2. **Negotiation of agreement.** (a) When a child is determined to be eligible for  
29.18 Northstar kinship assistance or adoption assistance, the financially responsible agency, or,  
29.19 if there is no financially responsible agency, the agency designated by the commissioner,  
29.20 must negotiate with the caregiver to develop an agreement under subdivision 1. If and when  
29.21 the caregiver and agency reach concurrence as to the terms of the agreement, both parties  
29.22 shall sign the agreement. The agency must submit the agreement, along with the eligibility  
29.23 determination outlined in sections 256N.22, subdivision 7, and 256N.23, subdivision 7, to  
29.24 the commissioner for final review, approval, and signature according to subdivision 1.

29.25 (b) A monthly payment is provided as part of the adoption assistance or Northstar kinship  
29.26 assistance agreement to support the care of children unless the child is eligible for adoption  
29.27 assistance and determined to be an at-risk child, in which case no payment will be made  
29.28 unless and until the caregiver obtains written documentation from a qualified expert that  
29.29 the potential disability upon which eligibility for the agreement was based has manifested  
29.30 itself.

29.31 (1) The amount of the payment made on behalf of a child eligible for Northstar kinship  
29.32 assistance or adoption assistance is determined through agreement between the prospective

30.1 relative custodian or the adoptive parent and the financially responsible agency, or, if there  
30.2 is no financially responsible agency, the agency designated by the commissioner, using the  
30.3 assessment tool established by the commissioner in section 256N.24, subdivision 2, and the  
30.4 associated benefit and payments outlined in section 256N.26. Except as provided under  
30.5 section 256N.24, subdivision 1, paragraph (c), the assessment tool establishes the monthly  
30.6 benefit level for a child under foster care. The monthly payment under a Northstar kinship  
30.7 assistance agreement or adoption assistance agreement may be negotiated up to the monthly  
30.8 benefit level under foster care. In no case may the amount of the payment under a Northstar  
30.9 kinship assistance agreement or adoption assistance agreement exceed the foster care  
30.10 maintenance payment which would have been paid during the month if the child with respect  
30.11 to whom the Northstar kinship assistance or adoption assistance payment is made had been  
30.12 in a foster family home in the state.

30.13 (2) The rate schedule for the agreement is determined based on the age of the child on  
30.14 the date that the prospective adoptive parent or parents or relative custodian or custodians  
30.15 sign the agreement.

30.16 (3) The income of the relative custodian or custodians or adoptive parent or parents must  
30.17 not be taken into consideration when determining eligibility for Northstar kinship assistance  
30.18 or adoption assistance or the amount of the payments under section 256N.26.

30.19 (4) With the concurrence of the relative custodian or adoptive parent, the amount of the  
30.20 payment may be adjusted periodically using the assessment tool established by the  
30.21 commissioner in section 256N.24, subdivision 2, and the agreement renegotiated under  
30.22 subdivision 3 when there is a change in the child's needs or the family's circumstances.

30.23 (5) An adoptive parent of an at-risk child with an adoption assistance agreement may  
30.24 request a reassessment of the child under section 256N.24, subdivision 10, and renegotiation  
30.25 of the adoption assistance agreement under subdivision 3 to include a monthly payment, if  
30.26 the caregiver has written documentation from a qualified expert that the potential disability  
30.27 upon which eligibility for the agreement was based has manifested itself. Documentation  
30.28 of the disability must be limited to evidence deemed appropriate by the commissioner.

30.29 (c) For Northstar kinship assistance agreements:

30.30 (1) the initial amount of the monthly Northstar kinship assistance payment must be  
30.31 equivalent to the foster care rate in effect at the time that the agreement is signed ~~less any~~  
30.32 ~~offsets under section 256N.26, subdivision 11,~~ or a lesser negotiated amount if agreed to  
30.33 by the prospective relative custodian and specified in that agreement, unless the Northstar  
30.34 kinship assistance agreement is entered into when a child is under the age of six; and

31.1 (2) the amount of the monthly payment for a Northstar kinship assistance agreement for  
31.2 a child who is under the age of six must be as specified in section 256N.26, subdivision 5.

31.3 (d) For adoption assistance agreements:

31.4 (1) for a child in foster care with the prospective adoptive parent immediately prior to  
31.5 adoptive placement, the initial amount of the monthly adoption assistance payment must  
31.6 be equivalent to the foster care rate in effect at the time that the agreement is signed ~~less~~  
31.7 ~~any offsets in section 256N.26, subdivision 11,~~ or a lesser negotiated amount if agreed to  
31.8 by the prospective adoptive parents and specified in that agreement, unless the child is  
31.9 identified as at-risk or the adoption assistance agreement is entered into when a child is  
31.10 under the age of six;

31.11 (2) for an at-risk child who must be assigned level A as outlined in section 256N.26, no  
31.12 payment will be made unless and until the potential disability manifests itself, as documented  
31.13 by an appropriate professional, and the commissioner authorizes commencement of payment  
31.14 by modifying the agreement accordingly;

31.15 (3) the amount of the monthly payment for an adoption assistance agreement for a child  
31.16 under the age of six, other than an at-risk child, must be as specified in section 256N.26,  
31.17 subdivision 5;

31.18 (4) for a child who is in the Northstar kinship assistance program immediately prior to  
31.19 adoptive placement, the initial amount of the adoption assistance payment must be equivalent  
31.20 to the Northstar kinship assistance payment in effect at the time that the adoption assistance  
31.21 agreement is signed or a lesser amount if agreed to by the prospective adoptive parent and  
31.22 specified in that agreement, unless the child is identified as an at-risk child; and

31.23 (5) for a child who is not in foster care placement or the Northstar kinship assistance  
31.24 program immediately prior to adoptive placement or negotiation of the adoption assistance  
31.25 agreement, the initial amount of the adoption assistance agreement must be determined  
31.26 using the assessment tool and process in this section and the corresponding payment amount  
31.27 outlined in section 256N.26.

31.28 Sec. 2. Minnesota Statutes 2020, section 256N.25, subdivision 3, is amended to read:

31.29 Subd. 3. **Renegotiation of agreement.** (a) A relative custodian or adoptive parent of a  
31.30 child with a Northstar kinship assistance or adoption assistance agreement may request  
31.31 renegotiation of the agreement when there is a change in the needs of the child or in the  
31.32 family's circumstances. When a relative custodian or adoptive parent requests renegotiation  
31.33 of the agreement, a reassessment of the child must be completed consistent with section

32.1 256N.24, subdivisions 10 and 11. If the reassessment indicates that the child's level has  
32.2 changed, the financially responsible agency or, if there is no financially responsible agency,  
32.3 the agency designated by the commissioner or the commissioner's designee, and the caregiver  
32.4 must renegotiate the agreement to include a payment with the level determined through the  
32.5 reassessment process. The agreement must not be renegotiated unless the commissioner,  
32.6 the financially responsible agency, and the caregiver mutually agree to the changes. The  
32.7 effective date of any renegotiated agreement must be determined by the commissioner.

32.8 (b) An adoptive parent of an at-risk child with an adoption assistance agreement may  
32.9 request renegotiation of the agreement to include a monthly payment under section 256N.26  
32.10 if the caregiver has written documentation from a qualified expert that the potential disability  
32.11 upon which eligibility for the agreement was based has manifested itself. Documentation  
32.12 of the disability must be limited to evidence deemed appropriate by the commissioner. Prior  
32.13 to renegotiating the agreement, a reassessment of the child must be conducted as outlined  
32.14 in section 256N.24, subdivision 10. The reassessment must be used to renegotiate the  
32.15 agreement to include an appropriate monthly payment. The agreement must not be  
32.16 renegotiated unless the commissioner, the financially responsible agency, and the caregiver  
32.17 mutually agree to the changes. The effective date of any renegotiated agreement must be  
32.18 determined by the commissioner.

32.19 ~~(c) Renegotiation of a Northstar kinship assistance or adoption assistance agreement is~~  
32.20 ~~required when one of the circumstances outlined in section 256N.26, subdivision 13, occurs.~~

32.21 Sec. 3. Minnesota Statutes 2020, section 256N.26, subdivision 11, is amended to read:

32.22 Subd. 11. **Child income or income attributable to the child.** (a) A monthly Northstar  
32.23 kinship assistance or adoption assistance payment must be considered as income and  
32.24 resources attributable to the child. Northstar kinship assistance and adoption assistance are  
32.25 exempt from garnishment, except as permissible under the laws of the state where the child  
32.26 resides.

32.27 (b) When a child is placed into foster care, any income and resources attributable to the  
32.28 child are treated as provided in sections 252.27 and 260C.331, or 260B.331, as applicable  
32.29 to the child being placed.

32.30 ~~(c) Consideration of income and resources attributable to the child must be part of the~~  
32.31 ~~negotiation process outlined in section 256N.25, subdivision 2. In some circumstances, the~~  
32.32 ~~receipt of other income on behalf of the child may impact the amount of the monthly payment~~  
32.33 ~~received by the relative custodian or adoptive parent on behalf of the child through Northstar~~  
32.34 ~~Care for Children. Supplemental Security Income (SSI), retirement survivor's disability~~

33.1 insurance (RSDI), veteran's benefits, railroad retirement benefits, and black lung benefits  
33.2 are considered income and resources attributable to the child.

33.3 Sec. 4. Minnesota Statutes 2020, section 256N.26, subdivision 13, is amended to read:

33.4 Subd. 13. **Treatment of retirement survivor's disability insurance, veteran's benefits,**  
33.5 **railroad retirement benefits, and black lung benefits.** (a) If a child placed in foster care  
33.6 receives retirement survivor's disability insurance, veteran's benefits, railroad retirement  
33.7 benefits, or black lung benefits at the time of foster care placement or subsequent to  
33.8 placement in foster care, the financially responsible agency may apply to be the payee for  
33.9 the child for the duration of the child's placement in foster care. If it is anticipated that a  
33.10 child will be eligible to receive retirement survivor's disability insurance, veteran's benefits,  
33.11 railroad retirement benefits, or black lung benefits after finalization of the adoption or  
33.12 assignment of permanent legal and physical custody, the permanent caregiver shall apply  
33.13 to be the payee of those benefits on the child's behalf. ~~The monthly amount of the other~~  
33.14 ~~benefits must be considered an offset to the amount of the payment the child is determined~~  
33.15 ~~eligible for under Northstar Care for Children.~~

33.16 ~~(b) If a child becomes eligible for retirement survivor's disability insurance, veteran's~~  
33.17 ~~benefits, railroad retirement benefits, or black lung benefits, after the initial amount of the~~  
33.18 ~~payment under Northstar Care for Children is finalized, the permanent caregiver shall contact~~  
33.19 ~~the commissioner to redetermine the payment under Northstar Care for Children. The~~  
33.20 ~~monthly amount of the other benefits must be considered an offset to the amount of the~~  
33.21 ~~payment the child is determined eligible for under Northstar Care for Children.~~

33.22 ~~(c) If a child ceases to be eligible for retirement survivor's disability insurance, veteran's~~  
33.23 ~~benefits, railroad retirement benefits, or black lung benefits after the initial amount of the~~  
33.24 ~~payment under Northstar Care for Children is finalized, the permanent caregiver shall contact~~  
33.25 ~~the commissioner to redetermine the payment under Northstar Care for Children. The~~  
33.26 ~~monthly amount of the payment under Northstar Care for Children must be the amount the~~  
33.27 ~~child was determined to be eligible for prior to consideration of any offset.~~

33.28 ~~(d) If the monthly payment received on behalf of the child under retirement survivor's~~  
33.29 ~~disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits~~  
33.30 ~~changes after the adoption assistance or Northstar kinship assistance agreement is finalized,~~  
33.31 ~~the permanent caregiver shall notify the commissioner as to the new monthly payment~~  
33.32 ~~amount, regardless of the amount of the change in payment. If the monthly payment changes~~  
33.33 ~~by \$75 or more, even if the change occurs incrementally over the duration of the term of~~  
33.34 ~~the adoption assistance or Northstar kinship assistance agreement, the monthly payment~~

34.1 ~~under Northstar Care for Children must be adjusted without further consent to reflect the~~  
 34.2 ~~amount of the increase or decrease in the offset amount. Any subsequent change to the~~  
 34.3 ~~payment must be reported and handled in the same manner. A change of monthly payments~~  
 34.4 ~~of less than \$75 is not a permissible reason to renegotiate the adoption assistance or Northstar~~  
 34.5 ~~kinship assistance agreement under section 256N.25, subdivision 3. The commissioner shall~~  
 34.6 ~~review and revise the limit at which the adoption assistance or Northstar kinship assistance~~  
 34.7 ~~agreement must be renegotiated in accordance with subdivision 9.~~

34.8 Sec. 5. Minnesota Statutes 2020, section 260.761, subdivision 2, is amended to read:

34.9 Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency  
 34.10 has information that a family assessment ~~or~~ investigation, or noncaregiver sex trafficking  
 34.11 assessment being conducted may involve an Indian child, the local social services agency  
 34.12 shall notify the Indian child's tribe of the family assessment ~~or~~ investigation, or noncaregiver  
 34.13 sex trafficking assessment according to section 260E.18. The local social services agency  
 34.14 shall provide initial notice ~~shall be provided~~ by telephone and by e-mail or facsimile. The  
 34.15 local social services agency shall request that the tribe or a designated tribal representative  
 34.16 participate in evaluating the family circumstances, identifying family and tribal community  
 34.17 resources, and developing case plans.

34.18 (b) When a local social services agency has information that a child receiving services  
 34.19 may be an Indian child, the local social services agency shall notify the tribe by telephone  
 34.20 and by e-mail or facsimile of the child's full name and date of birth, the full names and dates  
 34.21 of birth of the child's biological parents, and, if known, the full names and dates of birth of  
 34.22 the child's grandparents and of the child's Indian custodian. This notification must be provided  
 34.23 ~~so~~ for the tribe ~~can~~ to determine if the child is enrolled in the tribe or eligible for tribal  
 34.24 membership, and ~~must be provided~~ the agency must provide this notification to the tribe  
 34.25 within seven days of receiving information that the child may be an Indian child. If  
 34.26 information regarding the child's grandparents or Indian custodian is not available within  
 34.27 the seven-day period, the local social services agency shall continue to request this  
 34.28 information and shall notify the tribe when it is received. Notice shall be provided to all  
 34.29 tribes to which the child may have any tribal lineage. If the identity or location of the child's  
 34.30 parent or Indian custodian and tribe cannot be determined, the local social services agency  
 34.31 shall provide the notice required in this paragraph to the United States secretary of the  
 34.32 interior.

34.33 (c) In accordance with sections 260C.151 and 260C.152, when a court has reason to  
 34.34 believe that a child placed in emergency protective care is an Indian child, the court

35.1 administrator or a designee shall, as soon as possible and before a hearing takes place, notify  
35.2 the tribal social services agency by telephone and by e-mail or facsimile of the date, time,  
35.3 and location of the emergency protective case hearing. The court shall make efforts to allow  
35.4 appearances by telephone for tribal representatives, parents, and Indian custodians.

35.5 (d) A local social services agency must provide the notices required under this subdivision  
35.6 at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in  
35.7 this subdivision is intended to hinder the ability of the local social services agency and the  
35.8 court to respond to an emergency situation. Lack of participation by a tribe shall not prevent  
35.9 the tribe from intervening in services and proceedings at a later date. A tribe may participate  
35.10 in a case at any time. At any stage of the local social services agency's involvement with  
35.11 an Indian child, the agency shall provide full cooperation to the tribal social services agency,  
35.12 including disclosure of all data concerning the Indian child. Nothing in this subdivision  
35.13 relieves the local social services agency of satisfying the notice requirements in the Indian  
35.14 Child Welfare Act.

35.15 Sec. 6. Minnesota Statutes 2020, section 260C.007, subdivision 14, is amended to read:

35.16 Subd. 14. **Egregious harm.** "Egregious harm" means the infliction of bodily harm to a  
35.17 child or neglect of a child which demonstrates a grossly inadequate ability to provide  
35.18 minimally adequate parental care. ~~The Egregious harm need~~ must not have occurred in the  
35.19 state or in the county where a termination of parental rights action is ~~otherwise properly~~  
35.20 ~~venued~~ has proper venue. Egregious harm includes, but is not limited to:

35.21 (1) conduct ~~towards~~ toward a child that constitutes a violation of sections 609.185 to  
35.22 609.2114, 609.222, subdivision 2, 609.223, or any other similar law of any other state;

35.23 (2) the infliction of "substantial bodily harm" to a child, as defined in section 609.02,  
35.24 subdivision 7a;

35.25 (3) conduct ~~towards~~ toward a child that constitutes felony malicious punishment of a  
35.26 child under section 609.377;

35.27 (4) conduct ~~towards~~ toward a child that constitutes felony unreasonable restraint of a  
35.28 child under section 609.255, subdivision 3;

35.29 (5) conduct ~~towards~~ toward a child that constitutes felony neglect or endangerment of  
35.30 a child under section 609.378;

35.31 (6) conduct ~~towards~~ toward a child that constitutes assault under section 609.221, 609.222,  
35.32 or 609.223;

36.1 (7) conduct ~~towards~~ toward a child that constitutes sex trafficking, solicitation,  
36.2 inducement, ~~or~~ promotion of, or receiving profit derived from prostitution under section  
36.3 609.322;

36.4 (8) conduct ~~towards~~ toward a child that constitutes murder or voluntary manslaughter  
36.5 as defined by United States Code, title 18, section 1111(a) or 1112(a);

36.6 (9) conduct ~~towards~~ toward a child that constitutes aiding or abetting, attempting,  
36.7 conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a  
36.8 violation of United States Code, title 18, section 1111(a) or 1112(a); or

36.9 (10) conduct toward a child that constitutes criminal sexual conduct under sections  
36.10 609.342 to 609.345.

36.11 Sec. 7. Minnesota Statutes 2020, section 260E.01, is amended to read:

36.12 **260E.01 POLICY.**

36.13 (a) The legislature hereby declares that the public policy of this state is to protect children  
36.14 whose health or welfare may be jeopardized through maltreatment. While it is recognized  
36.15 that most parents want to keep their children safe, sometimes circumstances or conditions  
36.16 interfere with their ability to do so. When this occurs, the health and safety of the children  
36.17 must be of paramount concern. Intervention and prevention efforts must address immediate  
36.18 concerns for child safety and the ongoing risk of maltreatment and should engage the  
36.19 protective capacities of families. In furtherance of this public policy, it is the intent of the  
36.20 legislature under this chapter to:

36.21 (1) protect children and promote child safety;

36.22 (2) strengthen the family;

36.23 (3) make the home, school, and community safe for children by promoting responsible  
36.24 child care in all settings; and

36.25 (4) provide, when necessary, a safe temporary or permanent home environment for  
36.26 maltreated children.

36.27 (b) In addition, it is the policy of this state to:

36.28 (1) require the reporting of maltreatment of children in the home, school, and community  
36.29 settings;

36.30 (2) provide for ~~the~~ voluntary reporting of maltreatment of children;

37.1 (3) require an investigation when the report alleges sexual abuse or substantial child  
37.2 endangerment, except when the report alleges sex trafficking by a noncaregiver sex trafficker;

37.3 (4) provide a family assessment, if appropriate, when the report does not allege sexual  
37.4 abuse or substantial child endangerment; ~~and~~

37.5 (5) provide a noncaregiver sex trafficking assessment when the report alleges sex  
37.6 trafficking by a noncaregiver sex trafficker; and

37.7 (6) provide protective, family support, and family preservation services when needed  
37.8 in appropriate cases.

37.9 Sec. 8. Minnesota Statutes 2020, section 260E.02, subdivision 1, is amended to read:

37.10 Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary  
37.11 child protection team that may include, but is not be limited to, the director of the local  
37.12 welfare agency or designees, the county attorney or designees, the county sheriff or designees,  
37.13 representatives of health and education, representatives of mental health, representatives of  
37.14 agencies providing specialized services or responding to youth who experience or are at  
37.15 risk of experiencing sex trafficking or sexual exploitation, or other appropriate human  
37.16 services or community-based agencies, and parent groups. As used in this section, a  
37.17 "community-based agency" may include, but is not limited to, schools, social services  
37.18 agencies, family service and mental health collaboratives, children's advocacy centers, early  
37.19 childhood and family education programs, Head Start, or other agencies serving children  
37.20 and families. A member of the team must be designated as the lead person of the team  
37.21 responsible for the planning process to develop standards for the team's activities with  
37.22 battered women's and domestic abuse programs and services.

37.23 Sec. 9. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision to  
37.24 read:

37.25 Subd. 15a. **Noncaregiver sex trafficker.** "Noncaregiver sex trafficker" means an  
37.26 individual who is alleged to have engaged in the act of sex trafficking a child, who is not a  
37.27 person responsible for the child's care, who does not have a significant relationship with  
37.28 the child as defined in section 609.341, and who is not a person in a current or recent position  
37.29 of authority as defined in section 609.341, subdivision 10.

38.1 Sec. 10. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision  
38.2 to read:

38.3 Subd. 15b. **Noncaregiver sex trafficking assessment.** "Noncaregiver sex trafficking  
38.4 assessment" is a comprehensive assessment of child safety, the risk of subsequent child  
38.5 maltreatment, and strengths and needs of the child and family. The local welfare agency  
38.6 shall only perform a noncaregiver sex trafficking assessment when a maltreatment report  
38.7 alleges sex trafficking of a child by someone other than the child's caregiver. A noncaregiver  
38.8 sex trafficking assessment does not include a determination of whether child maltreatment  
38.9 occurred. A noncaregiver sex trafficking assessment includes a determination of a family's  
38.10 need for services to address the safety of the child or children, the safety of family members,  
38.11 and the risk of subsequent child maltreatment.

38.12 Sec. 11. Minnesota Statutes 2020, section 260E.03, subdivision 22, is amended to read:

38.13 Subd. 22. **Substantial child endangerment.** "Substantial child endangerment" means  
38.14 that a person responsible for a child's care, by act or omission, commits or attempts to  
38.15 commit an act against a child ~~under their~~ in the person's care that constitutes any of the  
38.16 following:

38.17 (1) egregious harm under subdivision 5;

38.18 (2) abandonment under section 260C.301, subdivision 2;

38.19 (3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers  
38.20 the child's physical or mental health, including a growth delay, which may be referred to  
38.21 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

38.22 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

38.23 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

38.24 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

38.25 (7) sex trafficking, solicitation, inducement, ~~and~~ or promotion of prostitution under  
38.26 section 609.322;

38.27 (8) criminal sexual conduct under sections 609.342 to 609.3451;

38.28 (9) solicitation of children to engage in sexual conduct under section 609.352;

38.29 (10) malicious punishment or neglect or endangerment of a child under section 609.377  
38.30 or 609.378;

38.31 (11) use of a minor in sexual performance under section 617.246; or

39.1 (12) parental behavior, status, or condition ~~that mandates that~~ requiring the county  
39.2 attorney to file a termination of parental rights petition under section 260C.503, subdivision  
39.3 2.

39.4 Sec. 12. Minnesota Statutes 2020, section 260E.14, subdivision 2, is amended to read:

39.5 Subd. 2. **Sexual abuse.** (a) The local welfare agency is the agency responsible for  
39.6 investigating an allegation of sexual abuse if the alleged offender is the parent, guardian,  
39.7 sibling, or an individual functioning within the family unit as a person responsible for the  
39.8 child's care, or a person with a significant relationship to the child if that person resides in  
39.9 the child's household.

39.10 (b) The local welfare agency is also responsible for assessing or investigating when a  
39.11 child is identified as a victim of sex trafficking.

39.12 Sec. 13. Minnesota Statutes 2020, section 260E.14, subdivision 5, is amended to read:

39.13 Subd. 5. **Law enforcement.** (a) The local law enforcement agency is the agency  
39.14 responsible for investigating a report of maltreatment if a violation of a criminal statute is  
39.15 alleged.

39.16 (b) Law enforcement and the responsible agency must coordinate their investigations  
39.17 or assessments as required under this chapter when ~~the:~~ (1) a report alleges maltreatment  
39.18 that is a violation of a criminal statute by a person who is a parent, guardian, sibling, person  
39.19 responsible for the child's care functioning within the family unit, or by a person who lives  
39.20 in the child's household and who has a significant relationship to the child; in a setting other  
39.21 than a facility as defined in section 260E.03; or (2) a report alleges sex trafficking of a child.

39.22 Sec. 14. Minnesota Statutes 2020, section 260E.17, subdivision 1, is amended to read:

39.23 Subdivision 1. **Local welfare agency.** (a) Upon receipt of a report, the local welfare  
39.24 agency shall determine whether to conduct a family assessment ~~or~~, an investigation, or a  
39.25 noncaregiver sex trafficking assessment as appropriate to prevent or provide a remedy for  
39.26 maltreatment.

39.27 (b) The local welfare agency shall conduct an investigation when the report involves  
39.28 sexual abuse, except as indicated in paragraph (f), or substantial child endangerment.

39.29 (c) The local welfare agency shall begin an immediate investigation ~~if~~, at any time when  
39.30 the local welfare agency is using responding with a family assessment ~~response~~, and the

40.1 local welfare agency determines that there is reason to believe that sexual abuse ~~or~~, substantial  
40.2 child endangerment, or a serious threat to the child's safety exists.

40.3 (d) The local welfare agency may conduct a family assessment for reports that do not  
40.4 allege sexual abuse, except as indicated in paragraph (f), or substantial child endangerment.  
40.5 In determining that a family assessment is appropriate, the local welfare agency may consider  
40.6 issues of child safety, parental cooperation, and the need for an immediate response.

40.7 (e) The local welfare agency may conduct a family assessment ~~on~~ for a report that was  
40.8 initially screened and assigned for an investigation. In determining that a complete  
40.9 investigation is not required, the local welfare agency must document the reason for  
40.10 terminating the investigation and notify the local law enforcement agency if the local law  
40.11 enforcement agency is conducting a joint investigation.

40.12 (f) The local welfare agency shall conduct a noncaregiver sex trafficking assessment  
40.13 when a maltreatment report alleges sex trafficking of a child and the alleged offender is a  
40.14 noncaregiver sex trafficker as defined by section 260E.03, subdivision 15a.

40.15 (g) During a noncaregiver sex trafficking assessment, the local welfare agency shall  
40.16 initiate an immediate investigation if there is reason to believe that a child's parent, caregiver,  
40.17 or household member allegedly engaged in the act of sex trafficking a child or was alleged  
40.18 to have engaged in any conduct requiring the agency to conduct an investigation.

40.19 Sec. 15. Minnesota Statutes 2020, section 260E.18, is amended to read:

40.20 **260E.18 NOTICE TO CHILD'S TRIBE.**

40.21 The local welfare agency shall provide immediate notice, according to section 260.761,  
40.22 subdivision 2, to an Indian child's tribe when the agency has reason to believe that the family  
40.23 assessment ~~or~~, investigation, or noncaregiver sex trafficking assessment may involve an  
40.24 Indian child. For purposes of this section, "immediate notice" means notice provided within  
40.25 24 hours.

40.26 Sec. 16. Minnesota Statutes 2020, section 260E.20, subdivision 2, is amended to read:

40.27 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare  
40.28 agency shall ~~conduct a~~ have face-to-face contact with the child reported to be maltreated  
40.29 and with the child's primary caregiver sufficient to complete a safety assessment and ensure  
40.30 the immediate safety of the child.

40.31 (b) Except in a noncaregiver sex trafficking assessment, the local welfare agency shall  
40.32 have face-to-face contact with the child and primary caregiver ~~shall occur~~ immediately if

41.1 sexual abuse or substantial child endangerment is alleged and within five calendar days for  
41.2 all other reports. If the alleged offender was not already interviewed as the primary caregiver,  
41.3 the local welfare agency shall also conduct a face-to-face interview with the alleged offender  
41.4 in the early stages of the assessment or investigation, except in a noncaregiver sex trafficking  
41.5 assessment.

41.6 (c) At the initial contact with the alleged offender, the local welfare agency or the agency  
41.7 responsible for assessing or investigating the report must inform the alleged offender of the  
41.8 complaints or allegations made against the individual in a manner consistent with laws  
41.9 protecting the rights of the person who made the report. The interview with the alleged  
41.10 offender may be postponed if it would jeopardize an active law enforcement investigation.  
41.11 In a noncaregiver sex trafficking assessment, the local child welfare agency is not required  
41.12 to interview the alleged offender.

41.13 (d) The local welfare agency or the agency responsible for assessing or investigating  
41.14 the report must provide the alleged offender with an opportunity to make a statement, except  
41.15 in a noncaregiver sex trafficking assessment where the local welfare agency may rely on  
41.16 law enforcement data. The alleged offender may submit supporting documentation relevant  
41.17 to the assessment or investigation.

41.18 Sec. 17. Minnesota Statutes 2020, section 260E.24, subdivision 2, is amended to read:

41.19 Subd. 2. **Determination after family assessment or a noncaregiver sex trafficking**  
41.20 **assessment.** After conducting a family assessment or a noncaregiver sex trafficking  
41.21 assessment, the local welfare agency shall determine whether child protective services are  
41.22 needed to address the safety of the child and other family members and the risk of subsequent  
41.23 maltreatment.

41.24 Sec. 18. Minnesota Statutes 2020, section 260E.24, subdivision 7, is amended to read:

41.25 Subd. 7. **Notification at conclusion of family assessment or a noncaregiver sex**  
41.26 **trafficking assessment.** Within ten working days of the conclusion of a family assessment  
41.27 or a noncaregiver sex trafficking assessment, the local welfare agency shall notify the parent  
41.28 or guardian of the child of the need for services to address child safety concerns or significant  
41.29 risk of subsequent maltreatment. The local welfare agency and the family may also jointly  
41.30 agree that family support and family preservation services are needed.

42.1 Sec. 19. Minnesota Statutes 2020, section 260E.33, subdivision 1, is amended to read:

42.2 Subdivision 1. **Following a family assessment or a noncaregiver sex trafficking**  
42.3 **assessment.** Administrative reconsideration is not applicable to a family assessment or  
42.4 noncaregiver sex trafficking assessment since no determination concerning maltreatment  
42.5 is made.

42.6 Sec. 20. Minnesota Statutes 2020, section 260E.35, subdivision 6, is amended to read:

42.7 Subd. 6. **Data retention.** (a) Notwithstanding sections 138.163 and 138.17, a record  
42.8 maintained or a record derived from a report of maltreatment by a local welfare agency,  
42.9 agency responsible for assessing or investigating the report, court services agency, or school  
42.10 under this chapter shall be destroyed as provided in paragraphs (b) to (e) by the responsible  
42.11 authority.

42.12 (b) For a report alleging maltreatment that was not accepted for an assessment or an  
42.13 investigation, a family assessment case, a noncaregiver sex trafficking assessment case, and  
42.14 a case where an investigation results in no determination of maltreatment or the need for  
42.15 child protective services, the record must be maintained for a period of five years after the  
42.16 date that the report was not accepted for assessment or investigation or the date of the final  
42.17 entry in the case record. A record of a report that was not accepted must contain sufficient  
42.18 information to identify the subjects of the report, the nature of the alleged maltreatment,  
42.19 and the reasons ~~as to~~ why the report was not accepted. Records under this paragraph may  
42.20 not be used for employment, background checks, or purposes other than to assist in future  
42.21 screening decisions and risk and safety assessments.

42.22 (c) All records relating to reports that, upon investigation, indicate ~~either~~ maltreatment  
42.23 or a need for child protective services shall be maintained for ten years after the date of the  
42.24 final entry in the case record.

42.25 (d) All records regarding a report of maltreatment, including a notification of intent to  
42.26 interview that was received by a school under section 260E.22, subdivision 7, shall be  
42.27 destroyed by the school when ordered to do so by the agency conducting the assessment or  
42.28 investigation. The agency shall order the destruction of the notification when other records  
42.29 relating to the report under investigation or assessment are destroyed under this subdivision.

42.30 (e) Private or confidential data released to a court services agency under subdivision 3,  
42.31 paragraph (d), must be destroyed by the court services agency when ordered to do so by the  
42.32 local welfare agency that released the data. The local welfare agency or agency responsible

43.1 for assessing or investigating the report shall order destruction of the data when other records  
43.2 relating to the assessment or investigation are destroyed under this subdivision.

### 43.3 ARTICLE 3

### 43.4 CHILD PROTECTION POLICY

43.5 Section 1. Minnesota Statutes 2020, section 245.4885, subdivision 1, is amended to read:

43.6 Subdivision 1. **Admission criteria.** (a) Prior to admission or placement, except in the  
43.7 case of an emergency, all children referred for treatment of severe emotional disturbance  
43.8 in a treatment foster care setting, residential treatment facility, or informally admitted to a  
43.9 regional treatment center shall undergo an assessment to determine the appropriate level of  
43.10 care if public funds are used to pay for the child's services.

43.11 (b) The responsible social services agency shall determine the appropriate level of care  
43.12 for a child when county-controlled funds are used to pay for the child's services or placement  
43.13 in a qualified residential treatment facility under chapter 260C and licensed by the  
43.14 commissioner under chapter 245A. In accordance with section 260C.157, a juvenile treatment  
43.15 screening team shall conduct a screening of a child before the team may recommend whether  
43.16 to place a child in a qualified residential treatment program as defined in section 260C.007,  
43.17 subdivision 26d. When a social services agency does not have responsibility for a child's  
43.18 placement and the child is enrolled in a prepaid health program under section 256B.69, the  
43.19 enrolled child's contracted health plan must determine the appropriate level of care for the  
43.20 child. When Indian Health Services funds or funds of a tribally owned facility funded under  
43.21 the Indian Self-Determination and Education Assistance Act, Public Law 93-638, are to be  
43.22 used for a child, the Indian Health Services or 638 tribal health facility must determine the  
43.23 appropriate level of care for the child. When more than one entity bears responsibility for  
43.24 a child's coverage, the entities shall coordinate level of care determination activities for the  
43.25 child to the extent possible.

43.26 (c) The responsible social services agency must make the child's level of care  
43.27 determination available to the child's juvenile treatment screening team, as permitted under  
43.28 chapter 13. The level of care determination shall inform the juvenile treatment screening  
43.29 team process and the assessment in section 260C.704 when considering whether to place  
43.30 the child in a qualified residential treatment program. When the responsible social services  
43.31 agency is not involved in determining a child's placement, the child's level of care  
43.32 determination shall determine whether the proposed treatment:

43.33 (1) is necessary;

44.1 (2) is appropriate to the child's individual treatment needs;

44.2 (3) cannot be effectively provided in the child's home; and

44.3 (4) provides a length of stay as short as possible consistent with the individual child's  
44.4 ~~need~~ needs.

44.5 (d) When a level of care determination is conducted, the responsible social services  
44.6 agency or other entity may not determine that a screening of a child under section 260C.157  
44.7 or referral or admission to a treatment foster care setting or residential treatment facility is  
44.8 not appropriate solely because services were not first provided to the child in a less restrictive  
44.9 setting and the child failed to make progress toward or meet treatment goals in the less  
44.10 restrictive setting. The level of care determination must be based on a diagnostic assessment  
44.11 of a child that includes a functional assessment which evaluates the child's family, school,  
44.12 and community living situations; and an assessment of the child's need for care out of the  
44.13 home using a validated tool which assesses a child's functional status and assigns an  
44.14 appropriate level of care to the child. The validated tool must be approved by the  
44.15 commissioner of human services and may be the validated tool approved for the child's  
44.16 assessment under section 260C.704 if the juvenile treatment screening team recommended  
44.17 placement of the child in a qualified residential treatment program. If a diagnostic assessment  
44.18 including a functional assessment has been completed by a mental health professional within  
44.19 the past 180 days, a new diagnostic assessment need not be completed unless in the opinion  
44.20 of the current treating mental health professional the child's mental health status has changed  
44.21 markedly since the assessment was completed. The child's parent shall be notified if an  
44.22 assessment will not be completed and of the reasons. A copy of the notice shall be placed  
44.23 in the child's file. Recommendations developed as part of the level of care determination  
44.24 process shall include specific community services needed by the child and, if appropriate,  
44.25 the child's family, and shall indicate whether ~~or not~~ these services are available and accessible  
44.26 to the child and the child's family.

44.27 (e) During the level of care determination process, the child, child's family, or child's  
44.28 legal representative, as appropriate, must be informed of the child's eligibility for case  
44.29 management services and family community support services and that an individual family  
44.30 community support plan is being developed by the case manager, if assigned.

44.31 (f) When the responsible social services agency has authority, the agency must engage  
44.32 the child's parents in case planning under sections 260C.212 and 260C.708 and chapter  
44.33 260D unless a court terminates the parent's rights or court orders restrict the parent from  
44.34 participating in case planning, visitation, or parental responsibilities.

45.1 (g) The level of care determination, ~~and~~ placement decision, and recommendations for  
45.2 mental health services must be documented in the child's record, as required in ~~chapter~~  
45.3 chapters 260C and 260D.

45.4 **EFFECTIVE DATE.** This section is effective September 30, 2021.

45.5 Sec. 2. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
45.6 read:

45.7 Subd. 3c. **At risk of becoming a victim of sex trafficking or commercial sexual**  
45.8 **exploitation.** For the purposes of section 245A.25, a youth who is "at risk of becoming a  
45.9 victim of sex trafficking or commercial sexual exploitation" means a youth who meets the  
45.10 criteria established by the commissioner of human services for this purpose.

45.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.12 Sec. 3. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
45.13 read:

45.14 Subd. 4a. **Children's residential facility.** "Children's residential facility" is defined as  
45.15 a residential program licensed under this chapter or chapter 241 according to the applicable  
45.16 standards in Minnesota Rules, parts 2960.0010 to 2960.0710.

45.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.18 Sec. 4. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
45.19 read:

45.20 Subd. 6d. **Foster family setting.** "Foster family setting" has the meaning given in  
45.21 Minnesota Rules, chapter 2960.3010, subpart 23, and includes settings licensed by the  
45.22 commissioner of human services or the commissioner of corrections.

45.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.24 Sec. 5. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
45.25 read:

45.26 Subd. 6e. **Foster residence setting.** "Foster residence setting" has the meaning given  
45.27 in Minnesota Rules, chapter 2960.3010, subpart 26, and includes settings licensed by the  
45.28 commissioner of human services or the commissioner of corrections.

45.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

46.1 Sec. 6. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
46.2 read:

46.3 Subd. 18a. **Trauma.** For the purposes of section 245A.25, "trauma" means an event,  
46.4 series of events, or set of circumstances experienced by an individual as physically or  
46.5 emotionally harmful or life-threatening and has lasting adverse effects on the individual's  
46.6 functioning and mental, physical, social, emotional, or spiritual well-being. Trauma includes  
46.7 the cumulative emotional or psychological harm of group traumatic experiences transmitted  
46.8 across generations within a community that are often associated with racial and ethnic  
46.9 population groups that have suffered major intergenerational losses.

46.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

46.11 Sec. 7. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
46.12 read:

46.13 Subd. 23. **Victim of sex trafficking or commercial sexual exploitation.** For the purposes  
46.14 of section 245A.25, "victim of sex trafficking or commercial sexual exploitation" means a  
46.15 person who meets the definitions in section 260C.007, subdivision 31, clauses (4) and (5).

46.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

46.17 Sec. 8. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
46.18 read:

46.19 Subd. 24. **Youth.** For the purposes of section 245A.25, "youth" means a "child" as  
46.20 defined in section 260C.007, subdivision 4, and includes individuals under 21 years of age  
46.21 who are in foster care pursuant to section 260C.451.

46.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

46.23 Sec. 9. Minnesota Statutes 2020, section 245A.041, is amended by adding a subdivision  
46.24 to read:

46.25 Subd. 6. **First date of working in a facility or setting; documentation**  
46.26 **requirements.** Children's residential facility and foster residence setting license holders  
46.27 must document the first date that a person who is a background study subject begins working  
46.28 in the license holder's facility or setting. If the license holder does not maintain documentation  
46.29 of each background study subject's first date of working in the facility or setting in the  
46.30 license holder's personnel files, the license holder must provide documentation to the

47.1 commissioner that contains the first date that each background study subject began working  
47.2 in the license holder's program upon the commissioner's request.

47.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

47.4 Sec. 10. **[245A.25] RESIDENTIAL PROGRAM CERTIFICATIONS FOR**  
47.5 **COMPLIANCE WITH THE FAMILY FIRST PREVENTION SERVICES ACT.**

47.6 Subdivision 1. **Certification scope and applicability.** (a) This section establishes the  
47.7 requirements that a children's residential facility or child foster residence setting must meet  
47.8 to be certified for the purposes of Title IV-E funding requirements as:

47.9 (1) a qualified residential treatment program;

47.10 (2) a residential setting specializing in providing care and supportive services for youth  
47.11 who have been or are at risk of becoming victims of sex trafficking or commercial sexual  
47.12 exploitation;

47.13 (3) a residential setting specializing in providing prenatal, postpartum, or parenting  
47.14 support for youth; or

47.15 (4) a supervised independent living setting for youth who are 18 years of age or older.

47.16 (b) This section does not apply to a foster family setting in which the license holder  
47.17 resides in the foster home.

47.18 (c) Children's residential facilities licensed as detention settings according to Minnesota  
47.19 Rules, parts 2960.0230 to 2960.0290, or secure programs according to Minnesota Rules,  
47.20 parts 2960.0300 to 2960.0420, may not be certified under this section.

47.21 (d) For purposes of this section, "license holder" means an individual, organization, or  
47.22 government entity that was issued a children's residential facility or foster residence setting  
47.23 license by the commissioner of human services under this chapter or by the commissioner  
47.24 of corrections under chapter 241.

47.25 (e) Certifications issued under this section for foster residence settings may only be  
47.26 issued by the commissioner of human services and are not delegated to county or private  
47.27 licensing agencies under section 245A.16.

47.28 Subd. 2. **Program certification types and requests for certification.** (a) By July 1,  
47.29 2021, the commissioner of human services must offer certifications to license holders for  
47.30 the following types of programs:

47.31 (1) qualified residential treatment programs;

48.1 (2) residential settings specializing in providing care and supportive services for youth  
48.2 who have been or are at risk of becoming victims of sex trafficking or commercial sexual  
48.3 exploitation;

48.4 (3) residential settings specializing in providing prenatal, postpartum, or parenting  
48.5 support for youth; and

48.6 (4) supervised independent living settings for youth who are 18 years of age or older.

48.7 (b) An applicant or license holder must submit a request for certification under this  
48.8 section on a form and in a manner prescribed by the commissioner of human services. The  
48.9 decision of the commissioner of human services to grant or deny a certification request is  
48.10 final and not subject to appeal under chapter 14.

48.11 Subd. 3. **Trauma-informed care.** (a) Programs certified under subdivisions 4 or 5 must  
48.12 provide services to a person according to a trauma-informed model of care that meets the  
48.13 requirements of this subdivision, except that programs certified under subdivision 5 are not  
48.14 required to meet the requirements of paragraph (e).

48.15 (b) For the purposes of this section, "trauma-informed care" is defined as care that:

48.16 (1) acknowledges the effects of trauma on a person receiving services and on the person's  
48.17 family;

48.18 (2) modifies services to respond to the effects of trauma on the person receiving services;

48.19 (3) emphasizes skill and strength-building rather than symptom management; and

48.20 (4) focuses on the physical and psychological safety of the person receiving services  
48.21 and the person's family.

48.22 (c) The license holder must have a process for identifying the signs and symptoms of  
48.23 trauma in a youth and must address the youth's needs related to trauma. This process must  
48.24 include:

48.25 (1) screening for trauma by completing a trauma-specific screening tool with each youth  
48.26 upon the youth's admission or obtaining the results of a trauma-specific screening tool that  
48.27 was completed with the youth within 30 days prior to the youth's admission to the program;  
48.28 and

48.29 (2) ensuring that trauma-based interventions targeting specific trauma-related symptoms  
48.30 are available to each youth when needed to assist the youth in obtaining services. For  
48.31 qualified residential treatment programs, this must include the provision of services in  
48.32 paragraph (e).

49.1 (d) The license holder must develop and provide services to each youth according to the  
49.2 principles of trauma-informed care including:

49.3 (1) recognizing the impact of trauma on a youth when determining the youth's service  
49.4 needs and providing services to the youth;

49.5 (2) allowing each youth to participate in reviewing and developing the youth's  
49.6 individualized treatment or service plan;

49.7 (3) providing services to each youth that are person-centered and culturally responsive;  
49.8 and

49.9 (4) adjusting services for each youth to address additional needs of the youth.

49.10 (e) In addition to the other requirements of this subdivision, qualified residential treatment  
49.11 programs must use a trauma-based treatment model that includes:

49.12 (1) assessing each youth to determine if the youth needs trauma-specific treatment  
49.13 interventions;

49.14 (2) identifying in each youth's treatment plan how the program will provide  
49.15 trauma-specific treatment interventions to the youth;

49.16 (3) providing trauma-specific treatment interventions to a youth that target the youth's  
49.17 specific trauma-related symptoms; and

49.18 (4) training all clinical staff of the program on trauma-specific treatment interventions.

49.19 (f) At the license holder's program, the license holder must provide a physical, social,  
49.20 and emotional environment that:

49.21 (1) promotes the physical and psychological safety of each youth;

49.22 (2) avoids aspects that may be retraumatizing;

49.23 (3) responds to trauma experienced by each youth and the youth's other needs; and

49.24 (4) includes designated spaces that are available to each youth for engaging in sensory  
49.25 and self-soothing activities.

49.26 (g) The license holder must base the program's policies and procedures on  
49.27 trauma-informed principles. In the program's policies and procedures, the license holder  
49.28 must:

49.29 (1) describe how the program provides services according to a trauma-informed model  
49.30 of care;

50.1 (2) describe how the program's environment fulfills the requirements of paragraph (f);

50.2 (3) prohibit the use of aversive consequences for a youth's violation of program rules  
50.3 or any other reason;

50.4 (4) describe the process for how the license holder incorporates trauma-informed  
50.5 principles and practices into the organizational culture of the license holder's program; and

50.6 (5) if the program is certified to use restrictive procedures under Minnesota Rules, part  
50.7 2960.0710, describe how the program uses restrictive procedures only when necessary for  
50.8 a youth in a manner that addresses the youth's history of trauma and avoids causing the  
50.9 youth additional trauma.

50.10 (h) Prior to allowing a staff person to have direct contact, as defined in section 245C.02,  
50.11 subdivision 11, with a youth and annually thereafter, the license holder must train each staff  
50.12 person about:

50.13 (1) concepts of trauma-informed care and how to provide services to each youth according  
50.14 to these concepts; and

50.15 (2) impacts of each youth's culture, race, gender, and sexual orientation on the youth's  
50.16 behavioral health and traumatic experiences.

50.17 **Subd. 4. Qualified residential treatment programs; certification requirements. (a)**  
50.18 **To be certified as a qualified residential treatment program, a license holder must meet:**

50.19 (1) the definition of a qualified residential treatment program in section 260C.007,  
50.20 subdivision 26d;

50.21 (2) the requirements for providing trauma-informed care and using a trauma-based  
50.22 treatment model in subdivision 3; and

50.23 (3) the requirements of this subdivision.

50.24 (b) For each youth placed at the license holder's program, the license holder must  
50.25 collaborate with the responsible social services agency and other appropriate parties to  
50.26 implement the youth's out-of-home placement plan and the youth's short-term and long-term  
50.27 mental health and behavioral health goals in the assessment required by sections 260C.212,  
50.28 subdivision 1; 260C.704; and 260C.708.

50.29 (c) A qualified residential treatment program must use a trauma-based treatment model  
50.30 that meets all of the requirements of subdivision 3 that is designed to address the needs,  
50.31 including clinical needs, of youth with serious emotional or behavioral disorders or  
50.32 disturbances. The license holder must develop, document, and review a treatment plan for

51.1 each youth according to the requirements of Minnesota Rules, parts 2960.0180, subpart 2,  
51.2 item B; and 2960.0190, subpart 2.

51.3 (d) The following types of staff must be on-site according to the program's treatment  
51.4 model and must be available 24 hours a day and seven days a week to provide care within  
51.5 the scope of their practice:

51.6 (1) a registered nurse or licensed practical nurse licensed by the Minnesota Board of  
51.7 Nursing to practice professional nursing or practical nursing as defined in section 148.171,  
51.8 subdivisions 14 and 15; and

51.9 (2) other licensed clinical staff to meet each youth's clinical needs.

51.10 (e) A qualified residential treatment program must be accredited by one of the following  
51.11 independent, not-for-profit organizations:

51.12 (1) the Commission on Accreditation of Rehabilitation Facilities (CARF);

51.13 (2) the Joint Commission;

51.14 (3) the Council on Accreditation (COA); or

51.15 (4) another independent, not-for-profit accrediting organization approved by the Secretary  
51.16 of the United States Department of Health and Human Services.

51.17 (f) The license holder must facilitate participation of a youth's family members in the  
51.18 youth's treatment program, consistent with the youth's best interests and according to the  
51.19 youth's out-of-home placement plan required by sections 260C.212, subdivision 1; and  
51.20 260C.708.

51.21 (g) The license holder must contact and facilitate outreach to each youth's family  
51.22 members, including the youth's siblings, and must document outreach to the youth's family  
51.23 members in the youth's file, including the contact method and each family member's contact  
51.24 information. In the youth's file, the license holder must record and maintain the contact  
51.25 information for all known biological family members and fictive kin of the youth.

51.26 (h) The license holder must document in the youth's file how the program integrates  
51.27 family members into the treatment process for the youth, including after the youth's discharge  
51.28 from the program, and how the program maintains the youth's connections to the youth's  
51.29 siblings.

51.30 (i) The program must provide discharge planning and family-based aftercare support to  
51.31 each youth for at least six months after the youth's discharge from the program. When  
51.32 providing aftercare to a youth, the program must have monthly contact with the youth and

52.1 the youth's caregivers to promote the youth's engagement in aftercare services and to regularly  
52.2 evaluate the family's needs. The program's monthly contact with the youth may be  
52.3 face-to-face, by telephone, or virtual.

52.4 (j) The license holder must maintain a service delivery plan that describes how the  
52.5 program provides services according to the requirements in paragraphs (b) to (i).

52.6 **Subd. 5. Residential settings specializing in providing care and supportive services**  
52.7 **for youth who have been or are at risk of becoming victims of sex trafficking or**  
52.8 **commercial sexual exploitation; certification requirements.** (a) To be certified as a  
52.9 residential setting specializing in providing care and supportive services for youth who have  
52.10 been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation,  
52.11 a license holder must meet the requirements of this subdivision.

52.12 (b) Settings certified according to this subdivision are exempt from the requirements of  
52.13 section 245A.04, subdivision 11, paragraph (b).

52.14 (c) The program must use a trauma-informed model of care that meets all of the applicable  
52.15 requirements of subdivision 3, and that is designed to address the needs, including emotional  
52.16 and mental health needs, of youth who have been or are at risk of becoming victims of sex  
52.17 trafficking or commercial sexual exploitation.

52.18 (d) The program must provide high quality care and supportive services for youth who  
52.19 have been or are at risk of becoming victims of sex trafficking or commercial sexual  
52.20 exploitation and must:

52.21 (1) offer a safe setting to each youth designed to prevent ongoing and future trafficking  
52.22 of the youth;

52.23 (2) provide equitable, culturally responsive, and individualized services to each youth;

52.24 (3) assist each youth with accessing medical, mental health, legal, advocacy, and family  
52.25 services based on the youth's individual needs;

52.26 (4) provide each youth with relevant educational, life skills, and employment supports  
52.27 based on the youth's individual needs;

52.28 (5) offer a trafficking prevention education curriculum and provide support for each  
52.29 youth at risk of future sex trafficking or commercial sexual exploitation; and

52.30 (6) engage with the discharge planning process for each youth and the youth's family.

52.31 (e) The license holder must maintain a service delivery plan that describes how the  
52.32 program provides services according to the requirements in paragraphs (c) and (d).

53.1 (f) The license holder must ensure that each staff person who has direct contact, as  
53.2 defined in section 245C.02, subdivision 11, with a youth served by the license holder's  
53.3 program completes a human trafficking training approved by the Department of Human  
53.4 Services' Children and Family Services Administration before the staff person has direct  
53.5 contact with a youth served by the program and annually thereafter. For programs certified  
53.6 prior to January 1, 2022, the license holder must ensure that each staff person at the license  
53.7 holder's program completes the initial training by January 1, 2022.

53.8 Subd. 6. Residential settings specializing in providing prenatal, postpartum, or  
53.9 parenting supports for youth; certification requirements. (a) To be certified as a  
53.10 residential setting specializing in providing prenatal, postpartum, or parenting supports for  
53.11 youth, a license holder must meet the requirements of this subdivision.

53.12 (b) The license holder must collaborate with the responsible social services agency and  
53.13 other appropriate parties to implement each youth's out-of-home placement plan required  
53.14 by section 260C.212, subdivision 1.

53.15 (c) The license holder must specialize in providing prenatal, postpartum, or parenting  
53.16 supports for youth and must:

53.17 (1) provide equitable, culturally responsive, and individualized services to each youth;

53.18 (2) assist each youth with accessing postpartum services during the same period of time  
53.19 that a woman is considered pregnant for the purposes of medical assistance eligibility under  
53.20 section 256B.055, subdivision 6, including providing each youth with:

53.21 (i) sexual and reproductive health services and education; and

53.22 (ii) a postpartum mental health assessment and follow-up services; and

53.23 (3) discharge planning that includes the youth and the youth's family.

53.24 (d) On or before the date of a child's initial physical presence at the facility, the license  
53.25 holder must provide education to the child's parent related to safe bathing and reducing the  
53.26 risk of sudden unexpected infant death and abusive head trauma from shaking infants and  
53.27 young children. The license holder must use the educational material developed by the  
53.28 commissioner of human services to comply with this requirement. At a minimum, the  
53.29 education must address:

53.30 (1) instruction that: (i) a child or infant should never be left unattended around water;

53.31 (ii) a tub should be filled with only two to four inches of water for infants; and (iii) an infant  
53.32 should never be put into a tub when the water is running; and

54.1 (2) the risk factors related to sudden unexpected infant death and abusive head trauma  
54.2 from shaking infants and young children and means of reducing the risks, including the  
54.3 safety precautions identified in section 245A.1435 and the risks of co-sleeping.

54.4 The license holder must document the parent's receipt of the education and keep the  
54.5 documentation in the parent's file. The documentation must indicate whether the parent  
54.6 agrees to comply with the safeguards described in this paragraph. If the parent refuses to  
54.7 comply, program staff must provide additional education to the parent as described in the  
54.8 parental supervision plan. The parental supervision plan must include the intervention,  
54.9 frequency, and staff responsible for the duration of the parent's participation in the program  
54.10 or until the parent agrees to comply with the safeguards described in this paragraph.

54.11 (e) On or before the date of a child's initial physical presence at the facility, the license  
54.12 holder must document the parent's capacity to meet the health and safety needs of the child  
54.13 while on the facility premises considering the following factors:

54.14 (1) the parent's physical and mental health;

54.15 (2) the parent being under the influence of drugs, alcohol, medications, or other chemicals;

54.16 (3) the child's physical and mental health; and

54.17 (4) any other information available to the license holder indicating that the parent may  
54.18 not be able to adequately care for the child.

54.19 (f) The license holder must have written procedures specifying the actions that staff shall  
54.20 take if a parent is or becomes unable to adequately care for the parent's child.

54.21 (g) If the parent refuses to comply with the safeguards described in paragraph (d) or is  
54.22 unable to adequately care for the child, the license holder must develop a parental supervision  
54.23 plan in conjunction with the parent. The plan must account for any factors in paragraph (e)  
54.24 that contribute to the parent's inability to adequately care for the child. The plan must be  
54.25 dated and signed by the staff person who completed the plan.

54.26 (h) The license holder must have written procedures addressing whether the program  
54.27 permits a parent to arrange for supervision of the parent's child by another youth in the  
54.28 program. If permitted, the facility must have a procedure that requires staff approval of the  
54.29 supervision arrangement before the supervision by the nonparental youth occurs. The  
54.30 procedure for approval must include an assessment of the nonparental youth's capacity to  
54.31 assume the supervisory responsibilities using the criteria in paragraph (e). The license holder  
54.32 must document the license holder's approval of the supervisory arrangement and the  
54.33 assessment of the nonparental youth's capacity to supervise the child and must keep this

55.1 documentation in the file of the parent whose child is being supervised by the nonparental  
55.2 youth.

55.3 (i) The license holder must maintain a service delivery plan that describes how the  
55.4 program provides services according to paragraphs (b) to (h).

55.5 **Subd. 7. Supervised independent living settings for youth 18 years of age or older;**  
55.6 **certification requirements.** (a) To be certified as a supervised independent living setting  
55.7 for youth who are 18 years of age or older, a license holder must meet the requirements of  
55.8 this subdivision.

55.9 (b) A license holder must provide training, counseling, instruction, supervision, and  
55.10 assistance for independent living, to meet the needs of the youth being served.

55.11 (c) A license holder may provide services to assist the youth with locating housing,  
55.12 money management, meal preparation, shopping, health care, transportation, and any other  
55.13 support services necessary to meet the youth's needs and improve the youth's ability to  
55.14 conduct such tasks independently.

55.15 (d) The service plan for the youth must contain an objective of independent living skills.

55.16 (e) The license holder must maintain a service delivery plan that describes how the  
55.17 program provides services according to paragraphs (b) to (d).

55.18 **Subd. 8. Monitoring and inspections.** (a) For a program licensed by the commissioner  
55.19 of human services, the commissioner of human services may review a program's compliance  
55.20 with certification requirements by conducting an inspection, a licensing review, or an  
55.21 investigation of the program. The commissioner may issue a correction order to the license  
55.22 holder for a program's noncompliance with the certification requirements of this section.  
55.23 For a program licensed by the commissioner of human services, a license holder must make  
55.24 a request for reconsideration of a correction order according to section 245A.06, subdivision  
55.25 2.

55.26 (b) For a program licensed by the commissioner of corrections, the commissioner of  
55.27 human services may review the program's compliance with the requirements for a certification  
55.28 issued under this section biennially and may issue a correction order identifying the program's  
55.29 noncompliance with the requirements of this section. The correction order must state the  
55.30 following:

55.31 (1) the conditions that constitute a violation of a law or rule;

55.32 (2) the specific law or rule violated; and

56.1 (3) the time allowed for the program to correct each violation.

56.2 (c) For a program licensed by the commissioner of corrections, if a license holder believes  
56.3 that there are errors in the correction order of the commissioner of human services, the  
56.4 license holder may ask the Department of Human Services to reconsider the parts of the  
56.5 correction order that the license holder alleges are in error. To submit a request for  
56.6 reconsideration, the license holder must send a written request for reconsideration by United  
56.7 States mail to the commissioner of human services. The request for reconsideration must  
56.8 be postmarked within 20 calendar days of the date that the correction order was received  
56.9 by the license holder and must:

56.10 (1) specify the parts of the correction order that are alleged to be in error;

56.11 (2) explain why the parts of the correction order are in error; and

56.12 (3) include documentation to support the allegation of error.

56.13 A request for reconsideration does not stay any provisions or requirements of the correction  
56.14 order. The commissioner of human services' disposition of a request for reconsideration is  
56.15 final and not subject to appeal under chapter 14.

56.16 (d) Nothing in this subdivision prohibits the commissioner of human services from  
56.17 decertifying a license holder according to subdivision 9 prior to issuing a correction order.

56.18 Subd. 9. **Decertification.** (a) The commissioner of human services may rescind a  
56.19 certification issued under this section if a license holder fails to comply with the certification  
56.20 requirements in this section.

56.21 (b) The license holder may request reconsideration of a decertification by notifying the  
56.22 commissioner of human services by certified mail or personal service. The license holder  
56.23 must request reconsideration of a decertification in writing. If the license holder sends the  
56.24 request for reconsideration of a decertification by certified mail, the license holder must  
56.25 send the request by United States mail to the commissioner of human services and the  
56.26 request must be postmarked within 20 calendar days after the license holder received the  
56.27 notice of decertification. If the license holder requests reconsideration of a decertification  
56.28 by personal service, the request for reconsideration must be received by the commissioner  
56.29 of human services within 20 calendar days after the license holder received the notice of  
56.30 decertification. When submitting a request for reconsideration of a decertification, the license  
56.31 holder must submit a written argument or evidence in support of the request for  
56.32 reconsideration.

57.1 (c) The commissioner of human services' disposition of a request for reconsideration is  
57.2 final and not subject to appeal under chapter 14.

57.3 Subd. 10. **Variances.** The commissioner of human services may grant variances to the  
57.4 requirements in this section that do not affect a youth's health or safety or compliance with  
57.5 federal requirements for Title IV-E funding if the conditions in section 245A.04, subdivision  
57.6 9, are met.

57.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

57.8 Sec. 11. Minnesota Statutes 2020, section 256.01, subdivision 14b, is amended to read:

57.9 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human  
57.10 services may authorize projects to initiate tribal delivery of child welfare services to American  
57.11 Indian children and their parents and custodians living on the reservation. The commissioner  
57.12 has authority to solicit and determine which tribes may participate in a project. Grants may  
57.13 be issued to Minnesota Indian tribes to support the projects. The commissioner may waive  
57.14 existing state rules as needed to accomplish the projects. The commissioner may authorize  
57.15 projects to use alternative methods of (1) screening, investigating, and assessing reports of  
57.16 child maltreatment, and (2) administrative reconsideration, administrative appeal, and  
57.17 judicial appeal of maltreatment determinations, provided the alternative methods used by  
57.18 the projects comply with the provisions of section 256.045 and chapter 260E that deal with  
57.19 the rights of individuals who are the subjects of reports or investigations, including notice  
57.20 and appeal rights and data practices requirements. The commissioner shall only authorize  
57.21 alternative methods that comply with the public policy under section 260E.01. The  
57.22 commissioner may seek any federal approval necessary to carry out the projects as well as  
57.23 seek and use any funds available to the commissioner, including use of federal funds,  
57.24 foundation funds, existing grant funds, and other funds. The commissioner is authorized to  
57.25 advance state funds as necessary to operate the projects. Federal reimbursement applicable  
57.26 to the projects is appropriated to the commissioner for the purposes of the projects. The  
57.27 projects must be required to address responsibility for safety, permanency, and well-being  
57.28 of children.

57.29 (b) For the purposes of this section, "American Indian child" means a person under 21  
57.30 years old and who is a tribal member or eligible for membership in one of the tribes chosen  
57.31 for a project under this subdivision and who is residing on the reservation of that tribe.

57.32 (c) In order to qualify for an American Indian child welfare project, a tribe must:

57.33 (1) be one of the existing tribes with reservation land in Minnesota;

- 58.1 (2) have a tribal court with jurisdiction over child custody proceedings;
- 58.2 (3) have a substantial number of children for whom determinations of maltreatment have  
58.3 occurred;
- 58.4 (4)(i) have capacity to respond to reports of abuse and neglect under chapter 260E; or  
58.5 (ii) have codified the tribe's screening, investigation, and assessment of reports of child  
58.6 maltreatment procedures, if authorized to use an alternative method by the commissioner  
58.7 under paragraph (a);
- 58.8 (5) provide a wide range of services to families in need of child welfare services; ~~and~~
- 58.9 (6) have a tribal-state title IV-E agreement in effect; and
- 58.10 (7) enter into host Tribal contracts pursuant to section 256.0112, subdivision 6.
- 58.11 (d) Grants awarded under this section may be used for the nonfederal costs of providing  
58.12 child welfare services to American Indian children on the tribe's reservation, including costs  
58.13 associated with:
- 58.14 (1) assessment and prevention of child abuse and neglect;
- 58.15 (2) family preservation;
- 58.16 (3) facilitative, supportive, and reunification services;
- 58.17 (4) out-of-home placement for children removed from the home for child protective  
58.18 purposes; and
- 58.19 (5) other activities and services approved by the commissioner that further the goals of  
58.20 providing safety, permanency, and well-being of American Indian children.
- 58.21 (e) When a tribe has initiated a project and has been approved by the commissioner to  
58.22 assume child welfare responsibilities for American Indian children of that tribe under this  
58.23 section, the affected county social service agency is relieved of responsibility for responding  
58.24 to reports of abuse and neglect under chapter 260E for those children during the time within  
58.25 which the tribal project is in effect and funded. The commissioner shall work with tribes  
58.26 and affected counties to develop procedures for data collection, evaluation, and clarification  
58.27 of ongoing role and financial responsibilities of the county and tribe for child welfare services  
58.28 prior to initiation of the project. Children who have not been identified by the tribe as  
58.29 participating in the project shall remain the responsibility of the county. Nothing in this  
58.30 section shall alter responsibilities of the county for law enforcement or court services.

59.1 (f) Participating tribes may conduct children's mental health screenings under section  
59.2 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the  
59.3 initiative and living on the reservation and who meet one of the following criteria:

59.4 (1) the child must be receiving child protective services;

59.5 (2) the child must be in foster care; or

59.6 (3) the child's parents must have had parental rights suspended or terminated.

59.7 Tribes may access reimbursement from available state funds for conducting the screenings.  
59.8 Nothing in this section shall alter responsibilities of the county for providing services under  
59.9 section 245.487.

59.10 (g) Participating tribes may establish a local child mortality review panel. In establishing  
59.11 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews  
59.12 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes  
59.13 with established child mortality review panels shall have access to nonpublic data and shall  
59.14 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide  
59.15 written notice to the commissioner and affected counties when a local child mortality review  
59.16 panel has been established and shall provide data upon request of the commissioner for  
59.17 purposes of sharing nonpublic data with members of the state child mortality review panel  
59.18 in connection to an individual case.

59.19 (h) The commissioner shall collect information on outcomes relating to child safety,  
59.20 permanency, and well-being of American Indian children who are served in the projects.  
59.21 Participating tribes must provide information to the state in a format and completeness  
59.22 deemed acceptable by the state to meet state and federal reporting requirements.

59.23 (i) In consultation with the White Earth Band, the commissioner shall develop and submit  
59.24 to the chairs and ranking minority members of the legislative committees with jurisdiction  
59.25 over health and human services a plan to transfer legal responsibility for providing child  
59.26 protective services to White Earth Band member children residing in Hennepin County to  
59.27 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,  
59.28 statutory amendments required, and other provisions required to implement the plan. The  
59.29 commissioner shall submit the plan by January 15, 2012.

59.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

60.1 Sec. 12. Minnesota Statutes 2020, section 256.0112, subdivision 6, is amended to read:

60.2 Subd. 6. **Contracting within and across county lines; lead county contracts; lead**  
60.3 **tribal contracts.** Paragraphs (a) to (e) govern contracting within and across county lines  
60.4 and lead county contracts. Paragraphs (a) to (e) govern contracting within and across  
60.5 reservation boundaries and lead tribal contracts for initiative tribes under section 256.01,  
60.6 subdivision 14b. For purposes of this subdivision, "local agency" includes a tribe or a county  
60.7 agency.

60.8 (a) Once a local agency and an approved vendor execute a contract that meets the  
60.9 requirements of this subdivision, the contract governs all other purchases of service from  
60.10 the vendor by all other local agencies for the term of the contract. The local agency that  
60.11 negotiated and entered into the contract becomes the lead tribe or county for the contract.

60.12 (b) When the local agency in the county or reservation where a vendor is located wants  
60.13 to purchase services from that vendor and the vendor has no contract with the local agency  
60.14 or any other tribe or county, the local agency must negotiate and execute a contract with  
60.15 the vendor.

60.16 (c) When a local agency ~~in one county~~ wants to purchase services from a vendor located  
60.17 in another county or reservation, it must notify the local agency in the county or reservation  
60.18 where the vendor is located. Within 30 days of being notified, the local agency in the vendor's  
60.19 county or reservation must:

60.20 (1) if it has a contract with the vendor, send a copy to the inquiring local agency;

60.21 (2) if there is a contract with the vendor for which another local agency is the lead tribe  
60.22 or county, identify the lead tribe or county to the inquiring agency; or

60.23 (3) if no local agency has a contract with the vendor, inform the inquiring agency whether  
60.24 it will negotiate a contract and become the lead tribe or county. If the agency where the  
60.25 vendor is located will not negotiate a contract with the vendor because of concerns related  
60.26 to clients' health and safety, the agency must share those concerns with the inquiring local  
60.27 agency.

60.28 (d) If the local agency in the county where the vendor is located declines to negotiate a  
60.29 contract with the vendor or fails to respond within 30 days of receiving the notification  
60.30 under paragraph (c), the inquiring agency is authorized to negotiate a contract and must  
60.31 notify the local agency that declined or failed to respond.

60.32 (e) When the inquiring ~~county~~ local agency under paragraph (d) becomes the lead tribe  
60.33 or county for a contract and the contract expires and needs to be renegotiated, that tribe or

61.1 county must again follow the requirements under paragraph (c) and notify the local agency  
61.2 where the vendor is located. The local agency where the vendor is located has the option  
61.3 of becoming the lead tribe or county for the new contract. If the local agency does not  
61.4 exercise the option, paragraph (d) applies.

61.5 (f) This subdivision does not affect the requirement to seek county concurrence under  
61.6 section 256B.092, subdivision 8a, when the services are to be purchased for a person with  
61.7 a developmental disability or under section 245.4711, subdivision 3, when the services to  
61.8 be purchased are for an adult with serious and persistent mental illness.

61.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.10 Sec. 13. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

61.11 Subd. 6. **Child in need of protection or services.** "Child in need of protection or  
61.12 services" means a child who is in need of protection or services because the child:

61.13 (1) is abandoned or without parent, guardian, or custodian;

61.14 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,  
61.15 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined  
61.16 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
61.17 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child  
61.18 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as  
61.19 defined in subdivision 15;

61.20 (3) is without necessary food, clothing, shelter, education, or other required care for the  
61.21 child's physical or mental health or morals because the child's parent, guardian, or custodian  
61.22 is unable or unwilling to provide that care;

61.23 (4) is without the special care made necessary by a physical, mental, or emotional  
61.24 condition because the child's parent, guardian, or custodian is unable or unwilling to provide  
61.25 that care;

61.26 (5) is medically neglected, which includes, but is not limited to, the withholding of  
61.27 medically indicated treatment from an infant with a disability with a life-threatening  
61.28 condition. The term "withholding of medically indicated treatment" means the failure to  
61.29 respond to the infant's life-threatening conditions by providing treatment, including  
61.30 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced  
61.31 practice registered nurse's reasonable medical judgment, will be most likely to be effective  
61.32 in ameliorating or correcting all conditions, except that the term does not include the failure  
61.33 to provide treatment other than appropriate nutrition, hydration, or medication to an infant

62.1 when, in the treating physician's or advanced practice registered nurse's reasonable medical  
62.2 judgment:

62.3 (i) the infant is chronically and irreversibly comatose;

62.4 (ii) the provision of the treatment would merely prolong dying, not be effective in  
62.5 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
62.6 futile in terms of the survival of the infant; or

62.7 (iii) the provision of the treatment would be virtually futile in terms of the survival of  
62.8 the infant and the treatment itself under the circumstances would be inhumane;

62.9 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved  
62.10 of the child's care and custody, including a child who entered foster care under a voluntary  
62.11 placement agreement between the parent and the responsible social services agency under  
62.12 section 260C.227;

62.13 (7) has been placed for adoption or care in violation of law;

62.14 (8) is without proper parental care because of the emotional, mental, or physical disability,  
62.15 or state of immaturity of the child's parent, guardian, or other custodian;

62.16 (9) is one whose behavior, condition, or environment is such as to be injurious or  
62.17 dangerous to the child or others. An injurious or dangerous environment may include, but  
62.18 is not limited to, the exposure of a child to criminal activity in the child's home;

62.19 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
62.20 have been diagnosed by a physician and are due to parental neglect;

62.21 (11) is a sexually exploited youth;

62.22 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13  
62.23 years old;

62.24 (13) is a runaway;

62.25 (14) is a habitual truant;

62.26 (15) has been found incompetent to proceed or has been found not guilty by reason of  
62.27 mental illness or mental deficiency in connection with a delinquency proceeding, a  
62.28 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
62.29 proceeding involving a juvenile petty offense; or

62.30 (16) has a parent whose parental rights to one or more other children were involuntarily  
62.31 terminated or whose custodial rights to another child have been involuntarily transferred to

63.1 a relative and there is a case plan prepared by the responsible social services agency  
63.2 documenting a compelling reason why filing the termination of parental rights petition under  
63.3 section 260C.503, subdivision 2, is not in the best interests of the child.

63.4 Sec. 14. Minnesota Statutes 2020, section 260C.007, subdivision 26c, is amended to read:

63.5 Subd. 26c. **Qualified individual.** (a) "Qualified individual" means a trained culturally  
63.6 competent professional or licensed clinician, including a mental health professional under  
63.7 section 245.4871, subdivision 27, who is ~~not~~ qualified to conduct the assessment approved  
63.8 by the commissioner. The qualified individual must not be an employee of the responsible  
63.9 social services agency and who is not connected to or affiliated with any placement setting  
63.10 in which a responsible social services agency has placed children.

63.11 (b) When the Indian Child Welfare Act of 1978, United States Code, title 25, sections  
63.12 1901 to 1963, applies to a child, the county must contact the child's tribe without delay to  
63.13 give the tribe the option to designate a qualified individual who is a trained culturally  
63.14 competent professional or licensed clinician, including a mental health professional under  
63.15 section 245.4871, subdivision 27, who is not employed by the responsible social services  
63.16 agency and who is not connected to or affiliated with any placement setting in which a  
63.17 responsible social services agency has placed children. Only a federal waiver that  
63.18 demonstrates maintained objectivity may allow a responsible social services agency employee  
63.19 or tribal employee affiliated with any placement setting in which the responsible social  
63.20 services agency has placed children to be designated the qualified individual.

63.21 Sec. 15. Minnesota Statutes 2020, section 260C.007, subdivision 31, is amended to read:

63.22 Subd. 31. **Sexually exploited youth.** "Sexually exploited youth" means an individual  
63.23 who:

63.24 (1) is alleged to have engaged in conduct which would, if committed by an adult, violate  
63.25 any federal, state, or local law relating to being hired, offering to be hired, or agreeing to  
63.26 be hired by another individual to engage in sexual penetration or sexual conduct;

63.27 (2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345,  
63.28 609.3451, 609.3453, 609.352, 617.246, or 617.247;

63.29 (3) is a victim of a crime described in United States Code, title 18, section 2260; 2421;  
63.30 2422; 2423; 2425; 2425A; or 2256; ~~or~~

63.31 (4) is a sex trafficking victim as defined in section 609.321, subdivision 7b-; or

64.1 (5) is a victim of commercial sexual exploitation as defined in United States Code, title  
64.2 22, section 7102(11)(A) and (12).

64.3 **EFFECTIVE DATE.** This section is effective September 30, 2021.

64.4 Sec. 16. Minnesota Statutes 2020, section 260C.157, subdivision 3, is amended to read:

64.5 Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services agency  
64.6 shall establish a juvenile treatment screening team to conduct screenings under this chapter  
64.7 ~~and section 245.487, subdivision 3,~~ and chapter 260D for a child to receive treatment for  
64.8 an emotional disturbance, a developmental disability, or related condition in a residential  
64.9 treatment facility licensed by the commissioner of human services under chapter 245A, or  
64.10 licensed or approved by a tribe. A screening team is not required for a child to be in: (1) a  
64.11 residential facility specializing in prenatal, postpartum, or parenting support; (2) a facility  
64.12 specializing in high-quality residential care and supportive services to children and youth  
64.13 ~~who are~~ have been or are at risk of becoming victims of sex-trafficking victims or are at  
64.14 ~~risk of becoming sex-trafficking victims~~ or commercial sexual exploitation; (3) supervised  
64.15 settings for youth who are 18 years ~~old~~ of age or older and living independently; or (4) a  
64.16 licensed residential family-based treatment facility for substance abuse consistent with  
64.17 section 260C.190. Screenings are also not required when a child must be placed in a facility  
64.18 due to an emotional crisis or other mental health emergency.

64.19 (b) The responsible social services agency shall conduct screenings within 15 days of a  
64.20 request for a screening, unless the screening is for the purpose of residential treatment and  
64.21 the child is enrolled in a prepaid health program under section 256B.69, in which case the  
64.22 agency shall conduct the screening within ten working days of a request. The responsible  
64.23 social services agency shall convene the juvenile treatment screening team, which may be  
64.24 constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to  
64.25 9530.6655. The team shall consist of social workers; persons with expertise in the treatment  
64.26 of juveniles who are emotionally ~~disabled~~ disturbed, chemically dependent, or have a  
64.27 developmental disability; and the child's parent, guardian, or permanent legal custodian.  
64.28 The team may include the child's relatives as defined in section 260C.007, subdivisions 26b  
64.29 and 27, the child's foster care provider, and professionals who are a resource to the child's  
64.30 family such as teachers, medical or mental health providers, and clergy, as appropriate,  
64.31 consistent with the family and permanency team as defined in section 260C.007, subdivision  
64.32 16a. Prior to forming the team, the responsible social services agency must consult with the  
64.33 child's parents, the child if the child is age 14 or older, ~~the child's parents~~, and, if applicable,  
64.34 the child's tribe to obtain recommendations regarding which individuals to include on the

65.1 team and to ensure that the team is family-centered and will act in the child's best ~~interest~~  
65.2 interests. If the child, child's parents, or legal guardians raise concerns about specific relatives  
65.3 or professionals, the team should not include those individuals. This provision does not  
65.4 apply to paragraph (c).

65.5 (c) If the agency provides notice to tribes under section 260.761, and the child screened  
65.6 is an Indian child, the responsible social services agency must make a rigorous and concerted  
65.7 effort to include a designated representative of the Indian child's tribe on the juvenile  
65.8 treatment screening team, unless the child's tribal authority declines to appoint a  
65.9 representative. The Indian child's tribe may delegate its authority to represent the child to  
65.10 any other federally recognized Indian tribe, as defined in section 260.755, subdivision 12.  
65.11 The provisions of the Indian Child Welfare Act of 1978, United States Code, title 25, sections  
65.12 1901 to 1963, and the Minnesota Indian Family Preservation Act, sections 260.751 to  
65.13 260.835, apply to this section.

65.14 (d) If the court, prior to, or as part of, a final disposition or other court order, proposes  
65.15 to place a child with an emotional disturbance or developmental disability or related condition  
65.16 in residential treatment, the responsible social services agency must conduct a screening.  
65.17 If the team recommends treating the child in a qualified residential treatment program, the  
65.18 agency must follow the requirements of sections 260C.70 to 260C.714.

65.19 The court shall ascertain whether the child is an Indian child and shall notify the  
65.20 responsible social services agency and, if the child is an Indian child, shall notify the Indian  
65.21 child's tribe as paragraph (c) requires.

65.22 (e) When the responsible social services agency is responsible for placing and caring  
65.23 for the child and the screening team recommends placing a child in a qualified residential  
65.24 treatment program as defined in section 260C.007, subdivision 26d, the agency must: (1)  
65.25 begin the assessment and processes required in section 260C.704 without delay; and (2)  
65.26 conduct a relative search according to section 260C.221 to assemble the child's family and  
65.27 permanency team under section 260C.706. Prior to notifying relatives regarding the family  
65.28 and permanency team, the responsible social services agency must consult with the child's  
65.29 parent or legal guardian, the child if the child is age 14 or older, ~~the child's parents~~ and, if  
65.30 applicable, the child's tribe to ensure that the agency is providing notice to individuals who  
65.31 will act in the child's best ~~interest~~ interests. The child and the child's parents may identify  
65.32 a culturally competent qualified individual to complete the child's assessment. The agency  
65.33 shall make efforts to refer the assessment to the identified qualified individual. The  
65.34 assessment may not be delayed for the purpose of having the assessment completed by a  
65.35 specific qualified individual.

66.1 (f) When a screening team determines that a child does not need treatment in a qualified  
66.2 residential treatment program, the screening team must:

66.3 (1) document the services and supports that will prevent the child's foster care placement  
66.4 and will support the child remaining at home;

66.5 (2) document the services and supports that the agency will arrange to place the child  
66.6 in a family foster home; or

66.7 (3) document the services and supports that the agency has provided in any other setting.

66.8 (g) When the Indian child's tribe or tribal health care services provider or Indian Health  
66.9 Services provider proposes to place a child for the primary purpose of treatment for an  
66.10 emotional disturbance, a developmental disability, or co-occurring emotional disturbance  
66.11 and chemical dependency, the Indian child's tribe or the tribe delegated by the child's tribe  
66.12 shall submit necessary documentation to the county juvenile treatment screening team,  
66.13 which must invite the Indian child's tribe to designate a representative to the screening team.

66.14 (h) The responsible social services agency must conduct and document the screening in  
66.15 a format approved by the commissioner of human services.

66.16 **EFFECTIVE DATE.** This section is effective September 30, 2021.

66.17 Sec. 17. Minnesota Statutes 2020, section 260C.212, subdivision 1a, is amended to read:

66.18 Subd. 1a. **Out-of-home placement plan update.** (a) Within 30 days of placing the child  
66.19 in foster care, the agency must file the child's initial out-of-home placement plan with the  
66.20 court. After filing the child's initial out-of-home placement plan, the agency shall update  
66.21 and file the child's out-of-home placement plan with the court as follows:

66.22 (1) when the agency moves a child to a different foster care setting, the agency shall  
66.23 inform the court within 30 days of the child's placement change or court-ordered trial home  
66.24 visit. The agency must file the child's updated out-of-home placement plan with the court  
66.25 at the next required review hearing;

66.26 (2) when the agency places a child in a qualified residential treatment program as defined  
66.27 in section 260C.007, subdivision 26d, or moves a child from one qualified residential  
66.28 treatment program to a different qualified residential treatment program, the agency must  
66.29 update the child's out-of-home placement plan within 60 days. To meet the requirements  
66.30 of section 260C.708, the agency must file the child's out-of-home placement plan ~~with the~~  
66.31 ~~court as part of the 60-day hearing and~~ along with the agency's report seeking the court's  
66.32 approval of the child's placement at a qualified residential treatment program under section

67.1 260C.71. After the court issues an order, the agency must update the child's out-of-home  
67.2 placement plan after the court hearing to document the court's approval or disapproval of  
67.3 the child's placement in a qualified residential treatment program;

67.4 (3) when the agency places a child with the child's parent in a licensed residential  
67.5 family-based substance use disorder treatment program under section 260C.190, the agency  
67.6 must identify the treatment program where the child will be placed in the child's out-of-home  
67.7 placement plan prior to the child's placement. The agency must file the child's out-of-home  
67.8 placement plan with the court at the next required review hearing; and

67.9 (4) under sections 260C.227 and 260C.521, the agency must update the child's  
67.10 out-of-home placement plan and file the child's out-of-home placement plan with the court.

67.11 (b) When none of the items in paragraph (a) apply, the agency must update the child's  
67.12 out-of-home placement plan no later than 180 days after the child's initial placement and  
67.13 every six months thereafter, consistent with section 260C.203, paragraph (a).

67.14 **EFFECTIVE DATE.** This section is effective September 30, 2021.

67.15 Sec. 18. Minnesota Statutes 2020, section 260C.212, subdivision 13, is amended to read:

67.16 Subd. 13. **Protecting missing and runaway children and youth at risk of sex**  
67.17 **trafficking or commercial sexual exploitation.** (a) The local social services agency shall  
67.18 expeditiously locate any child missing from foster care.

67.19 (b) The local social services agency shall report immediately, but no later than 24 hours,  
67.20 after receiving information on a missing or abducted child to the local law enforcement  
67.21 agency for entry into the National Crime Information Center (NCIC) database of the Federal  
67.22 Bureau of Investigation, and to the National Center for Missing and Exploited Children.

67.23 (c) The local social services agency shall not discharge a child from foster care or close  
67.24 the social services case until diligent efforts have been exhausted to locate the child and the  
67.25 court terminates the agency's jurisdiction.

67.26 (d) The local social services agency shall determine the primary factors that contributed  
67.27 to the child's running away or otherwise being absent from care and, to the extent possible  
67.28 and appropriate, respond to those factors in current and subsequent placements.

67.29 (e) The local social services agency shall determine what the child experienced while  
67.30 absent from care, including screening the child to determine if the child is a possible sex  
67.31 trafficking or commercial sexual exploitation victim as defined in section ~~609.321,~~  
67.32 ~~subdivision 7b~~ 260C.007, subdivision 31.

68.1 (f) The local social services agency shall report immediately, but no later than 24 hours,  
68.2 to the local law enforcement agency any reasonable cause to believe a child is, or is at risk  
68.3 of being, a sex trafficking or commercial sexual exploitation victim.

68.4 (g) The local social services agency shall determine appropriate services as described  
68.5 in section 145.4717 with respect to any child for whom the local social services agency has  
68.6 responsibility for placement, care, or supervision when the local social services agency has  
68.7 reasonable cause to believe that the child is, or is at risk of being, a sex trafficking or  
68.8 commercial sexual exploitation victim.

68.9 **EFFECTIVE DATE.** This section is effective September 30, 2021.

68.10 Sec. 19. Minnesota Statutes 2020, section 260C.4412, is amended to read:

68.11 **260C.4412 PAYMENT FOR RESIDENTIAL PLACEMENTS.**

68.12 (a) When a child is placed in a foster care group residential setting under Minnesota  
68.13 Rules, parts 2960.0020 to 2960.0710, a foster residence licensed under chapter 245A that  
68.14 meets the standards of Minnesota Rules, parts 2960.3200 to 2960.3230, or a children's  
68.15 residential facility licensed or approved by a tribe, foster care maintenance payments must  
68.16 be made on behalf of the child to cover the cost of providing food, clothing, shelter, daily  
68.17 supervision, school supplies, child's personal incidentals and supports, reasonable travel for  
68.18 visitation, or other transportation needs associated with the items listed. Daily supervision  
68.19 in the group residential setting includes routine day-to-day direction and arrangements to  
68.20 ensure the well-being and safety of the child. It may also include reasonable costs of  
68.21 administration and operation of the facility.

68.22 (b) The commissioner of human services shall specify the title IV-E administrative  
68.23 procedures under section 256.82 for each of the following residential program settings:

68.24 (1) residential programs licensed under chapter 245A or licensed by a tribe, including:

68.25 (i) qualified residential treatment programs as defined in section 260C.007, subdivision  
68.26 26d;

68.27 (ii) program settings specializing in providing prenatal, postpartum, or parenting supports  
68.28 for youth; and

68.29 (iii) program settings providing high-quality residential care and supportive services to  
68.30 children and youth who are, or are at risk of becoming, sex trafficking victims;

68.31 (2) licensed residential family-based substance use disorder treatment programs as  
68.32 defined in section 260C.007, subdivision 22a; and

69.1 (3) supervised settings in which a foster child age 18 or older may live independently,  
69.2 consistent with section 260C.451.

69.3 (c) A lead county contract under section 256.0112, subdivision 6, is not required to  
69.4 establish the foster care maintenance payment in paragraph (a) for foster residence settings  
69.5 licensed under chapter 245A that meet the standards of Minnesota Rules, parts 2960.3200  
69.6 to 2960.3230. The foster care maintenance payment for these settings must be consistent  
69.7 with section 256N.26, subdivision 3, and subject to the annual revision as specified in section  
69.8 256N.26, subdivision 9.

69.9 Sec. 20. Minnesota Statutes 2020, section 260C.452, is amended to read:

69.10 **260C.452 SUCCESSFUL TRANSITION TO ADULTHOOD.**

69.11 Subdivision 1. **Scope and purpose.** (a) For purposes of this section, "youth" means a  
69.12 person who is at least 14 years of age and under 23 years of age.

69.13 (b) This section pertains to a ~~child~~ youth who:

69.14 (1) is in foster care and is 14 years of age or older, including a youth who is under the  
69.15 guardianship of the commissioner of human services, ~~or who;~~

69.16 (2) has a permanency disposition of permanent custody to the agency, ~~or who;~~

69.17 (3) will leave foster care ~~at 18 to 21 years of age.~~ when the youth is 18 years of age or  
69.18 older and under 21 years of age;

69.19 (4) has left foster care due to adoption when the youth was 16 years of age or older;

69.20 (5) has left foster care due to a transfer of permanent legal and physical custody to a  
69.21 relative, or Tribal equivalent, when the youth was 16 years of age or older; or

69.22 (6) was reunified with the youth's primary caretaker when the youth was 14 years of age  
69.23 or older and under 18 years of age.

69.24 (c) The purpose of this section is to provide support to each youth who is transitioning  
69.25 to adulthood by providing services to the youth in the areas of:

69.26 (1) education;

69.27 (2) employment;

69.28 (3) daily living skills such as financial literacy training and driving instruction; preventive  
69.29 health activities including promoting abstinence from substance use and smoking; and  
69.30 nutrition education and pregnancy prevention;

70.1 (4) forming meaningful, permanent connections with caring adults;

70.2 (5) engaging in age and developmentally appropriate activities under section 260C.212,  
70.3 subdivision 14, and positive youth development;

70.4 (6) financial, housing, counseling, and other services to assist a youth over 18 years of  
70.5 age in achieving self-sufficiency and accepting personal responsibility for the transition  
70.6 from adolescence to adulthood; and

70.7 (7) making vouchers available for education and training.

70.8 (d) The responsible social services agency may provide support and case management  
70.9 services to a youth as defined in paragraph (a) until the youth reaches the age of 23 years.  
70.10 According to section 260C.451, a youth's placement in a foster care setting will end when  
70.11 the youth reaches the age of 21 years.

70.12 Subd. 1a. **Case management services.** Case management services include the  
70.13 responsibility for planning, coordinating, authorizing, monitoring, and evaluating services  
70.14 for a youth and shall be provided to a youth by the responsible social services agency or  
70.15 the contracted agency. Case management services include the out-of-home placement plan  
70.16 under section 260C.212, subdivision 1, when the youth is in out-of-home placement.

70.17 Subd. 2. **Independent living plan.** When the ~~child~~ youth is 14 years of age or older and  
70.18 is receiving support from the responsible social services agency under this section, the  
70.19 responsible social services agency, in consultation with the ~~child~~ youth, shall complete the  
70.20 youth's independent living plan according to section 260C.212, subdivision 1, paragraph  
70.21 (c), clause (12), regardless of the youth's current placement status.

70.22 Subd. 3. **Notification.** ~~Six months before the child is expected to be discharged from~~  
70.23 ~~foster care, the responsible social services agency shall provide written notice to the child~~  
70.24 ~~regarding the right to continued access to services for certain children in foster care past 18~~  
70.25 ~~years of age and of the right to appeal a denial of social services under section 256.045.~~

70.26 Subd. 4. **Administrative or court review of placements.** (a) When the ~~child~~ youth is  
70.27 14 years of age or older, the court, in consultation with the ~~child~~ youth, shall review the  
70.28 youth's independent living plan according to section 260C.203, paragraph (d).

70.29 (b) The responsible social services agency shall file a copy of the notification ~~required~~  
70.30 ~~in subdivision 3~~ of foster care benefits for a youth who is 18 years of age or older according  
70.31 to section 260C.451, subdivision 1, with the court. If the responsible social services agency  
70.32 does not file the notice by the time the ~~child~~ youth is 17-1/2 years of age, the court shall  
70.33 require the responsible social services agency to file the notice.

71.1 (c) When a youth is 18 years of age or older, the court shall ensure that the responsible  
 71.2 social services agency assists the child youth in obtaining the following documents before  
 71.3 the child youth leaves foster care: a Social Security card; an official or certified copy of the  
 71.4 child's youth's birth certificate; a state identification card or driver's license, tribal enrollment  
 71.5 identification card, green card, or school visa; health insurance information; the child's  
 71.6 youth's school, medical, and dental records; a contact list of the child's youth's medical,  
 71.7 dental, and mental health providers; and contact information for the child's youth's siblings,  
 71.8 if the siblings are in foster care.

71.9 (d) For a child youth who will be discharged from foster care at 18 years of age or older  
 71.10 because the youth is not eligible for extended foster care benefits or chooses to leave foster  
 71.11 care, the responsible social services agency must develop a personalized transition plan as  
 71.12 directed by the child youth during the 90-day period immediately prior to the expected date  
 71.13 of discharge. The transition plan must be as detailed as the child youth elects and include  
 71.14 specific options, including but not limited to:

71.15 (1) affordable housing with necessary supports that does not include a homeless shelter;

71.16 (2) health insurance, including eligibility for medical assistance as defined in section  
 71.17 256B.055, subdivision 17;

71.18 (3) education, including application to the Education and Training Voucher Program;

71.19 (4) local opportunities for mentors and continuing support services, ~~including the Healthy~~  
 71.20 ~~Transitions and Homeless Prevention program, if available;~~

71.21 (5) workforce supports and employment services;

71.22 (6) a copy of the child's youth's consumer credit report as defined in section 13C.001  
 71.23 and assistance in interpreting and resolving any inaccuracies in the report, at no cost to the  
 71.24 child youth;

71.25 (7) information on executing a health care directive under chapter 145C and on the  
 71.26 importance of designating another individual to make health care decisions on behalf of the  
 71.27 child youth if the child youth becomes unable to participate in decisions;

71.28 (8) appropriate contact information through 21 years of age if the child youth needs  
 71.29 information or help dealing with a crisis situation; and

71.30 (9) official documentation that the youth was previously in foster care.

71.31 Subd. 5. **Notice of termination of foster care social services.** (a) ~~When~~ Before a child  
 71.32 youth who is 18 years of age or older leaves foster care ~~at 18 years of age or older~~, the

72.1 responsible social services agency shall give the ~~child~~ youth written notice that foster care  
 72.2 shall terminate 30 days from the date that the notice is sent by the agency according to  
 72.3 section 260C.451, subdivision 8.

72.4 ~~(b) The child or the child's guardian ad litem may file a motion asking the court to review~~  
 72.5 ~~the responsible social services agency's determination within 15 days of receiving the notice.~~  
 72.6 ~~The child shall not be discharged from foster care until the motion is heard. The responsible~~  
 72.7 ~~social services agency shall work with the child to transition out of foster care.~~

72.8 ~~(c) The written notice of termination of benefits shall be on a form prescribed by the~~  
 72.9 ~~commissioner and shall give notice of the right to have the responsible social services~~  
 72.10 ~~agency's determination reviewed by the court under this section or sections 260C.203,~~  
 72.11 ~~260C.317, and 260C.515, subdivision 5 or 6. A copy of the termination notice shall be sent~~  
 72.12 ~~to the child and the child's attorney, if any, the foster care provider, the child's guardian ad~~  
 72.13 ~~litem, and the court. The responsible social services agency is not responsible for paying~~  
 72.14 ~~foster care benefits for any period of time after the child leaves foster care.~~

72.15 (b) Before case management services will end for a youth who is at least 18 years of  
 72.16 age and under 23 years of age, the responsible social services agency shall give the youth:  
 72.17 (1) written notice that case management services for the youth shall terminate; and (2)  
 72.18 written notice that the youth has the right to appeal the termination of case management  
 72.19 services under section 256.045, subdivision 3, by responding in writing within ten days of  
 72.20 the date that the agency mailed the notice. The termination notice must include information  
 72.21 about services for which the youth is eligible and how to access the services.

72.22 **EFFECTIVE DATE.** This section is effective July 1, 2021.

72.23 Sec. 21. Minnesota Statutes 2020, section 260C.704, is amended to read:

72.24 **260C.704 REQUIREMENTS FOR THE QUALIFIED INDIVIDUAL'S**  
 72.25 **ASSESSMENT OF THE CHILD FOR PLACEMENT IN A QUALIFIED**  
 72.26 **RESIDENTIAL TREATMENT PROGRAM.**

72.27 (a) A qualified individual must complete an assessment of the child prior to ~~or within~~  
 72.28 ~~30 days of~~ the child's placement in a qualified residential treatment program in a format  
 72.29 approved by the commissioner of human services, ~~and~~ unless, due to a crisis, the child must  
 72.30 immediately be placed in a qualified residential treatment program. When a child must  
 72.31 immediately be placed in a qualified residential treatment program without an assessment,  
 72.32 the qualified individual must complete the child's assessment within 30 days of the child's  
 72.33 placement. The qualified individual must:

73.1 (1) assess the child's needs and strengths, using an age-appropriate, evidence-based,  
73.2 validated, functional assessment approved by the commissioner of human services;

73.3 (2) determine whether the child's needs can be met by the child's family members or  
73.4 through placement in a family foster home; or, if not, determine which residential setting  
73.5 would provide the child with the most effective and appropriate level of care to the child  
73.6 in the least restrictive environment;

73.7 (3) develop a list of short- and long-term mental and behavioral health goals for the  
73.8 child; and

73.9 (4) work with the child's family and permanency team using culturally competent  
73.10 practices.

73.11 If a level of care determination was conducted under section 245.4885, that information  
73.12 must be shared with the qualified individual and the juvenile treatment screening team.

73.13 (b) The child and the child's parents, when appropriate, may request that a specific  
73.14 culturally competent qualified individual complete the child's assessment. The agency shall  
73.15 make efforts to refer the child to the identified qualified individual to complete the  
73.16 assessment. The assessment must not be delayed for a specific qualified individual to  
73.17 complete the assessment.

73.18 (c) The qualified individual must provide the assessment, when complete, to the  
73.19 responsible social services agency, ~~the child's parents or legal guardians, the guardian ad~~  
73.20 ~~litem, and the court.~~ If the assessment recommends placement of the child in a qualified  
73.21 residential treatment facility, the agency must distribute the assessment to the child's parent  
73.22 or legal guardian and file the assessment with the court report as required in section 260C.71,  
73.23 subdivision 2. If the assessment does not recommend placement in a qualified residential  
73.24 treatment facility, the agency must provide a copy of the assessment to the parents or legal  
73.25 guardians and the guardian ad litem and file the assessment determination with the court at  
73.26 the next required hearing as required in section 260C.71, subdivision 5. If court rules and  
73.27 chapter 13 permit disclosure of the results of the child's assessment, the agency may share  
73.28 the results of the child's assessment with the child's foster care provider, other members of  
73.29 the child's family, and the family and permanency team. The agency must not share the  
73.30 child's private medical data with the family and permanency team unless: (1) chapter 13  
73.31 permits the agency to disclose the child's private medical data to the family and permanency  
73.32 team; or (2) the child's parent has authorized the agency to disclose the child's private medical  
73.33 data to the family and permanency team.

74.1 (d) For an Indian child, the assessment of the child must follow the order of placement  
74.2 preferences in the Indian Child Welfare Act of 1978, United States Code, title 25, section  
74.3 1915.

74.4 (e) In the assessment determination, the qualified individual must specify in writing:

74.5 (1) the reasons why the child's needs cannot be met by the child's family or in a family  
74.6 foster home. A shortage of family foster homes is not an acceptable reason for determining  
74.7 that a family foster home cannot meet a child's needs;

74.8 (2) why the recommended placement in a qualified residential treatment program will  
74.9 provide the child with the most effective and appropriate level of care to meet the child's  
74.10 needs in the least restrictive environment possible and how placing the child at the treatment  
74.11 program is consistent with the short-term and long-term goals of the child's permanency  
74.12 plan; and

74.13 (3) if the qualified individual's placement recommendation is not the placement setting  
74.14 that the parent, family and permanency team, child, or tribe prefer, the qualified individual  
74.15 must identify the reasons why the qualified individual does not recommend the parent's,  
74.16 family and permanency team's, child's, or tribe's placement preferences. The out-of-home  
74.17 placement plan under section 260C.708 must also include reasons why the qualified  
74.18 individual did not recommend the preferences of the parents, family and permanency team,  
74.19 child, or tribe.

74.20 (f) If the qualified individual determines that the child's family or a family foster home  
74.21 or other less restrictive placement may meet the child's needs, the agency must move the  
74.22 child out of the qualified residential treatment program and transition the child to a less  
74.23 restrictive setting within 30 days of the determination. If the responsible social services  
74.24 agency has placement authority of the child, the agency must make a plan for the child's  
74.25 placement according to section 260C.212, subdivision 2. The agency must file the child's  
74.26 assessment determination with the court at the next required hearing.

74.27 (g) If the qualified individual recommends placing the child in a qualified residential  
74.28 treatment program and if the responsible social services agency has placement authority of  
74.29 the child, the agency shall make referrals to appropriate qualified residential treatment  
74.30 programs and upon acceptance by an appropriate program, place the child in an approved  
74.31 or certified qualified residential treatment program.

74.32 **EFFECTIVE DATE.** This section is effective September 30, 2021.

75.1 Sec. 22. Minnesota Statutes 2020, section 260C.706, is amended to read:

75.2 **260C.706 FAMILY AND PERMANENCY TEAM REQUIREMENTS.**

75.3 (a) When the responsible social services agency's juvenile treatment screening team, as  
75.4 defined in section 260C.157, recommends placing the child in a qualified residential treatment  
75.5 program, the agency must assemble a family and permanency team within ten days.

75.6 (1) The team must include all appropriate biological family members, the child's parents,  
75.7 legal guardians or custodians, foster care providers, and relatives as defined in section  
75.8 260C.007, subdivisions ~~26e~~ 26b and 27, and professionals, as appropriate, who are a resource  
75.9 to the child's family, such as teachers, medical or mental health providers, or clergy.

75.10 (2) When a child is placed in foster care prior to the qualified residential treatment  
75.11 program, the agency shall include relatives responding to the relative search notice as  
75.12 required under section 260C.221 on this team, unless the juvenile court finds that contacting  
75.13 a specific relative would ~~endanger~~ present a safety or health risk to the parent, guardian,  
75.14 child, sibling, or any other family member.

75.15 (3) When a qualified residential treatment program is the child's initial placement setting,  
75.16 the responsible social services agency must engage with the child and the child's parents to  
75.17 determine the appropriate family and permanency team members.

75.18 (4) When the permanency goal is to reunify the child with the child's parent or legal  
75.19 guardian, the purpose of the relative search and focus of the family and permanency team  
75.20 is to preserve family relationships and identify and develop supports for the child and parents.

75.21 (5) The responsible agency must make a good faith effort to identify and assemble all  
75.22 appropriate individuals to be part of the child's family and permanency team and request  
75.23 input from the parents regarding relative search efforts consistent with section 260C.221.  
75.24 The out-of-home placement plan in section 260C.708 must include all contact information  
75.25 for the team members, as well as contact information for family members or relatives who  
75.26 are not a part of the family and permanency team.

75.27 (6) If the child is age 14 or older, the team must include members of the family and  
75.28 permanency team that the child selects in accordance with section 260C.212, subdivision  
75.29 1, paragraph (b).

75.30 (7) Consistent with section 260C.221, a responsible social services agency may disclose  
75.31 relevant and appropriate private data about the child to relatives in order for the relatives  
75.32 to participate in caring and planning for the child's placement.

76.1 (8) If the child is an Indian child under section 260.751, the responsible social services  
76.2 agency must make active efforts to include the child's tribal representative on the family  
76.3 and permanency team.

76.4 (b) The family and permanency team shall meet regarding the assessment required under  
76.5 section 260C.704 to determine whether it is necessary and appropriate to place the child in  
76.6 a qualified residential treatment program and to participate in case planning under section  
76.7 260C.708.

76.8 (c) When reunification of the child with the child's parent or legal guardian is the  
76.9 permanency plan, the family and permanency team shall support the parent-child relationship  
76.10 by recognizing the parent's legal authority, consulting with the parent regarding ongoing  
76.11 planning for the child, and assisting the parent with visiting and contacting the child.

76.12 (d) When the agency's permanency plan is to transfer the child's permanent legal and  
76.13 physical custody to a relative or for the child's adoption, the team shall:

76.14 (1) coordinate with the proposed guardian to provide the child with educational services,  
76.15 medical care, and dental care;

76.16 (2) coordinate with the proposed guardian, the agency, and the foster care facility to  
76.17 meet the child's treatment needs after the child is placed in a permanent placement with the  
76.18 proposed guardian;

76.19 (3) plan to meet the child's need for safety, stability, and connection with the child's  
76.20 family and community after the child is placed in a permanent placement with the proposed  
76.21 guardian; and

76.22 (4) in the case of an Indian child, communicate with the child's tribe to identify necessary  
76.23 and appropriate services for the child, transition planning for the child, the child's treatment  
76.24 needs, and how to maintain the child's connections to the child's community, family, and  
76.25 tribe.

76.26 (e) The agency shall invite the family and permanency team to participate in case planning  
76.27 and the agency shall give the team notice of court reviews under sections 260C.152 and  
76.28 260C.221 until: (1) the child is reunited with the child's parents; or (2) the child's foster care  
76.29 placement ends and the child is in a permanent placement.

76.30 **EFFECTIVE DATE.** This section is effective September 30, 2021.

77.1 Sec. 23. Minnesota Statutes 2020, section 260C.708, is amended to read:

77.2 **260C.708 OUT-OF-HOME PLACEMENT PLAN FOR QUALIFIED**  
77.3 **RESIDENTIAL TREATMENT PROGRAM PLACEMENTS.**

77.4 (a) When the responsible social services agency places a child in a qualified residential  
77.5 treatment program as defined in section 260C.007, subdivision 26d, the out-of-home  
77.6 placement plan must include:

77.7 (1) the case plan requirements in section ~~260.212, subdivision 1~~ 260C.212;

77.8 (2) the reasonable and good faith efforts of the responsible social services agency to  
77.9 identify and include all of the individuals required to be on the child's family and permanency  
77.10 team under section 260C.007;

77.11 (3) all contact information for members of the child's family and permanency team and  
77.12 for other relatives who are not part of the family and permanency team;

77.13 (4) evidence that the agency scheduled meetings of the family and permanency team,  
77.14 including meetings relating to the assessment required under section 260C.704, at a time  
77.15 and place convenient for the family;

77.16 (5) evidence that the family and permanency team is involved in the assessment required  
77.17 under section 260C.704 to determine the appropriateness of the child's placement in a  
77.18 qualified residential treatment program;

77.19 (6) the family and permanency team's placement preferences for the child in the  
77.20 assessment required under section 260C.704. When making a decision about the child's  
77.21 placement preferences, the family and permanency team must recognize:

77.22 (i) that the agency should place a child with the child's siblings unless a court finds that  
77.23 placing a child with the child's siblings is not possible due to a child's specialized placement  
77.24 needs or is otherwise contrary to the child's best interests; and

77.25 (ii) that the agency should place an Indian child according to the requirements of the  
77.26 Indian Child Welfare Act, the Minnesota Family Preservation Act under sections 260.751  
77.27 to 260.835, and section 260C.193, subdivision 3, paragraph (g);

77.28 ~~(5)~~ (7) when reunification of the child with the child's parent or legal guardian is the  
77.29 agency's goal, evidence demonstrating that the parent or legal guardian provided input about  
77.30 the members of the family and permanency team under section 260C.706;

77.31 ~~(6)~~ (8) when the agency's permanency goal is to reunify the child with the child's parent  
77.32 or legal guardian, the out-of-home placement plan must identify services and supports that

78.1 maintain the parent-child relationship and the parent's legal authority, decision-making, and  
78.2 responsibility for ongoing planning for the child. In addition, the agency must assist the  
78.3 parent with visiting and contacting the child;

78.4 ~~(7)~~ (9) when the agency's permanency goal is to transfer permanent legal and physical  
78.5 custody of the child to a proposed guardian or to finalize the child's adoption, the case plan  
78.6 must document the agency's steps to transfer permanent legal and physical custody of the  
78.7 child or finalize adoption, as required in section 260C.212, subdivision 1, paragraph (c),  
78.8 clauses (6) and (7); and

78.9 ~~(8)~~ (10) the qualified individual's recommendation regarding the child's placement in a  
78.10 qualified residential treatment program and the court approval or disapproval of the placement  
78.11 as required in section 260C.71.

78.12 (b) If the placement preferences of the family and permanency team, child, and tribe, if  
78.13 applicable, are not consistent with the placement setting that the qualified individual  
78.14 recommends, the case plan must include the reasons why the qualified individual did not  
78.15 recommend following the preferences of the family and permanency team, child, and the  
78.16 tribe.

78.17 (c) The agency must file the out-of-home placement plan with the court as part of the  
78.18 60-day hearing court order under section 260C.71.

78.19 **EFFECTIVE DATE.** This section is effective September 30, 2021.

78.20 Sec. 24. Minnesota Statutes 2020, section 260C.71, is amended to read:

78.21 **260C.71 COURT APPROVAL REQUIREMENTS.**

78.22 **Subdivision 1. Judicial review.** When the responsible social services agency has legal  
78.23 authority to place a child at a qualified residential treatment facility under section 260C.007,  
78.24 subdivision 21a, and the child's assessment under section 260C.704 recommends placing  
78.25 the child in a qualified residential treatment facility, the agency shall place the child at a  
78.26 qualified residential facility. Within 60 days of placing the child at a qualified residential  
78.27 treatment facility, the agency must obtain a court order finding that the child's placement  
78.28 is appropriate and meets the child's individualized needs.

78.29 **Subd. 2. Qualified residential treatment program; agency report to court.** (a) The  
78.30 responsible social services agency shall file a written report with the court after receiving  
78.31 the qualified individual's assessment as specified in section 260C.704 prior to the child's  
78.32 placement or within 35 days of the date of the child's placement in a qualified residential  
78.33 treatment facility. The written report shall contain or have attached:

- 79.1 (1) the child's name, date of birth, race, gender, and current address;
- 79.2 (2) the names, races, dates of birth, residence, and post office address of the child's  
79.3 parents or legal custodian, or guardian;
- 79.4 (3) the name and address of the qualified residential treatment program, including a  
79.5 chief administrator of the facility;
- 79.6 (4) a statement of the facts that necessitated the child's foster care placement;
- 79.7 (5) the child's out-of-home placement plan under section 260C.212, subdivision 1,  
79.8 including the requirements in section 260C.708;
- 79.9 (6) if the child is placed in an out-of-state qualified residential treatment program, the  
79.10 compelling reasons why the child's needs cannot be met by an in-state placement;
- 79.11 (7) the qualified individual's assessment of the child under section 260C.704, paragraph  
79.12 (c), in a format approved by the commissioner;
- 79.13 (8) if, at the time required for the report under this subdivision, the child's parent or legal  
79.14 guardian, a child who is ten years of age or older, the family and permanency team, or a  
79.15 tribe disagrees with the recommended qualified residential treatment program placement,  
79.16 the agency shall include information regarding the disagreement, and to the extent possible,  
79.17 the basis for the disagreement in the report;
- 79.18 (9) any other information that the responsible social services agency, child's parent, legal  
79.19 custodian or guardian, child, or in the case of an Indian child, tribe would like the court to  
79.20 consider; and
- 79.21 (10) the agency shall file the written report with the court and serve on the parties a  
79.22 request for a hearing or a court order without a hearing.
- 79.23 (b) The agency must inform the child's parent or legal guardian and a child who is ten  
79.24 years of age or older of the court review requirements of this section and the child's and  
79.25 child's parent's or legal guardian's right to submit information to the court:
- 79.26 (1) the agency must inform the child's parent or legal guardian and a child who is ten  
79.27 years of age or older of the reporting date and the date by which the agency must receive  
79.28 information from the child and child's parent so that the agency is able to submit the report  
79.29 required by this subdivision to the court;
- 79.30 (2) the agency must inform the child's parent or legal guardian and a child who is ten  
79.31 years of age or older that the court will hold a hearing upon the request of the child or the  
79.32 child's parent; and

80.1 (3) the agency must inform the child's parent or legal guardian and a child who is ten  
80.2 years of age or older that they have the right to request a hearing and the right to present  
80.3 information to the court for the court's review under this subdivision.

80.4 Subd. 3. **Court hearing.** (a) The court shall hold a hearing when a party or a child who  
80.5 is ten years of age or older requests a hearing.

80.6 (b) In all other circumstances, the court has the discretion to hold a hearing or issue an  
80.7 order without a hearing.

80.8 Subd. 4. **Court findings and order.** (a) Within 60 days from the beginning of each  
80.9 placement in a qualified residential treatment program when the qualified individual's  
80.10 assessment of the child recommends placing the child in a qualified residential treatment  
80.11 program, the court must consider the qualified individual's assessment of the child under  
80.12 section 260C.704 and issue an order to:

80.13 ~~(1) consider the qualified individual's assessment of whether it is necessary and~~  
80.14 ~~appropriate to place the child in a qualified residential treatment program under section~~  
80.15 ~~260C.704;~~

80.16 ~~(2)~~ (1) determine whether a family foster home can meet the child's needs, whether it is  
80.17 necessary and appropriate to place a child in a qualified residential treatment program that  
80.18 is the least restrictive environment possible, and whether the child's placement is consistent  
80.19 with the child's short and long term goals as specified in the permanency plan; and

80.20 ~~(3)~~ (2) approve or disapprove of the child's placement.

80.21 ~~(b) In the out-of-home placement plan, the agency must document the court's approval~~  
80.22 ~~or disapproval of the placement, as specified in section 260C.708. If the court disapproves~~  
80.23 ~~of the child's placement in a qualified residential treatment program, the responsible social~~  
80.24 ~~services agency shall: (1) remove the child from the qualified residential treatment program~~  
80.25 ~~within 30 days of the court's order; and (2) make a plan for the child's placement that is~~  
80.26 ~~consistent with the child's best interests under section 260C.212, subdivision 2.~~

80.27 Subd. 5. **Court review and approval not required.** When the responsible social services  
80.28 agency has legal authority to place a child under section 260C.007, subdivision 21a, and  
80.29 the qualified individual's assessment of the child does not recommend placing the child in  
80.30 a qualified residential treatment program, the court is not required to hold a hearing and the  
80.31 court is not required to issue an order. Pursuant to section 260C.704, paragraph (f), the  
80.32 responsible social services agency shall make a plan for the child's placement consistent  
80.33 with the child's best interests under section 260C.212, subdivision 2. The agency must file

81.1 the agency's assessment determination for the child with the court at the next required  
81.2 hearing.

81.3 **EFFECTIVE DATE.** This section is effective September 30, 2021.

81.4 Sec. 25. Minnesota Statutes 2020, section 260C.712, is amended to read:

81.5 **260C.712 ONGOING REVIEWS AND PERMANENCY HEARING**  
81.6 **REQUIREMENTS.**

81.7 As long as a child remains placed in a qualified residential treatment program, the  
81.8 responsible social services agency shall submit evidence at each administrative review under  
81.9 section 260C.203; each court review under sections 260C.202, 260C.203, ~~and~~ 260C.204,  
81.10 260D.06, 260D.07, and 260D.08; and each permanency hearing under section 260C.515,  
81.11 260C.519, ~~or~~ 260C.521, or 260D.07 that:

81.12 (1) demonstrates that an ongoing assessment of the strengths and needs of the child  
81.13 continues to support the determination that the child's needs cannot be met through placement  
81.14 in a family foster home;

81.15 (2) demonstrates that the placement of the child in a qualified residential treatment  
81.16 program provides the most effective and appropriate level of care for the child in the least  
81.17 restrictive environment;

81.18 (3) demonstrates how the placement is consistent with the short-term and long-term  
81.19 goals for the child, as specified in the child's permanency plan;

81.20 (4) documents how the child's specific treatment or service needs will be met in the  
81.21 placement;

81.22 (5) documents the length of time that the agency expects the child to need treatment or  
81.23 services; ~~and~~

81.24 (6) documents the responsible social services agency's efforts to prepare the child to  
81.25 return home or to be placed with a fit and willing relative, legal guardian, adoptive parent,  
81.26 or foster family; and

81.27 (7) if the child is placed in a qualified residential treatment program out-of-state, the  
81.28 compelling reasons for placing the child out-of-state and the reasons that the child's needs  
81.29 cannot be met by an in-state placement.

81.30 **EFFECTIVE DATE.** This section is effective September 30, 2021.

82.1 Sec. 26. Minnesota Statutes 2020, section 260C.714, is amended to read:

82.2 **260C.714 REVIEW OF EXTENDED QUALIFIED RESIDENTIAL TREATMENT**  
82.3 **PROGRAM PLACEMENTS.**

82.4 (a) When a responsible social services agency places a child in a qualified residential  
82.5 treatment program for more than 12 consecutive months or 18 nonconsecutive months or,  
82.6 in the case of a child who is under 13 years of age, for more than six consecutive or  
82.7 nonconsecutive months, the agency must submit: (1) the signed approval by the county  
82.8 social services director of the responsible social services agency; and (2) the evidence  
82.9 supporting the child's placement at the most recent court review or permanency hearing  
82.10 under section 260C.712, ~~paragraph (b)~~.

82.11 (b) The commissioner shall specify the procedures and requirements for the agency's  
82.12 review and approval of a child's extended qualified residential treatment program placement.  
82.13 The commissioner may consult with counties, tribes, child-placing agencies, mental health  
82.14 providers, licensed facilities, the child, the child's parents, and the family and permanency  
82.15 team members to develop case plan requirements and engage in periodic reviews of the  
82.16 case plan.

82.17 **EFFECTIVE DATE.** This section is effective September 30, 2021.

82.18 Sec. 27. Minnesota Statutes 2020, section 260D.01, is amended to read:

82.19 **260D.01 CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

82.20 (a) Sections 260D.01 to 260D.10, may be cited as the "child in voluntary foster care for  
82.21 treatment" provisions of the Juvenile Court Act.

82.22 (b) The juvenile court has original and exclusive jurisdiction over a child in voluntary  
82.23 foster care for treatment upon the filing of a report or petition required under this chapter.  
82.24 All obligations of the responsible social services agency to a child and family in foster care  
82.25 contained in chapter 260C not inconsistent with this chapter are also obligations of the  
82.26 agency with regard to a child in foster care for treatment under this chapter.

82.27 (c) This chapter shall be construed consistently with the mission of the children's mental  
82.28 health service system as set out in section 245.487, subdivision 3, and the duties of an agency  
82.29 under sections 256B.092 and 260C.157 and Minnesota Rules, parts 9525.0004 to 9525.0016,  
82.30 to meet the needs of a child with a developmental disability or related condition. This  
82.31 chapter:

83.1 (1) establishes voluntary foster care through a voluntary foster care agreement as the  
83.2 means for an agency and a parent to provide needed treatment when the child must be in  
83.3 foster care to receive necessary treatment for an emotional disturbance or developmental  
83.4 disability or related condition;

83.5 (2) establishes court review requirements for a child in voluntary foster care for treatment  
83.6 due to emotional disturbance or developmental disability or a related condition;

83.7 (3) establishes the ongoing responsibility of the parent as legal custodian to visit the  
83.8 child, to plan together with the agency for the child's treatment needs, to be available and  
83.9 accessible to the agency to make treatment decisions, and to obtain necessary medical,  
83.10 dental, and other care for the child; ~~and~~

83.11 (4) applies to voluntary foster care when the child's parent and the agency agree that the  
83.12 child's treatment needs require foster care either:

83.13 (i) due to a level of care determination by the agency's screening team informed by the  
83.14 child's diagnostic and functional assessment under section 245.4885; or

83.15 (ii) due to a determination regarding the level of services needed by the child by the  
83.16 responsible social services' services agency's screening team under section 256B.092, and  
83.17 Minnesota Rules, parts 9525.0004 to 9525.0016-; and

83.18 (5) includes the requirements for a child's placement in sections 260C.70 to 260C.714,  
83.19 when the juvenile treatment screening team recommends placing a child in a qualified  
83.20 residential treatment program, except as modified by this chapter.

83.21 (d) This chapter does not apply when there is a current determination under chapter  
83.22 260E that the child requires child protective services or when the child is in foster care for  
83.23 any reason other than treatment for the child's emotional disturbance or developmental  
83.24 disability or related condition. When there is a determination under chapter 260E that the  
83.25 child requires child protective services based on an assessment that there are safety and risk  
83.26 issues for the child that have not been mitigated through the parent's engagement in services  
83.27 or otherwise, or when the child is in foster care for any reason other than the child's emotional  
83.28 disturbance or developmental disability or related condition, the provisions of chapter 260C  
83.29 apply.

83.30 (e) The paramount consideration in all proceedings concerning a child in voluntary foster  
83.31 care for treatment is the safety, health, and the best interests of the child. The purpose of  
83.32 this chapter is:

84.1 (1) to ensure that a child with a disability is provided the services necessary to treat or  
84.2 ameliorate the symptoms of the child's disability;

84.3 (2) to preserve and strengthen the child's family ties whenever possible and in the child's  
84.4 best interests, approving the child's placement away from the child's parents only when the  
84.5 child's need for care or treatment requires ~~it~~ out-of-home placement and the child cannot  
84.6 be maintained in the home of the parent; and

84.7 (3) to ensure that the child's parent retains legal custody of the child and associated  
84.8 decision-making authority unless the child's parent willfully fails or is unable to make  
84.9 decisions that meet the child's safety, health, and best interests. The court may not find that  
84.10 the parent willfully fails or is unable to make decisions that meet the child's needs solely  
84.11 because the parent disagrees with the agency's choice of foster care facility, unless the  
84.12 agency files a petition under chapter 260C, and establishes by clear and convincing evidence  
84.13 that the child is in need of protection or services.

84.14 (f) The legal parent-child relationship shall be supported under this chapter by maintaining  
84.15 the parent's legal authority and responsibility for ongoing planning for the child and by the  
84.16 agency's assisting the parent, ~~where~~ when necessary, to exercise the parent's ongoing right  
84.17 and obligation to visit or to have reasonable contact with the child. Ongoing planning means:

84.18 (1) actively participating in the planning and provision of educational services, medical,  
84.19 and dental care for the child;

84.20 (2) actively planning and participating with the agency and the foster care facility for  
84.21 the child's treatment needs; ~~and~~

84.22 (3) planning to meet the child's need for safety, stability, and permanency, and the child's  
84.23 need to stay connected to the child's family and community;

84.24 (4) engaging with the responsible social services agency to ensure that the family and  
84.25 permanency team under section 260C.706 consists of appropriate family members. For  
84.26 purposes of voluntary placement of a child in foster care for treatment under chapter 260D,  
84.27 prior to forming the child's family and permanency team, the responsible social services  
84.28 agency must consult with the child's parent or legal guardian, the child if the child is 14  
84.29 years of age or older, and, if applicable, the child's tribe to obtain recommendations regarding  
84.30 which individuals to include on the team and to ensure that the team is family-centered and  
84.31 will act in the child's best interests. If the child, child's parents, or legal guardians raise  
84.32 concerns about specific relatives or professionals, the team should not include those  
84.33 individuals unless the individual is a treating professional or an important connection to the  
84.34 youth as outlined in the case or crisis plan; and

85.1 (5) For a voluntary placement under this chapter in a qualified residential treatment  
85.2 program, as defined in section 260C.007, subdivision 26d, for purposes of engaging in a  
85.3 relative search as provided in section 260C.221, the county agency must consult with the  
85.4 child's parent or legal guardian, the child if the child is 14 years of age or older, and, if  
85.5 applicable, the child's tribe to obtain recommendations regarding which adult relatives the  
85.6 county agency should notify. If the child, child's parents, or legal guardians raise concerns  
85.7 about specific relatives, the county agency should not notify those relatives.

85.8 (g) The provisions of section 260.012 to ensure placement prevention, family  
85.9 reunification, and all active and reasonable effort requirements of that section apply. This  
85.10 chapter shall be construed consistently with the requirements of the Indian Child Welfare  
85.11 Act of 1978, United States Code, title 25, section 1901, et al., and the provisions of the  
85.12 Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

85.13 **EFFECTIVE DATE.** This section is effective September 30, 2021.

85.14 Sec. 28. Minnesota Statutes 2020, section 260D.05, is amended to read:

85.15 **260D.05 ADMINISTRATIVE REVIEW OF CHILD IN VOLUNTARY FOSTER**  
85.16 **CARE FOR TREATMENT.**

85.17 The administrative reviews required under section 260C.203 must be conducted for a  
85.18 child in voluntary foster care for treatment, except that the initial administrative review  
85.19 must take place prior to the submission of the report to the court required under section  
85.20 260D.06, subdivision 2. When a child is placed in a qualified residential treatment program  
85.21 as defined in section 260C.007, subdivision 26d, the responsible social services agency  
85.22 must submit evidence to the court as specified in section 260C.712.

85.23 **EFFECTIVE DATE.** This section is effective September 30, 2021.

85.24 Sec. 29. Minnesota Statutes 2020, section 260D.06, subdivision 2, is amended to read:

85.25 Subd. 2. **Agency report to court; court review.** The agency shall obtain judicial review  
85.26 by reporting to the court according to the following procedures:

85.27 (a) A written report shall be forwarded to the court within 165 days of the date of the  
85.28 voluntary placement agreement. The written report shall contain or have attached:

85.29 (1) a statement of facts that necessitate the child's foster care placement;

85.30 (2) the child's name, date of birth, race, gender, and current address;

86.1 (3) the names, race, date of birth, residence, and post office addresses of the child's  
86.2 parents or legal custodian;

86.3 (4) a statement regarding the child's eligibility for membership or enrollment in an Indian  
86.4 tribe and the agency's compliance with applicable provisions of sections 260.751 to 260.835;

86.5 (5) the names and addresses of the foster parents or chief administrator of the facility in  
86.6 which the child is placed, if the child is not in a family foster home or group home;

86.7 (6) a copy of the out-of-home placement plan required under section 260C.212,  
86.8 subdivision 1;

86.9 (7) a written summary of the proceedings of any administrative review required under  
86.10 section 260C.203; ~~and~~

86.11 (8) evidence as specified in section 260C.712 when a child is placed in a qualified  
86.12 residential treatment program as defined in section 260C.007, subdivision 26d; and

86.13 (9) any other information the agency, parent or legal custodian, the child or the foster  
86.14 parent, or other residential facility wants the court to consider.

86.15 (b) In the case of a child in placement due to emotional disturbance, the written report  
86.16 shall include as an attachment, the child's individual treatment plan developed by the child's  
86.17 treatment professional, as provided in section 245.4871, subdivision 21, or the child's  
86.18 standard written plan, as provided in section 125A.023, subdivision 3, paragraph (e).

86.19 (c) In the case of a child in placement due to developmental disability or a related  
86.20 condition, the written report shall include as an attachment, the child's individual service  
86.21 plan, as provided in section 256B.092, subdivision 1b; the child's individual program plan,  
86.22 as provided in Minnesota Rules, part 9525.0004, subpart 11; the child's waiver care plan;  
86.23 or the child's standard written plan, as provided in section 125A.023, subdivision 3, paragraph  
86.24 (e).

86.25 (d) The agency must inform the child, age 12 or older, the child's parent, and the foster  
86.26 parent or foster care facility of the reporting and court review requirements of this section  
86.27 and of their right to submit information to the court:

86.28 (1) if the child or the child's parent or the foster care provider wants to send information  
86.29 to the court, the agency shall advise those persons of the reporting date and the date by  
86.30 which the agency must receive the information they want forwarded to the court so the  
86.31 agency is timely able submit it with the agency's report required under this subdivision;

87.1 (2) the agency must also inform the child, age 12 or older, the child's parent, and the  
87.2 foster care facility that they have the right to be heard in person by the court and how to  
87.3 exercise that right;

87.4 (3) the agency must also inform the child, age 12 or older, the child's parent, and the  
87.5 foster care provider that an in-court hearing will be held if requested by the child, the parent,  
87.6 or the foster care provider; and

87.7 (4) if, at the time required for the report under this section, a child, age 12 or older,  
87.8 disagrees about the foster care facility or services provided under the out-of-home placement  
87.9 plan required under section 260C.212, subdivision 1, the agency shall include information  
87.10 regarding the child's disagreement, and to the extent possible, the basis for the child's  
87.11 disagreement in the report required under this section.

87.12 (e) After receiving the required report, the court has jurisdiction to make the following  
87.13 determinations and must do so within ten days of receiving the forwarded report, whether  
87.14 a hearing is requested:

87.15 (1) whether the voluntary foster care arrangement is in the child's best interests;

87.16 (2) whether the parent and agency are appropriately planning for the child; and

87.17 (3) in the case of a child age 12 or older, who disagrees with the foster care facility or  
87.18 services provided under the out-of-home placement plan, whether it is appropriate to appoint  
87.19 counsel and a guardian ad litem for the child using standards and procedures under section  
87.20 260C.163.

87.21 (f) Unless requested by a parent, representative of the foster care facility, or the child,  
87.22 no in-court hearing is required in order for the court to make findings and issue an order as  
87.23 required in paragraph (e).

87.24 (g) If the court finds the voluntary foster care arrangement is in the child's best interests  
87.25 and that the agency and parent are appropriately planning for the child, the court shall issue  
87.26 an order containing explicit, individualized findings to support its determination. The  
87.27 individualized findings shall be based on the agency's written report and other materials  
87.28 submitted to the court. The court may make this determination notwithstanding the child's  
87.29 disagreement, if any, reported under paragraph (d).

87.30 (h) The court shall send a copy of the order to the county attorney, the agency, parent,  
87.31 child, age 12 or older, and the foster parent or foster care facility.

88.1 (i) The court shall also send the parent, the child, age 12 or older, the foster parent, or  
88.2 representative of the foster care facility notice of the permanency review hearing required  
88.3 under section 260D.07, paragraph (e).

88.4 (j) If the court finds continuing the voluntary foster care arrangement is not in the child's  
88.5 best interests or that the agency or the parent are not appropriately planning for the child,  
88.6 the court shall notify the agency, the parent, the foster parent or foster care facility, the child,  
88.7 age 12 or older, and the county attorney of the court's determinations and the basis for the  
88.8 court's determinations. In this case, the court shall set the matter for hearing and appoint a  
88.9 guardian ad litem for the child under section 260C.163, subdivision 5.

88.10 **EFFECTIVE DATE.** This section is effective September 30, 2021.

88.11 Sec. 30. Minnesota Statutes 2020, section 260D.07, is amended to read:

88.12 **260D.07 REQUIRED PERMANENCY REVIEW HEARING.**

88.13 (a) When the court has found that the voluntary arrangement is in the child's best interests  
88.14 and that the agency and parent are appropriately planning for the child pursuant to the report  
88.15 submitted under section 260D.06, and the child continues in voluntary foster care as defined  
88.16 in section 260D.02, subdivision 10, for 13 months from the date of the voluntary foster care  
88.17 agreement, or has been in placement for 15 of the last 22 months, the agency must:

88.18 (1) terminate the voluntary foster care agreement and return the child home; or

88.19 (2) determine whether there are compelling reasons to continue the voluntary foster care  
88.20 arrangement and, if the agency determines there are compelling reasons, seek judicial  
88.21 approval of its determination; or

88.22 (3) file a petition for the termination of parental rights.

88.23 (b) When the agency is asking for the court's approval of its determination that there are  
88.24 compelling reasons to continue the child in the voluntary foster care arrangement, the agency  
88.25 shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care  
88.26 for Treatment" and ask the court to proceed under this section.

88.27 (c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster Care  
88.28 for Treatment" shall be drafted or approved by the county attorney and be under oath. The  
88.29 petition shall include:

88.30 (1) the date of the voluntary placement agreement;

88.31 (2) whether the petition is due to the child's developmental disability or emotional  
88.32 disturbance;

- 89.1 (3) the plan for the ongoing care of the child and the parent's participation in the plan;
- 89.2 (4) a description of the parent's visitation and contact with the child;
- 89.3 (5) the date of the court finding that the foster care placement was in the best interests
- 89.4 of the child, if required under section 260D.06, or the date the agency filed the motion under
- 89.5 section 260D.09, paragraph (b);
- 89.6 (6) the agency's reasonable efforts to finalize the permanent plan for the child, including
- 89.7 returning the child to the care of the child's family; ~~and~~
- 89.8 (7) a citation to this chapter as the basis for the petition; and
- 89.9 (8) evidence as specified in section 260C.712 when a child is placed in a qualified
- 89.10 residential treatment program as defined in section 260C.007, subdivision 26d.
- 89.11 (d) An updated copy of the out-of-home placement plan required under section 260C.212,
- 89.12 subdivision 1, shall be filed with the petition.
- 89.13 (e) The court shall set the date for the permanency review hearing no later than 14 months
- 89.14 after the child has been in placement or within 30 days of the petition filing date when the
- 89.15 child has been in placement 15 of the last 22 months. The court shall serve the petition
- 89.16 together with a notice of hearing by United States mail on the parent, the child age 12 or
- 89.17 older, the child's guardian ad litem, if one has been appointed, the agency, the county
- 89.18 attorney, and counsel for any party.
- 89.19 (f) The court shall conduct the permanency review hearing on the petition no later than
- 89.20 14 months after the date of the voluntary placement agreement, within 30 days of the filing
- 89.21 of the petition when the child has been in placement 15 of the last 22 months, or within 15
- 89.22 days of a motion to terminate jurisdiction and to dismiss an order for foster care under
- 89.23 chapter 260C, as provided in section 260D.09, paragraph (b).
- 89.24 (g) At the permanency review hearing, the court shall:
- 89.25 (1) inquire of the parent if the parent has reviewed the "Petition for Permanency Review
- 89.26 Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is accurate,
- 89.27 and whether the parent agrees to the continued voluntary foster care arrangement as being
- 89.28 in the child's best interests;
- 89.29 (2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts to
- 89.30 finalize the permanent plan for the child, including whether there are services available and
- 89.31 accessible to the parent that might allow the child to safely be with the child's family;
- 89.32 (3) inquire of the parent if the parent consents to the court entering an order that:

90.1 (i) approves the responsible agency's reasonable efforts to finalize the permanent plan  
90.2 for the child, which includes ongoing future planning for the safety, health, and best interests  
90.3 of the child; and

90.4 (ii) approves the responsible agency's determination that there are compelling reasons  
90.5 why the continued voluntary foster care arrangement is in the child's best interests; and

90.6 (4) inquire of the child's guardian ad litem and any other party whether the guardian or  
90.7 the party agrees that:

90.8 (i) the court should approve the responsible agency's reasonable efforts to finalize the  
90.9 permanent plan for the child, which includes ongoing and future planning for the safety,  
90.10 health, and best interests of the child; and

90.11 (ii) the court should approve of the responsible agency's determination that there are  
90.12 compelling reasons why the continued voluntary foster care arrangement is in the child's  
90.13 best interests.

90.14 (h) At a permanency review hearing under this section, the court may take the following  
90.15 actions based on the contents of the sworn petition and the consent of the parent:

90.16 (1) approve the agency's compelling reasons that the voluntary foster care arrangement  
90.17 is in the best interests of the child; and

90.18 (2) find that the agency has made reasonable efforts to finalize the permanent plan for  
90.19 the child.

90.20 (i) A child, age 12 or older, may object to the agency's request that the court approve its  
90.21 compelling reasons for the continued voluntary arrangement and may be heard on the reasons  
90.22 for the objection. Notwithstanding the child's objection, the court may approve the agency's  
90.23 compelling reasons and the voluntary arrangement.

90.24 (j) If the court does not approve the voluntary arrangement after hearing from the child  
90.25 or the child's guardian ad litem, the court shall dismiss the petition. In this case, either:

90.26 (1) the child must be returned to the care of the parent; or

90.27 (2) the agency must file a petition under section 260C.141, asking for appropriate relief  
90.28 under sections 260C.301 or 260C.503 to 260C.521.

90.29 (k) When the court approves the agency's compelling reasons for the child to continue  
90.30 in voluntary foster care for treatment, and finds that the agency has made reasonable efforts  
90.31 to finalize a permanent plan for the child, the court shall approve the continued voluntary

91.1 foster care arrangement, and continue the matter under the court's jurisdiction for the purposes  
91.2 of reviewing the child's placement every 12 months while the child is in foster care.

91.3 (l) A finding that the court approves the continued voluntary placement means the agency  
91.4 has continued legal authority to place the child while a voluntary placement agreement  
91.5 remains in effect. The parent or the agency may terminate a voluntary agreement as provided  
91.6 in section 260D.10. Termination of a voluntary foster care placement of an Indian child is  
91.7 governed by section 260.765, subdivision 4.

91.8 **EFFECTIVE DATE.** This section is effective September 30, 2021.

91.9 Sec. 31. Minnesota Statutes 2020, section 260D.08, is amended to read:

91.10 **260D.08 ANNUAL REVIEW.**

91.11 (a) After the court conducts a permanency review hearing under section 260D.07, the  
91.12 matter must be returned to the court for further review of the responsible social services  
91.13 reasonable efforts to finalize the permanent plan for the child and the child's foster care  
91.14 placement at least every 12 months while the child is in foster care. The court shall give  
91.15 notice to the parent and child, age 12 or older, and the foster parents of the continued review  
91.16 requirements under this section at the permanency review hearing.

91.17 (b) Every 12 months, the court shall determine whether the agency made reasonable  
91.18 efforts to finalize the permanency plan for the child, which means the exercise of due  
91.19 diligence by the agency to:

91.20 (1) ensure that the agreement for voluntary foster care is the most appropriate legal  
91.21 arrangement to meet the child's safety, health, and best interests and to conduct a genuine  
91.22 examination of whether there is another permanency disposition order under chapter 260C,  
91.23 including returning the child home, that would better serve the child's need for a stable and  
91.24 permanent home;

91.25 (2) engage and support the parent in continued involvement in planning and decision  
91.26 making for the needs of the child;

91.27 (3) strengthen the child's ties to the parent, relatives, and community;

91.28 (4) implement the out-of-home placement plan required under section 260C.212,  
91.29 subdivision 1, and ensure that the plan requires the provision of appropriate services to  
91.30 address the physical health, mental health, and educational needs of the child; ~~and~~

92.1 (5) submit evidence to the court as specified in section 260C.712 when a child is placed  
 92.2 in a qualified residential treatment program setting as defined in section 260C.007,  
 92.3 subdivision 26d; and

92.4 ~~(5)~~ (6) ensure appropriate planning for the child's safe, permanent, and independent  
 92.5 living arrangement after the child's 18th birthday.

92.6 **EFFECTIVE DATE.** This section is effective September 30, 2021.

92.7 Sec. 32. Minnesota Statutes 2020, section 260D.14, is amended to read:

92.8 **260D.14 SUCCESSFUL TRANSITION TO ADULTHOOD FOR CHILDREN**  
 92.9 **YOUTH IN VOLUNTARY PLACEMENT.**

92.10 Subdivision 1. **Case planning.** When ~~the child~~ a youth is 14 years of age or older, the  
 92.11 responsible social services agency shall ensure that a child youth in foster care under this  
 92.12 chapter is provided with the case plan requirements in section 260C.212, subdivisions 1  
 92.13 and 14.

92.14 Subd. 2. **Notification.** The responsible social services agency shall provide a youth with  
 92.15 ~~written notice of the right to continued access to services for certain children in foster care~~  
 92.16 ~~past 18 years of age under section 260C.452, subdivision 3~~ foster care benefits that a youth  
 92.17 who is 18 years of age or older may continue to receive according to section 260C.451,  
 92.18 subdivision 1, and of the right to appeal a denial of social services under section 256.045.  
 92.19 The notice must be provided to the ~~child~~ youth six months before the ~~child's~~ youth's 18th  
 92.20 birthday.

92.21 Subd. 3. **Administrative or court reviews.** When ~~the child~~ a youth is ~~17~~ 14 years of  
 92.22 age or older, the administrative review or court hearing must include a review of the  
 92.23 responsible social services agency's support for the ~~child's~~ youth's successful transition to  
 92.24 adulthood as required in section 260C.452, subdivision 4.

92.25 **EFFECTIVE DATE.** This section is effective July 1, 2021.

92.26 Sec. 33. Minnesota Statutes 2020, section 260E.06, subdivision 1, is amended to read:

92.27 Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe  
 92.28 a child is being maltreated, as defined in section 260E.03, or has been maltreated within  
 92.29 the preceding three years shall immediately report the information to the local welfare  
 92.30 agency, agency responsible for assessing or investigating the report, police department,  
 92.31 county sheriff, tribal social services agency, or tribal police department if the person is:

93.1 (1) a professional or professional's delegate who is engaged in the practice of the healing  
93.2 arts, social services, hospital administration, psychological or psychiatric treatment, child  
93.3 care, education, correctional supervision, probation and correctional services, or law  
93.4 enforcement; ~~or~~

93.5 (2) employed as a member of the clergy and received the information while engaged in  
93.6 ministerial duties, provided that a member of the clergy is not required by this subdivision  
93.7 to report information that is otherwise privileged under section 595.02, subdivision 1,  
93.8 paragraph (c); or

93.9 (3) an owner, administrator, or employee who is 18 years of age or older of a public or  
93.10 private youth recreation program or other organization that provides services or activities  
93.11 requiring face-to-face contact with and supervision of children.

93.12 (b) "Practice of social services" for the purposes of this subdivision includes but is not  
93.13 limited to employee assistance counseling and the provision of guardian ad litem and  
93.14 parenting time expeditor services.

93.15 Sec. 34. Minnesota Statutes 2020, section 260E.20, subdivision 2, is amended to read:

93.16 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare  
93.17 agency shall conduct a face-to-face contact with the child reported to be maltreated and  
93.18 with the child's primary caregiver sufficient to complete a safety assessment and ensure the  
93.19 immediate safety of the child.

93.20 (b) ~~The~~ Face-to-face contact with the child and primary caregiver shall occur immediately  
93.21 if sexual abuse or substantial child endangerment is alleged and within five calendar days  
93.22 for all other reports. If the alleged offender was not already interviewed as the primary  
93.23 caregiver, the local welfare agency shall also conduct a face-to-face interview with the  
93.24 alleged offender in the early stages of the assessment or investigation. Face-to-face contact  
93.25 with the child and primary caregiver in response to a report alleging sexual abuse or  
93.26 substantial child endangerment may be postponed for no more than five calendar days if  
93.27 the child is residing in a location that is confirmed to restrict contact with the alleged offender  
93.28 as established in guidelines issued by the commissioner, or if the local welfare agency is  
93.29 pursuing a court order for the child's caregiver to produce the child for questioning under  
93.30 section 260E.22, subdivision 5.

93.31 (c) At the initial contact with the alleged offender, the local welfare agency or the agency  
93.32 responsible for assessing or investigating the report must inform the alleged offender of the  
93.33 complaints or allegations made against the individual in a manner consistent with laws

94.1 protecting the rights of the person who made the report. The interview with the alleged  
94.2 offender may be postponed if it would jeopardize an active law enforcement investigation.

94.3 (d) The local welfare agency or the agency responsible for assessing or investigating  
94.4 the report must provide the alleged offender with an opportunity to make a statement. The  
94.5 alleged offender may submit supporting documentation relevant to the assessment or  
94.6 investigation.

94.7 Sec. 35. Minnesota Statutes 2020, section 260E.31, subdivision 1, is amended to read:

94.8 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person  
94.9 mandated to report under this chapter shall immediately report to the local welfare agency  
94.10 if the person knows or has reason to believe that a woman is pregnant and has used a  
94.11 controlled substance for a nonmedical purpose during the pregnancy, including but not  
94.12 limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy  
94.13 in any way that is habitual or excessive.

94.14 (b) A health care professional or a social service professional who is mandated to report  
94.15 under this chapter is exempt from reporting under paragraph (a) ~~a woman's use or~~  
94.16 ~~consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy~~ if the  
94.17 professional is providing or collaborating with other professionals to provide the woman  
94.18 with prenatal care, postpartum care, or other health care services, including care of the  
94.19 woman's infant. If the woman does not continue to receive regular prenatal or postpartum  
94.20 care, after the woman's health care professional has made attempts to contact the woman,  
94.21 then the professional is required to report under paragraph (a).

94.22 (c) Any person may make a voluntary report if the person knows or has reason to believe  
94.23 that a woman is pregnant and has used a controlled substance for a nonmedical purpose  
94.24 during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed  
94.25 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

94.26 (d) An oral report shall be made immediately by telephone or otherwise. An oral report  
94.27 made by a person required to report shall be followed within 72 hours, exclusive of weekends  
94.28 and holidays, by a report in writing to the local welfare agency. Any report shall be of  
94.29 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,  
94.30 and the name and address of the reporter. The local welfare agency shall accept a report  
94.31 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the  
94.32 reporter's name or address as long as the report is otherwise sufficient.

95.1 (e) For purposes of this section, "prenatal care" means the comprehensive package of  
95.2 medical and psychological support provided throughout the pregnancy.

95.3 Sec. 36. Minnesota Statutes 2020, section 260E.33, is amended by adding a subdivision  
95.4 to read:

95.5 Subd. 6a. **Notification of contested case hearing.** When an appeal of a lead investigative  
95.6 agency determination results in a contested case hearing under chapter 245A or 245C, the  
95.7 administrative law judge shall notify the parent, legal custodian, or guardian of the child  
95.8 who is the subject of the maltreatment determination. The notice must be sent by certified  
95.9 mail and inform the parent, legal custodian, or guardian of the child of the right to file a  
95.10 signed written statement in the proceedings and the right to attend and participate in the  
95.11 hearing. The parent, legal custodian, or guardian of the child may file a written statement  
95.12 with the administrative law judge hearing the case no later than five business days before  
95.13 commencement of the hearing. The administrative law judge shall include the written  
95.14 statement in the hearing record and consider the statement in deciding the appeal. The lead  
95.15 investigative agency shall provide to the administrative law judge the address of the parent,  
95.16 legal custodian, or guardian of the child. If the lead investigative agency is not reasonably  
95.17 able to determine the address of the parent, legal custodian, or guardian of the child, the  
95.18 administrative law judge is not required to send a hearing notice under this subdivision.

95.19 Sec. 37. Minnesota Statutes 2020, section 260E.36, is amended by adding a subdivision  
95.20 to read:

95.21 Subd. 1b. **Sex trafficking and sexual exploitation training requirement.** As required  
95.22 by the Child Abuse Prevention and Treatment Act amendments through Public Law 114-22  
95.23 and to implement Public Law 115-123, all child protection social workers and social services  
95.24 staff who have responsibility for child protective duties under this chapter or chapter 260C  
95.25 shall complete training implemented by the commissioner of human services regarding sex  
95.26 trafficking and sexual exploitation of children and youth.

95.27 **EFFECTIVE DATE.** This section is effective July 1, 2021.

95.28 Sec. 38. **DIRECTION TO THE COMMISSIONER; QUALIFIED RESIDENTIAL**  
95.29 **TREATMENT TRANSITION SUPPORTS.**

95.30 The commissioner of human services shall consult with stakeholders to develop policies  
95.31 regarding aftercare supports for the transition of a child from a qualified residential treatment  
95.32 program, as defined in Minnesota Statutes, section 260C.007, subdivision 26d, to

96.1 reunification with the child's parent or legal guardian, including potential placement in a  
96.2 less restrictive setting prior to reunification that aligns with the child's permanency plan and  
96.3 person-centered support plan, when applicable. The policies must be consistent with  
96.4 Minnesota Rules, part 2960.0190, and Minnesota Statutes, section 245A.25, subdivision 4,  
96.5 paragraph (i), and address the coordination of the qualified residential treatment program  
96.6 discharge planning and aftercare supports where needed, the county social services case  
96.7 plan, and services from community-based providers, to maintain the child's progress with  
96.8 behavioral health goals in the child's treatment plan. The commissioner must complete  
96.9 development of the policy guidance by December 31, 2022.

96.10 Sec. 39. **REVISOR INSTRUCTION.**

96.11 The revisor of statutes shall place the following first grade headnote in Minnesota  
96.12 Statutes, chapter 260C, preceding Minnesota Statutes, sections 260C.70 to 260C.714:  
96.13 **PLACEMENT OF CHILDREN IN QUALIFIED RESIDENTIAL TREATMENT.**

96.14 **ARTICLE 4**  
96.15 **BEHAVIORAL HEALTH**

96.16 Section 1. Minnesota Statutes 2020, section 62A.15, is amended by adding a subdivision  
96.17 to read:

96.18 Subd. 3c. **Mental health services.** All benefits provided by a policy or contract referred  
96.19 to in subdivision 1 relating to expenses incurred for mental health treatment or services  
96.20 provided by a mental health professional must also include treatment and services provided  
96.21 by a clinical trainee to the extent that the services and treatment are within the scope of  
96.22 practice of the clinical trainee according to Minnesota Rules, part 9505.0371, subpart 5,  
96.23 item C. This subdivision is intended to provide equal payment of benefits for mental health  
96.24 treatment and services provided by a mental health professional, as defined in Minnesota  
96.25 Rules, part 9505.0371, subpart 5, item A, or a clinical trainee and is not intended to change  
96.26 or add to the benefits provided for in those policies or contracts.

96.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to policies  
96.28 and contracts offered, issued, or renewed on or after that date.

96.29 Sec. 2. Minnesota Statutes 2020, section 62A.15, subdivision 4, is amended to read:

96.30 Subd. 4. **Denial of benefits.** (a) No carrier referred to in subdivision 1 may, in the  
96.31 payment of claims to employees in this state, deny benefits payable for services covered by  
96.32 the policy or contract if the services are lawfully performed by a licensed chiropractor,

97.1 licensed optometrist, a registered nurse meeting the requirements of subdivision 3a, ~~or a~~  
97.2 licensed acupuncture practitioner, or a mental health clinical trainee.

97.3 (b) When carriers referred to in subdivision 1 make claim determinations concerning  
97.4 the appropriateness, quality, or utilization of chiropractic health care for Minnesotans, any  
97.5 of these determinations that are made by health care professionals must be made by, or  
97.6 under the direction of, or subject to the review of licensed doctors of chiropractic.

97.7 (c) When a carrier referred to in subdivision 1 makes a denial of payment claim  
97.8 determination concerning the appropriateness, quality, or utilization of acupuncture services  
97.9 for individuals in this state performed by a licensed acupuncture practitioner, a denial of  
97.10 payment claim determination that is made by a health professional must be made by, under  
97.11 the direction of, or subject to the review of a licensed acupuncture practitioner.

97.12 **EFFECTIVE DATE.** This section is effective January 1, 2022.

97.13 Sec. 3. Minnesota Statutes 2020, section 144.1501, subdivision 1, is amended to read:

97.14 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions  
97.15 apply.

97.16 (b) "Advanced dental therapist" means an individual who is licensed as a dental therapist  
97.17 under section 150A.06, and who is certified as an advanced dental therapist under section  
97.18 150A.106.

97.19 (c) "Alcohol and drug counselor" means an individual who is licensed as an alcohol and  
97.20 drug counselor under chapter 148F.

97.21 ~~(d)~~ (d) "Dental therapist" means an individual who is licensed as a dental therapist under  
97.22 section 150A.06.

97.23 ~~(e)~~ (e) "Dentist" means an individual who is licensed to practice dentistry.

97.24 ~~(f)~~ (f) "Designated rural area" means a statutory and home rule charter city or township  
97.25 that is outside the seven-county metropolitan area as defined in section 473.121, subdivision  
97.26 2, excluding the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud.

97.27 ~~(g)~~ (g) "Emergency circumstances" means those conditions that make it impossible for  
97.28 the participant to fulfill the service commitment, including death, total and permanent  
97.29 disability, or temporary disability lasting more than two years.

97.30 ~~(h)~~ (h) "Mental health professional" means an individual providing clinical services in  
97.31 the treatment of mental illness who is qualified in at least one of the ways specified in section  
97.32 245.462, subdivision 18.

98.1 ~~(h)~~ (i) "Medical resident" means an individual participating in a medical residency in  
98.2 family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

98.3 ~~(i)~~ (j) "Midlevel practitioner" means a nurse practitioner, nurse-midwife, nurse anesthetist,  
98.4 advanced clinical nurse specialist, or physician assistant.

98.5 ~~(j)~~ (k) "Nurse" means an individual who has completed training and received all licensing  
98.6 or certification necessary to perform duties as a licensed practical nurse or registered nurse.

98.7 ~~(k)~~ (l) "Nurse-midwife" means a registered nurse who has graduated from a program of  
98.8 study designed to prepare registered nurses for advanced practice as nurse-midwives.

98.9 ~~(l)~~ (m) "Nurse practitioner" means a registered nurse who has graduated from a program  
98.10 of study designed to prepare registered nurses for advanced practice as nurse practitioners.

98.11 ~~(m)~~ (n) "Pharmacist" means an individual with a valid license issued under chapter 151.

98.12 ~~(n)~~ (o) "Physician" means an individual who is licensed to practice medicine in the areas  
98.13 of family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

98.14 ~~(o)~~ (p) "Physician assistant" means a person licensed under chapter 147A.

98.15 ~~(p)~~ (q) "Public health nurse" means a registered nurse licensed in Minnesota who has  
98.16 obtained a registration certificate as a public health nurse from the Board of Nursing in  
98.17 accordance with Minnesota Rules, chapter 6316.

98.18 ~~(q)~~ (r) "Qualified educational loan" means a government, commercial, or foundation  
98.19 loan for actual costs paid for tuition, reasonable education expenses, and reasonable living  
98.20 expenses related to the graduate or undergraduate education of a health care professional.

98.21 ~~(r)~~ (s) "Underserved urban community" means a Minnesota urban area or population  
98.22 included in the list of designated primary medical care health professional shortage areas  
98.23 (HPSAs), medically underserved areas (MUAs), or medically underserved populations  
98.24 (MUPs) maintained and updated by the United States Department of Health and Human  
98.25 Services.

98.26 Sec. 4. Minnesota Statutes 2020, section 144.1501, subdivision 2, is amended to read:

98.27 Subd. 2. **Creation of account.** (a) A health professional education loan forgiveness  
98.28 program account is established. The commissioner of health shall use money from the  
98.29 account to establish a loan forgiveness program:

99.1 (1) for medical residents ~~and~~, mental health professionals, and alcohol and drug  
99.2 counselors agreeing to practice in designated rural areas or underserved urban communities  
99.3 or specializing in the area of pediatric psychiatry;

99.4 (2) for midlevel practitioners agreeing to practice in designated rural areas or to teach  
99.5 at least 12 credit hours, or 720 hours per year in the nursing field in a postsecondary program  
99.6 at the undergraduate level or the equivalent at the graduate level;

99.7 (3) for nurses who agree to practice in a Minnesota nursing home; an intermediate care  
99.8 facility for persons with developmental disability; a hospital if the hospital owns and operates  
99.9 a Minnesota nursing home and a minimum of 50 percent of the hours worked by the nurse  
99.10 is in the nursing home; a housing with services establishment as defined in section 144D.01,  
99.11 subdivision 4; or for a home care provider as defined in section 144A.43, subdivision 4; or  
99.12 agree to teach at least 12 credit hours, or 720 hours per year in the nursing field in a  
99.13 postsecondary program at the undergraduate level or the equivalent at the graduate level;

99.14 (4) for other health care technicians agreeing to teach at least 12 credit hours, or 720  
99.15 hours per year in their designated field in a postsecondary program at the undergraduate  
99.16 level or the equivalent at the graduate level. The commissioner, in consultation with the  
99.17 Healthcare Education-Industry Partnership, shall determine the health care fields where the  
99.18 need is the greatest, including, but not limited to, respiratory therapy, clinical laboratory  
99.19 technology, radiologic technology, and surgical technology;

99.20 (5) for pharmacists, advanced dental therapists, dental therapists, and public health nurses  
99.21 who agree to practice in designated rural areas; and

99.22 (6) for dentists agreeing to deliver at least 25 percent of the dentist's yearly patient  
99.23 encounters to state public program enrollees or patients receiving sliding fee schedule  
99.24 discounts through a formal sliding fee schedule meeting the standards established by the  
99.25 United States Department of Health and Human Services under Code of Federal Regulations,  
99.26 title 42, section 51, chapter 303.

99.27 (b) Appropriations made to the account do not cancel and are available until expended,  
99.28 except that at the end of each biennium, any remaining balance in the account that is not  
99.29 committed by contract and not needed to fulfill existing commitments shall cancel to the  
99.30 fund.

99.31 Sec. 5. Minnesota Statutes 2020, section 144.1501, subdivision 3, is amended to read:

99.32 Subd. 3. **Eligibility.** (a) To be eligible to participate in the loan forgiveness program, an  
99.33 individual must:

100.1 (1) be a medical or dental resident; a licensed pharmacist; or be enrolled in a training or  
100.2 education program to become a dentist, dental therapist, advanced dental therapist, mental  
100.3 health professional, alcohol and drug counselor, pharmacist, public health nurse, midlevel  
100.4 practitioner, registered nurse, or a licensed practical nurse. The commissioner may also  
100.5 consider applications submitted by graduates in eligible professions who are licensed and  
100.6 in practice; and

100.7 (2) submit an application to the commissioner of health.

100.8 (b) An applicant selected to participate must sign a contract to agree to serve a minimum  
100.9 three-year full-time service obligation according to subdivision 2, which shall begin no later  
100.10 than March 31 following completion of required training, with the exception of a nurse,  
100.11 who must agree to serve a minimum two-year full-time service obligation according to  
100.12 subdivision 2, which shall begin no later than March 31 following completion of required  
100.13 training.

100.14 Sec. 6. Minnesota Statutes 2020, section 148.90, subdivision 2, is amended to read:

100.15 Subd. 2. **Members.** (a) The members of the board shall:

100.16 (1) be appointed by the governor;

100.17 (2) be residents of the state;

100.18 (3) serve for not more than two consecutive terms;

100.19 (4) designate the officers of the board; and

100.20 (5) administer oaths pertaining to the business of the board.

100.21 (b) A public member of the board shall represent the public interest and shall not:

100.22 (1) be a psychologist or have engaged in the practice of psychology;

100.23 (2) be an applicant or former applicant for licensure;

100.24 (3) be a member of another health profession and be licensed by a health-related licensing  
100.25 board as defined under section 214.01, subdivision 2; the commissioner of health; or licensed,  
100.26 certified, or registered by another jurisdiction;

100.27 (4) be a member of a household that includes a psychologist; or

100.28 (5) have conflicts of interest or the appearance of conflicts with duties as a board member.

100.29 (c) At the time of their appointments, at least two members of the board must reside  
100.30 outside of the seven-county metropolitan area.

- 101.1 (d) At the time of their appointments, at least two members of the board must be members  
101.2 of:
- 101.3 (1) a community of color; or
- 101.4 (2) an underrepresented community, defined as a group that is not represented in the  
101.5 majority with respect to race, ethnicity, national origin, sexual orientation, gender identity,  
101.6 or physical ability.

101.7 Sec. 7. Minnesota Statutes 2020, section 148.911, is amended to read:

101.8 **148.911 CONTINUING EDUCATION.**

101.9 (a) Upon application for license renewal, a licensee shall provide the board with  
101.10 satisfactory evidence that the licensee has completed continuing education requirements  
101.11 established by the board. Continuing education programs shall be approved under section  
101.12 148.905, subdivision 1, clause (10). The board shall establish by rule the number of  
101.13 continuing education training hours required each year and may specify subject or skills  
101.14 areas that the licensee shall address.

101.15 (b) At least four of the required continuing education hours must be on increasing the  
101.16 knowledge, understanding, self-awareness, and practice skills to competently address the  
101.17 psychological needs of individuals from culturally diverse socioeconomic and cultural  
101.18 backgrounds. Topics include but are not limited to:

- 101.19 (1) understanding culture, its functions, and strengths that exist in varied cultures;
- 101.20 (2) understanding clients' cultures and differences among and between cultural groups;
- 101.21 (3) understanding the nature of social diversity and oppression;
- 101.22 (4) understanding cultural humility; and
- 101.23 (5) understanding human diversity, meaning individual client differences that are  
101.24 associated with the client's cultural group, including race, ethnicity, national origin, religious  
101.25 affiliation, language, age, gender, gender identity, physical and mental capabilities, sexual  
101.26 orientation, and socioeconomic status.

101.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

101.28 Sec. 8. Minnesota Statutes 2020, section 148B.30, subdivision 1, is amended to read:

101.29 Subdivision 1. **Creation.** (a) There is created a Board of Marriage and Family Therapy  
101.30 that consists of seven members appointed by the governor. Four members shall be licensed,

102.1 practicing marriage and family therapists, each of whom shall for at least five years  
102.2 immediately preceding appointment, have been actively engaged as a marriage and family  
102.3 therapist, rendering professional services in marriage and family therapy. One member shall  
102.4 be engaged in the professional teaching and research of marriage and family therapy. Two  
102.5 members shall be representatives of the general public who have no direct affiliation with  
102.6 the practice of marriage and family therapy. All members shall have been a resident of the  
102.7 state two years preceding their appointment. Of the first board members appointed, three  
102.8 shall continue in office for two years, two members for three years, and two members,  
102.9 including the chair, for terms of four years respectively. Their successors shall be appointed  
102.10 for terms of four years each, except that a person chosen to fill a vacancy shall be appointed  
102.11 only for the unexpired term of the board member whom the newly appointed member  
102.12 succeeds. Upon the expiration of a board member's term of office, the board member shall  
102.13 continue to serve until a successor is appointed and qualified.

102.14 (b) At the time of their appointments, at least two members must reside outside of the  
102.15 seven-county metropolitan area.

102.16 (c) At the time of their appointments, at least two members must be members of:

102.17 (1) a community of color; or

102.18 (2) an underrepresented community, defined as a group that is not represented in the  
102.19 majority with respect to race, ethnicity, national origin, sexual orientation, gender identity,  
102.20 or physical ability.

102.21 Sec. 9. Minnesota Statutes 2020, section 148B.31, is amended to read:

102.22 **148B.31 DUTIES OF THE BOARD.**

102.23 (a) The board shall:

102.24 (1) adopt and enforce rules for marriage and family therapy licensing, which shall be  
102.25 designed to protect the public;

102.26 (2) develop by rule appropriate techniques, including examinations and other methods,  
102.27 for determining whether applicants and licensees are qualified under sections 148B.29 to  
102.28 148B.392;

102.29 (3) issue licenses to individuals who are qualified under sections 148B.29 to 148B.392;

102.30 (4) establish and implement procedures designed to assure that licensed marriage and  
102.31 family therapists will comply with the board's rules;

103.1 (5) study and investigate the practice of marriage and family therapy within the state in  
103.2 order to improve the standards imposed for the licensing of marriage and family therapists  
103.3 and to improve the procedures and methods used for enforcement of the board's standards;

103.4 (6) formulate and implement a code of ethics for all licensed marriage and family  
103.5 therapists; and

103.6 (7) establish continuing education requirements for marriage and family therapists.

103.7 (b) At least four of the 40 continuing education training hours required under Minnesota  
103.8 Rules, part 5300.0320, subpart 2, must be on increasing the knowledge, understanding,  
103.9 self-awareness, and practice skills that enable a marriage and family therapist to serve clients  
103.10 from diverse socioeconomic and cultural backgrounds. Topics include but are not limited  
103.11 to:

103.12 (1) understanding culture, its functions, and strengths that exist in varied cultures;

103.13 (2) understanding clients' cultures and differences among and between cultural groups;

103.14 (3) understanding the nature of social diversity and oppression; and

103.15 (4) understanding cultural humility.

103.16 **EFFECTIVE DATE.** This section is effective July 1, 2023.

103.17 Sec. 10. Minnesota Statutes 2020, section 148B.51, is amended to read:

103.18 **148B.51 BOARD OF BEHAVIORAL HEALTH AND THERAPY.**

103.19 (a) The Board of Behavioral Health and Therapy consists of 13 members appointed by  
103.20 the governor. Five of the members shall be professional counselors licensed or eligible for  
103.21 licensure under sections 148B.50 to 148B.593. Five of the members shall be alcohol and  
103.22 drug counselors licensed under chapter 148F. Three of the members shall be public members  
103.23 as defined in section 214.02. The board shall annually elect from its membership a chair  
103.24 and vice-chair. The board shall appoint and employ an executive director who is not a  
103.25 member of the board. The employment of the executive director shall be subject to the terms  
103.26 described in section 214.04, subdivision 2a. Chapter 214 applies to the Board of Behavioral  
103.27 Health and Therapy unless superseded by sections 148B.50 to 148B.593.

103.28 (b) At the time of their appointments, at least three members must reside outside of the  
103.29 seven-county metropolitan area.

103.30 (c) At the time of their appointments, at least three members must be members of:

103.31 (1) a community of color; or

104.1 (2) an underrepresented community, defined as a group that is not represented in the  
104.2 majority with respect to race, ethnicity, national origin, sexual orientation, gender identity,  
104.3 or physical ability.

104.4 Sec. 11. Minnesota Statutes 2020, section 148B.54, subdivision 2, is amended to read:

104.5 Subd. 2. **Continuing education.** (a) At the completion of the first four years of licensure,  
104.6 a licensee must provide evidence satisfactory to the board of completion of 12 additional  
104.7 postgraduate semester credit hours or its equivalent in counseling as determined by the  
104.8 board, except that no licensee shall be required to show evidence of greater than 60 semester  
104.9 hours or its equivalent. In addition to completing the requisite graduate coursework, each  
104.10 licensee shall also complete in the first four years of licensure a minimum of 40 hours of  
104.11 continuing education activities approved by the board under Minnesota Rules, part 2150.2540.  
104.12 Graduate credit hours successfully completed in the first four years of licensure may be  
104.13 applied to both the graduate credit requirement and to the requirement for 40 hours of  
104.14 continuing education activities. A licensee may receive 15 continuing education hours per  
104.15 semester credit hour or ten continuing education hours per quarter credit hour. Thereafter,  
104.16 at the time of renewal, each licensee shall provide evidence satisfactory to the board that  
104.17 the licensee has completed during each two-year period at least the equivalent of 40 clock  
104.18 hours of professional postdegree continuing education in programs approved by the board  
104.19 and continues to be qualified to practice under sections 148B.50 to 148B.593.

104.20 (b) At least four of the required 40 continuing education clock hours must be on increasing  
104.21 the knowledge, understanding, self-awareness, and practice skills that enable a licensed  
104.22 professional counselor and licensed professional clinical counselor to serve clients from  
104.23 diverse socioeconomic and cultural backgrounds. Topics include but are not limited to:

104.24 (1) understanding culture, culture's functions, and strengths that exist in varied cultures;

104.25 (2) understanding clients' cultures and differences among and between cultural groups;

104.26 (3) understanding the nature of social diversity and oppression; and

104.27 (4) understanding cultural humility.

104.28 **EFFECTIVE DATE.** This section is effective July 1, 2023.

105.1 Sec. 12. Minnesota Statutes 2020, section 148E.010, is amended by adding a subdivision  
105.2 to read:

105.3 Subd. 7f. **Cultural responsiveness.** "Cultural responsiveness" means increasing the  
105.4 knowledge, understanding, self-awareness, and practice skills that enable a social worker  
105.5 to serve clients from diverse socioeconomic and cultural backgrounds including:

105.6 (1) understanding culture, its functions, and strengths that exist in varied cultures;

105.7 (2) understanding clients' cultures and differences among and between cultural groups;

105.8 (3) understanding the nature of social diversity and oppression; and

105.9 (4) understanding cultural humility.

105.10 Sec. 13. Minnesota Statutes 2020, section 148E.130, subdivision 1, is amended to read:

105.11 Subdivision 1. **Total clock hours required.** (a) A licensee must complete 40 hours of  
105.12 continuing education for each two-year renewal term. At the time of license renewal, a  
105.13 licensee must provide evidence satisfactory to the board that the licensee has completed the  
105.14 required continuing education hours during the previous renewal term. Of the total clock  
105.15 hours required:

105.16 (1) all licensees must complete: (i) two hours in social work ethics as defined in section  
105.17 148E.010; and (ii) four hours in cultural responsiveness as defined in section 148E.010;

105.18 (2) licensed independent clinical social workers must complete 12 clock hours in one  
105.19 or more of the clinical content areas specified in section 148E.055, subdivision 5, paragraph  
105.20 (a), clause (2);

105.21 (3) licensees providing licensing supervision according to sections 148E.100 to 148E.125,  
105.22 must complete six clock hours in supervision as defined in section 148E.010; and

105.23 (4) no more than half of the required clock hours may be completed via continuing  
105.24 education independent learning as defined in section 148E.010.

105.25 (b) If the licensee's renewal term is prorated to be less or more than 24 months, the total  
105.26 number of required clock hours is prorated proportionately.

106.1 Sec. 14. Minnesota Statutes 2020, section 148E.130, is amended by adding a subdivision  
106.2 to read:

106.3 Subd. 1b. **New content clock hours required effective July 1, 2021.** (a) The content  
106.4 clock hours specified in subdivision 1, paragraph (a), clause (1), item (ii), apply to all new  
106.5 licenses issued effective July 1, 2021, under section 148E.055.

106.6 (b) Any licensee issued a license prior to July 1, 2021, under section 148E.055 must  
106.7 comply with clock hours in subdivision 1, including the content clock hours in subdivision  
106.8 1, paragraph (a), clause (1), item (ii), at the first two-year renewal term after July 1, 2021.

106.9 Sec. 15. Minnesota Statutes 2020, section 245.462, subdivision 17, is amended to read:

106.10 Subd. 17. **Mental health practitioner.** (a) "Mental health practitioner" means a person  
106.11 providing services to adults with mental illness or children with emotional disturbance who  
106.12 is qualified in at least one of the ways described in paragraphs (b) to (g). A mental health  
106.13 practitioner for a child client must have training working with children. A mental health  
106.14 practitioner for an adult client must have training working with adults.

106.15 (b) For purposes of this subdivision, a practitioner is qualified through relevant  
106.16 coursework if the practitioner completes at least 30 semester hours or 45 quarter hours in  
106.17 behavioral sciences or related fields and:

106.18 (1) has at least 2,000 hours of supervised experience in the delivery of services to adults  
106.19 or children with:

106.20 (i) mental illness, substance use disorder, or emotional disturbance; or

106.21 (ii) traumatic brain injury or developmental disabilities and completes training on mental  
106.22 illness, recovery from mental illness, mental health de-escalation techniques, co-occurring  
106.23 mental illness and substance abuse, and psychotropic medications and side effects;

106.24 (2) is fluent in the non-English language of the ethnic group to which at least 50 percent  
106.25 of the practitioner's clients belong, completes 40 hours of training in the delivery of services  
106.26 to adults with mental illness or children with emotional disturbance, and receives clinical  
106.27 supervision from a mental health professional at least once a week until the requirement of  
106.28 2,000 hours of supervised experience is met;

106.29 (3) is working in a day treatment program under section 245.4712, subdivision 2; ~~or~~

106.30 (4) has completed a practicum or internship that (i) requires direct interaction with adults  
106.31 or children served, and (ii) is focused on behavioral sciences or related fields; or

107.1 (5) is in the process of completing a practicum or internship as part of a formal  
107.2 undergraduate or graduate training program in social work, psychology, or counseling.

107.3 (c) For purposes of this subdivision, a practitioner is qualified through work experience  
107.4 if the person:

107.5 (1) has at least 4,000 hours of supervised experience in the delivery of services to adults  
107.6 or children with:

107.7 (i) mental illness, substance use disorder, or emotional disturbance; or

107.8 (ii) traumatic brain injury or developmental disabilities and completes training on mental  
107.9 illness, recovery from mental illness, mental health de-escalation techniques, co-occurring  
107.10 mental illness and substance abuse, and psychotropic medications and side effects; or

107.11 (2) has at least 2,000 hours of supervised experience in the delivery of services to adults  
107.12 or children with:

107.13 (i) mental illness, emotional disturbance, or substance use disorder, and receives clinical  
107.14 supervision as required by applicable statutes and rules from a mental health professional  
107.15 at least once a week until the requirement of 4,000 hours of supervised experience is met;  
107.16 or

107.17 (ii) traumatic brain injury or developmental disabilities; completes training on mental  
107.18 illness, recovery from mental illness, mental health de-escalation techniques, co-occurring  
107.19 mental illness and substance abuse, and psychotropic medications and side effects; and  
107.20 receives clinical supervision as required by applicable statutes and rules at least once a week  
107.21 from a mental health professional until the requirement of 4,000 hours of supervised  
107.22 experience is met.

107.23 (d) For purposes of this subdivision, a practitioner is qualified through a graduate student  
107.24 internship if the practitioner is a graduate student in behavioral sciences or related fields  
107.25 and is formally assigned by an accredited college or university to an agency or facility for  
107.26 clinical training.

107.27 (e) For purposes of this subdivision, a practitioner is qualified by a bachelor's or master's  
107.28 degree if the practitioner:

107.29 (1) holds a master's or other graduate degree in behavioral sciences or related fields; or

107.30 (2) holds a bachelor's degree in behavioral sciences or related fields and completes a  
107.31 practicum or internship that (i) requires direct interaction with adults or children served,  
107.32 and (ii) is focused on behavioral sciences or related fields.

108.1 (f) For purposes of this subdivision, a practitioner is qualified as a vendor of medical  
108.2 care if the practitioner meets the definition of vendor of medical care in section 256B.02,  
108.3 subdivision 7, paragraphs (b) and (c), and is serving a federally recognized tribe.

108.4 (g) For purposes of medical assistance coverage of diagnostic assessments, explanations  
108.5 of findings, and psychotherapy under section 256B.0625, subdivision 65, a mental health  
108.6 practitioner working as a clinical trainee means that the practitioner's clinical supervision  
108.7 experience is helping the practitioner gain knowledge and skills necessary to practice  
108.8 effectively and independently. This may include supervision of direct practice, treatment  
108.9 team collaboration, continued professional learning, and job management. The practitioner  
108.10 must also:

108.11 (1) comply with requirements for licensure or board certification as a mental health  
108.12 professional, according to the qualifications under Minnesota Rules, part 9505.0371, subpart  
108.13 5, item A, including supervised practice in the delivery of mental health services for the  
108.14 treatment of mental illness; or

108.15 (2) be a student in a bona fide field placement or internship under a program leading to  
108.16 completion of the requirements for licensure as a mental health professional according to  
108.17 the qualifications under Minnesota Rules, part 9505.0371, subpart 5, item A.

108.18 (h) For purposes of this subdivision, "behavioral sciences or related fields" has the  
108.19 meaning given in section 256B.0623, subdivision 5, paragraph (d).

108.20 (i) Notwithstanding the licensing requirements established by a health-related licensing  
108.21 board, as defined in section 214.01, subdivision 2, this subdivision supersedes any other  
108.22 statute or rule.

108.23 Sec. 16. Minnesota Statutes 2020, section 245.4876, subdivision 3, is amended to read:

108.24 Subd. 3. **Individual treatment plans.** All providers of outpatient services, day treatment  
108.25 services, professional home-based family treatment, residential treatment, and acute care  
108.26 hospital inpatient treatment, and all regional treatment centers that provide mental health  
108.27 services for children must develop an individual treatment plan for each child client. The  
108.28 individual treatment plan must be based on a diagnostic assessment. To the extent appropriate,  
108.29 the child and the child's family shall be involved in all phases of developing and  
108.30 implementing the individual treatment plan. Providers of residential treatment, professional  
108.31 home-based family treatment, and acute care hospital inpatient treatment, and regional  
108.32 treatment centers must develop the individual treatment plan within ten working days of  
108.33 client intake or admission and must review the individual treatment plan every 90 days after

109.1 intake, ~~except that the administrative review of the treatment plan of a child placed in a~~  
109.2 ~~residential facility shall be as specified in sections 260C.203 and 260C.212, subdivision 9.~~  
109.3 Providers of day treatment services must develop the individual treatment plan before the  
109.4 completion of five working days in which service is provided or within 30 days after the  
109.5 diagnostic assessment is completed or obtained, whichever occurs first. Providers of  
109.6 outpatient services must develop the individual treatment plan within 30 days after the  
109.7 diagnostic assessment is completed or obtained or by the end of the second session of an  
109.8 outpatient service, not including the session in which the diagnostic assessment was provided,  
109.9 whichever occurs first. Providers of outpatient and day treatment services must review the  
109.10 individual treatment plan every 90 days after intake.

109.11 Sec. 17. Minnesota Statutes 2020, section 245.4882, subdivision 1, is amended to read:

109.12 Subdivision 1. **Availability of residential treatment services.** County boards must  
109.13 provide or contract for enough residential treatment services to meet the needs of each child  
109.14 with severe emotional disturbance residing in the county and needing this level of care.  
109.15 Length of stay is based on the child's residential treatment need and shall be ~~subject to the~~  
109.16 ~~six-month review process established in section 260C.203, and for children in voluntary~~  
109.17 ~~placement for treatment, the court review process in section 260D.06~~ reviewed every 90  
109.18 days. Services must be appropriate to the child's age and treatment needs and must be made  
109.19 available as close to the county as possible. Residential treatment must be designed to:

109.20 (1) help the child improve family living and social interaction skills;

109.21 (2) help the child gain the necessary skills to return to the community;

109.22 (3) stabilize crisis admissions; and

109.23 (4) work with families throughout the placement to improve the ability of the families  
109.24 to care for children with severe emotional disturbance in the home.

109.25 Sec. 18. Minnesota Statutes 2020, section 245.4882, subdivision 3, is amended to read:

109.26 Subd. 3. **Transition to community.** Residential treatment facilities and regional treatment  
109.27 centers serving children must plan for and assist those children and their families in making  
109.28 a transition to less restrictive community-based services. Discharge planning for the child  
109.29 to return to the community must include identification of and referrals to appropriate home  
109.30 and community supports that meet the needs of the child and family. Discharge planning  
109.31 must begin within 30 days after the child enters residential treatment and be updated every  
109.32 60 days. Residential treatment facilities must also arrange for appropriate follow-up care

110.1 in the community. Before a child is discharged, the residential treatment facility or regional  
110.2 treatment center shall provide notification to the child's case manager, if any, so that the  
110.3 case manager can monitor and coordinate the transition and make timely arrangements for  
110.4 the child's appropriate follow-up care in the community.

110.5 Sec. 19. Minnesota Statutes 2020, section 245.4885, subdivision 1, is amended to read:

110.6 Subdivision 1. **Admission criteria.** (a) Prior to admission or placement, except in the  
110.7 case of an emergency, all children referred for treatment of severe emotional disturbance  
110.8 in a treatment foster care setting, residential treatment facility, or informally admitted to a  
110.9 regional treatment center shall undergo an assessment to determine the appropriate level of  
110.10 care if public county funds are used to pay for the child's services.

110.11 (b) ~~The responsible social services agency~~ county board shall determine the appropriate  
110.12 level of care for a child when county-controlled funds are used to pay for the child's ~~services~~  
110.13 ~~or placement in a qualified residential treatment facility under chapter 260C and licensed~~  
110.14 ~~by the commissioner under chapter 245A. In accordance with section 260C.157, a juvenile~~  
110.15 ~~treatment screening team shall conduct a screening before the team may recommend whether~~  
110.16 ~~to place a child~~ residential treatment under this chapter, including residential treatment  
110.17 provided in a qualified residential treatment program as defined in section 260C.007,  
110.18 subdivision 26d. When a ~~social services agency~~ county board does not have responsibility  
110.19 for a child's placement and the child is enrolled in a prepaid health program under section  
110.20 256B.69, the enrolled child's contracted health plan must determine the appropriate level  
110.21 of care for the child. When Indian Health Services funds or funds of a tribally owned facility  
110.22 funded under the Indian Self-Determination and Education Assistance Act, Public Law  
110.23 93-638, are ~~to be used~~ for the child, the Indian Health Services or 638 tribal health facility  
110.24 must determine the appropriate level of care for the child. When more than one entity bears  
110.25 responsibility for a child's coverage, the entities shall coordinate level of care determination  
110.26 activities for the child to the extent possible.

110.27 (c) ~~The responsible social services agency must make the level of care determination~~  
110.28 ~~available to the juvenile treatment screening team, as permitted under chapter 13. The level~~  
110.29 ~~of care determination shall inform the juvenile treatment screening team process and the~~  
110.30 ~~assessment in section 260C.704 when considering whether to place the child in a qualified~~  
110.31 ~~residential treatment program. When the responsible social services agency is not involved~~  
110.32 ~~in determining a child's placement, the child's level of care determination shall determine~~  
110.33 whether the proposed treatment:

110.34 (1) is necessary;

111.1 (2) is appropriate to the child's individual treatment needs;

111.2 (3) cannot be effectively provided in the child's home; and

111.3 (4) provides a length of stay as short as possible consistent with the individual child's  
111.4 ~~need~~ needs.

111.5 (d) When a level of care determination is conducted, the ~~responsible social services~~  
111.6 ~~agency~~ county board or other entity may not determine that a screening ~~under section~~  
111.7 ~~260C.157 or~~<sub>2</sub> referral, or admission to a ~~treatment foster care setting or~~ residential treatment  
111.8 facility is not appropriate solely because services were not first provided to the child in a  
111.9 less restrictive setting and the child failed to make progress toward or meet treatment goals  
111.10 in the less restrictive setting. The level of care determination must be based on a diagnostic  
111.11 assessment of a child that ~~includes a functional assessment which~~ evaluates family, school,  
111.12 and community living situations; and an assessment of the child's need for care out of the  
111.13 home using a validated tool which assesses a child's functional status and assigns an  
111.14 appropriate level of care to the child. The validated tool must be approved by the  
111.15 commissioner of human services. If a diagnostic assessment ~~including a functional assessment~~  
111.16 has been completed by a mental health professional within the past 180 days, a new diagnostic  
111.17 assessment need not be completed unless in the opinion of the current treating mental health  
111.18 professional the child's mental health status has changed markedly since the assessment  
111.19 was completed. The child's parent shall be notified if an assessment will not be completed  
111.20 and of the reasons. A copy of the notice shall be placed in the child's file. Recommendations  
111.21 developed as part of the level of care determination process shall include specific community  
111.22 services needed by the child and, if appropriate, the child's family, and shall indicate whether  
111.23 or not these services are available and accessible to the child and the child's family. The  
111.24 child and the child's family must be invited to any meeting where the level of care  
111.25 determination is discussed and decisions regarding residential treatment are made. The child  
111.26 and the child's family may invite other relatives, friends, or advocates to attend these  
111.27 meetings.

111.28 (e) During the level of care determination process, the child, child's family, or child's  
111.29 legal representative, as appropriate, must be informed of the child's eligibility for case  
111.30 management services and family community support services and that an individual family  
111.31 community support plan is being developed by the case manager, if assigned.

111.32 ~~(f) When the responsible social services agency has authority, the agency must engage~~  
111.33 ~~the child's parents in case planning under sections 260C.212 and 260C.708 unless a court~~

112.1 ~~terminates the parent's rights or court orders restrict the parent from participating in case~~  
112.2 ~~planning, visitation, or parental responsibilities.~~

112.3 ~~(g)~~ (f) The level of care determination, and placement decision, and recommendations  
112.4 for mental health services must be documented in the child's record, ~~as required in chapter~~  
112.5 ~~260C~~ and made available to the child's family, as appropriate.

112.6 **EFFECTIVE DATE.** This section is effective September 30, 2021.

112.7 Sec. 20. Minnesota Statutes 2020, section 245.4889, subdivision 1, is amended to read:

112.8 Subdivision 1. **Establishment and authority.** (a) The commissioner is authorized to  
112.9 make grants from available appropriations to assist:

112.10 (1) counties;

112.11 (2) Indian tribes;

112.12 (3) children's collaboratives under section 124D.23 or 245.493; or

112.13 (4) mental health service providers.

112.14 (b) The following services are eligible for grants under this section:

112.15 (1) services to children with emotional disturbances as defined in section 245.4871,  
112.16 subdivision 15, and their families;

112.17 (2) transition services under section 245.4875, subdivision 8, for young adults under  
112.18 age 21 and their families;

112.19 (3) respite care services for children with emotional disturbances or severe emotional  
112.20 disturbances who are at risk of out-of-home placement. A child is not required to have case  
112.21 management services to receive respite care services;

112.22 (4) children's mental health crisis services;

112.23 (5) mental health services for people from cultural and ethnic minorities, including  
112.24 supervision of clinical trainees who are Black, indigenous, or people of color, providing  
112.25 services in clinics that serve clients enrolled in medical assistance;

112.26 (6) children's mental health screening and follow-up diagnostic assessment and treatment;

112.27 (7) services to promote and develop the capacity of providers to use evidence-based  
112.28 practices in providing children's mental health services;

112.29 (8) school-linked mental health services under section 245.4901;

113.1 (9) building evidence-based mental health intervention capacity for children birth to age  
113.2 five;

113.3 (10) suicide prevention and counseling services that use text messaging statewide;

113.4 (11) mental health first aid training;

113.5 (12) training for parents, collaborative partners, and mental health providers on the  
113.6 impact of adverse childhood experiences and trauma and development of an interactive  
113.7 website to share information and strategies to promote resilience and prevent trauma;

113.8 (13) transition age services to develop or expand mental health treatment and supports  
113.9 for adolescents and young adults 26 years of age or younger;

113.10 (14) early childhood mental health consultation;

113.11 (15) evidence-based interventions for youth at risk of developing or experiencing a first  
113.12 episode of psychosis, and a public awareness campaign on the signs and symptoms of  
113.13 psychosis;

113.14 (16) psychiatric consultation for primary care practitioners; ~~and~~

113.15 (17) providers to begin operations and meet program requirements when establishing a  
113.16 new children's mental health program. These may be start-up grants; and

113.17 (18) mental health services based on traditional, spiritual, and holistic healing practices,  
113.18 provided by cultural healers from African American, American Indian, Asian American,  
113.19 Latinx, Pacific Islander, and Pan-African communities.

113.20 (c) Services under paragraph (b) must be designed to help each child to function and  
113.21 remain with the child's family in the community and delivered consistent with the child's  
113.22 treatment plan. Transition services to eligible young adults under this paragraph must be  
113.23 designed to foster independent living in the community.

113.24 (d) As a condition of receiving grant funds, a grantee shall obtain all available third-party  
113.25 reimbursement sources, if applicable.

113.26 Sec. 21. **[245.4902] CULTURALLY INFORMED AND CULTURALLY**  
113.27 **RESPONSIVE MENTAL HEALTH TASK FORCE.**

113.28 Subdivision 1. Establishment; duties. The Culturally Informed and Culturally  
113.29 Responsive Mental Health Task Force is established to evaluate and make recommendations  
113.30 on improving the provision of culturally informed and culturally responsive mental health  
113.31 services throughout Minnesota. The task force must make recommendations on:

- 114.1 (1) recruiting mental health providers from diverse racial and ethnic communities;  
114.2 (2) training all mental health providers on cultural competency and cultural humility;  
114.3 (3) assessing the extent to which mental health provider organizations embrace diversity  
114.4 and demonstrate proficiency in culturally competent mental health treatment and services;  
114.5 and  
114.6 (4) increasing the number of mental health organizations owned, managed, or led by  
114.7 individuals who are Black, indigenous, or people of color.

114.8 Subd. 2. **Membership.** (a) The task force must consist of the following 16 members:

- 114.9 (1) the commissioner of human services or the commissioner's designee;  
114.10 (2) one representative from the Board of Psychology;  
114.11 (3) one representative from the Board of Marriage and Family Therapy;  
114.12 (4) one representative from the Board of Behavioral Health and Therapy;  
114.13 (5) one representative from the Board of Social Work;  
114.14 (6) three members representing undergraduate and graduate-level mental health  
114.15 professional education programs, appointed by the governor;  
114.16 (7) three mental health providers who are members of communities of color or  
114.17 underrepresented communities, as defined in section 148E.010, subdivision 20, appointed  
114.18 by the governor;  
114.19 (8) two members representing mental health advocacy organizations, appointed by the  
114.20 governor;  
114.21 (9) two mental health providers, appointed by the governor; and  
114.22 (10) one expert in providing training and education in cultural competency and cultural  
114.23 responsiveness, appointed by the governor.

114.24 (b) Appointments to the task force must be made no later than June 1, 2022.

114.25 (c) Member compensation and reimbursement for expenses are governed by section  
114.26 15.059, subdivision 3.

114.27 Subd. 3. **Chairs; meetings.** The members of the task force must elect two cochairs of  
114.28 the task force no earlier than July 1, 2022, and the cochairs must convene the first meeting  
114.29 of the task force no later than August 15, 2022. The task force must meet upon the call of

115.1 the cochairs, sufficiently often to accomplish the duties identified in this section. The task  
115.2 force is subject to the open meeting law under chapter 13D.

115.3 Subd. 4. **Administrative support.** The Department of Human Services must provide  
115.4 administrative support and meeting space for the task force.

115.5 Subd. 5. **Reports.** No later than January 1, 2023, and by January 1 of each year thereafter,  
115.6 the task force must submit a written report to the members of the legislative committees  
115.7 with jurisdiction over health and human services on the recommendations developed under  
115.8 subdivision 1.

115.9 Subd. 6. **Expiration.** The task force expires on January 1, 2025.

115.10 Sec. 22. Minnesota Statutes 2020, section 245.735, subdivision 3, is amended to read:

115.11 **Subd. 3. Certified community behavioral health clinics.** (a) The commissioner shall  
115.12 establish a state certification process for certified community behavioral health clinics  
115.13 (CCBHCs) that satisfy all federal requirements necessary for CCBHCs certified under this  
115.14 section to be eligible for reimbursement under medical assistance, without service area  
115.15 limits based on geographic area or region. The commissioner shall consult with CCBHC  
115.16 stakeholders before establishing and implementing changes in the certification process and  
115.17 requirements. Entities that choose to be CCBHCs must:

115.18 ~~(1) comply with the CCBHC criteria published by the United States Department of~~  
115.19 ~~Health and Human Services;~~

115.20 (1) comply with state licensing requirements and other requirements issued by the  
115.21 commissioner;

115.22 (2) employ or contract for clinic staff who have backgrounds in diverse disciplines,  
115.23 including licensed mental health professionals and licensed alcohol and drug counselors,  
115.24 and staff who are culturally and linguistically trained to meet the needs of the population  
115.25 the clinic serves;

115.26 (3) ensure that clinic services are available and accessible to individuals and families of  
115.27 all ages and genders and that crisis management services are available 24 hours per day;

115.28 (4) establish fees for clinic services for individuals who are not enrolled in medical  
115.29 assistance using a sliding fee scale that ensures that services to patients are not denied or  
115.30 limited due to an individual's inability to pay for services;

116.1 (5) comply with quality assurance reporting requirements and other reporting  
116.2 requirements, including any required reporting of encounter data, clinical outcomes data,  
116.3 and quality data;

116.4 (6) provide crisis mental health and substance use services, withdrawal management  
116.5 services, emergency crisis intervention services, and stabilization services through existing  
116.6 mobile crisis services; screening, assessment, and diagnosis services, including risk  
116.7 assessments and level of care determinations; person- and family-centered treatment planning;  
116.8 outpatient mental health and substance use services; targeted case management; psychiatric  
116.9 rehabilitation services; peer support and counselor services and family support services;  
116.10 and intensive community-based mental health services, including mental health services  
116.11 for members of the armed forces and veterans; CCBHCs must directly provide the majority  
116.12 of these services to enrollees, but may coordinate some services with another entity through  
116.13 a collaboration or agreement, pursuant to paragraph (b);

116.14 (7) provide coordination of care across settings and providers to ensure seamless  
116.15 transitions for individuals being served across the full spectrum of health services, including  
116.16 acute, chronic, and behavioral needs. Care coordination may be accomplished through  
116.17 partnerships or formal contracts with:

116.18 (i) counties, health plans, pharmacists, pharmacies, rural health clinics, federally qualified  
116.19 health centers, inpatient psychiatric facilities, substance use and detoxification facilities, or  
116.20 community-based mental health providers; and

116.21 (ii) other community services, supports, and providers, including schools, child welfare  
116.22 agencies, juvenile and criminal justice agencies, Indian health services clinics, tribally  
116.23 licensed health care and mental health facilities, urban Indian health clinics, Department of  
116.24 Veterans Affairs medical centers, outpatient clinics, drop-in centers, acute care hospitals,  
116.25 and hospital outpatient clinics;

116.26 (8) be certified as mental health clinics under section 245.69, subdivision 2;

116.27 (9) comply with standards established by the commissioner relating to ~~mental health~~  
116.28 ~~services in Minnesota Rules, parts 9505.0370 to 9505.0372~~ CCBHC screenings, assessments,  
116.29 and evaluations;

116.30 (10) be licensed to provide substance use disorder treatment under chapter 245G;

116.31 (11) be certified to provide children's therapeutic services and supports under section  
116.32 256B.0943;

117.1 (12) be certified to provide adult rehabilitative mental health services under section  
117.2 256B.0623;

117.3 (13) be enrolled to provide mental health crisis response services under sections  
117.4 256B.0624 and 256B.0944;

117.5 (14) be enrolled to provide mental health targeted case management under section  
117.6 256B.0625, subdivision 20;

117.7 (15) comply with standards relating to mental health case management in Minnesota  
117.8 Rules, parts 9520.0900 to 9520.0926;

117.9 (16) provide services that comply with the evidence-based practices described in  
117.10 paragraph (e); and

117.11 (17) comply with standards relating to peer services under sections 256B.0615,  
117.12 256B.0616, and 245G.07, subdivision 1, paragraph (a), clause (5), as applicable when peer  
117.13 services are provided.

117.14 (b) ~~If an entity a certified CCBHC is unable to provide one or more of the services listed~~  
117.15 ~~in paragraph (a), clauses (6) to (17), the commissioner may certify the entity as a CCBHC;~~  
117.16 ~~if the entity has a current~~ may contract with another entity that has the required authority  
117.17 to provide that service and that meets ~~federal CCBHC~~ the following criteria as a designated  
117.18 collaborating organization, ~~or, to the extent allowed by the federal CCBHC criteria, the~~  
117.19 ~~commissioner may approve a referral arrangement. The CCBHC must meet federal~~  
117.20 ~~requirements regarding the type and scope of services to be provided directly by the CCBHC.;~~

117.21 (1) the entity has a formal agreement with the CCBHC to furnish one or more of the  
117.22 services under paragraph (a), clause (6);

117.23 (2) the entity provides assurances that it will provide services according to CCBHC  
117.24 service standards and provider requirements;

117.25 (3) the entity agrees that the CCBHC is responsible for coordinating care and has clinical  
117.26 and financial responsibility for the services that the entity provides under the agreement;  
117.27 and

117.28 (4) the entity meets any additional requirements issued by the commissioner.

117.29 (c) Notwithstanding any other law that requires a county contract or other form of county  
117.30 approval for certain services listed in paragraph (a), clause (6), a clinic that otherwise meets  
117.31 CCBHC requirements may receive the prospective payment under section 256B.0625,  
117.32 subdivision 5m, for those services without a county contract or county approval. As part of

118.1 the certification process in paragraph (a), the commissioner shall require a letter of support  
118.2 from the CCBHC's host county confirming that the CCBHC and the county or counties it  
118.3 serves have an ongoing relationship to facilitate access and continuity of care, especially  
118.4 for individuals who are uninsured or who may go on and off medical assistance.

118.5 (d) When the standards listed in paragraph (a) or other applicable standards conflict or  
118.6 address similar issues in duplicative or incompatible ways, the commissioner may grant  
118.7 variances to state requirements if the variances do not conflict with federal requirements  
118.8 for services reimbursed under medical assistance. If standards overlap, the commissioner  
118.9 may substitute all or a part of a licensure or certification that is substantially the same as  
118.10 another licensure or certification. The commissioner shall consult with stakeholders, as  
118.11 described in subdivision 4, before granting variances under this provision. For the CCBHC  
118.12 that is certified but not approved for prospective payment under section 256B.0625,  
118.13 subdivision 5m, the commissioner may grant a variance under this paragraph if the variance  
118.14 does not increase the state share of costs.

118.15 (e) The commissioner shall issue a list of required evidence-based practices to be  
118.16 delivered by CCBHCs, and may also provide a list of recommended evidence-based practices.  
118.17 The commissioner may update the list to reflect advances in outcomes research and medical  
118.18 services for persons living with mental illnesses or substance use disorders. The commissioner  
118.19 shall take into consideration the adequacy of evidence to support the efficacy of the practice,  
118.20 the quality of workforce available, and the current availability of the practice in the state.  
118.21 At least 30 days before issuing the initial list and any revisions, the commissioner shall  
118.22 provide stakeholders with an opportunity to comment.

118.23 (f) The commissioner shall recertify CCBHCs at least every three years. The  
118.24 commissioner shall establish a process for decertification and shall require corrective action,  
118.25 medical assistance repayment, or decertification of a CCBHC that no longer meets the  
118.26 requirements in this section or that fails to meet the standards provided by the commissioner  
118.27 in the application and certification process.

118.28 Sec. 23. Minnesota Statutes 2020, section 245.735, subdivision 5, is amended to read:

118.29 Subd. 5. **Information systems support.** The commissioner and the state chief information  
118.30 officer shall provide information systems support to the projects as necessary to comply  
118.31 with state and federal requirements.

119.1 Sec. 24. Minnesota Statutes 2020, section 245.735, is amended by adding a subdivision  
119.2 to read:

119.3 Subd. 6. **Demonstration entities.** The commissioner may operate the demonstration  
119.4 program established by section 223 of the Protecting Access to Medicare Act if federal  
119.5 funding for the demonstration program remains available from the United States Department  
119.6 of Health and Human Services. To the extent practicable, the commissioner shall align the  
119.7 requirements of the demonstration program with the requirements under this section for  
119.8 CCBHCs receiving medical assistance reimbursement. A CCBHC may not apply to  
119.9 participate as a billing provider in both the CCBHC federal demonstration and the benefit  
119.10 for CCBHCs under the medical assistance program.

119.11 Sec. 25. Minnesota Statutes 2020, section 245A.043, subdivision 3, is amended to read:

119.12 **Subd. 3. Change of ownership process.** (a) When a change in ownership is proposed  
119.13 and the party intends to assume operation without an interruption in service longer than 60  
119.14 days after acquiring the program or service, the license holder must provide the commissioner  
119.15 with written notice of the proposed change on a form provided by the commissioner at least  
119.16 60 days before the anticipated date of the change in ownership. For purposes of this  
119.17 subdivision and subdivision 4, "party" means the party that intends to operate the service  
119.18 or program.

119.19 (b) The party must submit a license application under this chapter on the form and in  
119.20 the manner prescribed by the commissioner at least 30 days before the change in ownership  
119.21 is complete, and must include documentation to support the upcoming change. The party  
119.22 must comply with background study requirements under chapter 245C and shall pay the  
119.23 application fee required under section 245A.10. ~~A party that intends to assume operation~~  
119.24 ~~without an interruption in service longer than 60 days after acquiring the program or service~~  
119.25 ~~is exempt from the requirements of Minnesota Rules, part 9530.6800.~~

119.26 (c) The commissioner may streamline application procedures when the party is an existing  
119.27 license holder under this chapter and is acquiring a program licensed under this chapter or  
119.28 service in the same service class as one or more licensed programs or services the party  
119.29 operates and those licenses are in substantial compliance. For purposes of this subdivision,  
119.30 "substantial compliance" means within the previous 12 months the commissioner did not  
119.31 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make  
119.32 a license held by the party conditional according to section 245A.06.

119.33 (d) Except when a temporary change in ownership license is issued pursuant to  
119.34 subdivision 4, the existing license holder is solely responsible for operating the program

120.1 according to applicable laws and rules until a license under this chapter is issued to the  
120.2 party.

120.3 (e) If a licensing inspection of the program or service was conducted within the previous  
120.4 12 months and the existing license holder's license record demonstrates substantial  
120.5 compliance with the applicable licensing requirements, the commissioner may waive the  
120.6 party's inspection required by section 245A.04, subdivision 4. The party must submit to the  
120.7 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire  
120.8 marshal deemed that an inspection was not warranted, and (2) proof that the premises was  
120.9 inspected for compliance with the building code or that no inspection was deemed warranted.

120.10 (f) If the party is seeking a license for a program or service that has an outstanding action  
120.11 under section 245A.06 or 245A.07, the party must submit a letter as part of the application  
120.12 process identifying how the party has or will come into full compliance with the licensing  
120.13 requirements.

120.14 (g) The commissioner shall evaluate the party's application according to section 245A.04,  
120.15 subdivision 6. If the commissioner determines that the party has remedied or demonstrates  
120.16 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has  
120.17 determined that the program otherwise complies with all applicable laws and rules, the  
120.18 commissioner shall issue a license or conditional license under this chapter. The conditional  
120.19 license remains in effect until the commissioner determines that the grounds for the action  
120.20 are corrected or no longer exist.

120.21 (h) The commissioner may deny an application as provided in section 245A.05. An  
120.22 applicant whose application was denied by the commissioner may appeal the denial according  
120.23 to section 245A.05.

120.24 (i) This subdivision does not apply to a licensed program or service located in a home  
120.25 where the license holder resides.

120.26 Sec. 26. Minnesota Statutes 2020, section 245F.04, subdivision 2, is amended to read:

120.27 Subd. 2. **Contents of application.** Prior to the issuance of a license, an applicant must  
120.28 submit, on forms provided by the commissioner, documentation demonstrating the following:

120.29 (1) compliance with this section;

120.30 (2) compliance with applicable building, fire, and safety codes; health rules; zoning  
120.31 ordinances; and other applicable rules and regulations or documentation that a waiver has  
120.32 been granted. The granting of a waiver does not constitute modification of any requirement  
120.33 of this section; and

121.1 (3) ~~completion of an assessment of need for a new or expanded program as required by~~  
 121.2 ~~Minnesota Rules, part 9530.6800; and~~

121.3 ~~(4) insurance coverage, including bonding, sufficient to cover all patient funds, property,~~  
 121.4 ~~and interests.~~

121.5 Sec. 27. Minnesota Statutes 2020, section 245G.03, subdivision 2, is amended to read:

121.6 Subd. 2. **Application.** (a) Before the commissioner issues a license, an applicant must  
 121.7 submit, on forms provided by the commissioner, any documents the commissioner requires.

121.8 (b) At least 60 days prior to submitting an application for licensure under this chapter,  
 121.9 the applicant must notify the county human services director in writing of the applicant's  
 121.10 intent to open a new treatment program. The written notification must include, at a minimum:

121.11 (1) a description of the proposed treatment program;

121.12 (2) a description of the target population to be served by the treatment program; and

121.13 (3) a copy of the program's abuse prevention plan, as required under section 245A.65,  
 121.14 subdivision 2.

121.15 (c) The county human services director may submit a written statement to the  
 121.16 commissioner regarding the county's support of or opposition to the opening of the new  
 121.17 treatment program. The written statement must include documentation of the rationale for  
 121.18 the county's determination. The commissioner shall consider the county's written statement  
 121.19 when determining whether to issue a license for the treatment program. If the county does  
 121.20 not submit a written statement, the commissioner shall confirm with the county that the  
 121.21 county received the notification required by paragraph (b).

121.22 Sec. 28. Minnesota Statutes 2020, section 254B.01, subdivision 4a, is amended to read:

121.23 Subd. 4a. **Culturally specific or culturally responsive program.** (a) "Culturally specific  
 121.24 or culturally responsive program" means a substance use disorder treatment service program  
 121.25 or subprogram that is ~~recovery-focused and~~ culturally responsive or culturally specific when  
 121.26 the program attests that it:

121.27 (1) improves service quality to and outcomes of a specific ~~population~~ community that  
 121.28 shares a common language, racial, ethnic, or social background by advancing health equity  
 121.29 to help eliminate health disparities; ~~and~~

122.1 (2) ensures effective, equitable, comprehensive, and respectful quality care services that  
122.2 are responsive to an individual within a specific ~~population's~~ community's values, beliefs  
122.3 and practices, health literacy, preferred language, and other communication needs; and

122.4 (3) is compliant with the national standards for culturally and linguistically appropriate  
122.5 services or other equivalent standards, as determined by the commissioner.

122.6 (b) A tribally licensed substance use disorder program that is designated as serving a  
122.7 culturally specific population by the applicable tribal government is deemed to satisfy this  
122.8 subdivision.

122.9 (c) A program satisfies the requirements of this subdivision if it attests that the program:

122.10 (1) is designed to address the unique needs of individuals who share a common language,  
122.11 racial, ethnic, or social background;

122.12 (2) is governed with significant input from individuals of that specific background; and

122.13 (3) employs individuals to provide treatment services, at least 50 percent of whom are  
122.14 members of the specific community being served.

122.15 **EFFECTIVE DATE.** This section is effective January 1, 2022.

122.16 Sec. 29. Minnesota Statutes 2020, section 254B.01, is amended by adding a subdivision  
122.17 to read:

122.18 Subd. 4b. **Disability responsive program.** "Disability responsive program" means a  
122.19 program that:

122.20 (1) is designed to serve individuals with disabilities, including individuals with traumatic  
122.21 brain injuries, developmental disabilities, cognitive disabilities, and physical disabilities;  
122.22 and

122.23 (2) employs individuals to provide treatment services who have the necessary professional  
122.24 training, as approved by the commissioner, to serve individuals with the specific disabilities  
122.25 that the program is designed to serve.

122.26 **EFFECTIVE DATE.** This section is effective January 1, 2022.

122.27 Sec. 30. Minnesota Statutes 2020, section 254B.05, subdivision 5, is amended to read:

122.28 **Subd. 5. Rate requirements.** (a) The commissioner shall establish rates for substance  
122.29 use disorder services and service enhancements funded under this chapter.

122.30 (b) Eligible substance use disorder treatment services include:

123.1 (1) outpatient treatment services that are licensed according to sections 245G.01 to  
123.2 245G.17, or applicable tribal license;

123.3 (2) comprehensive assessments provided according to sections 245.4863, paragraph (a),  
123.4 and 245G.05;

123.5 (3) care coordination services provided according to section 245G.07, subdivision 1,  
123.6 paragraph (a), clause (5);

123.7 (4) peer recovery support services provided according to section 245G.07, subdivision  
123.8 2, clause (8);

123.9 (5) on July 1, 2019, or upon federal approval, whichever is later, withdrawal management  
123.10 services provided according to chapter 245F;

123.11 (6) medication-assisted therapy services that are licensed according to sections 245G.01  
123.12 to 245G.17 and 245G.22, or applicable tribal license;

123.13 (7) medication-assisted therapy plus enhanced treatment services that meet the  
123.14 requirements of clause (6) and provide nine hours of clinical services each week;

123.15 (8) high, medium, and low intensity residential treatment services that are licensed  
123.16 according to sections 245G.01 to 245G.17 and 245G.21 or applicable tribal license which  
123.17 provide, respectively, 30, 15, and five hours of clinical services each week;

123.18 (9) hospital-based treatment services that are licensed according to sections 245G.01 to  
123.19 245G.17 or applicable tribal license and licensed as a hospital under sections 144.50 to  
123.20 144.56;

123.21 (10) adolescent treatment programs that are licensed as outpatient treatment programs  
123.22 according to sections 245G.01 to 245G.18 or as residential treatment programs according  
123.23 to Minnesota Rules, parts 2960.0010 to 2960.0220, and 2960.0430 to 2960.0490, or  
123.24 applicable tribal license;

123.25 (11) high-intensity residential treatment services that are licensed according to sections  
123.26 245G.01 to 245G.17 and 245G.21 or applicable tribal license, which provide 30 hours of  
123.27 clinical services each week provided by a state-operated vendor or to clients who have been  
123.28 civilly committed to the commissioner, present the most complex and difficult care needs,  
123.29 and are a potential threat to the community; and

123.30 (12) room and board facilities that meet the requirements of subdivision 1a.

123.31 (c) The commissioner shall establish higher rates for programs that meet the requirements  
123.32 of paragraph (b) and one of the following additional requirements:

- 124.1 (1) programs that serve parents with their children if the program:
- 124.2 (i) provides on-site child care during the hours of treatment activity that:
- 124.3 (A) is licensed under chapter 245A as a child care center under Minnesota Rules, chapter
- 124.4 9503; or
- 124.5 (B) meets the licensure exclusion criteria of section 245A.03, subdivision 2, paragraph
- 124.6 (a), clause (6), and meets the requirements under section 245G.19, subdivision 4; or
- 124.7 (ii) arranges for off-site child care during hours of treatment activity at a facility that is
- 124.8 licensed under chapter 245A as:
- 124.9 (A) a child care center under Minnesota Rules, chapter 9503; or
- 124.10 (B) a family child care home under Minnesota Rules, chapter 9502;
- 124.11 (2) culturally specific or culturally responsive programs as defined in section 254B.01,
- 124.12 subdivision 4a<sub>2</sub>; or
- 124.13 (3) disability responsive programs as defined in section 254B.01, subdivision 4b.
- 124.14 ~~programs or subprograms serving special populations, if the program or subprogram~~
- 124.15 ~~meets the following requirements:~~
- 124.16 ~~(i) is designed to address the unique needs of individuals who share a common language,~~
- 124.17 ~~racial, ethnic, or social background;~~
- 124.18 ~~(ii) is governed with significant input from individuals of that specific background; and~~
- 124.19 ~~(iii) employs individuals to provide individual or group therapy, at least 50 percent of~~
- 124.20 ~~whom are of that specific background, except when the common social background of the~~
- 124.21 ~~individuals served is a traumatic brain injury or cognitive disability and the program employs~~
- 124.22 ~~treatment staff who have the necessary professional training, as approved by the~~
- 124.23 ~~commissioner, to serve clients with the specific disabilities that the program is designed to~~
- 124.24 ~~serve;~~
- 124.25 ~~(3) programs that offer medical services delivered by appropriately credentialed health~~
- 124.26 ~~care staff in an amount equal to two hours per client per week if the medical needs of the~~
- 124.27 ~~client and the nature and provision of any medical services provided are documented in the~~
- 124.28 ~~client file; and~~
- 124.29 ~~(4) programs that offer services to individuals with co-occurring mental health and~~
- 124.30 ~~chemical dependency problems if:~~
- 124.31 ~~(i) the program meets the co-occurring requirements in section 245G.20;~~

125.1 ~~(ii) 25 percent of the counseling staff are licensed mental health professionals, as defined~~  
125.2 ~~in section 245.462, subdivision 18, clauses (1) to (6), or are students or licensing candidates~~  
125.3 ~~under the supervision of a licensed alcohol and drug counselor supervisor and licensed~~  
125.4 ~~mental health professional, except that no more than 50 percent of the mental health staff~~  
125.5 ~~may be students or licensing candidates with time documented to be directly related to~~  
125.6 ~~provisions of co-occurring services;~~

125.7 ~~(iii) clients scoring positive on a standardized mental health screen receive a mental~~  
125.8 ~~health diagnostic assessment within ten days of admission;~~

125.9 ~~(iv) the program has standards for multidisciplinary case review that include a monthly~~  
125.10 ~~review for each client that, at a minimum, includes a licensed mental health professional~~  
125.11 ~~and licensed alcohol and drug counselor, and their involvement in the review is documented;~~

125.12 ~~(v) family education is offered that addresses mental health and substance abuse disorders~~  
125.13 ~~and the interaction between the two; and~~

125.14 ~~(vi) co-occurring counseling staff shall receive eight hours of co-occurring disorder~~  
125.15 ~~training annually.~~

125.16 (d) In order to be eligible for a higher rate under paragraph (c), clause (1), a program  
125.17 that provides arrangements for off-site child care must maintain current documentation at  
125.18 the chemical dependency facility of the child care provider's current licensure to provide  
125.19 child care services. Programs that provide child care according to paragraph (c), clause (1),  
125.20 must be deemed in compliance with the licensing requirements in section 245G.19.

125.21 ~~(e) Adolescent residential programs that meet the requirements of Minnesota Rules,~~  
125.22 ~~parts 2960.0430 to 2960.0490 and 2960.0580 to 2960.0690, are exempt from the requirements~~  
125.23 ~~in paragraph (c), clause (4), items (i) to (iv).~~

125.24 ~~(f) (e) Subject to federal approval, chemical dependency substance use disorder services~~  
125.25 ~~that are otherwise covered as direct face-to-face services may be provided via two-way~~  
125.26 ~~interactive video according to section 256B.0625, subdivision 3b. ~~The use of two-way~~~~  
125.27 ~~interactive video must be medically appropriate to the condition and needs of the person~~  
125.28 ~~being served. Reimbursement shall be at the same rates and under the same conditions that~~  
125.29 ~~would otherwise apply to direct face-to-face services. The interactive video equipment and~~  
125.30 ~~connection must comply with Medicare standards in effect at the time the service is provided.~~

125.31 ~~(g) (f) For the purpose of reimbursement under this section, substance use disorder~~  
125.32 ~~treatment services provided in a group setting without a group participant maximum or~~  
125.33 ~~maximum client to staff ratio under chapter 245G shall not exceed a client to staff ratio of~~

126.1 48 to one. At least one of the attending staff must meet the qualifications as established  
126.2 under this chapter for the type of treatment service provided. A recovery peer may not be  
126.3 included as part of the staff ratio.

126.4 (g) Payment for outpatient substance use disorder services that are licensed according  
126.5 to sections 245G.01 to 245G.17 is limited to six hours per day or 30 hours per week unless  
126.6 prior authorization of a greater number of hours is obtained from the commissioner.

126.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
126.8 whichever is later, except paragraph (e) is effective July 1, 2021.

126.9 Sec. 31. Minnesota Statutes 2020, section 254B.12, is amended by adding a subdivision  
126.10 to read:

126.11 Subd. 4. **Culturally specific or culturally responsive program and disability**  
126.12 **responsive program provider rate increase.** For the chemical dependency services listed  
126.13 in section 254B.05, subdivision 5, provided by programs that meet the requirements of  
126.14 section 254B.05, subdivision 5, paragraph (c), clauses (1), (2), and (3), on or after January  
126.15 1, 2022, payment rates shall increase by five percent over the rates in effect on January 1,  
126.16 2021. The commissioner shall increase prepaid medical assistance capitation rates as  
126.17 appropriate to reflect this increase.

126.18 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
126.19 whichever is later.

126.20 Sec. 32. **[254B.151] SUBSTANCE USE DISORDER COMMUNITY OF PRACTICE.**

126.21 Subdivision 1. **Establishment; purpose.** The commissioner of human services, in  
126.22 consultation with substance use disorder subject matter experts, shall establish a substance  
126.23 use disorder community of practice. The purposes of the community of practice are to  
126.24 improve treatment outcomes for individuals with substance use disorders and reduce  
126.25 disparities by using evidence-based and best practices through peer-to-peer and  
126.26 person-to-provider sharing.

126.27 Subd. 2. **Participants; meetings.** (a) The community of practice must include the  
126.28 following participants:

126.29 (1) researchers or members of the academic community who are substance use disorder  
126.30 subject matter experts, who do not have financial relationships with treatment providers;

126.31 (2) substance use disorder treatment providers;

- 127.1 (3) representatives from recovery community organizations;
- 127.2 (4) a representative from the Department of Human Services;
- 127.3 (5) a representative from the Department of Health;
- 127.4 (6) a representative from the Department of Corrections;
- 127.5 (7) representatives from county social services agencies;
- 127.6 (8) representatives from tribal nations or tribal social services providers; and
- 127.7 (9) representatives from managed care organizations.
- 127.8 (b) The community of practice must include individuals who have used substance use
- 127.9 disorder treatment services and must highlight the voices and experiences of individuals
- 127.10 who are Black, indigenous, people of color, and people from other communities that are
- 127.11 disproportionately impacted by substance use disorders.
- 127.12 (c) The community of practice must meet regularly and must hold its first meeting before
- 127.13 January 1, 2022.
- 127.14 (d) Compensation and reimbursement for expenses for participants in paragraph (b) are
- 127.15 governed by section 15.059, subdivision 3.
- 127.16 Subd. 3. Duties. (a) The community of practice must:
- 127.17 (1) identify gaps in substance use disorder treatment services;
- 127.18 (2) enhance collective knowledge of issues related to substance use disorder;
- 127.19 (3) understand evidence-based practices, best practices, and promising approaches to
- 127.20 address substance use disorder;
- 127.21 (4) use knowledge gathered through the community of practice to develop strategic plans
- 127.22 to improve outcomes for individuals who participate in substance use disorder treatment
- 127.23 and related services in Minnesota;
- 127.24 (5) increase knowledge about the challenges and opportunities learned by implementing
- 127.25 strategies; and
- 127.26 (6) develop capacity for community advocacy.
- 127.27 (b) The commissioner, in collaboration with subject matter experts and other participants,
- 127.28 may issue reports and recommendations to the legislative chairs and ranking minority
- 127.29 members of committees with jurisdiction over health and human services policy and finance
- 127.30 and local and regional governments.

128.1 Sec. 33. Minnesota Statutes 2020, section 256.042, subdivision 2, is amended to read:

128.2 Subd. 2. **Membership.** (a) The council shall consist of the following ~~19~~ 28 voting  
128.3 members, appointed by the commissioner of human services except as otherwise specified,  
128.4 and three nonvoting members:

128.5 (1) two members of the house of representatives, appointed in the following sequence:  
128.6 the first from the majority party appointed by the speaker of the house and the second from  
128.7 the minority party appointed by the minority leader. Of these two members, one member  
128.8 must represent a district outside of the seven-county metropolitan area, and one member  
128.9 must represent a district that includes the seven-county metropolitan area. The appointment  
128.10 by the minority leader must ensure that this requirement for geographic diversity in  
128.11 appointments is met;

128.12 (2) two members of the senate, appointed in the following sequence: the first from the  
128.13 majority party appointed by the senate majority leader and the second from the minority  
128.14 party appointed by the senate minority leader. Of these two members, one member must  
128.15 represent a district outside of the seven-county metropolitan area and one member must  
128.16 represent a district that includes the seven-county metropolitan area. The appointment by  
128.17 the minority leader must ensure that this requirement for geographic diversity in appointments  
128.18 is met;

128.19 (3) one member appointed by the Board of Pharmacy;

128.20 (4) one member who is a physician appointed by the Minnesota Medical Association;

128.21 (5) one member representing opioid treatment programs, sober living programs, or  
128.22 substance use disorder programs licensed under chapter 245G;

128.23 (6) one member appointed by the Minnesota Society of Addiction Medicine who is an  
128.24 addiction psychiatrist;

128.25 (7) one member representing professionals providing alternative pain management  
128.26 therapies, including, but not limited to, acupuncture, chiropractic, or massage therapy;

128.27 (8) one member representing nonprofit organizations conducting initiatives to address  
128.28 the opioid epidemic, with the commissioner's initial appointment being a member  
128.29 representing the Steve Rummler Hope Network, and subsequent appointments representing  
128.30 this or other organizations;

128.31 (9) one member appointed by the Minnesota Ambulance Association who is serving  
128.32 with an ambulance service as an emergency medical technician, advanced emergency  
128.33 medical technician, or paramedic;

129.1 (10) one member representing the Minnesota courts who is a judge or law enforcement  
129.2 officer;

129.3 (11) one public member who is a Minnesota resident and who is in opioid addiction  
129.4 recovery;

129.5 (12) ~~two~~ 11 members representing Indian tribes, one representing the ~~Ojibwe tribes and~~  
129.6 ~~one representing the Dakota tribes~~ each of Minnesota's tribal nations;

129.7 (13) one public member who is a Minnesota resident and who is suffering from chronic  
129.8 pain, intractable pain, or a rare disease or condition;

129.9 (14) one mental health advocate representing persons with mental illness;

129.10 (15) one member appointed by the Minnesota Hospital Association;

129.11 (16) one member representing a local health department; and

129.12 (17) the commissioners of human services, health, and corrections, or their designees,  
129.13 who shall be ex officio nonvoting members of the council.

129.14 (b) The commissioner of human services shall coordinate the commissioner's  
129.15 appointments to provide geographic, racial, and gender diversity, and shall ensure that at  
129.16 least one-half of council members appointed by the commissioner reside outside of the  
129.17 seven-county metropolitan area. Of the members appointed by the commissioner, to the  
129.18 extent practicable, at least one member must represent a community of color  
129.19 disproportionately affected by the opioid epidemic.

129.20 (c) The council is governed by section 15.059, except that members of the council shall  
129.21 serve three-year terms and shall receive no compensation other than reimbursement for  
129.22 expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire.

129.23 (d) The chair shall convene the council at least quarterly, and may convene other meetings  
129.24 as necessary. The chair shall convene meetings at different locations in the state to provide  
129.25 geographic access, and shall ensure that at least one-half of the meetings are held at locations  
129.26 outside of the seven-county metropolitan area.

129.27 (e) The commissioner of human services shall provide staff and administrative services  
129.28 for the advisory council.

129.29 (f) The council is subject to chapter 13D.

130.1 Sec. 34. Minnesota Statutes 2020, section 256.042, subdivision 4, is amended to read:

130.2 Subd. 4. **Grants.** (a) The commissioner of human services shall submit a report of the  
130.3 grants proposed by the advisory council to be awarded for the upcoming ~~fiscal~~ calendar  
130.4 year to the chairs and ranking minority members of the legislative committees with  
130.5 jurisdiction over health and human services policy and finance, by ~~March~~ December 1 of  
130.6 each year, beginning March 1, 2020.

130.7 (b) The commissioner of human services shall award grants from the opiate epidemic  
130.8 response fund under section 256.043. The grants shall be awarded to proposals selected by  
130.9 the advisory council that address the priorities in subdivision 1, paragraph (a), clauses (1)  
130.10 to (4), unless otherwise appropriated by the legislature. No more than ~~three~~ ten percent of  
130.11 the grant amount may be used by a grantee for administration.

130.12 Sec. 35. Minnesota Statutes 2020, section 256.043, subdivision 3, is amended to read:

130.13 Subd. 3. **Appropriations from fund.** (a) After the appropriations in Laws 2019, chapter  
130.14 63, article 3, section 1, paragraphs (e), (f), (g), and (h) are made, \$249,000 is appropriated  
130.15 to the commissioner of human services for the provision of administrative services to the  
130.16 Opiate Epidemic Response Advisory Council and for the administration of the grants awarded  
130.17 under paragraph (e).

130.18 (b) \$126,000 is appropriated to the Board of Pharmacy for the collection of the registration  
130.19 fees under section 151.066.

130.20 (c) \$672,000 is appropriated to the commissioner of public safety for the Bureau of  
130.21 Criminal Apprehension. Of this amount, \$384,000 is for drug scientists and lab supplies  
130.22 and \$288,000 is for special agent positions focused on drug interdiction and drug trafficking.

130.23 (d) After the appropriations in paragraphs (a) to (c) are made, 50 percent of the remaining  
130.24 amount is appropriated to the commissioner of human services for distribution to county  
130.25 social service and tribal social service agencies to provide child protection services to  
130.26 children and families who are affected by addiction. The commissioner shall distribute this  
130.27 money proportionally to counties and tribal social service agencies based on out-of-home  
130.28 placement episodes where parental drug abuse is the primary reason for the out-of-home  
130.29 placement using data from the previous calendar year. County and tribal social service  
130.30 agencies receiving funds from the opiate epidemic response fund must annually report to  
130.31 the commissioner on how the funds were used to provide child protection services, including  
130.32 measurable outcomes, as determined by the commissioner. County social service agencies  
130.33 and tribal social service agencies must not use funds received under this paragraph to supplant

131.1 current state or local funding received for child protection services for children and families  
131.2 who are affected by addiction.

131.3 (e) After making the appropriations in paragraphs (a) to (d), the remaining amount in  
131.4 the fund is appropriated to the commissioner to award grants as specified by the Opiate  
131.5 Epidemic Response Advisory Council in accordance with section 256.042, unless otherwise  
131.6 appropriated by the legislature.

131.7 (f) Beginning in fiscal year 2022 and each year thereafter, funds for county social service  
131.8 and tribal social service agencies under paragraph (d) and grant funds specified by the Opiate  
131.9 Epidemic Response Advisory Council under paragraph (e) shall be distributed on a calendar  
131.10 year basis.

131.11 Sec. 36. Minnesota Statutes 2020, section 256B.0625, subdivision 5m, is amended to read:

131.12 Subd. 5m. **Certified community behavioral health clinic services.** (a) Medical  
131.13 assistance covers certified community behavioral health clinic (CCBHC) services that meet  
131.14 the requirements of section 245.735, subdivision 3.

131.15 (b) The commissioner shall ~~establish standards and methodologies for a reimburse~~  
131.16 CCBHCs on a per-visit basis under the prospective payment system for medical assistance  
131.17 payments for services delivered by a CCBHC, in accordance with guidance issued by the  
131.18 Centers for Medicare and Medicaid Services as described in paragraph (c). The commissioner  
131.19 shall include a quality ~~bonus~~ incentive payment in the prospective payment system ~~based~~  
131.20 ~~on federal criteria, as described in paragraph (e).~~ There is no county share for medical  
131.21 assistance services when reimbursed through the CCBHC prospective payment system.

131.22 (c) ~~Unless otherwise indicated in applicable federal requirements, the prospective payment~~  
131.23 ~~system must continue to be based on the federal instructions issued for the federal section~~  
131.24 ~~223 CCBHC demonstration, except:~~ The commissioner shall ensure that the prospective  
131.25 payment system for CCBHC payments under medical assistance meets the following  
131.26 requirements:

131.27 (1) the prospective payment rate shall be a provider-specific rate calculated for each  
131.28 CCBHC, based on the daily cost of providing CCBHC services and the total annual allowable  
131.29 costs for CCBHCs divided by the total annual number of CCBHC visits. For calculating  
131.30 the payment rate, total annual visits include visits covered by medical assistance and visits  
131.31 not covered by medical assistance. Allowable costs include but are not limited to the salaries  
131.32 and benefits of medical assistance providers; the cost of CCBHC services provided under

132.1 section 245.735, subdivision 3, paragraph (a), clauses (6) and (7); and other costs such as  
132.2 insurance or supplies needed to provide CCBHC services;

132.3 (2) payment shall be limited to one payment per day per medical assistance enrollee for  
132.4 each CCBHC visit eligible for reimbursement. A CCBHC visit is eligible for reimbursement  
132.5 if at least one of the CCBHC services listed under section 245.735, subdivision 3, paragraph  
132.6 (a), clause (6), is furnished to a medical assistance enrollee by a health care practitioner or  
132.7 licensed agency employed by or under contract with a CCBHC;

132.8 (3) new payment rates set by the commissioner for newly certified CCBHCs under  
132.9 section 245.735, subdivision 3, shall be based on rates for established CCBHCs with a  
132.10 similar scope of services. If no comparable CCBHC exists, the commissioner shall establish  
132.11 a clinic-specific rate using audited historical cost report data adjusted for the estimated cost  
132.12 of delivering CCBHC services, including the estimated cost of providing the full scope of  
132.13 services and the projected change in visits resulting from the change in scope;

132.14 ~~(4)~~ (4) the commissioner shall rebase CCBHC rates at least once every three years and  
132.15 12 months following an initial rate or a rate change due to a change in the scope of services,  
132.16 whichever is earlier;

132.17 ~~(2)~~ (5) the commissioner shall provide for a 60-day appeals process after notice of the  
132.18 results of the rebasing;

132.19 ~~(3) the prohibition against inclusion of new facilities in the demonstration does not apply~~  
132.20 ~~after the demonstration ends;~~

132.21 ~~(4)~~ (6) the prospective payment rate under this section does not apply to services rendered  
132.22 by CCBHCs to individuals who are dually eligible for Medicare and medical assistance  
132.23 when Medicare is the primary payer for the service. An entity that receives a prospective  
132.24 payment system rate that overlaps with the CCBHC rate is not eligible for the CCBHC rate;

132.25 ~~(5)~~ (7) payments for CCBHC services to individuals enrolled in managed care shall be  
132.26 coordinated with the state's phase-out of CCBHC wrap payments. The commissioner shall  
132.27 complete the phase-out of CCBHC wrap payments within 60 days of the implementation  
132.28 of the prospective payment system in the Medicaid Management Information System  
132.29 (MMIS), for CCBHCs reimbursed under this chapter, with a final settlement of payments  
132.30 due made payable to CCBHCs no later than 18 months thereafter;

132.31 ~~(6) initial prospective payment rates for CCBHCs certified after July 1, 2019, shall be~~  
132.32 ~~based on rates for comparable CCBHCs. If no comparable provider exists, the commissioner~~

133.1 ~~shall compute a CCBHC-specific rate based upon the CCBHC's audited costs adjusted for~~  
133.2 ~~changes in the scope of services;~~

133.3 ~~(7)~~ (8) the prospective payment rate for each CCBHC shall be adjusted annually updated  
133.4 by trending each provider-specific rate by the Medicare Economic Index as defined for the  
133.5 federal section 223 CCBHC demonstration for primary care services. This update shall  
133.6 occur each year in between rebasing periods determined by the commissioner in accordance  
133.7 with clause (4). CCBHCs must provide data on costs and visits to the state annually using  
133.8 the CCBHC cost report established by the commissioner; and

133.9 (9) a CCBHC may request a rate adjustment for changes in the CCBHC's scope of  
133.10 services when such changes are expected to result in an adjustment to the CCBHC payment  
133.11 rate by 2.5 percent or more. The CCBHC must provide the commissioner with information  
133.12 regarding the changes in the scope of services, including the estimated cost of providing  
133.13 the new or modified services and any projected increase or decrease in the number of visits  
133.14 resulting from the change. Rate adjustments for changes in scope shall occur no more than  
133.15 once per year in between rebasing periods per CCBHC and are effective on the date of the  
133.16 annual CCBHC rate update.

133.17 ~~(8) the commissioner shall seek federal approval for a CCBHC rate methodology that~~  
133.18 ~~allows for rate modifications based on changes in scope for an individual CCBHC, including~~  
133.19 ~~for changes to the type, intensity, or duration of services. Upon federal approval, a CCBHC~~  
133.20 ~~may submit a change of scope request to the commissioner if the change in scope would~~  
133.21 ~~result in a change of 2.5 percent or more in the prospective payment system rate currently~~  
133.22 ~~received by the CCBHC. CCBHC change of scope requests must be according to a format~~  
133.23 ~~and timeline to be determined by the commissioner in consultation with CCBHCs.~~

133.24 (d) Managed care plans and county-based purchasing plans shall reimburse CCBHC  
133.25 providers at the prospective payment rate. The commissioner shall monitor the effect of  
133.26 this requirement on the rate of access to the services delivered by CCBHC providers. If, for  
133.27 any contract year, federal approval is not received for this paragraph, the commissioner  
133.28 must adjust the capitation rates paid to managed care plans and county-based purchasing  
133.29 plans for that contract year to reflect the removal of this provision. Contracts between  
133.30 managed care plans and county-based purchasing plans and providers to whom this paragraph  
133.31 applies must allow recovery of payments from those providers if capitation rates are adjusted  
133.32 in accordance with this paragraph. Payment recoveries must not exceed the amount equal  
133.33 to any increase in rates that results from this provision. This paragraph expires if federal  
133.34 approval is not received for this paragraph at any time.

134.1 (e) The commissioner shall implement a quality incentive payment program for CCBHCs  
134.2 that meets the following requirements:

134.3 (1) a CCBHC shall receive a quality incentive payment upon meeting specific numeric  
134.4 thresholds for performance metrics established by the commissioner, in addition to payments  
134.5 for which the CCBHC is eligible under the prospective payment system described in  
134.6 paragraph (c);

134.7 (2) a CCBHC must be certified and enrolled as a CCBHC for the entire measurement  
134.8 year to be eligible for incentive payments;

134.9 (3) each CCBHC shall receive written notice of the criteria that must be met in order to  
134.10 receive quality incentive payments at least 90 days prior to the measurement year; and

134.11 (4) a CCBHC must provide the commissioner with data needed to determine incentive  
134.12 payment eligibility within six months following the measurement year. The commissioner  
134.13 shall notify CCBHC providers of their performance on the required measures and the  
134.14 incentive payment amount within 12 months following the measurement year.

134.15 (f) All claims to managed care plans for CCBHC services as provided under this section  
134.16 shall be submitted directly to, and paid by, the commissioner on the dates specified no later  
134.17 than January 1 of the following calendar year, if:

134.18 (1) one or more managed care plans does not comply with the federal requirement for  
134.19 payment of clean claims to CCBHCs, as defined in Code of Federal Regulations, title 42,  
134.20 section 447.45(b), and the managed care plan does not resolve the payment issue within 30  
134.21 days of noncompliance; and

134.22 (2) the total amount of clean claims not paid in accordance with federal requirements  
134.23 by one or more managed care plans is 50 percent of, or greater than, the total CCBHC claims  
134.24 eligible for payment by managed care plans.

134.25 If the conditions in this paragraph are met between January 1 and June 30 of a calendar  
134.26 year, claims shall be submitted to and paid by the commissioner beginning on January 1 of  
134.27 the following year. If the conditions in this paragraph are met between July 1 and December  
134.28 31 of a calendar year, claims shall be submitted to and paid by the commissioner beginning  
134.29 on July 1 of the following year.

134.30 Sec. 37. Minnesota Statutes 2020, section 256B.0625, subdivision 20, is amended to read:

134.31 Subd. 20. **Mental health case management.** (a) To the extent authorized by rule of the  
134.32 state agency, medical assistance covers case management services to persons with serious

135.1 and persistent mental illness and children with severe emotional disturbance. Services  
135.2 provided under this section must meet the relevant standards in sections 245.461 to 245.4887,  
135.3 the Comprehensive Adult and Children's Mental Health Acts, Minnesota Rules, parts  
135.4 9520.0900 to 9520.0926, and 9505.0322, excluding subpart 10.

135.5 (b) Entities meeting program standards set out in rules governing family community  
135.6 support services as defined in section 245.4871, subdivision 17, are eligible for medical  
135.7 assistance reimbursement for case management services for children with severe emotional  
135.8 disturbance when these services meet the program standards in Minnesota Rules, parts  
135.9 9520.0900 to 9520.0926 and 9505.0322, excluding subparts 6 and 10.

135.10 (c) Medical assistance and MinnesotaCare payment for mental health case management  
135.11 shall be made on a monthly basis. In order to receive payment for an eligible child, the  
135.12 provider must document at least a face-to-face contact with the child, the child's parents, or  
135.13 the child's legal representative. To receive payment for an eligible adult, the provider must  
135.14 document:

135.15 (1) at least a face-to-face contact with the adult or the adult's legal representative or a  
135.16 contact by interactive video that meets the requirements of subdivision 20b; or

135.17 (2) at least a telephone contact with the adult or the adult's legal representative and  
135.18 document a face-to-face contact or a contact by interactive video that meets the requirements  
135.19 of subdivision 20b with the adult or the adult's legal representative within the preceding  
135.20 two months.

135.21 (d) Payment for mental health case management provided by county or state staff shall  
135.22 be based on the monthly rate methodology under section 256B.094, subdivision 6, paragraph  
135.23 (b), with separate rates calculated for child welfare and mental health, and within mental  
135.24 health, separate rates for children and adults.

135.25 (e) Payment for mental health case management provided by Indian health services or  
135.26 by agencies operated by Indian tribes may be made according to this section or other relevant  
135.27 federally approved rate setting methodology.

135.28 (f) Payment for mental health case management provided by vendors who contract with  
135.29 a county ~~or Indian tribe shall be based on a monthly rate negotiated by the host county or~~  
135.30 ~~tribe~~ must be calculated in accordance with section 256B.076, subdivision 2. Payment for  
135.31 mental health case management provided by vendors who contract with a tribe must be  
135.32 based on a monthly rate negotiated by the tribe. The ~~negotiated~~ rate must not exceed the  
135.33 rate charged by the vendor for the same service to other payers. If the service is provided  
135.34 by a team of contracted vendors, the ~~county or tribe may negotiate a team rate with a vendor~~

136.1 ~~who is a member of the team.~~ The team shall determine how to distribute the rate among  
136.2 its members. No reimbursement received by contracted vendors shall be returned to the  
136.3 county or tribe, except to reimburse the county or tribe for advance funding provided by  
136.4 the county or tribe to the vendor.

136.5 (g) If the service is provided by a team which includes contracted vendors, tribal staff,  
136.6 and county or state staff, the costs for county or state staff participation in the team shall be  
136.7 included in the rate for county-provided services. In this case, the contracted vendor, the  
136.8 tribal agency, and the county may each receive separate payment for services provided by  
136.9 each entity in the same month. In order to prevent duplication of services, each entity must  
136.10 document, in the recipient's file, the need for team case management and a description of  
136.11 the roles of the team members.

136.12 (h) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for  
136.13 mental health case management shall be provided by the recipient's county of responsibility,  
136.14 as defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds  
136.15 used to match other federal funds. If the service is provided by a tribal agency, the nonfederal  
136.16 share, if any, shall be provided by the recipient's tribe. When this service is paid by the state  
136.17 without a federal share through fee-for-service, 50 percent of the cost shall be provided by  
136.18 the recipient's county of responsibility.

136.19 (i) Notwithstanding any administrative rule to the contrary, prepaid medical assistance  
136.20 and MinnesotaCare include mental health case management. When the service is provided  
136.21 through prepaid capitation, the nonfederal share is paid by the state and the county pays no  
136.22 share.

136.23 (j) The commissioner may suspend, reduce, or terminate the reimbursement to a provider  
136.24 that does not meet the reporting or other requirements of this section. The county of  
136.25 responsibility, as defined in sections 256G.01 to 256G.12, or, if applicable, the tribal agency,  
136.26 is responsible for any federal disallowances. The county or tribe may share this responsibility  
136.27 with its contracted vendors.

136.28 (k) The commissioner shall set aside a portion of the federal funds earned for county  
136.29 expenditures under this section to repay the special revenue maximization account under  
136.30 section 256.01, subdivision 2, paragraph (o). The repayment is limited to:

136.31 (1) the costs of developing and implementing this section; and

136.32 (2) programming the information systems.

137.1 (l) Payments to counties and tribal agencies for case management expenditures under  
137.2 this section shall only be made from federal earnings from services provided under this  
137.3 section. When this service is paid by the state without a federal share through fee-for-service,  
137.4 50 percent of the cost shall be provided by the state. Payments to county-contracted vendors  
137.5 shall include the federal earnings, the state share, and the county share.

137.6 (m) Case management services under this subdivision do not include therapy, treatment,  
137.7 legal, or outreach services.

137.8 (n) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,  
137.9 and the recipient's institutional care is paid by medical assistance, payment for case  
137.10 management services under this subdivision is limited to the lesser of:

137.11 (1) the last 180 days of the recipient's residency in that facility and may not exceed more  
137.12 than six months in a calendar year; or

137.13 (2) the limits and conditions which apply to federal Medicaid funding for this service.

137.14 (o) Payment for case management services under this subdivision shall not duplicate  
137.15 payments made under other program authorities for the same purpose.

137.16 (p) If the recipient is receiving care in a hospital, nursing facility, or residential setting  
137.17 licensed under chapter 245A or 245D that is staffed 24 hours a day, seven days a week,  
137.18 mental health targeted case management services must actively support identification of  
137.19 community alternatives for the recipient and discharge planning.

137.20 Sec. 38. Minnesota Statutes 2020, section 256B.0759, subdivision 2, is amended to read:

137.21 **Subd. 2. Provider participation.** (a) Outpatient substance use disorder treatment  
137.22 providers may elect to participate in the demonstration project and meet the requirements  
137.23 of subdivision 3. To participate, a provider must notify the commissioner of the provider's  
137.24 intent to participate in a format required by the commissioner and enroll as a demonstration  
137.25 project provider.

137.26 (b) A program licensed by the Department of Human Services as a residential treatment  
137.27 program according to section 245G.21 and that receives payment under this chapter must  
137.28 enroll as a demonstration project provider and meet the requirements of subdivision 3 by  
137.29 January 1, 2022. The commissioner may grant an extension, for a period not to exceed six  
137.30 months, to a program that is unable to meet the requirements of subdivision 3 due to  
137.31 demonstrated extraordinary circumstances. A program seeking an extension must apply in  
137.32 a format approved by the commissioner by November 1, 2021. A program that does not

138.1 meet the requirements under this paragraph by July 1, 2023, is ineligible for payment for  
138.2 services provided under sections 254B.05 and 256B.0625.

138.3 (c) A program licensed by the Department of Human Services as a withdrawal  
138.4 management program according to chapter 245F and that receives payment under this  
138.5 chapter must enroll as a demonstration project provider and meet the requirements of  
138.6 subdivision 3 by January 1, 2022. The commissioner may grant an extension, for a period  
138.7 not to exceed six months, to a program that is unable to meet the requirements of subdivision  
138.8 3 due to demonstrated extraordinary circumstances. A program seeking an extension must  
138.9 apply in a format approved by the commissioner by November 1, 2021. A program that  
138.10 does not meet the requirements under this paragraph by July 1, 2023, is ineligible for payment  
138.11 for services provided under sections 254B.05 and 256B.0625.

138.12 (d) An out-of-state residential substance use disorder treatment program that receives  
138.13 payment under this chapter must enroll as a demonstration project provider and meet the  
138.14 requirements of subdivision 3 by January 1, 2022. The commissioner may grant an extension,  
138.15 for a period not to exceed six months, to a program that is unable to meet the requirements  
138.16 of subdivision 3 due to demonstrated extraordinary circumstances. A program seeking an  
138.17 extension must apply in a format approved by the commissioner by November 1, 2021.  
138.18 Programs that do not meet the requirements under this paragraph by July 1, 2023, are  
138.19 ineligible for payment for services provided under sections 254B.05 and 256B.0625.

138.20 (e) Tribally licensed programs may elect to participate in the demonstration project and  
138.21 meet the requirements of subdivision 3. The Department of Human Services must consult  
138.22 with tribal nations to discuss participation in the substance use disorder demonstration  
138.23 project.

138.24 (f) All rate enhancements for services rendered by demonstration project providers that  
138.25 voluntarily enrolled before July 1, 2021, are applicable only to dates of service on or after  
138.26 the effective date of the provider's enrollment in the demonstration project, except as  
138.27 authorized under paragraph (g). The commissioner shall recoup any rate enhancements paid  
138.28 under paragraph (g) to a provider that does not meet the requirements of subdivision 3 by  
138.29 July 1, 2021.

138.30 (g) The commissioner may allow providers enrolled in the demonstration project before  
138.31 July 1, 2021, to receive applicable rate enhancements authorized under subdivision 4 for  
138.32 services provided to fee-for-service enrollees on dates of service no earlier than July 22,  
138.33 2020, and to managed care enrollees on dates of service no earlier than January 1, 2021, if:

139.1 (1) the provider attests that during the time period for which it is seeking the rate  
139.2 enhancement, it was taking meaningful steps and had a reasonable plan approved by the  
139.3 commissioner to meet the demonstration project requirements in subdivision 3;

139.4 (2) the provider submits the attestation and evidence of meeting the requirements of  
139.5 subdivision 3, including all information requested by the commissioner, in a format specified  
139.6 by the commissioner; and

139.7 (3) the commissioner received the provider's application for enrollment on or before  
139.8 June 1, 2021.

139.9 **EFFECTIVE DATE.** This section is effective July 1, 2021, or upon federal approval,  
139.10 whichever is later, except paragraphs (f) and (g) are effective the day following final  
139.11 enactment.

139.12 Sec. 39. Minnesota Statutes 2020, section 256B.0759, subdivision 4, is amended to read:

139.13 **Subd. 4. Provider payment rates.** (a) Payment rates for participating providers must  
139.14 be increased for services provided to medical assistance enrollees. To receive a rate increase,  
139.15 participating providers must meet demonstration project requirements, provider standards  
139.16 under subdivision 3, and provide evidence of formal referral arrangements with providers  
139.17 delivering step-up or step-down levels of care.

139.18 (b) The commissioner may temporarily suspend payments to the provider according to  
139.19 section 256B.04, subdivision 21, paragraph (d), if the requirements in paragraph (a) are not  
139.20 met. Payments withheld from the provider must be made once the commissioner determines  
139.21 that the requirements in paragraph (a) are met.

139.22 ~~(b)~~ (c) For substance use disorder services under section 254B.05, subdivision 5,  
139.23 paragraph (b), clause (8), provided on or after July 1, 2020, payment rates must be increased  
139.24 by ~~15~~ 30 percent over the rates in effect on December 31, 2019.

139.25 ~~(c)~~ (d) For substance use disorder services under section 254B.05, subdivision 5,  
139.26 paragraph (b), clauses (1), (6), and (7), and adolescent treatment programs that are licensed  
139.27 as outpatient treatment programs according to sections 245G.01 to 245G.18, provided on  
139.28 or after January 1, 2021, payment rates must be increased by ~~ten~~ 25 percent over the rates  
139.29 in effect on December 31, 2020.

139.30 ~~(d)~~ (e) Effective January 1, 2021, and contingent on annual federal approval, managed  
139.31 care plans and county-based purchasing plans must reimburse providers of the substance  
139.32 use disorder services meeting the criteria described in paragraph (a) who are employed by  
139.33 or under contract with the plan an amount that is at least equal to the fee-for-service base

140.1 rate payment for the substance use disorder services described in paragraphs ~~(b)~~ (c) and ~~(e)~~  
140.2 (d). The commissioner must monitor the effect of this requirement on the rate of access to  
140.3 substance use disorder services and residential substance use disorder rates. Capitation rates  
140.4 paid to managed care organizations and county-based purchasing plans must reflect the  
140.5 impact of this requirement. This paragraph expires if federal approval is not received at any  
140.6 time as required under this paragraph.

140.7 ~~(e)~~ (f) Effective July 1, 2021, contracts between managed care plans and county-based  
140.8 purchasing plans and providers to whom paragraph ~~(d)~~ (e) applies must allow recovery of  
140.9 payments from those providers if, for any contract year, federal approval for the provisions  
140.10 of paragraph ~~(d)~~ (e) is not received, and capitation rates are adjusted as a result. Payment  
140.11 recoveries must not exceed the amount equal to any decrease in rates that results from this  
140.12 provision.

140.13 **EFFECTIVE DATE.** This section is effective July 1, 2021, except the amendments to  
140.14 the payment rate percentage increases in paragraphs (c) and (d) are effective January 1,  
140.15 2022.

140.16 Sec. 40. Minnesota Statutes 2020, section 256B.0759, is amended by adding a subdivision  
140.17 to read:

140.18 **Subd. 6. Data and outcome measures; public posting.** Beginning July 1, 2021, and at  
140.19 least annually thereafter, all data and outcome measures from the previous year of the  
140.20 demonstration project shall be posted publicly on the Department of Human Services website  
140.21 in an accessible and user-friendly format.

140.22 **EFFECTIVE DATE.** This section is effective July 1, 2021.

140.23 Sec. 41. Minnesota Statutes 2020, section 256B.0759, is amended by adding a subdivision  
140.24 to read:

140.25 **Subd. 7. Federal approval; demonstration project extension.** The commissioner shall  
140.26 seek a five-year extension of the demonstration project under this section and to receive  
140.27 enhanced federal financial participation.

140.28 **EFFECTIVE DATE.** This section is effective July 1, 2021.

141.1 Sec. 42. Minnesota Statutes 2020, section 256B.0759, is amended by adding a subdivision  
141.2 to read:

141.3 Subd. 8. **Demonstration project evaluation work group.** Beginning October 1, 2021,  
141.4 the commissioner shall assemble a work group of relevant stakeholders, including but not  
141.5 limited to demonstration project participants and the Minnesota Association of Resources  
141.6 for Recovery and Chemical Health, that shall meet quarterly for the duration of the  
141.7 demonstration to evaluate the long-term sustainability of any improvements to quality or  
141.8 access to substance use disorder treatment services caused by participation in the  
141.9 demonstration project. The work group shall also determine how to implement successful  
141.10 outcomes of the demonstration project once the project expires.

141.11 **EFFECTIVE DATE.** This section is effective July 1, 2021.

141.12 Sec. 43. **[256B.076] CASE MANAGEMENT SERVICES.**

141.13 Subdivision 1. **Generally.** (a) It is the policy of this state to ensure that individuals on  
141.14 medical assistance receive cost-effective and coordinated care, including efforts to address  
141.15 the profound effects of housing instability, food insecurity, and other social determinants  
141.16 of health. Therefore, subject to federal approval, medical assistance covers targeted case  
141.17 management services as described in this section.

141.18 (b) The commissioner, in collaboration with tribes, counties, providers, and individuals  
141.19 served, must propose further modifications to targeted case management services to ensure  
141.20 a program that complies with all federal requirements, delivers services in a cost-effective  
141.21 and efficient manner, creates uniform expectations for targeted case management services,  
141.22 addresses health disparities, and promotes person- and family-centered services.

141.23 Subd. 2. **Rate setting.** (a) The commissioner must develop and implement a statewide  
141.24 rate methodology for any county that subcontracts targeted case management services to a  
141.25 vendor. On January 1, 2022, or upon federal approval, whichever is later, a county must  
141.26 use this methodology for any targeted case management services paid by medical assistance  
141.27 and delivered through a subcontractor.

141.28 (b) In setting this rate, the commissioner must include the following:

141.29 (1) prevailing wages;

141.30 (2) employee-related expense factor;

141.31 (3) paid time off and training factors;

141.32 (4) supervision and span of control;

142.1 (5) distribution of time factor;

142.2 (6) administrative factor;

142.3 (7) absence factor;

142.4 (8) program support factor; and

142.5 (9) caseload sizes as described in subdivision 3.

142.6 (c) A county may request that the commissioner authorize a rate based on a lower caseload  
142.7 size when a subcontractor is assigned to serve individuals with needs, such as homelessness  
142.8 or specific linguistic or cultural needs, that significantly exceed other eligible populations.

142.9 A county must include the following in the request:

142.10 (1) the number of clients to be served by a full-time equivalent staffer;

142.11 (2) the specific factors that require a case manager to provide significantly more hours  
142.12 of reimbursable services to a client; and

142.13 (3) how the county intends to monitor case size and outcomes.

142.14 (d) The commissioner must adjust only the factor for caseload in paragraph (b), clause  
142.15 (9), in response to a request under paragraph (c).

142.16 Subd. 3. **Caseload sizes.** A county-subcontracted provider of targeted case management  
142.17 services to the following populations must not exceed the following limits:

142.18 (1) for children with severe emotional disturbance, 15 clients to one full-time equivalent  
142.19 case manager;

142.20 (2) for adults with severe and persistent mental illness, 30 clients to one full-time  
142.21 equivalent case manager;

142.22 (3) for child welfare targeted case management, 25 clients to one full-time equivalent  
142.23 case manager; and

142.24 (4) for vulnerable adults and adults who have developmental disabilities, 45 clients to  
142.25 one full-time equivalent case manager.

142.26 Sec. 44. Minnesota Statutes 2020, section 256B.0924, subdivision 6, is amended to read:

142.27 **Subd. 6. Payment for targeted case management.** (a) Medical assistance and  
142.28 MinnesotaCare payment for targeted case management shall be made on a monthly basis.  
142.29 In order to receive payment for an eligible adult, the provider must document at least one  
142.30 contact per month and not more than two consecutive months without a face-to-face contact

143.1 with the adult or the adult's legal representative, family, primary caregiver, or other relevant  
143.2 persons identified as necessary to the development or implementation of the goals of the  
143.3 personal service plan.

143.4 (b) Payment for targeted case management provided by county staff under this subdivision  
143.5 shall be based on the monthly rate methodology under section 256B.094, subdivision 6,  
143.6 paragraph (b), calculated as one combined average rate together with adult mental health  
143.7 case management under section 256B.0625, subdivision 20, except for calendar year 2002.  
143.8 In calendar year 2002, the rate for case management under this section shall be the same as  
143.9 the rate for adult mental health case management in effect as of December 31, 2001. Billing  
143.10 and payment must identify the recipient's primary population group to allow tracking of  
143.11 revenues.

143.12 (c) Payment for targeted case management provided by county-contracted vendors shall  
143.13 be based on a monthly rate ~~negotiated by the host county~~ calculated in accordance with  
143.14 section 256B.076, subdivision 2. The ~~negotiated~~ rate must not exceed the rate charged by  
143.15 the vendor for the same service to other payers. If the service is provided by a team of  
143.16 contracted vendors, the ~~county may negotiate a team rate with a vendor who is a member~~  
143.17 ~~of the team~~. The team shall determine how to distribute the rate among its members. No  
143.18 reimbursement received by contracted vendors shall be returned to the county, except to  
143.19 reimburse the county for advance funding provided by the county to the vendor.

143.20 (d) If the service is provided by a team that includes contracted vendors and county staff,  
143.21 the costs for county staff participation on the team shall be included in the rate for  
143.22 county-provided services. In this case, the contracted vendor and the county may each  
143.23 receive separate payment for services provided by each entity in the same month. In order  
143.24 to prevent duplication of services, the county must document, in the recipient's file, the need  
143.25 for team targeted case management and a description of the different roles of the team  
143.26 members.

143.27 (e) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for  
143.28 targeted case management shall be provided by the recipient's county of responsibility, as  
143.29 defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds  
143.30 used to match other federal funds.

143.31 (f) The commissioner may suspend, reduce, or terminate reimbursement to a provider  
143.32 that does not meet the reporting or other requirements of this section. The county of  
143.33 responsibility, as defined in sections 256G.01 to 256G.12, is responsible for any federal  
143.34 disallowances. The county may share this responsibility with its contracted vendors.

144.1 (g) The commissioner shall set aside five percent of the federal funds received under  
144.2 this section for use in reimbursing the state for costs of developing and implementing this  
144.3 section.

144.4 (h) Payments to counties for targeted case management expenditures under this section  
144.5 shall only be made from federal earnings from services provided under this section. Payments  
144.6 to contracted vendors shall include both the federal earnings and the county share.

144.7 (i) Notwithstanding section 256B.041, county payments for the cost of case management  
144.8 services provided by county staff shall not be made to the commissioner of management  
144.9 and budget. For the purposes of targeted case management services provided by county  
144.10 staff under this section, the centralized disbursement of payments to counties under section  
144.11 256B.041 consists only of federal earnings from services provided under this section.

144.12 (j) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,  
144.13 and the recipient's institutional care is paid by medical assistance, payment for targeted case  
144.14 management services under this subdivision is limited to the lesser of:

144.15 (1) the last 180 days of the recipient's residency in that facility; or

144.16 (2) the limits and conditions which apply to federal Medicaid funding for this service.

144.17 (k) Payment for targeted case management services under this subdivision shall not  
144.18 duplicate payments made under other program authorities for the same purpose.

144.19 (l) Any growth in targeted case management services and cost increases under this  
144.20 section shall be the responsibility of the counties.

144.21 Sec. 45. Minnesota Statutes 2020, section 256B.094, subdivision 6, is amended to read:

144.22 Subd. 6. **Medical assistance reimbursement of case management services.** (a) Medical  
144.23 assistance reimbursement for services under this section shall be made on a monthly basis.  
144.24 Payment is based on face-to-face or telephone contacts between the case manager and the  
144.25 client, client's family, primary caregiver, legal representative, or other relevant person  
144.26 identified as necessary to the development or implementation of the goals of the individual  
144.27 service plan regarding the status of the client, the individual service plan, or the goals for  
144.28 the client. These contacts must meet the minimum standards in clauses (1) and (2):

144.29 (1) there must be a face-to-face contact at least once a month except as provided in clause  
144.30 (2); and

144.31 (2) for a client placed outside of the county of financial responsibility, or a client served  
144.32 by tribal social services placed outside the reservation, in an excluded time facility under

145.1 section 256G.02, subdivision 6, or through the Interstate Compact for the Placement of  
145.2 Children, section 260.93, and the placement in either case is more than 60 miles beyond  
145.3 the county or reservation boundaries, there must be at least one contact per month and not  
145.4 more than two consecutive months without a face-to-face contact.

145.5 (b) Except as provided under paragraph (c), the payment rate is established using time  
145.6 study data on activities of provider service staff and reports required under sections 245.482  
145.7 and 256.01, subdivision 2, paragraph (p).

145.8 (c) Payments for tribes may be made according to section 256B.0625 or other relevant  
145.9 federally approved rate setting methodology for child welfare targeted case management  
145.10 provided by Indian health services and facilities operated by a tribe or tribal organization.

145.11 (d) Payment for case management provided by county ~~or tribal social services~~ contracted  
145.12 vendors ~~shall be based on a monthly rate negotiated by the host county or tribal social~~  
145.13 ~~services~~ must be calculated in accordance with section 256B.076, subdivision 2. Payment  
145.14 for case management provided by vendors who contract with a tribe must be based on a  
145.15 monthly rate negotiated by the tribe. The ~~negotiated~~ rate must not exceed the rate charged  
145.16 by the vendor for the same service to other payers. If the service is provided by a team of  
145.17 contracted vendors, the ~~county or tribal social services may negotiate a team rate with a~~  
145.18 ~~vendor who is a member of the team.~~ The team shall determine how to distribute the rate  
145.19 among its members. No reimbursement received by contracted vendors shall be returned  
145.20 to the county or tribal social services, except to reimburse the county or tribal social services  
145.21 for advance funding provided by the county or tribal social services to the vendor.

145.22 (e) If the service is provided by a team that includes contracted vendors and county or  
145.23 tribal social services staff, the costs for county or tribal social services staff participation in  
145.24 the team shall be included in the rate for county or tribal social services provided services.  
145.25 In this case, the contracted vendor and the county or tribal social services may each receive  
145.26 separate payment for services provided by each entity in the same month. To prevent  
145.27 duplication of services, each entity must document, in the recipient's file, the need for team  
145.28 case management and a description of the roles and services of the team members.

145.29 Separate payment rates may be established for different groups of providers to maximize  
145.30 reimbursement as determined by the commissioner. The payment rate will be reviewed  
145.31 annually and revised periodically to be consistent with the most recent time study and other  
145.32 data. Payment for services will be made upon submission of a valid claim and verification  
145.33 of proper documentation described in subdivision 7. Federal administrative revenue earned  
145.34 through the time study, or under paragraph (c), shall be distributed according to earnings,

146.1 to counties, reservations, or groups of counties or reservations which have the same payment  
146.2 rate under this subdivision, and to the group of counties or reservations which are not  
146.3 certified providers under section 256F.10. The commissioner shall modify the requirements  
146.4 set out in Minnesota Rules, parts 9550.0300 to 9550.0370, as necessary to accomplish this.

146.5 Sec. 46. **DIRECTION TO THE COMMISSIONER; ADULT MENTAL HEALTH**  
146.6 **INITIATIVES REFORM.**

146.7 In establishing a legislative proposal for reforming the funding formula to distribute  
146.8 adult mental health initiative funds, the commissioner of human services shall ensure that  
146.9 funding currently received as a result of the closure of the Moose Lake Regional Treatment  
146.10 Center is not reallocated from any region that does not have a community behavioral health  
146.11 hospital. Upon finalization of the adult mental health initiatives reform, the commissioner  
146.12 shall notify the chairs and ranking minority members of the legislative committees with  
146.13 jurisdiction over health and human services finance and policy.

146.14 Sec. 47. **DIRECTION TO THE COMMISSIONER; ALTERNATIVE MENTAL**  
146.15 **HEALTH PROFESSIONAL LICENSING PATHWAYS WORK GROUP.**

146.16 (a) The commissioners of human services and health must convene a work group  
146.17 consisting of representatives from the Board of Psychology; the Board of Marriage and  
146.18 Family Therapy; the Board of Social Work; the Board of Behavioral Health and Therapy;  
146.19 five mental health providers from diverse cultural communities; a representative from the  
146.20 Minnesota Council of Health Plans; a representative from a state health care program; two  
146.21 representatives from mental health associations or community mental health clinics led by  
146.22 individuals who are Black, indigenous, or people of color; and representatives from mental  
146.23 health professional graduate programs to evaluate and make recommendations on possible  
146.24 alternative pathways to mental health professional licensure in Minnesota. The work group  
146.25 must:

146.26 (1) identify barriers to licensure in mental health professions;

146.27 (2) collect data on the number of individuals graduating from educational programs but  
146.28 not passing licensing exams;

146.29 (3) evaluate the feasibility of alternative pathways for licensure in mental health  
146.30 professions, ensuring provider competency and professionalism; and

146.31 (4) consult with national behavioral health testing entities.

147.1 (b) Mental health providers participating in the work group may be reimbursed for  
147.2 expenses in the same manner as authorized by the commissioner's plan adopted under  
147.3 Minnesota Statutes, section 43A.18, subdivision 2, upon approval by the commissioner.  
147.4 Members who, as a result of time spent attending work group meetings, incur child care  
147.5 expenses that would not otherwise have been incurred, may be reimbursed for those expenses  
147.6 upon approval by the commissioner. Reimbursements may be approved for no more than  
147.7 five individual providers.

147.8 (c) No later than February 1, 2023, the commissioners must submit a written report to  
147.9 the members of the legislative committees with jurisdiction over health and human services  
147.10 on the work group's findings and recommendations developed on alternative licensing  
147.11 pathways.

147.12 Sec. 48. **DIRECTION TO THE COMMISSIONER; CHILDREN'S MENTAL**  
147.13 **HEALTH RESIDENTIAL TREATMENT WORK GROUP.**

147.14 The commissioner of human services, in consultation with counties, children's mental  
147.15 health residential providers, and children's mental health advocates, must organize a work  
147.16 group and develop recommendations on how to efficiently and effectively fund room and  
147.17 board costs for children's mental health residential treatment under the children's mental  
147.18 health act. The work group may also provide recommendations on how to address systemic  
147.19 barriers in transitioning children into the community and community-based treatment options.  
147.20 The commissioner shall submit the recommendations to the chairs and ranking minority  
147.21 members of the legislative committees with jurisdiction over health and human services  
147.22 policy and finance by February 15, 2022.

147.23 Sec. 49. **DIRECTION TO THE COMMISSIONER; CULTURALLY AND**  
147.24 **LINGUISTICALLY APPROPRIATE SERVICES.**

147.25 The commissioner of human services, in consultation with substance use disorder  
147.26 treatment providers, lead agencies, and individuals who receive substance use disorder  
147.27 treatment services, shall develop a statewide implementation and transition plan for culturally  
147.28 and linguistically appropriate services (CLAS) national standards, including technical  
147.29 assistance for providers to transition to the CLAS standards and to improve disparate  
147.30 treatment outcomes. The commissioner must consult with individuals who are Black,  
147.31 indigenous, people of color, and linguistically diverse in the development of the  
147.32 implementation and transition plans under this section.

148.1 Sec. 50. **DIRECTION TO THE COMMISSIONER; RATE RECOMMENDATIONS**  
148.2 **FOR OPIOID TREATMENT PROGRAMS.**

148.3 The commissioner of human services shall evaluate the rate structure for opioid treatment  
148.4 programs licensed under Minnesota Statutes, section 245G.22, and report recommendations,  
148.5 including a revised rate structure and proposed draft legislation, to the chairs and ranking  
148.6 minority members of the legislative committees with jurisdiction over human services policy  
148.7 and finance by October 1, 2021.

148.8 Sec. 51. **DIRECTION TO THE COMMISSIONER; SOBER HOUSING PROGRAM**  
148.9 **RECOMMENDATIONS.**

148.10 (a) The commissioner of human services, in consultation with stakeholders, must develop  
148.11 recommendations on:

148.12 (1) increasing access to sober housing programs;

148.13 (2) promoting person-centered practices and cultural responsiveness in sober housing  
148.14 programs;

148.15 (3) potential oversight of sober housing programs; and

148.16 (4) providing consumer protections for individuals in sober housing programs with  
148.17 substance use disorders and individuals with co-occurring mental illnesses.

148.18 (b) Stakeholders include but are not limited to the Minnesota Association of Sober  
148.19 Homes, the Minnesota Association of Resources for Recovery and Chemical Health,  
148.20 Minnesota Recovery Connection, NAMI Minnesota, the National Alliance of Recovery  
148.21 Residencies (NARR), Oxford Houses, Inc., sober housing programs based in Minnesota  
148.22 that are not members of the Minnesota Association of Sober Homes, a member of Alcoholics  
148.23 Anonymous, and residents and former residents of sober housing programs based in  
148.24 Minnesota. Stakeholders must equitably represent various geographic areas of the state and  
148.25 must include individuals in recovery and providers representing Black, indigenous, people  
148.26 of color, or immigrant communities.

148.27 (c) The commissioner must complete and submit a report on these recommendations to  
148.28 the chairs and ranking minority members of the legislative committees with jurisdiction  
148.29 over health and human services policy and finance on or before March 1, 2022.

149.1 Sec. 52. **DIRECTION TO THE COMMISSIONER; SUBSTANCE USE DISORDER**  
149.2 **TREATMENT PAPERWORK REDUCTION.**

149.3 (a) The commissioner of human services, in consultation with counties, tribes, managed  
149.4 care organizations, substance use disorder treatment professional associations, and other  
149.5 relevant stakeholders, shall develop, assess, and recommend systems improvements to  
149.6 minimize regulatory paperwork and improve systems for substance use disorder programs  
149.7 licensed under Minnesota Statutes, chapter 245A, and regulated under Minnesota Statutes,  
149.8 chapters 245F and 245G, and Minnesota Rules, chapters 2960 and 9530. The commissioner  
149.9 of human services shall make available any resources needed from other divisions within  
149.10 the department to implement systems improvements.

149.11 (b) The commissioner of health shall make available needed information and resources  
149.12 from the Division of Health Policy.

149.13 (c) The Office of MN.IT Services shall provide advance consultation and implementation  
149.14 of the changes needed in data systems.

149.15 (d) The commissioner of human services shall contract with a vendor that has experience  
149.16 with developing statewide system changes for multiple states at the payer and provider  
149.17 levels. If the commissioner, after exercising reasonable diligence, is unable to secure a  
149.18 vendor with the requisite qualifications, then the commissioner may select the best qualified  
149.19 vendor available. When developing recommendations, the commissioner shall consider  
149.20 input from all stakeholders. The commissioner's recommendations shall maximize benefits  
149.21 for clients and utility for providers, regulatory agencies, and payers.

149.22 (e) The commissioner of human services and contracted vendor shall follow the  
149.23 recommendations from the report issued in response to Laws 2019, First Special Session  
149.24 chapter 9, article 6, section 76.

149.25 (f) By December 15, 2022, the commissioner of human services shall take steps to  
149.26 implement paperwork reductions and systems improvements within the commissioner's  
149.27 authority and submit to the chairs and ranking minority members of the legislative committees  
149.28 with jurisdiction over health and human services a report that includes recommendations  
149.29 for changes in statutes that would further enhance systems improvements to reduce  
149.30 paperwork. The report shall include a summary of the approaches developed and assessed  
149.31 by the commissioner of human services and stakeholders and the results of any assessments  
149.32 conducted.

150.1 **Sec. 53. MENTAL HEALTH CULTURAL COMMUNITY CONTINUING**  
150.2 **EDUCATION GRANT PROGRAM.**

150.3 The commissioner of health shall develop a grant program, in consultation with the  
150.4 relevant mental health licensing boards, to provide for the continuing education necessary  
150.5 for social workers, marriage and family therapists, psychologists, and professional clinical  
150.6 counselors who are members of communities of color or underrepresented communities,  
150.7 as defined in Minnesota Statutes, section 148E.010, subdivision 20, and who work for  
150.8 community mental health providers, to become supervisors for individuals pursuing licensure  
150.9 in mental health professions.

150.10 **Sec. 54. MENTAL HEALTH PROFESSIONAL LICENSING SUPERVISION.**

150.11 (a) The Board of Psychology, the Board of Marriage and Family Therapy, the Board of  
150.12 Social Work, and the Board of Behavioral Health and Therapy must convene to develop  
150.13 recommendations for:

150.14 (1) providing certification of individuals across multiple mental health professions who  
150.15 may serve as supervisors;

150.16 (2) adopting a single, common supervision certificate for all mental health professional  
150.17 education programs;

150.18 (3) determining ways for internship hours to be counted toward licensure in mental  
150.19 health professions; and

150.20 (4) determining ways for practicum hours to count toward supervisory experience.

150.21 (b) No later than February 1, 2023, the commissioners must submit a written report to  
150.22 the members of the legislative committees with jurisdiction over health and human services  
150.23 on the recommendations developed under paragraph (a).

150.24 **Sec. 55. SUBSTANCE USE DISORDER TREATMENT RATE RESTRUCTURE**  
150.25 **ANALYSIS.**

150.26 (a) By January 1, 2022, the commissioner shall issue a request for proposals for  
150.27 frameworks and modeling of substance use disorder rates. Rates must be predicated on a  
150.28 uniform methodology that is transparent, culturally responsive, supports staffing needed to  
150.29 treat a patient's assessed need, and promotes quality service delivery and patient choice.

150.30 The commissioner must consult with substance use disorder treatment programs across the  
150.31 spectrum of services, substance use disorder treatment programs from across each region

151.1 of the state, and culturally responsive providers in the development of the request for proposal  
151.2 process and for the duration of the contract.

151.3 (b) By January 15, 2023, the commissioner of human services shall submit a report to  
151.4 the chairs and ranking minority members of the legislative committees with jurisdiction  
151.5 over human services policy and finance on the results of the vendor's work. The report must  
151.6 include legislative language necessary to implement a new substance use disorder treatment  
151.7 rate methodology and a detailed fiscal analysis.

151.8 Sec. 56. **REVISOR INSTRUCTION.**

151.9 The revisor of statutes shall replace "EXCELLENCE IN MENTAL HEALTH  
151.10 DEMONSTRATION PROJECT" with "CERTIFIED COMMUNITY BEHAVIORAL  
151.11 HEALTH CLINIC SERVICES" in the section headnote for Minnesota Statutes, section  
151.12 245.735.

151.13 Sec. 57. **REPEALER.**

151.14 (a) Minnesota Statutes 2020, section 256B.0596, is repealed.

151.15 (b) Minnesota Statutes 2020, section 245.735, subdivisions 1, 2, and 4, are repealed.

151.16 (c) Minnesota Statutes 2020, section 245.4871, subdivision 32a, is repealed.

151.17 (d) Minnesota Rules, parts 9530.6800; and 9530.6810, are repealed.

151.18 **EFFECTIVE DATE.** Paragraph (c) is effective September 30, 2021. Paragraph (d) is  
151.19 effective the day following final enactment.

## 151.20 **ARTICLE 5**

### 151.21 **DIRECT CARE AND TREATMENT**

151.22 Section 1. Minnesota Statutes 2020, section 246.54, subdivision 1b, is amended to read:

151.23 Subd. 1b. **Community behavioral health hospitals.** A county's payment of the cost of  
151.24 care provided at state-operated community-based behavioral health hospitals for adults and  
151.25 children shall be according to the following schedule:

151.26 (1) 100 percent for each day during the stay, including the day of admission, when the  
151.27 facility determines that it is clinically appropriate for the client to be discharged; and

151.28 (2) the county shall not be entitled to reimbursement from the client, the client's estate,  
151.29 or from the client's relatives, except as provided in section 246.53.

## ARTICLE 6

## DISABILITY SERVICES AND CONTINUING CARE FOR OLDER ADULTS

Section 1. Minnesota Statutes 2020, section 144.0724, subdivision 4, is amended to read:

Subd. 4. **Resident assessment schedule.** (a) A facility must conduct and electronically submit to the ~~commissioner of health~~ federal database MDS assessments that conform with the assessment schedule defined by ~~Code of Federal Regulations, title 42, section 483.20, and published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services,~~ in the Long Term Care Facility Resident Assessment Instrument User's Manual, version 3.0, and subsequent updates when or its successor issued by the Centers for Medicare and Medicaid Services. The commissioner of health may substitute successor manuals or question and answer documents published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, to replace or supplement the current version of the manual or document.

(b) The assessments required under the Omnibus Budget Reconciliation Act of 1987 (OBRA) used to determine a case mix classification for reimbursement include the following:

(1) a new admission comprehensive assessment, which must have an assessment reference date (ARD) within 14 calendar days after admission, excluding readmissions;

(2) an annual comprehensive assessment, which must have an ~~assessment reference date (ARD)~~ ARD within 92 days of ~~the~~ a previous quarterly review assessment and the or a previous comprehensive assessment, which must occur at least once every 366 days;

(3) a significant change in status comprehensive assessment, which must be completed have an ARD within 14 days ~~of the identification of~~ after the facility determines, or should have determined, that there has been a significant change in the resident's physical or mental condition, whether an improvement or a decline, and regardless of the amount of time since the last significant change in status comprehensive assessment or quarterly review assessment;

(4) ~~all~~ a quarterly assessments review assessment must have an ~~assessment reference date (ARD)~~ ARD within 92 days of the ARD of the previous quarterly review assessment or a previous comprehensive assessment;

(5) any significant correction to a prior comprehensive assessment, if the assessment being corrected is the current one being used for RUG classification; ~~and~~

(6) any significant correction to a prior quarterly review assessment, if the assessment being corrected is the current one being used for RUG classification.;

153.1 (7) a required significant change in status assessment when:

153.2 (i) all speech, occupational, and physical therapies have ended. The ARD of this  
153.3 assessment must be set on day eight after all therapy services have ended; and

153.4 (ii) isolation for an infectious disease has ended. The ARD of this assessment must be  
153.5 set on day 15 after isolation has ended; and

153.6 (8) any modifications to the most recent assessments under clauses (1) to (7).

153.7 (c) In addition to the assessments listed in paragraph (b), the assessments used to  
153.8 determine nursing facility level of care include the following:

153.9 (1) preadmission screening completed under section 256.975, subdivisions 7a to 7c, by  
153.10 the Senior LinkAge Line or other organization under contract with the Minnesota Board on  
153.11 Aging; and

153.12 (2) a nursing facility level of care determination as provided for under section 256B.0911,  
153.13 subdivision 4e, as part of a face-to-face long-term care consultation assessment completed  
153.14 under section 256B.0911, by a county, tribe, or managed care organization under contract  
153.15 with the Department of Human Services.

153.16 Sec. 2. Minnesota Statutes 2020, section 245A.03, subdivision 7, is amended to read:

153.17 **Subd. 7. Licensing moratorium.** (a) The commissioner shall not issue an initial license  
153.18 for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or adult  
153.19 foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter  
153.20 for a physical location that will not be the primary residence of the license holder for the  
153.21 entire period of licensure. If a license is issued during this moratorium, and the license  
153.22 holder changes the license holder's primary residence away from the physical location of  
153.23 the foster care license, the commissioner shall revoke the license according to section  
153.24 245A.07. The commissioner shall not issue an initial license for a community residential  
153.25 setting licensed under chapter 245D. When approving an exception under this paragraph,  
153.26 the commissioner shall consider the resource need determination process in paragraph (h),  
153.27 the availability of foster care licensed beds in the geographic area in which the licensee  
153.28 seeks to operate, the results of a person's choices during their annual assessment and service  
153.29 plan review, and the recommendation of the local county board. The determination by the  
153.30 commissioner is final and not subject to appeal. Exceptions to the moratorium include:

153.31 (1) foster care settings that are required to be registered under chapter 144D;

154.1 (2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or  
154.2 community residential setting licenses replacing adult foster care licenses in existence on  
154.3 December 31, 2013, and determined to be needed by the commissioner under paragraph  
154.4 (b);

154.5 (3) new foster care licenses or community residential setting licenses determined to be  
154.6 needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD,  
154.7 or regional treatment center; restructuring of state-operated services that limits the capacity  
154.8 of state-operated facilities; or allowing movement to the community for people who no  
154.9 longer require the level of care provided in state-operated facilities as provided under section  
154.10 256B.092, subdivision 13, or 256B.49, subdivision 24;

154.11 (4) new foster care licenses or community residential setting licenses determined to be  
154.12 needed by the commissioner under paragraph (b) for persons requiring hospital level care;  
154.13 ~~or~~

154.14 (5) new foster care licenses or community residential setting licenses for people receiving  
154.15 services under chapter 245D and residing in an unlicensed setting before May 1, 2017, and  
154.16 for which a license is required. This exception does not apply to people living in their own  
154.17 home. For purposes of this clause, there is a presumption that a foster care or community  
154.18 residential setting license is required for services provided to three or more people in a  
154.19 dwelling unit when the setting is controlled by the provider. A license holder subject to this  
154.20 exception may rebut the presumption that a license is required by seeking a reconsideration  
154.21 of the commissioner's determination. The commissioner's disposition of a request for  
154.22 reconsideration is final and not subject to appeal under chapter 14. The exception is available  
154.23 until June 30, 2018. This exception is available when:

154.24 (i) the person's case manager provided the person with information about the choice of  
154.25 service, service provider, and location of service, including in the person's home, to help  
154.26 the person make an informed choice; and

154.27 (ii) the person's services provided in the licensed foster care or community residential  
154.28 setting are less than or equal to the cost of the person's services delivered in the unlicensed  
154.29 setting as determined by the lead agency; or

154.30 (6) new foster care licenses or community residential setting licenses for people receiving  
154.31 customized living or 24-hour customized living services under the brain injury or community  
154.32 access for disability inclusion waiver plans under section 256B.49 and residing in the  
154.33 customized living setting before July 1, 2022, for which a license is required. A customized  
154.34 living service provider subject to this exception may rebut the presumption that a license

155.1 is required by seeking a reconsideration of the commissioner's determination. The  
155.2 commissioner's disposition of a request for reconsideration is final and not subject to appeal  
155.3 under chapter 14. The exception is available until June 30, 2023. This exception is available  
155.4 when:

155.5 (i) the person's customized living services are provided in a customized living service  
155.6 setting serving four or fewer people under the brain injury or community access for disability  
155.7 inclusion waiver plans under section 256B.49 in a single-family home operational on or  
155.8 before June 30, 2021. Operational is defined in section 256B.49, subdivision 28;

155.9 (ii) the person's case manager provided the person with information about the choice of  
155.10 service, service provider, and location of service, including in the person's home, to help  
155.11 the person make an informed choice; and

155.12 (iii) the person's services provided in the licensed foster care or community residential  
155.13 setting are less than or equal to the cost of the person's services delivered in the customized  
155.14 living setting as determined by the lead agency.

155.15 (b) The commissioner shall determine the need for newly licensed foster care homes or  
155.16 community residential settings as defined under this subdivision. As part of the determination,  
155.17 the commissioner shall consider the availability of foster care capacity in the area in which  
155.18 the licensee seeks to operate, and the recommendation of the local county board. The  
155.19 determination by the commissioner must be final. A determination of need is not required  
155.20 for a change in ownership at the same address.

155.21 (c) When an adult resident served by the program moves out of a foster home that is not  
155.22 the primary residence of the license holder according to section 256B.49, subdivision 15,  
155.23 paragraph (f), or the adult community residential setting, the county shall immediately  
155.24 inform the Department of Human Services Licensing Division. The department may decrease  
155.25 the statewide licensed capacity for adult foster care settings.

155.26 (d) Residential settings that would otherwise be subject to the decreased license capacity  
155.27 established in paragraph (c) shall be exempt if the license holder's beds are occupied by  
155.28 residents whose primary diagnosis is mental illness and the license holder is certified under  
155.29 the requirements in subdivision 6a or section 245D.33.

155.30 (e) A resource need determination process, managed at the state level, using the available  
155.31 reports required by section 144A.351, and other data and information shall be used to  
155.32 determine where the reduced capacity determined under section 256B.493 will be  
155.33 implemented. The commissioner shall consult with the stakeholders described in section  
155.34 144A.351, and employ a variety of methods to improve the state's capacity to meet the

156.1 informed decisions of those people who want to move out of corporate foster care or  
156.2 community residential settings, long-term service needs within budgetary limits, including  
156.3 seeking proposals from service providers or lead agencies to change service type, capacity,  
156.4 or location to improve services, increase the independence of residents, and better meet  
156.5 needs identified by the long-term services and supports reports and statewide data and  
156.6 information.

156.7 (f) At the time of application and reapplication for licensure, the applicant and the license  
156.8 holder that are subject to the moratorium or an exclusion established in paragraph (a) are  
156.9 required to inform the commissioner whether the physical location where the foster care  
156.10 will be provided is or will be the primary residence of the license holder for the entire period  
156.11 of licensure. If the primary residence of the applicant or license holder changes, the applicant  
156.12 or license holder must notify the commissioner immediately. The commissioner shall print  
156.13 on the foster care license certificate whether or not the physical location is the primary  
156.14 residence of the license holder.

156.15 (g) License holders of foster care homes identified under paragraph (f) that are not the  
156.16 primary residence of the license holder and that also provide services in the foster care home  
156.17 that are covered by a federally approved home and community-based services waiver, as  
156.18 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human  
156.19 services licensing division that the license holder provides or intends to provide these  
156.20 waiver-funded services.

156.21 (h) The commissioner may adjust capacity to address needs identified in section  
156.22 144A.351. Under this authority, the commissioner may approve new licensed settings or  
156.23 delicense existing settings. Delicensing of settings will be accomplished through a process  
156.24 identified in section 256B.493. Annually, by August 1, the commissioner shall provide  
156.25 information and data on capacity of licensed long-term services and supports, actions taken  
156.26 under the subdivision to manage statewide long-term services and supports resources, and  
156.27 any recommendations for change to the legislative committees with jurisdiction over the  
156.28 health and human services budget.

156.29 (i) The commissioner must notify a license holder when its corporate foster care or  
156.30 community residential setting licensed beds are reduced under this section. The notice of  
156.31 reduction of licensed beds must be in writing and delivered to the license holder by certified  
156.32 mail or personal service. The notice must state why the licensed beds are reduced and must  
156.33 inform the license holder of its right to request reconsideration by the commissioner. The  
156.34 license holder's request for reconsideration must be in writing. If mailed, the request for  
156.35 reconsideration must be postmarked and sent to the commissioner within 20 calendar days

157.1 after the license holder's receipt of the notice of reduction of licensed beds. If a request for  
157.2 reconsideration is made by personal service, it must be received by the commissioner within  
157.3 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

157.4 (j) The commissioner shall not issue an initial license for children's residential treatment  
157.5 services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter  
157.6 for a program that Centers for Medicare and Medicaid Services would consider an institution  
157.7 for mental diseases. Facilities that serve only private pay clients are exempt from the  
157.8 moratorium described in this paragraph. The commissioner has the authority to manage  
157.9 existing statewide capacity for children's residential treatment services subject to the  
157.10 moratorium under this paragraph and may issue an initial license for such facilities if the  
157.11 initial license would not increase the statewide capacity for children's residential treatment  
157.12 services subject to the moratorium under this paragraph.

157.13 **EFFECTIVE DATE.** This section is effective July 1, 2022.

157.14 Sec. 3. Minnesota Statutes 2020, section 256B.0911, subdivision 3a, is amended to read:

157.15 Subd. 3a. **Assessment and support planning.** (a) Persons requesting assessment, services  
157.16 planning, or other assistance intended to support community-based living, including persons  
157.17 who need assessment in order to determine waiver or alternative care program eligibility,  
157.18 must be visited by a long-term care consultation team within 20 calendar days after the date  
157.19 on which an assessment was requested or recommended. Upon statewide implementation  
157.20 of subdivisions 2b, 2c, and 5, this requirement also applies to an assessment of a person  
157.21 requesting personal care assistance services. The commissioner shall provide at least a  
157.22 90-day notice to lead agencies prior to the effective date of this requirement. Face-to-face  
157.23 assessments must be conducted according to paragraphs (b) to (i).

157.24 (b) Upon implementation of subdivisions 2b, 2c, and 5, lead agencies shall use certified  
157.25 assessors to conduct the assessment. For a person with complex health care needs, a public  
157.26 health or registered nurse from the team must be consulted.

157.27 (c) The MnCHOICES assessment provided by the commissioner to lead agencies must  
157.28 be used to complete a comprehensive, conversation-based, person-centered assessment.  
157.29 The assessment must include the health, psychological, functional, environmental, and  
157.30 social needs of the individual necessary to develop a person-centered community support  
157.31 plan that meets the individual's needs and preferences.

157.32 (d) The assessment must be conducted by a certified assessor in a face-to-face  
157.33 conversational interview with the person being assessed. The person's legal representative

158.1 must provide input during the assessment process and may do so remotely if requested. At  
158.2 the request of the person, other individuals may participate in the assessment to provide  
158.3 information on the needs, strengths, and preferences of the person necessary to develop a  
158.4 community support plan that ensures the person's health and safety. Except for legal  
158.5 representatives or family members invited by the person, persons participating in the  
158.6 assessment may not be a provider of service or have any financial interest in the provision  
158.7 of services. For persons who are to be assessed for elderly waiver customized living or adult  
158.8 day services under chapter 256S, with the permission of the person being assessed or the  
158.9 person's designated or legal representative, the client's current or proposed provider of  
158.10 services may submit a copy of the provider's nursing assessment or written report outlining  
158.11 its recommendations regarding the client's care needs. The person conducting the assessment  
158.12 must notify the provider of the date by which this information is to be submitted. This  
158.13 information shall be provided to the person conducting the assessment prior to the assessment.  
158.14 For a person who is to be assessed for waiver services under section 256B.092 or 256B.49,  
158.15 with the permission of the person being assessed or the person's designated legal  
158.16 representative, the person's current provider of services may submit a written report outlining  
158.17 recommendations regarding the person's care needs the person completed in consultation  
158.18 with someone who is known to the person and has interaction with the person on a regular  
158.19 basis. The provider must submit the report at least 60 days before the end of the person's  
158.20 current service agreement. The certified assessor must consider the content of the submitted  
158.21 report prior to finalizing the person's assessment or reassessment.

158.22 (e) The certified assessor and the individual responsible for developing the coordinated  
158.23 service and support plan must complete the community support plan and the coordinated  
158.24 service and support plan no more than 60 calendar days from the assessment visit. The  
158.25 person or the person's legal representative must be provided with a written community  
158.26 support plan within the timelines established by the commissioner, regardless of whether  
158.27 the person is eligible for Minnesota health care programs.

158.28 (f) For a person being assessed for elderly waiver services under chapter 256S, a provider  
158.29 who submitted information under paragraph (d) shall receive the final written community  
158.30 support plan when available and the Residential Services Workbook.

158.31 (g) The written community support plan must include:

158.32 (1) a summary of assessed needs as defined in paragraphs (c) and (d);

158.33 (2) the individual's options and choices to meet identified needs, including:

158.34 (i) all available options for case management services and providers;

- 159.1 (ii) all available options for employment services, settings, and providers;
- 159.2 (iii) all available options for living arrangements;
- 159.3 (iv) all available options for self-directed services and supports, including self-directed
- 159.4 budget options; and
- 159.5 (v) service provided in a non-disability-specific setting;
- 159.6 (3) identification of health and safety risks and how those risks will be addressed,
- 159.7 including personal risk management strategies;
- 159.8 (4) referral information; and
- 159.9 (5) informal caregiver supports, if applicable.
- 159.10 For a person determined eligible for state plan home care under subdivision 1a, paragraph
- 159.11 (b), clause (1), the person or person's representative must also receive a copy of the home
- 159.12 care service plan developed by the certified assessor.
- 159.13 (h) A person may request assistance in identifying community supports without
- 159.14 participating in a complete assessment. Upon a request for assistance identifying community
- 159.15 support, the person must be transferred or referred to long-term care options counseling
- 159.16 services available under sections 256.975, subdivision 7, and 256.01, subdivision 24, for
- 159.17 telephone assistance and follow up.
- 159.18 (i) The person has the right to make the final decision:
- 159.19 (1) between institutional placement and community placement after the recommendations
- 159.20 have been provided, except as provided in section 256.975, subdivision 7a, paragraph (d);
- 159.21 (2) between community placement in a setting controlled by a provider and living
- 159.22 independently in a setting not controlled by a provider;
- 159.23 (3) between day services and employment services; and
- 159.24 (4) regarding available options for self-directed services and supports, including
- 159.25 self-directed funding options.
- 159.26 (j) The lead agency must give the person receiving long-term care consultation services
- 159.27 or the person's legal representative, materials, and forms supplied by the commissioner
- 159.28 containing the following information:
- 159.29 (1) written recommendations for community-based services and consumer-directed
- 159.30 options;

160.1 (2) documentation that the most cost-effective alternatives available were offered to the  
160.2 individual. For purposes of this clause, "cost-effective" means community services and  
160.3 living arrangements that cost the same as or less than institutional care. For an individual  
160.4 found to meet eligibility criteria for home and community-based service programs under  
160.5 chapter 256S or section 256B.49, "cost-effectiveness" has the meaning found in the federally  
160.6 approved waiver plan for each program;

160.7 (3) the need for and purpose of preadmission screening conducted by long-term care  
160.8 options counselors according to section 256.975, subdivisions 7a to 7c, if the person selects  
160.9 nursing facility placement. If the individual selects nursing facility placement, the lead  
160.10 agency shall forward information needed to complete the level of care determinations and  
160.11 screening for developmental disability and mental illness collected during the assessment  
160.12 to the long-term care options counselor using forms provided by the commissioner;

160.13 (4) the role of long-term care consultation assessment and support planning in eligibility  
160.14 determination for waiver and alternative care programs, and state plan home care, case  
160.15 management, and other services as defined in subdivision 1a, paragraphs (a), clause (6),  
160.16 and (b);

160.17 (5) information about Minnesota health care programs;

160.18 (6) the person's freedom to accept or reject the recommendations of the team;

160.19 (7) the person's right to confidentiality under the Minnesota Government Data Practices  
160.20 Act, chapter 13;

160.21 (8) the certified assessor's decision regarding the person's need for institutional level of  
160.22 care as determined under criteria established in subdivision 4e and the certified assessor's  
160.23 decision regarding eligibility for all services and programs as defined in subdivision 1a,  
160.24 paragraphs (a), clause (6), and (b);

160.25 (9) the person's right to appeal the certified assessor's decision regarding eligibility for  
160.26 all services and programs as defined in subdivision 1a, paragraphs (a), clauses (6), (7), and  
160.27 (8), and (b), and incorporating the decision regarding the need for institutional level of care  
160.28 or the lead agency's final decisions regarding public programs eligibility according to section  
160.29 256.045, subdivision 3. The certified assessor must verbally communicate this appeal right  
160.30 to the person and must visually point out where in the document the right to appeal is stated;  
160.31 and

160.32 (10) documentation that available options for employment services, independent living,  
160.33 and self-directed services and supports were described to the individual.

161.1 (k) Face-to-face assessment completed as part of an eligibility determination for multiple  
161.2 programs for the alternative care, elderly waiver, developmental disabilities, community  
161.3 access for disability inclusion, community alternative care, and brain injury waiver programs  
161.4 under chapter 256S and sections 256B.0913, 256B.092, and 256B.49 is valid to establish  
161.5 service eligibility for no more than 60 calendar days after the date of assessment.

161.6 (l) The effective eligibility start date for programs in paragraph (k) can never be prior  
161.7 to the date of assessment. If an assessment was completed more than 60 days before the  
161.8 effective waiver or alternative care program eligibility start date, assessment and support  
161.9 plan information must be updated and documented in the department's Medicaid Management  
161.10 Information System (MMIS). Notwithstanding retroactive medical assistance coverage of  
161.11 state plan services, the effective date of eligibility for programs included in paragraph (k)  
161.12 cannot be prior to the date the most recent updated assessment is completed.

161.13 (m) If an eligibility update is completed within 90 days of the previous face-to-face  
161.14 assessment and documented in the department's Medicaid Management Information System  
161.15 (MMIS), the effective date of eligibility for programs included in paragraph (k) is the date  
161.16 of the previous face-to-face assessment when all other eligibility requirements are met.

161.17 (n) If a person who receives home and community-based waiver services under section  
161.18 256B.0913, 256B.092, or 256B.49 or chapter 256S temporarily enters for 121 days or less  
161.19 a hospital, institution of mental disease, nursing facility, intensive residential treatment  
161.20 services program, transitional care unit, or inpatient substance use disorder treatment setting,  
161.21 the person may return to the community with home and community-based waiver services  
161.22 under the same waiver, without requiring an assessment or reassessment under this section,  
161.23 unless the person's annual reassessment is otherwise due. Nothing in this section shall change  
161.24 annual long-term care consultation reassessment requirements, payment for institutional or  
161.25 treatment services, medical assistance financial eligibility, or any other law.

161.26 ~~(n)~~ (o) At the time of reassessment, the certified assessor shall assess each person  
161.27 receiving waiver residential supports and services currently residing in a community  
161.28 residential setting, licensed adult foster care home that is either not the primary residence  
161.29 of the license holder or in which the license holder is not the primary caregiver, family adult  
161.30 foster care residence, customized living setting, or supervised living facility to determine  
161.31 if that person would prefer to be served in a community-living setting as defined in section  
161.32 256B.49, subdivision 23, in a setting not controlled by a provider, or to receive integrated  
161.33 community supports as described in section 245D.03, subdivision 1, paragraph (c), clause  
161.34 (8). The certified assessor shall offer the person, through a person-centered planning process,  
161.35 the option to receive alternative housing and service options.

162.1 ~~(o)~~ (p) At the time of reassessment, the certified assessor shall assess each person  
162.2 receiving waiver day services to determine if that person would prefer to receive employment  
162.3 services as described in section 245D.03, subdivision 1, paragraph (c), clauses (5) to (7).

162.4 The certified assessor shall describe to the person through a person-centered planning process  
162.5 the option to receive employment services.

162.6 ~~(p)~~ (q) At the time of reassessment, the certified assessor shall assess each person  
162.7 receiving non-self-directed waiver services to determine if that person would prefer an  
162.8 available service and setting option that would permit self-directed services and supports.

162.9 The certified assessor shall describe to the person through a person-centered planning process  
162.10 the option to receive self-directed services and supports.

162.11 **EFFECTIVE DATE.** This section is effective upon federal approval. The commissioner  
162.12 shall notify the revisor of statutes when federal approval is obtained.

162.13 Sec. 4. Minnesota Statutes 2020, section 256B.092, subdivision 4, is amended to read:

162.14 Subd. 4. **Home and community-based services for developmental disabilities.** (a)  
162.15 The commissioner shall make payments to approved vendors participating in the medical  
162.16 assistance program to pay costs of providing home and community-based services, including  
162.17 case management service activities provided as an approved home and community-based  
162.18 service, to medical assistance eligible persons with developmental disabilities who have  
162.19 been screened under subdivision 7 and according to federal requirements. Federal  
162.20 requirements include those services and limitations included in the federally approved  
162.21 application for home and community-based services for persons with developmental  
162.22 disabilities and subsequent amendments.

162.23 ~~(b) Effective July 1, 1995, contingent upon federal approval and state appropriations~~  
162.24 ~~made available for this purpose, and in conjunction with Laws 1995, chapter 207, article 8,~~  
162.25 ~~section 40, the commissioner of human services shall allocate resources to county agencies~~  
162.26 ~~for home and community-based waived services for persons with developmental disabilities~~  
162.27 ~~authorized but not receiving those services as of June 30, 1995, based upon the average~~  
162.28 ~~resource need of persons with similar functional characteristics. To ensure service continuity~~  
162.29 ~~for service recipients receiving home and community-based waived services for persons~~  
162.30 ~~with developmental disabilities prior to July 1, 1995, the commissioner shall make available~~  
162.31 ~~to the county of financial responsibility home and community-based waived services~~  
162.32 ~~resources based upon fiscal year 1995 authorized levels.~~

162.33 ~~(c) Home and community-based resources for all recipients shall be managed by the~~  
162.34 ~~county of financial responsibility within an allowable reimbursement average established~~

163.1 ~~for each county. Payments for home and community-based services provided to individual~~  
163.2 ~~recipients shall not exceed amounts authorized by the county of financial responsibility.~~  
163.3 ~~For specifically identified former residents of nursing facilities, the commissioner shall be~~  
163.4 ~~responsible for authorizing payments and payment limits under the appropriate home and~~  
163.5 ~~community-based service program. Payment is available under this subdivision only for~~  
163.6 ~~persons who, if not provided these services, would require the level of care provided in an~~  
163.7 ~~intermediate care facility for persons with developmental disabilities.~~

163.8 ~~(d)~~ (b) The commissioner shall comply with the requirements in the federally approved  
163.9 transition plan for the home and community-based services waivers for the elderly authorized  
163.10 under this section.

163.11 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,  
163.12 whichever is later. The commissioner of human services shall notify the revisor of statutes  
163.13 when federal approval is obtained.

163.14 Sec. 5. Minnesota Statutes 2020, section 256B.092, subdivision 5, is amended to read:

163.15 Subd. 5. **Federal waivers.** (a) The commissioner shall apply for any federal waivers  
163.16 necessary to secure, to the extent allowed by law, federal financial participation under United  
163.17 States Code, title 42, sections 1396 et seq., as amended, for the provision of services to  
163.18 persons who, in the absence of the services, would need the level of care provided in a  
163.19 regional treatment center or a community intermediate care facility for persons with  
163.20 developmental disabilities. The commissioner may seek amendments to the waivers or apply  
163.21 for additional waivers under United States Code, title 42, sections 1396 et seq., as amended,  
163.22 to contain costs. The commissioner shall ensure that payment for the cost of providing home  
163.23 and community-based alternative services under the federal waiver plan shall not exceed  
163.24 the cost of intermediate care services including day training and habilitation services that  
163.25 would have been provided without the waived services.

163.26 The commissioner shall seek an amendment to the 1915c home and community-based  
163.27 waiver to allow properly licensed adult foster care homes to provide residential services to  
163.28 up to five individuals with developmental disabilities. If the amendment to the waiver is  
163.29 approved, adult foster care providers that can accommodate five individuals shall increase  
163.30 their capacity to five beds, provided the providers continue to meet all applicable licensing  
163.31 requirements.

163.32 (b) The commissioner, in administering home and community-based waivers for persons  
163.33 with developmental disabilities, shall ensure that day services for eligible persons are not  
163.34 provided by the person's residential service provider, unless the person or the person's legal

164.1 representative is offered a choice of providers and agrees in writing to provision of day  
164.2 services by the residential service provider. The coordinated service and support plan for  
164.3 individuals who choose to have their residential service provider provide their day services  
164.4 must describe how health, safety, protection, and habilitation needs will be met, including  
164.5 how frequent and regular contact with persons other than the residential service provider  
164.6 will occur. The coordinated service and support plan must address the provision of services  
164.7 during the day outside the residence on weekdays.

164.8 (c) When a lead agency is evaluating denials, reductions, or terminations of home and  
164.9 community-based services under section 256B.0916 for an individual, the lead agency shall  
164.10 offer to meet with the individual or the individual's guardian in order to discuss the  
164.11 prioritization of service needs within the coordinated service and support plan. The reduction  
164.12 in the authorized services for an individual due to changes in funding for waived services  
164.13 may not exceed the amount needed to ensure medically necessary services to meet the  
164.14 individual's health, safety, and welfare.

164.15 (d) The commissioner shall seek federal approval to allow for the reconfiguration of the  
164.16 1915(c) home and community-based waivers in this section, as authorized under section  
164.17 1915(c) of the federal Social Security Act, to implement a two-waiver program structure.

164.18 (e) The transition to two disability home and community-based services waiver programs  
164.19 must align with the independent living first policy under section 256B.4905. Unless  
164.20 superseded by any other state or federal law, waiver eligibility criteria shall be the same for  
164.21 each waiver. The waiver program that a person uses shall be determined by the support  
164.22 planning process and whether the person chooses to live in a provider-controlled setting or  
164.23 in the person's own home.

164.24 (f) The commissioner shall seek federal approval for the 1915(c) home and  
164.25 community-based waivers in this section, as authorized under section 1915(c) of the federal  
164.26 Social Security Act, to implement an individual resource allocation methodology.

164.27 **EFFECTIVE DATE.** This section is effective January 1, 2023, or 90 days after federal  
164.28 approval, whichever is later. The commissioner of human services shall notify the revisor  
164.29 of statutes when federal approval is obtained.

164.30 Sec. 6. Minnesota Statutes 2020, section 256B.092, subdivision 12, is amended to read:

164.31 Subd. 12. **Waivered Waiver services statewide priorities.** (a) The commissioner shall  
164.32 establish statewide priorities for individuals on the waiting list for developmental disabilities  
164.33 (DD) waiver services, as of January 1, 2010. The statewide priorities must include, but are

165.1 not limited to, individuals who continue to have a need for waiver services after they have  
165.2 maximized the use of state plan services and other funding resources, including natural  
165.3 supports, prior to accessing waiver services, and who meet at least one of the following  
165.4 criteria:

165.5 (1) no longer require the intensity of services provided where they are currently living;  
165.6 or

165.7 (2) make a request to move from an institutional setting.

165.8 (b) After the priorities in paragraph (a) are met, priority must also be given to individuals  
165.9 who meet at least one of the following criteria:

165.10 (1) have unstable living situations due to the age, incapacity, or sudden loss of the primary  
165.11 caregivers;

165.12 (2) are moving from an institution due to bed closures;

165.13 (3) experience a sudden closure of their current living arrangement;

165.14 (4) require protection from confirmed abuse, neglect, or exploitation;

165.15 (5) experience a sudden change in need that can no longer be met through state plan  
165.16 services or other funding resources alone; or

165.17 (6) meet other priorities established by the department.

165.18 (c) When allocating new enrollment resources to lead agencies, the commissioner must  
165.19 take into consideration the number of individuals waiting who meet statewide priorities ~~and~~  
165.20 ~~the lead agencies' current use of waiver funds and existing service options. The commissioner~~  
165.21 ~~has the authority to transfer funds between counties, groups of counties, and tribes to~~  
165.22 ~~accommodate statewide priorities and resource needs while accounting for a necessary base~~  
165.23 ~~level reserve amount for each county, group of counties, and tribe.~~

165.24 Sec. 7. Minnesota Statutes 2020, section 256B.097, is amended by adding a subdivision  
165.25 to read:

165.26 Subd. 7. Regional quality councils and systems improvement. The commissioner of  
165.27 human services shall maintain the regional quality councils initially established under  
165.28 Minnesota Statutes 2020, section 256B.097, subdivision 4. The regional quality councils  
165.29 shall:

165.30 (1) support efforts and initiatives that drive overall systems and social change to promote  
165.31 inclusion of people who have disabilities in the state of Minnesota;

166.1 (2) improve person-centered outcomes in disability services; and

166.2 (3) identify or enhance quality of life indicators for people who have disabilities.

166.3 **EFFECTIVE DATE.** This section is effective July 1, 2021.

166.4 Sec. 8. Minnesota Statutes 2020, section 256B.097, is amended by adding a subdivision  
166.5 to read:

166.6 Subd. 8. **Membership and staff.** (a) Regional quality councils shall be comprised of  
166.7 key stakeholders including, but not limited to:

166.8 (1) individuals who have disabilities;

166.9 (2) family members of people who have disabilities;

166.10 (3) disability service providers;

166.11 (4) disability advocacy groups;

166.12 (5) lead agency staff; and

166.13 (6) staff of state agencies with jurisdiction over special education and disability services.

166.14 (b) Membership in a regional quality council must be representative of the communities  
166.15 in which the council operates, with an emphasis on individuals with lived experience from  
166.16 diverse racial and cultural backgrounds.

166.17 (c) Each regional quality council may hire staff to perform the duties assigned in  
166.18 subdivision 9.

166.19 **EFFECTIVE DATE.** This section is effective July 1, 2021.

166.20 Sec. 9. Minnesota Statutes 2020, section 256B.097, is amended by adding a subdivision  
166.21 to read:

166.22 Subd. 9. **Duties.** (a) Each regional quality council shall:

166.23 (1) identify issues and barriers that impede Minnesotans who have disabilities from  
166.24 optimizing choice of home and community-based services;

166.25 (2) promote informed decision making, autonomy, and self-direction;

166.26 (3) analyze and review quality outcomes and critical incident data, and immediately  
166.27 report incidents of life safety concerns to the Department of Human Services Licensing  
166.28 Division;

- 167.1 (4) inform a comprehensive system for effective incident reporting, investigation, analysis,  
167.2 and follow-up;
- 167.3 (5) collaborate on projects and initiatives to advance priorities shared with state agencies,  
167.4 lead agencies, educational institutions, advocacy organizations, community partners, and  
167.5 other entities engaged in disability service improvements;
- 167.6 (6) establish partnerships and working relationships with individuals and groups in the  
167.7 regions;
- 167.8 (7) identify and implement regional and statewide quality improvement projects;
- 167.9 (8) transform systems and drive social change in alignment with the disability rights and  
167.10 disability justice movements identified by leaders who have disabilities;
- 167.11 (9) provide information and training programs for persons who have disabilities and  
167.12 their families and legal representatives on formal and informal support options and quality  
167.13 expectations;
- 167.14 (10) make recommendations to state agencies and other key decision-makers regarding  
167.15 disability services and supports;
- 167.16 (11) submit every two years a report to committees with jurisdiction over disability  
167.17 services on the status, outcomes, improvement priorities, and activities in the region;
- 167.18 (12) support people by advocating to resolve complaints between the counties, providers,  
167.19 persons receiving services, and their families and legal representatives; and
- 167.20 (13) recruit, train, and assign duties to regional quality council teams, including council  
167.21 members, interns, and volunteers, taking into account the skills necessary for the team  
167.22 members to be successful in this work.
- 167.23 (b) Each regional quality council may engage in quality improvement initiatives related  
167.24 to but not limited to:
- 167.25 (1) the home and community-based services waiver programs for persons with  
167.26 developmental disabilities under section 256B.092, subdivision 4, or section 256B.49,  
167.27 including brain injuries and services for those persons who qualify for nursing facility level  
167.28 of care or hospital facility level of care and any other services licensed under chapter 245D;
- 167.29 (2) home care services under section 256B.0651;
- 167.30 (3) family support grants under section 252.32;
- 167.31 (4) consumer support grants under section 256.476;

168.1 (5) semi-independent living services under section 252.275; and

168.2 (6) services provided through an intermediate care facility for persons with developmental  
168.3 disabilities.

168.4 (c) Each regional quality council's work must be informed and directed by the needs  
168.5 and desires of persons who have disabilities in the region in which the council operates.

168.6 **EFFECTIVE DATE.** This section is effective July 1, 2021.

168.7 Sec. 10. Minnesota Statutes 2020, section 256B.097, is amended by adding a subdivision  
168.8 to read:

168.9 Subd. 10. **Compensation.** (a) A member of a regional quality council who does not  
168.10 receive a salary or wages from an employer may be paid a per diem and reimbursed for  
168.11 expenses related to the member's participation in efforts and initiatives described in  
168.12 subdivision 9 in the same manner and in an amount not to exceed the amount authorized  
168.13 by the commissioner's plan adopted under section 43A.18, subdivision 2.

168.14 (b) Regional quality councils may charge fees for their services.

168.15 **EFFECTIVE DATE.** This section is effective July 1, 2021.

168.16 Sec. 11. Minnesota Statutes 2020, section 256B.439, is amended by adding a subdivision  
168.17 to read:

168.18 Subd. 3c. **Contact information for consumer surveys for nursing facilities and home**  
168.19 **and community-based services.** For purposes of conducting the consumer surveys under  
168.20 subdivisions 3 and 3a, the commissioner may request contact information of clients and  
168.21 associated key representatives. Providers must furnish the contact information available to  
168.22 the provider.

168.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

168.24 Sec. 12. Minnesota Statutes 2020, section 256B.439, is amended by adding a subdivision  
168.25 to read:

168.26 Subd. 3d. **Resident experience survey and family survey for assisted living**  
168.27 **facilities.** The commissioner shall develop and administer a resident experience survey for  
168.28 assisted living facility residents and a family survey for families of assisted living facility  
168.29 residents. Money appropriated to the commissioner to administer the resident experience  
168.30 survey and family survey is available in either fiscal year of the biennium in which it is  
168.31 appropriated.

169.1 Sec. 13. Minnesota Statutes 2020, section 256B.49, subdivision 11, is amended to read:

169.2 Subd. 11. **Authority.** (a) The commissioner is authorized to apply for home and  
169.3 community-based service waivers, as authorized under section 1915(c) of the federal Social  
169.4 Security Act to serve persons under the age of 65 who are determined to require the level  
169.5 of care provided in a nursing home and persons who require the level of care provided in a  
169.6 hospital. The commissioner shall apply for the home and community-based waivers in order  
169.7 to:

169.8 (1) promote the support of persons with disabilities in the most integrated settings;

169.9 (2) expand the availability of services for persons who are eligible for medical assistance;

169.10 (3) promote cost-effective options to institutional care; and

169.11 (4) obtain federal financial participation.

169.12 (b) The provision of ~~waivered~~ waiver services to medical assistance recipients with  
169.13 disabilities shall comply with the requirements outlined in the federally approved applications  
169.14 for home and community-based services and subsequent amendments, including provision  
169.15 of services according to a service plan designed to meet the needs of the individual. For  
169.16 purposes of this section, the approved home and community-based application is considered  
169.17 the necessary federal requirement.

169.18 (c) The commissioner shall provide interested persons serving on agency advisory  
169.19 committees, task forces, the Centers for Independent Living, and others who request to be  
169.20 on a list to receive, notice of, and an opportunity to comment on, at least 30 days before  
169.21 any effective dates, (1) any substantive changes to the state's disability services program  
169.22 manual, or (2) changes or amendments to the federally approved applications for home and  
169.23 community-based waivers, prior to their submission to the federal Centers for Medicare  
169.24 and Medicaid Services.

169.25 (d) The commissioner shall seek approval, as authorized under section 1915(c) of the  
169.26 federal Social Security Act, to allow medical assistance eligibility under this section for  
169.27 children under age 21 without deeming of parental income or assets.

169.28 (e) The commissioner shall seek approval, as authorized under section 1915(c) of the  
169.29 Social Act, to allow medical assistance eligibility under this section for individuals under  
169.30 age 65 without deeming the spouse's income or assets.

169.31 (f) The commissioner shall comply with the requirements in the federally approved  
169.32 transition plan for the home and community-based services waivers authorized under this  
169.33 section.

170.1 (g) The commissioner shall seek approval to allow for the reconfiguration of the 1915(c)  
170.2 home and community-based waivers in this section, as authorized under section 1915(c) of  
170.3 the federal Social Security Act, to implement a two-waiver program structure.

170.4 (h) The commissioner shall seek approval for the 1915(c) home and community-based  
170.5 waivers in this section, as authorized under section 1915(c) of the federal Social Security  
170.6 Act, to implement an individual resource allocation methodology.

170.7 **EFFECTIVE DATE.** This section is effective January 1, 2023, or 90 days after federal  
170.8 approval, whichever is later. The commissioner of human services shall notify the revisor  
170.9 of statutes when federal approval is obtained.

170.10 Sec. 14. Minnesota Statutes 2020, section 256B.49, subdivision 11a, is amended to read:

170.11 Subd. 11a. ~~Waivered~~ Waiver services statewide priorities. (a) The commissioner shall  
170.12 establish statewide priorities for individuals on the waiting list for community alternative  
170.13 care, community access for disability inclusion, and brain injury waiver services, as of  
170.14 January 1, 2010. The statewide priorities must include, but are not limited to, individuals  
170.15 who continue to have a need for waiver services after they have maximized the use of state  
170.16 plan services and other funding resources, including natural supports, prior to accessing  
170.17 waiver services, and who meet at least one of the following criteria:

170.18 (1) no longer require the intensity of services provided where they are currently living;  
170.19 or

170.20 (2) make a request to move from an institutional setting.

170.21 (b) After the priorities in paragraph (a) are met, priority must also be given to individuals  
170.22 who meet at least one of the following criteria:

170.23 (1) have unstable living situations due to the age, incapacity, or sudden loss of the primary  
170.24 caregivers;

170.25 (2) are moving from an institution due to bed closures;

170.26 (3) experience a sudden closure of their current living arrangement;

170.27 (4) require protection from confirmed abuse, neglect, or exploitation;

170.28 (5) experience a sudden change in need that can no longer be met through state plan  
170.29 services or other funding resources alone; or

170.30 (6) meet other priorities established by the department.

171.1 (c) When allocating new enrollment resources to lead agencies, the commissioner must  
171.2 take into consideration the number of individuals waiting who meet statewide priorities ~~and~~  
171.3 ~~the lead agencies' current use of waiver funds and existing service options. The commissioner~~  
171.4 ~~has the authority to transfer funds between counties, groups of counties, and tribes to~~  
171.5 ~~accommodate statewide priorities and resource needs while accounting for a necessary base~~  
171.6 ~~level reserve amount for each county, group of counties, and tribe.~~

171.7 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,  
171.8 whichever is later. The commissioner of human services shall notify the revisor of statutes  
171.9 when federal approval is obtained.

171.10 Sec. 15. Minnesota Statutes 2020, section 256B.49, subdivision 17, is amended to read:

171.11 Subd. 17. **Cost of services and supports.** (a) The commissioner shall ensure that the  
171.12 average per capita expenditures estimated in any fiscal year for home and community-based  
171.13 waiver recipients does not exceed the average per capita expenditures that would have been  
171.14 made to provide institutional services for recipients in the absence of the waiver.

171.15 ~~(b) The commissioner shall implement on January 1, 2002, one or more aggregate,~~  
171.16 ~~need-based methods for allocating to local agencies the home and community-based waived~~  
171.17 ~~service resources available to support recipients with disabilities in need of the level of care~~  
171.18 ~~provided in a nursing facility or a hospital. The commissioner shall allocate resources to~~  
171.19 ~~single counties and county partnerships in a manner that reflects consideration of:~~

171.20 ~~(1) an incentive-based payment process for achieving outcomes;~~

171.21 ~~(2) the need for a state-level risk pool;~~

171.22 ~~(3) the need for retention of management responsibility at the state agency level; and~~

171.23 ~~(4) a phase-in strategy as appropriate.~~

171.24 ~~(c) Until the allocation methods described in paragraph (b) are implemented, the annual~~  
171.25 ~~allowable reimbursement level of home and community-based waiver services shall be the~~  
171.26 ~~greater of:~~

171.27 ~~(1) the statewide average payment amount which the recipient is assigned under the~~  
171.28 ~~waiver reimbursement system in place on June 30, 2001, modified by the percentage of any~~  
171.29 ~~provider rate increase appropriated for home and community-based services; or~~

171.30 ~~(2) an amount approved by the commissioner based on the recipient's extraordinary~~  
171.31 ~~needs that cannot be met within the current allowable reimbursement level. The increased~~  
171.32 ~~reimbursement level must be necessary to allow the recipient to be discharged from an~~

172.1 ~~institution or to prevent imminent placement in an institution. The additional reimbursement~~  
172.2 ~~may be used to secure environmental modifications; assistive technology and equipment;~~  
172.3 ~~and increased costs for supervision, training, and support services necessary to address the~~  
172.4 ~~recipient's extraordinary needs. The commissioner may approve an increased reimbursement~~  
172.5 ~~level for up to one year of the recipient's relocation from an institution or up to six months~~  
172.6 ~~of a determination that a current waiver recipient is at imminent risk of being placed in an~~  
172.7 ~~institution.~~

172.8 ~~(d)~~ (b) Beginning July 1, 2001, medically necessary home care nursing services will be  
172.9 authorized under this section as complex and regular care according to sections 256B.0651  
172.10 to 256B.0654 and 256B.0659. The rate established by the commissioner for registered nurse  
172.11 or licensed practical nurse services under any home and community-based waiver as of  
172.12 January 1, 2001, shall not be reduced.

172.13 ~~(e)~~ (c) Notwithstanding section 252.28, subdivision 3, paragraph (d), if the 2009  
172.14 legislature adopts a rate reduction that impacts payment to providers of adult foster care  
172.15 services, the commissioner may issue adult foster care licenses that permit a capacity of  
172.16 five adults. The application for a five-bed license must meet the requirements of section  
172.17 245A.11, subdivision 2a. Prior to admission of the fifth recipient of adult foster care services,  
172.18 the county must negotiate a revised per diem rate for room and board and waiver services  
172.19 that reflects the legislated rate reduction and results in an overall average per diem reduction  
172.20 for all foster care recipients in that home. The revised per diem must allow the provider to  
172.21 maintain, as much as possible, the level of services or enhanced services provided in the  
172.22 residence, while mitigating the losses of the legislated rate reduction.

172.23 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,  
172.24 whichever is later. The commissioner of human services shall notify the revisor of statutes  
172.25 when federal approval is obtained.

172.26 Sec. 16. Minnesota Statutes 2020, section 256B.49, is amended by adding a subdivision  
172.27 to read:

172.28 **Subd. 28. Customized living moratorium for brain injury and community access**  
172.29 **for disability inclusion waivers.** (a) Notwithstanding section 245A.03, subdivision 2,  
172.30 paragraph (a), clause (23), the commissioner shall not enroll new customized living settings  
172.31 servicing four or fewer people in a single-family home to deliver customized living services  
172.32 as defined under the brain injury or community access for disability inclusion waiver plans  
172.33 under section 256B.49 to prevent new developments of customized living settings that  
172.34 otherwise meet the residential program definition under section 245A.02, subdivision 14.

173.1 (b) The commissioner may approve an exception to paragraph (a) when:

173.2 (1) a customized living setting with a change in ownership at the same address is in  
173.3 existence and operational on or before June 30, 2021; and

173.4 (2) a customized living setting is serving four or fewer people in a multiple-family  
173.5 dwelling if each person has a personal self-contained living unit that contains living, sleeping,  
173.6 eating, cooking, and bathroom areas.

173.7 (c) Customized living settings operational on or before June 30, 2021, are considered  
173.8 existing customized living settings.

173.9 (d) For any new customized living settings operational on or after July 1, 2021, serving  
173.10 four or fewer people in a single-family home to deliver customized living services as defined  
173.11 in paragraph (a), the authorizing lead agency is financially responsible for all home and  
173.12 community-based service payments in the setting.

173.13 (e) For purposes of this subdivision, "operational" means customized living services are  
173.14 authorized and delivered to a person on or before June 30, 2021, in the customized living  
173.15 setting.

173.16 **EFFECTIVE DATE.** This section is effective July 1, 2021. This section applies only  
173.17 to customized living services as defined under the brain injury or community access for  
173.18 disability inclusion waiver plans under Minnesota Statutes, section 256B.49.

173.19 Sec. 17. Minnesota Statutes 2020, section 256B.4914, subdivision 5, is amended to read:

173.20 **Subd. 5. Base wage index and standard component values.** (a) The base wage index  
173.21 is established to determine staffing costs associated with providing services to individuals  
173.22 receiving home and community-based services. For purposes of developing and calculating  
173.23 the proposed base wage, Minnesota-specific wages taken from job descriptions and standard  
173.24 occupational classification (SOC) codes from the Bureau of Labor Statistics as defined in  
173.25 the most recent edition of the Occupational Handbook must be used. The base wage index  
173.26 must be calculated as follows:

173.27 (1) for residential direct care staff, the sum of:

173.28 (i) 15 percent of the subtotal of 50 percent of the median wage for personal and home  
173.29 health aide (SOC code 39-9021); 30 percent of the median wage for nursing assistant (SOC  
173.30 code 31-1014); and 20 percent of the median wage for social and human services aide (SOC  
173.31 code 21-1093); and

- 174.1 (ii) 85 percent of the subtotal of 20 percent of the median wage for home health aide  
174.2 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide  
174.3 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code  
174.4 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);  
174.5 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);
- 174.6 (2) for adult day services, 70 percent of the median wage for nursing assistant (SOC  
174.7 code 31-1014); and 30 percent of the median wage for personal care aide (SOC code  
174.8 39-9021);
- 174.9 (3) for day services, day support services, and prevocational services, 20 percent of the  
174.10 median wage for nursing assistant (SOC code 31-1014); 20 percent of the median wage for  
174.11 psychiatric technician (SOC code 29-2053); and 60 percent of the median wage for social  
174.12 and human services aide (SOC code 21-1093);
- 174.13 (4) for residential asleep-overnight staff, the wage is the minimum wage in Minnesota  
174.14 for large employers, ~~except in a family foster care setting, the wage is 36 percent of the~~  
174.15 ~~minimum wage in Minnesota for large employers;~~
- 174.16 (5) for positive supports analyst staff, 100 percent of the median wage for mental health  
174.17 counselors (SOC code 21-1014);
- 174.18 (6) for positive supports professional staff, 100 percent of the median wage for clinical  
174.19 counseling and school psychologist (SOC code 19-3031);
- 174.20 (7) for positive supports specialist staff, 100 percent of the median wage for psychiatric  
174.21 technicians (SOC code 29-2053);
- 174.22 (8) for supportive living services staff, 20 percent of the median wage for nursing assistant  
174.23 (SOC code 31-1014); 20 percent of the median wage for psychiatric technician (SOC code  
174.24 29-2053); and 60 percent of the median wage for social and human services aide (SOC code  
174.25 21-1093);
- 174.26 (9) for housing access coordination staff, 100 percent of the median wage for community  
174.27 and social services specialist (SOC code 21-1099);
- 174.28 (10) for in-home family support and individualized home supports with family training  
174.29 staff, 20 percent of the median wage for nursing aide (SOC code 31-1012); 30 percent of  
174.30 the median wage for community social service specialist (SOC code 21-1099); 40 percent  
174.31 of the median wage for social and human services aide (SOC code 21-1093); and ten percent  
174.32 of the median wage for psychiatric technician (SOC code 29-2053);

175.1 (11) for individualized home supports with training services staff, 40 percent of the  
175.2 median wage for community social service specialist (SOC code 21-1099); 50 percent of  
175.3 the median wage for social and human services aide (SOC code 21-1093); and ten percent  
175.4 of the median wage for psychiatric technician (SOC code 29-2053);

175.5 (12) for independent living skills staff, 40 percent of the median wage for community  
175.6 social service specialist (SOC code 21-1099); 50 percent of the median wage for social and  
175.7 human services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric  
175.8 technician (SOC code 29-2053);

175.9 (13) for employment support services staff, 50 percent of the median wage for  
175.10 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for  
175.11 community and social services specialist (SOC code 21-1099);

175.12 (14) for employment exploration services staff, 50 percent of the median wage for  
175.13 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for  
175.14 community and social services specialist (SOC code 21-1099);

175.15 (15) for employment development services staff, 50 percent of the median wage for  
175.16 education, guidance, school, and vocational counselors (SOC code 21-1012); and 50 percent  
175.17 of the median wage for community and social services specialist (SOC code 21-1099);

175.18 (16) for individualized home support staff, 50 percent of the median wage for personal  
175.19 and home care aide (SOC code 39-9021); and 50 percent of the median wage for nursing  
175.20 assistant (SOC code 31-1014);

175.21 (17) for adult companion staff, 50 percent of the median wage for personal and home  
175.22 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant  
175.23 (SOC code 31-1014);

175.24 (18) for night supervision staff, 20 percent of the median wage for home health aide  
175.25 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide  
175.26 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code  
175.27 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);  
175.28 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

175.29 (19) for respite staff, 50 percent of the median wage for personal and home care aide  
175.30 (SOC code 39-9021); and 50 percent of the median wage for nursing assistant (SOC code  
175.31 31-1014);

176.1 (20) for personal support staff, 50 percent of the median wage for personal and home  
176.2 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant  
176.3 (SOC code 31-1014);

176.4 (21) for supervisory staff, 100 percent of the median wage for community and social  
176.5 services specialist (SOC code 21-1099), with the exception of the supervisor of positive  
176.6 supports professional, positive supports analyst, and positive supports specialists, which is  
176.7 100 percent of the median wage for clinical counseling and school psychologist (SOC code  
176.8 19-3031);

176.9 (22) for registered nurse staff, 100 percent of the median wage for registered nurses  
176.10 (SOC code 29-1141); and

176.11 (23) for licensed practical nurse staff, 100 percent of the median wage for licensed  
176.12 practical nurses (SOC code 29-2061).

176.13 (b) Component values for corporate foster care services, corporate supportive living  
176.14 services daily, community residential services, and integrated community support services  
176.15 are:

176.16 (1) competitive workforce factor: 4.7 percent;

176.17 (2) supervisory span of control ratio: 11 percent;

176.18 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

176.19 (4) employee-related cost ratio: 23.6 percent;

176.20 (5) general administrative support ratio: 13.25 percent;

176.21 (6) program-related expense ratio: 1.3 percent; and

176.22 (7) absence and utilization factor ratio: 3.9 percent.

176.23 ~~(c) Component values for family foster care are:~~

176.24 ~~(1) competitive workforce factor: 4.7 percent;~~

176.25 ~~(2) supervisory span of control ratio: 11 percent;~~

176.26 ~~(3) employee vacation, sick, and training allowance ratio: 8.71 percent;~~

176.27 ~~(4) employee-related cost ratio: 23.6 percent;~~

176.28 ~~(5) general administrative support ratio: 3.3 percent;~~

176.29 ~~(6) program-related expense ratio: 1.3 percent; and~~

176.30 ~~(7) absence factor: 1.7 percent.~~

177.1 ~~(d)~~ (c) Component values for day training and habilitation, day support services, and  
177.2 prevocational services are:

177.3 (1) competitive workforce factor: 4.7 percent;

177.4 (2) supervisory span of control ratio: 11 percent;

177.5 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

177.6 (4) employee-related cost ratio: 23.6 percent;

177.7 (5) program plan support ratio: 5.6 percent;

177.8 (6) client programming and support ratio: ten percent;

177.9 (7) general administrative support ratio: 13.25 percent;

177.10 (8) program-related expense ratio: 1.8 percent; and

177.11 (9) absence and utilization factor ratio: 9.4 percent.

177.12 (d) Component values for day support services and prevocational services delivered  
177.13 remotely are:

177.14 (1) competitive workforce factor: 4.7 percent;

177.15 (2) supervisory span of control ratio: 11 percent;

177.16 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

177.17 (4) employee-related cost ratio: 23.6 percent;

177.18 (5) program plan support ratio: 5.6 percent;

177.19 (6) client programming and support ratio: 7.67 percent;

177.20 (7) general administrative support ratio: 13.25 percent;

177.21 (8) program-related expense ratio: 1.8 percent; and

177.22 (9) absence and utilization factor ratio: 9.4 percent.

177.23 (e) Component values for adult day services are:

177.24 (1) competitive workforce factor: 4.7 percent;

177.25 (2) supervisory span of control ratio: 11 percent;

177.26 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

177.27 (4) employee-related cost ratio: 23.6 percent;

177.28 (5) program plan support ratio: 5.6 percent;

- 178.1 (6) client programming and support ratio: 7.4 percent;
- 178.2 (7) general administrative support ratio: 13.25 percent;
- 178.3 (8) program-related expense ratio: 1.8 percent; and
- 178.4 (9) absence and utilization factor ratio: 9.4 percent.
- 178.5 (f) Component values for unit-based services with programming are:
- 178.6 (1) competitive workforce factor: 4.7 percent;
- 178.7 (2) supervisory span of control ratio: 11 percent;
- 178.8 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 178.9 (4) employee-related cost ratio: 23.6 percent;
- 178.10 (5) program plan supports ratio: 15.5 percent;
- 178.11 (6) client programming and supports ratio: 4.7 percent;
- 178.12 (7) general administrative support ratio: 13.25 percent;
- 178.13 (8) program-related expense ratio: 6.1 percent; and
- 178.14 (9) absence and utilization factor ratio: 3.9 percent.
- 178.15 (g) Component values for unit-based services with programming delivered remotely
- 178.16 are:
- 178.17 (1) competitive workforce factor: 4.7 percent;
- 178.18 (2) supervisory span of control ratio: 11 percent;
- 178.19 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 178.20 (4) employee-related cost ratio: 23.6 percent;
- 178.21 (5) program plan supports ratio: 5.6 percent;
- 178.22 (6) client programming and supports ratio: 1.53 percent;
- 178.23 (7) general administrative support ratio: 13.25 percent;
- 178.24 (8) program-related expense ratio: 6.1 percent; and
- 178.25 (9) absence and utilization factor ratio: 3.9 percent.
- 178.26 ~~(g)~~ (h) Component values for unit-based services without programming except respite
- 178.27 are:
- 178.28 (1) competitive workforce factor: 4.7 percent;

- 179.1 (2) supervisory span of control ratio: 11 percent;
- 179.2 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 179.3 (4) employee-related cost ratio: 23.6 percent;
- 179.4 (5) program plan support ratio: 7.0 percent;
- 179.5 (6) client programming and support ratio: 2.3 percent;
- 179.6 (7) general administrative support ratio: 13.25 percent;
- 179.7 (8) program-related expense ratio: 2.9 percent; and
- 179.8 (9) absence and utilization factor ratio: 3.9 percent.
- 179.9 (i) Component values for unit-based services without programming delivered remotely,
- 179.10 except respite, are:
- 179.11 (1) competitive workforce factor: 4.7 percent;
- 179.12 (2) supervisory span of control ratio: 11 percent;
- 179.13 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 179.14 (4) employee-related cost ratio: 23.6 percent;
- 179.15 (5) program plan support ratio: 1.3 percent;
- 179.16 (6) client programming and support ratio: 1.14 percent;
- 179.17 (7) general administrative support ratio: 13.25 percent;
- 179.18 (8) program-related expense ratio: 2.9 percent; and
- 179.19 (9) absence and utilization factor ratio: 3.9 percent.
- 179.20 ~~(h)~~ (j) Component values for unit-based services without programming for respite are:
- 179.21 (1) competitive workforce factor: 4.7 percent;
- 179.22 (2) supervisory span of control ratio: 11 percent;
- 179.23 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 179.24 (4) employee-related cost ratio: 23.6 percent;
- 179.25 (5) general administrative support ratio: 13.25 percent;
- 179.26 (6) program-related expense ratio: 2.9 percent; and
- 179.27 (7) absence and utilization factor ratio: 3.9 percent.

180.1 ~~(j)~~ (k) On July 1, 2022, and every two years thereafter, the commissioner shall update  
180.2 the base wage index in paragraph (a) based on wage data by SOC from the Bureau of Labor  
180.3 Statistics available 30 months and one day prior to the scheduled update. The commissioner  
180.4 shall publish these updated values and load them into the rate management system.

180.5 ~~(j)~~ (l) Beginning February 1, 2021, and every two years thereafter, the commissioner  
180.6 shall report to the chairs and ranking minority members of the legislative committees and  
180.7 divisions with jurisdiction over health and human services policy and finance an analysis  
180.8 of the competitive workforce factor. The report must include recommendations to update  
180.9 the competitive workforce factor using:

180.10 (1) the most recently available wage data by SOC code for the weighted average wage  
180.11 for direct care staff for residential services and direct care staff for day services;

180.12 (2) the most recently available wage data by SOC code of the weighted average wage  
180.13 of comparable occupations; and

180.14 (3) workforce data as required under subdivision 10a, paragraph (g).

180.15 The commissioner shall not recommend an increase or decrease of the competitive workforce  
180.16 factor from the current value by more than two percentage points. If, after a biennial analysis  
180.17 for the next report, the competitive workforce factor is less than or equal to zero, the  
180.18 commissioner shall recommend a competitive workforce factor of zero.

180.19 ~~(k)~~ (m) On July 1, 2022, and every two years thereafter, the commissioner shall update  
180.20 the framework components in paragraph ~~(d)~~ (c), clause (6); paragraph ~~(e)~~ (d), clause (6);  
180.21 paragraph ~~(f)~~ (e), clause (6); ~~and~~ paragraph ~~(g)~~ (f), clause (6); paragraph (g), clause (6);  
180.22 paragraph (h), clause 6; and paragraph (i), clause (6); subdivision 6, paragraphs (b), clauses  
180.23 (9) and (10), and (e), clause (10); and subdivision 7, clauses (11), (17), and (18); and  
180.24 subdivision 18, for changes in the Consumer Price Index. The commissioner shall adjust  
180.25 these values higher or lower by the percentage change in the CPI-U from the date of the  
180.26 previous update to the data available 30 months and one day prior to the scheduled update.  
180.27 The commissioner shall publish these updated values and load them into the rate management  
180.28 system.

180.29 ~~(k)~~ (n) Upon the implementation of the updates under paragraphs ~~(i)~~ (k) and ~~(k)~~ (m), rate  
180.30 adjustments authorized under section 256B.439, subdivision 7; Laws 2013, chapter 108,  
180.31 article 7, section 60; and Laws 2014, chapter 312, article 27, section 75, shall be removed  
180.32 from service rates calculated under this section.

181.1 ~~(m)~~ (o) Any rate adjustments applied to the service rates calculated under this section  
181.2 outside of the cost components and rate methodology specified in this section shall be  
181.3 removed from rate calculations upon implementation of the updates under paragraphs ~~(i)~~  
181.4 (k) and ~~(k)~~ (m).

181.5 ~~(n)~~ (p) In this subdivision, if Bureau of Labor Statistics occupational codes or Consumer  
181.6 Price Index items are unavailable in the future, the commissioner shall recommend to the  
181.7 legislature codes or items to update and replace missing component values.

181.8 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
181.9 whichever is later. The commissioner of human services shall notify the revisor of statutes  
181.10 when federal approval is obtained.

181.11 Sec. 18. Minnesota Statutes 2020, section 256B.4914, subdivision 6, is amended to read:

181.12 Subd. 6. **Payments for residential support services.** (a) For purposes of this subdivision,  
181.13 residential support services includes 24-hour customized living services, community  
181.14 residential services, customized living services, ~~family residential services, foster care~~  
181.15 ~~services, and integrated community supports, and supportive living services daily.~~

181.16 (b) Payments for community residential services, ~~corporate foster care services, corporate~~  
181.17 ~~supportive living services daily, family residential services, and family foster care services~~  
181.18 must be calculated as follows:

181.19 (1) determine the number of shared staffing and individual direct staff hours to meet a  
181.20 recipient's needs provided on site or through monitoring technology;

181.21 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics  
181.22 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision  
181.23 5;

181.24 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
181.25 result of clause (2) by the product of one plus the competitive workforce factor in subdivision  
181.26 5, paragraph (b), clause (1);

181.27 (4) for a recipient requiring customization for deaf and hard-of-hearing language  
181.28 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
181.29 to the result of clause (3);

181.30 (5) multiply the number of shared and individual direct staff hours provided on site or  
181.31 through monitoring technology and nursing hours by the appropriate staff wages;

182.1 (6) multiply the number of shared and individual direct staff hours provided on site or  
182.2 through monitoring technology and nursing hours by the product of the supervision span  
182.3 of control ratio in subdivision 5, paragraph (b), clause (2), and the appropriate supervision  
182.4 wage in subdivision 5, paragraph (a), clause (21);

182.5 (7) combine the results of clauses (5) and (6), excluding any shared and individual direct  
182.6 staff hours provided through monitoring technology, and multiply the result by one plus  
182.7 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (b),  
182.8 clause (3). This is defined as the direct staffing cost;

182.9 (8) for employee-related expenses, multiply the direct staffing cost, excluding any shared  
182.10 and individual direct staff hours provided through monitoring technology, by one plus the  
182.11 employee-related cost ratio in subdivision 5, paragraph (b), clause (4);

182.12 (9) for client programming and supports, the commissioner shall add \$2,179; and

182.13 (10) for transportation, if provided, the commissioner shall add \$1,680, or \$3,000 if  
182.14 customized for adapted transport, based on the resident with the highest assessed need.

182.15 (c) The total rate must be calculated using the following steps:

182.16 (1) subtotal paragraph (b), clauses (8) to (10), and the direct staffing cost of any shared  
182.17 and individual direct staff hours provided through monitoring technology that was excluded  
182.18 in clause (8);

182.19 (2) sum the standard general and administrative rate, the program-related expense ratio,  
182.20 and the absence and utilization ratio;

182.21 (3) divide the result of clause (1) by one minus the result of clause (2). This is the total  
182.22 payment amount; and

182.23 (4) adjust the result of clause (3) by a factor to be determined by the commissioner to  
182.24 adjust for regional differences in the cost of providing services.

182.25 (d) The payment methodology for customized living, 24-hour customized living, and  
182.26 residential care services must be the customized living tool. Revisions to the customized  
182.27 living tool must be made to reflect the services and activities unique to disability-related  
182.28 recipient needs. Customized living and 24-hour customized living rates determined under  
182.29 this section shall not include more than 24 hours of support in a daily unit. The commissioner  
182.30 shall establish acuity-based input limits, based on case mix, for customized living and  
182.31 24-hour customized living rates determined under this section.

182.32 (e) Payments for integrated community support services must be calculated as follows:

183.1 (1) the base shared staffing shall be eight hours divided by the number of people receiving  
183.2 support in the integrated community support setting;

183.3 (2) the individual staffing hours shall be the average number of direct support hours  
183.4 provided directly to the service recipient;

183.5 (3) the personnel hourly wage rate must be based on the most recent Bureau of Labor  
183.6 Statistics Minnesota-specific rates or rates derived by the commissioner as provided in  
183.7 subdivision 5;

183.8 (4) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
183.9 result of clause (3) by the product of one plus the competitive workforce factor in subdivision  
183.10 5, paragraph (b), clause (1);

183.11 (5) for a recipient requiring customization for deaf and hard-of-hearing language  
183.12 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
183.13 to the result of clause (4);

183.14 (6) multiply the number of shared and individual direct staff hours in clauses (1) and  
183.15 (2) by the appropriate staff wages;

183.16 (7) multiply the number of shared and individual direct staff hours in clauses (1) and  
183.17 (2) by the product of the supervisory span of control ratio in subdivision 5, paragraph (b),  
183.18 clause (2), and the appropriate supervisory wage in subdivision 5, paragraph (a), clause  
183.19 (21);

183.20 (8) combine the results of clauses (6) and (7) and multiply the result by one plus the  
183.21 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (b), clause  
183.22 (3). This is defined as the direct staffing cost;

183.23 (9) for employee-related expenses, multiply the direct staffing cost by one plus the  
183.24 employee-related cost ratio in subdivision 5, paragraph (b), clause (4); and

183.25 (10) for client programming and supports, the commissioner shall add \$2,260.21 divided  
183.26 by 365.

183.27 (f) The total rate must be calculated as follows:

183.28 (1) add the results of paragraph (e), clauses (9) and (10);

183.29 (2) add the standard general and administrative rate, the program-related expense ratio,  
183.30 and the absence and utilization factor ratio;

183.31 (3) divide the result of clause (1) by one minus the result of clause (2). This is the total  
183.32 payment amount; and

184.1 (4) adjust the result of clause (3) by a factor to be determined by the commissioner to  
184.2 adjust for regional differences in the cost of providing services.

184.3 (g) The payment methodology for customized living and 24-hour customized living  
184.4 services must be the customized living tool. The commissioner shall revise the customized  
184.5 living tool to reflect the services and activities unique to disability-related recipient needs  
184.6 and adjust for regional differences in the cost of providing services.

184.7 (h) The number of days authorized for all individuals enrolling in residential services  
184.8 must include every day that services start and end.

184.9 EFFECTIVE DATE. This section is effective January 1, 2022, or upon federal approval,  
184.10 whichever is later. The commissioner of human services shall notify the revisor of statutes  
184.11 when federal approval is obtained.

184.12 Sec. 19. Minnesota Statutes 2020, section 256B.4914, subdivision 7, is amended to read:

184.13 Subd. 7. **Payments for day programs.** Payments for services with day programs  
184.14 including adult day services, day treatment and habilitation, day support services,  
184.15 prevocational services, and structured day services, provided in person or remotely, must  
184.16 be calculated as follows:

184.17 (1) determine the number of units of service and staffing ratio to meet a recipient's needs:

184.18 (i) the staffing ratios for the units of service provided to a recipient in a typical week  
184.19 must be averaged to determine an individual's staffing ratio; and

184.20 (ii) the commissioner, in consultation with service providers, shall develop a uniform  
184.21 staffing ratio worksheet to be used to determine staffing ratios under this subdivision;

184.22 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
184.23 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision  
184.24 5;

184.25 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
184.26 result of clause (2) by the product of one plus the competitive workforce factor in subdivision  
184.27 5, paragraph ~~(d)~~ (c), clause (1);

184.28 (4) for a recipient requiring customization for deaf and hard-of-hearing language  
184.29 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
184.30 to the result of clause (3);

184.31 (5) multiply the number of day program direct staff hours and nursing hours by the  
184.32 appropriate staff wage;

185.1 (6) multiply the number of day direct staff hours by the product of the supervision span  
185.2 of control ratio in subdivision 5, paragraph ~~(c)~~ (c), clause (2), for in-person services or  
185.3 subdivision 5, paragraph (d), clause (2), for remote services, and the appropriate supervision  
185.4 wage in subdivision 5, paragraph (a), clause (21);

185.5 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the  
185.6 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(c)~~ (c),  
185.7 clause (3), for in-person services or subdivision 5, paragraph (d), clause (3), for remote  
185.8 services. This is defined as the direct staffing rate;

185.9 (8) for program plan support, multiply the result of clause (7) by one plus the program  
185.10 plan support ratio in subdivision 5, paragraph ~~(c)~~ (c), clause (5), for in-person services or  
185.11 subdivision 5, paragraph (d), clause (5), for remote services;

185.12 (9) for employee-related expenses, multiply the result of clause (8) by one plus the  
185.13 employee-related cost ratio in subdivision 5, paragraph ~~(c)~~ (c), clause (4), for in-person  
185.14 services or subdivision 5, paragraph (d), clause (4), for remote services;

185.15 (10) for client programming and supports, multiply the result of clause (9) by one plus  
185.16 the client programming and support ratio in subdivision 5, paragraph ~~(c)~~ (c), clause (6), for  
185.17 in-person services or subdivision 5, paragraph (d), clause (6), for remote services;

185.18 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios  
185.19 to meet individual needs for in-person service only;

185.20 (12) for adult day bath services, add \$7.01 per 15 minute unit;

185.21 (13) this is the subtotal rate;

185.22 (14) sum the standard general and administrative rate, the program-related expense ratio,  
185.23 and the absence and utilization factor ratio;

185.24 (15) divide the result of clause (13) by one minus the result of clause (14). This is the  
185.25 total payment amount;

185.26 (16) adjust the result of clause (15) by a factor to be determined by the commissioner  
185.27 to adjust for regional differences in the cost of providing services;

185.28 (17) for transportation provided as part of day training and habilitation for an individual  
185.29 who does not require a lift, add:

185.30 (i) \$10.50 for a trip between zero and ten miles for a nonshared ride in a vehicle without  
185.31 a lift, \$8.83 for a shared ride in a vehicle without a lift, and \$9.25 for a shared ride in a  
185.32 vehicle with a lift;

186.1 (ii) \$15.75 for a trip between 11 and 20 miles for a nonshared ride in a vehicle without  
186.2 a lift, \$10.58 for a shared ride in a vehicle without a lift, and \$11.88 for a shared ride in a  
186.3 vehicle with a lift;

186.4 (iii) \$25.75 for a trip between 21 and 50 miles for a nonshared ride in a vehicle without  
186.5 a lift, \$13.92 for a shared ride in a vehicle without a lift, and \$16.88 for a shared ride in a  
186.6 vehicle with a lift; or

186.7 (iv) \$33.50 for a trip of 51 miles or more for a nonshared ride in a vehicle without a lift,  
186.8 \$16.50 for a shared ride in a vehicle without a lift, and \$20.75 for a shared ride in a vehicle  
186.9 with a lift;

186.10 (18) for transportation provided as part of day training and habilitation for an individual  
186.11 who does require a lift, add:

186.12 (i) \$19.05 for a trip between zero and ten miles for a nonshared ride in a vehicle with a  
186.13 lift, and \$15.05 for a shared ride in a vehicle with a lift;

186.14 (ii) \$32.16 for a trip between 11 and 20 miles for a nonshared ride in a vehicle with a  
186.15 lift, and \$28.16 for a shared ride in a vehicle with a lift;

186.16 (iii) \$58.76 for a trip between 21 and 50 miles for a nonshared ride in a vehicle with a  
186.17 lift, and \$58.76 for a shared ride in a vehicle with a lift; or

186.18 (iv) \$80.93 for a trip of 51 miles or more for a nonshared ride in a vehicle with a lift,  
186.19 and \$80.93 for a shared ride in a vehicle with a lift.

186.20 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
186.21 whichever is later. The commissioner of human services shall notify the revisor of statutes  
186.22 when federal approval is obtained.

186.23 Sec. 20. Minnesota Statutes 2020, section 256B.4914, subdivision 8, is amended to read:

186.24 Subd. 8. **Payments for unit-based services with programming.** Payments for unit-based  
186.25 services with programming, including employment exploration services, employment  
186.26 development services, housing access coordination, individualized home supports with  
186.27 family training, individualized home supports with training, in-home family support,  
186.28 independent living skills training, and hourly supported living services provided to an  
186.29 individual outside of any day or residential service plan, provided in person or remotely,  
186.30 must be calculated as follows, unless the services are authorized separately under subdivision  
186.31 6 or 7:

186.32 (1) determine the number of units of service to meet a recipient's needs;

187.1 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics  
187.2 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision  
187.3 5;

187.4 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
187.5 result of clause (2) by the product of one plus the competitive workforce factor in subdivision  
187.6 5, paragraph (f), clause (1);

187.7 (4) for a recipient requiring customization for deaf and hard-of-hearing language  
187.8 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
187.9 to the result of clause (3);

187.10 (5) multiply the number of direct staff hours by the appropriate staff wage;

187.11 (6) multiply the number of direct staff hours by the product of the supervision span of  
187.12 control ratio in subdivision 5, paragraph (f), clause (2), for in-person services or subdivision  
187.13 5, paragraph (g), clause (2), for remote services, and the appropriate supervision wage in  
187.14 subdivision 5, paragraph (a), clause (21);

187.15 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the  
187.16 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (f), clause  
187.17 (3), for in-person services or subdivision 5, paragraph (g), clause (3), for remote services.  
187.18 This is defined as the direct staffing rate;

187.19 (8) for program plan support, multiply the result of clause (7) by one plus the program  
187.20 plan supports ratio in subdivision 5, paragraph (f), clause (5), for in-person services or  
187.21 subdivision 5, paragraph (g), clause (5), for remote services;

187.22 (9) for employee-related expenses, multiply the result of clause (8) by one plus the  
187.23 employee-related cost ratio in subdivision 5, paragraph (f), clause (4), for in-person services  
187.24 or subdivision 5, paragraph (g), clause (4), for remote services;

187.25 (10) for client programming and supports, multiply the result of clause (9) by one plus  
187.26 the client programming and supports ratio in subdivision 5, paragraph (f), clause (6), for  
187.27 in-person services or subdivision 5, paragraph (g), clause (6), for remote services;

187.28 (11) this is the subtotal rate;

187.29 (12) sum the standard general and administrative rate, the program-related expense ratio,  
187.30 and the absence and utilization factor ratio;

187.31 (13) divide the result of clause (11) by one minus the result of clause (12). This is the  
187.32 total payment amount;

188.1 (14) for employment exploration services provided in a shared manner, divide the total  
188.2 payment amount in clause (13) by the number of service recipients, not to exceed five. For  
188.3 employment support services provided in a shared manner, divide the total payment amount  
188.4 in clause (13) by the number of service recipients, not to exceed six. For independent living  
188.5 skills training, individualized home supports with training, and individualized home supports  
188.6 with family training provided in a shared manner, divide the total payment amount in clause  
188.7 (13) by the number of service recipients, not to exceed two; and

188.8 (15) adjust the result of clause (14) by a factor to be determined by the commissioner  
188.9 to adjust for regional differences in the cost of providing services.

188.10 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
188.11 whichever is later. The commissioner of human services shall notify the revisor of statutes  
188.12 when federal approval is obtained.

188.13 Sec. 21. Minnesota Statutes 2020, section 256B.4914, subdivision 9, is amended to read:

188.14 **Subd. 9. Payments for unit-based services without programming.** Payments for  
188.15 unit-based services without programming, including individualized home supports, night  
188.16 supervision, personal support, respite, and companion care provided to an individual outside  
188.17 of any day or residential service plan, provided in person or remotely, must be calculated  
188.18 as follows unless the services are authorized separately under subdivision 6 or 7:

188.19 (1) for all services except respite, determine the number of units of service to meet a  
188.20 recipient's needs;

188.21 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
188.22 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

188.23 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
188.24 result of clause (2) by the product of one plus the competitive workforce factor in subdivision  
188.25 5, paragraph ~~(g)~~ (h), clause (1);

188.26 (4) for a recipient requiring customization for deaf and hard-of-hearing language  
188.27 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
188.28 to the result of clause (3);

188.29 (5) multiply the number of direct staff hours by the appropriate staff wage;

188.30 (6) multiply the number of direct staff hours by the product of the supervision span of  
188.31 control ratio in subdivision 5, paragraph ~~(g)~~ (h), clause (2), for in-person services or

189.1 subdivision 5, paragraph (i), clause (2), for remote services, and the appropriate supervision  
189.2 wage in subdivision 5, paragraph (a), clause (21);

189.3 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the  
189.4 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(g)~~ (h),  
189.5 clause (3), for in-person services or subdivision 5, paragraph (i), clause (3), for remote  
189.6 services. This is defined as the direct staffing rate;

189.7 (8) for program plan support, multiply the result of clause (7) by one plus the program  
189.8 plan support ratio in subdivision 5, paragraph ~~(g)~~ (h), clause (5), for in-person services or  
189.9 subdivision 5, paragraph (i), clause (5), for remote services;

189.10 (9) for employee-related expenses, multiply the result of clause (8) by one plus the  
189.11 employee-related cost ratio in subdivision 5, paragraph ~~(g)~~ (h), clause (4), for in-person  
189.12 services or subdivision 5, paragraph (i), clause (4), for remote services;

189.13 (10) for client programming and supports, multiply the result of clause (9) by one plus  
189.14 the client programming and support ratio in subdivision 5, paragraph ~~(g)~~ (h), clause (6), for  
189.15 in-person services or subdivision 5, paragraph (i), clause (6), for remote services;

189.16 (11) this is the subtotal rate;

189.17 (12) sum the standard general and administrative rate, the program-related expense ratio,  
189.18 and the absence and utilization factor ratio;

189.19 (13) divide the result of clause (11) by one minus the result of clause (12). This is the  
189.20 total payment amount;

189.21 (14) for respite services, determine the number of day units of service to meet an  
189.22 individual's needs;

189.23 (15) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
189.24 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

189.25 (16) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the  
189.26 result of clause (15) by the product of one plus the competitive workforce factor in  
189.27 subdivision 5, paragraph ~~(h)~~ (j), clause (1);

189.28 (17) for a recipient requiring deaf and hard-of-hearing customization under subdivision  
189.29 12, add the customization rate provided in subdivision 12 to the result of clause (16);

189.30 (18) multiply the number of direct staff hours by the appropriate staff wage;

190.1 (19) multiply the number of direct staff hours by the product of the supervisory span of  
190.2 control ratio in subdivision 5, paragraph ~~(h)~~ (j), clause (2), and the appropriate supervision  
190.3 wage in subdivision 5, paragraph (a), clause (21);

190.4 (20) combine the results of clauses (18) and (19), and multiply the result by one plus  
190.5 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(h)~~  
190.6 (j), clause (3). This is defined as the direct staffing rate;

190.7 (21) for employee-related expenses, multiply the result of clause (20) by one plus the  
190.8 employee-related cost ratio in subdivision 5, paragraph ~~(h)~~ (j), clause (4);

190.9 (22) this is the subtotal rate;

190.10 (23) sum the standard general and administrative rate, the program-related expense ratio,  
190.11 and the absence and utilization factor ratio;

190.12 (24) divide the result of clause (22) by one minus the result of clause (23). This is the  
190.13 total payment amount;

190.14 (25) for individualized home supports provided in a shared manner, divide the total  
190.15 payment amount in clause (13) by the number of service recipients, not to exceed two;

190.16 (26) for respite care services provided in a shared manner, divide the total payment  
190.17 amount in clause (24) by the number of service recipients, not to exceed three; and

190.18 (27) adjust the result of clauses (13), (25), and (26) by a factor to be determined by the  
190.19 commissioner to adjust for regional differences in the cost of providing services.

190.20 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
190.21 whichever is later. The commissioner of human services shall notify the revisor of statutes  
190.22 when federal approval is obtained.

190.23 Sec. 22. Minnesota Statutes 2020, section 256B.4914, is amended by adding a subdivision  
190.24 to read:

190.25 **Subd. 18. Payments for family residential services.** The commissioner shall establish  
190.26 rates for family residential services based on a person's assessed needs as described in the  
190.27 federally approved waiver plans.

190.28 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,  
190.29 whichever is later. The commissioner of human services shall notify the revisor of statutes  
190.30 when federal approval is obtained.

191.1 Sec. 23. Minnesota Statutes 2020, section 256B.69, subdivision 5a, is amended to read:

191.2 Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and  
191.3 section 256L.12 shall be entered into or renewed on a calendar year basis. The commissioner  
191.4 may issue separate contracts with requirements specific to services to medical assistance  
191.5 recipients age 65 and older.

191.6 (b) A prepaid health plan providing covered health services for eligible persons pursuant  
191.7 to chapters 256B and 256L is responsible for complying with the terms of its contract with  
191.8 the commissioner. Requirements applicable to managed care programs under chapters 256B  
191.9 and 256L established after the effective date of a contract with the commissioner take effect  
191.10 when the contract is next issued or renewed.

191.11 (c) The commissioner shall withhold five percent of managed care plan payments under  
191.12 this section and county-based purchasing plan payments under section 256B.692 for the  
191.13 prepaid medical assistance program pending completion of performance targets. Each  
191.14 performance target must be quantifiable, objective, measurable, and reasonably attainable,  
191.15 except in the case of a performance target based on a federal or state law or rule. Criteria  
191.16 for assessment of each performance target must be outlined in writing prior to the contract  
191.17 effective date. Clinical or utilization performance targets and their related criteria must  
191.18 consider evidence-based research and reasonable interventions when available or applicable  
191.19 to the populations served, and must be developed with input from external clinical experts  
191.20 and stakeholders, including managed care plans, county-based purchasing plans, and  
191.21 providers. The managed care or county-based purchasing plan must demonstrate, to the  
191.22 commissioner's satisfaction, that the data submitted regarding attainment of the performance  
191.23 target is accurate. The commissioner shall periodically change the administrative measures  
191.24 used as performance targets in order to improve plan performance across a broader range  
191.25 of administrative services. The performance targets must include measurement of plan  
191.26 efforts to contain spending on health care services and administrative activities. The  
191.27 commissioner may adopt plan-specific performance targets that take into account factors  
191.28 affecting only one plan, including characteristics of the plan's enrollee population. The  
191.29 withheld funds must be returned no sooner than July of the following year if performance  
191.30 targets in the contract are achieved. The commissioner may exclude special demonstration  
191.31 projects under subdivision 23.

191.32 (d) The commissioner shall require that managed care plans:

191.33 (1) use the assessment and authorization processes, forms, timelines, standards,  
191.34 documentation, and data reporting requirements, protocols, billing processes, and policies

192.1 consistent with medical assistance fee-for-service or the Department of Human Services  
192.2 contract requirements for all personal care assistance services under section 256B.0659;  
192.3 and

192.4 (2) by January 30 of each year that follows a rate increase for any aspect of services  
192.5 under section 256B.0659 or 256B.85, inform the commissioner and the chairs and ranking  
192.6 minority members of the legislative committees with jurisdiction over rates determined  
192.7 under section 256B.851 of the amount of the rate increase that is paid to each personal care  
192.8 assistance provider agency with which the plan has a contract.

192.9 (e) Effective for services rendered on or after January 1, 2012, the commissioner shall  
192.10 include as part of the performance targets described in paragraph (c) a reduction in the health  
192.11 plan's emergency department utilization rate for medical assistance and MinnesotaCare  
192.12 enrollees, as determined by the commissioner. For 2012, the reduction shall be based on  
192.13 the health plan's utilization in 2009. To earn the return of the withhold each subsequent  
192.14 year, the managed care plan or county-based purchasing plan must achieve a qualifying  
192.15 reduction of no less than ten percent of the plan's emergency department utilization rate for  
192.16 medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described  
192.17 in subdivisions 23 and 28, compared to the previous measurement year until the final  
192.18 performance target is reached. When measuring performance, the commissioner must  
192.19 consider the difference in health risk in a managed care or county-based purchasing plan's  
192.20 membership in the baseline year compared to the measurement year, and work with the  
192.21 managed care or county-based purchasing plan to account for differences that they agree  
192.22 are significant.

192.23 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
192.24 the following calendar year if the managed care plan or county-based purchasing plan  
192.25 demonstrates to the satisfaction of the commissioner that a reduction in the utilization rate  
192.26 was achieved. The commissioner shall structure the withhold so that the commissioner  
192.27 returns a portion of the withheld funds in amounts commensurate with achieved reductions  
192.28 in utilization less than the targeted amount.

192.29 The withhold described in this paragraph shall continue for each consecutive contract  
192.30 period until the plan's emergency room utilization rate for state health care program enrollees  
192.31 is reduced by 25 percent of the plan's emergency room utilization rate for medical assistance  
192.32 and MinnesotaCare enrollees for calendar year 2009. Hospitals shall cooperate with the  
192.33 health plans in meeting this performance target and shall accept payment withholds that  
192.34 may be returned to the hospitals if the performance target is achieved.

193.1 (f) Effective for services rendered on or after January 1, 2012, the commissioner shall  
193.2 include as part of the performance targets described in paragraph (c) a reduction in the plan's  
193.3 hospitalization admission rate for medical assistance and MinnesotaCare enrollees, as  
193.4 determined by the commissioner. To earn the return of the withhold each year, the managed  
193.5 care plan or county-based purchasing plan must achieve a qualifying reduction of no less  
193.6 than five percent of the plan's hospital admission rate for medical assistance and  
193.7 MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and  
193.8 28, compared to the previous calendar year until the final performance target is reached.  
193.9 When measuring performance, the commissioner must consider the difference in health risk  
193.10 in a managed care or county-based purchasing plan's membership in the baseline year  
193.11 compared to the measurement year, and work with the managed care or county-based  
193.12 purchasing plan to account for differences that they agree are significant.

193.13 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
193.14 the following calendar year if the managed care plan or county-based purchasing plan  
193.15 demonstrates to the satisfaction of the commissioner that this reduction in the hospitalization  
193.16 rate was achieved. The commissioner shall structure the withhold so that the commissioner  
193.17 returns a portion of the withheld funds in amounts commensurate with achieved reductions  
193.18 in utilization less than the targeted amount.

193.19 The withhold described in this paragraph shall continue until there is a 25 percent  
193.20 reduction in the hospital admission rate compared to the hospital admission rates in calendar  
193.21 year 2011, as determined by the commissioner. The hospital admissions in this performance  
193.22 target do not include the admissions applicable to the subsequent hospital admission  
193.23 performance target under paragraph (g). Hospitals shall cooperate with the plans in meeting  
193.24 this performance target and shall accept payment withholds that may be returned to the  
193.25 hospitals if the performance target is achieved.

193.26 (g) Effective for services rendered on or after January 1, 2012, the commissioner shall  
193.27 include as part of the performance targets described in paragraph (c) a reduction in the plan's  
193.28 hospitalization admission rates for subsequent hospitalizations within 30 days of a previous  
193.29 hospitalization of a patient regardless of the reason, for medical assistance and MinnesotaCare  
193.30 enrollees, as determined by the commissioner. To earn the return of the withhold each year,  
193.31 the managed care plan or county-based purchasing plan must achieve a qualifying reduction  
193.32 of the subsequent hospitalization rate for medical assistance and MinnesotaCare enrollees,  
193.33 excluding enrollees in programs described in subdivisions 23 and 28, of no less than five  
193.34 percent compared to the previous calendar year until the final performance target is reached.

194.1 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
194.2 the following calendar year if the managed care plan or county-based purchasing plan  
194.3 demonstrates to the satisfaction of the commissioner that a qualifying reduction in the  
194.4 subsequent hospitalization rate was achieved. The commissioner shall structure the withhold  
194.5 so that the commissioner returns a portion of the withheld funds in amounts commensurate  
194.6 with achieved reductions in utilization less than the targeted amount.

194.7 The withhold described in this paragraph must continue for each consecutive contract  
194.8 period until the plan's subsequent hospitalization rate for medical assistance and  
194.9 MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and  
194.10 28, is reduced by 25 percent of the plan's subsequent hospitalization rate for calendar year  
194.11 2011. Hospitals shall cooperate with the plans in meeting this performance target and shall  
194.12 accept payment withholds that must be returned to the hospitals if the performance target  
194.13 is achieved.

194.14 (h) Effective for services rendered on or after January 1, 2013, through December 31,  
194.15 2013, the commissioner shall withhold 4.5 percent of managed care plan payments under  
194.16 this section and county-based purchasing plan payments under section 256B.692 for the  
194.17 prepaid medical assistance program. The withheld funds must be returned no sooner than  
194.18 July 1 and no later than July 31 of the following year. The commissioner may exclude  
194.19 special demonstration projects under subdivision 23.

194.20 (i) Effective for services rendered on or after January 1, 2014, the commissioner shall  
194.21 withhold three percent of managed care plan payments under this section and county-based  
194.22 purchasing plan payments under section 256B.692 for the prepaid medical assistance  
194.23 program. The withheld funds must be returned no sooner than July 1 and no later than July  
194.24 31 of the following year. The commissioner may exclude special demonstration projects  
194.25 under subdivision 23.

194.26 (j) A managed care plan or a county-based purchasing plan under section 256B.692 may  
194.27 include as admitted assets under section 62D.044 any amount withheld under this section  
194.28 that is reasonably expected to be returned.

194.29 (k) Contracts between the commissioner and a prepaid health plan are exempt from the  
194.30 set-aside and preference provisions of section 16C.16, subdivisions 6, paragraph (a), and  
194.31 7.

194.32 (l) The return of the withhold under paragraphs (h) and (i) is not subject to the  
194.33 requirements of paragraph (c).

195.1 (m) Managed care plans and county-based purchasing plans shall maintain current and  
195.2 fully executed agreements for all subcontractors, including bargaining groups, for  
195.3 administrative services that are expensed to the state's public health care programs.  
195.4 Subcontractor agreements determined to be material, as defined by the commissioner after  
195.5 taking into account state contracting and relevant statutory requirements, must be in the  
195.6 form of a written instrument or electronic document containing the elements of offer,  
195.7 acceptance, consideration, payment terms, scope, duration of the contract, and how the  
195.8 subcontractor services relate to state public health care programs. Upon request, the  
195.9 commissioner shall have access to all subcontractor documentation under this paragraph.  
195.10 Nothing in this paragraph shall allow release of information that is nonpublic data pursuant  
195.11 to section 13.02.

195.12 **EFFECTIVE DATE.** This section is effective January 1, 2023.

195.13 Sec. 24. Minnesota Statutes 2020, section 256B.85, subdivision 2, is amended to read:

195.14 Subd. 2. **Definitions.** (a) For the purposes of this section and section 256B.851, the terms  
195.15 defined in this subdivision have the meanings given.

195.16 (b) "Activities of daily living" or "ADLs" means eating, toileting, grooming, dressing,  
195.17 bathing, mobility, positioning, and transferring.

195.18 (c) "Agency-provider model" means a method of CFSS under which a qualified agency  
195.19 provides services and supports through the agency's own employees and policies. The agency  
195.20 must allow the participant to have a significant role in the selection and dismissal of support  
195.21 workers of their choice for the delivery of their specific services and supports.

195.22 (d) "Behavior" means a description of a need for services and supports used to determine  
195.23 the home care rating and additional service units. The presence of Level I behavior is used  
195.24 to determine the home care rating.

195.25 (e) "Budget model" means a service delivery method of CFSS that allows the use of a  
195.26 service budget and assistance from a financial management services (FMS) provider for a  
195.27 participant to directly employ support workers and purchase supports and goods.

195.28 (f) "Complex health-related needs" means an intervention listed in clauses (1) to (8) that  
195.29 has been ordered by a physician, and is specified in a community support plan, including:

195.30 (1) tube feedings requiring:

195.31 (i) a gastrojejunostomy tube; or

195.32 (ii) continuous tube feeding lasting longer than 12 hours per day;

- 196.1 (2) wounds described as:
- 196.2 (i) stage III or stage IV;
- 196.3 (ii) multiple wounds;
- 196.4 (iii) requiring sterile or clean dressing changes or a wound vac; or
- 196.5 (iv) open lesions such as burns, fistulas, tube sites, or ostomy sites that require specialized
- 196.6 care;
- 196.7 (3) parenteral therapy described as:
- 196.8 (i) IV therapy more than two times per week lasting longer than four hours for each
- 196.9 treatment; or
- 196.10 (ii) total parenteral nutrition (TPN) daily;
- 196.11 (4) respiratory interventions, including:
- 196.12 (i) oxygen required more than eight hours per day;
- 196.13 (ii) respiratory vest more than one time per day;
- 196.14 (iii) bronchial drainage treatments more than two times per day;
- 196.15 (iv) sterile or clean suctioning more than six times per day;
- 196.16 (v) dependence on another to apply respiratory ventilation augmentation devices such
- 196.17 as BiPAP and CPAP; and
- 196.18 (vi) ventilator dependence under section 256B.0651;
- 196.19 (5) insertion and maintenance of catheter, including:
- 196.20 (i) sterile catheter changes more than one time per month;
- 196.21 (ii) clean intermittent catheterization, and including self-catheterization more than six
- 196.22 times per day; or
- 196.23 (iii) bladder irrigations;
- 196.24 (6) bowel program more than two times per week requiring more than 30 minutes to
- 196.25 perform each time;
- 196.26 (7) neurological intervention, including:
- 196.27 (i) seizures more than two times per week and requiring significant physical assistance
- 196.28 to maintain safety; or

197.1 (ii) swallowing disorders diagnosed by a physician and requiring specialized assistance  
197.2 from another on a daily basis; and

197.3 (8) other congenital or acquired diseases creating a need for significantly increased direct  
197.4 hands-on assistance and interventions in six to eight activities of daily living.

197.5 (g) "Community first services and supports" or "CFSS" means the assistance and supports  
197.6 program under this section needed for accomplishing activities of daily living, instrumental  
197.7 activities of daily living, and health-related tasks through hands-on assistance to accomplish  
197.8 the task or constant supervision and cueing to accomplish the task, or the purchase of goods  
197.9 as defined in subdivision 7, clause (3), that replace the need for human assistance.

197.10 (h) "Community first services and supports service delivery plan" or "CFSS service  
197.11 delivery plan" means a written document detailing the services and supports chosen by the  
197.12 participant to meet assessed needs that are within the approved CFSS service authorization,  
197.13 as determined in subdivision 8. Services and supports are based on the coordinated service  
197.14 and support plan identified in section 256S.10.

197.15 (i) "Consultation services" means a Minnesota health care program enrolled provider  
197.16 organization that provides assistance to the participant in making informed choices about  
197.17 CFSS services in general and self-directed tasks in particular, and in developing a  
197.18 person-centered CFSS service delivery plan to achieve quality service outcomes.

197.19 (j) "Critical activities of daily living" means transferring, mobility, eating, and toileting.

197.20 (k) "Dependency" in activities of daily living means a person requires hands-on assistance  
197.21 or constant supervision and cueing to accomplish one or more of the activities of daily living  
197.22 every day or on the days during the week that the activity is performed; however, a child  
197.23 may not be found to be dependent in an activity of daily living if, because of the child's age,  
197.24 an adult would either perform the activity for the child or assist the child with the activity  
197.25 and the assistance needed is the assistance appropriate for a typical child of the same age.

197.26 (l) "Extended CFSS" means CFSS services and supports provided under CFSS that are  
197.27 included in the CFSS service delivery plan through one of the home and community-based  
197.28 services waivers and as approved and authorized under chapter 256S and sections 256B.092,  
197.29 subdivision 5, and 256B.49, which exceed the amount, duration, and frequency of the state  
197.30 plan CFSS services for participants.

197.31 (m) "Financial management services provider" or "FMS provider" means a qualified  
197.32 organization required for participants using the budget model under subdivision 13 that is

198.1 an enrolled provider with the department to provide vendor fiscal/employer agent financial  
198.2 management services (FMS).

198.3 (n) "Health-related procedures and tasks" means procedures and tasks related to the  
198.4 specific assessed health needs of a participant that can be taught or assigned by a  
198.5 state-licensed health care or mental health professional and performed by a support worker.

198.6 (o) "Instrumental activities of daily living" means activities related to living independently  
198.7 in the community, including but not limited to: meal planning, preparation, and cooking;  
198.8 shopping for food, clothing, or other essential items; laundry; housecleaning; assistance  
198.9 with medications; managing finances; communicating needs and preferences during activities;  
198.10 arranging supports; and assistance with traveling around and participating in the community.

198.11 (p) "Lead agency" has the meaning given in section 256B.0911, subdivision 1a, paragraph  
198.12 (e).

198.13 (q) "Legal representative" means parent of a minor, a court-appointed guardian, or  
198.14 another representative with legal authority to make decisions about services and supports  
198.15 for the participant. Other representatives with legal authority to make decisions include but  
198.16 are not limited to a health care agent or an attorney-in-fact authorized through a health care  
198.17 directive or power of attorney.

198.18 (r) "Level I behavior" means physical aggression ~~towards~~ toward self or others or  
198.19 destruction of property that requires the immediate response of another person.

198.20 (s) "Medication assistance" means providing verbal or visual reminders to take regularly  
198.21 scheduled medication, and includes any of the following supports listed in clauses (1) to  
198.22 (3) and other types of assistance, except that a support worker may not determine medication  
198.23 dose or time for medication or inject medications into veins, muscles, or skin:

198.24 (1) under the direction of the participant or the participant's representative, bringing  
198.25 medications to the participant including medications given through a nebulizer, opening a  
198.26 container of previously set-up medications, emptying the container into the participant's  
198.27 hand, opening and giving the medication in the original container to the participant, or  
198.28 bringing to the participant liquids or food to accompany the medication;

198.29 (2) organizing medications as directed by the participant or the participant's representative;  
198.30 and

198.31 (3) providing verbal or visual reminders to perform regularly scheduled medications.

198.32 (t) "Participant" means a person who is eligible for CFSS.

199.1 (u) "Participant's representative" means a parent, family member, advocate, or other  
199.2 adult authorized by the participant or participant's legal representative, if any, to serve as a  
199.3 representative in connection with the provision of CFSS. This authorization must be in  
199.4 writing or by another method that clearly indicates the participant's free choice and may be  
199.5 withdrawn at any time. The participant's representative must have no financial interest in  
199.6 the provision of any services included in the participant's CFSS service delivery plan and  
199.7 must be capable of providing the support necessary to assist the participant in the use of  
199.8 CFSS. If through the assessment process described in subdivision 5 a participant is  
199.9 determined to be in need of a participant's representative, one must be selected. If the  
199.10 participant is unable to assist in the selection of a participant's representative, the legal  
199.11 representative shall appoint one. Two persons may be designated as a participant's  
199.12 representative for reasons such as divided households and court-ordered custodies. Duties  
199.13 of a participant's representatives may include:

199.14 (1) being available while services are provided in a method agreed upon by the participant  
199.15 or the participant's legal representative and documented in the participant's CFSS service  
199.16 delivery plan;

199.17 (2) monitoring CFSS services to ensure the participant's CFSS service delivery plan is  
199.18 being followed; and

199.19 (3) reviewing and signing CFSS time sheets after services are provided to provide  
199.20 verification of the CFSS services.

199.21 (v) "Person-centered planning process" means a process that is directed by the participant  
199.22 to plan for CFSS services and supports.

199.23 (w) "Service budget" means the authorized dollar amount used for the budget model or  
199.24 for the purchase of goods.

199.25 (x) "Shared services" means the provision of CFSS services by the same CFSS support  
199.26 worker to two or three participants who voluntarily enter into an agreement to receive  
199.27 services at the same time and in the same setting by the same employer.

199.28 (y) "Support worker" means a qualified and trained employee of the agency-provider  
199.29 as required by subdivision 11b or of the participant employer under the budget model as  
199.30 required by subdivision 14 who has direct contact with the participant and provides services  
199.31 as specified within the participant's CFSS service delivery plan.

199.32 (z) "Unit" means the increment of service based on hours or minutes identified in the  
199.33 service agreement.

200.1 (aa) "Vendor fiscal employer agent" means an agency that provides financial management  
200.2 services.

200.3 (bb) "Wages and benefits" means the hourly wages and salaries, the employer's share  
200.4 of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation,  
200.5 mileage reimbursement, health and dental insurance, life insurance, disability insurance,  
200.6 long-term care insurance, uniform allowance, contributions to employee retirement accounts,  
200.7 or other forms of employee compensation and benefits.

200.8 (cc) "Worker training and development" means services provided according to subdivision  
200.9 18a for developing workers' skills as required by the participant's individual CFSS service  
200.10 delivery plan that are arranged for or provided by the agency-provider or purchased by the  
200.11 participant employer. These services include training, education, direct observation and  
200.12 supervision, and evaluation and coaching of job skills and tasks, including supervision of  
200.13 health-related tasks or behavioral supports.

200.14 EFFECTIVE DATE. This section is effective January 1, 2023, or upon federal approval,  
200.15 whichever is later. The commissioner of human services must notify the revisor of statutes  
200.16 when federal approval is obtained.

200.17 Sec. 25. [256B.85] COMMUNITY FIRST SERVICES AND SUPPORTS; PAYMENT  
200.18 RATES.

200.19 Subdivision 1. Application. (a) The payment methodologies in this section apply to:

200.20 (1) community first services and supports (CFSS), extended CFSS, and enhanced rate  
200.21 CFSS under section 256B.85; and

200.22 (2) personal care assistance services under section 256B.0625, subdivisions 19a and  
200.23 19c; extended personal care assistance service as defined in section 256B.0659, subdivision  
200.24 1; and enhanced rate personal care assistance services under section 256B.0659, subdivision  
200.25 17a.

200.26 (b) This section does not change existing personal care assistance program or community  
200.27 first services and supports policies and procedures.

200.28 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
200.29 meanings given in section 256B.85, subdivision 2, and as follows.

200.30 (b) "Commissioner" means the commissioner of human services.

200.31 (c) "Component value" means an underlying factor that is built into the rate methodology  
200.32 to calculate service rates and is part of the cost of providing services.

201.1 (d) "Payment rate" or "rate" means reimbursement to an eligible provider for services  
201.2 provided to a qualified individual based on an approved service authorization.

201.3 Subd. 3. **Payment rates; base wage index.** (a) When initially establishing the base wage  
201.4 component values, the commissioner must use the Minnesota-specific median wage for the  
201.5 standard occupational classification (SOC) codes published by the Bureau of Labor Statistics  
201.6 in the edition of the Occupational Handbook available January 1, 2021. The commissioner  
201.7 must calculate the base wage component values as follows for:

201.8 (1) personal care assistance services, CFSS, extended personal care assistance services,  
201.9 and extended CFSS. The base wage component value equals the median wage for personal  
201.10 care aide (SOC code 31-1120);

201.11 (2) enhanced rate personal care assistance services and enhanced rate CFSS. The base  
201.12 wage component value equals the product of median wage for personal care aide (SOC  
201.13 code 31-1120) and the value of the enhanced rate under section 256B.0659, subdivision  
201.14 17a; and

201.15 (3) qualified professional services and CFSS worker training and development. The base  
201.16 wage component value equals the sum of 70 percent of the median wage for registered nurse  
201.17 (SOC code 29-1141), 15 percent of the median wage for health care social worker (SOC  
201.18 code 21-1099), and 15 percent of the median wage for social and human service assistant  
201.19 (SOC code 21-1093).

201.20 (b) On January 1, 2025, and every two years thereafter, the commissioner must update  
201.21 the base wage component values based on the wage data by SOC codes from the Bureau  
201.22 of Labor Statistics available 30 months and a day prior to the scheduled update.

201.23 (c) On August 1, 2024, and every two years thereafter, the commissioner shall report to  
201.24 the chairs and ranking minority members of the legislative committees and divisions with  
201.25 jurisdiction over health and human services policy and finance an update of the framework  
201.26 components as calculated in paragraph (b).

201.27 Subd. 4. **Payment rates; total wage index.** (a) The commissioner must multiply the  
201.28 base wage component values in subdivision 3 by one plus the appropriate competitive  
201.29 workforce factor. The product is the total wage component value.

201.30 (b) For personal care assistance services, CFSS, extended personal care assistance  
201.31 services, extended CFSS, enhanced rate personal care assistance services, and enhanced  
201.32 rate CFSS, the initial competitive workforce factor is 4.7 percent.

202.1 (c) For qualified professional services and CFSS worker training and development, the  
202.2 competitive workforce factor is zero percent.

202.3 (d) On August 1, 2024, and every two years thereafter, the commissioner shall report to  
202.4 the chairs and ranking minority members of the legislative committees and divisions with  
202.5 jurisdiction over health and human services policy and finance an update of the competitive  
202.6 workforce factors in this subdivision using the most recently available data. The  
202.7 commissioner shall calculate the biennial adjustments to the competitive workforce factor  
202.8 after determining the base wage index updates required in subdivision 3, paragraph (b). The  
202.9 commissioner shall adjust the competitive workforce factor toward the percent difference  
202.10 between: (1) the median wage for personal care aide (SOC code 31-1120); and (2) the  
202.11 weighted average wage for all other SOC codes with the same Bureau of Labor Statistics  
202.12 classifications for education, experience, and training required for job competency.

202.13 (e) The commissioner shall recommend an increase or decrease of the competitive  
202.14 workforce factor from its previous value by no more than three percentage points. If, after  
202.15 a biennial adjustment, the competitive workforce factor is less than or equal to zero, the  
202.16 competitive workforce factor shall be zero.

202.17 Subd. 5. **Payment rates; component values.** (a) The commissioner must use the  
202.18 following component values:

202.19 (1) employee vacation, sick, and training factor, 8.71 percent;

202.20 (2) employer taxes and workers' compensation factor, 11.56 percent;

202.21 (3) employee benefits factor, 12.04 percent;

202.22 (4) client programming and supports factor, 2.30 percent;

202.23 (5) program plan support factor, 7.00 percent;

202.24 (6) general business and administrative expenses factor, 13.25 percent;

202.25 (7) program administration expenses factor, 2.90 percent; and

202.26 (8) absence and utilization factor, 3.90 percent.

202.27 (b) For purposes of implementation, the commissioner shall use the following  
202.28 implementation components:

202.29 (1) personal care assistance services and CFSS: 75.45 percent;

202.30 (2) enhanced rate personal care assistance services and enhanced rate CFSS: 75.45  
202.31 percent; and

203.1 (3) qualified professional services and CFSS worker training and development: 75.45  
203.2 percent.

203.3 (c) On January 1, 2026, and each January 1 thereafter, the commissioner shall increase  
203.4 the implementation components by two percentage points until the value of each  
203.5 implementation component equals 100 percent.

203.6 (d) On January 1, 2025, and every two years thereafter, the commissioner shall update  
203.7 the component value in paragraph (a), clause (4), for changes in the Consumer Price Index  
203.8 by the percentage change from the date of any previous update to the data available six  
203.9 months and one day prior to the scheduled update.

203.10 (e) On August 1, 2024, and every two years thereafter, the commissioner shall report to  
203.11 the chairs and ranking minority members of the legislative committees and divisions with  
203.12 jurisdiction over health and human services policy and finance an update on the component  
203.13 values as calculated in paragraph (d).

203.14 **Subd. 6. Payment rates; rate determination.** (a) The commissioner must determine  
203.15 the rate for personal care assistance services, CFSS, extended personal care assistance  
203.16 services, extended CFSS, enhanced rate personal care assistance services, enhanced rate  
203.17 CFSS, qualified professional services, and CFSS worker training and development as  
203.18 follows:

203.19 (1) multiply the appropriate total wage component value calculated in subdivision 4 by  
203.20 one plus the employee vacation, sick, and training factor in subdivision 5;

203.21 (2) for program plan support, multiply the result of clause (1) by one plus the program  
203.22 plan support factor in subdivision 5;

203.23 (3) for employee-related expenses, add the employer taxes and workers' compensation  
203.24 factor in subdivision 5 and the employee benefits factor in subdivision 5. The sum is  
203.25 employee-related expenses. Multiply the product of clause (2) by one plus the value for  
203.26 employee-related expenses;

203.27 (4) for client programming and supports, multiply the product of clause (3) by one plus  
203.28 the client programming and supports factor in subdivision 5;

203.29 (5) for administrative expenses, add the general business and administrative expenses  
203.30 factor in subdivision 5, the program administration expenses factor in subdivision 5, and  
203.31 the absence and utilization factor in subdivision 5;

203.32 (6) divide the result of clause (4) by one minus the result of clause (5). The quotient is  
203.33 the hourly rate;

204.1 (7) multiply the hourly rate by the appropriate implementation component under  
204.2 subdivision 5. This is the adjusted hourly rate; and

204.3 (8) divide the adjusted hourly rate by four. The quotient is the total adjusted payment  
204.4 rate.

204.5 (b) The commissioner must publish the total adjusted payment rates.

204.6 Subd. 7. **Personal care provider agency; required reporting and analysis of cost**

204.7 **data.** (a) The commissioner shall evaluate on an ongoing basis whether the base wage

204.8 component values and component values in this section appropriately address the cost to

204.9 provide the service. The commissioner shall make recommendations to adjust the rate

204.10 methodology as indicated by the evaluation. As determined by the commissioner and in

204.11 consultation with stakeholders, agencies enrolled to provide services with rates determined

204.12 under this section must submit requested cost data to the commissioner. The commissioner

204.13 may request cost data, including but not limited to:

204.14 (1) worker wage costs;

204.15 (2) benefits paid;

204.16 (3) supervisor wage costs;

204.17 (4) executive wage costs;

204.18 (5) vacation, sick, and training time paid;

204.19 (6) taxes, workers' compensation, and unemployment insurance costs paid;

204.20 (7) administrative costs paid;

204.21 (8) program costs paid;

204.22 (9) transportation costs paid;

204.23 (10) staff vacancy rates; and

204.24 (11) other data relating to costs required to provide services requested by the

204.25 commissioner.

204.26 (b) At least once in any three-year period, a provider must submit the required cost data

204.27 for a fiscal year that ended not more than 18 months prior to the submission date. The

204.28 commissioner must provide each provider a 90-day notice prior to its submission due date.

204.29 If a provider fails to submit required cost data, the commissioner must provide notice to a

204.30 provider that has not provided required cost data 30 days after the required submission date

204.31 and a second notice to a provider that has not provided required cost data 60 days after the

205.1 required submission date. The commissioner must temporarily suspend payments to a  
205.2 provider if the commissioner has not received required cost data 90 days after the required  
205.3 submission date. The commissioner must make withheld payments when the required cost  
205.4 data is received by the commissioner.

205.5 (c) The commissioner must conduct a random validation of data submitted under this  
205.6 subdivision to ensure data accuracy. The commissioner shall analyze cost documentation  
205.7 in paragraph (a) and provide recommendations for adjustments to cost components.

205.8 (d) The commissioner shall analyze cost documentation in paragraph (a) and may submit  
205.9 recommendations on component values, updated base wage component values, and  
205.10 competitive workforce factors to the chair and ranking minority members of the legislative  
205.11 committees and divisions with jurisdiction over human services policy and finance every  
205.12 two years beginning August 1, 2026. The commissioner shall release cost data in an aggregate  
205.13 form, and cost data from individual providers shall not be released except as provided for  
205.14 in current law.

205.15 (e) The commissioner, in consultation with stakeholders, must develop and implement  
205.16 a process for providing training and technical assistance necessary to support provider  
205.17 submission of cost data required under this subdivision.

205.18 Subd. 8. **Payment rates; reports required.** (a) The commissioner must assess the  
205.19 standard component values and publish evaluation findings and recommended changes to  
205.20 the rate methodology in a report to the legislature by August 1, 2026.

205.21 (b) The commissioner must assess the long-term impacts of the rate methodology  
205.22 implementation on staff providing services with rates determined under this section, including  
205.23 but not limited to measuring changes in wages, benefits provided, hours worked, and  
205.24 retention. The commissioner must publish evaluation findings in a report to the legislature  
205.25 by August 1, 2028, and once every two years thereafter.

205.26 Subd. 9. **Payment rates; collective bargaining.** The commissioner's authority to set  
205.27 payment rates, including wages and benefits, for the services of individual providers defined  
205.28 in section 256B.0711, subdivision 1, paragraph (d), is subject to the state's obligations to  
205.29 meet and negotiate under chapter 179A, as modified and made applicable to individual  
205.30 providers under section 179A.54, and to agreements with any exclusive representative of  
205.31 individual providers, as authorized by chapter 179A, as modified and made applicable to  
205.32 individual providers under section 179A.54.

206.1 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,  
206.2 whichever is later. The commissioner of human services must notify the revisor of statutes  
206.3 when federal approval is obtained.

206.4 Sec. 26. Minnesota Statutes 2020, section 256I.04, subdivision 3, is amended to read:

206.5 Subd. 3. **Moratorium on development of housing support beds.** (a) Agencies shall  
206.6 not enter into agreements for new housing support beds with total rates in excess of the  
206.7 MSA equivalent rate except:

206.8 (1) for establishments licensed under chapter 245D provided the facility is needed to  
206.9 meet the census reduction targets for persons with developmental disabilities at regional  
206.10 treatment centers;

206.11 (2) up to 80 beds in a single, specialized facility located in Hennepin County that will  
206.12 provide housing for chronic inebriates who are repetitive users of detoxification centers and  
206.13 are refused placement in emergency shelters because of their state of intoxication, and  
206.14 planning for the specialized facility must have been initiated before July 1, 1991, in  
206.15 anticipation of receiving a grant from the Housing Finance Agency under section 462A.05,  
206.16 subdivision 20a, paragraph (b);

206.17 (3) notwithstanding the provisions of subdivision 2a, for up to ~~226~~ 500 supportive  
206.18 housing units in Anoka, Carver, Dakota, Hennepin, or Ramsey, Scott, or Washington County  
206.19 for homeless adults with a mental illness, a history of substance abuse, or human  
206.20 immunodeficiency virus or acquired immunodeficiency syndrome. For purposes of this  
206.21 section, "homeless adult" means a person who is living on the street or in a shelter ~~or~~  
206.22 ~~discharged from a regional treatment center, community hospital, or residential treatment~~  
206.23 ~~program and,~~ has no appropriate housing available, and lacks the resources and support  
206.24 necessary to access appropriate housing. ~~At least 70 percent of the supportive housing units~~  
206.25 ~~must serve homeless adults with mental illness, substance abuse problems, or human~~  
206.26 ~~immunodeficiency virus or acquired immunodeficiency syndrome who are about to be or,~~  
206.27 ~~within the previous six months, have been discharged from a regional treatment center, or~~  
206.28 ~~a state-contracted psychiatric bed in a community hospital, or a residential mental health~~  
206.29 ~~or chemical dependency treatment program.~~ If a person meets the requirements of subdivision  
206.30 1, paragraph (a) or (b), and receives a federal or state housing subsidy, the housing support  
206.31 rate for that person is limited to the supplementary rate under section 256I.05, subdivision  
206.32 1a, ~~and is determined by subtracting the amount of the person's countable income that~~  
206.33 ~~exceeds the MSA equivalent rate from the housing support supplementary service rate.~~ A  
206.34 resident in a demonstration project site who no longer participates in the demonstration

207.1 program shall retain eligibility for a housing support payment in an amount determined  
207.2 under section 256I.06, subdivision 8, using the MSA equivalent rate. ~~Service funding under~~  
207.3 ~~section 256I.05, subdivision 1a, will end June 30, 1997, if federal matching funds are~~  
207.4 ~~available and the services can be provided through a managed care entity. If federal matching~~  
207.5 ~~funds are not available, then service funding will continue under section 256I.05, subdivision~~  
207.6 ~~1a;~~

207.7 (4) for an additional two beds, resulting in a total of 32 beds, for a facility located in  
207.8 Hennepin County providing services for recovering and chemically dependent men that has  
207.9 had a housing support contract with the county and has been licensed as a board and lodge  
207.10 facility with special services since 1980;

207.11 (5) for a housing support provider located in the city of St. Cloud, or a county contiguous  
207.12 to the city of St. Cloud, that operates a 40-bed facility, that received financing through the  
207.13 Minnesota Housing Finance Agency Ending Long-Term Homelessness Initiative and serves  
207.14 chemically dependent clientele, providing 24-hour-a-day supervision;

207.15 (6) for a new 65-bed facility in Crow Wing County that will serve chemically dependent  
207.16 persons, operated by a housing support provider that currently operates a 304-bed facility  
207.17 in Minneapolis, and a 44-bed facility in Duluth;

207.18 (7) for a housing support provider that operates two ten-bed facilities, one located in  
207.19 Hennepin County and one located in Ramsey County, that provide community support and  
207.20 24-hour-a-day supervision to serve the mental health needs of individuals who have  
207.21 chronically lived unsheltered; and

207.22 (8) for a facility authorized for recipients of housing support in Hennepin County with  
207.23 a capacity of up to 48 beds that has been licensed since 1978 as a board and lodging facility  
207.24 and that until August 1, 2007, operated as a licensed chemical dependency treatment program.

207.25 (b) An agency may enter into a housing support agreement for beds with rates in excess  
207.26 of the MSA equivalent rate in addition to those currently covered under a housing support  
207.27 agreement if the additional beds are only a replacement of beds with rates in excess of the  
207.28 MSA equivalent rate which have been made available due to closure of a setting, a change  
207.29 of licensure or certification which removes the beds from housing support payment, or as  
207.30 a result of the downsizing of a setting authorized for recipients of housing support. The  
207.31 transfer of available beds from one agency to another can only occur by the agreement of  
207.32 both agencies.

207.33 (c) The appropriation for this subdivision must include administrative funding equal to  
207.34 the cost of two full-time equivalent employees to process eligibility. The commissioner

208.1 must disburse administrative funding to the fiscal agent for the counties under this  
208.2 subdivision.

208.3 Sec. 27. Minnesota Statutes 2020, section 256I.05, subdivision 1a, is amended to read:

208.4 Subd. 1a. **Supplementary service rates.** (a) Subject to the provisions of section 256I.04,  
208.5 subdivision 3, the ~~county~~ agency may negotiate a payment not to exceed \$426.37 for other  
208.6 services necessary to provide room and board if the residence is licensed by or registered  
208.7 by the Department of Health, or licensed by the Department of Human Services to provide  
208.8 services in addition to room and board, and if the provider of services is not also concurrently  
208.9 receiving funding for services for a recipient under a home and community-based waiver  
208.10 under title XIX of the federal Social Security Act; or funding from the medical assistance  
208.11 program under section 256B.0659, for personal care services for residents in the setting; or  
208.12 residing in a setting which receives funding under section 245.73. If funding is available  
208.13 for other necessary services through a home and community-based waiver, or personal care  
208.14 services under section 256B.0659, then the housing support rate is limited to the rate set in  
208.15 subdivision 1. Unless otherwise provided in law, in no case may the supplementary service  
208.16 rate exceed \$426.37. The registration and licensure requirement does not apply to  
208.17 establishments which are exempt from state licensure because they are located on Indian  
208.18 reservations and for which the tribe has prescribed health and safety requirements. Service  
208.19 payments under this section may be prohibited under rules to prevent the supplanting of  
208.20 federal funds with state funds. The commissioner shall pursue the feasibility of obtaining  
208.21 the approval of the Secretary of Health and Human Services to provide home and  
208.22 community-based waiver services under title XIX of the federal Social Security Act for  
208.23 residents who are not eligible for an existing home and community-based waiver due to a  
208.24 primary diagnosis of mental illness or chemical dependency and shall apply for a waiver if  
208.25 it is determined to be cost-effective.

208.26 (b) The commissioner is authorized to make cost-neutral transfers from the housing  
208.27 support fund for beds under this section to other funding programs administered by the  
208.28 department after consultation with the ~~county or counties~~ agency in which the affected beds  
208.29 are located. The commissioner may also make cost-neutral transfers from the housing support  
208.30 fund to ~~county human service~~ agencies for beds permanently removed from the housing  
208.31 support census under a plan submitted by the ~~county~~ agency and approved by the  
208.32 commissioner. The commissioner shall report the amount of any transfers under this provision  
208.33 annually to the legislature.

209.1 (c) ~~Counties~~ Agencies must not negotiate supplementary service rates with providers of  
209.2 housing support that are licensed as board and lodging with special services and that do not  
209.3 encourage a policy of sobriety on their premises and make referrals to available community  
209.4 services for volunteer and employment opportunities for residents.

209.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

209.6 Sec. 28. Minnesota Statutes 2020, section 256I.05, subdivision 1c, is amended to read:

209.7 Subd. 1c. **Rate increases.** An agency may not increase the rates negotiated for housing  
209.8 support above those in effect on June 30, 1993, except as provided in paragraphs (a) to (f).

209.9 (a) An agency may increase the rates for room and board to the MSA equivalent rate  
209.10 for those settings whose current rate is below the MSA equivalent rate.

209.11 (b) An agency may increase the rates for residents in adult foster care whose difficulty  
209.12 of care has increased. The total housing support rate for these residents must not exceed the  
209.13 maximum rate specified in subdivisions 1 and 1a. Agencies must not include nor increase  
209.14 difficulty of care rates for adults in foster care whose difficulty of care is eligible for funding  
209.15 by home and community-based waiver programs under title XIX of the Social Security Act.

209.16 (c) The room and board rates will be increased each year when the MSA equivalent rate  
209.17 is adjusted for SSI cost-of-living increases by the amount of the annual SSI increase, less  
209.18 the amount of the increase in the medical assistance personal needs allowance under section  
209.19 256B.35.

209.20 (d) When housing support pays for an individual's room and board, or other costs  
209.21 necessary to provide room and board, the rate payable to the residence must continue for  
209.22 up to 18 calendar days per incident that the person is temporarily absent from the residence,  
209.23 not to exceed 60 days in a calendar year, if the absence or absences are reported in advance  
209.24 to the county agency's social service staff. Advance reporting is not required for emergency  
209.25 absences due to crisis, illness, or injury. For purposes of maintaining housing while  
209.26 temporarily absent due to residential behavioral health treatment or health care treatment  
209.27 that requires admission to an inpatient hospital, nursing facility, or other health care facility,  
209.28 the room and board rate for an individual is payable beyond an 18-calendar-day absence  
209.29 period, not to exceed 150 days in a calendar year.

209.30 (e) For facilities meeting substantial change criteria within the prior year. Substantial  
209.31 change criteria exists if the establishment experiences a 25 percent increase or decrease in  
209.32 the total number of its beds, if the net cost of capital additions or improvements is in excess  
209.33 of 15 percent of the current market value of the residence, or if the residence physically

210.1 moves, or changes its licensure, and incurs a resulting increase in operation and property  
210.2 costs.

210.3 (f) Until June 30, 1994, an agency may increase by up to five percent the total rate paid  
210.4 for recipients of assistance under sections 256D.01 to 256D.21 or 256D.33 to 256D.54 who  
210.5 reside in residences that are licensed by the commissioner of health as a boarding care home,  
210.6 but are not certified for the purposes of the medical assistance program. However, an increase  
210.7 under this clause must not exceed an amount equivalent to 65 percent of the 1991 medical  
210.8 assistance reimbursement rate for nursing home resident class A, in the geographic grouping  
210.9 in which the facility is located, as established under Minnesota Rules, parts 9549.0051 to  
210.10 9549.0058.

210.11 Sec. 29. Minnesota Statutes 2020, section 256I.05, subdivision 11, is amended to read:

210.12 Subd. 11. **Transfer of emergency shelter funds.** (a) The commissioner shall make a  
210.13 cost-neutral transfer of funding from the housing support fund to ~~county human service~~  
210.14 ~~agencies~~ the agency for emergency shelter beds removed from the housing support census  
210.15 under a biennial plan submitted by the ~~county~~ agency and approved by the commissioner.  
210.16 The plan must describe: (1) anticipated and actual outcomes for persons experiencing  
210.17 homelessness in emergency shelters; (2) improved efficiencies in administration; (3)  
210.18 requirements for individual eligibility; and (4) plans for quality assurance monitoring and  
210.19 quality assurance outcomes. The commissioner shall review the ~~county~~ agency plan to  
210.20 monitor implementation and outcomes at least biennially, and more frequently if the  
210.21 commissioner deems necessary.

210.22 (b) The funding under paragraph (a) may be used for the provision of room and board  
210.23 or supplemental services according to section 256I.03, subdivisions 2 and 8. Providers must  
210.24 meet the requirements of section 256I.04, subdivisions 2a to 2f. Funding must be allocated  
210.25 annually, and the room and board portion of the allocation shall be adjusted according to  
210.26 the percentage change in the housing support room and board rate. The room and board  
210.27 portion of the allocation shall be determined at the time of transfer. The commissioner or  
210.28 ~~county~~ agency may return beds to the housing support fund with 180 days' notice, including  
210.29 financial reconciliation.

210.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

210.31 Sec. 30. Minnesota Statutes 2020, section 256S.18, subdivision 7, is amended to read:

210.32 Subd. 7. **Monthly case mix budget cap exception.** The commissioner shall approve an  
210.33 exception to the monthly case mix budget cap in ~~paragraph (a)~~ subdivision 3 to account for

211.1 the additional cost of providing enhanced rate personal care assistance services under section  
211.2 256B.0659 or enhanced rate community first services and supports under section 256B.85.  
211.3 ~~The exception shall not exceed 107.5 percent of the budget otherwise available to the~~  
211.4 ~~individual.~~ The commissioner must calculate the difference between the rate for personal  
211.5 care assistance services and enhanced rate personal care assistance services. The additional  
211.6 budget amount approved under an exception must not exceed this difference. The exception  
211.7 must be reapproved on an annual basis at the time of a participant's annual reassessment.

211.8 **EFFECTIVE DATE.** This section is effective July 1, 2021, or upon federal approval,  
211.9 whichever is later. The commissioner of human services must notify the revisor of statutes  
211.10 when federal approval is obtained.

211.11 Sec. 31. Minnesota Statutes 2020, section 256S.20, subdivision 1, is amended to read:

211.12 Subdivision 1. **Customized living services provider requirements.** ~~Only a provider~~  
211.13 ~~licensed by the Department of Health as a comprehensive home care provider may provide~~  
211.14 To deliver customized living services or 24-hour customized living services, a provider  
211.15 must:

211.16 (1) be licensed as an assisted living facility under chapter 144G; or

211.17 (2) be licensed as a comprehensive home care provider under chapter 144A and be  
211.18 delivering services in a setting defined under section 144G.08, subdivision 7, clauses (10)  
211.19 to (13). A licensed home care provider is subject to section 256B.0651, subdivision 14.

211.20 Sec. 32. Laws 2020, Fifth Special Session chapter 3, article 10, section 3, is amended to  
211.21 read:

211.22 Sec. 3. **TEMPORARY PERSONAL CARE ASSISTANCE COMPENSATION FOR**  
211.23 **SERVICES PROVIDED BY A PARENT OR SPOUSE.**

211.24 (a) Notwithstanding Minnesota Statutes, section 256B.0659, subdivisions 3, paragraph  
211.25 (a), clause (1); 11, paragraph (c); and 19, paragraph (b), clause (3), during a peacetime  
211.26 emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision  
211.27 2, for an outbreak of COVID-19, a parent, stepparent, or legal guardian of a minor who is  
211.28 a personal care assistance recipient or a spouse of a personal care assistance recipient may  
211.29 provide and be paid for providing personal care assistance services.

211.30 (b) This section expires ~~February 7, 2021~~ upon the expiration of the COVID-19 public  
211.31 health emergency declared by the United States Secretary of Health and Human Services.

212.1 **EFFECTIVE DATE; REVIVAL AND REENACTMENT.** This section is effective  
212.2 the day following final enactment, or upon federal approval, whichever is later, and Laws  
212.3 2020, Fifth Special Session chapter 3, article 10, section 3, is revived and reenacted as of  
212.4 that date.

212.5 Sec. 33. **SELF-DIRECTED WORKER CONTRACT RATIFICATION.**

212.6 The labor agreement between the state of Minnesota and the Service Employees  
212.7 International Union Healthcare Minnesota, submitted to the Legislative Coordinating  
212.8 Commission on March 1, 2021, is ratified.

212.9 Sec. 34. **DIRECTION TO THE COMMISSIONER; CUSTOMIZED LIVING**  
212.10 **REPORT.**

212.11 (a) By January 15, 2022, the commissioner of human services shall submit a report to  
212.12 the chairs and ranking minority members of the legislative committees with jurisdiction  
212.13 over human services policy and finance. The report must include the commissioner's:

212.14 (1) assessment of the prevalence of customized living services provided under Minnesota  
212.15 Statutes, section 256B.49, supplanting the provision of residential services and supports  
212.16 licensed under Minnesota Statutes, chapter 245D, and provided in settings licensed under  
212.17 Minnesota Statutes, chapter 245A;

212.18 (2) recommendations regarding the continuation of the moratorium on home and  
212.19 community-based services customized living settings under Minnesota Statutes, section  
212.20 256B.49, subdivision 28;

212.21 (3) other policy recommendations to ensure that customized living services are being  
212.22 provided in a manner consistent with the policy objectives of the foster care licensing  
212.23 moratorium under Minnesota Statutes, section 245A.03, subdivision 7; and

212.24 (4) recommendations for needed statutory changes to implement the transition from  
212.25 existing four-person or fewer customized living settings to corporate adult foster care or  
212.26 community residential settings.

212.27 (b) The commissioner of health shall provide the commissioner of human services with  
212.28 the required data to complete the report in paragraph (a) and implement the moratorium on  
212.29 home and community-based services customized living settings under Minnesota Statutes,  
212.30 section 256B.49, subdivision 28. The data must include, at a minimum, each registered  
212.31 housing with services establishment under Minnesota Statutes, chapter 144D, enrolled as  
212.32 a customized living setting to deliver customized living services as defined under the brain

213.1 injury or community access for disability inclusion waiver plans under Minnesota Statutes,  
213.2 section 256B.49.

213.3 **Sec. 35. GOVERNOR'S COUNCIL ON AN AGE-FRIENDLY MINNESOTA.**

213.4 The Governor's Council on an Age-Friendly Minnesota, established in Executive Order  
213.5 19-38, shall: (1) work to advance age-friendly policies; and (2) coordinate state, local, and  
213.6 private partners' collaborative work on emergency preparedness, with a focus on older  
213.7 adults, communities, and persons in zip codes most impacted by the COVID-19 pandemic.  
213.8 The Governor's Council on an Age-Friendly Minnesota is extended and expires October 1,  
213.9 2022.

213.10 **Sec. 36. RATE INCREASE FOR DIRECT SUPPORT SERVICES WORKFORCE.**

213.11 (a) Effective October 1, 2021, or upon federal approval, whichever is later, if the labor  
213.12 agreement between the state of Minnesota and the Service Employees International Union  
213.13 Healthcare Minnesota under Minnesota Statutes, section 179A.54, is approved pursuant to  
213.14 Minnesota Statutes, section 3.855, the commissioner of human services shall increase:

213.15 (1) reimbursement rates, individual budgets, grants, or allocations by 4.14 percent for  
213.16 services under paragraph (b) provided on or after October 1, 2021, or upon federal approval,  
213.17 whichever is later, to implement the minimum hourly wage, holiday, and paid time off  
213.18 provisions of that agreement;

213.19 (2) reimbursement rates, individual budgets, grants, or allocations by 2.95 percent for  
213.20 services under paragraph (b) provided on or after July 1, 2022, or upon federal approval,  
213.21 whichever is later, to implement the minimum hourly wage, holiday, and paid time off  
213.22 provisions of that agreement;

213.23 (3) individual budgets, grants, or allocations by 1.58 percent for services under paragraph  
213.24 (c) provided on or after October 1, 2021, or upon federal approval, whichever is later, to  
213.25 implement the minimum hourly wage, holiday, and paid time off provisions of that  
213.26 agreement; and

213.27 (4) individual budgets, grants, or allocations by .81 percent for services under paragraph  
213.28 (c) provided on or after July 1, 2022, or upon federal approval, whichever is later, to  
213.29 implement the minimum hourly wage, holiday, and paid time off provisions of that  
213.30 agreement.

213.31 (b) The rate changes described in paragraph (a), clauses (1) and (2), apply to direct  
213.32 support services provided through a covered program, as defined in Minnesota Statutes,

214.1 section 256B.0711, subdivision 1, with the exception of consumer-directed community  
214.2 supports available under programs established pursuant to home and community-based  
214.3 service waivers authorized under section 1915(c) of the federal Social Security Act and  
214.4 Minnesota Statutes, including but not limited to chapter 256S and sections 256B.092 and  
214.5 256B.49, and under the alternative care program under Minnesota Statutes, section  
214.6 256B.0913.

214.7 (c) The funding changes described in paragraph (a), clauses (3) and (4), apply to  
214.8 consumer-directed community supports available under programs established pursuant to  
214.9 home and community-based service waivers authorized under section 1915(c) of the federal  
214.10 Social Security Act, and Minnesota Statutes, including but not limited to chapter 256S and  
214.11 sections 256B.092 and 256B.49, and under the alternative care program under Minnesota  
214.12 Statutes, section 256B.0913.

214.13 **Sec. 37. WAIVER REIMAGINE PHASE II.**

214.14 (a) The commissioner of human services must implement a two-home and  
214.15 community-based services waiver program structure, as authorized under section 1915(c)  
214.16 of the federal Social Security Act, that serves persons who are determined by a certified  
214.17 assessor to require the levels of care provided in a nursing home, a hospital, a neurobehavioral  
214.18 hospital, or an intermediate care facility for persons with developmental disabilities.

214.19 (b) The commissioner of human services must implement an individualized budget  
214.20 methodology, as authorized under section 1915(c) of the federal Social Security Act, that  
214.21 serves persons who are determined by a certified assessor to require the levels of care  
214.22 provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care  
214.23 facility for persons with developmental disabilities.

214.24 (c) The commissioner of human services may seek all federal authority necessary to  
214.25 implement this section.

214.26 **EFFECTIVE DATE.** This section is effective September 1, 2024, or 90 days after  
214.27 federal approval, whichever is later. The commissioner of human services shall notify the  
214.28 revisor of statutes when federal approval is obtained.

214.29 **Sec. 38. REPEALER.**

214.30 (a) Minnesota Statutes 2020, section 256B.097, subdivisions 1, 2, 3, 4, 5, and 6, are  
214.31 repealed effective July 1, 2021.

215.1 (b) Minnesota Statutes 2020, sections 256B.0916, subdivisions 2, 3, 4, 5, 8, 11, and 12;  
215.2 and 256B.49, subdivisions 26 and 27, are repealed effective January 1, 2023, or upon federal  
215.3 approval, whichever is later. The commissioner of human services shall notify the revisor  
215.4 of statutes when federal approval is obtained.

## 215.5 ARTICLE 7

### 215.6 COMMUNITY SUPPORTS POLICY

215.7 Section 1. Minnesota Statutes 2020, section 256B.0947, subdivision 6, is amended to read:

215.8 Subd. 6. **Service standards.** The standards in this subdivision apply to intensive  
215.9 nonresidential rehabilitative mental health services.

215.10 (a) The treatment team must use team treatment, not an individual treatment model.

215.11 (b) Services must be available at times that meet client needs.

215.12 (c) Services must be age-appropriate and meet the specific needs of the client.

215.13 (d) The initial functional assessment must be completed within ten days of intake and  
215.14 updated at least every six months or prior to discharge from the service, whichever comes  
215.15 first.

215.16 (e) The treatment team must complete an individual treatment plan for each client and  
215.17 the individual treatment plan must:

215.18 (1) be based on the information in the client's diagnostic assessment and baselines;

215.19 (2) identify goals and objectives of treatment, a treatment strategy, a schedule for  
215.20 accomplishing treatment goals and objectives, and the individuals responsible for providing  
215.21 treatment services and supports;

215.22 (3) be developed after completion of the client's diagnostic assessment by a mental health  
215.23 professional or clinical trainee and before the provision of children's therapeutic services  
215.24 and supports;

215.25 (4) be developed through a child-centered, family-driven, culturally appropriate planning  
215.26 process, including allowing parents and guardians to observe or participate in individual  
215.27 and family treatment services, assessments, and treatment planning;

215.28 (5) be reviewed at least once every six months and revised to document treatment progress  
215.29 on each treatment objective and next goals or, if progress is not documented, to document  
215.30 changes in treatment;

216.1 (6) be signed by the clinical supervisor and by the client or by the client's parent or other  
216.2 person authorized by statute to consent to mental health services for the client. A client's  
216.3 parent may approve the client's individual treatment plan by secure electronic signature or  
216.4 by documented oral approval that is later verified by written signature;

216.5 (7) be completed in consultation with the client's current therapist and key providers and  
216.6 provide for ongoing consultation with the client's current therapist to ensure therapeutic  
216.7 continuity and to facilitate the client's return to the community. For clients under the age of  
216.8 18, the treatment team must consult with parents and guardians in developing the treatment  
216.9 plan;

216.10 (8) if a need for substance use disorder treatment is indicated by validated assessment:

216.11 (i) identify goals, objectives, and strategies of substance use disorder treatment; develop  
216.12 a schedule for accomplishing treatment goals and objectives; and identify the individuals  
216.13 responsible for providing treatment services and supports;

216.14 (ii) be reviewed at least once every 90 days and revised, if necessary;

216.15 (9) be signed by the clinical supervisor and by the client and, if the client is a minor, by  
216.16 the client's parent or other person authorized by statute to consent to mental health treatment  
216.17 and substance use disorder treatment for the client; and

216.18 (10) provide for the client's transition out of intensive nonresidential rehabilitative mental  
216.19 health services by defining the team's actions to assist the client and subsequent providers  
216.20 in the transition to less intensive or "stepped down" services.

216.21 (f) The treatment team shall actively and assertively engage the client's family members  
216.22 and significant others by establishing communication and collaboration with the family and  
216.23 significant others and educating the family and significant others about the client's mental  
216.24 illness, symptom management, and the family's role in treatment, unless the team knows or  
216.25 has reason to suspect that the client has suffered or faces a threat of suffering any physical  
216.26 or mental injury, abuse, or neglect from a family member or significant other.

216.27 (g) For a client age 18 or older, the treatment team may disclose to a family member,  
216.28 other relative, or a close personal friend of the client, or other person identified by the client,  
216.29 the protected health information directly relevant to such person's involvement with the  
216.30 client's care, as provided in Code of Federal Regulations, title 45, part 164.502(b). If the  
216.31 client is present, the treatment team shall obtain the client's agreement, provide the client  
216.32 with an opportunity to object, or reasonably infer from the circumstances, based on the  
216.33 exercise of professional judgment, that the client does not object. If the client is not present

217.1 or is unable, by incapacity or emergency circumstances, to agree or object, the treatment  
217.2 team may, in the exercise of professional judgment, determine whether the disclosure is in  
217.3 the best interests of the client and, if so, disclose only the protected health information that  
217.4 is directly relevant to the family member's, relative's, friend's, or client-identified person's  
217.5 involvement with the client's health care. The client may orally agree or object to the  
217.6 disclosure and may prohibit or restrict disclosure to specific individuals.

217.7 (h) The treatment team shall provide interventions to promote positive interpersonal  
217.8 relationships.

217.9 Sec. 2. Minnesota Statutes 2020, section 256B.69, subdivision 5a, is amended to read:

217.10 Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and  
217.11 section 256L.12 shall be entered into or renewed on a calendar year basis. The commissioner  
217.12 may issue separate contracts with requirements specific to services to medical assistance  
217.13 recipients age 65 and older.

217.14 (b) A prepaid health plan providing covered health services for eligible persons pursuant  
217.15 to chapters 256B and 256L is responsible for complying with the terms of its contract with  
217.16 the commissioner. Requirements applicable to managed care programs under chapters 256B  
217.17 and 256L established after the effective date of a contract with the commissioner take effect  
217.18 when the contract is next issued or renewed.

217.19 (c) The commissioner shall withhold five percent of managed care plan payments under  
217.20 this section and county-based purchasing plan payments under section 256B.692 for the  
217.21 prepaid medical assistance program pending completion of performance targets. Each  
217.22 performance target must be quantifiable, objective, measurable, and reasonably attainable,  
217.23 except in the case of a performance target based on a federal or state law or rule. Criteria  
217.24 for assessment of each performance target must be outlined in writing prior to the contract  
217.25 effective date. Clinical or utilization performance targets and their related criteria must  
217.26 consider evidence-based research and reasonable interventions when available or applicable  
217.27 to the populations served, and must be developed with input from external clinical experts  
217.28 and stakeholders, including managed care plans, county-based purchasing plans, and  
217.29 providers. The managed care or county-based purchasing plan must demonstrate, to the  
217.30 commissioner's satisfaction, that the data submitted regarding attainment of the performance  
217.31 target is accurate. The commissioner shall periodically change the administrative measures  
217.32 used as performance targets in order to improve plan performance across a broader range  
217.33 of administrative services. The performance targets must include measurement of plan  
217.34 efforts to contain spending on health care services and administrative activities. The

218.1 commissioner may adopt plan-specific performance targets that take into account factors  
218.2 affecting only one plan, including characteristics of the plan's enrollee population. The  
218.3 withheld funds must be returned no sooner than July of the following year if performance  
218.4 targets in the contract are achieved. The commissioner may exclude special demonstration  
218.5 projects under subdivision 23.

218.6 (d) The commissioner shall require that managed care plans use the assessment and  
218.7 authorization processes, forms, timelines, standards, documentation, and data reporting  
218.8 requirements, protocols, billing processes, and policies consistent with medical assistance  
218.9 fee-for-service or the Department of Human Services contract requirements for all personal  
218.10 care assistance services under section 256B.0659 and community first services and supports  
218.11 under section 256B.85.

218.12 (e) Effective for services rendered on or after January 1, 2012, the commissioner shall  
218.13 include as part of the performance targets described in paragraph (c) a reduction in the health  
218.14 plan's emergency department utilization rate for medical assistance and MinnesotaCare  
218.15 enrollees, as determined by the commissioner. For 2012, the reduction shall be based on  
218.16 the health plan's utilization in 2009. To earn the return of the withhold each subsequent  
218.17 year, the managed care plan or county-based purchasing plan must achieve a qualifying  
218.18 reduction of no less than ten percent of the plan's emergency department utilization rate for  
218.19 medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described  
218.20 in subdivisions 23 and 28, compared to the previous measurement year until the final  
218.21 performance target is reached. When measuring performance, the commissioner must  
218.22 consider the difference in health risk in a managed care or county-based purchasing plan's  
218.23 membership in the baseline year compared to the measurement year, and work with the  
218.24 managed care or county-based purchasing plan to account for differences that they agree  
218.25 are significant.

218.26 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
218.27 the following calendar year if the managed care plan or county-based purchasing plan  
218.28 demonstrates to the satisfaction of the commissioner that a reduction in the utilization rate  
218.29 was achieved. The commissioner shall structure the withhold so that the commissioner  
218.30 returns a portion of the withheld funds in amounts commensurate with achieved reductions  
218.31 in utilization less than the targeted amount.

218.32 The withhold described in this paragraph shall continue for each consecutive contract  
218.33 period until the plan's emergency room utilization rate for state health care program enrollees  
218.34 is reduced by 25 percent of the plan's emergency room utilization rate for medical assistance  
218.35 and MinnesotaCare enrollees for calendar year 2009. Hospitals shall cooperate with the

219.1 health plans in meeting this performance target and shall accept payment withholds that  
219.2 may be returned to the hospitals if the performance target is achieved.

219.3 (f) Effective for services rendered on or after January 1, 2012, the commissioner shall  
219.4 include as part of the performance targets described in paragraph (c) a reduction in the plan's  
219.5 hospitalization admission rate for medical assistance and MinnesotaCare enrollees, as  
219.6 determined by the commissioner. To earn the return of the withhold each year, the managed  
219.7 care plan or county-based purchasing plan must achieve a qualifying reduction of no less  
219.8 than five percent of the plan's hospital admission rate for medical assistance and  
219.9 MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and  
219.10 28, compared to the previous calendar year until the final performance target is reached.  
219.11 When measuring performance, the commissioner must consider the difference in health risk  
219.12 in a managed care or county-based purchasing plan's membership in the baseline year  
219.13 compared to the measurement year, and work with the managed care or county-based  
219.14 purchasing plan to account for differences that they agree are significant.

219.15 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
219.16 the following calendar year if the managed care plan or county-based purchasing plan  
219.17 demonstrates to the satisfaction of the commissioner that this reduction in the hospitalization  
219.18 rate was achieved. The commissioner shall structure the withhold so that the commissioner  
219.19 returns a portion of the withheld funds in amounts commensurate with achieved reductions  
219.20 in utilization less than the targeted amount.

219.21 The withhold described in this paragraph shall continue until there is a 25 percent  
219.22 reduction in the hospital admission rate compared to the hospital admission rates in calendar  
219.23 year 2011, as determined by the commissioner. The hospital admissions in this performance  
219.24 target do not include the admissions applicable to the subsequent hospital admission  
219.25 performance target under paragraph (g). Hospitals shall cooperate with the plans in meeting  
219.26 this performance target and shall accept payment withholds that may be returned to the  
219.27 hospitals if the performance target is achieved.

219.28 (g) Effective for services rendered on or after January 1, 2012, the commissioner shall  
219.29 include as part of the performance targets described in paragraph (c) a reduction in the plan's  
219.30 hospitalization admission rates for subsequent hospitalizations within 30 days of a previous  
219.31 hospitalization of a patient regardless of the reason, for medical assistance and MinnesotaCare  
219.32 enrollees, as determined by the commissioner. To earn the return of the withhold each year,  
219.33 the managed care plan or county-based purchasing plan must achieve a qualifying reduction  
219.34 of the subsequent hospitalization rate for medical assistance and MinnesotaCare enrollees,

220.1 excluding enrollees in programs described in subdivisions 23 and 28, of no less than five  
220.2 percent compared to the previous calendar year until the final performance target is reached.

220.3 The withheld funds must be returned no sooner than July 1 and no later than July 31 of  
220.4 the following calendar year if the managed care plan or county-based purchasing plan  
220.5 demonstrates to the satisfaction of the commissioner that a qualifying reduction in the  
220.6 subsequent hospitalization rate was achieved. The commissioner shall structure the withhold  
220.7 so that the commissioner returns a portion of the withheld funds in amounts commensurate  
220.8 with achieved reductions in utilization less than the targeted amount.

220.9 The withhold described in this paragraph must continue for each consecutive contract  
220.10 period until the plan's subsequent hospitalization rate for medical assistance and  
220.11 MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and  
220.12 28, is reduced by 25 percent of the plan's subsequent hospitalization rate for calendar year  
220.13 2011. Hospitals shall cooperate with the plans in meeting this performance target and shall  
220.14 accept payment withholds that must be returned to the hospitals if the performance target  
220.15 is achieved.

220.16 (h) Effective for services rendered on or after January 1, 2013, through December 31,  
220.17 2013, the commissioner shall withhold 4.5 percent of managed care plan payments under  
220.18 this section and county-based purchasing plan payments under section 256B.692 for the  
220.19 prepaid medical assistance program. The withheld funds must be returned no sooner than  
220.20 July 1 and no later than July 31 of the following year. The commissioner may exclude  
220.21 special demonstration projects under subdivision 23.

220.22 (i) Effective for services rendered on or after January 1, 2014, the commissioner shall  
220.23 withhold three percent of managed care plan payments under this section and county-based  
220.24 purchasing plan payments under section 256B.692 for the prepaid medical assistance  
220.25 program. The withheld funds must be returned no sooner than July 1 and no later than July  
220.26 31 of the following year. The commissioner may exclude special demonstration projects  
220.27 under subdivision 23.

220.28 (j) A managed care plan or a county-based purchasing plan under section 256B.692 may  
220.29 include as admitted assets under section 62D.044 any amount withheld under this section  
220.30 that is reasonably expected to be returned.

220.31 (k) Contracts between the commissioner and a prepaid health plan are exempt from the  
220.32 set-aside and preference provisions of section 16C.16, subdivisions 6, paragraph (a), and  
220.33 7.

221.1 (l) The return of the withhold under paragraphs (h) and (i) is not subject to the  
221.2 requirements of paragraph (c).

221.3 (m) Managed care plans and county-based purchasing plans shall maintain current and  
221.4 fully executed agreements for all subcontractors, including bargaining groups, for  
221.5 administrative services that are expensed to the state's public health care programs.  
221.6 Subcontractor agreements determined to be material, as defined by the commissioner after  
221.7 taking into account state contracting and relevant statutory requirements, must be in the  
221.8 form of a written instrument or electronic document containing the elements of offer,  
221.9 acceptance, consideration, payment terms, scope, duration of the contract, and how the  
221.10 subcontractor services relate to state public health care programs. Upon request, the  
221.11 commissioner shall have access to all subcontractor documentation under this paragraph.  
221.12 Nothing in this paragraph shall allow release of information that is nonpublic data pursuant  
221.13 to section 13.02.

221.14 Sec. 3. Minnesota Statutes 2020, section 256B.85, subdivision 1, is amended to read:

221.15 Subdivision 1. **Basis and scope.** (a) Upon federal approval, the commissioner shall  
221.16 establish a state plan option for the provision of home and community-based personal  
221.17 assistance service and supports called "community first services and supports (CFSS)."

221.18 (b) CFSS is a participant-controlled method of selecting and providing services and  
221.19 supports that allows the participant maximum control of the services and supports.  
221.20 Participants may choose the degree to which they direct and manage their supports by  
221.21 choosing to have a significant and meaningful role in the management of services and  
221.22 supports including by directly employing support workers with the necessary supports to  
221.23 perform that function.

221.24 (c) CFSS is available statewide to eligible people to assist with accomplishing activities  
221.25 of daily living (ADLs), instrumental activities of daily living (IADLs), and health-related  
221.26 procedures and tasks through hands-on assistance to accomplish the task or constant  
221.27 supervision and cueing to accomplish the task; and to assist with acquiring, maintaining,  
221.28 and enhancing the skills necessary to accomplish ADLs, IADLs, and health-related  
221.29 procedures and tasks. CFSS allows payment for the participant for certain supports and  
221.30 goods such as environmental modifications and technology that are intended to replace or  
221.31 decrease the need for human assistance.

221.32 (d) Upon federal approval, CFSS will replace the personal care assistance program under  
221.33 sections 256.476, 256B.0625, subdivisions 19a and 19c, and 256B.0659.

222.1 (e) For the purposes of this section, notwithstanding the provisions of section 144A.43,  
222.2 subdivision 3, supports purchased under CFSS are not considered home care services.

222.3 Sec. 4. Minnesota Statutes 2020, section 256B.85, subdivision 2, is amended to read:

222.4 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this  
222.5 subdivision have the meanings given.

222.6 (b) "Activities of daily living" or "ADLs" means ~~eating, toileting, grooming, dressing,~~  
222.7 ~~bathing, mobility, positioning, and transferring;~~

222.8 (1) dressing, including assistance with choosing, applying, and changing clothing and  
222.9 applying special appliances, wraps, or clothing;

222.10 (2) grooming, including assistance with basic hair care, oral care, shaving, applying  
222.11 cosmetics and deodorant, and care of eyeglasses and hearing aids. Grooming includes nail  
222.12 care, except for recipients who are diabetic or have poor circulation;

222.13 (3) bathing, including assistance with basic personal hygiene and skin care;

222.14 (4) eating, including assistance with hand washing and applying orthotics required for  
222.15 eating, transfers, or feeding;

222.16 (5) transfers, including assistance with transferring the participant from one seating or  
222.17 reclining area to another;

222.18 (6) mobility, including assistance with ambulation and use of a wheelchair. Mobility  
222.19 does not include providing transportation for a participant;

222.20 (7) positioning, including assistance with positioning or turning a participant for necessary  
222.21 care and comfort; and

222.22 (8) toileting, including assistance with bowel or bladder elimination and care, transfers,  
222.23 mobility, positioning, feminine hygiene, use of toileting equipment or supplies, cleansing  
222.24 the perineal area, inspection of the skin, and adjusting clothing.

222.25 (c) "Agency-provider model" means a method of CFSS under which a qualified agency  
222.26 provides services and supports through the agency's own employees and policies. The agency  
222.27 must allow the participant to have a significant role in the selection and dismissal of support  
222.28 workers of their choice for the delivery of their specific services and supports.

222.29 (d) "Behavior" means a description of a need for services and supports used to determine  
222.30 the home care rating and additional service units. The presence of Level I behavior is used  
222.31 to determine the home care rating.

223.1 (e) "Budget model" means a service delivery method of CFSS that allows the use of a  
223.2 service budget and assistance from a financial management services (FMS) provider for a  
223.3 participant to directly employ support workers and purchase supports and goods.

223.4 (f) "Complex health-related needs" means an intervention listed in clauses (1) to (8) that  
223.5 has been ordered by a physician, advanced practice registered nurse, or physician's assistant  
223.6 and is specified in a community support plan, including:

223.7 (1) tube feedings requiring:

223.8 (i) a gastrojejunostomy tube; or

223.9 (ii) continuous tube feeding lasting longer than 12 hours per day;

223.10 (2) wounds described as:

223.11 (i) stage III or stage IV;

223.12 (ii) multiple wounds;

223.13 (iii) requiring sterile or clean dressing changes or a wound vac; or

223.14 (iv) open lesions such as burns, fistulas, tube sites, or ostomy sites that require specialized  
223.15 care;

223.16 (3) parenteral therapy described as:

223.17 (i) IV therapy more than two times per week lasting longer than four hours for each  
223.18 treatment; or

223.19 (ii) total parenteral nutrition (TPN) daily;

223.20 (4) respiratory interventions, including:

223.21 (i) oxygen required more than eight hours per day;

223.22 (ii) respiratory vest more than one time per day;

223.23 (iii) bronchial drainage treatments more than two times per day;

223.24 (iv) sterile or clean suctioning more than six times per day;

223.25 (v) dependence on another to apply respiratory ventilation augmentation devices such  
223.26 as BiPAP and CPAP; and

223.27 (vi) ventilator dependence under section 256B.0651;

223.28 (5) insertion and maintenance of catheter, including:

223.29 (i) sterile catheter changes more than one time per month;

- 224.1 (ii) clean intermittent catheterization, and including self-catheterization more than six  
224.2 times per day; or
- 224.3 (iii) bladder irrigations;
- 224.4 (6) bowel program more than two times per week requiring more than 30 minutes to  
224.5 perform each time;
- 224.6 (7) neurological intervention, including:
- 224.7 (i) seizures more than two times per week and requiring significant physical assistance  
224.8 to maintain safety; or
- 224.9 (ii) swallowing disorders diagnosed by a physician, advanced practice registered nurse,  
224.10 or physician's assistant and requiring specialized assistance from another on a daily basis;  
224.11 and
- 224.12 (8) other congenital or acquired diseases creating a need for significantly increased direct  
224.13 hands-on assistance and interventions in six to eight activities of daily living.
- 224.14 (g) "Community first services and supports" or "CFSS" means the assistance and supports  
224.15 program under this section needed for accomplishing activities of daily living, instrumental  
224.16 activities of daily living, and health-related tasks through hands-on assistance to accomplish  
224.17 the task or constant supervision and cueing to accomplish the task, or the purchase of goods  
224.18 as defined in subdivision 7, clause (3), that replace the need for human assistance.
- 224.19 (h) "Community first services and supports service delivery plan" or "CFSS service  
224.20 delivery plan" means a written document detailing the services and supports chosen by the  
224.21 participant to meet assessed needs that are within the approved CFSS service authorization,  
224.22 as determined in subdivision 8. Services and supports are based on the coordinated service  
224.23 and support plan identified in ~~section~~ sections 256B.092, subdivision 1b, and 256S.10.
- 224.24 (i) "Consultation services" means a Minnesota health care program enrolled provider  
224.25 organization that provides assistance to the participant in making informed choices about  
224.26 CFSS services in general and self-directed tasks in particular, and in developing a  
224.27 person-centered CFSS service delivery plan to achieve quality service outcomes.
- 224.28 (j) "Critical activities of daily living" means transferring, mobility, eating, and toileting.
- 224.29 (k) "Dependency" in activities of daily living means a person requires hands-on assistance  
224.30 or constant supervision and cueing to accomplish one or more of the activities of daily living  
224.31 every day or on the days during the week that the activity is performed; however, a child  
224.32 ~~may~~ must not be found to be dependent in an activity of daily living if, because of the child's

225.1 age, an adult would either perform the activity for the child or assist the child with the  
225.2 activity and the assistance needed is the assistance appropriate for a typical child of the  
225.3 same age.

225.4 (l) "Extended CFSS" means CFSS services and supports provided under CFSS that are  
225.5 included in the CFSS service delivery plan through one of the home and community-based  
225.6 services waivers and as approved and authorized under chapter 256S and sections 256B.092,  
225.7 subdivision 5, and 256B.49, which exceed the amount, duration, and frequency of the state  
225.8 plan CFSS services for participants. Extended CFSS excludes the purchase of goods.

225.9 (m) "Financial management services provider" or "FMS provider" means a qualified  
225.10 organization required for participants using the budget model under subdivision 13 that is  
225.11 an enrolled provider with the department to provide vendor fiscal/employer agent financial  
225.12 management services (FMS).

225.13 (n) "Health-related procedures and tasks" means procedures and tasks related to the  
225.14 specific assessed health needs of a participant that can be taught or assigned by a  
225.15 state-licensed health care or mental health professional and performed by a support worker.

225.16 (o) "Instrumental activities of daily living" means activities related to living independently  
225.17 in the community, including but not limited to: meal planning, preparation, and cooking;  
225.18 shopping for food, clothing, or other essential items; laundry; housecleaning; assistance  
225.19 with medications; managing finances; communicating needs and preferences during activities;  
225.20 arranging supports; and assistance with traveling around and participating in the community.

225.21 (p) "Lead agency" has the meaning given in section 256B.0911, subdivision 1a, paragraph  
225.22 (e).

225.23 (q) "Legal representative" means parent of a minor, a court-appointed guardian, or  
225.24 another representative with legal authority to make decisions about services and supports  
225.25 for the participant. Other representatives with legal authority to make decisions include but  
225.26 are not limited to a health care agent or an attorney-in-fact authorized through a health care  
225.27 directive or power of attorney.

225.28 (r) "Level I behavior" means physical aggression towards self or others or destruction  
225.29 of property that requires the immediate response of another person.

225.30 (s) "Medication assistance" means providing verbal or visual reminders to take regularly  
225.31 scheduled medication, and includes any of the following supports listed in clauses (1) to  
225.32 (3) and other types of assistance, except that a support worker ~~may~~ must not determine  
225.33 medication dose or time for medication or inject medications into veins, muscles, or skin:

226.1 (1) under the direction of the participant or the participant's representative, bringing  
226.2 medications to the participant including medications given through a nebulizer, opening a  
226.3 container of previously set-up medications, emptying the container into the participant's  
226.4 hand, opening and giving the medication in the original container to the participant, or  
226.5 bringing to the participant liquids or food to accompany the medication;

226.6 (2) organizing medications as directed by the participant or the participant's representative;  
226.7 and

226.8 (3) providing verbal or visual reminders to perform regularly scheduled medications.

226.9 (t) "Participant" means a person who is eligible for CFSS.

226.10 (u) "Participant's representative" means a parent, family member, advocate, or other  
226.11 adult authorized by the participant or participant's legal representative, if any, to serve as a  
226.12 representative in connection with the provision of CFSS. ~~This authorization must be in~~  
226.13 ~~writing or by another method that clearly indicates the participant's free choice and may be~~  
226.14 ~~withdrawn at any time. The participant's representative must have no financial interest in~~  
226.15 ~~the provision of any services included in the participant's CFSS service delivery plan and~~  
226.16 ~~must be capable of providing the support necessary to assist the participant in the use of~~  
226.17 ~~CFSS. If through the assessment process described in subdivision 5 a participant is~~  
226.18 ~~determined to be in need of a participant's representative, one must be selected. If the~~  
226.19 ~~participant is unable to assist in the selection of a participant's representative, the legal~~  
226.20 ~~representative shall appoint one. Two persons may be designated as a participant's~~  
226.21 ~~representative for reasons such as divided households and court-ordered custodies. Duties~~  
226.22 ~~of a participant's representatives may include:~~

226.23 ~~(1) being available while services are provided in a method agreed upon by the participant~~  
226.24 ~~or the participant's legal representative and documented in the participant's CFSS service~~  
226.25 ~~delivery plan;~~

226.26 ~~(2) monitoring CFSS services to ensure the participant's CFSS service delivery plan is~~  
226.27 ~~being followed; and~~

226.28 ~~(3) reviewing and signing CFSS time sheets after services are provided to provide~~  
226.29 ~~verification of the CFSS services.~~

226.30 (v) "Person-centered planning process" means a process that is directed by the participant  
226.31 to plan for CFSS services and supports.

226.32 (w) "Service budget" means the authorized dollar amount used for the budget model or  
226.33 for the purchase of goods.

227.1 (x) "Shared services" means the provision of CFSS services by the same CFSS support  
227.2 worker to two or three participants who voluntarily enter into ~~an~~ a written agreement to  
227.3 receive services at the same time ~~and~~, in the same setting by, and through the same ~~employer~~  
227.4 agency-provider or FMS provider.

227.5 (y) "Support worker" means a qualified and trained employee of the agency-provider  
227.6 as required by subdivision 11b or of the participant employer under the budget model as  
227.7 required by subdivision 14 who has direct contact with the participant and provides services  
227.8 as specified within the participant's CFSS service delivery plan.

227.9 (z) "Unit" means the increment of service based on hours or minutes identified in the  
227.10 service agreement.

227.11 (aa) "Vendor fiscal employer agent" means an agency that provides financial management  
227.12 services.

227.13 (bb) "Wages and benefits" means the hourly wages and salaries, the employer's share  
227.14 of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation,  
227.15 mileage reimbursement, health and dental insurance, life insurance, disability insurance,  
227.16 long-term care insurance, uniform allowance, contributions to employee retirement accounts,  
227.17 or other forms of employee compensation and benefits.

227.18 (cc) "Worker training and development" means services provided according to subdivision  
227.19 18a for developing workers' skills as required by the participant's individual CFSS service  
227.20 delivery plan that are arranged for or provided by the agency-provider or purchased by the  
227.21 participant employer. These services include training, education, direct observation and  
227.22 supervision, and evaluation and coaching of job skills and tasks, including supervision of  
227.23 health-related tasks or behavioral supports.

227.24 Sec. 5. Minnesota Statutes 2020, section 256B.85, subdivision 3, is amended to read:

227.25 Subd. 3. **Eligibility.** (a) CFSS is available to a person who ~~meets one of the following:~~

227.26 ~~(1) is an enrollee of medical assistance as determined under section 256B.055, 256B.056,~~  
227.27 ~~or 256B.057, subdivisions 5 and 9;~~

227.28 (1) is determined eligible for medical assistance under this chapter, excluding those  
227.29 under section 256B.057, subdivisions 3, 3a, 3b, and 4;

227.30 (2) is a participant in the alternative care program under section 256B.0913;

227.31 (3) is a waiver participant as defined under chapter 256S or section 256B.092, 256B.093,  
227.32 or 256B.49; or

228.1 (4) has medical services identified in a person's individualized education program and  
228.2 is eligible for services as determined in section 256B.0625, subdivision 26.

228.3 (b) In addition to meeting the eligibility criteria in paragraph (a), a person must also  
228.4 meet all of the following:

228.5 (1) require assistance and be determined dependent in one activity of daily living or  
228.6 Level I behavior based on assessment under section 256B.0911; and

228.7 (2) is not a participant under a family support grant under section 252.32.

228.8 (c) A pregnant woman eligible for medical assistance under section 256B.055, subdivision  
228.9 6, is eligible for CFSS without federal financial participation if the woman: (1) is eligible  
228.10 for CFSS under paragraphs (a) and (b); and (2) does not meet institutional level of care, as  
228.11 determined under section 256B.0911.

228.12 Sec. 6. Minnesota Statutes 2020, section 256B.85, subdivision 4, is amended to read:

228.13 Subd. 4. **Eligibility for other services.** Selection of CFSS by a participant must not  
228.14 restrict access to other medically necessary care and services furnished under the state plan  
228.15 benefit or other services available through the alternative care program.

228.16 Sec. 7. Minnesota Statutes 2020, section 256B.85, subdivision 5, is amended to read:

228.17 Subd. 5. **Assessment requirements.** (a) The assessment of functional need must:

228.18 (1) be conducted by a certified assessor according to the criteria established in section  
228.19 256B.0911, subdivision 3a;

228.20 (2) be conducted face-to-face, initially and at least annually thereafter, or when there is  
228.21 a significant change in the participant's condition or a change in the need for services and  
228.22 supports, or at the request of the participant when the participant experiences a change in  
228.23 condition or needs a change in the services or supports; and

228.24 (3) be completed using the format established by the commissioner.

228.25 (b) The results of the assessment and any recommendations and authorizations for CFSS  
228.26 must be determined and communicated in writing by the lead agency's ~~certified~~ assessor as  
228.27 defined in section 256B.0911 to the participant ~~and the agency provider or FMS provider~~  
228.28 ~~chosen by the participant~~ or the participant's representative and chosen CFSS providers  
228.29 ~~within 40 calendar~~ ten business days and must include the participant's right to appeal the  
228.30 assessment under section 256.045, subdivision 3.

229.1 (c) The lead agency assessor may authorize a temporary authorization for CFSS services  
229.2 to be provided under the agency-provider model. The lead agency assessor may authorize  
229.3 a temporary authorization for CFSS services to be provided under the agency-provider  
229.4 model without using the assessment process described in this subdivision. Authorization  
229.5 for a temporary level of CFSS services under the agency-provider model is limited to the  
229.6 time specified by the commissioner, but shall not exceed 45 days. The level of services  
229.7 authorized under this paragraph shall have no bearing on a future authorization. ~~Participants~~  
229.8 ~~approved for a temporary authorization shall access the consultation service~~ For CFSS  
229.9 services needed beyond the 45-day temporary authorization, the lead agency must conduct  
229.10 an assessment as described in this subdivision and participants must use consultation services  
229.11 to complete their orientation and selection of a service model.

229.12 Sec. 8. Minnesota Statutes 2020, section 256B.85, subdivision 6, is amended to read:

229.13 Subd. 6. **Community first services and supports service delivery plan.** (a) The CFSS  
229.14 service delivery plan must be developed and evaluated through a person-centered planning  
229.15 process by the participant, or the participant's representative or legal representative who  
229.16 may be assisted by a consultation services provider. The CFSS service delivery plan must  
229.17 reflect the services and supports that are important to the participant and for the participant  
229.18 to meet the needs assessed by the certified assessor and identified in the coordinated service  
229.19 and support plan identified in ~~section~~ sections 256B.092, subdivision 1b, and 256S.10. The  
229.20 CFSS service delivery plan must be reviewed by the participant, the consultation services  
229.21 provider, and the agency-provider or FMS provider prior to starting services and at least  
229.22 annually upon reassessment, or when there is a significant change in the participant's  
229.23 condition, or a change in the need for services and supports.

229.24 (b) The commissioner shall establish the format and criteria for the CFSS service delivery  
229.25 plan.

229.26 (c) The CFSS service delivery plan must be person-centered and:

229.27 (1) specify the consultation services provider, agency-provider, or FMS provider selected  
229.28 by the participant;

229.29 (2) reflect the setting in which the participant resides that is chosen by the participant;

229.30 (3) reflect the participant's strengths and preferences;

229.31 (4) include the methods and supports used to address the needs as identified through an  
229.32 assessment of functional needs;

229.33 (5) include the participant's identified goals and desired outcomes;

230.1 (6) reflect the services and supports, paid and unpaid, that will assist the participant to  
230.2 achieve identified goals, including the costs of the services and supports, and the providers  
230.3 of those services and supports, including natural supports;

230.4 (7) identify the amount and frequency of face-to-face supports and amount and frequency  
230.5 of remote supports and technology that will be used;

230.6 (8) identify risk factors and measures in place to minimize them, including individualized  
230.7 backup plans;

230.8 (9) be understandable to the participant and the individuals providing support;

230.9 (10) identify the individual or entity responsible for monitoring the plan;

230.10 (11) be finalized and agreed to in writing by the participant and signed by ~~all~~ individuals  
230.11 and providers responsible for its implementation;

230.12 (12) be distributed to the participant and other people involved in the plan;

230.13 (13) prevent the provision of unnecessary or inappropriate care;

230.14 (14) include a detailed budget for expenditures for budget model participants or  
230.15 participants under the agency-provider model if purchasing goods; and

230.16 (15) include a plan for worker training and development provided according to  
230.17 subdivision 18a detailing what service components will be used, when the service components  
230.18 will be used, how they will be provided, and how these service components relate to the  
230.19 participant's individual needs and CFSS support worker services.

230.20 (d) The CFSS service delivery plan must describe the units or dollar amount available  
230.21 to the participant. The total units of agency-provider services or the service budget amount  
230.22 for the budget model include both annual totals and a monthly average amount that cover  
230.23 the number of months of the service agreement. The amount used each month may vary,  
230.24 but additional funds must not be provided above the annual service authorization amount,  
230.25 determined according to subdivision 8, unless a change in condition is assessed and  
230.26 authorized by the certified assessor and documented in the coordinated service and support  
230.27 plan and CFSS service delivery plan.

230.28 (e) In assisting with the development or modification of the CFSS service delivery plan  
230.29 during the authorization time period, the consultation services provider shall:

230.30 (1) consult with the FMS provider on the spending budget when applicable; and

230.31 (2) consult with the participant or participant's representative, agency-provider, and case  
230.32 manager or care coordinator.

231.1 (f) The CFSS service delivery plan must be approved by the consultation services provider  
231.2 for participants without a case manager or care coordinator who is responsible for authorizing  
231.3 services. A case manager or care coordinator must approve the plan for a waiver or alternative  
231.4 care program participant.

231.5 Sec. 9. Minnesota Statutes 2020, section 256B.85, subdivision 7, is amended to read:

231.6 Subd. 7. **Community first services and supports; covered services.** Services and  
231.7 supports covered under CFSS include:

231.8 (1) assistance to accomplish activities of daily living (ADLs), instrumental activities of  
231.9 daily living (IADLs), and health-related procedures and tasks through hands-on assistance  
231.10 to accomplish the task or constant supervision and cueing to accomplish the task;

231.11 (2) assistance to acquire, maintain, or enhance the skills necessary for the participant to  
231.12 accomplish activities of daily living, instrumental activities of daily living, or health-related  
231.13 tasks;

231.14 (3) expenditures for items, services, supports, environmental modifications, or goods,  
231.15 including assistive technology. These expenditures must:

231.16 (i) relate to a need identified in a participant's CFSS service delivery plan; and

231.17 (ii) increase independence or substitute for human assistance, to the extent that  
231.18 expenditures would otherwise be made for human assistance for the participant's assessed  
231.19 needs;

231.20 (4) observation and redirection for behavior or symptoms where there is a need for  
231.21 assistance;

231.22 (5) back-up systems or mechanisms, such as the use of pagers or other electronic devices,  
231.23 to ensure continuity of the participant's services and supports;

231.24 (6) services provided by a consultation services provider as defined under subdivision  
231.25 17, that is under contract with the department and enrolled as a Minnesota health care  
231.26 program provider;

231.27 (7) services provided by an FMS provider as defined under subdivision 13a, that is an  
231.28 enrolled provider with the department;

231.29 (8) CFSS services provided by a support worker who is a parent, stepparent, or legal  
231.30 guardian of a participant under age 18, or who is the participant's spouse. These support  
231.31 workers shall not:

232.1 (i) provide any medical assistance home and community-based services in excess of 40  
232.2 hours per seven-day period regardless of the number of parents providing services,  
232.3 combination of parents and spouses providing services, or number of children who receive  
232.4 medical assistance services; and

232.5 (ii) have a wage that exceeds the current rate for a CFSS support worker including the  
232.6 wage, benefits, and payroll taxes; and

232.7 (9) worker training and development services as described in subdivision 18a.

232.8 Sec. 10. Minnesota Statutes 2020, section 256B.85, subdivision 8, is amended to read:

232.9 Subd. 8. **Determination of CFSS service authorization amount.** (a) All community  
232.10 first services and supports must be authorized by the commissioner or the commissioner's  
232.11 designee before services begin. The authorization for CFSS must be completed as soon as  
232.12 possible following an assessment but no later than 40 calendar days from the date of the  
232.13 assessment.

232.14 (b) The amount of CFSS authorized must be based on the participant's home care rating  
232.15 described in paragraphs (d) and (e) and any additional service units for which the participant  
232.16 qualifies as described in paragraph (f).

232.17 (c) The home care rating shall be determined by the commissioner or the commissioner's  
232.18 designee based on information submitted to the commissioner identifying the following for  
232.19 a participant:

232.20 (1) the total number of dependencies of activities of daily living;

232.21 (2) the presence of complex health-related needs; and

232.22 (3) the presence of Level I behavior.

232.23 (d) The methodology to determine the total service units for CFSS for each home care  
232.24 rating is based on the median paid units per day for each home care rating from fiscal year  
232.25 2007 data for the PCA program.

232.26 (e) Each home care rating is designated by the letters P through Z and EN and has the  
232.27 following base number of service units assigned:

232.28 (1) P home care rating requires Level I behavior or one to three dependencies in ADLs  
232.29 and qualifies the person for five service units;

232.30 (2) Q home care rating requires Level I behavior and one to three dependencies in ADLs  
232.31 and qualifies the person for six service units;

- 233.1 (3) R home care rating requires a complex health-related need and one to three  
233.2 dependencies in ADLs and qualifies the person for seven service units;
- 233.3 (4) S home care rating requires four to six dependencies in ADLs and qualifies the person  
233.4 for ten service units;
- 233.5 (5) T home care rating requires four to six dependencies in ADLs and Level I behavior  
233.6 and qualifies the person for 11 service units;
- 233.7 (6) U home care rating requires four to six dependencies in ADLs and a complex  
233.8 health-related need and qualifies the person for 14 service units;
- 233.9 (7) V home care rating requires seven to eight dependencies in ADLs and qualifies the  
233.10 person for 17 service units;
- 233.11 (8) W home care rating requires seven to eight dependencies in ADLs and Level I  
233.12 behavior and qualifies the person for 20 service units;
- 233.13 (9) Z home care rating requires seven to eight dependencies in ADLs and a complex  
233.14 health-related need and qualifies the person for 30 service units; and
- 233.15 (10) EN home care rating includes ventilator dependency as defined in section 256B.0651,  
233.16 subdivision 1, paragraph (g). A person who meets the definition of ventilator-dependent  
233.17 and the EN home care rating and utilize a combination of CFSS and home care nursing  
233.18 services is limited to a total of 96 service units per day for those services in combination.  
233.19 Additional units may be authorized when a person's assessment indicates a need for two  
233.20 staff to perform activities. Additional time is limited to 16 service units per day.
- 233.21 (f) Additional service units are provided through the assessment and identification of  
233.22 the following:
- 233.23 (1) 30 additional minutes per day for a dependency in each critical activity of daily  
233.24 living;
- 233.25 (2) 30 additional minutes per day for each complex health-related need; and
- 233.26 (3) 30 additional minutes per day ~~when the~~ for each behavior under this clause that  
233.27 requires assistance at least four times per week ~~for one or more of the following behaviors:~~
- 233.28 (i) level I behavior that requires the immediate response of another person;
- 233.29 (ii) increased vulnerability due to cognitive deficits or socially inappropriate behavior;
- 233.30 or

234.1 (iii) increased need for assistance for participants who are verbally aggressive or resistive  
234.2 to care so that the time needed to perform activities of daily living is increased.

234.3 (g) The service budget for budget model participants shall be based on:

234.4 (1) assessed units as determined by the home care rating; and

234.5 (2) an adjustment needed for administrative expenses.

234.6 Sec. 11. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision  
234.7 to read:

234.8 Subd. 8a. **Authorization; exceptions.** All CFSS services must be authorized by the  
234.9 commissioner or the commissioner's designee as described in subdivision 8 except when:

234.10 (1) the lead agency temporarily authorizes services in the agency-provider model as  
234.11 described in subdivision 5, paragraph (c);

234.12 (2) CFSS services in the agency-provider model were required to treat an emergency  
234.13 medical condition that if not immediately treated could cause a participant serious physical  
234.14 or mental disability, continuation of severe pain, or death. The CFSS agency provider must  
234.15 request retroactive authorization from the lead agency no later than five working days after  
234.16 providing the initial emergency service. The CFSS agency provider must be able to  
234.17 substantiate the emergency through documentation such as reports, notes, and admission  
234.18 or discharge histories. A lead agency must follow the authorization process in subdivision  
234.19 5 after the lead agency receives the request for authorization from the agency provider;

234.20 (3) the lead agency authorizes a temporary increase to the amount of services authorized  
234.21 in the agency or budget model to accommodate the participant's temporary higher need for  
234.22 services. Authorization for a temporary level of CFSS services is limited to the time specified  
234.23 by the commissioner, but shall not exceed 45 days. The level of services authorized under  
234.24 this clause shall have no bearing on a future authorization;

234.25 (4) a participant's medical assistance eligibility has lapsed, is then retroactively reinstated,  
234.26 and an authorization for CFSS services is completed based on the date of a current  
234.27 assessment, eligibility, and request for authorization;

234.28 (5) a third-party payer for CFSS services has denied or adjusted a payment. Authorization  
234.29 requests must be submitted by the provider within 20 working days of the notice of denial  
234.30 or adjustment. A copy of the notice must be included with the request;

234.31 (6) the commissioner has determined that a lead agency or state human services agency  
234.32 has made an error; or

235.1 (7) a participant enrolled in managed care experiences a temporary disenrollment from  
235.2 a health plan, in which case the commissioner shall accept the current health plan  
235.3 authorization for CFSS services for up to 60 days. The request must be received within the  
235.4 first 30 days of the disenrollment. If the recipient's reenrollment in managed care is after  
235.5 the 60 days and before 90 days, the provider shall request an additional 30-day extension  
235.6 of the current health plan authorization, for a total limit of 90 days from the time of  
235.7 disenrollment.

235.8 Sec. 12. Minnesota Statutes 2020, section 256B.85, subdivision 9, is amended to read:

235.9 Subd. 9. **Noncovered services.** (a) Services or supports that are not eligible for payment  
235.10 under this section include those that:

235.11 (1) are not authorized by the certified assessor or included in the CFSS service delivery  
235.12 plan;

235.13 (2) are provided prior to the authorization of services and the approval of the CFSS  
235.14 service delivery plan;

235.15 (3) are duplicative of other paid services in the CFSS service delivery plan;

235.16 (4) supplant natural unpaid supports that appropriately meet a need in the CFSS service  
235.17 delivery plan, are provided voluntarily to the participant, and are selected by the participant  
235.18 in lieu of other services and supports;

235.19 (5) are not effective means to meet the participant's needs; and

235.20 (6) are available through other funding sources, including, but not limited to, funding  
235.21 through title IV-E of the Social Security Act.

235.22 (b) Additional services, goods, or supports that are not covered include:

235.23 (1) those that are not for the direct benefit of the participant, except that services for  
235.24 caregivers such as training to improve the ability to provide CFSS are considered to directly  
235.25 benefit the participant if chosen by the participant and approved in the support plan;

235.26 (2) any fees incurred by the participant, such as Minnesota health care programs fees  
235.27 and co-pays, legal fees, or costs related to advocate agencies;

235.28 (3) insurance, except for insurance costs related to employee coverage;

235.29 (4) room and board costs for the participant;

235.30 (5) services, supports, or goods that are not related to the assessed needs;

- 236.1 (6) special education and related services provided under the Individuals with Disabilities  
236.2 Education Act and vocational rehabilitation services provided under the Rehabilitation Act  
236.3 of 1973;
- 236.4 (7) assistive technology devices and assistive technology services other than those for  
236.5 back-up systems or mechanisms to ensure continuity of service and supports listed in  
236.6 subdivision 7;
- 236.7 (8) medical supplies and equipment covered under medical assistance;
- 236.8 (9) environmental modifications, except as specified in subdivision 7;
- 236.9 (10) expenses for travel, lodging, or meals related to training the participant or the  
236.10 participant's representative or legal representative;
- 236.11 (11) experimental treatments;
- 236.12 (12) any service or good covered by other state plan services, including prescription and  
236.13 over-the-counter medications, compounds, and solutions and related fees, including premiums  
236.14 and co-payments;
- 236.15 (13) membership dues or costs, except when the service is necessary and appropriate to  
236.16 treat a health condition or to improve or maintain the adult participant's health condition.  
236.17 The condition must be identified in the participant's CFSS service delivery plan and  
236.18 monitored by a Minnesota health care program enrolled physician, advanced practice  
236.19 registered nurse, or physician's assistant;
- 236.20 (14) vacation expenses other than the cost of direct services;
- 236.21 (15) vehicle maintenance or modifications not related to the disability, health condition,  
236.22 or physical need;
- 236.23 (16) tickets and related costs to attend sporting or other recreational or entertainment  
236.24 events;
- 236.25 (17) services provided and billed by a provider who is not an enrolled CFSS provider;
- 236.26 (18) CFSS provided by a participant's representative or paid legal guardian;
- 236.27 (19) services that are used solely as a child care or babysitting service;
- 236.28 (20) services that are the responsibility or in the daily rate of a residential or program  
236.29 license holder under the terms of a service agreement and administrative rules;
- 236.30 (21) sterile procedures;
- 236.31 (22) giving of injections into veins, muscles, or skin;

- 237.1 (23) homemaker services that are not an integral part of the assessed CFSS service;
- 237.2 (24) home maintenance or chore services;
- 237.3 (25) home care services, including hospice services if elected by the participant, covered  
237.4 by Medicare or any other insurance held by the participant;
- 237.5 (26) services to other members of the participant's household;
- 237.6 (27) services not specified as covered under medical assistance as CFSS;
- 237.7 (28) application of restraints or implementation of deprivation procedures;
- 237.8 (29) assessments by CFSS provider organizations or by independently enrolled registered  
237.9 nurses;
- 237.10 (30) services provided in lieu of legally required staffing in a residential or child care  
237.11 setting; ~~and~~
- 237.12 (31) services provided by ~~the residential or program~~ a foster care license holder in a  
237.13 ~~residence for more than four participants.~~ except when the home of the person receiving  
237.14 services is the licensed foster care provider's primary residence;
- 237.15 (32) services that are the responsibility of the foster care provider under the terms of the  
237.16 foster care placement agreement, assessment under sections 256N.24 and 260C.4411, and  
237.17 administrative rules under sections 256N.24 and 260C.4411;
- 237.18 (33) services in a setting that has a licensed capacity greater than six, unless all conditions  
237.19 for a variance under section 245A.04, subdivision 9a, are satisfied for a sibling, as defined  
237.20 in section 260C.007, subdivision 32;
- 237.21 (34) services from a provider who owns or otherwise controls the living arrangement,  
237.22 except when the provider of services is related by blood, marriage, or adoption or when the  
237.23 provider is a licensed foster care provider who is not prohibited from providing services  
237.24 under clauses (31) to (33);
- 237.25 (35) instrumental activities of daily living for children younger than 18 years of age,  
237.26 except when immediate attention is needed for health or hygiene reasons integral to an  
237.27 assessed need for assistance with activities of daily living, health-related procedures, and  
237.28 tasks or behaviors; or
- 237.29 (36) services provided to a resident of a nursing facility, hospital, intermediate care  
237.30 facility, or health care facility licensed by the commissioner of health.

238.1 Sec. 13. Minnesota Statutes 2020, section 256B.85, subdivision 10, is amended to read:

238.2 Subd. 10. **Agency-provider and FMS provider qualifications and duties.** (a)

238.3 Agency-providers identified in subdivision 11 and FMS providers identified in subdivision  
238.4 13a shall:

238.5 (1) enroll as a medical assistance Minnesota health care programs provider and meet all  
238.6 applicable provider standards and requirements including completion of required provider  
238.7 training as determined by the commissioner;

238.8 (2) demonstrate compliance with federal and state laws and policies for CFSS as  
238.9 determined by the commissioner;

238.10 (3) comply with background study requirements under chapter 245C and maintain  
238.11 documentation of background study requests and results;

238.12 (4) verify and maintain records of all services and expenditures by the participant,  
238.13 including hours worked by support workers;

238.14 (5) not engage in any agency-initiated direct contact or marketing in person, by telephone,  
238.15 or other electronic means to potential participants, guardians, family members, or participants'  
238.16 representatives;

238.17 (6) directly provide services and not use a subcontractor or reporting agent;

238.18 (7) meet the financial requirements established by the commissioner for financial  
238.19 solvency;

238.20 (8) have never had a lead agency contract or provider agreement discontinued due to  
238.21 fraud, or have never had an owner, board member, or manager fail a state or FBI-based  
238.22 criminal background check while enrolled or seeking enrollment as a Minnesota health care  
238.23 programs provider; and

238.24 (9) have an office located in Minnesota.

238.25 (b) In conducting general duties, agency-providers and FMS providers shall:

238.26 (1) pay support workers based upon actual hours of services provided;

238.27 (2) pay for worker training and development services based upon actual hours of services  
238.28 provided or the unit cost of the training session purchased;

238.29 (3) withhold and pay all applicable federal and state payroll taxes;

238.30 (4) make arrangements and pay unemployment insurance, taxes, workers' compensation,  
238.31 liability insurance, and other benefits, if any;

239.1 (5) enter into a written agreement with the participant, participant's representative, or  
239.2 legal representative that assigns roles and responsibilities to be performed before services,  
239.3 supports, or goods are provided and that meets the requirements of subdivisions 20a, 20b,  
239.4 and 20c for agency-providers;

239.5 (6) report maltreatment as required under section 626.557 and chapter 260E;

239.6 (7) comply with the labor market reporting requirements described in section 256B.4912,  
239.7 subdivision 1a;

239.8 (8) comply with any data requests from the department consistent with the Minnesota  
239.9 Government Data Practices Act under chapter 13; ~~and~~

239.10 (9) maintain documentation for the requirements under subdivision 16, paragraph (e),  
239.11 clause (2), to qualify for an enhanced rate under this section; and

239.12 (10) request reassessments 60 days before the end of the current authorization for CFSS  
239.13 on forms provided by the commissioner.

239.14 Sec. 14. Minnesota Statutes 2020, section 256B.85, subdivision 11, is amended to read:

239.15 Subd. 11. **Agency-provider model.** (a) The agency-provider model includes services  
239.16 provided by support workers and staff providing worker training and development services  
239.17 who are employed by an agency-provider that meets the criteria established by the  
239.18 commissioner, including required training.

239.19 (b) The agency-provider shall allow the participant to have a significant role in the  
239.20 selection and dismissal of the support workers for the delivery of the services and supports  
239.21 specified in the participant's CFSS service delivery plan. The agency must make a reasonable  
239.22 effort to fulfill the participant's request for the participant's preferred worker.

239.23 (c) A participant may use authorized units of CFSS services as needed within a service  
239.24 agreement that is not greater than 12 months. Using authorized units in a flexible manner  
239.25 in either the agency-provider model or the budget model does not increase the total amount  
239.26 of services and supports authorized for a participant or included in the participant's CFSS  
239.27 service delivery plan.

239.28 (d) A participant may share CFSS services. Two or three CFSS participants may share  
239.29 services at the same time provided by the same support worker.

239.30 (e) The agency-provider must use a minimum of 72.5 percent of the revenue generated  
239.31 by the medical assistance payment for CFSS for support worker wages and benefits, except  
239.32 all of the revenue generated by a medical assistance rate increase due to a collective

240.1 bargaining agreement under section 179A.54 must be used for support worker wages and  
240.2 benefits. The agency-provider must document how this requirement is being met. The  
240.3 revenue generated by the worker training and development services and the reasonable costs  
240.4 associated with the worker training and development services must not be used in making  
240.5 this calculation.

240.6 (f) The agency-provider model must be used by ~~individuals~~ participants who are restricted  
240.7 by the Minnesota restricted recipient program under Minnesota Rules, parts 9505.2160 to  
240.8 9505.2245.

240.9 (g) Participants purchasing goods under this model, along with support worker services,  
240.10 must:

240.11 (1) specify the goods in the CFSS service delivery plan and detailed budget for  
240.12 expenditures that must be approved by the consultation services provider, case manager, or  
240.13 care coordinator; and

240.14 (2) use the FMS provider for the billing and payment of such goods.

240.15 Sec. 15. Minnesota Statutes 2020, section 256B.85, subdivision 11b, is amended to read:

240.16 Subd. 11b. **Agency-provider model; support worker competency.** (a) The  
240.17 agency-provider must ensure that support workers are competent to meet the participant's  
240.18 assessed needs, goals, and additional requirements as written in the CFSS service delivery  
240.19 plan. ~~Within 30 days of any support worker beginning to provide services for a participant,~~  
240.20 The agency-provider must evaluate the competency of the worker through direct observation  
240.21 of the support worker's performance of the job functions in a setting where the participant  
240.22 is using CFSS: within 30 days of:

240.23 (1) any support worker beginning to provide services for a participant; or

240.24 (2) any support worker beginning to provide shared services.

240.25 (b) The agency-provider must verify and maintain evidence of support worker  
240.26 competency, including documentation of the support worker's:

240.27 (1) education and experience relevant to the job responsibilities assigned to the support  
240.28 worker and the needs of the participant;

240.29 (2) relevant training received from sources other than the agency-provider;

240.30 (3) orientation and instruction to implement services and supports to participant needs  
240.31 and preferences as identified in the CFSS service delivery plan; ~~and~~

241.1 (4) orientation and instruction delivered by an individual competent to perform, teach,  
241.2 or assign the health-related tasks for tracheostomy suctioning and services to participants  
241.3 on ventilator support, including equipment operation and maintenance; and

241.4 ~~(4)~~ (5) periodic performance reviews completed by the agency-provider at least annually,  
241.5 including any evaluations required under subdivision 11a, paragraph (a). If a support worker  
241.6 is a minor, all evaluations of worker competency must be completed in person and in a  
241.7 setting where the participant is using CFSS.

241.8 (c) The agency-provider must develop a worker training and development plan with the  
241.9 participant to ensure support worker competency. The worker training and development  
241.10 plan must be updated when:

241.11 (1) the support worker begins providing services;

241.12 (2) the support worker begins providing shared services;

241.13 ~~(2)~~ (3) there is any change in condition or a modification to the CFSS service delivery  
241.14 plan; or

241.15 ~~(3)~~ (4) a performance review indicates that additional training is needed.

241.16 Sec. 16. Minnesota Statutes 2020, section 256B.85, subdivision 12, is amended to read:

241.17 Subd. 12. **Requirements for enrollment of CFSS agency-providers.** (a) All CFSS  
241.18 agency-providers must provide, at the time of enrollment, reenrollment, and revalidation  
241.19 as a CFSS agency-provider in a format determined by the commissioner, information and  
241.20 documentation that includes, but is not limited to, the following:

241.21 (1) the CFSS agency-provider's current contact information including address, telephone  
241.22 number, and e-mail address;

241.23 (2) proof of surety bond coverage. Upon new enrollment, or if the agency-provider's  
241.24 Medicaid revenue in the previous calendar year is less than or equal to \$300,000, the  
241.25 agency-provider must purchase a surety bond of \$50,000. If the agency-provider's Medicaid  
241.26 revenue in the previous calendar year is greater than \$300,000, the agency-provider must  
241.27 purchase a surety bond of \$100,000. The surety bond must be in a form approved by the  
241.28 commissioner, must be renewed annually, and must allow for recovery of costs and fees in  
241.29 pursuing a claim on the bond;

241.30 (3) proof of fidelity bond coverage in the amount of \$20,000 per provider location;

241.31 (4) proof of workers' compensation insurance coverage;

- 242.1 (5) proof of liability insurance;
- 242.2 (6) a ~~description~~ copy of the CFSS agency-provider's ~~organization~~ organizational chart  
242.3 identifying the names and roles of all owners, managing employees, staff, board of directors,  
242.4 and ~~the~~ additional documentation reporting any affiliations of the directors and owners to  
242.5 other service providers;
- 242.6 (7) ~~a copy of~~ proof that the CFSS ~~agency-provider's~~ agency-provider has written policies  
242.7 and procedures including: hiring of employees; training requirements; service delivery; and  
242.8 employee and consumer safety, including the process for notification and resolution of  
242.9 participant grievances, incident response, identification and prevention of communicable  
242.10 diseases, and employee misconduct;
- 242.11 (8) ~~copies of all other forms~~ proof that the CFSS agency-provider ~~uses in the course of~~  
242.12 ~~daily business including, but not limited to~~ has all of the following forms and documents:
- 242.13 (i) a copy of the CFSS agency-provider's time sheet; and
- 242.14 (ii) a copy of the participant's individual CFSS service delivery plan;
- 242.15 (9) a list of all training and classes that the CFSS agency-provider requires of its staff  
242.16 providing CFSS services;
- 242.17 (10) documentation that the CFSS agency-provider and staff have successfully completed  
242.18 all the training required by this section;
- 242.19 (11) documentation of the agency-provider's marketing practices;
- 242.20 (12) disclosure of ownership, leasing, or management of all residential properties that  
242.21 are used or could be used for providing home care services;
- 242.22 (13) documentation that the agency-provider will use at least the following percentages  
242.23 of revenue generated from the medical assistance rate paid for CFSS services for CFSS  
242.24 support worker wages and benefits: 72.5 percent of revenue from CFSS providers, except  
242.25 100 percent of the revenue generated by a medical assistance rate increase due to a collective  
242.26 bargaining agreement under section 179A.54 must be used for support worker wages and  
242.27 benefits. The revenue generated by the worker training and development services and the  
242.28 reasonable costs associated with the worker training and development services shall not be  
242.29 used in making this calculation; and
- 242.30 (14) documentation that the agency-provider does not burden participants' free exercise  
242.31 of their right to choose service providers by requiring CFSS support workers to sign an  
242.32 agreement not to work with any particular CFSS participant or for another CFSS

243.1 agency-provider after leaving the agency and that the agency is not taking action on any  
243.2 such agreements or requirements regardless of the date signed.

243.3 (b) CFSS agency-providers shall provide to the commissioner the information specified  
243.4 in paragraph (a).

243.5 (c) All CFSS agency-providers shall require all employees in management and  
243.6 supervisory positions and owners of the agency who are active in the day-to-day management  
243.7 and operations of the agency to complete mandatory training as determined by the  
243.8 commissioner. Employees in management and supervisory positions and owners who are  
243.9 active in the day-to-day operations of an agency who have completed the required training  
243.10 as an employee with a CFSS agency-provider do not need to repeat the required training if  
243.11 they are hired by another agency, ~~if~~ and they have completed the training within the past  
243.12 three years. CFSS agency-provider billing staff shall complete training about CFSS program  
243.13 financial management. Any new owners or employees in management and supervisory  
243.14 positions involved in the day-to-day operations are required to complete mandatory training  
243.15 as a requisite of working for the agency.

243.16 ~~(d) The commissioner shall send annual review notifications to agency providers 30~~  
243.17 ~~days prior to renewal. The notification must:~~

243.18 ~~(1) list the materials and information the agency provider is required to submit;~~

243.19 ~~(2) provide instructions on submitting information to the commissioner; and~~

243.20 ~~(3) provide a due date by which the commissioner must receive the requested information.~~

243.21 ~~Agency providers shall submit all required documentation for annual review within 30 days~~  
243.22 ~~of notification from the commissioner. If an agency provider fails to submit all the required~~  
243.23 ~~documentation, the commissioner may take action under subdivision 23a.~~

243.24 (d) Agency-providers shall submit all required documentation in this section within 30  
243.25 days of notification from the commissioner. If an agency-provider fails to submit all the  
243.26 required documentation, the commissioner may take action under subdivision 23a.

243.27 Sec. 17. Minnesota Statutes 2020, section 256B.85, subdivision 12b, is amended to read:

243.28 Subd. 12b. **CFSS agency-provider requirements; notice regarding termination of**  
243.29 **services.** (a) An agency-provider must provide written notice when it intends to terminate  
243.30 services with a participant at least ~~ten~~ 30 calendar days before the proposed service  
243.31 termination is to become effective, except in cases where:

244.1 (1) the participant engages in conduct that significantly alters the terms of the CFSS  
244.2 service delivery plan with the agency-provider;

244.3 (2) the participant or other persons at the setting where services are being provided  
244.4 engage in conduct that creates an imminent risk of harm to the support worker or other  
244.5 agency-provider staff; or

244.6 (3) an emergency or a significant change in the participant's condition occurs within a  
244.7 24-hour period that results in the participant's service needs exceeding the participant's  
244.8 identified needs in the current CFSS service delivery plan so that the agency-provider cannot  
244.9 safely meet the participant's needs.

244.10 (b) When a participant initiates a request to terminate CFSS services with the  
244.11 agency-provider, the agency-provider must give the participant a written ~~acknowledgement~~  
244.12 acknowledgment of the participant's service termination request that includes the date the  
244.13 request was received by the agency-provider and the requested date of termination.

244.14 (c) The agency-provider must participate in a coordinated transfer of the participant to  
244.15 a new agency-provider to ensure continuity of care.

244.16 Sec. 18. Minnesota Statutes 2020, section 256B.85, subdivision 13, is amended to read:

244.17 Subd. 13. **Budget model.** (a) Under the budget model participants exercise responsibility  
244.18 and control over the services and supports described and budgeted within the CFSS service  
244.19 delivery plan. Participants must use services specified in subdivision 13a provided by an  
244.20 FMS provider. Under this model, participants may use their approved service budget  
244.21 allocation to:

244.22 (1) directly employ support workers, and pay wages, federal and state payroll taxes, and  
244.23 premiums for workers' compensation, liability, and health insurance coverage; and

244.24 (2) obtain supports and goods as defined in subdivision 7.

244.25 (b) Participants who are unable to fulfill any of the functions listed in paragraph (a) may  
244.26 authorize a legal representative or participant's representative to do so on their behalf.

244.27 (c) If two or more participants using the budget model live in the same household and  
244.28 have the same worker, the participants must use the same FMS provider.

244.29 (d) If the FMS provider advises that there is a joint employer in the budget model, all  
244.30 participants associated with that joint employer must use the same FMS provider.

245.1 ~~(e)~~ (e) The commissioner shall disenroll or exclude participants from the budget model  
245.2 and transfer them to the agency-provider model under, but not limited to, the following  
245.3 circumstances:

245.4 (1) when a participant has been restricted by the Minnesota restricted recipient program,  
245.5 in which case the participant may be excluded for a specified time period under Minnesota  
245.6 Rules, parts 9505.2160 to 9505.2245;

245.7 (2) when a participant exits the budget model during the participant's service plan year.  
245.8 Upon transfer, the participant shall not access the budget model for the remainder of that  
245.9 service plan year; or

245.10 (3) when the department determines that the participant or participant's representative  
245.11 or legal representative is unable to fulfill the responsibilities under the budget model, as  
245.12 specified in subdivision 14.

245.13 ~~(d)~~ (f) A participant may appeal in writing to the department under section 256.045,  
245.14 subdivision 3, to contest the department's decision under paragraph ~~(e)~~ (e), clause (3), to  
245.15 disenroll or exclude the participant from the budget model.

245.16 Sec. 19. Minnesota Statutes 2020, section 256B.85, subdivision 13a, is amended to read:

245.17 Subd. 13a. **Financial management services.** (a) Services provided by an FMS provider  
245.18 include but are not limited to: filing and payment of federal and state payroll taxes on behalf  
245.19 of the participant; initiating and complying with background study requirements under  
245.20 chapter 245C and maintaining documentation of background study requests and results;  
245.21 billing for approved CFSS services with authorized funds; monitoring expenditures;  
245.22 accounting for and disbursing CFSS funds; providing assistance in obtaining and filing for  
245.23 liability, workers' compensation, and unemployment coverage; and providing participant  
245.24 instruction and technical assistance to the participant in fulfilling employer-related  
245.25 requirements in accordance with section 3504 of the Internal Revenue Code and related  
245.26 regulations and interpretations, including Code of Federal Regulations, title 26, section  
245.27 31.3504-1.

245.28 (b) Agency-provider services shall not be provided by the FMS provider.

245.29 (c) The FMS provider shall provide service functions as determined by the commissioner  
245.30 for budget model participants that include but are not limited to:

245.31 (1) assistance with the development of the detailed budget for expenditures portion of  
245.32 the CFSS service delivery plan as requested by the consultation services provider or  
245.33 participant;

- 246.1 (2) data recording and reporting of participant spending;
- 246.2 (3) other duties established by the department, including with respect to providing  
246.3 assistance to the participant, participant's representative, or legal representative in performing  
246.4 employer responsibilities regarding support workers. The support worker shall not be  
246.5 considered the employee of the FMS provider; and
- 246.6 (4) billing, payment, and accounting of approved expenditures for goods.
- 246.7 (d) The FMS provider shall obtain an assurance statement from the participant employer  
246.8 agreeing to follow state and federal regulations and CFSS policies regarding employment  
246.9 of support workers.
- 246.10 (e) The FMS provider shall:
- 246.11 (1) not limit or restrict the participant's choice of service or support providers or service  
246.12 delivery models consistent with any applicable state and federal requirements;
- 246.13 (2) provide the participant, consultation services provider, and case manager or care  
246.14 coordinator, if applicable, with a monthly written summary of the spending for services and  
246.15 supports that were billed against the spending budget;
- 246.16 (3) be knowledgeable of state and federal employment regulations, including those under  
246.17 the Fair Labor Standards Act of 1938, and comply with the requirements under section 3504  
246.18 of the Internal Revenue Code and related regulations and interpretations, including Code  
246.19 of Federal Regulations, title 26, section 31.3504-1, regarding agency employer tax liability  
246.20 for vendor fiscal/employer agent, and any requirements necessary to process employer and  
246.21 employee deductions, provide appropriate and timely submission of employer tax liabilities,  
246.22 and maintain documentation to support medical assistance claims;
- 246.23 (4) have current and adequate liability insurance and bonding and sufficient cash flow  
246.24 as determined by the commissioner and have on staff or under contract a certified public  
246.25 accountant or an individual with a baccalaureate degree in accounting;
- 246.26 (5) assume fiscal accountability for state funds designated for the program and be held  
246.27 liable for any overpayments or violations of applicable statutes or rules, including but not  
246.28 limited to the Minnesota False Claims Act, chapter 15C; ~~and~~
- 246.29 (6) maintain documentation of receipts, invoices, and bills to track all services and  
246.30 supports expenditures for any goods purchased and maintain time records of support workers.  
246.31 The documentation and time records must be maintained for a minimum of five years from  
246.32 the claim date and be available for audit or review upon request by the commissioner. Claims  
246.33 submitted by the FMS provider to the commissioner for payment must correspond with

247.1 services, amounts, and time periods as authorized in the participant's service budget and  
247.2 service plan and must contain specific identifying information as determined by the  
247.3 commissioner; and

247.4 (7) provide written notice to the participant or the participant's representative at least 30  
247.5 calendar days before a proposed service termination becomes effective.

247.6 (f) The commissioner of ~~human services~~ shall:

247.7 (1) establish rates and payment methodology for the FMS provider;

247.8 (2) identify a process to ensure quality and performance standards for the FMS provider  
247.9 and ensure statewide access to FMS providers; and

247.10 (3) establish a uniform protocol for delivering and administering CFSS services to be  
247.11 used by eligible FMS providers.

247.12 Sec. 20. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision  
247.13 to read:

247.14 Subd. 14a. **Participant's representative responsibilities.** (a) If a participant is unable  
247.15 to direct the participant's own care, the participant must use a participant's representative  
247.16 to receive CFSS services. A participant's representative is required if:

247.17 (1) the person is under 18 years of age;

247.18 (2) the person has a court-appointed guardian; or

247.19 (3) an assessment according to section 256B.0659, subdivision 3a, determines that the  
247.20 participant is in need of a participant's representative.

247.21 (b) A participant's representative must:

247.22 (1) be at least 18 years of age;

247.23 (2) actively participate in planning and directing CFSS services;

247.24 (3) have sufficient knowledge of the participant's circumstances to use CFSS services  
247.25 consistent with the participant's health and safety needs identified in the participant's service  
247.26 delivery plan;

247.27 (4) not have a financial interest in the provision of any services included in the  
247.28 participant's CFSS service delivery plan; and

247.29 (5) be capable of providing the support necessary to assist the participant in the use of  
247.30 CFSS services.

- 248.1 (c) A participant's representative must not be the:
- 248.2 (1) support worker;
- 248.3 (2) worker training and development service provider;
- 248.4 (3) agency-provider staff, unless related to the participant by blood, marriage, or adoption;
- 248.5 (4) consultation service provider, unless related to the participant by blood, marriage,
- 248.6 or adoption;
- 248.7 (5) FMS staff, unless related to the participant by blood, marriage, or adoption;
- 248.8 (6) FMS owner or manager; or
- 248.9 (7) lead agency staff acting as part of employment.
- 248.10 (d) A licensed family foster parent who lives with the participant may be the participant's
- 248.11 representative if the family foster parent meets the other participant's representative
- 248.12 requirements.
- 248.13 (e) There may be two persons designated as the participant's representative, including
- 248.14 instances of divided households and court-ordered custodies. Each person named as the
- 248.15 participant's representative must meet the program criteria and responsibilities.
- 248.16 (f) The participant or the participant's legal representative shall appoint a participant's
- 248.17 representative. The participant's representative must be identified at the time of assessment
- 248.18 and listed on the participant's service agreement and CFSS service delivery plan.
- 248.19 (g) A participant's representative must enter into a written agreement with an
- 248.20 agency-provider or FMS on a form determined by the commissioner and maintained in the
- 248.21 participant's file, to:
- 248.22 (1) be available while care is provided using a method agreed upon by the participant
- 248.23 or the participant's legal representative and documented in the participant's service delivery
- 248.24 plan;
- 248.25 (2) monitor CFSS services to ensure the participant's service delivery plan is followed;
- 248.26 (3) review and sign support worker time sheets after services are provided to verify the
- 248.27 provision of services;
- 248.28 (4) review and sign vendor paperwork to verify receipt of goods; and
- 248.29 (5) in the budget model, review and sign documentation to verify worker training and
- 248.30 development expenditures.

249.1 (h) A participant's representative may delegate responsibility to another adult who is not  
249.2 the support worker during a temporary absence of at least 24 hours but not more than six  
249.3 months. To delegate responsibility, the participant's representative must:

249.4 (1) ensure that the delegate serving as the participant's representative satisfies the  
249.5 requirements of the participant's representative;

249.6 (2) ensure that the delegate performs the functions of the participant's representative;

249.7 (3) communicate to the CFSS agency-provider or FMS provider about the need for a  
249.8 delegate by updating the written agreement to include the name of the delegate and the  
249.9 delegate's contact information; and

249.10 (4) ensure that the delegate protects the participant's privacy according to federal and  
249.11 state data privacy laws.

249.12 (i) The designation of a participant's representative remains in place until:

249.13 (1) the participant revokes the designation;

249.14 (2) the participant's representative withdraws the designation or becomes unable to fulfill  
249.15 the duties;

249.16 (3) the legal authority to act as a participant's representative changes; or

249.17 (4) the participant's representative is disqualified.

249.18 (j) A lead agency may disqualify a participant's representative who engages in conduct  
249.19 that creates an imminent risk of harm to the participant, the support workers, or other staff.  
249.20 A participant's representative who fails to provide support required by the participant must  
249.21 be referred to the common entry point.

249.22 Sec. 21. Minnesota Statutes 2020, section 256B.85, subdivision 15, is amended to read:

249.23 Subd. 15. **Documentation of support services provided; time sheets.** (a) CFSS services  
249.24 provided to a participant by a support worker employed by either an agency-provider or the  
249.25 participant employer must be documented daily by each support worker, on a time sheet.  
249.26 Time sheets may be created, submitted, and maintained electronically. Time sheets must  
249.27 be submitted by the support worker at least once per month to the:

249.28 (1) agency-provider when the participant is using the agency-provider model. The  
249.29 agency-provider must maintain a record of the time sheet and provide a copy of the time  
249.30 sheet to the participant; or

250.1 (2) participant and the participant's FMS provider when the participant is using the  
250.2 budget model. The participant and the FMS provider must maintain a record of the time  
250.3 sheet.

250.4 (b) The documentation on the time sheet must correspond to the participant's assessed  
250.5 needs within the scope of CFSS covered services. The accuracy of the time sheets must be  
250.6 verified by the:

250.7 (1) agency-provider when the participant is using the agency-provider model; or

250.8 (2) participant employer and the participant's FMS provider when the participant is using  
250.9 the budget model.

250.10 (c) The time sheet must document the time the support worker provides services to the  
250.11 participant. The following elements must be included in the time sheet:

250.12 (1) the support worker's full name and individual provider number;

250.13 (2) the agency-provider's name and telephone numbers, when responsible for the CFSS  
250.14 service delivery plan;

250.15 (3) the participant's full name;

250.16 (4) the dates within the pay period established by the agency-provider or FMS provider,  
250.17 including month, day, and year, and arrival and departure times with a.m. or p.m. notations  
250.18 for days worked within the established pay period;

250.19 (5) the covered services provided to the participant on each date of service;

250.20 (6) a the signature line for of the participant or the participant's representative and a  
250.21 statement that the participant's or participant's representative's signature is verification of  
250.22 the time sheet's accuracy;

250.23 (7) the ~~personal~~ signature of the support worker;

250.24 (8) any shared care provided, if applicable;

250.25 (9) a statement that it is a federal crime to provide false information on CFSS billings  
250.26 for medical assistance payments; and

250.27 (10) dates and location of participant stays in a hospital, care facility, or incarceration  
250.28 occurring within the established pay period.

251.1 Sec. 22. Minnesota Statutes 2020, section 256B.85, subdivision 17a, is amended to read:

251.2 Subd. 17a. **Consultation services provider qualifications and**

251.3 **requirements.** Consultation services providers must meet the following qualifications and  
251.4 requirements:

251.5 (1) meet the requirements under subdivision 10, paragraph (a), excluding clauses (4)  
251.6 and (5);

251.7 (2) are under contract with the department;

251.8 (3) are not the FMS provider, the lead agency, or the CFSS or home and community-based  
251.9 services waiver vendor or agency-provider to the participant;

251.10 (4) meet the service standards as established by the commissioner;

251.11 (5) have proof of surety bond coverage. Upon new enrollment, or if the consultation  
251.12 service provider's Medicaid revenue in the previous calendar year is less than or equal to  
251.13 \$300,000, the consultation service provider must purchase a surety bond of \$50,000. If the  
251.14 agency-provider's Medicaid revenue in the previous calendar year is greater than \$300,000,  
251.15 the consultation service provider must purchase a surety bond of \$100,000. The surety bond  
251.16 must be in a form approved by the commissioner, must be renewed annually, and must  
251.17 allow for recovery of costs and fees in pursuing a claim on the bond;

251.18 ~~(5)~~ (6) employ lead professional staff with a minimum of ~~three~~ two years of experience  
251.19 in providing services such as support planning, support broker, case management or care  
251.20 coordination, or consultation services and consumer education to participants using a  
251.21 self-directed program using FMS under medical assistance;

251.22 (7) report maltreatment as required under chapter 260E and section 626.557;

251.23 ~~(6)~~ (8) comply with medical assistance provider requirements;

251.24 ~~(7)~~ (9) understand the CFSS program and its policies;

251.25 ~~(8)~~ (10) are knowledgeable about self-directed principles and the application of the  
251.26 person-centered planning process;

251.27 ~~(9)~~ (11) have general knowledge of the FMS provider duties and the vendor  
251.28 fiscal/employer agent model, including all applicable federal, state, and local laws and  
251.29 regulations regarding tax, labor, employment, and liability and workers' compensation  
251.30 coverage for household workers; and

251.31 ~~(10)~~ (12) have all employees, including lead professional staff, staff in management and  
251.32 supervisory positions, and owners of the agency who are active in the day-to-day management

252.1 and operations of the agency, complete training as specified in the contract with the  
252.2 department.

252.3 Sec. 23. Minnesota Statutes 2020, section 256B.85, subdivision 18a, is amended to read:

252.4 Subd. 18a. **Worker training and development services.** (a) The commissioner shall  
252.5 develop the scope of tasks and functions, service standards, and service limits for worker  
252.6 training and development services.

252.7 (b) Worker training and development costs are in addition to the participant's assessed  
252.8 service units or service budget. Services provided according to this subdivision must:

252.9 (1) help support workers obtain and expand the skills and knowledge necessary to ensure  
252.10 competency in providing quality services as needed and defined in the participant's CFSS  
252.11 service delivery plan and as required under subdivisions 11b and 14;

252.12 (2) be provided or arranged for by the agency-provider under subdivision 11, or purchased  
252.13 by the participant employer under the budget model as identified in subdivision 13; ~~and~~

252.14 (3) be delivered by an individual competent to perform, teach, or assign the tasks,  
252.15 including health-related tasks, identified in the plan through education, training, and work  
252.16 experience relevant to the person's assessed needs; and

252.17 ~~(3)~~ (4) be described in the participant's CFSS service delivery plan and documented in  
252.18 the participant's file.

252.19 (c) Services covered under worker training and development shall include:

252.20 (1) support worker training on the participant's individual assessed needs and condition,  
252.21 provided individually or in a group setting by a skilled and knowledgeable trainer beyond  
252.22 any training the participant or participant's representative provides;

252.23 (2) tuition for professional classes and workshops for the participant's support workers  
252.24 that relate to the participant's assessed needs and condition;

252.25 (3) direct observation, monitoring, coaching, and documentation of support worker job  
252.26 skills and tasks, beyond any training the participant or participant's representative provides,  
252.27 including supervision of health-related tasks or behavioral supports that is conducted by an  
252.28 appropriate professional based on the participant's assessed needs. These services must be  
252.29 provided at the start of services or the start of a new support worker except as provided in  
252.30 paragraph (d) and must be specified in the participant's CFSS service delivery plan; and

252.31 (4) the activities to evaluate CFSS services and ensure support worker competency  
252.32 described in subdivisions 11a and 11b.

253.1 (d) The services in paragraph (c), clause (3), are not required to be provided for a new  
253.2 support worker providing services for a participant due to staffing failures, unless the support  
253.3 worker is expected to provide ongoing backup staffing coverage.

253.4 (e) Worker training and development services shall not include:

253.5 (1) general agency training, worker orientation, or training on CFSS self-directed models;

253.6 (2) payment for preparation or development time for the trainer or presenter;

253.7 (3) payment of the support worker's salary or compensation during the training;

253.8 (4) training or supervision provided by the participant, the participant's support worker,  
253.9 or the participant's informal supports, including the participant's representative; or

253.10 (5) services in excess of ~~96 units~~ the rate set by the commissioner per annual service  
253.11 agreement, unless approved by the department.

253.12 Sec. 24. Minnesota Statutes 2020, section 256B.85, subdivision 20b, is amended to read:

253.13 Subd. 20b. **Service-related rights under an agency-provider.** A participant receiving  
253.14 CFSS from an agency-provider has service-related rights to:

253.15 (1) participate in and approve the initial development and ongoing modification and  
253.16 evaluation of CFSS services provided to the participant;

253.17 (2) refuse or terminate services and be informed of the consequences of refusing or  
253.18 terminating services;

253.19 (3) before services are initiated, be told the limits to the services available from the  
253.20 agency-provider, including the agency-provider's knowledge, skill, and ability to meet the  
253.21 participant's needs identified in the CFSS service delivery plan;

253.22 (4) a coordinated transfer of services when there will be a change in the agency-provider;

253.23 (5) before services are initiated, be told what the agency-provider charges for the services;

253.24 (6) before services are initiated, be told to what extent payment may be expected from  
253.25 health insurance, public programs, or other sources, if known; and what charges the  
253.26 participant may be responsible for paying;

253.27 (7) receive services from an individual who is competent and trained, who has  
253.28 professional certification or licensure, as required, and who meets additional qualifications  
253.29 identified in the participant's CFSS service delivery plan;

254.1 (8) have the participant's preferences for support workers identified and documented,  
254.2 and have those preferences met when possible; and

254.3 (9) before services are initiated, be told the choices that are available from the  
254.4 agency-provider for meeting the participant's assessed needs identified in the CFSS service  
254.5 delivery plan, including but not limited to which support worker staff will be providing  
254.6 services ~~and~~, the proposed frequency and schedule of visits, and any agreements for shared  
254.7 services.

254.8 Sec. 25. Minnesota Statutes 2020, section 256B.85, subdivision 23, is amended to read:

254.9 Subd. 23. **Commissioner's access.** (a) When the commissioner is investigating a possible  
254.10 overpayment of Medicaid funds, the commissioner must be given immediate access without  
254.11 prior notice to the agency-provider, consultation services provider, or FMS provider's office  
254.12 during regular business hours and to documentation and records related to services provided  
254.13 and submission of claims for services provided. ~~Denying the commissioner access to records~~  
254.14 ~~is cause for immediate suspension of payment and terminating~~ If the agency-provider's  
254.15 enrollment or agency-provider, FMS provider's enrollment provider, or consultation services  
254.16 provider denies the commissioner access to records, the provider's payment may be  
254.17 immediately suspended or the provider's enrollment may be terminated according to section  
254.18 256B.064 ~~or terminating the consultation services provider contract.~~

254.19 (b) The commissioner has the authority to request proof of compliance with laws, rules,  
254.20 and policies from agency-providers, consultation services providers, FMS providers, and  
254.21 participants.

254.22 (c) When relevant to an investigation conducted by the commissioner, the commissioner  
254.23 must be given access to the business office, documents, and records of the agency-provider,  
254.24 consultation services provider, or FMS provider, including records maintained in electronic  
254.25 format; participants served by the program; and staff during regular business hours. The  
254.26 commissioner must be given access without prior notice and as often as the commissioner  
254.27 considers necessary if the commissioner is investigating an alleged violation of applicable  
254.28 laws or rules. The commissioner may request and shall receive assistance from lead agencies  
254.29 and other state, county, and municipal agencies and departments. The commissioner's access  
254.30 includes being allowed to photocopy, photograph, and make audio and video recordings at  
254.31 the commissioner's expense.

255.1 Sec. 26. Minnesota Statutes 2020, section 256B.85, subdivision 23a, is amended to read:

255.2 Subd. 23a. **Sanctions; information for participants upon termination of services.** (a)

255.3 The commissioner may withhold payment from the provider or suspend or terminate the  
255.4 provider enrollment number if the provider fails to comply fully with applicable laws or  
255.5 rules. The provider has the right to appeal the decision of the commissioner under section  
255.6 256B.064.

255.7 (b) Notwithstanding subdivision 13, paragraph (c), if a participant employer fails to  
255.8 comply fully with applicable laws or rules, the commissioner may disenroll the participant  
255.9 from the budget model. A participant may appeal in writing to the department under section  
255.10 256.045, subdivision 3, to contest the department's decision to disenroll the participant from  
255.11 the budget model.

255.12 (c) Agency-providers of CFSS services or FMS providers must provide each participant  
255.13 with a copy of participant protections in subdivision 20c at least 30 days prior to terminating  
255.14 services to a participant, if the termination results from sanctions under this subdivision or  
255.15 section 256B.064, such as a payment withhold or a suspension or termination of the provider  
255.16 enrollment number. If a CFSS agency-provider or FMS provider, or consultation services  
255.17 provider determines it is unable to continue providing services to a participant because of  
255.18 an action under this subdivision or section 256B.064, the agency-provider or FMS provider,  
255.19 or consultation services provider must notify the participant, the participant's representative,  
255.20 and the commissioner 30 days prior to terminating services to the participant, and must  
255.21 assist the commissioner and lead agency in supporting the participant in transitioning to  
255.22 another CFSS agency-provider or FMS provider, or consultation services provider of the  
255.23 participant's choice.

255.24 (d) In the event the commissioner withholds payment from a CFSS agency-provider or  
255.25 FMS provider, or consultation services provider, or suspends or terminates a provider  
255.26 enrollment number of a CFSS agency-provider or FMS provider, or consultation services  
255.27 provider under this subdivision or section 256B.064, the commissioner may inform the  
255.28 Office of Ombudsman for Long-Term Care and the lead agencies for all participants with  
255.29 active service agreements with the agency-provider or FMS provider, or consultation  
255.30 services provider. At the commissioner's request, the lead agencies must contact participants  
255.31 to ensure that the participants are continuing to receive needed care, and that the participants  
255.32 have been given free choice of agency-provider or FMS provider, or consultation services  
255.33 provider if they transfer to another CFSS agency-provider or FMS provider, or consultation  
255.34 services provider. In addition, the commissioner or the commissioner's delegate may directly  
255.35 notify participants who receive care from the agency-provider or FMS provider, or

256.1 consultation services provider that payments have been or will be withheld or that the  
 256.2 provider's participation in medical assistance has been or will be suspended or terminated,  
 256.3 if the commissioner determines that the notification is necessary to protect the welfare of  
 256.4 the participants.

256.5 **ARTICLE 8**

256.6 **MISCELLANEOUS**

256.7 Section 1. Minnesota Statutes 2020, section 256.041, is amended to read:

256.8 **256.041 CULTURAL AND ETHNIC COMMUNITIES LEADERSHIP COUNCIL.**

256.9 Subdivision 1. **Establishment; purpose.** (a) There is hereby established the Cultural  
 256.10 and Ethnic Communities Leadership Council for the Department of Human Services. The  
 256.11 purpose of the council is to advise the commissioner of human services on ~~reducing~~  
 256.12 implementing strategies to reduce inequities and disparities that particularly affect racial  
 256.13 and ethnic groups in Minnesota.

256.14 (b) This council is comprised of racially and ethnically diverse community leaders  
 256.15 including American Indians who are residents of Minnesota facing the compounded  
 256.16 challenges of systemic inequities. Members include people who are refugees, immigrants,  
 256.17 and LGBTQ+; people who have disabilities; and people who live in rural Minnesota.

256.18 Subd. 2. **Members.** (a) The council must consist of:

256.19 (1) the chairs and ranking minority members of the committees in the house of  
 256.20 representatives and the senate with jurisdiction over human services; and

256.21 (2) no fewer than 15 and no more than 25 members appointed by and serving at the  
 256.22 pleasure of the commissioner of human services, in consultation with county, tribal, cultural,  
 256.23 and ethnic communities; diverse program participants; ~~and~~ parent representatives from these  
 256.24 communities; and cultural and ethnic communities leadership council members.

256.25 (b) In making appointments under this section, the commissioner shall give priority  
 256.26 consideration to public members of the legislative councils of color established under ~~chapter~~  
 256.27 ~~3~~ section 15.0145.

256.28 (c) Members must be appointed to allow for representation of the following groups:

256.29 (1) racial and ethnic minority groups;

256.30 (2) the American Indian community, which must be represented by two members;

256.31 (3) culturally and linguistically specific advocacy groups and service providers;

- 257.1 (4) human services program participants;
- 257.2 (5) public and private institutions;
- 257.3 (6) parents of human services program participants;
- 257.4 (7) members of the faith community;
- 257.5 (8) Department of Human Services employees; and
- 257.6 (9) any other group the commissioner deems appropriate to facilitate the goals and duties
- 257.7 of the council.

257.8 Subd. 3. **Guidelines.** The commissioner shall direct the development of guidelines

257.9 defining the membership of the council; setting out definitions; and developing duties of

257.10 the commissioner, the council, and council members regarding racial and ethnic disparities

257.11 reduction. The guidelines must be developed in consultation with:

- 257.12 (1) the chairs of relevant committees; and
- 257.13 (2) county, tribal, and cultural communities and program participants from these
- 257.14 communities.

257.15 Subd. 4. **Chair.** The commissioner shall accept recommendations from the council to

257.16 appoint a chair or chairs.

257.17 ~~Subd. 5. **Terms for first appointees.** The initial members appointed shall serve until~~

257.18 ~~January 15, 2016.~~

257.19 Subd. 6. **Terms.** A term shall be for two years and appointees may be reappointed to

257.20 serve two additional terms. The commissioner shall make appointments to replace members

257.21 vacating their positions ~~by January 15 of each year~~ in a timely manner, no more than three

257.22 months after the council reviews panel recommendations.

257.23 Subd. 7. **Duties of commissioner.** (a) The commissioner of human services or the

257.24 commissioner's designee shall:

- 257.25 (1) maintain and actively engage with the council established in this section;
- 257.26 (2) supervise and coordinate policies for persons from racial, ethnic, cultural, linguistic,
- 257.27 and tribal communities who experience disparities in access and outcomes;
- 257.28 (3) identify human services rules or statutes affecting persons from racial, ethnic, cultural,
- 257.29 linguistic, and tribal communities that may need to be revised;
- 257.30 (4) investigate and implement ~~cost-effective~~ equitable and culturally responsive models
- 257.31 of service delivery ~~such as~~ including careful adaptation adoption of ~~clinically~~ proven services

258.1 ~~that constitute one strategy for increasing~~ to increase the number of culturally relevant  
 258.2 services available to currently underserved populations; ~~and~~

258.3 (5) based on recommendations of the council, review identified department policies that  
 258.4 maintain racial, ethnic, cultural, linguistic, and tribal disparities, ~~and~~; make adjustments to  
 258.5 ensure those disparities are not perpetuated; and advise the department on progress and  
 258.6 accountability measures for addressing inequities;

258.7 (6) in partnership with the council, renew and implement equity policy with action plans  
 258.8 and resources necessary to implement the action plans;

258.9 (7) support interagency collaboration to advance equity;

258.10 (8) address the council at least twice annually on the state of equity within the department;  
 258.11 and

258.12 (9) support member participation in the council, including participation in educational  
 258.13 and community engagement events across Minnesota that address equity in human services.

258.14 (b) The commissioner of human services or the commissioner's designee shall consult  
 258.15 with the council and receive recommendations from the council when meeting the  
 258.16 requirements in this subdivision.

258.17 Subd. 8. **Duties of council.** The council shall:

258.18 (1) recommend to the commissioner for review ~~identified policies in the~~ Department of  
 258.19 Human Services policy, budgetary, and operational decisions and practices that maintain  
 258.20 impact racial, ethnic, cultural, linguistic, and tribal disparities;

258.21 (2) with community input, advance legislative proposals to improve racial and health  
 258.22 equity outcomes;

258.23 (3) identify issues regarding inequities and disparities by engaging diverse populations  
 258.24 in human services programs;

258.25 ~~(3)~~ (4) engage in mutual learning essential for achieving human services parity and  
 258.26 optimal wellness for service recipients;

258.27 ~~(4)~~ (5) raise awareness about human services disparities to the legislature and media;

258.28 ~~(5)~~ (6) provide technical assistance and consultation support to counties, private nonprofit  
 258.29 agencies, and other service providers to build their capacity to provide equitable human  
 258.30 services for persons from racial, ethnic, cultural, linguistic, and tribal communities who  
 258.31 experience disparities in access and outcomes;

259.1 ~~(6)~~ (7) provide technical assistance to promote statewide development of culturally and  
 259.2 linguistically appropriate, accessible, and cost-effective human services and related policies;

259.3 ~~(7) provide~~ (8) recommend and monitor training and outreach to facilitate access to  
 259.4 culturally and linguistically appropriate, accessible, and cost-effective human services to  
 259.5 prevent disparities;

259.6 ~~(8) facilitate culturally appropriate and culturally sensitive admissions, continued services,~~  
 259.7 ~~discharges, and utilization review for human services agencies and institutions;~~

259.8 (9) form work groups to help carry out the duties of the council that include, but are not  
 259.9 limited to, persons who provide and receive services and representatives of advocacy groups,  
 259.10 and provide the work groups with clear guidelines, standardized parameters, and tasks for  
 259.11 the work groups to accomplish;

259.12 (10) promote information sharing in the human services community and statewide; and

259.13 (11) by February 15 ~~each year~~ in the second year of the biennium, prepare and submit  
 259.14 to the chairs and ranking minority members of the committees in the house of representatives  
 259.15 and the senate with jurisdiction over human services a report that summarizes the activities  
 259.16 of the council, identifies the major problems and issues confronting racial and ethnic groups  
 259.17 in accessing human services, makes recommendations to address issues, and lists the specific  
 259.18 objectives that the council seeks to attain during the next biennium, and recommendations  
 259.19 to strengthen equity, diversity, and inclusion within the department. The report must ~~also~~  
 259.20 ~~include a list of programs, groups, and grants used to reduce disparities, and statistically~~  
 259.21 ~~valid reports of outcomes on the reduction of the disparities.~~ identify racial and ethnic groups'  
 259.22 difficulty in accessing human services and make recommendations to address the issues.  
 259.23 The report must include any updated Department of Human Services equity policy,  
 259.24 implementation plans, equity initiatives, and the council's progress.

259.25 Subd. 9. **Duties of council members.** The members of the council shall:

259.26 (1) with no more than three absences per year, attend and participate in scheduled  
 259.27 meetings and be prepared by reviewing meeting notes;

259.28 (2) maintain open communication channels with respective constituencies;

259.29 (3) identify and communicate issues and risks that could impact the timely completion  
 259.30 of tasks;

259.31 (4) collaborate on inequity and disparity reduction efforts;

260.1 (5) communicate updates of the council's work progress and status on the Department  
260.2 of Human Services website; ~~and~~

260.3 (6) participate in any activities the council or chair deems appropriate and necessary to  
260.4 facilitate the goals and duties of the council; and

260.5 (7) participate in work groups to carry out council duties.

260.6 Subd. 10. **Expiration.** The council ~~expires on June 30, 2022~~ shall expire when racial  
260.7 and ethnic-based disparities no longer exist in the state of Minnesota.

260.8 Subd. 11. **Compensation.** Compensation for members of the council is governed by  
260.9 section 15.059, subdivision 3.

## 260.10 ARTICLE 9

### 260.11 MENTAL HEALTH UNIFORM SERVICE STANDARDS

260.12 Section 1. **[245I.01] PURPOSE AND CITATION.**

260.13 Subdivision 1. **Citation.** This chapter may be cited as the "Mental Health Uniform  
260.14 Service Standards Act."

260.15 Subd. 2. **Purpose.** In accordance with sections 245.461 and 245.487, the purpose of this  
260.16 chapter is to create a system of mental health care that is unified, accountable, and  
260.17 comprehensive, and to promote the recovery and resiliency of Minnesotans who have mental  
260.18 illnesses. The state's public policy is to support Minnesotans' access to quality outpatient  
260.19 and residential mental health services. Further, the state's public policy is to protect the  
260.20 health and safety, rights, and well-being of Minnesotans receiving mental health services.

260.21 Sec. 2. **[245I.011] APPLICABILITY.**

260.22 Subdivision 1. **License requirements.** A license holder under this chapter must comply  
260.23 with the requirements in chapters 245A, 245C, and 260E; section 626.557; and Minnesota  
260.24 Rules, chapter 9544.

260.25 Subd. 2. **Variations.** (a) The commissioner may grant a variance to an applicant, license  
260.26 holder, or certification holder as long as the variance does not affect the staff qualifications  
260.27 or the health or safety of any person in a licensed or certified program and the applicant,  
260.28 license holder, or certification holder meets the following conditions:

260.29 (1) an applicant, license holder, or certification holder must request the variance on a  
260.30 form approved by the commissioner and in a manner prescribed by the commissioner;

260.31 (2) the request for a variance must include the:

261.1 (i) reasons that the applicant, license holder, or certification holder cannot comply with  
261.2 a requirement as stated in the law; and

261.3 (ii) alternative equivalent measures that the applicant, license holder, or certification  
261.4 holder will follow to comply with the intent of the law; and

261.5 (3) the request for a variance must state the period of time when the variance is requested.

261.6 (b) The commissioner may grant a permanent variance when the conditions under which  
261.7 the applicant, license holder, or certification holder requested the variance do not affect the  
261.8 health or safety of any person whom the licensed or certified program serves, and when the  
261.9 conditions of the variance do not compromise the qualifications of staff who provide services  
261.10 to clients. A permanent variance expires when the conditions that warranted the variance  
261.11 change in any way. Any applicant, license holder, or certification holder must inform the  
261.12 commissioner of any changes to the conditions that warranted the permanent variance. If  
261.13 an applicant, license holder, or certification holder fails to advise the commissioner of  
261.14 changes to the conditions that warranted the variance, the commissioner must revoke the  
261.15 permanent variance and may impose other sanctions under sections 245A.06 and 245A.07.

261.16 (c) The commissioner's decision to grant or deny a variance request is final and not  
261.17 subject to appeal under the provisions of chapter 14.

261.18 Subd. 3. **Certification required.** (a) An individual, organization, or government entity  
261.19 that is exempt from licensure under section 245A.03, subdivision 2, paragraph (a), clause  
261.20 (19), and chooses to be identified as a certified mental health clinic must:

261.21 (1) be a mental health clinic that is certified under section 245I.20;

261.22 (2) comply with all of the responsibilities assigned to a license holder by this chapter  
261.23 except subdivision 1; and

261.24 (3) comply with all of the responsibilities assigned to a certification holder by chapter  
261.25 245A.

261.26 (b) An individual, organization, or government entity described by this subdivision must  
261.27 obtain a criminal background study for each staff person or volunteer who provides direct  
261.28 contact services to clients.

261.29 Subd. 4. **License required.** An individual, organization, or government entity providing  
261.30 intensive residential treatment services or residential crisis stabilization to adults must be  
261.31 licensed under section 245I.23. An entity with an adult foster care license providing  
261.32 residential crisis stabilization is exempt from licensure under section 245I.23.

262.1 Subd. 5. **Programs certified under chapter 256B.** (a) An individual, organization, or  
262.2 government entity certified under the following sections must comply with all of the  
262.3 responsibilities assigned to a license holder under this chapter except subdivision 1:

262.4 (1) an assertive community treatment provider under section 256B.0622, subdivision  
262.5 3a;

262.6 (2) an adult rehabilitative mental health services provider under section 256B.0623;

262.7 (3) a mobile crisis team under section 256B.0624;

262.8 (4) a children's therapeutic services and supports provider under section 256B.0943;

262.9 (5) an intensive treatment in foster care provider under section 256B.0946; and

262.10 (6) an intensive nonresidential rehabilitative mental health services provider under section  
262.11 256B.0947.

262.12 (b) An individual, organization, or government entity certified under the sections listed  
262.13 in paragraph (a), clauses (1) to (6), must obtain a criminal background study for each staff  
262.14 person and volunteer providing direct contact services to a client.

262.15 **Sec. 3. [245I.02] DEFINITIONS.**

262.16 Subdivision 1. **Scope.** For purposes of this chapter, the terms in this section have the  
262.17 meanings given.

262.18 Subd. 2. **Approval.** "Approval" means the documented review of, opportunity to request  
262.19 changes to, and agreement with a treatment document. An individual may demonstrate  
262.20 approval with a written signature, secure electronic signature, or documented oral approval.

262.21 Subd. 3. **Behavioral sciences or related fields.** "Behavioral sciences or related fields"  
262.22 means an education from an accredited college or university in social work, psychology,  
262.23 sociology, community counseling, family social science, child development, child  
262.24 psychology, community mental health, addiction counseling, counseling and guidance,  
262.25 special education, nursing, and other similar fields approved by the commissioner.

262.26 Subd. 4. **Business day.** "Business day" means a weekday on which government offices  
262.27 are open for business. Business day does not include state or federal holidays, Saturdays,  
262.28 or Sundays.

262.29 Subd. 5. **Case manager.** "Case manager" means a client's case manager according to  
262.30 section 256B.0596; 256B.0621; 256B.0625, subdivision 20; 256B.092, subdivision 1a;  
262.31 256B.0924; 256B.093, subdivision 3a; 256B.094; or 256B.49.

263.1 Subd. 6. **Certified rehabilitation specialist.** "Certified rehabilitation specialist" means  
263.2 a staff person who meets the qualifications of section 245I.04, subdivision 8.

263.3 Subd. 7. **Child.** "Child" means a client under the age of 18.

263.4 Subd. 8. **Client.** "Client" means a person who is seeking or receiving services regulated  
263.5 by this chapter. For the purpose of a client's consent to services, client includes a parent,  
263.6 guardian, or other individual legally authorized to consent on behalf of a client to services.

263.7 Subd. 9. **Clinical trainee.** "Clinical trainee" means a staff person who is qualified  
263.8 according to section 245I.04, subdivision 6.

263.9 Subd. 10. **Commissioner.** "Commissioner" means the commissioner of human services  
263.10 or the commissioner's designee.

263.11 Subd. 11. **Co-occurring substance use disorder treatment.** "Co-occurring substance  
263.12 use disorder treatment" means the treatment of a person who has a co-occurring mental  
263.13 illness and substance use disorder. Co-occurring substance use disorder treatment is  
263.14 characterized by stage-wise comprehensive treatment, treatment goal setting, and flexibility  
263.15 for clients at each stage of treatment. Co-occurring substance use disorder treatment includes  
263.16 assessing and tracking each client's stage of change readiness and treatment using a treatment  
263.17 approach based on a client's stage of change, such as motivational interviewing when working  
263.18 with a client at an earlier stage of change readiness and a cognitive behavioral approach  
263.19 and relapse prevention to work with a client at a later stage of change; and facilitating a  
263.20 client's access to community supports.

263.21 Subd. 12. **Crisis plan.** "Crisis plan" means a plan to prevent and de-escalate a client's  
263.22 future crisis situation, with the goal of preventing future crises for the client and the client's  
263.23 family and other natural supports. Crisis plan includes a crisis plan developed according to  
263.24 section 245.4871, subdivision 9a.

263.25 Subd. 13. **Critical incident.** "Critical incident" means an occurrence involving a client  
263.26 that requires a license holder to respond in a manner that is not part of the license holder's  
263.27 ordinary daily routine. Critical incident includes a client's suicide, attempted suicide, or  
263.28 homicide; a client's death; an injury to a client or other person that is life-threatening or  
263.29 requires medical treatment; a fire that requires a fire department's response; alleged  
263.30 maltreatment of a client; an assault of a client; an assault by a client; or other situation that  
263.31 requires a response by law enforcement, the fire department, an ambulance, or another  
263.32 emergency response provider.

264.1 Subd. 14. **Diagnostic assessment.** "Diagnostic assessment" means the evaluation and  
264.2 report of a client's potential diagnoses that a mental health professional or clinical trainee  
264.3 completes under section 245I.10, subdivisions 4 to 6.

264.4 Subd. 15. **Direct contact.** "Direct contact" has the meaning given in section 245C.02,  
264.5 subdivision 11.

264.6 Subd. 16. **Family and other natural supports.** "Family and other natural supports"  
264.7 means the people whom a client identifies as having a high degree of importance to the  
264.8 client. Family and other natural supports also means people that the client identifies as being  
264.9 important to the client's mental health treatment, regardless of whether the person is related  
264.10 to the client or lives in the same household as the client.

264.11 Subd. 17. **Functional assessment.** "Functional assessment" means the assessment of a  
264.12 client's current level of functioning relative to functioning that is appropriate for someone  
264.13 the client's age. For a client five years of age or younger, a functional assessment is the  
264.14 Early Childhood Service Intensity Instrument (ESCII). For a client six to 17 years of age,  
264.15 a functional assessment is the Child and Adolescent Service Intensity Instrument (CASII).  
264.16 For a client 18 years of age or older, a functional assessment is the functional assessment  
264.17 described in section 245I.10, subdivision 9.

264.18 Subd. 18. **Individual abuse prevention plan.** "Individual abuse prevention plan" means  
264.19 a plan according to section 245A.65, subdivision 2, paragraph (b), and section 626.557,  
264.20 subdivision 14.

264.21 Subd. 19. **Level of care assessment.** "Level of care assessment" means the level of care  
264.22 decision support tool appropriate to the client's age. For a client five years of age or younger,  
264.23 a level of care assessment is the Early Childhood Service Intensity Instrument (ESCII). For  
264.24 a client six to 17 years of age, a level of care assessment is the Child and Adolescent Service  
264.25 Intensity Instrument (CASII). For a client 18 years of age or older, a level of care assessment  
264.26 is the Level of Care Utilization System for Psychiatric and Addiction Services (LOCUS).

264.27 Subd. 20. **License.** "License" has the meaning given in section 245A.02, subdivision 8.

264.28 Subd. 21. **License holder.** "License holder" has the meaning given in section 245A.02,  
264.29 subdivision 9.

264.30 Subd. 22. **Licensed prescriber.** "Licensed prescriber" means an individual who is  
264.31 authorized to prescribe legend drugs under section 151.37.

264.32 Subd. 23. **Mental health behavioral aide.** "Mental health behavioral aide" means a  
264.33 staff person who is qualified under section 245I.04, subdivision 16.

265.1 Subd. 24. **Mental health certified family peer specialist.** "Mental health certified  
265.2 family peer specialist" means a staff person who is qualified under section 245I.04,  
265.3 subdivision 12.

265.4 Subd. 25. **Mental health certified peer specialist.** "Mental health certified peer  
265.5 specialist" means a staff person who is qualified under section 245I.04, subdivision 10.

265.6 Subd. 26. **Mental health practitioner.** "Mental health practitioner" means a staff person  
265.7 who is qualified under section 245I.04, subdivision 4.

265.8 Subd. 27. **Mental health professional.** "Mental health professional" means a staff person  
265.9 who is qualified under section 245I.04, subdivision 2.

265.10 Subd. 28. **Mental health rehabilitation worker.** "Mental health rehabilitation worker"  
265.11 means a staff person who is qualified under section 245I.04, subdivision 14.

265.12 Subd. 29. **Mental illness.** "Mental illness" means any of the conditions included in the  
265.13 most recent editions of the DC: 0-5 Diagnostic Classification of Mental Health and  
265.14 Development Disorders of Infancy and Early Childhood published by Zero to Three or the  
265.15 Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric  
265.16 Association.

265.17 Subd. 30. **Organization.** "Organization" has the meaning given in section 245A.02,  
265.18 subdivision 10c.

265.19 Subd. 31. **Personnel file.** "Personnel file" means a set of records under section 245I.07,  
265.20 paragraph (a). Personnel files excludes information related to a person's employment that  
265.21 is not included in section 245I.07.

265.22 Subd. 32. **Registered nurse.** "Registered nurse" means a staff person who is qualified  
265.23 under section 148.171, subdivision 20.

265.24 Subd. 33. **Rehabilitative mental health services.** "Rehabilitative mental health services"  
265.25 means mental health services provided to an adult client that enable the client to develop  
265.26 and achieve psychiatric stability, social competencies, personal and emotional adjustment,  
265.27 independent living skills, family roles, and community skills when symptoms of mental  
265.28 illness has impaired any of the client's abilities in these areas.

265.29 Subd. 34. **Residential program.** "Residential program" has the meaning given in section  
265.30 245A.02, subdivision 14.

265.31 Subd. 35. **Signature.** "Signature" means a written signature or an electronic signature  
265.32 defined in section 325L.02, paragraph (h).

266.1 Subd. 36. **Staff person.** "Staff person" means an individual who works under a license  
266.2 holder's direction or under a contract with a license holder. Staff person includes an intern,  
266.3 consultant, contractor, individual who works part-time, and an individual who does not  
266.4 provide direct contact services to clients. Staff person includes a volunteer who provides  
266.5 treatment services to a client or a volunteer whom the license holder regards as a staff person  
266.6 for the purpose of meeting staffing or service delivery requirements. A staff person must  
266.7 be 18 years of age or older.

266.8 Subd. 37. **Strengths.** "Strengths" means a person's inner characteristics, virtues, external  
266.9 relationships, activities, and connections to resources that contribute to a client's resilience  
266.10 and core competencies. A person can build on strengths to support recovery.

266.11 Subd. 38. **Trauma.** "Trauma" means an event, series of events, or set of circumstances  
266.12 that is experienced by an individual as physically or emotionally harmful or life-threatening  
266.13 that has lasting adverse effects on the individual's functioning and mental, physical, social,  
266.14 emotional, or spiritual well-being. Trauma includes group traumatic experiences. Group  
266.15 traumatic experiences are emotional or psychological harm that a group experiences. Group  
266.16 traumatic experiences can be transmitted across generations within a community and are  
266.17 often associated with racial and ethnic population groups who suffer major intergenerational  
266.18 losses.

266.19 Subd. 39. **Treatment plan.** "Treatment plan" means services that a license holder  
266.20 formulates to respond to a client's needs and goals. A treatment plan includes individual  
266.21 treatment plans under section 245I.10, subdivisions 7 and 8; initial treatment plans under  
266.22 section 245I.23, subdivision 7; and crisis treatment plans under sections 245I.23, subdivision  
266.23 8, and 256B.0624, subdivision 11.

266.24 Subd. 40. **Treatment supervision.** "Treatment supervision" means a mental health  
266.25 professional's or certified rehabilitation specialist's oversight, direction, and evaluation of  
266.26 a staff person providing services to a client according to section 245I.06.

266.27 Subd. 41. **Volunteer.** "Volunteer" means an individual who, under the direction of the  
266.28 license holder, provides services to or facilitates an activity for a client without compensation.

266.29 Sec. 4. **[245I.03] REQUIRED POLICIES AND PROCEDURES.**

266.30 Subdivision 1. **Generally.** A license holder must establish, enforce, and maintain policies  
266.31 and procedures to comply with the requirements of this chapter and chapters 245A, 245C,  
266.32 and 260E; sections 626.557 and 626.5572; and Minnesota Rules, chapter 9544. The license  
266.33 holder must make all policies and procedures available in writing to each staff person. The

267.1 license holder must complete and document a review of policies and procedures every two  
267.2 years and update policies and procedures as necessary. Each policy and procedure must  
267.3 identify the date that it was initiated and the dates of all revisions. The license holder must  
267.4 clearly communicate any policy and procedural change to each staff person and provide  
267.5 necessary training to each staff person to implement any policy and procedural change.

267.6 Subd. 2. **Health and safety.** A license holder must have policies and procedures to  
267.7 ensure the health and safety of each staff person and client during the provision of services,  
267.8 including policies and procedures for services based in community settings.

267.9 Subd. 3. **Client rights.** A license holder must have policies and procedures to ensure  
267.10 that each staff person complies with the client rights and protections requirements in section  
267.11 245I.12.

267.12 Subd. 4. **Behavioral emergencies.** (a) A license holder must have procedures that each  
267.13 staff person follows when responding to a client who exhibits behavior that threatens the  
267.14 immediate safety of the client or others. A license holder's behavioral emergency procedures  
267.15 must incorporate person-centered planning and trauma-informed care.

267.16 (b) A license holder's behavioral emergency procedures must include:

267.17 (1) a plan designed to prevent the client from inflicting self-harm and harming others;

267.18 (2) contact information for emergency resources that a staff person must use when the  
267.19 license holder's behavioral emergency procedures are unsuccessful in controlling a client's  
267.20 behavior;

267.21 (3) the types of behavioral emergency procedures that a staff person may use;

267.22 (4) the specific circumstances under which the program may use behavioral emergency  
267.23 procedures; and

267.24 (5) the staff persons whom the license holder authorizes to implement behavioral  
267.25 emergency procedures.

267.26 (c) The license holder's behavioral emergency procedures must not include secluding  
267.27 or restraining a client except as allowed under section 245.8261.

267.28 (d) Staff persons must not use behavioral emergency procedures to enforce program  
267.29 rules or for the convenience of staff persons. Behavioral emergency procedures must not  
267.30 be part of any client's treatment plan. A staff person may not use behavioral emergency  
267.31 procedures except in response to a client's current behavior that threatens the immediate  
267.32 safety of the client or others.

268.1 Subd. 5. **Health services and medications.** If a license holder is licensed as a residential  
268.2 program, stores or administers client medications, or observes clients self-administer  
268.3 medications, the license holder must ensure that a staff person who is a registered nurse or  
268.4 licensed prescriber reviews and approves of the license holder's policies and procedures to  
268.5 comply with the health services and medications requirements in section 245I.11, the training  
268.6 requirements in section 245I.05, subdivision 6, and the documentation requirements in  
268.7 section 245I.08, subdivision 5.

268.8 Subd. 6. **Reporting maltreatment.** A license holder must have policies and procedures  
268.9 for reporting a staff person's suspected maltreatment, abuse, or neglect of a client according  
268.10 to chapter 260E and section 626.557.

268.11 Subd. 7. **Critical incidents.** If a license holder is licensed as a residential program, the  
268.12 license holder must have policies and procedures for reporting and maintaining records of  
268.13 critical incidents according to section 245I.13.

268.14 Subd. 8. **Personnel.** A license holder must have personnel policies and procedures that:

268.15 (1) include a chart or description of the organizational structure of the program that  
268.16 indicates positions and lines of authority;

268.17 (2) ensure that it will not adversely affect a staff person's retention, promotion, job  
268.18 assignment, or pay when a staff person communicates in good faith with the Department  
268.19 of Human Services, the Office of Ombudsman for Mental Health and Developmental  
268.20 Disabilities, the Department of Health, a health-related licensing board, a law enforcement  
268.21 agency, or a local agency investigating a complaint regarding a client's rights, health, or  
268.22 safety;

268.23 (3) prohibit a staff person from having sexual contact with a client in violation of chapter  
268.24 604, sections 609.344 or 609.345;

268.25 (4) prohibit a staff person from neglecting, abusing, or mistreating a client as described  
268.26 in chapter 260E and sections 626.557 and 626.5572;

268.27 (5) include the drug and alcohol policy described in section 245A.04, subdivision 1,  
268.28 paragraph (c);

268.29 (6) describe the process for disciplinary action, suspension, or dismissal of a staff person  
268.30 for violating a policy provision described in clauses (3) to (5);

268.31 (7) describe the license holder's response to a staff person who violates other program  
268.32 policies or who has a behavioral problem that interferes with providing treatment services  
268.33 to clients; and

269.1 (8) describe each staff person's position that includes the staff person's responsibilities,  
269.2 authority to execute the responsibilities, and qualifications for the position.

269.3 Subd. 9. **Volunteers.** A license holder must have policies and procedures for using  
269.4 volunteers, including when a license holder must submit a background study for a volunteer,  
269.5 and the specific tasks that a volunteer may perform.

269.6 Subd. 10. **Data privacy.** (a) A license holder must have policies and procedures that  
269.7 comply with all applicable state and federal law. A license holder's use of electronic record  
269.8 keeping or electronic signatures does not alter a license holder's obligations to comply with  
269.9 applicable state and federal law.

269.10 (b) A license holder must have policies and procedures for a staff person to promptly  
269.11 document a client's revocation of consent to disclose the client's health record. The license  
269.12 holder must verify that the license holder has permission to disclose a client's health record  
269.13 before releasing any client data.

269.14 Sec. 5. **[245I.04] PROVIDER QUALIFICATIONS AND SCOPE OF PRACTICE.**

269.15 Subdivision 1. **Tribal providers.** For purposes of this section, a tribal entity may  
269.16 credential an individual according to section 256B.02, subdivision 7, paragraphs (b) and  
269.17 (c).

269.18 Subd. 2. **Mental health professional qualifications.** The following individuals may  
269.19 provide services to a client as a mental health professional:

269.20 (1) a registered nurse who is licensed under sections 148.171 to 148.285 and is certified  
269.21 as a: (i) clinical nurse specialist in child or adolescent, family, or adult psychiatric and  
269.22 mental health nursing by a national certification organization; or (ii) nurse practitioner in  
269.23 adult or family psychiatric and mental health nursing by a national nurse certification  
269.24 organization;

269.25 (2) a licensed independent clinical social worker as defined in section 148E.050,  
269.26 subdivision 5;

269.27 (3) a psychologist licensed by the Board of Psychology under sections 148.88 to 148.98;

269.28 (4) a physician licensed under chapter 147 if the physician is: (i) certified by the American  
269.29 Board of Psychiatry and Neurology; (ii) certified by the American Osteopathic Board of  
269.30 Neurology and Psychiatry; or (iii) eligible for board certification in psychiatry;

269.31 (5) a marriage and family therapist licensed under sections 148B.29 to 148B.392; or

269.32 (6) a licensed professional clinical counselor licensed under section 148B.5301.

270.1 Subd. 3. **Mental health professional scope of practice.** A mental health professional  
270.2 must maintain a valid license with the mental health professional's governing health-related  
270.3 licensing board and must only provide services to a client within the scope of practice  
270.4 determined by the applicable health-related licensing board.

270.5 Subd. 4. **Mental health practitioner qualifications.** (a) An individual who is qualified  
270.6 in at least one of the ways described in paragraph (b) to (d) may serve as a mental health  
270.7 practitioner.

270.8 (b) An individual is qualified as a mental health practitioner through relevant coursework  
270.9 if the individual completes at least 30 semester hours or 45 quarter hours in behavioral  
270.10 sciences or related fields and:

270.11 (1) has at least 2,000 hours of experience providing services to individuals with:

270.12 (i) a mental illness or a substance use disorder; or

270.13 (ii) a traumatic brain injury or a developmental disability, and completes the additional  
270.14 training described in section 245I.05, subdivision 3, paragraph (c), before providing direct  
270.15 contact services to a client;

270.16 (2) is fluent in the non-English language of the ethnic group to which at least 50 percent  
270.17 of the individual's clients belong, and completes the additional training described in section  
270.18 245I.05, subdivision 3, paragraph (c), before providing direct contact services to a client;

270.19 (3) is working in a day treatment program under section 256B.0671, subdivision 3, or  
270.20 256B.0943; or

270.21 (4) has completed a practicum or internship that (i) required direct interaction with adult  
270.22 clients or child clients, and (ii) was focused on behavioral sciences or related fields.

270.23 (c) An individual is qualified as a mental health practitioner through work experience  
270.24 if the individual:

270.25 (1) has at least 4,000 hours of experience in the delivery of services to individuals with:

270.26 (i) a mental illness or a substance use disorder; or

270.27 (ii) a traumatic brain injury or a developmental disability, and completes the additional  
270.28 training described in section 245I.05, subdivision 3, paragraph (c), before providing direct  
270.29 contact services to clients; or

270.30 (2) receives treatment supervision at least once per week until meeting the requirement  
270.31 in clause (1) of 4,000 hours of experience and has at least 2,000 hours of experience providing  
270.32 services to individuals with:

271.1 (i) a mental illness or a substance use disorder; or

271.2 (ii) a traumatic brain injury or a developmental disability, and completes the additional  
271.3 training described in section 245I.05, subdivision 3, paragraph (c), before providing direct  
271.4 contact services to clients.

271.5 (d) An individual is qualified as a mental health practitioner if the individual has a  
271.6 master's or other graduate degree in behavioral sciences or related fields.

271.7 Subd. 5. **Mental health practitioner scope of practice.** (a) A mental health practitioner  
271.8 under the treatment supervision of a mental health professional or certified rehabilitation  
271.9 specialist may provide an adult client with client education, rehabilitative mental health  
271.10 services, functional assessments, level of care assessments, and treatment plans. A mental  
271.11 health practitioner under the treatment supervision of a mental health professional may  
271.12 provide skill-building services to a child client and complete treatment plans for a child  
271.13 client.

271.14 (b) A mental health practitioner must not provide treatment supervision to other staff  
271.15 persons. A mental health practitioner may provide direction to mental health rehabilitation  
271.16 workers and mental health behavioral aides.

271.17 (c) A mental health practitioner who provides services to clients according to section  
271.18 256B.0624 or 256B.0944 may perform crisis assessments and interventions for a client.

271.19 Subd. 6. **Clinical trainee qualifications.** (a) A clinical trainee is a staff person who: (1)  
271.20 is enrolled in an accredited graduate program of study to prepare the staff person for  
271.21 independent licensure as a mental health professional and who is participating in a practicum  
271.22 or internship with the license holder through the individual's graduate program; or (2) has  
271.23 completed an accredited graduate program of study to prepare the staff person for independent  
271.24 licensure as a mental health professional and who is in compliance with the requirements  
271.25 of the applicable health-related licensing board, including requirements for supervised  
271.26 practice.

271.27 (b) A clinical trainee is responsible for notifying and applying to a health-related licensing  
271.28 board to ensure that the trainee meets the requirements of the health-related licensing board.  
271.29 As permitted by a health-related licensing board, treatment supervision under this chapter  
271.30 may be integrated into a plan to meet the supervisory requirements of the health-related  
271.31 licensing board but does not supersede those requirements.

271.32 Subd. 7. **Clinical trainee scope of practice.** (a) A clinical trainee under the treatment  
271.33 supervision of a mental health professional may provide a client with psychotherapy, client

272.1 education, rehabilitative mental health services, diagnostic assessments, functional  
272.2 assessments, level of care assessments, and treatment plans.

272.3 (b) A clinical trainee must not provide treatment supervision to other staff persons. A  
272.4 clinical trainee may provide direction to mental health behavioral aides and mental health  
272.5 rehabilitation workers.

272.6 (c) A psychological clinical trainee under the treatment supervision of a psychologist  
272.7 may perform psychological testing of clients.

272.8 (d) A clinical trainee must not provide services to clients that violate any practice act of  
272.9 a health-related licensing board, including failure to obtain licensure if licensure is required.

272.10 Subd. 8. **Certified rehabilitation specialist qualifications.** A certified rehabilitation  
272.11 specialist must have:

272.12 (1) a master's degree from an accredited college or university in behavioral sciences or  
272.13 related fields;

272.14 (2) at least 4,000 hours of post-master's supervised experience providing mental health  
272.15 services to clients; and

272.16 (3) a valid national certification as a certified rehabilitation counselor or certified  
272.17 psychosocial rehabilitation practitioner.

272.18 Subd. 9. **Certified rehabilitation specialist scope of practice.** (a) A certified  
272.19 rehabilitation specialist may provide an adult client with client education, rehabilitative  
272.20 mental health services, functional assessments, level of care assessments, and treatment  
272.21 plans.

272.22 (b) A certified rehabilitation specialist may provide treatment supervision to a mental  
272.23 health certified peer specialist, mental health practitioner, and mental health rehabilitation  
272.24 worker.

272.25 Subd. 10. **Mental health certified peer specialist qualifications.** A mental health  
272.26 certified peer specialist must:

272.27 (1) have been diagnosed with a mental illness;

272.28 (2) be a current or former mental health services client; and

272.29 (3) have a valid certification as a mental health certified peer specialist under section  
272.30 256B.0615.

273.1 Subd. 11. Mental health certified peer specialist scope of practice. A mental health  
273.2 certified peer specialist under the treatment supervision of a mental health professional or  
273.3 certified rehabilitation specialist must:

273.4 (1) provide individualized peer support to each client;

273.5 (2) promote a client's recovery goals, self-sufficiency, self-advocacy, and development  
273.6 of natural supports; and

273.7 (3) support a client's maintenance of skills that the client has learned from other services.

273.8 Subd. 12. Mental health certified family peer specialist qualifications. A mental  
273.9 health certified family peer specialist must:

273.10 (1) have raised or be currently raising a child with a mental illness;

273.11 (2) have experience navigating the children's mental health system; and

273.12 (3) have a valid certification as a mental health certified family peer specialist under  
273.13 section 256B.0616.

273.14 Subd. 13. Mental health certified family peer specialist scope of practice. A mental  
273.15 health certified family peer specialist under the treatment supervision of a mental health  
273.16 professional must provide services to increase the child's ability to function in the child's  
273.17 home, school, and community. The mental health certified family peer specialist must:

273.18 (1) provide family peer support to build on a client's family's strengths and help the  
273.19 family achieve desired outcomes;

273.20 (2) provide nonadversarial advocacy to a child client and the child's family that  
273.21 encourages partnership and promotes the child's positive change and growth;

273.22 (3) support families in advocating for culturally appropriate services for a child in each  
273.23 treatment setting;

273.24 (4) promote resiliency, self-advocacy, and development of natural supports;

273.25 (5) support maintenance of skills learned from other services;

273.26 (6) establish and lead parent support groups;

273.27 (7) assist parents in developing coping and problem-solving skills; and

273.28 (8) educate parents about mental illnesses and community resources, including resources  
273.29 that connect parents with similar experiences to one another.

274.1 Subd. 14. Mental health rehabilitation worker qualifications. (a) A mental health  
274.2 rehabilitation worker must:

274.3 (1) have a high school diploma or equivalent; and

274.4 (2) meet one of the following qualification requirements:

274.5 (i) be fluent in the non-English language or competent in the culture of the ethnic group  
274.6 to which at least 20 percent of the mental health rehabilitation worker's clients belong;

274.7 (ii) have an associate of arts degree;

274.8 (iii) have two years of full-time postsecondary education or a total of 15 semester hours  
274.9 or 23 quarter hours in behavioral sciences or related fields;

274.10 (iv) be a registered nurse;

274.11 (v) have, within the previous ten years, three years of personal life experience with  
274.12 mental illness;

274.13 (vi) have, within the previous ten years, three years of life experience as a primary  
274.14 caregiver to an adult with a mental illness, traumatic brain injury, substance use disorder,  
274.15 or developmental disability; or

274.16 (vii) have, within the previous ten years, 2,000 hours of work experience providing  
274.17 health and human services to individuals.

274.18 (b) A mental health rehabilitation worker who is scheduled as an overnight staff person  
274.19 and works alone is exempt from the additional qualification requirements in paragraph (a),  
274.20 clause (2).

274.21 Subd. 15. Mental health rehabilitation worker scope of practice. A mental health  
274.22 rehabilitation worker under the treatment supervision of a mental health professional or  
274.23 certified rehabilitation specialist may provide rehabilitative mental health services to an  
274.24 adult client according to the client's treatment plan.

274.25 Subd. 16. Mental health behavioral aide qualifications. (a) A level 1 mental health  
274.26 behavioral aide must have: (1) a high school diploma or equivalent; or (2) two years of  
274.27 experience as a primary caregiver to a child with mental illness within the previous ten  
274.28 years.

274.29 (b) A level 2 mental health behavioral aide must: (1) have an associate or bachelor's  
274.30 degree; or (2) be certified by a program under section 256B.0943, subdivision 8a.

275.1 Subd. 17. **Mental health behavioral aide scope of practice.** While under the treatment  
275.2 supervision of a mental health professional, a mental health behavioral aide may practice  
275.3 psychosocial skills with a child client according to the child's treatment plan and individual  
275.4 behavior plan that a mental health professional, clinical trainee, or mental health practitioner  
275.5 has previously taught to the child.

275.6 Sec. 6. [245I.05] TRAINING REQUIRED.

275.7 Subdivision 1. **Training plan.** A license holder must develop a training plan to ensure  
275.8 that staff persons receive ongoing training according to this section. The training plan must  
275.9 include:

275.10 (1) a formal process to evaluate the training needs of each staff person. An annual  
275.11 performance evaluation of a staff person satisfies this requirement;

275.12 (2) a description of how the license holder conducts ongoing training of each staff person,  
275.13 including whether ongoing training is based on a staff person's hire date or a specified annual  
275.14 cycle determined by the program;

275.15 (3) a description of how the license holder verifies and documents each staff person's  
275.16 previous training experience. A license holder may consider a staff person to have met a  
275.17 training requirement in subdivision 3, paragraph (d) or (e), if the staff person has received  
275.18 equivalent postsecondary education in the previous four years or training experience in the  
275.19 previous two years; and

275.20 (4) a description of how the license holder determines when a staff person needs  
275.21 additional training, including when the license holder will provide additional training.

275.22 Subd. 2. **Documentation of training.** (a) The license holder must provide training to  
275.23 each staff person according to the training plan and must document that the license holder  
275.24 provided the training to each staff person. The license holder must document the following  
275.25 information for each staff person's training:

275.26 (1) the topics of the training;

275.27 (2) the name of the trainee;

275.28 (3) the name and credentials of the trainer;

275.29 (4) the license holder's method of evaluating the trainee's competency upon completion  
275.30 of training;

275.31 (5) the date of the training; and

276.1 (6) the length of training in hours and minutes.

276.2 (b) Documentation of a staff person's continuing education credit accepted by the  
276.3 governing health-related licensing board is sufficient to document training for purposes of  
276.4 this subdivision.

276.5 Subd. 3. **Initial training.** (a) A staff person must receive training about:

276.6 (1) vulnerable adult maltreatment under section 245A.65, subdivision 3; and

276.7 (2) the maltreatment of minor reporting requirements and definitions in chapter 260E  
276.8 within 72 hours of first providing direct contact services to a client.

276.9 (b) Before providing direct contact services to a client, a staff person must receive training  
276.10 about:

276.11 (1) client rights and protections under section 245I.12;

276.12 (2) the Minnesota Health Records Act, including client confidentiality, family engagement  
276.13 under section 144.294, and client privacy;

276.14 (3) emergency procedures that the staff person must follow when responding to a fire,  
276.15 inclement weather, a report of a missing person, and a behavioral or medical emergency;

276.16 (4) specific activities and job functions for which the staff person is responsible, including  
276.17 the license holder's program policies and procedures applicable to the staff person's position;

276.18 (5) professional boundaries that the staff person must maintain; and

276.19 (6) specific needs of each client to whom the staff person will be providing direct contact  
276.20 services, including each client's developmental status, cognitive functioning, physical and  
276.21 mental abilities.

276.22 (c) Before providing direct contact services to a client, a mental health rehabilitation  
276.23 worker, mental health behavioral aide, or mental health practitioner qualified under section  
276.24 245I.04, subdivision 4, must receive 30 hours of training about:

276.25 (1) mental illnesses;

276.26 (2) client recovery and resiliency;

276.27 (3) mental health de-escalation techniques;

276.28 (4) co-occurring mental illness and substance use disorders; and

276.29 (5) psychotropic medications and medication side effects.

277.1 (d) Within 90 days of first providing direct contact services to an adult client, a clinical  
277.2 trainee, mental health practitioner, mental health certified peer specialist, or mental health  
277.3 rehabilitation worker must receive training about:

277.4 (1) trauma-informed care and secondary trauma;

277.5 (2) person-centered individual treatment plans, including seeking partnerships with  
277.6 family and other natural supports;

277.7 (3) co-occurring substance use disorders; and

277.8 (4) culturally responsive treatment practices.

277.9 (e) Within 90 days of first providing direct contact services to a child client, a clinical  
277.10 trainee, mental health practitioner, mental health certified family peer specialist, mental  
277.11 health certified peer specialist, or mental health behavioral aide must receive training about  
277.12 the topics in clauses (1) to (5). This training must address the developmental characteristics  
277.13 of each child served by the license holder and address the needs of each child in the context  
277.14 of the child's family, support system, and culture. Training topics must include:

277.15 (1) trauma-informed care and secondary trauma, including adverse childhood experiences  
277.16 (ACEs);

277.17 (2) family-centered treatment plan development, including seeking partnership with a  
277.18 child client's family and other natural supports;

277.19 (3) mental illness and co-occurring substance use disorders in family systems;

277.20 (4) culturally responsive treatment practices; and

277.21 (5) child development, including cognitive functioning, and physical and mental abilities.

277.22 (f) For a mental health behavioral aide, the training under paragraph (e) must include  
277.23 parent team training using a curriculum approved by the commissioner.

277.24 **Subd. 4. Ongoing training.** (a) A license holder must ensure that staff persons who  
277.25 provide direct contact services to clients receive annual training about the topics in  
277.26 subdivision 3, paragraphs (a) and (b), clauses (1) to (3).

277.27 (b) A license holder must ensure that each staff person who is qualified under section  
277.28 245I.04 who is not a mental health professional receives 30 hours of training every two  
277.29 years. The training topics must be based on the program's needs and the staff person's areas  
277.30 of competency.

278.1 Subd. 5. Additional training for medication administration. (a) Prior to administering  
278.2 medications to a client under delegated authority or observing a client self-administer  
278.3 medications, a staff person who is not a licensed prescriber, registered nurse, or licensed  
278.4 practical nurse qualified under section 148.171, subdivision 8, must receive training about  
278.5 psychotropic medications, side effects, and medication management.

278.6 (b) Prior to administering medications to a client under delegated authority, a staff person  
278.7 must successfully complete a:

278.8 (1) medication administration training program for unlicensed personnel through an  
278.9 accredited Minnesota postsecondary educational institution with completion of the course  
278.10 documented in writing and placed in the staff person's personnel file; or

278.11 (2) formalized training program taught by a registered nurse or licensed prescriber that  
278.12 is offered by the license holder. A staff person's successful completion of the formalized  
278.13 training program must include direct observation of the staff person to determine the staff  
278.14 person's areas of competency.

278.15 Sec. 7. [2451.06] TREATMENT SUPERVISION.

278.16 Subdivision 1. Generally. (a) A license holder must ensure that a mental health  
278.17 professional or certified rehabilitation specialist provides treatment supervision to each staff  
278.18 person who provides services to a client and who is not a mental health professional or  
278.19 certified rehabilitation specialist. When providing treatment supervision, a treatment  
278.20 supervisor must follow a staff person's written treatment supervision plan.

278.21 (b) Treatment supervision must focus on each client's treatment needs and the ability of  
278.22 the staff person under treatment supervision to provide services to each client, including  
278.23 the following topics related to the staff person's current caseload:

278.24 (1) a review and evaluation of the interventions that the staff person delivers to each  
278.25 client;

278.26 (2) instruction on alternative strategies if a client is not achieving treatment goals;

278.27 (3) a review and evaluation of each client's assessments, treatment plans, and progress  
278.28 notes for accuracy and appropriateness;

278.29 (4) instruction on the cultural norms or values of the clients and communities that the  
278.30 license holder serves and the impact that a client's culture has on providing treatment;

278.31 (5) evaluation of and feedback regarding a direct service staff person's areas of  
278.32 competency; and

279.1 (6) coaching, teaching, and practicing skills with a staff person.

279.2 (c) A treatment supervisor must provide treatment supervision to a staff person using  
279.3 methods that allow for immediate feedback, including in-person, telephone, and interactive  
279.4 video supervision.

279.5 (d) A treatment supervisor's responsibility for a staff person receiving treatment  
279.6 supervision is limited to the services provided by the associated license holder. If a staff  
279.7 person receiving treatment supervision is employed by multiple license holders, each license  
279.8 holder is responsible for providing treatment supervision related to the treatment of the  
279.9 license holder's clients.

279.10 Subd. 2. **Treatment supervision planning.** (a) A treatment supervisor and the staff  
279.11 person supervised by the treatment supervisor must develop a written treatment supervision  
279.12 plan. The license holder must ensure that a new staff person's treatment supervision plan is  
279.13 completed and implemented by a treatment supervisor and the new staff person within 30  
279.14 days of the new staff person's first day of employment. The license holder must review and  
279.15 update each staff person's treatment supervision plan annually.

279.16 (b) Each staff person's treatment supervision plan must include:

279.17 (1) the name and qualifications of the staff person receiving treatment supervision;

279.18 (2) the names and licensures of the treatment supervisors who are supervising the staff  
279.19 person;

279.20 (3) how frequently the treatment supervisors must provide treatment supervision to the  
279.21 staff person; and

279.22 (4) the staff person's authorized scope of practice, including a description of the client  
279.23 population that the staff person serves, and a description of the treatment methods and  
279.24 modalities that the staff person may use to provide services to clients.

279.25 Subd. 3. **Treatment supervision and direct observation of mental health**  
279.26 rehabilitation workers and mental health behavioral aides. (a) A mental health behavioral  
279.27 aide or a mental health rehabilitation worker must receive direct observation from a mental  
279.28 health professional, clinical trainee, certified rehabilitation specialist, or mental health  
279.29 practitioner while the mental health behavioral aide or mental health rehabilitation worker  
279.30 provides treatment services to clients, no less than twice per month for the first six months  
279.31 of employment and once per month thereafter. The staff person performing the direct  
279.32 observation must approve of the progress note for the observed treatment service.

280.1 (b) For a mental health rehabilitation worker qualified under section 245I.04, subdivision  
280.2 14, paragraph (a), clause (2), item (i), treatment supervision in the first 2,000 hours of work  
280.3 must at a minimum consist of:

280.4 (1) monthly individual supervision; and

280.5 (2) direct observation twice per month.

280.6 **Sec. 8. [245I.07] PERSONNEL FILES.**

280.7 (a) For each staff person, a license holder must maintain a personnel file that includes:

280.8 (1) verification of the staff person's qualifications required for the position including  
280.9 training, education, practicum or internship agreement, licensure, and any other required  
280.10 qualifications;

280.11 (2) documentation related to the staff person's background study;

280.12 (3) the hiring date of the staff person;

280.13 (4) a description of the staff person's job responsibilities with the license holder;

280.14 (5) the date that the staff person's specific duties and responsibilities became effective,  
280.15 including the date that the staff person began having direct contact with clients;

280.16 (6) documentation of the staff person's training as required by section 245I.05, subdivision  
280.17 2;

280.18 (7) a verification copy of license renewals that the staff person completed during the  
280.19 staff person's employment;

280.20 (8) annual job performance evaluations; and

280.21 (9) if applicable, the staff person's alleged and substantiated violations of the license  
280.22 holder's policies under section 245I.03, subdivision 8, clauses (3) to (7), and the license  
280.23 holder's response.

280.24 (b) The license holder must ensure that all personnel files are readily accessible for the  
280.25 commissioner's review. The license holder is not required to keep personnel files in a single  
280.26 location.

280.27 **Sec. 9. [245I.08] DOCUMENTATION STANDARDS.**

280.28 Subdivision 1. **Generally.** A license holder must ensure that all documentation required  
280.29 by this chapter complies with this section.

281.1 Subd. 2. **Documentation standards.** A license holder must ensure that all documentation  
281.2 required by this chapter:

281.3 (1) is legible;

281.4 (2) identifies the applicable client and staff person on each page; and

281.5 (3) is signed and dated by the staff persons who provided services to the client or  
281.6 completed the documentation, including the staff persons' credentials.

281.7 Subd. 3. **Documenting approval.** A license holder must ensure that all diagnostic  
281.8 assessments, functional assessments, level of care assessments, and treatment plans completed  
281.9 by a clinical trainee or mental health practitioner contain documentation of approval by a  
281.10 treatment supervisor within five business days of initial completion by the staff person under  
281.11 treatment supervision.

281.12 Subd. 4. **Progress notes.** A license holder must use a progress note to document each  
281.13 occurrence of a mental health service that a staff person provides to a client. A progress  
281.14 note must include the following:

281.15 (1) the type of service;

281.16 (2) the date of service;

281.17 (3) the start and stop time of the service unless the license holder is licensed as a  
281.18 residential program;

281.19 (4) the location of the service;

281.20 (5) the scope of the service, including: (i) the targeted goal and objective; (ii) the  
281.21 intervention that the staff person provided to the client and the methods that the staff person  
281.22 used; (iii) the client's response to the intervention; (iv) the staff person's plan to take future  
281.23 actions, including changes in treatment that the staff person will implement if the intervention  
281.24 was ineffective; and (v) the service modality;

281.25 (6) the signature, printed name, and credentials of the staff person who provided the  
281.26 service to the client;

281.27 (7) the mental health provider travel documentation required by section 256B.0625, if  
281.28 applicable; and

281.29 (8) significant observations by the staff person, if applicable, including: (i) the client's  
281.30 current risk factors; (ii) emergency interventions by staff persons; (iii) consultations with  
281.31 or referrals to other professionals, family, or significant others; and (iv) changes in the  
281.32 client's mental or physical symptoms.

282.1 Subd. 5. **Medication administration record.** If a license holder administers or observes  
282.2 a client self-administer medications, the license holder must maintain a medication  
282.3 administration record for each client that contains the following, as applicable:

282.4 (1) the client's date of birth;

282.5 (2) the client's allergies;

282.6 (3) all medication orders for the client, including client-specific orders for  
282.7 over-the-counter medications and approved condition-specific protocols;

282.8 (4) the name of each ordered medication, date of each medication's expiration, each  
282.9 medication's dosage frequency, method of administration, and time;

282.10 (5) the licensed prescriber's name and telephone number;

282.11 (6) the date of initiation;

282.12 (7) the signature, printed name, and credentials of the staff person who administered the  
282.13 medication or observed the client self-administer the medication; and

282.14 (8) the reason that the license holder did not administer the client's prescribed medication  
282.15 or observe the client self-administer the client's prescribed medication.

282.16 **Sec. 10. [245L.09] CLIENT FILES.**

282.17 Subdivision 1. **Generally.** (a) A license holder must maintain a file for each client that  
282.18 contains the client's current and accurate records. The license holder must store each client  
282.19 file on the premises where the license holder provides or coordinates services for the client.  
282.20 The license holder must ensure that all client files are readily accessible for the  
282.21 commissioner's review. The license holder is not required to keep client files in a single  
282.22 location.

282.23 (b) The license holder must protect client records against loss, tampering, or unauthorized  
282.24 disclosure of confidential client data according to the Minnesota Government Data Practices  
282.25 Act, chapter 13; the privacy provisions of the Minnesota health care programs provider  
282.26 agreement; the Health Insurance Portability and Accountability Act of 1996 (HIPAA),  
282.27 Public Law 104-191; and the Minnesota Health Records Act, sections 144.291 to 144.298.

282.28 Subd. 2. **Record retention.** A license holder must retain client records of a discharged  
282.29 client for a minimum of five years from the date of the client's discharge. A license holder  
282.30 who ceases to provide treatment services to a client must retain the client's records for a  
282.31 minimum of five years from the date that the license holder stopped providing services to

283.1 the client and must notify the commissioner of the location of the client records and the  
283.2 name of the individual responsible for storing and maintaining the client records.

283.3 Subd. 3. **Contents.** A license holder must retain a clear and complete record of the  
283.4 information that the license holder receives regarding a client, and of the services that the  
283.5 license holder provides to the client. If applicable, each client's file must include the following  
283.6 information:

283.7 (1) the client's screenings, assessments, and testing;

283.8 (2) the client's treatment plans and reviews of the client's treatment plan;

283.9 (3) the client's individual abuse prevention plans;

283.10 (4) the client's health care directive under section 145C.01, subdivision 5a, and the  
283.11 client's emergency contacts;

283.12 (5) the client's crisis plans;

283.13 (6) the client's consents for releases of information and documentation of the client's  
283.14 releases of information;

283.15 (7) the client's significant medical and health-related information;

283.16 (8) a record of each communication that a staff person has with the client's other mental  
283.17 health providers and persons interested in the client, including the client's case manager,  
283.18 family members, primary caregiver, legal representatives, court representatives,  
283.19 representatives from the correctional system, or school administration;

283.20 (9) written information by the client that the client requests to include in the client's file;  
283.21 and

283.22 (10) the date of the client's discharge from the license holder's program, the reason that  
283.23 the license holder discontinued services for the client, and the client's discharge summaries.

283.24 **Sec. 11. [245I.10] ASSESSMENT AND TREATMENT PLANNING.**

283.25 Subdivision 1. **Definitions.** (a) "Diagnostic formulation" means a written analysis and  
283.26 explanation of a client's clinical assessment to develop a hypothesis about the cause and  
283.27 nature of a client's presenting problems and to identify the most suitable approach for treating  
283.28 the client.

283.29 (b) "Responsivity factors" means the factors other than the diagnostic formulation that  
283.30 may modify a client's treatment needs. This includes a client's learning style, abilities,  
283.31 cognitive functioning, cultural background, and personal circumstances. When documenting

284.1 a client's responsivity factors a mental health professional or clinical trainee must include  
284.2 an analysis of how a client's strengths are reflected in the license holder's plan to deliver  
284.3 services to the client.

284.4 Subd. 2. Generally. (a) A license holder must use a client's diagnostic assessment or  
284.5 crisis assessment to determine a client's eligibility for mental health services, except as  
284.6 provided in this section.

284.7 (b) Prior to completing a client's initial diagnostic assessment, a license holder may  
284.8 provide a client with the following services:

284.9 (1) an explanation of findings;

284.10 (2) neuropsychological testing, neuropsychological assessment, and psychological  
284.11 testing;

284.12 (3) any combination of psychotherapy sessions, family psychotherapy sessions, and  
284.13 family psychoeducation sessions not to exceed three sessions;

284.14 (4) crisis assessment services according to section 256B.0624; and

284.15 (5) ten days of intensive residential treatment services according to the assessment and  
284.16 treatment planning standards in section 245.23, subdivision 7.

284.17 (c) Based on the client's needs that a crisis assessment identifies under section 256B.0624,  
284.18 a license holder may provide a client with the following services:

284.19 (1) crisis intervention and stabilization services under section 245I.23 or 256B.0624;

284.20 and

284.21 (2) any combination of psychotherapy sessions, group psychotherapy sessions, family  
284.22 psychotherapy sessions, and family psychoeducation sessions not to exceed ten sessions  
284.23 within a 12-month period without prior authorization.

284.24 (d) Based on the client's needs in the client's brief diagnostic assessment, a license holder  
284.25 may provide a client with any combination of psychotherapy sessions, group psychotherapy  
284.26 sessions, family psychotherapy sessions, and family psychoeducation sessions not to exceed  
284.27 ten sessions within a 12-month period without prior authorization for any new client or for  
284.28 an existing client who the license holder projects will need fewer than ten sessions during  
284.29 the next 12 months.

284.30 (e) Based on the client's needs that a hospital's medical history and presentation  
284.31 examination identifies, a license holder may provide a client with:

285.1 (1) any combination of psychotherapy sessions, group psychotherapy sessions, family  
285.2 psychotherapy sessions, and family psychoeducation sessions not to exceed ten sessions  
285.3 within a 12-month period without prior authorization for any new client or for an existing  
285.4 client who the license holder projects will need fewer than ten sessions during the next 12  
285.5 months; and

285.6 (2) up to five days of day treatment services or partial hospitalization.

285.7 (f) A license holder must complete a new standard diagnostic assessment of a client:

285.8 (1) when the client requires services of a greater number or intensity than the services  
285.9 that paragraphs (b) to (e) describe;

285.10 (2) at least annually following the client's initial diagnostic assessment if the client needs  
285.11 additional mental health services and the client does not meet the criteria for a brief  
285.12 assessment;

285.13 (3) when the client's mental health condition has changed markedly since the client's  
285.14 most recent diagnostic assessment; or

285.15 (4) when the client's current mental health condition does not meet the criteria of the  
285.16 client's current diagnosis.

285.17 (g) For an existing client, the license holder must ensure that a new standard diagnostic  
285.18 assessment includes a written update containing all significant new or changed information  
285.19 about the client, and an update regarding what information has not significantly changed,  
285.20 including a discussion with the client about changes in the client's life situation, functioning,  
285.21 presenting problems, and progress with achieving treatment goals since the client's last  
285.22 diagnostic assessment was completed.

285.23 Subd. 3. **Continuity of services.** (a) For any client with a diagnostic assessment  
285.24 completed under Minnesota Rules, parts 9505.0370 to 9505.0372, before the effective date  
285.25 of this section, the diagnostic assessment is valid for authorizing the client's treatment and  
285.26 billing for one calendar year after the date that the assessment was completed.

285.27 (b) For any client with an individual treatment plan completed under section 256B.0622,  
285.28 256B.0623, 256B.0943, 256B.0946, or 256B.0947 or Minnesota Rules, parts 9505.0370 to  
285.29 9505.0372, the client's treatment plan is valid for authorizing treatment and billing until the  
285.30 treatment plan's expiration date.

285.31 (c) This subdivision expires July 1, 2023.

286.1 Subd. 4. **Diagnostic assessment.** A client's diagnostic assessment must: (1) identify at  
286.2 least one mental health diagnosis for which the client meets the diagnostic criteria and  
286.3 recommend mental health services to develop the client's mental health services and treatment  
286.4 plan; or (2) include a finding that the client does not meet the criteria for a mental health  
286.5 disorder.

286.6 Subd. 5. **Brief diagnostic assessment; required elements.** (a) Only a mental health  
286.7 professional or clinical trainee may complete a brief diagnostic assessment of a client. A  
286.8 license holder may only use a brief diagnostic assessment for a client who is six years of  
286.9 age or older.

286.10 (b) When conducting a brief diagnostic assessment of a client, the assessor must complete  
286.11 a face-to-face interview with the client and a written evaluation of the client. The assessor  
286.12 must gather and document initial components of the client's standard diagnostic assessment,  
286.13 including the client's:

286.14 (1) age;

286.15 (2) description of symptoms, including the reason for the client's referral;

286.16 (3) history of mental health treatment;

286.17 (4) cultural influences on the client; and

286.18 (5) mental status examination.

286.19 (c) Based on the initial components of the assessment, the assessor must develop a  
286.20 provisional diagnostic formulation about the client. The assessor may use the client's  
286.21 provisional diagnostic formulation to address the client's immediate needs and presenting  
286.22 problems.

286.23 (d) A mental health professional or clinical trainee may use treatment sessions with the  
286.24 client authorized by a brief diagnostic assessment to gather additional information about  
286.25 the client to complete the client's standard diagnostic assessment if the number of sessions  
286.26 will exceed the coverage limits in subdivision 2.

286.27 Subd. 6. **Standard diagnostic assessment; required elements.** (a) Only a mental health  
286.28 professional or a clinical trainee may complete a standard diagnostic assessment of a client.  
286.29 A standard diagnostic assessment of a client must include a face-to-face interview with a  
286.30 client and a written evaluation of the client. The assessor must complete a client's standard  
286.31 diagnostic assessment within the client's cultural context.

287.1 (b) When completing a standard diagnostic assessment of a client, the assessor must  
287.2 gather and document information about the client's current life situation, including the  
287.3 following information:

287.4 (1) the client's age;

287.5 (2) the client's current living situation, including the client's housing status and household  
287.6 members;

287.7 (3) the status of the client's basic needs;

287.8 (4) the client's education level and employment status;

287.9 (5) the client's current medications;

287.10 (6) any immediate risks to the client's health and safety;

287.11 (7) the client's perceptions of the client's condition;

287.12 (8) the client's description of the client's symptoms, including the reason for the client's  
287.13 referral;

287.14 (9) the client's history of mental health treatment; and

287.15 (10) cultural influences on the client.

287.16 (c) If the assessor cannot obtain the information that this subdivision requires without  
287.17 retraumatizing the client or harming the client's willingness to engage in treatment, the  
287.18 assessor must identify which topics will require further assessment during the course of the  
287.19 client's treatment. The assessor must gather and document information related to the following  
287.20 topics:

287.21 (1) the client's relationship with the client's family and other significant personal  
287.22 relationships, including the client's evaluation of the quality of each relationship;

287.23 (2) the client's strengths and resources, including the extent and quality of the client's  
287.24 social networks;

287.25 (3) important developmental incidents in the client's life;

287.26 (4) maltreatment, trauma, potential brain injuries, and abuse that the client has suffered;

287.27 (5) the client's history of or exposure to alcohol and drug usage and treatment; and

287.28 (6) the client's health history and the client's family health history, including the client's  
287.29 physical, chemical, and mental health history.

288.1 (d) When completing a standard diagnostic assessment of a client, an assessor must use  
288.2 a recognized diagnostic framework.

288.3 (1) When completing a standard diagnostic assessment of a client who is five years of  
288.4 age or younger, the assessor must use the current edition of the DC: 0-5 Diagnostic  
288.5 Classification of Mental Health and Development Disorders of Infancy and Early Childhood  
288.6 published by Zero to Three.

288.7 (2) When completing a standard diagnostic assessment of a client who is six years of  
288.8 age or older, the assessor must use the current edition of the Diagnostic and Statistical  
288.9 Manual of Mental Disorders published by the American Psychiatric Association.

288.10 (3) When completing a standard diagnostic assessment of a client who is five years of  
288.11 age or younger, an assessor must administer the Early Childhood Service Intensity Instrument  
288.12 (ECSII) to the client and include the results in the client's assessment.

288.13 (4) When completing a standard diagnostic assessment of a client who is six to 17 years  
288.14 of age, an assessor must administer the Child and Adolescent Service Intensity Instrument  
288.15 (CASII) to the client and include the results in the client's assessment.

288.16 (5) When completing a standard diagnostic assessment of a client who is 18 years of  
288.17 age or older, an assessor must use either (i) the CAGE-AID Questionnaire or (ii) the criteria  
288.18 in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
288.19 published by the American Psychiatric Association to screen and assess the client for a  
288.20 substance use disorder.

288.21 (e) When completing a standard diagnostic assessment of a client, the assessor must  
288.22 include and document the following components of the assessment:

288.23 (1) the client's mental status examination;

288.24 (2) the client's baseline measurements; symptoms; behavior; skills; abilities; resources;  
288.25 vulnerabilities; safety needs, including client information that supports the assessor's findings  
288.26 after applying a recognized diagnostic framework from paragraph (d); and any differential  
288.27 diagnosis of the client;

288.28 (3) an explanation of: (i) how the assessor diagnosed the client using the information  
288.29 from the client's interview, assessment, psychological testing, and collateral information  
288.30 about the client; (ii) the client's needs; (iii) the client's risk factors; (iv) the client's strengths;  
288.31 and (v) the client's responsivity factors.

288.32 (f) When completing a standard diagnostic assessment of a client, the assessor must  
288.33 consult the client and the client's family about which services that the client and the family

289.1 prefer to treat the client. The assessor must make referrals for the client as to services required  
289.2 by law.

289.3 Subd. 7. **Individual treatment plan.** A license holder must follow each client's written  
289.4 individual treatment plan when providing services to the client with the following exceptions:

289.5 (1) services that do not require that a license holder completes a standard diagnostic  
289.6 assessment of a client before providing services to the client;

289.7 (2) when developing a service plan; and

289.8 (3) when a client re-engages in services under subdivision 8, paragraph (b).

289.9 Subd. 8. **Individual treatment plan; required elements.** (a) After completing a client's  
289.10 diagnostic assessment and before providing services to the client, the license holder must  
289.11 complete the client's individual treatment plan. The license holder must:

289.12 (1) base the client's individual treatment plan on the client's diagnostic assessment and  
289.13 baseline measurements;

289.14 (2) for a child client, use a child-centered, family-driven, and culturally appropriate  
289.15 planning process that allows the child's parents and guardians to observe and participate in  
289.16 the child's individual and family treatment services, assessments, and treatment planning;

289.17 (3) for an adult client, use a person-centered, culturally appropriate planning process  
289.18 that allows the client's family and other natural supports to observe and participate in the  
289.19 client's treatment services, assessments, and treatment planning;

289.20 (4) identify the client's treatment goals, measureable treatment objectives, a schedule  
289.21 for accomplishing the client's treatment goals and objectives, a treatment strategy, and the  
289.22 individuals responsible for providing treatment services and supports to the client. The  
289.23 license holder must have a treatment strategy to engage the client in treatment if the client:

289.24 (i) has a history of not engaging in treatment; and

289.25 (ii) is ordered by a court to participate in treatment services or to take neuroleptic  
289.26 medications;

289.27 (5) identify the participants involved in the client's treatment planning. The client must  
289.28 be a participant in the client's treatment planning. If applicable, the license holder must  
289.29 document the reasons that the license holder did not involve the client's family or other  
289.30 natural supports in the client's treatment planning;

289.31 (6) review the client's individual treatment plan every 180 days and update the client's  
289.32 individual treatment plan with the client's treatment progress, new treatment objectives and

290.1 goals or, if the client has not made treatment progress, changes in the license holder's  
290.2 approach to treatment; and

290.3 (7) ensure that the client approves of the client's individual treatment plan unless a court  
290.4 orders the client's treatment plan under chapter 253B.

290.5 (b) If the client disagrees with the client's treatment plan, the license holder must  
290.6 document in the client file the reasons why the client does not agree with the treatment plan.  
290.7 If the license holder cannot obtain the client's approval of the treatment plan, a mental health  
290.8 professional must make efforts to obtain approval from a person who is authorized to consent  
290.9 on the client's behalf within 30 days after the client's previous individual treatment plan  
290.10 expired. A license holder may not deny a client service during this time period solely because  
290.11 the license holder could not obtain the client's approval of the client's individual treatment  
290.12 plan. A license holder may continue to bill for the client's otherwise eligible services when  
290.13 the client re-engages in services.

290.14 Subd. 9. **Functional assessment; required elements.** When a license holder is  
290.15 completing a functional assessment for an adult client, the license holder must:

290.16 (1) complete a functional assessment of the client after completing the client's diagnostic  
290.17 assessment;

290.18 (2) use a collaborative process that allows the client and the client's family and other  
290.19 natural supports, the client's referral sources, and the client's providers to provide information  
290.20 about how the client's symptoms of mental illness impact the client's functioning;

290.21 (3) if applicable, document the reasons that the license holder did not contact the client's  
290.22 family and other natural supports;

290.23 (4) assess and document how the client's symptoms of mental illness impact the client's  
290.24 functioning in the following areas:

290.25 (i) the client's mental health symptoms;

290.26 (ii) the client's mental health service needs;

290.27 (iii) the client's substance use;

290.28 (iv) the client's vocational and educational functioning;

290.29 (v) the client's social functioning, including the use of leisure time;

290.30 (vi) the client's interpersonal functioning, including relationships with the client's family  
290.31 and other natural supports;

- 291.1 (vii) the client's ability to provide self-care and live independently;
- 291.2 (viii) the client's medical and dental health;
- 291.3 (ix) the client's financial assistance needs; and
- 291.4 (x) the client's housing and transportation needs;
- 291.5 (5) include a narrative summarizing the client's strengths, resources, and all areas of
- 291.6 functional impairment;
- 291.7 (6) complete the client's functional assessment before the client's initial individual
- 291.8 treatment plan unless a service specifies otherwise; and
- 291.9 (7) update the client's functional assessment with the client's current functioning whenever
- 291.10 there is a significant change in the client's functioning or at least every 180 days, unless a
- 291.11 service specifies otherwise.

291.12 Sec. 12. [245I.11] HEALTH SERVICES AND MEDICATIONS.

291.13 Subdivision 1. **Generally.** If a license holder is licensed as a residential program, stores

291.14 or administers client medications, or observes clients self-administer medications, the license

291.15 holder must ensure that a staff person who is a registered nurse or licensed prescriber is

291.16 responsible for overseeing storage and administration of client medications and observing

291.17 as a client self-administers medications, including training according to section 245I.05,

291.18 subdivision 6, and documenting the occurrence according to section 245I.08, subdivision

291.19 5.

291.20 Subd. 2. **Health services.** If a license holder is licensed as a residential program, the

291.21 license holder must:

- 291.22 (1) ensure that a client is screened for health issues within 72 hours of the client's
- 291.23 admission;
- 291.24 (2) monitor the physical health needs of each client on an ongoing basis;
- 291.25 (3) offer referrals to clients and coordinate each client's care with psychiatric and medical
- 291.26 services;
- 291.27 (4) identify circumstances in which a staff person must notify a registered nurse or
- 291.28 licensed prescriber of any of a client's health concerns and the process for providing
- 291.29 notification of client health concerns; and
- 291.30 (5) identify the circumstances in which the license holder must obtain medical care for
- 291.31 a client and the process for obtaining medical care for a client.

292.1 Subd. 3. **Storing and accounting for medications.** (a) If a license holder stores client  
292.2 medications, the license holder must:

292.3 (1) store client medications in original containers in a locked location;

292.4 (2) store refrigerated client medications in special trays or containers that are separate  
292.5 from food;

292.6 (3) store client medications marked "for external use only" in a compartment that is  
292.7 separate from other client medications;

292.8 (4) store Schedule II to IV drugs listed in section 152.02, subdivisions 3 to 5, in a  
292.9 compartment that is locked separately from other medications;

292.10 (5) ensure that only authorized staff persons have access to stored client medications;

292.11 (6) follow a documentation procedure on each shift to account for all scheduled drugs;  
292.12 and

292.13 (7) record each incident when a staff person accepts a supply of client medications and  
292.14 destroy discontinued, outdated, or deteriorated client medications.

292.15 (b) If a license holder is licensed as a residential program, the license holder must allow  
292.16 clients who self-administer medications to keep a private medication supply. The license  
292.17 holder must ensure that the client stores all private medication in a locked container in the  
292.18 client's private living area, unless the private medication supply poses a health and safety  
292.19 risk to any clients. A client must not maintain a private medication supply of a prescription  
292.20 medication without a written medication order from a licensed prescriber and a prescription  
292.21 label that includes the client's name.

292.22 Subd. 4. **Medication orders.** (a) If a license holder stores, prescribes, or administers  
292.23 medications or observes a client self-administer medications, the license holder must:

292.24 (1) ensure that a licensed prescriber writes all orders to accept, administer, or discontinue  
292.25 client medications;

292.26 (2) accept nonwritten orders to administer client medications in emergency circumstances  
292.27 only;

292.28 (3) establish a timeline and process for obtaining a written order with the licensed  
292.29 prescriber's signature when the license holder accepts a nonwritten order to administer client  
292.30 medications;

292.31 (4) obtain prescription medication renewals from a licensed prescriber for each client  
292.32 every 90 days for psychotropic medications and annually for all other medications; and

293.1 (5) maintain the client's right to privacy and dignity.

293.2 (b) If a license holder employs a licensed prescriber, the license holder must inform the  
293.3 client about potential medication effects and side effects and obtain and document the client's  
293.4 informed consent before the licensed prescriber prescribes a medication.

293.5 Subd. 5. **Medication administration.** If a license holder is licensed as a residential  
293.6 program, the license holder must:

293.7 (1) assess and document each client's ability to self-administer medication. In the  
293.8 assessment, the license holder must evaluate the client's ability to: (i) comply with prescribed  
293.9 medication regimens; and (ii) store the client's medications safely and in a manner that  
293.10 protects other individuals in the facility. Through the assessment process, the license holder  
293.11 must assist the client in developing the skills necessary to safely self-administer medication;

293.12 (2) monitor the effectiveness of medications, side effects of medications, and adverse  
293.13 reactions to medications for each client. The license holder must address and document any  
293.14 concerns about a client's medications;

293.15 (3) ensure that no staff person or client gives a legend drug supply for one client to  
293.16 another client;

293.17 (4) have policies and procedures for: (i) keeping a record of each client's medication  
293.18 orders; (ii) keeping a record of any incident of deferring a client's medications; (iii)  
293.19 documenting any incident when a client's medication is omitted; and (iv) documenting when  
293.20 a client refuses to take medications as prescribed; and

293.21 (5) document and track medication errors, document whether the license holder notified  
293.22 anyone about the medication error, determine if the license holder must take any follow-up  
293.23 actions, and identify the staff persons who are responsible for taking follow-up actions.

293.24 **Sec. 13. [245L.12] CLIENT RIGHTS AND PROTECTIONS.**

293.25 Subdivision 1. **Client rights.** A license holder must ensure that all clients have the  
293.26 following rights:

293.27 (1) the rights listed in the health care bill of rights in section 144.651;

293.28 (2) the right to be free from discrimination based on age, race, color, creed, religion,  
293.29 national origin, gender, marital status, disability, sexual orientation, and status with regard  
293.30 to public assistance. The license holder must follow all applicable state and federal laws  
293.31 including the Minnesota Human Rights Act, chapter 363A; and

294.1 (3) the right to be informed prior to a photograph or audio or video recording being made  
294.2 of the client. The client has the right to refuse to allow any recording or photograph of the  
294.3 client that is not for the purposes of identification or supervision by the license holder.

294.4 Subd. 2. **Restrictions to client rights.** If the license holder restricts a client's right, the  
294.5 license holder must document in the client file a mental health professional's approval of  
294.6 the restriction and the reasons for the restriction.

294.7 Subd. 3. **Notice of rights.** The license holder must give a copy of the client's rights  
294.8 according to this section to each client on the day of the client's admission. The license  
294.9 holder must document that the license holder gave a copy of the client's rights to each client  
294.10 on the day of the client's admission according to this section. The license holder must post  
294.11 a copy of the client rights in an area visible or accessible to all clients. The license holder  
294.12 must include the client rights in Minnesota Rules, chapter 9544, for applicable clients.

294.13 Subd. 4. **Client property.** (a) The license holder must meet the requirements of section  
294.14 245A.04, subdivision 13.

294.15 (b) If the license holder is unable to obtain a client's signature acknowledging the receipt  
294.16 or disbursement of the client's funds or property required by section 245A.04, subdivision  
294.17 13, paragraph (c), clause (1), two staff persons must sign documentation acknowledging  
294.18 that the staff persons witnessed the client's receipt or disbursement of the client's funds or  
294.19 property.

294.20 (c) The license holder must return all of the client's funds and other property to the client  
294.21 except for the following items:

294.22 (1) illicit drugs, drug paraphernalia, and drug containers that are subject to forfeiture  
294.23 under section 609.5316. The license holder must give illicit drugs, drug paraphernalia, and  
294.24 drug containers to a local law enforcement agency or destroy the items; and

294.25 (2) weapons, explosives, and other property that may cause serious harm to the client  
294.26 or others. The license holder may give a client's weapons and explosives to a local law  
294.27 enforcement agency. The license holder must notify the client that a local law enforcement  
294.28 agency has the client's property and that the client has the right to reclaim the property if  
294.29 the client has a legal right to possess the item.

294.30 (d) If a client leaves the license holder's program but abandons the client's funds or  
294.31 property, the license holder must retain and store the client's funds or property, including  
294.32 medications, for a minimum of 30 days after the client's discharge from the program.

295.1 Subd. 5. Client grievances. (a) The license holder must have a grievance procedure  
295.2 that:

295.3 (1) describes to clients how the license holder will meet the requirements in this  
295.4 subdivision; and

295.5 (2) contains the current public contact information of the Department of Human Services,  
295.6 Licensing Division; the Office of Ombudsman for Mental Health and Developmental  
295.7 Disabilities; the Department of Health, Office of Health Facilities Complaints; and all  
295.8 applicable health-related licensing boards.

295.9 (b) On the day of each client's admission, the license holder must explain the grievance  
295.10 procedure to the client.

295.11 (c) The license holder must:

295.12 (1) post the grievance procedure in a place visible to clients and provide a copy of the  
295.13 grievance procedure upon request;

295.14 (2) allow clients, former clients, and their authorized representatives to submit a grievance  
295.15 to the license holder;

295.16 (3) within three business days of receiving a client's grievance, acknowledge in writing  
295.17 that the license holder received the client's grievance. If applicable, the license holder must  
295.18 include a notice of the client's separate appeal rights for a managed care organization's  
295.19 reduction, termination, or denial of a covered service;

295.20 (4) within 15 business days of receiving a client's grievance, provide a written final  
295.21 response to the client's grievance containing the license holder's official response to the  
295.22 grievance; and

295.23 (5) allow the client to bring a grievance to the person with the highest level of authority  
295.24 in the program.

295.25 Sec. 14. [245L.13] CRITICAL INCIDENTS.

295.26 If a license holder is licensed as a residential program, the license holder must report all  
295.27 critical incidents to the commissioner within ten days of learning of the incident on a form  
295.28 approved by the commissioner. The license holder must keep a record of critical incidents  
295.29 in a central location that is readily accessible to the commissioner for review upon the  
295.30 commissioner's request for a minimum of two licensing periods.

296.1 Sec. 15. [245I.20] MENTAL HEALTH CLINIC.

296.2 Subdivision 1. Purpose. Certified mental health clinics provide clinical services for the  
296.3 treatment of mental illnesses with a treatment team that reflects multiple disciplines and  
296.4 areas of expertise.

296.5 Subd. 2. Definitions. (a) "Clinical services" means services provided to a client to  
296.6 diagnose, describe, predict, and explain the client's status relative to a condition or problem  
296.7 as described in the: (1) current edition of the Diagnostic and Statistical Manual of Mental  
296.8 Disorders published by the American Psychiatric Association; or (2) current edition of the  
296.9 DC: 0-5 Diagnostic Classification of Mental Health and Development Disorders of Infancy  
296.10 and Early Childhood published by Zero to Three. Where necessary, clinical services includes  
296.11 services to treat a client to reduce the client's impairment due to the client's condition.  
296.12 Clinical services also includes individual treatment planning, case review, record-keeping  
296.13 required for a client's treatment, and treatment supervision. For the purposes of this section,  
296.14 clinical services excludes services delivered to a client under a separate license and services  
296.15 listed under section 245I.011, subdivision 5.

296.16 (b) "Competent" means having professional education, training, continuing education,  
296.17 consultation, supervision, experience, or a combination thereof necessary to demonstrate  
296.18 sufficient knowledge of and proficiency in a specific clinical service.

296.19 (c) "Discipline" means a branch of professional knowledge or skill acquired through a  
296.20 specific course of study, training, and supervised practice. Discipline is usually documented  
296.21 by a specific educational degree, licensure, or certification of proficiency. Examples of the  
296.22 mental health disciplines include but are not limited to psychiatry, psychology, clinical  
296.23 social work, marriage and family therapy, clinical counseling, and psychiatric nursing.

296.24 (d) "Treatment team" means the mental health professionals, mental health practitioners,  
296.25 and clinical trainees who provide clinical services to clients.

296.26 Subd. 3. Organizational structure. (a) A mental health clinic location must be an entire  
296.27 facility or a clearly identified unit within a facility that is administratively and clinically  
296.28 separate from the rest of the facility. The mental health clinic location may provide services  
296.29 other than clinical services to clients, including medical services, substance use disorder  
296.30 services, social services, training, and education.

296.31 (b) The certification holder must notify the commissioner of all mental health clinic  
296.32 locations. If there is more than one mental health clinic location, the certification holder  
296.33 must designate one location as the main location and all of the other locations as satellite

297.1 locations. The main location as a unit and the clinic as a whole must comply with the  
297.2 minimum staffing standards in subdivision 4.

297.3 (c) The certification holder must ensure that each satellite location:

297.4 (1) adheres to the same policies and procedures as the main location;

297.5 (2) provides treatment team members with face-to-face or telephone access to a mental  
297.6 health professional for the purposes of supervision whenever the satellite location is open.

297.7 The certification holder must maintain a schedule of the mental health professionals who  
297.8 will be available and the contact information for each available mental health professional.

297.9 The schedule must be current and readily available to treatment team members; and

297.10 (3) enables clients to access all of the mental health clinic's clinical services and treatment  
297.11 team members, as needed.

297.12 Subd. 4. **Minimum staffing standards.** (a) A certification holder's treatment team must  
297.13 consist of at least four mental health professionals. At least two of the mental health  
297.14 professionals must be employed by or under contract with the mental health clinic for a  
297.15 minimum of 35 hours per week each. Each of the two mental health professionals must  
297.16 specialize in a different mental health discipline.

297.17 (b) The treatment team must include:

297.18 (1) a physician qualified as a mental health professional according to section 245I.04,  
297.19 subdivision 2, clause (4), or a nurse qualified as a mental health professional according to  
297.20 section 245I.04, subdivision 2, clause (1); and

297.21 (2) a psychologist qualified as a mental health professional according to section 245I.04,  
297.22 subdivision 2, clause (3).

297.23 (c) The staff persons fulfilling the requirement in paragraph (b) must provide clinical  
297.24 services at least:

297.25 (1) eight hours every two weeks if the mental health clinic has over 25.0 full-time  
297.26 equivalent treatment team members;

297.27 (2) eight hours each month if the mental health clinic has 15.1 to 25.0 full-time equivalent  
297.28 treatment team members;

297.29 (3) four hours each month if the mental health clinic has 5.1 to 15.0 full-time equivalent  
297.30 treatment team members; or

297.31 (4) two hours each month if the mental health clinic has 2.0 to 5.0 full-time equivalent  
297.32 treatment team members or only provides in-home services to clients.

298.1 (d) The certification holder must maintain a record that demonstrates compliance with  
298.2 this subdivision.

298.3 Subd. 5. **Treatment supervision specified.** (a) A mental health professional must remain  
298.4 responsible for each client's case. The certification holder must document the name of the  
298.5 mental health professional responsible for each case and the dates that the mental health  
298.6 professional is responsible for the client's case from beginning date to end date. The  
298.7 certification holder must assign each client's case for assessment, diagnosis, and treatment  
298.8 services to a treatment team member who is competent in the assigned clinical service, the  
298.9 recommended treatment strategy, and in treating the client's characteristics.

298.10 (b) Treatment supervision of mental health practitioners and clinical trainees required  
298.11 by section 245I.06 must include case reviews as described in this paragraph. Every two  
298.12 months, a mental health professional must complete a case review of each client assigned  
298.13 to the mental health professional when the client is receiving clinical services from a mental  
298.14 health practitioner or clinical trainee. The case review must include a consultation process  
298.15 that thoroughly examines the client's condition and treatment, including: (1) a review of the  
298.16 client's reason for seeking treatment, diagnoses and assessments, and the individual treatment  
298.17 plan; (2) a review of the appropriateness, duration, and outcome of treatment provided to  
298.18 the client; and (3) treatment recommendations.

298.19 Subd. 6. **Additional policy and procedure requirements.** (a) In addition to the policies  
298.20 and procedures required by section 245I.03, the certification holder must establish, enforce,  
298.21 and maintain the policies and procedures required by this subdivision.

298.22 (b) The certification holder must have a clinical evaluation procedure to identify and  
298.23 document each treatment team member's areas of competence.

298.24 (c) The certification holder must have policies and procedures for client intake and case  
298.25 assignment that:

298.26 (1) outline the client intake process;

298.27 (2) describe how the mental health clinic determines the appropriateness of accepting a  
298.28 client into treatment by reviewing the client's condition and need for treatment, the clinical  
298.29 services that the mental health clinic offers to clients, and other available resources; and

298.30 (3) contain a process for assigning a client's case to a mental health professional who is  
298.31 responsible for the client's case and other treatment team members.

298.32 Subd. 7. **Referrals.** If necessary treatment for a client or treatment desired by a client  
298.33 is not available at the mental health clinic, the certification holder must facilitate appropriate

299.1 referrals for the client. When making a referral for a client, the treatment team member must  
299.2 document a discussion with the client that includes: (1) the reason for the client's referral;  
299.3 (2) potential treatment resources for the client; and (3) the client's response to receiving a  
299.4 referral.

299.5 Subd. 8. **Emergency service.** For the certification holder's telephone numbers that clients  
299.6 regularly access, the certification holder must include the contact information for the area's  
299.7 mental health crisis services as part of the certification holder's message when a live operator  
299.8 is not available to answer clients' calls.

299.9 Subd. 9. **Quality assurance and improvement plan.** (a) At a minimum, a certification  
299.10 holder must develop a written quality assurance and improvement plan that includes a plan  
299.11 for:

299.12 (1) encouraging ongoing consultation among members of the treatment team;

299.13 (2) obtaining and evaluating feedback about services from clients, family and other  
299.14 natural supports, referral sources, and staff persons;

299.15 (3) measuring and evaluating client outcomes;

299.16 (4) reviewing client suicide deaths and suicide attempts;

299.17 (5) examining the quality of clinical service delivery to clients; and

299.18 (6) self-monitoring of compliance with this chapter.

299.19 (b) At least annually, the certification holder must review, evaluate, and update the  
299.20 quality assurance and improvement plan. The review must: (1) include documentation of  
299.21 the actions that the certification holder will take as a result of information obtained from  
299.22 monitoring activities in the plan; and (2) establish goals for improved service delivery to  
299.23 clients for the next year.

299.24 Subd. 10. **Application procedures.** (a) The applicant for certification must submit any  
299.25 documents that the commissioner requires on forms approved by the commissioner.

299.26 (b) Upon submitting an application for certification, an applicant must pay the application  
299.27 fee required by section 245A.10, subdivision 3.

299.28 (c) The commissioner must act on an application within 90 working days of receiving  
299.29 a completed application.

299.30 (d) When the commissioner receives an application for initial certification that is  
299.31 incomplete because the applicant failed to submit required documents or is deficient because  
299.32 the submitted documents do not meet certification requirements, the commissioner must

300.1 provide the applicant with written notice that the application is incomplete or deficient. In  
300.2 the notice, the commissioner must identify the particular documents that are missing or  
300.3 deficient and give the applicant 45 days to submit a second application that is complete. An  
300.4 applicant's failure to submit a complete application within 45 days after receiving notice  
300.5 from the commissioner is a basis for certification denial.

300.6 (e) The commissioner must give notice of a denial to an applicant when the commissioner  
300.7 has made the decision to deny the certification application. In the notice of denial, the  
300.8 commissioner must state the reasons for the denial in plain language. The commissioner  
300.9 must send or deliver the notice of denial to an applicant by certified mail or personal service.  
300.10 In the notice of denial, the commissioner must state the reasons that the commissioner denied  
300.11 the application and must inform the applicant of the applicant's right to request a contested  
300.12 case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The  
300.13 applicant may appeal the denial by notifying the commissioner in writing by certified mail  
300.14 or personal service. If mailed, the appeal must be postmarked and sent to the commissioner  
300.15 within 20 calendar days after the applicant received the notice of denial. If an applicant  
300.16 delivers an appeal by personal service, the commissioner must receive the appeal within 20  
300.17 calendar days after the applicant received the notice of denial.

300.18 Subd. 11. **Commissioner's right of access.** (a) When the commissioner is exercising  
300.19 the powers conferred to the commissioner by this chapter, if the mental health clinic is in  
300.20 operation and the information is relevant to the commissioner's inspection or investigation,  
300.21 the certification holder must provide the commissioner access to:

- 300.22 (1) the physical facility and grounds where the program is located;  
300.23 (2) documentation and records, including electronically maintained records;  
300.24 (3) clients served by the mental health clinic;  
300.25 (4) staff persons of the mental health clinic; and  
300.26 (5) personnel records of current and former staff of the mental health clinic.

300.27 (b) The certification holder must provide the commissioner with access to the facility  
300.28 and grounds, documentation and records, clients, and staff without prior notice and as often  
300.29 as the commissioner considers necessary if the commissioner is investigating alleged  
300.30 maltreatment or a violation of a law or rule, or conducting an inspection. When conducting  
300.31 an inspection, the commissioner may request and must receive assistance from other state,  
300.32 county, and municipal governmental agencies and departments. The applicant or certification

301.1 holder must allow the commissioner, at the commissioner's expense, to photocopy,  
301.2 photograph, and make audio and video recordings during an inspection.

301.3 Subd. 12. **Monitoring and inspections.** (a) The commissioner may conduct a certification  
301.4 review of the certified mental health clinic every two years to determine the certification  
301.5 holder's compliance with applicable rules and statutes.

301.6 (b) The commissioner must offer the certification holder a choice of dates for an  
301.7 announced certification review. A certification review must occur during the clinic's normal  
301.8 working hours.

301.9 (c) The commissioner must make the results of certification reviews and investigations  
301.10 publicly available on the department's website.

301.11 Subd. 13. **Correction orders.** (a) If the applicant or certification holder fails to comply  
301.12 with a law or rule, the commissioner may issue a correction order. The correction order  
301.13 must state:

301.14 (1) the condition that constitutes a violation of the law or rule;

301.15 (2) the specific law or rule that the applicant or certification holder has violated; and

301.16 (3) the time that the applicant or certification holder is allowed to correct each violation.

301.17 (b) If the applicant or certification holder believes that the commissioner's correction  
301.18 order is erroneous, the applicant or certification holder may ask the commissioner to  
301.19 reconsider the part of the correction order that is allegedly erroneous. An applicant or  
301.20 certification holder must make a request for reconsideration in writing. The request must  
301.21 be postmarked and sent to the commissioner within 20 calendar days after the applicant or  
301.22 certification holder received the correction order; and the request must:

301.23 (1) specify the part of the correction order that is allegedly erroneous;

301.24 (2) explain why the specified part is erroneous; and

301.25 (3) include documentation to support the allegation of error.

301.26 (c) A request for reconsideration does not stay any provision or requirement of the  
301.27 correction order. The commissioner's disposition of a request for reconsideration is final  
301.28 and not subject to appeal.

301.29 (d) If the commissioner finds that the applicant or certification holder failed to correct  
301.30 the violation specified in the correction order, the commissioner may decertify the certified  
301.31 mental health clinic according to subdivision 14.

302.1 (e) Nothing in this subdivision prohibits the commissioner from decertifying a mental  
302.2 health clinic according to subdivision 14.

302.3 Subd. 14. **Decertification.** (a) The commissioner may decertify a mental health clinic  
302.4 if a certification holder:

302.5 (1) failed to comply with an applicable law or rule; or

302.6 (2) knowingly withheld relevant information from or gave false or misleading information  
302.7 to the commissioner in connection with an application for certification, during an  
302.8 investigation, or regarding compliance with applicable laws or rules.

302.9 (b) When considering decertification of a mental health clinic, the commissioner must  
302.10 consider the nature, chronicity, or severity of the violation of law or rule and the effect of  
302.11 the violation on the health, safety, or rights of clients.

302.12 (c) If the commissioner decertifies a mental health clinic, the order of decertification  
302.13 must inform the certification holder of the right to have a contested case hearing under  
302.14 chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The certification holder  
302.15 may appeal the decertification. The certification holder must appeal a decertification in  
302.16 writing and send or deliver the appeal to the commissioner by certified mail or personal  
302.17 service. If the certification holder mails the appeal, the appeal must be postmarked and sent  
302.18 to the commissioner within ten calendar days after the certification holder receives the order  
302.19 of decertification. If the certification holder delivers an appeal by personal service, the  
302.20 commissioner must receive the appeal within ten calendar days after the certification holder  
302.21 received the order. If a certification holder submits a timely appeal of an order of  
302.22 decertification, the certification holder may continue to operate the program until the  
302.23 commissioner issues a final order on the decertification.

302.24 (d) If the commissioner decertifies a mental health clinic pursuant to paragraph (a),  
302.25 clause (1), based on a determination that the mental health clinic was responsible for  
302.26 maltreatment, and if the certification holder appeals the decertification according to paragraph  
302.27 (c), and appeals the maltreatment determination under section 260E.33, the final  
302.28 decertification determination is stayed until the commissioner issues a final decision regarding  
302.29 the maltreatment appeal.

302.30 Subd. 15. **Transfer prohibited.** A certification issued under this section is only valid  
302.31 for the premises and the individual, organization, or government entity identified by the  
302.32 commissioner on the certification. A certification is not transferable or assignable.

303.1 Subd. 16. **Notifications required and noncompliance.** (a) A certification holder must  
303.2 notify the commissioner, in a manner prescribed by the commissioner, and obtain the  
303.3 commissioner's approval before making any change to the name of the certification holder  
303.4 or the location of the mental health clinic.

303.5 (b) Changes in mental health clinic organization, staffing, treatment, or quality assurance  
303.6 procedures that affect the ability of the certification holder to comply with the minimum  
303.7 standards of this section must be reported in writing by the certification holder to the  
303.8 commissioner within 15 days of the occurrence. Review of the change must be conducted  
303.9 by the commissioner. A certification holder with changes resulting in noncompliance in  
303.10 minimum standards must receive written notice and may have up to 180 days to correct the  
303.11 areas of noncompliance before being decertified. Interim procedures to resolve the  
303.12 noncompliance on a temporary basis must be developed and submitted in writing to the  
303.13 commissioner for approval within 30 days of the commissioner's determination of the  
303.14 noncompliance. Not reporting an occurrence of a change that results in noncompliance  
303.15 within 15 days, failure to develop an approved interim procedure within 30 days of the  
303.16 determination of the noncompliance, or nonresolution of the noncompliance within 180  
303.17 days will result in immediate decertification.

303.18 (c) The mental health clinic may be required to submit written information to the  
303.19 department to document that the mental health clinic has maintained compliance with this  
303.20 section and mental health clinic procedures.

303.21 Sec. 16. **[245L.23] INTENSIVE RESIDENTIAL TREATMENT SERVICES AND**  
303.22 **RESIDENTIAL CRISIS STABILIZATION.**

303.23 Subdivision 1. **Purpose.** (a) Intensive residential treatment services is a community-based  
303.24 medically monitored level of care for an adult client that uses established rehabilitative  
303.25 principles to promote a client's recovery and to develop and achieve psychiatric stability,  
303.26 personal and emotional adjustment, self-sufficiency, and other skills that help a client  
303.27 transition to a more independent setting.

303.28 (b) Residential crisis stabilization provides structure and support to an adult client in a  
303.29 community living environment when a client has experienced a mental health crisis and  
303.30 needs short-term services to ensure that the client can safely return to the client's home or  
303.31 precrisis living environment with additional services and supports identified in the client's  
303.32 crisis assessment.

304.1 Subd. 2. **Definitions.** (a) "Program location" means a set of rooms that are each physically  
304.2 self-contained and have defining walls extending from floor to ceiling. Program location  
304.3 includes bedrooms, living rooms or lounge areas, bathrooms, and connecting areas.

304.4 (b) "Treatment team" means a group of staff persons who provide intensive residential  
304.5 treatment services or residential crisis stabilization to clients. The treatment team includes  
304.6 mental health professionals, mental health practitioners, clinical trainees, certified  
304.7 rehabilitation specialists, mental health rehabilitation workers, and mental health certified  
304.8 peer specialists.

304.9 Subd. 3. **Treatment services description.** The license holder must describe in writing  
304.10 all treatment services that the license holder provides. The license holder must have the  
304.11 description readily available for the commissioner upon the commissioner's request.

304.12 Subd. 4. **Required intensive residential treatment services.** (a) On a daily basis, the  
304.13 license holder must follow a client's treatment plan to provide intensive residential treatment  
304.14 services to the client to improve the client's functioning.

304.15 (b) The license holder must offer and have the capacity to directly provide the following  
304.16 treatment services to each client:

304.17 (1) rehabilitative mental health services;

304.18 (2) crisis prevention planning to assist a client with:

304.19 (i) identifying and addressing patterns in the client's history and experience of the client's  
304.20 mental illness; and

304.21 (ii) developing crisis prevention strategies that include de-escalation strategies that have  
304.22 been effective for the client in the past;

304.23 (3) health services and administering medication;

304.24 (4) co-occurring substance use disorder treatment;

304.25 (5) engaging the client's family and other natural supports in the client's treatment and  
304.26 educating the client's family and other natural supports to strengthen the client's social and  
304.27 family relationships; and

304.28 (6) making referrals for the client to other service providers in the community and  
304.29 supporting the client's transition from intensive residential treatment services to another  
304.30 setting.

305.1 (c) The license holder must include Illness Management and Recovery (IMR), Enhanced  
305.2 Illness Management and Recovery (E-IMR), or other similar interventions in the license  
305.3 holder's programming as approved by the commissioner.

305.4 Subd. 5. **Required residential crisis stabilization services.** (a) On a daily basis, the  
305.5 license holder must follow a client's individual crisis treatment plan to provide services to  
305.6 the client in residential crisis stabilization to improve the client's functioning.

305.7 (b) The license holder must offer and have the capacity to directly provide the following  
305.8 treatment services to the client:

305.9 (1) crisis stabilization services as described in section 256B.0624, subdivision 7;

305.10 (2) rehabilitative mental health services;

305.11 (3) health services and administering the client's medications; and

305.12 (4) making referrals for the client to other service providers in the community and  
305.13 supporting the client's transition from residential crisis stabilization to another setting.

305.14 Subd. 6. **Optional treatment services.** (a) If the license holder offers additional treatment  
305.15 services to a client, the treatment service must be:

305.16 (1) approved by the commissioner; and

305.17 (2)(i) a mental health evidence-based practice that the federal Department of Health and  
305.18 Human Services Substance Abuse and Mental Health Service Administration has adopted;

305.19 (ii) a nationally recognized mental health service that substantial research has validated  
305.20 as effective in helping individuals with serious mental illness achieve treatment goals; or

305.21 (iii) developed under state-sponsored research of publicly funded mental health programs  
305.22 and validated to be effective for individuals, families, and communities.

305.23 (b) Before providing an optional treatment service to a client, the license holder must  
305.24 provide adequate training to a staff person about providing the optional treatment service  
305.25 to a client.

305.26 Subd. 7. **Intensive residential treatment services assessment and treatment**  
305.27 planning. (a) Within 12 hours of a client's admission, the license holder must evaluate and  
305.28 document the client's immediate needs, including the client's:

305.29 (1) health and safety, including the client's need for crisis assistance;

305.30 (2) responsibilities for children, family and other natural supports, and employers; and

305.31 (3) housing and legal issues.

306.1 (b) Within 24 hours of the client's admission, the license holder must complete an initial  
306.2 treatment plan for the client. The license holder must:

306.3 (1) base the client's initial treatment plan on the client's referral information and an  
306.4 assessment of the client's immediate needs;

306.5 (2) consider crisis assistance strategies that have been effective for the client in the past;

306.6 (3) identify the client's initial treatment goals, measurable treatment objectives, and  
306.7 specific interventions that the license holder will use to help the client engage in treatment;

306.8 (4) identify the participants involved in the client's treatment planning. The client must  
306.9 be a participant; and

306.10 (5) ensure that a treatment supervisor approves of the client's initial treatment plan if a  
306.11 mental health practitioner or clinical trainee completes the client's treatment plan,  
306.12 notwithstanding section 245I.08, subdivision 3.

306.13 (c) According to section 245A.65, subdivision 2, paragraph (b), the license holder must  
306.14 complete an individual abuse prevention plan as part of a client's initial treatment plan.

306.15 (d) Within five days of the client's admission and again within 60 days after the client's  
306.16 admission, the license holder must complete a level of care assessment of the client. If the  
306.17 license holder determines that a client does not need a medically monitored level of service,  
306.18 a treatment supervisor must document how the client's admission to and continued services  
306.19 in intensive residential treatment services are medically necessary for the client.

306.20 (e) Within ten days of a client's admission, the license holder must complete or review  
306.21 and update the client's standard diagnostic assessment.

306.22 (f) Within ten days of a client's admission, the license holder must complete the client's  
306.23 individual treatment plan, notwithstanding section 245I.10, subdivision 8. Within 40 days  
306.24 after the client's admission and again within 70 days after the client's admission, the license  
306.25 holder must update the client's individual treatment plan. The license holder must focus the  
306.26 client's treatment planning on preparing the client for a successful transition from intensive  
306.27 residential treatment services to another setting. In addition to the required elements of an  
306.28 individual treatment plan under section 245I.10, subdivision 8, the license holder must  
306.29 identify the following information in the client's individual treatment plan: (1) the client's  
306.30 referrals and resources for the client's health and safety; and (2) the staff persons who are  
306.31 responsible for following up with the client's referrals and resources. If the client does not  
306.32 receive a referral or resource that the client needs, the license holder must document the  
306.33 reason that the license holder did not make the referral or did not connect the client to a

307.1 particular resource. The license holder is responsible for determining whether additional  
307.2 follow-up is required on behalf of the client.

307.3 (g) Within 30 days of the client's admission, the license holder must complete a functional  
307.4 assessment of the client. Within 60 days after the client's admission, the license holder must  
307.5 update the client's functional assessment to include any changes in the client's functioning  
307.6 and symptoms.

307.7 (h) For a client with a current substance use disorder diagnosis and for a client whose  
307.8 substance use disorder screening in the client's standard diagnostic assessment indicates the  
307.9 possibility that the client has a substance use disorder, the license holder must complete a  
307.10 written assessment of the client's substance use within 30 days of the client's admission. In  
307.11 the substance use assessment, the license holder must: (1) evaluate the client's history of  
307.12 substance use, relapses, and hospitalizations related to substance use; (2) assess the effects  
307.13 of the client's substance use on the client's relationships including with family member and  
307.14 others; (3) identify financial problems, health issues, housing instability, and unemployment;  
307.15 (4) assess the client's legal problems, past and pending incarceration, violence, and  
307.16 victimization; and (5) evaluate the client's suicide attempts, noncompliance with taking  
307.17 prescribed medications, and noncompliance with psychosocial treatment.

307.18 (i) On a weekly basis, a mental health professional or certified rehabilitation specialist  
307.19 must review each client's treatment plan and individual abuse prevention plan. The license  
307.20 holder must document in the client's file each weekly review of the client's treatment plan  
307.21 and individual abuse prevention plan.

307.22 **Subd. 8. Residential crisis stabilization assessment and treatment planning. (a)**  
307.23 Within 12 hours of a client's admission, the license holder must evaluate the client and  
307.24 document the client's immediate needs, including the client's:

307.25 (1) health and safety, including the client's need for crisis assistance;

307.26 (2) responsibilities for children, family and other natural supports, and employers; and

307.27 (3) housing and legal issues.

307.28 (b) Within 24 hours of a client's admission, the license holder must complete a crisis  
307.29 treatment plan for the client under section 256B.0624, subdivision 11. The license holder  
307.30 must base the client's crisis treatment plan on the client's referral information and an  
307.31 assessment of the client's immediate needs.

307.32 (c) Section 245A.65, subdivision 2, paragraph (b), requires the license holder to complete  
307.33 an individual abuse prevention plan for a client as part of the client's crisis treatment plan.

308.1 Subd. 9. Key staff positions. (a) The license holder must have a staff person assigned  
308.2 to each of the following key staff positions at all times:

308.3 (1) a program director who qualifies as a mental health practitioner. The license holder  
308.4 must designate the program director as responsible for all aspects of the operation of the  
308.5 program and the program's compliance with all applicable requirements. The program  
308.6 director must know and understand the implications of this chapter; chapters 245A, 245C,  
308.7 and 260E; sections 626.557 and 626.5572; Minnesota Rules, chapter 9544; and all other  
308.8 applicable requirements. The license holder must document in the program director's  
308.9 personnel file how the program director demonstrates knowledge of these requirements.  
308.10 The program director may also serve as the treatment director of the program, if qualified;

308.11 (2) a treatment director who qualifies as a mental health professional. The treatment  
308.12 director must be responsible for overseeing treatment services for clients and the treatment  
308.13 supervision of all staff persons; and

308.14 (3) a registered nurse who qualifies as a mental health practitioner. The registered nurse  
308.15 must:

308.16 (i) work at the program location a minimum of eight hours per week;

308.17 (ii) provide monitoring and supervision of staff persons as defined in section 148.171,  
308.18 subdivisions 8a and 23;

308.19 (iii) be responsible for the review and approval of health service and medication policies  
308.20 and procedures under section 245I.03, subdivision 5; and

308.21 (iv) oversee the license holder's provision of health services to clients, medication storage,  
308.22 and medication administration to clients.

308.23 (b) Within five business days of a change in a key staff position, the license holder must  
308.24 notify the commissioner of the staffing change. The license holder must notify the  
308.25 commissioner of the staffing change on a form approved by the commissioner and include  
308.26 the name of the staff person now assigned to the key staff position and the staff person's  
308.27 qualifications.

308.28 Subd. 10. Minimum treatment team staffing levels and ratios. (a) The license holder  
308.29 must maintain a treatment team staffing level sufficient to:

308.30 (1) provide continuous daily coverage of all shifts;

308.31 (2) follow each client's treatment plan and meet each client's needs as identified in the  
308.32 client's treatment plan;

309.1 (3) implement program requirements; and  
309.2 (4) safely monitor and guide the activities of each client, taking into account the client's  
309.3 level of behavioral and psychiatric stability, cultural needs, and vulnerabilities.

309.4 (b) The license holder must ensure that treatment team members:

309.5 (1) remain awake during all work hours; and

309.6 (2) are available to monitor and guide the activities of each client whenever clients are  
309.7 present in the program.

309.8 (c) On each shift, the license holder must maintain a treatment team staffing ratio of at  
309.9 least one treatment team member to nine clients. If the license holder is serving nine or  
309.10 fewer clients, at least one treatment team member on the day shift must be a mental health  
309.11 professional, clinical trainee, certified rehabilitation specialist, or mental health practitioner.  
309.12 If the license holder is serving more than nine clients, at least one of the treatment team  
309.13 members working during both the day and evening shifts must be a mental health  
309.14 professional, clinical trainee, certified rehabilitation specialist, or mental health practitioner.

309.15 (d) If the license holder provides residential crisis stabilization to clients and is serving  
309.16 at least one client in residential crisis stabilization and more than four clients in residential  
309.17 crisis stabilization and intensive residential treatment services, the license holder must  
309.18 maintain a treatment team staffing ratio on each shift of at least two treatment team members  
309.19 during the client's first 48 hours in residential crisis stabilization.

309.20 Subd. 11. **Shift exchange.** A license holder must ensure that treatment team members  
309.21 working on different shifts exchange information about a client as necessary to effectively  
309.22 care for the client and to follow and update a client's treatment plan and individual abuse  
309.23 prevention plan.

309.24 Subd. 12. **Daily documentation.** (a) For each day that a client is present in the program,  
309.25 the license holder must provide a daily summary in the client's file that includes observations  
309.26 about the client's behavior and symptoms, including any critical incidents in which the client  
309.27 was involved.

309.28 (b) For each day that a client is not present in the program, the license holder must  
309.29 document the reason for a client's absence in the client's file.

309.30 Subd. 13. **Access to a mental health professional, clinical trainee, certified**  
309.31 **rehabilitation specialist, or mental health practitioner.** Treatment team members must  
309.32 have access in person or by telephone to a mental health professional, clinical trainee,  
309.33 certified rehabilitation specialist, or mental health practitioner within 30 minutes. The license

310.1 holder must maintain a schedule of mental health professionals, clinical trainees, certified  
310.2 rehabilitation specialists, or mental health practitioners who will be available and contact  
310.3 information to reach them. The license holder must keep the schedule current and make the  
310.4 schedule readily available to treatment team members.

310.5 Subd. 14. **Weekly team meetings.** (a) The license holder must hold weekly team meetings  
310.6 and ancillary meetings according to this subdivision.

310.7 (b) A mental health professional or certified rehabilitation specialist must hold at least  
310.8 one team meeting each calendar week and be physically present at the team meeting. All  
310.9 treatment team members, including treatment team members who work on a part-time or  
310.10 intermittent basis, must participate in a minimum of one team meeting during each calendar  
310.11 week when the treatment team member is working for the license holder. The license holder  
310.12 must document all weekly team meetings, including the names of meeting attendees.

310.13 (c) If a treatment team member cannot participate in a weekly team meeting, the treatment  
310.14 team member must participate in an ancillary meeting. A mental health professional, certified  
310.15 rehabilitation specialist, clinical trainee, or mental health practitioner who participated in  
310.16 the most recent weekly team meeting may lead the ancillary meeting. During the ancillary  
310.17 meeting, the treatment team member leading the ancillary meeting must review the  
310.18 information that was shared at the most recent weekly team meeting, including revisions  
310.19 to client treatment plans and other information that the treatment supervisors exchanged  
310.20 with treatment team members. The license holder must document all ancillary meetings,  
310.21 including the names of meeting attendees.

310.22 Subd. 15. **Intensive residential treatment services admission criteria.** (a) An eligible  
310.23 client for intensive residential treatment services is an individual who:

310.24 (1) is age 18 or older;

310.25 (2) is diagnosed with a mental illness;

310.26 (3) because of a mental illness, has a substantial disability and functional impairment  
310.27 in three or more areas listed in section 245I.10, subdivision 9, clause (4), that markedly  
310.28 reduce the individual's self-sufficiency;

310.29 (4) has one or more of the following: a history of recurring or prolonged inpatient  
310.30 hospitalizations during the past year, significant independent living instability, homelessness,  
310.31 or very frequent use of mental health and related services with poor outcomes for the  
310.32 individual; and

311.1 (5) in the written opinion of a mental health professional, needs mental health services  
311.2 that available community-based services cannot provide, or is likely to experience a mental  
311.3 health crisis or require a more restrictive setting if the individual does not receive intensive  
311.4 rehabilitative mental health services.

311.5 (b) The license holder must not limit or restrict intensive residential treatment services  
311.6 to a client based solely on:

311.7 (1) the client's substance use;

311.8 (2) the county in which the client resides; or

311.9 (3) whether the client elects to receive other services for which the client may be eligible,  
311.10 including case management services.

311.11 (c) This subdivision does not prohibit the license holder from restricting admissions of  
311.12 individuals who present an imminent risk of harm or danger to themselves or others.

311.13 Subd. 16. Residential crisis stabilization services admission criteria. An eligible client  
311.14 for residential crisis stabilization is an individual who is age 18 or older and meets the  
311.15 eligibility criteria in section 256B.0624, subdivision 3.

311.16 Subd. 17. Admissions referrals and determinations. (a) The license holder must  
311.17 identify the information that the license holder needs to make a determination about a  
311.18 person's admission referral.

311.19 (b) The license holder must:

311.20 (1) always be available to receive referral information about a person seeking admission  
311.21 to the license holder's program;

311.22 (2) respond to the referral source within eight hours of receiving a referral and, within  
311.23 eight hours, communicate with the referral source about what information the license holder  
311.24 needs to make a determination concerning the person's admission;

311.25 (3) consider the license holder's staffing ratio and the areas of treatment team members'  
311.26 competency when determining whether the license holder is able to meet the needs of a  
311.27 person seeking admission; and

311.28 (4) determine whether to admit a person within 72 hours of receiving all necessary  
311.29 information from the referral source.

311.30 Subd. 18. Discharge standards. (a) When a license holder discharges a client from a  
311.31 program, the license holder must categorize the discharge as a successful discharge,  
311.32 program-initiated discharge, or non-program-initiated discharge according to the criteria in

312.1 this subdivision. The license holder must meet the standards associated with the type of  
312.2 discharge according to this subdivision.

312.3 (b) To successfully discharge a client from a program, the license holder must ensure  
312.4 that the following criteria are met:

312.5 (1) the client must substantially meet the client's documented treatment plan goals and  
312.6 objectives;

312.7 (2) the client must complete discharge planning with the treatment team; and

312.8 (3) the client and treatment team must arrange for the client to receive continuing care  
312.9 at a less intensive level of care after discharge.

312.10 (c) Prior to successfully discharging a client from a program, the license holder must  
312.11 complete the client's discharge summary and provide the client with a copy of the client's  
312.12 discharge summary in plain language that includes:

312.13 (1) a brief review of the client's problems and strengths during the period that the license  
312.14 holder provided services to the client;

312.15 (2) the client's response to the client's treatment plan;

312.16 (3) the goals and objectives that the license holder recommends that the client addresses  
312.17 during the first three months following the client's discharge from the program;

312.18 (4) the recommended actions, supports, and services that will assist the client with a  
312.19 successful transition from the program to another setting;

312.20 (5) the client's crisis plan; and

312.21 (6) the client's forwarding address and telephone number.

312.22 (d) For a non-program-initiated discharge of a client from a program, the following  
312.23 criteria must be met:

312.24 (1)(i) the client has withdrawn the client's consent for treatment; (ii) the license holder  
312.25 has determined that the client has the capacity to make an informed decision; and (iii) the  
312.26 client does not meet the criteria for an emergency hold under section 253B.051, subdivision  
312.27 2;

312.28 (2) the client has left the program against staff person advice;

312.29 (3) an entity with legal authority to remove the client has decided to remove the client  
312.30 from the program; or

312.31 (4) a source of payment for the services is no longer available.

313.1 (e) Within ten days of a non-program-initiated discharge of a client from a program, the  
313.2 license holder must complete the client's discharge summary in plain language that includes:

313.3 (1) the reasons for the client's discharge;

313.4 (2) a description of attempts by staff persons to enable the client to continue treatment  
313.5 or to consent to treatment; and

313.6 (3) recommended actions, supports, and services that will assist the client with a  
313.7 successful transition from the program to another setting.

313.8 (f) For a program-initiated discharge of a client from a program, the following criteria  
313.9 must be met:

313.10 (1) the client is competent but has not participated in treatment or has not followed the  
313.11 program rules and regulations and the client has not participated to such a degree that the  
313.12 program's level of care is ineffective or unsafe for the client, despite multiple, documented  
313.13 attempts that the license holder has made to address the client's lack of participation in  
313.14 treatment;

313.15 (2) the client has not made progress toward the client's treatment goals and objectives  
313.16 despite the license holder's persistent efforts to engage the client in treatment, and the license  
313.17 holder has no reasonable expectation that the client will make progress at the program's  
313.18 level of care nor does the client require the program's level of care to maintain the current  
313.19 level of functioning;

313.20 (3) a court order or the client's legal status requires the client to participate in the program  
313.21 but the client has left the program against staff person advice; or

313.22 (4) the client meets criteria for a more intensive level of care and a more intensive level  
313.23 of care is available to the client.

313.24 (g) Prior to a program-initiated discharge of a client from a program, the license holder  
313.25 must consult the client, the client's family and other natural supports, and the client's case  
313.26 manager, if applicable, to review the issues involved in the program's decision to discharge  
313.27 the client from the program. During the discharge review process, which must not exceed  
313.28 five working days, the license holder must determine whether the license holder, treatment  
313.29 team, and any interested persons can develop additional strategies to resolve the issues  
313.30 leading to the client's discharge and to permit the client to have an opportunity to continue  
313.31 receiving services from the license holder. The license holder may temporarily remove a  
313.32 client from the program facility during the five-day discharge review period. The license  
313.33 holder must document the client's discharge review in the client's file.

314.1 (h) Prior to a program-initiated discharge of a client from the program, the license holder  
314.2 must complete the client's discharge summary and provide the client with a copy of the  
314.3 discharge summary in plain language that includes:

314.4 (1) the reasons for the client's discharge;

314.5 (2) the alternatives to discharge that the license holder considered or attempted to  
314.6 implement;

314.7 (3) the names of each individual who is involved in the decision to discharge the client  
314.8 and a description of each individual's involvement; and

314.9 (4) recommended actions, supports, and services that will assist the client with a  
314.10 successful transition from the program to another setting.

314.11 Subd. 19. **Program facility.** (a) The license holder must be licensed or certified as a  
314.12 board and lodging facility, supervised living facility, or a boarding care home by the  
314.13 Department of Health.

314.14 (b) The license holder must have a capacity of five to 16 beds and the program must not  
314.15 be declared as an institution for mental disease.

314.16 (c) The license holder must furnish each program location to meet the psychological,  
314.17 emotional, and developmental needs of clients.

314.18 (d) The license holder must provide one living room or lounge area per program location.  
314.19 There must be space available to provide services according to each client's treatment plan,  
314.20 such as an area for learning recreation time skills and areas for learning independent living  
314.21 skills, such as laundering clothes and preparing meals.

314.22 (e) The license holder must ensure that each program location allows each client to have  
314.23 privacy. Each client must have privacy during assessment interviews and counseling sessions.  
314.24 Each client must have a space designated for the client to see outside visitors at the program  
314.25 facility.

314.26 Subd. 20. **Physical separation of services.** If the license holder offers services to  
314.27 individuals who are not receiving intensive residential treatment services or residential  
314.28 stabilization at the program location, the license holder must inform the commissioner and  
314.29 submit a plan for approval to the commissioner about how and when the license holder will  
314.30 provide services. The license holder must only provide services to clients who are not  
314.31 receiving intensive residential treatment services or residential crisis stabilization in an area  
314.32 that is physically separated from the area in which the license holder provides clients with  
314.33 intensive residential treatment services or residential crisis stabilization.

315.1 Subd. 21. **Dividing staff time between locations.** A license holder must obtain approval  
315.2 from the commissioner prior to providing intensive residential treatment services or  
315.3 residential crisis stabilization to clients in more than one program location under one license  
315.4 and dividing one staff person's time between program locations during the same work period.

315.5 Subd. 22. **Additional policy and procedure requirements.** (a) In addition to the policies  
315.6 and procedures in section 245I.03, the license holder must establish, enforce, and maintain  
315.7 the policies and procedures in this subdivision.

315.8 (b) The license holder must have policies and procedures for receiving referrals and  
315.9 making admissions determinations about referred persons under subdivisions 14 to 16.

315.10 (c) The license holder must have policies and procedures for discharging clients under  
315.11 subdivision 17. In the policies and procedures, the license holder must identify the staff  
315.12 persons who are authorized to discharge clients from the program.

315.13 Subd. 23. **Quality assurance and improvement plan.** (a) A license holder must develop  
315.14 a written quality assurance and improvement plan that includes a plan to:

315.15 (1) encourage ongoing consultation between members of the treatment team;

315.16 (2) obtain and evaluate feedback about services from clients, family and other natural  
315.17 supports, referral sources, and staff persons;

315.18 (3) measure and evaluate client outcomes in the program;

315.19 (4) review critical incidents in the program;

315.20 (5) examine the quality of clinical services in the program; and

315.21 (6) self-monitor the license holder's compliance with this chapter.

315.22 (b) At least annually, the license holder must review, evaluate, and update the license  
315.23 holder's quality assurance and improvement plan. The license holder's review must:

315.24 (1) document the actions that the license holder will take in response to the information  
315.25 that the license holder obtains from the monitoring activities in the plan; and

315.26 (2) establish goals for improving the license holder's services to clients during the next  
315.27 year.

315.28 Subd. 24. **Application.** When an applicant requests licensure to provide intensive  
315.29 residential treatment services, residential crisis stabilization, or both to clients, the applicant  
315.30 must submit, on forms that the commissioner provides, any documents that the commissioner  
315.31 requires.

316.1 **Sec. 17. [256B.0671] COVERED MENTAL HEALTH SERVICES.**

316.2 **Subdivision 1. Definitions.** (a) "Clinical trainee" means a staff person who is qualified  
316.3 under section 245I.04, subdivision 6.

316.4 (b) "Mental health practitioner" means a staff person who is qualified under section  
316.5 245I.04, subdivision 4.

316.6 (c) "Mental health professional" means a staff person who is qualified under section  
316.7 245I.04, subdivision 2.

316.8 **Subd. 2. Generally.** (a) An individual, organization, or government entity providing  
316.9 mental health services to a client under this section must obtain a criminal background study  
316.10 of each staff person or volunteer who is providing direct contact services to a client.

316.11 (b) An individual, organization, or government entity providing mental health services  
316.12 to a client under this section must comply with all responsibilities that chapter 245I assigns  
316.13 to a license holder, except section 245I.011, subdivision 1, unless all of the individual's,  
316.14 organization's, or government entity's treatment staff are qualified as mental health  
316.15 professionals.

316.16 (c) An individual, organization, or government entity providing mental health services  
316.17 to a client under this section must comply with the following requirements if all of the  
316.18 license holder's treatment staff are qualified as mental health professionals:

316.19 (1) provider qualifications and scopes of practice under section 245I.04;

316.20 (2) maintaining and updating personnel files under section 245I.07;

316.21 (3) documenting under section 245I.08;

316.22 (4) maintaining and updating client files under section 245I.09;

316.23 (5) completing client assessments and treatment planning under section 245I.10;

316.24 (6) providing clients with health services and medications under section 245I.11; and

316.25 (7) respecting and enforcing client rights under section 245I.12.

316.26 **Subd. 3. Adult day treatment services.** (a) Subject to federal approval, medical  
316.27 assistance covers adult day treatment (ADT) services that are provided under contract with  
316.28 the county board. Adult day treatment payment is subject to the conditions in paragraphs  
316.29 (b) to (e). The provider must make reasonable and good faith efforts to report individual  
316.30 client outcomes to the commissioner using instruments, protocols, and forms approved by  
316.31 the commissioner.

317.1 (b) Adult day treatment is an intensive psychotherapeutic treatment to reduce or relieve  
317.2 the effects of mental illness on a client to enable the client to benefit from a lower level of  
317.3 care and to live and function more independently in the community. Adult day treatment  
317.4 services must be provided to a client to stabilize the client's mental health and to improve  
317.5 the client's independent living and socialization skills. Adult day treatment must consist of  
317.6 at least one hour of group psychotherapy and must include group time focused on  
317.7 rehabilitative interventions or other therapeutic services that a multidisciplinary team provides  
317.8 to each client. Adult day treatment services are not a part of inpatient or residential treatment  
317.9 services. The following providers may apply to become adult day treatment providers:

317.10 (1) a hospital accredited by the Joint Commission on Accreditation of Health  
317.11 Organizations and licensed under sections 144.50 to 144.55;

317.12 (2) a community mental health center under section 256B.0625, subdivision 5; or

317.13 (3) an entity that is under contract with the county board to operate a program that meets  
317.14 the requirements of section 245.4712, subdivision 2, and Minnesota Rules, parts 9505.0170  
317.15 to 9505.0475.

317.16 (c) An adult day treatment (ADT) services provider must:

317.17 (1) ensure that the commissioner has approved of the organization as an adult day  
317.18 treatment provider organization;

317.19 (2) ensure that a multidisciplinary team provides ADT services to a group of clients. A  
317.20 mental health professional must supervise each multidisciplinary staff person who provides  
317.21 ADT services;

317.22 (3) make ADT services available to the client at least two days a week for at least three  
317.23 consecutive hours per day. ADT services may be longer than three hours per day, but medical  
317.24 assistance may not reimburse a provider for more than 15 hours per week;

317.25 (4) provide ADT services to each client that includes group psychotherapy by a mental  
317.26 health professional or clinical trainee and daily rehabilitative interventions by a mental  
317.27 health professional, clinical trainee, or mental health practitioner; and

317.28 (5) include ADT services in the client's individual treatment plan, when appropriate.

317.29 The adult day treatment provider must:

317.30 (i) complete a functional assessment of each client under section 245I.10, subdivision  
317.31 9;

318.1 (ii) notwithstanding section 245I.10, subdivision 8, review the client's progress and  
318.2 update the individual treatment plan at least every 90 days until the client is discharged  
318.3 from the program; and

318.4 (iii) include a discharge plan for the client in the client's individual treatment plan.

318.5 (d) To be eligible for adult day treatment, a client must:

318.6 (1) be 18 years of age or older;

318.7 (2) not reside in a nursing facility, hospital, institute of mental disease, or state-operated  
318.8 treatment center unless the client has an active discharge plan that indicates a move to an  
318.9 independent living setting within 180 days;

318.10 (3) have the capacity to engage in rehabilitative programming, skills activities, and  
318.11 psychotherapy in the structured, therapeutic setting of an adult day treatment program and  
318.12 demonstrate measurable improvements in functioning resulting from participation in the  
318.13 adult day treatment program;

318.14 (4) have a level of care assessment under section 245I.02, subdivision 19, recommending  
318.15 that the client participate in services with the level of intensity and duration of an adult day  
318.16 treatment program; and

318.17 (5) have the recommendation of a mental health professional for adult day treatment  
318.18 services. The mental health professional must find that adult day treatment services are  
318.19 medically necessary for the client.

318.20 (e) Medical assistance does not cover the following services as adult day treatment  
318.21 services:

318.22 (1) services that are primarily recreational or that are provided in a setting that is not  
318.23 under medical supervision, including sports activities, exercise groups, craft hours, leisure  
318.24 time, social hours, meal or snack time, trips to community activities, and tours;

318.25 (2) social or educational services that do not have or cannot reasonably be expected to  
318.26 have a therapeutic outcome related to the client's mental illness;

318.27 (3) consultations with other providers or service agency staff persons about the care or  
318.28 progress of a client;

318.29 (4) prevention or education programs that are provided to the community;

318.30 (5) day treatment for clients with a primary diagnosis of a substance use disorder;

318.31 (6) day treatment provided in the client's home;

319.1 (7) psychotherapy for more than two hours per day; and

319.2 (8) participation in meal preparation and eating that is not part of a clinical treatment  
319.3 plan to address the client's eating disorder.

319.4 Subd. 4. **Explanation of findings.** (a) Subject to federal approval, medical assistance  
319.5 covers an explanation of findings that a mental health professional or clinical trainee provides  
319.6 when the provider has obtained the authorization from the client or the client's representative  
319.7 to release the information.

319.8 (b) A mental health professional or clinical trainee provides an explanation of findings  
319.9 to assist the client or related parties in understanding the results of the client's testing or  
319.10 diagnostic assessment and the client's mental illness, and provides professional insight that  
319.11 the client or related parties need to carry out a client's treatment plan. Related parties may  
319.12 include the client's family and other natural supports and other service providers working  
319.13 with the client.

319.14 (c) An explanation of findings is not paid for separately when a mental health professional  
319.15 or clinical trainee explains the results of psychological testing or a diagnostic assessment  
319.16 to the client or the client's representative as part of the client's psychological testing or a  
319.17 diagnostic assessment.

319.18 Subd. 5. **Family psychoeducation services.** (a) Subject to federal approval, medical  
319.19 assistance covers family psychoeducation services provided to a child up to age 21 with a  
319.20 diagnosed mental health condition when identified in the child's individual treatment plan  
319.21 and provided by a mental health professional or a clinical trainee who has determined it  
319.22 medically necessary to involve family members in the child's care.

319.23 (b) "Family psychoeducation services" means information or demonstration provided  
319.24 to an individual or family as part of an individual, family, multifamily group, or peer group  
319.25 session to explain, educate, and support the child and family in understanding a child's  
319.26 symptoms of mental illness, the impact on the child's development, and needed components  
319.27 of treatment and skill development so that the individual, family, or group can help the child  
319.28 to prevent relapse, prevent the acquisition of comorbid disorders, and achieve optimal mental  
319.29 health and long-term resilience.

319.30 Subd. 6. **Dialectical behavior therapy.** (a) Subject to federal approval, medical assistance  
319.31 covers intensive mental health outpatient treatment for dialectical behavior therapy for  
319.32 adults. A dialectical behavior therapy provider must make reasonable and good faith efforts  
319.33 to report individual client outcomes to the commissioner using instruments and protocols  
319.34 that are approved by the commissioner.

320.1 (b) "Dialectical behavior therapy" means an evidence-based treatment approach that a  
320.2 mental health professional or clinical trainee provides to a client or a group of clients in an  
320.3 intensive outpatient treatment program using a combination of individualized rehabilitative  
320.4 and psychotherapeutic interventions. A dialectical behavior therapy program involves:  
320.5 individual dialectical behavior therapy, group skills training, telephone coaching, and team  
320.6 consultation meetings.

320.7 (c) To be eligible for dialectical behavior therapy, a client must:

320.8 (1) be 18 years of age or older;

320.9 (2) have mental health needs that available community-based services cannot meet or  
320.10 that the client must receive concurrently with other community-based services;

320.11 (3) have either:

320.12 (i) a diagnosis of borderline personality disorder; or

320.13 (ii) multiple mental health diagnoses, exhibit behaviors characterized by impulsivity or  
320.14 intentional self-harm, and be at significant risk of death, morbidity, disability, or severe  
320.15 dysfunction in multiple areas of the client's life;

320.16 (4) be cognitively capable of participating in dialectical behavior therapy as an intensive  
320.17 therapy program and be able and willing to follow program policies and rules to ensure the  
320.18 safety of the client and others; and

320.19 (5) be at significant risk of one or more of the following if the client does not receive  
320.20 dialectical behavior therapy:

320.21 (i) having a mental health crisis;

320.22 (ii) requiring a more restrictive setting such as hospitalization;

320.23 (iii) decompensating; or

320.24 (iv) engaging in intentional self-harm behavior.

320.25 (d) Individual dialectical behavior therapy combines individualized rehabilitative and  
320.26 psychotherapeutic interventions to treat a client's suicidal and other dysfunctional behaviors  
320.27 and to reinforce a client's use of adaptive skillful behaviors. A mental health professional  
320.28 or clinical trainee must provide individual dialectical behavior therapy to a client. A mental  
320.29 health professional or clinical trainee providing dialectical behavior therapy to a client must:

320.30 (1) identify, prioritize, and sequence the client's behavioral targets;

320.31 (2) treat the client's behavioral targets;

321.1 (3) assist the client in applying dialectical behavior therapy skills to the client's natural  
321.2 environment through telephone coaching outside of treatment sessions;

321.3 (4) measure the client's progress toward dialectical behavior therapy targets;

321.4 (5) help the client manage mental health crises and life-threatening behaviors; and

321.5 (6) help the client learn and apply effective behaviors when working with other treatment  
321.6 providers.

321.7 (e) Group skills training combines individualized psychotherapeutic and psychiatric  
321.8 rehabilitative interventions conducted in a group setting to reduce the client's suicidal and  
321.9 other dysfunctional coping behaviors and restore function. Group skills training must teach  
321.10 the client adaptive skills in the following areas: (1) mindfulness; (2) interpersonal  
321.11 effectiveness; (3) emotional regulation; and (4) distress tolerance.

321.12 (f) Group skills training must be provided by two mental health professionals or by a  
321.13 mental health professional co-facilitating with a clinical trainee or a mental health practitioner.  
321.14 Individual skills training must be provided by a mental health professional, a clinical trainee,  
321.15 or a mental health practitioner.

321.16 (g) Before a program provides dialectical behavior therapy to a client, the commissioner  
321.17 must certify the program as a dialectical behavior therapy provider. To qualify for  
321.18 certification as a dialectical behavior therapy provider, a provider must:

321.19 (1) allow the commissioner to inspect the provider's program;

321.20 (2) provide evidence to the commissioner that the program's policies, procedures, and  
321.21 practices meet the requirements of this subdivision and chapter 245I;

321.22 (3) be enrolled as a MHCP provider; and

321.23 (4) have a manual that outlines the program's policies, procedures, and practices that  
321.24 meet the requirements of this subdivision.

321.25 **Subd. 7. Mental health clinical care consultation.** (a) Subject to federal approval,  
321.26 medical assistance covers clinical care consultation for a person up to age 21 who is  
321.27 diagnosed with a complex mental health condition or a mental health condition that co-occurs  
321.28 with other complex and chronic conditions, when described in the person's individual  
321.29 treatment plan and provided by a mental health professional or a clinical trainee.

321.30 (b) "Clinical care consultation" means communication from a treating mental health  
321.31 professional to other providers or educators not under the treatment supervision of the  
321.32 treating mental health professional who are working with the same client to inform, inquire,

322.1 and instruct regarding the client's symptoms; strategies for effective engagement, care, and  
322.2 intervention needs; and treatment expectations across service settings and to direct and  
322.3 coordinate clinical service components provided to the client and family.

322.4 Subd. 8. **Neuropsychological assessment.** (a) Subject to federal approval, medical  
322.5 assistance covers a client's neuropsychological assessment.

322.6 (b) Neuropsychological assessment" means a specialized clinical assessment of the  
322.7 client's underlying cognitive abilities related to thinking, reasoning, and judgment that is  
322.8 conducted by a qualified neuropsychologist. A neuropsychological assessment must include  
322.9 a face-to-face interview with the client, interpretation of the test results, and preparation  
322.10 and completion of a report.

322.11 (c) A client is eligible for a neuropsychological assessment if the client meets at least  
322.12 one of the following criteria:

322.13 (1) the client has a known or strongly suspected brain disorder based on the client's  
322.14 medical history or the client's prior neurological evaluation, including a history of significant  
322.15 head trauma, brain tumor, stroke, seizure disorder, multiple sclerosis, neurodegenerative  
322.16 disorder, significant exposure to neurotoxins, central nervous system infection, metabolic  
322.17 or toxic encephalopathy, fetal alcohol syndrome, or congenital malformation of the brain;  
322.18 or

322.19 (2) the client has cognitive or behavioral symptoms that suggest that the client has an  
322.20 organic condition that cannot be readily attributed to functional psychopathology or suspected  
322.21 neuropsychological impairment in addition to functional psychopathology. The client's  
322.22 symptoms may include:

322.23 (i) having a poor memory or impaired problem solving;

322.24 (ii) experiencing change in mental status evidenced by lethargy, confusion, or  
322.25 disorientation;

322.26 (iii) experiencing a deteriorating level of functioning;

322.27 (iv) displaying a marked change in behavior or personality;

322.28 (v) in a child or an adolescent, having significant delays in acquiring academic skill or  
322.29 poor attention relative to peers;

322.30 (vi) in a child or an adolescent, having reached a significant plateau in expected  
322.31 development of cognitive, social, emotional, or physical functioning relative to peers; and

323.1 (vii) in a child or an adolescent, significant inability to develop expected knowledge,  
323.2 skills, or abilities to adapt to new or changing cognitive, social, emotional, or physical  
323.3 demands.

323.4 (d) The neuropsychological assessment must be completed by a neuropsychologist who:

323.5 (1) was awarded a diploma by the American Board of Clinical Neuropsychology, the  
323.6 American Board of Professional Neuropsychology, or the American Board of Pediatric  
323.7 Neuropsychology;

323.8 (2) earned a doctoral degree in psychology from an accredited university training program  
323.9 and:

323.10 (i) completed an internship or its equivalent in a clinically relevant area of professional  
323.11 psychology;

323.12 (ii) completed the equivalent of two full-time years of experience and specialized training,  
323.13 at least one of which is at the postdoctoral level, supervised by a clinical neuropsychologist  
323.14 in the study and practice of clinical neuropsychology and related neurosciences; and

323.15 (iii) holds a current license to practice psychology independently according to sections  
323.16 144.88 to 144.98;

323.17 (3) is licensed or credentialed by another state's board of psychology examiners in the  
323.18 specialty of neuropsychology using requirements equivalent to requirements specified by  
323.19 one of the boards named in clause (1); or

323.20 (4) was approved by the commissioner as an eligible provider of neuropsychological  
323.21 assessments prior to December 31, 2010.

323.22 Subd. 9. **Neuropsychological testing.** (a) Subject to federal approval, medical assistance  
323.23 covers neuropsychological testing for clients.

323.24 (b) "Neuropsychological testing" means administering standardized tests and measures  
323.25 designed to evaluate the client's ability to attend to, process, interpret, comprehend,  
323.26 communicate, learn, and recall information and use problem solving and judgment.

323.27 (c) Medical assistance covers neuropsychological testing of a client when the client:

323.28 (1) has a significant mental status change that is not a result of a metabolic disorder and  
323.29 that has failed to respond to treatment;

323.30 (2) is a child or adolescent with a significant plateau in expected development of  
323.31 cognitive, social, emotional, or physical function relative to peers;

- 324.1 (3) is a child or adolescent with a significant inability to develop expected knowledge,  
324.2 skills, or abilities to adapt to new or changing cognitive, social, physical, or emotional  
324.3 demands; or
- 324.4 (4) has a significant behavioral change, memory loss, or suspected neuropsychological  
324.5 impairment in addition to functional psychopathology, or other organic brain injury or one  
324.6 of the following:
- 324.7 (i) traumatic brain injury;
- 324.8 (ii) stroke;
- 324.9 (iii) brain tumor;
- 324.10 (iv) substance use disorder;
- 324.11 (v) cerebral anoxic or hypoxic episode;
- 324.12 (vi) central nervous system infection or other infectious disease;
- 324.13 (vii) neoplasms or vascular injury of the central nervous system;
- 324.14 (viii) neurodegenerative disorders;
- 324.15 (ix) demyelinating disease;
- 324.16 (x) extrapyramidal disease;
- 324.17 (xi) exposure to systemic or intrathecal agents or cranial radiation known to be associated  
324.18 with cerebral dysfunction;
- 324.19 (xii) systemic medical conditions known to be associated with cerebral dysfunction,  
324.20 including renal disease, hepatic encephalopathy, cardiac anomaly, sickle cell disease, and  
324.21 related hematologic anomalies, and autoimmune disorders, including lupus, erythematosus,  
324.22 or celiac disease;
- 324.23 (xiii) congenital genetic or metabolic disorders known to be associated with cerebral  
324.24 dysfunction, including phenylketonuria, craniofacial syndromes, or congenital hydrocephalus;
- 324.25 (xiv) severe or prolonged nutrition or malabsorption syndromes; or
- 324.26 (xv) a condition presenting in a manner difficult for a clinician to distinguish between  
324.27 the neurocognitive effects of a neurogenic syndrome, including dementia or encephalopathy;  
324.28 and a major depressive disorder when adequate treatment for major depressive disorder has  
324.29 not improved the client's neurocognitive functioning; or another disorder, including autism,  
324.30 selective mutism, anxiety disorder, or reactive attachment disorder.

325.1 (d) Neuropsychological testing must be administered or clinically supervised by a  
325.2 qualified neuropsychologist under subdivision 8, paragraph (c).

325.3 (e) Medical assistance does not cover neuropsychological testing of a client when the  
325.4 testing is:

325.5 (1) primarily for educational purposes;

325.6 (2) primarily for vocational counseling or training;

325.7 (3) for personnel or employment testing;

325.8 (4) a routine battery of psychological tests given to the client at the client's inpatient  
325.9 admission or during a client's continued inpatient stay; or

325.10 (5) for legal or forensic purposes.

325.11 Subd. 10. **Psychological testing.** (a) Subject to federal approval, medical assistance  
325.12 covers psychological testing of a client.

325.13 (b) "Psychological testing" means the use of tests or other psychometric instruments to  
325.14 determine the status of a client's mental, intellectual, and emotional functioning.

325.15 (c) The psychological testing must:

325.16 (1) be administered or supervised by a licensed psychologist qualified under section  
325.17 245I.04, subdivision 2, clause (3), who is competent in the area of psychological testing;  
325.18 and

325.19 (2) be validated in a face-to-face interview between the client and a licensed psychologist  
325.20 or a clinical trainee in psychology under the treatment supervision of a licensed psychologist  
325.21 under section 245I.06.

325.22 (d) A licensed psychologist must supervise the administration, scoring, and interpretation  
325.23 of a client's psychological tests when a clinical psychology trainee, technician, psychometrist,  
325.24 or psychological assistant or a computer-assisted psychological testing program completes  
325.25 the psychological testing of the client. The report resulting from the psychological testing  
325.26 must be signed by the licensed psychologist who conducts the face-to-face interview with  
325.27 the client. The licensed psychologist or a staff person who is under treatment supervision  
325.28 must place the client's psychological testing report in the client's record and release one  
325.29 copy of the report to the client and additional copies to individuals authorized by the client  
325.30 to receive the report.

325.31 Subd. 11. **Psychotherapy.** (a) Subject to federal approval, medical assistance covers  
325.32 psychotherapy for a client.

326.1 (b) "Psychotherapy" means treatment of a client with mental illness that applies to the  
326.2 most appropriate psychological, psychiatric, psychosocial, or interpersonal method that  
326.3 conforms to prevailing community standards of professional practice to meet the mental  
326.4 health needs of the client. Medical assistance covers psychotherapy if a mental health  
326.5 professional or a clinical trainee provides psychotherapy to a client.

326.6 (c) "Individual psychotherapy" means psychotherapy that a mental health professional  
326.7 or clinical trainee designs for a client.

326.8 (d) "Family psychotherapy" means psychotherapy that a mental health professional or  
326.9 clinical trainee designs for a client and one or more of the client's family members or primary  
326.10 caregiver whose participation is necessary to accomplish the client's treatment goals. Family  
326.11 members or primary caregivers participating in a therapy session do not need to be eligible  
326.12 for medical assistance for medical assistance to cover family psychotherapy. For purposes  
326.13 of this paragraph, "primary caregiver whose participation is necessary to accomplish the  
326.14 client's treatment goals" excludes shift or facility staff persons who work at the client's  
326.15 residence. Medical assistance payments for family psychotherapy are limited to face-to-face  
326.16 sessions during which the client is present throughout the session, unless the mental health  
326.17 professional or clinical trainee believes that the client's exclusion from the family  
326.18 psychotherapy session is necessary to meet the goals of the client's individual treatment  
326.19 plan. If the client is excluded from a family psychotherapy session, a mental health  
326.20 professional or clinical trainee must document the reason for the client's exclusion and the  
326.21 length of time that the client is excluded. The mental health professional must also document  
326.22 any reason that a member of the client's family is excluded from a psychotherapy session.

326.23 (e) Group psychotherapy is appropriate for a client who, because of the nature of the  
326.24 client's emotional, behavioral, or social dysfunctions, can benefit from treatment in a group  
326.25 setting. For a group of three to eight clients, at least one mental health professional or clinical  
326.26 trainee must provide psychotherapy to the group. For a group of nine to 12 clients, a team  
326.27 of at least two mental health professionals or two clinical trainees or one mental health  
326.28 professional and one clinical trainee must provide psychotherapy to the group. Medical  
326.29 assistance will cover group psychotherapy for a group of no more than 12 persons.

326.30 (f) A multiple-family group psychotherapy session is eligible for medical assistance if  
326.31 a mental health professional or clinical trainee designs the psychotherapy session for at least  
326.32 two but not more than five families. A mental health professional or clinical trainee must  
326.33 design multiple-family group psychotherapy sessions to meet the treatment needs of each  
326.34 client. If the client is excluded from a psychotherapy session, the mental health professional  
326.35 or clinical trainee must document the reason for the client's exclusion and the length of time

327.1 that the client was excluded. The mental health professional or clinical trainee must document  
327.2 any reason that a member of the client's family was excluded from a psychotherapy session.

327.3 Subd. 12. **Partial hospitalization.** (a) Subject to federal approval, medical assistance  
327.4 covers a client's partial hospitalization.

327.5 (b) "Partial hospitalization" means a provider's time-limited, structured program of  
327.6 psychotherapy and other therapeutic services, as defined in United States Code, title 42,  
327.7 chapter 7, subchapter XVIII, part E, section 1395x(ff), that a multidisciplinary staff person  
327.8 provides in an outpatient hospital facility or community mental health center that meets  
327.9 Medicare requirements to provide partial hospitalization services to a client.

327.10 (c) Partial hospitalization is an appropriate alternative to inpatient hospitalization for a  
327.11 client who is experiencing an acute episode of mental illness who meets the criteria for an  
327.12 inpatient hospital admission under Minnesota Rules, part 9505.0520, subpart 1, and who  
327.13 has family and community resources that support the client's residence in the community.  
327.14 Partial hospitalization consists of multiple intensive short-term therapeutic services for a  
327.15 client that a multidisciplinary staff person provides to a client to treat the client's mental  
327.16 illness.

327.17 Subd. 13. **Diagnostic assessments.** Subject to federal approval, medical assistance covers  
327.18 a client's diagnostic assessments that a mental health professional or clinical trainee completes  
327.19 under section 245I.10.

327.20 Sec. 18. **DIRECTION TO COMMISSIONER; SINGLE COMPREHENSIVE**  
327.21 **LICENSE STRUCTURE.**

327.22 The commissioner of human services, in consultation with stakeholders including  
327.23 counties, tribes, managed care organizations, provider organizations, advocacy groups, and  
327.24 clients and clients' families, shall develop recommendations to develop a single  
327.25 comprehensive licensing structure for mental health service programs, including outpatient  
327.26 and residential services for adults and children. The recommendations must prioritize  
327.27 program integrity, the welfare of clients and clients' families, improved integration of mental  
327.28 health and substance use disorder services, and the reduction of administrative burden on  
327.29 providers.

328.1 Sec. 19. **EFFECTIVE DATE.**

328.2 This article is effective July 1, 2022, or upon federal approval, whichever is later. The  
328.3 commissioner of human services shall notify the revisor of statutes when federal approval  
328.4 is obtained.

328.5 **ARTICLE 10**328.6 **CRISIS RESPONSE SERVICES**

328.7 Section 1. Minnesota Statutes 2020, section 245.469, subdivision 1, is amended to read:

328.8 Subdivision 1. **Availability of emergency services.** ~~By July 1, 1988,~~ (a) County boards  
328.9 must provide or contract for enough emergency services within the county to meet the needs  
328.10 of adults, children, and families in the county who are experiencing an emotional crisis or  
328.11 mental illness. ~~Clients may be required to pay a fee according to section 245.481.~~ Emergency  
328.12 service providers must not delay the timely provision of emergency services to a client  
328.13 because of the unwillingness or inability of the client to pay for services. Emergency services  
328.14 must include assessment, crisis intervention, and appropriate case disposition. Emergency  
328.15 services must:

328.16 (1) promote the safety and emotional stability of ~~adults with mental illness or emotional~~  
328.17 ~~crises~~ each client;

328.18 (2) minimize further deterioration of ~~adults with mental illness or emotional crises~~ each  
328.19 client;

328.20 (3) help ~~adults with mental illness or emotional crises~~ each client to obtain ongoing care  
328.21 and treatment; ~~and~~

328.22 (4) prevent placement in settings that are more intensive, costly, or restrictive than  
328.23 necessary and appropriate to meet client needs; and

328.24 (5) provide support, psychoeducation, and referrals to each client's family members,  
328.25 service providers, and other third parties on behalf of the client in need of emergency  
328.26 services.

328.27 (b) If a county provides engagement services under section 253B.041, the county's  
328.28 emergency service providers must refer clients to engagement services when the client  
328.29 meets the criteria for engagement services.

329.1 Sec. 2. Minnesota Statutes 2020, section 245.469, subdivision 2, is amended to read:

329.2 Subd. 2. **Specific requirements.** (a) The county board shall require that all service  
329.3 providers of emergency services to adults with mental illness provide immediate direct  
329.4 access to a mental health professional during regular business hours. For evenings, weekends,  
329.5 and holidays, the service may be by direct toll-free telephone access to a mental health  
329.6 professional, a clinical trainee, or mental health practitioner, ~~or until January 1, 1991, a~~  
329.7 ~~designated person with training in human services who receives clinical supervision from~~  
329.8 ~~a mental health professional.~~

329.9 (b) The commissioner may waive the requirement in paragraph (a) that the evening,  
329.10 weekend, and holiday service be provided by a mental health professional, clinical trainee,  
329.11 ~~or mental health practitioner after January 1, 1991,~~ if the county documents that:

329.12 (1) mental health professionals, clinical trainees, or mental health practitioners are  
329.13 unavailable to provide this service;

329.14 (2) services are provided by a designated person with training in human services who  
329.15 receives ~~clinical~~ treatment supervision from a mental health professional; and

329.16 (3) the service provider is not also the provider of fire and public safety emergency  
329.17 services.

329.18 (c) The commissioner may waive the requirement in paragraph (b), clause (3), that the  
329.19 evening, weekend, and holiday service not be provided by the provider of fire and public  
329.20 safety emergency services if:

329.21 (1) every person who will be providing the first telephone contact has received at least  
329.22 eight hours of training on emergency mental health services ~~reviewed by the state advisory~~  
329.23 ~~council on mental health and then~~ approved by the commissioner;

329.24 (2) every person who will be providing the first telephone contact will annually receive  
329.25 at least four hours of continued training on emergency mental health services ~~reviewed by~~  
329.26 ~~the state advisory council on mental health and then~~ approved by the commissioner;

329.27 (3) the local social service agency has provided public education about available  
329.28 emergency mental health services and can assure potential users of emergency services that  
329.29 their calls will be handled appropriately;

329.30 (4) the local social service agency agrees to provide the commissioner with accurate  
329.31 data on the number of emergency mental health service calls received;

330.1 (5) the local social service agency agrees to monitor the frequency and quality of  
330.2 emergency services; and

330.3 (6) the local social service agency describes how it will comply with paragraph (d).

330.4 (d) Whenever emergency service during nonbusiness hours is provided by anyone other  
330.5 than a mental health professional, a mental health professional must be available on call for  
330.6 an emergency assessment and crisis intervention services, and must be available for at least  
330.7 telephone consultation within 30 minutes.

330.8 Sec. 3. Minnesota Statutes 2020, section 245.4879, subdivision 1, is amended to read:

330.9 Subdivision 1. **Availability of emergency services.** County boards must provide or  
330.10 contract for ~~enough~~ mental health emergency services ~~within the county to meet the needs~~  
330.11 ~~of children, and children's families when clinically appropriate, in the county who are~~  
330.12 ~~experiencing an emotional crisis or emotional disturbance. The county board shall ensure~~  
330.13 ~~that parents, providers, and county residents are informed about when and how to access~~  
330.14 ~~emergency mental health services for children. A child or the child's parent may be required~~  
330.15 ~~to pay a fee according to section 245.481. Emergency service providers shall not delay the~~  
330.16 ~~timely provision of emergency service because of delays in determining this fee or because~~  
330.17 ~~of the unwillingness or inability of the parent to pay the fee. Emergency services must~~  
330.18 ~~include assessment, crisis intervention, and appropriate case disposition. Emergency services~~  
330.19 ~~must:~~ according to section 245.469.

330.20 ~~(1) promote the safety and emotional stability of children with emotional disturbances~~  
330.21 ~~or emotional crises;~~

330.22 ~~(2) minimize further deterioration of the child with emotional disturbance or emotional~~  
330.23 ~~crisis;~~

330.24 ~~(3) help each child with an emotional disturbance or emotional crisis to obtain ongoing~~  
330.25 ~~care and treatment; and~~

330.26 ~~(4) prevent placement in settings that are more intensive, costly, or restrictive than~~  
330.27 ~~necessary and appropriate to meet the child's needs.~~

330.28 Sec. 4. Minnesota Statutes 2020, section 256B.0624, is amended to read:

330.29 **256B.0624 ADULT CRISIS RESPONSE SERVICES COVERED.**

330.30 Subdivision 1. **Scope.** ~~Medical assistance covers adult mental health crisis response~~  
330.31 ~~services as defined in subdivision 2, paragraphs (e) to (e), (a)~~ Subject to federal approval,

331.1 ~~if provided to a recipient as defined in subdivision 3 and provided by a qualified provider~~  
331.2 ~~entity as defined in this section and by a qualified individual provider working within the~~  
331.3 ~~provider's scope of practice and as defined in this subdivision and identified in the recipient's~~  
331.4 ~~individual crisis treatment plan as defined in subdivision 11 and if determined to be medically~~  
331.5 ~~necessary~~ medical assistance covers medically necessary crisis response services when the  
331.6 services are provided according to the standards in this section.

331.7 (b) Subject to federal approval, medical assistance covers medically necessary residential  
331.8 crisis stabilization for adults when the services are provided by an entity licensed under and  
331.9 meeting the standards in section 245I.23 or an entity with an adult foster care license meeting  
331.10 the standards in this section.

331.11 (c) The provider entity must make reasonable and good faith efforts to report individual  
331.12 client outcomes to the commissioner using instruments and protocols approved by the  
331.13 commissioner.

331.14 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
331.15 given them.

331.16 ~~(a) "Mental health crisis" is an adult behavioral, emotional, or psychiatric situation~~  
331.17 ~~which, but for the provision of crisis response services, would likely result in significantly~~  
331.18 ~~reduced levels of functioning in primary activities of daily living, or in an emergency~~  
331.19 ~~situation, or in the placement of the recipient in a more restrictive setting, including, but~~  
331.20 ~~not limited to, inpatient hospitalization.~~

331.21 ~~(b) "Mental health emergency" is an adult behavioral, emotional, or psychiatric situation~~  
331.22 ~~which causes an immediate need for mental health services and is consistent with section~~  
331.23 ~~62Q.55.~~

331.24 ~~A mental health crisis or emergency is determined for medical assistance service~~  
331.25 ~~reimbursement by a physician, a mental health professional, or crisis mental health~~  
331.26 ~~practitioner with input from the recipient whenever possible.~~

331.27 (a) "Certified rehabilitation specialist" means a staff person who is qualified under section  
331.28 245I.04, subdivision 8.

331.29 (b) "Clinical trainee" means a staff person who is qualified under section 245I.04,  
331.30 subdivision 6.

331.31 ~~(c) "Mental health Crisis assessment" means an immediate face-to-face assessment by~~  
331.32 ~~a physician, a mental health professional, or mental health practitioner under the clinical~~  
331.33 ~~supervision of a mental health professional, following a screening that suggests that the~~

332.1 ~~adult may be experiencing a mental health crisis or mental health emergency situation. It~~  
332.2 ~~includes, when feasible, assessing whether the person might be willing to voluntarily accept~~  
332.3 ~~treatment, determining whether the person has an advance directive, and obtaining~~  
332.4 ~~information and history from involved family members or caretakers~~ a qualified member  
332.5 of a crisis team, as described in subdivision 6a.

332.6 (d) ~~"Mental health mobile Crisis intervention services"~~ means face-to-face, short-term  
332.7 intensive mental health services initiated during a mental health crisis ~~or mental health~~  
332.8 ~~emergency~~ to help the recipient cope with immediate stressors, identify and utilize available  
332.9 resources and strengths, engage in voluntary treatment, and begin to return to the recipient's  
332.10 baseline level of functioning. ~~The services, including screening and treatment plan~~  
332.11 ~~recommendations, must be culturally and linguistically appropriate.~~

332.12 (1) ~~This service is provided on site by a mobile crisis intervention team outside of an~~  
332.13 ~~inpatient hospital setting. Mental health mobile crisis intervention services must be available~~  
332.14 ~~24 hours a day, seven days a week.~~

332.15 (2) ~~The initial screening must consider other available services to determine which~~  
332.16 ~~service intervention would best address the recipient's needs and circumstances.~~

332.17 (3) ~~The mobile crisis intervention team must be available to meet promptly face-to-face~~  
332.18 ~~with a person in mental health crisis or emergency in a community setting or hospital~~  
332.19 ~~emergency room.~~

332.20 (4) ~~The intervention must consist of a mental health crisis assessment and a crisis~~  
332.21 ~~treatment plan.~~

332.22 (5) ~~The team must be available to individuals who are experiencing a co-occurring~~  
332.23 ~~substance use disorder, who do not need the level of care provided in a detoxification facility.~~

332.24 (6) ~~The treatment plan must include recommendations for any needed crisis stabilization~~  
332.25 ~~services for the recipient, including engagement in treatment planning and family~~  
332.26 ~~psychoeducation.~~

332.27 (e) "Crisis screening" means a screening of a client's potential mental health crisis  
332.28 situation under subdivision 6.

332.29 (e) (f) ~~"Mental health Crisis stabilization services"~~ means individualized mental health  
332.30 services provided to a recipient ~~following crisis intervention services~~ which are designed  
332.31 to restore the recipient to the recipient's prior functional level. ~~Mental health Crisis~~  
332.32 stabilization services may be provided in the recipient's home, the home of a family member  
332.33 or friend of the recipient, another community setting, ~~or~~ a short-term supervised, licensed

333.1 residential program, or an emergency department. ~~Mental health crisis stabilization does~~  
 333.2 ~~not include partial hospitalization or day treatment.~~ Mental health Crisis stabilization services  
 333.3 includes family psychoeducation.

333.4 (g) "Crisis team" means the staff of a provider entity who are supervised and prepared  
 333.5 to provide mobile crisis services to a client in a potential mental health crisis situation.

333.6 (h) "Mental health certified family peer specialist" means a staff person who is qualified  
 333.7 under section 245I.04, subdivision 12.

333.8 (i) "Mental health certified peer specialist" means a staff person who is qualified under  
 333.9 section 245I.04, subdivision 10.

333.10 (j) "Mental health crisis" is a behavioral, emotional, or psychiatric situation that, without  
 333.11 the provision of crisis response services, would likely result in significantly reducing the  
 333.12 recipient's levels of functioning in primary activities of daily living, in an emergency situation  
 333.13 under section 62Q.55, or in the placement of the recipient in a more restrictive setting,  
 333.14 including but not limited to inpatient hospitalization.

333.15 (k) "Mental health practitioner" means a staff person who is qualified under section  
 333.16 245I.04, subdivision 4.

333.17 (l) "Mental health professional" means a staff person who is qualified under section  
 333.18 245I.04, subdivision 2.

333.19 (m) "Mental health rehabilitation worker" means a staff person who is qualified under  
 333.20 section 245I.04, subdivision 14.

333.21 (n) "Mobile crisis services" means screening, assessment, intervention, and community  
 333.22 based stabilization, excluding residential crisis stabilization, that is provided to a recipient.

333.23 Subd. 3. **Eligibility.** ~~An eligible recipient is an individual who:~~

333.24 ~~(1) is age 18 or older;~~

333.25 ~~(2) is screened as possibly experiencing a mental health crisis or emergency where a~~  
 333.26 ~~mental health crisis assessment is needed; and~~

333.27 ~~(3) is assessed as experiencing a mental health crisis or emergency, and mental health~~  
 333.28 ~~crisis intervention or crisis intervention and stabilization services are determined to be~~  
 333.29 ~~medically necessary.~~

333.30 (a) A recipient is eligible for crisis assessment services when the recipient has screened  
 333.31 positive for a potential mental health crisis during a crisis screening.

334.1 (b) A recipient is eligible for crisis intervention services and crisis stabilization services  
334.2 when the recipient has been assessed during a crisis assessment to be experiencing a mental  
334.3 health crisis.

334.4 Subd. 4. **Provider entity standards.** (a) ~~A provider entity is an entity that meets the~~  
334.5 ~~standards listed in paragraph (c) and~~ mobile crisis provider must be:

334.6 (1) ~~is~~ a county board operated entity; ~~or~~

334.7 (2) an Indian health services facility or facility owned and operated by a tribe or tribal  
334.8 organization operating under United States Code, title 325, section 450f; or

334.9 ~~(2) is~~ (3) a provider entity that is under contract with the county board in the county  
334.10 where the potential crisis or emergency is occurring. To provide services under this section,  
334.11 the provider entity must directly provide the services; or if services are subcontracted, the  
334.12 provider entity must maintain responsibility for services and billing.

334.13 (b) A mobile crisis provider must meet the following standards:

334.14 (1) must ensure that crisis screenings, crisis assessments, and crisis intervention services  
334.15 are available to a recipient 24 hours a day, seven days a week;

334.16 (2) must be able to respond to a call for services in a designated service area or according  
334.17 to a written agreement with the local mental health authority for an adjacent area;

334.18 (3) must have at least one mental health professional on staff at all times and at least  
334.19 one additional staff member capable of leading a crisis response in the community; and

334.20 (4) must provide the commissioner with information about the number of requests for  
334.21 service, the number of people that the provider serves face-to-face, outcomes, and the  
334.22 protocols that the provider uses when deciding when to respond in the community.

334.23 ~~(b) (c)~~ (c) A provider entity that provides crisis stabilization services in a residential setting  
334.24 under subdivision 7 is not required to meet the requirements of ~~paragraph~~ paragraphs (a);  
334.25 ~~clauses (1) and (2) to (b),~~ but must meet all other requirements of this subdivision.

334.26 ~~(e) The adult mental health~~ (d) A crisis response services provider entity must have the  
334.27 capacity to meet and carry out the standards in section 245I.011, subdivision 5, and the  
334.28 following standards:

334.29 (1) ~~has the capacity to recruit, hire, and manage and train mental health professionals,~~  
334.30 ~~practitioners, and rehabilitation workers~~ ensures that staff persons provide support for a  
334.31 recipient's family and natural supports, by enabling the recipient's family and natural supports  
334.32 to observe and participate in the recipient's treatment, assessments, and planning services;

- 335.1 (2) has adequate administrative ability to ensure availability of services;
- 335.2 ~~(3) is able to ensure adequate preservice and in-service training;~~
- 335.3 ~~(4)~~ (3) is able to ensure that staff providing these services are skilled in the delivery of
- 335.4 mental health crisis response services to recipients;
- 335.5 ~~(5)~~ (4) is able to ensure that staff are ~~capable of~~ implementing culturally specific treatment
- 335.6 identified in the ~~individual~~ crisis treatment plan that is meaningful and appropriate as
- 335.7 determined by the recipient's culture, beliefs, values, and language;
- 335.8 ~~(6)~~ (5) is able to ensure enough flexibility to respond to the changing intervention and
- 335.9 care needs of a recipient as identified by the recipient or family member during the service
- 335.10 partnership between the recipient and providers;
- 335.11 ~~(7)~~ (6) is able to ensure that ~~mental health professionals and mental health practitioners~~
- 335.12 staff have the communication tools and procedures to communicate and consult promptly
- 335.13 about crisis assessment and interventions as services occur;
- 335.14 ~~(8)~~ (7) is able to coordinate these services with county emergency services, community
- 335.15 hospitals, ambulance, transportation services, social services, law enforcement, engagement
- 335.16 services, and mental health crisis services through regularly scheduled interagency meetings;
- 335.17 ~~(9) is able to ensure that mental health crisis assessment and mobile crisis intervention~~
- 335.18 ~~services are available 24 hours a day, seven days a week;~~
- 335.19 ~~(10)~~ (8) is able to ensure that services are coordinated with other ~~mental~~ behavioral
- 335.20 health service providers, county mental health authorities, or federally recognized American
- 335.21 Indian authorities and others as necessary, with the consent of the ~~adult~~ recipient or parent
- 335.22 or guardian. Services must also be coordinated with the recipient's case manager if the ~~adult~~
- 335.23 recipient is receiving case management services;
- 335.24 ~~(11)~~ (9) is able to ensure that crisis intervention services are provided in a manner
- 335.25 consistent with sections 245.461 to 245.486 and 245.487 to 245.4879;
- 335.26 ~~(12) is able to submit information as required by the state;~~
- 335.27 ~~(13) maintains staff training and personnel files;~~
- 335.28 (10) is able to coordinate detoxification services for the recipient according to Minnesota
- 335.29 Rules, parts 9530.6605 to 9530.6655, or withdrawal management according to chapter 245F;
- 335.30 ~~(14)~~ (11) is able to establish and maintain a quality assurance and evaluation plan to
- 335.31 evaluate the outcomes of services and recipient satisfaction; and

336.1 ~~(15) is able to keep records as required by applicable laws;~~

336.2 ~~(16) is able to comply with all applicable laws and statutes;~~

336.3 ~~(17)~~ (12) is an enrolled medical assistance provider; ~~and.~~

336.4 ~~(18) develops and maintains written policies and procedures regarding service provision~~  
336.5 ~~and administration of the provider entity, including safety of staff and recipients in high-risk~~  
336.6 ~~situations.~~

336.7 Subd. 4a. **Alternative provider standards.** If a county or tribe demonstrates that, due  
336.8 to geographic or other barriers, it is not feasible to provide mobile crisis intervention services  
336.9 according to the standards in subdivision 4, paragraph ~~(e)~~, ~~clause (9)~~ (b), the commissioner  
336.10 may approve a crisis response provider based on an alternative plan proposed by a county  
336.11 or ~~group of counties~~ tribe. The alternative plan must:

336.12 (1) result in increased access and a reduction in disparities in the availability of mobile  
336.13 crisis services;

336.14 (2) provide mobile crisis services outside of the usual nine-to-five office hours and on  
336.15 weekends and holidays; and

336.16 (3) comply with standards for emergency mental health services in section 245.469.

336.17 Subd. 5. **Mobile Crisis assessment and intervention staff qualifications.** ~~For provision~~  
336.18 ~~of adult mental health mobile crisis intervention services, a mobile crisis intervention team~~  
336.19 ~~is comprised of at least two mental health professionals as defined in section 245.462,~~  
336.20 ~~subdivision 18, clauses (1) to (6), or a combination of at least one mental health professional~~  
336.21 ~~and one mental health practitioner as defined in section 245.462, subdivision 17, with the~~  
336.22 ~~required mental health crisis training and under the clinical supervision of a mental health~~  
336.23 ~~professional on the team. The team must have at least two people with at least one member~~  
336.24 ~~providing on-site crisis intervention services when needed. (a) Qualified individual staff of~~  
336.25 a qualified provider entity must provide crisis assessment and intervention services to a  
336.26 recipient. A staff member providing crisis assessment and intervention services to a recipient  
336.27 must be qualified as a:

336.28 (1) mental health professional;

336.29 (2) clinical trainee;

336.30 (3) mental health practitioner;

336.31 (4) mental health certified family peer specialist; or

336.32 (5) mental health certified peer specialist.

337.1 (b) When crisis assessment and intervention services are provided to a recipient in the  
337.2 community, a mental health professional, clinical trainee, or mental health practitioner must  
337.3 lead the response.

337.4 (c) The 30 hours of ongoing training required by section 245I.05, subdivision 4, paragraph  
337.5 (b), must be specific to providing crisis services to children and adults and include training  
337.6 about evidence-based practices identified by the commissioner of health to reduce the  
337.7 recipient's risk of suicide and self-injurious behavior.

337.8 (d) Team members must be experienced in ~~mental health~~ crisis assessment, crisis  
337.9 intervention techniques, treatment engagement strategies, working with families, and clinical  
337.10 decision-making under emergency conditions and have knowledge of local services and  
337.11 resources. ~~The team must recommend and coordinate the team's services with appropriate~~  
337.12 ~~local resources such as the county social services agency, mental health services, and local~~  
337.13 ~~law enforcement when necessary.~~

337.14 **Subd. 6. ~~Crisis assessment and mobile intervention treatment planning screening.~~ (a)**  
337.15 ~~Prior to initiating mobile crisis intervention services, a screening of the potential crisis~~  
337.16 ~~situation must be conducted. The crisis screening may use the resources of ~~crisis assistance~~~~  
337.17 ~~and emergency services as defined in ~~sections 245.462, subdivision 6, and section 245.469,~~~~  
337.18 ~~subdivisions 1 and 2. The crisis screening must gather information, determine whether a~~  
337.19 ~~mental health crisis situation exists, identify parties involved, and determine an appropriate~~  
337.20 ~~response.~~

337.21 (b) When conducting the crisis screening of a recipient, a provider must:

337.22 (1) employ evidence-based practices to reduce the recipient's risk of suicide and  
337.23 self-injurious behavior;

337.24 (2) work with the recipient to establish a plan and time frame for responding to the  
337.25 recipient's mental health crisis, including responding to the recipient's immediate need for  
337.26 support by telephone or text message until the provider can respond to the recipient  
337.27 face-to-face;

337.28 (3) document significant factors in determining whether the recipient is experiencing a  
337.29 mental health crisis, including prior requests for crisis services, a recipient's recent  
337.30 presentation at an emergency department, known calls to 911 or law enforcement, or  
337.31 information from third parties with knowledge of a recipient's history or current needs;

337.32 (4) accept calls from interested third parties and consider the additional needs or potential  
337.33 mental health crises that the third parties may be experiencing;

338.1 (5) provide psychoeducation, including means reduction, to relevant third parties  
338.2 including family members or other persons living with the recipient; and

338.3 (6) consider other available services to determine which service intervention would best  
338.4 address the recipient's needs and circumstances.

338.5 (c) For the purposes of this section, the following situations indicate a positive screen  
338.6 for a potential mental health crisis and the provider must prioritize providing a face-to-face  
338.7 crisis assessment of the recipient, unless a provider documents specific evidence to show  
338.8 why this was not possible, including insufficient staffing resources, concerns for staff or  
338.9 recipient safety, or other clinical factors:

338.10 (1) the recipient presents at an emergency department or urgent care setting and the  
338.11 health care team at that location requested crisis services; or

338.12 (2) a peace officer requested crisis services for a recipient who is potentially subject to  
338.13 transportation under section 253B.051.

338.14 (d) A provider is not required to have direct contact with the recipient to determine that  
338.15 the recipient is experiencing a potential mental health crisis. A mobile crisis provider may  
338.16 gather relevant information about the recipient from a third party to establish the recipient's  
338.17 need for services and potential safety factors.

338.18 Subd. 6a. Crisis assessment. ~~(b)~~ (a) If a ~~crisis exists~~ recipient screens positive for  
338.19 potential mental health crisis, a crisis assessment must be completed. A crisis assessment  
338.20 evaluates any immediate needs for which ~~emergency~~ services are needed and, as time  
338.21 permits, the recipient's current life situation, health information, including current  
338.22 medications, sources of stress, mental health problems and symptoms, strengths, cultural  
338.23 considerations, support network, vulnerabilities, current functioning, and the recipient's  
338.24 preferences as communicated directly by the recipient, or as communicated in a health care  
338.25 directive as described in chapters 145C and 253B, the crisis treatment plan described under  
338.26 ~~paragraph (d)~~ subdivision 11, a crisis prevention plan, or a wellness recovery action plan.

338.27 (b) A provider must conduct a crisis assessment at the recipient's location whenever  
338.28 possible.

338.29 (c) Whenever possible, the assessor must attempt to include input from the recipient and  
338.30 the recipient's family and other natural supports to assess whether a crisis exists.

338.31 (d) A crisis assessment includes determining: (1) whether the recipient is willing to  
338.32 voluntarily engage in treatment or (2) has an advance directive and (3) gathering the  
338.33 recipient's information and history from involved family or other natural supports.

339.1 (e) A crisis assessment must include coordinated response with other health care providers  
339.2 if the assessment indicates that a recipient needs detoxification, withdrawal management,  
339.3 or medical stabilization in addition to crisis response services. If the recipient does not need  
339.4 an acute level of care, a team must serve an otherwise eligible recipient who has a  
339.5 co-occurring substance use disorder.

339.6 (f) If, after completing a crisis assessment of a recipient, a provider refers a recipient to  
339.7 an intensive setting, including an emergency department, inpatient hospitalization, or  
339.8 residential crisis stabilization, one of the crisis team members who completed or conferred  
339.9 about the recipient's crisis assessment must immediately contact the referral entity and  
339.10 consult with the triage nurse or other staff responsible for intake at the referral entity. During  
339.11 the consultation, the crisis team member must convey key findings or concerns that led to  
339.12 the recipient's referral. Following the immediate consultation, the provider must also send  
339.13 written documentation upon completion. The provider must document if these releases  
339.14 occurred with authorization by the recipient, the recipient's legal guardian, or as allowed  
339.15 by section 144.293, subdivision 5.

339.16 Subd. 6b. Crisis intervention services. ~~(e)~~ (a) If the crisis assessment determines mobile  
339.17 crisis intervention services are needed, the crisis intervention services must be provided  
339.18 promptly. As opportunity presents during the intervention, at least two members of the  
339.19 mobile crisis intervention team must confer directly or by telephone about the crisis  
339.20 assessment, crisis treatment plan, and actions taken and needed. At least one of the team  
339.21 members must be on-site providing face-to-face crisis intervention services. If providing  
339.22 on-site crisis intervention services, a clinical trainee or mental health practitioner must seek  
339.23 clinical treatment supervision as required in subdivision 9.

339.24 (b) If a provider delivers crisis intervention services while the recipient is absent, the  
339.25 provider must document the reason for delivering services while the recipient is absent.

339.26 ~~(d)~~ (c) The mobile crisis intervention team must develop an initial, brief a crisis treatment  
339.27 plan as soon as appropriate but no later than 24 hours after the initial face-to-face intervention  
339.28 according to subdivision 11. The plan must address the needs and problems noted in the  
339.29 crisis assessment and include measurable short-term goals, cultural considerations, and  
339.30 frequency and type of services to be provided to achieve the goals and reduce or eliminate  
339.31 the crisis. The treatment plan must be updated as needed to reflect current goals and services.

339.32 ~~(e)~~ (d) The mobile crisis intervention team must document which short-term goals crisis  
339.33 treatment plan goals and objectives have been met and when no further crisis intervention  
339.34 services are required.

340.1 ~~(f)~~ (e) If the recipient's mental health crisis is stabilized, but the recipient needs a referral  
340.2 to other services, the team must provide referrals to these services. If the recipient has a  
340.3 case manager, planning for other services must be coordinated with the case manager. If  
340.4 the recipient is unable to follow up on the referral, the team must link the recipient to the  
340.5 service and follow up to ensure the recipient is receiving the service.

340.6 ~~(g)~~ (f) If the recipient's mental health crisis is stabilized and the recipient does not have  
340.7 an advance directive, the case manager or crisis team shall offer to work with the recipient  
340.8 to develop one.

340.9 Subd. 7. **Crisis stabilization services.** (a) Crisis stabilization services must be provided  
340.10 by qualified staff of a crisis stabilization services provider entity and must meet the following  
340.11 standards:

340.12 (1) a crisis ~~stabilization~~ treatment plan must be developed ~~which~~ that meets the criteria  
340.13 in subdivision 11;

340.14 (2) staff must be qualified as defined in subdivision 8; ~~and~~

340.15 (3) crisis stabilization services must be delivered according to the crisis treatment plan  
340.16 and include face-to-face contact with the recipient by qualified staff for further assessment,  
340.17 help with referrals, updating of the crisis ~~stabilization~~ treatment plan, ~~supportive counseling,~~  
340.18 skills training, and collaboration with other service providers in the community; and

340.19 (4) if a provider delivers crisis stabilization services while the recipient is absent, the  
340.20 provider must document the reason for delivering services while the recipient is absent.

340.21 ~~(b) If crisis stabilization services are provided in a supervised, licensed residential setting,~~  
340.22 ~~the recipient must be contacted face-to-face daily by a qualified mental health practitioner~~  
340.23 ~~or mental health professional. The program must have 24-hour-a-day residential staffing~~  
340.24 ~~which may include staff who do not meet the qualifications in subdivision 8. The residential~~  
340.25 ~~staff must have 24-hour-a-day immediate direct or telephone access to a qualified mental~~  
340.26 ~~health professional or practitioner.~~

340.27 ~~(e)~~ (b) If crisis stabilization services are provided in a supervised, licensed residential  
340.28 setting that serves no more than four adult residents, and one or more individuals are present  
340.29 at the setting to receive residential crisis stabilization ~~services~~, the residential staff must  
340.30 include, for at least eight hours per day, at least one ~~individual who meets the qualifications~~  
340.31 ~~in subdivision 8, paragraph (a), clause (1) or (2)~~ mental health professional, clinical trainee,  
340.32 certified rehabilitation specialist, or mental health practitioner.

341.1 ~~(d) If crisis stabilization services are provided in a supervised, licensed residential setting~~  
341.2 ~~that serves more than four adult residents, and one or more are recipients of crisis stabilization~~  
341.3 ~~services, the residential staff must include, for 24 hours a day, at least one individual who~~  
341.4 ~~meets the qualifications in subdivision 8. During the first 48 hours that a recipient is in the~~  
341.5 ~~residential program, the residential program must have at least two staff working 24 hours~~  
341.6 ~~a day. Staffing levels may be adjusted thereafter according to the needs of the recipient as~~  
341.7 ~~specified in the crisis stabilization treatment plan.~~

341.8 Subd. 8. **Adult Crisis stabilization staff qualifications.** (a) ~~Adult~~ Mental health crisis  
341.9 stabilization services must be provided by qualified individual staff of a qualified provider  
341.10 entity. ~~Individual provider staff must have the following qualifications~~ A staff member  
341.11 providing crisis stabilization services to a recipient must be qualified as a:

341.12 ~~(1) be a mental health professional as defined in section 245.462, subdivision 18, clauses~~  
341.13 ~~(1) to (6);~~

341.14 ~~(2) be a~~ certified rehabilitation specialist;

341.15 ~~(3) clinical trainee;~~

341.16 ~~(4) mental health practitioner as defined in section 245.462, subdivision 17. The mental~~  
341.17 ~~health practitioner must work under the clinical supervision of a mental health professional;~~

341.18 ~~(5) mental health certified family peer specialist;~~

341.19 ~~(3) be a~~ (6) mental health certified peer specialist under section 256B.0615. The certified  
341.20 peer specialist must work under the clinical supervision of a mental health professional; or

341.21 ~~(4) be a~~ (7) mental health rehabilitation worker who meets the criteria in section  
341.22 256B.0623, subdivision 5, paragraph (a), clause (4); works under the direction of a mental  
341.23 health practitioner as defined in section 245.462, subdivision 17, or under direction of a  
341.24 mental health professional; and works under the clinical supervision of a mental health  
341.25 professional.

341.26 ~~(b) Mental health practitioners and mental health rehabilitation workers must have~~  
341.27 ~~completed at least 30 hours of training in crisis intervention and stabilization during the~~  
341.28 ~~past two years. The 30 hours of ongoing training required in section 245I.05, subdivision~~  
341.29 ~~4, paragraph (b), must be specific to providing crisis services to children and adults and~~  
341.30 ~~include training about evidence-based practices identified by the commissioner of health~~  
341.31 ~~to reduce a recipient's risk of suicide and self-injurious behavior.~~

342.1 Subd. 9. **Supervision.** Clinical trainees and mental health practitioners may provide  
342.2 crisis assessment and ~~mobile~~ crisis intervention services if the following ~~clinical~~ treatment  
342.3 supervision requirements are met:

342.4 (1) the mental health provider entity must accept full responsibility for the services  
342.5 provided;

342.6 (2) the mental health professional of the provider entity, ~~who is an employee or under~~  
342.7 ~~contract with the provider entity,~~ must be immediately available by phone or in person for  
342.8 clinical treatment supervision;

342.9 (3) the mental health professional is consulted, in person or by phone, during the first  
342.10 three hours when a clinical trainee or mental health practitioner provides on-site service  
342.11 crisis assessment or crisis intervention services; and

342.12 (4) the mental health professional must:

342.13 (i) review and approve, as defined in section 245I.02, subdivision 2, of the tentative  
342.14 crisis assessment and crisis treatment plan within 24 hours of first providing services to the  
342.15 recipient, notwithstanding section 245I.08, subdivision 3; and

342.16 (ii) document the consultation required in clause (3); and

342.17 (iii) ~~sign the crisis assessment and treatment plan within the next business day;~~

342.18 (5) ~~if the mobile crisis intervention services continue into a second calendar day, a mental~~  
342.19 ~~health professional must contact the recipient face-to-face on the second day to provide~~  
342.20 ~~services and update the crisis treatment plan;~~ and

342.21 (6) ~~the on-site observation must be documented in the recipient's record and signed by~~  
342.22 ~~the mental health professional.~~

342.23 Subd. 10. **Recipient file.** ~~Providers of mobile crisis intervention or crisis stabilization~~  
342.24 ~~services must maintain a file for each recipient containing the following information:~~

342.25 (1) ~~individual crisis treatment plans signed by the recipient, mental health professional,~~  
342.26 ~~and mental health practitioner who developed the crisis treatment plan, or if the recipient~~  
342.27 ~~refused to sign the plan, the date and reason stated by the recipient as to why the recipient~~  
342.28 ~~would not sign the plan;~~

342.29 (2) ~~signed release forms;~~

342.30 (3) ~~recipient health information and current medications;~~

342.31 (4) ~~emergency contacts for the recipient;~~

343.1 ~~(5) case records which document the date of service, place of service delivery, signature~~  
343.2 ~~of the person providing the service, and the nature, extent, and units of service. Direct or~~  
343.3 ~~telephone contact with the recipient's family or others should be documented;~~

343.4 ~~(6) required clinical supervision by mental health professionals;~~

343.5 ~~(7) summary of the recipient's case reviews by staff;~~

343.6 ~~(8) any written information by the recipient that the recipient wants in the file; and~~

343.7 ~~(9) an advance directive, if there is one available.~~

343.8 ~~Documentation in the file must comply with all requirements of the commissioner.~~

343.9 Subd. 11. **Crisis treatment plan.** ~~The individual crisis stabilization treatment plan must~~  
343.10 ~~include, at a minimum:~~

343.11 ~~(1) a list of problems identified in the assessment;~~

343.12 ~~(2) a list of the recipient's strengths and resources;~~

343.13 ~~(3) concrete, measurable short-term goals and tasks to be achieved, including time frames~~  
343.14 ~~for achievement;~~

343.15 ~~(4) specific objectives directed toward the achievement of each one of the goals;~~

343.16 ~~(5) documentation of the participants involved in the service planning. The recipient, if~~  
343.17 ~~possible, must be a participant. The recipient or the recipient's legal guardian must sign the~~  
343.18 ~~service plan or documentation must be provided why this was not possible. A copy of the~~  
343.19 ~~plan must be given to the recipient and the recipient's legal guardian. The plan should include~~  
343.20 ~~services arranged, including specific providers where applicable;~~

343.21 ~~(6) planned frequency and type of services initiated;~~

343.22 ~~(7) a crisis response action plan if a crisis should occur;~~

343.23 ~~(8) clear progress notes on outcome of goals;~~

343.24 ~~(9) a written plan must be completed within 24 hours of beginning services with the~~  
343.25 ~~recipient; and~~

343.26 ~~(10) a treatment plan must be developed by a mental health professional or mental health~~  
343.27 ~~practitioner under the clinical supervision of a mental health professional. The mental health~~  
343.28 ~~professional must approve and sign all treatment plans.~~

343.29 (a) Within 24 hours of the recipient's admission, the provider entity must complete the  
343.30 recipient's crisis treatment plan. The provider entity must:

- 344.1 (1) base the recipient's crisis treatment plan on the recipient's crisis assessment;
- 344.2 (2) consider crisis assistance strategies that have been effective for the recipient in the
- 344.3 past;
- 344.4 (3) for a child recipient, use a child-centered, family-driven, and culturally appropriate
- 344.5 planning process that allows the recipient's parents and guardians to observe or participate
- 344.6 in the recipient's individual and family treatment services, assessment, and treatment
- 344.7 planning;
- 344.8 (4) for an adult recipient, use a person-centered, culturally appropriate planning process
- 344.9 that allows the recipient's family and other natural supports to observe or participate in
- 344.10 treatment services, assessment, and treatment planning;
- 344.11 (5) identify the participants involved in the recipient's treatment planning. The recipient,
- 344.12 if possible, must be a participant;
- 344.13 (6) identify the recipient's initial treatment goals, measurable treatment objectives, and
- 344.14 specific interventions that the license holder will use to help the recipient engage in treatment;
- 344.15 (7) include documentation of referral to and scheduling of services, including specific
- 344.16 providers where applicable;
- 344.17 (8) ensure that the recipient or the recipient's legal guardian approves under section
- 344.18 245I.02, subdivision 2, of the recipient's crisis treatment plan unless a court orders the
- 344.19 recipient's treatment plan under chapter 253B. If the recipient or the recipient's legal guardian
- 344.20 disagrees with the crisis treatment plan, the license holder must document in the client file
- 344.21 the reasons why the recipient disagrees with the crisis treatment plan; and
- 344.22 (9) ensure that a treatment supervisor approves under section 245I.02, subdivision 2, of
- 344.23 the recipient's treatment plan within 24 hours of the recipient's admission if a mental health
- 344.24 practitioner or clinical trainee completes the crisis treatment plan, notwithstanding section
- 344.25 245I.08, subdivision 3.
- 344.26 (b) The provider entity must provide the recipient and the recipient's legal guardian with
- 344.27 a copy of the recipient's crisis treatment plan.

344.28 Subd. 12. **Excluded services.** The following services are excluded from reimbursement

344.29 under this section:

344.30 (1) room and board services;

344.31 (2) services delivered to a recipient while admitted to an inpatient hospital;

- 345.1 (3) recipient transportation costs may be covered under other medical assistance  
345.2 provisions, but transportation services are not an adult mental health crisis response service;
- 345.3 (4) services provided and billed by a provider who is not enrolled under medical  
345.4 assistance to provide adult mental health crisis response services;
- 345.5 (5) services performed by volunteers;
- 345.6 (6) direct billing of time spent "on call" when not delivering services to a recipient;
- 345.7 (7) provider service time included in case management reimbursement. When a provider  
345.8 is eligible to provide more than one type of medical assistance service, the recipient must  
345.9 have a choice of provider for each service, unless otherwise provided for by law;
- 345.10 (8) outreach services to potential recipients; ~~and~~
- 345.11 (9) a mental health service that is not medically necessary;
- 345.12 (10) services that a residential treatment center licensed under Minnesota Rules, chapter  
345.13 2960, provides to a client;
- 345.14 (11) partial hospitalization or day treatment; and
- 345.15 (12) a crisis assessment that a residential provider completes when a daily rate is paid  
345.16 for the recipient's crisis stabilization.

345.17 Sec. 5. **EFFECTIVE DATE.**

345.18 This article is effective July 1, 2022, or upon federal approval, whichever is later. The  
345.19 commissioner of human services shall notify the revisor of statutes when federal approval  
345.20 is obtained.

345.21 **ARTICLE 11**

345.22 **MENTAL HEALTH UNIFORM SERVICE STANDARDS; CONFORMING**  
345.23 **CHANGES**

345.24 Section 1. Minnesota Statutes 2020, section 62A.152, subdivision 3, is amended to read:

345.25 Subd. 3. **Provider discrimination prohibited.** All group policies and group subscriber  
345.26 contracts that provide benefits for mental or nervous disorder treatments in a hospital must  
345.27 provide direct reimbursement for those services if performed by a mental health professional,  
345.28 ~~as defined in sections 245.462, subdivision 18, clauses (1) to (5); and 245.4871, subdivision~~  
345.29 ~~27, clauses (1) to (5)~~ qualified according to section 245I.04, subdivision 2, to the extent that  
345.30 the services and treatment are within the scope of mental health professional licensure.

346.1 This subdivision is intended to provide payment of benefits for mental or nervous disorder  
346.2 treatments performed by a licensed mental health professional in a hospital and is not  
346.3 intended to change or add benefits for those services provided in policies or contracts to  
346.4 which this subdivision applies.

346.5 Sec. 2. Minnesota Statutes 2020, section 62A.3094, subdivision 1, is amended to read:

346.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in  
346.7 paragraphs (b) to (d) have the meanings given.

346.8 (b) "Autism spectrum disorders" means the conditions as determined by criteria set forth  
346.9 in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of  
346.10 the American Psychiatric Association.

346.11 (c) "Medically necessary care" means health care services appropriate, in terms of type,  
346.12 frequency, level, setting, and duration, to the enrollee's condition, and diagnostic testing  
346.13 and preventative services. Medically necessary care must be consistent with generally  
346.14 accepted practice parameters as determined by physicians and licensed psychologists who  
346.15 typically manage patients who have autism spectrum disorders.

346.16 (d) "Mental health professional" means a mental health professional ~~as defined in section~~  
346.17 ~~245.4871, subdivision 27~~ who is qualified according to section 245I.04, subdivision 2,  
346.18 clause (1), (2), (3), (4), or (6), who has training and expertise in autism spectrum disorder  
346.19 and child development.

346.20 Sec. 3. Minnesota Statutes 2020, section 62Q.096, is amended to read:

346.21 **62Q.096 CREDENTIALING OF PROVIDERS.**

346.22 If a health plan company has initially credentialed, as providers in its provider network,  
346.23 individual providers employed by or under contract with an entity that:

346.24 (1) is authorized to bill under section 256B.0625, subdivision 5;

346.25 (2) ~~meets the requirements of Minnesota Rules, parts 9520.0750 to 9520.0870~~ is a mental  
346.26 health clinic certified under section 245I.20;

346.27 (3) is designated an essential community provider under section 62Q.19; and

346.28 (4) is under contract with the health plan company to provide mental health services,  
346.29 the health plan company must continue to credential at least the same number of providers  
346.30 from that entity, as long as those providers meet the health plan company's credentialing  
346.31 standards.

347.1 A health plan company shall not refuse to credential these providers on the grounds that  
347.2 their provider network has a sufficient number of providers of that type.

347.3 Sec. 4. Minnesota Statutes 2020, section 144.651, subdivision 2, is amended to read:

347.4 Subd. 2. **Definitions.** For the purposes of this section, "patient" means a person who is  
347.5 admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for  
347.6 the purpose of diagnosis or treatment bearing on the physical or mental health of that person.  
347.7 For purposes of subdivisions 4 to 9, 12, 13, 15, 16, and 18 to 20, "patient" also means a  
347.8 person who receives health care services at an outpatient surgical center or at a birth center  
347.9 licensed under section 144.615. "Patient" also means a minor who is admitted to a residential  
347.10 program as defined in section 253C.01. For purposes of subdivisions 1, 3 to 16, 18, 20 and  
347.11 30, "patient" also means any person who is receiving mental health treatment on an outpatient  
347.12 basis or in a community support program or other community-based program. "Resident"  
347.13 means a person who is admitted to a nonacute care facility including extended care facilities,  
347.14 nursing homes, and boarding care homes for care required because of prolonged mental or  
347.15 physical illness or disability, recovery from injury or disease, or advancing age. For purposes  
347.16 of all subdivisions except subdivisions 28 and 29, "resident" also means a person who is  
347.17 admitted to a facility licensed as a board and lodging facility under Minnesota Rules, parts  
347.18 4625.0100 to 4625.2355, a boarding care home under sections 144.50 to 144.56, or a  
347.19 supervised living facility under Minnesota Rules, parts 4665.0100 to 4665.9900, and which  
347.20 operates a rehabilitation program licensed under chapter 245G or 245I, or Minnesota Rules,  
347.21 parts 9530.6510 to 9530.6590.

347.22 Sec. 5. Minnesota Statutes 2020, section 144D.01, subdivision 4, is amended to read:

347.23 Subd. 4. **Housing with services establishment or establishment.** (a) "Housing with  
347.24 services establishment" or "establishment" means:

347.25 (1) an establishment providing sleeping accommodations to one or more adult residents,  
347.26 at least 80 percent of which are 55 years of age or older, and offering or providing, for a  
347.27 fee, one or more regularly scheduled health-related services or two or more regularly  
347.28 scheduled supportive services, whether offered or provided directly by the establishment  
347.29 or by another entity arranged for by the establishment; or

347.30 (2) an establishment that registers under section 144D.025.

347.31 (b) Housing with services establishment does not include:

347.32 (1) a nursing home licensed under chapter 144A;

348.1 (2) a hospital, certified boarding care home, or supervised living facility licensed under  
348.2 sections 144.50 to 144.56;

348.3 (3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules,  
348.4 parts 9520.0500 to 9520.0670, or under chapter 245D ~~or~~ 245G, or 245I;

348.5 (4) a board and lodging establishment which serves as a shelter for battered women or  
348.6 other similar purpose;

348.7 (5) a family adult foster care home licensed by the Department of Human Services;

348.8 (6) private homes in which the residents are related by kinship, law, or affinity with the  
348.9 providers of services;

348.10 (7) residential settings for persons with developmental disabilities in which the services  
348.11 are licensed under chapter 245D;

348.12 (8) a home-sharing arrangement such as when an elderly or disabled person or  
348.13 single-parent family makes lodging in a private residence available to another person in  
348.14 exchange for services or rent, or both;

348.15 (9) a duly organized condominium, cooperative, common interest community, or owners'  
348.16 association of the foregoing where at least 80 percent of the units that comprise the  
348.17 condominium, cooperative, or common interest community are occupied by individuals  
348.18 who are the owners, members, or shareholders of the units;

348.19 (10) services for persons with developmental disabilities that are provided under a license  
348.20 under chapter 245D; or

348.21 (11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

348.22 Sec. 6. Minnesota Statutes 2020, section 144G.08, subdivision 7, as amended by Laws  
348.23 2020, Seventh Special Session chapter 1, article 6, section 5, is amended to read:

348.24 Subd. 7. **Assisted living facility.** "Assisted living facility" means a facility that provides  
348.25 sleeping accommodations and assisted living services to one or more adults. Assisted living  
348.26 facility includes assisted living facility with dementia care, and does not include:

348.27 (1) emergency shelter, transitional housing, or any other residential units serving  
348.28 exclusively or primarily homeless individuals, as defined under section 116L.361;

348.29 (2) a nursing home licensed under chapter 144A;

348.30 (3) a hospital, certified boarding care, or supervised living facility licensed under sections  
348.31 144.50 to 144.56;

349.1 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts  
349.2 9520.0500 to 9520.0670, or under chapter 245D ~~or~~, 245G, or 245I;

349.3 (5) services and residential settings licensed under chapter 245A, including adult foster  
349.4 care and services and settings governed under the standards in chapter 245D;

349.5 (6) a private home in which the residents are related by kinship, law, or affinity with the  
349.6 provider of services;

349.7 (7) a duly organized condominium, cooperative, and common interest community, or  
349.8 owners' association of the condominium, cooperative, and common interest community  
349.9 where at least 80 percent of the units that comprise the condominium, cooperative, or  
349.10 common interest community are occupied by individuals who are the owners, members, or  
349.11 shareholders of the units;

349.12 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

349.13 (9) a setting offering services conducted by and for the adherents of any recognized  
349.14 church or religious denomination for its members exclusively through spiritual means or  
349.15 by prayer for healing;

349.16 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with  
349.17 low-income housing tax credits pursuant to United States Code, title 26, section 42, and  
349.18 units financed by the Minnesota Housing Finance Agency that are intended to serve  
349.19 individuals with disabilities or individuals who are homeless, except for those developments  
349.20 that market or hold themselves out as assisted living facilities and provide assisted living  
349.21 services;

349.22 (11) rental housing developed under United States Code, title 42, section 1437, or United  
349.23 States Code, title 12, section 1701q;

349.24 (12) rental housing designated for occupancy by only elderly or elderly and disabled  
349.25 residents under United States Code, title 42, section 1437e, or rental housing for qualifying  
349.26 families under Code of Federal Regulations, title 24, section 983.56;

349.27 (13) rental housing funded under United States Code, title 42, chapter 89, or United  
349.28 States Code, title 42, section 8011;

349.29 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

349.30 (15) any establishment that exclusively or primarily serves as a shelter or temporary  
349.31 shelter for victims of domestic or any other form of violence.

350.1 Sec. 7. Minnesota Statutes 2020, section 148B.5301, subdivision 2, is amended to read:

350.2 Subd. 2. **Supervision.** (a) To qualify as a LPCC, an applicant must have completed  
350.3 4,000 hours of post-master's degree supervised professional practice in the delivery of  
350.4 clinical services in the diagnosis and treatment of mental illnesses and disorders in both  
350.5 children and adults. The supervised practice shall be conducted according to the requirements  
350.6 in paragraphs (b) to (e).

350.7 (b) The supervision must have been received under a contract that defines clinical practice  
350.8 and supervision from a mental health professional ~~as defined in section 245.462, subdivision~~  
350.9 ~~18, clauses (1) to (6), or 245.4871, subdivision 27, clauses (1) to (6)~~ who is qualified  
350.10 according to section 245I.04, subdivision 2, or by a board-approved supervisor, who has at  
350.11 least two years of postlicensure experience in the delivery of clinical services in the diagnosis  
350.12 and treatment of mental illnesses and disorders. All supervisors must meet the supervisor  
350.13 requirements in Minnesota Rules, part 2150.5010.

350.14 (c) The supervision must be obtained at the rate of two hours of supervision per 40 hours  
350.15 of professional practice. The supervision must be evenly distributed over the course of the  
350.16 supervised professional practice. At least 75 percent of the required supervision hours must  
350.17 be received in person. The remaining 25 percent of the required hours may be received by  
350.18 telephone or by audio or audiovisual electronic device. At least 50 percent of the required  
350.19 hours of supervision must be received on an individual basis. The remaining 50 percent  
350.20 may be received in a group setting.

350.21 (d) The supervised practice must include at least 1,800 hours of clinical client contact.

350.22 (e) The supervised practice must be clinical practice. Supervision includes the observation  
350.23 by the supervisor of the successful application of professional counseling knowledge, skills,  
350.24 and values in the differential diagnosis and treatment of psychosocial function, disability,  
350.25 or impairment, including addictions and emotional, mental, and behavioral disorders.

350.26 Sec. 8. Minnesota Statutes 2020, section 148E.120, subdivision 2, is amended to read:

350.27 Subd. 2. **Alternate supervisors.** (a) The board may approve an alternate supervisor as  
350.28 determined in this subdivision. The board shall approve up to 25 percent of the required  
350.29 supervision hours by a ~~licensed~~ mental health professional who is competent and qualified  
350.30 to provide supervision according to the mental health professional's respective licensing  
350.31 board, as established by section ~~245.462, subdivision 18, clauses (1) to (6), or 245.4871,~~  
350.32 ~~subdivision 27, clauses (1) to (6)~~ 245I.04, subdivision 2.

351.1 (b) The board shall approve up to 100 percent of the required supervision hours by an  
351.2 alternate supervisor if the board determines that:

351.3 (1) there are five or fewer supervisors in the county where the licensee practices social  
351.4 work who meet the applicable licensure requirements in subdivision 1;

351.5 (2) the supervisor is an unlicensed social worker who is employed in, and provides the  
351.6 supervision in, a setting exempt from licensure by section 148E.065, and who has  
351.7 qualifications equivalent to the applicable requirements specified in sections 148E.100 to  
351.8 148E.115;

351.9 (3) the supervisor is a social worker engaged in authorized social work practice in Iowa,  
351.10 Manitoba, North Dakota, Ontario, South Dakota, or Wisconsin, and has the qualifications  
351.11 equivalent to the applicable requirements in sections 148E.100 to 148E.115; or

351.12 (4) the applicant or licensee is engaged in nonclinical authorized social work practice  
351.13 outside of Minnesota and the supervisor meets the qualifications equivalent to the applicable  
351.14 requirements in sections 148E.100 to 148E.115, or the supervisor is an equivalent mental  
351.15 health professional, as determined by the board, who is credentialed by a state, territorial,  
351.16 provincial, or foreign licensing agency; or

351.17 (5) the applicant or licensee is engaged in clinical authorized social work practice outside  
351.18 of Minnesota and the supervisor meets qualifications equivalent to the applicable  
351.19 requirements in section 148E.115, or the supervisor is an equivalent mental health  
351.20 professional as determined by the board, who is credentialed by a state, territorial, provincial,  
351.21 or foreign licensing agency.

351.22 (c) In order for the board to consider an alternate supervisor under this section, the  
351.23 licensee must:

351.24 (1) request in the supervision plan and verification submitted according to section  
351.25 148E.125 that an alternate supervisor conduct the supervision; and

351.26 (2) describe the proposed supervision and the name and qualifications of the proposed  
351.27 alternate supervisor. The board may audit the information provided to determine compliance  
351.28 with the requirements of this section.

351.29 Sec. 9. Minnesota Statutes 2020, section 148F.11, subdivision 1, is amended to read:

351.30 Subdivision 1. **Other professionals.** (a) Nothing in this chapter prevents members of  
351.31 other professions or occupations from performing functions for which they are qualified or  
351.32 licensed. This exception includes, but is not limited to: licensed physicians; registered nurses;

352.1 licensed practical nurses; licensed psychologists and licensed psychological practitioners;  
352.2 members of the clergy provided such services are provided within the scope of regular  
352.3 ministries; American Indian medicine men and women; licensed attorneys; probation officers;  
352.4 licensed marriage and family therapists; licensed social workers; social workers employed  
352.5 by city, county, or state agencies; licensed professional counselors; licensed professional  
352.6 clinical counselors; licensed school counselors; registered occupational therapists or  
352.7 occupational therapy assistants; Upper Midwest Indian Council on Addictive Disorders  
352.8 (UMICAD) certified counselors when providing services to Native American people; city,  
352.9 county, or state employees when providing assessments or case management under Minnesota  
352.10 Rules, chapter 9530; and individuals defined in section 256B.0623, subdivision 5, paragraph  
352.11 (a), clauses (1) ~~and (2)~~ to (6), providing ~~integrated dual diagnosis~~ co-occurring substance  
352.12 use disorder treatment in adult mental health rehabilitative programs certified or licensed  
352.13 by the Department of Human Services under section 245I.23, 256B.0622, or 256B.0623.

352.14 (b) Nothing in this chapter prohibits technicians and resident managers in programs  
352.15 licensed by the Department of Human Services from discharging their duties as provided  
352.16 in Minnesota Rules, chapter 9530.

352.17 (c) Any person who is exempt from licensure under this section must not use a title  
352.18 incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug  
352.19 counselor" or otherwise hold himself or herself out to the public by any title or description  
352.20 stating or implying that he or she is engaged in the practice of alcohol and drug counseling,  
352.21 or that he or she is licensed to engage in the practice of alcohol and drug counseling, unless  
352.22 that person is also licensed as an alcohol and drug counselor. Persons engaged in the practice  
352.23 of alcohol and drug counseling are not exempt from the board's jurisdiction solely by the  
352.24 use of one of the titles in paragraph (a).

352.25 Sec. 10. Minnesota Statutes 2020, section 245.462, subdivision 1, is amended to read:

352.26 Subdivision 1. **Definitions.** The definitions in this section apply to sections 245.461 to  
352.27 ~~245.486~~ 245.4863.

352.28 Sec. 11. Minnesota Statutes 2020, section 245.462, subdivision 6, is amended to read:

352.29 Subd. 6. **Community support services program.** "Community support services program"  
352.30 means services, other than inpatient or residential treatment services, provided or coordinated  
352.31 by an identified program and staff under the ~~clinical~~ treatment supervision of a mental health  
352.32 professional designed to help adults with serious and persistent mental illness to function  
352.33 and remain in the community. A community support services program includes:

- 353.1 (1) client outreach,
- 353.2 (2) medication monitoring,
- 353.3 (3) assistance in independent living skills,
- 353.4 (4) development of employability and work-related opportunities,
- 353.5 (5) crisis assistance,
- 353.6 (6) psychosocial rehabilitation,
- 353.7 (7) help in applying for government benefits, and
- 353.8 (8) housing support services.

353.9 The community support services program must be coordinated with the case management  
353.10 services specified in section 245.4711.

353.11 Sec. 12. Minnesota Statutes 2020, section 245.462, subdivision 8, is amended to read:

353.12 Subd. 8. **Day treatment services.** "Day treatment," "day treatment services," or "day  
353.13 treatment program" means ~~a structured program of treatment and care provided to an adult~~  
353.14 ~~in or by: (1) a hospital accredited by the joint commission on accreditation of health~~  
353.15 ~~organizations and licensed under sections 144.50 to 144.55; (2) a community mental health~~  
353.16 ~~center under section 245.62; or (3) an entity that is under contract with the county board to~~  
353.17 ~~operate a program that meets the requirements of section 245.4712, subdivision 2, and~~  
353.18 ~~Minnesota Rules, parts 9505.0170 to 9505.0475. Day treatment consists of group~~  
353.19 ~~psychotherapy and other intensive therapeutic services that are provided at least two days~~  
353.20 ~~a week by a multidisciplinary staff under the clinical supervision of a mental health~~  
353.21 ~~professional. Day treatment may include education and consultation provided to families~~  
353.22 ~~and other individuals as part of the treatment process. The services are aimed at stabilizing~~  
353.23 ~~the adult's mental health status, providing mental health services, and developing and~~  
353.24 ~~improving the adult's independent living and socialization skills. The goal of day treatment~~  
353.25 ~~is to reduce or relieve mental illness and to enable the adult to live in the community. Day~~  
353.26 ~~treatment services are not a part of inpatient or residential treatment services. Day treatment~~  
353.27 ~~services are distinguished from day care by their structured therapeutic program of~~  
353.28 ~~psychotherapy services. The commissioner may limit medical assistance reimbursement~~  
353.29 ~~for day treatment to 15 hours per week per person the treatment services described by section~~  
353.30 256B.0671, subdivision 3.

354.1 Sec. 13. Minnesota Statutes 2020, section 245.462, subdivision 9, is amended to read:

354.2 Subd. 9. **Diagnostic assessment.** ~~(a) "Diagnostic assessment" has the meaning given in~~  
354.3 ~~Minnesota Rules, part 9505.0370, subpart 11, and is delivered as provided in Minnesota~~  
354.4 ~~Rules, part 9505.0372, subpart 1, items A, B, C, and E. Diagnostic assessment includes a~~  
354.5 ~~standard, extended, or brief diagnostic assessment, or an adult update section 245I.10,~~  
354.6 ~~subdivisions 4 to 6.~~

354.7 ~~(b) A brief diagnostic assessment must include a face-to-face interview with the client~~  
354.8 ~~and a written evaluation of the client by a mental health professional or a clinical trainee,~~  
354.9 ~~as provided in Minnesota Rules, part 9505.0371, subpart 5, item C. The professional or~~  
354.10 ~~clinical trainee must gather initial components of a standard diagnostic assessment, including~~  
354.11 ~~the client's:~~

354.12 ~~(1) age;~~

354.13 ~~(2) description of symptoms, including reason for referral;~~

354.14 ~~(3) history of mental health treatment;~~

354.15 ~~(4) cultural influences and their impact on the client; and~~

354.16 ~~(5) mental status examination.~~

354.17 ~~(e) On the basis of the initial components, the professional or clinical trainee must draw~~  
354.18 ~~a provisional clinical hypothesis. The clinical hypothesis may be used to address the client's~~  
354.19 ~~immediate needs or presenting problem.~~

354.20 ~~(d) Treatment sessions conducted under authorization of a brief assessment may be used~~  
354.21 ~~to gather additional information necessary to complete a standard diagnostic assessment or~~  
354.22 ~~an extended diagnostic assessment.~~

354.23 ~~(e) Notwithstanding Minnesota Rules, part 9505.0371, subpart 2, item A, subitem (1),~~  
354.24 ~~unit (b), prior to completion of a client's initial diagnostic assessment, a client is eligible~~  
354.25 ~~for psychological testing as part of the diagnostic process.~~

354.26 ~~(f) Notwithstanding Minnesota Rules, part 9505.0371, subpart 2, item A, subitem (1),~~  
354.27 ~~unit (c), prior to completion of a client's initial diagnostic assessment, but in conjunction~~  
354.28 ~~with the diagnostic assessment process, a client is eligible for up to three individual or family~~  
354.29 ~~psychotherapy sessions or family psychoeducation sessions or a combination of the above~~  
354.30 ~~sessions not to exceed three sessions.~~

355.1 ~~(g) Notwithstanding Minnesota Rules, part 9505.0371, subpart 2, item B, subitem (3);~~  
355.2 ~~unit (a), a brief diagnostic assessment may be used for a client's family who requires a~~  
355.3 ~~language interpreter to participate in the assessment.~~

355.4 Sec. 14. Minnesota Statutes 2020, section 245.462, subdivision 14, is amended to read:

355.5 Subd. 14. **Individual treatment plan.** "Individual treatment plan" means ~~a written plan~~  
355.6 ~~of intervention, treatment, and services for an adult with mental illness that is developed~~  
355.7 ~~by a service provider under the clinical supervision of a mental health professional on the~~  
355.8 ~~basis of a diagnostic assessment. The plan identifies goals and objectives of treatment,~~  
355.9 ~~treatment strategy, a schedule for accomplishing treatment goals and objectives, and the~~  
355.10 ~~individual responsible for providing treatment to the adult with mental illness~~ the formulation  
355.11 of planned services that are responsive to the needs and goals of a client. An individual  
355.12 treatment plan must be completed according to section 245I.10, subdivisions 7 and 8.

355.13 Sec. 15. Minnesota Statutes 2020, section 245.462, subdivision 16, is amended to read:

355.14 Subd. 16. **Mental health funds.** "Mental health funds" are funds expended under sections  
355.15 245.73 and 256E.12, federal mental health block grant funds, and funds expended under  
355.16 section 256D.06 to facilities licensed under section 245I.23 or Minnesota Rules, parts  
355.17 9520.0500 to 9520.0670.

355.18 Sec. 16. Minnesota Statutes 2020, section 245.462, subdivision 17, is amended to read:

355.19 Subd. 17. **Mental health practitioner.** ~~(a) "Mental health practitioner" means a staff~~  
355.20 ~~person providing services to adults with mental illness or children with emotional disturbance~~  
355.21 ~~who is qualified in at least one of the ways described in paragraphs (b) to (g). A mental~~  
355.22 ~~health practitioner for a child client must have training working with children. A mental~~  
355.23 ~~health practitioner for an adult client must have training working with adults~~ qualified  
355.24 according to section 245I.04, subdivision 4.

355.25 ~~(b) For purposes of this subdivision, a practitioner is qualified through relevant~~  
355.26 ~~coursework if the practitioner completes at least 30 semester hours or 45 quarter hours in~~  
355.27 ~~behavioral sciences or related fields and:~~

355.28 ~~(1) has at least 2,000 hours of supervised experience in the delivery of services to adults~~  
355.29 ~~or children with:~~

355.30 ~~(i) mental illness, substance use disorder, or emotional disturbance; or~~

356.1 ~~(ii) traumatic brain injury or developmental disabilities and completes training on mental~~  
356.2 ~~illness, recovery from mental illness, mental health de-escalation techniques, co-occurring~~  
356.3 ~~mental illness and substance abuse, and psychotropic medications and side effects;~~

356.4 ~~(2) is fluent in the non-English language of the ethnic group to which at least 50 percent~~  
356.5 ~~of the practitioner's clients belong, completes 40 hours of training in the delivery of services~~  
356.6 ~~to adults with mental illness or children with emotional disturbance, and receives clinical~~  
356.7 ~~supervision from a mental health professional at least once a week until the requirement of~~  
356.8 ~~2,000 hours of supervised experience is met;~~

356.9 ~~(3) is working in a day treatment program under section 245.4712, subdivision 2; or~~

356.10 ~~(4) has completed a practicum or internship that (i) requires direct interaction with adults~~  
356.11 ~~or children served, and (ii) is focused on behavioral sciences or related fields.~~

356.12 ~~(e) For purposes of this subdivision, a practitioner is qualified through work experience~~  
356.13 ~~if the person:~~

356.14 ~~(1) has at least 4,000 hours of supervised experience in the delivery of services to adults~~  
356.15 ~~or children with:~~

356.16 ~~(i) mental illness, substance use disorder, or emotional disturbance; or~~

356.17 ~~(ii) traumatic brain injury or developmental disabilities and completes training on mental~~  
356.18 ~~illness, recovery from mental illness, mental health de-escalation techniques, co-occurring~~  
356.19 ~~mental illness and substance abuse, and psychotropic medications and side effects; or~~

356.20 ~~(2) has at least 2,000 hours of supervised experience in the delivery of services to adults~~  
356.21 ~~or children with:~~

356.22 ~~(i) mental illness, emotional disturbance, or substance use disorder, and receives clinical~~  
356.23 ~~supervision as required by applicable statutes and rules from a mental health professional~~  
356.24 ~~at least once a week until the requirement of 4,000 hours of supervised experience is met;~~  
356.25 ~~or~~

356.26 ~~(ii) traumatic brain injury or developmental disabilities; completes training on mental~~  
356.27 ~~illness, recovery from mental illness, mental health de-escalation techniques, co-occurring~~  
356.28 ~~mental illness and substance abuse, and psychotropic medications and side effects; and~~  
356.29 ~~receives clinical supervision as required by applicable statutes and rules at least once a week~~  
356.30 ~~from a mental health professional until the requirement of 4,000 hours of supervised~~  
356.31 ~~experience is met.~~

357.1 ~~(d) For purposes of this subdivision, a practitioner is qualified through a graduate student~~  
357.2 ~~internship if the practitioner is a graduate student in behavioral sciences or related fields~~  
357.3 ~~and is formally assigned by an accredited college or university to an agency or facility for~~  
357.4 ~~clinical training.~~

357.5 ~~(e) For purposes of this subdivision, a practitioner is qualified by a bachelor's or master's~~  
357.6 ~~degree if the practitioner:~~

357.7 ~~(1) holds a master's or other graduate degree in behavioral sciences or related fields; or~~

357.8 ~~(2) holds a bachelor's degree in behavioral sciences or related fields and completes a~~  
357.9 ~~practicum or internship that (i) requires direct interaction with adults or children served,~~  
357.10 ~~and (ii) is focused on behavioral sciences or related fields.~~

357.11 ~~(f) For purposes of this subdivision, a practitioner is qualified as a vendor of medical~~  
357.12 ~~care if the practitioner meets the definition of vendor of medical care in section 256B.02,~~  
357.13 ~~subdivision 7, paragraphs (b) and (c), and is serving a federally recognized tribe.~~

357.14 ~~(g) For purposes of medical assistance coverage of diagnostic assessments, explanations~~  
357.15 ~~of findings, and psychotherapy under section 256B.0625, subdivision 65, a mental health~~  
357.16 ~~practitioner working as a clinical trainee means that the practitioner's clinical supervision~~  
357.17 ~~experience is helping the practitioner gain knowledge and skills necessary to practice~~  
357.18 ~~effectively and independently. This may include supervision of direct practice, treatment~~  
357.19 ~~team collaboration, continued professional learning, and job management. The practitioner~~  
357.20 ~~must also:~~

357.21 ~~(1) comply with requirements for licensure or board certification as a mental health~~  
357.22 ~~professional, according to the qualifications under Minnesota Rules, part 9505.0371, subpart~~  
357.23 ~~5, item A, including supervised practice in the delivery of mental health services for the~~  
357.24 ~~treatment of mental illness; or~~

357.25 ~~(2) be a student in a bona fide field placement or internship under a program leading to~~  
357.26 ~~completion of the requirements for licensure as a mental health professional according to~~  
357.27 ~~the qualifications under Minnesota Rules, part 9505.0371, subpart 5, item A.~~

357.28 ~~(h) For purposes of this subdivision, "behavioral sciences or related fields" has the~~  
357.29 ~~meaning given in section 256B.0623, subdivision 5, paragraph (d).~~

357.30 ~~(i) Notwithstanding the licensing requirements established by a health-related licensing~~  
357.31 ~~board, as defined in section 214.01, subdivision 2, this subdivision supersedes any other~~  
357.32 ~~statute or rule.~~

358.1 Sec. 17. Minnesota Statutes 2020, section 245.462, subdivision 18, is amended to read:

358.2 Subd. 18. **Mental health professional.** "Mental health professional" means a staff person  
358.3 ~~providing clinical services in the treatment of mental illness who is qualified in at least one~~  
358.4 ~~of the following ways: who is qualified according to section 245I.04, subdivision 2.~~

358.5 ~~(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to~~  
358.6 ~~148.285; and:~~

358.7 ~~(i) who is certified as a clinical specialist or as a nurse practitioner in adult or family~~  
358.8 ~~psychiatric and mental health nursing by a national nurse certification organization; or~~

358.9 ~~(ii) who has a master's degree in nursing or one of the behavioral sciences or related~~  
358.10 ~~fields from an accredited college or university or its equivalent, with at least 4,000 hours~~  
358.11 ~~of post-master's supervised experience in the delivery of clinical services in the treatment~~  
358.12 ~~of mental illness;~~

358.13 ~~(2) in clinical social work: a person licensed as an independent clinical social worker~~  
358.14 ~~under chapter 148D, or a person with a master's degree in social work from an accredited~~  
358.15 ~~college or university, with at least 4,000 hours of post-master's supervised experience in~~  
358.16 ~~the delivery of clinical services in the treatment of mental illness;~~

358.17 ~~(3) in psychology: an individual licensed by the Board of Psychology under sections~~  
358.18 ~~148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis~~  
358.19 ~~and treatment of mental illness;~~

358.20 ~~(4) in psychiatry: a physician licensed under chapter 147 and certified by the American~~  
358.21 ~~Board of Psychiatry and Neurology or eligible for board certification in psychiatry, or an~~  
358.22 ~~osteopathic physician licensed under chapter 147 and certified by the American Osteopathic~~  
358.23 ~~Board of Neurology and Psychiatry or eligible for board certification in psychiatry;~~

358.24 ~~(5) in marriage and family therapy: the mental health professional must be a marriage~~  
358.25 ~~and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of~~  
358.26 ~~post-master's supervised experience in the delivery of clinical services in the treatment of~~  
358.27 ~~mental illness;~~

358.28 ~~(6) in licensed professional clinical counseling, the mental health professional shall be~~  
358.29 ~~a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours~~  
358.30 ~~of post-master's supervised experience in the delivery of clinical services in the treatment~~  
358.31 ~~of mental illness; or~~

359.1 ~~(7) in allied fields: a person with a master's degree from an accredited college or university~~  
359.2 ~~in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's~~  
359.3 ~~supervised experience in the delivery of clinical services in the treatment of mental illness.~~

359.4 Sec. 18. Minnesota Statutes 2020, section 245.462, subdivision 21, is amended to read:

359.5 Subd. 21. **Outpatient services.** "Outpatient services" means mental health services,  
359.6 excluding day treatment and community support services programs, provided by or under  
359.7 the ~~clinical~~ treatment supervision of a mental health professional to adults with mental  
359.8 illness who live outside a hospital. Outpatient services include clinical activities such as  
359.9 individual, group, and family therapy; individual treatment planning; diagnostic assessments;  
359.10 medication management; and psychological testing.

359.11 Sec. 19. Minnesota Statutes 2020, section 245.462, subdivision 23, is amended to read:

359.12 Subd. 23. **Residential treatment.** "Residential treatment" means a 24-hour-a-day program  
359.13 under the ~~clinical~~ treatment supervision of a mental health professional, in a community  
359.14 residential setting other than an acute care hospital or regional treatment center inpatient  
359.15 unit, that must be licensed as a residential treatment program for adults with mental illness  
359.16 under chapter 245I, Minnesota Rules, parts 9520.0500 to 9520.0670, or other rules adopted  
359.17 by the commissioner.

359.18 Sec. 20. Minnesota Statutes 2020, section 245.462, is amended by adding a subdivision  
359.19 to read:

359.20 Subd. 27. **Treatment supervision.** "Treatment supervision" means the treatment  
359.21 supervision described by section 245I.06.

359.22 Sec. 21. Minnesota Statutes 2020, section 245.4661, subdivision 5, is amended to read:

359.23 Subd. 5. **Planning for pilot projects.** (a) Each local plan for a pilot project, with the  
359.24 exception of the placement of a Minnesota specialty treatment facility as defined in paragraph  
359.25 (c), must be developed under the direction of the county board, or multiple county boards  
359.26 acting jointly, as the local mental health authority. The planning process for each pilot shall  
359.27 include, but not be limited to, mental health consumers, families, advocates, local mental  
359.28 health advisory councils, local and state providers, representatives of state and local public  
359.29 employee bargaining units, and the department of human services. As part of the planning  
359.30 process, the county board or boards shall designate a managing entity responsible for receipt  
359.31 of funds and management of the pilot project.

360.1 (b) For Minnesota specialty treatment facilities, the commissioner shall issue a request  
360.2 for proposal for regions in which a need has been identified for services.

360.3 (c) For purposes of this section, "Minnesota specialty treatment facility" is defined as  
360.4 an intensive residential treatment service licensed under ~~section 256B.0622, subdivision 2,~~  
360.5 ~~paragraph (b)~~ chapter 245I.

360.6 Sec. 22. Minnesota Statutes 2020, section 245.4662, subdivision 1, is amended to read:

360.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
360.8 the meanings given them.

360.9 (b) "Community partnership" means a project involving the collaboration of two or more  
360.10 eligible applicants.

360.11 (c) "Eligible applicant" means an eligible county, Indian tribe, mental health service  
360.12 provider, hospital, or community partnership. Eligible applicant does not include a  
360.13 state-operated direct care and treatment facility or program under chapter 246.

360.14 (d) "Intensive residential treatment services" has the meaning given in section 256B.0622;  
360.15 ~~subdivision 2.~~

360.16 (e) "Metropolitan area" means the seven-county metropolitan area, as defined in section  
360.17 473.121, subdivision 2.

360.18 Sec. 23. Minnesota Statutes 2020, section 245.467, subdivision 2, is amended to read:

360.19 Subd. 2. **Diagnostic assessment.** ~~All providers of residential, acute care hospital inpatient,~~  
360.20 ~~and regional treatment centers must complete a diagnostic assessment for each of their~~  
360.21 ~~clients within five days of admission. Providers of day treatment services must complete a~~  
360.22 ~~diagnostic assessment within five days after the adult's second visit or within 30 days after~~  
360.23 ~~intake, whichever occurs first. In cases where a diagnostic assessment is available and has~~  
360.24 ~~been completed within three years preceding admission, only an adult diagnostic assessment~~  
360.25 ~~update is necessary. An "adult diagnostic assessment update" means a written summary by~~  
360.26 ~~a mental health professional of the adult's current mental health status and service needs~~  
360.27 ~~and includes a face-to-face interview with the adult. If the adult's mental health status has~~  
360.28 ~~changed markedly since the adult's most recent diagnostic assessment, a new diagnostic~~  
360.29 ~~assessment is required. Compliance with the provisions of this subdivision does not ensure~~  
360.30 ~~eligibility for medical assistance reimbursement under chapter 256B. Providers of services~~  
360.31 governed by this section must complete a diagnostic assessment according to the standards  
360.32 of section 245I.10, subdivisions 4 to 6.

361.1 Sec. 24. Minnesota Statutes 2020, section 245.467, subdivision 3, is amended to read:

361.2 Subd. 3. **Individual treatment plans.** ~~All providers of outpatient services, day treatment~~  
361.3 ~~services, residential treatment, acute care hospital inpatient treatment, and all regional~~  
361.4 ~~treatment centers must develop an individual treatment plan for each of their adult clients.~~  
361.5 ~~The individual treatment plan must be based on a diagnostic assessment. To the extent~~  
361.6 ~~possible, the adult client shall be involved in all phases of developing and implementing~~  
361.7 ~~the individual treatment plan. Providers of residential treatment and acute care hospital~~  
361.8 ~~inpatient treatment, and all regional treatment centers must develop the individual treatment~~  
361.9 ~~plan within ten days of client intake and must review the individual treatment plan every~~  
361.10 ~~90 days after intake. Providers of day treatment services must develop the individual~~  
361.11 ~~treatment plan before the completion of five working days in which service is provided or~~  
361.12 ~~within 30 days after the diagnostic assessment is completed or obtained, whichever occurs~~  
361.13 ~~first. Providers of outpatient services must develop the individual treatment plan within 30~~  
361.14 ~~days after the diagnostic assessment is completed or obtained or by the end of the second~~  
361.15 ~~session of an outpatient service, not including the session in which the diagnostic assessment~~  
361.16 ~~was provided, whichever occurs first. Outpatient and day treatment services providers must~~  
361.17 ~~review the individual treatment plan every 90 days after intake. Providers of services~~  
361.18 ~~governed by this section must complete an individual treatment plan according to the~~  
361.19 ~~standards of section 245I.10, subdivisions 7 and 8.~~

361.20 Sec. 25. Minnesota Statutes 2020, section 245.470, subdivision 1, is amended to read:

361.21 Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or  
361.22 contract for enough outpatient services within the county to meet the needs of adults with  
361.23 mental illness residing in the county. Services may be provided directly by the county  
361.24 through county-operated ~~mental health centers or mental health clinics approved by the~~  
361.25 ~~commissioner under section 245.69, subdivision 2 meeting the standards of chapter 245I;~~  
361.26 ~~by contract with privately operated mental health centers or mental health clinics approved~~  
361.27 ~~by the commissioner under section 245.69, subdivision 2 meeting the standards of chapter~~  
361.28 ~~245I; by contract with hospital mental health outpatient programs certified by the Joint~~  
361.29 ~~Commission on Accreditation of Hospital Organizations; or by contract with a licensed~~  
361.30 ~~mental health professional as defined in section 245.462, subdivision 18, clauses (1) to (6).~~  
361.31 Clients may be required to pay a fee according to section 245.481. Outpatient services  
361.32 include:

361.33 (1) conducting diagnostic assessments;

361.34 (2) conducting psychological testing;

- 362.1 (3) developing or modifying individual treatment plans;
- 362.2 (4) making referrals and recommending placements as appropriate;
- 362.3 (5) treating an adult's mental health needs through therapy;
- 362.4 (6) prescribing and managing medication and evaluating the effectiveness of prescribed
- 362.5 medication; and
- 362.6 (7) preventing placement in settings that are more intensive, costly, or restrictive than
- 362.7 necessary and appropriate to meet client needs.

362.8 (b) County boards may request a waiver allowing outpatient services to be provided in

362.9 a nearby trade area if it is determined that the client can best be served outside the county.

362.10 Sec. 26. Minnesota Statutes 2020, section 245.4712, subdivision 2, is amended to read:

362.11 **Subd. 2. Day treatment services provided.** (a) Day treatment services must be developed

362.12 as a part of the community support services available to adults with serious and persistent

362.13 mental illness residing in the county. Adults may be required to pay a fee according to

362.14 section 245.481. Day treatment services must be designed to:

- 362.15 (1) provide a structured environment for treatment;
- 362.16 (2) provide support for residing in the community;
- 362.17 (3) prevent placement in settings that are more intensive, costly, or restrictive than
- 362.18 necessary and appropriate to meet client need;
- 362.19 (4) coordinate with or be offered in conjunction with a local education agency's special
- 362.20 education program; and
- 362.21 (5) operate on a continuous basis throughout the year.

362.22 ~~(b) For purposes of complying with medical assistance requirements, an adult day~~

362.23 ~~treatment program must comply with the method of clinical supervision specified in~~

362.24 ~~Minnesota Rules, part 9505.0371, subpart 4. The clinical supervision must be performed~~

362.25 ~~by a qualified supervisor who satisfies the requirements of Minnesota Rules, part 9505.0371,~~

362.26 ~~subpart 5. An adult day treatment program must comply with medical assistance requirements~~

362.27 ~~in section 256B.0671, subdivision 3.~~

362.28 ~~A day treatment program must demonstrate compliance with this clinical supervision~~

362.29 ~~requirement by the commissioner's review and approval of the program according to~~

362.30 ~~Minnesota Rules, part 9505.0372, subpart 8.~~

363.1 (c) County boards may request a waiver from including day treatment services if they  
363.2 can document that:

363.3 (1) an alternative plan of care exists through the county's community support services  
363.4 for clients who would otherwise need day treatment services;

363.5 (2) day treatment, if included, would be duplicative of other components of the  
363.6 community support services; and

363.7 (3) county demographics and geography make the provision of day treatment services  
363.8 cost ineffective and infeasible.

363.9 Sec. 27. Minnesota Statutes 2020, section 245.472, subdivision 2, is amended to read:

363.10 Subd. 2. **Specific requirements.** Providers of residential services must be licensed under  
363.11 chapter 245I or applicable rules adopted by the commissioner and must be clinically  
363.12 supervised by a mental health professional. Persons employed in facilities licensed under  
363.13 Minnesota Rules, parts 9520.0500 to 9520.0670, in the capacity of program director as of  
363.14 July 1, 1987, in accordance with Minnesota Rules, parts 9520.0500 to 9520.0670, may be  
363.15 allowed to continue providing clinical supervision within a facility, provided they continue  
363.16 to be employed as a program director in a facility licensed under Minnesota Rules, parts  
363.17 9520.0500 to 9520.0670. Residential services must be provided under treatment supervision.

363.18 Sec. 28. Minnesota Statutes 2020, section 245.4863, is amended to read:

363.19 **245.4863 INTEGRATED CO-OCCURRING DISORDER TREATMENT.**

363.20 (a) The commissioner shall require individuals who perform chemical dependency  
363.21 assessments to screen clients for co-occurring mental health disorders, and staff who perform  
363.22 mental health diagnostic assessments to screen for co-occurring substance use disorders.  
363.23 Screening tools must be approved by the commissioner. If a client screens positive for a  
363.24 co-occurring mental health or substance use disorder, the individual performing the screening  
363.25 must document what actions will be taken in response to the results and whether further  
363.26 assessments must be performed.

363.27 (b) Notwithstanding paragraph (a), screening is not required when:

363.28 (1) the presence of co-occurring disorders was documented for the client in the past 12  
363.29 months;

363.30 (2) the client is currently receiving co-occurring disorders treatment;

363.31 (3) the client is being referred for co-occurring disorders treatment; or

364.1 (4) a mental health professional, ~~as defined in Minnesota Rules, part 9505.0370, subpart~~  
364.2 ~~18,~~ who is competent to perform diagnostic assessments of co-occurring disorders is  
364.3 performing a diagnostic assessment ~~that meets the requirements in Minnesota Rules, part~~  
364.4 ~~9533.0090, subpart 5,~~ to identify whether the client may have co-occurring mental health  
364.5 and chemical dependency disorders. If an individual is identified to have co-occurring  
364.6 mental health and substance use disorders, the assessing mental health professional must  
364.7 document what actions will be taken to address the client's co-occurring disorders.

364.8 (c) The commissioner shall adopt rules as necessary to implement this section. The  
364.9 commissioner shall ensure that the rules are effective on July 1, 2013, thereby establishing  
364.10 a certification process for integrated dual disorder treatment providers and a system through  
364.11 which individuals receive integrated dual diagnosis treatment if assessed as having both a  
364.12 substance use disorder and either a serious mental illness or emotional disturbance.

364.13 (d) The commissioner shall apply for any federal waivers necessary to secure, to the  
364.14 extent allowed by law, federal financial participation for the provision of integrated dual  
364.15 diagnosis treatment to persons with co-occurring disorders.

364.16 Sec. 29. Minnesota Statutes 2020, section 245.4871, subdivision 9a, is amended to read:

364.17 Subd. 9a. **Crisis assistance planning.** "Crisis assistance planning" means ~~assistance to~~  
364.18 ~~the child, the child's family, and all providers of services to the child to: recognize factors~~  
364.19 ~~precipitating a mental health crisis, identify behaviors related to the crisis, and be informed~~  
364.20 ~~of available resources to resolve the crisis. Crisis assistance requires the development of a~~  
364.21 ~~plan which addresses prevention and intervention strategies to be used in a potential crisis.~~  
364.22 ~~Other interventions include: (1) arranging for admission to acute care hospital inpatient~~  
364.23 ~~treatment~~ the development of a written plan to assist a child and the child's family in  
364.24 preventing and addressing a potential crisis and is distinct from mobile crisis services defined  
364.25 in section 256B.0624. The plan must address prevention, deescalation, and intervention  
364.26 strategies to be used in a crisis. The plan identifies factors that might precipitate a crisis,  
364.27 behaviors or symptoms related to the emergence of a crisis, and the resources available to  
364.28 resolve a crisis. The plan must address the following potential needs: (1) acute care; (2)  
364.29 crisis placement; (3) community resources for follow-up; and (4) emotional support to the  
364.30 family during crisis. When appropriate for the child's needs, the plan must include strategies  
364.31 to reduce the child's risk of suicide and self-injurious behavior. ~~Crisis assistance planning~~  
364.32 does not include services designed to secure the safety of a child who is at risk of abuse or  
364.33 neglect or necessary emergency services.

365.1 Sec. 30. Minnesota Statutes 2020, section 245.4871, subdivision 10, is amended to read:

365.2 Subd. 10. **Day treatment services.** "Day treatment," "day treatment services," or "day  
365.3 treatment program" means a structured program of treatment and care provided to a child  
365.4 in:

365.5 (1) an outpatient hospital accredited by the Joint Commission on Accreditation of Health  
365.6 Organizations and licensed under sections 144.50 to 144.55;

365.7 (2) a community mental health center under section 245.62;

365.8 (3) an entity that is under contract with the county board to operate a program that meets  
365.9 the requirements of section 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170  
365.10 to 9505.0475; ~~or~~

365.11 (4) an entity that operates a program that meets the requirements of section 245.4884,  
365.12 subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475, that is under contract  
365.13 with an entity that is under contract with a county board; or

365.14 (5) a program certified under section 256B.0943.

365.15 Day treatment consists of group psychotherapy and other intensive therapeutic services  
365.16 that are provided for a minimum two-hour time block by a multidisciplinary staff under the  
365.17 ~~clinical~~ clinical treatment supervision of a mental health professional. Day treatment may include  
365.18 education and consultation provided to families and other individuals as an extension of the  
365.19 treatment process. The services are aimed at stabilizing the child's mental health status, and  
365.20 developing and improving the child's daily independent living and socialization skills. Day  
365.21 treatment services are distinguished from day care by their structured therapeutic program  
365.22 of psychotherapy services. Day treatment services are not a part of inpatient hospital or  
365.23 residential treatment services.

365.24 A day treatment service must be available to a child up to 15 hours a week throughout  
365.25 the year and must be coordinated with, integrated with, or part of an education program  
365.26 offered by the child's school.

365.27 Sec. 31. Minnesota Statutes 2020, section 245.4871, subdivision 11a, is amended to read:

365.28 Subd. 11a. **Diagnostic assessment.** ~~(a)~~ "Diagnostic assessment" has the meaning given  
365.29 in ~~Minnesota Rules, part 9505.0370, subpart 11, and is delivered as provided in Minnesota~~  
365.30 ~~Rules, part 9505.0372, subpart 1, items A, B, C, and E. Diagnostic assessment includes a~~  
365.31 ~~standard, extended, or brief diagnostic assessment, or an adult update~~ section 245I.10,  
365.32 subdivisions 4 to 6.

366.1 ~~(b) A brief diagnostic assessment must include a face-to-face interview with the client~~  
366.2 ~~and a written evaluation of the client by a mental health professional or a clinical trainee,~~  
366.3 ~~as provided in Minnesota Rules, part 9505.0371, subpart 5, item C. The professional or~~  
366.4 ~~clinical trainee must gather initial components of a standard diagnostic assessment, including~~  
366.5 ~~the client's:~~

366.6 ~~(1) age;~~

366.7 ~~(2) description of symptoms, including reason for referral;~~

366.8 ~~(3) history of mental health treatment;~~

366.9 ~~(4) cultural influences and their impact on the client; and~~

366.10 ~~(5) mental status examination.~~

366.11 ~~(c) On the basis of the brief components, the professional or clinical trainee must draw~~  
366.12 ~~a provisional clinical hypothesis. The clinical hypothesis may be used to address the client's~~  
366.13 ~~immediate needs or presenting problem.~~

366.14 ~~(d) Treatment sessions conducted under authorization of a brief assessment may be used~~  
366.15 ~~to gather additional information necessary to complete a standard diagnostic assessment or~~  
366.16 ~~an extended diagnostic assessment.~~

366.17 ~~(e) Notwithstanding Minnesota Rules, part 9505.0371, subpart 2, item A, subitem (1),~~  
366.18 ~~unit (b), prior to completion of a client's initial diagnostic assessment, a client is eligible~~  
366.19 ~~for psychological testing as part of the diagnostic process.~~

366.20 ~~(f) Notwithstanding Minnesota Rules, part 9505.0371, subpart 2, item A, subitem (1),~~  
366.21 ~~unit (c), prior to completion of a client's initial diagnostic assessment, but in conjunction~~  
366.22 ~~with the diagnostic assessment process, a client is eligible for up to three individual or family~~  
366.23 ~~psychotherapy sessions or family psychoeducation sessions or a combination of the above~~  
366.24 ~~sessions not to exceed three sessions.~~

366.25 Sec. 32. Minnesota Statutes 2020, section 245.4871, subdivision 17, is amended to read:

366.26 Subd. 17. **Family community support services.** "Family community support services"  
366.27 means services provided under the clinical treatment supervision of a mental health  
366.28 professional and designed to help each child with severe emotional disturbance to function  
366.29 and remain with the child's family in the community. Family community support services  
366.30 do not include acute care hospital inpatient treatment, residential treatment services, or  
366.31 regional treatment center services. Family community support services include:

366.32 (1) client outreach to each child with severe emotional disturbance and the child's family;

- 367.1 (2) medication monitoring where necessary;
- 367.2 (3) assistance in developing independent living skills;
- 367.3 (4) assistance in developing parenting skills necessary to address the needs of the child
- 367.4 with severe emotional disturbance;
- 367.5 (5) assistance with leisure and recreational activities;
- 367.6 (6) crisis ~~assistance~~ planning, including crisis placement and respite care;
- 367.7 (7) professional home-based family treatment;
- 367.8 (8) foster care with therapeutic supports;
- 367.9 (9) day treatment;
- 367.10 (10) assistance in locating respite care and special needs day care; and
- 367.11 (11) assistance in obtaining potential financial resources, including those benefits listed
- 367.12 in section 245.4884, subdivision 5.

367.13 Sec. 33. Minnesota Statutes 2020, section 245.4871, subdivision 21, is amended to read:

367.14 Subd. 21. **Individual treatment plan.** "Individual treatment plan" means ~~a written plan~~

367.15 ~~of intervention, treatment, and services for a child with an emotional disturbance that is~~

367.16 ~~developed by a service provider under the clinical supervision of a mental health professional~~

367.17 ~~on the basis of a diagnostic assessment. An individual treatment plan for a child must be~~

367.18 ~~developed in conjunction with the family unless clinically inappropriate. The plan identifies~~

367.19 ~~goals and objectives of treatment, treatment strategy, a schedule for accomplishing treatment~~

367.20 ~~goals and objectives, and the individuals responsible for providing treatment to the child~~

367.21 ~~with an emotional disturbance~~ the formulation of planned services that are responsive to

367.22 the needs and goals of a client. An individual treatment plan must be completed according

367.23 to section 245I.10, subdivisions 7 and 8.

367.24 Sec. 34. Minnesota Statutes 2020, section 245.4871, subdivision 26, is amended to read:

367.25 Subd. 26. **Mental health practitioner.** "Mental health practitioner" ~~has the meaning~~

367.26 ~~given in section 245.462, subdivision 17~~ means a staff person who is qualified according

367.27 to section 245I.04, subdivision 4.

367.28 Sec. 35. Minnesota Statutes 2020, section 245.4871, subdivision 27, is amended to read:

367.29 Subd. 27. **Mental health professional.** "Mental health professional" means a staff person

367.30 ~~providing clinical services in the diagnosis and treatment of children's emotional disorders.~~

368.1 ~~A mental health professional must have training and experience in working with children~~  
368.2 ~~consistent with the age group to which the mental health professional is assigned. A mental~~  
368.3 ~~health professional must be qualified in at least one of the following ways: who is qualified~~  
368.4 ~~according to section 245I.04, subdivision 2.~~

368.5 ~~(1) in psychiatric nursing, the mental health professional must be a registered nurse who~~  
368.6 ~~is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in~~  
368.7 ~~child and adolescent psychiatric or mental health nursing by a national nurse certification~~  
368.8 ~~organization or who has a master's degree in nursing or one of the behavioral sciences or~~  
368.9 ~~related fields from an accredited college or university or its equivalent, with at least 4,000~~  
368.10 ~~hours of post-master's supervised experience in the delivery of clinical services in the~~  
368.11 ~~treatment of mental illness;~~

368.12 ~~(2) in clinical social work, the mental health professional must be a person licensed as~~  
368.13 ~~an independent clinical social worker under chapter 148D, or a person with a master's degree~~  
368.14 ~~in social work from an accredited college or university, with at least 4,000 hours of~~  
368.15 ~~post-master's supervised experience in the delivery of clinical services in the treatment of~~  
368.16 ~~mental disorders;~~

368.17 ~~(3) in psychology, the mental health professional must be an individual licensed by the~~  
368.18 ~~board of psychology under sections 148.88 to 148.98 who has stated to the board of~~  
368.19 ~~psychology competencies in the diagnosis and treatment of mental disorders;~~

368.20 ~~(4) in psychiatry, the mental health professional must be a physician licensed under~~  
368.21 ~~chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible~~  
368.22 ~~for board certification in psychiatry or an osteopathic physician licensed under chapter 147~~  
368.23 ~~and certified by the American Osteopathic Board of Neurology and Psychiatry or eligible~~  
368.24 ~~for board certification in psychiatry;~~

368.25 ~~(5) in marriage and family therapy, the mental health professional must be a marriage~~  
368.26 ~~and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of~~  
368.27 ~~post-master's supervised experience in the delivery of clinical services in the treatment of~~  
368.28 ~~mental disorders or emotional disturbances;~~

368.29 ~~(6) in licensed professional clinical counseling, the mental health professional shall be~~  
368.30 ~~a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours~~  
368.31 ~~of post-master's supervised experience in the delivery of clinical services in the treatment~~  
368.32 ~~of mental disorders or emotional disturbances; or~~

368.33 ~~(7) in allied fields, the mental health professional must be a person with a master's degree~~  
368.34 ~~from an accredited college or university in one of the behavioral sciences or related fields;~~

369.1 ~~with at least 4,000 hours of post-master's supervised experience in the delivery of clinical~~  
369.2 ~~services in the treatment of emotional disturbances.~~

369.3 Sec. 36. Minnesota Statutes 2020, section 245.4871, subdivision 29, is amended to read:

369.4 Subd. 29. **Outpatient services.** "Outpatient services" means mental health services,  
369.5 excluding day treatment and community support services programs, provided by or under  
369.6 the ~~clinical~~ clinical treatment supervision of a mental health professional to children with emotional  
369.7 disturbances who live outside a hospital. Outpatient services include clinical activities such  
369.8 as individual, group, and family therapy; individual treatment planning; diagnostic  
369.9 assessments; medication management; and psychological testing.

369.10 Sec. 37. Minnesota Statutes 2020, section 245.4871, subdivision 31, is amended to read:

369.11 Subd. 31. **Professional home-based family treatment.** "Professional home-based family  
369.12 treatment" means intensive mental health services provided to children because of an  
369.13 emotional disturbance (1) who are at risk of out-of-home placement; (2) who are in  
369.14 out-of-home placement; or (3) who are returning from out-of-home placement. Services  
369.15 are provided to the child and the child's family primarily in the child's home environment.  
369.16 Services may also be provided in the child's school, child care setting, or other community  
369.17 setting appropriate to the child. Services must be provided on an individual family basis,  
369.18 must be child-oriented and family-oriented, and must be designed using information from  
369.19 diagnostic and functional assessments to meet the specific mental health needs of the child  
369.20 and the child's family. Examples of services are: (1) individual therapy; (2) family therapy;  
369.21 (3) client outreach; (4) assistance in developing individual living skills; (5) assistance in  
369.22 developing parenting skills necessary to address the needs of the child; (6) assistance with  
369.23 leisure and recreational services; (7) ~~crisis assistance~~ crisis planning, including crisis respite care  
369.24 and arranging for crisis placement; and (8) assistance in locating respite and child care.  
369.25 Services must be coordinated with other services provided to the child and family.

369.26 Sec. 38. Minnesota Statutes 2020, section 245.4871, subdivision 32, is amended to read:

369.27 Subd. 32. **Residential treatment.** "Residential treatment" means a 24-hour-a-day program  
369.28 under the ~~clinical~~ clinical treatment supervision of a mental health professional, in a community  
369.29 residential setting other than an acute care hospital or regional treatment center inpatient  
369.30 unit, that must be licensed as a residential treatment program for children with emotional  
369.31 disturbances under Minnesota Rules, parts 2960.0580 to 2960.0700, or other rules adopted  
369.32 by the commissioner.

370.1 Sec. 39. Minnesota Statutes 2020, section 245.4871, subdivision 34, is amended to read:

370.2 Subd. 34. **Therapeutic support of foster care.** "Therapeutic support of foster care"  
370.3 means the mental health training and mental health support services and ~~clinical treatment~~  
370.4 supervision provided by a mental health professional to foster families caring for children  
370.5 with severe emotional disturbance to provide a therapeutic family environment and support  
370.6 for the child's improved functioning. Therapeutic support of foster care includes services  
370.7 provided under section 256B.0946.

370.8 Sec. 40. Minnesota Statutes 2020, section 245.4871, is amended by adding a subdivision  
370.9 to read:

370.10 Subd. 36. **Treatment supervision.** "Treatment supervision" means the treatment  
370.11 supervision described by section 245I.06.

370.12 Sec. 41. Minnesota Statutes 2020, section 245.4876, subdivision 2, is amended to read:

370.13 Subd. 2. **Diagnostic assessment.** ~~All residential treatment facilities and acute care~~  
370.14 ~~hospital inpatient treatment facilities that provide mental health services for children must~~  
370.15 ~~complete a diagnostic assessment for each of their child clients within five working days~~  
370.16 ~~of admission. Providers of day treatment services for children must complete a diagnostic~~  
370.17 ~~assessment within five days after the child's second visit or 30 days after intake, whichever~~  
370.18 ~~occurs first. In cases where a diagnostic assessment is available and has been completed~~  
370.19 ~~within 180 days preceding admission, only updating is necessary. "Updating" means a~~  
370.20 ~~written summary by a mental health professional of the child's current mental health status~~  
370.21 ~~and service needs. If the child's mental health status has changed markedly since the child's~~  
370.22 ~~most recent diagnostic assessment, a new diagnostic assessment is required. Compliance~~  
370.23 ~~with the provisions of this subdivision does not ensure eligibility for medical assistance~~  
370.24 ~~reimbursement under chapter 256B.~~ Providers of services governed by this section shall  
370.25 complete a diagnostic assessment according to the standards of section 245I.10, subdivisions  
370.26 4 to 6.

370.27 Sec. 42. Minnesota Statutes 2020, section 245.4876, subdivision 3, is amended to read:

370.28 Subd. 3. **Individual treatment plans.** ~~All providers of outpatient services, day treatment~~  
370.29 ~~services, professional home-based family treatment, residential treatment, and acute care~~  
370.30 ~~hospital inpatient treatment, and all regional treatment centers that provide mental health~~  
370.31 ~~services for children must develop an individual treatment plan for each child client. The~~  
370.32 ~~individual treatment plan must be based on a diagnostic assessment. To the extent appropriate,~~

371.1 ~~the child and the child's family shall be involved in all phases of developing and~~  
371.2 ~~implementing the individual treatment plan. Providers of residential treatment, professional~~  
371.3 ~~home-based family treatment, and acute care hospital inpatient treatment, and regional~~  
371.4 ~~treatment centers must develop the individual treatment plan within ten working days of~~  
371.5 ~~client intake or admission and must review the individual treatment plan every 90 days after~~  
371.6 ~~intake, except that the administrative review of the treatment plan of a child placed in a~~  
371.7 ~~residential facility shall be as specified in sections 260C.203 and 260C.212, subdivision 9.~~  
371.8 ~~Providers of day treatment services must develop the individual treatment plan before the~~  
371.9 ~~completion of five working days in which service is provided or within 30 days after the~~  
371.10 ~~diagnostic assessment is completed or obtained, whichever occurs first. Providers of~~  
371.11 ~~outpatient services must develop the individual treatment plan within 30 days after the~~  
371.12 ~~diagnostic assessment is completed or obtained or by the end of the second session of an~~  
371.13 ~~outpatient service, not including the session in which the diagnostic assessment was provided,~~  
371.14 ~~whichever occurs first. Providers of outpatient and day treatment services must review the~~  
371.15 ~~individual treatment plan every 90 days after intake. Providers of services governed by this~~  
371.16 ~~section shall complete an individual treatment plan according to the standards of section~~  
371.17 ~~245I.10, subdivisions 7 and 8.~~

371.18 Sec. 43. Minnesota Statutes 2020, section 245.488, subdivision 1, is amended to read:

371.19 Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or  
371.20 contract for enough outpatient services within the county to meet the needs of each child  
371.21 with emotional disturbance residing in the county and the child's family. Services may be  
371.22 provided directly by the county through county-operated ~~mental health centers or mental~~  
371.23 ~~health clinics approved by the commissioner under section 245.69, subdivision 2~~ meeting  
371.24 the standards of chapter 245I; by contract with privately operated ~~mental health centers or~~  
371.25 ~~mental health clinics approved by the commissioner under section 245.69, subdivision 2~~  
371.26 meeting the standards of chapter 245I; by contract with hospital mental health outpatient  
371.27 programs certified by the Joint Commission on Accreditation of Hospital Organizations;  
371.28 or by contract with a ~~licensed~~ mental health professional ~~as defined in section 245.4871,~~  
371.29 ~~subdivision 27, clauses (1) to (6).~~ A child or a child's parent may be required to pay a fee  
371.30 based in accordance with section 245.481. Outpatient services include:

- 371.31 (1) conducting diagnostic assessments;
- 371.32 (2) conducting psychological testing;
- 371.33 (3) developing or modifying individual treatment plans;
- 371.34 (4) making referrals and recommending placements as appropriate;

372.1 (5) treating the child's mental health needs through therapy; and

372.2 (6) prescribing and managing medication and evaluating the effectiveness of prescribed  
372.3 medication.

372.4 (b) County boards may request a waiver allowing outpatient services to be provided in  
372.5 a nearby trade area if it is determined that the child requires necessary and appropriate  
372.6 services that are only available outside the county.

372.7 (c) Outpatient services offered by the county board to prevent placement must be at the  
372.8 level of treatment appropriate to the child's diagnostic assessment.

372.9 Sec. 44. Minnesota Statutes 2020, section 245.4901, subdivision 2, is amended to read:

372.10 Subd. 2. **Eligible applicants.** An eligible applicant for school-linked mental health grants  
372.11 is an entity that is:

372.12 (1) a mental health clinic certified under ~~Minnesota Rules, parts 9520.0750 to 9520.0870~~  
372.13 section 245I.20;

372.14 (2) a community mental health center under section 256B.0625, subdivision 5;

372.15 (3) an Indian health service facility or a facility owned and operated by a tribe or tribal  
372.16 organization operating under United States Code, title 25, section 5321;

372.17 (4) a provider of children's therapeutic services and supports as defined in section  
372.18 256B.0943; or

372.19 (5) enrolled in medical assistance as a mental health or substance use disorder provider  
372.20 agency and employs at least two full-time equivalent mental health professionals qualified  
372.21 according to section ~~245I.16~~ 245I.04, subdivision 2, or two alcohol and drug counselors  
372.22 licensed or exempt from licensure under chapter 148F who are qualified to provide clinical  
372.23 services to children and families.

372.24 Sec. 45. Minnesota Statutes 2020, section 245.62, subdivision 2, is amended to read:

372.25 Subd. 2. **Definition.** A community mental health center is a private nonprofit corporation  
372.26 or public agency approved under the ~~rules promulgated by the commissioner pursuant to~~  
372.27 ~~subdivision 4~~ standards of section 256B.0625, subdivision 5.

373.1 Sec. 46. Minnesota Statutes 2020, section 245A.04, subdivision 5, is amended to read:

373.2 Subd. 5. **Commissioner's right of access.** (a) When the commissioner is exercising the  
 373.3 powers conferred by this chapter, ~~sections 245.69 and~~ section 626.557, and chapter 260E,  
 373.4 the commissioner must be given access to:

373.5 (1) the physical plant and grounds where the program is provided;

373.6 (2) documents and records, including records maintained in electronic format;

373.7 (3) persons served by the program; and

373.8 (4) staff and personnel records of current and former staff whenever the program is in  
 373.9 operation and the information is relevant to inspections or investigations conducted by the  
 373.10 commissioner. Upon request, the license holder must provide the commissioner verification  
 373.11 of documentation of staff work experience, training, or educational requirements.

373.12 The commissioner must be given access without prior notice and as often as the  
 373.13 commissioner considers necessary if the commissioner is investigating alleged maltreatment,  
 373.14 conducting a licensing inspection, or investigating an alleged violation of applicable laws  
 373.15 or rules. In conducting inspections, the commissioner may request and shall receive assistance  
 373.16 from other state, county, and municipal governmental agencies and departments. The  
 373.17 applicant or license holder shall allow the commissioner to photocopy, photograph, and  
 373.18 make audio and video tape recordings during the inspection of the program at the  
 373.19 commissioner's expense. The commissioner shall obtain a court order or the consent of the  
 373.20 subject of the records or the parents or legal guardian of the subject before photocopying  
 373.21 hospital medical records.

373.22 (b) Persons served by the program have the right to refuse to consent to be interviewed,  
 373.23 photographed, or audio or videotaped. Failure or refusal of an applicant or license holder  
 373.24 to fully comply with this subdivision is reasonable cause for the commissioner to deny the  
 373.25 application or immediately suspend or revoke the license.

373.26 Sec. 47. Minnesota Statutes 2020, section 245A.10, subdivision 4, is amended to read:

373.27 Subd. 4. **License or certification fee for certain programs.** (a) Child care centers shall  
 373.28 pay an annual nonrefundable license fee based on the following schedule:

373.29	Licensed Capacity	Child Care Center
373.30		License Fee
373.31	1 to 24 persons	\$200
373.32	25 to 49 persons	\$300
373.33	50 to 74 persons	\$400

374.1	75 to 99 persons	\$500
374.2	100 to 124 persons	\$600
374.3	125 to 149 persons	\$700
374.4	150 to 174 persons	\$800
374.5	175 to 199 persons	\$900
374.6	200 to 224 persons	\$1,000
374.7	225 or more persons	\$1,100

374.8 (b)(1) A program licensed to provide one or more of the home and community-based  
 374.9 services and supports identified under chapter 245D to persons with disabilities or age 65  
 374.10 and older, shall pay an annual nonrefundable license fee based on revenues derived from  
 374.11 the provision of services that would require licensure under chapter 245D during the calendar  
 374.12 year immediately preceding the year in which the license fee is paid, according to the  
 374.13 following schedule:

374.14	License Holder Annual Revenue	License Fee
374.15	less than or equal to \$10,000	\$200
374.16	greater than \$10,000 but less than or	
374.17	equal to \$25,000	\$300
374.18	greater than \$25,000 but less than or	
374.19	equal to \$50,000	\$400
374.20	greater than \$50,000 but less than or	
374.21	equal to \$100,000	\$500
374.22	greater than \$100,000 but less than or	
374.23	equal to \$150,000	\$600
374.24	greater than \$150,000 but less than or	
374.25	equal to \$200,000	\$800
374.26	greater than \$200,000 but less than or	
374.27	equal to \$250,000	\$1,000
374.28	greater than \$250,000 but less than or	
374.29	equal to \$300,000	\$1,200
374.30	greater than \$300,000 but less than or	
374.31	equal to \$350,000	\$1,400
374.32	greater than \$350,000 but less than or	
374.33	equal to \$400,000	\$1,600
374.34	greater than \$400,000 but less than or	
374.35	equal to \$450,000	\$1,800
374.36	greater than \$450,000 but less than or	
374.37	equal to \$500,000	\$2,000
374.38	greater than \$500,000 but less than or	
374.39	equal to \$600,000	\$2,250
374.40	greater than \$600,000 but less than or	
374.41	equal to \$700,000	\$2,500

375.1	greater than \$700,000 but less than or	
375.2	equal to \$800,000	\$2,750
375.3	greater than \$800,000 but less than or	
375.4	equal to \$900,000	\$3,000
375.5	greater than \$900,000 but less than or	
375.6	equal to \$1,000,000	\$3,250
375.7	greater than \$1,000,000 but less than or	
375.8	equal to \$1,250,000	\$3,500
375.9	greater than \$1,250,000 but less than or	
375.10	equal to \$1,500,000	\$3,750
375.11	greater than \$1,500,000 but less than or	
375.12	equal to \$1,750,000	\$4,000
375.13	greater than \$1,750,000 but less than or	
375.14	equal to \$2,000,000	\$4,250
375.15	greater than \$2,000,000 but less than or	
375.16	equal to \$2,500,000	\$4,500
375.17	greater than \$2,500,000 but less than or	
375.18	equal to \$3,000,000	\$4,750
375.19	greater than \$3,000,000 but less than or	
375.20	equal to \$3,500,000	\$5,000
375.21	greater than \$3,500,000 but less than or	
375.22	equal to \$4,000,000	\$5,500
375.23	greater than \$4,000,000 but less than or	
375.24	equal to \$4,500,000	\$6,000
375.25	greater than \$4,500,000 but less than or	
375.26	equal to \$5,000,000	\$6,500
375.27	greater than \$5,000,000 but less than or	
375.28	equal to \$7,500,000	\$7,000
375.29	greater than \$7,500,000 but less than or	
375.30	equal to \$10,000,000	\$8,500
375.31	greater than \$10,000,000 but less than or	
375.32	equal to \$12,500,000	\$10,000
375.33	greater than \$12,500,000 but less than or	
375.34	equal to \$15,000,000	\$14,000
375.35	greater than \$15,000,000	\$18,000

375.36 (2) If requested, the license holder shall provide the commissioner information to verify  
 375.37 the license holder's annual revenues or other information as needed, including copies of  
 375.38 documents submitted to the Department of Revenue.

375.39 (3) At each annual renewal, a license holder may elect to pay the highest renewal fee,  
 375.40 and not provide annual revenue information to the commissioner.

376.1 (4) A license holder that knowingly provides the commissioner incorrect revenue amounts  
 376.2 for the purpose of paying a lower license fee shall be subject to a civil penalty in the amount  
 376.3 of double the fee the provider should have paid.

376.4 (5) Notwithstanding clause (1), a license holder providing services under one or more  
 376.5 licenses under chapter 245B that are in effect on May 15, 2013, shall pay an annual license  
 376.6 fee for calendar years 2014, 2015, and 2016, equal to the total license fees paid by the license  
 376.7 holder for all licenses held under chapter 245B for calendar year 2013. For calendar year  
 376.8 2017 and thereafter, the license holder shall pay an annual license fee according to clause  
 376.9 (1).

376.10 (c) A chemical dependency treatment program licensed under chapter 245G, to provide  
 376.11 chemical dependency treatment shall pay an annual nonrefundable license fee based on the  
 376.12 following schedule:

376.13	Licensed Capacity	License Fee
376.14	1 to 24 persons	\$600
376.15	25 to 49 persons	\$800
376.16	50 to 74 persons	\$1,000
376.17	75 to 99 persons	\$1,200
376.18	100 or more persons	\$1,400

376.19 (d) A chemical dependency program licensed under Minnesota Rules, parts 9530.6510  
 376.20 to 9530.6590, to provide detoxification services shall pay an annual nonrefundable license  
 376.21 fee based on the following schedule:

376.22	Licensed Capacity	License Fee
376.23	1 to 24 persons	\$760
376.24	25 to 49 persons	\$960
376.25	50 or more persons	\$1,160

376.26 (e) Except for child foster care, a residential facility licensed under Minnesota Rules,  
 376.27 chapter 2960, to serve children shall pay an annual nonrefundable license fee based on the  
 376.28 following schedule:

376.29	Licensed Capacity	License Fee
376.30	1 to 24 persons	\$1,000
376.31	25 to 49 persons	\$1,100
376.32	50 to 74 persons	\$1,200
376.33	75 to 99 persons	\$1,300
376.34	100 or more persons	\$1,400

377.1 (f) A residential facility licensed under section 245I.23 or Minnesota Rules, parts  
 377.2 9520.0500 to 9520.0670, to serve persons with mental illness shall pay an annual  
 377.3 nonrefundable license fee based on the following schedule:

377.4	Licensed Capacity	License Fee
377.5	1 to 24 persons	\$2,525
377.6	25 or more persons	\$2,725

377.7 (g) A residential facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3400,  
 377.8 to serve persons with physical disabilities shall pay an annual nonrefundable license fee  
 377.9 based on the following schedule:

377.10	Licensed Capacity	License Fee
377.11	1 to 24 persons	\$450
377.12	25 to 49 persons	\$650
377.13	50 to 74 persons	\$850
377.14	75 to 99 persons	\$1,050
377.15	100 or more persons	\$1,250

377.16 (h) A program licensed to provide independent living assistance for youth under section  
 377.17 245A.22 shall pay an annual nonrefundable license fee of \$1,500.

377.18 (i) A private agency licensed to provide foster care and adoption services under Minnesota  
 377.19 Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license fee of \$875.

377.20 (j) A program licensed as an adult day care center licensed under Minnesota Rules, parts  
 377.21 9555.9600 to 9555.9730, shall pay an annual nonrefundable license fee based on the  
 377.22 following schedule:

377.23	Licensed Capacity	License Fee
377.24	1 to 24 persons	\$500
377.25	25 to 49 persons	\$700
377.26	50 to 74 persons	\$900
377.27	75 to 99 persons	\$1,100
377.28	100 or more persons	\$1,300

377.29 (k) A program licensed to provide treatment services to persons with sexual psychopathic  
 377.30 personalities or sexually dangerous persons under Minnesota Rules, parts 9515.3000 to  
 377.31 9515.3110, shall pay an annual nonrefundable license fee of \$20,000.

377.32 (l) A ~~mental health center or~~ mental health clinic ~~requesting certification for purposes~~  
 377.33 ~~of insurance and subscriber contract reimbursement under Minnesota Rules, parts 9520.0750~~  
 377.34 ~~to 9520.0870~~ certified under section 245I.20, shall pay a an annual nonrefundable certification

378.1 fee of \$1,550 ~~per year~~. If the ~~mental health center or~~ mental health clinic provides services  
378.2 at a primary location with satellite facilities, the satellite facilities shall be certified with the  
378.3 primary location without an additional charge.

378.4 Sec. 48. Minnesota Statutes 2020, section 245A.65, subdivision 2, is amended to read:

378.5 Subd. 2. **Abuse prevention plans.** All license holders shall establish and enforce ongoing  
378.6 written program abuse prevention plans and individual abuse prevention plans as required  
378.7 under section 626.557, subdivision 14.

378.8 (a) The scope of the program abuse prevention plan is limited to the population, physical  
378.9 plant, and environment within the control of the license holder and the location where  
378.10 licensed services are provided. In addition to the requirements in section 626.557, subdivision  
378.11 14, the program abuse prevention plan shall meet the requirements in clauses (1) to (5).

378.12 (1) The assessment of the population shall include an evaluation of the following factors:  
378.13 age, gender, mental functioning, physical and emotional health or behavior of the client;  
378.14 the need for specialized programs of care for clients; the need for training of staff to meet  
378.15 identified individual needs; and the knowledge a license holder may have regarding previous  
378.16 abuse that is relevant to minimizing risk of abuse for clients.

378.17 (2) The assessment of the physical plant where the licensed services are provided shall  
378.18 include an evaluation of the following factors: the condition and design of the building as  
378.19 it relates to the safety of the clients; and the existence of areas in the building which are  
378.20 difficult to supervise.

378.21 (3) The assessment of the environment for each facility and for each site when living  
378.22 arrangements are provided by the agency shall include an evaluation of the following factors:  
378.23 the location of the program in a particular neighborhood or community; the type of grounds  
378.24 and terrain surrounding the building; the type of internal programming; and the program's  
378.25 staffing patterns.

378.26 (4) The license holder shall provide an orientation to the program abuse prevention plan  
378.27 for clients receiving services. If applicable, the client's legal representative must be notified  
378.28 of the orientation. The license holder shall provide this orientation for each new person  
378.29 within 24 hours of admission, or for persons who would benefit more from a later orientation,  
378.30 the orientation may take place within 72 hours.

378.31 (5) The license holder's governing body or the governing body's delegated representative  
378.32 shall review the plan at least annually using the assessment factors in the plan and any  
378.33 substantiated maltreatment findings that occurred since the last review. The governing body

379.1 or the governing body's delegated representative shall revise the plan, if necessary, to reflect  
379.2 the review results.

379.3 (6) A copy of the program abuse prevention plan shall be posted in a prominent location  
379.4 in the program and be available upon request to mandated reporters, persons receiving  
379.5 services, and legal representatives.

379.6 (b) In addition to the requirements in section 626.557, subdivision 14, the individual  
379.7 abuse prevention plan shall meet the requirements in clauses (1) and (2).

379.8 (1) The plan shall include a statement of measures that will be taken to minimize the  
379.9 risk of abuse to the vulnerable adult when the individual assessment required in section  
379.10 626.557, subdivision 14, paragraph (b), indicates the need for measures in addition to the  
379.11 specific measures identified in the program abuse prevention plan. The measures shall  
379.12 include the specific actions the program will take to minimize the risk of abuse within the  
379.13 scope of the licensed services, and will identify referrals made when the vulnerable adult  
379.14 is susceptible to abuse outside the scope or control of the licensed services. When the  
379.15 assessment indicates that the vulnerable adult does not need specific risk reduction measures  
379.16 in addition to those identified in the program abuse prevention plan, the individual abuse  
379.17 prevention plan shall document this determination.

379.18 (2) An individual abuse prevention plan shall be developed for each new person as part  
379.19 of the initial individual program plan or service plan required under the applicable licensing  
379.20 rule or statute. The review and evaluation of the individual abuse prevention plan shall be  
379.21 done as part of the review of the program plan ~~or~~, service plan, or treatment plan. The person  
379.22 receiving services shall participate in the development of the individual abuse prevention  
379.23 plan to the full extent of the person's abilities. If applicable, the person's legal representative  
379.24 shall be given the opportunity to participate with or for the person in the development of  
379.25 the plan. The interdisciplinary team shall document the review of all abuse prevention plans  
379.26 at least annually, using the individual assessment and any reports of abuse relating to the  
379.27 person. The plan shall be revised to reflect the results of this review.

379.28 Sec. 49. Minnesota Statutes 2020, section 245D.02, subdivision 20, is amended to read:

379.29 Subd. 20. **Mental health crisis intervention team.** "Mental health crisis intervention  
379.30 team" means a mental health crisis response provider as identified in section 256B.0624,  
379.31 ~~subdivision 2, paragraph (d), for adults, and in section 256B.0944, subdivision 1, paragraph~~  
379.32 ~~(d), for children.~~

380.1 Sec. 50. Minnesota Statutes 2020, section 256B.0615, subdivision 1, is amended to read:

380.2 Subdivision 1. **Scope.** Medical assistance covers mental health certified peer specialist  
380.3 services, as established in subdivision 2, subject to federal approval, if provided to recipients  
380.4 who are eligible for services under sections 256B.0622, 256B.0623, and 256B.0624 and  
380.5 are provided by a mental health certified peer specialist who has completed the training  
380.6 under subdivision 5 and is qualified according to section 245I.04, subdivision 10.

380.7 Sec. 51. Minnesota Statutes 2020, section 256B.0615, subdivision 5, is amended to read:

380.8 Subd. 5. **Certified peer specialist training and certification.** The commissioner of  
380.9 human services shall develop a training and certification process for certified peer specialists,  
380.10 ~~who must be at least 21 years of age.~~ The candidates must have had a primary diagnosis of  
380.11 mental illness, be a current or former consumer of mental health services, and must  
380.12 demonstrate leadership and advocacy skills and a strong dedication to recovery. The training  
380.13 curriculum must teach participating consumers specific skills relevant to providing peer  
380.14 support to other consumers. In addition to initial training and certification, the commissioner  
380.15 shall develop ongoing continuing educational workshops on pertinent issues related to peer  
380.16 support counseling.

380.17 Sec. 52. Minnesota Statutes 2020, section 256B.0616, subdivision 1, is amended to read:

380.18 Subdivision 1. **Scope.** Medical assistance covers mental health certified family peer  
380.19 specialists services, as established in subdivision 2, subject to federal approval, if provided  
380.20 to recipients who have an emotional disturbance or severe emotional disturbance under  
380.21 chapter 245, and are provided by a mental health certified family peer specialist who has  
380.22 completed the training under subdivision 5 and is qualified according to section 245I.04,  
380.23 subdivision 12. A family peer specialist cannot provide services to the peer specialist's  
380.24 family.

380.25 Sec. 53. Minnesota Statutes 2020, section 256B.0616, subdivision 3, is amended to read:

380.26 Subd. 3. **Eligibility.** Family peer support services may be ~~located in~~ provided to recipients  
380.27 of inpatient hospitalization, partial hospitalization, residential treatment, intensive treatment  
380.28 in foster care, day treatment, children's therapeutic services and supports, or crisis services.

380.29 Sec. 54. Minnesota Statutes 2020, section 256B.0616, subdivision 5, is amended to read:

380.30 Subd. 5. **Certified family peer specialist training and certification.** The commissioner  
380.31 shall develop a training and certification process for certified family peer specialists ~~who~~

381.1 ~~must be at least 21 years of age.~~ The candidates must have raised or be currently raising a  
381.2 child with a mental illness, have had experience navigating the children's mental health  
381.3 system, and must demonstrate leadership and advocacy skills and a strong dedication to  
381.4 family-driven and family-focused services. The training curriculum must teach participating  
381.5 family peer specialists specific skills relevant to providing peer support to other parents. In  
381.6 addition to initial training and certification, the commissioner shall develop ongoing  
381.7 continuing educational workshops on pertinent issues related to family peer support  
381.8 counseling.

381.9 Sec. 55. Minnesota Statutes 2020, section 256B.0622, subdivision 1, is amended to read:

381.10 Subdivision 1. **Scope.** (a) Subject to federal approval, medical assistance covers medically  
381.11 necessary, assertive community treatment for clients as defined in subdivision 2a and  
381.12 intensive residential treatment services for clients as defined in subdivision 3, when the  
381.13 services are provided by an entity certified under and meeting the standards in this section.

381.14 (b) Subject to federal approval, medical assistance covers medically necessary, intensive  
381.15 residential treatment services when the services are provided by an entity licensed under  
381.16 and meeting the standards in section 245I.23.

381.17 (c) The provider entity must make reasonable and good faith efforts to report individual  
381.18 client outcomes to the commissioner, using instruments and protocols approved by the  
381.19 commissioner.

381.20 Sec. 56. Minnesota Statutes 2020, section 256B.0622, subdivision 2, is amended to read:

381.21 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
381.22 meanings given them.

381.23 (b) "ACT team" means the group of interdisciplinary mental health staff who work as  
381.24 a team to provide assertive community treatment.

381.25 (c) "Assertive community treatment" means intensive nonresidential treatment and  
381.26 rehabilitative mental health services provided according to the assertive community treatment  
381.27 model. Assertive community treatment provides a single, fixed point of responsibility for  
381.28 treatment, rehabilitation, and support needs for clients. Services are offered 24 hours per  
381.29 day, seven days per week, in a community-based setting.

381.30 (d) "Individual treatment plan" means ~~the document that results from a person-centered~~  
381.31 ~~planning process of determining real-life outcomes with clients and developing strategies~~  
381.32 ~~to achieve those outcomes~~ a plan described by section 245I.10, subdivisions 7 and 8.

382.1 ~~(e) "Assertive engagement" means the use of collaborative strategies to engage clients~~  
382.2 ~~to receive services.~~

382.3 ~~(f) "Benefits and finance support" means assisting clients in capably managing financial~~  
382.4 ~~affairs. Services include, but are not limited to, assisting clients in applying for benefits;~~  
382.5 ~~assisting with redetermination of benefits; providing financial crisis management; teaching~~  
382.6 ~~and supporting budgeting skills and asset development; and coordinating with a client's~~  
382.7 ~~representative payee, if applicable.~~

382.8 ~~(g) "Co-occurring disorder treatment" means the treatment of co-occurring mental illness~~  
382.9 ~~and substance use disorders and is characterized by assertive outreach, stage-wise~~  
382.10 ~~comprehensive treatment, treatment goal setting, and flexibility to work within each stage~~  
382.11 ~~of treatment. Services include, but are not limited to, assessing and tracking clients' stages~~  
382.12 ~~of change readiness and treatment; applying the appropriate treatment based on stages of~~  
382.13 ~~change, such as outreach and motivational interviewing techniques to work with clients in~~  
382.14 ~~earlier stages of change readiness and cognitive behavioral approaches and relapse prevention~~  
382.15 ~~to work with clients in later stages of change; and facilitating access to community supports.~~

382.16 ~~(h)~~ (e) "Crisis assessment and intervention" means mental health crisis response services  
382.17 as defined in section 256B.0624, subdivision 2, paragraphs (e) to (e).

382.18 ~~(i) "Employment services" means assisting clients to work at jobs of their choosing.~~  
382.19 ~~Services must follow the principles of the individual placement and support (IPS)~~  
382.20 ~~employment model, including focusing on competitive employment; emphasizing individual~~  
382.21 ~~client preferences and strengths; ensuring employment services are integrated with mental~~  
382.22 ~~health services; conducting rapid job searches and systematic job development according~~  
382.23 ~~to client preferences and choices; providing benefits counseling; and offering all services~~  
382.24 ~~in an individualized and time-unlimited manner. Services shall also include educating clients~~  
382.25 ~~about opportunities and benefits of work and school and assisting the client in learning job~~  
382.26 ~~skills, navigating the work place, and managing work relationships.~~

382.27 ~~(j) "Family psychoeducation and support" means services provided to the client's family~~  
382.28 ~~and other natural supports to restore and strengthen the client's unique social and family~~  
382.29 ~~relationships. Services include, but are not limited to, individualized psychoeducation about~~  
382.30 ~~the client's illness and the role of the family and other significant people in the therapeutic~~  
382.31 ~~process; family intervention to restore contact, resolve conflict, and maintain relationships~~  
382.32 ~~with family and other significant people in the client's life; ongoing communication and~~  
382.33 ~~collaboration between the ACT team and the family; introduction and referral to family~~  
382.34 ~~self-help programs and advocacy organizations that promote recovery and family~~

383.1 engagement, individual supportive counseling, parenting training, and service coordination  
383.2 to help clients fulfill parenting responsibilities; coordinating services for the child and  
383.3 restoring relationships with children who are not in the client's custody; and coordinating  
383.4 with child welfare and family agencies, if applicable. These services must be provided with  
383.5 the client's agreement and consent.

383.6 (k) "~~Housing access support~~" means assisting clients to find, obtain, retain, and move  
383.7 to safe and adequate housing of their choice. Housing access support includes, but is not  
383.8 limited to, locating housing options with a focus on integrated independent settings; applying  
383.9 for housing subsidies, programs, or resources; assisting the client in developing relationships  
383.10 with local landlords; providing tenancy support and advocacy for the individual's tenancy  
383.11 rights at the client's home; and assisting with relocation.

383.12 ~~(k)~~ (f) "Individual treatment team" means a minimum of three members of the ACT team  
383.13 who are responsible for consistently carrying out most of a client's assertive community  
383.14 treatment services.

383.15 ~~(m) "Intensive residential treatment services treatment team" means all staff who provide~~  
383.16 ~~intensive residential treatment services under this section to clients. At a minimum, this~~  
383.17 ~~includes the clinical supervisor; mental health professionals as defined in section 245.462,~~  
383.18 ~~subdivision 18, clauses (1) to (6); mental health practitioners as defined in section 245.462,~~  
383.19 ~~subdivision 17; mental health rehabilitation workers under section 256B.0623, subdivision~~  
383.20 ~~5, paragraph (a), clause (4); and mental health certified peer specialists under section~~  
383.21 ~~256B.0615.~~

383.22 ~~(n) "Intensive residential treatment services" means short-term, time-limited services~~  
383.23 ~~provided in a residential setting to clients who are in need of more restrictive settings and~~  
383.24 ~~are at risk of significant functional deterioration if they do not receive these services. Services~~  
383.25 ~~are designed to develop and enhance psychiatric stability, personal and emotional adjustment,~~  
383.26 ~~self-sufficiency, and skills to live in a more independent setting. Services must be directed~~  
383.27 ~~toward a targeted discharge date with specified client outcomes.~~

383.28 ~~(o) "Medication assistance and support" means assisting clients in accessing medication,~~  
383.29 ~~developing the ability to take medications with greater independence, and providing~~  
383.30 ~~medication setup. This includes the prescription, administration, and order of medication~~  
383.31 ~~by appropriate medical staff.~~

383.32 ~~(p) "Medication education" means educating clients on the role and effects of medications~~  
383.33 ~~in treating symptoms of mental illness and the side effects of medications.~~

384.1 ~~(q) "Overnight staff" means a member of the intensive residential treatment services~~  
384.2 ~~team who is responsible during hours when clients are typically asleep.~~

384.3 ~~(r) "Mental health certified peer specialist services" has the meaning given in section~~  
384.4 ~~256B.0615.~~

384.5 ~~(s) "Physical health services" means any service or treatment to meet the physical health~~  
384.6 ~~needs of the client to support the client's mental health recovery. Services include, but are~~  
384.7 ~~not limited to, education on primary health issues, including wellness education; medication~~  
384.8 ~~administration and monitoring; providing and coordinating medical screening and follow-up;~~  
384.9 ~~scheduling routine and acute medical and dental care visits; tobacco cessation strategies;~~  
384.10 ~~assisting clients in attending appointments; communicating with other providers; and~~  
384.11 ~~integrating all physical and mental health treatment.~~

384.12 ~~(t)~~ (g) "Primary team member" means the person who leads and coordinates the activities  
384.13 of the individual treatment team and is the individual treatment team member who has  
384.14 primary responsibility for establishing and maintaining a therapeutic relationship with the  
384.15 client on a continuing basis.

384.16 ~~(u) "Rehabilitative mental health services" means mental health services that are~~  
384.17 ~~rehabilitative and enable the client to develop and enhance psychiatric stability, social~~  
384.18 ~~competencies, personal and emotional adjustment, independent living, parenting skills, and~~  
384.19 ~~community skills, when these abilities are impaired by the symptoms of mental illness.~~

384.20 ~~(v) "Symptom management" means supporting clients in identifying and targeting the~~  
384.21 ~~symptoms and occurrence patterns of their mental illness and developing strategies to reduce~~  
384.22 ~~the impact of those symptoms.~~

384.23 ~~(w) "Therapeutic interventions" means empirically supported techniques to address~~  
384.24 ~~specific symptoms and behaviors such as anxiety, psychotic symptoms, emotional~~  
384.25 ~~dysregulation, and trauma symptoms. Interventions include empirically supported~~  
384.26 ~~psychotherapies including, but not limited to, cognitive behavioral therapy, exposure therapy,~~  
384.27 ~~acceptance and commitment therapy, interpersonal therapy, and motivational interviewing.~~

384.28 ~~(x) "Wellness self-management and prevention" means a combination of approaches to~~  
384.29 ~~working with the client to build and apply skills related to recovery, and to support the client~~  
384.30 ~~in participating in leisure and recreational activities, civic participation, and meaningful~~  
384.31 ~~structure.~~

384.32 (h) "Certified rehabilitation specialist" means a staff person who is qualified according  
384.33 to section 245I.04, subdivision 8.

385.1 (i) "Clinical trainee" means a staff person who is qualified according to section 245I.04,  
385.2 subdivision 6.

385.3 (j) "Mental health certified peer specialist" means a staff person who is qualified  
385.4 according to section 245I.04, subdivision 10.

385.5 (k) "Mental health practitioner" means a staff person who is qualified according to section  
385.6 245I.04, subdivision 4.

385.7 (l) "Mental health professional" means a staff person who is qualified according to  
385.8 section 245I.04, subdivision 2.

385.9 (m) "Mental health rehabilitation worker" means a staff person who is qualified according  
385.10 to section 245I.04, subdivision 14.

385.11 Sec. 57. Minnesota Statutes 2020, section 256B.0622, subdivision 3a, is amended to read:

385.12 Subd. 3a. **Provider certification and contract requirements for assertive community**  
385.13 **treatment.** (a) The assertive community treatment provider must:

385.14 (1) have a contract with the host county to provide assertive community treatment  
385.15 services; and

385.16 (2) have each ACT team be certified by the state following the certification process and  
385.17 procedures developed by the commissioner. The certification process determines whether  
385.18 the ACT team meets the standards for assertive community treatment under this section as  
385.19 ~~well as,~~ the standards in chapter 245I as required in section 245I.011, subdivision 5, and  
385.20 minimum program fidelity standards as measured by a nationally recognized fidelity tool  
385.21 approved by the commissioner. Recertification must occur at least every three years.

385.22 (b) An ACT team certified under this subdivision must meet the following standards:

385.23 (1) have capacity to recruit, hire, manage, and train required ACT team members;

385.24 (2) have adequate administrative ability to ensure availability of services;

385.25 ~~(3) ensure adequate preservice and ongoing training for staff;~~

385.26 ~~(4) ensure that staff is capable of implementing culturally specific services that are~~  
385.27 ~~culturally responsive and appropriate as determined by the client's culture, beliefs, values,~~  
385.28 ~~and language as identified in the individual treatment plan;~~

385.29 ~~(5)~~ (3) ensure flexibility in service delivery to respond to the changing and intermittent  
385.30 care needs of a client as identified by the client and the individual treatment plan;

385.31 ~~(6) develop and maintain client files, individual treatment plans, and contact charting;~~

386.1 ~~(7) develop and maintain staff training and personnel files;~~

386.2 ~~(8) submit information as required by the state;~~

386.3 ~~(9)~~ (4) keep all necessary records required by law;

386.4 ~~(10) comply with all applicable laws;~~

386.5 ~~(11)~~ (5) be an enrolled Medicaid provider; and

386.6 ~~(12)~~ (6) establish and maintain a quality assurance plan to determine specific service

386.7 outcomes and the client's satisfaction with services; and.

386.8 ~~(13) develop and maintain written policies and procedures regarding service provision~~

386.9 ~~and administration of the provider entity.~~

386.10 (c) The commissioner may intervene at any time and decertify an ACT team with cause.

386.11 The commissioner shall establish a process for decertification of an ACT team and shall

386.12 require corrective action, medical assistance repayment, or decertification of an ACT team

386.13 that no longer meets the requirements in this section or that fails to meet the clinical quality

386.14 standards or administrative standards provided by the commissioner in the application and

386.15 certification process. The decertification is subject to appeal to the state.

386.16 Sec. 58. Minnesota Statutes 2020, section 256B.0622, subdivision 4, is amended to read:

386.17 Subd. 4. **Provider entity licensure and contract requirements for intensive residential**

386.18 **treatment services.** ~~(a) The intensive residential treatment services provider entity must:~~

386.19 ~~(1) be licensed under Minnesota Rules, parts 9520.0500 to 9520.0670;~~

386.20 ~~(2) not exceed 16 beds per site; and~~

386.21 ~~(3) comply with the additional standards in this section.~~

386.22 ~~(b)~~ (a) The commissioner shall develop procedures for counties and providers to submit

386.23 other documentation as needed to allow the commissioner to determine whether the standards

386.24 in this section are met.

386.25 ~~(c)~~ (b) A provider entity must specify in the provider entity's application what geographic

386.26 area and populations will be served by the proposed program. A provider entity must

386.27 document that the capacity or program specialties of existing programs are not sufficient

386.28 to meet the service needs of the target population. A provider entity must submit evidence

386.29 of ongoing relationships with other providers and levels of care to facilitate referrals to and

386.30 from the proposed program.

387.1 ~~(d)~~ (c) A provider entity must submit documentation that the provider entity requested  
387.2 a statement of need from each county board and tribal authority that serves as a local mental  
387.3 health authority in the proposed service area. The statement of need must specify if the local  
387.4 mental health authority supports or does not support the need for the proposed program and  
387.5 the basis for this determination. If a local mental health authority does not respond within  
387.6 60 days of the receipt of the request, the commissioner shall determine the need for the  
387.7 program based on the documentation submitted by the provider entity.

387.8 Sec. 59. Minnesota Statutes 2020, section 256B.0622, subdivision 7, is amended to read:

387.9 Subd. 7. **Assertive community treatment service standards.** (a) ACT teams must offer  
387.10 and have the capacity to directly provide the following services:

387.11 (1) assertive engagement using collaborative strategies to encourage clients to receive  
387.12 services;

387.13 (2) benefits and finance support that assists clients to capably manage financial affairs.  
387.14 Services include but are not limited to assisting clients in applying for benefits, assisting  
387.15 with redetermination of benefits, providing financial crisis management, teaching and  
387.16 supporting budgeting skills and asset development, and coordinating with a client's  
387.17 representative payee, if applicable;

387.18 (3) co-occurring substance use disorder treatment as defined in section 245I.02,  
387.19 subdivision 11;

387.20 (4) crisis assessment and intervention;

387.21 (5) employment services that assist clients to work at jobs of the clients' choosing.  
387.22 Services must follow the principles of the individual placement and support employment  
387.23 model, including focusing on competitive employment, emphasizing individual client  
387.24 preferences and strengths, ensuring employment services are integrated with mental health  
387.25 services, conducting rapid job searches and systematic job development according to client  
387.26 preferences and choices, providing benefits counseling, and offering all services in an  
387.27 individualized and time-unlimited manner. Services must also include educating clients  
387.28 about opportunities and benefits of work and school and assisting the client in learning job  
387.29 skills, navigating the workplace, workplace accommodations, and managing work  
387.30 relationships;

387.31 (6) family psychoeducation and support provided to the client's family and other natural  
387.32 supports to restore and strengthen the client's unique social and family relationships. Services  
387.33 include but are not limited to individualized psychoeducation about the client's illness and

388.1 the role of the family and other significant people in the therapeutic process; family  
388.2 intervention to restore contact, resolve conflict, and maintain relationships with family and  
388.3 other significant people in the client's life; ongoing communication and collaboration between  
388.4 the ACT team and the family; introduction and referral to family self-help programs and  
388.5 advocacy organizations that promote recovery and family engagement, individual supportive  
388.6 counseling, parenting training, and service coordination to help clients fulfill parenting  
388.7 responsibilities; coordinating services for the child and restoring relationships with children  
388.8 who are not in the client's custody; and coordinating with child welfare and family agencies,  
388.9 if applicable. These services must be provided with the client's agreement and consent;

388.10 (7) housing access support that assists clients to find, obtain, retain, and move to safe  
388.11 and adequate housing of their choice. Housing access support includes but is not limited to  
388.12 locating housing options with a focus on integrated independent settings; applying for  
388.13 housing subsidies, programs, or resources; assisting the client in developing relationships  
388.14 with local landlords; providing tenancy support and advocacy for the individual's tenancy  
388.15 rights at the client's home; and assisting with relocation;

388.16 (8) medication assistance and support that assists clients in accessing medication,  
388.17 developing the ability to take medications with greater independence, and providing  
388.18 medication setup. Medication assistance and support includes assisting the client with the  
388.19 prescription, administration, and ordering of medication by appropriate medical staff;

388.20 (9) medication education that educates clients on the role and effects of medications in  
388.21 treating symptoms of mental illness and the side effects of medications;

388.22 (10) mental health certified peer specialists services according to section 256B.0615;

388.23 (11) physical health services to meet the physical health needs of the client to support  
388.24 the client's mental health recovery. Services include but are not limited to education on  
388.25 primary health and wellness issues, medication administration and monitoring, providing  
388.26 and coordinating medical screening and follow-up, scheduling routine and acute medical  
388.27 and dental care visits, tobacco cessation strategies, assisting clients in attending appointments,  
388.28 communicating with other providers, and integrating all physical and mental health treatment;

388.29 (12) rehabilitative mental health services as defined in section 245I.02, subdivision 33;

388.30 (13) symptom management that supports clients in identifying and targeting the symptoms  
388.31 and occurrence patterns of their mental illness and developing strategies to reduce the impact  
388.32 of those symptoms;

389.1 (14) therapeutic interventions to address specific symptoms and behaviors such as  
389.2 anxiety, psychotic symptoms, emotional dysregulation, and trauma symptoms. Interventions  
389.3 include empirically supported psychotherapies including but not limited to cognitive  
389.4 behavioral therapy, exposure therapy, acceptance and commitment therapy, interpersonal  
389.5 therapy, and motivational interviewing;

389.6 (15) wellness self-management and prevention that includes a combination of approaches  
389.7 to working with the client to build and apply skills related to recovery, and to support the  
389.8 client in participating in leisure and recreational activities, civic participation, and meaningful  
389.9 structure; and

389.10 (16) other services based on client needs as identified in a client's assertive community  
389.11 treatment individual treatment plan.

389.12 (b) ACT teams must ensure the provision of all services necessary to meet a client's  
389.13 needs as identified in the client's individual treatment plan.

389.14 Sec. 60. Minnesota Statutes 2020, section 256B.0622, subdivision 7a, is amended to read:

389.15 Subd. 7a. **Assertive community treatment team staff requirements and roles.** (a)  
389.16 The required treatment staff qualifications and roles for an ACT team are:

389.17 (1) the team leader:

389.18 (i) shall be a ~~licensed~~ mental health professional ~~who is qualified under Minnesota Rules,~~  
389.19 ~~part 9505.0371, subpart 5, item A.~~ Individuals who are not licensed but who are eligible  
389.20 for licensure and are otherwise qualified may also fulfill this role but must obtain full  
389.21 licensure within 24 months of assuming the role of team leader;

389.22 (ii) must be an active member of the ACT team and provide some direct services to  
389.23 clients;

389.24 (iii) must be a single full-time staff member, dedicated to the ACT team, who is  
389.25 responsible for overseeing the administrative operations of the team, providing ~~clinical~~  
389.26 ~~oversight~~ treatment supervision of services in conjunction with the psychiatrist or psychiatric  
389.27 care provider, and supervising team members to ensure delivery of best and ethical practices;  
389.28 and

389.29 (iv) must be available to provide overall ~~clinical oversight~~ treatment supervision to the  
389.30 ACT team after regular business hours and on weekends and holidays. The team leader may  
389.31 delegate this duty to another qualified member of the ACT team;

389.32 (2) the psychiatric care provider:

390.1 (i) must be a ~~licensed psychiatrist certified by the American Board of Psychiatry and~~  
390.2 ~~Neurology or eligible for board certification or certified by the American Osteopathic Board~~  
390.3 ~~of Neurology and Psychiatry or eligible for board certification, or a psychiatric nurse who~~  
390.4 ~~is qualified under Minnesota Rules, part 9505.0371, subpart 5, item A~~ mental health  
390.5 professional permitted to prescribe psychiatric medications as part of the mental health  
390.6 professional's scope of practice. The psychiatric care provider must have demonstrated  
390.7 clinical experience working with individuals with serious and persistent mental illness;

390.8 (ii) shall collaborate with the team leader in sharing overall clinical responsibility for  
390.9 screening and admitting clients; monitoring clients' treatment and team member service  
390.10 delivery; educating staff on psychiatric and nonpsychiatric medications, their side effects,  
390.11 and health-related conditions; actively collaborating with nurses; and helping provide ~~clinical~~  
390.12 treatment supervision to the team;

390.13 (iii) shall fulfill the following functions for assertive community treatment clients:  
390.14 provide assessment and treatment of clients' symptoms and response to medications, including  
390.15 side effects; provide brief therapy to clients; provide diagnostic and medication education  
390.16 to clients, with medication decisions based on shared decision making; monitor clients'  
390.17 nonpsychiatric medical conditions and nonpsychiatric medications; and conduct home and  
390.18 community visits;

390.19 (iv) shall serve as the point of contact for psychiatric treatment if a client is hospitalized  
390.20 for mental health treatment and shall communicate directly with the client's inpatient  
390.21 psychiatric care providers to ensure continuity of care;

390.22 (v) shall have a minimum full-time equivalency that is prorated at a rate of 16 hours per  
390.23 50 clients. Part-time psychiatric care providers shall have designated hours to work on the  
390.24 team, with sufficient blocks of time on consistent days to carry out the provider's clinical,  
390.25 supervisory, and administrative responsibilities. No more than two psychiatric care providers  
390.26 may share this role;

390.27 (vi) may not provide specific roles and responsibilities by telemedicine unless approved  
390.28 by the commissioner; and

390.29 (vii) shall provide psychiatric backup to the program after regular business hours and  
390.30 on weekends and holidays. The psychiatric care provider may delegate this duty to another  
390.31 qualified psychiatric provider;

390.32 (3) the nursing staff:

391.1 (i) shall consist of one to three registered nurses or advanced practice registered nurses,  
391.2 of whom at least one has a minimum of one-year experience working with adults with  
391.3 serious mental illness and a working knowledge of psychiatric medications. No more than  
391.4 two individuals can share a full-time equivalent position;

391.5 (ii) are responsible for managing medication, administering and documenting medication  
391.6 treatment, and managing a secure medication room; and

391.7 (iii) shall develop strategies, in collaboration with clients, to maximize taking medications  
391.8 as prescribed; screen and monitor clients' mental and physical health conditions and  
391.9 medication side effects; engage in health promotion, prevention, and education activities;  
391.10 communicate and coordinate services with other medical providers; facilitate the development  
391.11 of the individual treatment plan for clients assigned; and educate the ACT team in monitoring  
391.12 psychiatric and physical health symptoms and medication side effects;

391.13 (4) the co-occurring disorder specialist:

391.14 (i) shall be a full-time equivalent co-occurring disorder specialist who has received  
391.15 specific training on co-occurring disorders that is consistent with national evidence-based  
391.16 practices. The training must include practical knowledge of common substances and how  
391.17 they affect mental illnesses, the ability to assess substance use disorders and the client's  
391.18 stage of treatment, motivational interviewing, and skills necessary to provide counseling to  
391.19 clients at all different stages of change and treatment. The co-occurring disorder specialist  
391.20 may also be an individual who is a licensed alcohol and drug counselor as described in  
391.21 section 148F.01, subdivision 5, or a counselor who otherwise meets the training, experience,  
391.22 and other requirements in section 245G.11, subdivision 5. No more than two co-occurring  
391.23 disorder specialists may occupy this role; and

391.24 (ii) shall provide or facilitate the provision of co-occurring disorder treatment to clients.  
391.25 The co-occurring disorder specialist shall serve as a consultant and educator to fellow ACT  
391.26 team members on co-occurring disorders;

391.27 (5) the vocational specialist:

391.28 (i) shall be a full-time vocational specialist who has at least one-year experience providing  
391.29 employment services or advanced education that involved field training in vocational services  
391.30 to individuals with mental illness. An individual who does not meet these qualifications  
391.31 may also serve as the vocational specialist upon completing a training plan approved by the  
391.32 commissioner;

392.1 (ii) shall provide or facilitate the provision of vocational services to clients. The vocational  
392.2 specialist serves as a consultant and educator to fellow ACT team members on these services;  
392.3 and

392.4 (iii) ~~should~~ must not refer individuals to receive any type of vocational services or linkage  
392.5 by providers outside of the ACT team;

392.6 (6) the mental health certified peer specialist:

392.7 (i) shall be a full-time equivalent ~~mental health certified peer specialist as defined in~~  
392.8 ~~section 256B.0615~~. No more than two individuals can share this position. The mental health  
392.9 certified peer specialist is a fully integrated team member who provides highly individualized  
392.10 services in the community and promotes the self-determination and shared decision-making  
392.11 abilities of clients. This requirement may be waived due to workforce shortages upon  
392.12 approval of the commissioner;

392.13 (ii) must provide coaching, mentoring, and consultation to the clients to promote recovery,  
392.14 self-advocacy, and self-direction, promote wellness management strategies, and assist clients  
392.15 in developing advance directives; and

392.16 (iii) must model recovery values, attitudes, beliefs, and personal action to encourage  
392.17 wellness and resilience, provide consultation to team members, promote a culture where  
392.18 the clients' points of view and preferences are recognized, understood, respected, and  
392.19 integrated into treatment, and serve in a manner equivalent to other team members;

392.20 (7) the program administrative assistant shall be a full-time office-based program  
392.21 administrative assistant position assigned to solely work with the ACT team, providing a  
392.22 range of supports to the team, clients, and families; and

392.23 (8) additional staff:

392.24 (i) shall be based on team size. Additional treatment team staff may include ~~licensed~~  
392.25 ~~mental health professionals as defined in Minnesota Rules, part 9505.0371, subpart 5, item~~  
392.26 ~~A; clinical trainees; certified rehabilitation specialists; mental health practitioners as defined~~  
392.27 ~~in section 245.462, subdivision 17; a mental health practitioner working as a clinical trainee~~  
392.28 ~~according to Minnesota Rules, part 9505.0371, subpart 5, item C; or mental health~~  
392.29 ~~rehabilitation workers as defined in section 256B.0623, subdivision 5, paragraph (a), clause~~  
392.30 ~~(4)~~. These individuals shall have the knowledge, skills, and abilities required by the  
392.31 population served to carry out rehabilitation and support functions; and

392.32 (ii) shall be selected based on specific program needs or the population served.

392.33 (b) Each ACT team must clearly document schedules for all ACT team members.

393.1 (c) Each ACT team member must serve as a primary team member for clients assigned  
393.2 by the team leader and are responsible for facilitating the individual treatment plan process  
393.3 for those clients. The primary team member for a client is the responsible team member  
393.4 knowledgeable about the client's life and circumstances and writes the individual treatment  
393.5 plan. The primary team member provides individual supportive therapy or counseling, and  
393.6 provides primary support and education to the client's family and support system.

393.7 (d) Members of the ACT team must have strong clinical skills, professional qualifications,  
393.8 experience, and competency to provide a full breadth of rehabilitation services. Each staff  
393.9 member shall be proficient in their respective discipline and be able to work collaboratively  
393.10 as a member of a multidisciplinary team to deliver the majority of the treatment,  
393.11 rehabilitation, and support services clients require to fully benefit from receiving assertive  
393.12 community treatment.

393.13 (e) Each ACT team member must fulfill training requirements established by the  
393.14 commissioner.

393.15 Sec. 61. Minnesota Statutes 2020, section 256B.0622, subdivision 7b, is amended to read:

393.16 Subd. 7b. **Assertive community treatment program size and opportunities.** (a) Each  
393.17 ACT team shall maintain an annual average caseload that does not exceed 100 clients.  
393.18 Staff-to-client ratios shall be based on team size as follows:

393.19 (1) a small ACT team must:

393.20 (i) employ at least six but no more than seven full-time treatment team staff, excluding  
393.21 the program assistant and the psychiatric care provider;

393.22 (ii) serve an annual average maximum of no more than 50 clients;

393.23 (iii) ensure at least one full-time equivalent position for every eight clients served;

393.24 (iv) schedule ACT team staff for at least eight-hour shift coverage on weekdays and  
393.25 on-call duty to provide crisis services and deliver services after hours when staff are not  
393.26 working;

393.27 (v) provide crisis services during business hours if the small ACT team does not have  
393.28 sufficient staff numbers to operate an after-hours on-call system. During all other hours,  
393.29 the ACT team may arrange for coverage for crisis assessment and intervention services  
393.30 through a reliable crisis-intervention provider as long as there is a mechanism by which the  
393.31 ACT team communicates routinely with the crisis-intervention provider and the on-call

394.1 ACT team staff are available to see clients face-to-face when necessary or if requested by  
394.2 the crisis-intervention services provider;

394.3 (vi) adjust schedules and provide staff to carry out the needed service activities in the  
394.4 evenings or on weekend days or holidays, when necessary;

394.5 (vii) arrange for and provide psychiatric backup during all hours the psychiatric care  
394.6 provider is not regularly scheduled to work. If availability of the ACT team's psychiatric  
394.7 care provider during all hours is not feasible, alternative psychiatric prescriber backup must  
394.8 be arranged and a mechanism of timely communication and coordination established in  
394.9 writing; and

394.10 (viii) be composed of, at minimum, one full-time team leader, at least 16 hours each  
394.11 week per 50 clients of psychiatric provider time, or equivalent if fewer clients, one full-time  
394.12 equivalent nursing, one full-time ~~substance abuse~~ co-occurring disorder specialist, one  
394.13 full-time equivalent mental health certified peer specialist, one full-time vocational specialist,  
394.14 one full-time program assistant, and at least one additional full-time ACT team member  
394.15 who has mental health professional, certified rehabilitation specialist, clinical trainee, or  
394.16 mental health practitioner status; and

394.17 (2) a midsize ACT team shall:

394.18 (i) be composed of, at minimum, one full-time team leader, at least 16 hours of psychiatry  
394.19 time for 51 clients, with an additional two hours for every six clients added to the team, 1.5  
394.20 to two full-time equivalent nursing staff, one full-time ~~substance abuse~~ co-occurring disorder  
394.21 specialist, one full-time equivalent mental health certified peer specialist, one full-time  
394.22 vocational specialist, one full-time program assistant, and at least 1.5 to two additional  
394.23 full-time equivalent ACT members, with at least one dedicated full-time staff member with  
394.24 mental health professional status. Remaining team members may have mental health  
394.25 professional, certified rehabilitation specialist, clinical trainee, or mental health practitioner  
394.26 status;

394.27 (ii) employ seven or more treatment team full-time equivalents, excluding the program  
394.28 assistant and the psychiatric care provider;

394.29 (iii) serve an annual average maximum caseload of 51 to 74 clients;

394.30 (iv) ensure at least one full-time equivalent position for every nine clients served;

394.31 (v) schedule ACT team staff for a minimum of ten-hour shift coverage on weekdays  
394.32 and six- to eight-hour shift coverage on weekends and holidays. In addition to these minimum

395.1 specifications, staff are regularly scheduled to provide the necessary services on a  
395.2 client-by-client basis in the evenings and on weekends and holidays;

395.3 (vi) schedule ACT team staff on-call duty to provide crisis services and deliver services  
395.4 when staff are not working;

395.5 (vii) have the authority to arrange for coverage for crisis assessment and intervention  
395.6 services through a reliable crisis-intervention provider as long as there is a mechanism by  
395.7 which the ACT team communicates routinely with the crisis-intervention provider and the  
395.8 on-call ACT team staff are available to see clients face-to-face when necessary or if requested  
395.9 by the crisis-intervention services provider; and

395.10 (viii) arrange for and provide psychiatric backup during all hours the psychiatric care  
395.11 provider is not regularly scheduled to work. If availability of the psychiatric care provider  
395.12 during all hours is not feasible, alternative psychiatric prescriber backup must be arranged  
395.13 and a mechanism of timely communication and coordination established in writing;

395.14 (3) a large ACT team must:

395.15 (i) be composed of, at minimum, one full-time team leader, at least 32 hours each week  
395.16 per 100 clients, or equivalent of psychiatry time, three full-time equivalent nursing staff,  
395.17 one full-time ~~substance-abuse~~ co-occurring disorder specialist, one full-time equivalent  
395.18 mental health certified peer specialist, one full-time vocational specialist, one full-time  
395.19 program assistant, and at least two additional full-time equivalent ACT team members, with  
395.20 at least one dedicated full-time staff member with mental health professional status.

395.21 Remaining team members may have mental health professional or mental health practitioner  
395.22 status;

395.23 (ii) employ nine or more treatment team full-time equivalents, excluding the program  
395.24 assistant and psychiatric care provider;

395.25 (iii) serve an annual average maximum caseload of 75 to 100 clients;

395.26 (iv) ensure at least one full-time equivalent position for every nine individuals served;

395.27 (v) schedule staff to work two eight-hour shifts, with a minimum of two staff on the  
395.28 second shift providing services at least 12 hours per day weekdays. For weekends and  
395.29 holidays, the team must operate and schedule ACT team staff to work one eight-hour shift,  
395.30 with a minimum of two staff each weekend day and every holiday;

395.31 (vi) schedule ACT team staff on-call duty to provide crisis services and deliver services  
395.32 when staff are not working; and

396.1 (vii) arrange for and provide psychiatric backup during all hours the psychiatric care  
396.2 provider is not regularly scheduled to work. If availability of the ACT team psychiatric care  
396.3 provider during all hours is not feasible, alternative psychiatric backup must be arranged  
396.4 and a mechanism of timely communication and coordination established in writing.

396.5 (b) An ACT team of any size may have a staff-to-client ratio that is lower than the  
396.6 requirements described in paragraph (a) upon approval by the commissioner, but may not  
396.7 exceed a one-to-ten staff-to-client ratio.

396.8 Sec. 62. Minnesota Statutes 2020, section 256B.0622, subdivision 7d, is amended to read:

396.9 Subd. 7d. **Assertive community treatment assessment and individual treatment**  
396.10 **plan.** (a) An initial assessment, ~~including a diagnostic assessment that meets the requirements~~  
396.11 ~~of Minnesota Rules, part 9505.0372, subpart 1, and a 30-day treatment plan~~ shall be  
396.12 completed the day of the client's admission to assertive community treatment by the ACT  
396.13 team leader or the psychiatric care provider, with participation by designated ACT team  
396.14 members and the client. The initial assessment must include obtaining or completing a  
396.15 standard diagnostic assessment according to section 245I.10, subdivision 6, and completing  
396.16 a 30-day individual treatment plan. The team leader, psychiatric care provider, or other  
396.17 mental health professional designated by the team leader or psychiatric care provider, must  
396.18 update the client's diagnostic assessment at least annually.

396.19 (b) ~~An initial~~ A functional assessment must be completed ~~within ten days of intake and~~  
396.20 ~~updated every six months for assertive community treatment, or prior to discharge from the~~  
396.21 ~~service, whichever comes first~~ according to section 245I.10, subdivision 9.

396.22 (e) ~~Within 30 days of the client's assertive community treatment admission, the ACT~~  
396.23 ~~team shall complete an in-depth assessment of the domains listed under section 245.462,~~  
396.24 ~~subdivision 11a.~~

396.25 (d) Each part of the ~~in-depth~~ functional assessment areas shall be completed by each  
396.26 respective team specialist or an ACT team member with skill and knowledge in the area  
396.27 being assessed. ~~The assessments are based upon all available information, including that~~  
396.28 ~~from client interview family and identified natural supports, and written summaries from~~  
396.29 ~~other agencies, including police, courts, county social service agencies, outpatient facilities,~~  
396.30 ~~and inpatient facilities, where applicable.~~

396.31 (e) (c) Between 30 and 45 days after the client's admission to assertive community  
396.32 treatment, the entire ACT team must hold a comprehensive case conference, where all team  
396.33 members, including the psychiatric provider, present information discovered from the

397.1 completed ~~in-depth~~ assessments and provide treatment recommendations. The conference  
397.2 must serve as the basis for the first ~~six-month~~ individual treatment plan, which must be  
397.3 written by the primary team member.

397.4 ~~(f)~~ (d) The client's psychiatric care provider, primary team member, and individual  
397.5 treatment team members shall assume responsibility for preparing the written narrative of  
397.6 the results from the psychiatric and social functioning history timeline and the comprehensive  
397.7 assessment.

397.8 ~~(g)~~ (e) The primary team member and individual treatment team members shall be  
397.9 assigned by the team leader in collaboration with the psychiatric care provider by the time  
397.10 of the first treatment planning meeting or 30 days after admission, whichever occurs first.

397.11 ~~(h)~~ (f) Individual treatment plans must be developed through the following treatment  
397.12 planning process:

397.13 (1) The individual treatment plan shall be developed in collaboration with the client and  
397.14 the client's preferred natural supports, and guardian, if applicable and appropriate. The ACT  
397.15 team shall evaluate, together with each client, the client's needs, strengths, and preferences  
397.16 and develop the individual treatment plan collaboratively. The ACT team shall make every  
397.17 effort to ensure that the client and the client's family and natural supports, with the client's  
397.18 consent, are in attendance at the treatment planning meeting, are involved in ongoing  
397.19 meetings related to treatment, and have the necessary supports to fully participate. The  
397.20 client's participation in the development of the individual treatment plan shall be documented.

397.21 (2) The client and the ACT team shall work together to formulate and prioritize the  
397.22 issues, set goals, research approaches and interventions, and establish the plan. The plan is  
397.23 individually tailored so that the treatment, rehabilitation, and support approaches and  
397.24 interventions achieve optimum symptom reduction, help fulfill the personal needs and  
397.25 aspirations of the client, take into account the cultural beliefs and realities of the individual,  
397.26 and improve all the aspects of psychosocial functioning that are important to the client. The  
397.27 process supports strengths, rehabilitation, and recovery.

397.28 (3) Each client's individual treatment plan shall identify service needs, strengths and  
397.29 capacities, and barriers, and set specific and measurable short- and long-term goals for each  
397.30 service need. The individual treatment plan must clearly specify the approaches and  
397.31 interventions necessary for the client to achieve the individual goals, when the interventions  
397.32 shall happen, and identify which ACT team member shall carry out the approaches and  
397.33 interventions.

398.1 (4) The primary team member and the individual treatment team, together with the client  
398.2 and the client's family and natural supports with the client's consent, are responsible for  
398.3 reviewing and rewriting the treatment goals and individual treatment plan whenever there  
398.4 is a major decision point in the client's course of treatment or at least every six months.

398.5 (5) The primary team member shall prepare a summary that thoroughly describes in  
398.6 writing the client's and the individual treatment team's evaluation of the client's progress  
398.7 and goal attainment, the effectiveness of the interventions, and the satisfaction with services  
398.8 since the last individual treatment plan. The client's most recent diagnostic assessment must  
398.9 be included with the treatment plan summary.

398.10 (6) The individual treatment plan and review must be ~~signed~~ approved or acknowledged  
398.11 by the client, the primary team member, the team leader, the psychiatric care provider, and  
398.12 all individual treatment team members. A copy of the ~~signed~~ approved individual treatment  
398.13 plan ~~is~~ must be made available to the client.

398.14 Sec. 63. Minnesota Statutes 2020, section 256B.0623, subdivision 1, is amended to read:

398.15 Subdivision 1. **Scope.** Subject to federal approval, medical assistance covers medically  
398.16 necessary adult rehabilitative mental health services as defined in subdivision 2, subject to  
398.17 federal approval, if provided to recipients as defined in subdivision 3 and provided by a  
398.18 qualified provider entity meeting the standards in this section and by a qualified individual  
398.19 provider working within the provider's scope of practice and identified in the recipient's  
398.20 individual treatment plan as defined in section 245.462, subdivision 14, and if determined  
398.21 to be medically necessary according to section 62Q.53 when the services are provided by  
398.22 an entity meeting the standards in this section. The provider entity must make reasonable  
398.23 and good faith efforts to report individual client outcomes to the commissioner, using  
398.24 instruments and protocols approved by the commissioner.

398.25 Sec. 64. Minnesota Statutes 2020, section 256B.0623, subdivision 2, is amended to read:

398.26 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
398.27 given them.

398.28 (a) "Adult rehabilitative mental health services" means ~~mental health services which are~~  
398.29 ~~rehabilitative and enable the recipient to develop and enhance psychiatric stability, social~~  
398.30 ~~competencies, personal and emotional adjustment, independent living, parenting skills, and~~  
398.31 ~~community skills, when these abilities are impaired by the symptoms of mental illness.~~  
398.32 ~~Adult rehabilitative mental health services are also appropriate when provided to enable a~~  
398.33 ~~recipient to retain stability and functioning, if the recipient would be at risk of significant~~

399.1 ~~functional decompensation or more restrictive service settings without these services~~ the  
399.2 services described in section 245I.02, subdivision 33.

399.3 ~~(1) Adult rehabilitative mental health services instruct, assist, and support the recipient~~  
399.4 ~~in areas such as: interpersonal communication skills, community resource utilization and~~  
399.5 ~~integration skills, crisis assistance, relapse prevention skills, health care directives, budgeting~~  
399.6 ~~and shopping skills, healthy lifestyle skills and practices, cooking and nutrition skills,~~  
399.7 ~~transportation skills, medication education and monitoring, mental illness symptom~~  
399.8 ~~management skills, household management skills, employment-related skills, parenting~~  
399.9 ~~skills, and transition to community living services.~~

399.10 ~~(2) These services shall be provided to the recipient on a one-to-one basis in the recipient's~~  
399.11 ~~home or another community setting or in groups.~~

399.12 (b) "Medication education services" means services provided individually or in groups  
399.13 which focus on educating the recipient about mental illness and symptoms; the role and  
399.14 effects of medications in treating symptoms of mental illness; and the side effects of  
399.15 medications. Medication education is coordinated with medication management services  
399.16 and does not duplicate it. Medication education services are provided by physicians, advanced  
399.17 practice registered nurses, pharmacists, physician assistants, or registered nurses.

399.18 (c) "Transition to community living services" means services which maintain continuity  
399.19 of contact between the rehabilitation services provider and the recipient and which facilitate  
399.20 discharge from a hospital, residential treatment program ~~under Minnesota Rules, chapter~~  
399.21 ~~9505~~, board and lodging facility, or nursing home. Transition to community living services  
399.22 are not intended to provide other areas of adult rehabilitative mental health services.

399.23 Sec. 65. Minnesota Statutes 2020, section 256B.0623, subdivision 3, is amended to read:

399.24 Subd. 3. **Eligibility.** An eligible recipient is an individual who:

399.25 (1) is age 18 or older;

399.26 (2) is diagnosed with a medical condition, such as mental illness or traumatic brain  
399.27 injury, for which adult rehabilitative mental health services are needed;

399.28 (3) has substantial disability and functional impairment in three or more of the areas  
399.29 listed in section ~~245.462, subdivision 11a~~ 245I.10, subdivision 9, clause (4), so that  
399.30 self-sufficiency is markedly reduced; and

399.31 (4) has had a recent standard diagnostic assessment ~~or an adult diagnostic assessment~~  
399.32 ~~update~~ by a qualified professional that documents adult rehabilitative mental health services

400.1 are medically necessary to address identified disability and functional impairments and  
400.2 individual recipient goals.

400.3 Sec. 66. Minnesota Statutes 2020, section 256B.0623, subdivision 4, is amended to read:

400.4 Subd. 4. **Provider entity standards.** (a) The provider entity must be certified by the  
400.5 state following the certification process and procedures developed by the commissioner.

400.6 (b) The certification process is a determination as to whether the entity meets the standards  
400.7 in this ~~subdivision~~ section and chapter 245I, as required in section 245I.011, subdivision 5.  
400.8 The certification must specify which adult rehabilitative mental health services the entity  
400.9 is qualified to provide.

400.10 (c) A noncounty provider entity must obtain additional certification from each county  
400.11 in which it will provide services. The additional certification must be based on the adequacy  
400.12 of the entity's knowledge of that county's local health and human service system, and the  
400.13 ability of the entity to coordinate its services with the other services available in that county.  
400.14 A county-operated entity must obtain this additional certification from any other county in  
400.15 which it will provide services.

400.16 (d) State-level recertification must occur at least every three years.

400.17 (e) The commissioner may intervene at any time and decertify providers with cause.  
400.18 The decertification is subject to appeal to the state. A county board may recommend that  
400.19 the state decertify a provider for cause.

400.20 (f) The adult rehabilitative mental health services provider entity must meet the following  
400.21 standards:

400.22 (1) have capacity to recruit, hire, manage, and train ~~mental health professionals, mental~~  
400.23 ~~health practitioners, and mental health rehabilitation workers~~ qualified staff;

400.24 (2) have adequate administrative ability to ensure availability of services;

400.25 ~~(3) ensure adequate preservice and inservice and ongoing training for staff;~~

400.26 ~~(4)~~ (3) ensure that ~~mental health professionals, mental health practitioners, and mental~~  
400.27 ~~health rehabilitation workers~~ staff are skilled in the delivery of the specific adult rehabilitative  
400.28 mental health services provided to the individual eligible recipient;

400.29 ~~(5) ensure that staff is capable of implementing culturally specific services that are~~  
400.30 ~~culturally competent and appropriate as determined by the recipient's culture, beliefs, values,~~  
400.31 ~~and language as identified in the individual treatment plan;~~

401.1 ~~(6)~~ (4) ensure enough flexibility in service delivery to respond to the changing and  
401.2 intermittent care needs of a recipient as identified by the recipient and the individual treatment  
401.3 plan;

401.4 ~~(7) ensure that the mental health professional or mental health practitioner, who is under~~  
401.5 ~~the clinical supervision of a mental health professional, involved in a recipient's services~~  
401.6 ~~participates in the development of the individual treatment plan;~~

401.7 ~~(8)~~ (5) assist the recipient in arranging needed crisis assessment, intervention, and  
401.8 stabilization services;

401.9 ~~(9)~~ (6) ensure that services are coordinated with other recipient mental health services  
401.10 providers and the county mental health authority and the federally recognized American  
401.11 Indian authority and necessary others after obtaining the consent of the recipient. Services  
401.12 must also be coordinated with the recipient's case manager or care coordinator if the recipient  
401.13 is receiving case management or care coordination services;

401.14 ~~(10) develop and maintain recipient files, individual treatment plans, and contact charting;~~

401.15 ~~(11) develop and maintain staff training and personnel files;~~

401.16 ~~(12) submit information as required by the state;~~

401.17 ~~(13) establish and maintain a quality assurance plan to evaluate the outcome of services~~  
401.18 ~~provided;~~

401.19 ~~(14)~~ (7) keep all necessary records required by law;

401.20 ~~(15)~~ (8) deliver services as required by section 245.461;

401.21 ~~(16) comply with all applicable laws;~~

401.22 ~~(17)~~ (9) be an enrolled Medicaid provider; and

401.23 ~~(18)~~ (10) maintain a quality assurance plan to determine specific service outcomes and  
401.24 the recipient's satisfaction with services; and.

401.25 ~~(19) develop and maintain written policies and procedures regarding service provision~~  
401.26 ~~and administration of the provider entity.~~

401.27 Sec. 67. Minnesota Statutes 2020, section 256B.0623, subdivision 5, is amended to read:

401.28 Subd. 5. **Qualifications of provider staff.** (a) Adult rehabilitative mental health services  
401.29 must be provided by qualified individual provider staff of a certified provider entity.

401.30 Individual provider staff must be qualified under one of the following criteria as:

402.1 (1) a mental health professional as defined in section 245.462, subdivision 18, clauses  
402.2 (1) to (6). If the recipient has a current diagnostic assessment by a licensed mental health  
402.3 professional as defined in section 245.462, subdivision 18, clauses (1) to (6), recommending  
402.4 receipt of adult mental health rehabilitative services, the definition of mental health  
402.5 professional for purposes of this section includes a person who is qualified under section  
402.6 245.462, subdivision 18, clause (7), and who holds a current and valid national certification  
402.7 as a certified rehabilitation counselor or certified psychosocial rehabilitation practitioner  
402.8 who is qualified according to section 245I.04, subdivision 2;

402.9 (2) a certified rehabilitation specialist who is qualified according to section 245I.04,  
402.10 subdivision 8;

402.11 (3) a clinical trainee who is qualified according to section 245I.04, subdivision 6;

402.12 (4) a mental health practitioner as defined in section 245.462, subdivision 17. The mental  
402.13 health practitioner must work under the clinical supervision of a mental health professional  
402.14 qualified according to section 245I.04, subdivision 4;

402.15 ~~(3)~~ (5) a mental health certified peer specialist under section 256B.0615. The certified  
402.16 peer specialist must work under the clinical supervision of a mental health professional who  
402.17 is qualified according to section 245I.04, subdivision 10; or

402.18 ~~(4)~~ (6) a mental health rehabilitation worker who is qualified according to section 245I.04,  
402.19 subdivision 14. A mental health rehabilitation worker means a staff person working under  
402.20 the direction of a mental health practitioner or mental health professional and under the  
402.21 clinical supervision of a mental health professional in the implementation of rehabilitative  
402.22 mental health services as identified in the recipient's individual treatment plan who:

402.23 (i) is at least 21 years of age;

402.24 (ii) has a high school diploma or equivalent;

402.25 (iii) ~~has successfully completed 30 hours of training during the two years immediately~~  
402.26 ~~prior to the date of hire, or before provision of direct services, in all of the following areas:~~  
402.27 ~~recovery from mental illness, mental health de-escalation techniques, recipient rights,~~  
402.28 ~~recipient-centered individual treatment planning, behavioral terminology, mental illness,~~  
402.29 ~~co-occurring mental illness and substance abuse, psychotropic medications and side effects,~~  
402.30 ~~functional assessment, local community resources, adult vulnerability, recipient~~  
402.31 ~~confidentiality; and~~

402.32 (iv) ~~meets the qualifications in paragraph (b).~~

403.1 ~~(b) In addition to the requirements in paragraph (a), a mental health rehabilitation worker~~  
403.2 ~~must also meet the qualifications in clause (1), (2), or (3):~~

403.3 ~~(1) has an associates of arts degree, two years of full-time postsecondary education, or~~  
403.4 ~~a total of 15 semester hours or 23 quarter hours in behavioral sciences or related fields; is~~  
403.5 ~~a registered nurse; or within the previous ten years has:~~

403.6 ~~(i) three years of personal life experience with serious mental illness;~~

403.7 ~~(ii) three years of life experience as a primary caregiver to an adult with a serious mental~~  
403.8 ~~illness, traumatic brain injury, substance use disorder, or developmental disability; or~~

403.9 ~~(iii) 2,000 hours of supervised work experience in the delivery of mental health services~~  
403.10 ~~to adults with a serious mental illness, traumatic brain injury, substance use disorder, or~~  
403.11 ~~developmental disability;~~

403.12 ~~(2)(i) is fluent in the non-English language or competent in the culture of the ethnic~~  
403.13 ~~group to which at least 20 percent of the mental health rehabilitation worker's clients belong;~~

403.14 ~~(ii) receives during the first 2,000 hours of work, monthly documented individual clinical~~  
403.15 ~~supervision by a mental health professional;~~

403.16 ~~(iii) has 18 hours of documented field supervision by a mental health professional or~~  
403.17 ~~mental health practitioner during the first 160 hours of contact work with recipients, and at~~  
403.18 ~~least six hours of field supervision quarterly during the following year;~~

403.19 ~~(iv) has review and cosignature of charting of recipient contacts during field supervision~~  
403.20 ~~by a mental health professional or mental health practitioner; and~~

403.21 ~~(v) has 15 hours of additional continuing education on mental health topics during the~~  
403.22 ~~first year of employment and 15 hours during every additional year of employment; or~~

403.23 ~~(3) for providers of crisis residential services, intensive residential treatment services,~~  
403.24 ~~partial hospitalization, and day treatment services:~~

403.25 ~~(i) satisfies clause (2), items (ii) to (iv); and~~

403.26 ~~(ii) has 40 hours of additional continuing education on mental health topics during the~~  
403.27 ~~first year of employment.~~

403.28 ~~(c) A mental health rehabilitation worker who solely acts and is scheduled as overnight~~  
403.29 ~~staff is not required to comply with paragraph (a), clause (4), item (iv).~~

403.30 ~~(d) For purposes of this subdivision, "behavioral sciences or related fields" means an~~  
403.31 ~~education from an accredited college or university and includes but is not limited to social~~

404.1 ~~work, psychology, sociology, community counseling, family social science, child~~  
404.2 ~~development, child psychology, community mental health, addiction counseling, counseling~~  
404.3 ~~and guidance, special education, and other fields as approved by the commissioner.~~

404.4 Sec. 68. Minnesota Statutes 2020, section 256B.0623, subdivision 6, is amended to read:

404.5 Subd. 6. **Required training and supervision.** ~~(a) Mental health rehabilitation workers~~  
404.6 ~~must receive ongoing continuing education training of at least 30 hours every two years in~~  
404.7 ~~areas of mental illness and mental health services and other areas specific to the population~~  
404.8 ~~being served. Mental health rehabilitation workers must also be subject to the ongoing~~  
404.9 ~~direction and clinical supervision standards in paragraphs (c) and (d).~~

404.10 ~~(b) Mental health practitioners must receive ongoing continuing education training as~~  
404.11 ~~required by their professional license; or if the practitioner is not licensed, the practitioner~~  
404.12 ~~must receive ongoing continuing education training of at least 30 hours every two years in~~  
404.13 ~~areas of mental illness and mental health services. Mental health practitioners must meet~~  
404.14 ~~the ongoing clinical supervision standards in paragraph (c).~~

404.15 ~~(c) Clinical supervision may be provided by a full- or part-time qualified professional~~  
404.16 ~~employed by or under contract with the provider entity. Clinical supervision may be provided~~  
404.17 ~~by interactive videoconferencing according to procedures developed by the commissioner.~~  
404.18 ~~A mental health professional providing clinical supervision of staff delivering adult~~  
404.19 ~~rehabilitative mental health services must provide the following guidance:~~

404.20 ~~(1) review the information in the recipient's file;~~

404.21 ~~(2) review and approve initial and updates of individual treatment plans;~~

404.22 ~~(a) A treatment supervisor providing treatment supervision required by section 245I.06~~  
404.23 ~~must:~~

404.24 ~~(3) (1) meet with mental health rehabilitation workers and practitioners, individually or~~  
404.25 ~~in small groups, staff receiving treatment supervision at least monthly to discuss treatment~~  
404.26 ~~topics of interest to the workers and practitioners;~~

404.27 ~~(4) meet with mental health rehabilitation workers and practitioners, individually or in~~  
404.28 ~~small groups, at least monthly to discuss and treatment plans of recipients, and approve by~~  
404.29 ~~signature and document in the recipient's file any resulting plan updates; and~~

404.30 ~~(5) (2) meet at least monthly with the directing clinical trainee or mental health~~  
404.31 ~~practitioner, if there is one, to review needs of the adult rehabilitative mental health services~~  
404.32 ~~program, review staff on-site observations and evaluate mental health rehabilitation workers,~~

405.1 plan staff training, review program evaluation and development, and consult with the  
405.2 directing clinical trainee or mental health practitioner; ~~and~~.

405.3 ~~(6) be available for urgent consultation as the individual recipient needs or the situation~~  
405.4 ~~necessitates.~~

405.5 ~~(d)~~ (b) An adult rehabilitative mental health services provider entity must have a treatment  
405.6 director who is a ~~mental health practitioner or mental health professional~~ clinical trainee,  
405.7 certified rehabilitation specialist, or mental health practitioner. The treatment director must  
405.8 ensure the following:

405.9 ~~(1) while delivering direct services to recipients, a newly hired mental health rehabilitation~~  
405.10 ~~worker must be directly observed delivering services to recipients by a mental health~~  
405.11 ~~practitioner or mental health professional for at least six hours per 40 hours worked during~~  
405.12 ~~the first 160 hours that the mental health rehabilitation worker works~~ ensure the direct  
405.13 observation of mental health rehabilitation workers required by section 245I.06, subdivision  
405.14 3, is provided;

405.15 ~~(2) the mental health rehabilitation worker must receive ongoing on-site direct service~~  
405.16 ~~observation by a mental health professional or mental health practitioner for at least six~~  
405.17 ~~hours for every six months of employment;~~

405.18 ~~(3) progress notes are reviewed from on-site service observation prepared by the mental~~  
405.19 ~~health rehabilitation worker and mental health practitioner for accuracy and consistency~~  
405.20 ~~with actual recipient contact and the individual treatment plan and goals;~~

405.21 ~~(4)~~ (2) ensure immediate availability by phone or in person for consultation by a mental  
405.22 health professional, certified rehabilitation specialist, clinical trainee, or a mental health  
405.23 practitioner to the mental health rehabilitation services worker during service provision;

405.24 ~~(5) oversee the identification of changes in individual recipient treatment strategies,~~  
405.25 ~~revise the plan, and communicate treatment instructions and methodologies as appropriate~~  
405.26 ~~to ensure that treatment is implemented correctly;~~

405.27 ~~(6)~~ (3) model service practices which: respect the recipient, include the recipient in  
405.28 planning and implementation of the individual treatment plan, recognize the recipient's  
405.29 strengths, collaborate and coordinate with other involved parties and providers;

405.30 ~~(7)~~ (4) ensure that clinical trainees, mental health practitioners, and mental health  
405.31 rehabilitation workers are able to effectively communicate with the recipients, significant  
405.32 others, and providers; and

406.1 ~~(8)~~ (5) oversee the record of the results of ~~on-site~~ direct observation ~~and charting, progress~~  
406.2 note evaluation, and corrective actions taken to modify the work of the clinical trainees,  
406.3 mental health practitioners, and mental health rehabilitation workers.

406.4 ~~(e)~~ (c) A clinical trainee or mental health practitioner who is providing treatment direction  
406.5 for a provider entity must receive treatment supervision at least monthly ~~from a mental~~  
406.6 ~~health professional~~ to:

406.7 (1) identify and plan for general needs of the recipient population served;

406.8 (2) identify and plan to address provider entity program needs and effectiveness;

406.9 (3) identify and plan provider entity staff training and personnel needs and issues; and

406.10 (4) plan, implement, and evaluate provider entity quality improvement programs.

406.11 Sec. 69. Minnesota Statutes 2020, section 256B.0623, subdivision 9, is amended to read:

406.12 Subd. 9. **Functional assessment.** (a) Providers of adult rehabilitative mental health  
406.13 services must complete a written functional assessment ~~as defined in section 245.462,~~  
406.14 ~~subdivision 11a~~ according to section 245I.10, subdivision 9, for each recipient. ~~The functional~~  
406.15 ~~assessment must be completed within 30 days of intake, and reviewed and updated at least~~  
406.16 ~~every six months after it is developed, unless there is a significant change in the functioning~~  
406.17 ~~of the recipient. If there is a significant change in functioning, the assessment must be~~  
406.18 ~~updated. A single functional assessment can meet case management and adult rehabilitative~~  
406.19 ~~mental health services requirements if agreed to by the recipient. Unless the recipient refuses,~~  
406.20 ~~the recipient must have significant participation in the development of the functional~~  
406.21 ~~assessment.~~

406.22 (b) When a provider of adult rehabilitative mental health services completes a written  
406.23 functional assessment, the provider must also complete a level of care assessment as defined  
406.24 in section 245I.02, subdivision 19, for the recipient.

406.25 Sec. 70. Minnesota Statutes 2020, section 256B.0623, subdivision 12, is amended to read:

406.26 Subd. 12. **Additional requirements.** (a) Providers of adult rehabilitative mental health  
406.27 services must comply with the requirements relating to referrals for case management in  
406.28 section 245.467, subdivision 4.

406.29 (b) Adult rehabilitative mental health services are provided for most recipients in the  
406.30 recipient's home and community. Services may also be provided at the home of a relative  
406.31 or significant other, job site, psychosocial clubhouse, drop-in center, social setting, classroom,

407.1 or other places in the community. Except for "transition to community services," the place  
407.2 of service does not include a regional treatment center, nursing home, residential treatment  
407.3 facility licensed under Minnesota Rules, parts 9520.0500 to 9520.0670 (Rule 36), or section  
407.4 245I.23, or an acute care hospital.

407.5 (c) Adult rehabilitative mental health services may be provided in group settings if  
407.6 appropriate to each participating recipient's needs and individual treatment plan. A group  
407.7 is defined as two to ten clients, at least one of whom is a recipient, who is concurrently  
407.8 receiving a service which is identified in this section. The service and group must be specified  
407.9 in the recipient's individual treatment plan. No more than two qualified staff may bill  
407.10 Medicaid for services provided to the same group of recipients. If two adult rehabilitative  
407.11 mental health workers bill for recipients in the same group session, they must each bill for  
407.12 different recipients.

407.13 (d) Adult rehabilitative mental health services are appropriate if provided to enable a  
407.14 recipient to retain stability and functioning, when the recipient is at risk of significant  
407.15 functional decompensation or requiring more restrictive service settings without these  
407.16 services.

407.17 (e) Adult rehabilitative mental health services instruct, assist, and support the recipient  
407.18 in areas including: interpersonal communication skills, community resource utilization and  
407.19 integration skills, crisis planning, relapse prevention skills, health care directives, budgeting  
407.20 and shopping skills, healthy lifestyle skills and practices, cooking and nutrition skills,  
407.21 transportation skills, medication education and monitoring, mental illness symptom  
407.22 management skills, household management skills, employment-related skills, parenting  
407.23 skills, and transition to community living services.

407.24 (f) Community intervention, including consultation with relatives, guardians, friends,  
407.25 employers, treatment providers, and other significant individuals, is appropriate when  
407.26 directed exclusively to the treatment of the client.

407.27 Sec. 71. Minnesota Statutes 2020, section 256B.0625, subdivision 3b, is amended to read:

407.28 Subd. 3b. **Telemedicine services.** (a) Medical assistance covers medically necessary  
407.29 services and consultations delivered by a licensed health care provider via telemedicine in  
407.30 the same manner as if the service or consultation was delivered in person. Coverage is  
407.31 limited to three telemedicine services per enrollee per calendar week, except as provided  
407.32 in paragraph (f). Telemedicine services shall be paid at the full allowable rate.

408.1 (b) The commissioner shall establish criteria that a health care provider must attest to  
408.2 in order to demonstrate the safety or efficacy of delivering a particular service via  
408.3 telemedicine. The attestation may include that the health care provider:

408.4 (1) has identified the categories or types of services the health care provider will provide  
408.5 via telemedicine;

408.6 (2) has written policies and procedures specific to telemedicine services that are regularly  
408.7 reviewed and updated;

408.8 (3) has policies and procedures that adequately address patient safety before, during,  
408.9 and after the telemedicine service is rendered;

408.10 (4) has established protocols addressing how and when to discontinue telemedicine  
408.11 services; and

408.12 (5) has an established quality assurance process related to telemedicine services.

408.13 (c) As a condition of payment, a licensed health care provider must document each  
408.14 occurrence of a health service provided by telemedicine to a medical assistance enrollee.  
408.15 Health care service records for services provided by telemedicine must meet the requirements  
408.16 set forth in Minnesota Rules, part 9505.2175, subparts 1 and 2, and must document:

408.17 (1) the type of service provided by telemedicine;

408.18 (2) the time the service began and the time the service ended, including an a.m. and p.m.  
408.19 designation;

408.20 (3) the licensed health care provider's basis for determining that telemedicine is an  
408.21 appropriate and effective means for delivering the service to the enrollee;

408.22 (4) the mode of transmission of the telemedicine service and records evidencing that a  
408.23 particular mode of transmission was utilized;

408.24 (5) the location of the originating site and the distant site;

408.25 (6) if the claim for payment is based on a physician's telemedicine consultation with  
408.26 another physician, the written opinion from the consulting physician providing the  
408.27 telemedicine consultation; and

408.28 (7) compliance with the criteria attested to by the health care provider in accordance  
408.29 with paragraph (b).

408.30 (d) For purposes of this subdivision, unless otherwise covered under this chapter,  
408.31 "telemedicine" is defined as the delivery of health care services or consultations while the

409.1 patient is at an originating site and the licensed health care provider is at a distant site. A  
409.2 communication between licensed health care providers, or a licensed health care provider  
409.3 and a patient that consists solely of a telephone conversation, e-mail, or facsimile transmission  
409.4 does not constitute telemedicine consultations or services. Telemedicine may be provided  
409.5 by means of real-time two-way, interactive audio and visual communications, including the  
409.6 application of secure video conferencing or store-and-forward technology to provide or  
409.7 support health care delivery, which facilitate the assessment, diagnosis, consultation,  
409.8 treatment, education, and care management of a patient's health care.

409.9 (e) For purposes of this section, "licensed health care provider" means a licensed health  
409.10 care provider under section 62A.671, subdivision 6, a community paramedic as defined  
409.11 under section 144E.001, subdivision 5f, or a clinical trainee who is qualified according to  
409.12 section 245I.04, subdivision 6, a mental health practitioner defined under section 245.462,  
409.13 subdivision 17, or 245.4871, subdivision 26, working under the general supervision of a  
409.14 mental health professional qualified according to section 245I.04, subdivision 4, and a  
409.15 community health worker who meets the criteria under subdivision 49, paragraph (a); "health  
409.16 care provider" is defined under section 62A.671, subdivision 3; and "originating site" is  
409.17 defined under section 62A.671, subdivision 7.

409.18 (f) The limit on coverage of three telemedicine services per enrollee per calendar week  
409.19 does not apply if:

409.20 (1) the telemedicine services provided by the licensed health care provider are for the  
409.21 treatment and control of tuberculosis; and

409.22 (2) the services are provided in a manner consistent with the recommendations and best  
409.23 practices specified by the Centers for Disease Control and Prevention and the commissioner  
409.24 of health.

409.25 Sec. 72. Minnesota Statutes 2020, section 256B.0625, subdivision 5, is amended to read:

409.26 Subd. 5. **Community mental health center services.** Medical assistance covers  
409.27 community mental health center services provided by a community mental health center  
409.28 that meets the requirements in paragraphs (a) to (j).

409.29 (a) ~~The provider is licensed under Minnesota Rules, parts 9520.0750 to 9520.0870~~ must  
409.30 be certified as a mental health clinic under section 245I.20.

409.31 (b) ~~The provider provides mental health services under the clinical supervision of a~~ In  
409.32 addition to the policies and procedures required by section 245I.03, the provider must  
409.33 establish, enforce, and maintain the policies and procedures for clinical oversight of services

410.1 by a mental health professional who is a psychologist licensed for independent practice at  
410.2 the doctoral level ~~or by a board-certified psychiatrist~~ or a psychiatrist who is ~~eligible for~~  
410.3 ~~board certification~~ qualified according to section 245I.04, subdivision 2, clause (4). ~~Clinical~~  
410.4 ~~supervision has the meaning given in Minnesota Rules, part 9505.0370, subpart 6.~~

410.5 (c) The provider must be a private nonprofit corporation or a governmental agency and  
410.6 have a community board of directors as specified by section 245.66.

410.7 (d) The provider must have a sliding fee scale that meets the requirements in section  
410.8 245.481, and agree to serve within the limits of its capacity all individuals residing in its  
410.9 service delivery area.

410.10 (e) At a minimum, the provider must provide the following outpatient mental health  
410.11 services: diagnostic assessment; explanation of findings; family, group, and individual  
410.12 psychotherapy, including crisis intervention psychotherapy services, ~~multiple family group~~  
410.13 ~~psychotherapy~~, psychological testing, and medication management. In addition, the provider  
410.14 must provide or be capable of providing upon request of the local mental health authority  
410.15 day treatment services, multiple family group psychotherapy, and professional home-based  
410.16 mental health services. The provider must have the capacity to provide such services to  
410.17 specialized populations such as the elderly, families with children, persons who are seriously  
410.18 and persistently mentally ill, and children who are seriously emotionally disturbed.

410.19 (f) The provider must be capable of providing the services specified in paragraph (e) to  
410.20 individuals who are ~~diagnosed with both~~ dually diagnosed with mental illness or emotional  
410.21 disturbance, and ~~chemical dependency~~ substance use disorder, and to individuals who are  
410.22 dually diagnosed with a mental illness or emotional disturbance and developmental disability.

410.23 (g) The provider must provide 24-hour emergency care services or demonstrate the  
410.24 capacity to assist recipients in need of such services to access such services on a 24-hour  
410.25 basis.

410.26 (h) The provider must have a contract with the local mental health authority to provide  
410.27 one or more of the services specified in paragraph (e).

410.28 (i) The provider must agree, upon request of the local mental health authority, to enter  
410.29 into a contract with the county to provide mental health services not reimbursable under  
410.30 the medical assistance program.

410.31 (j) The provider may not be enrolled with the medical assistance program as both a  
410.32 hospital and a community mental health center. The community mental health center's

411.1 administrative, organizational, and financial structure must be separate and distinct from  
411.2 that of the hospital.

411.3 (k) The commissioner may require the provider to annually attest that the provider meets  
411.4 the requirements in this subdivision using a form that the commissioner provides.

411.5 **EFFECTIVE DATE.** Paragraphs (e), (f), and (k) are effective the day following final  
411.6 enactment.

411.7 Sec. 73. Minnesota Statutes 2020, section 256B.0625, subdivision 19c, is amended to  
411.8 read:

411.9 Subd. 19c. **Personal care.** Medical assistance covers personal care assistance services  
411.10 provided by an individual who is qualified to provide the services according to subdivision  
411.11 19a and sections 256B.0651 to 256B.0654, provided in accordance with a plan, and  
411.12 supervised by a qualified professional.

411.13 "Qualified professional" means a mental health professional ~~as defined in section 245.462,~~  
411.14 ~~subdivision 18, clauses (1) to (6), or 245.4871, subdivision 27, clauses (1) to (6);~~ a registered  
411.15 nurse as defined in sections 148.171 to 148.285, a licensed social worker as defined in  
411.16 sections 148E.010 and 148E.055, or a qualified designated coordinator under section  
411.17 245D.081, subdivision 2. The qualified professional shall perform the duties required in  
411.18 section 256B.0659.

411.19 Sec. 74. Minnesota Statutes 2020, section 256B.0625, subdivision 28a, is amended to  
411.20 read:

411.21 Subd. 28a. **Licensed physician assistant services.** (a) Medical assistance covers services  
411.22 performed by a licensed physician assistant if the service is otherwise covered under this  
411.23 chapter as a physician service and if the service is within the scope of practice of a licensed  
411.24 physician assistant as defined in section 147A.09.

411.25 (b) Licensed physician assistants, who are supervised by a physician certified by the  
411.26 American Board of Psychiatry and Neurology or eligible for board certification in psychiatry,  
411.27 may bill for medication management and evaluation and management services provided to  
411.28 medical assistance enrollees in inpatient hospital settings, and in outpatient settings after  
411.29 the licensed physician assistant completes 2,000 hours of clinical experience in the evaluation  
411.30 and treatment of mental health, consistent with their authorized scope of practice, as defined  
411.31 in section 147A.09, with the exception of performing psychotherapy or diagnostic  
411.32 assessments or providing ~~clinical~~ treatment supervision.

412.1 Sec. 75. Minnesota Statutes 2020, section 256B.0625, subdivision 42, is amended to read:

412.2 Subd. 42. **Mental health professional.** Notwithstanding Minnesota Rules, part  
412.3 9505.0175, subpart 28, the definition of a mental health professional ~~shall include a person~~  
412.4 ~~who is qualified as specified in~~ according to section ~~245.462, subdivision 18, clauses (1) to~~  
412.5 ~~(6); or 245.4871, subdivision 27, clauses (1) to (6)~~ 245I.04, subdivision 2, for the purpose  
412.6 of this section and Minnesota Rules, parts 9505.0170 to 9505.0475.

412.7 Sec. 76. Minnesota Statutes 2020, section 256B.0625, subdivision 48, is amended to read:

412.8 Subd. 48. **Psychiatric consultation to primary care practitioners.** Medical assistance  
412.9 covers consultation provided by a ~~psychiatrist, a psychologist, an advanced practice registered~~  
412.10 ~~nurse certified in psychiatric mental health, a licensed independent clinical social worker,~~  
412.11 ~~as defined in section 245.462, subdivision 18, clause (2), or a licensed marriage and family~~  
412.12 ~~therapist, as defined in section 245.462, subdivision 18, clause (5)~~ mental health professional  
412.13 who is qualified according to section 245I.04, subdivision 2, except a licensed professional  
412.14 clinical counselor licensed under section 148B.5301, via telephone, e-mail, facsimile, or  
412.15 other means of communication to primary care practitioners, including pediatricians. The  
412.16 need for consultation and the receipt of the consultation must be documented in the patient  
412.17 record maintained by the primary care practitioner. If the patient consents, and subject to  
412.18 federal limitations and data privacy provisions, the consultation may be provided without  
412.19 the patient present.

412.20 Sec. 77. Minnesota Statutes 2020, section 256B.0625, subdivision 49, is amended to read:

412.21 Subd. 49. **Community health worker.** (a) Medical assistance covers the care  
412.22 coordination and patient education services provided by a community health worker if the  
412.23 community health worker has:

412.24 ~~(1) received a certificate from the Minnesota State Colleges and Universities System~~  
412.25 ~~approved community health worker curriculum; or~~

412.26 ~~(2) at least five years of supervised experience with an enrolled physician, registered~~  
412.27 ~~nurse, advanced practice registered nurse, mental health professional as defined in section~~  
412.28 ~~245.462, subdivision 18, clauses (1) to (6), and section 245.4871, subdivision 27, clauses~~  
412.29 ~~(1) to (5), or dentist, or at least five years of supervised experience by a certified public~~  
412.30 ~~health nurse operating under the direct authority of an enrolled unit of government.~~

412.31 ~~Community health workers eligible for payment under clause (2) must complete the~~  
412.32 ~~certification program by January 1, 2010, to continue to be eligible for payment.~~

413.1 (b) Community health workers must work under the supervision of a medical assistance  
413.2 enrolled physician, registered nurse, advanced practice registered nurse, mental health  
413.3 professional as defined in section 245.462, subdivision 18, clauses (1) to (6), and section  
413.4 245.4871, subdivision 27, clauses (1) to (5), or dentist, or work under the supervision of a  
413.5 certified public health nurse operating under the direct authority of an enrolled unit of  
413.6 government.

413.7 (c) Care coordination and patient education services covered under this subdivision  
413.8 include, but are not limited to, services relating to oral health and dental care.

413.9 Sec. 78. Minnesota Statutes 2020, section 256B.0625, subdivision 56a, is amended to  
413.10 read:

413.11 Subd. 56a. **Officer-involved community-based care coordination.** (a) Medical  
413.12 assistance covers officer-involved community-based care coordination for an individual  
413.13 who:

413.14 (1) has screened positive for benefiting from treatment for a mental illness or substance  
413.15 use disorder using a tool approved by the commissioner;

413.16 (2) does not require the security of a public detention facility and is not considered an  
413.17 inmate of a public institution as defined in Code of Federal Regulations, title 42, section  
413.18 435.1010;

413.19 (3) meets the eligibility requirements in section 256B.056; and

413.20 (4) has agreed to participate in officer-involved community-based care coordination.

413.21 (b) Officer-involved community-based care coordination means navigating services to  
413.22 address a client's mental health, chemical health, social, economic, and housing needs, or  
413.23 any other activity targeted at reducing the incidence of jail utilization and connecting  
413.24 individuals with existing covered services available to them, including, but not limited to,  
413.25 targeted case management, waiver case management, or care coordination.

413.26 (c) Officer-involved community-based care coordination must be provided by an  
413.27 individual who is an employee of or is under contract with a county, or is an employee of  
413.28 or under contract with an Indian health service facility or facility owned and operated by a  
413.29 tribe or a tribal organization operating under Public Law 93-638 as a 638 facility to provide  
413.30 officer-involved community-based care coordination and is qualified under one of the  
413.31 following criteria:

414.1 (1) a ~~licensed~~ mental health professional ~~as defined in section 245.462, subdivision 18,~~  
414.2 ~~clauses (1) to (6);~~

414.3 (2) a clinical trainee who is qualified according to section 245I.04, subdivision 6, working  
414.4 under the treatment supervision of a mental health professional according to section 245I.06;

414.5 (3) a mental health practitioner as defined in section 245.462, subdivision 17 who is  
414.6 qualified according to section 245I.04, subdivision 4, working under the clinical treatment  
414.7 supervision of a mental health professional according to section 245I.06;

414.8 (3) (4) a mental health certified peer specialist under section 256B.0615 who is qualified  
414.9 according to section 245I.04, subdivision 10, working under the clinical treatment supervision  
414.10 of a mental health professional according to section 245I.06;

414.11 (4) an individual qualified as an alcohol and drug counselor under section 245G.11,  
414.12 subdivision 5; or

414.13 (5) a recovery peer qualified under section 245G.11, subdivision 8, working under the  
414.14 supervision of an individual qualified as an alcohol and drug counselor under section  
414.15 245G.11, subdivision 5.

414.16 (d) Reimbursement is allowed for up to 60 days following the initial determination of  
414.17 eligibility.

414.18 (e) Providers of officer-involved community-based care coordination shall annually  
414.19 report to the commissioner on the number of individuals served, and number of the  
414.20 community-based services that were accessed by recipients. The commissioner shall ensure  
414.21 that services and payments provided under officer-involved community-based care  
414.22 coordination do not duplicate services or payments provided under section 256B.0625,  
414.23 subdivision 20, 256B.0753, 256B.0755, or 256B.0757.

414.24 (f) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of cost for  
414.25 officer-involved community-based care coordination services shall be provided by the  
414.26 county providing the services, from sources other than federal funds or funds used to match  
414.27 other federal funds.

414.28 Sec. 79. Minnesota Statutes 2020, section 256B.0757, subdivision 4c, is amended to read:

414.29 Subd. 4c. **Behavioral health home services staff qualifications.** (a) A behavioral health  
414.30 home services provider must maintain staff with required professional qualifications  
414.31 appropriate to the setting.

415.1 (b) If behavioral health home services are offered in a mental health setting, the  
415.2 integration specialist must be a registered nurse licensed under the Minnesota Nurse Practice  
415.3 Act, sections 148.171 to 148.285.

415.4 (c) If behavioral health home services are offered in a primary care setting, the integration  
415.5 specialist must be a mental health professional ~~as defined in~~ who is qualified according to  
415.6 ~~section 245.462, subdivision 18, clauses (1) to (6), or 245.4871, subdivision 27, clauses (1)~~  
415.7 ~~to (6)~~ 245I.04, subdivision 2.

415.8 (d) If behavioral health home services are offered in either a primary care setting or  
415.9 mental health setting, the systems navigator must be a mental health practitioner ~~as defined~~  
415.10 ~~in~~ who is qualified according to section 245.462, subdivision 17 245I.04, subdivision 4, or  
415.11 a community health worker as defined in section 256B.0625, subdivision 49.

415.12 (e) If behavioral health home services are offered in either a primary care setting or  
415.13 mental health setting, the qualified health home specialist must be one of the following:

415.14 (1) a mental health certified peer support specialist as defined in who is qualified  
415.15 according to section 256B.0615 245I.04, subdivision 10;

415.16 (2) a mental health certified family peer support specialist as defined in who is qualified  
415.17 according to section 256B.0616 245I.04, subdivision 12;

415.18 (3) a case management associate as defined in section 245.462, subdivision 4, paragraph  
415.19 (g), or 245.4871, subdivision 4, paragraph (j);

415.20 (4) a mental health rehabilitation worker ~~as defined in~~ who is qualified according to  
415.21 ~~section 256B.0623, subdivision 5, clause (4)~~ 245I.04, subdivision 14;

415.22 (5) a community paramedic as defined in section 144E.28, subdivision 9;

415.23 (6) a peer recovery specialist as defined in section 245G.07, subdivision 1, clause (5);

415.24 or

415.25 (7) a community health worker as defined in section 256B.0625, subdivision 49.

415.26 Sec. 80. Minnesota Statutes 2020, section 256B.0941, subdivision 1, is amended to read:

415.27 Subdivision 1. **Eligibility.** (a) An individual who is eligible for mental health treatment  
415.28 services in a psychiatric residential treatment facility must meet all of the following criteria:

415.29 (1) before admission, services are determined to be medically necessary according to  
415.30 Code of Federal Regulations, title 42, section 441.152;

416.1 (2) is younger than 21 years of age at the time of admission. Services may continue until  
416.2 the individual meets criteria for discharge or reaches 22 years of age, whichever occurs  
416.3 first;

416.4 (3) has a mental health diagnosis as defined in the most recent edition of the Diagnostic  
416.5 and Statistical Manual for Mental Disorders, as well as clinical evidence of severe aggression,  
416.6 or a finding that the individual is a risk to self or others;

416.7 (4) has functional impairment and a history of difficulty in functioning safely and  
416.8 successfully in the community, school, home, or job; an inability to adequately care for  
416.9 one's physical needs; or caregivers, guardians, or family members are unable to safely fulfill  
416.10 the individual's needs;

416.11 (5) requires psychiatric residential treatment under the direction of a physician to improve  
416.12 the individual's condition or prevent further regression so that services will no longer be  
416.13 needed;

416.14 (6) utilized and exhausted other community-based mental health services, or clinical  
416.15 evidence indicates that such services cannot provide the level of care needed; and

416.16 (7) was referred for treatment in a psychiatric residential treatment facility by a ~~qualified~~  
416.17 mental health professional ~~licensed as defined in~~ who is qualified according to section  
416.18 ~~245.4871, subdivision 27, clauses (1) to (6)~~ 245I.04, subdivision 2.

416.19 (b) The commissioner shall provide oversight and review the use of referrals for clients  
416.20 admitted to psychiatric residential treatment facilities to ensure that eligibility criteria,  
416.21 clinical services, and treatment planning reflect clinical, state, and federal standards for  
416.22 psychiatric residential treatment facility level of care. The commissioner shall coordinate  
416.23 the production of a statewide list of children and youth who meet the medical necessity  
416.24 criteria for psychiatric residential treatment facility level of care and who are awaiting  
416.25 admission. The commissioner and any recipient of the list shall not use the statewide list to  
416.26 direct admission of children and youth to specific facilities.

416.27 Sec. 81. Minnesota Statutes 2020, section 256B.0943, subdivision 1, is amended to read:

416.28 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
416.29 meanings given them.

416.30 (a) "Children's therapeutic services and supports" means the flexible package of mental  
416.31 health services for children who require varying therapeutic and rehabilitative levels of  
416.32 intervention to treat a diagnosed emotional disturbance, as defined in section 245.4871,  
416.33 subdivision 15, or a diagnosed mental illness, as defined in section 245.462, subdivision

417.1 20. The services are time-limited interventions that are delivered using various treatment  
417.2 modalities and combinations of services designed to reach treatment outcomes identified  
417.3 in the individual treatment plan.

417.4 ~~(b) "Clinical supervision" means the overall responsibility of the mental health~~  
417.5 ~~professional for the control and direction of individualized treatment planning, service~~  
417.6 ~~delivery, and treatment review for each client. A mental health professional who is an~~  
417.7 ~~enrolled Minnesota health care program provider accepts full professional responsibility~~  
417.8 ~~for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work,~~  
417.9 ~~and oversees or directs the supervisee's work.~~

417.10 ~~(e)(b) "Clinical trainee" means a mental health practitioner who meets the qualifications~~  
417.11 ~~specified in Minnesota Rules, part 9505.0371, subpart 5, item C~~ staff person who is qualified  
417.12 according to section 245I.04, subdivision 6.

417.13 ~~(d)(c) "Crisis assistance planning" has the meaning given in section 245.4871, subdivision~~  
417.14 ~~9a. Crisis assistance entails the development of a written plan to assist a child's family to~~  
417.15  ~~contend with a potential crisis and is distinct from the immediate provision of crisis~~  
417.16  ~~intervention services.~~

417.17 ~~(e)(d) "Culturally competent provider" means a provider who understands and can~~  
417.18  ~~utilize to a client's benefit the client's culture when providing services to the client. A provider~~  
417.19  ~~may be culturally competent because the provider is of the same cultural or ethnic group~~  
417.20  ~~as the client or the provider has developed the knowledge and skills through training and~~  
417.21  ~~experience to provide services to culturally diverse clients.~~

417.22 ~~(f)(e) "Day treatment program" for children means a site-based structured mental health~~  
417.23  ~~program consisting of psychotherapy for three or more individuals and individual or group~~  
417.24  ~~skills training provided by a multidisciplinary team, under the clinical treatment supervision~~  
417.25  ~~of a mental health professional.~~

417.26 ~~(g)(f) "Standard diagnostic assessment" has the meaning given in Minnesota Rules, part~~  
417.27  ~~9505.0372, subpart 1~~ means the assessment described in 245I.10, subdivision 6.

417.28 ~~(h)(g) "Direct service time" means the time that a mental health professional, clinical~~  
417.29  ~~trainee, mental health practitioner, or mental health behavioral aide spends face-to-face with~~  
417.30  ~~a client and the client's family or providing covered telemedicine services. Direct service~~  
417.31  ~~time includes time in which the provider obtains a client's history, develops a client's~~  
417.32  ~~treatment plan, records individual treatment outcomes, or provides service components of~~  
417.33  ~~children's therapeutic services and supports. Direct service time does not include time doing~~

418.1 work before and after providing direct services, including scheduling or maintaining clinical  
418.2 records.

418.3 ~~(h)~~ (h) "Direction of mental health behavioral aide" means the activities of a mental  
418.4 health professional, clinical trainee, or mental health practitioner in guiding the mental  
418.5 health behavioral aide in providing services to a client. The direction of a mental health  
418.6 behavioral aide must be based on the client's ~~individualized~~ individual treatment plan and  
418.7 meet the requirements in subdivision 6, paragraph (b), clause (5).

418.8 ~~(i)~~ (i) "Emotional disturbance" has the meaning given in section 245.4871, subdivision  
418.9 15.

418.10 ~~(j)~~ (j) "Individual behavioral plan" means a plan of intervention, treatment, and services  
418.11 for a child written by a mental health professional or a clinical trainee or mental health  
418.12 practitioner, under the ~~clinical~~ treatment supervision of a mental health professional, to  
418.13 guide the work of the mental health behavioral aide. The individual behavioral plan may  
418.14 be incorporated into the child's individual treatment plan so long as the behavioral plan is  
418.15 separately communicable to the mental health behavioral aide.

418.16 ~~(k)~~ (k) "Individual treatment plan" ~~has the meaning given in Minnesota Rules, part~~  
418.17 ~~9505.0371, subpart 7~~ means the plan described in section 245I.10, subdivisions 7 and 8.

418.18 ~~(m)~~ (l) "Mental health behavioral aide services" means medically necessary one-on-one  
418.19 activities performed by a ~~trained paraprofessional qualified as provided in subdivision 7,~~  
418.20 ~~paragraph (b), clause (3)~~ mental health behavioral aide qualified according to section 245I.04,  
418.21 subdivision 16, to assist a child retain or generalize psychosocial skills as previously trained  
418.22 by a mental health professional, clinical trainee, or mental health practitioner and as described  
418.23 in the child's individual treatment plan and individual behavior plan. Activities involve  
418.24 working directly with the child or child's family as provided in subdivision 9, paragraph  
418.25 (b), clause (4).

418.26 (m) "Mental health certified family peer specialist" means a staff person who is qualified  
418.27 according to section 245I.04, subdivision 12.

418.28 ~~(n)~~ (n) "Mental health practitioner" ~~has the meaning given in section 245.462, subdivision~~  
418.29 ~~17, except that a practitioner working in a day treatment setting may qualify as a mental~~  
418.30 ~~health practitioner if the practitioner holds a bachelor's degree in one of the behavioral~~  
418.31 ~~sciences or related fields from an accredited college or university, and: (1) has at least 2,000~~  
418.32 ~~hours of clinically supervised experience in the delivery of mental health services to clients~~  
418.33 ~~with mental illness; (2) is fluent in the language, other than English, of the cultural group~~  
418.34 ~~that makes up at least 50 percent of the practitioner's clients, completes 40 hours of training~~

419.1 ~~on the delivery of services to clients with mental illness, and receives clinical supervision~~  
419.2 ~~from a mental health professional at least once per week until meeting the required 2,000~~  
419.3 ~~hours of supervised experience; or (3) receives 40 hours of training on the delivery of~~  
419.4 ~~services to clients with mental illness within six months of employment, and clinical~~  
419.5 ~~supervision from a mental health professional at least once per week until meeting the~~  
419.6 ~~required 2,000 hours of supervised experience~~ means a staff person who is qualified according  
419.7 to section 245I.04, subdivision 4.

419.8 (o) "Mental health professional" means ~~an individual as defined in Minnesota Rules,~~  
419.9 ~~part 9505.0370, subpart 18~~ a staff person who is qualified according to section 245I.04,  
419.10 subdivision 2.

419.11 (p) "Mental health service plan development" includes:

419.12 (1) the development, review, and revision of a child's individual treatment plan, as  
419.13 ~~provided in Minnesota Rules, part 9505.0371, subpart 7,~~ including involvement of the client  
419.14 or client's parents, primary caregiver, or other person authorized to consent to mental health  
419.15 services for the client, and including arrangement of treatment and support activities specified  
419.16 in the individual treatment plan; and

419.17 (2) administering and reporting the standardized outcome measurement instruments,  
419.18 ~~determined and updated by the commissioner~~ measurements in section 245I.10, subdivision  
419.19 6, paragraph (d), clauses (3) and (4), and other standardized outcome measurements approved  
419.20 by the commissioner, as periodically needed to evaluate the effectiveness of treatment ~~for~~  
419.21 ~~children receiving clinical services and reporting outcome measures, as required by the~~  
419.22 ~~commissioner.~~

419.23 (q) "Mental illness," for persons at least age 18 but under age 21, has the meaning given  
419.24 in section 245.462, subdivision 20, paragraph (a).

419.25 (r) "Psychotherapy" means the treatment of mental or emotional disorders or  
419.26 ~~maladjustment by psychological means. Psychotherapy may be provided in many modalities~~  
419.27 ~~in accordance with Minnesota Rules, part 9505.0372, subpart 6, including patient and/or~~  
419.28 ~~family psychotherapy; family psychotherapy; psychotherapy for crisis; group psychotherapy;~~  
419.29 ~~or multiple-family psychotherapy. Beginning with the American Medical Association's~~  
419.30 ~~Current Procedural Terminology, standard edition, 2014, the procedure "individual~~  
419.31 ~~psychotherapy" is replaced with "patient and/or family psychotherapy," a substantive change~~  
419.32 ~~that permits the therapist to work with the client's family without the client present to obtain~~  
419.33 ~~information about the client or to explain the client's treatment plan to the family.~~  
419.34 ~~Psychotherapy is appropriate for crisis response when a child has become dysregulated or~~

420.1 ~~experienced new trauma since the diagnostic assessment was completed and needs~~  
420.2 ~~psychotherapy to address issues not currently included in the child's individual treatment~~  
420.3 ~~plan described in section 256B.0671, subdivision 11.~~

420.4 (s) "Rehabilitative services" or "psychiatric rehabilitation services" means ~~a series of~~  
420.5 ~~multidisciplinary combination of psychiatric and psychosocial~~ interventions to: (1) restore  
420.6 a child or adolescent to an age-appropriate developmental trajectory that had been disrupted  
420.7 by a psychiatric illness; or (2) enable the child to self-monitor, compensate for, cope with,  
420.8 counteract, or replace psychosocial skills deficits or maladaptive skills acquired over the  
420.9 course of a psychiatric illness. Psychiatric rehabilitation services for children combine  
420.10 coordinated psychotherapy to address internal psychological, emotional, and intellectual  
420.11 processing deficits, and skills training to restore personal and social functioning. Psychiatric  
420.12 rehabilitation services establish a progressive series of goals with each achievement building  
420.13 upon a prior achievement. ~~Continuing progress toward goals is expected, and rehabilitative~~  
420.14 ~~potential ceases when successive improvement is not observable over a period of time.~~

420.15 (t) "Skills training" means individual, family, or group training, delivered by or under  
420.16 the supervision of a mental health professional, designed to facilitate the acquisition of  
420.17 psychosocial skills that are medically necessary to rehabilitate the child to an age-appropriate  
420.18 developmental trajectory heretofore disrupted by a psychiatric illness or to enable the child  
420.19 to self-monitor, compensate for, cope with, counteract, or replace skills deficits or  
420.20 maladaptive skills acquired over the course of a psychiatric illness. Skills training is subject  
420.21 to the service delivery requirements under subdivision 9, paragraph (b), clause (2).

420.22 (u) "Treatment supervision" means the supervision described in section 245I.06.

420.23 Sec. 82. Minnesota Statutes 2020, section 256B.0943, subdivision 2, is amended to read:

420.24 Subd. 2. **Covered service components of children's therapeutic services and**  
420.25 **supports.** (a) Subject to federal approval, medical assistance covers medically necessary  
420.26 children's therapeutic services and supports ~~as defined in this section that~~ when the services  
420.27 are provided by an eligible provider entity certified under subdivision 4 provides to a client  
420.28 eligible under subdivision 3 and meeting the standards in this section. The provider entity  
420.29 must make reasonable and good faith efforts to report individual client outcomes to the  
420.30 commissioner, using instruments and protocols approved by the commissioner.

420.31 (b) The service components of children's therapeutic services and supports are:

420.32 (1) patient and/or family psychotherapy, family psychotherapy, psychotherapy for crisis,  
420.33 and group psychotherapy;

- 421.1 (2) individual, family, or group skills training provided by a mental health professional,  
 421.2 clinical trainee, or mental health practitioner;
- 421.3 (3) crisis ~~assistance~~ planning;
- 421.4 (4) mental health behavioral aide services;
- 421.5 (5) direction of a mental health behavioral aide;
- 421.6 (6) mental health service plan development; and
- 421.7 (7) children's day treatment.

421.8 Sec. 83. Minnesota Statutes 2020, section 256B.0943, subdivision 3, is amended to read:

421.9 Subd. 3. **Determination of client eligibility.** (a) A client's eligibility to receive children's  
 421.10 therapeutic services and supports under this section shall be determined based on a standard  
 421.11 diagnostic assessment by a mental health professional or a ~~mental health practitioner who~~  
 421.12 ~~meets the requirements of a clinical trainee as defined in Minnesota Rules, part 9505.0371,~~  
 421.13 ~~subpart 5, item C,~~ clinical trainee that is performed within one year before the initial start  
 421.14 of service. The standard diagnostic assessment must ~~meet the requirements for a standard~~  
 421.15 ~~or extended diagnostic assessment as defined in Minnesota Rules, part 9505.0372, subpart~~  
 421.16 ~~1, items B and C,~~ and:

421.17 ~~(1) include current diagnoses, including any differential diagnosis, in accordance with~~  
 421.18 ~~all criteria for a complete diagnosis and diagnostic profile as specified in the current edition~~  
 421.19 ~~of the Diagnostic and Statistical Manual of the American Psychiatric Association, or, for~~  
 421.20 ~~children under age five, as specified in the current edition of the Diagnostic Classification~~  
 421.21 ~~of Mental Health Disorders of Infancy and Early Childhood;~~

421.22 ~~(2)~~ (1) determine whether a child under age 18 has a diagnosis of emotional disturbance  
 421.23 or, if the person is between the ages of 18 and 21, whether the person has a mental illness;

421.24 ~~(3)~~ (2) document children's therapeutic services and supports as medically necessary to  
 421.25 address an identified disability, functional impairment, and the individual client's needs and  
 421.26 goals; and

421.27 ~~(4)~~ (3) be used in the development of the ~~individualized~~ individual treatment plan; and

421.28 ~~(5) be completed annually until age 18. For individuals between age 18 and 21, unless~~  
 421.29 ~~a client's mental health condition has changed markedly since the client's most recent~~  
 421.30 ~~diagnostic assessment, annual updating is necessary. For the purpose of this section,~~  
 421.31 ~~"updating" means an adult diagnostic update as defined in Minnesota Rules, part 9505.0371,~~  
 421.32 ~~subpart 2, item E.~~

422.1 (b) Notwithstanding paragraph (a), a client may be determined to be eligible for up to  
422.2 five days of day treatment under this section based on a hospital's medical history and  
422.3 presentation examination of the client.

422.4 Sec. 84. Minnesota Statutes 2020, section 256B.0943, subdivision 4, is amended to read:

422.5 Subd. 4. **Provider entity certification.** (a) The commissioner shall establish an initial  
422.6 provider entity application and certification process and recertification process to determine  
422.7 whether a provider entity has an administrative and clinical infrastructure that meets the  
422.8 requirements in subdivisions 5 and 6. A provider entity must be certified for the three core  
422.9 rehabilitation services of psychotherapy, skills training, and crisis ~~assistance~~ planning. The  
422.10 commissioner shall recertify a provider entity at least every three years. The commissioner  
422.11 shall establish a process for decertification of a provider entity and shall require corrective  
422.12 action, medical assistance repayment, or decertification of a provider entity that no longer  
422.13 meets the requirements in this section or that fails to meet the clinical quality standards or  
422.14 administrative standards provided by the commissioner in the application and certification  
422.15 process.

422.16 (b) For purposes of this section, a provider entity must meet the standards in this section  
422.17 and chapter 245I, as required by section 245I.011, subdivision 5, and be:

422.18 (1) an Indian health services facility or a facility owned and operated by a tribe or tribal  
422.19 organization operating as a 638 facility under Public Law 93-638 certified by the state;

422.20 (2) a county-operated entity certified by the state; or

422.21 (3) a noncounty entity certified by the state.

422.22 Sec. 85. Minnesota Statutes 2020, section 256B.0943, subdivision 5, is amended to read:

422.23 Subd. 5. **Provider entity administrative infrastructure requirements.** (a) ~~To be an~~  
422.24 ~~eligible provider entity under this section, a provider entity must have an administrative~~  
422.25 ~~infrastructure that establishes authority and accountability for decision making and oversight~~  
422.26 ~~of functions, including finance, personnel, system management, clinical practice, and~~  
422.27 ~~individual treatment outcomes measurement.~~ An eligible provider entity shall demonstrate  
422.28 the availability, by means of employment or contract, of at least one backup mental health  
422.29 professional in the event of the primary mental health professional's absence. ~~The provider~~  
422.30 ~~must have written policies and procedures that it reviews and updates every three years and~~  
422.31 ~~distributes to staff initially and upon each subsequent update.~~

423.1 ~~(b) The administrative infrastructure written~~ In addition to the policies and procedures  
 423.2 required in section 245I.03, the policies and procedures must include:

423.3 ~~(1) personnel procedures, including a process for: (i) recruiting, hiring, training, and~~  
 423.4 ~~retention of culturally and linguistically competent providers; (ii) conducting a criminal~~  
 423.5 ~~background check on all direct service providers and volunteers; (iii) investigating, reporting,~~  
 423.6 ~~and acting on violations of ethical conduct standards; (iv) investigating, reporting, and acting~~  
 423.7 ~~on violations of data privacy policies that are compliant with federal and state laws; (v)~~  
 423.8 ~~utilizing volunteers, including screening applicants, training and supervising volunteers,~~  
 423.9 ~~and providing liability coverage for volunteers; and (vi) documenting that each mental~~  
 423.10 ~~health professional, mental health practitioner, or mental health behavioral aide meets the~~  
 423.11 ~~applicable provider qualification criteria, training criteria under subdivision 8, and clinical~~  
 423.12 ~~supervision or direction of a mental health behavioral aide requirements under subdivision~~  
 423.13 ~~6;~~

423.14 ~~(2)~~ (1) fiscal procedures, including internal fiscal control practices and a process for  
 423.15 collecting revenue that is compliant with federal and state laws; and

423.16 ~~(3)~~ (2) a client-specific treatment outcomes measurement system, including baseline  
 423.17 measures, to measure a client's progress toward achieving mental health rehabilitation goals.  
 423.18 ~~Effective July 1, 2017, to be eligible for medical assistance payment, a provider entity must~~  
 423.19 ~~report individual client outcomes to the commissioner, using instruments and protocols~~  
 423.20 ~~approved by the commissioner; and~~

423.21 ~~(4) a process to establish and maintain individual client records. The client's records~~  
 423.22 ~~must include:~~

423.23 ~~(i) the client's personal information;~~

423.24 ~~(ii) forms applicable to data privacy;~~

423.25 ~~(iii) the client's diagnostic assessment, updates, results of tests, individual treatment~~  
 423.26 ~~plan, and individual behavior plan, if necessary;~~

423.27 ~~(iv) documentation of service delivery as specified under subdivision 6;~~

423.28 ~~(v) telephone contacts;~~

423.29 ~~(vi) discharge plan; and~~

423.30 ~~(vii) if applicable, insurance information.~~

423.31 (c) A provider entity that uses a restrictive procedure with a client must meet the  
 423.32 requirements of section 245.8261.

424.1 Sec. 86. Minnesota Statutes 2020, section 256B.0943, subdivision 5a, is amended to read:

424.2 Subd. 5a. **Background studies.** The requirements for background studies under ~~this~~  
424.3 section 245I.011, subdivision 4, paragraph (d), may be met by a children's therapeutic  
424.4 services and supports services agency through the commissioner's NETStudy system as  
424.5 provided under sections 245C.03, subdivision 7, and 245C.10, subdivision 8.

424.6 Sec. 87. Minnesota Statutes 2020, section 256B.0943, subdivision 6, is amended to read:

424.7 Subd. 6. **Provider entity clinical infrastructure requirements.** (a) To be an eligible  
424.8 provider entity under this section, a provider entity must have a clinical infrastructure that  
424.9 utilizes diagnostic assessment, ~~individualized~~ individual treatment plans, service delivery,  
424.10 and individual treatment plan review that are culturally competent, child-centered, and  
424.11 family-driven to achieve maximum benefit for the client. The provider entity must review,  
424.12 and update as necessary, the clinical policies and procedures every three years, must distribute  
424.13 the policies and procedures to staff initially and upon each subsequent update, and must  
424.14 train staff accordingly.

424.15 (b) The clinical infrastructure written policies and procedures must include policies and  
424.16 procedures for meeting the requirements in this subdivision:

424.17 (1) providing or obtaining a client's standard diagnostic assessment, including a standard  
424.18 ~~diagnostic assessment performed by an outside or independent clinician, that identifies acute~~  
424.19 ~~and chronic clinical disorders, co-occurring medical conditions, and sources of psychological~~  
424.20 ~~and environmental problems, including baselines, and a functional assessment. The functional~~  
424.21 ~~assessment component must clearly summarize the client's individual strengths and needs.~~  
424.22 When required components of the standard diagnostic assessment, ~~such as baseline measures,~~  
424.23 are not provided in an outside or independent assessment or ~~when baseline measures cannot~~  
424.24 ~~be attained in a one-session standard diagnostic assessment~~ immediately, the provider entity  
424.25 must determine the missing information within 30 days and amend the child's standard  
424.26 diagnostic assessment or incorporate the ~~baseline~~ information into the child's individual  
424.27 treatment plan;

424.28 (2) developing an individual treatment plan ~~that~~;

424.29 ~~(i) is based on the information in the client's diagnostic assessment and baselines;~~

424.30 ~~(ii) identified goals and objectives of treatment, treatment strategy, schedule for~~  
424.31 ~~accomplishing treatment goals and objectives, and the individuals responsible for providing~~  
424.32 ~~treatment services and supports;~~

425.1 ~~(iii) is developed after completion of the client's diagnostic assessment by a mental health~~  
425.2 ~~professional or clinical trainee and before the provision of children's therapeutic services~~  
425.3 ~~and supports;~~

425.4 ~~(iv) is developed through a child-centered, family-driven, culturally appropriate planning~~  
425.5 ~~process, including allowing parents and guardians to observe or participate in individual~~  
425.6 ~~and family treatment services, assessment, and treatment planning;~~

425.7 ~~(v) is reviewed at least once every 90 days and revised to document treatment progress~~  
425.8 ~~on each treatment objective and next goals or, if progress is not documented, to document~~  
425.9 ~~changes in treatment; and~~

425.10 ~~(vi) is signed by the clinical supervisor and by the client or by the client's parent or other~~  
425.11 ~~person authorized by statute to consent to mental health services for the client. A client's~~  
425.12 ~~parent may approve the client's individual treatment plan by secure electronic signature or~~  
425.13 ~~by documented oral approval that is later verified by written signature;~~

425.14 (3) developing an individual behavior plan that documents treatment strategies and  
425.15 describes interventions to be provided by the mental health behavioral aide. The individual  
425.16 behavior plan must include:

425.17 (i) detailed instructions on the ~~treatment strategies to be provided~~ psychosocial skills to  
425.18 be practiced;

425.19 (ii) time allocated to each ~~treatment strategy~~ intervention;

425.20 (iii) methods of documenting the child's behavior;

425.21 (iv) methods of monitoring the child's progress in reaching objectives; and

425.22 (v) goals to increase or decrease targeted behavior as identified in the individual treatment  
425.23 plan;

425.24 (4) providing clinical treatment supervision plans for ~~mental health practitioners and~~  
425.25 ~~mental health behavioral aides. A mental health professional must document the clinical~~  
425.26 ~~supervision the professional provides by cosigning individual treatment plans and making~~  
425.27 ~~entries in the client's record on supervisory activities. The clinical supervisor also shall~~  
425.28 ~~document supervisee-specific supervision in the supervisee's personnel file. Clinical staff~~  
425.29 according to section 245I.06. Treatment supervision does not include the authority to make  
425.30 or terminate court-ordered placements of the child. A clinical treatment supervisor must be  
425.31 available for urgent consultation as required by the individual client's needs or the situation.  
425.32 ~~Clinical supervision may occur individually or in a small group to discuss treatment and~~  
425.33 ~~review progress toward goals. The focus of clinical supervision must be the client's treatment~~

426.1 ~~needs and progress and the mental health practitioner's or behavioral aide's ability to provide~~  
426.2 ~~services;~~

426.3 (4a) meeting day treatment program conditions in items (i) ~~to (iii)~~ and (ii):

426.4 (i) the ~~elinical~~ treatment supervisor must be present and available on the premises more  
426.5 than 50 percent of the time in a provider's standard working week during which the supervisee  
426.6 is providing a mental health service; and

426.7 ~~(ii) the diagnosis and the client's individual treatment plan or a change in the diagnosis~~  
426.8 ~~or individual treatment plan must be made by or reviewed, approved, and signed by the~~  
426.9 ~~elinical supervisor; and~~

426.10 ~~(iii)~~ (ii) every 30 days, the ~~elinical~~ treatment supervisor must review and sign the record  
426.11 indicating the supervisor has reviewed the client's care for all activities in the preceding  
426.12 30-day period;

426.13 (4b) meeting the ~~elinical~~ treatment supervision standards in items (i) ~~to (iv)~~ and (ii) for  
426.14 all other services provided under CTSS:

426.15 ~~(i) medical assistance shall reimburse for services provided by a mental health practitioner~~  
426.16 ~~who is delivering services that fall within the scope of the practitioner's practice and who~~  
426.17 ~~is supervised by a mental health professional who accepts full professional responsibility;~~

426.18 ~~(ii) medical assistance shall reimburse for services provided by a mental health behavioral~~  
426.19 ~~aide who is delivering services that fall within the scope of the aide's practice and who is~~  
426.20 ~~supervised by a mental health professional who accepts full professional responsibility and~~  
426.21 ~~has an approved plan for clinical supervision of the behavioral aide. Plans must be developed~~  
426.22 ~~in accordance with supervision standards defined in Minnesota Rules, part 9505.0371,~~  
426.23 ~~subpart 4, items A to D;~~

426.24 ~~(iii)~~ (i) the mental health professional is required to be present at the site of service  
426.25 delivery for observation as clinically appropriate when the clinical trainee, mental health  
426.26 practitioner, or mental health behavioral aide is providing CTSS services; and

426.27 ~~(iv)~~ (ii) when conducted, the on-site presence of the mental health professional must be  
426.28 documented in the child's record and signed by the mental health professional who accepts  
426.29 full professional responsibility;

426.30 (5) providing direction to a mental health behavioral aide. For entities that employ mental  
426.31 health behavioral aides, the ~~elinical~~ treatment supervisor must be employed by the provider  
426.32 entity or other provider certified to provide mental health behavioral aide services to ensure  
426.33 necessary and appropriate oversight for the client's treatment and continuity of care. The

427.1 ~~mental health professional or mental health practitioner~~ staff giving direction must begin  
427.2 with the goals on the ~~individualized~~ individual treatment plan, and instruct the mental health  
427.3 behavioral aide on how to implement therapeutic activities and interventions that will lead  
427.4 to goal attainment. The ~~professional or practitioner~~ staff giving direction must also instruct  
427.5 the mental health behavioral aide about the client's diagnosis, functional status, and other  
427.6 characteristics that are likely to affect service delivery. Direction must also include  
427.7 determining that the mental health behavioral aide has the skills to interact with the client  
427.8 and the client's family in ways that convey personal and cultural respect and that the aide  
427.9 actively solicits information relevant to treatment from the family. The aide must be able  
427.10 to clearly explain or demonstrate the activities the aide is doing with the client and the  
427.11 activities' relationship to treatment goals. Direction is more didactic than is supervision and  
427.12 requires the ~~professional or practitioner~~ staff providing it to continuously evaluate the mental  
427.13 health behavioral aide's ability to carry out the activities of the ~~individualized~~ individual  
427.14 treatment plan and the ~~individualized~~ individual behavior plan. When providing direction,  
427.15 the ~~professional or practitioner~~ staff must:

427.16 (i) review progress notes prepared by the mental health behavioral aide for accuracy and  
427.17 consistency with diagnostic assessment, treatment plan, and behavior goals and the  
427.18 ~~professional or practitioner~~ staff must approve and sign the progress notes;

427.19 (ii) identify changes in treatment strategies, revise the individual behavior plan, and  
427.20 communicate treatment instructions and methodologies as appropriate to ensure that treatment  
427.21 is implemented correctly;

427.22 (iii) demonstrate family-friendly behaviors that support healthy collaboration among  
427.23 the child, the child's family, and providers as treatment is planned and implemented;

427.24 (iv) ensure that the mental health behavioral aide is able to effectively communicate  
427.25 with the child, the child's family, and the provider; ~~and~~

427.26 (v) record the results of any evaluation and corrective actions taken to modify the work  
427.27 of the mental health behavioral aide; and

427.28 (vi) ensure the immediate accessibility of a mental health professional, clinical trainee,  
427.29 or mental health practitioner to the behavioral aide during service delivery;

427.30 (6) providing service delivery that implements the individual treatment plan and meets  
427.31 the requirements under subdivision 9; and

427.32 (7) individual treatment plan review. The review must determine the extent to which  
427.33 the services have met each of the goals and objectives in the treatment plan. The review

428.1 must assess the client's progress and ensure that services and treatment goals continue to  
 428.2 be necessary and appropriate to the client and the client's family or foster family. ~~Revision~~  
 428.3 ~~of the individual treatment plan does not require a new diagnostic assessment unless the~~  
 428.4 ~~client's mental health status has changed markedly. The updated treatment plan must be~~  
 428.5 ~~signed by the clinical supervisor and by the client, if appropriate, and by the client's parent~~  
 428.6 ~~or other person authorized by statute to give consent to the mental health services for the~~  
 428.7 ~~child.~~

428.8 Sec. 88. Minnesota Statutes 2020, section 256B.0943, subdivision 7, is amended to read:

428.9 Subd. 7. **Qualifications of individual and team providers.** (a) An individual or team  
 428.10 provider working within the scope of the provider's practice or qualifications may provide  
 428.11 service components of children's therapeutic services and supports that are identified as  
 428.12 medically necessary in a client's individual treatment plan.

428.13 (b) An individual provider must be qualified as a:

428.14 (1) ~~a mental health professional as defined in subdivision 1, paragraph (e); or~~

428.15 (2) a clinical trainee;

428.16 (3) mental health practitioner or clinical trainee. The mental health practitioner or clinical  
 428.17 ~~trainee must work under the clinical supervision of a mental health professional; or~~

428.18 (4) mental health certified family peer specialist; or

428.19 (3) ~~a~~ (5) mental health behavioral aide working under the clinical supervision of a mental  
 428.20 ~~health professional to implement the rehabilitative mental health services previously~~  
 428.21 ~~introduced by a mental health professional or practitioner and identified in the client's~~  
 428.22 ~~individual treatment plan and individual behavior plan.~~

428.23 (A) ~~A level I mental health behavioral aide must:~~

428.24 (i) ~~be at least 18 years old;~~

428.25 (ii) ~~have a high school diploma or commissioner of education-selected high school~~  
 428.26 ~~equivalency certification or two years of experience as a primary caregiver to a child with~~  
 428.27 ~~severe emotional disturbance within the previous ten years; and~~

428.28 (iii) ~~meet preservice and continuing education requirements under subdivision 8.~~

428.29 (B) ~~A level II mental health behavioral aide must:~~

428.30 (i) ~~be at least 18 years old;~~

429.1 ~~(ii) have an associate or bachelor's degree or 4,000 hours of experience in delivering~~  
429.2 ~~clinical services in the treatment of mental illness concerning children or adolescents or~~  
429.3 ~~complete a certificate program established under subdivision 8a; and~~

429.4 ~~(iii) meet preservice and continuing education requirements in subdivision 8.~~

429.5 (c) A day treatment multidisciplinary team must include at least one mental health  
429.6 professional or clinical trainee and one mental health practitioner.

429.7 Sec. 89. Minnesota Statutes 2020, section 256B.0943, subdivision 9, is amended to read:

429.8 Subd. 9. **Service delivery criteria.** (a) In delivering services under this section, a certified  
429.9 provider entity must ensure that:

429.10 (1) ~~each individual provider's caseload size permits the provider to deliver services to~~  
429.11 ~~both clients with severe, complex needs and clients with less intensive needs.~~ the provider's  
429.12 caseload size should reasonably enable the provider to play an active role in service planning,  
429.13 monitoring, and delivering services to meet the client's and client's family's needs, as specified  
429.14 in each client's individual treatment plan;

429.15 (2) site-based programs, including day treatment programs, provide staffing and facilities  
429.16 to ensure the client's health, safety, and protection of rights, and that the programs are able  
429.17 to implement each client's individual treatment plan; and

429.18 (3) a day treatment program is provided to a group of clients by a multidisciplinary team  
429.19 under the clinical treatment supervision of a mental health professional. The day treatment  
429.20 program must be provided in and by: (i) an outpatient hospital accredited by the Joint  
429.21 Commission on Accreditation of Health Organizations and licensed under sections 144.50  
429.22 to 144.55; (ii) a community mental health center under section 245.62; or (iii) an entity that  
429.23 is certified under subdivision 4 to operate a program that meets the requirements of section  
429.24 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475. The day  
429.25 treatment program must stabilize the client's mental health status while developing and  
429.26 improving the client's independent living and socialization skills. The goal of the day  
429.27 treatment program must be to reduce or relieve the effects of mental illness and provide  
429.28 training to enable the client to live in the community. The program must be available  
429.29 year-round at least three to five days per week, two or three hours per day, unless the normal  
429.30 five-day school week is shortened by a holiday, weather-related cancellation, or other  
429.31 districtwide reduction in a school week. A child transitioning into or out of day treatment  
429.32 must receive a minimum treatment of one day a week for a two-hour time block. The  
429.33 two-hour time block must include at least one hour of patient and/or family or group

430.1 psychotherapy. The remainder of the structured treatment program may include patient  
430.2 and/or family or group psychotherapy, and individual or group skills training, if included  
430.3 in the client's individual treatment plan. Day treatment programs are not part of inpatient  
430.4 or residential treatment services. When a day treatment group that meets the minimum group  
430.5 size requirement temporarily falls below the minimum group size because of a member's  
430.6 temporary absence, medical assistance covers a group session conducted for the group  
430.7 members in attendance. A day treatment program may provide fewer than the minimally  
430.8 required hours for a particular child during a billing period in which the child is transitioning  
430.9 into, or out of, the program.

430.10 (b) To be eligible for medical assistance payment, a provider entity must deliver the  
430.11 service components of children's therapeutic services and supports in compliance with the  
430.12 following requirements:

430.13 (1) ~~patient and/or family, family, and group psychotherapy must be delivered as specified~~  
430.14 ~~in Minnesota Rules, part 9505.0372, subpart 6.~~ psychotherapy to address the child's  
430.15 underlying mental health disorder must be documented as part of the child's ongoing  
430.16 treatment. A provider must deliver, or arrange for, medically necessary psychotherapy,  
430.17 unless the child's parent or caregiver chooses not to receive it. When a provider delivering  
430.18 other services to a child under this section deems it not medically necessary to provide  
430.19 psychotherapy to the child for a period of 90 days or longer, the provider entity must  
430.20 document the medical reasons why psychotherapy is not necessary. When a provider  
430.21 determines that a child needs psychotherapy but psychotherapy cannot be delivered due to  
430.22 a shortage of licensed mental health professionals in the child's community, the provider  
430.23 must document the lack of access in the child's medical record;

430.24 (2) individual, family, or group skills training ~~must be provided by a mental health~~  
430.25 ~~professional or a mental health practitioner who is delivering services that fall within the~~  
430.26 ~~scope of the provider's practice and is supervised by a mental health professional who~~  
430.27 ~~accepts full professional responsibility for the training.~~ Skills training is subject to the  
430.28 following requirements:

430.29 (i) a mental health professional, clinical trainee, or mental health practitioner shall provide  
430.30 skills training;

430.31 (ii) skills training delivered to a child or the child's family must be targeted to the specific  
430.32 deficits or maladaptations of the child's mental health disorder and must be prescribed in  
430.33 the child's individual treatment plan;

431.1 (iii) the mental health professional delivering or supervising the delivery of skills training  
431.2 must document any underlying psychiatric condition and must document how skills training  
431.3 is being used in conjunction with psychotherapy to address the underlying condition;

431.4 (iv) skills training delivered to the child's family must teach skills needed by parents to  
431.5 enhance the child's skill development, to help the child utilize daily life skills taught by a  
431.6 mental health professional, clinical trainee, or mental health practitioner, and to develop or  
431.7 maintain a home environment that supports the child's progressive use of skills;

431.8 (v) group skills training may be provided to multiple recipients who, because of the  
431.9 nature of their emotional, behavioral, or social dysfunction, can derive mutual benefit from  
431.10 interaction in a group setting, which must be staffed as follows:

431.11 (A) one mental health professional ~~or one~~<sub>2</sub> clinical trainee<sub>2</sub> or mental health practitioner  
431.12 ~~under supervision of a licensed mental health professional~~ must work with a group of three  
431.13 to eight clients; or

431.14 (B) any combination of two mental health professionals, ~~two~~<sub>2</sub> clinical trainees<sub>2</sub> or mental  
431.15 health practitioners ~~under supervision of a licensed mental health professional, or one mental~~  
431.16 ~~health professional or clinical trainee and one mental health practitioner~~ must work with a  
431.17 group of nine to 12 clients;

431.18 (vi) a mental health professional, clinical trainee, or mental health practitioner must have  
431.19 taught the psychosocial skill before a mental health behavioral aide may practice that skill  
431.20 with the client; and

431.21 (vii) for group skills training, when a skills group that meets the minimum group size  
431.22 requirement temporarily falls below the minimum group size because of a group member's  
431.23 temporary absence, the provider may conduct the session for the group members in  
431.24 attendance;

431.25 (3) ~~crisis assistance~~ planning to a child and family must include development of a written  
431.26 plan that anticipates the particular factors specific to the child that may precipitate a  
431.27 psychiatric crisis for the child in the near future. The written plan must document actions  
431.28 that the family should be prepared to take to resolve or stabilize a crisis, such as advance  
431.29 arrangements for direct intervention and support services to the child and the child's family.  
431.30 ~~Crisis assistance~~ planning must include preparing resources designed to address abrupt or  
431.31 substantial changes in the functioning of the child or the child's family when sudden change  
431.32 in behavior or a loss of usual coping mechanisms is observed, or the child begins to present  
431.33 a danger to self or others;

432.1 (4) mental health behavioral aide services must be medically necessary treatment services,  
432.2 identified in the child's individual treatment plan and individual behavior plan, ~~which are~~  
432.3 ~~performed minimally by a paraprofessional qualified according to subdivision 7, paragraph~~  
432.4 ~~(b), clause (3),~~ and which are designed to improve the functioning of the child in the  
432.5 progressive use of developmentally appropriate psychosocial skills. Activities involve  
432.6 working directly with the child, child-peer groupings, or child-family groupings to practice,  
432.7 repeat, reintroduce, and master the skills defined in subdivision 1, paragraph (t), as previously  
432.8 taught by a mental health professional, clinical trainee, or mental health practitioner including:

432.9 (i) providing cues or prompts in skill-building peer-to-peer or parent-child interactions  
432.10 so that the child progressively recognizes and responds to the cues independently;

432.11 (ii) performing as a practice partner or role-play partner;

432.12 (iii) reinforcing the child's accomplishments;

432.13 (iv) generalizing skill-building activities in the child's multiple natural settings;

432.14 (v) assigning further practice activities; and

432.15 (vi) intervening as necessary to redirect the child's target behavior and to de-escalate  
432.16 behavior that puts the child or other person at risk of injury.

432.17 To be eligible for medical assistance payment, mental health behavioral aide services must  
432.18 be delivered to a child who has been diagnosed with an emotional disturbance or a mental  
432.19 illness, as provided in subdivision 1, paragraph (a). The mental health behavioral aide must  
432.20 implement treatment strategies in the individual treatment plan and the individual behavior  
432.21 plan as developed by the mental health professional, clinical trainee, or mental health  
432.22 practitioner providing direction for the mental health behavioral aide. The mental health  
432.23 behavioral aide must document the delivery of services in written progress notes. Progress  
432.24 notes must reflect implementation of the treatment strategies, as performed by the mental  
432.25 health behavioral aide and the child's responses to the treatment strategies; and

432.26 ~~(5) direction of a mental health behavioral aide must include the following:~~

432.27 ~~(i) ongoing face-to-face observation of the mental health behavioral aide delivering~~  
432.28 ~~services to a child by a mental health professional or mental health practitioner for at least~~  
432.29 ~~a total of one hour during every 40 hours of service provided to a child; and~~

432.30 ~~(ii) immediate accessibility of the mental health professional, clinical trainee, or mental~~  
432.31 ~~health practitioner to the mental health behavioral aide during service provision;~~

433.1 ~~(6)~~ (5) mental health service plan development must be performed in consultation with  
 433.2 the child's family and, when appropriate, with other key participants in the child's life by  
 433.3 the child's treating mental health professional or clinical trainee or by a mental health  
 433.4 practitioner and approved by the treating mental health professional. Treatment plan drafting  
 433.5 consists of development, review, and revision by face-to-face or electronic communication.  
 433.6 The provider must document events, including the time spent with the family and other key  
 433.7 participants in the child's life to ~~review, revise, and sign~~ approve the individual treatment  
 433.8 plan. ~~Notwithstanding Minnesota Rules, part 9505.0371, subpart 7,~~ Medical assistance  
 433.9 covers service plan development before completion of the child's individual treatment plan.  
 433.10 Service plan development is covered only if a treatment plan is completed for the child. If  
 433.11 upon review it is determined that a treatment plan was not completed for the child, the  
 433.12 commissioner shall recover the payment for the service plan development; ~~and,~~

433.13 ~~(7) to be eligible for payment, a diagnostic assessment must be complete with regard to~~  
 433.14 ~~all required components, including multiple assessment appointments required for an~~  
 433.15 ~~extended diagnostic assessment and the written report. Dates of the multiple assessment~~  
 433.16 ~~appointments must be noted in the client's clinical record.~~

433.17 Sec. 90. Minnesota Statutes 2020, section 256B.0943, subdivision 11, is amended to read:

433.18 Subd. 11. **Documentation and billing.** ~~(a)~~ A provider entity must document the services  
 433.19 it provides under this section. The provider entity must ensure that documentation complies  
 433.20 with Minnesota Rules, parts 9505.2175 and 9505.2197. Services billed under this section  
 433.21 that are not documented according to this subdivision shall be subject to monetary recovery  
 433.22 by the commissioner. Billing for covered service components under subdivision 2, paragraph  
 433.23 (b), must not include anything other than direct service time.

433.24 ~~(b) An individual mental health provider must promptly document the following in a~~  
 433.25 ~~client's record after providing services to the client:~~

433.26 ~~(1) each occurrence of the client's mental health service, including the date, type, start~~  
 433.27 ~~and stop times, scope of the service as described in the child's individual treatment plan,~~  
 433.28 ~~and outcome of the service compared to baselines and objectives;~~

433.29 ~~(2) the name, dated signature, and credentials of the person who delivered the service;~~

433.30 ~~(3) contact made with other persons interested in the client, including representatives~~  
 433.31 ~~of the courts, corrections systems, or schools. The provider must document the name and~~  
 433.32 ~~date of each contact;~~

434.1 ~~(4) any contact made with the client's other mental health providers, case manager,~~  
434.2 ~~family members, primary caregiver, legal representative, or the reason the provider did not~~  
434.3 ~~contact the client's family members, primary caregiver, or legal representative, if applicable;~~

434.4 ~~(5) required clinical supervision directly related to the identified client's services and~~  
434.5 ~~needs, as appropriate, with co-signatures of the supervisor and supervisee; and~~

434.6 ~~(6) the date when services are discontinued and reasons for discontinuation of services.~~

434.7 Sec. 91. Minnesota Statutes 2020, section 256B.0946, subdivision 1, is amended to read:

434.8 Subdivision 1. **Required covered service components.** (a) ~~Effective May 23, 2013,~~  
434.9 ~~and~~ Subject to federal approval, medical assistance covers medically necessary intensive  
434.10 treatment services ~~described under paragraph (b) that~~ when the services are provided by a  
434.11 provider entity eligible under subdivision 3 to a client eligible under subdivision 2 who is  
434.12 placed in a foster home licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or  
434.13 placed in a foster home licensed under the regulations established by a federally recognized  
434.14 Minnesota tribe certified under and meeting the standards in this section. The provider entity  
434.15 must make reasonable and good faith efforts to report individual client outcomes to the  
434.16 commissioner, using instruments and protocols approved by the commissioner.

434.17 (b) Intensive treatment services to children with mental illness residing in foster family  
434.18 settings that comprise specific required service components provided in clauses (1) to (5)  
434.19 are reimbursed by medical assistance when they meet the following standards:

434.20 (1) psychotherapy provided by a mental health professional ~~as defined in Minnesota~~  
434.21 ~~Rules, part 9505.0371, subpart 5, item A,~~ or a clinical trainee, ~~as defined in Minnesota~~  
434.22 ~~Rules, part 9505.0371, subpart 5, item C;~~

434.23 (2) ~~crisis assistance provided according to standards for children's therapeutic services~~  
434.24 ~~and supports in section 256B.0943~~ planning;

434.25 (3) individual, family, and group psychoeducation services, ~~defined in subdivision 1a,~~  
434.26 ~~paragraph (c),~~ provided by a mental health professional or a clinical trainee;

434.27 (4) clinical care consultation, ~~as defined in subdivision 1a,~~ and provided by a mental  
434.28 health professional or a clinical trainee; and

434.29 (5) service delivery payment requirements as provided under subdivision 4.

435.1 Sec. 92. Minnesota Statutes 2020, section 256B.0946, subdivision 1a, is amended to read:

435.2 Subd. 1a. **Definitions.** For the purposes of this section, the following terms have the  
435.3 meanings given them.

435.4 (a) "Clinical care consultation" means communication from a treating clinician to other  
435.5 providers working with the same client to inform, inquire, and instruct regarding the client's  
435.6 symptoms, strategies for effective engagement, care and intervention needs, and treatment  
435.7 expectations across service settings, including but not limited to the client's school, social  
435.8 services, day care, probation, home, primary care, medication prescribers, disabilities  
435.9 services, and other mental health providers and to direct and coordinate clinical service  
435.10 components provided to the client and family.

435.11 ~~(b) "Clinical supervision" means the documented time a clinical supervisor and supervisee~~  
435.12 ~~spend together to discuss the supervisee's work, to review individual client cases, and for~~  
435.13 ~~the supervisee's professional development. It includes the documented oversight and~~  
435.14 ~~supervision responsibility for planning, implementation, and evaluation of services for a~~  
435.15 ~~client's mental health treatment.~~

435.16 ~~(c) "Clinical supervisor" means the mental health professional who is responsible for~~  
435.17 ~~clinical supervision.~~

435.18 ~~(d) (b) "Clinical trainee" has the meaning given in Minnesota Rules, part 9505.0371,~~  
435.19 ~~subpart 5, item C; means a staff person who is qualified according to section 245I.04,~~  
435.20 ~~subdivision 6.~~

435.21 ~~(e) (c) "Crisis assistance planning" has the meaning given in section 245.4871, subdivision~~  
435.22 ~~9a, including the development of a plan that addresses prevention and intervention strategies~~  
435.23 ~~to be used in a potential crisis, but does not include actual crisis intervention.~~

435.24 ~~(f) (d) "Culturally appropriate" means providing mental health services in a manner that~~  
435.25 ~~incorporates the child's cultural influences, as defined in Minnesota Rules, part 9505.0370,~~  
435.26 ~~subpart 9, into interventions as a way to maximize resiliency factors and utilize cultural~~  
435.27 ~~strengths and resources to promote overall wellness.~~

435.28 ~~(g) (e) "Culture" means the distinct ways of living and understanding the world that are~~  
435.29 ~~used by a group of people and are transmitted from one generation to another or adopted~~  
435.30 ~~by an individual.~~

435.31 ~~(h) (f) "Standard diagnostic assessment" has the meaning given in Minnesota Rules, part~~  
435.32 ~~9505.0370, subpart 11 means the assessment described in section 245I.10, subdivision 6.~~

436.1 ~~(f)~~ (g) "Family" means a person who is identified by the client or the client's parent or  
436.2 guardian as being important to the client's mental health treatment. Family may include,  
436.3 but is not limited to, parents, foster parents, children, spouse, committed partners, former  
436.4 spouses, persons related by blood or adoption, persons who are a part of the client's  
436.5 permanency plan, or persons who are presently residing together as a family unit.

436.6 ~~(f)~~ (h) "Foster care" has the meaning given in section 260C.007, subdivision 18.

436.7 ~~(k)~~ (i) "Foster family setting" means the foster home in which the license holder resides.

436.8 ~~(h)~~ (j) "Individual treatment plan" ~~has the meaning given in Minnesota Rules, part~~  
436.9 ~~9505.0370, subpart 15~~ means the plan described in section 245I.10, subdivisions 7 and 8.

436.10 ~~(m)~~ "Mental health practitioner" ~~has the meaning given in section 245.462, subdivision~~  
436.11 ~~17, and a mental health practitioner working as a clinical trainee according to Minnesota~~  
436.12 ~~Rules, part 9505.0371, subpart 5, item C.~~

436.13 (k) "Mental health certified family peer specialist" means a staff person who is qualified  
436.14 according to section 245I.04, subdivision 12.

436.15 ~~(n)~~ (l) "Mental health professional" ~~has the meaning given in Minnesota Rules, part~~  
436.16 ~~9505.0370, subpart 18~~ means a staff person who is qualified according to section 245I.04,  
436.17 subdivision 2.

436.18 ~~(o)~~ (m) "Mental illness" has the meaning given in ~~Minnesota Rules, part 9505.0370,~~  
436.19 ~~subpart 20~~ section 245I.02, subdivision 29.

436.20 ~~(p)~~ (n) "Parent" has the meaning given in section 260C.007, subdivision 25.

436.21 ~~(q)~~ (o) "Psychoeducation services" means information or demonstration provided to an  
436.22 individual, family, or group to explain, educate, and support the individual, family, or group  
436.23 in understanding a child's symptoms of mental illness, the impact on the child's development,  
436.24 and needed components of treatment and skill development so that the individual, family,  
436.25 or group can help the child to prevent relapse, prevent the acquisition of comorbid disorders,  
436.26 and achieve optimal mental health and long-term resilience.

436.27 ~~(r)~~ (p) "Psychotherapy" ~~has the meaning given in Minnesota Rules, part 9505.0370,~~  
436.28 ~~subpart 27~~ means the treatment described in section 256B.0671, subdivision 11.

436.29 ~~(s)~~ (q) "Team consultation and treatment planning" means the coordination of treatment  
436.30 plans and consultation among providers in a group concerning the treatment needs of the  
436.31 child, including disseminating the child's treatment service schedule to all members of the  
436.32 service team. Team members must include all mental health professionals working with the

437.1 child, a parent, the child unless the team lead or parent deem it clinically inappropriate, and  
437.2 at least two of the following: an individualized education program case manager; probation  
437.3 agent; children's mental health case manager; child welfare worker, including adoption or  
437.4 guardianship worker; primary care provider; foster parent; and any other member of the  
437.5 child's service team.

437.6 (r) "Trauma" has the meaning given in section 245I.02, subdivision 38.

437.7 (s) "Treatment supervision" means the supervision described under section 245I.06.

437.8 Sec. 93. Minnesota Statutes 2020, section 256B.0946, subdivision 2, is amended to read:

437.9 Subd. 2. **Determination of client eligibility.** An eligible recipient is an individual, from  
437.10 birth through age 20, who is currently placed in a foster home licensed under Minnesota  
437.11 Rules, parts 2960.3000 to 2960.3340, or placed in a foster home licensed under the  
437.12 regulations established by a federally recognized Minnesota tribe, and has received: (1) a  
437.13 standard diagnostic assessment and an evaluation of level of care needed, as defined in  
437.14 paragraphs (a) and (b), within 180 days before the start of service that documents that  
437.15 intensive treatment services are medically necessary within a foster family setting to  
437.16 ameliorate identified symptoms and functional impairments; and (2) a level of care  
437.17 assessment as defined in section 245I.02, subdivision 19, that demonstrates that the individual  
437.18 requires intensive intervention without 24-hour medical monitoring, and a functional  
437.19 assessment as defined in section 245I.02, subdivision 17. The level of care assessment and  
437.20 the functional assessment must include information gathered from the placing county, tribe,  
437.21 or case manager.

437.22 ~~(a) The diagnostic assessment must:~~

437.23 ~~(1) meet criteria described in Minnesota Rules, part 9505.0372, subpart 1, and be~~  
437.24 ~~conducted by a mental health professional or a clinical trainee;~~

437.25 ~~(2) determine whether or not a child meets the criteria for mental illness, as defined in~~  
437.26 ~~Minnesota Rules, part 9505.0370, subpart 20;~~

437.27 ~~(3) document that intensive treatment services are medically necessary within a foster~~  
437.28 ~~family setting to ameliorate identified symptoms and functional impairments;~~

437.29 ~~(4) be performed within 180 days before the start of service; and~~

437.30 ~~(5) be completed as either a standard or extended diagnostic assessment annually to~~  
437.31 ~~determine continued eligibility for the service.~~

438.1 ~~(b) The evaluation of level of care must be conducted by the placing county, tribe, or~~  
438.2 ~~ease manager in conjunction with the diagnostic assessment as described by Minnesota~~  
438.3 ~~Rules, part 9505.0372, subpart 1, item B, using a validated tool approved by the~~  
438.4 ~~commissioner of human services and not subject to the rulemaking process, consistent with~~  
438.5 ~~section 245.4885, subdivision 1, paragraph (d), the result of which evaluation demonstrates~~  
438.6 ~~that the child requires intensive intervention without 24-hour medical monitoring. The~~  
438.7 ~~commissioner shall update the list of approved level of care tools annually and publish on~~  
438.8 ~~the department's website.~~

438.9 Sec. 94. Minnesota Statutes 2020, section 256B.0946, subdivision 3, is amended to read:

438.10 Subd. 3. **Eligible mental health services providers.** (a) Eligible providers for intensive  
438.11 children's mental health services in a foster family setting must be certified by the state and  
438.12 have a service provision contract with a county board or a reservation tribal council and  
438.13 must be able to demonstrate the ability to provide all of the services required in this section  
438.14 and meet the standards in chapter 245I, as required in section 245I.011, subdivision 5.

438.15 (b) For purposes of this section, a provider agency must be:

438.16 (1) a county-operated entity certified by the state;

438.17 (2) an Indian Health Services facility operated by a tribe or tribal organization under  
438.18 funding authorized by United States Code, title 25, sections 450f to 450n, or title 3 of the  
438.19 Indian Self-Determination Act, Public Law 93-638, section 638 (facilities or providers); or

438.20 (3) a noncounty entity.

438.21 (c) Certified providers that do not meet the service delivery standards required in this  
438.22 section shall be subject to a decertification process.

438.23 (d) For the purposes of this section, all services delivered to a client must be provided  
438.24 by a mental health professional or a clinical trainee.

438.25 Sec. 95. Minnesota Statutes 2020, section 256B.0946, subdivision 4, is amended to read:

438.26 Subd. 4. **Service delivery payment requirements.** (a) To be eligible for payment under  
438.27 this section, a provider must develop and practice written policies and procedures for  
438.28 intensive treatment in foster care, consistent with subdivision 1, paragraph (b), and comply  
438.29 with the following requirements in paragraphs (b) to ~~(n)~~ (l).

439.1 ~~(b) A qualified clinical supervisor, as defined in and performing in compliance with~~  
439.2 ~~Minnesota Rules, part 9505.0371, subpart 5, item D, must supervise the treatment and~~  
439.3 ~~provision of services described in this section.~~

439.4 ~~(c) Each client receiving treatment services must receive an extended diagnostic~~  
439.5 ~~assessment, as described in Minnesota Rules, part 9505.0372, subpart 1, item C, within 30~~  
439.6 ~~days of enrollment in this service unless the client has a previous extended diagnostic~~  
439.7 ~~assessment that the client, parent, and mental health professional agree still accurately~~  
439.8 ~~describes the client's current mental health functioning.~~

439.9 ~~(d)~~ (b) Each previous and current mental health, school, and physical health treatment  
439.10 provider must be contacted to request documentation of treatment and assessments that the  
439.11 eligible client has received. This information must be reviewed and incorporated into the  
439.12 standard diagnostic assessment and team consultation and treatment planning review process.

439.13 ~~(e)~~ (c) Each client receiving treatment must be assessed for a trauma history, and the  
439.14 client's treatment plan must document how the results of the assessment will be incorporated  
439.15 into treatment.

439.16 (d) The level of care assessment as defined in section 245I.02, subdivision 19, and  
439.17 functional assessment as defined in section 245I.02, subdivision 17, must be updated at  
439.18 least every 90 days or prior to discharge from the service, whichever comes first.

439.19 ~~(f)~~ (e) Each client receiving treatment services must have an individual treatment plan  
439.20 that is reviewed, evaluated, and signed approved every 90 days using the team consultation  
439.21 and treatment planning process, ~~as defined in subdivision 1a, paragraph (s).~~

439.22 ~~(g)~~ (f) Clinical care consultation, as defined in subdivision 1a, paragraph (a), must be  
439.23 provided in accordance with the client's individual treatment plan.

439.24 ~~(h)~~ (g) Each client must have a crisis ~~assistance~~ plan within ten days of initiating services  
439.25 and must have access to clinical phone support 24 hours per day, seven days per week,  
439.26 during the course of treatment. The crisis plan must demonstrate coordination with the local  
439.27 or regional mobile crisis intervention team.

439.28 ~~(i)~~ (h) Services must be delivered and documented at least three days per week, equaling  
439.29 at least six hours of treatment per week, unless reduced units of service are specified on the  
439.30 treatment plan as part of transition or on a discharge plan to another service or level of care.  
439.31 ~~Documentation must comply with Minnesota Rules, parts 9505.2175 and 9505.2197.~~

440.1 ~~(i)~~ (i) Location of service delivery must be in the client's home, day care setting, school,  
 440.2 or other community-based setting that is specified on the client's individualized treatment  
 440.3 plan.

440.4 ~~(j)~~ (j) Treatment must be developmentally and culturally appropriate for the client.

440.5 ~~(k)~~ (k) Services must be delivered in continual collaboration and consultation with the  
 440.6 client's medical providers and, in particular, with prescribers of psychotropic medications,  
 440.7 including those prescribed on an off-label basis. Members of the service team must be aware  
 440.8 of the medication regimen and potential side effects.

440.9 ~~(l)~~ (l) Parents, siblings, foster parents, and members of the child's permanency plan  
 440.10 must be involved in treatment and service delivery unless otherwise noted in the treatment  
 440.11 plan.

440.12 ~~(m)~~ (m) Transition planning for the child must be conducted starting with the first  
 440.13 treatment plan and must be addressed throughout treatment to support the child's permanency  
 440.14 plan and postdischarge mental health service needs.

440.15 Sec. 96. Minnesota Statutes 2020, section 256B.0946, subdivision 6, is amended to read:

440.16 Subd. 6. **Excluded services.** (a) Services in clauses (1) to (7) are not covered under this  
 440.17 section and are not eligible for medical assistance payment as components of intensive  
 440.18 treatment in foster care services, but may be billed separately:

440.19 (1) inpatient psychiatric hospital treatment;

440.20 (2) mental health targeted case management;

440.21 (3) partial hospitalization;

440.22 (4) medication management;

440.23 (5) children's mental health day treatment services;

440.24 (6) crisis response services under section ~~256B.0944~~ 256B.0624; and

440.25 (7) transportation; and

440.26 (8) mental health certified family peer specialist services under section 256B.0616.

440.27 (b) Children receiving intensive treatment in foster care services are not eligible for  
 440.28 medical assistance reimbursement for the following services while receiving intensive  
 440.29 treatment in foster care:

441.1 (1) psychotherapy and skills training components of children's therapeutic services and  
441.2 supports under section ~~256B.0625, subdivision 35b~~ 256B.0943;

441.3 (2) mental health behavioral aide services as defined in section 256B.0943, subdivision  
441.4 1, paragraph ~~(m)~~ (l);

441.5 (3) home and community-based waiver services;

441.6 (4) mental health residential treatment; and

441.7 (5) room and board costs as defined in section 256I.03, subdivision 6.

441.8 Sec. 97. Minnesota Statutes 2020, section 256B.0947, subdivision 1, is amended to read:

441.9 Subdivision 1. **Scope.** ~~Effective November 1, 2011, and~~ Subject to federal approval,  
441.10 medical assistance covers medically necessary, intensive nonresidential rehabilitative mental  
441.11 health services as ~~defined in subdivision 2, for recipients as defined in subdivision 3,~~ when  
441.12 the services are provided by an entity meeting the standards in this section. The provider  
441.13 entity must make reasonable and good faith efforts to report individual client outcomes to  
441.14 the commissioner, using instruments and protocols approved by the commissioner.

441.15 Sec. 98. Minnesota Statutes 2020, section 256B.0947, subdivision 2, is amended to read:

441.16 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
441.17 given them.

441.18 (a) "Intensive nonresidential rehabilitative mental health services" means child  
441.19 rehabilitative mental health services as defined in section 256B.0943, except that these  
441.20 services are provided by a multidisciplinary staff using a total team approach consistent  
441.21 with assertive community treatment, as adapted for youth, and are directed to recipients  
441.22 ~~ages 16, 17, 18, 19, or 20 with a serious mental illness or co-occurring mental illness and~~  
441.23 ~~substance abuse addiction~~ who require intensive services to prevent admission to an inpatient  
441.24 psychiatric hospital or placement in a residential treatment facility or who require intensive  
441.25 services to step down from inpatient or residential care to community-based care.

441.26 (b) "Co-occurring mental illness and substance ~~abuse addiction~~ use disorder" means a  
441.27 dual diagnosis of at least one form of mental illness and at least one substance use disorder.  
441.28 Substance use disorders include alcohol or drug abuse or dependence, excluding nicotine  
441.29 use.

441.30 (c) "Standard diagnostic assessment" ~~has the meaning given to it in Minnesota Rules,~~  
441.31 ~~part 9505.0370, subpart 11. A diagnostic assessment must be provided according to~~

442.1 ~~Minnesota Rules, part 9505.0372, subpart 1, and for this section must incorporate a~~  
442.2 ~~determination of the youth's necessary level of care using a standardized functional~~  
442.3 ~~assessment instrument approved and periodically updated by the commissioner means the~~  
442.4 ~~assessment described in section 245I.10, subdivision 6.~~

442.5 ~~(d) "Education specialist" means an individual with knowledge and experience working~~  
442.6 ~~with youth regarding special education requirements and goals, special education plans,~~  
442.7 ~~and coordination of educational activities with health care activities.~~

442.8 ~~(e) "Housing access support" means an ancillary activity to help an individual find,~~  
442.9 ~~obtain, retain, and move to safe and adequate housing. Housing access support does not~~  
442.10 ~~provide monetary assistance for rent, damage deposits, or application fees.~~

442.11 ~~(f) "Integrated dual disorders treatment" means the integrated treatment of co-occurring~~  
442.12 ~~mental illness and substance use disorders by a team of cross-trained clinicians within the~~  
442.13 ~~same program, and is characterized by assertive outreach, stage-wise comprehensive~~  
442.14 ~~treatment, treatment goal setting, and flexibility to work within each stage of treatment.~~

442.15 ~~(g)~~ (d) "Medication education services" means services provided individually or in  
442.16 groups, which focus on:

442.17 (1) educating the client and client's family or significant nonfamilial supporters about  
442.18 mental illness and symptoms;

442.19 (2) the role and effects of medications in treating symptoms of mental illness; and

442.20 (3) the side effects of medications.

442.21 Medication education is coordinated with medication management services and does not  
442.22 duplicate it. Medication education services are provided by physicians, pharmacists, or  
442.23 registered nurses with certification in psychiatric and mental health care.

442.24 ~~(h) "Peer specialist" means an employed team member who is a mental health certified~~  
442.25 ~~peer specialist according to section 256B.0615 and also a former children's mental health~~  
442.26 ~~consumer who:~~

442.27 ~~(1) provides direct services to clients including social, emotional, and instrumental~~  
442.28 ~~support and outreach;~~

442.29 ~~(2) assists younger peers to identify and achieve specific life goals;~~

442.30 ~~(3) works directly with clients to promote the client's self-determination, personal~~  
442.31 ~~responsibility, and empowerment;~~

- 443.1 ~~(4) assists youth with mental illness to regain control over their lives and their~~  
443.2 ~~developmental process in order to move effectively into adulthood;~~
- 443.3 ~~(5) provides training and education to other team members, consumer advocacy~~  
443.4 ~~organizations, and clients on resiliency and peer support; and~~
- 443.5 ~~(6) meets the following criteria:~~
- 443.6 ~~(i) is at least 22 years of age;~~
- 443.7 ~~(ii) has had a diagnosis of mental illness, as defined in Minnesota Rules, part 9505.0370,~~  
443.8 ~~subpart 20, or co-occurring mental illness and substance abuse addiction;~~
- 443.9 ~~(iii) is a former consumer of child and adolescent mental health services, or a former or~~  
443.10 ~~current consumer of adult mental health services for a period of at least two years;~~
- 443.11 ~~(iv) has at least a high school diploma or equivalent;~~
- 443.12 ~~(v) has successfully completed training requirements determined and periodically updated~~  
443.13 ~~by the commissioner;~~
- 443.14 ~~(vi) is willing to disclose the individual's own mental health history to team members~~  
443.15 ~~and clients; and~~
- 443.16 ~~(vii) must be free of substance use problems for at least one year.~~
- 443.17 (e) "Mental health professional" means a staff person who is qualified according to  
443.18 section 245I.04, subdivision 2.
- 443.19 ~~(f)~~ (f) "Provider agency" means a for-profit or nonprofit organization established to  
443.20 administer an assertive community treatment for youth team.
- 443.21 ~~(g)~~ (g) "Substance use disorders" means one or more of the disorders defined in the  
443.22 diagnostic and statistical manual of mental disorders, current edition.
- 443.23 ~~(h)~~ (h) "Transition services" means:
- 443.24 (1) activities, materials, consultation, and coordination that ensures continuity of the  
443.25 client's care in advance of and in preparation for the client's move from one stage of care  
443.26 or life to another by maintaining contact with the client and assisting the client to establish  
443.27 provider relationships;
- 443.28 (2) providing the client with knowledge and skills needed posttransition;
- 443.29 (3) establishing communication between sending and receiving entities;
- 443.30 (4) supporting a client's request for service authorization and enrollment; and

444.1 (5) establishing and enforcing procedures and schedules.

444.2 A youth's transition from the children's mental health system and services to the adult  
444.3 mental health system and services and return to the client's home and entry or re-entry into  
444.4 community-based mental health services following discharge from an out-of-home placement  
444.5 or inpatient hospital stay.

444.6 ~~(h)~~ (i) "Treatment team" means all staff who provide services to recipients under this  
444.7 section.

444.8 ~~(m)~~ (j) "Family peer specialist" means a staff person who is qualified under section  
444.9 256B.0616.

444.10 Sec. 99. Minnesota Statutes 2020, section 256B.0947, subdivision 3, is amended to read:

444.11 Subd. 3. **Client eligibility.** An eligible recipient is an individual who:

444.12 (1) is age 16, 17, 18, 19, or 20; and

444.13 (2) is diagnosed with a serious mental illness or co-occurring mental illness and substance  
444.14 ~~abuse addiction use disorder~~, for which intensive nonresidential rehabilitative mental health  
444.15 services are needed;

444.16 (3) has received a ~~level of care determination, using an instrument approved by the~~  
444.17 ~~commissioner~~ level of care assessment as defined in section 245I.02, subdivision 19, that  
444.18 indicates a need for intensive integrated intervention without 24-hour medical monitoring  
444.19 and a need for extensive collaboration among multiple providers;

444.20 (4) has received a functional assessment as defined in section 245I.02, subdivision 17,  
444.21 that indicates functional impairment and a history of difficulty in functioning safely and  
444.22 successfully in the community, school, home, or job; or who is likely to need services from  
444.23 the adult mental health system within the next two years; and

444.24 (5) has had a recent standard diagnostic assessment, as provided in Minnesota Rules,  
444.25 part 9505.0372, subpart 1, by a mental health professional who is qualified under Minnesota  
444.26 Rules, part 9505.0371, subpart 5, item A, that documents that intensive nonresidential  
444.27 rehabilitative mental health services are medically necessary to ameliorate identified  
444.28 symptoms and functional impairments and to achieve individual transition goals.

445.1 Sec. 100. Minnesota Statutes 2020, section 256B.0947, subdivision 3a, is amended to  
445.2 read:

445.3 Subd. 3a. **Required service components.** ~~(a) Subject to federal approval, medical~~  
445.4 ~~assistance covers all medically necessary intensive nonresidential rehabilitative mental~~  
445.5 ~~health services and supports, as defined in this section, under a single daily rate per client.~~  
445.6 ~~Services and supports must be delivered by an eligible provider under subdivision 5 to an~~  
445.7 ~~eligible client under subdivision 3.~~

445.8 ~~(b)~~ (a) Intensive nonresidential rehabilitative mental health services, supports, and  
445.9 ancillary activities are covered by ~~the~~ a single daily rate per client must include the following,  
445.10 as needed by the individual client:

445.11 (1) individual, family, and group psychotherapy;

445.12 (2) individual, family, and group skills training, as defined in section 256B.0943,  
445.13 subdivision 1, paragraph (t);

445.14 (3) crisis assistance planning as defined in section 245.4871, subdivision 9a, ~~which~~  
445.15 ~~includes recognition of factors precipitating a mental health crisis, identification of behaviors~~  
445.16 ~~related to the crisis, and the development of a plan to address prevention, intervention, and~~  
445.17 ~~follow-up strategies to be used in the lead-up to or onset of, and conclusion of, a mental~~  
445.18 ~~health crisis; crisis assistance does not mean crisis response services or crisis intervention~~  
445.19 ~~services provided in section 256B.0944;~~

445.20 (4) medication management provided by a physician or an advanced practice registered  
445.21 nurse with certification in psychiatric and mental health care;

445.22 (5) mental health case management as provided in section 256B.0625, subdivision 20;

445.23 (6) medication education services as defined in this section;

445.24 (7) care coordination by a client-specific lead worker assigned by and responsible to the  
445.25 treatment team;

445.26 (8) psychoeducation of and consultation and coordination with the client's biological,  
445.27 adoptive, or foster family and, in the case of a youth living independently, the client's  
445.28 immediate nonfamilial support network;

445.29 (9) clinical consultation to a client's employer or school or to other service agencies or  
445.30 to the courts to assist in managing the mental illness or co-occurring disorder and to develop  
445.31 client support systems;

446.1 (10) coordination with, or performance of, crisis intervention and stabilization services  
446.2 as defined in section ~~256B.0944~~ 256B.0624;

446.3 ~~(11) assessment of a client's treatment progress and effectiveness of services using~~  
446.4 ~~standardized outcome measures published by the commissioner;~~

446.5 ~~(12)~~ (11) transition services as defined in this section;

446.6 ~~(13) integrated dual disorders treatment as defined in this section~~ (12) co-occurring  
446.7 substance use disorder treatment as defined in section 245I.02, subdivision 11; and

446.8 ~~(14)~~ (13) housing access support that assists clients to find, obtain, retain, and move to  
446.9 safe and adequate housing. Housing access support does not provide monetary assistance  
446.10 for rent, damage deposits, or application fees.

446.11 ~~(e)~~ (b) The provider shall ensure and document the following by means of performing  
446.12 the required function or by contracting with a qualified person or entity:

446.13 ~~(1)~~ client access to crisis intervention services, as defined in section ~~256B.0944~~  
446.14 256B.0624, and available 24 hours per day and seven days per week;

446.15 ~~(2) completion of an extended diagnostic assessment, as defined in Minnesota Rules,~~  
446.16 ~~part 9505.0372, subpart 1, item C; and~~

446.17 ~~(3) determination of the client's needed level of care using an instrument approved and~~  
446.18 ~~periodically updated by the commissioner.~~

446.19 Sec. 101. Minnesota Statutes 2020, section 256B.0947, subdivision 5, is amended to read:

446.20 Subd. 5. **Standards for intensive nonresidential rehabilitative providers.** (a) Services  
446.21 ~~must be provided by a provider entity as provided in subdivision 4~~ meet the standards in  
446.22 this section and chapter 245I as required in section 245I.011, subdivision 5.

446.23 (b) The treatment team for intensive nonresidential rehabilitative mental health services  
446.24 comprises both permanently employed core team members and client-specific team members  
446.25 as follows:

446.26 ~~(1) The core treatment team is an entity that operates under the direction of an~~  
446.27 ~~independently licensed mental health professional, who is qualified under Minnesota Rules,~~  
446.28 ~~part 9505.0371, subpart 5, item A, and that assumes comprehensive clinical responsibility~~  
446.29 ~~for clients. Based on professional qualifications and client needs, clinically qualified core~~  
446.30 ~~team members are assigned on a rotating basis as the client's lead worker to coordinate a~~  
446.31 ~~client's care. The core team must comprise at least four full-time equivalent direct care staff~~  
446.32 ~~and must minimally include, but is not limited to:~~

447.1 (i) ~~an independently licensed~~ a mental health professional, ~~qualified under Minnesota~~  
447.2 ~~Rules, part 9505.0371, subpart 5, item A,~~ who serves as team leader to provide administrative  
447.3 direction and ~~clinical~~ treatment supervision to the team;

447.4 (ii) an advanced-practice registered nurse with certification in psychiatric or mental  
447.5 health care or a board-certified child and adolescent psychiatrist, either of which must be  
447.6 credentialed to prescribe medications;

447.7 (iii) a licensed alcohol and drug counselor who is also trained in mental health  
447.8 interventions; and

447.9 (iv) a mental health certified peer specialist as defined in subdivision 2, paragraph (h)  
447.10 who is qualified according to section 245I.04, subdivision 10, and is also a former children's  
447.11 mental health consumer.

447.12 (2) The core team may also include any of the following:

447.13 (i) additional mental health professionals;

447.14 (ii) a vocational specialist;

447.15 (iii) an educational specialist with knowledge and experience working with youth on  
447.16 special education requirements and goals, special education plans, and coordination of  
447.17 educational activities with health care activities;

447.18 (iv) a child and adolescent psychiatrist who may be retained on a consultant basis;

447.19 (v) a clinical trainee who is qualified according to section 245I.04, subdivision 6;

447.20 (vi) a mental health practitioner, as defined in section 245.4871, subdivision 26 qualified  
447.21 according to section 245I.04, subdivision 4;

447.22 ~~(vi)~~ (vii) a case management service provider, as defined in section 245.4871, subdivision  
447.23 4;

447.24 ~~(vii)~~ (viii) a housing access specialist; and

447.25 ~~(viii)~~ (ix) a family peer specialist as defined in subdivision 2, paragraph (m).

447.26 (3) A treatment team may include, in addition to those in clause (1) or (2), ad hoc  
447.27 members not employed by the team who consult on a specific client and who must accept  
447.28 overall clinical direction from the treatment team for the duration of the client's placement  
447.29 with the treatment team and must be paid by the provider agency at the rate for a typical  
447.30 session by that provider with that client or at a rate negotiated with the client-specific  
447.31 member. Client-specific treatment team members may include:

- 448.1 (i) the mental health professional treating the client prior to placement with the treatment  
448.2 team;
- 448.3 (ii) the client's current substance ~~abuse~~ use counselor, if applicable;
- 448.4 (iii) a lead member of the client's individualized education program team or school-based  
448.5 mental health provider, if applicable;
- 448.6 (iv) a representative from the client's health care home or primary care clinic, as needed  
448.7 to ensure integration of medical and behavioral health care;
- 448.8 (v) the client's probation officer or other juvenile justice representative, if applicable;  
448.9 and
- 448.10 (vi) the client's current vocational or employment counselor, if applicable.
- 448.11 (c) The ~~clinical~~ clinical treatment supervisor shall be an active member of the treatment team  
448.12 and shall function as a practicing clinician at least on a part-time basis. The treatment team  
448.13 shall meet with the ~~clinical~~ clinical treatment supervisor at least weekly to discuss recipients' progress  
448.14 and make rapid adjustments to meet recipients' needs. The team meeting must include  
448.15 client-specific case reviews and general treatment discussions among team members.  
448.16 Client-specific case reviews and planning must be documented in the individual client's  
448.17 treatment record.
- 448.18 (d) The staffing ratio must not exceed ten clients to one full-time equivalent treatment  
448.19 team position.
- 448.20 (e) The treatment team shall serve no more than 80 clients at any one time. Should local  
448.21 demand exceed the team's capacity, an additional team must be established rather than  
448.22 exceed this limit.
- 448.23 (f) Nonclinical staff shall have prompt access in person or by telephone to a mental  
448.24 health practitioner, clinical trainee, or mental health professional. The provider shall have  
448.25 the capacity to promptly and appropriately respond to emergent needs and make any  
448.26 necessary staffing adjustments to ensure the health and safety of clients.
- 448.27 (g) The intensive nonresidential rehabilitative mental health services provider shall  
448.28 participate in evaluation of the assertive community treatment for youth (Youth ACT) model  
448.29 as conducted by the commissioner, including the collection and reporting of data and the  
448.30 reporting of performance measures as specified by contract with the commissioner.
- 448.31 (h) A regional treatment team may serve multiple counties.

449.1 Sec. 102. Minnesota Statutes 2020, section 256B.0947, subdivision 6, is amended to read:

449.2 Subd. 6. **Service standards.** The standards in this subdivision apply to intensive  
449.3 nonresidential rehabilitative mental health services.

449.4 (a) The treatment team must use team treatment, not an individual treatment model.

449.5 (b) Services must be available at times that meet client needs.

449.6 (c) Services must be age-appropriate and meet the specific needs of the client.

449.7 (d) ~~The initial functional assessment must be completed within ten days of intake and~~  
449.8 level of care assessment as defined in section 245I.02, subdivision 19, and functional  
449.9 assessment as defined in section 245I.02, subdivision 17, must be updated at least every six  
449.10 ~~months~~ 90 days or prior to discharge from the service, whichever comes first.

449.11 (e) The treatment team must complete an individual treatment plan ~~must~~ for each client,  
449.12 according to section 245I.10, subdivisions 7 and 8, and the individual treatment plan must:

449.13 ~~(1) be based on the information in the client's diagnostic assessment and baselines;~~

449.14 ~~(2) identify goals and objectives of treatment, a treatment strategy, a schedule for~~  
449.15 ~~accomplishing treatment goals and objectives, and the individuals responsible for providing~~  
449.16 ~~treatment services and supports;~~

449.17 ~~(3) be developed after completion of the client's diagnostic assessment by a mental health~~  
449.18 ~~professional or clinical trainee and before the provision of children's therapeutic services~~  
449.19 ~~and supports;~~

449.20 ~~(4) be developed through a child-centered, family-driven, culturally appropriate planning~~  
449.21 ~~process, including allowing parents and guardians to observe or participate in individual~~  
449.22 ~~and family treatment services, assessments, and treatment planning;~~

449.23 ~~(5) be reviewed at least once every six months and revised to document treatment progress~~  
449.24 ~~on each treatment objective and next goals or, if progress is not documented, to document~~  
449.25 ~~changes in treatment;~~

449.26 ~~(6) be signed by the clinical supervisor and by the client or by the client's parent or other~~  
449.27 ~~person authorized by statute to consent to mental health services for the client. A client's~~  
449.28 ~~parent may approve the client's individual treatment plan by secure electronic signature or~~  
449.29 ~~by documented oral approval that is later verified by written signature;~~

449.30 ~~(7)~~ (1) be completed in consultation with the client's current therapist and key providers  
449.31 and provide for ongoing consultation with the client's current therapist to ensure therapeutic  
449.32 continuity and to facilitate the client's return to the community. For clients under the age of

450.1 18, the treatment team must consult with parents and guardians in developing the treatment  
450.2 plan;

450.3 ~~(8)~~ (2) if a need for substance use disorder treatment is indicated by validated assessment:

450.4 (i) identify goals, objectives, and strategies of substance use disorder treatment;

450.5 (ii) develop a schedule for accomplishing substance use disorder treatment goals and  
450.6 objectives; and

450.7 (iii) identify the individuals responsible for providing substance use disorder treatment  
450.8 services and supports;

450.9 ~~(ii) be reviewed at least once every 90 days and revised, if necessary;~~

450.10 ~~(9) be signed by the clinical supervisor and by the client and, if the client is a minor, by~~  
450.11 ~~the client's parent or other person authorized by statute to consent to mental health treatment~~  
450.12 ~~and substance use disorder treatment for the client; and~~

450.13 ~~(10)~~ (3) provide for the client's transition out of intensive nonresidential rehabilitative  
450.14 mental health services by defining the team's actions to assist the client and subsequent  
450.15 providers in the transition to less intensive or "stepped down" services; and

450.16 (4) notwithstanding section 245I.10, subdivision 8, be reviewed at least every 90 days  
450.17 and revised to document treatment progress or, if progress is not documented, to document  
450.18 changes in treatment.

450.19 (f) The treatment team shall actively and assertively engage the client's family members  
450.20 and significant others by establishing communication and collaboration with the family and  
450.21 significant others and educating the family and significant others about the client's mental  
450.22 illness, symptom management, and the family's role in treatment, unless the team knows or  
450.23 has reason to suspect that the client has suffered or faces a threat of suffering any physical  
450.24 or mental injury, abuse, or neglect from a family member or significant other.

450.25 (g) For a client age 18 or older, the treatment team may disclose to a family member,  
450.26 other relative, or a close personal friend of the client, or other person identified by the client,  
450.27 the protected health information directly relevant to such person's involvement with the  
450.28 client's care, as provided in Code of Federal Regulations, title 45, part 164.502(b). If the  
450.29 client is present, the treatment team shall obtain the client's agreement, provide the client  
450.30 with an opportunity to object, or reasonably infer from the circumstances, based on the  
450.31 exercise of professional judgment, that the client does not object. If the client is not present  
450.32 or is unable, by incapacity or emergency circumstances, to agree or object, the treatment  
450.33 team may, in the exercise of professional judgment, determine whether the disclosure is in

451.1 the best interests of the client and, if so, disclose only the protected health information that  
451.2 is directly relevant to the family member's, relative's, friend's, or client-identified person's  
451.3 involvement with the client's health care. The client may orally agree or object to the  
451.4 disclosure and may prohibit or restrict disclosure to specific individuals.

451.5 (h) The treatment team shall provide interventions to promote positive interpersonal  
451.6 relationships.

451.7 Sec. 103. Minnesota Statutes 2020, section 256B.0947, subdivision 7, is amended to read:

451.8 Subd. 7. **Medical assistance payment and rate setting.** (a) Payment for services in this  
451.9 section must be based on one daily encounter rate per provider inclusive of the following  
451.10 services received by an eligible client in a given calendar day: all rehabilitative services,  
451.11 supports, and ancillary activities under this section, staff travel time to provide rehabilitative  
451.12 services under this section, and crisis response services under section ~~256B.0944~~ 256B.0624.

451.13 (b) Payment must not be made to more than one entity for each client for services  
451.14 provided under this section on a given day. If services under this section are provided by a  
451.15 team that includes staff from more than one entity, the team shall determine how to distribute  
451.16 the payment among the members.

451.17 (c) The commissioner shall establish regional cost-based rates for entities that will bill  
451.18 medical assistance for nonresidential intensive rehabilitative mental health services. In  
451.19 developing these rates, the commissioner shall consider:

451.20 (1) the cost for similar services in the health care trade area;

451.21 (2) actual costs incurred by entities providing the services;

451.22 (3) the intensity and frequency of services to be provided to each client;

451.23 (4) the degree to which clients will receive services other than services under this section;

451.24 and

451.25 (5) the costs of other services that will be separately reimbursed.

451.26 (d) The rate for a provider must not exceed the rate charged by that provider for the  
451.27 same service to other payers.

451.28 Sec. 104. Minnesota Statutes 2020, section 256B.0949, subdivision 2, is amended to read:

451.29 Subd. 2. **Definitions.** (a) The terms used in this section have the meanings given in this  
451.30 subdivision.

452.1 (b) "Agency" means the legal entity that is enrolled with Minnesota health care programs  
452.2 as a medical assistance provider according to Minnesota Rules, part 9505.0195, to provide  
452.3 EIDBI services and that has the legal responsibility to ensure that its employees or contractors  
452.4 carry out the responsibilities defined in this section. Agency includes a licensed individual  
452.5 professional who practices independently and acts as an agency.

452.6 (c) "Autism spectrum disorder or a related condition" or "ASD or a related condition"  
452.7 means either autism spectrum disorder (ASD) as defined in the current version of the  
452.8 Diagnostic and Statistical Manual of Mental Disorders (DSM) or a condition that is found  
452.9 to be closely related to ASD, as identified under the current version of the DSM, and meets  
452.10 all of the following criteria:

452.11 (1) is severe and chronic;

452.12 (2) results in impairment of adaptive behavior and function similar to that of a person  
452.13 with ASD;

452.14 (3) requires treatment or services similar to those required for a person with ASD; and

452.15 (4) results in substantial functional limitations in three core developmental deficits of  
452.16 ASD: social or interpersonal interaction; functional communication, including nonverbal  
452.17 or social communication; and restrictive or repetitive behaviors or hyperreactivity or  
452.18 hyporeactivity to sensory input; and may include deficits or a high level of support in one  
452.19 or more of the following domains:

452.20 (i) behavioral challenges and self-regulation;

452.21 (ii) cognition;

452.22 (iii) learning and play;

452.23 (iv) self-care; or

452.24 (v) safety.

452.25 (d) "Person" means a person under 21 years of age.

452.26 (e) "Clinical supervision" means the overall responsibility for the control and direction  
452.27 of EIDBI service delivery, including individual treatment planning, staff supervision,  
452.28 individual treatment plan progress monitoring, and treatment review for each person. Clinical  
452.29 supervision is provided by a qualified supervising professional (QSP) who takes full  
452.30 professional responsibility for the service provided by each supervisee.

452.31 (f) "Commissioner" means the commissioner of human services, unless otherwise  
452.32 specified.

453.1 (g) "Comprehensive multidisciplinary evaluation" or "CMDE" means a comprehensive  
453.2 evaluation of a person to determine medical necessity for EIDBI services based on the  
453.3 requirements in subdivision 5.

453.4 (h) "Department" means the Department of Human Services, unless otherwise specified.

453.5 (i) "Early intensive developmental and behavioral intervention benefit" or "EIDBI  
453.6 benefit" means a variety of individualized, intensive treatment modalities approved and  
453.7 published by the commissioner that are based in behavioral and developmental science  
453.8 consistent with best practices on effectiveness.

453.9 (j) "Generalizable goals" means results or gains that are observed during a variety of  
453.10 activities over time with different people, such as providers, family members, other adults,  
453.11 and people, and in different environments including, but not limited to, clinics, homes,  
453.12 schools, and the community.

453.13 (k) "Incident" means when any of the following occur:

453.14 (1) an illness, accident, or injury that requires first aid treatment;

453.15 (2) a bump or blow to the head; or

453.16 (3) an unusual or unexpected event that jeopardizes the safety of a person or staff,  
453.17 including a person leaving the agency unattended.

453.18 (l) "Individual treatment plan" or "ITP" means the person-centered, individualized written  
453.19 plan of care that integrates and coordinates person and family information from the CMDE  
453.20 for a person who meets medical necessity for the EIDBI benefit. An individual treatment  
453.21 plan must meet the standards in subdivision 6.

453.22 (m) "Legal representative" means the parent of a child who is under 18 years of age, a  
453.23 court-appointed guardian, or other representative with legal authority to make decisions  
453.24 about service for a person. For the purpose of this subdivision, "other representative with  
453.25 legal authority to make decisions" includes a health care agent or an attorney-in-fact  
453.26 authorized through a health care directive or power of attorney.

453.27 (n) "Mental health professional" ~~has the meaning given in~~ means a staff person who is  
453.28 qualified according to section 245.4871, subdivision 27, clauses (1) to (6) 245I.04,  
453.29 subdivision 2.

453.30 (o) "Person-centered" means a service that both responds to the identified needs, interests,  
453.31 values, preferences, and desired outcomes of the person or the person's legal representative

454.1 and respects the person's history, dignity, and cultural background and allows inclusion and  
454.2 participation in the person's community.

454.3 (p) "Qualified EIDBI provider" means a person who is a QSP or a level I, level II, or  
454.4 level III treatment provider.

454.5 Sec. 105. Minnesota Statutes 2020, section 256B.0949, subdivision 4, is amended to read:

454.6 Subd. 4. **Diagnosis.** (a) A diagnosis of ASD or a related condition must:

454.7 (1) be based upon current DSM criteria including direct observations of the person and  
454.8 information from the person's legal representative or primary caregivers;

454.9 (2) be completed by either (i) a licensed physician or advanced practice registered nurse  
454.10 or (ii) a mental health professional; and

454.11 (3) meet the requirements of ~~Minnesota Rules, part 9505.0372, subpart 1, items B and~~  
454.12 € a standard diagnostic assessment according to section 245I.10, subdivision 6.

454.13 (b) Additional assessment information may be considered to complete a diagnostic  
454.14 assessment including specialized tests administered through special education evaluations  
454.15 and licensed school personnel, and from professionals licensed in the fields of medicine,  
454.16 speech and language, psychology, occupational therapy, and physical therapy. A diagnostic  
454.17 assessment may include treatment recommendations.

454.18 Sec. 106. Minnesota Statutes 2020, section 256B.0949, subdivision 5a, is amended to  
454.19 read:

454.20 Subd. 5a. **Comprehensive multidisciplinary evaluation provider qualification.** A  
454.21 CMDE provider must:

454.22 (1) be a licensed physician, advanced practice registered nurse, a mental health  
454.23 professional, or a ~~mental health practitioner who meets the requirements of a clinical trainee~~  
454.24 ~~as defined in Minnesota Rules, part 9505.0371, subpart 5, item C~~ who is qualified according  
454.25 to section 245I.04, subdivision 6;

454.26 (2) have at least 2,000 hours of clinical experience in the evaluation and treatment of  
454.27 people with ASD or a related condition or equivalent documented coursework at the graduate  
454.28 level by an accredited university in the following content areas: ASD or a related condition  
454.29 diagnosis, ASD or a related condition treatment strategies, and child development; and

454.30 (3) be able to diagnose, evaluate, or provide treatment within the provider's scope of  
454.31 practice and professional license.

455.1 Sec. 107. Minnesota Statutes 2020, section 256B.25, subdivision 3, is amended to read:

455.2 Subd. 3. **Payment exceptions.** The limitation in subdivision 2 shall not apply to:

455.3 (1) payment of Minnesota supplemental assistance funds to recipients who reside in  
455.4 facilities which are involved in litigation contesting their designation as an institution for  
455.5 treatment of mental disease;

455.6 (2) payment or grants to a boarding care home or supervised living facility licensed by  
455.7 the Department of Human Services under Minnesota Rules, parts 2960.0130 to 2960.0220  
455.8 ~~or~~, 2960.0580 to 2960.0700, or 9520.0500 to 9520.0670, or under chapter 245G or 245I,  
455.9 or payment to recipients who reside in these facilities;

455.10 (3) payments or grants to a boarding care home or supervised living facility which are  
455.11 ineligible for certification under United States Code, title 42, sections 1396-1396p;

455.12 (4) payments or grants otherwise specifically authorized by statute or rule.

455.13 Sec. 108. Minnesota Statutes 2020, section 256B.761, is amended to read:

455.14 **256B.761 REIMBURSEMENT FOR MENTAL HEALTH SERVICES.**

455.15 (a) Effective for services rendered on or after July 1, 2001, payment for medication  
455.16 management provided to psychiatric patients, outpatient mental health services, day treatment  
455.17 services, home-based mental health services, and family community support services shall  
455.18 be paid at the lower of (1) submitted charges, or (2) 75.6 percent of the 50th percentile of  
455.19 1999 charges.

455.20 (b) Effective July 1, 2001, the medical assistance rates for outpatient mental health  
455.21 services provided by an entity that operates: (1) a Medicare-certified comprehensive  
455.22 outpatient rehabilitation facility; and (2) a facility that was certified prior to January 1, 1993,  
455.23 with at least 33 percent of the clients receiving rehabilitation services in the most recent  
455.24 calendar year who are medical assistance recipients, will be increased by 38 percent, when  
455.25 those services are provided within the comprehensive outpatient rehabilitation facility and  
455.26 provided to residents of nursing facilities owned by the entity.

455.27 ~~(c) The commissioner shall establish three levels of payment for mental health diagnostic~~  
455.28 ~~assessment, based on three levels of complexity. The aggregate payment under the tiered~~  
455.29 ~~rates must not exceed the projected aggregate payments for mental health diagnostic~~  
455.30 ~~assessment under the previous single rate. The new rate structure is effective January 1,~~  
455.31 ~~2011, or upon federal approval, whichever is later.~~

456.1 ~~(d)~~ (c) In addition to rate increases otherwise provided, the commissioner may restructure  
456.2 coverage policy and rates to improve access to adult rehabilitative mental health services  
456.3 under section 256B.0623 and related mental health support services under section 256B.021,  
456.4 subdivision 4, paragraph (f), clause (2). For state fiscal years 2015 and 2016, the projected  
456.5 state share of increased costs due to this paragraph is transferred from adult mental health  
456.6 grants under sections 245.4661 and 256E.12. The transfer for fiscal year 2016 is a permanent  
456.7 base adjustment for subsequent fiscal years. Payments made to managed care plans and  
456.8 county-based purchasing plans under sections 256B.69, 256B.692, and 256L.12 shall reflect  
456.9 the rate changes described in this paragraph.

456.10 ~~(e)~~ (d) Any ratables effective before July 1, 2015, do not apply to early intensive  
456.11 developmental and behavioral intervention (EIDBI) benefits described in section 256B.0949.

456.12 Sec. 109. Minnesota Statutes 2020, section 256B.763, is amended to read:

456.13 **256B.763 CRITICAL ACCESS MENTAL HEALTH RATE INCREASE.**

456.14 (a) For services defined in paragraph (b) and rendered on or after July 1, 2007, payment  
456.15 rates shall be increased by 23.7 percent over the rates in effect on January 1, 2006, for:

456.16 (1) psychiatrists and advanced practice registered nurses with a psychiatric specialty;

456.17 (2) community mental health centers under section 256B.0625, subdivision 5; and

456.18 (3) mental health clinics ~~and centers certified under Minnesota Rules, parts 9520.0750~~  
456.19 ~~to 9520.0870~~ section 245I.20, or hospital outpatient psychiatric departments that are  
456.20 designated as essential community providers under section 62Q.19.

456.21 (b) This increase applies to group skills training when provided as a component of  
456.22 children's therapeutic services and support, psychotherapy, medication management,  
456.23 evaluation and management, diagnostic assessment, explanation of findings, psychological  
456.24 testing, neuropsychological services, direction of behavioral aides, and inpatient consultation.

456.25 (c) This increase does not apply to rates that are governed by section 256B.0625,  
456.26 subdivision 30, or 256B.761, paragraph (b), other cost-based rates, rates that are negotiated  
456.27 with the county, rates that are established by the federal government, or rates that increased  
456.28 between January 1, 2004, and January 1, 2005.

456.29 (d) The commissioner shall adjust rates paid to prepaid health plans under contract with  
456.30 the commissioner to reflect the rate increases provided in paragraphs (a), (e), and (f). The  
456.31 prepaid health plan must pass this rate increase to the providers identified in paragraphs (a),  
456.32 (e), (f), and (g).

457.1 (e) Payment rates shall be increased by 23.7 percent over the rates in effect on December  
457.2 31, 2007, for:

457.3 (1) medication education services provided on or after January 1, 2008, by adult  
457.4 rehabilitative mental health services providers certified under section 256B.0623; and

457.5 (2) mental health behavioral aide services provided on or after January 1, 2008, by  
457.6 children's therapeutic services and support providers certified under section 256B.0943.

457.7 (f) For services defined in paragraph (b) and rendered on or after January 1, 2008, by  
457.8 children's therapeutic services and support providers certified under section 256B.0943 and  
457.9 not already included in paragraph (a), payment rates shall be increased by 23.7 percent over  
457.10 the rates in effect on December 31, 2007.

457.11 (g) Payment rates shall be increased by 2.3 percent over the rates in effect on December  
457.12 31, 2007, for individual and family skills training provided on or after January 1, 2008, by  
457.13 children's therapeutic services and support providers certified under section 256B.0943.

457.14 (h) For services described in paragraphs (b), (e), and (g) and rendered on or after July  
457.15 1, 2017, payment rates for mental health clinics ~~and centers~~ certified under ~~Minnesota Rules,~~  
457.16 ~~parts 9520.0750 to 9520.0870~~ section 245I.20, that are not designated as essential community  
457.17 providers under section 62Q.19 shall be equal to payment rates for mental health clinics  
457.18 ~~and centers~~ certified under ~~Minnesota Rules,~~ ~~parts 9520.0750 to 9520.0870~~ section 245I.20,  
457.19 that are designated as essential community providers under section 62Q.19. In order to  
457.20 receive increased payment rates under this paragraph, a provider must demonstrate a  
457.21 commitment to serve low-income and underserved populations by:

457.22 (1) charging for services on a sliding-fee schedule based on current poverty income  
457.23 guidelines; and

457.24 (2) not restricting access or services because of a client's financial limitation.

457.25 Sec. 110. Minnesota Statutes 2020, section 256P.01, subdivision 6a, is amended to read:

457.26 Subd. 6a. **Qualified professional.** (a) For illness, injury, or incapacity, a "qualified  
457.27 professional" means a licensed physician, physician assistant, advanced practice registered  
457.28 nurse, physical therapist, occupational therapist, or licensed chiropractor, according to their  
457.29 scope of practice.

457.30 (b) For developmental disability, learning disability, and intelligence testing, a "qualified  
457.31 professional" means a licensed physician, physician assistant, advanced practice registered  
457.32 nurse, licensed independent clinical social worker, licensed psychologist, certified school

458.1 psychologist, or certified psychometrist working under the supervision of a licensed  
458.2 psychologist.

458.3 (c) For mental health, a "qualified professional" means a licensed physician, advanced  
458.4 practice registered nurse, or qualified mental health professional under section ~~245.462,~~  
458.5 ~~subdivision 18, clauses (1) to (6)~~ 245I.04, subdivision 2.

458.6 (d) For substance use disorder, a "qualified professional" means a licensed physician, a  
458.7 qualified mental health professional under section 245.462, subdivision 18, clauses (1) to  
458.8 (6), or an individual as defined in section 245G.11, subdivision 3, 4, or 5.

458.9 Sec. 111. Minnesota Statutes 2020, section 295.50, subdivision 9b, is amended to read:

458.10 Subd. 9b. **Patient services.** (a) "Patient services" means inpatient and outpatient services  
458.11 and other goods and services provided by hospitals, surgical centers, or health care providers.  
458.12 They include the following health care goods and services provided to a patient or consumer:

458.13 (1) bed and board;

458.14 (2) nursing services and other related services;

458.15 (3) use of hospitals, surgical centers, or health care provider facilities;

458.16 (4) medical social services;

458.17 (5) drugs, biologicals, supplies, appliances, and equipment;

458.18 (6) other diagnostic or therapeutic items or services;

458.19 (7) medical or surgical services;

458.20 (8) items and services furnished to ambulatory patients not requiring emergency care;

458.21 and

458.22 (9) emergency services.

458.23 (b) "Patient services" does not include:

458.24 (1) services provided to nursing homes licensed under chapter 144A;

458.25 (2) examinations for purposes of utilization reviews, insurance claims or eligibility,  
458.26 litigation, and employment, including reviews of medical records for those purposes;

458.27 (3) services provided to and by community residential mental health facilities licensed  
458.28 under section 245I.23 or Minnesota Rules, parts 9520.0500 to 9520.0670, and to and by  
458.29 residential treatment programs for children with severe emotional disturbance licensed or  
458.30 certified under chapter 245A;

459.1 (4) services provided under the following programs: day treatment services as defined  
459.2 in section 245.462, subdivision 8; assertive community treatment as described in section  
459.3 256B.0622; adult rehabilitative mental health services as described in section 256B.0623;  
459.4 ~~adult~~ crisis response services as described in section 256B.0624; and children's therapeutic  
459.5 services and supports as described in section 256B.0943; ~~and children's mental health crisis~~  
459.6 ~~response services as described in section 256B.0944;~~

459.7 (5) services provided to and by community mental health centers as defined in section  
459.8 245.62, subdivision 2;

459.9 (6) services provided to and by assisted living programs and congregate housing  
459.10 programs;

459.11 (7) hospice care services;

459.12 (8) home and community-based waived services under chapter 256S and sections  
459.13 256B.49 and 256B.501;

459.14 (9) targeted case management services under sections 256B.0621; 256B.0625,  
459.15 subdivisions 20, 20a, 33, and 44; and 256B.094; and

459.16 (10) services provided to the following: supervised living facilities for persons with  
459.17 developmental disabilities licensed under Minnesota Rules, parts 4665.0100 to 4665.9900;  
459.18 housing with services establishments required to be registered under chapter 144D; board  
459.19 and lodging establishments providing only custodial services that are licensed under chapter  
459.20 157 and registered under section 157.17 to provide supportive services or health supervision  
459.21 services; adult foster homes as defined in Minnesota Rules, part 9555.5105; day training  
459.22 and habilitation services for adults with developmental disabilities as defined in section  
459.23 252.41, subdivision 3; boarding care homes as defined in Minnesota Rules, part 4655.0100;  
459.24 adult day care services as defined in section 245A.02, subdivision 2a; and home health  
459.25 agencies as defined in Minnesota Rules, part 9505.0175, subpart 15, or licensed under  
459.26 chapter 144A.

459.27 Sec. 112. Minnesota Statutes 2020, section 325F.721, subdivision 1, is amended to read:

459.28 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
459.29 the meanings given them.

459.30 (b) "Covered setting" means an unlicensed setting providing sleeping accommodations  
459.31 to one or more adult residents, at least 80 percent of which are 55 years of age or older, and  
459.32 offering or providing, for a fee, supportive services. For the purposes of this section, covered  
459.33 setting does not mean:

- 460.1 (1) emergency shelter, transitional housing, or any other residential units serving  
460.2 exclusively or primarily homeless individuals, as defined under section 116L.361;
- 460.3 (2) a nursing home licensed under chapter 144A;
- 460.4 (3) a hospital, certified boarding care, or supervised living facility licensed under sections  
460.5 144.50 to 144.56;
- 460.6 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts  
460.7 9520.0500 to 9520.0670, or under chapter 245D ~~or~~, 245G, or 245I;
- 460.8 (5) services and residential settings licensed under chapter 245A, including adult foster  
460.9 care and services and settings governed under the standards in chapter 245D;
- 460.10 (6) private homes in which the residents are related by kinship, law, or affinity with the  
460.11 providers of services;
- 460.12 (7) a duly organized condominium, cooperative, and common interest community, or  
460.13 owners' association of the condominium, cooperative, and common interest community  
460.14 where at least 80 percent of the units that comprise the condominium, cooperative, or  
460.15 common interest community are occupied by individuals who are the owners, members, or  
460.16 shareholders of the units;
- 460.17 (8) temporary family health care dwellings as defined in sections 394.307 and 462.3593;
- 460.18 (9) settings offering services conducted by and for the adherents of any recognized  
460.19 church or religious denomination for its members exclusively through spiritual means or  
460.20 by prayer for healing;
- 460.21 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with  
460.22 low-income housing tax credits pursuant to United States Code, title 26, section 42, and  
460.23 units financed by the Minnesota Housing Finance Agency that are intended to serve  
460.24 individuals with disabilities or individuals who are homeless, except for those developments  
460.25 that market or hold themselves out as assisted living facilities and provide assisted living  
460.26 services;
- 460.27 (11) rental housing developed under United States Code, title 42, section 1437, or United  
460.28 States Code, title 12, section 1701q;
- 460.29 (12) rental housing designated for occupancy by only elderly or elderly and disabled  
460.30 residents under United States Code, title 42, section 1437e, or rental housing for qualifying  
460.31 families under Code of Federal Regulations, title 24, section 983.56;

461.1 (13) rental housing funded under United States Code, title 42, chapter 89, or United  
461.2 States Code, title 42, section 8011; or

461.3 (14) an assisted living facility licensed under chapter 144G.

461.4 (c) "'I'm okay' check services" means providing a service to, by any means, check on  
461.5 the safety of a resident.

461.6 (d) "Resident" means a person entering into written contract for housing and services  
461.7 with a covered setting.

461.8 (e) "Supportive services" means:

461.9 (1) assistance with laundry, shopping, and household chores;

461.10 (2) housekeeping services;

461.11 (3) provision of meals or assistance with meals or food preparation;

461.12 (4) help with arranging, or arranging transportation to, medical, social, recreational,  
461.13 personal, or social services appointments; or

461.14 (5) provision of social or recreational services.

461.15 Arranging for services does not include making referrals or contacting a service provider  
461.16 in an emergency.

461.17 Sec. 113. **REPEALER.**

461.18 (a) Minnesota Statutes 2020, sections 245.462, subdivision 4a; 245.4879, subdivision  
461.19 2; 245.62, subdivisions 3 and 4; 245.69, subdivision 2; 256B.0615, subdivision 2; 256B.0616,  
461.20 subdivision 2; 256B.0622, subdivisions 3 and 5a; 256B.0623, subdivisions 7, 8, 10, and 11;  
461.21 256B.0625, subdivisions 5l, 35a, 35b, 61, 62, and 65; 256B.0943, subdivisions 8 and 10;  
461.22 256B.0944; and 256B.0946, subdivision 5, are repealed.

461.23 (b) Minnesota Rules, parts 9505.0370; 9505.0371; 9505.0372; 9520.0010; 9520.0020;  
461.24 9520.0030; 9520.0040; 9520.0050; 9520.0060; 9520.0070; 9520.0080; 9520.0090;  
461.25 9520.0100; 9520.0110; 9520.0120; 9520.0130; 9520.0140; 9520.0150; 9520.0160;  
461.26 9520.0170; 9520.0180; 9520.0190; 9520.0200; 9520.0210; 9520.0230; 9520.0750;  
461.27 9520.0760; 9520.0770; 9520.0780; 9520.0790; 9520.0800; 9520.0810; 9520.0820;  
461.28 9520.0830; 9520.0840; 9520.0850; 9520.0860; and 9520.0870, are repealed.

462.1 Sec. 114. **EFFECTIVE DATE.**

462.2 Unless otherwise stated, this article is effective July 1, 2022, or upon federal approval,  
 462.3 whichever is later. The commissioner of human services shall notify the revisor of statutes  
 462.4 when federal approval is obtained.

462.5 **ARTICLE 12**

462.6 **FORECAST ADJUSTMENTS**

462.7 Section 1. **DEPARTMENT OF HUMAN SERVICES FORECAST ADJUSTMENT.**

462.8 The dollar amounts shown in the columns marked "Appropriations" are added to or, if  
 462.9 shown in parentheses, are subtracted from the appropriations in Laws 2019, First Special  
 462.10 Session chapter 9, article 14, from the general fund, or any other fund named, to the  
 462.11 commissioner of human services for the purposes specified in this article, to be available  
 462.12 for the fiscal year indicated for each purpose. The figure "2021" used in this article means  
 462.13 that the appropriations listed are available for the fiscal year ending June 30, 2021.

462.14 **APPROPRIATIONS**  
 462.15 **Available for the Year**  
 462.16 **Ending June 30**  
 462.17 **2021**

462.18 Sec. 2. **COMMISSIONER OF HUMAN**  
 462.19 **SERVICES**

462.20 Subdivision 1. Total Appropriation **\$ (816,996,000)**

462.21 Appropriations by Fund

462.22 2021

462.23 General (745,266,000)

462.24 Health Care Access (36,893,000)

462.25 Federal TANF (34,837,000)

462.26 Subd. 2. Forecasted Programs

462.27 (a) Minnesota Family

462.28 Investment Program

462.29 (MFIP)/Diversionary Work

462.30 Program (DWP)

462.31 Appropriations by Fund

462.32 2021

462.33 General 59,004,000

462.34 Federal TANF (34,843,000)

462.35 (b) MFIP Child Care Assistance (54,158,000)

463.1	<u>(c) General Assistance</u>	<u>3,925,000</u>
463.2	<u>(d) Minnesota Supplemental Aid</u>	<u>3,849,000</u>
463.3	<u>(e) Housing Support</u>	<u>3,022,000</u>
463.4	<u>(f) Northstar Care for Children</u>	<u>(8,639,000)</u>
463.5	<u>(g) MinnesotaCare</u>	<u>(36,893,000)</u>

463.6 This appropriation is from the health care  
 463.7 access fund.

463.8 (h) Medical Assistance

463.9 Appropriations by Fund

463.10		<u>2021</u>
463.11	<u>General</u>	<u>(694,938,000)</u>
463.12	<u>Health Care Access</u>	<u>-0-</u>

463.13 (i) Alternative Care 247,000

463.14 (j) Consolidated Chemical Dependency  
 463.15 Treatment Fund (CCDTF) Entitlement (57,578,000)

463.16 Subd. 3. Technical Activities 6,000

463.17 This appropriation is from the federal TANF  
 463.18 fund.

463.19 Sec. 3. EFFECTIVE DATE.

463.20 Sections 1 and 2 are effective the day following final enactment.

463.21 **ARTICLE 13**  
 463.22 **APPROPRIATIONS**

463.23 **Section 1. HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

463.24 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
 463.25 and for the purposes specified in this article. The appropriations are from the general fund,  
 463.26 or another named fund, and are available for the fiscal years indicated for each purpose.  
 463.27 The figures "2022" and "2023" used in this article mean that the appropriations listed under  
 463.28 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.  
 463.29 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"  
 463.30 is fiscal years 2022 and 2023.

464.1			<b><u>APPROPRIATIONS</u></b>
464.2			<b><u>Available for the Year</u></b>
464.3			<b><u>Ending June 30</u></b>
464.4			<b><u>2022</u>                      <u>2023</u></b>
464.5	<b>Sec. 2. <u>COMMISSIONER OF HUMAN</u></b>		
464.6	<b><u>SERVICES</u></b>		
464.7	<b><u>Subdivision 1. Total Appropriation</u></b>	<b>\$</b>	<b><u>8,944,696,000</u> \$ <u>9,423,461,000</u></b>

464.8	<b><u>Appropriations by Fund</u></b>		
464.9		<b><u>2022</u></b>	<b><u>2023</u></b>
464.10	<b><u>General</u></b>	<b><u>7,786,104,000</u></b>	<b><u>8,289,809,000</u></b>
464.11	<b><u>State Government</u></b>		
464.12	<b><u>Special Revenue</u></b>	<b><u>4,299,000</u></b>	<b><u>4,299,000</u></b>
464.13	<b><u>Health Care Access</u></b>	<b><u>867,214,000</u></b>	<b><u>845,520,000</u></b>
464.14	<b><u>Federal TANF</u></b>	<b><u>282,623,000</u></b>	<b><u>278,803,000</u></b>
464.15	<b><u>Lottery Prize</u></b>	<b><u>1,896,000</u></b>	<b><u>1,896,000</u></b>
464.16	<b><u>Opiate Epidemic</u></b>		
464.17	<b><u>Response</u></b>	<b><u>2,560,000</u></b>	<b><u>2,560,000</u></b>

464.18 The amounts that may be spent for each  
 464.19 purpose are specified in the following  
 464.20 subdivisions.

464.21 **Subd. 2. TANF Maintenance of Effort**

464.22 **(a) Nonfederal Expenditures. The**  
 464.23 **commissioner shall ensure that sufficient**  
 464.24 **qualified nonfederal expenditures are made**  
 464.25 **each year to meet the state's maintenance of**  
 464.26 **effort (MOE) requirements of the TANF block**  
 464.27 **grant specified under Code of Federal**  
 464.28 **Regulations, title 45, section 263.1. In order**  
 464.29 **to meet these basic TANF/MOE requirements,**  
 464.30 **the commissioner may report as TANF/MOE**  
 464.31 **expenditures only nonfederal money expended**  
 464.32 **for allowable activities listed in the following**  
 464.33 **clauses:**

465.1 (1) MFIP cash, diversionary work program,  
465.2 and food assistance benefits under Minnesota  
465.3 Statutes, chapter 256J;

465.4 (2) the child care assistance programs under  
465.5 Minnesota Statutes, sections 119B.03 and  
465.6 119B.05, and county child care administrative  
465.7 costs under Minnesota Statutes, section  
465.8 119B.15;

465.9 (3) state and county MFIP administrative costs  
465.10 under Minnesota Statutes, chapters 256J and  
465.11 256K;

465.12 (4) state, county, and tribal MFIP employment  
465.13 services under Minnesota Statutes, chapters  
465.14 256J and 256K;

465.15 (5) expenditures made on behalf of legal  
465.16 noncitizen MFIP recipients who qualify for  
465.17 the MinnesotaCare program under Minnesota  
465.18 Statutes, chapter 256L;

465.19 (6) qualifying working family credit  
465.20 expenditures under Minnesota Statutes, section  
465.21 290.0671;

465.22 (7) qualifying Minnesota education credit  
465.23 expenditures under Minnesota Statutes, section  
465.24 290.0674; and

465.25 (8) qualifying Head Start expenditures under  
465.26 Minnesota Statutes, section 119A.50.

465.27 **(b) Nonfederal Expenditures; Reporting.**  
465.28 For the activities listed in paragraph (a),  
465.29 clauses (2) to (8), the commissioner may  
465.30 report only expenditures that are excluded  
465.31 from the definition of assistance under Code  
465.32 of Federal Regulations, title 45, section  
465.33 260.31.

466.1 (c) **Certain Expenditures Required.** The  
466.2 commissioner shall ensure that the MOE used  
466.3 by the commissioner of management and  
466.4 budget for the February and November  
466.5 forecasts required under Minnesota Statutes,  
466.6 section 16A.103, contains expenditures under  
466.7 paragraph (a), clause (1), equal to at least 16  
466.8 percent of the total required under Code of  
466.9 Federal Regulations, title 45, section 263.1.

466.10 (d) **Limitation; Exceptions.** The  
466.11 commissioner must not claim an amount of  
466.12 TANF/MOE in excess of the 75 percent  
466.13 standard in Code of Federal Regulations, title  
466.14 45, section 263.1(a)(2), except:

466.15 (1) to the extent necessary to meet the 80  
466.16 percent standard under Code of Federal  
466.17 Regulations, title 45, section 263.1(a)(1), if it  
466.18 is determined by the commissioner that the  
466.19 state will not meet the TANF work  
466.20 participation target rate for the current year;

466.21 (2) to provide any additional amounts under  
466.22 Code of Federal Regulations, title 45, section  
466.23 264.5, that relate to replacement of TANF  
466.24 funds due to the operation of TANF penalties;  
466.25 and

466.26 (3) to provide any additional amounts that may  
466.27 contribute to avoiding or reducing TANF work  
466.28 participation penalties through the operation  
466.29 of the excess MOE provisions of Code of  
466.30 Federal Regulations, title 45, section  
466.31 261.43(a)(2).

466.32 (e) **Supplemental Expenditures.** For the  
466.33 purposes of paragraph (d), the commissioner  
466.34 may supplement the MOE claim with working

467.1 family credit expenditures or other qualified  
467.2 expenditures to the extent such expenditures  
467.3 are otherwise available after considering the  
467.4 expenditures allowed in this subdivision.

467.5 **(f) Reduction of Appropriations; Exception.**

467.6 The requirement in Minnesota Statutes, section  
467.7 256.011, subdivision 3, that federal grants or  
467.8 aids secured or obtained under that subdivision  
467.9 be used to reduce any direct appropriations  
467.10 provided by law, does not apply if the grants  
467.11 or aids are federal TANF funds.

467.12 **(g) IT Appropriations Generally. This**

467.13 appropriation includes funds for information  
467.14 technology projects, services, and support.

467.15 Notwithstanding Minnesota Statutes, section  
467.16 16E.0466, funding for information technology  
467.17 project costs shall be incorporated into the  
467.18 service level agreement and paid to the Office  
467.19 of MN.IT Services by the Department of  
467.20 Human Services under the rates and  
467.21 mechanism specified in that agreement.

467.22 **(h) Receipts for Systems Project.**

467.23 Appropriations and federal receipts for  
467.24 information systems projects for MAXIS,  
467.25 PRISM, MMIS, ISDS, METS, and SSIS must  
467.26 be deposited in the state systems account  
467.27 authorized in Minnesota Statutes, section  
467.28 256.014. Money appropriated for computer  
467.29 projects approved by the commissioner of the  
467.30 Office of MN.IT Services, funded by the  
467.31 legislature, and approved by the commissioner  
467.32 of management and budget may be transferred  
467.33 from one project to another and from  
467.34 development to operations as the  
467.35 commissioner of human services considers

468.1 necessary. Any unexpended balance in the  
468.2 appropriation for these projects does not  
468.3 cancel and is available for ongoing  
468.4 development and operations.

468.5 **(i) Federal SNAP Education and Training**  
468.6 **Grants.** Federal funds available during fiscal  
468.7 years 2022 and 2023 for Supplemental  
468.8 Nutrition Assistance Program Education and  
468.9 Training and SNAP Quality Control  
468.10 Performance Bonus grants are appropriated  
468.11 to the commissioner of human services for the  
468.12 purposes allowable under the terms of the  
468.13 federal award. This paragraph is effective the  
468.14 day following final enactment.

468.15 **Subd. 3. Information Technology**

468.16 **(a) IT Appropriations Generally.** This  
468.17 appropriation includes funds for information  
468.18 technology projects, services, and support.  
468.19 Notwithstanding Minnesota Statutes, section  
468.20 16E.0466, funding for information technology  
468.21 project costs shall be incorporated into the  
468.22 service level agreement and paid to the Office  
468.23 of MN.IT Services by the Department of  
468.24 Human Services under the rates and  
468.25 mechanism specified in that agreement.

468.26 **(b) Receipts for Systems Project.**  
468.27 Appropriations and federal receipts for  
468.28 information systems projects for MAXIS,  
468.29 PRISM, MMIS, ISDS, METS, and SSIS must  
468.30 be deposited in the state systems account  
468.31 authorized in Minnesota Statutes, section  
468.32 256.014. Money appropriated for computer  
468.33 projects approved by the commissioner of the  
468.34 Office of MN.IT Services, funded by the  
468.35 legislature, and approved by the commissioner

469.1 of management and budget may be transferred  
 469.2 from one project to another and from  
 469.3 development to operations as the  
 469.4 commissioner of human services considers  
 469.5 necessary. Any unexpended balance in the  
 469.6 appropriation for these projects does not  
 469.7 cancel and is available for ongoing  
 469.8 development and operations.

469.9 **Subd. 4. Central Office; Operations**

469.10	<u>Appropriations by Fund</u>		
469.11	<u>General</u>	<u>174,080,000</u>	<u>167,456,000</u>
469.12	<u>State Government</u>		
469.13	<u>Special Revenue</u>	<u>4,174,000</u>	<u>4,174,000</u>
469.14	<u>Health Care Access</u>	<u>16,966,000</u>	<u>16,966,000</u>
469.15	<u>Federal TANF</u>	<u>100,000</u>	<u>100,000</u>

469.16 **(a) Administrative Recovery; Set-Aside.** The  
 469.17 commissioner may invoice local entities  
 469.18 through the SWIFT accounting system as an  
 469.19 alternative means to recover the actual cost of  
 469.20 administering the following provisions:  
 469.21 (1) Minnesota Statutes, section 125A.744,  
 469.22 subdivision 3;  
 469.23 (2) Minnesota Statutes, section 245.495,  
 469.24 paragraph (b);  
 469.25 (3) Minnesota Statutes, section 256B.0625,  
 469.26 subdivision 20, paragraph (k);  
 469.27 (4) Minnesota Statutes, section 256B.0924,  
 469.28 subdivision 6, paragraph (g);  
 469.29 (5) Minnesota Statutes, section 256B.0945,  
 469.30 subdivision 4, paragraph (d); and  
 469.31 (6) Minnesota Statutes, section 256F.10,  
 469.32 subdivision 6, paragraph (b).

470.1 (b) Background Studies. (1) \$2,074,000 in  
470.2 fiscal year 2022 is from the general fund to  
470.3 provide a credit to providers who paid for  
470.4 emergency background studies in NETStudy  
470.5 2.0.

470.6 (2) \$2,061,000 in fiscal year 2022 is from the  
470.7 general fund to cover the costs of reprocessing  
470.8 emergency studies conducted under  
470.9 interagency agreements with other agencies.

470.10 (c) Personal Care Assistance Compensation  
470.11 for Services Provided by a Parent or  
470.12 Spouse. \$349,000 in fiscal year 2022 is from  
470.13 the general fund for compensation for personal  
470.14 care assistance services provided by a parent  
470.15 or spouse under Laws 2020, Fifth Special  
470.16 Session chapter 3, article 10, section 3, as  
470.17 amended.

470.18 (d) Family Foster Setting Background  
470.19 Studies. \$338,000 in fiscal year 2022 and  
470.20 \$349,000 in fiscal year 2023 are from the  
470.21 general fund for costs related to implementing  
470.22 and administering licensed family foster  
470.23 setting background study requirements.

470.24 (e) Cultural and Ethnic Communities  
470.25 Leadership Council. \$18,000 in fiscal year  
470.26 2022 and \$62,000 in fiscal year 2023 are from  
470.27 the general fund for the Cultural and Ethnic  
470.28 Communities Leadership Council.

470.29 (f) Base Level Adjustment. The general fund  
470.30 base is \$162,024,000 in fiscal year 2024 and  
470.31 \$162,255,000 in fiscal year 2025.

470.32 Subd. 5. Central Office; Children and Families

471.1	<u>Appropriations by Fund</u>		
471.2	<u>General</u>	<u>18,382,000</u>	<u>18,407,000</u>
471.3	<u>Federal TANF</u>	<u>2,582,000</u>	<u>2,582,000</u>

471.4 **(a) Financial Institution Data Match and**  
 471.5 **Payment of Fees.** The commissioner is  
 471.6 authorized to allocate up to \$310,000 each  
 471.7 year in fiscal year 2022 and fiscal year 2023  
 471.8 from the systems special revenue account to  
 471.9 make payments to financial institutions in  
 471.10 exchange for performing data matches  
 471.11 between account information held by financial  
 471.12 institutions and the public authority's database  
 471.13 of child support obligors as authorized by  
 471.14 Minnesota Statutes, section 13B.06,  
 471.15 subdivision 7.

471.16 **(b) Base Level Adjustment.** The general fund  
 471.17 base is \$18,692,000 in fiscal year 2024 and  
 471.18 \$18,692,000 in fiscal year 2025.

471.19 **Subd. 6. Central Office; Health Care**

471.20	<u>Appropriations by Fund</u>		
471.21	<u>General</u>	<u>26,005,000</u>	<u>23,992,000</u>
471.22	<u>Health Care Access</u>	<u>28,168,000</u>	<u>28,168,000</u>

471.23 **(a) Case Management Benefit Study for**  
 471.24 **American Indians.** \$200,000 in fiscal year  
 471.25 2022 is from the general fund for a contract  
 471.26 to conduct fiscal analysis and development of  
 471.27 standards for a targeted case management  
 471.28 benefit for American Indians. The  
 471.29 commissioner of human services must consult  
 471.30 the Minnesota Indian Affairs Council in the  
 471.31 development of any request for proposal and  
 471.32 in the evaluation of responses. This is a  
 471.33 onetime appropriation. Any unencumbered  
 471.34 balance remaining from the first year does not

472.1 cancel and is available for the second year of  
 472.2 the biennium.

472.3 **(b) Integrated Care for High-Risk Pregnant**  
 472.4 **Women Grant Program. \$106,000 in fiscal**  
 472.5 **year 2022 and \$122,000 in fiscal year 2023**  
 472.6 **are from the general fund for administration**  
 472.7 **of the integrated care for high-risk pregnant**  
 472.8 **women grant program under Minnesota**  
 472.9 **Statutes, section 256B.79.**

472.10 **(c) Studies on Health Care Delivery.**  
 472.11 **\$700,000 in fiscal year 2022 and \$300,000 in**  
 472.12 **fiscal year 2023 are from the general fund for**  
 472.13 **the commissioner of human services to**  
 472.14 **develop a legislative proposal for a public**  
 472.15 **option program and to compare and report to**  
 472.16 **the legislature on delivery and payment system**  
 472.17 **models to deliver services to MinnesotaCare**  
 472.18 **enrollees and certain medical assistance**  
 472.19 **enrollees.**

472.20 **(d) Base Level Adjustment. The general fund**  
 472.21 **base is \$24,036,000 in fiscal year 2024 and**  
 472.22 **\$24,004,000 in fiscal year 2025.**

472.23 **Subd. 7. Central Office; Continuing Care for**  
 472.24 **Older Adults**

472.25	<u>Appropriations by Fund</u>		
472.26	<u>General</u>	<u>18,873,000</u>	<u>18,900,000</u>
472.27	<u>State Government</u>		
472.28	<u>Special Revenue</u>	<u>125,000</u>	<u>125,000</u>

472.29 **(a) Assisted Living Survey. \$2,593,000 in**  
 472.30 **fiscal year 2022 and \$2,593,000 in fiscal year**  
 472.31 **2023 are from the general fund for**  
 472.32 **development and administration of a resident**  
 472.33 **experience survey and family survey for all**  
 472.34 **assisted living facilities according to**  
 472.35 **Minnesota Statutes, section 256B.439,**

473.1 subdivision 3c. These appropriations are  
 473.2 available in either year of the biennium.

473.3 **(b) Base Level Adjustment.** The general fund  
 473.4 base is \$18,830,000 in fiscal year 2024 and  
 473.5 \$18,900,000 in fiscal year 2025.

473.6 **Subd. 8. Central Office; Community Supports**

473.7	<u>Appropriations by Fund</u>		
473.8	<u>General</u>	<u>35,294,000</u>	<u>35,846,000</u>
473.9	<u>Lottery Prize</u>	<u>163,000</u>	<u>163,000</u>
473.10	<u>Opioid Epidemic</u>		
473.11	<u>Response</u>	<u>60,000</u>	<u>60,000</u>

473.12 **(a) Study of Self Directed Tiered Wage**  
 473.13 **Structure.** \$25,000 in fiscal year 2022 is from  
 473.14 the general fund for a study of the feasibility  
 473.15 of a tiered wage structure for individual  
 473.16 providers. This is a onetime appropriation.  
 473.17 This appropriation is available only if the labor  
 473.18 agreement between the state of Minnesota and  
 473.19 the Service Employees International Union  
 473.20 Healthcare Minnesota under Minnesota  
 473.21 Statutes, section 179A.54, is approved under  
 473.22 Minnesota Statutes, section 3.855.

473.23 **(b) Substance Use Disorder Treatment**  
 473.24 **Paperwork Reduction.** \$234,000 in fiscal  
 473.25 year 2022 and \$201,000 in fiscal year 2023  
 473.26 are from the general fund for a contract with  
 473.27 a vendor to develop, assess, and recommend  
 473.28 systems improvements to minimize regulatory  
 473.29 paperwork and improve systems for licensed  
 473.30 substance use disorder programs. This is a  
 473.31 onetime appropriation.

473.32 **(c) Case Management and Substance Use**  
 473.33 **Disorder Treatment Rate Methodology**  
 473.34 **Analysis.** \$500,000 in fiscal year 2022 and  
 473.35 \$200,000 in fiscal year 2023 are from the

474.1 general fund for the fiscal analysis needed to  
 474.2 establish federally compliant payment  
 474.3 methodologies for all medical  
 474.4 assistance-funded case management services,  
 474.5 including substance use disorder treatment  
 474.6 rates. This is a onetime appropriation.

474.7 **(d) Substance Use Disorder Community of**  
 474.8 **Practice.** \$250,000 in fiscal year 2022 and  
 474.9 \$250,000 in fiscal year 2023 are from the  
 474.10 general fund for the commissioner of human  
 474.11 services to establish and administer the  
 474.12 substance use disorder community of practice,  
 474.13 including providing compensation for  
 474.14 community of practice participants.

474.15 **(e) Sober Housing Program**  
 474.16 **Recommendations Development.** \$90,000  
 474.17 in fiscal year 2022 is from the general fund  
 474.18 for developing recommendations related to  
 474.19 sober housing programs and completing and  
 474.20 submitting a report on the recommendations  
 474.21 to the legislature.

474.22 **(f) Base Level Adjustment.** The general fund  
 474.23 base is \$34,634,000 in fiscal year 2024 and  
 474.24 \$34,666,000 in fiscal year 2025. The opiate  
 474.25 epidemic response fund base is \$60,000 in  
 474.26 fiscal year 2024 and \$0 in fiscal year 2025.

474.27 **Subd. 9. Forecasted Programs; MFIP/DWP**

474.28	<u>Appropriations by Fund</u>	
474.29	<u>General</u>	<u>92,588,000</u> <u>91,668,000</u>
474.30	<u>Federal TANF</u>	<u>104,285,000</u> <u>104,410,000</u>

474.31	<b><u>Subd. 10. Forecasted Programs; MFIP Child</u></b>		
474.32	<b><u>Care Assistance.</u></b>	<u>146,000</u>	<u>569,000</u>

474.33	<b><u>Subd. 11. Forecasted Programs; General</u></b>		
474.34	<b><u>Assistance.</u></b>	<u>53,574,000</u>	<u>52,835,000</u>

475.1 (a) General Assistance Standard. The  
 475.2 commissioner shall set the monthly standard  
 475.3 of assistance for general assistance units  
 475.4 consisting of an adult recipient who is  
 475.5 childless and unmarried or living apart from  
 475.6 parents or a legal guardian at \$203. The  
 475.7 commissioner may reduce this amount  
 475.8 according to Laws 1997, chapter 85, article 3,  
 475.9 section 54.

475.10 (b) Emergency General Assistance Limit.  
 475.11 The amount appropriated for emergency  
 475.12 general assistance is limited to no more than  
 475.13 \$6,729,812 in fiscal year 2022 and \$6,729,812  
 475.14 in fiscal year 2023. Funds to counties shall be  
 475.15 allocated by the commissioner using the  
 475.16 allocation method under Minnesota Statutes,  
 475.17 section 256D.06.

475.18 <u>Subd. 12. Forecasted Programs; Minnesota</u>		
475.19 <u>Supplemental Aid</u>	<u>51,779,000</u>	<u>52,486,000</u>

475.20 <u>Subd. 13. Forecasted Programs; Housing</u>		
475.21 <u>Support</u>	<u>184,005,000</u>	<u>191,966,000</u>

475.22 <u>Subd. 14. Forecasted Programs; Northstar Care</u>		
475.23 <u>for Children</u>	<u>110,583,000</u>	<u>121,246,000</u>

475.24 <u>Subd. 15. Forecasted Programs; MinnesotaCare</u>	<u>207,437,000</u>	<u>184,822,000</u>
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475.25 Generally. This appropriation is from the  
 475.26 health care access fund.

475.27 Subd. 16. Forecasted Programs; Medical  
 475.28 Assistance

475.29	<u>Appropriations by Fund</u>		
475.30 <u>General</u>	<u>6,058,378,000</u>	<u>6,557,536,000</u>	
475.31 <u>Health Care Access</u>	<u>611,178,000</u>	<u>612,099,000</u>	

475.32 Behavioral Health Services. \$1,000,000 in  
 475.33 fiscal year 2022 and \$1,000,000 in fiscal year  
 475.34 2023 are for behavioral health services  
 475.35 provided by hospitals identified under

476.1 Minnesota Statutes, section 256.969,  
 476.2 subdivision 2b, paragraph (a), clause (4). The  
 476.3 increase in payments shall be made by  
 476.4 increasing the adjustment under Minnesota  
 476.5 Statutes, section 256.969, subdivision 2b,  
 476.6 paragraph (e), clause (2).

476.7 **Subd. 17. Forecasted Programs; Alternative**  
 476.8 **Care**

45,669,000

45,656,000

476.9 **Alternative Care Transfer.** Any money  
 476.10 allocated to the alternative care program that  
 476.11 is not spent for the purposes indicated does  
 476.12 not cancel but must be transferred to the  
 476.13 medical assistance account.

476.14 **Subd. 18. Forecasted Programs; Behavioral**  
 476.15 **Health Fund**

132,377,000

116,706,000

476.16 **(a) Grants to Tribal Governments.**  
 476.17 \$28,873,377 in fiscal year 2022 is from the  
 476.18 general fund to satisfy the value of  
 476.19 overpayments owed by the Leech Lake Band  
 476.20 of Ojibwe and White Earth Band of Chippewa  
 476.21 to repay overpayments for medication-assisted  
 476.22 treatment services between fiscal year 2014  
 476.23 and fiscal year 2019. The grant to the Leech  
 476.24 Lake Band of Ojibwe shall be \$14,666,122  
 476.25 and the grant to the White Earth Band of  
 476.26 Chippewa shall be \$14,207,215. This is a  
 476.27 onetime appropriation.

476.28 **(b) Institutions for Mental Disease**  
 476.29 **Payments.** \$8,328,000 in fiscal year 2022 is  
 476.30 from the general fund for the commissioner  
 476.31 of human services to reimburse counties for  
 476.32 the amount identified by the commissioner for  
 476.33 the statewide county share of costs for which  
 476.34 federal funds were claimed, but were not  
 476.35 eligible for federal funding for substance use

477.1 disorder services provided in institutions for  
 477.2 mental disease, for claims paid between  
 477.3 January 1, 2014, and June 30, 2019. The  
 477.4 commissioner of human services shall allocate  
 477.5 this appropriation between counties in the  
 477.6 amount identified by the department that is  
 477.7 owed by each county. Prior to a county  
 477.8 receiving reimbursement, the county must pay  
 477.9 in full any unpaid consolidated chemical  
 477.10 dependency treatment fund invoiced county  
 477.11 share. This is a onetime appropriation.

477.12 **Subd. 19. Grant Programs; Support Services**  
 477.13 **Grants**

477.14	<u>Appropriations by Fund</u>		
477.15	<u>General</u>	<u>8,715,000</u>	<u>8,715,000</u>
477.16	<u>Federal TANF</u>	<u>96,312,000</u>	<u>96,311,000</u>

477.17 **Subd. 20. Grant Programs; BSF Child Care**  
 477.18 **Grants.** (17,000) (23,000)

477.19 **Subd. 21. Grant Programs; Child Support**  
 477.20 **Enforcement Grants** 50,000 50,000

477.21 **Subd. 22. Grant Programs; Children's Services**  
 477.22 **Grants**

477.23	<u>Appropriations by Fund</u>		
477.24	<u>General</u>	<u>52,133,000</u>	<u>51,848,000</u>
477.25	<u>Federal TANF</u>	<u>140,000</u>	<u>140,000</u>

477.26 **(a) Title IV-E Adoption Assistance.** The  
 477.27 commissioner shall allocate funds from the  
 477.28 Title IV-E reimbursement to the state from  
 477.29 the Fostering Connections to Success and  
 477.30 Increasing Adoptions Act for adoptive, foster,  
 477.31 and kinship families as required in Minnesota  
 477.32 Statutes, section 256N.261.

477.33 **(b) Indian Child Welfare Training.**  
 477.34 \$1,012,000 in fiscal year 2022 and \$993,000  
 477.35 in fiscal year 2023 are from the general fund

478.1 for the establishment and operation of the  
 478.2 Tribal Training and Certification Partnership  
 478.3 at the University of Minnesota-Duluth to  
 478.4 provide training, establish federal Indian Child  
 478.5 Welfare Act and Minnesota Family  
 478.6 Preservation Act training requirements for  
 478.7 county child welfare workers, and develop  
 478.8 indigenous child welfare training for American  
 478.9 Indian Tribes. The base for this appropriation  
 478.10 is \$1,053,000 in fiscal year 2024 and  
 478.11 \$1,053,000 in fiscal year 2025.

478.12 **(c) Parent Support for Better Outcomes**  
 478.13 **Grants.** \$150,000 in fiscal year 2022 and  
 478.14 \$150,000 in fiscal year 2023 are from the  
 478.15 general fund for grants to Minnesota One-Stop  
 478.16 for Communities to provide mentoring,  
 478.17 guidance, and support services to parents  
 478.18 navigating the child welfare system in  
 478.19 Minnesota, in order to promote the  
 478.20 development of safe, stable, and healthy  
 478.21 families. Grant money may be used for parent  
 478.22 mentoring, peer-to-peer support groups,  
 478.23 housing support services, training, staffing,  
 478.24 and administrative costs.

478.25	<b><u>Subd. 23. Grant Programs; Children and</u></b>		
478.26	<b><u>Community Service Grants</u></b>	<u>60,251,000</u>	<u>60,856,000</u>

478.27	<b><u>Subd. 24. Grant Programs; Children and</u></b>		
478.28	<b><u>Economic Support Grants</u></b>	<u>34,240,000</u>	<u>34,240,000</u>

478.29 **(a) Minnesota Food Assistance Program.**  
 478.30 Unexpended funds for the Minnesota food  
 478.31 assistance program for fiscal year 2022 do not  
 478.32 cancel but are available for this purpose in  
 478.33 fiscal year 2023.

478.34 **(b) Emergency Shelters.** \$2,500,000 in fiscal  
 478.35 year 2022 and \$2,500,000 in fiscal year 2023

479.1 are for short-term housing facilities to increase  
 479.2 the supply and improve the condition of  
 479.3 shelters for individuals and families without  
 479.4 a permanent residence. The commissioner  
 479.5 shall ensure that a portion of the funds are  
 479.6 expended to provide for short-term housing  
 479.7 facilities for tribes and shall ensure equitable  
 479.8 geographic distribution of funds. This  
 479.9 appropriation is available until June 30, 2026.

479.10 (c) **Emergency Services Grants.** \$9,000,000  
 479.11 in fiscal year 2022 and \$9,000,000 in fiscal  
 479.12 year 2023 are to provide emergency services  
 479.13 grants under Minnesota Statutes, section  
 479.14 256E.36.

479.15 **Subd. 25. Grant Programs; Health Care Grants**

479.16	<u>Appropriations by Fund</u>		
479.17	<u>General</u>	<u>4,811,000</u>	<u>4,811,000</u>
479.18	<u>Health Care Access</u>	<u>3,465,000</u>	<u>3,465,000</u>

479.19 **Integrated Care for High Risk Pregnancies**  
 479.20 **Initiative.** \$1,100,000 in fiscal year 2022 and  
 479.21 \$1,100,000 in fiscal year 2023 are from the  
 479.22 general fund for the commissioner of human  
 479.23 services to enter into a contract with the  
 479.24 Integrated Care for High Risk Pregnancies  
 479.25 (ICHRP) initiative to provide support to the  
 479.26 integrated care for high-risk pregnant women  
 479.27 grant program under Minnesota Statutes,  
 479.28 section 256B.79.

479.29	<u><b>Subd. 26. Grant Programs; Other Long-Term</b></u>		
479.30	<u><b>Care Grants</b></u>	<u>1,925,000</u>	<u>1,925,000</u>

479.31	<u><b>Subd. 27. Grant Programs; Aging and Adult</b></u>		
479.32	<u><b>Services Grants</b></u>	<u>32,495,000</u>	<u>32,495,000</u>

479.33	<u><b>Subd. 28. Grant Programs; Deaf and</b></u>		
479.34	<u><b>Hard-of-Hearing Grants</b></u>	<u>2,886,000</u>	<u>2,886,000</u>

479.35	<u><b>Subd. 29. Grant Programs; Disabilities Grants</b></u>	<u>20,251,000</u>	<u>18,863,000</u>
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480.1 **Training Stipends for Direct Support**  
 480.2 **Services Providers.** \$1,000,000 in fiscal year  
 480.3 2022 is from the general fund for stipends for  
 480.4 individual providers of direct support services  
 480.5 as defined in Minnesota Statutes, section  
 480.6 256B.0711, subdivision 1. These stipends are  
 480.7 available to individual providers who have  
 480.8 completed designated voluntary trainings  
 480.9 made available through the State-Provider  
 480.10 Cooperation Committee formed by the State  
 480.11 of Minnesota and the Service Employees  
 480.12 International Union Healthcare Minnesota.  
 480.13 Any unspent appropriation in fiscal year 2022  
 480.14 is available in fiscal year 2023. This is a  
 480.15 onetime appropriation. This appropriation is  
 480.16 available only if the labor agreement between  
 480.17 the state of Minnesota and the Service  
 480.18 Employees International Union Healthcare  
 480.19 Minnesota under Minnesota Statutes, section  
 480.20 179A.54, is approved under Minnesota  
 480.21 Statutes, section 3.855.

480.22 **Subd. 30. Grant Programs; Housing Support**  
 480.23 **Grants**

11,364,000

11,364,000

480.24 **Long-Term Homeless Supportive Services.**  
 480.25 \$1,000,000 in fiscal year 2022 and \$1,000,000  
 480.26 in fiscal year 2023 are for long-term homeless  
 480.27 supportive services under Minnesota Statutes,  
 480.28 section 256K.26.

480.29 **Subd. 31. Grant Programs; Adult Mental Health**  
 480.30 **Grants**

480.31	<u>Appropriations by Fund</u>	
480.32	<u>General</u>	<u>84,073,000</u>
		<u>84,074,000</u>
480.33	<u>Opiate Epidemic</u>	
480.34	<u>Response</u>	<u>2,000,000</u>
		<u>2,000,000</u>

480.35 **(a) Culturally and Linguistically**  
 480.36 **Appropriate Services Implementation**

481.1 Grants. \$750,000 in fiscal year 2022 and  
 481.2 \$750,000 in fiscal year 2023 are from the  
 481.3 general fund for grants to substance use  
 481.4 disorder treatment providers to implement  
 481.5 culturally and linguistically appropriate  
 481.6 services standards, according to the  
 481.7 implementation and transition plan developed  
 481.8 by the commissioner. This is a onetime  
 481.9 appropriation.

481.10 (b) Base Level Adjustment. The general fund  
 481.11 base is \$82,324,000 in fiscal year 2024 and  
 481.12 \$82,324,000 in fiscal year 2025. The opiate  
 481.13 epidemic response fund base is \$2,000,000 in  
 481.14 fiscal year 2024 and \$0 in fiscal year 2025.

481.15 Subd. 32. Grant Programs; Child Mental Health  
 481.16 Grants

28,703,000

28,703,000

481.17 (a) Children's Residential Facilities.  
 481.18 \$3,000,000 in fiscal year 2022 and \$3,000,000  
 481.19 in fiscal year 2023 are to reimburse counties  
 481.20 for a portion of the costs of treatment in  
 481.21 children's residential facilities. The  
 481.22 commissioner shall distribute the appropriation  
 481.23 on an annual basis to counties proportionally  
 481.24 based on a methodology developed by the  
 481.25 commissioner. Of this appropriation, \$100,000  
 481.26 each year is available to the commissioner for  
 481.27 administrative expenses.

481.28 (b) Base Level Adjustment. The general fund  
 481.29 base is \$28,726,000 in fiscal year 2024 and  
 481.30 \$28,726,000 in fiscal year 2025.

481.31 Subd. 33. Grant Programs; Chemical  
 481.32 Dependency Treatment Support Grants

481.33	<u>Appropriations by Fund</u>		
481.34	<u>General</u>	<u>2,846,000</u>	<u>2,845,000</u>

482.1 Lottery Prize 1,733,000 1,733,000

482.2 Opiate Epidemic

482.3 Response 500,000 500,000

482.4 **(a) Problem Gambling.** \$225,000 in fiscal

482.5 year 2022 and \$225,000 in fiscal year 2023

482.6 are from the lottery prize fund for a grant to

482.7 the state affiliate recognized by the National

482.8 Council on Problem Gambling. The affiliate

482.9 must provide services to increase public

482.10 awareness of problem gambling, education,

482.11 training for individuals and organizations

482.12 providing effective treatment services to

482.13 problem gamblers and their families, and

482.14 research related to problem gambling.

482.15 **(b) Recovery Community Organization**

482.16 **Grants.** \$573,000 in fiscal year 2022 and

482.17 \$571,000 in fiscal year 2023 are from the

482.18 general fund for grants to recovery community

482.19 organizations, as defined in Minnesota

482.20 Statutes, section 254B.01, subdivision 8, to

482.21 provide for costs and community-based peer

482.22 recovery support services that are not

482.23 otherwise eligible for reimbursement under

482.24 Minnesota Statutes, section 254B.05, as part

482.25 of the continuum of care for substance use

482.26 disorders.

482.27 **(c) Base Level Adjustment.** The general fund

482.28 base is \$2,636,000 in fiscal year 2024 and

482.29 \$2,636,000 in fiscal year 2025. The opiate

482.30 epidemic response fund base is \$500,000 in

482.31 fiscal year 2024 and \$0 in fiscal year 2025.

482.32 **Subd. 34. Direct Care and Treatment -**

482.33 **Generally**

482.34 **Transfer Authority.** Money appropriated to

482.35 budget activities under this subdivision and

483.1 subdivisions 35 to 39 may be transferred  
 483.2 between budget activities and between years  
 483.3 of the biennium with the approval of the  
 483.4 commissioner of management and budget.

483.5 **Subd. 35. Direct Care and Treatment - Mental**  
 483.6 **Health and Substance Abuse**

139,946,000

144,103,000

483.7 **(a) Transfer Authority.** Money appropriated  
 483.8 to support the continued operations of the  
 483.9 Community Addiction Recovery Enterprise  
 483.10 (C.A.R.E.) program may be transferred to the  
 483.11 enterprise fund for C.A.R.E.

483.12 **(b) Operating Adjustment.** \$2,307,000 in  
 483.13 fiscal year 2022 and \$2,453,000 in fiscal year  
 483.14 2023 are for the Community Addiction  
 483.15 Recovery Enterprise program. The  
 483.16 commissioner may transfer \$2,307,000 in  
 483.17 fiscal year 2022 and \$2,453,000 in fiscal year  
 483.18 2023 to the enterprise fund for Community  
 483.19 Addiction Recovery Enterprise.

483.20 **Subd. 36. Direct Care and Treatment -**  
 483.21 **Community-Based Services**

18,771,000

19,752,000

483.22 **(a) Transfer Authority.** Money appropriated  
 483.23 to support the continued operations of the  
 483.24 Minnesota State Operated Community  
 483.25 Services (MSOCS) program may be  
 483.26 transferred to the enterprise fund for MSOCS.

483.27 **(b) Operating Adjustment.** \$1,519,000 in  
 483.28 fiscal year 2022 and \$2,541,000 in fiscal year  
 483.29 2023 are for the Minnesota State Operated  
 483.30 Community Services program. The  
 483.31 commissioner may transfer \$1,519,000 in  
 483.32 fiscal year 2022 and \$2,541,000 in fiscal year  
 483.33 2023 to the enterprise fund for Minnesota State  
 483.34 Operated Community Services.

484.1	<b><u>Subd. 37. Direct Care and Treatment - Forensic</u></b>		
484.2	<b><u>Services</u></b>	<u>119,854,000</u>	<u>122,206,000</u>
484.3	<b><u>Subd. 38. Direct Care and Treatment - Sex</u></b>		
484.4	<b><u>Offender Program</u></b>	<u>97,570,000</u>	<u>99,917,000</u>
484.5	<b><u>Transfer Authority.</u> Money appropriated for</b>		
484.6	<b><u>the Minnesota sex offender program may be</u></b>		
484.7	<b><u>transferred between fiscal years of the</u></b>		
484.8	<b><u>biennium with the approval of the</u></b>		
484.9	<b><u>commissioner of management and budget.</u></b>		
484.10	<b><u>Subd. 39. Direct Care and Treatment -</u></b>		
484.11	<b><u>Operations</u></b>	<u>63,504,000</u>	<u>65,910,000</u>
484.12	<b><u>Subd. 40. Technical Activities</u></b>	<u>79,204,000</u>	<u>78,260,000</u>
484.13	<b><u>(a) Generally.</u> This appropriation is from the</b>		
484.14	<b><u>federal TANF fund.</u></b>		
484.15	<b><u>(b) Base Level Adjustment.</u> The TANF fund</b>		
484.16	<b><u>base is \$71,493,000 in fiscal year 2024 and</u></b>		
484.17	<b><u>\$71,493,000 in fiscal year 2025.</u></b>		
484.18	<b>Sec. 3. <u>COMMISSIONER OF HEALTH</u></b>		
484.19	<b><u>Subdivision 1. Total Appropriation</u></b>	<b>\$ <u>258,989,000</u></b>	<b>\$ <u>251,881,000</u></b>
484.20	<b><u>Appropriations by Fund</u></b>		
484.21		<b><u>2022</u></b>	<b><u>2023</u></b>
484.22	<b><u>General</u></b>	<b><u>155,953,000</u></b>	<b><u>150,554,000</u></b>
484.23	<b><u>State Government</u></b>		
484.24	<b><u>Special Revenue</u></b>	<b><u>54,465,000</u></b>	<b><u>53,356,000</u></b>
484.25	<b><u>Health Care Access</u></b>	<b><u>36,858,000</u></b>	<b><u>36,258,000</u></b>
484.26	<b><u>Federal TANF</u></b>	<b><u>11,713,000</u></b>	<b><u>11,713,000</u></b>
484.27	<b><u>The amounts that may be spent for each</u></b>		
484.28	<b><u>purpose are specified in the following</u></b>		
484.29	<b><u>subdivisions.</u></b>		
484.30	<b><u>Subd. 2. Health Improvement</u></b>		
484.31	<b><u>Appropriations by Fund</u></b>		
484.32	<b><u>General</u></b>	<b><u>113,697,000</u></b>	<b><u>112,692,000</u></b>
484.33	<b><u>State Government</u></b>		
484.34	<b><u>Special Revenue</u></b>	<b><u>9,103,000</u></b>	<b><u>7,777,000</u></b>

485.1	<u>Health Care Access</u>	<u>36,858,000</u>	<u>36,258,000</u>
485.2	<u>Federal TANF</u>	<u>11,713,000</u>	<u>11,713,000</u>
485.3	<u>(a) TANF Appropriations. (1) \$3,579,000 in</u>		
485.4	<u>fiscal year 2022 and \$3,579,000 in fiscal year</u>		
485.5	<u>2023 are from the TANF fund for home</u>		
485.6	<u>visiting and nutritional services listed under</u>		
485.7	<u>Minnesota Statutes, section 145.882,</u>		
485.8	<u>subdivision 7, clauses (6) and (7). Funds must</u>		
485.9	<u>be distributed to community health boards</u>		
485.10	<u>according to Minnesota Statutes, section</u>		
485.11	<u>145A.131, subdivision 1;</u>		
485.12	<u>(2) \$2,000,000 in fiscal year 2022 and</u>		
485.13	<u>\$2,000,000 in fiscal year 2023 are from the</u>		
485.14	<u>TANF fund for decreasing racial and ethnic</u>		
485.15	<u>disparities in infant mortality rates under</u>		
485.16	<u>Minnesota Statutes, section 145.928,</u>		
485.17	<u>subdivision 7;</u>		
485.18	<u>(3) \$4,978,000 in fiscal year 2022 and</u>		
485.19	<u>\$4,978,000 in fiscal year 2023 are from the</u>		
485.20	<u>TANF fund for the family home visiting grant</u>		
485.21	<u>program according to Minnesota Statutes,</u>		
485.22	<u>section 145A.17. \$4,000,000 of the funding</u>		
485.23	<u>in each fiscal year must be distributed to</u>		
485.24	<u>community health boards according to</u>		
485.25	<u>Minnesota Statutes, section 145A.131,</u>		
485.26	<u>subdivision 1. \$978,000 of the funding in each</u>		
485.27	<u>fiscal year must be distributed to tribal</u>		
485.28	<u>governments according to Minnesota Statutes,</u>		
485.29	<u>section 145A.14, subdivision 2a;</u>		
485.30	<u>(4) \$1,156,000 in fiscal year 2022 and</u>		
485.31	<u>\$1,156,000 in fiscal year 2023 are from the</u>		
485.32	<u>TANF fund for family planning grants under</u>		
485.33	<u>Minnesota Statutes, section 145.925; and</u>		

486.1 (5) the commissioner may use up to 6.23  
486.2 percent of the funds appropriated from the  
486.3 TANF fund each fiscal year to conduct the  
486.4 ongoing evaluations required under Minnesota  
486.5 Statutes, section 145A.17, subdivision 7, and  
486.6 training and technical assistance as required  
486.7 under Minnesota Statutes, section 145A.17,  
486.8 subdivisions 4 and 5.

486.9 **(b) TANF Carryforward.** Any unexpended  
486.10 balance of the TANF appropriation in the first  
486.11 year of the biennium does not cancel but is  
486.12 available for the second year.

486.13 **(c) Maternal Morbidity and Death Studies.**  
486.14 \$198,000 in fiscal year 2022 and \$198,000 in  
486.15 fiscal year 2023 are from the general fund to  
486.16 be used to conduct maternal morbidity and  
486.17 death studies under Minnesota Statutes,  
486.18 sections 145.901 and 145.9013.

486.19 **(d) Comprehensive Advanced Life Support**  
486.20 **Educational Program.** \$100,000 in fiscal  
486.21 year 2022 and \$100,000 in fiscal year 2023  
486.22 are from the general fund for the  
486.23 comprehensive advanced life support  
486.24 educational program under Minnesota Statutes,  
486.25 section 144.6062. This is a onetime  
486.26 appropriation.

486.27 **(e) Local Public Health Grants.** \$2,978,000  
486.28 in fiscal year 2022 and \$2,978,000 in fiscal  
486.29 year 2023 are from the general fund for local  
486.30 public health grants under Minnesota Statutes,  
486.31 section 145A.131. The base for this  
486.32 appropriation is \$2,500,000 in fiscal year 2024  
486.33 and \$2,500,000 in fiscal year 2025.

487.1 **(f) Public Health Infrastructure and Health**  
487.2 **Equity and Outreach.** \$5,000,000 in fiscal  
487.3 year 2022 and \$5,000,000 in fiscal year 2023  
487.4 are from the general fund for purposes of  
487.5 Minnesota Statutes, sections 144.067 to  
487.6 144.069, and to build public health  
487.7 infrastructure at the state and local levels to  
487.8 address current and future public health  
487.9 emergencies, conduct outreach to underserved  
487.10 communities in the state experiencing health  
487.11 disparities, and build systems at the state and  
487.12 local levels with the goals of reducing and  
487.13 eliminating health disparities in these  
487.14 communities.

487.15 **(g) Mental Health Cultural Community**  
487.16 **Continuing Education.** \$500,000 in fiscal  
487.17 year 2022 and \$500,000 in fiscal year 2023  
487.18 are from the general fund for the mental health  
487.19 cultural community continuing education grant  
487.20 program.

487.21 **(h) Health Professional Education Loan**  
487.22 **Forgiveness Program.** \$3,000,000 in fiscal  
487.23 year 2022 and \$3,000,000 in fiscal year 2023  
487.24 are from the general fund for loan forgiveness  
487.25 under the health professional education loan  
487.26 forgiveness program under Minnesota Statutes,  
487.27 section 144.1501, for individuals who: (1) are  
487.28 eligible alcohol and drug counselors or eligible  
487.29 mental health professionals, as defined in  
487.30 Minnesota Statutes, section 144.1501,  
487.31 subdivision 1; and (2) are Black, indigenous,  
487.32 or people of color, or members of an  
487.33 underrepresented community as defined in  
487.34 Minnesota Statutes, section 148E.010,  
487.35 subdivision 20. Loan forgiveness shall be

488.1 provided according to this paragraph  
488.2 notwithstanding the priorities and distribution  
488.3 requirements for loan forgiveness in  
488.4 Minnesota Statutes, section 144.1501.

488.5 **(i) Birth Records; Homeless Youth. \$72,000**  
488.6 **in fiscal year 2022 and \$32,000 in fiscal year**  
488.7 **2023 are from the general fund for**  
488.8 **administration and issuance of certified birth**  
488.9 **records and statements of no vital record found**  
488.10 **to homeless youth under Minnesota Statutes,**  
488.11 **section 144.2255.**

488.12 **(j) Trauma-Informed Gun Violence**  
488.13 **Reduction Pilot Program. \$100,000 in fiscal**  
488.14 **year 2022 is from the general fund for the**  
488.15 **trauma-informed gun violence reduction pilot**  
488.16 **program.**

488.17 **(k) Home Visiting for Pregnant Women and**  
488.18 **Families with Young Children. \$2,500,000**  
488.19 **in fiscal year 2022 and \$2,500,000 in fiscal**  
488.20 **year 2023 are from the general fund for grants**  
488.21 **for home visiting services under Minnesota**  
488.22 **Statutes, section 145.87.**

488.23 **(l) Supporting Healthy Development of**  
488.24 **Babies During Pregnancy and Postpartum.**  
488.25 **\$279,000 in fiscal year 2022 and \$279,000 in**  
488.26 **fiscal year 2023 are from the general fund for**  
488.27 **a grant to the Amherst H. Wilder Foundation**  
488.28 **for the African American Babies Coalition**  
488.29 **initiative for community-driven training and**  
488.30 **education on best practices to support healthy**  
488.31 **development of babies during pregnancy and**  
488.32 **postpartum. Grant funds must be used to build**  
488.33 **capacity in, train, educate, or improve**  
488.34 **practices among individuals, from youth to**  
488.35 **elders, serving families with members who**

489.1 are Black, indigenous, or people of color,  
489.2 during pregnancy and postpartum. Of this  
489.3 appropriation, \$19,000 in fiscal year 2022 and  
489.4 \$19,000 in fiscal year 2023 are for the  
489.5 commissioner to use for administration. This  
489.6 is a onetime appropriation. Any unexpended  
489.7 balance in the first year of the biennium does  
489.8 not cancel and is available in the second year  
489.9 of the biennium.

489.10 **(m) Dignity in Pregnancy and Childbirth.**  
489.11 \$1,695,000 in fiscal year 2022 and \$908,000  
489.12 in fiscal year 2023 are from the general fund  
489.13 for purposes of Minnesota Statutes, section  
489.14 144.1461. Of this appropriation, \$845,000 in  
489.15 fiscal year 2022 is for a grant to the University  
489.16 of Minnesota School of Public Health's Center  
489.17 for Antiracism Research for Health Equity, to  
489.18 develop a model curriculum on anti-racism  
489.19 and implicit bias for use by hospitals with  
489.20 obstetric care and birth centers to provide  
489.21 continuing education to staff caring for  
489.22 pregnant or postpartum women. The model  
489.23 curriculum must be evidence-based and must  
489.24 meet the criteria in Minnesota Statutes, section  
489.25 144.1461, subdivision 2, paragraph (a). The  
489.26 base for this appropriation is \$907,000 in fiscal  
489.27 year 2024 and \$860,000 in fiscal year 2025.

489.28 **(n) Recommendations to Expand Access to**  
489.29 **Data from the All-Payer Claims Database.**  
489.30 \$55,000 in fiscal year 2022 is from the general  
489.31 fund for the commissioner to develop  
489.32 recommendations to expand access to data  
489.33 from the all-payer claims database under  
489.34 Minnesota Statutes, section 62U.04, to

490.1 additional outside entities for public health or  
 490.2 research purposes.

490.3 **(o) Base Level Adjustments.** The general  
 490.4 fund base is \$110,895,000 in fiscal year 2024  
 490.5 and \$111,787,000 in fiscal year 2025. The  
 490.6 state government special revenue fund base is  
 490.7 \$7,777,000 in fiscal year 2024 and \$7,777,000  
 490.8 in fiscal year 2025. The health care access  
 490.9 fund base is \$36,858,000 in fiscal year 2024  
 490.10 and \$36,258,000 in fiscal year 2025.

490.11 **Subd. 3. Health Protection**

490.12	<u>Appropriations by Fund</u>		
490.13	<u>General</u>	<u>30,686,000</u>	<u>26,283,000</u>
490.14	<u>State Government</u>		
490.15	<u>Special Revenue</u>	<u>45,362,000</u>	<u>45,579,000</u>

490.16 **(a) Lead Risk Assessments and Lead**  
 490.17 **Orders.** \$1,530,000 in fiscal year 2022 and  
 490.18 \$1,314,000 in fiscal year 2023 are from the  
 490.19 general fund for implementation of the  
 490.20 requirements for conducting lead risk  
 490.21 assessments under Minnesota Statutes, section  
 490.22 144.9504, subdivision 2, and for issuance of  
 490.23 lead orders under Minnesota Statutes, section  
 490.24 144.9504, subdivision 5.

490.25 **(b) Hospital Closure or Curtailment of**  
 490.26 **Operations.** \$10,000 in fiscal year 2022 and  
 490.27 \$1,000 in fiscal year 2023 are from the general  
 490.28 fund for purposes of Minnesota Statutes,  
 490.29 section 144.555, subdivisions 1a, 1b, and 2.

490.30 **(c) Transfer; Public Health Response**  
 490.31 **Contingency Account.** The commissioner  
 490.32 shall transfer \$500,000 in fiscal year 2022  
 490.33 from the general fund to the public health  
 490.34 response contingency account established in

491.1 Minnesota Statutes, section 144.4199. This is  
 491.2 a onetime transfer.

491.3 **(d) Skin Lightening Products Public**  
 491.4 **Awareness and Education Grant Program.**  
 491.5 \$100,000 in fiscal year 2022 and \$100,000 in  
 491.6 fiscal year 2023 are from the general fund for  
 491.7 a skin lightening products public awareness  
 491.8 and education grant program. This is a onetime  
 491.9 appropriation.

491.10 **(e) Base Level Adjustments.** The general  
 491.11 fund base is \$26,183,000 in fiscal year 2024  
 491.12 and \$26,183,000 in fiscal year 2025. The state  
 491.13 government special revenue fund base is  
 491.14 \$45,579,000 in fiscal year 2024 and  
 491.15 \$45,579,000 in fiscal year 2025.

491.16 <b><u>Subd. 4. Health Operations</u></b>	<u>11,570,000</u>	<u>11,579,000</u>
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491.17 Sec. 4. **HEALTH-RELATED BOARDS**

491.18 <b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ 27,535,000</u></b>	<b><u>\$ 26,960,000</u></b>
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491.19 Appropriations by Fund

491.20 <u>State Government</u>		
491.21 <u>Special Revenue</u>	<u>27,459,000</u>	<u>26,884,000</u>
491.22 <u>Health Care Access</u>	<u>76,000</u>	<u>76,000</u>

491.23 This appropriation is from the state  
 491.24 government special revenue fund unless  
 491.25 specified otherwise. The amounts that may be  
 491.26 spent for each purpose are specified in the  
 491.27 following subdivisions.

491.28 <b><u>Subd. 2. Board of Behavioral Health and</u></b> 491.29 <b><u>Therapy</u></b>	<u>877,000</u>	<u>875,000</u>
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491.30 <b><u>Subd. 3. Board of Chiropractic Examiners</u></b>	<u>666,000</u>	<u>666,000</u>
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491.31 <b><u>Subd. 4. Board of Dentistry</u></b>	<u>4,228,000</u>	<u>3,753,000</u>
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491.32 **(a) Administrative Services Unit - Operating**  
 491.33 **Costs.** Of this appropriation, \$2,738,000 in  
 491.34 fiscal year 2022 and \$2,263,000 in fiscal year

492.1 2023 are for operating costs of the  
492.2 administrative services unit. The  
492.3 administrative services unit may receive and  
492.4 expend reimbursements for services it  
492.5 performs for other agencies.

492.6 **(b) Administrative Services Unit - Volunteer**  
492.7 **Health Care Provider Program.** Of this  
492.8 appropriation, \$150,000 in fiscal year 2022  
492.9 and \$150,000 in fiscal year 2023 are to pay  
492.10 for medical professional liability coverage  
492.11 required under Minnesota Statutes, section  
492.12 214.40.

492.13 **(c) Administrative Services Unit -**  
492.14 **Retirement Costs.** Of this appropriation,  
492.15 \$475,000 in fiscal year 2022 is a onetime  
492.16 appropriation to the administrative services  
492.17 unit to pay for the retirement costs of  
492.18 health-related board employees. This funding  
492.19 may be transferred to the health board  
492.20 incurring retirement costs. Any board that has  
492.21 an unexpended balance for an amount  
492.22 transferred under this paragraph shall transfer  
492.23 the unexpended amount to the administrative  
492.24 services unit. These funds are available either  
492.25 year of the biennium.

492.26 **(d) Administrative Services Unit - Contested**  
492.27 **Cases and Other Legal Proceedings.** Of this  
492.28 appropriation, \$200,000 in fiscal year 2022  
492.29 and \$200,000 in fiscal year 2023 are for costs  
492.30 of contested case hearings and other  
492.31 unanticipated costs of legal proceedings  
492.32 involving health-related boards funded under  
492.33 this section. Upon certification by a  
492.34 health-related board to the administrative  
492.35 services unit that costs will be incurred and

493.1 that there is insufficient money available to  
 493.2 pay for the costs out of money currently  
 493.3 available to that board, the administrative  
 493.4 services unit is authorized to transfer money  
 493.5 from this appropriation to the board for  
 493.6 payment of those costs with the approval of  
 493.7 the commissioner of management and budget.  
 493.8 The commissioner of management and budget  
 493.9 must require any board that has an unexpended  
 493.10 balance for an amount transferred under this  
 493.11 paragraph to transfer the unexpended amount  
 493.12 to the administrative services unit to be  
 493.13 deposited in the state government special  
 493.14 revenue fund.

493.15	<u>Subd. 5. Board of Dietetics and Nutrition</u>		
493.16	<u>Practice</u>	<u>164,000</u>	<u>164,000</u>

493.17	<u>Subd. 6. Board of Executives for Long Term</u>		
493.18	<u>Services and Supports</u>	<u>693,000</u>	<u>635,000</u>

493.19	<u>Subd. 7. Board of Marriage and Family Therapy</u>	<u>413,000</u>	<u>410,000</u>
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493.20	<u>Subd. 8. Board of Medical Practice</u>	<u>5,912,000</u>	<u>5,868,000</u>
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493.21 Health Professional Services Program. This  
 493.22 appropriation includes \$1,002,000 in fiscal  
 493.23 year 2022 and \$1,002,000 in fiscal year 2023  
 493.24 for the health professional services program.

493.25	<u>Subd. 9. Board of Nursing</u>	<u>5,345,000</u>	<u>5,355,000</u>
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493.26	<u>Subd. 10. Board of Occupational Therapy</u>		
493.27	<u>Practice</u>	<u>456,000</u>	<u>456,000</u>

493.28	<u>Subd. 11. Board of Optometry</u>	<u>238,000</u>	<u>238,000</u>
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493.29	<u>Subd. 12. Board of Pharmacy</u>	<u>4,479,000</u>	<u>4,479,000</u>
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493.30	<u>Appropriations by Fund</u>		
493.31	<u>State Government</u>		
493.32	<u>Special Revenue</u>	<u>4,403,000</u>	<u>4,403,000</u>
493.33	<u>Health Care Access</u>	<u>76,000</u>	<u>76,000</u>



495.1 emergency medical service regions under  
 495.2 Minnesota Statutes, section 144E.52.

495.3 **(d) Ambulance Training Grant. \$361,000**  
 495.4 **in fiscal year 2022 and \$361,000 in fiscal year**  
 495.5 **2023 are for training grants under Minnesota**  
 495.6 **Statutes, section 144E.35.**

495.7 **(e) Grants to Regional Emergency Medical**  
 495.8 **Services Programs. \$650,000 in fiscal year**  
 495.9 **2022 is for grants to regional emergency**  
 495.10 **medical services programs, to be distributed**  
 495.11 **among the eight emergency medical services**  
 495.12 **regions according to Minnesota Statutes,**  
 495.13 **section 144E.50.**

495.14 **Sec. 6. COUNCIL ON DISABILITY**                    **\$            1,022,000 \$            1,038,000**

495.15 **Sec. 7. OMBUDSMAN FOR MENTAL**  
 495.16 **HEALTH AND DEVELOPMENTAL**  
 495.17 **DISABILITIES**    **\$            2,487,000 \$            2,536,000**

495.18 **Department of Psychiatry Monitoring.**  
 495.19 **\$100,000 in fiscal year 2022 and \$100,000 in**  
 495.20 **fiscal year 2023 are for monitoring the**  
 495.21 **Department of Psychiatry at the University of**  
 495.22 **Minnesota.**

495.23 **Sec. 8. OMBUDSPERSONS FOR FAMILIES**    **\$            733,000 \$            744,000**

495.24 **Sec. 9. ATTORNEY GENERAL**                    **\$            200,000 \$            200,000**

495.25 **Excessive Drug Price Increases. This**  
 495.26 **appropriation is for costs of expert witnesses**  
 495.27 **and investigations under Minnesota Statutes,**  
 495.28 **section 62J.844. This is a onetime**  
 495.29 **appropriation.**

495.30    **Sec. 10. Laws 2019, First Special Session chapter 9, article 14, section 3, as amended by**  
 495.31 **Laws 2019, First Special Session chapter 12, section 6, is amended to read:**

495.32 **Sec. 3. COMMISSIONER OF HEALTH**

496.1  
 496.2 Subdivision 1. **Total Appropriation** \$ **231,829,000** \$ **233,584,000** ~~236,188,000~~

496.3 Appropriations by Fund

496.4		2020	2021
496.5			<del>126,276,000</del>
496.6	General	124,381,000	<u>125,881,000</u>
496.7	State Government		<del>61,367,000</del>
496.8	Special Revenue	58,450,000	<u>59,158,000</u>
496.9	Health Care Access	37,285,000	36,832,000
496.10	Federal TANF	11,713,000	11,713,000

496.11 The amounts that may be spent for each  
 496.12 purpose are specified in the following  
 496.13 subdivisions.

496.14 Subd. 2. **Health Improvement**

496.15 Appropriations by Fund

496.16			<del>96,117,000</del>
496.17	General	94,980,000	<u>95,722,000</u>
496.18	State Government		<del>7,558,000</del>
496.19	Special Revenue	7,614,000	<u>6,924,000</u>
496.20	Health Care Access	37,285,000	36,832,000
496.21	Federal TANF	11,713,000	11,713,000

496.22 (a) **TANF Appropriations.** (1) \$3,579,000 in  
 496.23 fiscal year 2020 and \$3,579,000 in fiscal year  
 496.24 2021 are from the TANF fund for home  
 496.25 visiting and nutritional services under  
 496.26 Minnesota Statutes, section 145.882,  
 496.27 subdivision 7, clauses (6) and (7). Funds must  
 496.28 be distributed to community health boards  
 496.29 according to Minnesota Statutes, section  
 496.30 145A.131, subdivision 1;  
 496.31 (2) \$2,000,000 in fiscal year 2020 and  
 496.32 \$2,000,000 in fiscal year 2021 are from the  
 496.33 TANF fund for decreasing racial and ethnic  
 496.34 disparities in infant mortality rates under  
 496.35 Minnesota Statutes, section 145.928,  
 496.36 subdivision 7;

497.1 (3) \$4,978,000 in fiscal year 2020 and  
497.2 \$4,978,000 in fiscal year 2021 are from the  
497.3 TANF fund for the family home visiting grant  
497.4 program under Minnesota Statutes, section  
497.5 145A.17. \$4,000,000 of the funding in each  
497.6 fiscal year must be distributed to community  
497.7 health boards according to Minnesota Statutes,  
497.8 section 145A.131, subdivision 1. \$978,000 of  
497.9 the funding in each fiscal year must be  
497.10 distributed to tribal governments according to  
497.11 Minnesota Statutes, section 145A.14,  
497.12 subdivision 2a;

497.13 (4) \$1,156,000 in fiscal year 2020 and  
497.14 \$1,156,000 in fiscal year 2021 are from the  
497.15 TANF fund for family planning grants under  
497.16 Minnesota Statutes, section 145.925; and

497.17 (5) The commissioner may use up to 6.23  
497.18 percent of the amounts appropriated from the  
497.19 TANF fund each year to conduct the ongoing  
497.20 evaluations required under Minnesota Statutes,  
497.21 section 145A.17, subdivision 7, and training  
497.22 and technical assistance as required under  
497.23 Minnesota Statutes, section 145A.17,  
497.24 subdivisions 4 and 5.

497.25 (b) **TANF Carryforward.** Any unexpended  
497.26 balance of the TANF appropriation in the first  
497.27 year of the biennium does not cancel but is  
497.28 available for the second year.

497.29 (c) **Comprehensive Suicide Prevention.**  
497.30 \$2,730,000 in fiscal year 2020 and \$2,730,000  
497.31 in fiscal year 2021 are from the general fund  
497.32 for a comprehensive, community-based suicide  
497.33 prevention strategy. The funds are allocated  
497.34 as follows:

498.1 (1) \$955,000 in fiscal year 2020 and \$955,000  
498.2 in fiscal year 2021 are for community-based  
498.3 suicide prevention grants authorized in  
498.4 Minnesota Statutes, section 145.56,  
498.5 subdivision 2. Specific emphasis must be  
498.6 placed on those communities with the greatest  
498.7 disparities. The base for this appropriation is  
498.8 \$1,291,000 in fiscal year 2022 and \$1,291,000  
498.9 in fiscal year 2023;

498.10 (2) \$683,000 in fiscal year 2020 and \$683,000  
498.11 in fiscal year 2021 are to support  
498.12 evidence-based training for educators and  
498.13 school staff and purchase suicide prevention  
498.14 curriculum for student use statewide, as  
498.15 authorized in Minnesota Statutes, section  
498.16 145.56, subdivision 2. The base for this  
498.17 appropriation is \$913,000 in fiscal year 2022  
498.18 and \$913,000 in fiscal year 2023;

498.19 (3) \$137,000 in fiscal year 2020 and \$137,000  
498.20 in fiscal year 2021 are to implement the Zero  
498.21 Suicide framework with up to 20 behavioral  
498.22 and health care organizations each year to treat  
498.23 individuals at risk for suicide and support  
498.24 those individuals across systems of care upon  
498.25 discharge. The base for this appropriation is  
498.26 \$205,000 in fiscal year 2022 and \$205,000 in  
498.27 fiscal year 2023;

498.28 (4) \$955,000 in fiscal year 2020 and \$955,000  
498.29 in fiscal year 2021 are to develop and fund a  
498.30 Minnesota-based network of National Suicide  
498.31 Prevention Lifeline, providing statewide  
498.32 coverage. The base for this appropriation is  
498.33 \$1,321,000 in fiscal year 2022 and \$1,321,000  
498.34 in fiscal year 2023; and

499.1 (5) the commissioner may retain up to 18.23  
499.2 percent of the appropriation under this  
499.3 paragraph to administer the comprehensive  
499.4 suicide prevention strategy.

499.5 **(d) Statewide Tobacco Cessation.** \$1,598,000  
499.6 in fiscal year 2020 and \$2,748,000 in fiscal  
499.7 year 2021 are from the general fund for  
499.8 statewide tobacco cessation services under  
499.9 Minnesota Statutes, section 144.397. The base  
499.10 for this appropriation is \$2,878,000 in fiscal  
499.11 year 2022 and \$2,878,000 in fiscal year 2023.

499.12 **(e) Health Care Access Survey.** \$225,000 in  
499.13 fiscal year 2020 and \$225,000 in fiscal year  
499.14 2021 are from the health care access fund to  
499.15 continue and improve the Minnesota Health  
499.16 Care Access Survey. These appropriations  
499.17 may be used in either year of the biennium.

499.18 **(f) Community Solutions for Healthy Child**  
499.19 **Development Grant Program.** \$1,000,000  
499.20 in fiscal year 2020 and \$1,000,000 in fiscal  
499.21 year 2021 are for the community solutions for  
499.22 healthy child development grant program to  
499.23 promote health and racial equity for young  
499.24 children and their families under article 11,  
499.25 section 107. The commissioner may use up to  
499.26 23.5 percent of the total appropriation for  
499.27 administration. The base for this appropriation  
499.28 is \$1,000,000 in fiscal year 2022, \$1,000,000  
499.29 in fiscal year 2023, and \$0 in fiscal year 2024.

499.30 **(g) Domestic Violence and Sexual Assault**  
499.31 **Prevention Program.** \$375,000 in fiscal year  
499.32 2020 and \$375,000 in fiscal year 2021 are  
499.33 from the general fund for the domestic  
499.34 violence and sexual assault prevention

500.1 program under article 11, section 108. This is  
 500.2 a onetime appropriation.

500.3 **(h) Skin Lightening Products Public**

500.4 **Awareness Grant Program.** \$100,000 in  
 500.5 fiscal year 2020 and \$100,000 in fiscal year  
 500.6 2021 are from the general fund for a skin  
 500.7 lightening products public awareness and  
 500.8 education grant program. This is a onetime  
 500.9 appropriation.

500.10 **(i) Cannabinoid Products Workgroup.**

500.11 \$8,000 in fiscal year 2020 is from the state  
 500.12 government special revenue fund for the  
 500.13 cannabinoid products workgroup. This is a  
 500.14 onetime appropriation.

500.15 **(j) Base Level Adjustments.** The general fund

500.16 base is \$96,742,000 in fiscal year 2022 and  
 500.17 \$96,742,000 in fiscal year 2023. The health  
 500.18 care access fund base is \$37,432,000 in fiscal  
 500.19 year 2022 and \$36,832,000 in fiscal year 2023.

500.20 **Subd. 3. Health Protection**

500.21	Appropriations by Fund		
500.22	General	18,803,000	19,774,000
500.23	State Government		<del>53,809,000</del>
500.24	Special Revenue	50,836,000	<u>52,234,000</u>

500.25 **(a) Public Health Laboratory Equipment.**

500.26 \$840,000 in fiscal year 2020 and \$655,000 in  
 500.27 fiscal year 2021 are from the general fund for  
 500.28 equipment for the public health laboratory.  
 500.29 This is a onetime appropriation and is  
 500.30 available until June 30, 2023.

500.31 **(b) Base Level Adjustment.** The general fund

500.32 base is \$19,119,000 in fiscal year 2022 and  
 500.33 \$19,119,000 in fiscal year 2023. The state  
 500.34 government special revenue fund base is

501.1 \$53,782,000 in fiscal year 2022 and

501.2 \$53,782,000 in fiscal year 2023.

501.3 Subd. 4. **Health Operations** 10,598,000 10,385,000

501.4 **Base Level Adjustment.** The general fund

501.5 base is \$10,912,000 in fiscal year 2022 and

501.6 \$10,912,000 in fiscal year 2023.

501.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and

501.8 the reductions in subdivisions 1 to 3 are onetime reductions.

501.9 Sec. 11. **APPROPRIATION; MINNESOTA FAMILY INVESTMENT PROGRAM**

501.10 **SUPPLEMENTAL PAYMENT.**

501.11 \$24,235,000 in fiscal year 2021 is appropriated from the TANF fund to the commissioner

501.12 of human services to provide a onetime cash benefit of up to \$750 for each household

501.13 enrolled in the Minnesota family investment program or diversionary work program under

501.14 Minnesota Statutes, chapter 256J, at the time that the cash benefit is distributed. The

501.15 commissioner shall distribute these funds through existing systems and in a manner that

501.16 minimizes the burden to families. This is a onetime appropriation.

501.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

501.18 Sec. 12. **APPROPRIATION; REFINANCING OF EMERGENCY CHILD CARE**

501.19 **GRANTS; CANCELLATION.**

501.20 \$26,622,626 in fiscal year 2021 is appropriated from the coronavirus relief federal fund

501.21 to the commissioner of human services for fiscal year 2020 to replace a portion of the general

501.22 fund appropriation in Laws 2020, chapter 71, article 1, section 2, subdivision 9. The general

501.23 fund appropriation that is replaced by coronavirus relief funds under this section is canceled

501.24 to the general fund. This is a onetime appropriation.

501.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

501.26 Sec. 13. **CANCELLATION; TRANSFER FROM STATE GOVERNMENT SPECIAL**

501.27 **REVENUE FUND TO GENERAL FUND.**

501.28 The \$77,000 transfer each year from the state government special revenue fund to the

501.29 general fund under Laws 2008, chapter 364, section 17, paragraph (b), is canceled. This

501.30 section does not expire.

501.31 **EFFECTIVE DATE.** This section is effective June 30, 2021.

502.1 **Sec. 14. FEDERAL FUNDS FOR VACCINE ACTIVITIES; APPROPRIATION.**

502.2 Federal funds made available to the commissioner of health for vaccine activities are  
502.3 appropriated to the commissioner for that purpose and shall be used to support work under  
502.4 Minnesota Statutes, sections 144.067 to 144.069.

502.5 **Sec. 15. FEDERAL FUNDS REPLACEMENT; APPROPRIATION.**

502.6 Notwithstanding any law to the contrary, the commissioner of management and budget  
502.7 must determine whether the expenditures authorized under this act are eligible uses of federal  
502.8 funding received under the Coronavirus State Fiscal Recovery Fund or any other federal  
502.9 funds received by the state under the American Rescue Plan Act, Public Law 117-2. If the  
502.10 commissioner of management and budget determines an expenditure is eligible for funding  
502.11 under Public Law 117-2, the amount of the eligible expenditure is appropriated from the  
502.12 account where those amounts have been deposited and the corresponding general fund  
502.13 amounts appropriated under this act are canceled to the general fund.

502.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

502.15 **Sec. 16. TRANSFERS; HUMAN SERVICES.**

502.16 Subdivision 1. **Grants.** The commissioner of human services, with the approval of the  
502.17 commissioner of management and budget, may transfer unencumbered appropriation balances  
502.18 for the biennium ending June 30, 2023, within fiscal years among the MFIP, general  
502.19 assistance, medical assistance, MinnesotaCare, MFIP child care assistance under Minnesota  
502.20 Statutes, section 119B.05, Minnesota supplemental aid program, group residential housing  
502.21 program, the entitlement portion of Northstar Care for Children under Minnesota Statutes,  
502.22 chapter 256N, and the entitlement portion of the chemical dependency consolidated treatment  
502.23 fund, and between fiscal years of the biennium. The commissioner shall inform the chairs  
502.24 and ranking minority members of the senate Health and Human Services Finance Division  
502.25 and the house of representatives Health Finance and Policy Committee and Human Services  
502.26 Finance and Policy Committee quarterly about transfers made under this subdivision.

502.27 Subd. 2. **Administration.** Positions, salary money, and nonsalary administrative money  
502.28 may be transferred within the Department of Human Services as the commissioners consider  
502.29 necessary, with the advance approval of the commissioner of management and budget. The  
502.30 commissioner shall inform the chairs and ranking minority members of the senate Health  
502.31 and Human Services Finance Division and the house of representatives Health Finance and  
502.32 Policy Committee and Human Services Finance and Policy Committee quarterly about  
502.33 transfers made under this subdivision.

503.1 Sec. 17. **TRANSFERS; HEALTH.**

503.2 Positions, salary money, and nonsalary administrative money may be transferred within  
503.3 the Department of Health as the commissioner considers necessary, with the advance  
503.4 approval of the commissioner of management and budget. The commissioner shall inform  
503.5 the chairs and ranking minority members of the legislative committees with jurisdiction  
503.6 over health and human services finance quarterly about transfers made under this section.

503.7 Sec. 18. **INDIRECT COSTS NOT TO FUND PROGRAMS.**

503.8 The commissioners of health and human services shall not use indirect cost allocations  
503.9 to pay for the operational costs of any program for which they are responsible.

503.10 Sec. 19. **APPROPRIATION ENACTED MORE THAN ONCE.**

503.11 If an appropriation in this act is enacted more than once in the 2021 legislative session,  
503.12 the appropriation must be given effect only once.

503.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

503.14 Sec. 20. **EXPIRATION OF UNCODIFIED LANGUAGE.**

503.15 All uncodified language contained in this article expires on June 30, 2023, unless a  
503.16 different expiration date is explicit.

503.17 Sec. 21. **REPEALER.**

503.18 Minnesota Statutes 2020, section 16A.724, subdivision 2, is repealed effective June 30,  
503.19 2025.

503.20 Sec. 22. **EFFECTIVE DATE.**

503.21 This article is effective July 1, 2021, unless a different effective date is specified.

**16A.724 HEALTH CARE ACCESS FUND.**

Subd. 2. **Transfers.** (a) Notwithstanding section 295.581, to the extent available resources in the health care access fund exceed expenditures in that fund, effective for the biennium beginning July 1, 2007, the commissioner of management and budget shall transfer the excess funds from the health care access fund to the general fund on June 30 of each year, provided that the amount transferred in fiscal year 2016 shall not exceed \$48,000,000, the amount in fiscal year 2017 shall not exceed \$122,000,000, and the amount in any fiscal biennium thereafter shall not exceed \$244,000,000. The purpose of this transfer is to meet the rate increase required under section 256B.04, subdivision 25.

(b) For fiscal years 2006 to 2011, MinnesotaCare shall be a forecasted program, and, if necessary, the commissioner shall reduce these transfers from the health care access fund to the general fund to meet annual MinnesotaCare expenditures or, if necessary, transfer sufficient funds from the general fund to the health care access fund to meet annual MinnesotaCare expenditures.

**245.462 DEFINITIONS.**

Subd. 4a. **Clinical supervision.** "Clinical supervision" means the oversight responsibility for individual treatment plans and individual mental health service delivery, including that provided by the case manager. Clinical supervision must be accomplished by full or part-time employment of or contracts with mental health professionals. Clinical supervision must be documented by the mental health professional cosigning individual treatment plans and by entries in the client's record regarding supervisory activities.

**245.4871 DEFINITIONS.**

Subd. 32a. **Responsible social services agency.** "Responsible social services agency" is defined in section 260C.007, subdivision 27a.

**245.4879 EMERGENCY SERVICES.**

Subd. 2. **Specific requirements.** (a) The county board shall require that all service providers of emergency services to the child with an emotional disturbance provide immediate direct access to a mental health professional during regular business hours. For evenings, weekends, and holidays, the service may be by direct toll-free telephone access to a mental health professional, a mental health practitioner, or until January 1, 1991, a designated person with training in human services who receives clinical supervision from a mental health professional.

(b) The commissioner may waive the requirement in paragraph (a) that the evening, weekend, and holiday service be provided by a mental health professional or mental health practitioner after January 1, 1991, if the county documents that:

- (1) mental health professionals or mental health practitioners are unavailable to provide this service;
- (2) services are provided by a designated person with training in human services who receives clinical supervision from a mental health professional; and
- (3) the service provider is not also the provider of fire and public safety emergency services.

(c) The commissioner may waive the requirement in paragraph (b), clause (3), that the evening, weekend, and holiday service not be provided by the provider of fire and public safety emergency services if:

- (1) every person who will be providing the first telephone contact has received at least eight hours of training on emergency mental health services reviewed by the state advisory council on mental health and then approved by the commissioner;
- (2) every person who will be providing the first telephone contact will annually receive at least four hours of continued training on emergency mental health services reviewed by the state advisory council on mental health and then approved by the commissioner;
- (3) the local social service agency has provided public education about available emergency mental health services and can assure potential users of emergency services that their calls will be handled appropriately;
- (4) the local social service agency agrees to provide the commissioner with accurate data on the number of emergency mental health service calls received;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(5) the local social service agency agrees to monitor the frequency and quality of emergency services; and

(6) the local social service agency describes how it will comply with paragraph (d).

(d) When emergency service during nonbusiness hours is provided by anyone other than a mental health professional, a mental health professional must be available on call for an emergency assessment and crisis intervention services, and must be available for at least telephone consultation within 30 minutes.

**245.62 COMMUNITY MENTAL HEALTH CENTER.**

Subd. 3. **Clinical supervisor.** All community mental health center services shall be provided under the clinical supervision of a licensed psychologist licensed under sections 148.88 to 148.98, or a physician who is board certified or eligible for board certification in psychiatry, and who is licensed under section 147.02.

Subd. 4. **Rules.** The commissioner shall promulgate rules to establish standards for the designation of an agency as a community mental health center. These standards shall include, but are not limited to:

(1) provision of mental health services in the prevention, identification, treatment and aftercare of emotional disorders, chronic and acute mental illness, developmental disabilities, and alcohol and drug abuse and dependency, including the services listed in section 245.61 except detoxification services;

(2) establishment of a community mental health center board pursuant to section 245.66; and

(3) approval pursuant to section 245.69, subdivision 2.

**245.69 ADDITIONAL DUTIES OF COMMISSIONER.**

Subd. 2. **Approval of centers and clinics.** The commissioner of human services has the authority to approve or disapprove public and private mental health centers and public and private mental health clinics for the purposes of section 62A.152, subdivision 2. For the purposes of this subdivision the commissioner shall promulgate rules in accordance with sections 14.001 to 14.69. The rules shall require each applicant to pay a fee to cover costs of processing applications and determining compliance with the rules and this subdivision. The commissioner may contract with any state agency, individual, corporation or association to which the commissioner shall delegate all but final approval and disapproval authority to determine compliance or noncompliance.

(a) Each approved mental health center and each approved mental health clinic shall have a multidisciplinary team of professional staff persons as required by rule. A mental health center or mental health clinic may provide the staffing required by rule by means of written contracts with professional persons or with other health care providers. Any personnel qualifications developed by rule shall be consistent with any personnel standards developed pursuant to chapter 214.

(b) Each approved mental health clinic and each approved mental health center shall establish a written treatment plan for each outpatient for whom services are reimbursable through insurance or public assistance. The treatment plan shall be developed in accordance with the rules and shall include a patient history, treatment goals, a statement of diagnosis and a treatment strategy. The clinic or center shall provide access to hospital admission as a bed patient as needed by any outpatient. The clinic or center shall ensure ongoing consultation among and availability of all members of the multidisciplinary team.

(c) As part of the required consultation, members of the multidisciplinary team shall meet at least twice monthly to conduct case reviews, peer consultations, treatment plan development and in-depth case discussion. Written minutes of these meetings shall be kept at the clinic or center for three years.

(d) Each approved center or clinic shall establish mechanisms for quality assurance and submit documentation concerning the mechanisms to the commissioner as required by rule, including:

(1) continuing education of each professional staff person;

(2) an ongoing internal utilization and peer review plan and procedures;

(3) mechanisms of staff supervision; and

(4) procedures for review by the commissioner or a delegate.

(e) The commissioner shall disapprove an applicant, or withdraw approval of a clinic or center, which the commissioner finds does not comply with the requirements of the rules or this subdivision. A clinic or center which is disapproved or whose approval is withdrawn is entitled to a contested case hearing and judicial review pursuant to sections 14.01 to 14.69.

(f) Data on individuals collected by approved clinics and centers, including written minutes of team meetings, is private data on individuals within the welfare system as provided in chapter 13.

(g) Each center or clinic that is approved and in compliance with the commissioner's existing rule on July 1, 1980, is approved for purposes of section 62A.152, subdivision 2, until rules are promulgated to implement this section.

#### **245.735 EXCELLENCE IN MENTAL HEALTH DEMONSTRATION PROJECT.**

Subdivision 1. **Excellence in Mental Health demonstration project.** The commissioner shall develop and execute projects to reform the mental health system by participating in the Excellence in Mental Health demonstration project.

Subd. 2. **Federal proposal.** The commissioner shall develop and submit to the United States Department of Health and Human Services a proposal for the Excellence in Mental Health demonstration project. The proposal shall include any necessary state plan amendments, waivers, requests for new funding, realignment of existing funding, and other authority necessary to implement the projects specified in subdivision 3.

Subd. 4. **Public participation.** In developing and implementing CCBHCs under subdivision 3, the commissioner shall consult, collaborate, and partner with stakeholders, including but not limited to mental health providers, substance use disorder treatment providers, advocacy organizations, licensed mental health professionals, counties, tribes, hospitals, other health care providers, and Minnesota public health care program enrollees who receive mental health services and their families.

#### **256B.0596 MENTAL HEALTH CASE MANAGEMENT.**

Counties shall contract with eligible providers willing to provide mental health case management services under section 256B.0625, subdivision 20. In order to be eligible, in addition to general provider requirements under this chapter, the provider must:

- (1) be willing to provide the mental health case management services; and
- (2) have a minimum of at least one contact with the client per week. This section is not intended to limit the ability of a county to provide its own mental health case management services.

#### **256B.0615 MENTAL HEALTH CERTIFIED PEER SPECIALIST.**

Subd. 2. **Establishment.** The commissioner of human services shall establish a certified peer specialist program model, which:

- (1) provides nonclinical peer support counseling by certified peer specialists;
- (2) provides a part of a wraparound continuum of services in conjunction with other community mental health services;
- (3) is individualized to the consumer; and
- (4) promotes socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, and maintenance of skills learned in other support services.

#### **256B.0616 MENTAL HEALTH CERTIFIED FAMILY PEER SPECIALIST.**

Subd. 2. **Establishment.** The commissioner of human services shall establish a certified family peer specialists program model which:

- (1) provides nonclinical family peer support counseling, building on the strengths of families and helping them achieve desired outcomes;
- (2) collaborates with others providing care or support to the family;
- (3) provides nonadversarial advocacy;
- (4) promotes the individual family culture in the treatment milieu;
- (5) links parents to other parents in the community;

- (6) offers support and encouragement;
- (7) assists parents in developing coping mechanisms and problem-solving skills;
- (8) promotes resiliency, self-advocacy, development of natural supports, and maintenance of skills learned in other support services;
- (9) establishes and provides peer-led parent support groups; and
- (10) increases the child's ability to function better within the child's home, school, and community by educating parents on community resources, assisting with problem solving, and educating parents on mental illnesses.

**256B.0622 ASSERTIVE COMMUNITY TREATMENT AND INTENSIVE RESIDENTIAL TREATMENT SERVICES.**

Subd. 3. **Eligibility for intensive residential treatment services.** An eligible client for intensive residential treatment services is an individual who:

- (1) is age 18 or older;
- (2) is eligible for medical assistance;
- (3) is diagnosed with a mental illness;
- (4) because of a mental illness, has substantial disability and functional impairment in three or more of the areas listed in section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced;
- (5) has one or more of the following: a history of recurring or prolonged inpatient hospitalizations in the past year, significant independent living instability, homelessness, or very frequent use of mental health and related services yielding poor outcomes; and
- (6) in the written opinion of a licensed mental health professional, has the need for mental health services that cannot be met with other available community-based services, or is likely to experience a mental health crisis or require a more restrictive setting if intensive rehabilitative mental health services are not provided.

Subd. 5a. **Standards for intensive residential rehabilitative mental health services.** (a) The standards in this subdivision apply to intensive residential mental health services.

(b) The provider of intensive residential treatment services must have sufficient staff to provide 24-hour-per-day coverage to deliver the rehabilitative services described in the treatment plan and to safely supervise and direct the activities of clients, given the client's level of behavioral and psychiatric stability, cultural needs, and vulnerability. The provider must have the capacity within the facility to provide integrated services for chemical dependency, illness management services, and family education, when appropriate.

- (c) At a minimum:
  - (1) staff must provide direction and supervision whenever clients are present in the facility;
  - (2) staff must remain awake during all work hours;
  - (3) there must be a staffing ratio of at least one to nine clients for each day and evening shift. If more than nine clients are present at the residential site, there must be a minimum of two staff during day and evening shifts, one of whom must be a mental health practitioner or mental health professional;
  - (4) if services are provided to clients who need the services of a medical professional, the provider shall ensure that these services are provided either by the provider's own medical staff or through referral to a medical professional; and

(5) the provider must ensure the timely availability of a licensed registered nurse, either directly employed or under contract, who is responsible for ensuring the effectiveness and safety of medication administration in the facility and assessing clients for medication side effects and drug interactions.

(d) Services must be provided by qualified staff as defined in section 256B.0623, subdivision 5, who are trained and supervised according to section 256B.0623, subdivision 6, except that mental health rehabilitation workers acting as overnight staff are not required to comply with section 256B.0623, subdivision 5, paragraph (a), clause (4), item (iv).

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(e) The clinical supervisor must be an active member of the intensive residential services treatment team. The team must meet with the clinical supervisor at least weekly to discuss clients' progress and make rapid adjustments to meet clients' needs. The team meeting shall include client-specific case reviews and general treatment discussions among team members. Client-specific case reviews and planning must be documented in the client's treatment record.

(f) Treatment staff must have prompt access in person or by telephone to a mental health practitioner or mental health professional. The provider must have the capacity to promptly and appropriately respond to emergent needs and make any necessary staffing adjustments to ensure the health and safety of clients.

(g) The initial functional assessment must be completed within ten days of intake and updated at least every 30 days, or prior to discharge from the service, whichever comes first.

(h) The initial individual treatment plan must be completed within 24 hours of admission. Within ten days of admission, the initial treatment plan must be refined and further developed, except for providers certified according to Minnesota Rules, parts 9533.0010 to 9533.0180. The individual treatment plan must be reviewed with the client and updated at least monthly.

**256B.0623 ADULT REHABILITATIVE MENTAL HEALTH SERVICES COVERED.**

Subd. 7. **Personnel file.** The adult rehabilitative mental health services provider entity must maintain a personnel file on each staff. Each file must contain:

- (1) an annual performance review;
- (2) a summary of on-site service observations and charting review;
- (3) a criminal background check of all direct service staff;
- (4) evidence of academic degree and qualifications;
- (5) a copy of professional license;
- (6) any job performance recognition and disciplinary actions;
- (7) any individual staff written input into own personnel file;
- (8) all clinical supervision provided; and
- (9) documentation of compliance with continuing education requirements.

Subd. 8. **Diagnostic assessment.** Providers of adult rehabilitative mental health services must complete a diagnostic assessment as defined in section 245.462, subdivision 9, within five days after the recipient's second visit or within 30 days after intake, whichever occurs first. In cases where a diagnostic assessment is available that reflects the recipient's current status, and has been completed within three years preceding admission, an adult diagnostic assessment update must be completed. An update shall include a face-to-face interview with the recipient and a written summary by a mental health professional of the recipient's current mental health status and service needs. If the recipient's mental health status has changed significantly since the adult's most recent diagnostic assessment, a new diagnostic assessment is required.

Subd. 10. **Individual treatment plan.** All providers of adult rehabilitative mental health services must develop and implement an individual treatment plan for each recipient. The provisions in clauses (1) and (2) apply:

(1) Individual treatment plan means a plan of intervention, treatment, and services for an individual recipient written by a mental health professional or by a mental health practitioner under the clinical supervision of a mental health professional. The individual treatment plan must be based on diagnostic and functional assessments. To the extent possible, the development and implementation of a treatment plan must be a collaborative process involving the recipient, and with the permission of the recipient, the recipient's family and others in the recipient's support system. Providers of adult rehabilitative mental health services must develop the individual treatment plan within 30 calendar days of intake. The treatment plan must be updated at least every six months thereafter, or more often when there is significant change in the recipient's situation or functioning, or in services or service methods to be used, or at the request of the recipient or the recipient's legal guardian.

- (2) The individual treatment plan must include:
  - (i) a list of problems identified in the assessment;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

- (ii) the recipient's strengths and resources;
- (iii) concrete, measurable goals to be achieved, including time frames for achievement;
- (iv) specific objectives directed toward the achievement of each one of the goals;

(v) documentation of participants in the treatment planning. The recipient, if possible, must be a participant. The recipient or the recipient's legal guardian must sign the treatment plan, or documentation must be provided why this was not possible. A copy of the plan must be given to the recipient or legal guardian. Referral to formal services must be arranged, including specific providers where applicable;

- (vi) cultural considerations, resources, and needs of the recipient must be included;
- (vii) planned frequency and type of services must be initiated; and
- (viii) clear progress notes on outcome of goals.

(3) The individual community support plan defined in section 245.462, subdivision 12, may serve as the individual treatment plan if there is involvement of a mental health case manager, and with the approval of the recipient. The individual community support plan must include the criteria in clause (2).

Subd. 11. **Recipient file.** Providers of adult rehabilitative mental health services must maintain a file for each recipient that contains the following information:

(1) diagnostic assessment or verification of its location that is current and that was reviewed by a mental health professional who is employed by or under contract with the provider entity;

(2) functional assessments;

(3) individual treatment plans signed by the recipient and the mental health professional, or if the recipient refused to sign the plan, the date and reason stated by the recipient as to why the recipient would not sign the plan;

(4) recipient history;

(5) signed release forms;

(6) recipient health information and current medications;

(7) emergency contacts for the recipient;

(8) case records which document the date of service, the place of service delivery, signature of the person providing the service, nature, extent and units of service, and place of service delivery;

(9) contacts, direct or by telephone, with recipient's family or others, other providers, or other resources for service coordination;

(10) summary of recipient case reviews by staff; and

(11) written information by the recipient that the recipient requests be included in the file.

**256B.0625 COVERED SERVICES.**

Subd. 51. **Intensive mental health outpatient treatment.** Medical assistance covers intensive mental health outpatient treatment for dialectical behavioral therapy. The commissioner shall establish:

(1) certification procedures to ensure that providers of these services are qualified; and

(2) treatment protocols including required service components and criteria for admission, continued treatment, and discharge.

Subd. 35a. **Children's mental health crisis response services.** Medical assistance covers children's mental health crisis response services according to section 256B.0944.

Subd. 35b. **Children's therapeutic services and supports.** Medical assistance covers children's therapeutic services and supports according to section 256B.0943.

Subd. 61. **Family psychoeducation services.** Effective July 1, 2013, or upon federal approval, whichever is later, medical assistance covers family psychoeducation services provided to a child up to age 21 with a diagnosed mental health condition when identified in the child's individual treatment plan and provided by a licensed mental health professional, as defined in Minnesota

APPENDIX  
Repealed Minnesota Statutes: H2127-1

Rules, part 9505.0371, subpart 5, item A, or a clinical trainee, as defined in Minnesota Rules, part 9505.0371, subpart 5, item C, who has determined it medically necessary to involve family members in the child's care. For the purposes of this subdivision, "family psychoeducation services" means information or demonstration provided to an individual or family as part of an individual, family, multifamily group, or peer group session to explain, educate, and support the child and family in understanding a child's symptoms of mental illness, the impact on the child's development, and needed components of treatment and skill development so that the individual, family, or group can help the child to prevent relapse, prevent the acquisition of comorbid disorders, and achieve optimal mental health and long-term resilience.

Subd. 62. **Mental health clinical care consultation.** Effective July 1, 2013, or upon federal approval, whichever is later, medical assistance covers clinical care consultation for a person up to age 21 who is diagnosed with a complex mental health condition or a mental health condition that co-occurs with other complex and chronic conditions, when described in the person's individual treatment plan and provided by a licensed mental health professional, as defined in Minnesota Rules, part 9505.0371, subpart 5, item A, or a clinical trainee, as defined in Minnesota Rules, part 9505.0371, subpart 5, item C. For the purposes of this subdivision, "clinical care consultation" means communication from a treating mental health professional to other providers or educators not under the clinical supervision of the treating mental health professional who are working with the same client to inform, inquire, and instruct regarding the client's symptoms; strategies for effective engagement, care, and intervention needs; and treatment expectations across service settings; and to direct and coordinate clinical service components provided to the client and family.

Subd. 65. **Outpatient mental health services.** Medical assistance covers diagnostic assessment, explanation of findings, and psychotherapy according to Minnesota Rules, part 9505.0372, when the mental health services are performed by a mental health practitioner working as a clinical trainee according to section 245.462, subdivision 17, paragraph (g).

**256B.0916 EXPANSION OF HOME AND COMMUNITY-BASED SERVICES.**

Subd. 2. **Distribution of funds; partnerships.** (a) Beginning with fiscal year 2000, the commissioner shall distribute all funding available for home and community-based waiver services for persons with developmental disabilities to individual counties or to groups of counties that form partnerships to jointly plan, administer, and authorize funding for eligible individuals. The commissioner shall encourage counties to form partnerships that have a sufficient number of recipients and funding to adequately manage the risk and maximize use of available resources.

(b) Counties must submit a request for funds and a plan for administering the program as required by the commissioner. The plan must identify the number of clients to be served, their ages, and their priority listing based on:

- (1) requirements in Minnesota Rules, part 9525.1880; and
- (2) statewide priorities identified in section 256B.092, subdivision 12.

The plan must also identify changes made to improve services to eligible persons and to improve program management.

(c) In allocating resources to counties, priority must be given to groups of counties that form partnerships to jointly plan, administer, and authorize funding for eligible individuals and to counties determined by the commissioner to have sufficient waiver capacity to maximize resource use.

(d) Within 30 days after receiving the county request for funds and plans, the commissioner shall provide a written response to the plan that includes the level of resources available to serve additional persons.

(e) Counties are eligible to receive medical assistance administrative reimbursement for administrative costs under criteria established by the commissioner.

(f) The commissioner shall manage waiver allocations in such a manner as to fully use available state and federal waiver appropriations.

Subd. 3. **Failure to develop partnerships or submit a plan.** (a) By October 1 of each year the commissioner shall notify the county board if any county determined by the commissioner to have insufficient capacity to maximize use of available resources fails to develop a partnership with other counties or fails to submit a plan as required in subdivision 2. The commissioner shall provide needed technical assistance to a county or group of counties that fails to form a partnership or submit a plan. If a county has not joined a county partnership or submitted a plan within 30 days following the notice by the commissioner of its failure, the commissioner shall require and assist that county

APPENDIX  
Repealed Minnesota Statutes: H2127-1

to develop a plan or contract with another county or group of counties to plan and administer the waiver services program in that county.

(b) Counties may request technical assistance, management information, and administrative support from the commissioner at any time. The commissioner shall respond to county requests within 30 days. Priority shall be given to activities that support the administrative needs of newly formed county partnerships.

Subd. 4. **Allowed reserve.** Counties or groups of counties participating in partnerships that have submitted a plan under this section may develop an allowed reserve amount to meet crises and other unmet needs of current home and community-based waiver recipients. The amount of the allowed reserve shall be a county specific amount based upon documented past experience and projected need for the coming year described in an allowed reserve plan submitted for approval to the commissioner with the allocation request for the fiscal year.

Subd. 5. **Allocation of new diversions and priorities for reassignment of resources for developmental disabilities.** (a) The commissioner shall monitor county utilization of allocated resources and, as appropriate, reassign resources not utilized.

(b) Effective July 1, 2002, the commissioner shall authorize the spending of new diversion resources beginning January 1 of each year.

(c) Effective July 1, 2002, the commissioner shall manage the reassignment of waiver resources that occur from persons who have left the waiver in a manner that results in the cost reduction equivalent to delaying the reuse of those waiver resources by 180 days.

(d) Priority consideration for reassignment of resources shall be given to counties that form partnerships. In addition to the priorities listed in Minnesota Rules, part 9525.1880, the commissioner shall also give priority consideration to persons whose living situations are unstable due to the age or incapacity of the primary caregiver and to children to avoid out-of-home placement.

Subd. 8. **Financial and wait-list data reporting.** (a) The commissioner shall make available financial and waiting list information on the department's website.

(b) The financial information must include:

(1) the most recent end of session forecast available for the disability home and community-based waiver programs authorized under sections 256B.092 and 256B.49; and

(2) the most current financial information, updated at least monthly for the disability home and community-based waiver program authorized under section 256B.092 and three disability home and community-based waiver programs authorized under section 256B.49 for each county and tribal agency, including:

(i) the amount of resources allocated;

(ii) the amount of resources authorized for participants; and

(iii) the amount of allocated resources not authorized and the amount not used as provided in subdivision 12, and section 256B.49, subdivision 27.

(c) The waiting list information must be provided quarterly beginning August 1, 2016, and must include at least:

(1) the number of persons screened and waiting for services listed by urgency category, the number of months on the wait list, age group, and the type of services requested by those waiting;

(2) the number of persons beginning waiver services who were on the waiting list, and the number of persons beginning waiver services who were not on the waiting list;

(3) the number of persons who left the waiting list but did not begin waiver services; and

(4) the number of persons on the waiting list with approved funding but without a waiver service agreement and the number of days from funding approval until a service agreement is effective for each person.

(d) By December 1 of each year, the commissioner shall compile a report posted on the department's website that includes:

(1) the financial information listed in paragraph (b) for the most recently completed allocation period;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(2) for the previous four quarters, the waiting list information listed in paragraph (c);

(3) for a 12-month period ending October 31, a list of county and tribal agencies required to submit a corrective action plan under subdivisions 11 and 12, and section 256B.49, subdivisions 26 and 27; and

(4) for a 12-month period ending October 31, a list of the county and tribal agencies from which resources were moved as authorized in section 256B.092, subdivision 12, and section 256B.49, subdivision 11a, the amount of resources taken from each agency, the counties that were given increased resources as a result, and the amounts provided.

**Subd. 11. Excess spending.** County and tribal agencies are responsible for spending in excess of the allocation made by the commissioner. In the event a county or tribal agency spends in excess of the allocation made by the commissioner for a given allocation period, they must submit a corrective action plan to the commissioner for approval. The plan must state the actions the agency will take to correct their overspending for the two years following the period when the overspending occurred. The commissioner shall recoup spending in excess of the allocation only in cases where statewide spending exceeds the appropriation designated for the home and community-based services waivers. Nothing in this subdivision shall be construed as reducing the county's responsibility to offer and make available feasible home and community-based options to eligible waiver recipients within the resources allocated to them for that purpose.

**Subd. 12. Use of waiver allocations.** County and tribal agencies are responsible for spending the annual allocation made by the commissioner. In the event a county or tribal agency spends less than 97 percent of the allocation, while maintaining a list of persons waiting for waiver services, the county or tribal agency must submit a corrective action plan to the commissioner for approval. The commissioner may determine a plan is unnecessary given the size of the allocation and capacity for new enrollment. The plan must state the actions the agency will take to assure reasonable and timely access to home and community-based waiver services for persons waiting for services. If a county or tribe does not submit a plan when required or implement the changes required, the commissioner shall assure access to waiver services within the county's or tribe's available allocation and take other actions needed to assure that all waiver participants in that county or tribe are receiving appropriate waiver services to meet their needs.

**256B.0943 CHILDREN'S THERAPEUTIC SERVICES AND SUPPORTS.**

**Subd. 8. Required preservice and continuing education.** (a) A provider entity shall establish a plan to provide preservice and continuing education for staff. The plan must clearly describe the type of training necessary to maintain current skills and obtain new skills and that relates to the provider entity's goals and objectives for services offered.

(b) A provider that employs a mental health behavioral aide under this section must require the mental health behavioral aide to complete 30 hours of preservice training. The preservice training must include parent team training. The preservice training must include 15 hours of in-person training of a mental health behavioral aide in mental health services delivery and eight hours of parent team training. Curricula for parent team training must be approved in advance by the commissioner. Components of parent team training include:

(1) partnering with parents;

(2) fundamentals of family support;

(3) fundamentals of policy and decision making;

(4) defining equal partnership;

(5) complexities of the parent and service provider partnership in multiple service delivery systems due to system strengths and weaknesses;

(6) sibling impacts;

(7) support networks; and

(8) community resources.

(c) A provider entity that employs a mental health practitioner and a mental health behavioral aide to provide children's therapeutic services and supports under this section must require the mental health practitioner and mental health behavioral aide to complete 20 hours of continuing education every two calendar years. The continuing education must be related to serving the needs of a child with emotional disturbance in the child's home environment and the child's family.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(d) The provider entity must document the mental health practitioner's or mental health behavioral aide's annual completion of the required continuing education. The documentation must include the date, subject, and number of hours of the continuing education, and attendance records, as verified by the staff member's signature, job title, and the instructor's name. The provider entity must keep documentation for each employee, including records of attendance at professional workshops and conferences, at a central location and in the employee's personnel file.

Subd. 10. **Service authorization.** Children's therapeutic services and supports are subject to authorization criteria and standards published by the commissioner according to section 256B.0625, subdivision 25.

**256B.0944 CHILDREN'S MENTAL HEALTH CRISIS RESPONSE SERVICES.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Mental health crisis" means a child's behavioral, emotional, or psychiatric situation that, but for the provision of crisis response services to the child, would likely result in significantly reduced levels of functioning in primary activities of daily living, an emergency situation, or the child's placement in a more restrictive setting, including, but not limited to, inpatient hospitalization.

(b) "Mental health emergency" means a child's behavioral, emotional, or psychiatric situation that causes an immediate need for mental health services and is consistent with section 62Q.55. A physician, mental health professional, or crisis mental health practitioner determines a mental health crisis or emergency for medical assistance reimbursement with input from the client and the client's family, if possible.

(c) "Mental health crisis assessment" means an immediate face-to-face assessment by a physician, mental health professional, or mental health practitioner under the clinical supervision of a mental health professional, following a screening that suggests the child may be experiencing a mental health crisis or mental health emergency situation.

(d) "Mental health mobile crisis intervention services" means face-to-face, short-term intensive mental health services initiated during a mental health crisis or mental health emergency. Mental health mobile crisis services must help the recipient cope with immediate stressors, identify and utilize available resources and strengths, and begin to return to the recipient's baseline level of functioning. Mental health mobile services must be provided on site by a mobile crisis intervention team outside of an inpatient hospital setting.

(e) "Mental health crisis stabilization services" means individualized mental health services provided to a recipient following crisis intervention services that are designed to restore the recipient to the recipient's prior functional level. The individual treatment plan recommending mental health crisis stabilization must be completed by the intervention team or by staff after an inpatient or urgent care visit. Mental health crisis stabilization services may be provided in the recipient's home, the home of a family member or friend of the recipient, schools, another community setting, or a short-term supervised, licensed residential program if the service is not included in the facility's cost pool or per diem. Mental health crisis stabilization is not reimbursable when provided as part of a partial hospitalization or day treatment program.

Subd. 2. **Medical assistance coverage.** Medical assistance covers medically necessary children's mental health crisis response services, subject to federal approval, if provided to an eligible recipient under subdivision 3, by a qualified provider entity under subdivision 4 or a qualified individual provider working within the provider's scope of practice, and identified in the recipient's individual crisis treatment plan under subdivision 8.

Subd. 3. **Eligibility.** An eligible recipient is an individual who:

- (1) is eligible for medical assistance;
- (2) is under age 18 or between the ages of 18 and 21;
- (3) is screened as possibly experiencing a mental health crisis or mental health emergency where a mental health crisis assessment is needed;
- (4) is assessed as experiencing a mental health crisis or mental health emergency, and mental health mobile crisis intervention or mental health crisis stabilization services are determined to be medically necessary; and
- (5) meets the criteria for emotional disturbance or mental illness.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

Subd. 4. **Provider entity standards.** (a) A crisis intervention and crisis stabilization provider entity must meet the administrative and clinical standards specified in section 256B.0943, subdivisions 5 and 6, meet the standards listed in paragraph (b), and be:

(1) an Indian health service facility or facility owned and operated by a tribe or a tribal organization operating under Public Law 93-638 as a 638 facility;

(2) a county board-operated entity; or

(3) a provider entity that is under contract with the county board in the county where the potential crisis or emergency is occurring.

(b) The children's mental health crisis response services provider entity must:

(1) ensure that mental health crisis assessment and mobile crisis intervention services are available 24 hours a day, seven days a week;

(2) directly provide the services or, if services are subcontracted, the provider entity must maintain clinical responsibility for services and billing;

(3) ensure that crisis intervention services are provided in a manner consistent with sections 245.487 to 245.4889; and

(4) develop and maintain written policies and procedures regarding service provision that include safety of staff and recipients in high-risk situations.

Subd. 4a. **Alternative provider standards.** If a provider entity demonstrates that, due to geographic or other barriers, it is not feasible to provide mobile crisis intervention services 24 hours a day, seven days a week, according to the standards in subdivision 4, paragraph (b), clause (1), the commissioner may approve a crisis response provider based on an alternative plan proposed by a provider entity. The alternative plan must:

(1) result in increased access and a reduction in disparities in the availability of crisis services; and

(2) provide mobile services outside of the usual nine-to-five office hours and on weekends and holidays.

Subd. 5. **Mobile crisis intervention staff qualifications.** (a) To provide children's mental health mobile crisis intervention services, a mobile crisis intervention team must include:

(1) at least two mental health professionals as defined in section 256B.0943, subdivision 1, paragraph (o); or

(2) a combination of at least one mental health professional and one mental health practitioner as defined in section 245.4871, subdivision 26, with the required mental health crisis training and under the clinical supervision of a mental health professional on the team.

(b) The team must have at least two people with at least one member providing on-site crisis intervention services when needed. Team members must be experienced in mental health assessment, crisis intervention techniques, and clinical decision making under emergency conditions and have knowledge of local services and resources. The team must recommend and coordinate the team's services with appropriate local resources, including the county social services agency, mental health service providers, and local law enforcement, if necessary.

Subd. 6. **Initial screening and crisis assessment planning.** (a) Before initiating mobile crisis intervention services, a screening of the potential crisis situation must be conducted. The screening may use the resources of crisis assistance and emergency services as defined in sections 245.4871, subdivision 14, and 245.4879, subdivisions 1 and 2. The screening must gather information, determine whether a crisis situation exists, identify the parties involved, and determine an appropriate response.

(b) If a crisis exists, a crisis assessment must be completed. A crisis assessment must evaluate any immediate needs for which emergency services are needed and, as time permits, the recipient's current life situation, sources of stress, mental health problems and symptoms, strengths, cultural considerations, support network, vulnerabilities, and current functioning.

(c) If the crisis assessment determines mobile crisis intervention services are needed, the intervention services must be provided promptly. As the opportunity presents itself during the intervention, at least two members of the mobile crisis intervention team must confer directly or by telephone about the assessment, treatment plan, and actions taken and needed. At least one of

APPENDIX  
Repealed Minnesota Statutes: H2127-1

the team members must be on site providing crisis intervention services. If providing on-site crisis intervention services, a mental health practitioner must seek clinical supervision as required under subdivision 9.

(d) The mobile crisis intervention team must develop an initial, brief crisis treatment plan as soon as appropriate but no later than 24 hours after the initial face-to-face intervention. The plan must address the needs and problems noted in the crisis assessment and include measurable short-term goals, cultural considerations, and frequency and type of services to be provided to achieve the goals and reduce or eliminate the crisis. The crisis treatment plan must be updated as needed to reflect current goals and services. The team must involve the client and the client's family in developing and implementing the plan.

(e) The team must document in progress notes which short-term goals have been met and when no further crisis intervention services are required.

(f) If the client's crisis is stabilized, but the client needs a referral for mental health crisis stabilization services or to other services, the team must provide a referral to these services. If the recipient has a case manager, planning for other services must be coordinated with the case manager.

**Subd. 7. Crisis stabilization services.** Crisis stabilization services must be provided by a mental health professional or a mental health practitioner, as defined in section 245.462, subdivision 17, who works under the clinical supervision of a mental health professional and for a crisis stabilization services provider entity and must meet the following standards:

(1) a crisis stabilization treatment plan must be developed which meets the criteria in subdivision 8;

(2) services must be delivered according to the treatment plan and include face-to-face contact with the recipient by qualified staff for further assessment, help with referrals, updating the crisis stabilization treatment plan, supportive counseling, skills training, and collaboration with other service providers in the community; and

(3) mental health practitioners must have completed at least 30 hours of training in crisis intervention and stabilization during the past two years.

**Subd. 8. Treatment plan.** (a) The individual crisis stabilization treatment plan must include, at a minimum:

(1) a list of problems identified in the assessment;

(2) a list of the recipient's strengths and resources;

(3) concrete, measurable short-term goals and tasks to be achieved, including time frames for achievement of the goals;

(4) specific objectives directed toward the achievement of each goal;

(5) documentation of the participants involved in the service planning;

(6) planned frequency and type of services initiated;

(7) a crisis response action plan if a crisis should occur; and

(8) clear progress notes on the outcome of goals.

(b) The client, if clinically appropriate, must be a participant in the development of the crisis stabilization treatment plan. The client or the client's legal guardian must sign the service plan or documentation must be provided why this was not possible. A copy of the plan must be given to the client and the client's legal guardian. The plan should include services arranged, including specific providers where applicable.

(c) A treatment plan must be developed by a mental health professional or mental health practitioner under the clinical supervision of a mental health professional. A written plan must be completed within 24 hours of beginning services with the client.

**Subd. 9. Supervision.** (a) A mental health practitioner may provide crisis assessment and mobile crisis intervention services if the following clinical supervision requirements are met:

(1) the mental health provider entity must accept full responsibility for the services provided;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(2) the mental health professional of the provider entity, who is an employee or under contract with the provider entity, must be immediately available by telephone or in person for clinical supervision;

(3) the mental health professional is consulted, in person or by telephone, during the first three hours when a mental health practitioner provides on-site service; and

(4) the mental health professional must review and approve the tentative crisis assessment and crisis treatment plan, document the consultation, and sign the crisis assessment and treatment plan within the next business day.

(b) If the mobile crisis intervention services continue into a second calendar day, a mental health professional must contact the client face-to-face on the second day to provide services and update the crisis treatment plan. The on-site observation must be documented in the client's record and signed by the mental health professional.

**Subd. 10. Client record.** The provider must maintain a file for each client that complies with the requirements under section 256B.0943, subdivision 11, and contains the following information:

(1) individual crisis treatment plans signed by the recipient, mental health professional, and mental health practitioner who developed the crisis treatment plan, or if the recipient refused to sign the plan, the date and reason stated by the recipient for not signing the plan;

(2) signed release of information forms;

(3) recipient health information and current medications;

(4) emergency contacts for the recipient;

(5) case records that document the date of service, place of service delivery, signature of the person providing the service, and the nature, extent, and units of service. Direct or telephone contact with the recipient's family or others should be documented;

(6) required clinical supervision by mental health professionals;

(7) summary of the recipient's case reviews by staff; and

(8) any written information by the recipient that the recipient wants in the file.

**Subd. 11. Excluded services.** The following services are excluded from reimbursement under this section:

(1) room and board services;

(2) services delivered to a recipient while admitted to an inpatient hospital;

(3) transportation services under children's mental health crisis response service;

(4) services provided and billed by a provider who is not enrolled under medical assistance to provide children's mental health crisis response services;

(5) crisis response services provided by a residential treatment center to clients in their facility;

(6) services performed by volunteers;

(7) direct billing of time spent "on call" when not delivering services to a recipient;

(8) provider service time included in case management reimbursement;

(9) outreach services to potential recipients; and

(10) a mental health service that is not medically necessary.

**256B.0946 INTENSIVE TREATMENT IN FOSTER CARE.**

**Subd. 5. Service authorization.** The commissioner will administer authorizations for services under this section in compliance with section 256B.0625, subdivision 25.

**256B.097 STATE QUALITY ASSURANCE, QUALITY IMPROVEMENT, AND LICENSING SYSTEM.**

**Subdivision 1. Scope.** (a) In order to improve the quality of services provided to Minnesotans with disabilities and to meet the requirements of the federally approved home and community-based waivers under section 1915c of the Social Security Act, a State Quality Assurance, Quality

APPENDIX  
Repealed Minnesota Statutes: H2127-1

Improvement, and Licensing System for Minnesotans receiving disability services is enacted. This system is a partnership between the Department of Human Services and the State Quality Council established under subdivision 3.

(b) This system is a result of the recommendations from the Department of Human Services' licensing and alternative quality assurance study mandated under Laws 2005, First Special Session chapter 4, article 7, section 57, and presented to the legislature in February 2007.

(c) The disability services eligible under this section include:

(1) the home and community-based services waiver programs for persons with developmental disabilities under section 256B.092, subdivision 4, or section 256B.49, including brain injuries and services for those who qualify for nursing facility level of care or hospital facility level of care and any other services licensed under chapter 245D;

(2) home care services under section 256B.0651;

(3) family support grants under section 252.32;

(4) consumer support grants under section 256.476;

(5) semi-independent living services under section 252.275; and

(6) services provided through an intermediate care facility for the developmentally disabled.

(d) For purposes of this section, the following definitions apply:

(1) "commissioner" means the commissioner of human services;

(2) "council" means the State Quality Council under subdivision 3;

(3) "Quality Assurance Commission" means the commission under section 256B.0951; and

(4) "system" means the State Quality Assurance, Quality Improvement and Licensing System under this section.

**Subd. 2. Duties of commissioner of human services.** (a) The commissioner of human services shall establish the State Quality Council under subdivision 3.

(b) The commissioner shall initially delegate authority to perform licensing functions and activities according to section 245A.16 to a host county in Region 10. The commissioner must not license or reimburse a participating facility, program, or service located in Region 10 if the commissioner has received notification from the host county that the facility, program, or service has failed to qualify for licensure.

(c) The commissioner may conduct random licensing inspections based on outcomes adopted under section 256B.0951, subdivision 3, at facilities or programs, and of services eligible under this section. The role of the random inspections is to verify that the system protects the safety and well-being of persons served and maintains the availability of high-quality services for persons with disabilities.

(d) The commissioner shall ensure that the federal home and community-based waiver requirements are met and that incidents that may have jeopardized safety and health or violated services-related assurances, civil and human rights, and other protections designed to prevent abuse, neglect, and exploitation, are reviewed, investigated, and acted upon in a timely manner.

(e) The commissioner shall seek a federal waiver by July 1, 2012, to allow intermediate care facilities for persons with developmental disabilities to participate in this system.

**Subd. 3. State Quality Council.** (a) There is hereby created a State Quality Council which must define regional quality councils, and carry out a community-based, person-directed quality review component, and a comprehensive system for effective incident reporting, investigation, analysis, and follow-up.

(b) By August 1, 2011, the commissioner of human services shall appoint the members of the initial State Quality Council. Members shall include representatives from the following groups:

(1) disability service recipients and their family members;

(2) during the first four years of the State Quality Council, there must be at least three members from the Region 10 stakeholders. As regional quality councils are formed under subdivision 4, each regional quality council shall appoint one member;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(3) disability service providers;

(4) disability advocacy groups; and

(5) county human services agencies and staff from the Department of Human Services and Ombudsman for Mental Health and Developmental Disabilities.

(c) Members of the council who do not receive a salary or wages from an employer for time spent on council duties may receive a per diem payment when performing council duties and functions.

(d) The State Quality Council shall:

(1) assist the Department of Human Services in fulfilling federally mandated obligations by monitoring disability service quality and quality assurance and improvement practices in Minnesota;

(2) establish state quality improvement priorities with methods for achieving results and provide an annual report to the legislative committees with jurisdiction over policy and funding of disability services on the outcomes, improvement priorities, and activities undertaken by the commission during the previous state fiscal year;

(3) identify issues pertaining to financial and personal risk that impede Minnesotans with disabilities from optimizing choice of community-based services; and

(4) recommend to the chairs and ranking minority members of the legislative committees with jurisdiction over human services and civil law by January 15, 2014, statutory and rule changes related to the findings under clause (3) that promote individualized service and housing choices balanced with appropriate individualized protection.

(e) The State Quality Council, in partnership with the commissioner, shall:

(1) approve and direct implementation of the community-based, person-directed system established in this section;

(2) recommend an appropriate method of funding this system, and determine the feasibility of the use of Medicaid, licensing fees, as well as other possible funding options;

(3) approve measurable outcomes in the areas of health and safety, consumer evaluation, education and training, providers, and systems;

(4) establish variable licensure periods not to exceed three years based on outcomes achieved; and

(5) in cooperation with the Quality Assurance Commission, design a transition plan for licensed providers from Region 10 into the alternative licensing system.

(f) The State Quality Council shall notify the commissioner of human services that a facility, program, or service has been reviewed by quality assurance team members under subdivision 4, paragraph (b), clause (13), and qualifies for a license.

(g) The State Quality Council, in partnership with the commissioner, shall establish an ongoing review process for the system. The review shall take into account the comprehensive nature of the system which is designed to evaluate the broad spectrum of licensed and unlicensed entities that provide services to persons with disabilities. The review shall address efficiencies and effectiveness of the system.

(h) The State Quality Council may recommend to the commissioner certain variances from the standards governing licensure of programs for persons with disabilities in order to improve the quality of services so long as the recommended variances do not adversely affect the health or safety of persons being served or compromise the qualifications of staff to provide services.

(i) The safety standards, rights, or procedural protections referenced under subdivision 2, paragraph (c), shall not be varied. The State Quality Council may make recommendations to the commissioner or to the legislature in the report required under paragraph (c) regarding alternatives or modifications to the safety standards, rights, or procedural protections referenced under subdivision 2, paragraph (c).

(j) The State Quality Council may hire staff to perform the duties assigned in this subdivision.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as selected by the State Quality Council, regional quality councils of key stakeholders, including regional representatives of:

(1) disability service recipients and their family members;

(2) disability service providers;

(3) disability advocacy groups; and

(4) county human services agencies and staff from the Department of Human Services and Ombudsman for Mental Health and Developmental Disabilities.

(b) Each regional quality council shall:

(1) direct and monitor the community-based, person-directed quality assurance system in this section;

(2) approve a training program for quality assurance team members under clause (13);

(3) review summary reports from quality assurance team reviews and make recommendations to the State Quality Council regarding program licensure;

(4) make recommendations to the State Quality Council regarding the system;

(5) resolve complaints between the quality assurance teams, counties, providers, persons receiving services, their families, and legal representatives;

(6) analyze and review quality outcomes and critical incident data reporting incidents of life safety concerns immediately to the Department of Human Services licensing division;

(7) provide information and training programs for persons with disabilities and their families and legal representatives on service options and quality expectations;

(8) disseminate information and resources developed to other regional quality councils;

(9) respond to state-level priorities;

(10) establish regional priorities for quality improvement;

(11) submit an annual report to the State Quality Council on the status, outcomes, improvement priorities, and activities in the region;

(12) choose a representative to participate on the State Quality Council and assume other responsibilities consistent with the priorities of the State Quality Council; and

(13) recruit, train, and assign duties to members of quality assurance teams, taking into account the size of the service provider, the number of services to be reviewed, the skills necessary for the team members to complete the process, and ensure that no team member has a financial, personal, or family relationship with the facility, program, or service being reviewed or with anyone served at the facility, program, or service. Quality assurance teams must be comprised of county staff, persons receiving services or the person's families, legal representatives, members of advocacy organizations, providers, and other involved community members. Team members must complete the training program approved by the regional quality council and must demonstrate performance-based competency. Team members may be paid a per diem and reimbursed for expenses related to their participation in the quality assurance process.

(c) The commissioner shall monitor the safety standards, rights, and procedural protections for the monitoring of psychotropic medications and those identified under sections 245.825; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b, clause (7); and 626.557; and chapter 260E.

(d) The regional quality councils may hire staff to perform the duties assigned in this subdivision.

(e) The regional quality councils may charge fees for their services.

(f) The quality assurance process undertaken by a regional quality council consists of an evaluation by a quality assurance team of the facility, program, or service. The process must include an evaluation of a random sample of persons served. The sample must be representative of each service provided. The sample size must be at least five percent but not less than two persons served. All persons must be given the opportunity to be included in the quality assurance process in addition to those chosen for the random sample.

(g) A facility, program, or service may contest a licensing decision of the regional quality council as permitted under chapter 245A.

Subd. 5. **Annual survey of service recipients.** The commissioner, in consultation with the State Quality Council, shall conduct an annual independent statewide survey of service recipients, randomly selected, to determine the effectiveness and quality of disability services. The survey must be consistent with the system performance expectations of the Centers for Medicare and Medicaid Services (CMS) Quality Framework. The survey must analyze whether desired outcomes for persons with different demographic, diagnostic, health, and functional needs, who are receiving different types of services in different settings and with different costs, have been achieved. Annual statewide and regional reports of the results must be published and used to assist regions, counties, and providers to plan and measure the impact of quality improvement activities.

Subd. 6. **Mandated reporters.** Members of the State Quality Council under subdivision 3, the regional quality councils under subdivision 4, and quality assurance team members under subdivision 4, paragraph (b), clause (13), are mandated reporters as defined in sections 260E.06, subdivision 1, and 626.5572, subdivision 16.

#### **256B.49 HOME AND COMMUNITY-BASED SERVICE WAIVERS FOR PERSONS WITH DISABILITIES.**

Subd. 26. **Excess allocations.** Effective July 1, 2018, county and tribal agencies will be responsible for spending in excess of the annual allocation made by the commissioner. In the event a county or tribal agency spends in excess of the allocation made by the commissioner for a given allocation period, the county or tribal agency must submit a corrective action plan to the commissioner for approval. The plan must state the actions the agency will take to correct its overspending for the two years following the period when the overspending occurred. The commissioner shall recoup funds spent in excess of the allocation only in cases when statewide spending exceeds the appropriation designated for the home and community-based services waivers. Nothing in this subdivision shall be construed as reducing the county or tribe's responsibility to offer and make available feasible home and community-based options to eligible waiver recipients within the resources allocated to it for that purpose.

Subd. 27. **Use of waiver allocations.** (a) Effective until June 30, 2018, county and tribal agencies are responsible for authorizing the annual allocation made by the commissioner. In the event a county or tribal agency authorizes less than 97 percent of the allocation, while maintaining a list of persons waiting for waiver services, the county or tribal agency must submit a corrective action plan to the commissioner for approval. The commissioner may determine a plan is unnecessary given the size of the allocation and capacity for new enrollment. The plan must state the actions the agency will take to assure reasonable and timely access to home and community-based waiver services for persons waiting for services.

(b) Effective July 1, 2018, county and tribal agencies are responsible for spending the annual allocation made by the commissioner. In the event a county or tribal agency spends less than 97 percent of the allocation, while maintaining a list of persons waiting for waiver services, the county or tribal agency must submit a corrective action plan to the commissioner for approval. The commissioner may determine a plan is unnecessary given the size of the allocation and capacity for new enrollment. The plan must state the actions the agency will take to assure reasonable and timely access to home and community-based waiver services for persons waiting for services.

(c) If a county or tribe does not submit a plan when required or implement the changes required, the commissioner shall assure access to waiver services within the county or tribe's available allocation, and take other actions needed to assure that all waiver participants in that county or tribe are receiving appropriate waiver services to meet their needs.

#### **256D.051 SNAP EMPLOYMENT AND TRAINING PROGRAM.**

Subdivision 1. **SNAP employment and training program.** The commissioner shall implement a SNAP employment and training program in order to meet the SNAP employment and training participation requirements of the United States Department of Agriculture. Unless exempt under subdivision 3a, each adult recipient in the unit must participate in the SNAP employment and training program each month that the person is eligible for SNAP benefits. The person's participation in SNAP employment and training services must begin no later than the first day of the calendar month following the determination of eligibility for SNAP benefits. With the county agency's consent, and to the extent of available resources, the person may voluntarily continue to participate in SNAP employment and training services for up to three additional consecutive months immediately

APPENDIX  
Repealed Minnesota Statutes: H2127-1

following termination of SNAP benefits in order to complete the provisions of the person's employability development plan.

Subd. 1a. **Notices and sanctions.** (a) At the time the county agency notifies the household that it is eligible for SNAP benefits, the county agency must inform all mandatory employment and training services participants as identified in subdivision 1 in the household that they must comply with all SNAP employment and training program requirements each month, including the requirement to attend an initial orientation to the SNAP employment and training program and that SNAP eligibility will end unless the participants comply with the requirements specified in the notice.

(b) A participant who fails without good cause to comply with SNAP employment and training program requirements of this section, including attendance at orientation, will lose SNAP eligibility for the following periods:

(1) for the first occurrence, for one month or until the person complies with the requirements not previously complied with, whichever is longer;

(2) for the second occurrence, for three months or until the person complies with the requirements not previously complied with, whichever is longer; or

(3) for the third and any subsequent occurrence, for six months or until the person complies with the requirements not previously complied with, whichever is longer.

If the participant is not the SNAP head of household, the person shall be considered an ineligible household member for SNAP purposes. If the participant is the SNAP head of household, the entire household is ineligible for SNAP as provided in Code of Federal Regulations, title 7, section 273.7(g). "Good cause" means circumstances beyond the control of the participant, such as illness or injury, illness or injury of another household member requiring the participant's presence, a household emergency, or the inability to obtain child care for children between the ages of six and 12 or to obtain transportation needed in order for the participant to meet the SNAP employment and training program participation requirements.

(c) The county agency shall mail or hand deliver a notice to the participant not later than five days after determining that the participant has failed without good cause to comply with SNAP employment and training program requirements which specifies the requirements that were not complied with, the factual basis for the determination of noncompliance, and the right to reinstate eligibility upon a showing of good cause for failure to meet the requirements. The notice must ask the reason for the noncompliance and identify the participant's appeal rights. The notice must request that the participant inform the county agency if the participant believes that good cause existed for the failure to comply and must state that the county agency intends to terminate eligibility for SNAP benefits due to failure to comply with SNAP employment and training program requirements.

(d) If the county agency determines that the participant did not comply during the month with all SNAP employment and training program requirements that were in effect, and if the county agency determines that good cause was not present, the county must provide a ten-day notice of termination of SNAP benefits. The amount of SNAP benefits that are withheld from the household and determination of the impact of the sanction on other household members is governed by Code of Federal Regulations, title 7, section 273.7.

(e) The participant may appeal the termination of SNAP benefits under the provisions of section 256.045.

Subd. 2. **County agency duties.** (a) The county agency shall provide to SNAP benefit recipients a SNAP employment and training program. The program must include:

(1) orientation to the SNAP employment and training program;

(2) an individualized employability assessment and an individualized employability development plan that includes assessment of literacy, ability to communicate in the English language, educational and employment history, and that estimates the length of time it will take the participant to obtain employment. The employability assessment and development plan must be completed in consultation with the participant, must assess the participant's assets, barriers, and strengths, and must identify steps necessary to overcome barriers to employment. A copy of the employability development plan must be provided to the registrant;

(3) referral to available accredited remedial or skills training programs designed to address participant's barriers to employment;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(4) referral to available programs that provide subsidized or unsubsidized employment as necessary;

(5) a job search program, including job seeking skills training; and

(6) other activities, to the extent of available resources designed by the county agency to prepare the participant for permanent employment.

In order to allow time for job search, the county agency may not require an individual to participate in the SNAP employment and training program for more than 32 hours a week. The county agency shall require an individual to spend at least eight hours a week in job search or other SNAP employment and training program activities.

(b) The county agency shall prepare an annual plan for the operation of its SNAP employment and training program. The plan must be submitted to and approved by the commissioner of employment and economic development. The plan must include:

(1) a description of the services to be offered by the county agency;

(2) a plan to coordinate the activities of all public entities providing employment-related services in order to avoid duplication of effort and to provide services more efficiently;

(3) a description of the factors that will be taken into account when determining a client's employability development plan; and

(4) provisions to ensure that the county agency's employment and training service provider provides each recipient with an orientation, employability assessment, and employability development plan as specified in paragraph (a), clauses (1) and (2), within 30 days of the recipient's eligibility for assistance.

Subd. 2a. **Duties of commissioner.** In addition to any other duties imposed by law, the commissioner shall:

(1) based on this section and section 256D.052 and Code of Federal Regulations, title 7, section 273.7, supervise the administration of SNAP employment and training services to county agencies;

(2) disburse money appropriated for SNAP employment and training services to county agencies based upon the county's costs as specified in section 256D.051, subdivision 6c;

(3) accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for SNAP employment and training services;

(4) cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under this section and section 256D.052; and

(5) in cooperation with the commissioner of employment and economic development, ensure that each component of an employment and training program carried out under this section is delivered through a statewide workforce development system, unless the component is not available locally through such a system.

Subd. 3. **Participant duties.** In order to receive SNAP assistance, a registrant shall: (1) cooperate with the county agency in all aspects of the SNAP employment and training program; (2) accept any suitable employment, including employment offered through the Job Training Partnership Act, and other employment and training options; and (3) participate in SNAP employment and training activities assigned by the county agency. The county agency may terminate assistance to a registrant who fails to cooperate in the SNAP employment and training program, as provided in subdivision 1a.

Subd. 3a. **Requirement to register work.** (a) To the extent required under Code of Federal Regulations, title 7, section 273.7(a), each applicant for and recipient of SNAP benefits is required to register for work as a condition of eligibility for SNAP benefits. Applicants and recipients are registered by signing an application or annual reapplication for SNAP benefits, and must be informed that they are registering for work by signing the form.

(b) The commissioner shall determine, within federal requirements, persons required to participate in the SNAP employment and training program.

(c) The following SNAP benefit recipients are exempt from mandatory participation in SNAP employment and training services:

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(1) recipients of benefits under the Minnesota family investment program, Minnesota supplemental aid program, or the general assistance program;

(2) a child;

(3) a recipient over age 55;

(4) a recipient who has a mental or physical illness, injury, or incapacity which is expected to continue for at least 30 days and which impairs the recipient's ability to obtain or retain employment as evidenced by professional certification or the receipt of temporary or permanent disability benefits issued by a private or government source;

(5) a parent or other household member responsible for the care of either a dependent child in the household who is under age six or a person in the household who is professionally certified as having a physical or mental illness, injury, or incapacity. Only one parent or other household member may claim exemption under this provision;

(6) a recipient receiving unemployment insurance or who has applied for unemployment insurance and has been required to register for work with the Department of Employment and Economic Development as part of the unemployment insurance application process;

(7) a recipient participating each week in a drug addiction or alcohol abuse treatment and rehabilitation program, provided the operators of the treatment and rehabilitation program, in consultation with the county agency, recommend that the recipient not participate in the SNAP employment and training program;

(8) a recipient employed or self-employed for 30 or more hours per week at employment paying at least minimum wage, or who earns wages from employment equal to or exceeding 30 hours multiplied by the federal minimum wage; or

(9) a student enrolled at least half time in any school, training program, or institution of higher education. When determining if a student meets this criteria, the school's, program's or institution's criteria for being enrolled half time shall be used.

Subd. 3b. **Orientation.** The county agency or its employment and training service provider must provide an orientation to SNAP employment and training services to each nonexempt SNAP benefit recipient within 30 days of the date that SNAP eligibility is determined. The orientation must inform the participant of the requirement to participate in services, the date, time, and address to report to for services, the name and telephone number of the SNAP employment and training service provider, the consequences for failure without good cause to comply, the services and support services available through SNAP employment and training services and other providers of similar services, and must encourage the participant to view the SNAP benefits program as a temporary means of supplementing the family's food needs until the family achieves self-sufficiency through employment. The orientation may be provided through audio-visual methods, but the participant must have the opportunity for face-to-face interaction with county agency staff.

Subd. 6b. **Federal reimbursement.** (a) Federal financial participation from the United States Department of Agriculture for SNAP employment and training expenditures that are eligible for reimbursement through the SNAP employment and training program are dedicated funds and are annually appropriated to the commissioner of human services for the operation of the SNAP employment and training program.

(b) The appropriation must be used for skill attainment through employment, training, and support services for SNAP participants.

(c) Federal financial participation for the nonstate portion of SNAP employment and training costs must be paid to the county agency or service provider that incurred the costs.

Subd. 6c. **Program funding.** Within the limits of available resources, the commissioner shall reimburse the actual costs of county agencies and their employment and training service providers for the provision of SNAP employment and training services, including participant support services, direct program services, and program administrative activities. The cost of services for each county's SNAP employment and training program shall not exceed the annual allocated amount. No more than 15 percent of program funds may be used for administrative activities. The county agency may expend county funds in excess of the limits of this subdivision without state reimbursement.

Program funds shall be allocated based on the county's average number of SNAP eligible cases as compared to the statewide total number of such cases. The average number of cases shall be based on counts of cases as of March 31, June 30, September 30, and December 31 of the previous

APPENDIX  
Repealed Minnesota Statutes: H2127-1

calendar year. The commissioner may reallocate unexpended money appropriated under this section to those county agencies that demonstrate a need for additional funds.

Subd. 7. **Registrant status.** A registrant under this section is not an employee for the purposes of workers' compensation, unemployment benefits, retirement, or civil service laws, and shall not perform work ordinarily performed by a regular public employee.

Subd. 8. **Voluntary quit.** A person who is required to participate in SNAP employment and training services is not eligible for SNAP benefits if, without good cause, the person refuses a legitimate offer of, or quits, suitable employment within 60 days before the date of application. A person who is required to participate in SNAP employment and training services and, without good cause, voluntarily quits suitable employment or refuses a legitimate offer of suitable employment while receiving SNAP benefits shall be terminated from the SNAP program as specified in subdivision 1a.

Subd. 9. **Subcontractors.** A county agency may, at its option, subcontract any or all of the duties under this section to a public or private entity approved by the commissioner of employment and economic development.

Subd. 18. **Work experience placements.** (a) To the extent of available resources, each county agency must establish and operate a work experience component in the SNAP employment and training program for recipients who are subject to a federal limit of three months of SNAP eligibility in any 36-month period. The purpose of the work experience component is to enhance the participant's employability, self-sufficiency, and to provide meaningful, productive work activities.

(b) The commissioner shall assist counties in the design and implementation of these components. The commissioner must ensure that job placements under a work experience component comply with section 256J.72. Written or oral concurrence with job duties of persons placed under the community work experience program shall be obtained from the appropriate exclusive bargaining representative.

(c) Worksites developed under this section are limited to projects that serve a useful public service such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, community service, services to aged citizens or citizens with a disability, and child care. To the extent possible, the prior training, skills, and experience of a recipient must be used in making appropriate work experience assignments.

(d) Structured, supervised volunteer work with an agency or organization that is monitored by the county service provider may, with the approval of the county agency, be used as a work experience placement.

(e) As a condition of placing a person receiving SNAP benefits in a program under this subdivision, the county agency shall first provide the recipient the opportunity:

(1) for placement in suitable subsidized or unsubsidized employment through participation in job search under section 256D.051; or

(2) for placement in suitable employment through participation in on-the-job training, if such employment is available.

(f) The county agency shall limit the maximum monthly number of hours that any participant may work in a work experience placement to a number equal to the amount of the family's monthly SNAP benefit allotment divided by the greater of the federal minimum wage or the applicable state minimum wage.

After a participant has been assigned to a position for nine months, the participant may not continue in that assignment unless the maximum number of hours a participant works is no greater than the amount of the SNAP benefit divided by the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site.

(g) The participant's employability development plan must include the length of time needed in the work experience program, the need to continue job seeking activities while participating in work experience, and the participant's employment goals.

(h) After each six months of a recipient's participation in a work experience job placement, and at the conclusion of each work experience assignment under this section, the county agency shall reassess and revise, as appropriate, the participant's employability development plan.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(i) A participant has good cause for failure to cooperate with a work experience job placement if, in the judgment of the employment and training service provider, the reason for failure is reasonable and justified. Good cause for purposes of this section is defined in subdivision 1a, paragraph (b).

(j) A recipient who has failed without good cause to participate in or comply with the work experience job placement shall be terminated from participation in work experience job activities. If the recipient is not exempt from mandatory SNAP employment and training program participation under subdivision 3a, the recipient will be assigned to other mandatory program activities. If the recipient is exempt from mandatory participation but is participating as a volunteer, the person shall be terminated from the SNAP employment and training program.

**256D.052 LITERACY TRAINING FOR RECIPIENTS.**

Subd. 3. **Participant literacy transportation costs.** Within the limits of the state appropriation the county agency must provide transportation to enable Supplemental Nutrition Assistance Program (SNAP) employment and training participants to participate in literacy training under this section. The state shall reimburse county agencies for the costs of providing transportation under this section up to the amount of the state appropriation. Counties must make every effort to ensure that child care is available as needed by recipients who are pursuing literacy training.

**256J.08 DEFINITIONS.**

Subd. 10. **Budget month.** "Budget month" means the calendar month which the county agency uses to determine the income or circumstances of an assistance unit to calculate the amount of the assistance payment in the payment month.

Subd. 53. **Lump sum.** "Lump sum" means nonrecurring income that is not excluded in section 256J.21.

Subd. 61. **Monthly income test.** "Monthly income test" means the test used to determine ongoing eligibility and the assistance payment amount according to section 256J.21.

Subd. 62. **Nonrecurring income.** "Nonrecurring income" means a form of income which is received:

- (1) only one time or is not of a continuous nature; or
- (2) in a prospective payment month but is no longer received in the corresponding retrospective payment month.

Subd. 81. **Retrospective budgeting.** "Retrospective budgeting" means a method of determining the amount of the assistance payment in which the payment month is the second month after the budget month.

Subd. 83. **Significant change.** "Significant change" means a decline in gross income of the amount of the disregard as defined in section 256P.03 or more from the income used to determine the grant for the current month.

**256J.21 INCOME LIMITATIONS.**

Subdivision 1. **Income inclusions.** To determine MFIP eligibility, the county agency must evaluate income received by members of an assistance unit, or by other persons whose income is considered available to the assistance unit, and only count income that is available to the member of the assistance unit. Income is available if the individual has legal access to the income. All payments, unless specifically excluded in subdivision 2, must be counted as income. The county agency shall verify the income of all MFIP recipients and applicants.

Subd. 2. **Income exclusions.** The following must be excluded in determining a family's available income:

(1) payments for basic care, difficulty of care, and clothing allowances received for providing family foster care to children or adults under Minnesota Rules, parts 9555.5050 to 9555.6265, 9560.0521, and 9560.0650 to 9560.0654, payments for family foster care for children under section 260C.4411 or chapter 256N, and payments received and used for care and maintenance of a third-party beneficiary who is not a household member;

(2) reimbursements for employment training received through the Workforce Investment Act of 1998, United States Code, title 20, chapter 73, section 9201;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

- (3) reimbursement for out-of-pocket expenses incurred while performing volunteer services, jury duty, employment, or informal carpooling arrangements directly related to employment;
- (4) all educational assistance, except the county agency must count graduate student teaching assistantships, fellowships, and other similar paid work as earned income and, after allowing deductions for any unmet and necessary educational expenses, shall count scholarships or grants awarded to graduate students that do not require teaching or research as unearned income;
- (5) loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;
- (6) loans from private individuals, regardless of purpose, provided an applicant or participant documents that the lender expects repayment;
- (7)(i) state income tax refunds; and  
(ii) federal income tax refunds;
- (8)(i) federal earned income credits;  
(ii) Minnesota working family credits;  
(iii) state homeowners and renters credits under chapter 290A; and  
(iv) federal or state tax rebates;
- (9) funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made by public agencies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency, state or local government, or disaster assistance organizations, subsequent to a presidential declaration of disaster;
- (10) the portion of an insurance settlement that is used to pay medical, funeral, and burial expenses, or to repair or replace insured property;
- (11) reimbursements for medical expenses that cannot be paid by medical assistance;
- (12) payments by a vocational rehabilitation program administered by the state under chapter 268A, except those payments that are for current living expenses;
- (13) in-kind income, including any payments directly made by a third party to a provider of goods and services;
- (14) assistance payments to correct underpayments, but only for the month in which the payment is received;
- (15) payments for short-term emergency needs under section 256J.626, subdivision 2;
- (16) funeral and cemetery payments as provided by section 256.935;
- (17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in a calendar month;
- (18) any form of energy assistance payment made through Public Law 97-35, Low-Income Home Energy Assistance Act of 1981, payments made directly to energy providers by other public and private agencies, and any form of credit or rebate payment issued by energy providers;
- (19) Supplemental Security Income (SSI), including retroactive SSI payments and other income of an SSI recipient;
- (20) Minnesota supplemental aid, including retroactive payments;
- (21) proceeds from the sale of real or personal property;
- (22) adoption or kinship assistance payments under chapter 256N or 259A and Minnesota permanency demonstration title IV-E waiver payments;
- (23) state-funded family subsidy program payments made under section 252.32 to help families care for children with developmental disabilities, consumer support grant funds under section 256.476, and resources and services for a disabled household member under one of the home and community-based waiver services programs under chapter 256B;
- (24) interest payments and dividends from property that is not excluded from and that does not exceed the asset limit;

APPENDIX  
Repealed Minnesota Statutes: H2127-1

- (25) rent rebates;
- (26) income earned by a minor caregiver, minor child through age 6, or a minor child who is at least a half-time student in an approved elementary or secondary education program;
- (27) income earned by a caregiver under age 20 who is at least a half-time student in an approved elementary or secondary education program;
- (28) MFIP child care payments under section 119B.05;
- (29) all other payments made through MFIP to support a caregiver's pursuit of greater economic stability;
- (30) income a participant receives related to shared living expenses;
- (31) reverse mortgages;
- (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title 42, chapter 13A, sections 1771 to 1790;
- (33) benefits provided by the women, infants, and children (WIC) nutrition program, United States Code, title 42, chapter 13A, section 1786;
- (34) benefits from the National School Lunch Act, United States Code, title 42, chapter 13, sections 1751 to 1769e;
- (35) relocation assistance for displaced persons under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title 42, chapter 61, subchapter II, section 4636, or the National Housing Act, United States Code, title 12, chapter 13, sections 1701 to 1750jj;
- (36) benefits from the Trade Act of 1974, United States Code, title 19, chapter 12, part 2, sections 2271 to 2322;
- (37) war reparations payments to Japanese Americans and Aleuts under United States Code, title 50, sections 1989 to 1989d;
- (38) payments to veterans or their dependents as a result of legal settlements regarding Agent Orange or other chemical exposure under Public Law 101-239, section 10405, paragraph (a)(2)(E);
- (39) income that is otherwise specifically excluded from MFIP consideration in federal law, state law, or federal regulation;
- (40) security and utility deposit refunds;
- (41) American Indian tribal land settlements excluded under Public Laws 98-123, 98-124, and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech Lake, and Mille Lacs reservations and payments to members of the White Earth Band, under United States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;
- (42) all income of the minor parent's parents and stepparents when determining the grant for the minor parent in households that include a minor parent living with parents or stepparents on MFIP with other children;
- (43) income of the minor parent's parents and stepparents equal to 200 percent of the federal poverty guideline for a family size not including the minor parent and the minor parent's child in households that include a minor parent living with parents or stepparents not on MFIP when determining the grant for the minor parent. The remainder of income is deemed as specified in section 256J.37, subdivision 1b;
- (44) payments made to children eligible for relative custody assistance under section 257.85;
- (45) vendor payments for goods and services made on behalf of a client unless the client has the option of receiving the payment in cash;
- (46) the principal portion of a contract for deed payment;
- (47) cash payments to individuals enrolled for full-time service as a volunteer under AmeriCorps programs including AmeriCorps VISTA, AmeriCorps State, AmeriCorps National, and AmeriCorps NCCC;
- (48) housing assistance grants under section 256J.35, paragraph (a); and

(49) child support payments of up to \$100 for an assistance unit with one child and up to \$200 for an assistance unit with two or more children.

**256J.30 APPLICANT AND PARTICIPANT REQUIREMENTS AND RESPONSIBILITIES.**

Subd. 5. **Monthly MFIP household reports.** Each assistance unit with a member who has earned income or a recent work history, and each assistance unit that has income deemed to it from a financially responsible person must complete a monthly MFIP household report form. "Recent work history" means the individual received earned income in the report month or any of the previous three calendar months even if the earnings are excluded. To be complete, the MFIP household report form must be signed and dated by the caregivers no earlier than the last day of the reporting period. All questions required to determine assistance payment eligibility must be answered, and documentation of earned income must be included.

Subd. 7. **Due date of MFIP household report form.** An MFIP household report form must be received by the county agency by the eighth calendar day of the month following the reporting period covered by the form. When the eighth calendar day of the month falls on a weekend or holiday, the MFIP household report form must be received by the county agency the first working day that follows the eighth calendar day.

Subd. 8. **Late MFIP household report forms.** (a) Paragraphs (b) to (e) apply to the reporting requirements in subdivision 7.

(b) When the county agency receives an incomplete MFIP household report form, the county agency must immediately return the incomplete form and clearly state what the caregiver must do for the form to be complete.

(c) The automated eligibility system must send a notice of proposed termination of assistance to the assistance unit if a complete MFIP household report form is not received by a county agency. The automated notice must be mailed to the caregiver by approximately the 16th of the month. When a caregiver submits an incomplete form on or after the date a notice of proposed termination has been sent, the termination is valid unless the caregiver submits a complete form before the end of the month.

(d) An assistance unit required to submit an MFIP household report form is considered to have continued its application for assistance if a complete MFIP household report form is received within a calendar month after the month in which the form was due and assistance shall be paid for the period beginning with the first day of that calendar month.

(e) A county agency must allow good cause exemptions from the reporting requirements under subdivision 5 when any of the following factors cause a caregiver to fail to provide the county agency with a completed MFIP household report form before the end of the month in which the form is due:

- (1) an employer delays completion of employment verification;
- (2) a county agency does not help a caregiver complete the MFIP household report form when the caregiver asks for help;
- (3) a caregiver does not receive an MFIP household report form due to mistake on the part of the department or the county agency or due to a reported change in address;
- (4) a caregiver is ill, or physically or mentally incapacitated; or
- (5) some other circumstance occurs that a caregiver could not avoid with reasonable care which prevents the caregiver from providing a completed MFIP household report form before the end of the month in which the form is due.

**256J.33 PROSPECTIVE AND RETROSPECTIVE MFIP ELIGIBILITY.**

Subd. 3. **Retrospective eligibility.** After the first two months of MFIP eligibility, a county agency must continue to determine whether an assistance unit is prospectively eligible for the payment month by looking at all factors other than income and then determine whether the assistance unit is retrospectively income eligible by applying the monthly income test to the income from the budget month. When the monthly income test is not satisfied, the assistance payment must be suspended when ineligibility exists for one month or ended when ineligibility exists for more than one month.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

Subd. 4. **Monthly income test.** A county agency must apply the monthly income test retrospectively for each month of MFIP eligibility. An assistance unit is not eligible when the countable income equals or exceeds the MFIP standard of need or the family wage level for the assistance unit. The income applied against the monthly income test must include:

(1) gross earned income from employment, prior to mandatory payroll deductions, voluntary payroll deductions, wage authorizations, and after the disregards in section 256J.21, subdivision 4, and the allocations in section 256J.36, unless the employment income is specifically excluded under section 256J.21, subdivision 2;

(2) gross earned income from self-employment less deductions for self-employment expenses in section 256J.37, subdivision 5, but prior to any reductions for personal or business state and federal income taxes, personal FICA, personal health and life insurance, and after the disregards in section 256J.21, subdivision 4, and the allocations in section 256J.36;

(3) unearned income after deductions for allowable expenses in section 256J.37, subdivision 9, and allocations in section 256J.36, unless the income has been specifically excluded in section 256J.21, subdivision 2;

(4) gross earned income from employment as determined under clause (1) which is received by a member of an assistance unit who is a minor child or minor caregiver and less than a half-time student;

(5) child support received by an assistance unit, excluded under section 256J.21, subdivision 2, clause (49), or section 256P.06, subdivision 3, clause (2), item (xvi);

(6) spousal support received by an assistance unit;

(7) the income of a parent when that parent is not included in the assistance unit;

(8) the income of an eligible relative and spouse who seek to be included in the assistance unit; and

(9) the unearned income of a minor child included in the assistance unit.

Subd. 5. **When to terminate assistance.** When an assistance unit is ineligible for MFIP assistance for two consecutive months, the county agency must terminate MFIP assistance.

#### **256J.34 CALCULATING ASSISTANCE PAYMENTS.**

Subdivision 1. **Prospective budgeting.** A county agency must use prospective budgeting to calculate the assistance payment amount for the first two months for an applicant who has not received assistance in this state for at least one payment month preceding the first month of payment under a current application. Notwithstanding subdivision 3, paragraph (a), clause (2), a county agency must use prospective budgeting for the first two months for a person who applies to be added to an assistance unit. Prospective budgeting is not subject to overpayments or underpayments unless fraud is determined under section 256.98.

(a) The county agency must apply the income received or anticipated in the first month of MFIP eligibility against the need of the first month. The county agency must apply the income received or anticipated in the second month against the need of the second month.

(b) When the assistance payment for any part of the first two months is based on anticipated income, the county agency must base the initial assistance payment amount on the information available at the time the initial assistance payment is made.

(c) The county agency must determine the assistance payment amount for the first two months of MFIP eligibility by budgeting both recurring and nonrecurring income for those two months.

Subd. 2. **Retrospective budgeting.** The county agency must use retrospective budgeting to calculate the monthly assistance payment amount after the payment for the first two months has been made under subdivision 1.

Subd. 3. **Additional uses of retrospective budgeting.** Notwithstanding subdivision 1, the county agency must use retrospective budgeting to calculate the monthly assistance payment amount for the first two months under paragraphs (a) and (b).

(a) The county agency must use retrospective budgeting to determine the amount of the assistance payment in the first two months of MFIP eligibility:

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(1) when an assistance unit applies for assistance for the same month for which assistance has been interrupted, the interruption in eligibility is less than one payment month, the assistance payment for the preceding month was issued in this state, and the assistance payment for the immediately preceding month was determined retrospectively; or

(2) when a person applies in order to be added to an assistance unit, that assistance unit has received assistance in this state for at least the two preceding months, and that person has been living with and has been financially responsible for one or more members of that assistance unit for at least the two preceding months.

(b) Except as provided in clauses (1) to (4), the county agency must use retrospective budgeting and apply income received in the budget month by an assistance unit and by a financially responsible household member who is not included in the assistance unit against the MFIP standard of need or family wage level to determine the assistance payment to be issued for the payment month.

(1) When a source of income ends prior to the third payment month, that income is not considered in calculating the assistance payment for that month. When a source of income ends prior to the fourth payment month, that income is not considered when determining the assistance payment for that month.

(2) When a member of an assistance unit or a financially responsible household member leaves the household of the assistance unit, the income of that departed household member is not budgeted retrospectively for any full payment month in which that household member does not live with that household and is not included in the assistance unit.

(3) When an individual is removed from an assistance unit because the individual is no longer a minor child, the income of that individual is not budgeted retrospectively for payment months in which that individual is not a member of the assistance unit, except that income of an ineligible child in the household must continue to be budgeted retrospectively against the child's needs when the parent or parents of that child request allocation of their income against any unmet needs of that ineligible child.

(4) When a person ceases to have financial responsibility for one or more members of an assistance unit, the income of that person is not budgeted retrospectively for the payment months which follow the month in which financial responsibility ends.

Subd. 4. **Significant change in gross income.** The county agency must recalculate the assistance payment when an assistance unit experiences a significant change, as defined in section 256J.08, resulting in a reduction in the gross income received in the payment month from the gross income received in the budget month. The county agency must issue a supplemental assistance payment based on the county agency's best estimate of the assistance unit's income and circumstances for the payment month. Supplemental assistance payments that result from significant changes are limited to two in a 12-month period regardless of the reason for the change. Notwithstanding any other statute or rule of law, supplementary assistance payments shall not be made when the significant change in income is the result of receipt of a lump sum, receipt of an extra paycheck, business fluctuation in self-employment income, or an assistance unit member's participation in a strike or other labor action.

**256J.37 TREATMENT OF INCOME AND LUMP SUMS.**

Subd. 10. **Treatment of lump sums.** (a) The agency must treat lump-sum payments as earned or unearned income. If the lump-sum payment is included in the category of income identified in subdivision 9, it must be treated as unearned income. A lump sum is counted as income in the month received and budgeted either prospectively or retrospectively depending on the budget cycle at the time of receipt. When an individual receives a lump-sum payment, that lump sum must be combined with all other earned and unearned income received in the same budget month, and it must be applied according to paragraphs (a) to (c). A lump sum may not be carried over into subsequent months. Any funds that remain in the third month after the month of receipt are counted in the asset limit.

(b) For a lump sum received by an applicant during the first two months, prospective budgeting is used to determine the payment and the lump sum must be combined with other earned or unearned income received and budgeted in that prospective month.

(c) For a lump sum received by a participant after the first two months of MFIP eligibility, the lump sum must be combined with other income received in that budget month, and the combined amount must be applied retrospectively against the applicable payment month.

APPENDIX  
Repealed Minnesota Statutes: H2127-1

(d) When a lump sum, combined with other income under paragraphs (b) and (c), is less than the MFIP transitional standard for the appropriate payment month, the assistance payment must be reduced according to the amount of the countable income. When the countable income is greater than the MFIP standard or family wage level, the assistance payment must be suspended for the payment month.

**9505.0370 DEFINITIONS.**

Subpart 1. **Scope.** For parts 9505.0370 to 9505.0372, the following terms have the meanings given them.

Subp. 2. **Adult day treatment.** "Adult day treatment" or "adult day treatment program" means a structured program of treatment and care.

Subp. 3. **Child.** "Child" means a person under 18 years of age.

Subp. 4. **Client.** "Client" means an eligible recipient who is determined to have or who is being assessed for a mental illness as specified in part 9505.0371.

Subp. 5. **Clinical summary.** "Clinical summary" means a written description of a clinician's formulation of the cause of the client's mental health symptoms, the client's prognosis, and the likely consequences of the symptoms; how the client meets the criteria for the diagnosis by describing the client's symptoms, the duration of symptoms, and functional impairment; an analysis of the client's other symptoms, strengths, relationships, life situations, cultural influences, and health concerns and their potential interaction with the diagnosis and formulation of the client's mental health condition; and alternative diagnoses that were considered and ruled out.

Subp. 6. **Clinical supervision.** "Clinical supervision" means the documented time a clinical supervisor and supervisee spend together to discuss the supervisee's work, to review individual client cases, and for the supervisee's professional development. It includes the documented oversight and supervision responsibility for planning, implementation, and evaluation of services for a client's mental health treatment.

Subp. 7. **Clinical supervisor.** "Clinical supervisor" means the mental health professional who is responsible for clinical supervision.

Subp. 8. **Cultural competence or culturally competent.** "Cultural competence" or "culturally competent" means the mental health provider's:

A. awareness of the provider's own cultural background, and the related assumptions, values, biases, and preferences that influence assessment and intervention processes;

B. ability and will to respond to the unique needs of an individual client that arise from the client's culture;

C. ability to utilize the client's culture as a resource and as a means to optimize mental health care; and

D. willingness to seek educational, consultative, and learning experiences to expand knowledge of and increase effectiveness with culturally diverse populations.

Subp. 9. **Cultural influences.** "Cultural influences" means historical, geographical, and familial factors that affect assessment and intervention processes. Cultural influences that are relevant to the client may include the client's:

A. racial or ethnic self-identification;

B. experience of cultural bias as a stressor;

C. immigration history and status;

D. level of acculturation;

E. time orientation;

F. social orientation;

G. verbal communication style;

H. locus of control;

I. spiritual beliefs; and

J. health beliefs and the endorsement of or engagement in culturally specific healing practices.

Subp. 10. **Culture.** "Culture" means the distinct ways of living and understanding the world that are used by a group of people and are transmitted from one generation to another or adopted by an individual.

Subp. 11. **Diagnostic assessment.** "Diagnostic assessment" means a written assessment that documents a clinical and functional face-to-face evaluation of the client's mental health, including the nature, severity and impact of behavioral difficulties, functional impairment, and subjective distress of the client, and identifies the client's strengths and resources.

Subp. 12. **Dialectical behavior therapy.** "Dialectical behavior therapy" means an evidence-based treatment approach provided in an intensive outpatient treatment program using a combination of individualized rehabilitative and psychotherapeutic interventions. A dialectical behavior therapy program is certified by the commissioner and involves the following service components: individual dialectical behavior therapy, group skills training, telephone coaching, and team consultation meetings.

Subp. 13. **Explanation of findings.** "Explanation of findings" means the explanation of a client's diagnostic assessment, psychological testing, treatment program, and consultation with culturally informed mental health consultants as required under parts 9520.0900 to 9520.0926, or other accumulated data and recommendations to the client, client's family, primary caregiver, or other responsible persons.

Subp. 14. **Family.** "Family" means a person who is identified by the client or the client's parent or guardian as being important to the client's mental health treatment. Family may include, but is not limited to, parents, children, spouse, committed partners, former spouses, persons related by blood or adoption, or persons who are presently residing together as a family unit.

Subp. 15. **Individual treatment plan.** "Individual treatment plan" means a written plan that outlines and defines the course of treatment. It delineates the goals, measurable objectives, target dates for achieving specific goals, main participants in treatment process, and recommended services that are based on the client's diagnostic assessment and other meaningful data that are needed to aid the client's recovery and enhance resiliency.

Subp. 16. **Medication management.** "Medication management" means a service that determines the need for or effectiveness of the medication prescribed for the treatment of a client's symptoms of a mental illness.

Subp. 17. **Mental health practitioner.** "Mental health practitioner" means a person who is qualified according to part 9505.0371, subpart 5, items B and C, and provides mental health services to a client with a mental illness under the clinical supervision of a mental health professional.

Subp. 18. **Mental health professional.** "Mental health professional" means a person who is enrolled to provide medical assistance services and is qualified according to part 9505.0371, subpart 5, item A.

Subp. 19. **Mental health telemedicine.** "Mental health telemedicine" has the meaning given in Minnesota Statutes, section 256B.0625, subdivision 46.

Subp. 20. **Mental illness.** "Mental illness" has the meaning given in Minnesota Statutes, section 245.462, subdivision 20. "Mental illness" includes "emotional disturbance" as defined in Minnesota Statutes, section 245.4871, subdivision 15.

Subp. 21. **Multidisciplinary staff.** "Multidisciplinary staff" means a group of individuals from diverse disciplines who come together to provide services to clients under part 9505.0372, subparts 8, 9, and 10.

Subp. 22. **Neuropsychological assessment.** "Neuropsychological assessment" means a specialized clinical assessment of the client's underlying cognitive abilities related to thinking, reasoning, and judgment that is conducted by a qualified neuropsychologist.

Subp. 23. **Neuropsychological testing.** "Neuropsychological testing" means administering standardized tests and measures designed to evaluate the client's ability to attend to, process, interpret, comprehend, communicate, learn and recall information; and use problem-solving and judgment.

Subp. 24. **Partial hospitalization program.** "Partial hospitalization program" means a provider's time-limited, structured program of psychotherapy and other therapeutic services, as defined in United States Code, title 42, chapter 7, subchapter XVIII, part E, section 1395x, (ff), that is provided in an outpatient hospital facility or community mental health center that meets Medicare requirements to provide partial hospitalization services.

Subp. 25. **Primary caregiver.** "Primary caregiver" means a person, other than the facility staff, who has primary legal responsibility for providing the client with food, clothing, shelter, direction, guidance, and nurturance.

Subp. 26. **Psychological testing.** "Psychological testing" means the use of tests or other psychometric instruments to determine the status of the recipient's mental, intellectual, and emotional functioning.

Subp. 27. **Psychotherapy.** "Psychotherapy" means treatment of a client with mental illness that applies the most appropriate psychological, psychiatric, psychosocial, or interpersonal method that conforms to prevailing community standards of professional practice to meet the mental health needs of the client.

Subp. 28. **Supervisee.** "Supervisee" means an individual who requires clinical supervision because the individual does not meet mental health professional standards in part 9505.0371, subpart 5, item A.

#### **9505.0371 MEDICAL ASSISTANCE COVERAGE REQUIREMENTS FOR OUTPATIENT MENTAL HEALTH SERVICES.**

Subpart 1. **Purpose.** This part describes the requirements that outpatient mental health services must meet to receive medical assistance reimbursement.

Subp. 2. **Client eligibility for mental health services.** The following requirements apply to mental health services:

A. The provider must use a diagnostic assessment as specified in part 9505.0372 to determine a client's eligibility for mental health services under this part, except:

(1) prior to completion of a client's initial diagnostic assessment, a client is eligible for:

(a) one explanation of findings;

(b) one psychological testing; and

(c) either one individual psychotherapy session, one family psychotherapy session, or one group psychotherapy session; and

(2) for a client who is not currently receiving mental health services covered by medical assistance, a crisis assessment as specified in Minnesota Statutes, section 256B.0624 or 256B.0944, conducted in the past 60 days may be used to allow up to ten sessions of mental health services within a 12-month period.

B. A brief diagnostic assessment must meet the requirements of part 9505.0372, subpart 1, item D, and:

APPENDIX  
Repealed Minnesota Rules: H2127-1

(1) may be used to allow up to ten sessions of mental health services as specified in part 9505.0372 within a 12-month period before a standard or extended diagnostic assessment is required when the client is:

(a) a new client; or

(b) an existing client who has had fewer than ten sessions of psychotherapy in the previous 12 months and is projected to need fewer than ten sessions of psychotherapy in the next 12 months, or who only needs medication management; and

(2) may be used for a subsequent annual assessment, if based upon the client's treatment history and the provider's clinical judgment, the client will need ten or fewer sessions of mental health services in the upcoming 12-month period; and

(3) must not be used for:

(a) a client or client's family who requires a language interpreter to participate in the assessment unless the client meets the requirements of subitem (1), unit (b), or (2); or

(b) more than ten sessions of mental health services in a 12-month period. If, after completion of ten sessions of mental health services, the mental health professional determines the need for additional sessions, a standard assessment or extended assessment must be completed.

C. For a child, a new standard or extended diagnostic assessment must be completed:

(1) when the child does not meet the criteria for a brief diagnostic assessment;

(2) at least annually following the initial diagnostic assessment, if:

(a) additional services are needed; and

(b) the child does not meet criteria for brief assessment;

(3) when the child's mental health condition has changed markedly since the child's most recent diagnostic assessment; or

(4) when the child's current mental health condition does not meet criteria of the child's current diagnosis.

D. For an adult, a new standard diagnostic assessment or extended diagnostic assessment must be completed:

(1) when the adult does not meet the criteria for a brief diagnostic assessment or an adult diagnostic assessment update;

(2) at least every three years following the initial diagnostic assessment for an adult who receives mental health services;

(3) when the adult's mental health condition has changed markedly since the adult's most recent diagnostic assessment; or

(4) when the adult's current mental health condition does not meet criteria of the current diagnosis.

E. An adult diagnostic assessment update must be completed at least annually unless a new standard or extended diagnostic assessment is performed. An adult diagnostic assessment update must include an update of the most recent standard or extended diagnostic assessment and any recent adult diagnostic assessment updates that have occurred since the last standard or extended diagnostic assessment.

Subp. 3. **Authorization for mental health services.** Mental health services under this part are subject to authorization criteria and standards published by the commissioner according to Minnesota Statutes, section 256B.0625, subdivision 25.

**Subp. 4. Clinical supervision.**

A. Clinical supervision must be based on each supervisee's written supervision plan and must:

- (1) promote professional knowledge, skills, and values development;
- (2) model ethical standards of practice;
- (3) promote cultural competency by:

(a) developing the supervisee's knowledge of cultural norms of behavior for individual clients and generally for the clients served by the supervisee regarding the client's cultural influences, age, class, gender, sexual orientation, literacy, and mental or physical disability;

(b) addressing how the supervisor's and supervisee's own cultures and privileges affect service delivery;

(c) developing the supervisee's ability to assess their own cultural competence and to identify when consultation or referral of the client to another provider is needed; and

(d) emphasizing the supervisee's commitment to maintaining cultural competence as an ongoing process;

(4) recognize that the client's family has knowledge about the client and will continue to play a role in the client's life and encourage participation among the client, client's family, and providers as treatment is planned and implemented; and

(5) monitor, evaluate, and document the supervisee's performance of assessment, treatment planning, and service delivery.

B. Clinical supervision must be conducted by a qualified supervisor using individual or group supervision. Individual or group face-to-face supervision may be conducted via electronic communications that utilize interactive telecommunications equipment that includes at a minimum audio and video equipment for two-way, real-time, interactive communication between the supervisor and supervisee, and meet the equipment and connection standards of part 9505.0370, subpart 19.

(1) Individual supervision means one or more designated clinical supervisors and one supervisee.

(2) Group supervision means one clinical supervisor and two to six supervisees in face-to-face supervision.

C. The supervision plan must be developed by the supervisor and the supervisee. The plan must be reviewed and updated at least annually. For new staff the plan must be completed and implemented within 30 days of the new staff person's employment. The supervision plan must include:

(1) the name and qualifications of the supervisee and the name of the agency in which the supervisee is being supervised;

(2) the name, licensure, and qualifications of the supervisor;

(3) the number of hours of individual and group supervision to be completed by the supervisee including whether supervision will be in person or by some other method approved by the commissioner;

(4) the policy and method that the supervisee must use to contact the clinical supervisor during service provision to a supervisee;

(5) procedures that the supervisee must use to respond to client emergencies;  
and

APPENDIX  
Repealed Minnesota Rules: H2127-1

- (6) authorized scope of practices, including:
  - (a) description of the supervisee's service responsibilities;
  - (b) description of client population; and
  - (c) treatment methods and modalities.

D. Clinical supervision must be recorded in the supervisee's supervision record. The documentation must include:

- (1) date and duration of supervision;
- (2) identification of supervision type as individual or group supervision;
- (3) name of the clinical supervisor;
- (4) subsequent actions that the supervisee must take; and
- (5) date and signature of the clinical supervisor.

E. Clinical supervision pertinent to client treatment changes must be recorded by a case notation in the client record after supervision occurs.

Subp. 5. **Qualified providers.** Medical assistance covers mental health services according to part 9505.0372 when the services are provided by mental health professionals or mental health practitioners qualified under this subpart.

A. A mental health professional must be qualified in one of the following ways:

(1) in clinical social work, a person must be licensed as an independent clinical social worker by the Minnesota Board of Social Work under Minnesota Statutes, chapter 148D until August 1, 2011, and thereafter under Minnesota Statutes, chapter 148E;

(2) in psychology, a person licensed by the Minnesota Board of Psychology under Minnesota Statutes, sections 148.88 to 148.98, who has stated to the board competencies in the diagnosis and treatment of mental illness;

(3) in psychiatry, a physician licensed under Minnesota Statutes, chapter 147, who is certified by the American Board of Psychiatry and Neurology or is eligible for board certification;

(4) in marriage and family therapy, a person licensed as a marriage and family therapist by the Minnesota Board of Marriage and Family Therapy under Minnesota Statutes, sections 148B.29 to 148B.39, and defined in parts 5300.0100 to 5300.0350;

(5) in professional counseling, a person licensed as a professional clinical counselor by the Minnesota Board of Behavioral Health and Therapy under Minnesota Statutes, section 148B.5301;

(6) a tribally approved mental health care professional, who meets the standards in Minnesota Statutes, section 256B.02, subdivision 7, paragraphs (b) and (c), and who is serving a federally recognized Indian tribe; or

(7) in psychiatric nursing, a registered nurse who is licensed under Minnesota Statutes, sections 148.171 to 148.285, and meets one of the following criteria:

(a) is certified as a clinical nurse specialist;

(b) for children, is certified as a nurse practitioner in child or adolescent or family psychiatric and mental health nursing by a national nurse certification organization; or

(c) for adults, is certified as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization.

APPENDIX  
Repealed Minnesota Rules: H2127-1

B. A mental health practitioner for a child client must have training working with children. A mental health practitioner for an adult client must have training working with adults. A mental health practitioner must be qualified in at least one of the following ways:

(1) holds a bachelor's degree in one of the behavioral sciences or related fields from an accredited college or university; and

(a) has at least 2,000 hours of supervised experience in the delivery of mental health services to clients with mental illness; or

(b) is fluent in the non-English language of the cultural group to which at least 50 percent of the practitioner's clients belong, completes 40 hours of training in the delivery of services to clients with mental illness, and receives clinical supervision from a mental health professional at least once a week until the requirements of 2,000 hours of supervised experience are met;

(2) has at least 6,000 hours of supervised experience in the delivery of mental health services to clients with mental illness. Hours worked as a mental health behavioral aide I or II under Minnesota Statutes, section 256B.0943, subdivision 7, may be included in the 6,000 hours of experience for child clients;

(3) is a graduate student in one of the mental health professional disciplines defined in item A and is formally assigned by an accredited college or university to an agency or facility for clinical training;

(4) holds a master's or other graduate degree in one of the mental health professional disciplines defined in item A from an accredited college or university; or

(5) is an individual who meets the standards in Minnesota Statutes, section 256B.02, subdivision 7, paragraphs (b) and (c), who is serving a federally recognized Indian tribe.

C. Medical assistance covers diagnostic assessment, explanation of findings, and psychotherapy performed by a mental health practitioner working as a clinical trainee when:

(1) the mental health practitioner is:

(a) complying with requirements for licensure or board certification as a mental health professional, as defined in item A, including supervised practice in the delivery of mental health services for the treatment of mental illness; or

(b) a student in a bona fide field placement or internship under a program leading to completion of the requirements for licensure as a mental health professional defined in item A; and

(2) the mental health practitioner's clinical supervision experience is helping the practitioner gain knowledge and skills necessary to practice effectively and independently. This may include supervision of:

(a) direct practice;

(b) treatment team collaboration;

(c) continued professional learning; and

(d) job management.

D. A clinical supervisor must:

(1) be a mental health professional licensed as specified in item A;

(2) hold a license without restrictions that has been in good standing for at least one year while having performed at least 1,000 hours of clinical practice;

APPENDIX  
Repealed Minnesota Rules: H2127-1

(3) be approved, certified, or in some other manner recognized as a qualified clinical supervisor by the person's professional licensing board, when this is a board requirement;

(4) be competent as demonstrated by experience and graduate-level training in the area of practice and the activities being supervised;

(5) not be the supervisee's blood or legal relative or cohabitant, or someone who has acted as the supervisee's therapist within the past two years;

(6) have experience and skills that are informed by advanced training, years of experience, and mastery of a range of competencies that demonstrate the following:

(a) capacity to provide services that incorporate best practice;

(b) ability to recognize and evaluate competencies in supervisees;

(c) ability to review assessments and treatment plans for accuracy and appropriateness;

(d) ability to give clear direction to mental health staff related to alternative strategies when a client is struggling with moving towards recovery; and

(e) ability to coach, teach, and practice skills with supervisees;

(7) accept full professional liability for a supervisee's direction of a client's mental health services;

(8) instruct a supervisee in the supervisee's work, and oversee the quality and outcome of the supervisee's work with clients;

(9) review, approve, and sign the diagnostic assessment, individual treatment plans, and treatment plan reviews of clients treated by a supervisee;

(10) review and approve the progress notes of clients treated by the supervisee according to the supervisee's supervision plan;

(11) apply evidence-based practices and research-informed models to treat clients;

(12) be employed by or under contract with the same agency as the supervisee;

(13) develop a clinical supervision plan for each supervisee;

(14) ensure that each supervisee receives the guidance and support needed to provide treatment services in areas where the supervisee practices;

(15) establish an evaluation process that identifies the performance and competence of each supervisee; and

(16) document clinical supervision of each supervisee and securely maintain the documentation record.

Subp. 6. **Release of information.** Providers who receive a request for client information and providers who request client information must:

A. comply with data practices and medical records standards in Minnesota Statutes, chapter 13, and Code of Federal Regulations, title 45, part 164; and

B. subject to the limitations in item A, promptly provide client information, including a written diagnostic assessment, to other providers who are treating the client to ensure that the client will get services without undue delay.

Subp. 7. **Individual treatment plan.** Except as provided in subpart 2, item A, subitem (1), a medical assistance payment is available only for services provided in accordance with the client's written individual treatment plan (ITP). The client must be involved in the development, review, and revision of the client's ITP. For all mental health services, except

APPENDIX  
Repealed Minnesota Rules: H2127-1

as provided in subpart 2, item A, subitem (1), and medication management, the ITP and subsequent revisions of the ITP must be signed by the client before treatment begins. The mental health professional or practitioner shall request the client, or other person authorized by statute to consent to mental health services for the client, to sign the client's ITP or revision of the ITP. In the case of a child, the child's parent, primary caregiver, or other person authorized by statute to consent to mental health services for the child shall be asked to sign the child's ITP and revisions of the ITP. If the client or authorized person refuses to sign the plan or a revision of the plan, the mental health professional or mental health practitioner shall note on the plan the refusal to sign the plan and the reason or reasons for the refusal. A client's individual treatment plan must be:

A. based on the client's current diagnostic assessment;

B. developed by identifying the client's service needs and considering relevant cultural influences to identify planned interventions that contain specific treatment goals and measurable objectives for the client; and

C. reviewed at least once every 90 days, and revised as necessary. Revisions to the initial individual treatment plan do not require a new diagnostic assessment unless the client's mental health status has changed markedly as provided in subpart 2.

Subp. 8. **Documentation.** To obtain medical assistance payment for an outpatient mental health service, a mental health professional or a mental health practitioner must promptly document:

A. in the client's mental health record:

(1) each occurrence of service to the client including the date, type of service, start and stop time, scope of the mental health service, name and title of the person who gave the service, and date of documentation; and

(2) all diagnostic assessments and other assessments, psychological test results, treatment plans, and treatment plan reviews;

B. the provider's contact with persons interested in the client such as representatives of the courts, corrections systems, or schools, or the client's other mental health providers, case manager, family, primary caregiver, legal representative, including the name and date of the contact or, if applicable, the reason the client's family, primary caregiver, or legal representative was not contacted; and

C. dates that treatment begins and ends and reason for the discontinuation of the mental health service.

Subp. 9. **Service coordination.** The provider must coordinate client services as authorized by the client as follows:

A. When a recipient receives mental health services from more than one mental health provider, each provider must coordinate mental health services they provide to the client with other mental health service providers to ensure services are provided in the most efficient manner to achieve maximum benefit for the client.

B. The mental health provider must coordinate mental health care with the client's physical health provider.

Subp. 10. **Telemedicine services.** Mental health services in part 9505.0372 covered as direct face-to-face services may be provided via two-way interactive video if it is medically appropriate to the client's condition and needs. The interactive video equipment and connection must comply with Medicare standards that are in effect at the time of service. The commissioner may specify parameters within which mental health services can be provided via telemedicine.

**9505.0372 COVERED SERVICES.**

Subpart 1. **Diagnostic assessment.** Medical assistance covers four types of diagnostic assessments when they are provided in accordance with the requirements in this subpart.

A. To be eligible for medical assistance payment, a diagnostic assessment must:

(1) identify a mental health diagnosis and recommended mental health services, which are the factual basis to develop the recipient's mental health services and treatment plan; or

(2) include a finding that the client does not meet the criteria for a mental health disorder.

B. A standard diagnostic assessment must include a face-to-face interview with the client and contain a written evaluation of a client by a mental health professional or practitioner working under clinical supervision as a clinical trainee according to part 9505.0371, subpart 5, item C. The standard diagnostic assessment must be done within the cultural context of the client and must include relevant information about:

(1) the client's current life situation, including the client's:

(a) age;

(b) current living situation, including household membership and housing status;

(c) basic needs status including economic status;

(d) education level and employment status;

(e) significant personal relationships, including the client's evaluation of relationship quality;

(f) strengths and resources, including the extent and quality of social networks;

(g) belief systems;

(h) contextual nonpersonal factors contributing to the client's presenting concerns;

(i) general physical health and relationship to client's culture; and

(j) current medications;

(2) the reason for the assessment, including the client's:

(a) perceptions of the client's condition;

(b) description of symptoms, including reason for referral;

(c) history of mental health treatment, including review of the client's records;

(d) important developmental incidents;

(e) maltreatment, trauma, or abuse issues;

(f) history of alcohol and drug usage and treatment;

(g) health history and family health history, including physical, chemical, and mental health history; and

(h) cultural influences and their impact on the client;

(3) the client's mental status examination;

APPENDIX  
Repealed Minnesota Rules: H2127-1

(4) the assessment of client's needs based on the client's baseline measurements, symptoms, behavior, skills, abilities, resources, vulnerabilities, and safety needs;

(5) the screenings used to determine the client's substance use, abuse, or dependency and other standardized screening instruments determined by the commissioner;

(6) assessment methods and use of standardized assessment tools by the provider as determined and periodically updated by the commissioner;

(7) the client's clinical summary, recommendations, and prioritization of needed mental health, ancillary or other services, client and family participation in assessment and service preferences, and referrals to services required by statute or rule; and

(8) the client data that is adequate to support the findings on all axes of the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association; and any differential diagnosis.

C. An extended diagnostic assessment must include a face-to-face interview with the client and contain a written evaluation of a client by a mental health professional or practitioner working under clinical supervision as a clinical trainee according to part 9505.0371, subpart 5, item C. The face-to-face interview is conducted over three or more assessment appointments because the client's complex needs necessitate significant additional assessment time. Complex needs are those caused by acuity of psychotic disorder; cognitive or neurocognitive impairment; need to consider past diagnoses and determine their current applicability; co-occurring substance abuse use disorder; or disruptive or changing environments, communication barriers, or cultural considerations as documented in the assessment. For child clients, the appointments may be conducted outside the diagnostician's office for face-to-face consultation and information gathering with family members, doctors, caregivers, teachers, and other providers, with or without the child present, and may involve directly observing the child in various settings that the child frequents such as home, school, or care settings. To complete the diagnostic assessment with adult clients, the appointments may be conducted outside of the diagnostician's office for face-to-face assessment with the adult client. The appointment may involve directly observing the adult client in various settings that the adult frequents, such as home, school, job, service settings, or community settings. The appointments may include face-to-face meetings with the adult client and the client's family members, doctors, caregivers, teachers, social support network members, recovery support resource representatives, and other providers for consultation and information gathering for the diagnostic assessment. The components of an extended diagnostic assessment include the following relevant information:

(1) for children under age 5:

(a) utilization of the DC:0-3R diagnostic system for young children;

(b) an early childhood mental status exam that assesses the client's developmental, social, and emotional functioning and style both within the family and with the examiner and includes:

- i. physical appearance including dysmorphic features;
- ii. reaction to new setting and people and adaptation during evaluation;
- iii. self-regulation, including sensory regulation, unusual behaviors, activity level, attention span, and frustration tolerance;
- iv. physical aspects, including motor function, muscle tone, coordination, tics, abnormal movements, and seizure activity;
- v. vocalization and speech production, including expressive and receptive language;

APPENDIX  
Repealed Minnesota Rules: H2127-1

- vi. thought, including fears, nightmares, dissociative states, and hallucinations;
  - vii. affect and mood, including modes of expression, range, responsiveness, duration, and intensity;
  - viii. play, including structure, content, symbolic functioning, and modulation of aggression;
  - ix. cognitive functioning; and
  - x. relatedness to parents, other caregivers, and examiner; and
- (c) other assessment tools as determined and periodically revised by the commissioner;
- (2) for children ages 5 to 18, completion of other assessment standards for children as determined and periodically revised by the commissioner; and
- (3) for adults, completion of other assessment standards for adults as determined and periodically revised by the commissioner.

D. A brief diagnostic assessment must include a face-to-face interview with the client and a written evaluation of the client by a mental health professional or practitioner working under clinical supervision as a clinical trainee according to part 9505.0371, subpart 5, item C. The professional or practitioner must gather initial background information using the components of a standard diagnostic assessment in item B, subitems (1), (2), unit (b), (3), and (5), and draw a provisional clinical hypothesis. The clinical hypothesis may be used to address the client's immediate needs or presenting problem. Treatment sessions conducted under authorization of a brief assessment may be used to gather additional information necessary to complete a standard diagnostic assessment or an extended diagnostic assessment.

E. Adult diagnostic assessment update includes a face-to-face interview with the client, and contains a written evaluation of the client by a mental health professional or practitioner working under clinical supervision as a clinical trainee according to part 9505.0371, subpart 5, item C, who reviews a standard or extended diagnostic assessment. The adult diagnostic assessment update must update the most recent assessment document in writing in the following areas:

- (1) review of the client's life situation, including an interview with the client about the client's current life situation, and a written update of those parts where significant new or changed information exists, and documentation where there has not been significant change;
- (2) review of the client's presenting problems, including an interview with the client about current presenting problems and a written update of those parts where there is significant new or changed information, and note parts where there has not been significant change;
- (3) screenings for substance use, abuse, or dependency and other screenings as determined by the commissioner;
- (4) the client's mental health status examination;
- (5) assessment of client's needs based on the client's baseline measurements, symptoms, behavior, skills, abilities, resources, vulnerabilities, and safety needs;
- (6) the client's clinical summary, recommendations, and prioritization of needed mental health, ancillary, or other services, client and family participation in assessment and service preferences, and referrals to services required by statute or rule; and
- (7) the client's diagnosis on all axes of the current edition of the Diagnostic and Statistical Manual and any differential diagnosis.

Subp. 2. **Neuropsychological assessment.** A neuropsychological assessment must include a face-to-face interview with the client, the interpretation of the test results, and preparation and completion of a report. A client is eligible for a neuropsychological assessment if at least one of the following criteria is met:

A. There is a known or strongly suspected brain disorder based on medical history or neurological evaluation such as a history of significant head trauma, brain tumor, stroke, seizure disorder, multiple sclerosis, neurodegenerative disorders, significant exposure to neurotoxins, central nervous system infections, metabolic or toxic encephalopathy, fetal alcohol syndrome, or congenital malformations of the brain; or

B. In the absence of a medically verified brain disorder based on medical history or neurological evaluation, there are cognitive or behavioral symptoms that suggest that the client has an organic condition that cannot be readily attributed to functional psychopathology, or suspected neuropsychological impairment in addition to functional psychopathology. Examples include:

- (1) poor memory or impaired problem solving;
- (2) change in mental status evidenced by lethargy, confusion, or disorientation;
- (3) deterioration in level of functioning;
- (4) marked behavioral or personality change;
- (5) in children or adolescents, significant delays in academic skill acquisition or poor attention relative to peers;
- (6) in children or adolescents, significant plateau in expected development of cognitive, social, emotional, or physical function, relative to peers; and
- (7) in children or adolescents, significant inability to develop expected knowledge, skills, or abilities as required to adapt to new or changing cognitive, social, emotional, or physical demands.

C. If neither criterion in item A nor B is fulfilled, neuropsychological evaluation is not indicated.

D. The neuropsychological assessment must be conducted by a neuropsychologist with competence in the area of neuropsychological assessment as stated to the Minnesota Board of Psychology who:

(1) was awarded a diploma by the American Board of Clinical Neuropsychology, the American Board of Professional Neuropsychology, or the American Board of Pediatric Neuropsychology;

(2) earned a doctoral degree in psychology from an accredited university training program:

(a) completed an internship, or its equivalent, in a clinically relevant area of professional psychology;

(b) completed the equivalent of two full-time years of experience and specialized training, at least one which is at the postdoctoral level, in the study and practices of clinical neuropsychology and related neurosciences supervised by a clinical neuropsychologist; and

(c) holds a current license to practice psychology independently in accordance with Minnesota Statutes, sections 148.88 to 148.98;

(3) is licensed or credentialed by another state's board of psychology examiners in the specialty of neuropsychology using requirements equivalent to requirements specified by one of the boards named in subitem (1); or

(4) was approved by the commissioner as an eligible provider of neuropsychological assessment prior to December 31, 2010.

**Subp. 3. Neuropsychological testing.**

A. Medical assistance covers neuropsychological testing when the client has either:

(1) a significant mental status change that is not a result of a metabolic disorder that has failed to respond to treatment;

(2) in children or adolescents, a significant plateau in expected development of cognitive, social, emotional, or physical function, relative to peers;

(3) in children or adolescents, significant inability to develop expected knowledge, skills, or abilities, as required to adapt to new or changing cognitive, social, physical, or emotional demands; or

(4) a significant behavioral change, memory loss, or suspected neuropsychological impairment in addition to functional psychopathology, or other organic brain injury or one of the following:

(a) traumatic brain injury;

(b) stroke;

(c) brain tumor;

(d) substance abuse or dependence;

(e) cerebral anoxic or hypoxic episode;

(f) central nervous system infection or other infectious disease;

(g) neoplasms or vascular injury of the central nervous system;

(h) neurodegenerative disorders;

(i) demyelinating disease;

(j) extrapyramidal disease;

(k) exposure to systemic or intrathecal agents or cranial radiation known to be associated with cerebral dysfunction;

(l) systemic medical conditions known to be associated with cerebral dysfunction, including renal disease, hepatic encephalopathy, cardiac anomaly, sickle cell disease, and related hematologic anomalies, and autoimmune disorders such as lupus, erythematosis, or celiac disease;

(m) congenital genetic or metabolic disorders known to be associated with cerebral dysfunction, such as phenylketonuria, craniofacial syndromes, or congenital hydrocephalus;

(n) severe or prolonged nutrition or malabsorption syndromes; or

(o) a condition presenting in a manner making it difficult for a clinician to distinguish between:

i. the neurocognitive effects of a neurogenic syndrome such as dementia or encephalopathy; and

ii. a major depressive disorder when adequate treatment for major depressive disorder has not resulted in improvement in neurocognitive function, or another disorder such as autism, selective mutism, anxiety disorder, or reactive attachment disorder.

B. Neuropsychological testing must be administered or clinically supervised by a neuropsychologist qualified as defined in subpart 2, item D.

C. Neuropsychological testing is not covered when performed:

- (1) primarily for educational purposes;
- (2) primarily for vocational counseling or training;
- (3) for personnel or employment testing;
- (4) as a routine battery of psychological tests given at inpatient admission or continued stay; or
- (5) for legal or forensic purposes.

Subp. 4. **Psychological testing.** Psychological testing must meet the following requirements:

A. The psychological testing must:

- (1) be administered or clinically supervised by a licensed psychologist with competence in the area of psychological testing as stated to the Minnesota Board of Psychology; and
- (2) be validated in a face-to-face interview between the client and a licensed psychologist or a mental health practitioner working as a clinical psychology trainee as required by part 9505.0371, subpart 5, item C, under the clinical supervision of a licensed psychologist according to part 9505.0371, subpart 5, item A, subitem (2).

B. The administration, scoring, and interpretation of the psychological tests must be done under the clinical supervision of a licensed psychologist when performed by a technician, psychometrist, or psychological assistant or as part of a computer-assisted psychological testing program.

C. The report resulting from the psychological testing must be:

- (1) signed by the psychologist conducting the face-to-face interview;
- (2) placed in the client's record; and
- (3) released to each person authorized by the client.

Subp. 5. **Explanations of findings.** To be eligible for medical assistance payment, the mental health professional providing the explanation of findings must obtain the authorization of the client or the client's representative to release the information as required in part 9505.0371, subpart 6. Explanation of findings is provided to the client, client's family, and caregivers, or to other providers to help them understand the results of the testing or diagnostic assessment, better understand the client's illness, and provide professional insight needed to carry out a plan of treatment. An explanation of findings is not paid separately when the results of psychological testing or a diagnostic assessment are explained to the client or the client's representative as part of the psychological testing or a diagnostic assessment.

Subp. 6. **Psychotherapy.** Medical assistance covers psychotherapy as conducted by a mental health professional or a mental health practitioner as defined in part 9505.0371, subpart 5, item C, as provided in this subpart.

A. Individual psychotherapy is psychotherapy designed for one client.

B. Family psychotherapy is designed for the client and one or more family members or the client's primary caregiver whose participation is necessary to accomplish the client's treatment goals. Family members or primary caregivers participating in a therapy session do not need to be eligible for medical assistance. For purposes of this subpart, the phrase "whose participation is necessary to accomplish the client's treatment goals" does not include shift or facility staff members at the client's residence. Medical assistance payment for family psychotherapy is limited to face-to-face sessions at which the client is present throughout the family psychotherapy session unless the mental health professional believes

the client's absence from the family psychotherapy session is necessary to carry out the client's individual treatment plan. If the client is excluded, the mental health professional must document the reason for and the length of time of the exclusion. The mental health professional must also document the reason or reasons why a member of the client's family is excluded.

C. Group psychotherapy is appropriate for individuals who because of the nature of their emotional, behavioral, or social dysfunctions can derive mutual benefit from treatment in a group setting. For a group of three to eight persons, one mental health professional or practitioner is required to conduct the group. For a group of nine to 12 persons, a team of at least two mental health professionals or two mental health practitioners or one mental health professional and one mental health practitioner is required to co-conduct the group. Medical assistance payment is limited to a group of no more than 12 persons.

D. A multiple-family group psychotherapy session is eligible for medical assistance payment if the psychotherapy session is designed for at least two but not more than five families. Multiple-family group psychotherapy is clearly directed toward meeting the identified treatment needs of each client as indicated in client's treatment plan. If the client is excluded, the mental health professional or practitioner must document the reason for and the length of the time of the exclusion. The mental health professional or practitioner must document the reasons why a member of the client's family is excluded.

Subp. 7. **Medication management.** The determination or evaluation of the effectiveness of a client's prescribed drug must be carried out by a physician or by an advanced practice registered nurse, as defined in Minnesota Statutes, sections 148.171 to 148.285, who is qualified in psychiatric nursing.

Subp. 8. **Adult day treatment.** Adult day treatment payment limitations include the following conditions.

A. Adult day treatment must consist of at least one hour of group psychotherapy, and must include group time focused on rehabilitative interventions, or other therapeutic services that are provided by a multidisciplinary staff. Adult day treatment is an intensive psychotherapeutic treatment. The services must stabilize the client's mental health status, and develop and improve the client's independent living and socialization skills. The goal of adult day treatment is to reduce or relieve the effects of mental illness so that an individual is able to benefit from a lower level of care and to enable the client to live and function more independently in the community. Day treatment services are not a part of inpatient or residential treatment services.

B. To be eligible for medical assistance payment, a day treatment program must:

(1) be reviewed by and approved by the commissioner;

(2) be provided to a group of clients by a multidisciplinary staff under the clinical supervision of a mental health professional;

(3) be available to the client at least two days a week for at least three consecutive hours per day. The day treatment may be longer than three hours per day, but medical assistance must not reimburse a provider for more than 15 hours per week;

(4) include group psychotherapy done by a mental health professional, or mental health practitioner qualified according to part 9505.0371, subpart 5, item C, and rehabilitative interventions done by a mental health professional or mental health practitioner daily;

(5) be included in the client's individual treatment plan as necessary and appropriate. The individual treatment plan must include attainable, measurable goals as they relate to services and must be completed before the first day treatment session. The vendor must review the recipient's progress and update the treatment plan at least every 30 days until the client is discharged and include an available discharge plan for the client in the treatment plan; and

(6) document the interventions provided and the client's response daily.

C. To be eligible for adult day treatment, a recipient must:

(1) be 18 years of age or older;

(2) not be residing in a nursing facility, hospital, institute of mental disease, or regional treatment center, unless the recipient has an active discharge plan that indicates a move to an independent living arrangement within 180 days;

(3) have a diagnosis of mental illness as determined by a diagnostic assessment;

(4) have the capacity to engage in the rehabilitative nature, the structured setting, and the therapeutic parts of psychotherapy and skills activities of a day treatment program and demonstrate measurable improvements in the recipient's functioning related to the recipient's mental illness that would result from participating in the day treatment program;

(5) have at least three areas of functional impairment as determined by a functional assessment with the domains prescribed by Minnesota Statutes, section 245.462, subdivision 11a;

(6) have a level of care determination that supports the need for the level of intensity and duration of a day treatment program; and

(7) be determined to need day treatment by a mental health professional who must deem the day treatment services medically necessary.

D. The following services are not covered by medical assistance if they are provided by a day treatment program:

(1) a service that is primarily recreation-oriented or that is provided in a setting that is not medically supervised. This includes: sports activities, exercise groups, craft hours, leisure time, social hours, meal or snack time, trips to community activities, and tours;

(2) a social or educational service that does not have or cannot reasonably be expected to have a therapeutic outcome related to the client's mental illness;

(3) consultation with other providers or service agency staff about the care or progress of a client;

(4) prevention or education programs provided to the community;

(5) day treatment for recipients with primary diagnoses of alcohol or other drug abuse;

(6) day treatment provided in the client's home;

(7) psychotherapy for more than two hours daily; and

(8) participation in meal preparation and eating that is not part of a clinical treatment plan to address the client's eating disorder.

Subp. 9. **Partial hospitalization.** Partial hospitalization is a covered service when it is an appropriate alternative to inpatient hospitalization for a client who is experiencing an acute episode of mental illness that meets the criteria for an inpatient hospital admission as specified in part 9505.0520, subpart 1, and who has the family and community resources necessary and appropriate to support the client's residence in the community. Partial hospitalization consists of multiple intensive short-term therapeutic services provided by a multidisciplinary staff to treat the client's mental illness.

Subp. 10. **Dialectical behavior therapy (DBT).** Dialectical behavior therapy (DBT) treatment services must meet the following criteria:

APPENDIX  
Repealed Minnesota Rules: H2127-1

A. DBT must be provided according to this subpart and Minnesota Statutes, section 256B.0625, subdivision 5l.

B. DBT is an outpatient service that is determined to be medically necessary by either: (1) a mental health professional qualified according to part 9505.0371, subpart 5, or (2) a mental health practitioner working as a clinical trainee according to part 9505.0371, subpart 5, item C, who is under the clinical supervision of a mental health professional according to part 9505.0371, subpart 5, item D, with specialized skill in dialectical behavior therapy. The treatment recommendation must be based upon a comprehensive evaluation that includes a diagnostic assessment and functional assessment of the client, and review of the client's prior treatment history. Treatment services must be provided pursuant to the client's individual treatment plan and provided to a client who satisfies the criteria in item C.

C. To be eligible for DBT, a client must:

- (1) be 18 years of age or older;
- (2) have mental health needs that cannot be met with other available community-based services or that must be provided concurrently with other community-based services;
- (3) meet one of the following criteria:
  - (a) have a diagnosis of borderline personality disorder; or
  - (b) have multiple mental health diagnoses and exhibit behaviors characterized by impulsivity, intentional self-harm behavior, and be at significant risk of death, morbidity, disability, or severe dysfunction across multiple life areas;
- (4) understand and be cognitively capable of participating in DBT as an intensive therapy program and be able and willing to follow program policies and rules assuring safety of self and others; and
- (5) be at significant risk of one or more of the following if DBT is not provided:
  - (a) mental health crisis;
  - (b) requiring a more restrictive setting such as hospitalization;
  - (c) decompensation; or
  - (d) engaging in intentional self-harm behavior.

D. The treatment components of DBT are individual therapy and group skills as follows:

- (1) Individual DBT combines individualized rehabilitative and psychotherapeutic interventions to treat suicidal and other dysfunctional behaviors and reinforce the use of adaptive skillful behaviors. The therapist must:
  - (a) identify, prioritize, and sequence behavioral targets;
  - (b) treat behavioral targets;
  - (c) generalize DBT skills to the client's natural environment through telephone coaching outside of the treatment session;
  - (d) measure the client's progress toward DBT targets;
  - (e) help the client manage crisis and life-threatening behaviors; and
  - (f) help the client learn and apply effective behaviors when working with other treatment providers.

APPENDIX  
Repealed Minnesota Rules: H2127-1

(2) Individual DBT therapy is provided by a mental health professional or a mental health practitioner working as a clinical trainee, according to part 9505.0371, subpart 5, item C, under the supervision of a licensed mental health professional according to part 9505.0371, subpart 5, item D.

(3) Group DBT skills training combines individualized psychotherapeutic and psychiatric rehabilitative interventions conducted in a group format to reduce the client's suicidal and other dysfunctional coping behaviors and restore function by teaching the client adaptive skills in the following areas:

- (a) mindfulness;
- (b) interpersonal effectiveness;
- (c) emotional regulation; and
- (d) distress tolerance.

(4) Group DBT skills training is provided by two mental health professionals, or by a mental health professional cofacilitating with a mental health practitioner.

(5) The need for individual DBT skills training must be determined by a mental health professional or a mental health practitioner working as a clinical trainee, according to part 9505.0371, subpart 5, item C, under the supervision of a licensed mental health professional according to part 9505.0371, subpart 5, item D.

E. A program must be certified by the commissioner as a DBT provider. To qualify for certification, a provider must:

(1) hold current accreditation as a DBT program from a nationally recognized certification body approved by the commissioner or submit to the commissioner's inspection and provide evidence that the DBT program's policies, procedures, and practices will continuously meet the requirements of this subpart;

(2) be enrolled as a MHCP provider;

(3) collect and report client outcomes as specified by the commissioner; and

(4) have a manual that outlines the DBT program's policies, procedures, and practices which meet the requirements of this subpart.

F. The DBT treatment team must consist of persons who are trained in DBT treatment. The DBT treatment team may include persons from more than one agency. Professional and clinical affiliations with the DBT team must be delineated:

(1) A DBT team leader must:

(a) be a mental health professional employed by, affiliated with, or contracted by a DBT program certified by the commissioner;

(b) have appropriate competencies and working knowledge of the DBT principles and practices; and

(c) have knowledge of and ability to apply the principles and DBT practices that are consistent with evidence-based practices.

(2) DBT team members who provide individual DBT or group skills training must:

(a) be a mental health professional or be a mental health practitioner, who is employed by, affiliated with, or contracted with a DBT program certified by the commissioner;

(b) have or obtain appropriate competencies and working knowledge of DBT principles and practices within the first six months of becoming a part of the DBT program;

(c) have or obtain knowledge of and ability to apply the principles and practices of DBT consistently with evidence-based practices within the first six months of working at the DBT program;

(d) participate in DBT consultation team meetings; and

(e) require mental health practitioners to have ongoing clinical supervision by a mental health professional who has appropriate competencies and working knowledge of DBT principles and practices.

Subp. 11. **Noncovered services.** The mental health services in items A to J are not eligible for medical assistance payment under this part:

A. a mental health service that is not medically necessary;

B. a neuropsychological assessment carried out by a person other than a neuropsychologist who is qualified according to part 9505.0372, subpart 2, item D;

C. a service ordered by a court that is solely for legal purposes and not related to the recipient's diagnosis or treatment for mental illness;

D. services dealing with external, social, or environmental factors that do not directly address the recipient's physical or mental health;

E. a service that is only for a vocational purpose or an educational purpose that is not mental health related;

F. staff training that is not related to a client's individual treatment plan or plan of care;

G. child and adult protection services;

H. fund-raising activities;

I. community planning; and

J. client transportation.

#### **9520.0010 STATUTORY AUTHORITY AND PURPOSE.**

Parts 9520.0010 to 9520.0230 provide methods and procedures relating to the establishment and operation of area-wide, comprehensive, community-based mental health, developmental disability, and chemical dependency programs under state grant-in-aid as provided under Minnesota Statutes, sections 245.61 to 245.69. Minnesota Statutes, sections 245.61 to 245.69 are entitled The Community Mental Health Services Act. For purposes of these parts, "community mental health services" includes services to persons who have mental or emotional disorders or other psychiatric disabilities, developmental disabilities, and chemical dependency, including drug abuse and alcoholism.

#### **9520.0020 BOARD DUTIES.**

The community mental health board has the responsibility for ensuring the planning, development, implementation, coordination, and evaluation of the community comprehensive mental health program for the mentally ill/behaviorally disabled, developmentally disabled, and chemically dependent populations in the geographic area it serves. It also has the responsibility for ensuring delivery of services designated by statute.

#### **9520.0030 DEFINITIONS.**

Parts 9520.0040 and 9520.0050 also set forth definitions of community mental health centers and community mental health clinics.

#### **9520.0040 COMMUNITY MENTAL HEALTH CENTER.**

A community mental health center means an agency which includes all of the following:

APPENDIX  
Repealed Minnesota Rules: H2127-1

A. Established under the provision of Minnesota Statutes, sections 245.61 to 245.69.

B. Provides as a minimum the following services for individuals with mental or emotional disorders, developmental disabilities, alcoholism, drug abuse, and other psychiatric conditions. The extent of each service to be provided by the center shall be indicated in the program plan, which is to reflect the problems, needs, and resources of the community served:

(1) collaborative and cooperative services with public health and other groups for programs of prevention of mental illness, developmental disability, alcoholism, drug abuse, and other psychiatric disorders;

(2) informational and educational services to schools, courts, health and welfare agencies, both public and private;

(3) informational and educational services to the general public, lay, and professional groups;

(4) consultative services to schools, courts, and health and welfare agencies, both public and private;

(5) outpatient diagnostic and treatment services; and

(6) rehabilitative services, particularly for those who have received prior treatment in an inpatient facility.

C. Provides or contracts for detoxification, evaluation, and referral for chemical dependency services (Minnesota Statutes, section 254A.08).

D. Provides specific coordination for mentally ill/behaviorally disabled, developmental disability, and chemical dependency programs. (Minnesota Statutes, sections 254A.07 and 245.61).

E. Has a competent multidisciplinary mental health/developmental disability/chemical dependency professional team whose members meet the professional standards in their respective fields.

F. The professional mental health team is qualified by specific mental health training and experience and shall include as a minimum the services of each of the following:

(1) a licensed physician, who has completed an approved residency program in psychiatry; and

(2) a doctoral clinical, counseling, or health care psychologist, who is licensed under Minnesota Statutes, sections 148.88 to 148.98; and one or both of the following:

(3) a clinical social worker with a master's degree in social work from an accredited college or university; and/or

(4) a clinical psychiatric nurse with a master's degree from an accredited college or university and is registered under Minnesota Statutes, section 148.171. The master's degree shall be in psychiatric nursing or a related psychiatric nursing program such as public health nursing with mental health major, maternal and child health with mental health major, etc.

G. The multidisciplinary staff shall be sufficient in number to implement and operate the described program of the center. In addition to the above, this team should include other professionals, paraprofessionals, and disciplines, particularly in the preventive and rehabilitative components of the program, subject to review and approval of job descriptions and qualifications by the commissioner. If any of the minimum required professional staff are not immediately available, the commissioner may approve and make grants for the operation of the center, provided that the board and director can show evidence acceptable to the commissioner that they are making sincere, reasonable, and ongoing efforts

to acquire such staff and show evidence of how the specialized functions of the required professionals are being met. The services being rendered by employed personnel shall be consistent with their professional discipline.

**9520.0050 COMMUNITY MENTAL HEALTH CLINIC.**

Subpart 1. **Definitions.** A community mental health clinic is an agency which devotes, as its major service, at least two-thirds of its resources for outpatient mental health diagnosis, treatment, and consultation by a multidisciplinary professional mental health team. The multidisciplinary professional mental health team is qualified by special mental health training and experience and shall include as a minimum the services of each of the following:

A. a licensed physician, who has completed an approved residency program in psychiatry; and

B. a doctoral clinical, or counseling or health care psychologist who is licensed under Minnesota Statutes, sections 148.88 to 148.98; and one or both of the following:

C. a clinical social worker with a master's degree in social work from an accredited college or university; and/or

D. a clinical psychiatric nurse with a master's degree from an accredited college or university and is registered under Minnesota Statutes, section 148.171. The master's degree shall be in psychiatric nursing or a related psychiatric nursing program such as public health with a mental health major, maternal and child health with a mental health major.

Subp. 2. **Other members of multidisciplinary team.** The multidisciplinary team shall be sufficient in number to implement and operate the described program of the clinic. In addition to the above, this team should include other professionals, paraprofessionals and disciplines, particularly in the preventive and rehabilitative components of the program, subject to review and approval of job descriptions and qualifications by the commissioner.

Subp. 3. **Efforts to acquire staff.** If any of the minimum required professional staff are not immediately available, the commissioner may approve and make grants for the operation of the clinic, provided that the board and director can show evidence acceptable to the commissioner that they are making sincere, reasonable, and ongoing efforts to acquire such staff and evidence of how the specialized functions of the required professional positions are being met. The services being rendered by employed personnel shall be consistent with their professional discipline.

**9520.0060 ANNUAL PLAN AND BUDGET.**

On or before the date designated by the commissioner, each year the chair of the community mental health board or director of the community mental health program, provided for in Minnesota Statutes, section 245.62, shall submit an annual plan identifying program priorities in accordance with state grant-in-aid guidelines, and a budget on prescribed report forms for the next state fiscal year, together with the recommendations of the community mental health board, to the commissioner of human services for approval as provided under Minnesota Statutes, section 245.63.

**9520.0070 FISCAL AFFILIATES.**

Other providers of community mental health services may affiliate with the community mental health center and may be approved and eligible for state grant-in-aid funds. The state funding for other community mental health services shall be contingent upon appropriate inclusion in the center's community mental health plan for the continuum of community mental health services and conformity with the state's appropriate disability plan for mental health, developmental disability, or chemical dependency. Fiscal affiliates (funded contracting agencies) providing specialized services under contract must meet all rules and standards that apply to the services they are providing.

**9520.0080 OTHER REQUIRED REPORTS.**

The program director of the community mental health program shall provide the commissioner of human services with such reports of program activities as the commissioner may require.

**9520.0090 FUNDING.**

All state community mental health funding shall go directly to the community mental health board or to a human service board established pursuant to Laws of Minnesota 1975, chapter 402, which itself provides or contracts with another agency to provide the community mental health program. Such programs must meet the standards and rules for community mental health programs as enunciated in parts 9520.0010 to 9520.0230 in accordance with Laws of Minnesota 1975, chapter 402.

**9520.0100 OPERATION OF OTHER PROGRAMS.**

When the governing authority of the community mental health program operates other programs, services, or activities, only the community mental health center program shall be subject to these parts.

**9520.0110 APPLICATIONS AND AGREEMENTS BY LOCAL COUNTIES.**

New applications for state assistance or applications for renewal of support must be accompanied by an agreement executed by designated signatories on behalf of the participating counties that specifies the involved counties, the amount and source of local funds in each case, and the period of support. The local funds to be used to match state grant-in-aid must be assured in writing on Department of Human Services forms by the local funding authority(ies).

**9520.0120 USE OF MATCHING FUNDS.**

Funds utilized by the director as authorized by the community mental health board to match a state grant-in-aid must be available to that director for expenditures for the same general purpose as the state grant-in-aid funds.

**9520.0130 QUARTERLY REPORTS.**

The director of the community mental health program shall, within 20 days after the end of the quarter, submit quarterly prescribed reports to the commissioner of human services (controller's office), containing all receipts, expenditures, and cash balance, subject to an annual audit by the commissioner or his/her designee.

**9520.0140 PAYMENTS.**

Payments on approved grants will be made subsequent to the department's receipt of the program's quarterly reporting forms, unless the commissioner of human services has determined that funds allocated to a program are not needed for that program. Payments shall be in an amount of at least equal to the quarterly allocation minus any unexpended balance from the previous quarter providing this payment does not exceed the program grant award. In the event the program does not report within the prescribed time, the department will withhold the process of the program's payment until the next quarterly cycle.

**9520.0150 FEES.**

No fees shall be charged until the director with approval of the community mental health board has established fee schedules for the services rendered and they have been submitted to the commissioner of human services at least two months prior to the effective date thereof and have been approved by him/her. All fees shall conform to the approved schedules, which are accessible to the public.

**9520.0160 SUPPLEMENTAL AWARDS.**

The commissioner of human services may make supplemental awards to the community mental health boards.

**9520.0170 WITHDRAWAL OF FUNDS.**

The commissioner of human services may withdraw funds from any program that is not administered in accordance with its approved plan and budget. Written notice of such intended action will be provided to the director and community mental health board. Opportunity for hearing before the commissioner or his/her designee shall be provided.

**9520.0180 BUDGET TRANSFERS.**

Community mental health boards may make budget transfers within specified limits during any fiscal year without prior approval of the department. The specified limit which can be transferred in any fiscal year between program activity budgets shall be up to ten percent or up to \$5,000 whichever is less. Transfers within an activity can be made into or out of line items with a specified limit of up to ten percent or up to \$5,000 whichever is less. No line item can be increased or decreased by more than \$5,000 or ten percent in a fiscal year without prior approval of the commissioner. Transfers above the specified limits can be made with prior approval from the commissioner. All transfers within and into program budget activities and/or line items must have prior approval by the community mental health board and this approval must be reflected in the minutes of its meeting, it must be reported to the commissioner with the reasons therefor, including a statement of how the transfer will affect program objectives.

**9520.0190 BUDGET ADJUSTMENTS.**

Budget adjustments made necessary by funding limitations shall be made by the commissioner and provided in writing to the director and board of the community mental health center.

**9520.0200 CENTER DIRECTOR.**

Every community mental health board receiving state funds for a community mental health program shall have a center director, who is the full-time qualified professional staff member who serves as the executive officer. To be considered qualified, the individual must have professional training to at least the level of graduate degree in his/her clinical and/or administrative discipline, which is relevant to MH-DD-CD and a minimum of two years experience in community mental health programs. The center director is responsible for the planning/design, development, coordination, and evaluation of a comprehensive, area-wide program and for the overall administration of services operated by the board.

The center director shall be appointed by the community mental health board and shall be approved by the commissioner of human services.

**9520.0210 DEADLINE FOR APPROVAL OR DENIAL OF REQUEST FOR APPROVAL STATUS.**

The commissioner shall approve or deny, in whole or in part, an application for state financial assistance within 90 days of receipt of the grant-in-aid application or by the beginning of the state fiscal year, whichever is the later.

**9520.0230 ADVISORY COMMITTEE.**

Subpart 1. **Purpose.** To assist the community mental health board in meeting its responsibilities as described in Minnesota Statutes, section 245.68 and to provide opportunity for broad community representation necessary for effective comprehensive mental health, developmental disability, and chemical dependency program planning, each community

mental health board shall appoint a separate advisory committee in at least the three disability areas of mental health, developmental disability, and chemical dependency.

Subp. 2. **Membership.** The advisory committees shall consist of residents of the geographic area served who are interested and knowledgeable in the area governed by such committee.

Subp. 3. **Nominations for membership.** Nominations for appointments as members of the advisory committees are to be made to the community mental health board from agencies, organizations, groups, and individuals within the area served by the community mental health center. Appointments to the advisory committees are made by the community mental health board.

Subp. 4. **Board member on committee.** One community mental health board member shall serve on each advisory committee.

Subp. 5. **Nonprovider members.** Each advisory committee shall have at least one-half of its membership composed of individuals who are not providers of services to the three disability groups.

Subp. 6. **Representative membership.** Membership of each advisory committee shall generally reflect the population distribution of the service delivery area of the community mental health center.

Subp. 7. **Chairperson appointed.** The community mental health board shall appoint a chairperson for each advisory committee. The chairperson shall not be a community mental health board member nor a staff member. The power to appoint the chairperson may be delegated by the community mental health board to the individual advisory committee.

Subp. 8. **Committee responsibility to board.** Each advisory committee shall be directly responsible to the community mental health board. Direct communication shall be effected and maintained through contact between the chairperson of the particular advisory committee, or his/her designee, and the chairperson of the community mental health board, or his/her designee.

Subp. 9. **Staff.** Staff shall be assigned by the director to serve the staffing needs of each advisory committee.

Subp. 10. **Study groups and task forces.** Each advisory committee may appoint study groups and task forces upon consultation with the community mental health board. It is strongly recommended that specific attention be given to the aging and children and youth populations.

Subp. 11. **Quarterly meetings required.** Each advisory committee shall meet at least quarterly.

Subp. 12. **Annual report required.** Each advisory committee must make a formal written and oral report on its work to the community mental health board at least annually.

Subp. 13. **Minutes.** Each advisory committee shall submit copies of minutes of their meetings to the community mental health board and to the Department of Human Services (respective disability group program divisions).

Subp. 14. **Duties of advisory committee.** The advisory committees shall be charged by the community mental health board with assisting in the identification of the community's needs for mentally ill/behaviorally disabled, developmental disability, and chemical dependency programs. The advisory committee also assists the community mental health board in determining priorities for the community programs. Based on the priorities, each advisory committee shall recommend to the community mental health board ways in which the limited available community resources (work force, facilities, and finances) can be put to maximum and optimal use.

Subp. 15. **Recommendations.** The advisory committee recommendations made to the community mental health board shall be included as a separate section in the grant-in-aid request submitted to the Department of Human Services by the community mental health board.

Subp. 16. **Assessment of programs.** The advisory committees shall assist the community mental health board in assessing the programs carried on by the community mental health board, and make recommendations regarding the reordering of priorities and modifying of programs where necessary.

#### **9520.0750 PURPOSE.**

Parts 9520.0750 to 9520.0870 establish standards for approval of mental health centers and mental health clinics for purposes of insurance and subscriber contract reimbursement under Minnesota Statutes, section 62A.152.

#### **9520.0760 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 9520.0760 to 9520.0870, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means the formal statement by a center to the commissioner, on the forms created for this purpose, requesting recognition as meeting the requirements of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 3. **Approval.** "Approval" means the determination by the commissioner that the applicant center has met the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870, and is therefore eligible to claim reimbursement for outpatient clinical services under the terms of Minnesota Statutes, section 62A.152. Approval of a center under these parts does not mean approval of a multidisciplinary staff person of such center to claim reimbursement from medical assistance or other third-party payors when practicing privately. Approval of a center under these parts does not mean approval of such center to claim reimbursement from medical assistance.

Subp. 4. **Case review.** "Case review" means a consultation process thoroughly examining a client's condition and treatment. It includes review of the client's reason for seeking treatment, diagnosis and assessment, and the individual treatment plan; review of the appropriateness, duration, and outcome of treatment provided; and treatment recommendations.

Subp. 5. **Center.** "Center" means a public or private health and human services facility which provides clinical services in the treatment of mental illness. It is an abbreviated term used in place of "mental health center" or "mental health clinic" throughout parts 9520.0750 to 9520.0870.

Subp. 6. **Client.** "Client" means a person accepted by the center to receive clinical services in the diagnosis and treatment of mental illness.

Subp. 7. **Clinical services.** "Clinical services" means services provided to a client to diagnose, describe, predict, and explain that client's status relative to a disabling condition or problem, and where necessary, to treat the client to reduce impairment due to that condition. Clinical services also include individual treatment planning, case review, record keeping required for treatment, peer review, and supervision.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or a designated representative.

Subp. 9. **Competent.** "Competent" means having sufficient knowledge of and proficiency in a specific mental illness assessment or treatment service, technique, method, or procedure, documented by experience, education, training, and certification, to be able to provide it to a client with little or no supervision.

Subp. 10. **Consultation.** "Consultation" means the process of deliberating or conferring between multidisciplinary staff regarding a client and the client's treatment.

Subp. 11. **Deferral.** "Deferral" means the determination by the commissioner that the applicant center does not meet the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870 and is not approved, but is granted a period of time to comply with these standards and receive a second review without reapplication.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Disapproval or withdrawal of approval.** "Disapproval" or "withdrawal of approval" means a determination by the commissioner that the applicant center does not meet the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 14. **Discipline.** "Discipline" means a branch of professional knowledge or skill acquired through a specific course of study and training and usually documented by a specific educational degree or certification of proficiency. Examples of the mental health disciplines include but are not limited to psychiatry, psychology, clinical social work, and psychiatric nursing.

Subp. 15. **Documentation.** "Documentation" means the automatically or manually produced and maintained evidence that can be read by person or machine, and that will attest to the compliance with requirements of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 16. **Individual treatment plan.** "Individual treatment plan" means a written plan of intervention and treatment developed on the basis of assessment results for a specific client, and updated as necessary. The plan specifies the goals and objectives in measurable terms, states the treatment strategy, and identifies responsibilities of multidisciplinary staff.

Subp. 17. **Mental health practitioner.** "Mental health practitioner" means a staff person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

A. by having a bachelor's degree in one of the behavioral sciences or related fields from an accredited college or university and 2,000 hours of supervised experience in the delivery of clinical services in the treatment of mental illness;

B. by having 6,000 hours of supervised experience in the delivery of clinical services in the treatment of mental illness;

C. by being a graduate student in one of the behavioral sciences or related fields formally assigned to the center for clinical training by an accredited college or university;  
or

D. by having a master's or other graduate degree in one of the behavioral sciences or related fields from an accredited college or university.

Documentation of compliance with part 9520.0800, subpart 4, item B is required for designation of work as supervised experience in the delivery of clinical services. Documentation of the accreditation of a college or university shall be a listing in Accredited Institutions of Postsecondary Education Programs, Candidates for the year the degree was issued. The master's degree in behavioral sciences or related fields shall include a minimum of 28 semester hours of graduate course credit in mental health theory and supervised clinical training, as documented by an official transcript.

Subp. 18. **Mental health professional.** "Mental health professional" has the meaning given in Minnesota Statutes, section 245.462, subdivision 18.

Subp. 19. **Mental illness.** "Mental illness" means a condition which results in an inability to interpret the environment realistically and in impaired functioning in primary

aspects of daily living such as personal relations, living arrangements, work, and recreation, and which is listed in the clinical manual of the International Classification of Diseases (ICD-9-CM), Ninth Revision (1980), code range 290.0-302.99 or 306.0-316, or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-III), Third Edition (1980), Axes I, II or III. These publications are available from the State Law Library.

Subp. 20. **Multidisciplinary staff.** "Multidisciplinary staff" means the mental health professionals and mental health practitioners employed by or under contract to the center to provide outpatient clinical services in the treatment of mental illness.

Subp. 21. **Serious violations of policies and procedures.** "Serious violations of policies and procedures" means a violation which threatens the health, safety, or rights of clients or center staff; the repeated nonadherence to center policies and procedures; and the nonadherence to center policies and procedures which result in noncompliance with Minnesota Statutes, section 245.69, subdivision 2 and parts 9520.0760 to 9520.0870.

Subp. 22. **Treatment strategy.** "Treatment strategy" means the particular form of service delivery or intervention which specifically addresses the client's characteristics and mental illness, and describes the process for achievement of individual treatment plan goals.

#### **9520.0770 ORGANIZATIONAL STRUCTURE OF CENTER.**

Subpart 1. **Basic unit.** The center or the facility of which it is a unit shall be legally constituted as a partnership, corporation, or government agency. The center shall be either the entire facility or a clearly identified unit within the facility which is administratively and clinically separate from the rest of the facility. All business shall be conducted in the name of the center or facility, except medical assistance billing by individually enrolled providers when the center is not enrolled.

Subp. 2. **Purpose, services.** The center shall document that the prevention, diagnosis, and treatment of mental illness are the main purposes of the center. If the center is a unit within a facility, the rest of the facility shall not provide clinical services in the outpatient treatment of mental illness. The facility may provide services other than clinical services in the treatment of mental illness, including medical services, chemical dependency services, social services, training, and education. The provision of these additional services is not reviewed in granting approval to the center under parts 9520.0760 to 9520.0870.

Subp. 3. **Governing body.** The center shall have a governing body. The governing body shall provide written documentation of its source of authority. The governing body shall be legally responsible for the implementation of the standards set forth in Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870 through the establishment of written policy and procedures.

Subp. 4. **Chart or statement of organization.** The center shall have an organizational chart or statement which specifies the relationships among the governing body, any administrative and support staff, mental health professional staff, and mental health practitioner staff; their respective areas of responsibility; the lines of authority involved; the formal liaison between administrative and clinical staff; and the relationship of the center to the rest of the facility and any additional services provided.

#### **9520.0780 SECONDARY LOCATIONS.**

Subpart 1. **Main and satellite offices.** The center shall notify the commissioner of all center locations. If there is more than one center location, the center shall designate one as the main office and all secondary locations as satellite offices. The main office as a unit and the center as a whole shall be in compliance with part 9520.0810. The main office shall function as the center records and documentation storage area and house most administrative functions for the center. Each satellite office shall:

- A. be included as a part of the legally constituted entity;

- B. adhere to the same clinical and administrative policies and procedures as the main office;
- C. operate under the authority of the center's governing body;
- D. store all center records and the client records of terminated clients at the main office;
- E. ensure that a mental health professional is at the satellite office and competent to supervise and intervene in the clinical services provided there, whenever the satellite office is open;
- F. ensure that its multidisciplinary staff have access to and interact with main center staff for consultation, supervision, and peer review; and
- G. ensure that clients have access to all clinical services provided in the treatment of mental illness and the multidisciplinary staff of the center.

Subp. 2. **Noncompliance.** If the commissioner determines that a secondary location is not in compliance with subpart 1, it is not a satellite office. Outpatient clinical services in the treatment of mental illness delivered by the center or facility of which it is a unit shall cease at that location, or the application shall be disapproved.

#### **9520.0790 MINIMUM TREATMENT STANDARDS.**

Subpart 1. **Multidisciplinary approach.** The center shall document that services are provided in a multidisciplinary manner. That documentation shall include evidence that staff interact in providing clinical services, that the services provided to a client involve all needed disciplines represented on the center staff, and that staff participate in case review and consultation procedures as described in subpart 6.

Subp. 2. **Intake and case assignment.** The center shall establish an intake or admission procedure which outlines the intake process, including the determination of the appropriateness of accepting a person as a client by reviewing the client's condition and need for treatment, the clinical services offered by the center, and other available resources. The center shall document that case assignment for assessment, diagnosis, and treatment is made to a multidisciplinary staff person who is competent in the service, in the recommended treatment strategy and in treating the individual client characteristics. Responsibility for each case shall remain with a mental health professional.

Subp. 3. **Assessment and diagnostic process.** The center shall establish an assessment and diagnostic process that determines the client's condition and need for clinical services. The assessment of each client shall include clinical consideration of the client's general physical, medical, developmental, family, social, psychiatric, and psychological history and current condition. The diagnostic statement shall include the diagnosis based on the codes in the International Classification of Diseases or the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and refer to the pertinent assessment data. The diagnosis shall be by or under the supervision of and signed by a psychiatrist or licensed psychologist. The diagnostic assessment, as defined by Minnesota Statutes, sections 245.462, subdivision 9, for adults, and 245.4871, subdivision 11, for children, must be provided by a licensed mental health professional in accordance with Minnesota Statutes, section 245.467, subdivision 2.

Subp. 4. **Treatment planning.** The individual treatment plan, based upon a diagnostic assessment of mental illness, shall be jointly developed by the client and the mental health professional. This planning procedure shall ensure that the client has been informed in the following areas: assessment of the client condition; treatment alternatives; possible outcomes and side effects of treatment; treatment recommendations; approximate length, cost, and hoped-for outcome of treatment; the client's rights and responsibilities in implementation of the individual treatment plan; staff rights and responsibilities in the treatment process; the Government Data Practices Act; and procedures for reporting grievances and alleged violation of client rights. If the client is considering chemotherapy, hospitalization, or other

medical treatment, the appropriate medical staff person shall inform the client of the treatment alternatives, the effects of the medical procedures, and possible side effects. Clinical services shall be appropriate to the condition, age, sex, socioeconomic, and ethnic background of the client, and provided in the least restrictive manner. Clinical services shall be provided according to the individual treatment plan and existing professional codes of ethics.

Subp. 5. **Client record.** The center shall maintain a client record for each client. The record must document the assessment process, the development and updating of the treatment plan, the treatment provided and observed client behaviors and response to treatment, and serve as data for the review and evaluation of the treatment provided to a client. The record shall include:

- A. a statement of the client's reason for seeking treatment;
- B. a record of the assessment process and assessment data;
- C. the initial diagnosis based upon the assessment data;
- D. the individual treatment plan;
- E. a record of all medication prescribed or administered by multidisciplinary staff;
- F. documentation of services received by the client, including consultation and progress notes;
- G. when necessary, the client's authorization to release private information, and client information obtained from outside sources;
- H. at the closing of the case, a statement of the reason for termination, current client condition, and the treatment outcome; and
- I. correspondence and other necessary information.

Subp. 6. **Consultation; case review.** The center shall establish standards for case review and encourage the ongoing consultation among multidisciplinary staff. The multidisciplinary staff shall attend staff meetings at least twice monthly for a minimum of four hours per month, or a minimum of two hours per month if the multidisciplinary staff person provides clinical services in the treatment of mental illness less than 15 hours per week. The purpose of these meetings shall be case review and consultation. Written minutes of the meeting shall be maintained at the center for at least three years after the meeting.

Subp. 7. **Referrals.** If the necessary treatment or the treatment desired by the client is not available at the center, the center shall facilitate appropriate referrals. The multidisciplinary staff person shall discuss with the client the reason for the referral, potential treatment resources, and what the process will involve. The staff person shall assist in the process to ensure continuity of the planned treatment.

Subp. 8. **Emergency service.** The center shall ensure that clinical services to treat mental illness are available to clients on an emergency basis.

Subp. 9. **Access to hospital.** The center shall document that it has access to hospital admission for psychiatric inpatient care, and shall provide that access when needed by a client. This requirement for access does not require direct hospital admission privileges on the part of qualified multidisciplinary staff.

## **9520.0800 MINIMUM QUALITY ASSURANCE STANDARDS.**

Subpart 1. **Policies and procedures.** The center shall develop written policies and procedures and shall document the implementation of these policies and procedures for each treatment standard and each quality assurance standard in subparts 2 to 7. The policies shall be approved by the governing body. The procedures shall indicate what actions or accomplishments are to be performed, who is responsible for each action, and any documentation or required forms. Multidisciplinary staff shall have access to a copy of the policies and procedures at all times.

Subp. 2. **Peer review.** The center shall have a multidisciplinary peer review system to assess the manner in which multidisciplinary staff provide clinical services in the treatment of mental illness. Peer review shall include the examination of clinical services to determine if the treatment provided was effective, necessary, and sufficient and of client records to determine if the recorded information is necessary and sufficient. The system shall ensure review of a randomly selected sample of five percent or six cases, whichever is less, of the annual caseload of each mental health professional by other mental health professional staff. Peer review findings shall be discussed with staff involved in the case and followed up by any necessary corrective action. Peer review records shall be maintained at the center.

Subp. 3. **Internal utilization review.** The center shall have a system of internal utilization review to examine the quality and efficiency of resource usage and clinical service delivery. The center shall develop and carry out a review procedure consistent with its size and organization which includes collection or review of information, analysis or interpretation of information, and application of findings to center operations. The review procedure shall minimally include, within any three year period of time, review of the appropriateness of intake, the provision of certain patterns of services, and the duration of treatment. Criteria may be established for treatment length and the provision of services for certain client conditions. Utilization review records shall be maintained, with an annual report to the governing body for applicability of findings to center operations.

Subp. 4. **Staff supervision.** Staff supervision:

A. The center shall have a clinical evaluation and supervision procedure which identifies each multidisciplinary staff person's areas of competence and documents that each multidisciplinary staff person receives the guidance and support needed to provide clinical services for the treatment of mental illness in the areas they are permitted to practice.

B. A mental health professional shall be responsible for the supervision of the mental health practitioner, including approval of the individual treatment plan and bimonthly case review of every client receiving clinical services from the practitioner. This supervision shall include a minimum of one hour of face-to-face, client-specific supervisory contact for each 40 hours of clinical services in the treatment of mental illness provided by the practitioner.

Subp. 5. **Continuing education.** The center shall require that each multidisciplinary staff person attend a minimum of 36 clock hours every two years of academic or practical course work and training. This education shall augment job-related knowledge, understanding, and skills to update or enhance staff competencies in the delivery of clinical services to treat mental illness. Continued licensure as a mental health professional may be substituted for the continuing education requirement of this subpart.

Subp. 6. **Violations of standards.** The center shall have procedures for the reporting and investigating of alleged unethical, illegal, or grossly negligent acts, and of the serious violation of written policies and procedures. The center shall document that the reported behaviors have been reviewed and that responsible disciplinary or corrective action has been taken if the behavior was substantiated. The procedures shall address both client and staff reporting of complaints or grievances regarding center procedures, staff, and services. Clients and staff shall be informed they may file the complaint with the department if it was not resolved to mutual satisfaction. The center shall have procedures for the reporting of suspected abuse or neglect of clients, in accordance with Minnesota Statutes, sections 611A.32, subdivision 5; 626.556; and 626.557.

Subp. 7. **Data classification.** Client information compiled by the center, including client records and minutes of case review and consultation meetings, shall be protected as private data under the Minnesota Government Data Practices Act.

## **9520.0810 MINIMUM STAFFING STANDARDS.**

Subpart 1. **Required staff.** Required staff:

A. The multidisciplinary staff of a center shall consist of at least four mental health professionals. At least two of the mental health professionals shall each be employed or under contract for a minimum of 35 hours a week by the center. Those two mental health professionals shall be of different disciplines.

B. The mental health professional staff shall include a psychiatrist and a licensed psychologist.

C. The mental health professional employed or under contract to the center to meet the requirement of item B shall be at the main office of the center and providing clinical services in the treatment of mental illness at least eight hours every two weeks.

Subp. 2. **Additional staff; staffing balance.** Additional mental health professional staff may be employed by or under contract to the center provided that no single mental health discipline or combination of allied fields shall comprise more than 60 percent of the full-time equivalent mental health professional staff. This provision does not apply to a center with fewer than six full-time equivalent mental health professional staff. Mental health practitioners may also be employed by or under contract to a center to provide clinical services for the treatment of mental illness in their documented area of competence. Mental health practitioners shall not comprise more than 25 percent of the full-time equivalent multidisciplinary staff. In determination of full-time equivalence, only time spent in clinical services for the treatment of mental illness shall be considered.

Subp. 3. **Multidisciplinary staff records.** The center shall maintain records sufficient to document that the center has determined and verified the clinical service qualifications of each multidisciplinary staff person, and sufficient to document each multidisciplinary staff person's terms of employment.

Subp. 4. **Credentialed occupations.** The center shall adhere to the qualifications and standards specified by rule for any human service occupation credentialed under Minnesota Statutes, section 214.13 and employed by or under contract to the center.

#### **9520.0820 APPLICATION PROCEDURES.**

Subpart 1. **Form.** A facility seeking approval as a center for insurance reimbursement of its outpatient clinical services in treatment of mental illness must make formal application to the commissioner for such approval. The application form for this purpose may be obtained from the Mental Illness Program Division of the department. The application form shall require only information which is required by statute or rule, and shall require the applicant center to explain and provide documentation of compliance with the minimum standards in Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 2. **Fee.** Each application shall be accompanied by payment of the nonrefundable application fee. The fee shall be established and adjusted in accordance with Minnesota Statutes, section 16A.128 to cover the costs to the department in implementing Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 3. **Completed application.** The application is considered complete on the date the application fee and all information required in the application form are received by the department.

Subp. 4. **Coordinator.** The center shall designate in the application a mental health professional as the coordinator for issues surrounding compliance with parts 9520.0760 to 9520.0870.

#### **9520.0830 REVIEW OF APPLICANT CENTERS.**

Subpart 1. **Site visit.** The formal review shall begin after the completed application has been received, and shall include an examination of the written application and a visit to the center. The applicant center shall be offered a choice of site visit dates, with at least one date falling within 60 days of the date on which the department receives the complete application. The site visit shall include interviews with multidisciplinary staff and examination

of a random sample of client records, consultation minutes, quality assurance reports, and multidisciplinary staff records.

Subp. 2. **Documentation.** If implementation of a procedure is too recent to be reliably documented, a written statement of the planned implementation shall be accepted as documentation on the initial application. The evidence of licensure or accreditation through another regulating body shall be accepted as documentation of a specific procedure when the required minimum standard of that body is the same or higher than a specific provision of parts 9520.0760 to 9520.0870.

#### **9520.0840 DECISION ON APPLICATION.**

Subpart 1. **Written report.** Upon completion of the site visit, a report shall be written. The report shall include a statement of findings, a recommendation to approve, defer, or disapprove the application, and the reasons for the recommendation.

Subp. 2. **Written notice to center.** The applicant center shall be sent written notice of approval, deferral, or disapproval within 30 days of the completion of the site visit. If the decision is a deferral or a disapproval, the notice shall indicate the specific areas of noncompliance.

Subp. 3. **Noncompliance with statutes and rules.** An application shall be disapproved or deferred if it is the initial application of a center, when the applicant center is not in compliance with Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

Subp. 4. **Deferral of application.** If an application is deferred, the length of deferral shall not exceed 180 days. If the areas of noncompliance stated in the deferral notice are not satisfactorily corrected by the end of the deferral period, the application shall be disapproved. The applicant center shall allow the commissioner to inspect the center at any time during the deferral period, whether or not the site visit has been announced in advance. A site visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center. At any time during the deferral period, the applicant center may submit documentation indicating correction of noncompliance. The application shall then be approved or disapproved. At any time during the deferral period, the applicant center may submit a written request to the commissioner to change the application status to disapproval. The request shall be complied with within 14 days of receiving this written request. The applicant center is not an approved center for purposes of Minnesota Statutes, section 62A.152 during a deferral period.

Subp. 5. **Effective date of decision.** The effective date of a decision is the date the commissioner signs a letter notifying the applicant center of that decision.

#### **9520.0850 APPEALS.**

If an application is disapproved or approval is withdrawn, a contested case hearing and judicial review as provided in Minnesota Statutes, sections 14.48 to 14.69, may be requested by the center within 30 days of the commissioner's decision.

#### **9520.0860 POSTAPPROVAL REQUIREMENTS.**

Subpart 1. **Duration of approval.** Initial approval of an application is valid for 12 months from the effective date, subsequent approvals for 24 months, except when approval is withdrawn according to the criteria in subpart 4.

Subp. 2. **Reapplication.** The center shall contact the department for reapplication forms, and submit the completed application at least 90 days prior to the expected expiration date. If an approved center has met the conditions of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870, including reapplication when required, its status as an approved center shall remain in effect pending department processing of the reapplication.

Subp. 3. **Restrictions.** The approval is issued only for the center named in the application and is not transferable or assignable to another center. The approval is issued only for the center location named in the application and is not transferable or assignable to another location. If the commissioner is notified in writing at least 30 days in advance of a change in center location and can determine that compliance with all provisions of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870 are maintained, the commissioner shall continue the approval of the center at the new location.

Subp. 4. **Noncompliance.** Changes in center organization, staffing, treatment, or quality assurance procedures that affect the ability of the center to comply with the minimum standards of Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870 shall be reported in writing by the center to the commissioner within 15 days of occurrence. Review of the change shall be conducted by the commissioner. A center with changes resulting in noncompliance in minimum standards shall receive written notice and may have up to 180 days to correct the areas of noncompliance before losing approval status. Interim procedures to resolve the noncompliance on a temporary basis shall be developed and submitted in writing to the commissioner for approval within 30 days of the commissioner's determination of the noncompliance. Nonreporting within 15 days of occurrence of a change that results in noncompliance, failure to develop an approved interim procedure within 30 days of the determination of the noncompliance, or nonresolution of the noncompliance within 180 days shall result in the immediate withdrawal of approval status.

Serious violation of policies or procedures, professional association or board sanctioning or loss of licensure for unethical practices, or the conviction of violating a state or federal statute shall be reported in writing by the center to the commissioner within ten days of the substantiation of such behavior. Review of this report and the action taken by the center shall be conducted by the commissioner. Approval shall be withdrawn immediately unless the commissioner determines that: the center acted with all proper haste and thoroughness in investigating the behavior, the center acted with all proper haste and thoroughness in taking appropriate disciplinary and corrective action, and that no member of the governing body was a party to the behavior. Failure to report such behavior within ten days of its substantiation shall result in immediate withdrawal of approval.

Subp. 5. **Compliance reports.** The center may be required to submit written information to the department during the approval period to document that the center has maintained compliance with the rule and center procedures. The center shall allow the commissioner to inspect the center at any time during the approval period, whether or not the site visit has been announced in advance. A site visit shall occur only during normal working hours of the center and shall not disrupt the normal functioning of the center.

#### **9520.0870 VARIANCES.**

Subpart 1. **When allowed.** The standards and procedures established by parts 9520.0760 to 9520.0860 may be varied by the commissioner. Standards and procedures established by statute shall not be varied.

Subp. 2. **Request procedure.** A request for a variance must be submitted in writing to the commissioner, accompanying or following the submission of a completed application for approval under Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870. The request shall state:

- A. the standard or procedure to be varied;
- B. the specific reasons why the standard or procedure cannot be or should not be complied with; and
- C. the equivalent standard or procedure the center will establish to achieve the intent of the standard or procedure to be varied.

Subp. 3. **Decision procedure.** Upon receiving the variance request, the commissioner shall consult with a panel of experts in the mental health disciplines regarding the request. Criteria for granting a variance shall be the commissioner's determination that subpart 2, items A to C are met. Hardship shall not be a sufficient reason to grant a variance. No variance shall be granted that would threaten the health, safety, or rights of clients. Variances granted by the commissioner shall specify in writing the alternative standards or procedures to be implemented and any specific conditions or limitations imposed on the variance by the commissioner. Variances denied by the commissioner shall specify in writing the reason for the denial.

Subp. 4. **Notification.** The commissioner shall send the center a written notice granting or not granting the variance within 90 days of receiving the written variance request. This notice shall not be construed as approval or disapproval of the center under Minnesota Statutes, section 245.69, subdivision 2, and parts 9520.0760 to 9520.0870.

### **9530.6800 ASSESSMENT OF NEED FOR TREATMENT PROGRAMS.**

Subpart 1. **Assessment of need required for licensure.** Before a license or a provisional license may be issued, the need for the chemical dependency treatment or rehabilitation program must be determined by the commissioner. Need for an additional or expanded chemical dependency treatment program must be determined, in part, based on the recommendation of the county board of commissioners of the county in which the program will be located and the documentation submitted by the applicant at the time of application.

If the county board fails to submit a statement to the commissioner within 60 days of the county board's receipt of the written request from an applicant, as required under part 9530.6810, the commissioner shall determine the need for the applicant's proposed chemical dependency treatment program based on the documentation submitted by the applicant at the time of application.

Subp. 2. **Documentation of need requirements.** An applicant for licensure under parts 9530.2500 to 9530.4000 and Minnesota Statutes, chapter 245G, must submit the documentation in items A and B to the commissioner with the application for licensure:

A. The applicant must submit documentation that it has requested the county board of commissioners of the county in which the chemical dependency treatment program will be located to submit to the commissioner both a written statement that supports or does not support the need for the program and documentation of the rationale used by the county board to make its determination.

B. The applicant must submit a plan for attracting an adequate number of clients to maintain its proposed program capacity, including:

- (1) a description of the geographic area to be served;
- (2) a description of the target population to be served;
- (3) documentation that the capacity or program designs of existing programs are not sufficient to meet the service needs of the chemically abusing or chemically dependent target population if that information is available to the applicant;
- (4) a list of referral sources, with an estimation as to the number of clients the referral source will refer to the applicant's program in the first year of operation; and
- (5) any other information available to the applicant that supports the need for new or expanded chemical dependency treatment capacity.

### **9530.6810 COUNTY BOARD RESPONSIBILITY TO REVIEW PROGRAM NEED.**

When an applicant for licensure under parts 9530.2500 to 9530.4000 or Minnesota Statutes, chapter 245G, requests a written statement of support for a proposed chemical dependency treatment program from the county board of commissioners of the county in

APPENDIX  
Repealed Minnesota Rules: H2127-1

which the proposed program is to be located, the county board, or the county board's designated representative, shall submit a statement to the commissioner that either supports or does not support the need for the applicant's program. The county board's statement must be submitted in accordance with items A and B:

A. the statement must be submitted within 60 days of the county board's receipt of a written request from the applicant for licensure; and

B. the statement must include the rationale used by the county board to make its determination.