

1.1 Senator ..... moves to amend S.F. No. 3165 as follows:

1.2 Page 14, after line 7, insert:

1.3 "Sec. .... Minnesota Statutes 2021 Supplement, section 245I.02, subdivision 19, is amended  
1.4 to read:

1.5 Subd. 19. **Level of care assessment.** "Level of care assessment" means the level of care  
1.6 decision support tool appropriate to the client's age. For a client five years of age or younger,  
1.7 a level of care assessment is the Early Childhood Service Intensity Instrument (ESCII). For  
1.8 a client six to 17 years of age, a level of care assessment is the Child and Adolescent Service  
1.9 Intensity Instrument (CASII). For a client 18 years of age or older, a level of care assessment  
1.10 is the Level of Care Utilization System for Psychiatric and Addiction Services (LOCUS)  
1.11 or another tool authorized by the commissioner.

1.12 Sec. .... Minnesota Statutes 2021 Supplement, section 245I.02, subdivision 36, is amended  
1.13 to read:

1.14 Subd. 36. **Staff person.** "Staff person" means an individual who works under a license  
1.15 holder's direction or under a contract with a license holder. Staff person includes an intern,  
1.16 consultant, contractor, individual who works part-time, and an individual who does not  
1.17 provide direct contact services to clients but does have physical access to clients. Staff  
1.18 person includes a volunteer who provides treatment services to a client or a volunteer whom  
1.19 the license holder regards as a staff person for the purpose of meeting staffing or service  
1.20 delivery requirements. A staff person must be 18 years of age or older.

1.21 Sec. .... Minnesota Statutes 2021 Supplement, section 245I.03, subdivision 9, is amended  
1.22 to read:

1.23 Subd. 9. **Volunteers.** A If a licence holder uses volunteers, the license holder must have  
1.24 policies and procedures for using volunteers, including when a the license holder must  
1.25 submit a background study for a volunteer, and the specific tasks that a volunteer may  
1.26 perform.

1.27 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,  
1.28 whichever is later. The commissioner of human services shall notify the revisor of statutes  
1.29 when federal approval is obtained."

1.30 Page 16, line 8, strike "under" and insert "to receive the training according to"

1.31 Page 17, after line 10, insert:

2.1 "Sec. .... Minnesota Statutes 2021 Supplement, section 245I.08, subdivision 4, is amended  
2.2 to read:

2.3 Subd. 4. **Progress notes.** A license holder must use a progress note to document each  
2.4 occurrence of a mental health service that a staff person provides to a client. A progress  
2.5 note must include the following:

2.6 (1) the type of service;

2.7 (2) the date of service;

2.8 (3) the start and stop time of the service unless the license holder is licensed as a  
2.9 residential program;

2.10 (4) the location of the service;

2.11 (5) the scope of the service, including: (i) the targeted goal and objective; (ii) the  
2.12 intervention that the staff person provided to the client and the methods that the staff person  
2.13 used; (iii) the client's response to the intervention; (iv) the staff person's plan to take future  
2.14 actions, including changes in treatment that the staff person will implement if the intervention  
2.15 was ineffective; and (v) the service modality;

2.16 (6) the signature, ~~printed name~~, and credentials of the staff person who provided the  
2.17 service to the client;

2.18 (7) the mental health provider travel documentation required by section 256B.0625, if  
2.19 applicable; and

2.20 (8) significant observations by the staff person, if applicable, including: (i) the client's  
2.21 current risk factors; (ii) emergency interventions by staff persons; (iii) consultations with  
2.22 or referrals to other professionals, family, or significant others; and (iv) changes in the  
2.23 client's mental or physical symptoms.

2.24 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,  
2.25 whichever is later. The commissioner of human services shall notify the revisor of statutes  
2.26 when federal approval is obtained.

2.27 Sec. .... Minnesota Statutes 2021 Supplement, section 245I.09, subdivision 2, is amended  
2.28 to read:

2.29 Subd. 2. **Record retention.** A license holder must retain client records of a discharged  
2.30 client for a minimum of five years from the date of the client's discharge. A license holder  
2.31 who ~~ceases to provide treatment services to a client~~ closes a program must retain ~~the a~~  
2.32 client's records for a minimum of five years from the date that the license holder stopped

3.1 providing services to the client and must notify the commissioner of the location of the  
3.2 client records and the name of the individual responsible for storing and maintaining the  
3.3 client records.

3.4 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,  
3.5 whichever is later. The commissioner of human services shall notify the revisor of statutes  
3.6 when federal approval is obtained."

3.7 Page 21, after line 15, insert:

3.8 "Sec. .... Minnesota Statutes 2021 Supplement, section 245I.20, subdivision 5, is amended  
3.9 to read:

3.10 **Subd. 5. Treatment supervision specified.** (a) A mental health professional must remain  
3.11 responsible for each client's case. The certification holder must document the name of the  
3.12 mental health professional responsible for each case and the dates that the mental health  
3.13 professional is responsible for the client's case from beginning date to end date. The  
3.14 certification holder must assign each client's case for assessment, diagnosis, and treatment  
3.15 services to a treatment team member who is competent in the assigned clinical service, the  
3.16 recommended treatment strategy, and in treating the client's characteristics.

3.17 (b) Treatment supervision of mental health practitioners and clinical trainees required  
3.18 by section 245I.06 must include case reviews as described in this paragraph. Every two  
3.19 months, a mental health professional must complete and document a case review of each  
3.20 client assigned to the mental health professional when the client is receiving clinical services  
3.21 from a mental health practitioner or clinical trainee. The case review must include a  
3.22 consultation process that thoroughly examines the client's condition and treatment, including:  
3.23 (1) a review of the client's reason for seeking treatment, diagnoses and assessments, and  
3.24 the individual treatment plan; (2) a review of the appropriateness, duration, and outcome  
3.25 of treatment provided to the client; and (3) treatment recommendations.

3.26 Sec. .... Minnesota Statutes 2021 Supplement, section 245I.23, subdivision 22, is amended  
3.27 to read:

3.28 **Subd. 22. Additional policy and procedure requirements.** (a) In addition to the policies  
3.29 and procedures in section 245I.03, the license holder must establish, enforce, and maintain  
3.30 the policies and procedures in this subdivision.

4.1 (b) The license holder must have policies and procedures for receiving referrals and  
 4.2 making admissions determinations about referred persons under subdivisions ~~14 to 16~~ 15  
 4.3 to 17.

4.4 (c) The license holder must have policies and procedures for discharging clients under  
 4.5 subdivision ~~17~~ 18. In the policies and procedures, the license holder must identify the staff  
 4.6 persons who are authorized to discharge clients from the program.

4.7 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,  
 4.8 whichever is later. The commissioner of human services shall notify the revisor of statutes  
 4.9 when federal approval is obtained."

4.10 Page 29, line 6, delete everything after the period

4.11 Page 29, delete lines 7 to 9

4.12 Page 30, delete lines 3 to 8 and insert:

4.13 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,  
 4.14 whichever is later. The commissioner of human services shall notify the revisor of statutes  
 4.15 when federal approval is obtained."

4.16 Page 39, line 14, delete "and" and insert "or"

4.17 Page 40, after line 10, insert:

4.18 "Sec. .... Minnesota Statutes 2021 Supplement, section 256B.0947, subdivision 2, is  
 4.19 amended to read:

4.20 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
 4.21 given them.

4.22 (a) "Intensive nonresidential rehabilitative mental health services" means child  
 4.23 rehabilitative mental health services as defined in section 256B.0943, except that these  
 4.24 services are provided by a multidisciplinary staff using a total team approach consistent  
 4.25 with assertive community treatment, as adapted for youth, and are directed to recipients  
 4.26 who are eight years of age or older and under 26 years of age who require intensive services  
 4.27 to prevent admission to an inpatient psychiatric hospital or placement in a residential  
 4.28 treatment facility or who require intensive services to step down from inpatient or residential  
 4.29 care to community-based care.

4.30 (b) "Co-occurring mental illness and substance use disorder" means a dual diagnosis of  
 4.31 at least one form of mental illness and at least one substance use disorder. Substance use  
 4.32 disorders include alcohol or drug abuse or dependence, excluding nicotine use.

5.1 (c) "Standard diagnostic assessment" means the assessment described in section 245I.10,  
5.2 subdivision 6.

5.3 (d) "Medication education services" means services provided individually or in groups,  
5.4 which focus on:

5.5 (1) educating the client and client's family or significant nonfamilial supporters about  
5.6 mental illness and symptoms;

5.7 (2) the role and effects of medications in treating symptoms of mental illness; and

5.8 (3) the side effects of medications.

5.9 Medication education is coordinated with medication management services and does not  
5.10 duplicate it. Medication education services are provided by physicians, pharmacists, or  
5.11 registered nurses with certification in psychiatric and mental health care.

5.12 (e) "Mental health professional" means a staff person who is qualified according to  
5.13 section 245I.04, subdivision 2.

5.14 (f) "Provider agency" means a for-profit or nonprofit organization established to  
5.15 administer an assertive community treatment for youth team.

5.16 (g) "Substance use disorders" means one or more of the disorders defined in the diagnostic  
5.17 and statistical manual of mental disorders, current edition.

5.18 (h) "Transition services" means:

5.19 (1) activities, materials, consultation, and coordination that ensures continuity of the  
5.20 client's care in advance of and in preparation for the client's move from one stage of care  
5.21 or life to another by maintaining contact with the client and assisting the client to establish  
5.22 provider relationships;

5.23 (2) providing the client with knowledge and skills needed posttransition;

5.24 (3) establishing communication between sending and receiving entities;

5.25 (4) supporting a client's request for service authorization and enrollment; and

5.26 (5) establishing and enforcing procedures and schedules.

5.27 ~~A youth's transition from the children's mental health system and services to the adult~~  
5.28 ~~mental health system and services and return to the client's home and entry or re-entry into~~  
5.29 ~~community-based mental health services following discharge from an out-of-home placement~~  
5.30 ~~or inpatient hospital stay.~~

5.31 (i) "Treatment team" means all staff who provide services to recipients under this section.

6.1 (j) "Family peer specialist" means a staff person who is qualified under section  
6.2 256B.0616."

6.3 Page 42, delete section 24 and insert:

6.4 "Sec. .... Minnesota Statutes 2021 Supplement, section 256B.0949, subdivision 2, is  
6.5 amended to read:

6.6 Subd. 2. **Definitions.** (a) The terms used in this section have the meanings given in this  
6.7 subdivision.

6.8 (b) "Advanced certification" means a person who has completed advanced certification  
6.9 in an approved modality under subdivision 13, paragraph (b).

6.10 ~~(b)~~ (c) "Agency" means the legal entity that is enrolled with Minnesota health care  
6.11 programs as a medical assistance provider according to Minnesota Rules, part 9505.0195,  
6.12 to provide EIDBI services and that has the legal responsibility to ensure that its employees  
6.13 or contractors carry out the responsibilities defined in this section. Agency includes a licensed  
6.14 individual professional who practices independently and acts as an agency.

6.15 ~~(c)~~ (d) "Autism spectrum disorder or a related condition" or "ASD or a related condition"  
6.16 means either autism spectrum disorder (ASD) as defined in the current version of the  
6.17 Diagnostic and Statistical Manual of Mental Disorders (DSM) or a condition that is found  
6.18 to be closely related to ASD, as identified under the current version of the DSM, and meets  
6.19 all of the following criteria:

6.20 (1) is severe and chronic;

6.21 (2) results in impairment of adaptive behavior and function similar to that of a person  
6.22 with ASD;

6.23 (3) requires treatment or services similar to those required for a person with ASD; and

6.24 (4) results in substantial functional limitations in three core developmental deficits of  
6.25 ASD: social or interpersonal interaction; functional communication, including nonverbal  
6.26 or social communication; and restrictive or repetitive behaviors or hyperreactivity or  
6.27 hyporeactivity to sensory input; and may include deficits or a high level of support in one  
6.28 or more of the following domains:

6.29 (i) behavioral challenges and self-regulation;

6.30 (ii) cognition;

6.31 (iii) learning and play;

7.1 (iv) self-care; or

7.2 (v) safety.

7.3 ~~(d)~~ (e) "Person" means a person under 21 years of age.

7.4 ~~(e)~~ (f) "Clinical supervision" means the overall responsibility for the control and direction  
7.5 of EIDBI service delivery, including individual treatment planning, staff supervision,  
7.6 individual treatment plan progress monitoring, and treatment review for each person. Clinical  
7.7 supervision is provided by a qualified supervising professional (QSP) who takes full  
7.8 professional responsibility for the service provided by each supervisee.

7.9 ~~(f)~~ (g) "Commissioner" means the commissioner of human services, unless otherwise  
7.10 specified.

7.11 ~~(g)~~ (h) "Comprehensive multidisciplinary evaluation" or "CMDE" means a comprehensive  
7.12 evaluation of a person to determine medical necessity for EIDBI services based on the  
7.13 requirements in subdivision 5.

7.14 ~~(h)~~ (i) "Department" means the Department of Human Services, unless otherwise  
7.15 specified.

7.16 ~~(i)~~ (j) "Early intensive developmental and behavioral intervention benefit" or "EIDBI  
7.17 benefit" means a variety of individualized, intensive treatment modalities approved and  
7.18 published by the commissioner that are based in behavioral and developmental science  
7.19 consistent with best practices on effectiveness.

7.20 ~~(j)~~ (k) "Generalizable goals" means results or gains that are observed during a variety  
7.21 of activities over time with different people, such as providers, family members, other adults,  
7.22 and people, and in different environments including, but not limited to, clinics, homes,  
7.23 schools, and the community.

7.24 ~~(k)~~ (l) "Incident" means when any of the following occur:

7.25 (1) an illness, accident, or injury that requires first aid treatment;

7.26 (2) a bump or blow to the head; or

7.27 (3) an unusual or unexpected event that jeopardizes the safety of a person or staff,  
7.28 including a person leaving the agency unattended.

7.29 ~~(l)~~ (m) "Individual treatment plan" or "ITP" means the person-centered, individualized  
7.30 written plan of care that integrates and coordinates person and family information from the  
7.31 CMDE for a person who meets medical necessity for the EIDBI benefit. An individual  
7.32 treatment plan must meet the standards in subdivision 6.

8.1 ~~(m)~~ (n) "Legal representative" means the parent of a child who is under 18 years of age,  
8.2 a court-appointed guardian, or other representative with legal authority to make decisions  
8.3 about service for a person. For the purpose of this subdivision, "other representative with  
8.4 legal authority to make decisions" includes a health care agent or an attorney-in-fact  
8.5 authorized through a health care directive or power of attorney.

8.6 ~~(n)~~ (o) "Mental health professional" means a staff person who is qualified according to  
8.7 section 245I.04, subdivision 2.

8.8 ~~(o)~~ (p) "Person-centered" means a service that both responds to the identified needs,  
8.9 interests, values, preferences, and desired outcomes of the person or the person's legal  
8.10 representative and respects the person's history, dignity, and cultural background and allows  
8.11 inclusion and participation in the person's community.

8.12 ~~(p)~~ (q) "Qualified EIDBI provider" means a person who is a QSP or a level I, level II,  
8.13 or level III treatment provider."

8.14 Page 46, after line 25, insert:

8.15 "Sec. .... Minnesota Statutes 2020, section 256K.26, subdivision 2, is amended to read:

8.16 Subd. 2. **Implementation.** The commissioner, in consultation with the commissioners  
8.17 of the Department of Corrections and the Minnesota Housing Finance Agency, counties,  
8.18 Tribes, providers and funders of supportive housing and services, shall develop application  
8.19 requirements and make funds available according to this section, with the goal of providing  
8.20 maximum flexibility in program design."

8.21 Page 49, after line 14, insert:

8.22 "Sec. .... TEMPORARY TELEPHONE-ONLY TELEHEALTH AUTHORIZATION.

8.23 Beginning July 1, 2021, and until the COVID-19 federal public health emergency ends  
8.24 or July 1, 2023, whichever is earlier, telehealth visits, as described in Minnesota Statutes,  
8.25 section 256B.0625, subdivision 3b, provided through telephone may satisfy the face-to-face  
8.26 requirements for reimbursement under the payment methods that apply to a federally qualified  
8.27 health center, rural health clinic, Indian health service, 638 tribal clinic, and certified  
8.28 community behavioral health clinic, if the service would have otherwise qualified for  
8.29 payment if performed in person.

8.30 EFFECTIVE DATE. This section is effective retroactively from July 1, 2021, and  
8.31 expires when the COVID-19 federal public health emergency ends or July 1, 2023, whichever

9.1 is earlier. The commissioner of human services shall notify the revisor of statutes when this  
9.2 section expires."

9.3 Page 49, line 16, delete "chapters 245G, 253B, 254A, and 254B,"

9.4 Renumber the sections in sequence and correct the internal references

9.5 Amend the title accordingly