

SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION

S.F. No. 2596

(SENATE AUTHORS: FATEH)

DATE

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856

Introduction and first reading

Referred to Human Services

OFFICIAL STATUS

1.1

A bill for an act

1.2

relating to human services; modifying positive support professional and positive

1.3

support analyst qualifications; amending Minnesota Statutes 2024, section

1.4

245D.091, subdivisions 2, 3.

1.5

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

1.6

Section 1. Minnesota Statutes 2024, section 245D.091, subdivision 2, is amended to read:

1.7

Subd. 2. **Positive support professional qualifications.** A positive support professional

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providing positive support services as identified in section 245D.03, subdivision 1, paragraph

1.9

(c), clause (1), item (i), must have competencies in the following areas as required under

1.10

the brain injury, community access for disability inclusion, community alternative care, and

1.11

developmental disabilities waiver plans or successor plans:

1.12

(1) ethical considerations;

1.13

(2) functional assessment;

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(3) functional analysis;

1.15

(4) measurement of behavior and interpretation of data;

1.16

(5) selecting intervention outcomes and strategies;

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(6) behavior reduction and elimination strategies that promote least restrictive approved

1.18

alternatives;

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(7) data collection;

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(8) staff and caregiver training;

1.21

(9) support plan monitoring;

- 2.1 (10) co-occurring mental disorders or neurocognitive disorder;
- 2.2 (11) demonstrated expertise with populations being served; and
- 2.3 (12) must be a:
- 2.4 (i) psychologist licensed under sections 148.88 to 148.98, who has stated to the Board
- 2.5 of Psychology competencies in the above identified areas;
- 2.6 (ii) clinical social worker licensed as an independent clinical social worker under chapter
- 2.7 148D, or a person with a master's degree in social work from an accredited college or
- 2.8 university, with at least 4,000 hours of post-master's supervised experience in the delivery
- 2.9 of clinical services in the areas identified in clauses (1) to (11);
- 2.10 (iii) physician licensed under chapter 147 and certified by the American Board of
- 2.11 Psychiatry and Neurology or eligible for board certification in psychiatry with competencies
- 2.12 in the areas identified in clauses (1) to (11);
- 2.13 (iv) licensed professional clinical counselor licensed under sections 148B.29 to 148B.39
- 2.14 with at least 4,000 hours of post-master's supervised experience in the delivery of clinical
- 2.15 services who has demonstrated competencies in the areas identified in clauses (1) to (11);
- 2.16 (v) person with a master's degree from an accredited college or university in one of the
- 2.17 behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised
- 2.18 experience in the delivery of clinical services with demonstrated competencies in the areas
- 2.19 identified in clauses (1) to (11);
- 2.20 (vi) person with a master's degree or PhD in one of the behavioral sciences or related
- 2.21 fields with demonstrated expertise in positive support services, as determined by the person's
- 2.22 needs as outlined in the person's assessment summary; ~~or~~
- 2.23 (vii) registered nurse who is licensed under sections 148.171 to 148.285, and who is
- 2.24 certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and
- 2.25 mental health nursing by a national nurse certification organization, or who has a master's
- 2.26 degree in nursing or one of the behavioral sciences or related fields from an accredited
- 2.27 college or university or its equivalent, with at least 4,000 hours of post-master's supervised
- 2.28 experience in the delivery of clinical services; or
- 2.29 (viii) person who has completed a competency-based training program as determined
- 2.30 by the commissioner.

3.1 Sec. 2. Minnesota Statutes 2024, section 245D.091, subdivision 3, is amended to read:

3.2 Subd. 3. **Positive support analyst qualifications.** (a) A positive support analyst providing  
3.3 positive support services as identified in section 245D.03, subdivision 1, paragraph (c),  
3.4 clause (1), item (i), must ~~have competencies in one of the following areas~~ satisfy one of the  
3.5 following requirements as required under the brain injury, community access for disability  
3.6 inclusion, community alternative care, and developmental disabilities waiver plans or  
3.7 successor plans:

3.8 (1) have obtained a baccalaureate degree, master's degree, or PhD in either a social  
3.9 services discipline or nursing;

3.10 (2) meet the qualifications of a mental health practitioner as defined in section 245.462,  
3.11 subdivision 17; ~~or~~

3.12 (3) be a board-certified behavior analyst or board-certified assistant behavior analyst by  
3.13 the Behavior Analyst Certification Board, Incorporated; or

3.14 (4) have completed a competency-based training program as determined by the  
3.15 commissioner.

3.16 (b) In addition, a positive support analyst must:

3.17 (1) either have two years of supervised experience conducting functional behavior  
3.18 assessments and designing, implementing, and evaluating effectiveness of positive practices  
3.19 behavior support strategies for people who exhibit challenging behaviors as well as  
3.20 co-occurring mental disorders and neurocognitive disorder, or for those who have obtained  
3.21 a baccalaureate degree in one of the behavioral sciences or related fields, demonstrated  
3.22 expertise in positive support services;

3.23 (2) have received training prior to hire or within 90 calendar days of hire that includes:

3.24 (i) ten hours of instruction in functional assessment and functional analysis;

3.25 (ii) 20 hours of instruction in the understanding of the function of behavior;

3.26 (iii) ten hours of instruction on design of positive practices behavior support strategies;

3.27 (iv) 20 hours of instruction preparing written intervention strategies, designing data  
3.28 collection protocols, training other staff to implement positive practice strategies,  
3.29 summarizing and reporting program evaluation data, analyzing program evaluation data to  
3.30 identify design flaws in behavioral interventions or failures in implementation fidelity, and  
3.31 recommending enhancements based on evaluation data; and

3.32 (v) eight hours of instruction on principles of person-centered thinking;

- 4.1 (3) be determined by a positive support professional to have the training and prerequisite  
4.2 skills required to provide positive practice strategies as well as behavior reduction approved  
4.3 and permitted intervention to the person who receives positive support; and
- 4.4 (4) be under the direct supervision of a positive support professional.
- 4.5 (c) Meeting the qualifications for a positive support professional under subdivision 2  
4.6 shall substitute for meeting the qualifications listed in paragraph (b).