



# Legislative Report

## Emergency Executive Order 20-12

**Preserving Access to Human Services Programs  
during the COVID-19 Peacetime Emergency**

**1<sup>st</sup> 60-day update**

May 13, 2020

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Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$300.

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# I. Executive summary

Due to the public health threat posed by COVID-19, Governor Walz declared a peacetime state of emergency on March 13, 2020. During this time it is essential that services provided and managed by the Department of Human Services (DHS) continue to be delivered in a timely and safe manner during this time of crisis. DHS serves over a million Minnesotans, including many who are especially vulnerable to the impacts of COVID-19 such as older adults, individuals who have disabilities, families with children, and individuals with mental illness. Additionally, DHS services such as health care coverage, food and economic support, are particularly important at this time because of the significant economic distress caused by COVID-19 and measures to stop its spread.

Governor Walz signed [Emergency Executive Order 20-12](#) on March 20, 2020 to ensure that these critical services were maintained during this time. This executive order gives the Commissioner of Human Services flexibility to temporarily waive or modify laws and regulations that govern DHS programs. This ensures that the Department, counties, tribes and providers are able to continue delivering services, and keep the people we serve safe. The executive order requires DHS to report on temporary changes that have been approved every 60 days to the chairs and ranking minority members of the legislative committees that have jurisdiction over the human services. This report covers the time period from the declaration of the peacetime emergency on March 13, 2020 through May 8, 2020.

## II. Executive Order

### Emergency Executive Order 20-12

#### Preserving Access to Human Services Programs During the COVID-19 Peacetime Emergency

I, **Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Confirmed cases of COVID-19 in Minnesota are rapidly increasing. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. This development requires Minnesota to take additional proactive measures, including enhanced community mitigation, to slow the spread of this pandemic. Slowing the spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention.

The Minnesota Department of Human Services (“DHS”) serves Minnesotans across the state. DHS provides health care coverage, programs, and services for over 1 million Minnesotans, including groups likely to be significantly impacted by COVID-19 such as older adults, individuals who have disabilities, families with children, and individuals with mental illness.

Tribal Nations, counties, and Minnesotans served by DHS face many challenges due to COVID-19. The public good is promoted by timely and safe access to, and delivery of, programs and services administered by DHS. Strict compliance with laws and regulations related to these programs and services during the peacetime emergency will limit the availability of essential programs and services for Minnesotans and increase the risk for spread of COVID-19. Providing for temporary waiver or modification of these requirements will allow DHS and its human services partners to continue to provide essential programs and services to Minnesotans safely and without undue delay during the peacetime emergency.

Current law and regulations prevent the temporary modification or waiver of laws related to programs and services administered by DHS.

For these reasons, I order as follows:

1. Effective immediately, the Commissioner of the Department of Human Services may temporarily waive or modify any of the following provisions, and applicable rules:
  - a. The Human Services Licensing Act in Minnesota Statutes 2019, chapter 245A, and accompanying program standards governed under Minnesota Statutes, chapters 245D through 245H;
  - b. The Human Services Background Study Act in Minnesota Statutes 2019, chapter 245C, except that the commissioner shall not waive or modify:
    - i. Disqualification standards in Minnesota Statutes 2019, section 245C.14 or 245C.15; or
    - ii. Any provision regarding the scope of individuals required to be subject to a background study conducted under Minnesota Statutes 2019, chapter 245C;
  - c. Provisions with respect to the use, licensing, certification, evaluation, or approval of facilities or programs within the commissioner's jurisdiction;
  - d. d. Provisions related to appeals;
  - e. e. Provisions with respect to background studies required to be conducted by the Department of Human Services; and
  - f. f. Provisions relating to the Minnesota state-operated community services ("MSOCS") program in Minnesota Statutes 2019, chapters 245D, 246, and 252.
2. Effective immediately, the Commissioner of the Department of Human Services may, upon finding that waiver will not endanger the public health, welfare, or safety, temporarily waive or modify any provisions of Minnesota Statutes 2019, chapters 119B, 245, 245A, 245D, 245E, 245F, 245G, 245H, 246, 252, 253, 254A, 254B, 256, 256B, 256D, 256E, 256I, 256J, 256K, 256L, 256M, 256P, 256R, 256S, 260C, 260D, 518A, and 626, and applicable rules, that govern:
  - a. Requirement of in-person assessment, application for services, or case management;
  - b. Application for eligibility and eligibility renewal time frames, processes, and verification, except that the commissioner shall establish processes to verify a client's eligibility as soon as practicable;
  - c. Reporting and verification requirements;
  - d. Assessment renewal timeframes, verifications, and processes;



- e. Work or community engagement activity requirements for eligibility;
  - f. Limits on the use of telehealth or other restrictions on electronic communication with providers;
  - g. Service delivery standards, locations, settings, or staff ratios;
  - h. Provider standards, including staffing ratios;
  - i. Timing of provider reporting requirements;
  - j. Payment procedures, including but not limited to the use of prepayments, partial payment for additional absent days, and payment for closed days;
  - k. Service agreement length; and
  - l. Provisions related to appeals.
3. Effective immediately, the Commissioner of the Department of Human Services may waive or modify any statutes or rules within the department's exclusive jurisdiction to comply with federal law, or obtain federal resources, related to the peacetime emergency.
  4. This Executive Order suspends the requirements for the Commissioner of the Department of Human Services to comply with Minnesota Statutes 2019, Chapter 14.
  5. The Commissioner of the Department of Human Services shall not issue any waiver or modification pursuant to paragraphs 1, 2, or 3 of this Executive Order that affects statutory provisions or requirements regarding matters outside the department's exclusive jurisdiction.
  6. Any waiver or modification issued pursuant to paragraphs 1, 2, or 3 of this Executive Order shall be posted on the department's website within 48 hours and shall include a plain language description of the waiver or modifications made and the rationale for the action.
  7. For any waiver or modification of Minnesota Statutes 2019, section 245D.04, or any other provision relating to long-term care services and supports under Minnesota Statutes 2019, chapter 256B, the Commissioner of the Department of Human Services shall communicate the waiver or modification and the corresponding plain language description in writing to:
    - a. Any provider affected by the waiver or modification; and
    - b. Any individual whose rights under Minnesota Statutes 2019, section 245D.04, are affected by the waiver or modification, or their legal representative, if applicable.
  8. No more than 48 hours after a waiver or modification under paragraphs 1, 2, or 3 of this Executive Order goes into effect, the Commissioner of the Department of Human Services shall provide written notice of the waiver or modification to the ombudsman for long-term care; the ombudsman for mental health and developmental disabilities; and the chairs and ranking minority members of the house of

representatives and senate committees overseeing the Department of Human Services. If two or more of the chairs submit a written objection to a waiver or modification within seven days of receiving the notice, the Commissioner of the Department of Human Services shall cease all activities to implement the waiver or modification and it shall no longer be in effect. A chair submitting an objection under this paragraph may withdraw the objection.

9. Beginning 60 days after the declaration of a peacetime emergency, and every 60 days thereafter while the peacetime emergency is in effect, the Commissioner of the Department of Human Services shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees overseeing the Department of Human Services describing the waivers and modifications made under this Executive Order.
10. The Commissioner of the Department of Human Services shall submit a final report to the chairs and ranking minority members of the house of representatives and senate committees overseeing the Department of Human Services by January 15, 2021, with specific details about state statutes and rules waived or modified as authorized in this Executive Order in response to a COVID-19 outbreak, and the cost to the Department of Human Services and to lead agencies to implement the waivers and modifications.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 20, 2020.

# III. Introduction

The Minnesota Department of Human Services (DHS) helps provide essential services to Minnesota's most vulnerable residents. Working with many others, including counties, tribes and nonprofits, DHS helps ensure that Minnesota seniors, people with disabilities, children and others meet their basic needs and have the opportunity to reach their full potential.

Many of the over [1 million Minnesotans served by DHS](#) and our partners are facing significant challenges due to COVID-19. On March 20, 2020, the Governor signed [Executive Order 20-12](#), allowing the Commissioner of Human Services to waive or modify rules and regulations to ensure that programs and services could continue to be provided in a safe and effective manner in order to help Minnesotans during the COVID-19 pandemic.

Governor Walz also signed [Executive Order 20-11](#) on March 20, which directs DHS to seek all necessary federal approvals to implement COVID-19 changes under existing and forthcoming Executive Orders or legislative enactments. In addition to changes under these executive orders, [Minnesota Statute 12A.10](#) grants the commissioner limited authority to make payments in the event of a natural disaster or other event that threatens the health and safety of individuals. DHS has implemented several changes under this statute and other existing authority.

As of May 8, 2020, DHS has implemented approximately 50 changes under this order. Early on, changes focused on immediate needs to ensure health and safety of the people we serve such as continuing public healthcare coverage, supporting nursing facilities and ensuring the ability to capture additional federal funds. Additional changes focused on supporting workforce needs by providing flexibility so that childcare providers could support the healthcare workers critical to our COVID-19 response.

Shortly after, the focus shifted to allowing a whole spectrum of medical, behavioral health, assessment, and case management services to be delivered remotely in order to continue access to care while people shelter in place. As those needs have been addressed, DHS has been able to focus on supporting social and emotional supports for people during the pandemic. Most recently we've been hearing from counties, tribal nations, and providers that staffing has been a challenge during this time, so DHS implemented changes to licensing requirements and paperwork to acknowledge these realities.

The next phase of work is looking ahead at ensuring that services are available following the emergency. As this crisis goes on, DHS will continue to regularly review and seek feedback about potential flexibilities to support people we serve, counties, tribes, health plans, providers and other community partners in minimizing the impacts of COVID-19.

This report outlines the waivers and modifications currently in effect. Additional reports will be provided every 60-days. The final report will be provided by January 15, 2021. We continue to assess our decisions to date and are committed to providing updates on our website, and in detailed instructions to our partners.

[Department of Human Services COVID-19 Waivers and Modification](#)

## IV. Fiscal Impact Summary

The total fiscal impact of changes to date is \$122.0 million across fiscal years 2020 and 2021, with \$116.1 million of that occurring in the general fund. \$72.6 million of these costs are the result of decisions made under EO 20-12.

Several of these changes are necessary to receive an enhanced federal match on Medical Assistance. This includes preserving health care coverage for Medical Assistance and MinnesotaCare enrollees (CV.17) and eliminating cost-sharing for COVID-19 diagnosis and treatment (CV20). The 6.2 percent enhanced federal match is estimated to generate an additional \$329.471 million in federal funding for Medical Assistance from January to June of 2020.

Most of the changes have no impact on the state budget forecast and the total cost of actions taken under EO 20-12 and existing authority is more than covered by the enhanced federal matching funds. However, DHS forecasts additional enrollment and continues to exercise fiscal caution when considering additional expenditures.

The fiscal impact of each item is outlined in the descriptions contained in this report and a spreadsheet with the fiscal detail can be found in the appendix.

# V. Waivers under peacetime emergency authority, Executive Order 20-12

## CV.02 – Waiving certain regulatory actions and requirements, and extending certain licenses that would otherwise expire for DHS-licensed programs

### Description

The commissioner amended her previous decision, which suspended or modified specific routine enforcement actions by DHS Licensing so that clients can continue receiving services during the COVID-19 pandemic. Under the Commissioner's amended decision, routine licensing monitoring activity can resume over the next 30 days as follows:

- Resume by June 1, 2020, routine licensing and certification reviews that had been suspended until May 1, 2020; allow visits to be conducted onsite or remotely by video or other modes of communication.
- Resume the issuance of correction orders and fines as necessary to provide corrective action that reflects the provider's current operation during the pandemic.

Suspend issuance of fix-it tickets.

The Licensing Division will continue to respond to critical incidents involving high risk of harm to clients, violation of client rights or allegations of abuse or neglect and will prioritize on-site visits as needed on a case-by-case basis. Pre-licensure or pre-certification visits and change of premises inspections will be conducted on a case-by-case basis to prioritize enabling programs to provide additional capacity. These activities may be conducted using remote technologies that support social distancing and community mitigation.

The commissioner also took actions to increase flexibility for providers:

- Licenses for family child care, child and adult foster care, and community residential settings licenses expiring through July 31, 2020, will automatically be extended for three additional months. Any training, re-licensing or documentation requirements which are due during the declared peacetime emergency are extended. Training, re-licensing and documentation requirements are extended.
- Timelines for training for existing staff and license holders that expire during the peacetime emergency and cannot be met are extended.

These modifications will be in effect until June 30, 2020, or until the end of the peacetime emergency, whichever is sooner.

Affects Minnesota Statutes, Chapters [245A](#), [245D](#), [245G](#) and [245H](#).

### Timeline

This change was approved March 20 and is in effect until May 1, 2020.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast. However, it is estimated to reduce non-dedicated fine revenue to the general fund by \$10 thousand in FY 2020.

## **CV.03 – Suspending application requirements for economic assistance and housing programs**

### **Description**

The commissioner waived certain requirements for economic assistance and housing programs, affecting procedures for applications and interviews, verification, changes to existing applications and reporting. The affected programs include General Assistance, Housing Support, Minnesota Supplemental Aid, the Minnesota Family Investment Program and the Diversionary Work Program. The changes also reduce barriers for families applying for cash assistance, relieve eligibility workers of after-the-fact verifications, and ensure that participants do not have to repay cash assistance overpayments caused by state, local agency or system errors. These changes will reduce the number of face-to-face contacts in county and tribal offices while making it easier for Minnesotans in sudden financial crisis to receive assistance.

Affects Minnesota Statutes, Chapters [256D](#), [256I](#), [256J](#), and [256P](#)

### **Related operational changes:**

[Bulletin #20-68-12, issued April 10, 2020: Waiver of Requirements for cash programs during COVID-19 response](#)

### **Timeline**

These changes were effective March 20, 2020 and are in place until the peacetime emergency declared in Executive Order 20-01 is terminated. Additional details were sent to counties and tribes in Bulletin 20-68-12, dated March 26, 2020.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.04 – Suspending some rules to allow continuation of economic assistance**

### **Description**

The commissioner temporarily waived requirements for reporting, documentation and signatures for Minnesota Family Investment Program (MFIP), Diversionary Work Program, General Assistance, Minnesota Supplemental Aid and housing support; and directed that no overpayments caused by agency or system errors should be charged to participants, because no reasonable person could be expected to recognize errors as emergency

program policies are implemented. The commissioner also waived the requirement for counties and tribes to conduct program recertifications.

In addition, because implementing the following MFIP policies requires face-to-face meetings and/or documentation from third parties, requirements for the following will be suspended during the public health emergency for:

- Enforcing work requirements
- Enforcing school attendance requirements for teen parents
- Imposing sanctions for not cooperating with child support
- Discontinuing assistance to any family reaching the 60-month lifetime limit or being due for a review of their extension status until the end of the emergency declaration.

Affects Minnesota Statutes, sections [256J.30, subds. 4 and 5](#); [256J.42](#); [256J.425](#); [256J.46](#); [256J.54, subd. 5](#); [256J.561](#); [256J.57](#); [256P.04, subd. 8s, 11, 12, and 15 \(4\)](#); [256P.07, subd. 4](#); and [256P.08](#).

**Related operational changes**

[Bulletin #20-68-12, issued April 10, 2020: Waiver of Requirements for cash programs during COVID-19 response](#)

**Timeline**

This change was effective March 27, 2020 and remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

**Fiscal Impact**

Assuming a three month duration, this proposal is expected to increase spending relative to the February 2020 forecast as outlined in the table below.

| <b>Budget Activity (Fiscal Impact \$000s)</b>                 | <b>FY 2020</b> | <b>FY 2021</b> |
|---|----------------|----------------|
| Minnesota Family Investment Program/Dislocated Worker Program | 1,897          | 7,126          |
| General Assistance  | 467            | 1,635          |
| Minnesota Supplemental Aid                                    | 92             | 349            |
| Housing Support   | 1,243          | 4,333          |
| <b>Total</b>  | <b>3,699</b>   | <b>13,443</b>  |

## **CV.05 – Suspending referral requirement for Minnesota Family Investment Program**

### **Description**

The commissioner temporarily waived a requirement for MFIP participants experiencing family violence to meet with both an employment counselor and a family violence specialist if the family violence specialist cannot be reached. The commissioner also directed employment counselors to avoid requiring activities that participants indicate would be dangerous in their situation, such as face to face meetings. The Minnesota Family Investment Program requires employment plans for participants experiencing family violence to make safety the primary concern, and those plans normally must involve both an employment counselor and a family violence specialist.

Affects Minnesota Statutes, [section 256J.521, subdivision 3](#)

### **Related operational changes**

[Bulletin #20-68-12, issued April 10, 2020: Waiver of Requirements for cash programs during COVID-19 response](#)

### **Timeline**

These changes were effective March 20, 2020 and are in place until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.07 – Allowing child care assistance payments for two child care providers when a program temporarily closes**

### **Description**

The commissioner amended her previous decisions on March 20 and March 27, 2020 which temporarily modified certain requirements under the Child Care Assistance Program (CCAP). Under those decisions, the commissioner: (1) permitted CCAP to pay a second providers when a child's regular provider is temporarily closed and the child is attending a new program; (2) waived the normal 15-day notice period required when a family changes providers; and (3) allowed CCAP to pay for more than the usual maximum of 120 hours of care per child every two weeks. Pending federal waiver approval or available federal COVID funding, the commissioner amended these previous decisions to make them retroactive to March 13, 2020, or when the day care started, whichever is later, and end one month from the child's start date or June 30, 2020, whichever is earlier.



These changes support children, families and providers by continuing to prioritize care needs during the COVID-19 peacetime emergency, and reducing the negative financial impact on families and providers due to the COVID-19 pandemic.

Affects Minnesota Statutes, sections [119B.09, subd. 6](#); [119B.097](#); [119B.13, subd. 7](#); Minnesota Rule [3400.0040, sub. 4\(B\)](#); and [45 C.F.R. Part 98](#).

### **Timeline**

Pending federal waiver approval or available federal COVID funding, this change is retroactive to March 13, 2020.

### **Fiscal Impact**

Assuming a one month duration, this proposal is estimated to increase Child Care Assistance Program expenditures by \$4.5 million in FY 2020 relative to the February 2020 forecast. Of this, \$2.6 million is attributable to the Minnesota Family Investment Child Care Assistance Program and is projected to occur in the state general fund. The remaining \$1.9 million is attributable to the Basic Sliding Fee Child Care Assistance Program, with costs funded from the Child Care Development Fund in the federal fund of the state treasury.

## **CV.08 – Paying CCAP Child Care Providers while Children Not Attending Care**

### **Description**

The commissioner previously approved a waiver on March 20, 2020, temporarily allowing for flexibility and expanded use of medical exemptions to pay child care providers under the Child Care Assistance Program (CCAP) for more days when children are absent. Under that March 20, 2020 waiver, the department will make CCAP payments to temporarily closed child care providers, for up to one month.

Now, in further response to the COVID-19 pandemic, the commissioner has approved additional flexibilities which temporarily allow CCAP providers to:

- Receive CCAP payments even if they have chosen not to charge, or reduce fees for, private pay families during closure, and
- Bill CCAP for closed days from the date the provider closed for up to one month, beginning as early as March 13, 2020, which is the date of the federal emergency declaration, and ending no later than June 30, 2020. The beginning date in the original waiver was March 20, 2020.

These changes support children, families and providers by prioritizing care needs during the COVID-19 peacetime emergency.

Affects Minnesota Statutes, sections [119B.13, subs. 4 and 7](#); Minnesota Rule [3400.0120, sub. 1a\(C\)](#); [45 C.F.R. Part 98](#).

## Timeline

This change became effective March 13, 2020 and will end no later than June 30, 2020.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.09 – Child Care Assistance Program (CCAP) Re-determination Due Dates

### Description

The commissioner has extended redetermination due dates for families' eligibility for the Child Care Assistance Program by three months on cases with redeterminations due on or before June 30, 2020. This will allow families to continue to receive care until their new redetermination date and allow time to gather verifications.

Affects Minnesota Statutes, section [119B.025, subd. 3](#); and Minnesota Rule [3400.0040](#).

### Timeline

These changes were effective March 27, 2020 and applies to cases with redeterminations due on or before 6/30/2020.

### Fiscal Impact

Assuming a three month duration, this proposal is estimated to increase Child Care Assistance Program expenditures by \$554 thousand in FY 2020 and \$118 thousand in FY 2021 relative to the February 2020 forecast. Of this, \$388 thousand in FY 2020 and \$84 thousand in FY 2021 are attributable to the Minnesota Family Investment Child Care Assistance Program and is projected to occur in the state general fund. The remaining \$166 thousand in FY 2020 and \$34 thousand in FY 2021 are attributable to the Basic Sliding Fee Child Care Assistance Program, with costs funded from the Child Care Development Fund in the federal fund of the state treasury.

## CV.10 – Child Care Assistance Program (CCAP) Provider Registration Renewals

### Description

The commissioner ordered that registration renewal due dates be extended by three months for Child Care Assistance Program providers with renewals due between March 20, 2020 and June 30, 2020. Without this action, families served by the Child Care Assistance Program would need to send their children to a different registered Child Care Assistance Program provider if their current provider's registration were to lapse. The commissioner took this action to ensure continuity of care for children served by the Child Care Assistance Program during the COVID-19 peacetime emergency. This modification is retroactive to March 20, 2020, and will remain in effect through June 30, 2020.

Affects Minnesota Statutes, [section 119B.011](#), subd. 19a.

### **Timeline**

This change became effective March 20, 2020 and will expire June 30, 2020.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.11 – Allowing foster care caseworker visits by video**

### **Description**

The commissioner waived state requirements for foster care caseworkers to permit video conferencing or any similar technology to serve as the monthly visit between a child and their foster care caseworker, which aligns with federal guidance issued March 18, 2020. State and federal law have prohibited video conferencing and normally require that monthly caseworker visits be held face-to-face.

Affects Minnesota Statutes, section [260C.212, subdivision 4a](#)

### **Related Operational Changes**

[Bulletin #20-68-11, issued April 28, 2020: Monthly Caseworker Visits Modified to Permit Video conferencing](#)

### **Timeline**

This change began on March 28, 2020 is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.12 – Suspending new actions for child support remedies**

### **Description**

The commissioner suspended new actions for child support remedies during the public health emergency. Parents who fall into arrears on child support may have driver's licenses and occupational licenses suspended and may be reported to credit bureaus. Due to pandemic closures, these parents currently have no access to the courts to challenge such actions.

Affects Minnesota Statutes, sections [518A.65](#), [518A.66](#), and [518A.685](#)

## Timeline

These changes were effective March 20, 2020 and are in place until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.14 – Waiving recertification process for HIV/AIDS services and drug assistance program**

### Description

The commissioner has temporarily suspended the six-month and annual recertification processes for Minnesota’s HIV/AIDS program, Program HH, for the duration of the COVID-19 pandemic. Enrollees will not be removed from services unless providers or the recipients themselves report ineligibility, such as income or residency requirements. Program HH includes the AIDS Drug Assistance Program as well as insurance, dental, mental health, nutrition, and medication therapy management programs.

Affects Minnesota Statutes, section [256.9365](#).

## Timeline

This change became effective on March 28, 2020 and will remain in place until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.21 – Allowing telemedicine alternative for School-Linked Mental Health services and Intermediate School District Mental Health services for children and their families**

### Description

The commissioner temporarily waived certain requirements for School-Linked Mental Health and Intermediate School District Mental Health Innovation programs to allow for services via telemedicine. This action:

- Authorizes reimbursing school mental health providers for expanded telemedicine services through grant funds;
- Increases flexibility to no longer require the first visit be in person;
- Waives the three-day-per-week limit on telemedicine; and

- Allows telephone and other non-secured electronic communications platforms, such as Skype.

Affects Minnesota Statutes, sections [245.4901](#); [256B.0625, subd. 46](#); and [256L.03, subd. 1](#).

## Timeline

These changes were effective March 27, 2020 and are in place until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.23 – Modifying certain background study requirements

### Description

The commissioner amended her April 6, 2020, decision, which temporarily modified certain statutory background study requirements for workers who serve vulnerable Minnesotans. Completing studies has become difficult due to closures of public fingerprinting sites and lack of response to requests for records from other states. These changes will assist health and human service providers to quickly respond to their changing workforce needs and continue to serve clients.

Modifications under the previous decision, which were effective April 6, 2020, include:

- Waived the requirements for fingerprint-based background studies for all categories.
- Instituted a “Minnesota only” background study using the individual’s name and date of birth for maltreatment and criminal history.
- Limited required background checks to Minnesota registries and databases by waiving required checks of out-of-state registries and databases.
- Instituted a flat, \$20 fee for all Minnesota Department of Human Services statutory background study applications, which is the lowest in the range of background studies fees assessed.
- Waived the mandatory direct contact supervision requirements to allow case-by-case decisions to permit certain individuals to work without supervision while their background studies are being processed. Transportation and personal care assistance (PCA) will continue to be subject to supervision requirements.

These modifications permit the completion of a temporary emergency background study while still applying the same standards that would disqualify someone from passing a background study, including previous disqualification decisions.

To be in compliance with current federal guidance, the commissioner amended her previous decision to require child abuse and neglect registry checks to be conducted in other states (non-Minnesota) for background

applicants for foster care, adoption, legal guardianship and children’s residential facilities who live outside of Minnesota now or have within the past five years. To cover the full costs of the additional checks and associated administrative costs, the fees for these studies will be reinstated to their previous levels (\$51 for children’s residential facilities and \$70 for private agency adoptions). The commissioner’s amended decision is retroactive to April 6, 2020.

The temporary change offers all providers across the state the flexibility that they need to address workforce changes, and affords optimal access to qualified and available direct care workers while still protecting the safety of clients. Providers will be best positioned to maintain the health and safety of clients they serve.

The modified requirements for background studies will continue for the duration of the peacetime emergency. After that time, all study subjects who had received a modified background study will need to submit a new background study with fingerprints to ensure full compliance with state and federal background check requirements.

Affects Minnesota Statutes, [Chapter 245C](#).

### **Timeline**

This change was effective April 6, 2020 and remains in effect until the peacetime emergency under Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.25 – Modifying certain license requirements for family child care**

### **Description**

The commissioner temporarily modified certain requirements for licensed family child care providers, whose services have been designated as essential during the peacetime emergency due to the COVID-19 pandemic. These modifications are necessary to provide additional flexibility to providers, mitigate the spread of the virus and protect the health and safety of children and child care providers.

The modifications relate to guidance from the Minnesota Department of Health and the Centers for Disease Control, age distribution, record-keeping, and outdoor space requirements. These changes are effective April 9, 2020, and will continue until the end of the peacetime emergency.

Affects Minnesota Statutes, sections [Chapter 245A](#) and Minnesota Rules, [Chapter 9502](#).

### **Timeline**

These changes were effective April 9, 2020 and remain in effect until the peacetime emergency declared under Executive Order 20-01 is terminated.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.26 – Modifying certain requirements for licensed child care centers and certified child care centers**

### **Description**

The commissioner temporarily modified certain requirements for licensed child care centers and certified child care centers, whose services have been designated as essential during the peacetime emergency due to the COVID-19 pandemic. These modifications are necessary to provide additional flexibility to providers, mitigate the spread of the virus, and protect the health and safety of children and child care providers.

The modifications relate to guidance from the Minnesota Department of Health and the Centers for Disease Control, requirements for staffing, age category grouping, staff training, record-keeping, the use of public parks, and overnight care. These changes are effective April 9, 2020, and will remain in effect until the end of the peacetime emergency.

Affected Statutes and Rules: Minnesota Statutes, [Chapters 245A](#) and [245H](#), and Minnesota Rules, [Chapter 9503](#).

### **Timeline**

These changes were effective April 9, 2020 and remain in effect until the peacetime emergency declared under Executive Order 20-01 is terminated.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.27 – Allowing exemption for temporary absence policy in Housing Support**

### **Description**

The commissioner waived certain requirements for Housing Support recipients who would be vulnerable to service interruptions due to COVID-19.

Under current law, there is a limit to the number of days Housing Support recipients can be absent from their residence. By continuing Housing Support payments for people in quarantine or hospitalized due to the COVID-19 pandemic, these individuals will not lose their housing.

This extension of payments is authorized for up to three months, effective April 2020.

Affects Minnesota Statutes, section [2561.05](#), subd. 1c (d).

## Timeline

This change is effective for exemptions during the months of April, May and June, 2020.

## Fiscal Impact

Assuming a three month duration, this proposal is estimated to increase state Housing Support expenditures by \$207 thousand in FY 2020.

## CV.29 – Waiving in-person requirement to allow fair hearings to take place by telephone or video

### Description

The commissioner temporarily waived the requirement to hold certain fair hearings in person. Hearings will still proceed by telephone and videoconference. This temporary change aligns with guidance to limit in-person contact as much as possible. Those affected by the temporary waiver may request that an in-person hearing be scheduled for a later date. This became effective upon the commissioner's signature on April 3, 2020, and will remain in effect until the end of the peacetime emergency.

Affects Minnesota Statutes, sections [256.045](#), subdivision 4(a), and [256.0451](#), subdivision 10.

## Timeline

This change became effective April 3, 2020 and remains in effect until the peacetime emergency declared under Executive Order 20-01 has terminated.

## Fiscal Impact

This change is not expected to increase state spending relative to the February 2020 forecast.

## CV.31 – Allowing waiver of county cost when COVID-19 delays discharges from DHS-operated psychiatric hospitals

### Description

The commissioner will temporarily allow counties to request not to be held financially responsible for increased charges incurred for patients who no longer require inpatient care when discharge from DHS-operated psychiatric hospitals is delayed because of the COVID-19 pandemic.

State law requires counties to pay the full cost of care for patients admitted to the Anoka-Metro Regional Treatment Center or one of the six Community Behavioral Health Hospitals once they no longer require inpatient care.



Community-based programs that normally accept patients discharged from DHS-operated psychiatric facilities may no longer admit new patients because of COVID-19 concerns, which could result in delayed discharges from DHS facilities and increased costs for counties.

The commissioner's action allows for administrative review and possible waiver of a portion of a county's increased financial responsibility when a delay in discharge is directly related to the coronavirus pandemic and is beyond county control.

The action is retroactive to discharge delays occurring on or after the governor's declaration of the Peacetime State of Emergency, Executive Order 20-01, on March 13, 2020, and remains in effect until the end of the peacetime state of emergency.

Affects Minnesota Statutes, section [246.54](#), subd.1a, 1b, and 3

### **Related operational changes**

[Bulletin #20-76-01, issued April 29, 2020: County Portion of Cost of Care at Anoka-Metro Regional Treatment Center and Community Behavioral Health Hospitals](#)

### **Timeline**

This change was approved April 29, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

The February 2020 Revenue forecast assumes that individuals will remain at the state-operated facilities for approximately 10 days after an individual no longer meets criteria for hospital care before they are ultimately discharged. This equates to approximately \$1.475 million in revenues to the General Fund. Because of anticipated discharge delays related to COVID-19, it is assumed that patients will remain at the state-operated facilities for approximately 60 days.

Without this waiver, counties will be required to pay the full 60 days while a patient no longer needs hospital level of care (or DNMC) at a cost of approximately \$9.1 million; this exceeds the amount currently forecasted for individuals who no longer need hospital level of care.

Approval with waiver of a county's financial liability for DNMC days after DNMC Day 10 would result in no loss of anticipated revenue to the General Fund. Counties would retain financial liability for the cost of care for DNMC Day 1 to Day 10 and there would be an anticipated savings to counties of approximately \$7.6 million.

As noted, county savings in this proposal are a result of the assumptions used to create the forecasted General Fund revenues. Without this proposal, these payments would be reflected as additional general fund revenues in the November 2020 forecast.

Approval would apply to all DNMC days related to COVID discharge issues for individuals that were determined not to be clinically appropriated (DNMC) after the emergency order went into place. Waiver would not apply to individuals who were DNMC before the Peacetime State of Emergency – or if the delay cannot be related to COVID-19.

## **CV.33 – Modifying timelines and face-to-face requirements for certain child protection responses to alleged maltreatment**

### **Description**

The commissioner temporarily modified timelines and face-to-face requirements for certain child protection responses to alleged child maltreatment by allowing additional time and alternative means of contact by county or tribal workers under limited circumstances, and where child safety can still be assured. These temporary measures will allow for maximum flexibility to respond to the most urgent needs, and to attend to the safety and health of families and the child welfare workforce during the current peacetime emergency. This is effective April 7, 2020, and will remain in effect until the end of the peacetime emergency.

Affects Minnesota Statutes, [section 626.556, subd.10\(j\)](#).

### **Related operational changes**

[Bulletin #20-68-13, issued April 8, 2020: Modify timelines and face-to-face requirements for Child Protection responses to alleged maltreatment](#)

### **Timeline**

This change is effective April 7, 2020 and remains in effect until the peacetime emergency declared under Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.35 – Modifying requirements for foster children's physical exams**

### **Description**

The commissioner modified the requirement under state law that the responsible social services agency must ensure an annual physical examination of a foster child and an exam within 30 days of the child's initial placement. To ensure a foster child's physical health during the peacetime emergency, the responsible social services agency must: (1) continue to seek the child's medical records from appropriate sources to determine if the child has had a physical examination within the 12 months preceding placement with the social services agency; (2) continue to take appropriate actions to ensure that the child's immediate health care needs are addressed; and (3) consider telemedicine as a temporary substitute for the face-to-face physical examination.

This modification recognizes that many clinics and health care facilities have suspended or limited the availability of routine health care.

This modification is effective immediately, and expires at the end of the peacetime emergency.

Affects Minnesota Statutes, section [260C.219\(d\)](#).

**Related operational changes**

[Bulletin #20-68-17, issued April 21, 2020: Suspension of physical exam requirements for foster children at placement and annually](#)

**Timeline**

This change was approved April 19, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

**Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

**CV.36 – Modifying time period to complete foster care placement plan and signature requirements**

**Description**

The commissioner temporarily modified state law regarding the due date for out-of-home placement plans for children in foster care. The modification will extend the due date from 30 days to 60 days after a child is placed in foster care. The commissioner also modified signature requirements. Extending the deadline to coincide with the federal deadline and modifying signature requirements will ensure out-of-home placement plans continue to include appropriate and necessary services for families, while recognizing that certain services may be delayed and in-person communications may be unavailable during the current peacetime emergency.

These modifications do not alter a court’s authority to require an out-of-home placement plan be filed within the regular 30-day timeframe, or the court’s authority to require an out-of-home placement plan be signed.

This is effective immediately and will remain in effect until the end of the peacetime emergency.

Affects Minnesota Statutes, [260C.212, subd. 1](#).

**Related operational changes**

[Bulletin #20-68-16, issued April 21, 2020: Temporary modification of out-of-home placement plans for foster children](#)

## **Timeline**

This change was approved April 19, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.38 – Allowing flexibility in housing licensing requirements**

### **Description**

The commissioner waived certain licensing requirements for Housing Support settings to provide needed flexibility in response to the COVID-19 pandemic. The change allows people to move to another setting, approved by the department, in order to isolate and keep people safe.

Housing Support recipients currently live in a variety of group and individual settings. Some of the existing living arrangements may not meet social distancing guidelines, or quarantine/isolation guidelines needed to keep people safe and healthy. In addition, it may not be possible for licensors and inspectors to complete inspections during this time.

Affects Minnesota Statutes, section [256I.04 subd.2a and 2b](#).

### **Timeline**

This change is effective April 20, 2020, and expires at the end of the end of the peacetime emergency.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.40 – Waiving signature requirements for certain medical equipment, transportation**

### **Description**

The commissioner waived the need for providers to get signatures when providing durable medical equipment (DME) and nonemergency medical transportation (NEMT) to Medical Assistance and MinnesotaCare enrollees.

This change supports the need for social distancing during the pandemic.

Affects Minnesota Statutes, section [256B.0625](#), subd. 17b, paragraph (b)(v).

## **Timeline**

This waiver is effective April 20, 2020, and expires at the end of the COVID-19 peacetime emergency.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.45 – Modifying certain licensing requirements for substance use disorder treatment**

### **Description**

The commissioner temporarily modified certain licensing requirements for substance use disorder treatment. These modifications apply to treatment delivery, including by telehealth; ancillary services; documentation; and personnel and training requirements. These modifications are necessary to provide additional flexibility to providers to allow continuity of services, mitigate the spread of the COVID-19, and protect the health and safety of service recipients and providers. The changes are effective retroactive to March 13, 2020, and will last for the duration of the peacetime emergency.

Affects Minnesota Statutes, [Chapter 245G](#).

### **Timeline**

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.46 – Modifying certain licensing requirements for children’s residential facilities**

### **Description**

The commissioner temporarily modified certain licensing requirements for children’s residential facilities. The modifications apply to service delivery (including by telephone and video), documentation, and personnel and training requirements. They are necessary to provide additional flexibility to providers to allow continuity of services, mitigate the spread of COVID-19, and protect the health and safety of service recipients and providers. The changes are retroactive to March 13, 2020, and will last for the duration of the peacetime emergency.

Affects Minnesota Rules, [Chapter 2960](#).

## Timeline

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast

## CV.47 – Modifying certain licensing requirements for intensive residential treatment service providers

### Description

The commissioner temporarily modified certain licensing requirements for intensive residential treatment service providers. The modifications apply to treatment delivery, documentation, and personnel and training requirements. They are necessary to provide additional flexibility to providers to allow continuity of services, mitigate the spread of COVID-19, and protect the health and safety of service recipients and providers. The changes are retroactive to March 13, 2020, and will last for the duration of the peacetime emergency.

Affects Variance to Minnesota Rules, [parts 9520.0500 to 9520.0690 \(Rule 36\)](#) for Intensive Residential Treatment Services (IRTS).

### Timeline

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast

## CV.48 – Modifying requirements for child protection new worker training

### Description

The commissioner temporarily waived a requirement for newly hired child protection workers to complete mandatory new worker training within six months of their hire date. Classroom-based training is suspended to comply with COVID-19 social distancing requirements. Delays to available training may result as DHS develops an online training curriculum for child protection workers.

This is effective immediately and expires at the end of the peacetime emergency.

Affects Minnesota Statutes, section [626.559, Subd. 1\(d\)](#)

## **Related operational changes**

[Bulletin #20-68-19, issued May 5, 2020: Modification to Timeline for Completion of Child Protection Worker Foundation Training](#)

### **Timeline**

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast

## **CV.49 – Modifying certain license requirements for adult day services**

### **Description**

The commissioner temporarily modified certain licensing requirements for adult day services, which were directed to close March 29, 2020, to provide minimum health and safety standards while services are being provided remotely and in people’s homes during the peacetime emergency due to the COVID-19 pandemic. The modifications require service providers to notify the commissioner if they plan to provide services to existing clients during the peacetime emergency and apply to staff requirements and training, health and safety practices, client service plans, documentation and physical plant requirements.

These changes are necessary to provide additional flexibility to providers, mitigate the spread of the virus, and protect the health and safety of people receiving services and providers. These changes became effective April 29, 2020, and will last until the end of the peacetime emergency.

Affects Minnesota Statutes, [Chapter 245A](#) and Minnesota Rules, parts [9555.9600 to 9555.9730 \(Rule 223\)](#).

### **Timeline**

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast

## **CV.50 – Modifying certain requirements for Early Intensive Developmental and Behavioral Intervention (EIDBI) services**

### **Description**

The commissioner temporarily modified certain requirements for Early Intensive Developmental and Behavioral Intervention (EIDBI) services for people with autism spectrum disorder and related conditions. The changes allow more flexibility to provide services using phone and internet video tools, so that both the people receiving and providing services can practice social distancing during the peacetime emergency.

The modifications also:

- Clarify limits on the number of telemedicine visits allowed per week for EIDBI services, effective retroactively to March 19, 2020, the retroactive effective date determined by the U.S. Centers for Medicare and Medicaid Services (CMS)
- Waive the face-to-face requirement for EIDBI coordinated care conferences, effective April 30, 2020
- Waive the requirement to update the individual treatment plan to extend service authorizations, effective retroactively to March 13, 2020

These changes will expire with the end of the peacetime emergency.

Affects Minnesota Statutes [256B.0949](#)

### **Related operational changes**

[Bulletin #20-48-02, issued May 5, 2020: Early Intensive Developmental and Behavioral Intervention \(EIDBI\) changes for telemedicine, coordinated care conferences and individual treatment plans](#)

### **Timeline**

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.54 – Modifying certain licensing requirements for detoxification programs**

### **Description**

The commissioner temporarily modified certain licensing requirements for detoxification programs, including licensing requirements relating to staff training and staffing ratios. These modifications are necessary to provide additional flexibility to providers, mitigate the spread of COVID-19, and protect the health and safety of service



recipients and providers. The modifications apply to personnel requirements. The modifications to regulations for detoxification programs are retroactive to March 13, 2020, and will last for the duration of the peacetime emergency.

Affects Statutes and Rules: Minnesota Rules, [Chapter 9530](#)

### **Timeline**

This change was approved May 9, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.55 – Modifying certain licensing requirements for adult foster care, community residential settings, child foster care and family adult day services**

### **Description**

The commissioner has temporarily modified certain licensing requirements for adult and child foster care, community residential settings and family adult day services. The modifications provide additional flexibility to existing requirements for licensed foster care services to ensure providers are able to continue to meet the needs of people needing services, focus on acute needs and meet anticipated increases in need during the COVID-19 pandemic.

These modifications apply to certain requirements for orientation, staffing and training. The changes are effective May 8, 2020, and will last for the duration of the peacetime emergency.

Affects Minnesota Statutes, [Chapters 245A](#) and Minnesota Rules, Chapters [9555](#) and [2960](#).

### **Timeline**

This change was approved May 9, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

# VI. Waivers under peacetime emergency authority, Executive Order 20-12: Federal Medicaid and MinnesotaCare approvals

## CV.15 –Waiver of Requirement to Perform Face-to-Face Assessments and Case Management Visits for HCBS Waiver Services Participants

### Description

The commissioner waived certain requirements for face-to-face visits for seniors and people with disabilities receiving long-term services and supports. For people receiving home and community-based services under Medical Assistance, this means that assessments for needs can be done by phone or online connection, and that case managers can conduct phone or video visits. The affected programs are Alternative Care (AC), Brain Injury (BI) waiver, Community Alternative Care (CAC) waiver, Community Access for Disability Inclusion (CADI) waiver, Developmental Disabilities (DD) waiver, Elderly Waiver (EW), Essential Community Supports (ECS), and Federal OBRA Level II Evaluations. Personal Care Assistance (PCA) programs include assessments but do not require case management. This change also applies to people served under Rule 185 case management who choose not to waive the annual reassessment. These actions will protect people receiving services and case managers during the pandemic.

Affected statutes and rules:

- Minnesota Statutes, sections [256B.0911](#), [256B.0922](#), [256B.0659](#), [256B.49](#), [256B.092](#), [256B.0913](#),
- Minnesota Statutes, [Chapter 256S](#)
- Minnesota Rules, [part 9525](#)

### Timeline

This change went into effect March 20, 2020 and will remain in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

Federal approval for this change was obtained on March 27, 2020 and is effective retroactively until March 18, 2020.

### Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.16 – Increasing Access to Services via Telemedicine**

### **Description**

The commissioner eased certain limits on receiving care and services through telephone and video visits that can instead be provided safely and effectively without a face-to-face visit by:

- Expanding the definition of telemedicine to include telephone calls so providers who have a telemedicine agreement in place with DHS can serve patients through telephone visits;
- Allowing a provider’s first visit with a patient to be conducted on the phone;
- Allowing Children’s Health Insurance Program (CHIP), Medical Assistance or MinnesotaCare enrollees to have more than three telemedicine visits in a week; and
- Requiring managed care plans to follow these policies.

These measures help enrollees and providers follow social distancing best practices.

DHS is also considering how best to provide flexibility for greater use of communications technology in specific settings and for certain types of treatment, including group therapy and residential treatment settings.

Affected statutes and rules:

- [Minnesota Statute 256B](#)

### **Timeline**

These changes were effective March 23, 2020 and are in place until the peacetime emergency declared in Executive Order 20-01 is terminated.

Federal approval for this change was obtained on March 27, 2020 and is effective retroactively until March 18, 2020.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.17 – Ensuring Uninterrupted Coverage and Services for Medical Assistance (Medicaid) and MinnesotaCare Enrollees during Public Health Emergency**

### **Description**

The commissioner continued enrollment in public health care programs to ensure that no one enrolled in Medical Assistance, including Medical Assistance for Employed Persons with Disabilities, or MinnesotaCare loses coverage during the pandemic, unless an enrollee requests that their coverage ends or moves out of Minnesota. This includes coverage for enrollees who are unable to pay their premiums. The department is not

sending notices on the need to renew coverage or closure notices to Minnesotans on Medical Assistance and MinnesotaCare.

These changes are effective March 18, 2020, and will remain in effect through the last day of the month in which the national public health emergency ends.

Affects Minnesota Statutes, sections [256B.056, subd. 7a](#); [256L.05, subd.3a](#); [256L.06, subd.3](#); [256L.07, subd. 1](#); [256L.15](#); and Minnesota Rule [part 9505.0115, subpart 2](#); [part 9506.0040](#).

#### **Related operational changes**

- [Bulletin #20-21-02, issued April 29, 2020: DHS Announces Temporary Policy Changes to Minnesota Health Care Programs During the Covid-19 Peacetime Emergency](#)
- [Bulletin #20-21-04, issued May 1, 2020: DHS Explains Treatment of Federal Coronavirus Aid, Relief, and Economic Security Act Payments for Minnesota Health Care Programs](#)
- [Bulletin #20-21-05, issued May 4, 2020: DHS Explains Treatment of Federal Pandemic Unemployment Compensation Payments for Minnesota Health Care Programs](#)

#### **Timeline**

This change was approved March 20, 2020 and remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated. This change applies to enrollees who were enrolled in Medical Assistance or MinnesotaCare on March 18, 2020, or who enrolled on or after March 18, 2020.

#### **Fiscal Impact**

Relative to the February 2020 forecast, this proposal is estimated to increase state Medical Assistance expenditures from the general fund by \$20.994 million in FY 2020 and \$27.004 million in FY 2021. It is forecast to increase MinnesotaCare expenditures from the Health Care Access Fund by \$5.927 million in FY 2020. These estimates assume a three month duration.

## **CV.19 – Temporarily Allowing 90-day Refill Limits for Prescription Maintenance Medications**

#### **Description**

The commissioner increased the prescription drug limits on maintenance medications from 34 days to 90 days for all Medical Assistance and MinnesotaCare enrollees for [certain therapeutic drug classes](#). DHS will work with managed care organizations to further extend the benefits of these flexibilities.

Affects Minnesota Statutes, [section 256B.0625, subdivision 13](#).

## Timeline

Federal approval was obtained March 27, 2020 and is effective retroactively to March 18, 2020. This change will be in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

Assuming a three month duration, this proposal is estimated to reduce state Medical Assistance expenditures by \$602 thousand in FY 2020 and \$1.213million in FY 2021 relative to the February 2020 forecast.

## CV.20 – Eliminating cost-sharing for COVID-19 diagnosis, treatment

### Description

The commissioner eliminated any cost-sharing, including co-pays and deductibles, for the diagnosis, testing and treatment of COVID-19 for all Medical Assistance and MinnesotaCare enrollees. This applies to enrollees in both fee for service and managed care. This helps ensure that financial concerns don't prevent someone from seeking testing, treatment or appropriate care, increasing public health risks. This change was effective as of March 19, 2020, but may apply to testing and treatment that occurred prior to that date. Further details about retroactive coverage will be announced later. The change will end when the national public health emergency is declared over.

Affects Minnesota Statutes, sections [256B.0631](#); 256L.03, subd. 5.

### Related operational changes

[Bulletin #20-21-03, issued May 1, 2020: DHS Announces Medical Assistance for COVID-19 Testing of Uninsured Individuals](#)

## Timeline

This change was approved April 8, 2020 and is in effect until the national public health emergency is declared over.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.22 – Temporarily Postponing Provider Revalidation

### Description

The commissioner allowed health care providers currently authorized to serve public health care program enrollees to continue doing so without requiring them to re-enroll with DHS. The commissioner postponed the requirement to re-enroll health care providers every five years and personal care attendants every three years

to avoid unnecessarily terminating enrolled providers over paperwork, enabling them to continue providing necessary services to enrollees during the COVID-19 peacetime emergency. DHS will make adjustments to accommodate the same activities within managed care.

To ease administrative burdens, the commissioner also postponed setting up new managed care-only providers in the Medicaid Management Information System for the purpose of getting encounter claims data. DHS will make adjustments to accommodate the same activities within managed care.

Affects federal laws [42 C.F.R. 455, Subpart E](#); and [42 U.S.C. § 1396b\(m\)\(2\)\(A\)\(xi\)](#)  
Minnesota Statutes, section [256B.04, subds. 21, and 22](#) and [256B.69, subds. 9, 9c, and 9d](#).

### **Timeline**

Federal approval was obtained March 27, 2020 and is effective retroactively to March 18, 2020. This change will be in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is projected to reduce Special Revenue Fund revenues by \$413 thousand in FY 2020 and to increase them by \$413 thousand in FY 2021. The effect is neutral across the FY 2020-21 biennium.

## **CV.24 – Allowing phone or video use for targeted case management visits**

### **Description**

The commissioner waived requirements temporarily for face-to-face visits for Minnesotans on Medical Assistance who receive certain targeted case management services. This means case managers can conduct targeted case management visits by phone or video with adults receiving services or their legal guardians and with children receiving services and their parents or legal guardians. The affected programs include:

- Child welfare targeted case management
- Children’s mental health targeted case management
- Adult mental health targeted case management
- Vulnerable adult or adult with developmental disabilities (VA/DD) targeted case management
- Relocation service coordination targeted case management

This change is effective March 19, 2020, and runs through the end of public health emergency.

Affects Minnesota statutes, sections [256B.0625, subd. 20](#); [256B.0621, subd. 5\(b\)\(7\)\(i\)](#); [256B.094, subd. 6](#); and [256B.0925, subd. 4](#).

### **Related operational changes**

[Bulletin #20-69-02, issued April 2, 2020: Targeted case management changes for face-to-face contact requirements](#)

## Timeline

This change was approved by the federal government on April 20, 2020 retroactive to March 19, 2020. It will be in effect until the peacetime emergency has ended. A DHS bulletin was issued on April 2, 2020.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.30 – Expanding Telemedicine to Additional Health Care, Mental Health, and Substance Use Disorder Treatment Services

### Description

The commissioner temporarily expanded access to telemedicine for Minnesotans enrolled in Medical Assistance and MinnesotaCare who receive health care, mental health treatment, or substance use disorder treatment. Specifically, the commissioner expanded the providers who are permitted to provide services through telephone and video visits to include the following providers and their tribal provider equivalents:

- Providers who are considered “licensed health care providers” under section 256B.0625, subdivision 3b, paragraph (e), and providers who licensed medical providers supervise;
- Mental health certified peer specialists and mental health certified family peer specialists where they are currently authorized to provide services;
- Mental health rehabilitation workers in Adult Rehabilitative Mental Health Services (ARMHS);
- Mental health behavioral aides in Children’s Therapeutic Support services (CTSS); and
- Alcohol and drug counselors, alcohol and drug counselor-temps, recovery peers, and student interns in licensed SUD programs.

The commissioner also temporarily expanded telemedicine (including telephone and video visits) to Rule 25 assessments, comprehensive assessments, and group therapy.

These measures help enrollees and providers follow social distancing best practices. DHS is received federal approval for these changes.

This change is effective March 19, 2020, and runs through the end of public health emergency.

Affects Minnesota Statutes sections [256B.0625, subd. 3b\(e\)](#); [256B.0625, subd. 46](#); [254B.05, subd. 5,\(f\)](#); and Minnesota Rules, part [9530.6615, sub. 3, item A](#)

## Timeline

This change was approved by the federal government on April 20, 2020 retroactively to March 19, 2020. It remains in effect until the peacetime emergency declared under Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.43 – Expanding remote Home and Community Based Services waiver services for people living in their own homes

### Description

The commissioner temporarily waived requirements to allow remote services by phone and other interactive technologies for people living in their own homes. This will combat isolation and strengthen the health and safety of older adults and people with disabilities who used to have daily contact in day centers. This change does not apply to people living in provider-controlled residential settings.

This modification affects the following programs:

- Alternative Care (AC) program
- Brain Injury (BI) Waiver
- Community Alternative Care (CAC) Waiver
- Community Access for Disability Inclusion (CADI) Waiver
- Developmental Disabilities (DD) Waiver
- Elderly Waiver (EW)
- Essential Community Supports (ECS)

Federal approval has been received. The change is effective April 29, 2020, and expires at the end of the peacetime emergency.

Affects Minnesota's existing federally approved 1915(c) waiver plan, Appendix-K.

### Related operational changes

[Bulletin #20-48-01, issued May 4, 2020: Temporary expansion of remote support for home and community-based services \(HCBS\) waivers](#)

## Timeline

This change was approved May 2, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.



## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.44 – Allowing remote delivery of adult day services

### Description

The commissioner authorized licensed adult day service providers, directed to close on March 29, 2020, to provide certain similar services remotely and/or in-person to one individual at a time. This change means:

- Adult day services can be delivered remotely, via 2-way interactive video or audio communication.
- Providers may deliver in-person services to people in their own homes or residences.
- Providers may deliver in-person services to one person at a time in their licensed setting, such as to receive a bath

Providers can deliver the following services in alternative ways:

- Wellness checks and health-related services, including medication set-up and administration overseen by a nurse;
- Socialization/companionship;
- Activities;
- Meals, delivered to participants' homes;
- Assistance with Activities of Daily Living (ADLs), including bathing; and
- Individual support to family caregivers.

Federal approval for this change was received April 29, 2020. Implementation will coincide with DHS licensing changes as outlined in [CV49](#). It will end when the peacetime emergency is over.

Affects Minnesota Statutes, section [245A](#) and Minnesota Rules sections [9555.9600](#) to [9555.9730](#).

### Related operational changes

[Bulletin #20-25-01, issued May 4, 2020: Alternative adult day service delivery due to COVID-19 pandemic](#)

### Timeline

This change was approved April 29, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

# VII. Changes under existing authority to respond to COVID-19

## CV.01 – Expediting payments to nursing homes

### Description

The commissioner used existing authority under state law related to disasters and emergencies to provide immediate, expedited reimbursement to Minnesota’s 365 skilled nursing facilities for costs related to COVID-19 incurred on or after March 13, 2020. This is primarily a change in timing of payments so facilities can cover costs they are incurring during the pandemic.

DHS will authorize expedited, emergency payments to nursing facilities for costs such as:

- Reimbursement for costs of additional staffing, paid sick leave, and overtime for staff due to COVID-19;
- Extraordinary costs of medical care for a resident infected with COVID-19, including reimbursement for personal protection equipment (PPE) for staff
- Remedial services due to the pandemic;
- Personal care services due to the pandemic; and
- Waiver of timelines so facilities can have increased access to unused nursing facility beds, when authorized by the commissioner of the Minnesota Department of Health.

Authority provided in Minnesota Statutes [12A.10](#).

### Timeline

Reimbursement of expenses will be allowed retroactively to the date of the federal emergency declaration (March 13, 2020) and for up to 60 days following the termination of the COVID-19 federal emergency declaration.

### Fiscal Impact

Assuming a three month duration, this proposal is estimated to increase state Medical Assistance expenditures by \$19.1 million in FY 2020 and \$21.9 million in FY 2021 relative to the February 2020 forecast. Absent this policy change, \$24.1 million of these costs would be expected to materialize in higher nursing facility rates in the FY 2022-23 biennium.

## **CV.06 – Suspending sanctions for some Minnesota Family Investment Program and Diversionary Work Program participants**

### **Description**

The commissioner temporarily ordered that participants in the Minnesota Family Investment Program and Diversionary Work Program will not be sanctioned or disqualified for failing to attend meetings, submit paperwork or comply with other specific requirements. This will be in effect for the duration of the public health emergency.

The commissioner used existing authority under state law, which recognizes emergencies as good cause for failing to meet certain program requirements.

Authority provided in Minnesota Statutes, [section 256J.57](#)

### **Timeline**

This change became effective March 20, 2020 and remains in effect until the peacetime emergency declared under Executive Order 20-01 is terminated.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast beyond fiscal impacts reflected in “Economic Assistance Programs: Renewals, Re-certifications, and Continuity of Benefits (CV.04).”

## **CV.18 – Waiving work requirements for certain SNAP participants**

### **Description**

The commissioner used existing authority under federal law to direct that all able-bodied adults without children receiving SNAP benefits have good cause for not complying with work requirements.

Able-bodied adults without children are normally required to meet work requirements unless they give good cause, defined as circumstances beyond their control, such as illness, household emergency or unavailable transportation. States determine what qualifies as good cause, and the department considers the COVID-19 pandemic to be an emergency facing all Minnesota households.

Congress reinforced that decision when it suspended work requirements and time limits for able-bodied adults without children during the public health emergency.

Authority is provided in Federal Regulation [7 CFR 273.7 \(i\)](#).

## Timeline

This change is effective March 20, 2020 and is in effect until the peacetime emergency declared in Executive Order 20-01 is terminated.

## Fiscal Impact

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## CV.32 – Allowing additional reimbursement to Customized Living providers

### Description

The commissioner approved additional compensation for Customized Living providers where there have been one or more confirmed cases of COVID-19 (resident or staff).

About 18,000 older adults and people with disabilities receive Customized Living services. This Medicaid program includes both health-related and supportive services provided to people living in a customized living setting. People in these settings are at higher risk for COVID-19 due to their age, health and because they live in a group setting.

The reimbursement increase will help providers stabilize staffing to meet the health and safety needs of Medicaid enrollees living in Customized Living settings and will cover:

- Additional Personal Protective Equipment (PPE);
- Additional staff and staff time to perform public health practices like social distancing, quarantining and screening for health concerns;
- Implementing infection control measures such as additional facility cleaning and disinfecting; and
- Additional staffing costs such as paid sick leave, replacement or overtime pay for staff.

Affects Minnesota Statutes, section [12A.10](#),

## Timeline

This change is approved retroactive to March 13, 2020 and is in effect until June 30, 2020.

## Fiscal Impact

This proposal is estimated to increase state Medical Assistance expenditures by \$2.892 million in FY 2020 and \$5.550 million in FY 2021 relative to the May 2020 Interim Budget Projection.

## **CV.34 – Cancelling RFP for Special Needs BasicCare in three counties**

### **Description**

The commissioner cancelled the request for proposals (RFP) to serve Special Needs BasicCare (SNBC) enrollees in Morrison, Todd, and Wadena counties. She is amending the current SNBC contracts with Medica and UCare to serve SNBC enrollees in these counties.

Medica and UCare are the only managed care organizations licensed to serve Morrison, Todd, and Wadena counties and, therefore, eligible to respond to the RFP. Enrollees in SNBC on average have 5 or more health conditions and are offered care coordination under managed care, a service even more crucial during the COVID emergency. Enrollees will have the option to select fee-for-service care. Additionally, the breadth and scope of managed care contracts requires detailed RFPs that demand significant resources from the managed care responders and the DHS and county staff that review and score the submitted proposals. During the pandemic, DHS and county resources are needed to ensure the health and safety of public health care program enrollees as well as the delivery of health care services.

This change does not waive any state or federal statute.

### **Timeline**

The amended SNBC contracts with Medica and UCare to serve Morrison, Todd and Wadena counties have an effective date of May 1, 2020, and will last until the next RFP cycle.

### **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.37 – Extending recertification dates for SNAP and MFAP**

### **Description**

The commissioner temporarily waived minimum certification periods for SNAP and MFAP recipients, who normally must verify their situations every six months to receive benefits. This waiver maintains uninterrupted benefits during the peacetime emergency even if recipients cannot submit otherwise required documentation. It also allows county and tribal eligibility staff to process new applications.

Affects Minnesota Statute sections [256D.0516](#) and [256D.053](#), and Federal Regulations [7 CFR 273.10\(f\)\(3\)\(i\)](#), [7 CFR 273.10\(f\)\(5\)](#), [7 CFR 273.12\(a\)\(5\)\(iii\)](#), and [7 CFR 273.14](#).

### **Timeline**

This waiver is retroactive to March 1, 2020, and will expire on June 30, 2020.

## **Fiscal Impact**

This proposal is not expected to increase state spending relative to the February 2020 forecast.

## **CV.39 – Providing emergency increases of SNAP and MFAP benefits**

### **Description**

All Minnesota SNAP and MFAP recipients will receive the maximum allowable nutrition assistance benefit for their household size until the end of May 2020.

The emergency supplements go to households that didn't receive the maximum amount of nutrition assistance in March, April and May 2020. Approval to issue emergency supplements will remain in place until the U.S. Department of Health and Human Services rescinds the public health emergency declaration issued on January 27, 2020, under section 319 of the Public Health Service Act, or until the end of the peacetime emergency declared by Governor Walz in Executive Order 20-01 (as extended in Executive Order 20-35 and as may be extended further), whichever is later.

Authorized by the Families First Coronavirus Response Act ([Public Law 116-127](#)) and the United States Department of Agriculture – Food and Nutrition Service for SNAP benefits. The state law for MFAP is Minnesota Statutes, section [256D.053](#).

### **Timeline**

DHS began issuing the emergency supplements to qualifying households on April 28, 2020, and will continue throughout May on a staggered basis

### **Fiscal Impact**

Assuming a three month duration, this proposal is estimated to increase Minnesota Family Investment Program expenditures by \$36 thousand in FY 2020.

## **CV.42 – Streamlining the SNAP waiver process**

### **Description**

The commissioner authorized the Minnesota SNAP director to implement federal changes to SNAP rules and laws, accept SNAP waivers provided by the U.S. Department of Agriculture to all states, apply for federal SNAP waivers, and implement SNAP waivers approved by the USDA.

This authority ensures that Minnesotans can receive SNAP benefits in a safe and timely manner and that Minnesota can apply for, accept and implement waivers that will provide administrative relief and timely guidance to county and tribal human services agencies.

Federal authority governing the SNAP program is in [7 U.S. Code Chapter 51](#) and [7 CFR Subchapter C](#). The Families First Coronavirus Response Act (P.L. 116-127) allows for emergency supplemental SNAP appropriations.

### **Timeline**

This authority is effective April 23, 2020, and will last for the duration of the peacetime emergency.

### **Fiscal Impact**

This proposal does not increase state spending relative to the February 2020 forecast

# VIII. Appendix

## Fiscal Estimates Department of Human Services COVID-19 Changes

Reflects items approved as of 5/8/2020; estimates are based on February 2020 forecast (\$ in thousands)

| Line | Tracking # | Internal Approval Date  | Authority         | Title  | Assumed Duration (months) | Fund       | FY 2020         | FY 2021     |
|------|------------|-------------------------|-------------------|--|---------------------------|------------|-----------------|-------------|
| 1    | CV.02      | 3/20/2020;<br>5/1/2020  | EO                | Suspension or Modification of Licensing Requirements   | 1                         | GF         | 10              | -           |
| 2    | CV.03      | 3/20/2020               | EO                | Economic Assistance Programs Applications  |                           | GF         | -               | -           |
| 3    | CV.05      | 3/20/2020               | EO                | Family Violence Specialist Waiver in MFIP  |                           | GF         | -               | -           |
| 4    | CV.06      | 3/20/2020               | MS<br>256J.57     | Good Cause Exemptions from MFIP Sanctions  |                           | GF         | -               | -           |
| 5    | CV.08      | 3/20/2020               | EO                | Pay Child Care Assistance Program Providers While Children Not Attending Care                                      |                           | GF         | -               | -           |
| 6    | CV.10      | 3/20/2020               | EO                | Child Care Assistance Program Provider Registration Renewals   |                           | GF         | -               | -           |
| 7    | CV.11      | 3/20/2020               | EO                | Monthly Foster Care Caseworker Visits Videoconferencing  |                           | GF         | -               | -           |
| 8    | CV.12      | 3/20/2020               | EO                | Waiving Prospective Mandatory Child Support Enforcement Remedies   |                           | GF         | -               | -           |
| 9    | CV.15      | 3/20/2020               | EO                | Waiver of Face-to-Face Requirement of Assessments and Case Management for HCBS Waiver Services                     |                           | GF         | -               | -           |
| 10   | CV.17      | 3/20/2020;<br>4/13/2020 | EO                | Ensuring Uninterrupted Coverage & Services for State Public Program Enrollees Regardless of Nonpayment of Premiums | 3                         | GF<br>HCAF | 20,994<br>5,927 | 27,004<br>- |
| 11   | CV.18      | 3/20/2020               | 7 CFR<br>273.7(i) | Good Cause Exemption for Able-Bodied Adults without Dependents SNAP Participants                                   |                           | GF         | -               | -           |
| 12   | CV.16      | 3/23/2020               | EO                | Increasing Access to Services via Telemedicine   |                           | GF         | -               | -           |
| 13   | CV.01      | 3/23/2020               | MS<br>12A.10      | Expedited Reimbursement to Nursing Facilities under M.S. 12A.10  | 3                         | GF         | 19,081          | 21,949      |
| 14   | CV.04      | 3/20/2020               | EO                | Economic Assistance Program Renewals and Recertifications  | 3                         | GF         | 3,698           | 13,444      |
| 15   | CV.19      | 3/23/2020               | EO                | Allow 90 Day Refill Limits for Prescription Maintenance Medications  | 3                         | GF         | (602)           | (1,213)     |
| 16   | CV.22      | 3/23/2020               | EO                | Suspend Provider Revalidation  |                           | GF         | -               | -           |



| Line | Tracking # | Internal Approval Date | Authority | Title   | Assumed Duration (months) | Fund | FY 2020 | FY 2021 |
|------|------------|------------------------|-----------|---|---------------------------|------|---------|---------|
| 17   | CV.14      | 3/23/2020              | EO        | Waiver Recertification for AIDS Drug Assistance Program   |                           | GF   | -       | -       |
| 18   | CV.07      | 3/24/2020              | EO        | Paying Second Child Care Assistance Providers if One Provider is Closed or Unavailable  | 1                         | GF   | 2,630   | -       |
| 19   | CV.09      | 3/24/2020              | EO        | Waiving, Modifying and Suspending Certain Requirements for Child Care Assistance Redetermination                                      | 3                         | GF   | 388     | 84      |
| 20   | CV.21      | 3/24/2020              | EO        | Continuation of School-Linked and Intermediate School District Mental Health Services   |                           | GF   | -       | -       |
| 21   | CV.24      | 3/27/2020              | EO        | Removal of Face-to-Face Requirements for MN Medicaid Targeted Case Management   |                           | GF   | -       | -       |
| 22   | CV.20      | 3/23/2020              | EO        | Eliminating Cost Sharing for COVID-19 Testing and Treatment   |                           | GF   | -       | -       |
| 23   | CV.23      | 3/27/2020              | EO        | Modify Certain Background Study Requirements  |                           | GF   | -       | -       |
| 24   | CV.26      | 4/3/2020               | EO        | Modify Certain Requirements for Licensed Child Care Centers & Certified Child Care Centers  |                           | GF   | -       | -       |
| 25   | CV.25      | 4/3/2020               | EO        | Modify Certain License Requirements for Family Child Care   |                           | GF   | -       | -       |
| 26   | CV.27      | 3/30/2020              | EO        | Allowing Exemption for Temporary Absence Policy in Housing Support  | 3                         | GF   | 207     | -       |
| 27   | CV.29      | 3/31/2020              | EO        | Waiving In-person Requirement to Allow Fair Hearings to Take Place by Telephone or Video  |                           | GF   | -       | -       |
| 28   | CV.30      | 4/6/2020               | EO        | Expanding Telemedicine in Health Care, Mental Health, and Substance Use Disorder Settings   |                           | GF   | -       | -       |
| 29   | CV.33      | 4/3/2020               | EO        | Modify Timelines & Face to Face Requirements for Certain Child Protection Responses to Alleged Maltreatment                           |                           | GF   | -       | -       |
| 30   | CV.35      | 4/8/2020               | EO        | Modifying Requirements for Physical Examinations of Foster Children   |                           | GF   | -       | -       |
| 31   | CV.34      | 4/8/2020               | CA        | Cancelling RFP for Special Needs BasicCare in three counties  |                           | GF   | -       | -       |
| 32   | CV.36      | 4/10/2020              | EO        | Modifying the Time Period to Complete an Out-of-Home Placement Plan After a Child is Placed in Foster Care and Signature Requirements |                           | GF   | -       | -       |
| 33   | CV.38      | 4/15/2020              | EO        | Allowing Flexibility in Housing Licensing Requirements  |                           | GF   | -       | -       |
| 34   | CV.37      | 4/15/2020              | CA        | Extending Recertification Dates for SNAP and MFAP   |                           | GF   |         |         |
| 35   | CV.35      | 4/17/2020              | CA        | Providing emergency increases of SNAP and MFAP benefits   |                           | GF   | 36      |         |
| 36   | CV.42      | 4/17/2020              | CA        | Streamlining the SNAP waiver process  |                           | GF   |         |         |

| Line | Tracking # | Internal Approval Date | Authority    | Title   | Assumed Duration (months) | Fund               | FY 2020                 | FY 2021             |
|------|------------|------------------------|--------------|---|---------------------------|--------------------|-------------------------|---------------------|
| 37   | CV.40      | 4/17/2020              | EO           | Waiving Signature Requirements for Medical Equipment and Transportation   |                           | GF                 | -                       | -                   |
| 38   | CV.31      | 4/27/2020              | EO           | Allowing Waiver of County Cost When COVID-19 Delays Discharges from DHS-operated Psychiatric Hospitals  |                           | GF                 | -                       | -                   |
| 39   | CV.44      | 4/23/2020              | EO           | Allowing Remote Delivery of Adult Day Services  |                           | GF                 | -                       | -                   |
| 40   | CV.43      | 4/22/2020              | EO           | Expanding Remote Home and Community Based Services Waiver Services for People Living in Their Own Homes   |                           | GF                 | -                       | -                   |
| 41   | CV.45      | 4/23/2020              | EO           | Modifying certain licensing requirements for substance use disorder treatment   |                           | GF                 | -                       | -                   |
| 42   | CV.46      | 4/23/2020              | EO           | Modifying Certain Licensing Requirements for Children's Residential Facilities  |                           | GF                 | -                       | -                   |
| 43   | CV.47      | 4/23/2020              | EO           | Modifying Certain Licensing Requirements for Intensive Residential Treatment Service Providers  |                           | GF                 | -                       | -                   |
| 44   | CV.48      | 4/22/2020              | EO           | Modifying Requirements for Child Protection New Worker Training   |                           | GF                 | -                       | -                   |
| 45   | CV.49      | 4/23/2020              | EO           | Modifying Certain License Requirements for Adult Day Services   |                           | GF                 | -                       | -                   |
| 46   | CV.50      | 4/23/2020              | EO           | Modifying Certain Requirements for Early Intensive Developmental and Behavioral Intervention (EIDBI) Services                                   |                           | GF                 | -                       | -                   |
| 47   | CV.55      | 4/29/2020              | EO           | Modifying certain licensing requirements for adult foster care, community residential settings, child foster care and family adult day services |                           | GF                 | -                       | -                   |
| 48   | CV.54      | 4/29/2020              | EO           | Modifying certain licensing requirements for detoxification programs  |                           | GF                 | -                       | -                   |
| 49   | CV.32      | 5/1/2020               | MS<br>12A.10 | Allowing additional reimbursement to Customized Living providers  |                           | GF                 | 2,892                   | 5,550               |
| 50   |            |                        |              | <b>Total Forecast Costs Approved</b>  |                           | <b>GF<br/>HCAF</b> | <b>49,334<br/>5,927</b> | <b>66,818<br/>-</b> |
| 52   |            |                        |              | <b>Additional Forecast Changes to DHS Program</b>   |                           |                    |                         |                     |
| 53   |            |                        |              | Estimated Enhanced Federal Matching Funds   |                           | GF                 | (329,471)               |                     |
| 54   |            |                        |              | <b>FY 2020-21 General Fund Forecast Costs of Program Waivers After Enhanced Federal Match</b>   |                           |                    | <b>(213,848)</b>        |                     |