



# Human Services Legislative Report Sunsets

## 2022 Report

### State Government Relations

February 2022

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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 \$5,500.00

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# I. Executive summary

This report fulfills a requirement of Laws of Minnesota, 2021, Chapter 30, Article 1, Section 1. This provision creates a sunset for most of the recurring reports the Department of Human Services is required to submit. The provision also requires DHS to submit a report each year which lists all report mandates set to expire that year. Section four of this report lists legislative report mandates expiring under Chapter 30 in 2022. Section five of this report outlines two sets of recommendations from DHS regarding legislative report mandates. The first set of recommendations are report mandates set to expire in 2022 that DHS recommends be amended to continue. The second set of recommendations are related to mandates DHS recommend be revised and to report mandates DHS recommends be repealed.

## II. Legislation

[Laws of Minnesota, 2021, Chapter 30, Article 1, Section 1](#)

Section 1. Minnesota Statutes 2020, section 256.01, is amended by adding a subdivision to read:

Subd. 42.

### **Expiration of report mandates.**

(a) If the submission of a report by the commissioner of human services to the legislature is mandated by statute and the enabling legislation does not include a date for the submission of a final report, the mandate to submit the report shall expire in accordance with this section.

(b) If the mandate requires the submission of an annual report and the mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2023. If the mandate requires the submission of a biennial or less frequent report and the mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2024.

(c) Any reporting mandate enacted on or after January 1, 2021, shall expire three years after the date of enactment if the mandate requires the submission of an annual report and shall expire five years after the date of enactment if the mandate requires the submission of a biennial or less frequent report unless the enacting legislation provides for a different expiration date.

(d) The commissioner shall submit a list to the chairs and ranking minority members of the legislative committee with jurisdiction over human services by February 15 of each year, beginning February 15, 2022, of all reports set to expire during the following calendar year in accordance with this section.

### **EFFECTIVE DATE.**

This section is effective the day following final enactment.

### III. Introduction

The Department of Human Services submits a number of reports to the legislature each year. The agency is required to produce these reports by mandates in statute and in session law. The reports cover a range of topics including: program outcomes, financial data, program controls, program demographics and policy information. Legislative reports often provide valuable information about DHS, and about the programs the agency administers and regulates. This information provides transparency and helps assess the efficacy of the agency's work. It is useful for legislators, agency staff, and other external stakeholders, as well as useful to the general public.

Many mandates require the agency to produce a one-time report. However, others require DHS to produce recurring reports on an annual, biennial, or other periodic basis. Currently, there are multiple mandates for recurring legislative reports in law that are duplicative, no longer applicable, or that do not match with how programs currently operate. Additionally, there are reports the agency is not currently producing. These mandates reference how programs operated in the past or contain incorrect assumptions about how programs operate. In other cases, the requested data simply isn't available.

During the 2021 legislative session, a provision passed which addresses the issue of outdated and irrelevant report mandates. Laws of Minnesota, 2021, Chapter 30, Article 1, Section 1 creates a sunset for most of the recurring reports DHS is required to submit. Mandates enacted prior to January 1, 2021 for reports submitted on an annual or more frequent basis will expire January 1, 2023, and reports submitted on a biennial or less frequent basis expires January 1, 2024. For reports enacted January 1, 2021 or later reports submitted on an annual or less frequent basis expire after three years, and reports submitted on a biennial or less frequent basis expire after four years. The provision excludes reports where a different expiration date is provided in the mandate.

DHS has determined that several reports should continue because of they provide valuable information to decision makers both internally, and externally to legislators, partners and community. Additionally, some of the reports set to expire in 2022 should continue in alignment with existing task forces, working groups and grant programs. For reports that should not expire in 2022 see section V. the recommendations section of this report.

## **IV. Report recommendations**

### **A. Reports Recommended to Expire January 1, 2023**

The following reports are set to expire January 1, 2023. The relevant DHS policy areas have reviewed this list of reports and recommend these mandates should expire in 2022 pursuant to Chapter 30.

#### **Adult Mental Health Grants and Children's Mental Health Grants**

##### **Citation**

2021 Minnesota Statutes Sections 245.4661, Subdivision 10, and Section 245.4889, Subdivision 3

##### **Description**

This report fulfills two separate legislative mandates, but is submitted as a single annual report.

By November 1, 2016, and biennially thereafter, the commissioner of human services shall provide a report to the legislature on the funding of adult mental health grants and how funds were used to address gaps in adult mental health. The commissioner shall provide, at a minimum, the following information: the amount of funding to mental health initiatives, what programs and services were funded in the previous two years, gaps in services that each initiative brought to the attention of the commissioner, and outcome data for the programs and services that were funded; and the amount of funding for other targeted services and the location of services.

By November 1, 2016, and biennially thereafter, the commissioner of human services shall report on the use of children's mental health grant funds over previous two years and associated outcomes. The commissioner shall provide, at a minimum, the following information: the amount of funding for children's mental health grants, what programs and services were funded in the previous two years, and outcome data for the programs and services that were funded; and the amount of funding for other targeted services and the location of services.

The final report under these mandates will be submitted November 2022.

#### **Annual Summary of Health Plan Company Independent Audits**

##### **Citation**

2021 Minnesota Statutes Section 62Q.37, Subdivision 7

##### **Description**

By December 31 of each year, the commissioner shall submit to the legislature a written report identifying the number of audits performed by a nationally recognized independent organization that were accepted, partially accepted, or rejected by the commissioner under this section. The commissioner shall provide the rationale for partial acceptance or rejection. If the rationale for the partial acceptance or rejection was based on the commissioner's determination that the standards used in the audit were not equivalent to state law, regulation,

or contract requirement, the report must document the differences between the audit standards and the applicable state requirements. The report must identify the number of health plan company independent audits performed by a nationally recognized independent organization that were accepted, partially accepted, or rejected by DHS.

The final report under these mandates will be submitted December 2022.

## **Child Protection Disparities Grants Process Evaluation**

### **Citation**

2021 Minnesota Statutes Section 256E.28, Subdivision 6

### **Description**

The commissioner shall consult with the legislative task force on child protection during the evaluation process and shall submit a biennial evaluation report to the task force and to the chairs and ranking minority members of the House of Representatives and Senate committees with jurisdiction over child protection funding. In this report, the commissioner shall conduct a biennial evaluation of the child protection disparities grant.

The final report under this mandate will be submitted December 2022.

## **Consumer Satisfaction, Help Lines**

### **Citation**

2021 Minnesota Statutes Section 265.01, Subdivision 31

### **Description**

The commissioner of human services must provide the governor and legislature with an annual memorandum that includes information about consumer satisfaction on calls received by the department's help lines. The memorandum must be submitted by February 15 of each year, and posted on the department's website by March 1.

The final report under this mandate will be submitted in 2022.

## **Corporate Foster Care Needs Determination**

### **Citation**

2021 Minnesota Statutes Section 245A.03, Subdivision 7, para (h)

### **Description**

Annually, by August 1, the commissioner shall provide information and data on capacity of licensed long-term services and supports, actions taken under the subdivision to manage statewide long-term services and supports resources, and any recommendations for change to the legislative committees with jurisdiction over the health



and human services budget. Under this authority, the commissioner may approve new licensed settings or delicense existing settings.

The final report under this mandate will be submitted in 2022.

## **Dementia Grants Progress Report**

### **Citation**

Minnesota Statutes Section 256.975, Subdivision 11, Para i (2)

### **Description**

The MN Board on Aging shall submit by January 15, 2017, and on each January 15 thereafter, a progress report on the dementia grants programs under this subdivision to the chairs and ranking minority members of the Senate and House of Representatives committees and divisions with jurisdiction over health finance and policy. The report shall include: information on each grant recipient; a summary of all projects or initiatives undertaken with each grant; the measurable outcomes established by each grantee, an explanation of the evaluation process used to determine whether the outcomes were met, and the results of the evaluation; and an accounting of how the grant funds were spent.

The final report under this mandate will be submitted in 2022.

## **Early Intensive Developmental and Behavioral Intervention Report**

### **Citation**

2021 Minnesota Statutes Section 256B.0949, Subdivision 17(c)

### **Description**

The commissioner shall provide an annual update on the status of the provider shortage and exceptions granted to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over health and human services. The commissioner shall not declare the shortage of EIDBI providers ended without direction from the legislature to declare it ended.

The final report under this mandate will be submitted in 2022.

## **Maltreatment Involving Licensed Facilities**

### **Citation**

2021 Minnesota Statutes Section 626.557, Subdivision 12b

### **Description**

The commissioners of health and human services shall annually publish on their web sites the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigation under this section, and the resolution of those investigations. On a biennial basis, the

commissioners of health and human services shall jointly report the following information to the legislature and the governor: the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigations under this section, the resolution of those investigations, and which of the two lead agencies was responsible; trends about types of substantiated maltreatment found in the reporting period; if there are upward trends for types of maltreatment substantiated, recommendations for addressing and responding to them; efforts undertaken or recommended to improve the protection of vulnerable adults; whether and where backlogs of cases result in a failure to conform to statutory time frames and recommendations for reducing backlogs if applicable; recommended changes to statutes affecting the protection of vulnerable adults; and any other information that is relevant to the report trends and findings.

DHS and MDH currently fulfill this mandate by publishing maltreatment data to dashboards located on the agencies' public websites. This mandate expires in 2022 under Chapter 30, however DHS and MDH plan to continue updating their maltreatment dashboards in the future.

## **Managed Care and County-Based Purchasing Plan Ad Hoc Audit Report**

### **Citation**

2021 Minnesota Statutes, Section 256B.69, Subdivision 9d (e)

### **Description**

The commissioner, to the extent of available funding, shall conduct ad hoc audits of state public health care program administrative and medical expenses reported by managed care plans and county-based purchasing plans. This includes: financial and encounter data reported to the commissioner under subdivision 9c, including payments to providers and subcontractors; supporting documentation for expenditures; categorization of administrative and medical expenses; and allocation methods used to attribute administrative expenses to state public health care programs. These audits also must monitor compliance with data and financial report certification requirements established by the commissioner for the purposes of managed care capitation payment rate-setting. The managed care plans and county-based purchasing plans shall fully cooperate with the audits in this subdivision. The commissioner shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by February 1, 2016, and each February 1 thereafter, the number of ad hoc audits conducted in the past calendar year and the results of these audits.

DHS has submitted two reports under this mandate covering calendar years 2015 and 2016. No ad hoc audits have been completed since, so no other reports have been produced. DHS believes that the content of the report is covered by other financial reporting requirements for Managed Care Organizations. Additionally DHS Internal Audits does not currently have financial resources to complete the ad hoc audits and report. No additional reports are planned under this mandate.

## **MnCHOICES Benchmark Report**

### **Citation**

Laws of MN 2019, 1st Special Session, Chapter 9, Article 5, Section 47

### **Description**

The commissioner shall work with lead agencies responsible for conducting long-term consultation services to develop a set of measurable benchmarks sufficient to demonstrate quarterly improvement in the average time per assessment and other mutually agreed upon measures of increasing efficiency. The commissioner shall collect data on these benchmarks and provide to the lead agencies and the chairs and ranking minority members of the legislative committees with jurisdiction over human services an annual trend analysis of the data in order to demonstrate the commissioner's compliance with the requirements of this subdivision.

The final report under this mandate is due in 2022.

## **MN Sex Offender Program (MSOP) Annual Report**

### **Citation**

2021 Minnesota Statutes Section 246B.03, Subdivision 2 and Section 246B.035

### **Description**

The executive director of the Minnesota sex offender program shall submit electronically a performance report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over funding for the program by February 15 of each year beginning in 2017. MSOP is required to contract with national sex offender experts to evaluate the sex offender treatment program.

The final report under this mandate will be submitted in 2022.

## **Opioid Prescribing Improvement Program Report**

### **Citation**

2021 Minnesota Statutes, Section 256B.0638, Subdivision 7

### **Description**

By September 15, 2016, and annually thereafter, the commissioner of human services shall report to the legislature on the implementation of the opioid prescribing improvement program in the Minnesota health care programs. The report must include data on the utilization of opioids within the Minnesota health care programs.

The final report under this mandate will be submitted in 2022.

## Periodic Data Matching

### Citation

2021 Minnesota Statutes, Section 256B.0561, Subdivision 4

### Description

The commissioner shall conduct data matching for medical assistance and MinnesotaCare recipients and report on the number of recipients identified as possibly ineligible as a result of a periodic data match, and the number of recipients whose eligibility was terminated as a result of a periodic data match.

No report was submitted under this mandate in 2021. DHS suspended periodic data matching beginning in March of 2020 due to the COVID-19 public health emergency. In order to qualify for enhanced Federal Medical Assistance Percentage (FMAP) the state must maintain Medicaid coverage for all individuals through the end of the month in which the federal public health emergency ends, unless the individual requests a voluntary closure of their coverage, ceases to be a resident of the state or dies. Since the PDM process automatically terminates MA and MinnesotaCare coverage for reasons other than voluntary closure, loss of state residency or death, DHS suspended the PDM process to preserve Minnesota's eligibility for the enhanced FMAP.

The federal public health emergency is scheduled to end April 16, 2022. Laws of Minnesota, 2021, 1<sup>st</sup> Special Session, Chapter 7, Article 1, Section 36 (c) states that DHS is not required to issue an annual report on periodic data matching until one year after the end of the federal public health emergency. Given that this mandate is set to expire in 2022 under Chapter 30, no further reports will be produced under this mandate.

## Rates of Maltreatment Referral under IDEA

### Citation

2021 Minnesota Statutes Section 260E.24, Subdivision 6

### Description

Minnesota statute requires a child under age three who is involved in a substantiated case of maltreatment shall be referred for screening under the Individuals with Disabilities Education Act, part C. The commissioner of human services shall monitor referral rates by county and annually report the information to the legislature.

The final report under this mandate has been submitted as part of the 2022 Child Maltreatment Report.

## State Medical Review Team Report

### Citation

2021 Minnesota Statutes Section 256.01, Subdivision 29 (c)

### Description

The commissioner shall provide the chairs of the legislative committees with jurisdiction over health and human services finance and budget the following information on the activities of the state medical review team by

February 1 of each year: the number of applications to the state medical review team that were denied, approved, or withdrawn; the average length of time from receipt of the application to a decision; the number of appeals, appeal results and length of time taken from the date the person involved requested an appeal for a written decision to be made on each appeal; for applicants, their age, health coverage at the time of application, hospitalization history within three months of application, and whether an application for Social Security or Supplemental Security Income benefits is pending; and specific information on the medical certification, licensure or other credentials of the person or persons performing the medical review determinations and length of time in that position.

The final report under this mandate will be submitted in 2022.

## **Vikings Stadium Compulsive Gambling Report**

### **Citation**

2021 Minnesota Statutes Section 245.981

### **Description**

This requires the commissioner to complete a compulsive gambling report annually by February 15, 2014 and thereafter on the percentage of gambling revenues that come from gamblers identified as problem gamblers, or a similarly defined term, as defined by the National Council on Problem Gambling at the Vikings Stadium. This also requires a preliminary update on February 15, 2013 including the estimated cost of the full report.

The final report under this mandate will be submitted February 2022.

## **B. Recommendations to Revise Report Mandates**

The following reports are set to expire January 1, 2023. DHS recommends the statutory mandate for these reports be revised but that the legislature continue to require the production of these reports, as modified.

## **Child Maltreatment and Out of Home Placement and Permanency Reports**

### **Citation**

2021 Minnesota Statutes Sections 257.0725 (Child Maltreatment and Out of Home Placement and Permanency), 260.775 (American Indian Children in Residential Facilities), and 260E.38, Subdivision 3 (Child Maltreatment Data Audits).

### **Description**

The Child Safety and Permanency Division produces two annual reports to fulfill several legislative report mandates. The primary mandate fulfilled by these reports is found in Minnesota Statutes Chapter 257.0725, the commissioner of human services shall publish an annual report on child maltreatment and on children in out-of-home placement. The commissioner shall confer with county agencies, child welfare organizations, child

advocacy organizations, courts, and other groups on how to improve content and utility of the department's annual report. Regarding child maltreatment, the report shall include the number and kinds of maltreatment reports received, and other data that the commissioner determines appropriate in a child maltreatment report.

The Out-of-home care and Permanency Report also fulfills a mandate found in the Minnesota Indian Family Preservation Act. (Minn. Stat., section 260.775). The Minnesota Indian Family Preservation Act requires DHS to annually publish an inventory of all Indian children in residential facilities. The inventory shall include, by county and statewide, information on legal status, living arrangement, age, sex, tribe in which child is a member or eligible for membership, accumulated length of time in foster care, and other demographic information deemed appropriate concerning all Indian children in residential facilities. The report must also state the extent to which authorized child-placing agencies comply with the order of preference described in United States Code, title 25, section 1901, et seq.

The Child Maltreatment report additionally fulfills two mandates found in Minnesota Statutes Chapter 260E.38, Subdivision 3 and 6 which require DHS to monitor and report on the referral rates by county of children under age three involved in a substantiated case of maltreatment being referred for screening under the Individuals with Disabilities Education Act, part C, and to publish summary results of the reviews on child protection quality assurance.

DHS recommends that the mandates found outside Minn. Stat. 257.0725 cross-reference the mandate found in Minn. Stat. 257.0725 so they can be submitted as a single report. The report required under 260E.38, subdivision 6 is recommended to be sunset. Additionally, DHS recommends this report mandate be revised to exempt it from the sunset provision in Chapter 30.

## **Child Support Quadrennial Guidelines Review**

### **Citation**

2021 Minnesota Statutes Section 518A.77

### **Description**

No later than 2006 and every four years after that, the Department of Human Services must conduct a review of the child support quadrennial guidelines review. The child support quadrennial guidelines review is a federal regulation that requires states to review their child support guidelines at least once every four years. This review must consider economic data on the cost of raising children and an analysis of case data relating to the application of the guidelines.

DHS recommends statute be amended to exempt this mandate from the sunset provision in Chapter 30. This report is also required by federal law (445 CFR § 302.56(e)).

## **Minnesota Security Hospital and the Minnesota Sex Offender Program: Census and Fiscal Projections**

### **Citation**

Laws of Minnesota 2009, Chapter 79, Article 13, Section 3, Subdivision 10

### **Description**

This is a bi-annual report has budget forecasts due in November and February and the report is due by January 1, 2022. Directly from omnibus bill: The commissioner shall include census data and fiscal projections for state-operated services and Minnesota sex offender services with the November and February budget forecasts. Notwithstanding any contrary provision in this article, this paragraph shall not expire.

DHS recommends amending this report mandate to change the frequency of the report from “with the November and February budget forecasts” to “with the February budget forecast.” Additionally DHS recommends the language stating the paragraph not expire, be stricken. These changes would make this an annual report and makes it subject to the sunset provision in Chapter 30.

## **Opiate Epidemic Response Advisory Council Report and Grant Report**

### **Citation**

2021 Minnesota Statutes, Chapter 256.042, Subdivision 4

### **Description**

The commissioner of human services shall submit a report of the grants proposed by the advisory council to be awarded for the upcoming calendar year to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, by December 1 of each year, beginning March 1, 2020.

The advisory council shall report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, beginning January 31, 2021. The report shall include information about the individual projects that receive grants and the overall role of the project in addressing the opioid addiction and overdose epidemic in Minnesota. The report must describe the grantees and the activities implemented, along with measurable outcomes as determined by the council in consultation with the commissioner of human services and the commissioner of management and budget. At a minimum, the report must include information about the number of individuals who received information or treatment, the outcomes the individuals achieved, and demographic information about the individuals participating in the project; an assessment of the progress toward achieving statewide access to qualified providers and comprehensive treatment and recovery services; and an update on the evaluations implemented by the commissioner of management and budget for the promising practices and theory-based projects that receive funding

DHS recommends that these report mandates be extended to continue for the life of the Opioid Epidemic Response Advisory Council.

## **Reports on Anoka-Metro Regional Treatment Center (AMRTC) Minnesota Security Hospital and CBHH**

### **Citation**

2021 Minnesota Statutes Section 246.131

### **Description**

This requires a quarterly report to the chairs and ranking minority leaders of the senate and house of representatives committees having jurisdiction over health and human services issues on the AMRTC, Minnesota Security Hospital (MSH), and Community Behavioral Health Hospitals (CBHH). The report shall contain information on the number of licensed beds, budgeted capacity, occupancy rate, number of Occupational Safety and Health Administration (OSHA) recordable injuries and the number of OSHA recordable injuries due to patient aggression or restraint, number of clinical positions budgeted, the percentage of those positions that are filled, the number of direct care positions budgeted, and the percentage of those positions that are filled.

DHS recommends amending this report mandate to change the frequency of the report from “quarterly” to “annually.”

## **C. Recommendations to Repeal Additional Report Mandates during 2022 Legislative Session**

The following report mandates are set to expire under Chapter 30 in future years. DHS recommends the legislature act to repeal these mandates during the 2022 legislative session.

### **Child Support Biennial Performance Review**

#### **Citation**

Laws of MN 1998, Chapter 382, Article 1, Section 34

#### **Description**

The commissioner shall prepare a biennial report, beginning in January 1999, that evaluates all child support programs and enforcement mechanisms to determine the following: Minnesota’s performance on the child support and incentive measures submitted by the federal Office of Child Support Enforcement to the United States Congress; Minnesota’s performance relative to other states; individual county performance; and recommendations for further improvement. The commissioner shall evaluate in separate categories the federal, state, and local government costs of child support enforcement in the state. The evaluation must include a representative sample of private business costs relating to child support enforcement based on a survey of at



least 50 Minnesota businesses and nonprofit organizations. The commissioner shall also report on the amount of child support arrearages in this state with separate categories for the amount of child support in arrears for 90 days, six months, one year, and two or more years. The report must establish a process for determining when an arrearage is considered uncollectible based on the age of the arrearage and likelihood of collection of the amount owed. The amounts determined to be uncollectible must be deducted from the total amount of outstanding arrearages for purposes of determining arrearages that are considered collectible.

Under Minnesota Laws 2021, Chapter 30 this report expires January 15, 2025. DHS recommends that the mandate Child Support Biennial Performance Review be repealed during the 2022 legislative session. This mandate is duplicative of requirements found in the Child Support Quadrennial Guidelines Review mandated by Minnesota Statutes Chapter 518.716.

## **Long Term Care Report (Consolidated)**

### **Citation**

2021 Minnesota Statutes Section 144A.351

### **Description**

The commissioners of health and human services, with the cooperation of counties and in consultation with stakeholders, including persons who need or are using long-term care services and supports, lead agencies, regional entities, senior, disability, and mental health organization representatives, service providers, and community members shall prepare a report to the legislature by August 15, 2013, and biennially thereafter, regarding the status of the full range of long-term care services and supports for the elderly and children and adults with disabilities and mental illnesses in Minnesota. Any amounts appropriated for this report are available in either year of the biennium. The report shall address: (1) demographics and need for long-term care services and supports in Minnesota; (2) summary of county and regional reports on long-term care gaps, surpluses, imbalances, and corrective action plans; (3) status of long-term care services by county and region including: (i) changes in availability of the range of long-term care services and housing options; (ii) access problems, including access to the least restrictive and most integrated services and settings regarding long-term care services; and (iii) comparative measures of long-term care services availability, including serving people in their home areas near family, and changes over time; and (4) recommendations regarding goals for the future of long-term care services and supports, policy and fiscal changes, and resource development and transition needs.

The most recent report was submitted in September 2021. DHS recommends repealing this report mandate as it is not currently used internally for decision making purposes, and DHS does not believe the report is being utilized by external decision makers. Additionally, this information could be compiled and displayed through a medium other than a legislative report if needed going forward.

## **Medical Care Surcharge Fund**

### **Citation**

2021 Minnesota Statutes Section 256.9657, Subdivision 8

## **Description**

The commissioner shall report quarterly regarding the medical provider surcharge program. The commissioner of human services shall report to the legislature quarterly on the first day of January, April, July, and October regarding the provider surcharge program. The report shall include information on total billings, total collections, and administrative expenditures.

The sunset provision created by Chapter 30 does not address reports submitted on a quarterly basis. However, DHS recommends that this report sunset in 2022. This report is not currently used internally for decision making purposes, and DHS does not believe the report is being utilized by external decision makers. DHS feels that pulling data on a quarterly basis for this mandate is not a good use of staff time and resources.

## **Report on Effectiveness of Value Based Reimbursement (VBR)**

### **Citation**

2021 Minnesota Statutes Section 256R.18

### **Description**

Beginning January 1, 2019, the commissioner shall provide to the House of Representatives and Senate committees with jurisdiction over nursing facility payment rates a biennial report on the effectiveness of the value based reimbursement system in improving quality, restraining costs, and any other features of the system as determined by the commissioner.

Under Minnesota Laws 2021, Chapter 30 this report expires January 1, 2024. This mandate passed during the 2017 legislative session. Minnesota Laws 2017, 1<sup>st</sup> Special Session included funding to produce this report. DHS recommends this report mandate be repealed during the 2022 legislative session as the funding appropriated for the report during the 2017 session is no longer available.

## **Self-directed Caregiver Grants**

### **Citation**

2021 Minnesota Statutes, Section 256.975, subd 12

### **Description**

The Minnesota Board on Aging shall submit by January 15, 2022, and each January 15 thereafter, a progress report on the self-directed caregiver grants program to the chairs and ranking minority members of the senate and House of Representatives committees and divisions with jurisdiction over human services. The progress report must include metrics on the use of the grant program.

This report is not subject to the sunset provision in Chapter 30 because it is a report mandate for the Minnesota Board on Aging. DHS and the Board on Aging recommend this report be repealed. The Legislature authorized the self-directed caregiver grants during the 2019 session with an authorized start date of July 1, 2019. Shortly thereafter in April 2020 a hiring freeze was implemented due to the COVID-19 Public Health Emergency. The

hiring freeze was lifted at the beginning of 2021, thus impacting the timeline to hire for the position. The incumbent was hired in November 2021. Based on these conditions there has not been capacity to implement the self-directed caregiver grants, and therefore there is nothing to include in a legislative report therefore DHS recommends its repeal during the 2022 session.

## **Vulnerable Adult Maltreatment Report**

### **Citation**

2021 Minnesota Statutes Section 256.021, Subd. 3

### **Description**

The Vulnerable Adult Review Panel shall submit to the committees of the legislature with jurisdiction over section 626.557 regarding the number of requests for review it receives under this section, the number of cases where the panel requires the lead agency to reconsider its final disposition, and the number of cases where the final disposition is changed, and any recommendations to improve the review or investigative process

This report is not subject to the sunset provision in Chapter 30 because it is a report the Vulnerable Adult Maltreatment Panel, rather than DHS is responsible for. The report recommendations included in the 2022 report indicate that the Vulnerable Adult Maltreatment Panel has no recommendations for improvement to the Panel process at this time. They will meet quarterly throughout 2022 to continue the work of the Panel. Alternative processes are included as part of the Vulnerable Adult Act Redesign Phase I proposal as well, which if passed may impact the future of the Panel's work. DHS recommends repealing this report mandate as it is not currently used internally for decision making purposes, and DHS does not believe the report is being utilized by external decision makers.

## VI. Legislative Language

*Note: This report assumes that all annual report mandates referenced in this report will automatically sunset absent any action by the legislature to continue these report mandates in the 2022 legislative session.*

Section. 1. Minnesota Statutes 2021, Section 246.131, is amended to read:

### **246.131 REPORT ON ANOKA-METRO REGIONAL TREATMENT CENTER (AMRTC), MINNESOTA SECURITY HOSPITAL (MSH), AND COMMUNITY BEHAVIORAL HEALTH HOSPITALS (CBHH).**

The commissioner of human services shall issue a public ~~quarterly~~ annual report to the chairs and ranking minority leaders of the senate and house of representatives committees having jurisdiction over health and human services issues on the AMRTC, MSH, and CBHH. The report shall contain information on the number of licensed beds, budgeted capacity, occupancy rate, number of Occupational Safety and Health Administration (OSHA) recordable injuries and the number of OSHA recordable injuries due to patient aggression or restraint, number of clinical positions budgeted, the percentage of those positions that are filled, the number of direct care positions budgeted, and the percentage of those positions that are filled.

Sec. 2. 2021 Minnesota Statutes, Chapter 256.042, Subdivision 4 is amended to read:

#### **Subd. 4. Grants.**

(a) The commissioner of human services shall submit a report of the grants proposed by the advisory council to be awarded for the upcoming calendar year to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, by December 1 of each year, beginning March 1, 2020. Notwithstanding any other law to the contrary, this paragraph shall not expire.

(b) The grants shall be awarded to proposals selected by the advisory council that address the priorities in subdivision 1, paragraph (a), clauses (1) to (4), unless otherwise appropriated by the legislature. The advisory council shall determine grant awards and funding amounts based on the funds appropriated to the commissioner under section [256.043, subdivision 3](#), paragraph (e). The commissioner shall award the grants from the opiate epidemic response fund and administer the grants in compliance with section [16B.97](#). No more than ten percent of the grant amount may be used by a grantee for administration.

Sec. 3. Minnesota Statutes 2021, Section 257.0725 is amended to read:

### **257.0725 ANNUAL REPORT.**

The commissioner of human services shall publish an annual report on child maltreatment and on children in out-of-home placement. The commissioner shall confer with counties, child welfare organizations, child advocacy organizations, the courts, and other groups on how to improve the content and utility of the department's annual report. In regard to child maltreatment, the report shall include the number and kinds of maltreatment reports received and any other data that the commissioner determines is appropriate to include in a report on child maltreatment. In regard to children in out-of-home placement, the report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of

time in placement, reason for most recent placement, race of family with whom placed, school enrollments within seven days of placement pursuant to section [120A.21](#), and other information deemed appropriate on all children in out-of-home placement. Out-of-home placement includes placement in any facility by an authorized child-placing agency. Notwithstanding any other law to the contrary, this paragraph shall not expire.

Section 4. Minnesota Statutes 2021, Section 260.775 is amended to read:

#### **260.775 PLACEMENT RECORDS.**

The commissioner of human services shall publish annually an inventory of all Indian children in residential facilities. The inventory shall include, by county and statewide, information on legal status, living arrangement, age, sex, tribe in which the child is a member or eligible for membership, accumulated length of time in foster care, and other demographic information deemed appropriate concerning all Indian children in residential facilities. The report must also state the extent to which authorized child-placing agencies comply with the order of preference described in United States Code, title 25, section 1901, et seq. The commissioner shall include the information required under this paragraph in the annual report on child maltreatment and on children in out-of-home placement under chapter 257.0725. Notwithstanding any other law to the contrary, this paragraph shall not expire.

Sec. 5. Minnesota Statutes 2021, Section 260E.38, Subdivision 3 is amended to read:

Subd. 3. **Report required.** The commissioner shall produce an annual report of the summary results of the reviews. The report must only contain aggregate data and may not include any data that could be used to personally identify any subject whose data is included in the report. The report is public information and must be provided to the chairs and ranking minority members of the legislative committees having jurisdiction over child protection issues. The commissioner shall include the information required under this paragraph in the annual report on child maltreatment and on children in out-of-home placement under chapter 257.0725. Notwithstanding any other law to the contrary, this paragraph shall not expire.

Sec. 6 Minnesota Statutes 2021 Chapter 518A.77 is amended to read:

#### **518A.77 GUIDELINES REVIEW.**

No later than 2006 and every four years after that, the Department of Human Services must conduct a review of the child support guidelines. Notwithstanding any other law to the contrary, this paragraph shall not expire.

Sec. 7 Laws of Minnesota 2009, Chapter 79, Article 13, Section 3, Subdivision 10 is amended to read:

Subd. 10. State-Operated Services	258,794,000	266,191,000
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The amounts that may be spent from the appropriation for each purpose are as follows:

**Transfer Authority Related to State-Operated Services.** Money appropriated to finance state-operated services may be transferred between the fiscal years of the biennium with the approval of the commissioner of finance.

**County Past Due Receivables.** The commissioner is authorized to withhold county federal administrative reimbursement when the county of financial responsibility for cost-of-care payments due the state under

Minnesota Statutes, section 246.54 or 253B.045, is 90 days past due. The commissioner shall deposit the withheld federal administrative earnings for the county into the general fund to settle the claims with the county of financial responsibility. The process for withholding funds is governed by Minnesota Statutes, section 256.017.

**Forecast and Census Data.** The commissioner shall include census data and fiscal projections for state-operated services and Minnesota sex offender services with the November and February budget forecasts.  
~~Notwithstanding any contrary provision in this article, this paragraph shall not expire forecast.~~

#### Sec. 8 **REPEALER**

(a) Laws of Minnesota 1998, chapter 382, article 1, section 34 is repealed.

(b) Minnesota Statutes 2021, sections 144A.351; 256.021, subdivision, 3; 256.975, subdivision 12; 256.9657, subdivision 8; and 256R.18.