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State of Minnesota

HOUSE OF REPRESENTATIVES

SEVENTH SPECIAL SESSION

H. F. No. 22

12/14/2020 Authored by Liebling
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; modifying certified community behavioral health clinic
1.3 reimbursement requirements for certain providers; extending the date for coverage
1.4 of certain telemedicine services; making technical corrections to Department of
1.5 Human Services appropriations; appropriating money; amending Laws 2019, First
1.6 Special Session chapter 9, article 14, section 2, subdivisions 3, 22, 24, as amended;
1.7 Laws 2020, chapter 70, article 3, section 1.

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

1.9 ARTICLE 1
1.10 CCBHC REIMBURSEMENT

1.11 Section 1. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC
1.12 REIMBURSEMENT.

1.13 (a) Notwithstanding any law to the contrary, the commissioner of human services may
1.14 reimburse certified community behavioral health clinic (CCBHC) providers who:

1.15 (1) are certified under Minnesota Statutes, section 245.735, subdivision 3;

1.16 (2) are enrolled in medical assistance; and

1.17 (3) are not participating in the federal section 223 CCBHC demonstration.

1.18 The commissioner may reimburse eligible providers under this section with state funds prior
1.19 to obtaining federal approval and federal matching funds, using the prospective payment
1.20 rate for CCBHC services provided on a fee-for-service basis as described in Minnesota
1.21 Statutes, section 256B.0625, subdivision 5m.

2.1 (b) Reimbursement under this section is for services covered under Minnesota Statutes,
2.2 section 256B.0625, subdivision 5m, provided on a fee-for-service basis on or after October
2.3 1, 2020, through June 30, 2021.

2.4 (c) If federal approval is not obtained on or before June 30, 2021, the commissioner
2.5 must recover payments from providers for any portion of payments received that are not
2.6 eligible for federal matching funds. Recoveries are not subject to appeal.

2.7 (d) Paragraphs (a) and (b) of this section expire upon federal approval of CCBHC services
2.8 as a covered state plan service or on August 1, 2021, whichever is earlier.

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

2.10 **ARTICLE 2**

2.11 **TELEMEDICINE**

2.12 Section 1. Laws 2020, chapter 70, article 3, section 1, is amended to read:

2.13 Section 1. **COVERAGE OF TELEMEDICINE SERVICES PROVIDED DIRECTLY**
2.14 **TO A PATIENT AT THE PATIENT'S RESIDENCE; RESPONSE TO COVID-19.**

2.15 (a) The definition of "originating site" under Minnesota Statutes, section 62A.671,
2.16 subdivision 7, includes a patient's residence if the patient is receiving health care services
2.17 or consultations by means of telemedicine.

2.18 (b) The definition of "telemedicine" under Minnesota Statutes, section 62A.671,
2.19 subdivision 9, includes health care services or consultations delivered to a patient at the
2.20 patient's residence.

2.21 (c) Under Minnesota Statutes, section 62A.672, subdivision 2, a health carrier shall not
2.22 exclude or reduce coverage for a health care service or consultation solely because the
2.23 service or consultation is provided via telemedicine directly to a patient at the patient's
2.24 residence.

2.25 (d) "Telemedicine" as defined in Minnesota Statutes, section 256B.0625, subdivision
2.26 3b, paragraph (d), includes the delivery of health care services or consultations with a patient
2.27 at the patient's residence and the licensed health care provider at a distant site.

2.28 (e) This section expires ~~February 1~~ June 30, 2021.

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

3.1 **ARTICLE 3**

3.2 **HHS FORECAST**

3.3 Section 1. Laws 2019, First Special Session chapter 9, article 14, section 2, subdivision
3.4 3, is amended to read:

3.5 **Subd. 3. Central Office; Operations**

3.6 Appropriations by Fund

3.7			151,012,000
3.8	General	152,240,000	<u>150,587,000</u>
3.9	State Government		
3.10	Special Revenue	4,174,000	4,174,000
3.11	Health Care Access	20,709,000	20,724,000
3.12	Federal TANF	100,000	100,000

3.13 **(a) Administrative Recovery; Set-Aside.** The
3.14 commissioner may invoice local entities
3.15 through the SWIFT accounting system as an
3.16 alternative means to recover the actual cost of
3.17 administering the following provisions:

3.18 (1) the statewide data management system
3.19 authorized in Minnesota Statutes, section
3.20 125A.744, subdivision 3;

3.21 (2) repayment of the special revenue
3.22 maximization account as provided under
3.23 Minnesota Statutes, section 245.495,
3.24 paragraph (b);

3.25 (3) repayment of the special revenue
3.26 maximization account as provided under
3.27 Minnesota Statutes, section 256B.0625,
3.28 subdivision 20, paragraph (k);

3.29 (4) targeted case management under
3.30 Minnesota Statutes, section 256B.0924,
3.31 subdivision 6, paragraph (g);

3.32 (5) residential services for children with severe
3.33 emotional disturbance under Minnesota

4.1 Statutes, section 256B.0945, subdivision 4,
4.2 paragraph (d); and

4.3 (6) repayment of the special revenue
4.4 maximization account as provided under
4.5 Minnesota Statutes, section 256F.10,
4.6 subdivision 6, paragraph (b).

4.7 **(b) Child Care Licensing Inspections.**

4.8 \$673,000 in fiscal year 2020 and \$722,000 in
4.9 fiscal year 2021 are from the general fund to
4.10 add eight child care licensing staff for the
4.11 purpose of increasing the frequency of
4.12 inspections of child care centers to ensure the
4.13 health and safety of children in care, provide
4.14 technical assistance to newly licensed
4.15 programs, and monitor struggling programs
4.16 more closely to evaluate whether the program
4.17 should be referred to the Office of Inspector
4.18 General for a potential fraud investigation.

4.19 **(c) Child Care Assistance Programs - Fraud**

4.20 **and Abuse Data Analysts.** \$317,000 in fiscal
4.21 year 2020 and \$339,000 in fiscal year 2021
4.22 are from the general fund to add two data
4.23 analysts to strengthen the commissioner's
4.24 ability to identify, detect, and prevent fraud
4.25 and abuse in the child care assistance programs
4.26 under Minnesota Statutes, chapter 119B.

4.27 **(d) Office of Inspector General**

4.28 **Investigators.** \$418,000 in fiscal year 2020
4.29 and \$483,000 in fiscal year 2021 are from the
4.30 general fund to add four investigators to the
4.31 Office of Inspector General to detect, prevent,
4.32 and make recoveries from fraudulent activities
4.33 among providers in the medical assistance
4.34 program under Minnesota Statutes, chapter
4.35 256B.

5.1 **(e) Office of Inspector General Tracking**
5.2 **System.** \$355,000 in fiscal year 2020 and
5.3 \$105,000 in fiscal year 2021 are from the
5.4 general fund to purchase a system to record,
5.5 track, and report on investigative activity for
5.6 the Office of Inspector General to strengthen
5.7 fraud prevention and investigation activities
5.8 for child care assistance programs under
5.9 Minnesota Statutes, chapter 119B.

5.10 **(f) Fraud Prevention Investigation Grant**
5.11 **Program.** \$425,000 in fiscal year 2020 ~~and~~
5.12 ~~\$425,000 in fiscal year 2021 are~~ is from the
5.13 general fund for the fraud prevention
5.14 investigation grant program under Minnesota
5.15 Statutes, section 256.983.

5.16 **(g) Child Care Assistance Programs - Law**
5.17 **Enforcement.** \$350,000 in fiscal year 2020
5.18 and \$350,000 in fiscal year 2021 are from the
5.19 general fund to add two additional law
5.20 enforcement officers under contract with the
5.21 Bureau of Criminal Apprehension to conduct
5.22 criminal investigations in child care assistance
5.23 program cases.

5.24 **(h) Transfer; Long-Term Care Options**
5.25 **Account.** By June 30, 2020, the commissioner
5.26 shall transfer \$3,242,000 from the long-term
5.27 care options account authorized in Minnesota
5.28 Statutes, section 256.01, subdivision 34, to the
5.29 general fund. This is a onetime transfer.

5.30 **(i) Transfer to Office of Legislative Auditor.**
5.31 \$300,000 in fiscal year 2020 and \$300,000 in
5.32 fiscal year 2021 are from the general fund for
5.33 transfer to the Office of the Legislative
5.34 Auditor for audit activities under Minnesota
5.35 Statutes, section 3.972, subdivision 2b.

6.1 **(j) Transfer to Office of Legislative Auditor.**
 6.2 \$400,000 in fiscal year 2020 and \$400,000 in
 6.3 fiscal year 2021 are from the general fund for
 6.4 transfer to the Office of the Legislative
 6.5 Auditor for audit activities under Minnesota
 6.6 Statutes, section 3.972, subdivision 2a.

6.7 **(k) Family Child Care Task Force.** \$121,000
 6.8 in fiscal year 2020 is from the general fund
 6.9 for the Family Child Care Task Force under
 6.10 article 2, section 130. This is a onetime
 6.11 appropriation.

6.12 **(l) Base Level Adjustment.** The general fund
 6.13 base is ~~\$142,929,000~~ \$142,504,000 in fiscal
 6.14 year 2022 and ~~\$145,377,000~~ \$144,952,000 in
 6.15 fiscal year 2023. The health care access base
 6.16 is \$20,712,000 in fiscal year 2022 and
 6.17 \$20,712,000 in fiscal year 2023.

6.18 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2020.

6.19 Sec. 2. Laws 2019, First Special Session chapter 9, article 14, section 2, subdivision 22,
 6.20 is amended to read:

6.21 **Subd. 22. Grant Programs; Children's Services**
 6.22 **Grants**

Appropriations by Fund		
		48,785,000
6.24 General	44,207,000	<u>49,285,000</u>
6.25 Federal TANF	140,000	140,000

6.27 **(a) Title IV-E Adoption Assistance.** The
 6.28 commissioner shall allocate funds from the
 6.29 Title IV-E reimbursement to the state from
 6.30 the Fostering Connections to Success and
 6.31 Increasing Adoptions Act for adoptive, foster,
 6.32 and kinship families as required in Minnesota
 6.33 Statutes, section 256N.261.

7.1 Additional federal reimbursement to the state
 7.2 as a result of the Fostering Connections to
 7.3 Success and Increasing Adoptions Act's
 7.4 expanded eligibility for title IV-E adoption
 7.5 assistance is for postadoption, foster care,
 7.6 adoption, and kinship services, including a
 7.7 parent-to-parent support network.

7.8 **(b) Parent Support for Better Outcomes**
 7.9 **Grants.** \$150,000 in fiscal year 2020 and
 7.10 \$150,000 in fiscal year 2021 are from the
 7.11 general fund for grants to Minnesota One-Stop
 7.12 for Communities to provide mentoring,
 7.13 guidance, and support services to parents
 7.14 navigating the child welfare system in
 7.15 Minnesota in order to promote the
 7.16 development of safe, stable, and healthy
 7.17 families. Grant funds may be used for parent
 7.18 mentoring, peer-to-peer support groups,
 7.19 housing support services, training, staffing,
 7.20 and administrative costs. This is a onetime
 7.21 appropriation.

7.22 **(c) Safe Harbor for Sexually Exploited**
 7.23 **Youth.** \$500,000 in fiscal year 2020 and
 7.24 \$500,000 in fiscal year 2021 are from the
 7.25 general fund for activities under the safe
 7.26 harbor program.

7.27 **(d) Base Level Adjustment.** The general fund
 7.28 base is ~~\$51,483,000~~ \$51,983,000 in fiscal year
 7.29 2022 and ~~\$51,198,000~~ \$51,698,000 in fiscal
 7.30 year 2023.

7.31 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2020.

8.1 Sec. 3. Laws 2019, First Special Session chapter 9, article 14, section 2, subdivision 24,
 8.2 as amended by Laws 2020, chapter 74, article 3, section 9, is amended to read:

8.3	Subd. 24. Grant Programs; Children and		<u>24,315,000</u>
8.4	Economic Support Grants	24,315,000	<u>24,240,000</u>

8.5 **(a) Minnesota Food Assistance Program.**
 8.6 Unexpended funds for the Minnesota food
 8.7 assistance program for fiscal year 2020 do not
 8.8 cancel but are available for this purpose in
 8.9 fiscal year 2021.

8.10 **(b) Shelter-Linked Youth Mental Health**
 8.11 **Grants.** \$250,000 in fiscal year 2020 and
 8.12 \$250,000 in fiscal year 2021 are from the
 8.13 general fund for shelter-linked youth mental
 8.14 health grants under Minnesota Statutes, section
 8.15 256K.46.

8.16 **(c) Emergency Services Grants.** \$1,500,000
 8.17 in fiscal year 2020 and \$1,500,000 in fiscal
 8.18 year 2021 are to provide emergency services
 8.19 grants under Minnesota Statutes, section
 8.20 256E.36. This is a onetime appropriation.

8.21 **(d) Fraud Prevention Investigation Grant**
 8.22 **Program.** \$425,000 in fiscal year 2021 is from
 8.23 the general fund for the fraud prevention
 8.24 investigation grant program under Minnesota
 8.25 Statutes, section 256.983.

8.26 **(e) Base Level Adjustment.** The general fund
 8.27 base is ~~\$22,815,000~~ \$22,740,000 in fiscal year
 8.28 2022 and ~~\$22,815,000~~ \$22,740,000 in fiscal
 8.29 year 2023.

8.30 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2020.