

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3409

(SENATE AUTHORS: GREEN)

DATE
02/12/2024

D-PG

Introduction and first reading
Referred to Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to direct care and treatment; retroactively eliminating the county share for
1.3 certain direct care and treatment services; appropriating money; amending
1.4 Minnesota Statutes 2023 Supplement, section 246.54, subdivisions 1a, 1b.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 246.54, subdivision 1a, is amended
1.7 to read:

1.8 Subd. 1a. **Anoka-Metro Regional Treatment Center.** (a) A county's payment of the
1.9 cost of care provided at Anoka-Metro Regional Treatment Center shall be according to the
1.10 following schedule:

1.11 (1) zero percent for the first 30 days;

1.12 (2) 20 percent for days 31 and over if the stay is determined to be clinically appropriate
1.13 for the client; and

1.14 (3) 100 percent for each day during the stay, including the day of admission, when the
1.15 facility determines that it is clinically appropriate for the client to be discharged.

1.16 (b) If payments received by the state under sections 246.50 to 246.53 exceed 80 percent
1.17 of the cost of care for days over 31 for clients who meet the criteria in paragraph (a), clause
1.18 (2), the county shall be responsible for paying the state only the remaining amount. The
1.19 county shall not be entitled to reimbursement from the client, the client's estate, or from the
1.20 client's relatives, except as provided in section 246.53.

1.21 (c) Between July 1, ~~2023~~ 2021, and June 30, 2025, the county is not responsible for the
1.22 cost of care under paragraph (a), clause (3), for a person who is committed as a person who

2.1 has a mental illness and is dangerous to the public under section 253B.18 and who is awaiting
 2.2 transfer to another state-operated facility or program. This paragraph expires June 30, 2025.

2.3 (d) Notwithstanding any law to the contrary, the client is not responsible for payment
 2.4 of the cost of care under this subdivision.

2.5 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2021.

2.6 Sec. 2. Minnesota Statutes 2023 Supplement, section 246.54, subdivision 1b, is amended
 2.7 to read:

2.8 Subd. 1b. **Community behavioral health hospitals.** (a) A county's payment of the cost
 2.9 of care provided at state-operated community-based behavioral health hospitals for adults
 2.10 and children shall be according to the following schedule:

2.11 (1) 100 percent for each day during the stay, including the day of admission, when the
 2.12 facility determines that it is clinically appropriate for the client to be discharged; and

2.13 (2) the county shall not be entitled to reimbursement from the client, the client's estate,
 2.14 or from the client's relatives, except as provided in section 246.53.

2.15 (b) Between July 1, ~~2023~~ 2021, and June 30, 2025, the county is not responsible for the
 2.16 cost of care under paragraph (a), clause (1), for a person committed as a person who has a
 2.17 mental illness and is dangerous to the public under section 253B.18 and who is awaiting
 2.18 transfer to another state-operated facility or program. This paragraph expires June 30, 2025.

2.19 (c) Notwithstanding any law to the contrary, the client is not responsible for payment
 2.20 of the cost of care under this subdivision.

2.21 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2021.

2.22 Sec. 3. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES;**
 2.23 **REIMBURSEMENT FOR CERTAIN COUNTY SHARE PAYMENTS.**

2.24 (a) Notwithstanding Minnesota Statutes 2021 Supplement, section 246.54, subdivisions
 2.25 1a and 1b; Minnesota Statutes 2022, section 246.54, subdivisions 1a and 1b; or any other
 2.26 law to the contrary, the commissioner of human services must not sanction or otherwise
 2.27 seek payment from counties with outstanding debts for the cost of care provided between
 2.28 July 1, 2021, and June 30, 2023, under:

2.29 (1) Minnesota Statutes, section 246.54, subdivision 1a, paragraph (a), clause (3), to a
 2.30 person committed as a person who has a mental illness and is dangerous to the public under

3.1 Minnesota Statutes, section 253B.18, and who was awaiting transfer from Anoka-Metro
 3.2 Regional Treatment Center to another state-operated facility or program; or

3.3 (2) Minnesota Statutes, section 246.54, subdivision 1b, paragraph (a), clause (1), to a
 3.4 person committed as a person who has a mental illness and is dangerous to the public under
 3.5 Minnesota Statutes, section 253B.18, and who was awaiting transfer from a state-operated
 3.6 community-based behavioral health hospital to another state-operated facility or program.

3.7 (b) The state must reimburse counties with state money any amount previously paid to
 3.8 the state or otherwise recovered by the commissioner for the cost of care identified in
 3.9 paragraph (a).

3.10 (c) Nothing in this section prohibits the commissioner from seeking reimbursement from
 3.11 counties for the cost of care provided in Anoka-Metro Regional Treatment Center or a
 3.12 state-operated community-based behavioral health hospital for care not described in paragraph
 3.13 (a).

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

3.15 **Sec. 4. APPROPRIATION; REIMBURSEMENT FOR CERTAIN COUNTY SHARE**
 3.16 **PAYMENTS.**

3.17 (a) \$13,188,000 in fiscal year 2024 is appropriated from the general fund to the
 3.18 commissioner of human services for both reimbursement of prior payments by counties and
 3.19 the forgiveness of existing county debt, either of which is attributable to the cost of care
 3.20 provided between July 1, 2021, and June 30, 2023, under either:

3.21 (1) Minnesota Statutes, section 246.54, subdivision 1a, paragraph (a), clause (3), to a
 3.22 person committed as a person who has a mental illness and is dangerous to the public under
 3.23 Minnesota Statutes, section 253B.18, and who was awaiting transfer from Anoka-Metro
 3.24 Regional Treatment Center to another state-operated facility or program; or

3.25 (2) Minnesota Statutes, section 246.54, subdivision 1b, paragraph (a), clause (1), to a
 3.26 person committed as a person who has a mental illness and is dangerous to the public under
 3.27 Minnesota Statutes, section 253B.18, and who was awaiting transfer from a state-operated
 3.28 community-based behavioral health hospital to another state-operated facility or program.

3.29 (b) This appropriation is available until June 30, 2025.

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