

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4200

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DATE	D-PG	OFFICIAL STATUS
03/09/2020	5352	Introduction and first reading
		Referred to Human Services Reform Finance and Policy
03/16/2020		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

1.2 relating to human services; granting the commissioner of human services certain

1.3 temporary emergency authority relating to COVID-19.

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

1.5 Section 1. **COMMISSIONER OF HUMAN SERVICES TEMPORARY**

1.6 **EMERGENCY AUTHORITY.**

1.7 Subdivision 1. Peacetime emergency; temporary authority granted. In the event the

1.8 governor has declared a peacetime emergency pursuant to Minnesota Statutes, section 12.31,

1.9 in response to a potential or actual outbreak of COVID-19, the commissioner of human

1.10 services is granted temporary authority as described and limited by this section to protect

1.11 the health and safety of the public. The temporary authority granted to the commissioner

1.12 in this section may only be used for purposes related to preparing for, preventing, or

1.13 responding to an outbreak of COVID-19, and for preserving access to programs and services

1.14 provided by the Department of Human Services and preventing the spread of COVID-19.

1.15 The temporary authority granted to the commissioner in this section expires no more than

1.16 60 days after the declaration of peacetime emergency expires.

1.17 Subd. 2. Temporary waiver or modification; licensing, background study, and other

1.18 approval procedures. The commissioner of human services may temporarily waive or

1.19 modify any of the following:

1.20 (1) the Human Services Licensing Act in Minnesota Statutes, chapter 245A, and

1.21 accompanying standards governed under Minnesota Statutes, chapters 245D to 245H, and

1.22 accompanying rules;

2.1 (2) the Department of Human Services Background Studies Act in Minnesota Statutes,
 2.2 chapter 245C, excluding disqualification standards and criteria;

2.3 (3) other written policies or procedures with respect to the use, licensing, certification,
 2.4 evaluation, or approval of facilities or programs within the commissioner's jurisdiction;

2.5 (4) other written policies and procedures related to appeals and sanctions;

2.6 (5) other written policies or procedures with respect to background studies required to
 2.7 be conducted by the Department of Human Services; and

2.8 (6) provisions relating to the Minnesota state-operated community services (MSOCS)
 2.9 program in Minnesota Statutes, chapters 245D, 246, and 252.

2.10 The commissioner may waive or modify requirements beginning with the date of the
 2.11 declaration in subdivision 1. Any waivers granted or modifications made pursuant to this
 2.12 subdivision shall be posted on the department's website.

2.13 Subd. 3. **Temporary waiver or modification; enrollment and services standards.** The
 2.14 commissioner of human services may temporarily waive or modify any provisions of
 2.15 Minnesota Statutes, chapters 119B, 245, 246, 252, 253, 254A, 254B, 256, 256B, 256D,
 2.16 256E, 256I, 256J, 256K, 256L, 256M, 256P, 256R, 256S, 260C, 260D, and 626, that govern:

2.17 (1) requirement of in-person assessment, application for services, or case management;

2.18 (2) application for eligibility and eligibility renewal time frames, processes, and
 2.19 verification;

2.20 (3) reporting and verification requirements;

2.21 (4) assessment renewal time frames, verifications, and processes;

2.22 (5) work or community engagement activity requirements for eligibility;

2.23 (6) limits on the use of telehealth or other restrictions on electronic communication with
 2.24 providers;

2.25 (7) service delivery standards, locations, settings, or staff ratios;

2.26 (8) provider standards, including staffing ratios;

2.27 (9) timing of provider reporting requirements;

2.28 (10) payment procedures, including but not limited to the use of prepayments, partial
 2.29 payment for additional absent days, and payment for closed days; and

2.30 (11) service agreement length.

3.1 The commissioner may waive or modify requirements beginning with the date of the
3.2 declaration in subdivision 1. Any waivers granted or modifications made pursuant to this
3.3 subdivision shall be posted on the department's website.

3.4 Subd. 4. **Notice to legislature; objections.** The commissioner of human services shall
3.5 provide written notice to the chairs and ranking minority members of the house of
3.6 representatives and senate committees with jurisdiction over the Department of Human
3.7 Services of modifications under subdivision 2 or 3 no more than 48 hours after a modification
3.8 goes into effect. If two or more of the chairs submit a written objection to a modification
3.9 within seven days of receiving the notice, the commissioner shall cease all activities to
3.10 implement the modification and it shall no longer be in effect. A chair submitting an objection
3.11 under this subdivision may withdraw the objection.

3.12 Subd. 5. **Report.** The commissioner of human services shall provide a report to the
3.13 chairs and ranking minority members of the house of representatives and senate committees
3.14 with jurisdiction over the Department of Human Services by January 15, 2021, with specific
3.15 details about state statutes and rules waived as authorized in this section in response to a
3.16 COVID-19 outbreak.

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

3.18 Sec. 2. **EXPIRATION.**

3.19 Section 1 expires upon submission of the report in section 1, subdivision 5.