

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

S.F. No. 770

(SENATE AUTHORS: FATEH, Abeler and Hoffman)

DATE
01/26/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; increasing the medical assistance reimbursement rate
1.3 for critical access mental health services provided by certain providers; amending
1.4 Minnesota Statutes 2022, section 256B.763.

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

1.6 Section 1. Minnesota Statutes 2022, section 256B.763, is amended to read:

1.7 **256B.763 CRITICAL ACCESS MENTAL HEALTH RATE INCREASE.**

1.8 (a) For services defined in paragraph (b) and rendered on or after July 1, 2007, payment
1.9 rates shall be increased by 23.7 percent over the rates in effect on January 1, 2006, for:

1.10 (1) psychiatrists and advanced practice registered nurses with a psychiatric specialty;

1.11 (2) community mental health centers under section 256B.0625, subdivision 5; and

1.12 (3) mental health clinics certified under section 245I.20, or hospital outpatient psychiatric
1.13 departments that are designated as essential community providers under section 62Q.19.

1.14 (b) This increase applies to group skills training when provided as a component of
1.15 children's therapeutic services and support, psychotherapy, medication management,
1.16 evaluation and management, diagnostic assessment, explanation of findings, psychological
1.17 testing, neuropsychological services, direction of behavioral aides, and inpatient consultation.

1.18 (c) This increase does not apply to rates that are governed by section 256B.0625,
1.19 subdivision 30, or 256B.761, paragraph (b), other cost-based rates, rates that are negotiated
1.20 with the county, rates that are established by the federal government, or rates that increased
1.21 between January 1, 2004, and January 1, 2005.

2.1 (d) Payment rates shall be increased by 23.7 percent over the rates in effect on December
2.2 31, 2007, for:

2.3 (1) medication education services provided on or after January 1, 2008, by adult
2.4 rehabilitative mental health services providers certified under section 256B.0623; and

2.5 (2) mental health behavioral aide services provided on or after January 1, 2008, by
2.6 children's therapeutic services and support providers certified under section 256B.0943.

2.7 (e) For services defined in paragraph (b) and rendered on or after January 1, 2008, by
2.8 children's therapeutic services and support providers certified under section 256B.0943 and
2.9 not already included in paragraph (a), payment rates shall be increased by 23.7 percent over
2.10 the rates in effect on December 31, 2007.

2.11 (f) Payment rates shall be increased by 2.3 percent over the rates in effect on December
2.12 31, 2007, for individual and family skills training provided on or after January 1, 2008, by
2.13 children's therapeutic services and support providers certified under section 256B.0943.

2.14 (g) For services described in paragraphs (b), (d), and (f) and rendered on or after July
2.15 1, 2017, payment rates for mental health clinics certified under section 245I.20 that are not
2.16 designated as essential community providers under section 62Q.19 shall be equal to payment
2.17 rates for mental health clinics certified under section 245I.20 that are designated as essential
2.18 community providers under section 62Q.19. In order to receive increased payment rates
2.19 under this paragraph, a provider must demonstrate a commitment to serve low-income and
2.20 underserved populations by:

2.21 (1) charging for services on a sliding-fee schedule based on current poverty income
2.22 guidelines; and

2.23 (2) not restricting access or services because of a client's financial limitation.

2.24 (h) For services identified under this section that are rendered by providers identified
2.25 under this section, managed care plans and county-based purchasing plans shall reimburse
2.26 the providers at a rate that is at least equal to the fee-for-service payment rate. The
2.27 commissioner shall monitor the effect of this requirement on the rate of access to the services
2.28 delivered by mental health providers.

2.29 (i) Payment rates for services defined in paragraph (b) and rendered on or after January
2.30 1, 2024, shall be increased by 50 percent over the rates in effect on December 31, 2023, for
2.31 critical access services provided by the following noncritical access providers:

2.32 (1) independent clinical social workers licensed under chapter 148E;

- 3.1 (2) marriage and family therapists licensed under sections 148B.29 to 148B.392;
- 3.2 (3) psychologists licensed under sections 148.88 to 148.981; and
- 3.3 (4) professional clinical counselors licensed under sections 148B.50 to 148B.593.