

2011 DISABILITY LAW

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Acronyms used in this Section:

ADL Activity of Daily living
BI Brain Injury Waiver
CAC Community Alternative Care Waiver
CADI Community Alternatives for Disabled Individuals Waiver
CCSA Children and Community Services Act
DD Developmental Disabilities Waiver
DHS Department of Human Services
FADS Family Adult Day Services
HCBS Home and Community Based Services Waivers
ICF/DD Intermediate Care Facilities for Persons with Developmental
MA Medical Assistance
MA-EPD Medical Assistance for Employed Persons with Disabilities
NEMT Non-Emergency Medical Transportation
OT Occupational Therapy
PT Physical Therapy
PCA Personal Care Assistance
SNBC Special Needs Basic Care

COMMUNITY SERVICE CHANGES

A. Personal Care Assistance (PCA) Eligibility

First Special Session, Chapter 9, Article 7, Section 8 (HF 25)

Amends Minn. Stat. § 256B.0625, subd. 19a and .0652, subd. 6

Effective July 1, 2011

Restricts PCA services for individuals with one dependency in an activity of daily living (ADL) and/or Level 1 behavior to no more than 30 minutes of assistance per day. Restores eligibility for PCA services for about 3,540 children and adults who, without this change would have been terminated from PCA services July 1, 2011, under cuts adopted in 2009. Approves use of about \$8 million set aside for this purpose in 2009.

B. Family Member PCA 20% Rate Cut

First Special Session, Chapter 9, Article 7, Sections 10 and 11 (HF 25)

Amends Minn. Stat. § 256B.0659, subd. 11 and subd. 28

Effective October 1, 2011

Cuts the PCA rate paid to providers for non-legally responsible family members by 20%. Family members affected by the 20% rate cut are: 1) parent or adoptive parent of an adult; 2) sibling 16 or older; 3) adult child; 4) grandparent; and 5) grandchild. Provides for a fine of up to \$500 on provider agencies that do not consistently comply with the PCA provider agency documentation requirements in Minnesota Statutes 256B.0659, subdivision 28, including documenting those PCAs who are subject to the 20% rate cut. Estimated to save about \$24 million in state funds for the biennium.

Home and Community-Based Services (HCBS) Waivers for Persons with Disabilities (CAC, CADI, DD, and BI)

First Special Session, Chapter 9, Article 10, Section 3, subd. 2(c) (HF 25)

Rider Language

Effective July 1, 2011

Limits HCBS waivers, caseload increases to:

- Community Alternatives for Disabled Individuals (CADI): 60 per month (720/yr) until June 30, 2013, then 85 per month (1,020/yr) until June 30, 2015
- Developmental Disabilities (DD): 6 per month (72/yr) until June 30, 2013, then 15 per month (180/yr) until June 30, 2015.
- Community Alternative Care (CAC) and Brain Injury (BI): There are no caseload limits.

Limits do not include conversions from Intermediate Care Facilities (ICF/DD) (for the DD Waiver) or conversions from the closure or downsizing of a nursing facility (for the CADI and BI Waiver).

Cuts \$67 million in state funding from the forecasted need for home and community waivers for the next biennium and appropriates \$19 million to fund nursing homes and increased home care due to increasing waiting lists.

C. Congregate Living Rate Reduction for Lower Need Residents

First Special Session, Chapter 9, Article 10, Section 3, subd. 3(g) and subd. 4(k) (HF 25)

Rider Language

Effective October 1, 2011

Reduces rates by 10% from October 1, 2011 through June 30, 2015 for an estimated 3,600 DD and CADI Waiver recipients living in staffed foster homes or customized living settings who have been determined by DHS to be “low need.” Requires the lead agencies to adjust the contracts with the foster home providers within 60 days of the effective date. Cuts \$13.8 million for coming biennium and \$16.5 million for 2014-2015 in state Medical Assistance funds. Appropriates \$250,000 per year for local planning grants to support alternative services, training and assistance for person-centered planning activity and \$950,000 for related administrative costs.

D. Reduction in License Capacity for Corporate Adult Foster Care

Minnesota Laws 2011, First Special Session, Chapter 9, Article 7, Sections 1, 13, 40 and 41; Article 10, Section 3 (HF 25)

Amends Minn. Stat. § 245A.03, subd. 7; and adds Minn. Stat. § 256B.49, subd. 15(f) and Rider Language

Effective July 1, 2011

Reduces the license capacity for adult foster care homes that are not the primary residence of the license holder when a recipient of CADI or BI waiver services chooses to move from a licensed adult foster care home to a more independent community-living setting. Defines community-living setting. Provides housing access grants to agencies which will assist individuals who relocate from an adult foster care home with completion of rental applications or lease agreements, development of household budget, assistance with publicly financed housing options and assistance with funding affordable household furnishings and related household matters. Saves \$1.3 million and is estimated to affect about 128 licensed beds.

E. Elimination of the DD Waiver Acuity Payment for One Year

First Special Session, Chapter 9, Article 10, Section 11, subd. 6(c) (HF 25)

Amends Laws 2010, First Special Session chapter1, article 15, Section 3, subd. 6 Effective July 1, 2011

Eliminates the January 1, 2010, DD Waiver 1% acuity growth factor payments under Minnesota Statutes 256B.092, subdivisions 4 and 5, to save \$8.9 million state funds and twice that amount in total funding for the DD Waiver for the biennium, due to the loss of federal Medicaid matching funds.

F. Adult Mental Health Grants

First Special Session, Chapter 9, Article 10, Section 3, subd. 4(1) (HF 25)

Effective July 1, 2011

Reduces adult mental health grants used for community support programs, services for those without health coverage, crisis and drop-in centers by \$13.5 million.

G. Mental Health, Disability, Children's Mental Health and Child Protection Grants
First Special Session, Chapter 9, Article 10, Section 3, subd. 4(k)(l)(m) (HF 25)
Effective July 1, 2011

Reduces four grants \$3.3 million instead of by \$14 million as originally adopted by the Legislature in the vetoed Health and Human Services Omnibus Bill. Includes a one-time biennial reduction of \$500,000 for Technology Grants for group homes.

H. Children and Community Services Act Grants (CCSA)

First Special Session, Chapter 9, Article 1, Sections 20-30 and Article 10, Section 3 (HF 25)

Amends Minn. Stat. § 256M.01; Minn. Stat. § 256B.10, subd. 2; Minn. Stat. § 256M.20, subds. 1-3; Minn. Stat. § 256M.30; Minn. Stat. § 256M.40; Minn. Stat. § 256M.50; Minn. Stat. § 256M.60, subd. 1; Minn. Stat. § 256M.70, subd. 2; and Minn. Stat. § 256M.80

Repeals Minn. Stat. § 256M.10, subd. 5; Minn. Stat. § 256M.60, subd. 2; and Minn. Stat. § 256M.70, subd. 1

Effective July 1, 2011

Renames the Children and Community Services Act to the Vulnerable Children and Adults Act and limits the use of funds. Limits funded services to vulnerable children in child protection or the subject of maltreatment, and adults who are subjects of maltreatment who experience dependency, abuse or neglect.

Supportive family services may also be funded, but services based upon poverty, chronic health conditions, ethnicity or race that can result in poor outcomes or disparities, are no longer eligible. Removes provisions that prioritize case management for persons with developmental disabilities, children with serious emotional disturbance, and adults with serious and persistent mental illnesses. Changes funding formula annually through 2016 and reduces funding for the biennium by \$22 million.

I. Rate Cuts for Long-Term and Community Support Providers and Grants

First Special Session, Chapter 9, Article 7, Section 44, 45 and 51 (HF 25)

Uncodified Language

Effective July 1, 2011, implemented September 1, 2011

Cuts provider rates 1.5% for 2012-13 and 1% for 2014-15 for all long-term care providers except for nursing facilities, Elderly Waiver customized living, and congregate care rates for certain individuals on DD and CADI Waivers. Includes

aging and adult services grants, consumer and family support, and other disability grants. Day training and habilitation rates are reduced by 1% instead of 1.5% beginning FY 2012. Implementation will begin on September 1, 2011 and will be prospective only.

- J. ICF/DD Rate Increase for Pine Ridge Facility in Clearwater County
First Special Session, Chapter 9, Article 7, Sections 42 and 43 (HF 25)
Adds Minn. Stat. § 256B.5012, subd. 9 and 10
Effective July 1, 2011
Provides the Pine Ridge ICF/DD facility a rate increase and reduces all other ICF/DD facilities to cover the cost of the rate increase.
- K. Nursing Facility Level of Care Changes
First Special Session, Chapter 9, Article 7, Sections 12, 15, 16, 21, 38, 39, 46, 47, 48, 52 and 54; Article 10, Section 4(i) (Essential Community Support Grant delay rider) (HF 25)
Amends Laws 2009, Chapter 79, Article 8, Section 4 as amended by Laws 2010, First Special Session Chapter 1, Article 24, Section 12 and Rider Language
Effective July 1, 2011
Delays implementation of more stringent nursing facility level of care qualifying criteria because of federal health care reform requirements; but also requires DHS to apply for a federal waiver from the Center for Medicare and Medicaid Services (CMS) to implement the nursing facility level of care criteria on July 1, 2012, 18 months earlier than currently permitted under federal law. If this waiver is not granted, an additional rate cut of 1.67% will take effect for long-term care providers, except nursing facilities. This contingent rate cut would be effective from July 1, 2012 to December 31, 2013.
- L. Medical Assistance Reform Waiver
First Special Session, Chapter 7, Sections 53 and 54
Uncodified language
Effective July 1, 2011
Requires the Commissioner of DHS to apply for numerous federal waivers affecting all Medicaid populations. Includes reform of home and community-based services to realign funding and supports for persons with disabilities and older Minnesotans to assure community integration and sustainability of the service system. Seeks better outcomes, including improved health, increased employment, reduced reliance on institutional care and community housing.

- M. Family Adult Day Service Modification
First Special Session, Chapter 9, Article 4, Sections 6, 7 and 9 (HF 25)
Amends Minn. Stat. § 245A.11, subd. 2b; Minn. Stat. § 245A.143, subd. 1 and Minn. Stat. § 256B.49, subd. 16a.
Effective July 1, 2011, Medicaid payment requires federal approval
Expands those who can be served by Family Adult Day Services (FADS) from those 55 or over excluding persons with serious and persistent mental illnesses or developmental disabilities to working age adults 18 to 55, including adults with severe and persistent mental illness or developmental disabilities. Allows a licensed adult foster home to provide adult day services for up to eight persons to the expanded population under one license. Changes the FADS license to include the expanded definition of adult day care services and removes certain licensing requirements. Requires DHS to seek a waiver amendment for Medicaid reimbursement of FADS under all disability waivers which must be approved before FADS can qualify for Medicaid reimbursement.
- N. Restructure Licensing Fees
First Special Session, Chapter 9, Article 4, Sections 3, 4 and 5 (HF 25)
Amends Minn. Stat. § 245A.10, subd. 4 and adds subd. 7 and 8
Effective July 1, 2011
Moves DHS Licensing Division costs to a fee-based model which results in license fee increases for over 4,000 licensed providers and a loss of \$630,000 in federal matching funds. Saves the state \$1.17 million for the biennium.
- O. Licensing Fees Charge for Background Studies
First Special Session, Chapter 9, Article 4, Section 8 (HF 25)
Amends Minn. Stat. § 245C.10
Effective July 1, 2011
Charges 4,000 licensed programs a \$20 fee for each background study; saves state \$2 million for biennium and results in a loss of \$700,000 in federal matching revenue.
- P. Housing Access Service Grants
First Special Session, Chapter 9, Article 10, Section 3, subd. 4(k) (HF 25)
Rider Language
Effective July 1, 2011
Increases funding for housing access services to assist individuals to relocate from adult foster homes to more independent community living settings. Assistance includes completion of rental application, assistance with publicly-financed housing options, development of household budgets, assistance with finding affordable furnishings and related household matters.

- Q. Statewide Quality Assurance
First Special Session, Chapter 9, Article 7, Section 23 (HF 25), Article 10, Section 3 (Region 10 Rider)
Adds Minn. Stat. § 256B.0961 and Rider Language
Effective July 1, 2011 subdivisions 1-6 and July 1, 2012 for subdivision 4 implementation
Requires the establishment of a State Quality Council with members appointed by the DHS commissioner. This system is a partnership between DHS and the State Quality Council. Authorizes the commissioner to delegate authority to perform certain licensing functions to a host county in Region 10. Allows DHS to conduct random licensing inspections based on outcomes at facilities, programs and services eligible under this section. DHS must ensure that federal home- and community-based waiver requirements are met. Directs DHS to seek a federal waiver by July 1, 2012, to allow ICFs/DD to participate in this system. Requires the jurisdictions of the regional quality councils to be defined by July 1, 2012. Continues implementation of the alternative licensure system during the 2012-2013 biennium by the Quality Assurance Commission. Appropriates \$330,000 for the biennium for the state commission and Region 10.
- R. Money Follows the Person
First Special Session, Chapter 9, Article 7, Section 4 (HF 25)
Amends Minn. Stat. § 256B.04
Effective July 1, 2011
Establishes a special revenue fund account for the federal Money Follows the Person grant funds awarded to DHS to improve community services and reduce institutional stays.
- S. State-Operated Mental Health Housing and Supports
First Special Session, Chapter 9, Article 10, Section 3, subd. 5 (HF 25)
Rider Language
Effective July 1, 2011
Appropriates \$1.5 million from the State Operated Services account for housing and other supports for persons with mental illness and other complex conditions.
- T. Disability Linkage Line
First Special Session, Chapter 9, Article 7, Section 2, and Article 10, subd. 4(k)(HF 25)
Amends Minn. Stat. § 256.01, subd. 24 and Rider Language
Effective July 1, 2011
Adds duties to the Disability Linkage Line which include informing people of their long-term community services and supports options, providing necessary resources and supports to increase employment and to provide technical assistance for the DHS web-based tool, Minnesota's Disability Benefits 101. Also, provides additional funding for the Disability Linkage Line related to the enrollment into managed care plans for persons with disabilities.

- U. Housing Access Service Grants
First Special Session, Chapter 9, Article 10, Section 3, subd. 4(k) (HF 25)
Rider Language
Effective July 1, 2011
Appropriates \$161,000 for state fiscal year 2012 for housing access services to assist individuals to relocate from adult foster homes to more independent community living settings. Assistance includes completion of rental application, assistance with publicly-financed housing options, development of household budgets, assistance with finding affordable furnishings and related household matters.
- V. Remembering with Dignity
First Special Session, Chapter 12, Section 15 subd. 5 (HF 23)
Rider Language
Effective July 1, 2011
Appropriates \$300,000 for grave markers or memorial monuments on public lands to mark unmarked graves of deceased residents of state regional treatment centers.

II. HEALTH CARE CHANGES

- A. Mandatory Managed Care for Persons with Disabilities Eligible for Medical Assistance, with Opt-Out
First Special Session, Chapter 9, Article 6, Section 64 (HF 25)
Amends Minn. Stat. § 256B.69, subd. 28
Effective January 1, 2012
Enrolls all children and adults with disabilities in managed care plans Special Needs Basic Care (SNBC) product unless the individual chooses to opt-out of managed care and remain in fee-for-service Medical Assistance (MA). Allows enrollees opt out of SNBC managed care at any time effective the first of the following month. Saves \$27 million in state funds for SFY 2012-2013. Savings attributed to cost shifts of capitation payments for two months into the next biennium and rate reductions already in effect prior to 2011.
- B. MA and MinnesotaCare Cost Sharing is Increased
First Special Session, Chapter 9, Article 6, Section 49 (HF 25)
Amends Minn. Stat. § 256B.0631, subd. 1
Effective for services provided on or after September 1, 2011
Increases co-payments for MA-eligible adults who are not institutionalized and not pregnant. Reinstates \$3 co-payment for non-preventive visits, excluding mental health, \$3 for eyeglasses and \$12 for prescription drugs.

- C. Modification of Communication Device Pricing
First Special Session, Chapter 9, Article 6, Section 43 (HF 25)
Amends Minn. Stat. § 256B.0625 subd. 31a
Effective September 1, 2011
Requires augmentative and alternate communication systems to be paid at the lower of: (1) the submitted charge; or (2) the manufacturer's suggested retail price minus 20 percent for providers that are manufacturers, or the manufacturer's invoice charge plus 20 percent for providers that are not manufacturers.
- D. Reduced Provider Payments for Persons Who are Eligible for Both MA and Medicare (cross-over claims)
First Special Session, Chapter 9, Article 6, Section 46 (HF 25)
Adds Minn. Stat. § 256B.0625, subd. 57
Effective January 1, 2012
Limits Medical Assistance payment to health care providers for Medicare crossover claims to the MA allowable rate. Excludes mental health services except psychiatrists and advance practice nurses and dialysis for end stage renal disease.
- E. Fee-for-Service Basic Care Rates Reduction
First Special Session, Chapter 9, Article 6, Section 69 (HF 25)
Amends Minn. Stat. § 256B.766
Effective September 1, 2011 through June 30, 2013
Reduces outpatient hospital facility fees by five percent. Reduces ambulatory surgery centers facility fees, medical supplies, and durable medical supplies, prosthetics and orthotics, renal dialysis services, laboratory services, public health nursing services, physical therapy services, occupational therapy services, speech therapy services, eyeglasses, hearing aids, anesthesia services, and hospital services by three percent.
- F. Care Coordination for Children with High Cost Mental Health Condition
First Special Session, Chapter 9, Article 6, Section 89 (HF 25)
Effective July 21, 2011
Appropriates funds to coordinate care for Medical Assistance and MinnesotaCare enrollees who are children with high-cost mental health conditions whose mental health expenses over the past year totaled \$100,000 or more. Plan due to legislature by January 15, 2012.

- G. Change Physical Therapy (PT), Occupational Therapy (OT), Speech Therapy Services Coverage and Prior Authorization Process
Laws Minnesota, First Special Session, Chapter 9, Article 6, Section 29, 30 and 31 (HF 25)
Amends 256B.0625, subd. 8(a), 8a(a) and 8b(a)
Effective January 1, 2012 (specialized maintenance therapy) and March 1, 2012 (authorization changes).
- a. Specialized Maintenance Therapy for Adults Terminated
Eliminates the category of specialized maintenance therapy for physical therapy (PT), occupational therapy (OT) and speech-language therapy. Uncodified language (Article 6, Section 9), requires the Commissioner of DHS to evaluate whether specialized maintenance therapy improves quality of care and reduces hospitalization rates for those with serious and persistent mental illness and report to the Legislature by December 15, 2011.
- b. Authorization for All Outpatient Rehabilitation Services Required.
Removes one-time service limits for PT, OT and Speech and Language Therapy and requires authorization for all episodes of care beginning March 1, 2012.
- H. Medical Supplies and Equipment
First Special Session, Chapter 9, Article 6, Section 42 (HF 25)
Amends Minn. Stat. § 256B.0625, subd. 31
Effective July 21, 2011
Authorizes the commissioner to set rates for specified categories of medical supplies at levels below the Medicare payment rate for vendors and requires MA vendors to be enrolled Medicare vendors with some exceptions for special circumstances. Defines durable medical equipment.
- I. Medication Therapy Management Services
First Special Session, Chapter 9, Article 6, Section 36 (HF 25)
Amends Minn. Stat. § 256B.0625, subd. 13h
Effective September 1, 2011 or upon federal approval, whichever is later
Allows people taking three or more prescriptions with one or more chronic conditions to be eligible for coverage as well as people with a drug therapy problem that is identified by a pharmacist and approved by the commissioner. Expands the definition of home setting to include long-term care settings, group homes, and assisted living facilities.

- J. Critical Access Dentistry
 First Special Session, Chapter 9, Article 6, Section 68 (HF 25)
 Amends Minn. Stat. § 256B.76, subd. 4
 Effective September 1, 2011.
 Reduces MinnesotaCare payment rates to critical access dental providers to the MA rate of by 30% above the rate that would be paid. Limits clinics to those owned and operated by the University of Minnesota or the Minnesota State Colleges and University system. Results in \$6.1 million biennial spending reduction for critical access dentistry.
- K. Dental Reimbursement
 First Special Session, Chapter 9, Article 6, Section 68 (HF 25)
 Amends Minn. Stat. § 256B.76, subd. 4
 Effective September 1, 2011 through June 30, 2013
 Reduces payment rates for dental services by three percent.
- L. Reduces rates for MA Non-Emergency Medical Transportation (NEMT, Special and Access Transportation)
 First Special Session, Chapter 9, Article 6, Section 37 and Article 3, Section 6 (HF 25)
 Amends Minn. Stat. § 256B.0625, subd. 17
 Effective September 1, 2011 for fee-for-service and January 1, 2012 for managed care
 Reduces rates for Medical Assistance transportation services, including, special transportation and access to transportation services by 4.5%, cutting \$4.160 million in state fund for the biennium. Affects all populations using Medical Assistance or MinnesotaCare. Requires a report to the relevant legislative chairs on proposed changes for NEMT by January 15, 2012.
- M. Change to 3rd Party Liability Processes
 First Special Session, Chapter 9, Article 6, Section 41 (HF 25)
 Amends Minn. Stat. § 256B.0625, subd. 25b
 Effective September 1, 2011
 Requires MA health care providers to request authorization from a recipient's private coverage or Medicare before requesting authorization for MA to pay for a covered service.

- N. Recipients Allowed to Pay for Non-Covered Services
First Special Session, Chapter 9, Article 6, Section 44 (HF 25)
Amends Minn. Stat. § 256B.0625, subd. 55
Effective September 1, 2011
Allows providers to seek payment from recipients for services not eligible for payment under the MA program. Requires providers to disclose information and recipient to sign acknowledgement and sets limits and conditions.
- O. MA-EPD Premium and Out-of-Pocket Increases for the Next Biennium
First Special Session, Chapter 9, Article 7, Section 7 (HF 25)
Amends Minn. Stat. § 256B.057, subd. 9
Effective January 1, 2014 for adults age 21 or older and October 1, 2019 for children age 16 to 21
The fee increases for MA-EPD participants will total over \$8 million for the 2014-2015 biennium. Minimum premiums will increase from \$35 per month to \$65 and the unearned income cost share obligation is increased from ½% to 5%. The increased fees will average more than \$750 per year per person when fully implemented. The increases cannot be implemented for adults until 2014 due to the Affordable Care Act maintenance of effort.

III. COMMUNITY SERVICES POLICY CHANGES

- A. Community Living Settings Defined
First Special Session, Chapter 9, Article 7, Section 41(HF 25)
Add Minn. Stat. § 256B.49, subd. 23
Effective July 1, 2011
Defines community living setting as a single-family home or apartment which the service recipient or family owns or rents and controls. Requires community living settings to comply with nine addition criteria.
- B. Assessment, Reassessment, Individualized Service Plan, Comprehensive Transitional Service, and Plan Maintenance Service
First Special Session, Chapter 9, Article 7, Sections 39 and 40 (HF 25)
Amends Minn. Stat. § 256B.49, subds. 14 and 15
Effective July 1, 2013, except subd. 15(f) is effective July 1, 2011
Specifies new assessment and reassessment provisions for newly required transition and maintenance plans for those using the CADI and BI Waivers. Appropriates \$330,000 to DHS for the biennium.

IV. MENTAL HEALTH POLICY CHANGES

A. Diagnostic Assessments

Regular Session, Chapter 86 (SF 1285)

Amends Minn. Stat. § 245.467, subd. 2

Effective August 1, 2011

Establishes timelines for providers to complete adult diagnostic assessments and face-to-face updates of adult diagnostic assessments if a full assessment has been completed within three (3) years of admission to a hospital, residential treatment setting or out-patient services.

B. Mental Health Screening for Children in Child Protection And Juvenile Justice Systems.

Regular Session, Chapter 86 (SF 1285)

Amends Minn. Stat. § 245.4874, subd. 1

Effective August 1, 2011

Requires parental notification about a potential mental health screening and the option to refuse for children in child protection or out-of-home placement unless parental rights have been terminated. Requires parental consent, or guardian consent for a mental health screening for a child involved with the juvenile justice system unless court ordered based on the child's best interest.

C. Licensed Foster Care Moratorium Exception

Regular Session, Chapter 86 (SF 1285)

Amends Minn. Stat. § 245A.03, subd. 7

Effective August 1, 2011

Adds an exception to the licensed foster care moratorium for restructuring state operated services.

D. DHS to Set Rates For Mental Health Services

Regular Session, Chapter 86 (SF 1285)

Amends Minn. Stat. § 256B.0622, subd. 8

Effective August 1, 2011

Requires the commissioner to establish statewide rates for residential and non-residential mental health services.

E. Intensive Rehabilitative Mental Health Services

Regular Session, Chapter 86 (SF 1285)

Amends Minn. Stat. § 256B.0947

Effective November 1, 2011 and subject to federal approval

Establishes specific intensive non-residential rehabilitative adult mental health services for youth, age 16 – 21, called "Youth ACT Team".

F. Community Behavioral Health Hospitals

Special session, Chapter 9, Article 8, Section 8 (HF 25)

Uncodified Language

Effective July 1, 2011

Requires the commissioner of DHS to report to the relevant chairs of the legislature on possible uses for community behavioral health hospitals to meet the mental health needs of their regions. Directs the commissioner to consult with regional planning work groups for adult mental health and include those recommendations in the report. Specifies the issues which must be addressed including behavioral health hospitals which have not been Medicaid certified, or have less than 65 percent occupancy.

G. Integrated Dual Diagnoses Treatment

Special session, Chapter 9, Article 8, Section 9 (HF 25)

Uncodified Language

Effective July 1, 2011

Authorizes the commissioner of DHS to require chemical dependency and mental health assessors to use specified screening tools to identify co-occurring mental health or chemical dependency disorders beginning December 31, 2011. Directs the commissioner of Human Services to adopt rules to be effective July 1, 2013, to establish an integrated dual-disorder treatment provider certification process. Requires application for any necessary federal waivers to obtain federal financial participation for integrated dual diagnosis treatment for persons with co-occurring disorders.

H. Civil Commitment Review

Regular session, Chapter 102, Article 6, Section 1 (SF 1287)

Uncodified Language

Effective May 28, 2011

Requires the commissioner of Human Services, in consultation with the revisor's office, to review civil commitment laws and propose legislation to separate commitment of individuals as sexual psychopathic personalities or sexually dangerous persons from other forms of civil commitment for the 2012 legislative session.

V. PROTECTION LAWS

A. Vulnerable Adult Changes

Regular Session, Chapter 28, (HF 477)

Amends Minn. Stat. § 243.166 subd. 16; § 256.021, .045 subd. 4, and § 609.2231

adds Minn. Stat. § 626.557, subd. 21

Effective August 1, 2011

Requires those convicted of criminal abuse to register as predatory offenders.

Makes assault or bodily harm a gross misdemeanor. Provides for notice to vulnerable adult, guardian or health care agent of a contested case resulting from a maltreatment determination.

VI. TASK FORCES, ADVISORY COMMITTEES, REPORTS

A. Autism Task Force

First Special Session, Chapter 9, Article 6, Section 95 (HF 25)

Uncodified Language

Effective July 21, 2011, expires June 30, 2015

Continues Autism Task Force by requiring appointment of 19 members by September 1, 2011. Establishes duties and requires a report to the Legislature by January 15, 2013 with updates on progress of implementation of strategic plan by January 15, 2014 and 2015. Expires June 30, 2015.

B. Changes to Non-Emergency Medical Transportation to be Developed by Commissioner

First Special Session, Chapter 9, Article 3, Section 6 (HF 25)

Uncodified Language

Effective July 21, 2011

Requires the commissioner of DHS to develop a proposal to consolidate the administration fee for service non-emergency medical transportation in order to standardize eligibility determinations, scheduling, billing, data collection and oversight to improve accountability and quality. Also specifies that use of public transportation by those who do not have a physical, mental or other impairment which prohibits safe use of public transportation must be maximized. Draft legislation must be submitted to legislative chairs by January 15, 2012.

C. Specialized Maintenance Therapy

First Special Session, Chapter 9, Article 6, Section 9 (HF 25)

Uncodified Language

Effective July 1, 2011

Requires the commissioner of DHS to evaluate whether specialized maintenance therapy for enrollees with serious and persistent mental illness at risk of hospitalization benefit from the therapy and lower MA costs by reducing hospitalization report due to the legislature December 15, 2011.

VII. JOBS AND ECONOMIC DEVELOPMENT

- A. Advocating Change Together Funding
First Special Session, Chapter 4, Article 1, Section 3, subd. 2(m)
Rider Language
Effective July 1, 2011
Provides one-time appropriation for Advocating Change Together of \$135,000 for training, technical assistance and resource materials for persons with developmental and mental illness disabilities.
- B. Extended Employment
First Special Session, Chapter 4, Article 1, Section 3, subd. 3
Rider Language
Effective July 1, 2011
Reduces funding for the regular extended Employment Program by \$320,000 for the biennium but funds the Extended Employment for services for persons with serious and persistent mental illness at the previous level. Provides one-time funding for various programs for persons with disabilities, including deaf and hard of hearing and programs for youth with disabilities at a reduced level. Requires the commissioner of Employment and Economic Development with the Governor's Work Force Development Council to establish a competitive grant program for workforce development programs.
- C. Vocational Rehabilitation Funding
First Special Session, Chapter 4, Article 1, Section 3, subd. 3(b)
Rider Language
Effective July 1, 2011
Increases funding for vocational rehabilitation services in order to obtain available, favorable federal matching funds.
- D. Center For Independent Living Services
First Special Session, Chapter 4, Article 1, Section 3, subd. 3(d)
Rider Language
Effective July 1, 2011
Continues funding for Centers For Independent Living under Minn. Stat. § 268A.11 at the same level.

VIII. SPECIAL EDUCATION

- A. Definition Of Child With a Disability
First Special Session, Chapter 11, Article 3, Section 1 (HF 26)
Amends Minn. Stat. § 125A.02, subd. 1
Effective July 1, 2011
Aligns definition of child with a disability in state law with federal terminology.

- B. Prone Restraints
First Special Session, Chapter 11, Article 3, Section 2 (HF 26)
Amends Minn. Stat. § 125A.0942, subd. 3
Effective July 1, 2011
Allows school districts, until August 1, 2012, to use prone restraints under limited circumstances with staff training required and a report to the State Department of Education within five days. Requires the Department report to the Legislature by February 1, 2012 on the use of prone restraints in schools.
- C. School Aid Payment Shift
First Special Session, Chapter 11, Article 1, Section 3(HF 26)
Uncodified Language
Effective July 1, 2011
Shifts state payments to school districts into future years delaying payments of \$2.1 billion for the current biennium.
- D. Special Education Funding
First Special Session, Chapter 11, Article 3, Section 11(HF 26)
Uncodified Language
Effective July 1, 2011
Retains 4.6% annual growth factor for special education and other funding.
- E. Trial Placement For Minnesota Academy For The Deaf And Minnesota Academy For The Blind
First Special Session, Chapter 11, Article 3, Section 10 (HF 26)
Amends Minn. Stat. § 125A.69, subd. 1
Effective July 1, 2011
Allows parents to agree to a 60- to 90-day trial placement for a child at the Minnesota Academy For The Deaf and Minnesota Academy For The Blind.