

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1285**

(SENATE AUTHORS: NEWMAN and Hann)

DATE	D-PG	OFFICIAL STATUS
04/26/2011	1407	Introduction and first reading Referred to Health and Human Services
04/27/2011	1435	Chief author stricken, shown as co-author Hann Chief author added Newman
04/28/2011	1480a	Comm report: To pass as amended
	1539	Second reading
05/14/2011	2046	General Orders: To pass
05/16/2011	2081	Calendar: Third reading Passed
05/21/2011	3041	Returned from House with amendment
	3041	Laid on table
	3246	Taken from table
		Senate concurred and repassed bill
	3246	Third reading Presentment date 05/24/11
	3594	Governor's action Approval 05/27/11
	3594	Secretary of State Chapter 86 05/27/11 Effective date 08/01/11

A bill for an act

1.1
1.2 relating to human services; making changes to chemical and mental health
1.3 services; making rate reforms; amending Minnesota Statutes 2010, sections
1.4 245.462, subdivision 8; 245.467, subdivision 2; 245.4874, subdivision 1;
1.5 245A.03, subdivision 7; 253B.02, subdivision 9; 254B.03, subdivisions 5,
1.6 9; 254B.05; 254B.12; 254B.13, subdivision 3; 256B.0622, subdivision 8;
1.7 256B.0623, subdivisions 3, 8; 256B.0624, subdivisions 2, 4, 6; 256B.0625,
1.8 subdivisions 23, 38; 256B.0926, subdivision 2; 256B.0947; 260C.157,
1.9 subdivision 3; 260D.01; repealing Minnesota Statutes 2010, sections 254B.01,
1.10 subdivision 7; 256B.0622, subdivision 8a.

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

1.12 Section 1. Minnesota Statutes 2010, section 245.462, subdivision 8, is amended to read:

1.13 Subd. 8. **Day treatment services.** "Day treatment," "day treatment services," or
1.14 "day treatment program" means a structured program of treatment and care provided to an
1.15 adult in or by: (1) a hospital accredited by the joint commission on accreditation of health
1.16 organizations and licensed under sections 144.50 to 144.55; (2) a community mental
1.17 health center under section 245.62; or (3) an entity that is under contract with the county
1.18 board to operate a program that meets the requirements of section 245.4712, subdivision
1.19 2, and Minnesota Rules, parts 9505.0170 to 9505.0475. Day treatment consists of group
1.20 psychotherapy and other intensive therapeutic services that are provided at least ~~one day~~
1.21 two days a week by a multidisciplinary staff under the clinical supervision of a mental
1.22 health professional. Day treatment may include education and consultation provided to
1.23 families and other individuals as part of the treatment process. The services are aimed
1.24 at stabilizing the adult's mental health status, providing mental health services, and
1.25 developing and improving the adult's independent living and socialization skills. The goal
1.26 of day treatment is to reduce or relieve mental illness and to enable the adult to live in
1.27 the community. Day treatment services are not a part of inpatient or residential treatment

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2.1 services. Day treatment services are distinguished from day care by their structured
2.2 therapeutic program of psychotherapy services. The commissioner may limit medical
2.3 assistance reimbursement for day treatment to 15 hours per week per person ~~instead of the~~
2.4 ~~three hours per day per person specified in Minnesota Rules, part 9505.0323, subpart 15.~~

2.5 Sec. 2. Minnesota Statutes 2010, section 245.467, subdivision 2, is amended to read:

2.6 Subd. 2. **Diagnostic assessment.** All providers of residential, acute care hospital
2.7 inpatient, and regional treatment centers must complete a diagnostic assessment for each
2.8 of their clients within five days of admission. Providers of outpatient and day treatment
2.9 services must complete a diagnostic assessment within five days after the adult's second
2.10 visit or within 30 days after intake, whichever occurs first. In cases where a diagnostic
2.11 assessment is available and has been completed within ~~180 days~~ three years preceding
2.12 admission, only ~~updating~~ an adult diagnostic assessment update is necessary. ~~"Updating"~~
2.13 An "adult diagnostic assessment update" means a written summary by a mental health
2.14 professional of the adult's current mental health status and service needs and includes a
2.15 face-to-face interview with the adult. If the adult's mental health status has changed
2.16 markedly since the adult's most recent diagnostic assessment, a new diagnostic assessment
2.17 is required. Compliance with the provisions of this subdivision does not ensure eligibility
2.18 for medical assistance or general assistance medical care reimbursement under chapters
2.19 256B and 256D.

2.20 Sec. 3. Minnesota Statutes 2010, section 245.4874, subdivision 1, is amended to read:

2.21 Subdivision 1. **Duties of county board.** (a) The county board must:

2.22 (1) develop a system of affordable and locally available children's mental health
2.23 services according to sections 245.487 to 245.4889;

2.24 (2) establish a mechanism providing for interagency coordination as specified in
2.25 section 245.4875, subdivision 6;

2.26 (3) consider the assessment of unmet needs in the county as reported by the local
2.27 children's mental health advisory council under section 245.4875, subdivision 5, paragraph
2.28 (b), clause (3). The county shall provide, upon request of the local children's mental health
2.29 advisory council, readily available data to assist in the determination of unmet needs;

2.30 (4) assure that parents and providers in the county receive information about how to
2.31 gain access to services provided according to sections 245.487 to 245.4889;

2.32 (5) coordinate the delivery of children's mental health services with services
2.33 provided by social services, education, corrections, health, and vocational agencies to

3.1 improve the availability of mental health services to children and the cost-effectiveness of
3.2 their delivery;

3.3 (6) assure that mental health services delivered according to sections 245.487
3.4 to 245.4889 are delivered expeditiously and are appropriate to the child's diagnostic
3.5 assessment and individual treatment plan;

3.6 (7) provide the community with information about predictors and symptoms of
3.7 emotional disturbances and how to access children's mental health services according to
3.8 sections 245.4877 and 245.4878;

3.9 (8) provide for case management services to each child with severe emotional
3.10 disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881,
3.11 subdivisions 1, 3, and 5;

3.12 (9) provide for screening of each child under section 245.4885 upon admission
3.13 to a residential treatment facility, acute care hospital inpatient treatment, or informal
3.14 admission to a regional treatment center;

3.15 (10) prudently administer grants and purchase-of-service contracts that the county
3.16 board determines are necessary to fulfill its responsibilities under sections 245.487 to
3.17 245.4889;

3.18 (11) assure that mental health professionals, mental health practitioners, and case
3.19 managers employed by or under contract to the county to provide mental health services
3.20 are qualified under section 245.4871;

3.21 (12) assure that children's mental health services are coordinated with adult mental
3.22 health services specified in sections 245.461 to 245.486 so that a continuum of mental
3.23 health services is available to serve persons with mental illness, regardless of the person's
3.24 age;

3.25 (13) assure that culturally competent mental health consultants are used as necessary
3.26 to assist the county board in assessing and providing appropriate treatment for children of
3.27 cultural or racial minority heritage; and

3.28 (14) consistent with section 245.486, arrange for or provide a children's mental
3.29 health screening ~~to~~ for:

3.30 (i) a child receiving child protective services ~~or~~;

3.31 (ii) a child in out-of-home placement;

3.32 (iii) a child for whom parental rights have been terminated;

3.33 (iv) a child found to be delinquent, ~~and~~ ; or

3.34 (v) a child found to have committed a juvenile petty offense for the third or
3.35 subsequent time, ~~unless~~.

4.1 A children's mental health screening is not required when a screening or diagnostic
4.2 assessment has been performed within the previous 180 days, or the child is currently
4.3 under the care of a mental health professional.

4.4 (b) When a child is receiving protective services or is in out-of-home placement,
4.5 the court or county agency must notify a parent or guardian whose parental rights have
4.6 not been terminated of the potential mental health screening and the option to prevent the
4.7 screening by notifying the court or county agency in writing.

4.8 (c) When a child is found to be delinquent or a child is found to have committed a
4.9 juvenile petty offense for the third or subsequent time, the court or county agency must
4.10 obtain written informed consent from the parent or legal guardian before a screening is
4.11 conducted unless the court, notwithstanding the parent's failure to consent, determines that
4.12 the screening is in the child's best interest.

4.13 (d) The screening shall be conducted with a screening instrument approved by the
4.14 commissioner of human services according to criteria that are updated and issued annually
4.15 to ensure that approved screening instruments are valid and useful for child welfare and
4.16 juvenile justice populations, and Screenings shall be conducted by a mental health
4.17 practitioner as defined in section 245.4871, subdivision 26, or a probation officer or local
4.18 social services agency staff person who is trained in the use of the screening instrument.

4.19 Training in the use of the instrument shall include:

4.20 (1) training in the administration of the instrument;

4.21 (2) the interpretation of its validity given the child's current circumstances;

4.22 (3) the state and federal data practices laws and confidentiality standards;

4.23 (4) the parental consent requirement; and

4.24 (5) providing respect for families and cultural values.

4.25 If the screen indicates a need for assessment, the child's family, or if the family lacks
4.26 mental health insurance, the local social services agency, in consultation with the child's
4.27 family, shall have conducted a diagnostic assessment, including a functional assessment,
4.28 as defined in section 245.4871. The administration of the screening shall safeguard the
4.29 privacy of children receiving the screening and their families and shall comply with the
4.30 Minnesota Government Data Practices Act, chapter 13, and the federal Health Insurance
4.31 Portability and Accountability Act of 1996, Public Law 104-191. Screening results shall be
4.32 considered private data and the commissioner shall not collect individual screening results.

4.33 ~~(b)~~ (e) When the county board refers clients to providers of children's therapeutic
4.34 services and supports under section 256B.0943, the county board must clearly identify
4.35 the desired services components not covered under section 256B.0943 and identify the

5.1 reimbursement source for those requested services, the method of payment, and the
5.2 payment rate to the provider.

5.3 Sec. 4. Minnesota Statutes 2010, section 245A.03, subdivision 7, is amended to read:

5.4 Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an
5.5 initial license for child foster care licensed under Minnesota Rules, parts 2960.3000 to
5.6 2960.3340, or adult foster care licensed under Minnesota Rules, parts 9555.5105 to
5.7 9555.6265, under this chapter for a physical location that will not be the primary residence
5.8 of the license holder for the entire period of licensure. If a license is issued during this
5.9 moratorium, and the license holder changes the license holder's primary residence away
5.10 from the physical location of the foster care license, the commissioner shall revoke the
5.11 license according to section 245A.07. Exceptions to the moratorium include:

5.12 (1) foster care settings that are required to be registered under chapter 144D;

5.13 (2) foster care licenses replacing foster care licenses in existence on May 15, 2009,
5.14 and determined to be needed by the commissioner under paragraph (b);

5.15 (3) new foster care licenses determined to be needed by the commissioner under
5.16 paragraph (b) for the closure of a nursing facility, ICF/MR, or regional treatment center, or
5.17 restructuring of state-operated services that limits the capacity of state-operated facilities;

5.18 (4) new foster care licenses determined to be needed by the commissioner under
5.19 paragraph (b) for persons requiring hospital level care; or

5.20 (5) new foster care licenses determined to be needed by the commissioner for the
5.21 transition of people from personal care assistance to the home and community-based
5.22 services.

5.23 (b) The commissioner shall determine the need for newly licensed foster care homes
5.24 as defined under this subdivision. As part of the determination, the commissioner shall
5.25 consider the availability of foster care capacity in the area in which the licensee seeks to
5.26 operate, and the recommendation of the local county board. The determination by the
5.27 commissioner must be final. A determination of need is not required for a change in
5.28 ownership at the same address.

5.29 (c) Residential settings that would otherwise be subject to the moratorium established
5.30 in paragraph (a), that are in the process of receiving an adult or child foster care license as
5.31 of July 1, 2009, shall be allowed to continue to complete the process of receiving an adult
5.32 or child foster care license. For this paragraph, all of the following conditions must be met
5.33 to be considered in the process of receiving an adult or child foster care license:

5.34 (1) participants have made decisions to move into the residential setting, including
5.35 documentation in each participant's care plan;

6.1 (2) the provider has purchased housing or has made a financial investment in the
6.2 property;

6.3 (3) the lead agency has approved the plans, including costs for the residential setting
6.4 for each individual;

6.5 (4) the completion of the licensing process, including all necessary inspections, is
6.6 the only remaining component prior to being able to provide services; and

6.7 (5) the needs of the individuals cannot be met within the existing capacity in that
6.8 county.

6.9 To qualify for the process under this paragraph, the lead agency must submit
6.10 documentation to the commissioner by August 1, 2009, that all of the above criteria are
6.11 met.

6.12 (d) The commissioner shall study the effects of the license moratorium under this
6.13 subdivision and shall report back to the legislature by January 15, 2011. This study shall
6.14 include, but is not limited to the following:

6.15 (1) the overall capacity and utilization of foster care beds where the physical location
6.16 is not the primary residence of the license holder prior to and after implementation
6.17 of the moratorium;

6.18 (2) the overall capacity and utilization of foster care beds where the physical
6.19 location is the primary residence of the license holder prior to and after implementation
6.20 of the moratorium; and

6.21 (3) the number of licensed and occupied ICF/MR beds prior to and after
6.22 implementation of the moratorium.

6.23 Sec. 5. Minnesota Statutes 2010, section 253B.02, subdivision 9, is amended to read:

6.24 Subd. 9. **Health officer.** "Health officer" means:

6.25 (1) a licensed physician;

6.26 (2) a licensed psychologist;

6.27 (3) a licensed social worker;

6.28 (4) a registered nurse working in an emergency room of a hospital;~~or;~~

6.29 (5) a psychiatric or public health nurse as defined in section 145A.02, subdivision
6.30 18;~~or;~~

6.31 (6) an advanced practice registered nurse (APRN) as defined in section 148.171,
6.32 subdivision 3;~~and;~~

6.33 (7) a mental health professional providing mental health mobile crisis intervention
6.34 services as described under section 256B.0624; or

7.1 (8) a formally designated ~~members~~ member of a prepetition screening unit
7.2 established by section 253B.07.

7.3 Sec. 6. Minnesota Statutes 2010, section 254B.03, subdivision 5, is amended to read:

7.4 Subd. 5. **Rules; appeal.** The commissioner shall adopt rules as necessary to
7.5 implement ~~Laws 1986, chapter 394, sections 8 to 20. The commissioner shall ensure that~~
7.6 ~~the rules are effective on July 1, 1987~~ this chapter. The commissioner shall establish an
7.7 appeals process for use by recipients when services certified by the county are disputed.
7.8 The commissioner shall adopt rules and standards for the appeal process to assure
7.9 adequate redress for persons referred to inappropriate services.

7.10 Sec. 7. Minnesota Statutes 2010, section 254B.03, subdivision 9, is amended to read:

7.11 Subd. 9. **Commissioner to select vendors and set rates.** (a) Effective July 1, 2011,
7.12 the commissioner shall:

7.13 (1) enter into agreements with eligible vendors that:

7.14 (i) meet the standards in section 254B.05, subdivision 1;

7.15 (ii) have good standing in all applicable licensure; and

7.16 (iii) have a current approved provider agreement as a Minnesota health care program
7.17 provider that contains program standards for each rate and rate enhancement defined
7.18 by the commissioner; and

7.19 (2) set rates for services reimbursed under this chapter.

7.20 (b) When setting rates, the commissioner shall consider the complexity and the
7.21 acuity of the problems presented by the client.

7.22 (c) When rates set under this section and rates set under section 254B.09, subdivision
7.23 8, apply to the same treatment placement, section 254B.09, subdivision 8, supersedes.

7.24 Sec. 8. Minnesota Statutes 2010, section 254B.05, is amended to read:

7.25 **254B.05 VENDOR ELIGIBILITY.**

7.26 Subdivision 1. **Licensure required.** Programs licensed by the commissioner are
7.27 eligible vendors. Hospitals may apply for and receive licenses to be eligible vendors,
7.28 notwithstanding the provisions of section 245A.03. American Indian programs that
7.29 provide chemical dependency primary treatment, extended care, transitional residence, or
7.30 outpatient treatment services, and are licensed by tribal government are eligible vendors.
7.31 Detoxification programs are not eligible vendors. Programs that are not licensed as a
7.32 chemical dependency residential or nonresidential treatment program by the commissioner
7.33 or by tribal government or do not meet the requirements of subdivisions 1a and 1b are not

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8.1 eligible vendors. ~~To be eligible for payment under the Consolidated Chemical Dependency~~
8.2 ~~Treatment Fund, a vendor of a chemical dependency service must participate in the Drug~~
8.3 ~~and Alcohol Abuse Normative Evaluation System and the treatment accountability plan.~~

8.4 Subd. 1a. Room and board provider requirements. (a) Effective January 1,
8.5 2000, vendors of room and board are eligible for chemical dependency fund payment
8.6 if the vendor:

8.7 (1) has rules prohibiting residents bringing chemicals into the facility or using
8.8 chemicals while residing in the facility and provide consequences for infractions of those
8.9 rules;

8.10 ~~(2) has a current contract with a county or tribal governing body;~~

8.11 ~~(3) (2) is determined to meet applicable health and safety requirements;~~

8.12 ~~(4) (3) is not a jail or prison; and~~

8.13 ~~(5) (4) is not concurrently receiving funds under chapter 256I for the recipient;~~

8.14 (5) admits individuals who are 18 years of age or older;

8.15 (6) is registered as a board and lodging or lodging establishment according to
8.16 section 157.17;

8.17 (7) has awake staff on site 24 hours per day;

8.18 (8) has staff who are at least 18 years of age and meet the requirements of Minnesota
8.19 Rules, part 9530.6450, subpart 1, item A;

8.20 (9) has emergency behavioral procedures that meet the requirements of Minnesota
8.21 Rules, part 9530.6475;

8.22 (10) meets the requirements of Minnesota Rules, part 9530.6435, subparts 3 and
8.23 4, items A and B, if administering medications to clients;

8.24 (11) meets the abuse prevention requirements of section 245A.65, including a policy
8.25 on fraternization and the mandatory reporting requirements of section 626.557;

8.26 (12) document coordination with the treatment provider to assure compliance with
8.27 section 254B.03, subdivision 2;

8.28 (13) protect client funds and ensure freedom from exploitation by meeting the
8.29 provisions of section 245A.04, subdivision 13;

8.30 (14) has a grievance procedure that meets the requirements of Minnesota Rules,
8.31 part 9530.6470, subpart 2; and

8.32 (15) has sleeping and bathroom facilities for men and women separated by a door
8.33 that is locked, has an alarm, or is supervised by awake staff.

8.34 (b) Programs licensed according to Minnesota Rules, chapter 2960, are exempt from
8.35 paragraph (a), clauses (5) to (15).

9.1 Subd. 1b. **Additional vendor requirements.** Vendors must comply with the
9.2 following duties:

9.3 (1) maintain a provider agreement with the department;

9.4 (2) continually comply with the standards in the agreement;

9.5 (3) participate in the Drug Alcohol Normative Evaluation System;

9.6 (4) submit an annual financial statement which reports functional expenses of
9.7 chemical dependency treatment costs in a form approved by the commissioner;

9.8 (5) report information about the vendor's current capacity in a manner prescribed
9.9 by the commissioner; and

9.10 (6) maintain adequate and appropriate insurance coverage necessary to provide
9.11 chemical dependency treatment services, and at a minimum:

9.12 (i) employee dishonesty in the amount of \$10,000 if the vendor has or had custody
9.13 or control of money or property belonging to clients; and

9.14 (ii) bodily injury and property damage in the amount of \$2,000,000 for each
9.15 occurrence.

9.16 Subd. 2. **Regulatory methods.** (a) Where appropriate and feasible, the
9.17 commissioner shall identify and implement alternative methods of regulation and
9.18 enforcement to the extent authorized in this subdivision. These methods shall include:

9.19 (1) expansion of the types and categories of licenses that may be granted;

9.20 (2) when the standards of an independent accreditation body have been shown to
9.21 predict compliance with the rules, the commissioner shall consider compliance with the
9.22 accreditation standards to be equivalent to partial compliance with the rules; and

9.23 (3) use of an abbreviated inspection that employs key standards that have been
9.24 shown to predict full compliance with the rules.

9.25 If the commissioner determines that the methods in clause (2) or (3) can be used in
9.26 licensing a program, the commissioner may reduce any fee set under section 254B.03,
9.27 subdivision 3, by up to 50 percent.

9.28 (b) The commissioner shall work with the commissioners of health, public
9.29 safety, administration, and education in consolidating duplicative licensing and
9.30 certification rules and standards if the commissioner determines that consolidation is
9.31 administratively feasible, would significantly reduce the cost of licensing, and would
9.32 not reduce the protection given to persons receiving services in licensed programs.
9.33 Where administratively feasible and appropriate, the commissioner shall work with the
9.34 commissioners of health, public safety, administration, and education in conducting joint
9.35 agency inspections of programs.

10.1 (c) The commissioner shall work with the commissioners of health, public safety,
10.2 administration, and education in establishing a single point of application for applicants
10.3 who are required to obtain concurrent licensure from more than one of the commissioners
10.4 listed in this clause.

10.5 Subd. 3. **Fee reductions.** If the commissioner determines that the methods in
10.6 subdivision 2, clause (2) or (3), can be used in licensing a program, the commissioner
10.7 shall reduce licensure fees by up to 50 percent. The commissioner may adopt rules to
10.8 provide for the reduction of fees when a license holder substantially exceeds the basic
10.9 standards for licensure.

10.10 Subd. 4. **Regional treatment centers.** Regional treatment center chemical
10.11 dependency treatment units are eligible vendors. The commissioner may expand the
10.12 capacity of chemical dependency treatment units beyond the capacity funded by direct
10.13 legislative appropriation to serve individuals who are referred for treatment by counties
10.14 and whose treatment will be paid for by funding under this chapter or other funding
10.15 sources. Notwithstanding the provisions of sections 254B.03 to 254B.041, payment for
10.16 any person committed at county request to a regional treatment center under chapter 253B
10.17 for chemical dependency treatment and determined to be ineligible under the chemical
10.18 dependency consolidated treatment fund, shall become the responsibility of the county.

10.19 Subd. 5. **Rate requirements.** (a) The commissioner shall establish rates for
10.20 chemical dependency services and service enhancements funded under this chapter.

10.21 (b) Eligible chemical dependency treatment services include:

10.22 (1) outpatient treatment services that are licensed according to Minnesota Rules,
10.23 parts 9530.6405 to 9530.6480, or applicable tribal license;

10.24 (2) medication assisted therapy services that are licensed according to Minnesota
10.25 Rules, parts 9530.6405 to 9530.6480 and 9530.6500, or applicable tribal license;

10.26 (3) medication assisted therapy plus enhanced treatment services that meet the
10.27 requirements of clause (2) and provide nine hours of clinical services each week;

10.28 (4) high, medium, and low intensity residential treatment services that are licensed
10.29 according to Minnesota Rules, parts 9530.6405 to 9530.6480 and 9530.6505, or applicable
10.30 tribal license which provide, respectively, 30, 15, and five hours of clinical services each
10.31 week;

10.32 (5) hospital-based treatment services that are licensed according to Minnesota Rules,
10.33 parts 9530.6405 to 9530.6480, or applicable tribal license and licensed as a hospital under
10.34 sections 144.50 to 144.56;

11.1 (6) adolescent treatment programs that are licensed as outpatient treatment programs
11.2 according to Minnesota Rules, parts 9530.6405 to 9530.6485, or as residential treatment
11.3 programs according to Minnesota Rules, chapter 2960, or applicable tribal license; and

11.4 (7) room and board facilities that meet the requirements of section 254B.05,
11.5 subdivision 1a.

11.6 (c) The commissioner shall establish higher rates for programs that meet the
11.7 requirements of paragraph (b) and the following additional requirements:

11.8 (1) programs that serve parents with their children if the program meets the
11.9 additional licensing requirement in Minnesota Rules, part 9530.6490, and provides child
11.10 care that meets the requirements of section 245A.03, subdivision 2, during hours of
11.11 treatment activity;

11.12 (2) programs serving special populations if the program meets the requirements in
11.13 Minnesota Rules, part 9530.6605, subpart 13;

11.14 (3) programs that offer medical services delivered by appropriately credentialed
11.15 health care staff in an amount equal to two hours per client per week; and

11.16 (4) programs that offer services to individuals co-occurring mental health and
11.17 chemical dependency problems if:

11.18 (i) the program meets the co-occurring requirements in Minnesota Rules, part
11.19 9530.6495;

11.20 (ii) 25 percent of the counseling staff are mental health professionals, as defined in
11.21 section 245.462, subdivision 18, clauses (1) to (6), or are students or licensing candidates
11.22 under the supervision of a licensed alcohol and drug counselor supervisor and licensed
11.23 mental health professional, except that no more than 50 percent of the mental health staff
11.24 may be students or licensing candidates;

11.25 (iii) clients scoring positive on a standardized mental health screen receive a mental
11.26 health diagnostic assessment within ten days of admission;

11.27 (iv) the program has standards for multidisciplinary case review that include a
11.28 monthly review for each client;

11.29 (v) family education is offered that addresses mental health and substance abuse
11.30 disorders and the interaction between the two; and

11.31 (vi) co-occurring counseling staff will receive eight hours of co-occurring disorder
11.32 training annually.

11.33 (d) Adolescent residential programs that meet the requirements of Minnesota Rules,
11.34 parts 2960.0580 to 2960.0700, are exempt from the requirements in paragraph (c), clause
11.35 (4), items (i) to (iv).

12.1 Sec. 9. Minnesota Statutes 2010, section 254B.12, is amended to read:

12.2 **254B.12 RATE METHODOLOGY.**

12.3 The commissioner shall, ~~with broad-based stakeholder input, develop a~~
12.4 ~~recommendation and present a report to the 2011 legislature, including proposed~~
12.5 ~~legislation for a new~~ establish a new rate methodology for the consolidated chemical
12.6 dependency treatment fund. The new methodology must replace county-negotiated rates
12.7 with a uniform statewide methodology that must include a graduated reimbursement
12.8 scale based on the patients' level of acuity and complexity. At least biennially, the
12.9 commissioner shall review the financial information provided by vendors to determine the
12.10 need for rate adjustments.

12.11 Sec. 10. Minnesota Statutes 2010, section 254B.13, subdivision 3, is amended to read:

12.12 Subd. 3. **Program evaluation.** The commissioner shall evaluate pilot projects under
12.13 this section and report the results of the evaluation to the chairs and ranking minority
12.14 members of the legislative committees with jurisdiction over chemical health issues by
12.15 January 15, ~~2013~~ 2014. Evaluation of the pilot projects must be based on outcome
12.16 evaluation criteria negotiated with the pilot projects prior to implementation.

12.17 Sec. 11. Minnesota Statutes 2010, section 256B.0622, subdivision 8, is amended to
12.18 read:

12.19 Subd. 8. **Medical assistance payment for intensive rehabilitative mental health**
12.20 **services.** (a) Payment for residential and nonresidential services in this section shall be
12.21 based on one daily rate per provider inclusive of the following services received by an
12.22 eligible recipient in a given calendar day: all rehabilitative services under this section,
12.23 staff travel time to provide rehabilitative services under this section, and nonresidential
12.24 crisis stabilization services under section 256B.0624.

12.25 (b) Except as indicated in paragraph (c), payment will not be made to more than one
12.26 entity for each recipient for services provided under this section on a given day. If services
12.27 under this section are provided by a team that includes staff from more than one entity, the
12.28 team must determine how to distribute the payment among the members.

12.29 (c) The ~~host county shall recommend to the~~ commissioner shall determine one rate
12.30 for each ~~entity~~ provider that will bill medical assistance for residential services under this
12.31 section and one rate for each nonresidential provider. If a single entity provides both
12.32 services, one rate is established for the entity's residential services and another rate for
12.33 the entity's nonresidential services under this section. ~~In developing these rates, the host~~
12.34 ~~county shall consider and document~~ A provider is not eligible for payment under this

13.1 section without authorization from the commissioner. The commissioner shall develop
13.2 rates using the following criteria:

13.3 (1) the cost for similar services in the local trade area;

13.4 (2) the provider's cost for services shall include direct services costs, other program
13.5 costs, and other costs determined as follows:

13.6 (i) the direct services costs must be determined using actual costs of salaries, benefits,
13.7 payroll taxes, and training of direct service staff and service-related transportation;

13.8 (ii) other program costs not included in item (i) must be determined as a specified
13.9 percentage of the direct services costs as determined by item (i). The percentage used shall
13.10 be determined by the commissioner based upon the average of percentages that represent
13.11 the relationship of other program costs to direct services costs among the entities that
13.12 provide similar services;

13.13 (iii) in situations where a provider of intensive residential services can demonstrate
13.14 actual program-related physical plant costs in excess of the group residential housing
13.15 reimbursement, the commissioner may include these costs in the program rate, so long
13.16 as the additional reimbursement does not subsidize the room and board expenses of the
13.17 program;

13.18 (iv) intensive nonresidential services physical plant costs must be reimbursed as
13.19 part of the costs described in item (ii); and

13.20 (v) up to an additional five percent of the total rate must be added to the program
13.21 rate as a quality incentive based upon the entity meeting performance criteria specified by
13.22 the commissioner;

13.23 ~~(2) that the proposed costs incurred by entities providing the services are~~ (3) actual
13.24 cost is defined as costs which are allowable, allocable, and reasonable, and are consistent
13.25 with federal reimbursement requirements including under Code of Federal Regulations,
13.26 title 48, chapter 1, part 31, as relating to for-profit entities, and Office of Management and
13.27 Budget Circular Number A-122, as relating to nonprofit entities;

13.28 ~~(3) (4) the intensity and frequency of services to be provided to each recipient,~~
13.29 including the proposed overall number of service units of service to be delivered;

13.30 ~~(4) (5) the degree to which recipients will receive services other than services~~
13.31 under this section;

13.32 ~~(5) (6) the costs of other services that will be separately reimbursed; and~~

13.33 ~~(6) (7) input from the local planning process authorized by the adult mental health~~
13.34 initiative under section 245.4661, regarding recipients' service needs.

13.35 (d) The rate for intensive rehabilitative mental health services must exclude room
13.36 and board, as defined in section 256I.03, subdivision 6, and services not covered under

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14.1 this section, such as partial hospitalization, home care, and inpatient services. Physician
14.2 services that are not separately billed may be included in the rate to the extent that a
14.3 psychiatrist is a member of the treatment team. ~~The county's recommendation shall~~
14.4 ~~specify the period for which the rate will be applicable, not to exceed two years.~~

14.5 (e) When services under this section are provided by an intensive nonresidential
14.6 service provider ~~assertive community team~~, case management functions must be an
14.7 integral part of the team.

14.8 (f) The rate for a provider must not exceed the rate charged by that provider for
14.9 the same service to other payors.

14.10 (g) ~~The commissioner shall approve or reject the county's rate recommendation,~~
14.11 ~~based on the commissioner's own analysis of the criteria in paragraph (e)~~ The rates for
14.12 existing programs must be established prospectively based upon the expenditures and
14.13 utilization over a prior 12-month period using the criteria established in paragraph (c).

14.14 (h) ~~Paragraph (c), clause (2), is effective for services provided on or after January~~
14.15 ~~1, 2010, to December 31, 2011, and does not change contracts or agreements relating to~~
14.16 ~~services provided before January 1, 2010~~ Entities who discontinue providing services must
14.17 be subject to a settle-up process whereby actual costs and reimbursement for the previous
14.18 12 months are compared. In the event that the entity was paid more than the entity's
14.19 actual costs plus any applicable performance-related funding due the provider, the excess
14.20 payment must be reimbursed to the department. If a provider's revenue is less than actual
14.21 allowed costs due to lower utilization than projected, the commissioner may reimburse
14.22 the provider to recover their actual allowable costs. The resulting adjustments by the
14.23 commissioner must be proportional to the percent of total units of service reimbursed by
14.24 the commissioner.

14.25 (i) A provider may request of the commissioner a review of any rate-setting decision
14.26 made under this subdivision.

14.27 Sec. 12. Minnesota Statutes 2010, section 256B.0623, subdivision 3, is amended to
14.28 read:

14.29 Subd. 3. **Eligibility.** An eligible recipient is an individual who:

14.30 (1) is age 18 or older;

14.31 (2) is diagnosed with a medical condition, such as mental illness or traumatic brain
14.32 injury, for which adult rehabilitative mental health services are needed;

14.33 (3) has substantial disability and functional impairment in three or more of the areas
14.34 listed in section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced; and

15.1 (4) has had a recent diagnostic assessment or an adult diagnostic assessment update
15.2 by a qualified professional that documents adult rehabilitative mental health services
15.3 are medically necessary to address identified disability and functional impairments and
15.4 individual recipient goals.

15.5 Sec. 13. Minnesota Statutes 2010, section 256B.0623, subdivision 8, is amended to
15.6 read:

15.7 Subd. 8. **Diagnostic assessment.** Providers of adult rehabilitative mental health
15.8 services must complete a diagnostic assessment as defined in section 245.462, subdivision
15.9 9, within five days after the recipient's second visit or within 30 days after intake,
15.10 whichever occurs first. In cases where a diagnostic assessment is available that reflects the
15.11 recipient's current status, and has been completed within ~~180 days~~ three years preceding
15.12 admission, an adult diagnostic assessment update must be completed. An update shall
15.13 include a face-to-face interview with the recipient and a written summary by a mental
15.14 health professional of the recipient's current mental health status and service needs. If the
15.15 recipient's mental health status has changed significantly since the adult's most recent
15.16 diagnostic assessment, a new diagnostic assessment is required. ~~For initial implementation~~
15.17 ~~of adult rehabilitative mental health services, until June 30, 2005, a diagnostic assessment~~
15.18 ~~that reflects the recipient's current status and has been completed within the past three~~
15.19 ~~years preceding admission is acceptable.~~

15.20 Sec. 14. Minnesota Statutes 2010, section 256B.0624, subdivision 2, is amended to
15.21 read:

15.22 Subd. 2. **Definitions.** For purposes of this section, the following terms have the
15.23 meanings given them.

15.24 (a) "Mental health crisis" is an adult behavioral, emotional, or psychiatric situation
15.25 which, but for the provision of crisis response services, would likely result in significantly
15.26 reduced levels of functioning in primary activities of daily living, or in an emergency
15.27 situation, or in the placement of the recipient in a more restrictive setting, including, but
15.28 not limited to, inpatient hospitalization.

15.29 (b) "Mental health emergency" is an adult behavioral, emotional, or psychiatric
15.30 situation which causes an immediate need for mental health services and is consistent
15.31 with section 62Q.55.

15.32 A mental health crisis or emergency is determined for medical assistance service
15.33 reimbursement by a physician, a mental health professional, or crisis mental health
15.34 practitioner with input from the recipient whenever possible.

16.1 (c) "Mental health crisis assessment" means an immediate face-to-face assessment
16.2 by a physician, a mental health professional, or mental health practitioner under the clinical
16.3 supervision of a mental health professional, following a screening that suggests that the
16.4 adult may be experiencing a mental health crisis or mental health emergency situation.

16.5 (d) "Mental health mobile crisis intervention services" means face-to-face,
16.6 short-term intensive mental health services initiated during a mental health crisis or
16.7 mental health emergency to help the recipient cope with immediate stressors, identify and
16.8 utilize available resources and strengths, and begin to return to the recipient's baseline
16.9 level of functioning.

16.10 (1) This service is provided on site by a mobile crisis intervention team outside of
16.11 an inpatient hospital setting. Mental health mobile crisis intervention services must be
16.12 available 24 hours a day, seven days a week.

16.13 (2) The initial screening must consider other available services to determine which
16.14 service intervention would best address the recipient's needs and circumstances.

16.15 (3) The mobile crisis intervention team must be available to meet promptly
16.16 face-to-face with a person in mental health crisis or emergency in a community setting or
16.17 hospital emergency room.

16.18 (4) The intervention must consist of a mental health crisis assessment and a crisis
16.19 treatment plan.

16.20 (5) The treatment plan must include recommendations for any needed crisis
16.21 stabilization services for the recipient.

16.22 (e) "Mental health crisis stabilization services" means individualized mental
16.23 health services provided to a recipient following crisis intervention services which are
16.24 designed to restore the recipient to the recipient's prior functional level. Mental health
16.25 crisis stabilization services may be provided in the recipient's home, the home of a family
16.26 member or friend of the recipient, another community setting, or a short-term supervised,
16.27 licensed residential program. Mental health crisis stabilization does not include partial
16.28 hospitalization or day treatment.

16.29 Sec. 15. Minnesota Statutes 2010, section 256B.0624, subdivision 4, is amended to
16.30 read:

16.31 Subd. 4. **Provider entity standards.** (a) A provider entity is an entity that meets
16.32 the standards listed in paragraph (b) and:

16.33 (1) is a county board operated entity; or

16.34 (2) is a provider entity that is under contract with the county board in the county
16.35 where the potential crisis or emergency is occurring. To provide services under this

17.1 section, the provider entity must directly provide the services; or if services are
17.2 subcontracted, the provider entity must maintain responsibility for services and billing.

17.3 (b) The adult mental health crisis response services provider entity must have the
17.4 capacity to meet and carry out the following standards:

17.5 (1) has the capacity to recruit, hire, and manage and train mental health professionals,
17.6 practitioners, and rehabilitation workers;

17.7 (2) has adequate administrative ability to ensure availability of services;

17.8 (3) is able to ensure adequate preservice and in-service training;

17.9 (4) is able to ensure that staff providing these services are skilled in the delivery of
17.10 mental health crisis response services to recipients;

17.11 (5) is able to ensure that staff are capable of implementing culturally specific
17.12 treatment identified in the individual treatment plan that is meaningful and appropriate as
17.13 determined by the recipient's culture, beliefs, values, and language;

17.14 (6) is able to ensure enough flexibility to respond to the changing intervention and
17.15 care needs of a recipient as identified by the recipient during the service partnership
17.16 between the recipient and providers;

17.17 (7) is able to ensure that mental health professionals and mental health practitioners
17.18 have the communication tools and procedures to communicate and consult promptly about
17.19 crisis assessment and interventions as services occur;

17.20 (8) is able to coordinate these services with county emergency services, community
17.21 hospitals, ambulance, transportation services, social services, law enforcement, and mental
17.22 health crisis services through regularly scheduled interagency meetings;

17.23 (9) is able to ensure that mental health crisis assessment and mobile crisis
17.24 intervention services are available 24 hours a day, seven days a week;

17.25 (10) is able to ensure that services are coordinated with other mental health service
17.26 providers, county mental health authorities, or federally recognized American Indian
17.27 authorities and others as necessary, with the consent of the adult. Services must also be
17.28 coordinated with the recipient's case manager if the adult is receiving case management
17.29 services;

17.30 (11) is able to ensure that crisis intervention services are provided in a manner
17.31 consistent with sections 245.461 to 245.486;

17.32 (12) is able to submit information as required by the state;

17.33 (13) maintains staff training and personnel files;

17.34 (14) is able to establish and maintain a quality assurance and evaluation plan to
17.35 evaluate the outcomes of services and recipient satisfaction;

17.36 (15) is able to keep records as required by applicable laws;

18.1 (16) is able to comply with all applicable laws and statutes;
18.2 (17) is an enrolled medical assistance provider; and
18.3 (18) develops and maintains written policies and procedures regarding service
18.4 provision and administration of the provider entity, including safety of staff and recipients
18.5 in high-risk situations.

18.6 Sec. 16. Minnesota Statutes 2010, section 256B.0624, subdivision 6, is amended to
18.7 read:

18.8 Subd. 6. **Crisis assessment and mobile intervention treatment planning.** (a)
18.9 Prior to initiating mobile crisis intervention services, a screening of the potential crisis
18.10 situation must be conducted. The screening may use the resources of crisis assistance
18.11 and emergency services as defined in sections 245.462, subdivision 6, and 245.469,
18.12 subdivisions 1 and 2. The screening must gather information, determine whether a crisis
18.13 situation exists, identify parties involved, and determine an appropriate response.

18.14 (b) If a crisis exists, a crisis assessment must be completed. A crisis assessment
18.15 evaluates any immediate needs for which emergency services are needed and, as time
18.16 permits, the recipient's current life situation, sources of stress, mental health problems
18.17 and symptoms, strengths, cultural considerations, support network, vulnerabilities, ~~and~~
18.18 current functioning, and the recipient's preferences as communicated directly by the
18.19 recipient, or as communicated in a health care directive as described in chapters 145C
18.20 and 253B, the treatment plan described under paragraph (d), a crisis prevention plan,
18.21 or wellness recovery action plan.

18.22 (c) If the crisis assessment determines mobile crisis intervention services are needed,
18.23 the intervention services must be provided promptly. As opportunity presents during the
18.24 intervention, at least two members of the mobile crisis intervention team must confer
18.25 directly or by telephone about the assessment, treatment plan, and actions taken and
18.26 needed. At least one of the team members must be on site providing crisis intervention
18.27 services. If providing on-site crisis intervention services, a mental health practitioner must
18.28 seek clinical supervision as required in subdivision 9.

18.29 (d) The mobile crisis intervention team must develop an initial, brief crisis treatment
18.30 plan as soon as appropriate but no later than 24 hours after the initial face-to-face
18.31 intervention. The plan must address the needs and problems noted in the crisis assessment
18.32 and include measurable short-term goals, cultural considerations, and frequency and type
18.33 of services to be provided to achieve the goals and reduce or eliminate the crisis. The
18.34 treatment plan must be updated as needed to reflect current goals and services.

19.1 (e) The team must document which short-term goals have been met and when no
19.2 further crisis intervention services are required.

19.3 (f) If the recipient's crisis is stabilized, but the recipient needs a referral to other
19.4 services, the team must provide referrals to these services. If the recipient has a case
19.5 manager, planning for other services must be coordinated with the case manager.

19.6 Sec. 17. Minnesota Statutes 2010, section 256B.0625, subdivision 23, is amended to
19.7 read:

19.8 Subd. 23. **Day treatment services.** Medical assistance covers day treatment
19.9 services as specified in sections 245.462, subdivision 8, and 245.4871, subdivision 10, that
19.10 are provided under contract with the county board. ~~Notwithstanding Minnesota Rules,~~
19.11 ~~part 9505.0323, subpart 15,~~ The commissioner may set authorization thresholds for day
19.12 treatment for adults according to subdivision 25. ~~Notwithstanding Minnesota Rules, part~~
19.13 ~~9505.0323, subpart 15, effective July 1, 2004,~~ Medical assistance covers day treatment
19.14 services for children as specified under section 256B.0943.

19.15 Sec. 18. Minnesota Statutes 2010, section 256B.0625, subdivision 38, is amended to
19.16 read:

19.17 Subd. 38. **Payments for mental health services.** Payments for mental
19.18 health services covered under the medical assistance program that are provided by
19.19 masters-prepared mental health professionals shall be 80 percent of the rate paid to
19.20 doctoral-prepared professionals. Payments for mental health services covered under
19.21 the medical assistance program that are provided by masters-prepared mental health
19.22 professionals employed by community mental health centers shall be 100 percent of the
19.23 rate paid to doctoral-prepared professionals. ~~For purposes of reimbursement of mental~~
19.24 ~~health professionals under the medical assistance program, all social workers who:~~

19.25 ~~(1) have received a master's degree in social work from a program accredited by the~~
19.26 ~~Council on Social Work Education;~~

19.27 ~~(2) are licensed at the level of graduate social worker or independent social worker;~~
19.28 **and**

19.29 ~~(3) are practicing clinical social work under appropriate supervision, as defined by~~
19.30 ~~chapter 148D; meet all requirements under Minnesota Rules, part 9505.0323, subpart~~
19.31 ~~24, and shall be paid accordingly.~~

19.32 Sec. 19. Minnesota Statutes 2010, section 256B.0926, subdivision 2, is amended to
19.33 read:

20.1 Subd. 2. **Admission review team; responsibilities; composition.** (a) Before a
20.2 person is admitted to a facility, an admission review team must assure that the provider
20.3 can meet the needs of the person as identified in the person's individual service plan
20.4 required under section 256B.092, subdivision 1, unless authorized by the commissioner
20.5 for admittance to a state-operated services facility.

20.6 (b) The admission review team must be assembled pursuant to Code of Federal
20.7 Regulations, title 42, section 483.440(b)(2). The composition of the admission review
20.8 team must meet the definition of an interdisciplinary team in Code of Federal Regulations,
20.9 title 42, section 483.440. In addition, the admission review team must meet any conditions
20.10 agreed to by the provider and the county where services are to be provided.

20.11 (c) The county in which the facility is located may establish an admission review
20.12 team which includes at least the following:

20.13 (1) a qualified developmental disability professional, as defined in Code of Federal
20.14 Regulations, title 42, section 483.440;

20.15 (2) a representative of the county in which the provider is located;

20.16 (3) at least one professional representing one of the following professions: nursing,
20.17 psychology, physical therapy, or occupational therapy; and

20.18 (4) a representative of the provider.

20.19 If the county in which the facility is located does not establish an admission review
20.20 team, the provider shall establish a team whose composition meets the definition of an
20.21 interdisciplinary team in Code of Federal Regulations, title 42, section 483.440. The
20.22 provider shall invite a representative of the county agency where the facility is located to
20.23 be a member of the admission review team.

20.24 Sec. 20. Minnesota Statutes 2010, section 256B.0947, is amended to read:

20.25 **256B.0947 INTENSIVE REHABILITATIVE MENTAL HEALTH SERVICES.**

20.26 Subdivision 1. **Scope.** Effective November 1, 2011, and subject to federal approval,
20.27 medical assistance covers medically necessary, intensive nonresidential rehabilitative
20.28 mental health services as defined in subdivision 2, for recipients as defined in subdivision
20.29 3, when the services are provided by an entity meeting the standards in this section.

20.30 Subd. 2. **Definitions.** For purposes of this section, the following terms have the
20.31 meanings given them.

20.32 (a) "Intensive nonresidential rehabilitative mental health services" means child
20.33 rehabilitative mental health services as defined in section 256B.0943, except that these
20.34 services are provided by a multidisciplinary staff using a total team approach consistent
20.35 with assertive community treatment, ~~or other evidence-based practices~~ as adapted for

21.1 youth, and are directed to recipients ages 16 to 21 with a serious mental illness or
21.2 co-occurring mental illness and substance abuse addiction who require intensive services
21.3 to prevent admission to an inpatient psychiatric hospital or placement in a residential
21.4 treatment facility or who require intensive services to step down from inpatient or
21.5 residential care to community-based care.

21.6 (b) ~~"Evidence-based practices" are nationally recognized mental health services that~~
21.7 ~~are proven by substantial research to be effective in helping individuals with serious~~
21.8 ~~mental illness obtain specific treatment goals~~ "Co-occurring mental illness and substance
21.9 abuse addiction" means a dual diagnosis of at least one form of mental illness and at least
21.10 one substance use disorder. Substance use disorders include alcohol or drug abuse or
21.11 dependence, excluding nicotine use.

21.12 (c) "Diagnostic assessment" has the meaning given to it in Minnesota Rules, part
21.13 9505.0370, subpart 11. A diagnostic assessment must be provided according to Minnesota
21.14 Rules, part 9505.0372, subpart 1, and for this section must incorporate a determination of
21.15 the youth's necessary level of care using a standardized functional assessment instrument
21.16 approved and periodically updated by the commissioner.

21.17 (d) "Education specialist" means an individual with knowledge and experience
21.18 working with youth regarding special education requirements and goals, special education
21.19 plans, and coordination of educational activities with health care activities.

21.20 (e) "Housing access support" means an ancillary activity to help an individual find,
21.21 obtain, retain, and move to safe and adequate housing. Housing access support does not
21.22 provide monetary assistance for rent, damage deposits, or application fees.

21.23 (f) "Integrated dual disorders treatment" means the integrated treatment of
21.24 co-occurring mental illness and substance use disorders by a team of cross-trained
21.25 clinicians within the same program, and is characterized by assertive outreach, stage-wise
21.26 comprehensive treatment, treatment goal setting, and flexibility to work within each
21.27 stage of treatment.

21.28 (g) "Medication education services" means services provided individually or in
21.29 groups, which focus on:

21.30 (1) educating the client and client's family or significant nonfamilial supporters
21.31 about mental illness and symptoms;

21.32 (2) the role and effects of medications in treating symptoms of mental illness; and

21.33 (3) the side effects of medications.

21.34 Medication education is coordinated with medication management services and does not
21.35 duplicate it. Medication education services are provided by physicians, pharmacists, or
21.36 registered nurses with certification in psychiatric and mental health care.

22.1 (h) "Peer specialist" means an employed team member who is a certified peer
22.2 specialist and also a former children's mental health consumer who:

22.3 (1) provides direct services to clients including social, emotional, and instrumental
22.4 support and outreach;

22.5 (2) assists younger peers to identify and achieve specific life goals;

22.6 (3) works directly with clients to promote the client's self-determination, personal
22.7 responsibility, and empowerment;

22.8 (4) assists youth with mental illness to regain control over their lives and their
22.9 developmental process in order to move effectively into adulthood;

22.10 (5) provides training and education to other team members, consumer advocacy
22.11 organizations, and clients on resiliency and peer support; and

22.12 (6) meets the following criteria:

22.13 (i) is at least 22 years of age;

22.14 (ii) has had a diagnosis of mental illness, as defined in Minnesota Rules, part
22.15 9505.0370, subpart 20, or co-occurring mental illness and substance abuse addiction;

22.16 (iii) is a former consumer of child and adolescent mental health services, or a former
22.17 or current consumer of adult mental health services for a period of at least two years;

22.18 (iv) has at least a high school diploma or equivalent;

22.19 (v) has successfully completed training requirements determined and periodically
22.20 updated by the commissioner;

22.21 (vi) is willing to disclose the individual's own mental health history to team members
22.22 and clients; and

22.23 (vii) must be free of substance use problems for at least one year.

22.24 (i) "Provider agency" means a for-profit or nonprofit organization established to
22.25 administer an assertive community treatment for youth team.

22.26 (j) "Substance use disorders" means one or more of the disorders defined in the
22.27 diagnostic and statistical manual of mental disorders, current edition.

22.28 (k) "Transition services" means:

22.29 (1) activities, materials, consultation, and coordination that ensures continuity of
22.30 the client's care in advance of and in preparation for the client's move from one stage of
22.31 care or life to another by maintaining contact with the client and assisting the client to
22.32 establish provider relationships;

22.33 (2) providing the client with knowledge and skills needed posttransition;

22.34 (3) establishing communication between sending and receiving entities;

22.35 (4) supporting a client's request for service authorization and enrollment; and

22.36 (5) establishing and enforcing procedures and schedules.

23.1 A youth's transition from the children's mental health system and services to
23.2 the adult mental health system and services and return to the client's home and entry
23.3 or re-entry into community-based mental health services following discharge from an
23.4 out-of-home placement or inpatient hospital stay.

23.5 ~~(e) (1) "Treatment team" means all staff who provide services to recipients under this~~
23.6 ~~section. At a minimum, this includes the clinical supervisor, mental health professionals,~~
23.7 ~~mental health practitioners, mental health behavioral aides, and a school representative~~
23.8 ~~familiar with the recipient's individual education plan (IEP) if applicable.~~

23.9 Subd. 3. **Client eligibility.** An eligible recipient ~~under the age of 18~~ is an individual
23.10 who:

23.11 (1) is age 16 ~~or~~, 17, 18, 19, or 20; and

23.12 (2) is diagnosed with a ~~medical condition, such as an emotional disturbance or~~
23.13 ~~traumatic brain injury~~ serious mental illness or co-occurring mental illness and substance
23.14 abuse addiction, for which intensive nonresidential rehabilitative mental health services
23.15 are needed;

23.16 (3) has received a level-of-care determination, using an instrument approved by the
23.17 commissioner, that indicates a need for intensive integrated intervention without 24-hour
23.18 medical monitoring and a need for extensive collaboration among multiple providers;

23.19 ~~(3) (4) has substantial disability and a functional impairment in three or more of the~~
23.20 ~~areas listed in section 245.462, subdivision 11a, so that self-sufficiency upon adulthood or~~
23.21 ~~emancipation is unlikely~~ and a history of difficulty in functioning safely and successfully
23.22 in the community, school, home, or job; or who is likely to need services from the adult
23.23 mental health system within the next two years; and

23.24 ~~(4) (5) has had a recent diagnostic assessment, as provided in Minnesota Rules,~~
23.25 ~~part 9505.0372, subpart 1, by a qualified mental health professional who is qualified~~
23.26 ~~under Minnesota Rules, part 9505.0371, subpart 5, item A, that documents that intensive~~
23.27 ~~nonresidential rehabilitative mental health services are medically necessary to address~~
23.28 ~~ameliorate identified disability and symptoms and functional impairments and to achieve~~
23.29 ~~individual recipient transition goals.~~

23.30 Subd. 3a. **Required service components.** (a) Subject to federal approval, medical
23.31 assistance covers all medically necessary intensive nonresidential rehabilitative mental
23.32 health services and supports, as defined in this section, under a single daily rate per client.
23.33 Services and supports must be delivered by an eligible provider under subdivision 5
23.34 to an eligible client under subdivision 3.

24.1 (b) Intensive nonresidential rehabilitative mental health services, supports, and
24.2 ancillary activities covered by the single daily rate per client must include the following,
24.3 as needed by the individual client:

24.4 (1) individual, family, and group psychotherapy;

24.5 (2) individual, family, and group skills training, as defined in section 256B.0943,
24.6 subdivision 1, paragraph (p);

24.7 (3) crisis assistance as defined in section 245.4871, subdivision 9a, which includes
24.8 recognition of factors precipitating a mental health crisis, identification of behaviors
24.9 related to the crisis, and the development of a plan to address prevention, intervention, and
24.10 follow-up strategies to be used in the lead-up to or onset of, and conclusion of, a mental
24.11 health crisis; crisis assistance does not mean crisis response services or crisis intervention
24.12 services provided in section 256B.0944;

24.13 (4) medication management provided by a physician or an advanced practice
24.14 registered nurse with certification in psychiatric and mental health care;

24.15 (5) mental health case management as provided in section 256B.0625, subdivision
24.16 20;

24.17 (6) medication education services as defined in this section;

24.18 (7) care coordination by a client-specific lead worker assigned by and responsible to
24.19 the treatment team;

24.20 (8) psychoeducation of and consultation and coordination with the client's biological,
24.21 adoptive, or foster family and, in the case of a youth living independently, the client's
24.22 immediate nonfamilial support network;

24.23 (9) clinical consultation to a client's employer or school or to other service agencies
24.24 or to the courts to assist in managing the mental illness or co-occurring disorder and to
24.25 develop client support systems;

24.26 (10) coordination with, or performance of, crisis intervention and stabilization
24.27 services as defined in section 256B.0944;

24.28 (11) assessment of a client's treatment progress and effectiveness of services using
24.29 standardized outcome measures published by the commissioner;

24.30 (12) transition services as defined in this section;

24.31 (13) integrated dual disorders treatment as defined in this section; and

24.32 (14) housing access support.

24.33 (c) The provider shall ensure and document the following by means of performing
24.34 the required function or by contracting with a qualified person or entity:

24.35 (1) client access to crisis intervention services, as defined in section 256B.0944, and
24.36 available 24 hours per day and seven days per week;

25.1 (2) completion of an extended diagnostic assessment, as defined in Minnesota Rules,
25.2 part 9505.0372, subpart 1, item C; and

25.3 (3) determination of the client's needed level of care using an instrument approved
25.4 and periodically updated by the commissioner.

25.5 Subd. 4. **Provider ~~certification and contract requirements.~~** (a) The intensive
25.6 nonresidential rehabilitative mental health services provider ~~must~~ agency shall

25.7 ~~(1) have a contract with the host county commissioner to provide intensive transition~~
25.8 ~~youth rehabilitative mental health services; and~~

25.9 ~~(2) be certified by the commissioner as being in compliance with this section and~~
25.10 ~~section 256B.0943.~~

25.11 (b) The commissioner shall develop procedures administrative and clinical contract
25.12 standards and performance evaluation criteria for counties and providers, including county
25.13 providers, and may require applicants to submit contracts and other documentation as
25.14 needed to allow the commissioner to determine whether the standards in this section are
25.15 met.

25.16 Subd. 5. **Standards for intensive nonresidential rehabilitative providers.** (a)
25.17 Services must be provided by a certified provider entity as defined in section 256B.0943,
25.18 ~~subdivision 4 that meets the requirements in section 245B.0943, subdivisions 5 and 6~~
25.19 provided in subdivision 4.

25.20 (b) The treatment team for intensive nonresidential rehabilitative mental health
25.21 services comprises both permanently employed core team members and client-specific
25.22 team members as follows:

25.23 (1) The core treatment team is an entity that operates under the direction of an
25.24 independently licensed mental health professional, who is qualified under Minnesota
25.25 Rules, part 9505.0371, subpart 5, item A, and that assumes comprehensive clinical
25.26 responsibility for clients. Based on professional qualifications and client needs, clinically
25.27 qualified core team members are assigned on a rotating basis as the client's lead worker to
25.28 coordinate a client's care. The core team must comprise at least four full-time equivalent
25.29 direct care staff and must include, but is not limited to:

25.30 (i) an independently licensed mental health professional, qualified under Minnesota
25.31 Rules, part 9505.0371, subpart 5, item A, who serves as team leader to provide
25.32 administrative direction and clinical supervision to the team;

25.33 (ii) an advanced-practice registered nurse with certification in psychiatric or mental
25.34 health care or a board-certified child and adolescent psychiatrist, either of which must
25.35 be credentialed to prescribe medications;

26.1 (iii) a licensed alcohol and drug counselor who is also trained in mental health
26.2 interventions; and

26.3 (iv) a peer specialist as defined in subdivision 2, paragraph (h).

26.4 (2) The core team may also include any of the following:

26.5 (i) additional mental health professionals;

26.6 (ii) a vocational specialist;

26.7 (iii) an educational specialist;

26.8 (iv) a child and adolescent psychiatrist who may be retained on a consultant basis;

26.9 (v) a mental health practitioner, as defined in section 245.4871, subdivision 26;

26.10 (vi) a mental health manager, as defined in section 245.4871, subdivision 4; and

26.11 (vii) a housing access specialist.

26.12 (3) A treatment team may include, in addition to those in clause (1) or (2), ad hoc

26.13 members not employed by the team who consult on a specific client and who must accept

26.14 overall clinical direction from the treatment team for the duration of the client's placement

26.15 with the treatment team and must be paid by the provider agency at the rate for a typical

26.16 session by that provider with that client or at a rate negotiated with the client-specific

26.17 member. Client-specific treatment team members may include:

26.18 (i) the mental health professional treating the client prior to placement with the
26.19 treatment team;

26.20 (ii) the client's current substance abuse counselor, if applicable;

26.21 (iii) a lead member of the client's individual education planning team or school-based
26.22 mental health provider, if applicable;

26.23 (iv) a representative from the client's health care home or primary care clinic, as
26.24 needed to ensure integration of medical and behavioral health care;

26.25 (v) the client's probation officer or other juvenile justice representative, if applicable;

26.26 and

26.27 (vi) the client's current vocational or employment counselor, if applicable.

26.28 ~~(b)~~ (c) The clinical supervisor ~~must~~ shall be an active member of the treatment team
26.29 and shall function as a practicing clinician at least on a part-time basis. The treatment team

26.30 ~~must~~ shall meet with the clinical supervisor at least weekly to discuss recipients' progress
26.31 and make rapid adjustments to meet recipients' needs. The team meeting ~~shall~~ must

26.32 include ~~recipient-specific~~ client-specific case reviews and general treatment discussions

26.33 among team members. ~~Recipient-specific~~ Client-specific case reviews and planning must

26.34 be documented in the individual ~~recipient's~~ client's treatment record.

26.35 (d) The staffing ratio must not exceed ten clients to one full-time equivalent
26.36 treatment team position.

27.1 (e) The treatment team shall serve no more than 80 clients at any one time. Should
27.2 local demand exceed the team's capacity, an additional team must be established rather
27.3 than exceed this limit.

27.4 ~~(e) treatment~~ (f) Nonclinical staff must shall have prompt access in person or by
27.5 telephone to a mental health practitioner or mental health professional. The provider ~~must~~
27.6 shall have the capacity to promptly and appropriately respond to emergent needs and make
27.7 any necessary staffing adjustments to assure the health and safety of ~~recipients~~ clients.

27.8 ~~(d) The initial functional assessment must be completed within ten days of intake~~
27.9 ~~and updated at least every three months or prior to discharge from the service, whichever~~
27.10 ~~comes first.~~

27.11 ~~(e) The initial individual treatment plan must be completed within ten days of intake~~
27.12 ~~and reviewed and updated at least monthly with the recipient.~~

27.13 (g) The intensive nonresidential rehabilitative mental health services provider shall
27.14 participate in evaluation of the assertive community treatment for youth (Youth ACT)
27.15 model as conducted by the commissioner, including the collection and reporting of data
27.16 and the reporting of performance measures as specified by contract with the commissioner.

27.17 (h) A regional treatment team may serve multiple counties.

27.18 Subd. 6. **Additional Service standards.** The standards in this subdivision apply to
27.19 intensive nonresidential rehabilitative mental health services.

27.20 ~~(1)~~ (a) The treatment team must shall use team treatment, not an individual treatment
27.21 model.

27.22 ~~(2) The clinical supervisor must function as a practicing clinician at least on a~~
27.23 ~~part-time basis.~~

27.24 ~~(3) The staffing ratio must not exceed ten recipients to one full-time equivalent~~
27.25 ~~treatment team position.~~

27.26 ~~(4)~~ (b) Services must be available at times that meet client needs.

27.27 (c) The initial functional assessment must be completed within ten days of intake
27.28 and updated at least every three months or prior to discharge from the service, whichever
27.29 comes first.

27.30 (d) An individual treatment plan must be completed for each client, according to
27.31 criteria specified in section 256B.0943, subdivision 6, paragraph (b), clause (2), and,
27.32 additionally, must:

27.33 (1) be completed in consultation with the client's current therapist and key providers
27.34 and provide for ongoing consultation with the client's current therapist to ensure
27.35 therapeutic continuity and to facilitate the client's return to the community;

28.1 (2) if a need for substance use disorder treatment is indicated by validated
28.2 assessment:

28.3 (i) identify goals, objectives, and strategies of substance use disorder treatment;
28.4 develop a schedule for accomplishing treatment goals and objectives; and identify the
28.5 individuals responsible for providing treatment services and supports;

28.6 (ii) be reviewed at least once every 90 days and revised, if necessary;

28.7 (3) be signed by the clinical supervisor and by the client and, if the client is a minor,
28.8 by the client's parent or other person authorized by statute to consent to mental health
28.9 treatment and substance use disorder treatment for the client; and

28.10 (4) provide for the client's transition out of intensive nonresidential rehabilitative
28.11 mental health services by defining the team's actions to assist the client and subsequent
28.12 providers in the transition to less intensive or "stepped down" services.

28.13 ~~(5)~~ (e) The treatment team must shall actively and assertively engage and reach
28.14 out to the recipient's client's family members and significant others, after obtaining the
28.15 recipient's permission by establishing communication and collaboration with the family
28.16 and significant others and educating the family and significant others about the client's
28.17 mental illness, symptom management, and the family's role in treatment, unless the team
28.18 knows or has reason to suspect that the client has suffered or faces a threat of suffering any
28.19 physical or mental injury, abuse, or neglect from a family member or significant other.

28.20 (f) For a client age 18 or older, the treatment team may disclose to a family member,
28.21 other relative, or a close personal friend of the client, or other person identified by the
28.22 client, the protected health information directly relevant to such person's involvement with
28.23 the client's care, as provided in Code of Federal Regulations, title 45, part 164.502(b). If
28.24 the client is present, the treatment team shall obtain the client's agreement, provide the
28.25 client with an opportunity to object, or reasonably infer from the circumstances, based
28.26 on the exercise of professional judgment, that the client does not object. If the client is
28.27 not present or is unable, by incapacity or emergency circumstances, to agree or object,
28.28 the treatment team may, in the exercise of professional judgment, determine whether
28.29 the disclosure is in the best interests of the client and, if so, disclose only the protected
28.30 health information that is directly relevant to the family member's, relative's, friend's,
28.31 or client-identified person's involvement with the client's health care. The client may
28.32 orally agree or object to the disclosure and may prohibit or restrict disclosure to specific
28.33 individuals.

28.34 ~~(6) The treatment team must establish ongoing communication and collaboration~~
28.35 ~~between the team, family, and significant others and educate the family and significant~~
28.36 ~~others about mental illness, symptom management, and the family's role in treatment.~~

29.1 ~~(7)~~ (g) The treatment team ~~must~~ shall provide interventions to promote positive
29.2 interpersonal relationships.

29.3 Subd. 7. **Medical assistance payment and rate setting.** (a) Payment for
29.4 ~~nonresidential~~ services in this section ~~shall~~ must be based on one daily encounter rate per
29.5 provider inclusive of the following services received by an eligible recipient client in a
29.6 given calendar day: all rehabilitative services, supports, and ancillary activities under
29.7 this section, staff travel time to provide rehabilitative services under this section, and
29.8 ~~nonresidential crisis stabilization response~~ services under section 256B.0944.

29.9 (b) ~~Except as indicated in paragraph (c),~~ Payment ~~will~~ must not be made to more than
29.10 one entity for each recipient client for services provided under this section on a given day.
29.11 If services under this section are provided by a team that includes staff from more than one
29.12 entity, the team ~~must~~ shall determine how to distribute the payment among the members.

29.13 (c) The ~~host county shall recommend to the commissioner one rate for each entity~~
29.14 shall establish regional cost-based rates for entities that will bill medical assistance for
29.15 nonresidential intensive rehabilitative mental health services. In developing these rates,
29.16 the ~~host county commissioner~~ shall consider ~~and document~~:

- 29.17 (1) the cost for similar services in the ~~local~~ health care trade area;
29.18 (2) actual costs incurred by entities providing the services;
29.19 (3) the intensity and frequency of services to be provided to each recipient client;
29.20 (4) the degree to which ~~recipients~~ clients will receive services other than services
29.21 under this section; and
29.22 (5) the costs of other services that will be separately reimbursed.

29.23 (d) The rate for a provider must not exceed the rate charged by that provider for
29.24 the same service to other payors.

29.25 Subd. 7a. **Noncovered services.** (a) The rate for intensive rehabilitative mental
29.26 health services must exclude medical assistance ~~room and board rate, as defined in section~~
29.27 ~~2561.03, subdivision 6, and payment for~~ services not covered under this section, ~~such as~~
29.28 ~~partial hospitalization and inpatient services. Physician Services are not a component of~~
29.29 ~~the treatment team and covered under this section~~ may be billed separately. ~~The county's~~
29.30 ~~recommendation shall specify the period for which the rate will be applicable, not to~~
29.31 ~~exceed two years.~~

29.32 (c) ~~When services under this section are provided by an assertive community team,~~
29.33 ~~case management functions must be an integral part of the team.~~

29.34 (f) ~~The rate for a provider must not exceed the rate charged by that provider for~~
29.35 ~~the same service to other payors.~~

30.1 ~~(g) The commissioner shall approve or reject the county's rate recommendation,~~
30.2 ~~based on the commissioner's own analysis of the criteria in paragraph (c).~~

30.3 (b) The following services are not covered under this section and are not eligible for
30.4 medical assistance payment under the per-client, per-day payment:

30.5 (1) inpatient psychiatric hospital treatment;

30.6 (2) mental health residential treatment;

30.7 (3) partial hospitalization;

30.8 (4) physician services outside of care provided by a psychiatrist serving as a member
30.9 of the treatment team;

30.10 (5) room and board costs, as defined in section 256I.03, subdivision 6;

30.11 (6) children's mental health day treatment services; and

30.12 (7) mental health behavioral aide services, as defined in section 256B.0943,

30.13 subdivision 1, paragraph (m).

30.14 Subd. 8. **Provider enrollment and rate setting.** ~~Counties that employ their~~
30.15 ~~own staff to provide services under this section~~ The commissioner shall establish and
30.16 administer treatment teams with consideration given to regional distribution. Providers
30.17 shall apply directly to the commissioner for enrollment and ~~rate setting~~ must be reimbursed
30.18 at rates established by contract. ~~In this case, a county contract is not required and~~ The
30.19 commissioner shall perform the program review ~~and rate setting duties which would~~
30.20 ~~otherwise be required of counties under this section.~~

30.21 Subd. 9. **Service authorization.** The commissioner shall publish prior authorization
30.22 criteria and standards to be used for intensive nonresidential rehabilitative mental health
30.23 services, as provided in section 256B.0625, subdivision 25.

30.24 Sec. 21. Minnesota Statutes 2010, section 260C.157, subdivision 3, is amended to read:

30.25 Subd. 3. **Juvenile treatment screening team.** (a) The responsible social services
30.26 agency shall establish a juvenile treatment screening team to conduct screenings and
30.27 prepare case plans under ~~this subdivision~~ this chapter, chapter 260D, and section 245.487,
30.28 subdivision 3. Screenings shall be conducted within 15 days of a request for a screening.
30.29 The team, which may be the team constituted under section 245.4885 or 256B.092 or
30.30 Minnesota Rules, parts 9530.6600 to 9530.6655, shall consist of social workers, juvenile
30.31 justice professionals, ~~and~~ persons with expertise in the treatment of juveniles who are
30.32 emotionally disabled, chemically dependent, or have a developmental disability, ~~and the~~
30.33 child's parent, guardian, or permanent legal custodian under section 260C.201, subdivision
30.34 11. ~~The team shall involve parents or guardians in the screening process as appropriate.~~
30.35 The team may be the same team as defined in section 260B.157, subdivision 3.

31.1 (b) The social services agency shall determine whether a child brought to its
31.2 attention for the purposes described in this section is an Indian child, as defined in section
31.3 260C.007, subdivision 21, and shall determine the identity of the Indian child's tribe, as
31.4 defined in section 260.755, subdivision 9. When a child to be evaluated is an Indian child,
31.5 the team provided in paragraph (a) shall include a designated representative of the Indian
31.6 child's tribe, unless the child's tribal authority declines to appoint a representative. The
31.7 Indian child's tribe may delegate its authority to represent the child to any other federally
31.8 recognized Indian tribe, as defined in section 260.755, subdivision 12.

31.9 (c) If the court, prior to, or as part of, a final disposition, proposes to place a child:

31.10 (1) for the primary purpose of treatment for an emotional disturbance, a
31.11 developmental disability, or chemical dependency in a residential treatment facility out
31.12 of state or in one which is within the state and licensed by the commissioner of human
31.13 services under chapter 245A; or

31.14 (2) in any out-of-home setting potentially exceeding 30 days in duration, including a
31.15 postdispositional placement in a facility licensed by the commissioner of corrections or
31.16 human services, the court shall ascertain whether the child is an Indian child and shall
31.17 notify the county welfare agency and, if the child is an Indian child, shall notify the Indian
31.18 child's tribe. The county's juvenile treatment screening team must either: (i) screen and
31.19 evaluate the child and file its recommendations with the court within 14 days of receipt
31.20 of the notice; or (ii) elect not to screen a given case and notify the court of that decision
31.21 within three working days.

31.22 (d) ~~If the screening team has elected to screen and evaluate the child,~~ The child
31.23 may not be placed for the primary purpose of treatment for an emotional disturbance, a
31.24 developmental disability, or chemical dependency, in a residential treatment facility out of
31.25 state nor in a residential treatment facility within the state that is licensed under chapter
31.26 245A, unless one of the following conditions applies:

31.27 (1) a treatment professional certifies that an emergency requires the placement
31.28 of the child in a facility within the state;

31.29 (2) the screening team has evaluated the child and recommended that a residential
31.30 placement is necessary to meet the child's treatment needs and the safety needs of the
31.31 community, that it is a cost-effective means of meeting the treatment needs, and that it
31.32 will be of therapeutic value to the child; or

31.33 (3) the court, having reviewed a screening team recommendation against placement,
31.34 determines to the contrary that a residential placement is necessary. The court shall state
31.35 the reasons for its determination in writing, on the record, and shall respond specifically
31.36 to the findings and recommendation of the screening team in explaining why the

32.1 recommendation was rejected. The attorney representing the child and the prosecuting
32.2 attorney shall be afforded an opportunity to be heard on the matter.

32.3 (e) When the county's juvenile treatment screening team has elected to screen and
32.4 evaluate a child determined to be an Indian child, the team shall provide notice to the
32.5 tribe or tribes that accept jurisdiction for the Indian child or that recognize the child as a
32.6 member of the tribe or as a person eligible for membership in the tribe, and permit the
32.7 tribe's representative to participate in the screening team.

32.8 (f) When the Indian child's tribe or tribal health care services provider or Indian
32.9 Health Services provider proposes to place a child for the primary purpose of treatment
32.10 for an emotional disturbance, a developmental disability, or co-occurring emotional
32.11 disturbance and chemical dependency, the Indian child's tribe or the tribe delegated by
32.12 the child's tribe shall submit necessary documentation to the county juvenile treatment
32.13 screening team, which must invite the Indian child's tribe to designate a representative to
32.14 the screening team.

32.15 Sec. 22. Minnesota Statutes 2010, section 260D.01, is amended to read:

32.16 **260D.01 CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

32.17 (a) Sections 260D.01 to 260D.10, may be cited as the "child in voluntary foster care
32.18 for treatment" provisions of the Juvenile Court Act.

32.19 (b) The juvenile court has original and exclusive jurisdiction over a child in
32.20 voluntary foster care for treatment upon the filing of a report or petition required under
32.21 this chapter. All obligations of the agency to a child and family in foster care contained in
32.22 chapter 260C not inconsistent with this chapter are also obligations of the agency with
32.23 regard to a child in foster care for treatment under this chapter.

32.24 (c) This chapter shall be construed consistently with the mission of the children's
32.25 mental health service system as set out in section 245.487, subdivision 3, and the duties
32.26 of an agency under ~~section~~ sections 256B.092, 260C.157, and Minnesota Rules, parts
32.27 9525.0004 to 9525.0016, to meet the needs of a child with a developmental disability or
32.28 related condition. This chapter:

32.29 (1) establishes voluntary foster care through a voluntary foster care agreement as the
32.30 means for an agency and a parent to provide needed treatment when the child must be in
32.31 foster care to receive necessary treatment for an emotional disturbance or developmental
32.32 disability or related condition;

32.33 (2) establishes court review requirements for a child in voluntary foster care for
32.34 treatment due to emotional disturbance or developmental disability or a related condition;

33.1 (3) establishes the ongoing responsibility of the parent as legal custodian to visit the
33.2 child, to plan together with the agency for the child's treatment needs, to be available and
33.3 accessible to the agency to make treatment decisions, and to obtain necessary medical,
33.4 dental, and other care for the child; and

33.5 (4) applies to voluntary foster care when the child's parent and the agency agree that
33.6 the child's treatment needs require foster care either:

33.7 (i) due to a level of care determination by the agency's screening team informed by
33.8 the diagnostic and functional assessment under section 245.4885; or

33.9 (ii) due to a determination regarding the level of services needed by the responsible
33.10 social services' screening team under section 256B.092, and Minnesota Rules, parts
33.11 9525.0004 to 9525.0016.

33.12 (d) This chapter does not apply when there is a current determination under section
33.13 626.556 that the child requires child protective services or when the child is in foster care
33.14 for any reason other than treatment for the child's emotional disturbance or developmental
33.15 disability or related condition. When there is a determination under section 626.556 that
33.16 the child requires child protective services based on an assessment that there are safety
33.17 and risk issues for the child that have not been mitigated through the parent's engagement
33.18 in services or otherwise, or when the child is in foster care for any reason other than
33.19 the child's emotional disturbance or developmental disability or related condition, the
33.20 provisions of chapter 260C apply.

33.21 (e) The paramount consideration in all proceedings concerning a child in voluntary
33.22 foster care for treatment is the safety, health, and the best interests of the child. The
33.23 purpose of this chapter is:

33.24 (1) to ensure a child with a disability is provided the services necessary to treat or
33.25 ameliorate the symptoms of the child's disability;

33.26 (2) to preserve and strengthen the child's family ties whenever possible and in the
33.27 child's best interests, approving the child's placement away from the child's parents only
33.28 when the child's need for care or treatment requires it and the child cannot be maintained
33.29 in the home of the parent; and

33.30 (3) to ensure the child's parent retains legal custody of the child and associated
33.31 decision-making authority unless the child's parent willfully fails or is unable to make
33.32 decisions that meet the child's safety, health, and best interests. The court may not find
33.33 that the parent willfully fails or is unable to make decisions that meet the child's needs
33.34 solely because the parent disagrees with the agency's choice of foster care facility, unless
33.35 the agency files a petition under chapter 260C, and establishes by clear and convincing
33.36 evidence that the child is in need of protection or services.

34.1 (f) The legal parent-child relationship shall be supported under this chapter by
34.2 maintaining the parent's legal authority and responsibility for ongoing planning for the
34.3 child and by the agency's assisting the parent, where necessary, to exercise the parent's
34.4 ongoing right and obligation to visit or to have reasonable contact with the child. Ongoing
34.5 planning means:

34.6 (1) actively participating in the planning and provision of educational services,
34.7 medical, and dental care for the child;

34.8 (2) actively planning and participating with the agency and the foster care facility
34.9 for the child's treatment needs; and

34.10 (3) planning to meet the child's need for safety, stability, and permanency, and the
34.11 child's need to stay connected to the child's family and community.

34.12 (g) The provisions of section 260.012 to ensure placement prevention, family
34.13 reunification, and all active and reasonable effort requirements of that section apply. This
34.14 chapter shall be construed consistently with the requirements of the Indian Child Welfare
34.15 Act of 1978, United States Code, title 25, section 1901, et al., and the provisions of the
34.16 Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

34.17 Sec. 23. **REPEALER.**

34.18 Minnesota Statutes 2010, sections 254B.01, subdivision 7; and 256B.0622,
34.19 subdivision 8a, are repealed.