

A bill for an act
relating to human services; modifying chemical use assessments; regulating
chemical assessors and providers; imposing duties on the commissioner
of human services related to chemical health; requiring reports; amending
Minnesota Statutes 2006, sections 169A.70, subdivision 4; 609.115, subdivision
8; proposing coding for new law in Minnesota Statutes, chapter 254A.

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

Section 1. Minnesota Statutes 2006, section 169A.70, subdivision 4, is amended to
read:

Subd. 4. **Assessor standards; rules; assessment time limits.** A chemical use
assessment required by this section must be conducted by an assessor appointed by the
court. The assessor must meet the training and qualification requirements of rules adopted
by the commissioner of human services under section 254A.03, subdivision 3 (chemical
dependency treatment rules). Notwithstanding section 13.82 (law enforcement data), the
assessor shall have access to any police reports, laboratory test results, and other law
enforcement data relating to the current offense or previous offenses that are necessary
to complete the evaluation. An assessor providing an assessment under this section may
not have any direct or shared financial interest or referral relationship resulting in shared
financial gain with a treatment provider, except as authorized under section 254A.20,
subdivision 3. If an independent assessor is not available, the court may use the services
of an assessor authorized to perform assessments for the county social services agency
under a variance granted under rules adopted by the commissioner of human services
under section 254A.03, subdivision 3. An appointment for the defendant to undergo the
assessment must be made by the court, a court services probation officer, or the court
administrator as soon as possible but in no case more than one week after the defendant's

court appearance. The assessment must be completed no later than three weeks after the defendant's court appearance. If the assessment is not performed within this time limit, the county where the defendant is to be sentenced shall perform the assessment. The county of financial responsibility must be determined under chapter 256G.

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

Sec. 2. [254A.20] CHEMICAL USE ASSESSMENTS.

Subdivision 1. Persons arrested outside of home county. When a chemical use assessment is required under Minnesota Rules, parts 9530.6600 to 9530.6655, for a person who is arrested and taken into custody by a peace officer outside of the person's county of residence, the assessment must be completed by the person's county of residence no later than three weeks after the assessment is initially requested. If the assessment is not performed within this time limit, the county where the person is to be sentenced shall perform the assessment. The county of financial responsibility is determined under chapter 256G.

Subd. 2. Probation officer as contact. When a chemical use assessment is required under Minnesota Rules, parts 9530.6600 to 9530.6655, for a person who is on probation or under other correctional supervision, the assessor, either orally or in writing, shall contact the person's probation officer to verify or supplement the information provided by the person.

Subd. 3. Financial conflicts of interest. (a) Except as provided in paragraph (b), an assessor conducting a chemical use assessment under Minnesota Rules, parts 9530.6600 to 9530.6655, may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider.

(b) A county may contract with an assessor having a conflict described in paragraph (a) if the county documents that:

(1) the assessor is employed by a culturally specific service provider or a service provider with a program designed to treat individuals of a specific age, sex, or sexual preference;

(2) the county does not employ a sufficient number of qualified assessors and the only qualified assessors available in the county have a direct or shared financial interest or a referral relationship resulting in shared financial gain with a treatment provider.

An assessor under this paragraph may not place clients in treatment. The assessor shall gather required information and provide it to the county along with any required documentation. The county shall make all placement decisions for clients assessed by assessors under this paragraph; or

(3) the county social service agency has an existing relationship with an assessor or service provider and elects to enter into a contract with that assessor to provide both assessment and treatment under circumstances specified in the county's contract, provided the county retains responsibility for making placement decisions.

EFFECTIVE DATE. This section is effective July 1, 2007, except for subdivision 3, which is effective July 1, 2009.

Sec. 3. [254A.25] DUTIES OF COMMISSIONER RELATED TO CHEMICAL HEALTH.

The commissioner shall:

(1) annually distribute information to chemical health assessors on best practices in assessments, including model instruments for adults and adolescents;

(2) monitor the compliance of local agencies with assessment and referral rules;

(3) develop a directory that identifies key characteristics of each licensed chemical dependency treatment program;

(4) work with the commissioner of health to develop guidelines and training materials for health care organizations on the use of brief interventions for alcohol and chemical substance abuse;

(5) provide local agencies with examples of best practices for addressing needs of persons being considered for repeat placements into publicly funded treatment;

(6) identify best practices to help local agencies monitor the progress of clients placed in treatment;

(7) periodically provide local agencies with statewide information on treatment outcomes; and

(8) post copies of state licensing reviews at an online location where they may be reviewed by agencies that make client placements.

Sec. 4. Minnesota Statutes 2006, section 609.115, subdivision 8, is amended to read:

Subd. 8. **Chemical use assessment required.** (a) If a person is convicted of a felony, the probation officer shall determine in the report prepared under subdivision 1 whether or not alcohol or drug use was a contributing factor to the commission of the offense. If so, the report shall contain the results of a chemical use assessment conducted in accordance with this subdivision. The probation officer shall make an appointment for the defendant to undergo the chemical use assessment if so indicated.

(b) The chemical use assessment report must include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the

commissioner of human services under section 254A.03, subdivision 3. The assessment must be conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An assessor providing a chemical use assessment may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider, except as authorized under section 254A.20, subdivision 3. If an independent assessor is not available, the probation officer may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

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

Sec. 5. **RECOMMENDATIONS ON CHANGING CONSOLIDATED
CHEMICAL DEPENDENCY TREATMENT FUND.**

The commissioner shall report to the legislature by January 15, 2008, on recommendations which analyze the merits of changing the statutory maintenance of effort provisions in the chemical dependency treatment fund and the feasibility of posting treatment program peer reviews at an online location where they can be viewed by agencies that make client placements.

Sec. 6. **PLAN FOR IMPROVING COMMUNITY-BASED SUBSTANCE ABUSE
TREATMENT.**

The commissioner of human services shall present a plan to the legislature after consulting with counties and other affected stakeholders by January 15, 2008, for improving the availability of community-based substance abuse treatment.