

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1160

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DATE	D-PG	OFFICIAL STATUS
02/18/2021	455	Introduction and first reading Referred to Health and Human Services Finance and Policy
02/25/2021	507a	Comm report: To pass as amended and re-refer to Commerce and Consumer Protection Finance and Policy
03/04/2021	574	Authors added Nelson; Klein
03/10/2021	639a	Comm report: To pass as amended and re-refer to Human Services Reform Finance and Policy
03/18/2021	785a	Comm report: To pass as amended and re-refer to Health and Human Services Finance and Policy Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to health care; modifying coverage for health care services and consultation

1.3 provided through telehealth; amending Minnesota Statutes 2020, sections 147.033;

1.4 151.37, subdivision 2; 245G.01, subdivisions 13, 26; 245G.06, subdivision 1;

1.5 254A.19, subdivision 5; 254B.05, subdivision 5; 256B.0596; 256B.0622,

1.6 subdivision 7a; 256B.0625, subdivisions 3b, 13h, 20, 20b, 46, by adding a

1.7 subdivision; 256B.0924, subdivisions 4a, 6; 256B.094, subdivision 6; 256B.0943,

1.8 subdivision 1; 256B.0947, subdivision 6; 256B.0949, subdivision 13; proposing

1.9 coding for new law in Minnesota Statutes, chapter 62A; repealing Minnesota

1.10 Statutes 2020, sections 62A.67; 62A.671; 62A.672.

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

1.12 Section 1. **[62A.673] COVERAGE OF SERVICES PROVIDED THROUGH**

1.13 **TELEHEALTH.**

1.14 Subdivision 1. **Citation.** This section may be cited as the "Minnesota Telehealth Act."

1.15 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision

1.16 have the meanings given.

1.17 (b) "Distant site" means a site at which a health care provider is located while providing

1.18 health care services or consultations by means of telehealth.

1.19 (c) "Health care provider" means a health care professional who is licensed or registered

1.20 by the state to perform health care services within the provider's scope of practice and in

1.21 accordance with state law. A health care provider includes a mental health professional as

1.22 defined under section 245.462, subdivision 18, or 245.4871, subdivision 27; a mental health

1.23 practitioner as defined under section 245.462, subdivision 17, or 245.4871, subdivision 26;

1.24 a treatment coordinator under section 245G.11, subdivision 7; an alcohol and drug counselor

2.1 under section 245G.11, subdivision 5; and a recovery peer under section 245G.11, subdivision
2.2 8.

2.3 (d) "Health carrier" has the meaning given in section 62A.011, subdivision 2.

2.4 (e) "Health plan" has the meaning given in section 62A.011, subdivision 3. Health plan
2.5 includes dental plans as defined in section 62Q.76, subdivision 3, but does not include dental
2.6 plans that provide indemnity-based benefits, regardless of expenses incurred, and are designed
2.7 to pay benefits directly to the policy holder.

2.8 (f) "Originating site" means a site at which a patient is located at the time health care
2.9 services are provided to the patient by means of telehealth. For purposes of store-and-forward
2.10 transfer, the originating site also means the location at which a health care provider transfers
2.11 or transmits information to the distant site.

2.12 (g) "Store-and-forward transfer" means the asynchronous electronic transfer of a patient's
2.13 medical information or data from an originating site to a distant site for the purposes of
2.14 diagnostic and therapeutic assistance in the care of a patient.

2.15 (h) "Telehealth" means the delivery of health care services or consultations through the
2.16 use of real time two-way interactive audio and visual or audio-only communications to
2.17 provide or support health care delivery and facilitate the assessment, diagnosis, consultation,
2.18 treatment, education, and care management of a patient's health care. Telehealth includes
2.19 the application of secure video conferencing, store-and-forward transfers, and synchronous
2.20 interactions between a patient located at an originating site and a health care provider located
2.21 at a distant site. Telehealth includes audio-only communication between a health care
2.22 provider and a patient if the communication is a scheduled appointment and the standard
2.23 of care for the service can be met through the use of audio-only communication. Telehealth
2.24 does not include communication between health care providers or between a health care
2.25 provider and a patient that consists solely of an e-mail or facsimile transmission. Telehealth
2.26 does not include communication between health care providers that consists solely of a
2.27 telephone conversation subject to the health care provider network available to the enrollee
2.28 through the enrollee's health plan.

2.29 (i) "Telemonitoring services" means the remote monitoring of clinical data related to
2.30 the enrollee's vital signs or biometric data by a monitoring device or equipment that transmits
2.31 the data electronically to a health care provider for analysis. Telemonitoring is intended to
2.32 collect an enrollee's health-related data for the purpose of assisting a health care provider
2.33 in assessing and monitoring the enrollee's medical condition or status.

3.1 Subd. 3. Coverage of telehealth. (a) A health plan sold, issued, or renewed by a health
3.2 carrier in Minnesota must (1) cover benefits delivered through telehealth in the same manner
3.3 as any other benefits covered under the health plan, and (2) comply with this section.

3.4 (b) Coverage for services delivered through telehealth must not be limited on the basis
3.5 of geography, location, or distance for travel.

3.6 (c) A health carrier must not create a separate provider network or provide incentives
3.7 to enrollees to use a separate provider network to deliver services through telehealth that
3.8 does not include network providers who provide in-person care to patients for the same
3.9 service.

3.10 (d) A health carrier may require a deductible, co-payment, or coinsurance payment for
3.11 a health care service provided through telehealth, provided that the deductible, co-payment,
3.12 or coinsurance payment is not in addition to, and does not exceed, the deductible, co-payment,
3.13 or coinsurance applicable for the same service provided through in-person contact.

3.14 (e) Nothing in this section:

3.15 (1) requires a health carrier to provide coverage for services that are not medically
3.16 necessary or are not covered under the enrollee's health plan; or

3.17 (2) prohibits a health carrier from:

3.18 (i) establishing criteria that a health care provider must meet to demonstrate the safety
3.19 or efficacy of delivering a particular service through telehealth for which the health carrier
3.20 does not already reimburse other health care providers for delivering the service through
3.21 telehealth; or

3.22 (ii) establishing reasonable medical management techniques, provided the criteria or
3.23 techniques are not unduly burdensome or unreasonable for the particular service; or

3.24 (iii) requiring documentation or billing practices designed to protect the health carrier
3.25 or patient from fraudulent claims, provided the practices are not unduly burdensome or
3.26 unreasonable for the particular service.

3.27 (f) Nothing in this section requires the use of telehealth when a health care provider
3.28 determines that the delivery of a health care service through telehealth is not appropriate or
3.29 when an enrollee chooses not to receive a health care service through telehealth.

3.30 Subd. 4. Parity between telehealth and in-person services. (a) A health carrier must
3.31 not restrict or deny coverage of a health care service that is covered under a health plan
3.32 solely:

4.1 (1) because the health care service provided by the health care provider through telehealth
4.2 is not provided through in-person contact; or

4.3 (2) based on the communication technology or application used to deliver the health
4.4 care service through telehealth, provided the technology or application complies with this
4.5 section and is appropriate for the particular service.

4.6 (b) Prior authorization may be required for health care services delivered through
4.7 telehealth only if prior authorization is required before the delivery of the same service
4.8 through in-person contact.

4.9 (c) A health carrier may require a utilization review for services delivered through
4.10 telehealth, provided the utilization review is conducted in the same manner and uses the
4.11 same clinical review criteria as a utilization review for the same services delivered through
4.12 in-person contact.

4.13 Subd. 5. **Reimbursement for services delivered through telehealth.** (a) A health carrier
4.14 must reimburse the health care provider for services delivered through telehealth on the
4.15 same basis and at the same rate as the health carrier would apply to those services if the
4.16 services had been delivered by the health care provider through in-person contact.

4.17 (b) A health carrier must not deny or limit reimbursement based solely on a health care
4.18 provider delivering the service or consultation through telehealth instead of through in-person
4.19 contact.

4.20 (c) A health carrier must not deny or limit reimbursement based solely on the technology
4.21 and equipment used by the health care provider to deliver the health care service or
4.22 consultation through telehealth, provided the technology and equipment used by the provider
4.23 meets the requirements of this section and is appropriate for the particular service.

4.24 Subd. 6. **Telehealth equipment.** (a) A health carrier must not require a health care
4.25 provider to use specific telecommunications technology and equipment as a condition of
4.26 coverage under this section, provided the health care provider uses telecommunications
4.27 technology and equipment that complies with current industry interoperable standards and
4.28 complies with standards required under the federal Health Insurance Portability and
4.29 Accountability Act of 1996, Public Law 104-191, and regulations promulgated under that
4.30 Act, unless authorized under this section.

4.31 (b) A health carrier must provide coverage for health care services delivered through
4.32 telehealth by means of the use of audio-only telephone communication if the communication

5.1 is a scheduled appointment and the standard of care for that particular service can be met
 5.2 through the use of audio-only communication.

5.3 Subd. 7. **Telemonitoring services.** A health carrier must provide coverage for
 5.4 telemonitoring services if:

5.5 (1) the telemonitoring service is medically appropriate based on the enrollee's medical
 5.6 condition or status;

5.7 (2) the enrollee is cognitively and physically capable of operating the monitoring device
 5.8 or equipment, or the enrollee has a caregiver who is willing and able to assist with the
 5.9 monitoring device or equipment; and

5.10 (3) the enrollee resides in a setting that is suitable for telemonitoring and not in a setting
 5.11 that has health care staff on site.

5.12 Sec. 2. Minnesota Statutes 2020, section 147.033, is amended to read:

5.13 **147.033 PRACTICE OF ~~TELEMEDICINE~~ TELEHEALTH.**

5.14 Subdivision 1. **Definition.** For the purposes of this section, "~~telemedicine~~" ~~means the~~
 5.15 ~~delivery of health care services or consultations while the patient is at an originating site~~
 5.16 ~~and the licensed health care provider is at a distant site. A communication between licensed~~
 5.17 ~~health care providers that consists solely of a telephone conversation, e-mail, or facsimile~~
 5.18 ~~transmission does not constitute telemedicine consultations or services. A communication~~
 5.19 ~~between a licensed health care provider and a patient that consists solely of an e-mail or~~
 5.20 ~~facsimile transmission does not constitute telemedicine consultations or services.~~

5.21 ~~Telemedicine may be provided by means of real-time two-way interactive audio, and visual~~
 5.22 ~~communications, including the application of secure video conferencing or store-and-forward~~
 5.23 ~~technology to provide or support health care delivery, that facilitate the assessment, diagnosis,~~
 5.24 ~~consultation, treatment, education, and care management of a patient's health care.~~

5.25 "telehealth" has the meaning given in section 62A.673, subdivision 2, paragraph (h).

5.26 Subd. 2. **Physician-patient relationship.** A physician-patient relationship may be
 5.27 established through ~~telemedicine~~ telehealth.

5.28 Subd. 3. **Standards of practice and conduct.** A physician providing health care services
 5.29 by ~~telemedicine~~ telehealth in this state shall be held to the same standards of practice and
 5.30 conduct as provided in this chapter for in-person health care services.

6.1 Sec. 3. Minnesota Statutes 2020, section 151.37, subdivision 2, is amended to read:

6.2 Subd. 2. **Prescribing and filing.** (a) A licensed practitioner in the course of professional
6.3 practice only, may prescribe, administer, and dispense a legend drug, and may cause the
6.4 same to be administered by a nurse, a physician assistant, or medical student or resident
6.5 under the practitioner's direction and supervision, and may cause a person who is an
6.6 appropriately certified, registered, or licensed health care professional to prescribe, dispense,
6.7 and administer the same within the expressed legal scope of the person's practice as defined
6.8 in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference
6.9 to a specific patient, by directing a licensed dietitian or licensed nutritionist, pursuant to
6.10 section 148.634; a nurse, pursuant to section 148.235, subdivisions 8 and 9; physician
6.11 assistant; medical student or resident; or pharmacist according to section 151.01, subdivision
6.12 27, to adhere to a particular practice guideline or protocol when treating patients whose
6.13 condition falls within such guideline or protocol, and when such guideline or protocol
6.14 specifies the circumstances under which the legend drug is to be prescribed and administered.
6.15 An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic
6.16 order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug.
6.17 This paragraph applies to a physician assistant only if the physician assistant meets the
6.18 requirements of ~~section 147A.18~~ sections 147A.02 and 147A.09.

6.19 (b) The commissioner of health, if a licensed practitioner, or a person designated by the
6.20 commissioner who is a licensed practitioner, may prescribe a legend drug to an individual
6.21 or by protocol for mass dispensing purposes where the commissioner finds that the conditions
6.22 triggering section 144.4197 or 144.4198, subdivision 2, paragraph (b), exist. The
6.23 commissioner, if a licensed practitioner, or a designated licensed practitioner, may prescribe,
6.24 dispense, or administer a legend drug or other substance listed in subdivision 10 to control
6.25 tuberculosis and other communicable diseases. The commissioner may modify state drug
6.26 labeling requirements, and medical screening criteria and documentation, where time is
6.27 critical and limited labeling and screening are most likely to ensure legend drugs reach the
6.28 maximum number of persons in a timely fashion so as to reduce morbidity and mortality.

6.29 (c) A licensed practitioner that dispenses for profit a legend drug that is to be administered
6.30 orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the
6.31 practitioner's licensing board a statement indicating that the practitioner dispenses legend
6.32 drugs for profit, the general circumstances under which the practitioner dispenses for profit,
6.33 and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs
6.34 for profit after July 31, 1990, unless the statement has been filed with the appropriate
6.35 licensing board. For purposes of this paragraph, "profit" means (1) any amount received by

7.1 the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are
 7.2 purchased in prepackaged form, or (2) any amount received by the practitioner in excess
 7.3 of the acquisition cost of a legend drug plus the cost of making the drug available if the
 7.4 legend drug requires compounding, packaging, or other treatment. The statement filed under
 7.5 this paragraph is public data under section 13.03. This paragraph does not apply to a licensed
 7.6 doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed
 7.7 practitioner with the authority to prescribe, dispense, and administer a legend drug under
 7.8 paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing
 7.9 by a community health clinic when the profit from dispensing is used to meet operating
 7.10 expenses.

7.11 (d) A prescription drug order for the following drugs is not valid, unless it can be
 7.12 established that the prescription drug order was based on a documented patient evaluation,
 7.13 including an examination, adequate to establish a diagnosis and identify underlying conditions
 7.14 and contraindications to treatment:

7.15 (1) controlled substance drugs listed in section 152.02, subdivisions 3 to 5;

7.16 (2) drugs defined by the Board of Pharmacy as controlled substances under section
 7.17 152.02, subdivisions 7, 8, and 12;

7.18 (3) muscle relaxants;

7.19 (4) centrally acting analgesics with opioid activity;

7.20 (5) drugs containing butalbital; or

7.21 (6) phosphodiesterase type 5 inhibitors when used to treat erectile dysfunction.

7.22 ~~For purposes of prescribing drugs listed in clause (6), the requirement for a documented~~
 7.23 ~~patient evaluation, including an examination, may be met through the use of telemedicine,~~
 7.24 ~~as defined in section 147.033, subdivision 1.~~

7.25 (e) For the purposes of paragraph (d), the requirement for an examination shall be met
 7.26 if:

7.27 (1) an in-person examination has been completed in any of the following circumstances:

7.28 ~~(1)~~ (i) the prescribing practitioner examines the patient at the time the prescription or
 7.29 drug order is issued;

7.30 ~~(2)~~ (ii) the prescribing practitioner has performed a prior examination of the patient;

7.31 ~~(3)~~ (iii) another prescribing practitioner practicing within the same group or clinic as
 7.32 the prescribing practitioner has examined the patient;

8.1 ~~(4)~~ (iv) a consulting practitioner to whom the prescribing practitioner has referred the
8.2 patient has examined the patient; or

8.3 ~~(5)~~ (v) the referring practitioner has performed an examination in the case of a consultant
8.4 practitioner issuing a prescription or drug order when providing services by means of
8.5 telemedicine; or

8.6 (2) the prescription order is for a drug listed in paragraph (d), clause (6), or for medication
8.7 assisted therapy for a substance use disorder, and the prescribing practitioner has completed
8.8 an examination of the patient via telehealth as defined in section 62A.673, subdivision 2,
8.9 paragraph (h).

8.10 (f) Nothing in paragraph (d) or (e) prohibits a licensed practitioner from prescribing a
8.11 drug through the use of a guideline or protocol pursuant to paragraph (a).

8.12 (g) Nothing in this chapter prohibits a licensed practitioner from issuing a prescription
8.13 or dispensing a legend drug in accordance with the Expedited Partner Therapy in the
8.14 Management of Sexually Transmitted Diseases guidance document issued by the United
8.15 States Centers for Disease Control.

8.16 (h) Nothing in paragraph (d) or (e) limits prescription, administration, or dispensing of
8.17 legend drugs through a public health clinic or other distribution mechanism approved by
8.18 the commissioner of health or a community health board in order to prevent, mitigate, or
8.19 treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of
8.20 a biological, chemical, or radiological agent.

8.21 (i) No pharmacist employed by, under contract to, or working for a pharmacy located
8.22 within the state and licensed under section 151.19, subdivision 1, may dispense a legend
8.23 drug based on a prescription that the pharmacist knows, or would reasonably be expected
8.24 to know, is not valid under paragraph (d).

8.25 (j) No pharmacist employed by, under contract to, or working for a pharmacy located
8.26 outside the state and licensed under section 151.19, subdivision 1, may dispense a legend
8.27 drug to a resident of this state based on a prescription that the pharmacist knows, or would
8.28 reasonably be expected to know, is not valid under paragraph (d).

8.29 (k) Nothing in this chapter prohibits the commissioner of health, if a licensed practitioner,
8.30 or, if not a licensed practitioner, a designee of the commissioner who is a licensed
8.31 practitioner, from prescribing legend drugs for field-delivered therapy in the treatment of
8.32 a communicable disease according to the Centers For Disease Control and Prevention Partner
8.33 Services Guidelines.

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

9.2 Sec. 4. Minnesota Statutes 2020, section 245G.01, subdivision 13, is amended to read:

9.3 Subd. 13. **Face-to-face.** "Face-to-face" means two-way, real-time, interactive ~~and visual~~
9.4 communication between a client and a treatment service provider and includes services
9.5 delivered in person or via ~~telemedicine~~ telehealth with priority being given to interactive
9.6 audio and visual communication, if available.

9.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,
9.8 whichever is later. The commissioner of human services shall notify the revisor of statutes
9.9 when federal approval is obtained.

9.10 Sec. 5. Minnesota Statutes 2020, section 245G.01, subdivision 26, is amended to read:

9.11 Subd. 26. ~~Telemedicine~~ Telehealth. ~~"Telemedicine"~~ "Telehealth" means the delivery
9.12 of a substance use disorder treatment service while the client is at an originating site and
9.13 the ~~licensed~~ health care provider is at a distant site via telehealth as defined in section
9.14 256B.0625, subdivision 3b, and as specified in section 254B.05, subdivision 5, paragraph
9.15 (f).

9.16 Sec. 6. Minnesota Statutes 2020, section 245G.06, subdivision 1, is amended to read:

9.17 Subdivision 1. **General.** Each client must have a person-centered individual treatment
9.18 plan developed by an alcohol and drug counselor within ten days from the day of service
9.19 initiation for a residential program and within five calendar days on which a treatment
9.20 session has been provided from the day of service initiation for a client in a nonresidential
9.21 program. Opioid treatment programs must complete the individual treatment plan within
9.22 21 days from the day of service initiation. The individual treatment plan must be signed by
9.23 the client and the alcohol and drug counselor and document the client's involvement in the
9.24 development of the plan. The individual treatment plan is developed upon the qualified staff
9.25 member's dated signature. Treatment planning must include ongoing assessment of client
9.26 needs. An individual treatment plan must be updated based on new information gathered
9.27 about the client's condition, the client's level of participation, and on whether methods
9.28 identified have the intended effect. A change to the plan must be signed by the client and
9.29 the alcohol and drug counselor. If the client chooses to have family or others involved in
9.30 treatment services, the client's individual treatment plan must include how the family or
9.31 others will be involved in the client's treatment. If a client is receiving treatment services
9.32 or an assessment via telehealth, the alcohol and drug counselor may document the client's

10.1 verbal approval of the treatment plan or change to the treatment plan in lieu of the client's
10.2 signature.

10.3 Sec. 7. Minnesota Statutes 2020, section 254A.19, subdivision 5, is amended to read:

10.4 Subd. 5. **Assessment via ~~telemedicine~~ telehealth.** Notwithstanding Minnesota Rules,
10.5 part 9530.6615, subpart 3, item A, a chemical use assessment may be conducted via
10.6 ~~telemedicine~~ telehealth as defined in section 256B.0625, subdivision 3b.

10.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,
10.8 whichever is later. The commissioner of human services shall notify the revisor of statutes
10.9 when federal approval is obtained.

10.10 Sec. 8. Minnesota Statutes 2020, section 254B.05, subdivision 5, is amended to read:

10.11 Subd. 5. **Rate requirements.** (a) The commissioner shall establish rates for substance
10.12 use disorder services and service enhancements funded under this chapter.

10.13 (b) Eligible substance use disorder treatment services include:

10.14 (1) outpatient treatment services that are licensed according to sections 245G.01 to
10.15 245G.17, or applicable tribal license;

10.16 (2) comprehensive assessments provided according to sections 245.4863, paragraph (a),
10.17 and 245G.05;

10.18 (3) care coordination services provided according to section 245G.07, subdivision 1,
10.19 paragraph (a), clause (5);

10.20 (4) peer recovery support services provided according to section 245G.07, subdivision
10.21 2, clause (8);

10.22 (5) on July 1, 2019, or upon federal approval, whichever is later, withdrawal management
10.23 services provided according to chapter 245F;

10.24 (6) medication-assisted therapy services that are licensed according to sections 245G.01
10.25 to 245G.17 and 245G.22, or applicable tribal license;

10.26 (7) medication-assisted therapy plus enhanced treatment services that meet the
10.27 requirements of clause (6) and provide nine hours of clinical services each week;

10.28 (8) high, medium, and low intensity residential treatment services that are licensed
10.29 according to sections 245G.01 to 245G.17 and 245G.21 or applicable tribal license which
10.30 provide, respectively, 30, 15, and five hours of clinical services each week;

11.1 (9) hospital-based treatment services that are licensed according to sections 245G.01 to
11.2 245G.17 or applicable tribal license and licensed as a hospital under sections 144.50 to
11.3 144.56;

11.4 (10) adolescent treatment programs that are licensed as outpatient treatment programs
11.5 according to sections 245G.01 to 245G.18 or as residential treatment programs according
11.6 to Minnesota Rules, parts 2960.0010 to 2960.0220, and 2960.0430 to 2960.0490, or
11.7 applicable tribal license;

11.8 (11) high-intensity residential treatment services that are licensed according to sections
11.9 245G.01 to 245G.17 and 245G.21 or applicable tribal license, which provide 30 hours of
11.10 clinical services each week provided by a state-operated vendor or to clients who have been
11.11 civilly committed to the commissioner, present the most complex and difficult care needs,
11.12 and are a potential threat to the community; and

11.13 (12) room and board facilities that meet the requirements of subdivision 1a.

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

11.16 (1) programs that serve parents with their children if the program:

11.17 (i) provides on-site child care during the hours of treatment activity that:

11.18 (A) is licensed under chapter 245A as a child care center under Minnesota Rules, chapter
11.19 9503; or

11.20 (B) meets the licensure exclusion criteria of section 245A.03, subdivision 2, paragraph
11.21 (a), clause (6), and meets the requirements under section 245G.19, subdivision 4; or

11.22 (ii) arranges for off-site child care during hours of treatment activity at a facility that is
11.23 licensed under chapter 245A as:

11.24 (A) a child care center under Minnesota Rules, chapter 9503; or

11.25 (B) a family child care home under Minnesota Rules, chapter 9502;

11.26 (2) culturally specific programs as defined in section 254B.01, subdivision 4a, or
11.27 programs or subprograms serving special populations, if the program or subprogram meets
11.28 the following requirements:

11.29 (i) is designed to address the unique needs of individuals who share a common language,
11.30 racial, ethnic, or social background;

11.31 (ii) is governed with significant input from individuals of that specific background; and

12.1 (iii) employs individuals to provide individual or group therapy, at least 50 percent of
12.2 whom are of that specific background, except when the common social background of the
12.3 individuals served is a traumatic brain injury or cognitive disability and the program employs
12.4 treatment staff who have the necessary professional training, as approved by the
12.5 commissioner, to serve clients with the specific disabilities that the program is designed to
12.6 serve;

12.7 (3) programs that offer medical services delivered by appropriately credentialed health
12.8 care staff in an amount equal to two hours per client per week if the medical needs of the
12.9 client and the nature and provision of any medical services provided are documented in the
12.10 client file; and

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

12.13 (i) the program meets the co-occurring requirements in section 245G.20;

12.14 (ii) 25 percent of the counseling staff are licensed mental health professionals, as defined
12.15 in section 245.462, subdivision 18, clauses (1) to (6), or are students or licensing candidates
12.16 under the supervision of a licensed alcohol and drug counselor supervisor and licensed
12.17 mental health professional, except that no more than 50 percent of the mental health staff
12.18 may be students or licensing candidates with time documented to be directly related to
12.19 provisions of co-occurring services;

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

12.22 (iv) the program has standards for multidisciplinary case review that include a monthly
12.23 review for each client that, at a minimum, includes a licensed mental health professional
12.24 and licensed alcohol and drug counselor, and their involvement in the review is documented;

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

12.27 (vi) co-occurring counseling staff shall receive eight hours of co-occurring disorder
12.28 training annually.

12.29 (d) In order to be eligible for a higher rate under paragraph (c), clause (1), a program
12.30 that provides arrangements for off-site child care must maintain current documentation at
12.31 the chemical dependency facility of the child care provider's current licensure to provide
12.32 child care services. Programs that provide child care according to paragraph (c), clause (1),
12.33 must be deemed in compliance with the licensing requirements in section 245G.19.

13.1 (e) Adolescent residential programs that meet the requirements of Minnesota Rules,
 13.2 parts 2960.0430 to 2960.0490 and 2960.0580 to 2960.0690, are exempt from the requirements
 13.3 in paragraph (c), clause (4), items (i) to (iv).

13.4 (f) Subject to federal approval, chemical dependency services that are otherwise covered
 13.5 as direct face-to-face services may be provided via ~~two-way interactive video~~ telehealth as
 13.6 defined in section 256B.0625, subdivision 3b. The use of ~~two-way interactive video~~ telehealth
 13.7 to deliver services must be medically appropriate to the condition and needs of the person
 13.8 being served. Reimbursement shall be at the same rates and under the same conditions that
 13.9 would otherwise apply to direct face-to-face services. ~~The interactive video equipment and~~
 13.10 ~~connection must comply with Medicare standards in effect at the time the service is provided.~~

13.11 (g) For the purpose of reimbursement under this section, substance use disorder treatment
 13.12 services provided in a group setting without a group participant maximum or maximum
 13.13 client to staff ratio under chapter 245G shall not exceed a client to staff ratio of 48 to one.
 13.14 At least one of the attending staff must meet the qualifications as established under this
 13.15 chapter for the type of treatment service provided. A recovery peer may not be included as
 13.16 part of the staff ratio.

13.17 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,
 13.18 whichever is later. The commissioner of human services shall notify the revisor of statutes
 13.19 when federal approval is obtained.

13.20 Sec. 9. Minnesota Statutes 2020, section 256B.0596, is amended to read:

13.21 **256B.0596 MENTAL HEALTH CASE MANAGEMENT.**

13.22 Counties shall contract with eligible providers willing to provide mental health case
 13.23 management services under section 256B.0625, subdivision 20. In order to be eligible, in
 13.24 addition to general provider requirements under this chapter, the provider must:

13.25 (1) be willing to provide the mental health case management services; and

13.26 (2) have a minimum of at least one contact with the client per week, either in person or
 13.27 through telehealth, and at least one face-to-face in-person contact with the client every six
 13.28 months. This section is not intended to limit the ability of a county to provide its own mental
 13.29 health case management services.

13.30 Sec. 10. Minnesota Statutes 2020, section 256B.0622, subdivision 7a, is amended to read:

13.31 Subd. 7a. **Assertive community treatment team staff requirements and roles.** (a)

13.32 The required treatment staff qualifications and roles for an ACT team are:

14.1 (1) the team leader:

14.2 (i) shall be a licensed mental health professional who is qualified under Minnesota Rules,
14.3 part 9505.0371, subpart 5, item A. Individuals who are not licensed but who are eligible
14.4 for licensure and are otherwise qualified may also fulfill this role but must obtain full
14.5 licensure within 24 months of assuming the role of team leader;

14.6 (ii) must be an active member of the ACT team and provide some direct services to
14.7 clients;

14.8 (iii) must be a single full-time staff member, dedicated to the ACT team, who is
14.9 responsible for overseeing the administrative operations of the team, providing clinical
14.10 oversight of services in conjunction with the psychiatrist or psychiatric care provider, and
14.11 supervising team members to ensure delivery of best and ethical practices; and

14.12 (iv) must be available to provide overall clinical oversight to the ACT team after regular
14.13 business hours and on weekends and holidays. The team leader may delegate this duty to
14.14 another qualified member of the ACT team;

14.15 (2) the psychiatric care provider:

14.16 (i) must be a licensed psychiatrist certified by the American Board of Psychiatry and
14.17 Neurology or eligible for board certification or certified by the American Osteopathic Board
14.18 of Neurology and Psychiatry or eligible for board certification, or a psychiatric nurse who
14.19 is qualified under Minnesota Rules, part 9505.0371, subpart 5, item A. The psychiatric care
14.20 provider must have demonstrated clinical experience working with individuals with serious
14.21 and persistent mental illness;

14.22 (ii) shall collaborate with the team leader in sharing overall clinical responsibility for
14.23 screening and admitting clients; monitoring clients' treatment and team member service
14.24 delivery; educating staff on psychiatric and nonpsychiatric medications, their side effects,
14.25 and health-related conditions; actively collaborating with nurses; and helping provide clinical
14.26 supervision to the team;

14.27 (iii) shall fulfill the following functions for assertive community treatment clients:
14.28 provide assessment and treatment of clients' symptoms and response to medications, including
14.29 side effects; provide brief therapy to clients; provide diagnostic and medication education
14.30 to clients, with medication decisions based on shared decision making; monitor clients'
14.31 nonpsychiatric medical conditions and nonpsychiatric medications; and conduct home and
14.32 community visits;

15.1 (iv) shall serve as the point of contact for psychiatric treatment if a client is hospitalized
15.2 for mental health treatment and shall communicate directly with the client's inpatient
15.3 psychiatric care providers to ensure continuity of care;

15.4 (v) shall have a minimum full-time equivalency that is prorated at a rate of 16 hours per
15.5 50 clients. Part-time psychiatric care providers shall have designated hours to work on the
15.6 team, with sufficient blocks of time on consistent days to carry out the provider's clinical,
15.7 supervisory, and administrative responsibilities. No more than two psychiatric care providers
15.8 may share this role;

15.9 (vi) may ~~not provide specific roles and responsibilities by telemedicine unless approved~~
15.10 ~~by the commissioner~~ services through telehealth as defined under section 256B.0625,
15.11 subdivision 3b, when necessary to ensure the continuation of psychiatric and medication
15.12 services availability for clients and to maintain statutory requirements for psychiatric care
15.13 provider staffing levels; and

15.14 (vii) shall provide psychiatric backup to the program after regular business hours and
15.15 on weekends and holidays. The psychiatric care provider may delegate this duty to another
15.16 qualified psychiatric provider;

15.17 (3) the nursing staff:

15.18 (i) shall consist of one to three registered nurses or advanced practice registered nurses,
15.19 of whom at least one has a minimum of one-year experience working with adults with
15.20 serious mental illness and a working knowledge of psychiatric medications. No more than
15.21 two individuals can share a full-time equivalent position;

15.22 (ii) are responsible for managing medication, administering and documenting medication
15.23 treatment, and managing a secure medication room; and

15.24 (iii) shall develop strategies, in collaboration with clients, to maximize taking medications
15.25 as prescribed; screen and monitor clients' mental and physical health conditions and
15.26 medication side effects; engage in health promotion, prevention, and education activities;
15.27 communicate and coordinate services with other medical providers; facilitate the development
15.28 of the individual treatment plan for clients assigned; and educate the ACT team in monitoring
15.29 psychiatric and physical health symptoms and medication side effects;

15.30 (4) the co-occurring disorder specialist:

15.31 (i) shall be a full-time equivalent co-occurring disorder specialist who has received
15.32 specific training on co-occurring disorders that is consistent with national evidence-based
15.33 practices. The training must include practical knowledge of common substances and how

16.1 they affect mental illnesses, the ability to assess substance use disorders and the client's
16.2 stage of treatment, motivational interviewing, and skills necessary to provide counseling to
16.3 clients at all different stages of change and treatment. The co-occurring disorder specialist
16.4 may also be an individual who is a licensed alcohol and drug counselor as described in
16.5 section 148F.01, subdivision 5, or a counselor who otherwise meets the training, experience,
16.6 and other requirements in section 245G.11, subdivision 5. No more than two co-occurring
16.7 disorder specialists may occupy this role; and

16.8 (ii) shall provide or facilitate the provision of co-occurring disorder treatment to clients.
16.9 The co-occurring disorder specialist shall serve as a consultant and educator to fellow ACT
16.10 team members on co-occurring disorders;

16.11 (5) the vocational specialist:

16.12 (i) shall be a full-time vocational specialist who has at least one-year experience providing
16.13 employment services or advanced education that involved field training in vocational services
16.14 to individuals with mental illness. An individual who does not meet these qualifications
16.15 may also serve as the vocational specialist upon completing a training plan approved by the
16.16 commissioner;

16.17 (ii) shall provide or facilitate the provision of vocational services to clients. The vocational
16.18 specialist serves as a consultant and educator to fellow ACT team members on these services;
16.19 and

16.20 (iii) should not refer individuals to receive any type of vocational services or linkage by
16.21 providers outside of the ACT team;

16.22 (6) the mental health certified peer specialist:

16.23 (i) shall be a full-time equivalent mental health certified peer specialist as defined in
16.24 section 256B.0615. No more than two individuals can share this position. The mental health
16.25 certified peer specialist is a fully integrated team member who provides highly individualized
16.26 services in the community and promotes the self-determination and shared decision-making
16.27 abilities of clients. This requirement may be waived due to workforce shortages upon
16.28 approval of the commissioner;

16.29 (ii) must provide coaching, mentoring, and consultation to the clients to promote recovery,
16.30 self-advocacy, and self-direction, promote wellness management strategies, and assist clients
16.31 in developing advance directives; and

16.32 (iii) must model recovery values, attitudes, beliefs, and personal action to encourage
16.33 wellness and resilience, provide consultation to team members, promote a culture where

17.1 the clients' points of view and preferences are recognized, understood, respected, and
17.2 integrated into treatment, and serve in a manner equivalent to other team members;

17.3 (7) the program administrative assistant shall be a full-time office-based program
17.4 administrative assistant position assigned to solely work with the ACT team, providing a
17.5 range of supports to the team, clients, and families; and

17.6 (8) additional staff:

17.7 (i) shall be based on team size. Additional treatment team staff may include licensed
17.8 mental health professionals as defined in Minnesota Rules, part 9505.0371, subpart 5, item
17.9 A; mental health practitioners as defined in section 245.462, subdivision 17; a mental health
17.10 practitioner working as a clinical trainee according to Minnesota Rules, part 9505.0371,
17.11 subpart 5, item C; or mental health rehabilitation workers as defined in section 256B.0623,
17.12 subdivision 5, paragraph (a), clause (4). These individuals shall have the knowledge, skills,
17.13 and abilities required by the population served to carry out rehabilitation and support
17.14 functions; and

17.15 (ii) shall be selected based on specific program needs or the population served.

17.16 (b) Each ACT team must clearly document schedules for all ACT team members.

17.17 (c) Each ACT team member must serve as a primary team member for clients assigned
17.18 by the team leader and are responsible for facilitating the individual treatment plan process
17.19 for those clients. The primary team member for a client is the responsible team member
17.20 knowledgeable about the client's life and circumstances and writes the individual treatment
17.21 plan. The primary team member provides individual supportive therapy or counseling, and
17.22 provides primary support and education to the client's family and support system.

17.23 (d) Members of the ACT team must have strong clinical skills, professional qualifications,
17.24 experience, and competency to provide a full breadth of rehabilitation services. Each staff
17.25 member shall be proficient in their respective discipline and be able to work collaboratively
17.26 as a member of a multidisciplinary team to deliver the majority of the treatment,
17.27 rehabilitation, and support services clients require to fully benefit from receiving assertive
17.28 community treatment.

17.29 (e) Each ACT team member must fulfill training requirements established by the
17.30 commissioner.

18.1 Sec. 11. Minnesota Statutes 2020, section 256B.0625, subdivision 3b, is amended to read:

18.2 Subd. 3b. ~~Telemedicine~~ Telehealth services. (a) Medical assistance covers medically
 18.3 necessary services and consultations delivered by a ~~licensed~~ health care provider ~~via~~
 18.4 ~~telemedicine~~ through telehealth in the same manner as if the service or consultation was
 18.5 delivered ~~in person through in-person contact~~. ~~Coverage is limited to three telemedicine~~
 18.6 ~~services per enrollee per calendar week, except as provided in paragraph (f)~~. ~~Telemedicine~~
 18.7 Services or consultations delivered through telehealth shall be paid at the full allowable
 18.8 rate.

18.9 (b) The commissioner ~~shall~~ may establish criteria that a health care provider must attest
 18.10 to in order to demonstrate the safety or efficacy of delivering a particular service ~~via~~
 18.11 ~~telemedicine~~ through telehealth. The attestation may include that the health care provider:

18.12 (1) has identified the categories or types of services the health care provider will provide
 18.13 ~~via telemedicine~~ through telehealth;

18.14 (2) has written policies and procedures specific to ~~telemedicine~~ services delivered through
 18.15 telehealth that are regularly reviewed and updated;

18.16 (3) has policies and procedures that adequately address patient safety before, during,
 18.17 and after the ~~telemedicine~~ service is ~~rendered~~ delivered through telehealth;

18.18 (4) has established protocols addressing how and when to discontinue telemedicine
 18.19 services; and

18.20 (5) has an established quality assurance process related to ~~telemedicine~~ delivering services
 18.21 through telehealth.

18.22 (c) As a condition of payment, a licensed health care provider must document each
 18.23 occurrence of a health service ~~provided by telemedicine~~ delivered through telehealth to a
 18.24 medical assistance enrollee. Health care service records for services ~~provided by telemedicine~~
 18.25 delivered through telehealth must meet the requirements set forth in Minnesota Rules, part
 18.26 9505.2175, subparts 1 and 2, and must document:

18.27 (1) the type of service ~~provided by telemedicine~~ delivered through telehealth;

18.28 (2) the time the service began and the time the service ended, including an a.m. and p.m.
 18.29 designation;

18.30 (3) the ~~licensed~~ health care provider's basis for determining that ~~telemedicine~~ telehealth
 18.31 is an appropriate and effective means for delivering the service to the enrollee;

19.1 (4) the mode of transmission ~~of~~ used to deliver the telemedicine service through telehealth
 19.2 and records evidencing that a particular mode of transmission was utilized;

19.3 (5) the location of the originating site and the distant site;

19.4 (6) if the claim for payment is based on a physician's ~~telemedicine~~ consultation with
 19.5 another physician through telehealth, the written opinion from the consulting physician
 19.6 providing the ~~telemedicine~~ telehealth consultation; and

19.7 (7) compliance with the criteria attested to by the health care provider in accordance
 19.8 with paragraph (b).

19.9 (d) Telehealth visits, as described in this section provided through audio and visual
 19.10 communication, may be used to satisfy the face-to-face requirement for reimbursement
 19.11 under the payment methods that apply to a federally qualified health center, rural health
 19.12 clinic, Indian health service, 638 tribal clinic, and certified community behavioral health
 19.13 clinic, if the service would have otherwise qualified for payment if performed in person.

19.14 ~~(d) (e) For purposes of this subdivision, unless otherwise covered under this chapter,~~
 19.15 ~~"telemedicine" is defined as the delivery of health care services or consultations while the~~
 19.16 ~~patient is at an originating site and the licensed health care provider is at a distant site. A~~
 19.17 ~~communication between licensed health care providers, or a licensed health care provider~~
 19.18 ~~and a patient that consists solely of a telephone conversation, e-mail, or facsimile transmission~~
 19.19 ~~does not constitute telemedicine consultations or services. Telemedicine may be provided~~
 19.20 ~~by means of real-time two-way, interactive audio and visual communications, including the~~
 19.21 ~~application of secure video conferencing or store-and-forward technology to provide or~~
 19.22 ~~support health care delivery, which facilitate the assessment, diagnosis, consultation,~~
 19.23 ~~treatment, education, and care management of a patient's health care.~~

19.24 (1) "telehealth" means the delivery of health care services or consultations through the
 19.25 use of real time two-way interactive audio and visual or audio-only communications to
 19.26 provide or support health care delivery and facilitate the assessment, diagnosis, consultation,
 19.27 treatment, education, and care management of a patient's health care. Telehealth includes
 19.28 the application of secure video conferencing, store-and-forward transfers, and synchronous
 19.29 interactions between a patient located at an originating site and a health care provider located
 19.30 at a distant site. Unless interactive visual and audio communication is specifically required,
 19.31 telehealth includes audio-only communication between a health care provider and a patient,
 19.32 if the communication is a scheduled appointment with the health care provider and the
 19.33 standard of care for the service can be met through the use of audio-only communication.
 19.34 Telehealth does not include communication between health care providers or between a

20.1 health care provider and a patient that consists solely of an e-mail or facsimile transmission.
 20.2 Telehealth does not include communication between health care providers that consists
 20.3 solely of a telephone conversation;

20.4 ~~(e) For purposes of this section, "licensed (2) "health care provider" means a licensed~~
 20.5 ~~health care provider under section 62A.671, subdivision 6 as defined under section 62A.673,~~
 20.6 ~~a community paramedic as defined under section 144E.001, subdivision 5f, or a mental~~
 20.7 ~~health practitioner defined under section 245.462, subdivision 17, or 245.4871, subdivision~~
 20.8 ~~26, working under the general supervision of a mental health professional, and a community~~
 20.9 ~~health worker who meets the criteria under subdivision 49, paragraph (a); "health care~~
 20.10 ~~provider" is defined under section 62A.671, subdivision 3; a mental health certified peer~~
 20.11 ~~specialist under section 256B.0615, subdivision 5, a mental health certified family peer~~
 20.12 ~~specialist under section 256B.0616, subdivision 5, a mental health rehabilitation worker~~
 20.13 ~~under section 256B.0623, subdivision 5, paragraph (a), clause (4), and paragraph (b), a~~
 20.14 ~~mental health behavioral aide under section 256B.0943, subdivision 7, paragraph (b), clause~~
 20.15 ~~(3), a treatment coordinator under section 245G.11, subdivision 7, an alcohol and drug~~
 20.16 ~~counselor under section 245G.11, subdivision 5, a recovery peer under section 245G.11,~~
 20.17 ~~subdivision 8, and a mental health case manager under section 245.462, subdivision 4, or~~
 20.18 ~~section 245.4871, subdivision 4; and~~

20.19 ~~(3) "originating site" is defined under section 62A.671, subdivision 7, "distant site," and~~
 20.20 ~~"store-and-forward transfer" have the meanings given in section 62A.673, subdivision 2.~~

20.21 ~~(f) The limit on coverage of three telemedicine services per enrollee per calendar week~~
 20.22 ~~does not apply if:~~

20.23 ~~(1) the telemedicine services provided by the licensed health care provider are for the~~
 20.24 ~~treatment and control of tuberculosis; and~~

20.25 ~~(2) the services are provided in a manner consistent with the recommendations and best~~
 20.26 ~~practices specified by the Centers for Disease Control and Prevention and the commissioner~~
 20.27 ~~of health.~~

20.28 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,
 20.29 whichever is later. The commissioner of human services shall notify the revisor of statutes
 20.30 when federal approval is obtained.

21.1 Sec. 12. Minnesota Statutes 2020, section 256B.0625, is amended by adding a subdivision
21.2 to read:

21.3 Subd. 3h. **Telemonitoring services.** (a) Medical assistance covers telemonitoring services
21.4 if:

21.5 (1) the telemonitoring service is medically appropriate based on the recipient's medical
21.6 condition or status;

21.7 (2) the recipient's health care provider has identified that telemonitoring services would
21.8 likely prevent the recipient's admission or readmission to a hospital, emergency room, or
21.9 nursing facility;

21.10 (3) the recipient is cognitively and physically capable of operating the monitoring device
21.11 or equipment, or the recipient has a caregiver who is willing and able to assist with the
21.12 monitoring device or equipment; and

21.13 (4) the recipient resides in a setting that is suitable for telemonitoring and not in a setting
21.14 that has health care staff on site.

21.15 (b) For purposes of this subdivision, "telemonitoring services" means the remote
21.16 monitoring of data related to a recipient's vital signs or biometric data by a monitoring
21.17 device or equipment that transmits the data electronically to a provider for analysis. The
21.18 assessment and monitoring of the health data transmitted by telemonitoring must be
21.19 performed by one of the following licensed health care professionals: physician, podiatrist,
21.20 registered nurse, advanced practice registered nurse, physician assistant, respiratory therapist,
21.21 or licensed professional working under the supervision of a medical director.

21.22 Sec. 13. Minnesota Statutes 2020, section 256B.0625, subdivision 13h, is amended to
21.23 read:

21.24 Subd. 13h. **Medication therapy management services.** (a) Medical assistance covers
21.25 medication therapy management services for a recipient taking prescriptions to treat or
21.26 prevent one or more chronic medical conditions. For purposes of this subdivision,
21.27 "medication therapy management" means the provision of the following pharmaceutical
21.28 care services by a licensed pharmacist to optimize the therapeutic outcomes of the patient's
21.29 medications:

21.30 (1) performing or obtaining necessary assessments of the patient's health status;

21.31 (2) formulating a medication treatment plan, which may include prescribing medications
21.32 or products in accordance with section 151.37, subdivision 14, 15, or 16;

22.1 (3) monitoring and evaluating the patient's response to therapy, including safety and
22.2 effectiveness;

22.3 (4) performing a comprehensive medication review to identify, resolve, and prevent
22.4 medication-related problems, including adverse drug events;

22.5 (5) documenting the care delivered and communicating essential information to the
22.6 patient's other primary care providers;

22.7 (6) providing verbal education and training designed to enhance patient understanding
22.8 and appropriate use of the patient's medications;

22.9 (7) providing information, support services, and resources designed to enhance patient
22.10 adherence with the patient's therapeutic regimens; and

22.11 (8) coordinating and integrating medication therapy management services within the
22.12 broader health care management services being provided to the patient.

22.13 Nothing in this subdivision shall be construed to expand or modify the scope of practice of
22.14 the pharmacist as defined in section 151.01, subdivision 27.

22.15 (b) To be eligible for reimbursement for services under this subdivision, a pharmacist
22.16 must meet the following requirements:

22.17 (1) have a valid license issued by the Board of Pharmacy of the state in which the
22.18 medication therapy management service is being performed;

22.19 (2) have graduated from an accredited college of pharmacy on or after May 1996, or
22.20 completed a structured and comprehensive education program approved by the Board of
22.21 Pharmacy and the American Council of Pharmaceutical Education for the provision and
22.22 documentation of pharmaceutical care management services that has both clinical and
22.23 didactic elements; and

22.24 ~~(3) be practicing in an ambulatory care setting as part of a multidisciplinary team or~~
22.25 ~~have developed a structured patient care process that is offered in a private or semiprivate~~
22.26 ~~patient care area that is separate from the commercial business that also occurs in the setting,~~
22.27 ~~or in home settings, including long-term care settings, group homes, and facilities providing~~
22.28 ~~assisted living services, but excluding skilled nursing facilities; and~~

22.29 ~~(4)~~ (3) make use of an electronic patient record system that meets state standards.

22.30 (c) For purposes of reimbursement for medication therapy management services, the
22.31 commissioner may enroll individual pharmacists as medical assistance providers. The

23.1 commissioner may also establish ~~contact requirements between the pharmacist and recipient,~~
 23.2 ~~including limiting~~ limits on the number of reimbursable consultations per recipient.

23.3 ~~(d) If there are no pharmacists who meet the requirements of paragraph (b) practicing~~
 23.4 ~~within a reasonable geographic distance of the patient, a pharmacist who meets the~~
 23.5 ~~requirements may provide~~ The Medication therapy management services may be provided
 23.6 ~~via two-way interactive video~~ telehealth as defined in subdivision 3b and may be delivered
 23.7 into a patient's residence. Reimbursement shall be at the same rates and under the same
 23.8 conditions that would otherwise apply to the services provided. To qualify for reimbursement
 23.9 under this paragraph, the pharmacist providing the services must meet the requirements of
 23.10 paragraph (b), ~~and must be located within an ambulatory care setting that meets the~~
 23.11 ~~requirements of paragraph (b), clause (3).~~ ~~The patient must also be located within an~~
 23.12 ~~ambulatory care setting that meets the requirements of paragraph (b), clause (3).~~ ~~Services~~
 23.13 ~~provided under this paragraph may not be transmitted into the patient's residence.~~

23.14 ~~(e) Medication therapy management services may be delivered into a patient's residence~~
 23.15 ~~via secure interactive video if the medication therapy management services are performed~~
 23.16 ~~electronically during a covered home care visit by an enrolled provider. Reimbursement~~
 23.17 ~~shall be at the same rates and under the same conditions that would otherwise apply to the~~
 23.18 ~~services provided. To qualify for reimbursement under this paragraph, the pharmacist~~
 23.19 ~~providing the services must meet the requirements of paragraph (b) and must be located~~
 23.20 ~~within an ambulatory care setting that meets the requirements of paragraph (b), clause (3).~~

23.21 Sec. 14. Minnesota Statutes 2020, section 256B.0625, subdivision 20, is amended to read:

23.22 Subd. 20. **Mental health case management.** (a) To the extent authorized by rule of the
 23.23 state agency, medical assistance covers case management services to persons with serious
 23.24 and persistent mental illness and children with severe emotional disturbance. Services
 23.25 provided under this section must meet the relevant standards in sections 245.461 to 245.4887,
 23.26 the Comprehensive Adult and Children's Mental Health Acts, Minnesota Rules, parts
 23.27 9520.0900 to 9520.0926, and 9505.0322, excluding subpart 10.

23.28 (b) Entities meeting program standards set out in rules governing family community
 23.29 support services as defined in section 245.4871, subdivision 17, are eligible for medical
 23.30 assistance reimbursement for case management services for children with severe emotional
 23.31 disturbance when these services meet the program standards in Minnesota Rules, parts
 23.32 9520.0900 to 9520.0926 and 9505.0322, excluding subparts 6 and 10.

23.33 (c) Medical assistance and MinnesotaCare payment for mental health case management
 23.34 shall be made on a monthly basis. In order to receive payment for an eligible child, the

24.1 provider must document at least a face-to-face in-person contact or contact by telehealth
 24.2 that meets the requirements of subdivision 20b with the child, the child's parents, or the
 24.3 child's legal representative. To receive payment for an eligible adult, the provider must
 24.4 document:

24.5 ~~(1)~~ at least a face-to-face in-person contact with the adult or the adult's legal representative
 24.6 or a contact by ~~interactive video~~ telehealth that meets the requirements of subdivision 20b;
 24.7 ~~or~~. If contact is through audio-only communication, the provider must also document a
 24.8 face-to-face contact either by in-person contact or contact by telehealth using audio and
 24.9 visual communication within the preceding two months with the child, the child's parents,
 24.10 or the child's legal representative to receive payment for an eligible child, and with the adult
 24.11 or adult's legal representative to receive payment for an eligible adult.

24.12 ~~(2) at least a telephone contact with the adult or the adult's legal representative and~~
 24.13 ~~document a face-to-face contact or a contact by interactive video that meets the requirements~~
 24.14 ~~of subdivision 20b with the adult or the adult's legal representative within the preceding~~
 24.15 ~~two months.~~

24.16 (d) Payment for mental health case management provided by county or state staff shall
 24.17 be based on the monthly rate methodology under section 256B.094, subdivision 6, paragraph
 24.18 (b), with separate rates calculated for child welfare and mental health, and within mental
 24.19 health, separate rates for children and adults.

24.20 (e) Payment for mental health case management provided by Indian health services or
 24.21 by agencies operated by Indian tribes may be made according to this section or other relevant
 24.22 federally approved rate setting methodology.

24.23 (f) Payment for mental health case management provided by vendors who contract with
 24.24 a county or Indian tribe shall be based on a monthly rate negotiated by the host county or
 24.25 tribe. The negotiated rate must not exceed the rate charged by the vendor for the same
 24.26 service to other payers. If the service is provided by a team of contracted vendors, the county
 24.27 or tribe may negotiate a team rate with a vendor who is a member of the team. The team
 24.28 shall determine how to distribute the rate among its members. No reimbursement received
 24.29 by contracted vendors shall be returned to the county or tribe, except to reimburse the county
 24.30 or tribe for advance funding provided by the county or tribe to the vendor.

24.31 (g) If the service is provided by a team which includes contracted vendors, tribal staff,
 24.32 and county or state staff, the costs for county or state staff participation in the team shall be
 24.33 included in the rate for county-provided services. In this case, the contracted vendor, the
 24.34 tribal agency, and the county may each receive separate payment for services provided by

25.1 each entity in the same month. In order to prevent duplication of services, each entity must
25.2 document, in the recipient's file, the need for team case management and a description of
25.3 the roles of the team members.

25.4 (h) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for
25.5 mental health case management shall be provided by the recipient's county of responsibility,
25.6 as defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds
25.7 used to match other federal funds. If the service is provided by a tribal agency, the nonfederal
25.8 share, if any, shall be provided by the recipient's tribe. When this service is paid by the state
25.9 without a federal share through fee-for-service, 50 percent of the cost shall be provided by
25.10 the recipient's county of responsibility.

25.11 (i) Notwithstanding any administrative rule to the contrary, prepaid medical assistance
25.12 and MinnesotaCare include mental health case management. When the service is provided
25.13 through prepaid capitation, the nonfederal share is paid by the state and the county pays no
25.14 share.

25.15 (j) The commissioner may suspend, reduce, or terminate the reimbursement to a provider
25.16 that does not meet the reporting or other requirements of this section. The county of
25.17 responsibility, as defined in sections 256G.01 to 256G.12, or, if applicable, the tribal agency,
25.18 is responsible for any federal disallowances. The county or tribe may share this responsibility
25.19 with its contracted vendors.

25.20 (k) The commissioner shall set aside a portion of the federal funds earned for county
25.21 expenditures under this section to repay the special revenue maximization account under
25.22 section 256.01, subdivision 2, paragraph (o). The repayment is limited to:

25.23 (1) the costs of developing and implementing this section; and

25.24 (2) programming the information systems.

25.25 (l) Payments to counties and tribal agencies for case management expenditures under
25.26 this section shall only be made from federal earnings from services provided under this
25.27 section. When this service is paid by the state without a federal share through fee-for-service,
25.28 50 percent of the cost shall be provided by the state. Payments to county-contracted vendors
25.29 shall include the federal earnings, the state share, and the county share.

25.30 (m) Case management services under this subdivision do not include therapy, treatment,
25.31 legal, or outreach services.

26.1 (n) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,
 26.2 and the recipient's institutional care is paid by medical assistance, payment for case
 26.3 management services under this subdivision is limited to the lesser of:

26.4 (1) the last 180 days of the recipient's residency in that facility and may not exceed more
 26.5 than six months in a calendar year; or

26.6 (2) the limits and conditions which apply to federal Medicaid funding for this service.

26.7 (o) Payment for case management services under this subdivision shall not duplicate
 26.8 payments made under other program authorities for the same purpose.

26.9 (p) If the recipient is receiving care in a hospital, nursing facility, or residential setting
 26.10 licensed under chapter 245A or 245D that is staffed 24 hours a day, seven days a week,
 26.11 mental health targeted case management services must actively support identification of
 26.12 community alternatives for the recipient and discharge planning.

26.13 Sec. 15. Minnesota Statutes 2020, section 256B.0625, subdivision 20b, is amended to
 26.14 read:

26.15 Subd. 20b. **Mental health targeted case management through ~~interactive video~~**
 26.16 **telehealth.** (a) Subject to federal approval, contact made for targeted case management by
 26.17 ~~interactive video~~ telehealth shall be eligible for payment if:

26.18 (1) the person receiving targeted case management services is residing in:

26.19 (i) a hospital;

26.20 (ii) a nursing facility; or

26.21 (iii) a residential setting licensed under chapter 245A or 245D or a boarding and lodging
 26.22 establishment or lodging establishment that provides supportive services or health supervision
 26.23 services according to section 157.17 that is staffed 24 hours a day, seven days a week;

26.24 (2) ~~interactive video~~ telehealth is in the best interests of the person and is deemed
 26.25 appropriate by the person receiving targeted case management or the person's legal guardian,
 26.26 the case management provider, and the provider operating the setting where the person is
 26.27 residing;

26.28 (3) the use of ~~interactive video~~ telehealth is approved as part of the person's written
 26.29 personal service or case plan, taking into consideration the person's vulnerability and active
 26.30 personal relationships; and

27.1 (4) ~~interactive video~~ telehealth is used for up to, but not more than, 50 percent of the
27.2 minimum required face-to-face in-person contact.

27.3 (b) The person receiving targeted case management or the person's legal guardian has
27.4 the right to choose and consent to the use of ~~interactive video~~ telehealth under this subdivision
27.5 and has the right to refuse the use of ~~interactive video~~ telehealth at any time.

27.6 (c) The commissioner shall establish criteria that a targeted case management provider
27.7 must attest to in order to demonstrate the safety or efficacy of delivering the service via
27.8 ~~interactive video~~ telehealth. The attestation may include that the case management provider
27.9 has:

27.10 (1) written policies and procedures specific to ~~interactive video~~ services delivered by
27.11 telehealth that are regularly reviewed and updated;

27.12 (2) policies and procedures that adequately address client safety before, during, and after
27.13 the ~~interactive video~~ services are rendered by telehealth;

27.14 (3) established protocols addressing how and when to discontinue ~~interactive video~~
27.15 services delivered by telehealth; and

27.16 (4) established a quality assurance process related to ~~interactive video~~ services delivered
27.17 by telehealth.

27.18 (d) As a condition of payment, the targeted case management provider must document
27.19 the following for each occurrence of targeted case management provided by ~~interactive~~
27.20 ~~video~~ telehealth:

27.21 (1) the time the service began and the time the service ended, including an a.m. and p.m.
27.22 designation;

27.23 (2) the basis for determining that ~~interactive video~~ telehealth is an appropriate and
27.24 effective means for delivering the service to the person receiving case management services;

27.25 (3) the mode of transmission of the ~~interactive video~~ services delivered by telehealth
27.26 and records evidencing that a particular mode of transmission was utilized;

27.27 (4) the location of the originating site and the distant site; and

27.28 (5) compliance with the criteria attested to by the targeted case management provider
27.29 as provided in paragraph (c).

27.30 (e) For purposes of this section, telehealth is defined in accordance with section
27.31 256B.0625, subdivision 3b. The commissioner may limit the delivery of services by telehealth

28.1 to audio and visual communications if the commissioner determines that face-to-face
 28.2 interaction is necessary to ensure that services are delivered appropriately and effectively.

28.3 Sec. 16. Minnesota Statutes 2020, section 256B.0625, subdivision 46, is amended to read:

28.4 Subd. 46. **Mental health telemedicine telehealth.** ~~Effective January 1, 2006, and Subject~~
 28.5 ~~to federal approval, mental health services that are otherwise covered by medical assistance~~
 28.6 ~~as direct face-to-face services may be provided via two-way interactive video telehealth as~~
 28.7 ~~defined in subdivision 3b. Use of two-way interactive video telehealth to deliver services~~
 28.8 ~~must be medically appropriate to the condition and needs of the person being served.~~
 28.9 ~~Reimbursement is at the same rates and under the same conditions that would otherwise~~
 28.10 ~~apply to the service. The interactive video equipment and connection must comply with~~
 28.11 ~~Medicare standards in effect at the time the service is provided.~~

28.12 **EFFECTIVE DATE.** This section is effective January 1, 2022, or upon federal approval,
 28.13 whichever is later. The commissioner of human services shall notify the revisor of statutes
 28.14 when federal approval is obtained.

28.15 Sec. 17. Minnesota Statutes 2020, section 256B.0924, subdivision 4a, is amended to read:

28.16 Subd. 4a. **Targeted case management through interactive video telehealth.** (a) Subject
 28.17 to federal approval, contact made for targeted case management by ~~interactive video~~
 28.18 telehealth as defined under section 256B.0625, subdivision 3b, shall be eligible for payment
 28.19 under subdivision 6 if:

28.20 (1) the person receiving targeted case management services is residing in:

28.21 (i) a hospital;

28.22 (ii) a nursing facility; or

28.23 (iii) a residential setting licensed under chapter 245A or 245D or a boarding and lodging
 28.24 establishment or lodging establishment that provides supportive services or health supervision
 28.25 services according to section 157.17 that is staffed 24 hours a day, seven days a week;

28.26 (2) ~~interactive video~~ telehealth is in the best interests of the person and is deemed
 28.27 appropriate by the person receiving targeted case management or the person's legal guardian,
 28.28 the case management provider, and the provider operating the setting where the person is
 28.29 residing;

28.30 (3) the use of ~~interactive video~~ telehealth is approved as part of the person's written
 28.31 personal service or case plan; and

29.1 (4) ~~interactive video~~ telehealth is used for up to, but not more than, 50 percent of the
29.2 minimum required face-to-face in-person contact.

29.3 (b) The person receiving targeted case management or the person's legal guardian has
29.4 the right to choose and consent to the use of ~~interactive video~~ telehealth under this subdivision
29.5 and has the right to refuse the use of ~~interactive video~~ telehealth at any time.

29.6 (c) The commissioner shall establish criteria that a targeted case management provider
29.7 must attest to in order to demonstrate the safety or efficacy of delivering the service via
29.8 ~~interactive video~~ telehealth. The attestation may include that the case management provider
29.9 has:

29.10 (1) written policies and procedures specific to ~~interactive video~~ services delivered by
29.11 telehealth that are regularly reviewed and updated;

29.12 (2) policies and procedures that adequately address client safety before, during, and after
29.13 the ~~interactive video~~ services are rendered by telehealth;

29.14 (3) established protocols addressing how and when to discontinue ~~interactive video~~
29.15 services delivered by telehealth; and

29.16 (4) established a quality assurance process related to ~~interactive video~~ services delivered
29.17 by telehealth.

29.18 (d) As a condition of payment, the targeted case management provider must document
29.19 the following for each occurrence of targeted case management provided by ~~interactive~~
29.20 ~~video~~ telehealth:

29.21 (1) the time the service began and the time the service ended, including an a.m. and p.m.
29.22 designation;

29.23 (2) the basis for determining that ~~interactive video~~ telehealth is an appropriate and
29.24 effective means for delivering the service to the person receiving case management services;

29.25 (3) the mode of transmission of the ~~interactive video~~ services delivered by telehealth
29.26 and records evidencing that a particular mode of transmission was utilized;

29.27 (4) the location of the originating site and the distant site; and

29.28 (5) compliance with the criteria attested to by the targeted case management provider
29.29 as provided in paragraph (c).

29.30 (e) For purposes of this section, telehealth is defined in accordance with section
29.31 256B.0625, subdivision 3b. The commissioner may limit the delivery of services by telehealth

30.1 to audio and visual communications if the commissioner determines that face-to-face
30.2 interaction is necessary to ensure that services are delivered appropriately and effectively.

30.3 Sec. 18. Minnesota Statutes 2020, section 256B.0924, subdivision 6, is amended to read:

30.4 Subd. 6. **Payment for targeted case management.** (a) Medical assistance and
30.5 MinnesotaCare payment for targeted case management shall be made on a monthly basis.
30.6 In order to receive payment for an eligible adult, the provider must document at least one
30.7 contact per month, either in person or by telehealth, and not more than two consecutive
30.8 months without a face-to-face in-person contact with the adult or the adult's legal
30.9 representative, family, primary caregiver, or other relevant persons identified as necessary
30.10 to the development or implementation of the goals of the personal service plan.

30.11 (b) Payment for targeted case management provided by county staff under this subdivision
30.12 shall be based on the monthly rate methodology under section 256B.094, subdivision 6,
30.13 paragraph (b), calculated as one combined average rate together with adult mental health
30.14 case management under section 256B.0625, subdivision 20, except for calendar year 2002.
30.15 In calendar year 2002, the rate for case management under this section shall be the same as
30.16 the rate for adult mental health case management in effect as of December 31, 2001. Billing
30.17 and payment must identify the recipient's primary population group to allow tracking of
30.18 revenues.

30.19 (c) Payment for targeted case management provided by county-contracted vendors shall
30.20 be based on a monthly rate negotiated by the host county. The negotiated rate must not
30.21 exceed the rate charged by the vendor for the same service to other payers. If the service is
30.22 provided by a team of contracted vendors, the county may negotiate a team rate with a
30.23 vendor who is a member of the team. The team shall determine how to distribute the rate
30.24 among its members. No reimbursement received by contracted vendors shall be returned
30.25 to the county, except to reimburse the county for advance funding provided by the county
30.26 to the vendor.

30.27 (d) If the service is provided by a team that includes contracted vendors and county staff,
30.28 the costs for county staff participation on the team shall be included in the rate for
30.29 county-provided services. In this case, the contracted vendor and the county may each
30.30 receive separate payment for services provided by each entity in the same month. In order
30.31 to prevent duplication of services, the county must document, in the recipient's file, the need
30.32 for team targeted case management and a description of the different roles of the team
30.33 members.

31.1 (e) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for
 31.2 targeted case management shall be provided by the recipient's county of responsibility, as
 31.3 defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds
 31.4 used to match other federal funds.

31.5 (f) The commissioner may suspend, reduce, or terminate reimbursement to a provider
 31.6 that does not meet the reporting or other requirements of this section. The county of
 31.7 responsibility, as defined in sections 256G.01 to 256G.12, is responsible for any federal
 31.8 disallowances. The county may share this responsibility with its contracted vendors.

31.9 (g) The commissioner shall set aside five percent of the federal funds received under
 31.10 this section for use in reimbursing the state for costs of developing and implementing this
 31.11 section.

31.12 (h) Payments to counties for targeted case management expenditures under this section
 31.13 shall only be made from federal earnings from services provided under this section. Payments
 31.14 to contracted vendors shall include both the federal earnings and the county share.

31.15 (i) Notwithstanding section 256B.041, county payments for the cost of case management
 31.16 services provided by county staff shall not be made to the commissioner of management
 31.17 and budget. For the purposes of targeted case management services provided by county
 31.18 staff under this section, the centralized disbursement of payments to counties under section
 31.19 256B.041 consists only of federal earnings from services provided under this section.

31.20 (j) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital,
 31.21 and the recipient's institutional care is paid by medical assistance, payment for targeted case
 31.22 management services under this subdivision is limited to the lesser of:

31.23 (1) the last 180 days of the recipient's residency in that facility; or

31.24 (2) the limits and conditions which apply to federal Medicaid funding for this service.

31.25 (k) Payment for targeted case management services under this subdivision shall not
 31.26 duplicate payments made under other program authorities for the same purpose.

31.27 (l) Any growth in targeted case management services and cost increases under this
 31.28 section shall be the responsibility of the counties.

31.29 Sec. 19. Minnesota Statutes 2020, section 256B.094, subdivision 6, is amended to read:

31.30 Subd. 6. **Medical assistance reimbursement of case management services.** (a) Medical
 31.31 assistance reimbursement for services under this section shall be made on a monthly basis.
 31.32 Payment is based on face-to-face or telephone contacts, either in person or through telehealth,

32.1 between the case manager and the client, client's family, primary caregiver, legal
32.2 representative, or other relevant person identified as necessary to the development or
32.3 implementation of the goals of the individual service plan regarding the status of the client,
32.4 the individual service plan, or the goals for the client. These contacts must meet the minimum
32.5 standards in clauses (1) and (2):

32.6 (1) there must be a face-to-face in-person contact at least once a month except as provided
32.7 in clause (2); and

32.8 (2) for a client placed outside of the county of financial responsibility, or a client served
32.9 by tribal social services placed outside the reservation, in an excluded time facility under
32.10 section 256G.02, subdivision 6, or through the Interstate Compact for the Placement of
32.11 Children, section 260.93, and the placement in either case is more than 60 miles beyond
32.12 the county or reservation boundaries, there must be at least one contact per month and not
32.13 more than two consecutive months without a face-to-face in-person contact.

32.14 (b) Except as provided under paragraph (c), the payment rate is established using time
32.15 study data on activities of provider service staff and reports required under sections 245.482
32.16 and 256.01, subdivision 2, paragraph (p).

32.17 (c) Payments for tribes may be made according to section 256B.0625 or other relevant
32.18 federally approved rate setting methodology for child welfare targeted case management
32.19 provided by Indian health services and facilities operated by a tribe or tribal organization.

32.20 (d) Payment for case management provided by county or tribal social services contracted
32.21 vendors shall be based on a monthly rate negotiated by the host county or tribal social
32.22 services. The negotiated rate must not exceed the rate charged by the vendor for the same
32.23 service to other payers. If the service is provided by a team of contracted vendors, the county
32.24 or tribal social services may negotiate a team rate with a vendor who is a member of the
32.25 team. The team shall determine how to distribute the rate among its members. No
32.26 reimbursement received by contracted vendors shall be returned to the county or tribal social
32.27 services, except to reimburse the county or tribal social services for advance funding provided
32.28 by the county or tribal social services to the vendor.

32.29 (e) If the service is provided by a team that includes contracted vendors and county or
32.30 tribal social services staff, the costs for county or tribal social services staff participation in
32.31 the team shall be included in the rate for county or tribal social services provided services.
32.32 In this case, the contracted vendor and the county or tribal social services may each receive
32.33 separate payment for services provided by each entity in the same month. To prevent

33.1 duplication of services, each entity must document, in the recipient's file, the need for team
33.2 case management and a description of the roles and services of the team members.

33.3 Separate payment rates may be established for different groups of providers to maximize
33.4 reimbursement as determined by the commissioner. The payment rate will be reviewed
33.5 annually and revised periodically to be consistent with the most recent time study and other
33.6 data. Payment for services will be made upon submission of a valid claim and verification
33.7 of proper documentation described in subdivision 7. Federal administrative revenue earned
33.8 through the time study, or under paragraph (c), shall be distributed according to earnings,
33.9 to counties, reservations, or groups of counties or reservations which have the same payment
33.10 rate under this subdivision, and to the group of counties or reservations which are not
33.11 certified providers under section 256F.10. The commissioner shall modify the requirements
33.12 set out in Minnesota Rules, parts 9550.0300 to 9550.0370, as necessary to accomplish this.

33.13 Sec. 20. Minnesota Statutes 2020, section 256B.0943, subdivision 1, is amended to read:

33.14 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
33.15 meanings given them.

33.16 (a) "Children's therapeutic services and supports" means the flexible package of mental
33.17 health services for children who require varying therapeutic and rehabilitative levels of
33.18 intervention to treat a diagnosed emotional disturbance, as defined in section 245.4871,
33.19 subdivision 15, or a diagnosed mental illness, as defined in section 245.462, subdivision
33.20 20. The services are time-limited interventions that are delivered using various treatment
33.21 modalities and combinations of services designed to reach treatment outcomes identified
33.22 in the individual treatment plan.

33.23 (b) "Clinical supervision" means the overall responsibility of the mental health
33.24 professional for the control and direction of individualized treatment planning, service
33.25 delivery, and treatment review for each client. A mental health professional who is an
33.26 enrolled Minnesota health care program provider accepts full professional responsibility
33.27 for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work,
33.28 and oversees or directs the supervisee's work.

33.29 (c) "Clinical trainee" means a mental health practitioner who meets the qualifications
33.30 specified in Minnesota Rules, part 9505.0371, subpart 5, item C.

33.31 (d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a. Crisis
33.32 assistance entails the development of a written plan to assist a child's family to contend with
33.33 a potential crisis and is distinct from the immediate provision of crisis intervention services.

34.1 (e) "Culturally competent provider" means a provider who understands and can utilize
34.2 to a client's benefit the client's culture when providing services to the client. A provider
34.3 may be culturally competent because the provider is of the same cultural or ethnic group
34.4 as the client or the provider has developed the knowledge and skills through training and
34.5 experience to provide services to culturally diverse clients.

34.6 (f) "Day treatment program" for children means a site-based structured mental health
34.7 program consisting of psychotherapy for three or more individuals and individual or group
34.8 skills training provided by a multidisciplinary team, under the clinical supervision of a
34.9 mental health professional.

34.10 (g) "Diagnostic assessment" has the meaning given in Minnesota Rules, part 9505.0372,
34.11 subpart 1.

34.12 (h) "Direct service time" means the time that a mental health professional, clinical trainee,
34.13 mental health practitioner, or mental health behavioral aide spends face-to-face with a client
34.14 and the client's family or providing covered ~~telemedicine~~ services through telehealth as
34.15 defined under section 256B.0625, subdivision 3b. Direct service time includes time in which
34.16 the provider obtains a client's history, develops a client's treatment plan, records individual
34.17 treatment outcomes, or provides service components of children's therapeutic services and
34.18 supports. Direct service time does not include time doing work before and after providing
34.19 direct services, including scheduling or maintaining clinical records.

34.20 (i) "Direction of mental health behavioral aide" means the activities of a mental health
34.21 professional or mental health practitioner in guiding the mental health behavioral aide in
34.22 providing services to a client. The direction of a mental health behavioral aide must be based
34.23 on the client's individualized treatment plan and meet the requirements in subdivision 6,
34.24 paragraph (b), clause (5).

34.25 (j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15.

34.26 (k) "Individual behavioral plan" means a plan of intervention, treatment, and services
34.27 for a child written by a mental health professional or mental health practitioner, under the
34.28 clinical supervision of a mental health professional, to guide the work of the mental health
34.29 behavioral aide. The individual behavioral plan may be incorporated into the child's individual
34.30 treatment plan so long as the behavioral plan is separately communicable to the mental
34.31 health behavioral aide.

34.32 (l) "Individual treatment plan" has the meaning given in Minnesota Rules, part 9505.0371,
34.33 subpart 7.

35.1 (m) "Mental health behavioral aide services" means medically necessary one-on-one
35.2 activities performed by a trained paraprofessional qualified as provided in subdivision 7,
35.3 paragraph (b), clause (3), to assist a child retain or generalize psychosocial skills as previously
35.4 trained by a mental health professional or mental health practitioner and as described in the
35.5 child's individual treatment plan and individual behavior plan. Activities involve working
35.6 directly with the child or child's family as provided in subdivision 9, paragraph (b), clause
35.7 (4).

35.8 (n) "Mental health practitioner" has the meaning given in section 245.462, subdivision
35.9 17, except that a practitioner working in a day treatment setting may qualify as a mental
35.10 health practitioner if the practitioner holds a bachelor's degree in one of the behavioral
35.11 sciences or related fields from an accredited college or university, and: (1) has at least 2,000
35.12 hours of clinically supervised experience in the delivery of mental health services to clients
35.13 with mental illness; (2) is fluent in the language, other than English, of the cultural group
35.14 that makes up at least 50 percent of the practitioner's clients, completes 40 hours of training
35.15 on the delivery of services to clients with mental illness, and receives clinical supervision
35.16 from a mental health professional at least once per week until meeting the required 2,000
35.17 hours of supervised experience; or (3) receives 40 hours of training on the delivery of
35.18 services to clients with mental illness within six months of employment, and clinical
35.19 supervision from a mental health professional at least once per week until meeting the
35.20 required 2,000 hours of supervised experience.

35.21 (o) "Mental health professional" means an individual as defined in Minnesota Rules,
35.22 part 9505.0370, subpart 18.

35.23 (p) "Mental health service plan development" includes:

35.24 (1) the development, review, and revision of a child's individual treatment plan, as
35.25 provided in Minnesota Rules, part 9505.0371, subpart 7, including involvement of the client
35.26 or client's parents, primary caregiver, or other person authorized to consent to mental health
35.27 services for the client, and including arrangement of treatment and support activities specified
35.28 in the individual treatment plan; and

35.29 (2) administering standardized outcome measurement instruments, determined and
35.30 updated by the commissioner, as periodically needed to evaluate the effectiveness of
35.31 treatment for children receiving clinical services and reporting outcome measures, as required
35.32 by the commissioner.

35.33 (q) "Mental illness," for persons at least age 18 but under age 21, has the meaning given
35.34 in section 245.462, subdivision 20, paragraph (a).

36.1 (r) "Psychotherapy" means the treatment of mental or emotional disorders or
36.2 maladjustment by psychological means. Psychotherapy may be provided in many modalities
36.3 in accordance with Minnesota Rules, part 9505.0372, subpart 6, including patient and/or
36.4 family psychotherapy; family psychotherapy; psychotherapy for crisis; group psychotherapy;
36.5 or multiple-family psychotherapy. Beginning with the American Medical Association's
36.6 Current Procedural Terminology, standard edition, 2014, the procedure "individual
36.7 psychotherapy" is replaced with "patient and/or family psychotherapy," a substantive change
36.8 that permits the therapist to work with the client's family without the client present to obtain
36.9 information about the client or to explain the client's treatment plan to the family.
36.10 Psychotherapy is appropriate for crisis response when a child has become dysregulated or
36.11 experienced new trauma since the diagnostic assessment was completed and needs
36.12 psychotherapy to address issues not currently included in the child's individual treatment
36.13 plan.

36.14 (s) "Rehabilitative services" or "psychiatric rehabilitation services" means a series or
36.15 multidisciplinary combination of psychiatric and psychosocial interventions to: (1) restore
36.16 a child or adolescent to an age-appropriate developmental trajectory that had been disrupted
36.17 by a psychiatric illness; or (2) enable the child to self-monitor, compensate for, cope with,
36.18 counteract, or replace psychosocial skills deficits or maladaptive skills acquired over the
36.19 course of a psychiatric illness. Psychiatric rehabilitation services for children combine
36.20 psychotherapy to address internal psychological, emotional, and intellectual processing
36.21 deficits, and skills training to restore personal and social functioning. Psychiatric
36.22 rehabilitation services establish a progressive series of goals with each achievement building
36.23 upon a prior achievement. Continuing progress toward goals is expected, and rehabilitative
36.24 potential ceases when successive improvement is not observable over a period of time.

36.25 (t) "Skills training" means individual, family, or group training, delivered by or under
36.26 the supervision of a mental health professional, designed to facilitate the acquisition of
36.27 psychosocial skills that are medically necessary to rehabilitate the child to an age-appropriate
36.28 developmental trajectory heretofore disrupted by a psychiatric illness or to enable the child
36.29 to self-monitor, compensate for, cope with, counteract, or replace skills deficits or
36.30 maladaptive skills acquired over the course of a psychiatric illness. Skills training is subject
36.31 to the service delivery requirements under subdivision 9, paragraph (b), clause (2).

36.32 Sec. 21. Minnesota Statutes 2020, section 256B.0947, subdivision 6, is amended to read:

36.33 Subd. 6. **Service standards.** The standards in this subdivision apply to intensive
36.34 nonresidential rehabilitative mental health services.

- 37.1 (a) The treatment team must use team treatment, not an individual treatment model.
- 37.2 (b) Services must be available at times that meet client needs.
- 37.3 (c) Services must be age-appropriate and meet the specific needs of the client.
- 37.4 (d) The initial functional assessment must be completed within ten days of intake and
37.5 updated at least every six months or prior to discharge from the service, whichever comes
37.6 first.
- 37.7 (e) An individual treatment plan must:
- 37.8 (1) be based on the information in the client's diagnostic assessment and baselines;
- 37.9 (2) identify goals and objectives of treatment, a treatment strategy, a schedule for
37.10 accomplishing treatment goals and objectives, and the individuals responsible for providing
37.11 treatment services and supports;
- 37.12 (3) be developed after completion of the client's diagnostic assessment by a mental health
37.13 professional or clinical trainee and before the provision of children's therapeutic services
37.14 and supports;
- 37.15 (4) be developed through a child-centered, family-driven, culturally appropriate planning
37.16 process, including allowing parents and guardians to observe or participate in individual
37.17 and family treatment services, assessments, and treatment planning;
- 37.18 (5) be reviewed at least once every six months and revised to document treatment progress
37.19 on each treatment objective and next goals or, if progress is not documented, to document
37.20 changes in treatment;
- 37.21 (6) be signed by the clinical supervisor and by the client or by the client's parent or other
37.22 person authorized by statute to consent to mental health services for the client. A client's
37.23 parent may approve the client's individual treatment plan by secure electronic signature or
37.24 by documented oral approval that is later verified by written signature;
- 37.25 (7) be completed in consultation with the client's current therapist and key providers and
37.26 provide for ongoing consultation with the client's current therapist to ensure therapeutic
37.27 continuity and to facilitate the client's return to the community. For clients under the age of
37.28 18, the treatment team must consult with parents and guardians in developing the treatment
37.29 plan;
- 37.30 (8) if a need for substance use disorder treatment is indicated by validated assessment:

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

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

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

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

38.11 (f) The treatment team shall actively and assertively engage the client's family members
38.12 and significant others by establishing communication and collaboration with the family and
38.13 significant others and educating the family and significant others about the client's mental
38.14 illness, symptom management, and the family's role in treatment, unless the team knows or
38.15 has reason to suspect that the client has suffered or faces a threat of suffering any physical
38.16 or mental injury, abuse, or neglect from a family member or significant other.

38.17 (g) For a client age 18 or older, the treatment team may disclose to a family member,
38.18 other relative, or a close personal friend of the client, or other person identified by the client,
38.19 the protected health information directly relevant to such person's involvement with the
38.20 client's care, as provided in Code of Federal Regulations, title 45, part 164.502(b). If the
38.21 client is present, the treatment team shall obtain the client's agreement, provide the client
38.22 with an opportunity to object, or reasonably infer from the circumstances, based on the
38.23 exercise of professional judgment, that the client does not object. If the client is not present
38.24 or is unable, by incapacity or emergency circumstances, to agree or object, the treatment
38.25 team may, in the exercise of professional judgment, determine whether the disclosure is in
38.26 the best interests of the client and, if so, disclose only the protected health information that
38.27 is directly relevant to the family member's, relative's, friend's, or client-identified person's
38.28 involvement with the client's health care. The client may orally agree or object to the
38.29 disclosure and may prohibit or restrict disclosure to specific individuals.

38.30 (h) The treatment team shall provide interventions to promote positive interpersonal
38.31 relationships.

38.32 (i) The services and responsibilities of the psychiatric provider may be provided through
38.33 telehealth as defined under section 256B.0625, subdivision 3b, when necessary to prevent
38.34 disruption in client services or to maintain the required psychiatric staffing level.

39.1 Sec. 22. Minnesota Statutes 2020, section 256B.0949, subdivision 13, is amended to read:

39.2 Subd. 13. **Covered services.** (a) The services described in paragraphs (b) to (l) are
39.3 eligible for reimbursement by medical assistance under this section. Services must be
39.4 provided by a qualified EIDBI provider and supervised by a QSP. An EIDBI service must
39.5 address the person's medically necessary treatment goals and must be targeted to develop,
39.6 enhance, or maintain the individual developmental skills of a person with ASD or a related
39.7 condition to improve functional communication, including nonverbal or social
39.8 communication, social or interpersonal interaction, restrictive or repetitive behaviors,
39.9 hyperreactivity or hyporeactivity to sensory input, behavioral challenges and self-regulation,
39.10 cognition, learning and play, self-care, and safety.

39.11 (b) EIDBI treatment must be delivered consistent with the standards of an approved
39.12 modality, as published by the commissioner. EIDBI modalities include:

39.13 (1) applied behavior analysis (ABA);

39.14 (2) developmental individual-difference relationship-based model (DIR/Floortime);

39.15 (3) early start Denver model (ESDM);

39.16 (4) PLAY project;

39.17 (5) relationship development intervention (RDI); or

39.18 (6) additional modalities not listed in clauses (1) to (5) upon approval by the
39.19 commissioner.

39.20 (c) An EIDBI provider may use one or more of the EIDBI modalities in paragraph (b),
39.21 clauses (1) to (5), as the primary modality for treatment as a covered service, or several
39.22 EIDBI modalities in combination as the primary modality of treatment, as approved by the
39.23 commissioner. An EIDBI provider that identifies and provides assurance of qualifications
39.24 for a single specific treatment modality must document the required qualifications to meet
39.25 fidelity to the specific model.

39.26 (d) Each qualified EIDBI provider must identify and provide assurance of qualifications
39.27 for professional licensure certification, or training in evidence-based treatment methods,
39.28 and must document the required qualifications outlined in subdivision 15 in a manner
39.29 determined by the commissioner.

39.30 (e) CMDE is a comprehensive evaluation of the person's developmental status to
39.31 determine medical necessity for EIDBI services and meets the requirements of subdivision
39.32 5. The services must be provided by a qualified CMDE provider.

40.1 (f) EIDBI intervention observation and direction is the clinical direction and oversight
40.2 of EIDBI services by the QSP, level I treatment provider, or level II treatment provider,
40.3 including developmental and behavioral techniques, progress measurement, data collection,
40.4 function of behaviors, and generalization of acquired skills for the direct benefit of a person.
40.5 EIDBI intervention observation and direction informs any modification of the current
40.6 treatment protocol to support the outcomes outlined in the ITP.

40.7 (g) Intervention is medically necessary direct treatment provided to a person with ASD
40.8 or a related condition as outlined in their ITP. All intervention services must be provided
40.9 under the direction of a QSP. Intervention may take place across multiple settings. The
40.10 frequency and intensity of intervention services are provided based on the number of
40.11 treatment goals, person and family or caregiver preferences, and other factors. Intervention
40.12 services may be provided individually or in a group. Intervention with a higher provider
40.13 ratio may occur when deemed medically necessary through the person's ITP.

40.14 (1) Individual intervention is treatment by protocol administered by a single qualified
40.15 EIDBI provider delivered ~~face-to-face~~ to one person.

40.16 (2) Group intervention is treatment by protocol provided by one or more qualified EIDBI
40.17 providers, delivered to at least two people who receive EIDBI services.

40.18 (h) ITP development and ITP progress monitoring is development of the initial, annual,
40.19 and progress monitoring of an ITP. ITP development and ITP progress monitoring documents
40.20 provide oversight and ongoing evaluation of a person's treatment and progress on targeted
40.21 goals and objectives and integrate and coordinate the person's and the person's legal
40.22 representative's information from the CMDE and ITP progress monitoring. This service
40.23 must be reviewed and completed by the QSP, and may include input from a level I provider
40.24 or a level II provider.

40.25 (i) Family caregiver training and counseling is specialized training and education for a
40.26 family or primary caregiver to understand the person's developmental status and help with
40.27 the person's needs and development. This service must be provided by the QSP, level I
40.28 provider, or level II provider.

40.29 (j) A coordinated care conference is a voluntary ~~face-to-face~~ meeting with the person
40.30 and the person's family to review the CMDE or ITP progress monitoring and to integrate
40.31 and coordinate services across providers and service-delivery systems to develop the ITP.
40.32 This service must be provided by the QSP and may include the CMDE provider or a level
40.33 I provider or a level II provider.

41.1 (k) Travel time is allowable billing for traveling to and from the person's home, school,
41.2 a community setting, or place of service outside of an EIDBI center, clinic, or office from
41.3 a specified location to provide ~~face-to-face~~ in-person EIDBI intervention, observation and
41.4 direction, or family caregiver training and counseling. The person's ITP must specify the
41.5 reasons the provider must travel to the person.

41.6 (l) Medical assistance covers medically necessary EIDBI services and consultations
41.7 delivered by a licensed health care provider via ~~telemedicine~~ telehealth, as defined under
41.8 section 256B.0625, subdivision 3b, in the same manner as if the service or consultation was
41.9 delivered in person.

41.10 Sec. 23. **REVISOR INSTRUCTION.**

41.11 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute the
41.12 term "telemedicine" with "telehealth" whenever the term appears and substitute Minnesota
41.13 Statutes, section 62A.673, whenever references to Minnesota Statutes, sections 62A.67,
41.14 62A.671, and 62A.672 appear.

41.15 Sec. 24. **REPEALER.**

41.16 Minnesota Statutes 2020, sections 62A.67; 62A.671; and 62A.672, are repealed.

62A.67 SHORT TITLE.

Sections 62A.67 to 62A.672 may be cited as the "Minnesota Telemedicine Act."

62A.671 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 62A.67 to 62A.672, the terms defined in this section have the meanings given.

Subd. 2. **Distant site.** "Distant site" means a site at which a licensed health care provider is located while providing health care services or consultations by means of telemedicine.

Subd. 3. **Health care provider.** "Health care provider" has the meaning provided in section 62A.63, subdivision 2.

Subd. 4. **Health carrier.** "Health carrier" has the meaning provided in section 62A.011, subdivision 2.

Subd. 5. **Health plan.** "Health plan" means a health plan as defined in section 62A.011, subdivision 3, and includes dental plans as defined in section 62Q.76, subdivision 3, but does not include dental plans that provide indemnity-based benefits, regardless of expenses incurred and are designed to pay benefits directly to the policyholder.

Subd. 6. **Licensed health care provider.** "Licensed health care provider" means a health care provider who is:

(1) licensed under chapter 147, 147A, 148, 148B, 148E, 148F, 150A, or 153; a mental health professional as defined under section 245.462, subdivision 18, or 245.4871, subdivision 27; or vendor of medical care defined in section 256B.02, subdivision 7; and

(2) authorized within their respective scope of practice to provide the particular service with no supervision or under general supervision.

Subd. 7. **Originating site.** "Originating site" means a site including, but not limited to, a health care facility at which a patient is located at the time health care services are provided to the patient by means of telemedicine.

Subd. 8. **Store-and-forward technology.** "Store-and-forward technology" means the transmission of a patient's medical information from an originating site to a health care provider at a distant site without the patient being present, or the delivery of telemedicine that does not occur in real time via synchronous transmissions.

Subd. 9. **Telemedicine.** "Telemedicine" means the delivery of health care services or consultations while the patient is at an originating site and the licensed health care provider is at a distant site. A communication between licensed health care providers that consists solely of a telephone conversation, e-mail, or facsimile transmission does not constitute telemedicine consultations or services. A communication between a licensed health care provider and a patient that consists solely of an e-mail or facsimile transmission does not constitute telemedicine consultations or services. Telemedicine may be provided by means of real-time two-way, interactive audio and visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support health care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, and care management of a patient's health care.

62A.672 COVERAGE OF TELEMEDICINE SERVICES.

Subdivision 1. **Coverage of telemedicine.** (a) A health plan sold, issued, or renewed by a health carrier for which coverage of benefits begins on or after January 1, 2017, shall include coverage for telemedicine benefits in the same manner as any other benefits covered under the policy, plan, or contract, and shall comply with the regulations of this section.

(b) Nothing in this section shall be construed to:

(1) require a health carrier to provide coverage for services that are not medically necessary;

(2) prohibit a health carrier from establishing criteria that a health care provider must meet to demonstrate the safety or efficacy of delivering a particular service via telemedicine for which the health carrier does not already reimburse other health care providers for delivering via telemedicine, so long as the criteria are not unduly burdensome or unreasonable for the particular service; or

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(3) prevent a health carrier from requiring a health care provider to agree to certain documentation or billing practices designed to protect the health carrier or patients from fraudulent claims so long as the practices are not unduly burdensome or unreasonable for the particular service.

Subd. 2. **Parity between telemedicine and in-person services.** A health carrier shall not exclude a service for coverage solely because the service is provided via telemedicine and is not provided through in-person consultation or contact between a licensed health care provider and a patient.

Subd. 3. **Reimbursement for telemedicine services.** (a) A health carrier shall reimburse the distant site licensed health care provider for covered services delivered via telemedicine on the same basis and at the same rate as the health carrier would apply to those services if the services had been delivered in person by the distant site licensed health care provider.

(b) It is not a violation of this subdivision for a health carrier to include a deductible, co-payment, or coinsurance requirement for a health care service provided via telemedicine, provided that the deductible, co-payment, or coinsurance is not in addition to, and does not exceed, the deductible, co-payment, or coinsurance applicable if the same services were provided through in-person contact.