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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 105

06/15/2020 Authored by Liebling
The bill was read for the first time and referred to the Health and Human Services Finance Division

1.1 A bill for an act
1.2 relating to human services; extending the expiration of the executive order relating
1.3 to use of telemedicine in the state medical cannabis program; extending the
1.4 expiration of certain human services program waivers and modifications issued
1.5 by the commissioner of human services pursuant to executive orders during the
1.6 peacetime emergency declared in response to the COVID-19 pandemic; establishing
1.7 a 60-day period for the commissioner of human services to transition affected
1.8 programs off of COVID-19 waivers and modifications following expiration of the
1.9 peacetime emergency; appropriating money.

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

1.11 Section 1. COMMISSIONER OF HUMAN SERVICES; EXTENSION OF COVID-19
1.12 HUMAN SERVICES PROGRAM WAIVERS AND MODIFICATIONS.

1.13 Subdivision 1. Waivers and modifications; federal funding extension. When the
1.14 peacetime emergency declared by the governor in response to the COVID-19 outbreak
1.15 expires, is terminated, or is rescinded by the proper authority, the following waivers and
1.16 modifications to human services programs issued by the commissioner of human services
1.17 pursuant to Executive Orders 20-11 and 20-12 that are required to comply with federal law
1.18 may remain in effect for the time period set out in applicable federal law or for the time
1.19 period set out in any applicable federally approved waiver or state plan amendment,
1.20 whichever is later:

- 1.21 (1) CV17: preserving health care coverage for Medical Assistance and MinnesotaCare;
1.22 (2) CV18: implementation of federal changes to the Supplemental Nutrition Assistance
1.23 Program;
1.24 (3) CV20: eliminating cost-sharing for COVID-19 diagnosis and treatment;

2.1 (4) CV37: implementation of federal changes to the Supplemental Nutrition Assistance  
2.2 Program;

2.3 (5) CV39: implementation of federal changes to the Supplemental Nutrition Assistance  
2.4 Program;

2.5 (6) CV59: modifying eligibility period for the federally funded Refugee Cash Assistance  
2.6 Program; and

2.7 (7) CV60: modifying eligibility period for the federally funded Refugee Social Services  
2.8 Program.

2.9 Subd. 2. **Waivers and modifications; extension to June 30, 2021.** When the peacetime  
2.10 emergency declared by the governor in response to the COVID-19 outbreak expires, is  
2.11 terminated, or is rescinded by the proper authority, the following waivers and modifications  
2.12 to human services programs issued by the commissioner of human services pursuant to  
2.13 Executive Orders 20-11 and 20-12, including any amendments to the waivers or modifications  
2.14 issued before the peacetime emergency expires, shall remain in effect until June 30, 2021,  
2.15 unless necessary federal approval is not received at any time for a waiver or modification:

2.16 (1) CV15: allowing phone or video visits for waiver programs;

2.17 (2) CV16: expanding access to telemedicine services for Children's Health Insurance  
2.18 Program, Medical Assistance, and MinnesotaCare enrollees;

2.19 (3) CV21: allowing telemedicine alternative for school-linked mental health services  
2.20 and intermediate school district mental health services;

2.21 (4) CV24: allowing phone or video use for targeted case management visits;

2.22 (5) CV27: allowing exemption for temporary absence policy in housing support;

2.23 (6) CV30: expanding telemedicine in health care, mental health, and substance use  
2.24 disorder settings;

2.25 (7) CV31: allowing partial waiver of county cost when COVID-19 delays discharges  
2.26 from DHS-operated psychiatric hospitals;

2.27 (8) CV38: allowing flexibility in housing licensing requirements;

2.28 (9) CV43: expanding remote home and community-based services waiver services;

2.29 (10) CV44: allowing remote delivery of adult day services;

2.30 (11) CV50: modifying certain requirements for early intensive developmental and  
2.31 behavioral intervention (EIDBI) services; and

3.1 (12) CV53: allowing flexibility for personal care assistance service oversight, except  
 3.2 that the portion of this modification permitting personal care assistance workers to bill 310  
 3.3 hours per month shall expire upon the expiration of the peacetime emergency.

3.4 Subd. 3. **Waivers and modifications; 60-day transition period.** When the peacetime  
 3.5 emergency declared by the governor in response to the COVID-19 outbreak expires, is  
 3.6 terminated, or is rescinded by the proper authority, all waivers or modifications issued by  
 3.7 the commissioner of human services in response to the COVID-19 outbreak that have not  
 3.8 been extended as provided in subdivisions 1 and 2 of this section may remain in effect for  
 3.9 no more than 60 days, only for purposes of transitioning affected programs back to operating  
 3.10 without the waivers or modifications in place.

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

3.12 Sec. 2. **EXTENSION OF MEDICAL CANNABIS PROGRAM TELEMEDICINE**  
 3.13 **FLEXIBILITIES.**

3.14 When the peacetime emergency declared by the governor in response to the COVID-19  
 3.15 outbreak expires, is terminated, or is rescinded by the proper authority, the provisions in  
 3.16 Executive Order 20-26 authorizing the use of telemedicine in the medical cannabis program  
 3.17 to conduct patient assessments to certify patient qualifying medical conditions, and to  
 3.18 perform consultations between patients or caregivers and manufacturer employees licensed  
 3.19 as pharmacists before the distribution of medical cannabis, shall remain in effect until June  
 3.20 30, 2021.

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

3.22 Sec. 3. **APPROPRIATION; HOUSING SUPPORT TEMPORARY ABSENCE**  
 3.23 **POLICY MODIFICATION EXTENSION.**

3.24 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the  
 3.25 coronavirus relief fund to the commissioner of human services for extending the modification  
 3.26 to the housing support temporary absence policy in section 1, subdivision 2, clause (5).

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