

**SENATE
STATE OF MINNESOTA
FOURTH SPECIAL SESSION**

S.F. No. 11

(SENATE AUTHORS: RELPH)

DATE
09/11/2020

D-PG

7 Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to human services; establishing mental health provider retention grants;

1.3 appropriating money.

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

1.5 Section 1. **COVID-19-RELATED MENTAL HEALTH PROVIDER RETENTION**

1.6 **GRANTS.**

1.7 Subdivision 1. **Appropriation.** (a) \$30,000,000 in fiscal year 2021 is appropriated from

1.8 the coronavirus relief fund to the commissioner of human services for retention grants to

1.9 eligible providers as defined in subdivision 2 to assist providers with:

1.10 (1) costs related to personal protective equipment, cleaning and sanitizing, optimizing

1.11 physical distancing, workplace safety precautions, additional training, unemployment

1.12 expenses, and other public health safety precautions;

1.13 (2) expenses related to telehealth implementation;

1.14 (3) personnel costs for hazard pay for providing in-person services and COVID-19-related

1.15 leave; and

1.16 (4) loss of income and billing resulting from COVID-19-related census decreases for

1.17 residential treatment programs and programs that were required to be closed or limited due

1.18 to COVID-19.

1.19 (b) Grantees must use funds awarded under this section for unreimbursed costs incurred

1.20 or revenue losses experienced due to the COVID-19 pandemic from March 1, 2020, through

1.21 December 30, 2020. The costs identified in paragraph (a) are considered unreimbursed if

2.1 they are incremental expenses incurred due to the COVID-19 pandemic or expenses incurred
2.2 that exceed revenue for the program.

2.3 (c) The commissioner may use up to \$125,000 of this appropriation to administer this
2.4 grant.

2.5 (d) This is a onetime appropriation and is available until January 30, 2021.

2.6 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
2.7 meanings given them.

2.8 (b) "Eligible provider" means a community mental health provider that provides eligible
2.9 services, as defined in paragraph (c), to a child with an emotional disorder or to an adult
2.10 with a mental illness, and meets the attestation and agreement requirements in subdivisions
2.11 3 and 4.

2.12 (c) "Eligible services" means the following services:

2.13 (1) assertive community treatment and intensive residential treatment services under
2.14 Minnesota Statutes, section 256B.0622;

2.15 (2) adult rehabilitative mental health services under Minnesota Statutes, section
2.16 256B.0623;

2.17 (3) mental health crisis response services under Minnesota Statutes, sections 256B.0624
2.18 and 256B.0944;

2.19 (4) children's therapeutic services and supports under Minnesota Statutes, section
2.20 256B.0943;

2.21 (5) residential services for children with severe emotional disturbance under Minnesota
2.22 Statutes, section 256B.0945;

2.23 (6) psychiatric residential treatment facility services under Minnesota Statutes, section
2.24 256B.0941;

2.25 (7) outpatient mental health services provided by a mental health professional, a mental
2.26 health practitioner, or a mental health practitioner working as a clinical trainee under
2.27 Minnesota Statutes, section 256B.0625, subdivision 65;

2.28 (8) mental health services provided by certified community behavioral health centers
2.29 under Minnesota Statutes, section 245.735, subdivision 3;

2.30 (9) intensive mental health outpatient treatment under Minnesota Statutes, section
2.31 256B.0625, subdivision 51;

3.1 (10) intensive treatment in foster care under Minnesota Statutes, section 256B.0946;

3.2 (11) mental health services provided by approved mental health clinics under Minnesota
3.3 Statutes, section 245.69, subdivision 2, and community mental health centers under
3.4 Minnesota Statutes, section 256B.0625, subdivision 5;

3.5 (12) mental health case management under Minnesota Statutes, section 256B.0625,
3.6 subdivision 20; and

3.7 (13) substance use disorder treatment provided by providers licensed under Minnesota
3.8 Statutes, chapter 245G.

3.9 Subd. 3. **Attestation.** (a) As a condition of obtaining funds under this section, an eligible
3.10 provider must attest to the following on the grant request form:

3.11 (1) the intent to provide eligible services under this section through December 30, 2020;
3.12 and

3.13 (2) unreimbursed costs incurred or revenue losses experienced between March 1, 2020,
3.14 and December 30, 2020, related to the expenses and losses listed in subdivision 1, paragraph
3.15 (a).

3.16 (b) An eligible provider may submit a grant request form no more than monthly for
3.17 eligible expenses and losses incurred until December 30, 2020. An eligible provider must
3.18 submit a grant request form by January 31, 2021, for expenses and losses incurred for eligible
3.19 services provided between December 1, 2020, and December 30, 2020.

3.20 Subd. 4. **Agreement.** As a condition of obtaining funds under this section, an eligible
3.21 provider must agree to the following on the grant request form:

3.22 (1) cooperate with the commissioner of human services to deliver services according to
3.23 the program and service waivers and modifications issued under the commissioner's authority;

3.24 (2) maintain documentation sufficient to demonstrate the unreimbursed costs required
3.25 in order to receive a grant under this section; and

3.26 (3) acknowledge that retention grants may be subject to a special recoupment under this
3.27 section if a state audit performed under this section determines that the provider used awarded
3.28 funds for purposes not authorized under this section.

3.29 Subd. 5. **Retention grants.** (a) No later than October 30, 2020, the commissioner shall
3.30 begin issuing grants to eligible providers.

3.31 (b) The commissioner shall implement grants and the process of making grants under
3.32 this subdivision without compliance with time-consuming procedures and formalities

prescribed in law such as the following statutes and related policies: Minnesota Statutes, sections 16A.15, subdivision 3; 16B.97; 16B.98, subdivisions 5 and 7; and 16B.98, subdivision 8, the express audit clause requirement.

(c) By accepting a grant under this subdivision, the grantee attests to the conditions specified in subdivisions 3 and 4.

(d) The commissioner's determination of the grant amount determined under this subdivision is final and is not subject to appeal.

(e) The commissioner may make grants in an amount determined by the commissioner, based on each grantee's application, up to \$300,000 per grantee.

(f) Notwithstanding paragraph (e), if funds are available after all eligible providers have received a grant, the commissioner may award additional grant funds to eligible providers who have already received the \$300,000 maximum grant amount.

(g) If applications for grants exceed the available appropriation, the commissioner shall give priority to grant applications submitted by eligible providers whose applications demonstrate the highest need and who provide treatment primarily to underserved communities, including individuals enrolled in medical assistance and MinnesotaCare.

(h) The commissioner may award grants based on a specific month or months that an eligible provider meets the qualifying criteria, or based on the eligible provider's cumulative financial performance from March 1, 2020, to December 30, 2020.

Subd. 6. **Payments for services provided.** Providers who receive grants under this section may continue to bill for services provided.

Subd. 7. **Recoupment.** (a) The commissioner may perform an audit under this section up to six years after the grant is awarded to ensure the funds are utilized solely for the purposes stated in subdivision 1.

(b) If the commissioner determines that a provider used awarded funds for purposes not authorized under this section, the commissioner shall treat any amount used for a purpose not authorized under this section as an overpayment. The commissioner shall recover any overpayment.

Subd. 8. **Expiration.** This section expires January 31, 2021.

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