

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 1504

1.2 A bill for an act

1.3 relating to human services; amending mental health provisions; changing
1.4 medical assistance reimbursement and eligibility; changing provider qualification
1.5 and training requirements; amending mental health behavioral aide services;
1.6 adding an excluded service; changing special contracts with bordering states;
1.7 amending Minnesota Statutes 2008, sections 148C.11, subdivision 1; 245.4835,
1.8 subdivisions 1, 2; 245.4885, subdivision 1; 245.50, subdivision 5; 256B.0615,
1.9 subdivisions 1, 3; 256B.0622, subdivision 8, by adding a subdivision;
1.10 256B.0623, subdivision 5; 256B.0624, subdivision 8; 256B.0625, subdivision
1.11 49; 256B.0943, subdivisions 1, 2, 4, 5, 6, 7, 9; 256B.0944, subdivision 5.

1.12 May 17, 2009
1.13 The Honorable James P. Metzen
1.14 President of the Senate

1.15 The Honorable Margaret Anderson Kelliher
1.16 Speaker of the House of Representatives

1.17 We, the undersigned conferees for S.F. No. 1504 report that we have agreed upon
1.18 the items in dispute and recommend as follows:

1.19 That the House recede from its amendment and that S.F. No. 1504 be further
1.20 amended as follows:

1.21 Page 3, after line 34, insert:

1.22 "Sec. 4. Minnesota Statutes 2008, section 245.4871, subdivision 26, is amended to read:

1.23 Subd. 26. **Mental health practitioner.** "Mental health practitioner" means a person
1.24 providing services to children with emotional disturbances. A mental health practitioner
1.25 must have training and experience in working with children. A mental health practitioner
1.26 must be qualified in at least one of the following ways:

1.27 (1) holds a bachelor's degree in one of the behavioral sciences or related fields from
1.28 an accredited college or university and:

1.29 (i) has at least 2,000 hours of supervised experience in the delivery of mental health
1.30 services to children with emotional disturbances; or

2.1 (ii) is fluent in the non-English language of the ethnic group to which at least 50
2.2 percent of the practitioner's clients belong, completes 40 hours of training in the delivery
2.3 of services to children with emotional disturbances, and receives clinical supervision from
2.4 a mental health professional at least once a week until the requirement of 2,000 hours
2.5 of supervised experience is met;

2.6 (2) has at least 6,000 hours of supervised experience in the delivery of mental
2.7 health services to children with emotional disturbances; hours worked as a mental health
2.8 behavioral aide I or II under section 256B.0943, subdivision 7, may be included in the
2.9 6,000 hours of experience;

2.10 (3) is a graduate student in one of the behavioral sciences or related fields and is
2.11 formally assigned by an accredited college or university to an agency or facility for
2.12 clinical training; or

2.13 (4) holds a master's or other graduate degree in one of the behavioral sciences or
2.14 related fields from an accredited college or university and has less than 4,000 hours
2.15 post-master's experience in the treatment of emotional disturbance."

2.16 Page 8, after line 9, insert:

2.17 "(h) Paragraph (c), clause (2), is effective for services provided on or after January
2.18 1, 2010, to December 31, 2011, and does not change contracts or agreements relating to
2.19 services provided before January 1, 2010."

2.20 Page 8, after line 33, insert:

2.21 "(f) This subdivision is effective for services provided on or after January 1, 2010,
2.22 to December 31, 2011, and does not change contracts or agreements relating to services
2.23 provided before January 1, 2010."

2.24 Page 11, delete section 13 and insert:

2.25 "Sec. 14. Minnesota Statutes 2008, section 256B.0943, subdivision 1, is amended to
2.26 read:

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

2.29 (a) "Children's therapeutic services and supports" means the flexible package of
2.30 mental health services for children who require varying therapeutic and rehabilitative
2.31 levels of intervention. The services are time-limited interventions that are delivered using
2.32 various treatment modalities and combinations of services designed to reach treatment
2.33 outcomes identified in the individual treatment plan.

2.34 (b) "Clinical supervision" means the overall responsibility of the mental health
2.35 professional for the control and direction of individualized treatment planning, service

3.1 delivery, and treatment review for each client. A mental health professional who is an
3.2 enrolled Minnesota health care program provider accepts full professional responsibility
3.3 for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work,
3.4 and oversees or directs the supervisee's work.

3.5 (c) "County board" means the county board of commissioners or board established
3.6 under sections 402.01 to 402.10 or 471.59.

3.7 (d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a.

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

3.13 (f) "Day treatment program" for children means a site-based structured program
3.14 consisting of group psychotherapy for more than three individuals and other intensive
3.15 therapeutic services provided by a multidisciplinary team, under the clinical supervision
3.16 of a mental health professional.

3.17 (g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision
3.18 11.

3.19 (h) "Direct service time" means the time that a mental health professional, mental
3.20 health practitioner, or mental health behavioral aide spends face-to-face with a client
3.21 and the client's family. Direct service time includes time in which the provider obtains
3.22 a client's history or provides service components of children's therapeutic services and
3.23 supports. Direct service time does not include time doing work before and after providing
3.24 direct services, including scheduling, maintaining clinical records, consulting with others
3.25 about the client's mental health status, preparing reports, receiving clinical supervision
3.26 ~~directly related to the client's psychotherapy session~~, and revising the client's individual
3.27 treatment plan.

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

3.33 (j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision
3.34 15. For persons at least age 18 but under age 21, mental illness has the meaning given in
3.35 section 245.462, subdivision 20, paragraph (a).

4.1 (k) "Individual behavioral plan" means a plan of intervention, treatment, and
4.2 services for a child written by a mental health professional or mental health practitioner,
4.3 under the clinical supervision of a mental health professional, to guide the work of the
4.4 mental health behavioral aide.

4.5 (l) "Individual treatment plan" has the meaning given in section 245.4871,
4.6 subdivision 21.

4.7 (m) "Mental health behavioral aide services" means medically necessary one-on-one
4.8 activities performed by a trained paraprofessional to assist a child retain or generalize
4.9 psychosocial skills as taught by a mental health professional or mental health practitioner
4.10 and as described in the child's individual treatment plan and individual behavior plan.
4.11 Activities involve working directly with the child or child's family as provided in
4.12 subdivision 9, paragraph (b), clause (4).

4.13 ~~(m)~~ (n) "Mental health professional" means an individual as defined in section
4.14 245.4871, subdivision 27, clauses (1) to (5), or tribal vendor as defined in section 256B.02,
4.15 subdivision 7, paragraph (b).

4.16 ~~(n)~~ (o) "Preschool program" means a day program licensed under Minnesota Rules,
4.17 parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and
4.18 supports provider to provide a structured treatment program to a child who is at least 33
4.19 months old but who has not yet attended the first day of kindergarten.

4.20 ~~(o)~~ (p) "Skills training" means individual, family, or group training, delivered by
4.21 or under the direction of a mental health professional, designed to improve the basic
4.22 functioning of the child with emotional disturbance and the child's family in the activities
4.23 of daily living and community living, and to improve the social functioning of the child
4.24 and the child's family in areas important to the child's maintaining or reestablishing
4.25 residency in the community. Individual, family, and group skills training must:

4.26 ~~(1) consist of activities designed to promote skill development of the child and the~~
4.27 ~~child's family in the use of age-appropriate daily living skills, interpersonal and family~~
4.28 ~~relationships, and leisure and recreational services;~~

4.29 ~~(2) consist of activities that will assist the family's understanding of normal child~~
4.30 ~~development and to use parenting skills that will help the child with emotional disturbance~~
4.31 ~~achieve the goals outlined in the child's individual treatment plan; and~~

4.32 ~~(3) promote family preservation and unification, promote the family's integration~~
4.33 ~~with the community, and reduce the use of unnecessary out-of-home placement or~~
4.34 ~~institutionalization of children with emotional disturbance. facilitate the acquisition~~
4.35 ~~of psychosocial skills that are medically necessary to rehabilitate the child to an~~
4.36 ~~age-appropriate developmental trajectory heretofore disrupted by a psychiatric illness~~

5.1 or to self-monitor, compensate for, cope with, counteract, or replace skills deficits or
5.2 maladaptive skills acquired over the course of a psychiatric illness. Skills training is
5.3 subject to the following requirements:

5.4 (1) a mental health professional or a mental health practitioner must provide skills
5.5 training;

5.6 (2) the child must always be present during skills training; however, a brief absence
5.7 of the child for no more than ten percent of the session unit may be allowed to redirect or
5.8 instruct family members;

5.9 (3) skills training delivered to children or their families must be targeted to the
5.10 specific deficits or maladaptations of the child's mental health disorder and must be
5.11 prescribed in the child's individual treatment plan;

5.12 (4) skills training delivered to the child's family must teach skills needed by parents
5.13 to enhance the child's skill development and to help the child use in daily life the skills
5.14 previously taught by a mental health professional or mental health practitioner and to
5.15 develop or maintain a home environment that supports the child's progressive use skills;

5.16 (5) group skills training may be provided to multiple recipients who, because of the
5.17 nature of their emotional, behavioral, or social dysfunction, can derive mutual benefit from
5.18 interaction in a group setting, which must be staffed as follows:

5.19 (i) one mental health professional or one mental health practitioner under supervision
5.20 of a licensed mental health professional must work with a group of four to eight clients; or

5.21 (ii) two mental health professionals or two mental health practitioners under
5.22 supervision of a licensed mental health professional, or one professional plus one
5.23 practitioner must work with a group of nine to 12 clients."

5.24 Renumber the sections in sequence and correct the internal references

5.25 Amend the title as follows:

5.26 Page 1, line 5, delete everything before "changing"

5.27 Correct the title numbers

6.1 We request the adoption of this report and repassage of the bill.

6.2 Senate Conferees: (Signed)

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6.4 Linda Berglin

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Ann Lynch

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6.6 Michelle Fischbach

6.7 House Conferees: (Signed)

6.8

6.9 Larry Hosch

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Jeff Hayden

6.10

6.11 Carol McFarlane