

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2253

02/15/2012 Authored by Lohmer, Abeler and Huntley
The bill was read for the first time and referred to the Committee on Health and Human Services Finance
03/05/2012 Adoption of Report: Pass and Read Second Time
03/26/2012 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to human services; allowing out-of-state residential mental health
1.3 treatment for certain children; amending Minnesota Statutes 2010, section
1.4 256B.0945, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 256B.0945, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. Residential services; provider qualifications. (a) Counties must
1.9 arrange to provide residential services for children with severe emotional disturbance
1.10 according to sections 245.4882, 245.4885, and this section.

1.11 (b) Services must be provided by a facility that is licensed according to section
1.12 245.4882 and administrative rules promulgated thereunder, and under contract with the
1.13 county.

1.14 (c) Eligible service costs may be claimed for a facility that is located in a state
1.15 that borders Minnesota if:

1.16 (1) the facility is the closest facility to the child's home, providing the appropriate
1.17 level of care; and

1.18 (2) the commissioner of human services has completed an inspection of the
1.19 out-of-state program according to the interagency agreement with the commissioner of
1.20 corrections under section 260B.198, subdivision 11, paragraph (b), and the program has
1.21 been certified by the commissioner of corrections under section 260B.198, subdivision
1.22 11, paragraph (a), to substantially meet the standards applicable to children's residential
1.23 mental health treatment programs under Minnesota Rules, chapter 2960. Nothing in
1.24 this section requires the commissioner of human services to enforce the background

2.1 study requirements under chapter 245C or the requirements related to prevention and
2.2 investigation of alleged maltreatment under section 626.556 or 626.557. Complaints
2.3 received by the commissioner of human services must be referred to the out-of-state
2.4 licensing authority for possible follow-up.

2.5 (d) Notwithstanding paragraph (b), eligible service costs may be claimed for an
2.6 out-of-state inpatient treatment facility if:

2.7 (1) the facility specializes in providing mental health services to children who are
2.8 deaf, deafblind, or hard-of-hearing and who use American Sign Language as their first
2.9 language;

2.10 (2) the facility is licensed by the state in which it is located; and

2.11 (3) the state in which the facility is located is a member state of the Interstate
2.12 Compact on Mental Health.