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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4877

03/13/2024 Authored by Clardy
The bill was read for the first time and referred to the Committee on Human Services Policy
03/21/2024 Adoption of Report: Re-referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying qualifications for certain positive support
1.3 providers; amending Minnesota Statutes 2022, section 245D.091, subdivisions 3,
1.4 4.

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

1.6 Section 1. Minnesota Statutes 2022, section 245D.091, subdivision 3, is amended to read:

1.7 Subd. 3. Positive support analyst qualifications. (a) A positive support analyst providing
1.8 positive support services as identified in section 245D.03, subdivision 1, paragraph (c),
1.9 clause (1), item (i), must have competencies in one of the following areas as required under
1.10 the brain injury, community access for disability inclusion, community alternative care, and
1.11 developmental disabilities waiver plans or successor plans:

1.12 (1) have obtained a baccalaureate degree, master's degree, or PhD in either a social
1.13 services discipline or nursing;

1.14 (2) meet the qualifications of a mental health practitioner as defined in section 245.462,
1.15 subdivision 17; or

1.16 (3) be a board-certified behavior analyst or board-certified assistant behavior analyst by
1.17 the Behavior Analyst Certification Board, Incorporated.

1.18 (b) In addition, a positive support analyst must:

1.19 (1) have four years of supervised experience ~~conducting functional behavior assessments~~
1.20 ~~and designing, implementing, and evaluating effectiveness of positive practices behavior~~
1.21 ~~support strategies for people~~ working with individuals who exhibit challenging behaviors
1.22 as well as co-occurring mental disorders and neurocognitive disorder;

- 2.1 (2) have received training prior to hire or within 90 calendar days of hire that includes:
- 2.2 (i) ten hours of instruction in functional assessment and functional analysis;
- 2.3 (ii) 20 hours of instruction in the understanding of the function of behavior;
- 2.4 (iii) ten hours of instruction on design of positive practices behavior support strategies;
- 2.5 (iv) 20 hours of instruction preparing written intervention strategies, designing data
- 2.6 collection protocols, training other staff to implement positive practice strategies,
- 2.7 summarizing and reporting program evaluation data, analyzing program evaluation data to
- 2.8 identify design flaws in behavioral interventions or failures in implementation fidelity, and
- 2.9 recommending enhancements based on evaluation data; and
- 2.10 (v) eight hours of instruction on principles of person-centered thinking;
- 2.11 (3) be determined by a positive support professional to have the training and prerequisite
- 2.12 skills required to provide positive practice strategies as well as behavior reduction approved
- 2.13 and permitted intervention to the person who receives positive support; and
- 2.14 (4) be under the direct supervision of a positive support professional.

2.15 (c) Meeting the qualifications for a positive support professional under subdivision 2

2.16 shall substitute for meeting the qualifications listed in paragraph (b).

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2024, or upon federal approval,

2.18 whichever occurs first. The commissioner of human services shall inform the revisor of

2.19 statutes when federal approval is obtained.

2.20 Sec. 2. Minnesota Statutes 2022, section 245D.091, subdivision 4, is amended to read:

2.21 Subd. 4. **Positive support specialist qualifications.** (a) A positive support specialist

2.22 providing positive support services as identified in section 245D.03, subdivision 1, paragraph

2.23 (c), clause (1), item (i), must have competencies in one of the following areas as required

2.24 under the brain injury, community access for disability inclusion, community alternative

2.25 care, and developmental disabilities waiver plans or successor plans:

2.26 (1) have an associate's degree in either a social services discipline or nursing; or

2.27 (2) have two years of supervised experience working with individuals who exhibit

2.28 challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder.

2.29 (b) In addition, a behavior specialist must:

2.30 (1) have received training prior to hire or within 90 calendar days of hire that includes:

- 3.1 (i) a minimum of four hours of training in functional assessment;
- 3.2 (ii) 20 hours of instruction in the understanding of the function of behavior;
- 3.3 (iii) ten hours of instruction on design of positive practices behavioral support strategies;
- 3.4 and
- 3.5 (iv) eight hours of instruction on principles of person-centered thinking;
- 3.6 (2) be determined by a positive support professional to have the training and prerequisite
- 3.7 skills required to provide positive practices strategies as well as behavior reduction approved
- 3.8 intervention to the person who receives positive support; and
- 3.9 (3) be under the direct supervision of a positive support professional.
- 3.10 (c) Meeting the qualifications for a positive support professional under subdivision 2
- 3.11 shall substitute for meeting the qualifications listed in paragraphs (a) and (b).
- 3.12 **EFFECTIVE DATE.** This section is effective July 1, 2024, or upon federal approval,
- 3.13 whichever occurs first. The commissioner of human services shall inform the revisor of
- 3.14 statutes when federal approval is obtained.