254A.19 CHEMICAL USE ASSESSMENTS.

Subdivision 1. **Persons arrested outside of home county.** When a chemical use assessment is required for a person who is arrested and taken into custody by a peace officer outside of the person's county of residence, the county where the person is detained must give access to an assessor qualified under section 254A.19, subdivision 3. The county of financial responsibility is determined under chapter 256G.

Subd. 1a. MS 2022 [Repealed, 2023 c 50 art 2 s 63]

Subd. 2. MS 2022 [Repealed, 2023 c 50 art 2 s 63]

Subd. 3. **Comprehensive assessments.** (a) An eligible vendor under section 254B.0501 conducting a comprehensive assessment for an individual seeking treatment shall recommend the nature, intensity level, and duration of treatment service if a need for services is indicated, but the individual assessed can access any enrolled provider that is licensed to provide the level of service authorized, including the provider or program that completed the assessment. If an individual is enrolled in a prepaid health plan, the individual must comply with any provider network requirements or limitations.

(b) When a comprehensive assessment is completed while the individual is in a substance use disorder treatment program, the comprehensive assessment must meet the requirements of section 245G.05.

(c) When a comprehensive assessment is completed while the individual is in a withdrawal management program, the comprehensive assessment must meet the requirements of section 245F.06.

(d) When a comprehensive assessment is completed for purposes of payment under section 254B.0501, subdivision 2, 4, or 5, or if the assessment is completed prior to service initiation by a licensed substance use disorder treatment program licensed under chapter 245G or applicable Tribal license, the assessor must:

(1) include all components under section 245G.05, subdivision 3;

(2) provide the assessment within five days or at a later date upon the client's request, or refer the individual to other locations where they may access this service sooner;

(3) provide information on payment options for substance use disorder services when the individual is uninsured or underinsured;

(4) provide the individual with a notice of privacy practices;

(5) provide a copy of the completed comprehensive assessment, upon request;

(6) provide resources and contact information for the level of care being recommended; and

(7) provide an individual diagnosed with an opioid use disorder with educational material approved by the commissioner that contains information on:

(i) risks for opioid use disorder and opioid dependence;

(ii) treatment options, including the use of a medication for opioid use disorder;

(iii) the risk and recognition of opioid overdose; and

(iv) the use, availability, and administration of an opiate antagonist to respond to opioid overdose.

Subd. 4. **Civil commitments.** For the purposes of determining level of care, a comprehensive assessment does not need to be completed for an individual being committed as a chemically dependent person, as

defined in section 253B.02, and for the duration of a civil commitment under section 253B.09 or 253B.095 in order for the individual to be eligible for the behavioral health fund under section 254B.04. The commissioner must determine if the individual meets the financial eligibility requirements for the behavioral health fund under section 254B.04.

Subd. 5. MS 2022 [Repealed, 2023 c 50 art 2 s 63]

Subd. 6. **Assessments for detoxification programs.** For detoxification programs licensed under chapter 245A according to Minnesota Rules, parts 9530.6510 to 9530.6590, a "chemical use assessment" is a comprehensive assessment completed according to the requirements of section 245G.05.

Subd. 7. **Assessments for children's residential facilities.** For children's residential facilities licensed under chapter 245A according to Minnesota Rules, parts 2960.0010 to 2960.0220 and 2960.0430 to 2960.0490, a "chemical use assessment" is a comprehensive assessment completed according to the requirements of section 245G.05.

History: *2007 c 147 art 12 s 10; 2008 c 234 s 2,3; 2012 c 247 art 5 s 3; 1Sp2017 c 6 art 8 s 52; 1Sp2019 c 9 art 6 s 41; 2021 c 30 art 13 s 83; 1Sp2021 c 7 art 6 s 7; 2023 c 25 s 131; 2023 c 50 art 2 s 23-27; 2024 c 108 art 4 s 16; 2025 c 38 art 4 s 29,30; 1Sp2025 c 9 art 4 s 21,55*