

Summary of 2007 Laws Related to Chemical & Mental Health Services

Mental Health Provisions

Overall – This was a particularly successful year for mental health at the Legislature. Over \$34 million in net new state funding was approved for community mental health services during the coming biennium – by far the largest amount of new state money ever appropriated in Minnesota.

Mental Health Service Delivery & Finance Reforms – Adds a section to the Comprehensive Mental Health Acts to authorize the commissioner to implement reforms in the delivery and financing of public mental health services for persons enrolled in the state’s health care programs through development of selected preferred integrated service networks to serve adults and children with disabling mental health problems. Networks are to be developed by county/health plan partnerships, with voluntary enrollment. Limits number of projects to 3 and specifies evaluation requirements. Requires advocacy organizations to be involved in developing the materials regarding enrollment. Effective dates vary.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 5.

Implementation of Model Mental Health Benefit Set – Amends various sections of statute to make the same mental health benefits (except inpatient services) available under all of the state’s health care programs, including Medical Assistance (MA), General Assistance Medical Care (GAMC) and MinnesotaCare. Most changes are effective 1/1/2008, with case management and children’s residential treatment effective on 1/1/2009. Also ensures that new MH service coverage is not reduced through existing provisions relating to pre-paid ratable reductions. Includes authority to adjust grant transfers to finance the model benefit set in a manner that is equitable to counties.

Laws of Mn 2007, Ch. 147 (HF1078-3E); Art. 8, Sec 28 (GAMC); Art. 8, Sec. 29 (MnCare); Art. 8, Sec. 25-26 and 31 (ratable reductions); Art. 8, Sec. 5(grant transfers).

Case Management (MH-TCM) Amendments

- Amends MS § 256B.0625, subd. 20 to:
 - 1) repeal the TCM transfer grants effective 1/1/2008, which facilitates the use of a combination of existing and new funds to finance full MH benefits in MA, GAMC and MinnesotaCare; and,
 - 2) implement coverage of MH-TCM in all public health care programs effective 1/1/2009. When the case management recipient is enrolled in a prepaid plan, the state will pay any non-federal costs. When the recipient is in fee-for-service, the county will pay 50% of the cost. *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 20.*
- Appropriates \$32,667,000 to offset possible federal reductions in targeted case management funding (not limited to mental health).
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 19, Sec. 3
- Requires DHS to develop recommendations for changes in the Adult Mental Health Act relating to case management best practices. Uncodified law effective 7/1/2007.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 34.
- Requires DHS to develop, by 1/15/08, recommended legislation to clarify the case management roles, functions and authorities of health plans and counties for adults and children (subject to possible federal changes).
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 5.

Expand Critical Access Rate Increase - Amends MS § 256B.763 to add additional Children’s Therapeutic Services and Supports (CTSS) providers, mental health behavioral aide services and Adult Rehabilitative Mental Health Services (ARMHS) medication education services to the providers and services included in the 23.7% rate increase passed in 2006. Also adds 2.3% increase for CTSS individual and family skills training. Effective 1/1/08.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 27.

COLA for Mental Health Services - Cost of living adjustment of 2% effective Oct. 1, 2007 and another 2% effective July 1, 2008 for the following:

- Currently awarded state adult and children's mental health grants
- MHCP reimbursement for adult mental health rehabilitative services (ARMHS)
- MHCP reimbursement for children's therapeutic services and supports (CTSS)

Providers accessing these funding sources must use 75% of the increased revenue to increase compensation-related expenditures for non-management staff and meet other requirements.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 7, Sec. 71.

Responsibility Not Duplicated – Amends MS § 245.465 and MS § 245.4874 (Adult and Children's MH Acts) to clarify that counties are not responsible for covering the costs of mental health services that are within the limits of an individual's health care coverage. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sections 4 & 7.

Children's Mental Health Grants – Amends MS § 245 by adding a section of statute providing specific authority for the awarding of children's mental health grants. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 8.

High School League Participation – Requires that children completing licensed treatment for mental health or substance abuse are eligible for participation in all state high school league activities on the same basis as other students. However, this does not exempt the student from the consequences of any rule infractions the school enforces. Effective 3/21/2007.

Laws of Mn 2007, Chap. 7 (SF1499) Sec. 1.

Voluntary Placement Agreements for Children's Residential Treatment – Requires the use of a voluntary placement agreement when placing a child for the sole purpose of gaining access to residential treatment services. The agreement which makes the placing county legally responsible for the physical care, custody and control of the child, but must not transfer legal custody to the placing agency. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 1, Sec. 21.

MH Training for Foster Parents – Adds a section to the Licensing Act (MS § 145A.175) requiring two hours of training on specified children's mental health topics prior to accepting non-emergency placement of children in the home. Also requires that at least one of the annually required 12 hours in training be on children's mental health issues. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 11.

Delay MA Coverage For Children's Treatment Foster Care - Delays previously authorized new MA coverage for children's treatment foster care from July 1, 2006 to July 1, 2009. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 21 & Art. 19, Sec 3.

Repeal of Early Intervention Behavioral Therapy benefit for Autism – Repeals this Medical Assistance benefit which had been delayed repeatedly since initial passage. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 4, Sec. 41.

Parent Teaming Training Review – Amends MS § 256B.0943, subd. 8 to require the commissioner of human services to approve any parent teaming training provided to mental health behavioral aides. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 22.

Payment responsibility for Rule 5 in PMAP – Amends MS § 256B.0945, subd. 4. to specify that prepaid medical assistance plans are responsible for only the treatment portion of per diem costs for children’s residential mental health treatment and that the existing rate methodology continues to set rates for both fee-for-service and pre-paid clients. Effective 1/1/09.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 23.

South Central Children’s Mental Health Project – Authorizes a regional children’s mental health project in 11 south central Minnesota counties. Requires an evaluation and both an interim (12/31/08) and final report (12/31/09) to the legislature. Uncodified law effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 35 and Art. 19, Sec. 3.

Care Coordination Projects – Requires the commissioner of human services to conduct up to four pilot projects for the coordination of care for adults and children with complex health care needs – at least two of which must focus on children with autism or multi-diagnosis physical conditions.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 15, Sec. 19.

MFIP Children’s MH Pilot – Requires DHS to conduct a 3-year pilot project and evaluation to determine the impact of children with mental health needs on the ability of MFIP families to gain self sufficiency.

Uncodified law effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 36 and Art. 19, Sec. 3.

Licensed Professional Clinical Counselor – Amends MS § 148B by adding a section (MS § 148B.5031) establishing standards for licensure of professional clinical counselors. Licensed professional clinical counselors’ scope of practice is referenced as the same as that of mental health professionals under MS § 245.462, subd. 18 and 245.4871, subd. 27. Effective 8/1/2007.

Laws of Mn 2007, Ch 123 (SF26-2E), Sec. 40.

Mental Health Care Records – Amends § MS 144 by adding a section (MS § 144.294) which recodifies existing laws governing 1) the sharing of mental health records with a spouse, parent, child or sibling of a patient diagnosed or being evaluated for a mental illness; and 2) sharing of mental health records with law enforcement agencies when the patient is involved in an emergency interaction with law enforcement officials. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 10, Sec. 5.

Reinstatement of Statute Governing Allocation of Federal Mental Health Block Grant Funds – Amends Laws of Mn 2004 to reinstate MS § 245.713, subd. 2 which dedicates 25% of the mental health block grant to programs serving American Indians and limits the amount of the grant that can be expended for state administration and planning. Effective 8/1/2005.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sec. 23.

Essential Community Provider (ECP) Designation Extended – Allows the Dept. of Health to restart ECP designations and to review and renew existing designations as they reach the end of their five year period. Mental health clinics approved as ECPs and certified under Rule 29 qualify for a 23.7% rate increase for certain outpatient MH services. Effective 8/1/2007.

Laws of Mn 2007, Ch. 50 (SF555-1E) and Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 27.

Sunset Extended for Integrated Dual Diagnosis Treatment – Amends MS § 148C.11, Subd. 1 to allow DHS certified ARMHS, ACT and IRTS providers to provide IDDT services without a licensed drug and alcohol counselor through July 1, 2009. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 2.

Expanded Definition of Serious & Persistent Mental Illness – Amends MS § 245.462, Subd. 20 to expand the definition of SPMI to include those with a diagnosed mental illness who have been treated by a crisis team two or more times in the preceding 24 months. This expands eligibility for case management and community support services. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 3.

Adult MH Community Support Services – Amends MS § 245.4712 to clarify that portions of CSP services are not treatment oriented and that provision of these portions continue to be a county responsibility when not covered by health care coverage. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 6.

Mental Health Certified Peer Specialist – Adds a section to Medical Assistance statutes (MS § 256B.0615) directing DHS to create a MH peer specialist certification program. Amends MS § 256B.0622 and 256B.0623 to allow reimbursement of ARMHS, ACT and IRTS when performed by a certified peer specialist. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 16 - 18.

Intensive Outpatient Treatment For Dialectical Behavioral Therapy – Amends MS § 256B.0625 by adding a subdivision (subd. 51) that adds an intensive outpatient treatment benefit to cover dialectical behavioral therapy for adults under MA. (and by extension under the model benefit set portion of the mental health initiative, to GAMC and MnCare.) Effective 7/1/2008 or upon federal approval.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 19

Exempt MH Services From Mncare Co-Pays – Amends MS § 256L.03, subd. 5 to exempt non-preventive mental health services from MnCare co-pays. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 30.

State Janitorial Contracts for MH Rehabilitation Programs – Requires the commissioner of administration to award at least 19% of state janitorial services contracts to rehabilitation and extended employment providers. Costs of these contracts must not be more than 5% higher than the prevailing market rate for such services. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 1.

Report on Mental Health of Returning Veterans – By November 1, 2007, the commissioner of veterans affairs and the adjutant general of the National Guard, in consultation with Minnesota Veterans Homes Board and the United States Department of Veterans Affairs, shall report to the legislature regarding the psychological status and needs of soldiers and veterans returning to Minnesota. The report must provide the best relevant insights into and advice concerning how to most effectively provide the psychological support services determined to be needed by those soldiers and veterans. The report shall also provide an overview and discussion of the types of federal, state, and local mental health resources available to soldiers and veterans throughout the state.

Laws of Mn 2007, Ch. 45 (HF2227-4E), Art. 2, Sec. 6.

Interstate contracts commitment examiners – Allows use of commitment examiners licensed by a bordering state in situations where a Minnesota resident is being served in a bordering state's facility pursuant to an interstate contract. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 9.

Scope of Compulsive Gambling Programs Expanded – Amends § MS 245.98 with permissive language allowing DHS to reimburse compulsive gambling treatment services delivered in residential mental health programs, jails or correctional facilities. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 10.

Compulsive Gambling Assessments – Amends MS § 609.115, subd. 9 and repeals MR § 9585.0030 to allow more flexibility in the qualifications of persons authorized to conduct compulsive gambling assessments and to provide more flexibility in payment for compulsive gambling assessments. Effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 32 and 39

Study Social and Economic Costs of Compulsive Gambling - Requires DHS to recommend to the 2008 legislature a process and funding mechanism to study the social and economic costs of compulsive gambling. Report to the legislature due by 12/1/2007. Uncodified law effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 37.

Mental Health Technical Items: (All effective 7/1/2007)

- **Clarification of children’s day treatment service standards** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 6, Sec. 18 and Art. 11, Sec. 17.*
- **Clarification that youth with a recent diagnostic assessment need not be screened for mental health problems.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sec. 8.*
- **Clarification of clinical supervision standards for CTSS providers.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sec. 18.*
- **Clarification of service provision and reimbursement standards for CTSS providers.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sec. 19-21.*

Chemical Health Provisions

COLA for CCDTF - Cost of living adjustment of 2% effective Oct. 1, 2007 and another 2% effective July 1, 2008 for CCDTF (Tier 1) payments (County/provider CCDTF contract rates must be at least 2% higher in SY 2008 and CY2009 than they were in the preceding year.) Providers accessing these funding sources must use 75% of the increased revenue to increase compensation-related expenditures for non-management staff and meet other requirements.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 7, Sec. 71.

Chemical Use Assessments – Amends MS § 254A by adding a section (MS § 254.20) to establish law governing the timely administration and reimbursement of chemical use assessments for persons arrested outside of their county of residence. Also addresses issues related to conflict of interest in county contracted assessor who both conduct assessments and operate treatment service programs. Effective 7/1/2007 except for the conflict of interest provisions which are effective 5/26/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 12, Sections 10 & 12.

Commitment for Early Intervention for Substance Abusing Pregnant Women – Allows the court to order early intervention treatment for pregnant women who make excessive or habitual use of alcohol or THC in a manner that puts the developing fetus at risk. Effective 8/1/2007.

Laws of Mn 2007, Ch. 69 (SF322-2E)

Leech Lake Youth Treatment Center – Requires DHS to make a two-year planning grant of \$75,000/year to address the unmet need for substance abuse treatment for American Indian youth in the Leech Lake area. Uncodified law effective 7/1/2007.

Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 2, Sec. 53 and Art. 19, Sec. 3.

White Earth Youth Treatment Center Planning – Requires DHS to conduct a feasibility study and pre-design of Native American juvenile treatment facility on or near the White Earth Reservation. Allows DHS to contract with an outside vendor to assist in these activities and appropriates \$50,000. However,

appropriation is to grants section of the budget rather than administrative funding. A report to the legislature is due by January 15, 2008. Uncodified law effective 7/1/2007.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 19, Sec. 3.

Prenatal Alcohol & Drug Use Grants – Amends MS § 254A by adding a section (254A.171) which charges the commissioner with funding voluntary outreach programs for women delivering children affected by drug or alcohol abuse. Set basic requirements for these programs. Effective 7/1/2007.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 4, Sec. 2.

Chemical Health Technical Items: (All effective 7/1/2007)

- **Update obsolete statutes regarding chemical dependency treatment standards.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sections 10, 11.*
- **Update obsolete statutes regarding administration of the consolidated chemical dependency treatment fund.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sections 12, 13 14, 15, 16.*
- **Repeal of obsolete statutory language governing chemical dependency treatment.** - *Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 11, Sec. 27.*

State Operated Services Provisions

State Nurses Overtime Limitations – Protects state nurses from employer action should they decline overtime in excess of their regularly scheduled hours. Effective 8/1/2007 except for DOC employed nurses effective 7/1/2008.
Laws of Mn 2007, Ch. 46 (HF966-3E)

County Share of Regional Treatment Center (RTC) Costs for MI Admissions – Amends MS § 246.54, subd. 1 to replace the flat 20% county share with a stepped system for county share of RTC costs. Does not apply to Community Based Behavioral Health Hospitals (CBHHs). The county share will be 0% for the first 30 days of an admission, then 20% for days 31-60 and then 50% for days beyond 60. Increase to 50% applies only when the treatment facility has determined that it is clinically appropriate for the client to be discharged. The increase does not apply to persons committed as MI&D or sexually dangerous. Effective 1/1/2008. See also appropriations for expanded housing options, crisis services and other services which will reduce the need for extended RTC stays.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 12 & 13.

Timely Petitions For Treatment Of Sex Offenders – Amends MS § 253B.185 to require county attorneys to make a determination of good cause and if found to file a petition for commitment to treatment of sex offenders within 120 days of receipt of the case referral. The new subdivision also requires DHS to report annually to the legislature regarding county compliance with this statute.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 14.

AMHI ACT Team Nurses – Requires DHS to study and report to the legislature by 1/15/2008 regarding the impact of transferring funding supporting state employed nurses deployed to Adult MH Initiatives in community-based ACT teams. Prohibits transfer of these funds until report is released. Does not apply to positions vacated by routine attrition. Uncodified law, effective 7/1/2007.
Laws of Mn 2007, Ch. 147 (HF1078-3E), Art. 8, Sec. 33.

Appropriation Changes:

Description	Citation	FY2008	FY2009
DEPT OF HUMAN SERVICES			
Children's Mental Health Grants – BACT 26			
CMH Grants – School-based, Respite and Early Intervention		\$5,913,000	\$6,825,000
CMH Grants - Crisis Services		\$2,528,000	\$2,850,000
CMH Grants – Evidence-based Practices		\$375,000	\$750,000
CMH Grants - Culturally Specific Services		\$75,000	\$300,000
CMH Grants – Specialty Care		\$50,000	\$200,000
CMH Grants – So. Central CMH Project		\$500,000	\$500,000
CMH Grants – COLA		\$53,000	\$169,000
CMH Subtotal		\$9,494,000	\$11,594,000
Adult Mental Health Grants – BACT 74			
AMH Grants – Crisis Services		\$2,528,000	\$3,278,000
AMH Grants – Evidence-based Practices		\$375,000	\$750,000
AMH Grants - Culturally Specific Services		\$75,000	\$300,000
AMH Grants – Specialty Care		\$50,000	\$200,000
AMH Grants – Supportive Housing Options		\$1,750,000	\$1,500,000
AMH Grants – COLA		\$604,000	\$1,916,000
AMH Grants – Compulsive Gambling (LOTT)		\$625,000	\$325,000
AMH Subtotal		\$6,007,000	\$8,269,000
CD Entitlement Grants – BACT 76			
CCDTF – COLA		\$1,047,000	\$3,567,000
CD Non-Entitlement Grants – BACT 77			
CD Grants – Methamphetamine Treatment		\$375,000	\$375,000
CD Grants – Leech Lake Planning		\$75,000	\$75,000
CD Grants – White Earth Planning		\$50,000	-
SOS MI Program – BACT 90 – Grave Markers			
		\$200,000	-
SOS MSH Program – BACT 95 – MSH Census Adj.			
		(\$1,493,000)	(\$1,493,000)
OTHER AGENCIES			
Mental health counseling for farm families and ag. business operators through programs at Central Lakes & Ridgewater Colleges. General fund to Dept. of Agriculture for transfer to MnSCU.	Laws of Mn 2007, Ch. 45 (HF2227-4E) Art. 1, Sec.3, Subd 5.	\$100,000	\$100,000
Homeless Outreach Grants. Requires programs to coordinate with social services and MH crisis services providers. General fund to Dept. of Public Safety.	Laws of Mn 2007, Ch. 54 (HF829-5E) Art. 1, Sec. 17	\$150,000	\$150,000
Child Advocacy Center Grants. Provide support to child maltreatment investigations, interview, treatment and related training. Requires ability to refer for MH services. General fund to Dept. of Public Safety.	Laws of Mn 2007, Ch. 54 (HF829-5E) Art. 1, Sec. 18	\$50,000	\$50,000
Demonstration for High-Risk Adults. Funds a demonstration program to prevent recidivism among adults with combination of MI/CD, chronic unemployment and homeless. General fund to Dept. of Public Safety.	Laws of Mn 2007, Ch. 54 (HF829-5E) Art. 1, Sec. 19	\$600,000	\$1,000,000
“Bridges” Program. Rental Subsidies for persons with SPMI awaiting federal Section 8 housing subsidies. General Fund to Mn Housing Finance Agency	Laws of Mn 2007, Ch. 135, (HF122-2E) Art. 1, Sec. 5, subd. 4.	\$1,000,000	\$1,000,000
Extended Employment for MI – General Fund to Dept. of Employment & Economic Development. (DEED may use up to \$77,000 for admin costs.)	Laws of Mn 2007, Ch. 135, (HF122-2E) Art. 1, Sec. 3, subd. 3(e).	\$650,000	\$650,000
Grant to Advocating Change Together - for training, TA, and resource materials for persons w/ DD and MI. General Fund to DEED.	Laws of Mn 2007, Ch. 135, (HF122-2E) Art. 1, Sec. 3, subd. 3(k).	\$150,000	\$150,000

Questions?

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