Waiver for videoconferencing of monthly caseworker visits

TOPIC
Reinstatement of waiver permitting modification to monthly caseworker visits ensuring well-being, and reducing spread of COVID-19.

PURPOSE
Provide information on reinstatement of waiver modifying monthly face-to-face caseworker visits to permit videoconferencing retroactively effective Sept. 1, 2021 to June 30, 2022.

CONTACT
For foster care policy questions:
• dhs.csp.fostercare@state.mn.us
For child welfare targeted case management policy or fiscal questions:
• dhs.csp.cwtcm@state.mn.us, or Luke Simonett 651-431-4528
For SSIS documentation questions:
• SSIS Help Desk at 651-431-4801 or dhs.ssishelp@state.mn.us

SIGNED
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Assistant Commissioner
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TERMINOLOGY NOTICE
The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.
I. Background

On March 24, 2022, Governor Walz signed a bill allowing reinstatement and extension of some COVID-19 program waivers and modifications, effective retroactively to Sept. 1, 2021, remaining in effect until June 30, 2022. [Laws of Minnesota 2022, chapter 40, section 3] This includes certain monthly foster care visits by children’s caseworkers, as detailed below.

A. History of waivers

During the COVID-19 peacetime emergency declared by Governor Walz on March 13, 2020, the Minnesota Department of Human Services implemented emergency authority for flexible requirements so essential programs and services could continue safely, remaining available and accessible. Flexibility supported county and tribal agencies, health plans, and community partners in caring for Minnesotans. Emergency Executive Order 20-12 directed the department to preserve access to human services programs by temporarily waiving or modifying rules and regulations during the peacetime emergency.

With the end of the state peacetime emergency on July 1, 2021, through legislative authority, a number of waivers and modifications were allowed to remain in effect for up to 60 days for purposes of transitioning back to operating before the emergency changes. The 60-day transition period ended on Aug. 30, 2021. Other waivers and modifications not subject to the 60-day transition period remain in effect in the manner and time period allowed under applicable legal authority.

Federal and state statutes and regulations requiring monthly caseworker face-to-face visits with children in out-of-home placement are separate from those governing Targeted Case Management (TCM). Monthly face-to-face visits are Title IV-B program and Minnesota statutory requirements, regardless of whether children are Title IV-E eligible; TCM is a service that receives Medicaid-funded reimbursement. Waivers regarding monthly caseworker visits and TCM requirements are tied to different authorities, as follows:

- CV11 temporarily allowed monthly caseworker visits with children in out-of-home placement to occur via interactive video, as required by Title IV-B and Minnesota Statutes, section 260C.212, subdivision 4a. The waiver ended 60 days after the state’s peacetime emergency expired, or Aug. 30, 2021. There was no legal authority to continue CV11, and since Aug. 30, 2021, caseworkers were required to have a minimum of monthly in-person face-to-face visits with children in out-of-home placement per Minnesota Statutes. The bulletin associated with CV11 expired Aug. 30, 2021.
- CV24 temporarily allows visits by phone or video to satisfy face-to-face contact requirements for TCM, remaining in effect until the end of the federal public health emergency (PHE). When the emergency declaration expires, permanent changes to TCM passed by the Minnesota Legislature in the 2021 Special Session become effective. Those changes allow continued use of interactive video to satisfy face-to-face contact.
requirements in most circumstances. See the COVID-19 provider manual page and the most recent bulletin.

II. New time-limited waiver for visits impacted by COVID

On March 24, 2022, Governor Walz signed a bill allowing reinstatement and extension of some COVID-19 waivers and modifications, effective retroactively to Sept. 1, 2021, remaining in effect until June 30, 2022. CV11 was modified and reinstated, allowing video conferencing for monthly foster care visits by children’s caseworkers when there is a:

i. Declaration of a federal or state emergency that prohibits or strongly discourages person-to-person contact for public health reasons, and

ii. Person in a foster care household with a confirmed or suspected case of COVID-19. Suspected cases means persons exhibiting signs and symptoms and has either been tested for COVID-19 and waiting for results, or has not been tested.

Household includes a facility where children in foster care are placed.

III. Instructions for Social Service Information System (SSIS) data entry

As the waiver applies retroactively to Sept. 1, 2021, agencies may need to modify client contact activities that now qualify under the updated waiver that previously expired. Contact the SSIS Help Desk to re-open these records to amend finalized time records, or when needing to amend a locked Note section (as shown below) when more than 30 days have passed since an activity date. In the:

- **Sub-service** field, select “87-COVID 19, Related”
- **Activity** field, select “Client contact” or “collateral contact” (as appropriate)
- **Method** field, select “Face-to-face”
- **Location** field, select location where recipient was when contact was made (for example, client’s residence, field, office)
- **Note** section, document that contact was made via phone or video (whichever was used) in lieu of face-to-face due to someone in household with known or suspected case of COVID-19. For auditing purposes, the expectation is each case file will include this information when phone or video contact was made in lieu of face-to-face contact.

See the following SSIS screen shots for an example of correct documentation.
**Activity:**

**Workgroup:** March 2020 Workgroup

**Program:** 110 - Child Protective Services

**Service:** 193 - General Case Management

**County sub-service:** 87 - COVID-19 Related

**Activity:** Client contact

**Duration:**

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**Note:**

Note: Phone and videoconference in lieu of face to face contact due to COVID-19.
Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling 651-431-4660 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.