

## 2021 Behavioral Health Regular Session Legislative Summary

The following is a summary of legislative changes and actions that affect programs/services for individuals with mental health or substance use disorders that passed as part of the Omnibus Health and Human Services Policy Bill in the 2021 regular session.

### **SUD Treatment Program Assessment of Need Modifications**

The Legislature repealed requirements in administrative rule related to assessment of need for substance use disorder treatment and county board responsibility to review program need (MN Administrative Rules 9530.6800 and 9530.6810). Language was added to statute that requires an applicant for licensure as a chemical dependency treatment facility to notify the county human services director in writing of their intent to open a new treatment program at least 60 days prior to submitting an application for new licensure under chapter 245G. These provisions are effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 2, sections 1-5](#)

### **Certified Community Behavioral Health Clinic (CCBHC) Modifications**

The Legislature made the following updates related to CCBHCs, an integrated community behavioral health model of care that aims to improve service quality and accessibility.

Section 1: This section updates language related to the CCBHC certification process and requires DHS to consult with CCBHC stakeholders before making changes to the certification process and requirements. It also specifies that CCBHCs must directly provide most of the required services, but allows coordination with another entity to provide some services if they meet established criteria as a designated collaborating organization. This section is effective July 1, 2021, or upon federal approval, whichever is later.

Section 3: This section allows DHS to continue to operate the CCBHC demonstration program if federal funding remains available. It also requires DHS to align the demonstration program requirements with the requirements for CCBHCs receiving MA reimbursement and prohibits a CCBHC from participating in both the demonstration and the CCBHC MA benefit. This section is effective July 1, 2021.

Section 4: This section updates language to require CCBHC reimbursement on a per-visit basis and establishes requirements for the prospective payment system for CCBHC reimbursement. It also requires a phase-out of CCBHC wrap payments, requires updates to rates, establishes requirements for the CCBHC quality incentive payment program, and specifies the process for claims to managed care plans for CCBHC services. This section is effective July 1, 2021, or upon federal approval, whichever is later.

The other related sections (3, 7, 8) make clarifying changes and repeal statute that is no longer relevant. These sections are effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 11, sections 1-4, 7-8](#)

### **Problem Gambling Reporting**

Legislation passed that requires DHS to report monthly to Northstar Problem Gambling Alliance, the state affiliate recognized by the National Council on Problem Gambling, on the revenue deposited in the general fund that is allocated to the compulsive gambling treatment program and to Northstar Problem Gambling Alliance under Minnesota Statutes, section 297E.02, subdivision 3, paragraph c. Beginning January 1, 2022 DHS is also required to report to the legislature an annual reconciliation of the amounts deposited. These provisions are effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 11, section 5](#)

### **Problem Gambling Program and Funding Consultation and Recommendations**

By September 1, 2022 the commissioner of human services must consult with the commissioner of health and report to the legislature with a recommendation on whether the revenue appropriated to DHS for a grant to Northstar Problem Gambling Alliance, the state affiliate recognized by the National Council on Problem Gambling, and the compulsive gambling treatment program under Minnesota Statutes, section 297E.02, subdivision 3, paragraph c should continue to be managed by DHS or managed by another agency. This provision is effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 11, section 6](#)

### **Children's Mental Health Screening Grants Modification**

Legislation passed allowing county boards or Tribal nations to provide the commissioner with access to screening results for purposes of program evaluation and improvement. This provision is effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 13, section 1](#)

### **State Advisory Council on Mental Health Membership Modifications**

Legislation passed that clarifies one of the DHS seats on the council, adds a representative for the Department of Health, and a representative from the American Indian Mental Health Advisory Council. The legislation also removed the seat of the Mental Health Consumer/Survivor Network of Minnesota, which no longer exists, and replaces it with a representative of a consumer-run mental health advocacy group. These provisions are effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 13, section 2](#)

## **Updating Behavioral Health Fund reference to Eligible Vendors of Substance Use Disorder (SUD) Services**

The Legislature updated a reference to eligible vendors of substance use disorder services who can receive payment through the Behavioral Health Fund. This provision is effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 13, section 48](#)

## **Updating Treatment Plan Requirement for Intensive Rehabilitation Mental Health Services (IRMHS)**

The Legislature updated a requirement that an IRMHS treatment team must complete an individual treatment plan for each client after the language was accidentally stricken when changes were made to this statute during the 2020 First Special Session. This provision is effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 13, section 55](#)

## **Updating Consolidated Chemical Dependency Treatment Fund (CCDTF) to Behavioral Health Fund terminology**

The legislature instructed the revisor of statutes to change “consolidated chemical dependency treatment fund” or similar terms to “behavioral health fund” in relevant statutes and to make grammatical changes related to the term changes. This provision is effective July 1, 2021.

- [MN Laws 2021, Regular Session, chapter 30, article 13, section 83, paragraph a](#)

## **Uniform Services Standards (USS)**

The Legislature passed the first phase of the USS project, a multi-phase reform and simplification of the regulations and service standards for Minnesota’s mental health care system. This initiative aligns common standards to reduce administrative burden, refocuses the standards on supporting quality and equitable services, and establishes a unified licensing framework to build accountability where it matters.

Article 15 (Mental Health Uniform Service Standards): This article creates a new chapter of law – chapter 245I – that sets a common core of definitions and standards for all mental health care services and establishes a framework for a unified licensing structure. This new chapter includes replacements for the variance to Rule 36 for adult residential mental health programs (IRTS and RCS) and for the Rule 29 mental health clinic certification. This article also centralizes many of the coverage statements for outpatient mental health services. Finally, this article directs DHS to continue the work of USS in consultation with a broad group of stakeholders and partners.

Article 16 (Crisis Response Services): This article combines mobile crisis standards for adults and children to eliminate unintentional differences, and clarifies how mobile crisis teams can work with family members and other third parties calling on behalf of someone in need of crisis assistance.

Article 17 (Conforming Changes): This article makes conforming changes related to the establishment of the mental health uniform service standards in Article 15 and crisis response services in Article 16, and includes a repeal of statutes and rules related to the newly-aligned and clarified standards.

Most USS changes are intended to become effective July 1, 2022.

- [MN Laws 2021, Regular Session, chapter 30, articles 15-17](#)

### **Temporary Home and Community-Based Services (HCBS) Waiver assessment freeze for people accessing inpatient care**

The Legislature passed a provision allowing people who receive HCBS and temporarily enter certain health care facilities for 121 days or less to return to the community under the same waiver services without requiring an assessment or reassessment, unless the person's annual reassessment is otherwise due. The health care facilities a person may enter that are eligible include a hospital, institution of mental disease, nursing facility, intensive residential treatment services program, transitional care unit, or inpatient substance use disorder treatment setting. This provision is effective upon federal approval.

- [MN Laws 2021, Regular Session, chapter 30, article 12, section 2](#)