

Memo

Date: February 21, 2023

To: Behavioral health home (BHH) services providers

From: BHH services policy team

RE: Updates to BHH services State Plan Amendment (SPA)

This memo addresses revisions to the BHH services SPA. On December 14, 2022, the Minnesota Department of Human Services (DHS) submitted proposed changes to the Centers for Medicare and Medicaid Services (CMS) for language in the BHH services SPA. CMS approved these changes on February 3, 2023, with a retroactive effective date of October 1, 2022. We have outlined the key changes here.

Variance Authority

The recently approved SPA changes grants federal approval for the variance authority specified by the Minnesota Legislature in 2019 for provider-related requirements in [Minnesota Statutes, 256B.0757](#), in subdivisions 4a (BHH services provider requirements), 4b (BHH services provider training and practice transformation requirements), 4c (BHH services staff qualifications), and 4d (BHH services delivery standards). In addition, subdivision 4e was added, authorizing the commissioner authority to grant variances under certain conditions:

Subd. 4e. Behavioral health home services provider variances.

- (a) The commissioner may grant a variance to specific requirements under subdivision 4a, 4b, 4c, or 4d for a behavioral health home services provider according to this subdivision.
- (b) The commissioner may grant a variance if the commissioner finds that:
 - (1) failure to grant the variance would result in hardship or injustice to the applicant,
 - (2) the variance would be consistent with the public interest, and
 - (3) the variance would not reduce the level of services provided to individuals served by the organization.
- (c) The commissioner may grant a variance from one or more requirements to permit an applicant to offer behavioral health home services of a type or in a manner that is innovative if the commissioner finds that the variance does not impede the achievement of the criteria in subdivisions 4a, 4b, 4c or 4d, and may improve the behavioral health home services provided by the applicant.

(d) The commissioner's decision to grant or deny a variance request is final and not subject to appeal.

Clarified language

The “Other Provider Standards” section of the SPA adds and clarifies provider requirements and expectations, based on revisions to Minnesota Statutes, 256B.0757.

Corrected list of positions

The “Health Homes Services” section of the SPA makes the following corrections

- what are considered qualified positions for a qualified health home specialist,
- removes an incorrect reference to health education worker,
- leaves in or adds community health worker,
- renames peer recovery specialist to qualified substance use disorder peer recovery specialist, which is defined in Minnesota Statutes, 245G.11, subdivision 8.

Added notification requirement

The “Health Homes Delivery Systems” section in the SPA adds a requirement for a BHH provider to notify the contact designated by an enrollee’s managed care plan within 30 days of the start of BHH services.

Next steps

- BHH services policy staff will update BHH services documentation where applicable.
- Contact the DHS BHH services team with any questions or comments:
Behavioral.Health.Home.Services@state.mn.us