



# Legislative Report

## Emergency Executive Order 20-12

### Preserving Access to Human Services Programs during the COVID-19 Peacetime Emergency

#### 2<sup>nd</sup> 60-day update

September 2, 2020

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Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$150.

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# Contents

I. Executive summary.....	5
II. Executive Order .....	6
III. Introduction.....	10
IV. Fiscal Impact Summary.....	11
V. Waivers under peacetime emergency authority, Executive Order 20-12 .....	12
CV.53 – Allowing flexibility for personal care assistance (PCA) service oversight and hours .....	12
CV.58 – Modifying certain requirements for legal non-licensed provider registration for the Child Care Assistance Program .....	13
CV.61 – Modifying certain licensing requirements for the Minnesota Sex Offender Program .....	13
CV.62 – Waiving vendor payment requirement for some MFIP participants .....	14
CV.63 – Modifying Certain Licensing Requirements for the Forensic Mental Health Program (formerly the Minnesota Security Hospital) .....	14
CV.64 – Modifying certain certification requirements for mental health centers.....	15
CV.65 – Modifying certain licensing requirements for Children’s Psychiatric Residential Treatment Facilities. ....	15
CV.70 – Waiving the county child support agency in-person payment location requirement .....	16
CV.73 – Modifying certain licensing requirements for providers of day services for adults with disabilities ....	16
CV.78 – Modifying certain licensing requirements to require COVID-19 Preparedness Plan.....	17
CV.80 – Modifying certain licensing requirements to require COVID-19 Preparedness Plan.....	18
VI. Federal waivers requested under peacetime emergency authority, Executive Order 20-11.....	19
CV. 57 – Waiving non-electronic public notice of Community Access for Disability Inclusion Waiver .....	19
VII. Changes under existing authority to respond to COVID-19.....	20
CV.51 – Modifying certain child care background studies .....	20
CV.52 – Modifying certain child care licensing requirements.....	20
CV.59 – Modifying eligibility period for federally funded Refugee Cash Assistance Program.....	21
CV.60 – Modifying eligibility period for federally funded Refugee Social Services Program.....	22
CV.75 – Confirming the Availability of Employment Services and the Right to Make Informed Choices and During the Peacetime Emergency (CV75) .....	22
CV.82 – Maintaining suspended interest on certain child support debt .....	23
VIII. Updates to Previously Approved Waivers Under Peacetime Emergency Authority, Executive Order 20-12 ...	24
CV.02 – Modifying certain licensing enforcement requirements and extending licenses for family child care, child and adult foster care, and community residential and treatment settings .....	24

CV.07 – Allowing child care assistance payments for a second child care provider when a program temporarily closes or is unavailable .....	25
CV.08 – Paying CCAP to child care providers while children not attending care .....	26
CV.17 – Preserving health care coverage for Medical Assistance and MinnesotaCare .....	26
CV.32 – Allowing additional reimbursement to Customized Living providers .....	28
CV.37 – Extending recertification dates for SNAP and MFAP .....	28
CV.43 – Expanding remote Home and Community Based Services waiver services for people with disabilities	29
CV.49 – Modifying certain license requirements for adult day services .....	30
IX. Appendix.....	31
Fiscal Estimates Department of Human Services COVID-19 Changes.....	31

# I. Executive summary

Due to the public health threat posed by COVID-19, Governor Walz declared a peacetime state of emergency on March 13, 2020. During this time it is essential that services provided and managed by the Department of Human Services (DHS) continue to be delivered in a timely and safe manner throughout the duration of the crisis. DHS serves over a million Minnesotans, including many people who are especially vulnerable to the impacts of COVID-19 such as older adults, individuals who have disabilities, families with children, and individuals with mental illness. Additionally, DHS services such as health care coverage, food and economic support, are particularly important at this time because of the significant economic distress caused by COVID-19 and measures taken to stop its spread.

Governor Walz signed [Emergency Executive Order 20-12](#) on March 20, 2020 to ensure that these critical services were maintained during this time. This executive order gives the Commissioner of Human Services flexibility to temporarily waive or modify laws and regulations that govern DHS programs. This ensures that the Department, counties, tribes and providers are able to continue delivering services, and keep the people we serve safe. The executive order requires DHS to report on temporary changes that have been approved every 60 days to the chairs and ranking minority members of the legislative committees that have jurisdiction over the human services. This is the second report to be issued and covers the time period of May 9 through July 11, 2020. The [first report covering the time period March 20, 2020 through May 8, 2020](#) is available online.

## II. Executive Order

### Emergency Executive Order 20-12

#### Preserving Access to Human Services Programs During the COVID-19 Peacetime Emergency

I, **Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Confirmed cases of COVID-19 in Minnesota are rapidly increasing. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. This development requires Minnesota to take additional proactive measures, including enhanced community mitigation, to slow the spread of this pandemic. Slowing the spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention.

The Minnesota Department of Human Services (“DHS”) serves Minnesotans across the state. DHS provides health care coverage, programs, and services for over 1 million Minnesotans, including groups likely to be significantly impacted by COVID-19 such as older adults, individuals who have disabilities, families with children, and individuals with mental illness.

Tribal Nations, counties, and Minnesotans served by DHS face many challenges due to COVID-19. The public good is promoted by timely and safe access to, and delivery of, programs and services administered by DHS. Strict compliance with laws and regulations related to these programs and services during the peacetime emergency will limit the availability of essential programs and services for Minnesotans and increase the risk for spread of COVID-19. Providing for temporary waiver or modification of these requirements will allow DHS and its human services partners to continue to provide essential programs and services to Minnesotans safely and without undue delay during the peacetime emergency.

Current law and regulations prevent the temporary modification or waiver of laws related to programs and services administered by DHS.

For these reasons, I order as follows:

1. Effective immediately, the Commissioner of the Department of Human Services may temporarily waive or modify any of the following provisions, and applicable rules:
  - a. The Human Services Licensing Act in Minnesota Statutes 2019, chapter 245A, and accompanying program standards governed under Minnesota Statutes, chapters 245D through 245H;
  - b. The Human Services Background Study Act in Minnesota Statutes 2019, chapter 245C, except that the commissioner shall not waive or modify:
    - i. Disqualification standards in Minnesota Statutes 2019, section 245C.14 or 245C.15; or
    - ii. Any provision regarding the scope of individuals required to be subject to a background study conducted under Minnesota Statutes 2019, chapter 245C;
  - c. Provisions with respect to the use, licensing, certification, evaluation, or approval of facilities or programs within the commissioner's jurisdiction;
  - d. Provisions related to appeals;
  - e. Provisions with respect to background studies required to be conducted by the Department of Human Services; and
  - f. Provisions relating to the Minnesota state-operated community services ("MSOCS") program in Minnesota Statutes 2019, chapters 245D, 246, and 252.
2. Effective immediately, the Commissioner of the Department of Human Services may, upon finding that waiver will not endanger the public health, welfare, or safety, temporarily waive or modify any provisions of Minnesota Statutes 2019, chapters 119B, 245, 245A, 245D, 245E, 245F, 245G, 245H, 246, 252, 253, 254A, 254B, 256, 256B, 256D, 256E, 256I, 256J, 256K, 256L, 256M, 256P, 256R, 256S, 260C, 260D, 518A, and 626, and applicable rules, that govern:
  - a. Requirement of in-person assessment, application for services, or case management;
  - b. Application for eligibility and eligibility renewal time frames, processes, and verification, except that the commissioner shall establish processes to verify a client's eligibility as soon as practicable;
  - c. Reporting and verification requirements;
  - d. Assessment renewal timeframes, verifications, and processes;
  - e. Work or community engagement activity requirements for eligibility;
  - f. Limits on the use of telehealth or other restrictions on electronic communication with providers;

- g. Service delivery standards, locations, settings, or staff ratios;
  - h. Provider standards, including staffing ratios;
  - i. Timing of provider reporting requirements;
  - j. Payment procedures, including but not limited to the use of prepayments, partial payment for additional absent days, and payment for closed days;
  - k. Service agreement length; and
  - l. Provisions related to appeals.
3. Effective immediately, the Commissioner of the Department of Human Services may waive or modify any statutes or rules within the department's exclusive jurisdiction to comply with federal law, or obtain federal resources, related to the peacetime emergency.
  4. This Executive Order suspends the requirements for the Commissioner of the Department of Human Services to comply with Minnesota Statutes 2019, Chapter 14.
  5. The Commissioner of the Department of Human Services shall not issue any waiver or modification pursuant to paragraphs 1, 2, or 3 of this Executive Order that affects statutory provisions or requirements regarding matters outside the department's exclusive jurisdiction.
  6. Any waiver or modification issued pursuant to paragraphs 1, 2, or 3 of this Executive Order shall be posted on the department's website within 48 hours and shall include a plain language description of the waiver or modifications made and the rationale for the action.
  7. For any waiver or modification of Minnesota Statutes 2019, section 245D.04, or any other provision relating to long-term care services and supports under Minnesota Statutes 2019, chapter 256B, the Commissioner of the Department of Human Services shall communicate the waiver or modification and the corresponding plain language description in writing to:
    - a. Any provider affected by the waiver or modification; and
    - b. Any individual whose rights under Minnesota Statutes 2019, section 245D.04, are affected by the waiver or modification, or their legal representative, if applicable.
  8. No more than 48 hours after a waiver or modification under paragraphs 1, 2, or 3 of this Executive Order goes into effect, the Commissioner of the Department of Human Services shall provide written notice of the waiver or modification to the ombudsman for long-term care; the ombudsman for mental health and developmental disabilities; and the chairs and ranking minority members of the house of representatives and senate committees overseeing the Department of Human Services. If two or more of the chairs submit a written objection to a waiver or modification within seven days of receiving the notice, the Commissioner of the Department of Human Services shall cease all activities to implement the waiver or modification and it shall no longer be in effect. A chair submitting an objection under this paragraph may withdraw the objection.



9. Beginning 60 days after the declaration of a peacetime emergency, and every 60 days thereafter while the peacetime emergency is in effect, the Commissioner of the Department of Human Services shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees overseeing the Department of Human Services describing the waivers and modifications made under this Executive Order.
10. The Commissioner of the Department of Human Services shall submit a final report to the chairs and ranking minority members of the house of representatives and senate committees overseeing the Department of Human Services by January 15, 2021, with specific details about state statutes and rules waived or modified as authorized in this Executive Order in response to a COVID-19 outbreak, and the cost to the Department of Human Services and to lead agencies to implement the waivers and modifications.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 20, 2020.

### III. Introduction

The COVID-19 pandemic has presented a number of unprecedented challenges for the individuals served by human services programs, and for the Department of Human Services' (DHS) partners who deliver these programs. Programs administered by DHS are essential services for some of Minnesota's most vulnerable residents. DHS works with many others, including counties, tribes and nonprofits, to help ensure that Minnesota seniors, people with disabilities, children and others are able to meet their basic needs and have the opportunity to reach their full potential.

In March of 2020, Governor Walz declared a peacetime emergency in response to the COVID-19 pandemic, and has since signed a number of executive orders under this emergency authority. On March 20, 2020, the Governor signed [Executive Order 20-12](#), allowing the Commissioner of Human Services to waive or modify rules and regulations to ensure programs and services continue to be provided in a safe and effective manner in order to help Minnesotans during the COVID-19 pandemic.

Governor Walz also signed [Executive Order 20-11](#) on March 20, which directs DHS to seek all necessary federal approvals to implement COVID-19 changes under existing and forthcoming Executive Orders or legislative enactments. In addition to changes under these executive orders, Minnesota Statutes 2019 12A.10 grants the commissioner limited authority to make payments in the event of a natural disaster or other event that threatens the health and safety of individuals. DHS has implemented several changes under this statute and other existing authority. Insert a nod to Ch. 7 here?

In June of 2020, the legislature met in special session and passed HF 105, which was signed into law as Laws of Minnesota, 2020, 1<sup>st</sup> Special Session, Chapter 7. This law provides for a 60 day period after the end of the peacetime emergency to transition out of a number of the waivers and modifications. Additionally, Chapter 7, extends some waivers and modifications into calendar year 2021 and allows others to continue as allowed under federal law.

This report outlines the waivers and modifications approved or updated between May 9, 2020 and July 11, 2020. This is the second 60 day report on these waivers and modifications. Waivers approved prior to May 9, 2020 were documented in the [1<sup>st</sup> 60 day report](#). Additional reports will be provided every 60-days. The final report will be provided by January 15, 2021. We continue to assess our decisions to date and are committed to providing updates on our website and in detailed instructions to our partners.

[Department of Human Services COVID-19 Waivers and Modification](#)

## IV. Fiscal Impact Summary

The total fiscal impact of changes to date is \$656.19 million across fiscal years 2020 and 2021, with \$620.14 million of that occurring in the general fund.

Many of these costs are necessary to receive an enhanced federal match on Medical Assistance expenditures. The 6.2 percentage point enhanced federal match is estimated to generate an additional \$588 million in federal resources for Medical Assistance from January to September of 2020.

Most of the changes have no impact on the state budget forecast and the total cost of actions taken under EO 20-12 and existing authority is more than covered by the enhanced federal matching funds. However, DHS forecasts additional enrollment and continues to exercise fiscal caution when considering additional expenditures.

The fiscal impact of each item is outlined in the descriptions contained in this report and a spreadsheet with the fiscal detail can be found in the appendix.

## V. Waivers under peacetime emergency authority, Executive Order 20-12

*Items in this section were approved between May 9 and July 11, 2020. Section VIII of this document reflects changes and amendments to waivers approved prior to May 9, 2020.*

### CV.53 – Allowing flexibility for personal care assistance (PCA) service oversight and hours

#### Description

The commissioner temporarily adjusted certain requirements related to personal care assistance (PCAs) to allow flexibility and ensure people can safely access services during the COVID-19 peacetime emergency. These changes:

- Allow qualified professionals to provide required in-person oversight of PCA workers via two-way interactive telecommunications (i.e., phone or video technology) for all people who receive PCA services, including people who are new to receiving services or transferring to a new agency.
- Increase the number of hours a PCA provider agency can bill for an individual worker to 310 hours per month, per worker. This exceeds the current 275-hour per month limit.

These changes affect PCA services authorized through:

- Medical Assistance state plan
- Alternative Care program
- Extended PCA authorized under Home and Community-Based Services waivers

Allowing qualified professionals to perform oversight remotely is retroactive to effective March 1, 2020, for PCA traditional, and will last for the duration of the peacetime emergency. The department will submit a state plan amendment to the Centers for Medicare & Medicaid Services for retroactive approval for PCA Choice.

Affects Minnesota Statutes, sections [256B.0659, subd. 14](#), paragraphs (b)-(c) and [256B.0659, subd. 11\(a\)\(10\)](#).

#### Related operational changes:

[Bulletin #20-56-05, issued June 17, 2020: Flexibility for PCA qualified professionals to provide remote oversight and to increase the number of hours a PCA agency can bill for an individual worker](#)

#### Timeline

Increasing PCA workers to 310 hours per month is effective May 1, 2020, and will last for the duration of the peacetime emergency. The remaining changes remain in effect under state law until June 30, 2021, unless necessary federal approval is not received at any time for a waiver or modification.

#### Fiscal Impact

This proposal is expected to increase state spending by \$60 thousand in FY 2020 and \$183 thousand in FY 2020, assuming it is effective through August 2020.

## **CV.58 – Modifying certain requirements for legal non-licensed provider registration for the Child Care Assistance Program**

### **Description**

The commissioner temporarily modified requirements for legal, non-licensed provider registration for the Child Care Assistance Program, relating to monitoring visits, training and background studies. Extending deadlines for annual visits, allowing emergency background studies and providing flexible training options will ensure that families have access to legal, non-licensed child care providers while continuing to ensure children’s health and safety during the peacetime emergency.

Affects Minnesota Statutes, section [119B.125](#); and [45 CFR §§ 98.42, 98.43, 98.44](#).

### **Timeline**

The change will be retroactive to the date care began or March 13, 2020, whichever is later, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **CV.61 – Modifying certain licensing requirements for the Minnesota Sex Offender Program**

### **Description**

The commissioner temporarily modified certain licensing requirements for the Minnesota Sex Offender Program (MSOP). These modifications are necessary to provide additional flexibility to the provider, mitigate the spread of the COVID-19 virus, and protect the health and safety of MSOP clients and providers. The modifications apply to treatment delivery and personnel requirements.

Affects portions of Minnesota Rules, [Chapter 9515](#), parts 9515.3000 through 9515.3110, and the [Variance to the Rule 26 License for the Minnesota Sex Offender Program](#).

### **Timeline**

The changes are effective May 19, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## CV.62 – Waiving vendor payment requirement for some MFIP participants

### Description

The commissioner temporarily waived the vendor payment requirement for Minnesota Family Investment Program (MFIP) participants. MFIP requires that participants who have received more than one sanction over the lifetime of their case must have their cash benefits paid directly to cover their shelter costs (also known as “vendor paid”). County and tribal human services offices can also choose to pay vendors the remainder of the cash grants, after paying shelter costs, to cover families’ utilities. By statute, these vendor payments must continue for six months after the month in which the participant resolves the sanction and returns to program compliance. Waiving this requirement will allow county and tribal eligibility staff to focus on new applications, keep caseloads manageable and provide MFIP families with flexibility during the peacetime emergency.

Affects Minnesota Statutes, section [256J.46, subd. 1, paragraph \(c\), clause \(2\)](#).

### Timeline

This waiver is effective immediately and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal is not expected to increase state spending.

## CV.63 – Modifying Certain Licensing Requirements for the Forensic Mental Health Program (formerly the Minnesota Security Hospital)

### Description

The commissioner temporarily modified certain licensing requirements for the Forensic Mental Health Program. These modifications are necessary to provide additional flexibility to the program, mitigate the spread of the virus, and protect the health and safety of service recipients and program staff. The modifications apply to treatment delivery, documentation and personnel requirements.

Affects [Variance to Minnesota Rules, parts 9520.0500 to 9520.0690 \(Rule 36\) for Minnesota Security Hospital](#).

### Timeline

The modifications to regulations for the Forensic Mental Health Program are effective May 19, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal is not expected to increase state spending.

## CV.64 – Modifying certain certification requirements for mental health centers

### Description

The commissioner temporarily modified certain certification requirements relating to treatment delivery, documentation, and personnel for mental health centers. These modifications are necessary to provide additional flexibility to providers, mitigate the spread of the virus, and protect the health and safety of service recipients and providers.

Affects Minnesota Rules, [Chapter 9520](#).

### Timeline

The modifications to regulations for mental health centers are retroactive to March 13, 2020, and remain in effect until June 30, 2021, unless necessary federal approval is not received at any time for a waiver or modification.

### Fiscal Impact

This proposal is not expected to increase state spending.

## CV.65 – Modifying certain licensing requirements for Children’s Psychiatric Residential Treatment Facilities

### Description

The commissioner temporarily modified certain licensing variance requirements for Psychiatric Residential Treatment Facilities (PRTF). These modifications, in addition to [the modifications issued on March 20, 2020](#), are necessary to provide additional flexibility to providers, mitigate the spread of COVID-19, and protect the health and safety of service recipients and providers.

The modifications apply to treatment delivery, documentation, and staffing requirements.

Affects [Variance to Minnesota Rules, Chapter 2960 for Children’s Psychiatric Residential Treatment Facilities](#).

### Timeline

The modifications to regulations for PRTFs are retroactive to March 13, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This modification is not expected to increase state spending.

## CV.70 – Waiving the county child support agency in-person payment location requirement

### Description

The commissioner temporarily waived a requirement that counties provide a location for parents to make in-person child support payments. Alternative methods for payment are available, including paying online, by mail, or at retail cash locations via MoneyGram and PayNearMe. The change will support social distancing and public health during the peacetime emergency by allowing county leadership to appropriately manage their in-person services in response to the public health needs during the peacetime emergency.

Affects [Minnesota Statutes, section 518A.56, subdivision 2](#).

### Timeline

This waiver is effective May 19, 2020. The waiver may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal is not expected to increase state spending.

## CV.73 – Modifying certain licensing requirements for providers of day services for adults with disabilities

### Description

The commissioner amended the temporary modification of certain licensing requirements to allow day service providers for adults with disabilities to reopen. The change recognizes that individuals served have a right to make an informed choice about whether to receive services in a licensed setting.

As of May 30, the commissioner allowed day service facilities to only serve individuals who lived on their own or with their families. This further modification lifts the restriction and allows individuals who live in congregate care settings, including group homes, to attend the facilities.

In addition to health and safety measures previously required, the modification prohibits individuals from attending a day service facility if they live with any person with an active case of COVID-19 or have had COVID-19 exposure in the last 14 days.

As before, day services facility license holders must adhere to [Minnesota Department of Health](#) and [Centers for Disease Control and Prevention](#) guidelines to establish and implement a COVID-19 Preparedness Plan as set forth in [Emergency Executive Order 20-63, paragraph 7e](#).

They must also follow additional requirements regarding capacity, cohort size, duration of shifts, screening protocols and other measures to mitigate the spread of COVID-19. Programs may resume operating after receiving the specific licensing guidance and completing the [COVID-19 Preparedness Plan](#).

Affects Minnesota Statutes, sections [245D.04](#), [245D.28](#), [245D.29](#), and [245D.31](#).



### **Timeline**

The change is effective July 13, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### **Fiscal Impact**

This proposal is expected to increase state spending by \$654 thousand relative to the May 2020 Interim Budget Projection.

## **CV.78 – Modifying certain licensing requirements to require COVID-19 Preparedness Plan**

### **Description**

The commissioner waived statutory requirements for when certain mental health providers must be recertified.

At many mental health services across the state, staff are working remotely during the peacetime emergency due to concerns surrounding social distancing, which makes recertification challenging. Additionally, some providers are experiencing staffing shortages and have limited capacity to complete the recertification process while continuing to serve individuals.

Extending the timeline for recertification of providers of Assertive Community Treatment (ACT), Adult Rehabilitative Mental Health Service (ARMHS), Dialectical Behavior Therapy (DBT), and Intensive Treatment in Foster Care (ITFC) allows providers to continue to operate and meet the needs of the individuals they serve.

Affects Minnesota Statutes, sections [256B.0622, subdivision 3a \(a\) \(2\)](#) and [256B.0623, subdivision 4\(d\)](#) and [Laws of Minnesota 2020, 1st special session, chapter 7](#).

### **Timeline**

The timeline for recertification for ACT and ARMHS providers is extended beyond three years. It is retroactive to March 20, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

The timeline for recertification for DBT and ITFC providers is retroactive to March 20, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

The Department of Human Services will communicate with individual providers as recertification dates vary.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **CV.80 – Modifying certain licensing requirements to require COVID-19 Preparedness Plan**

### **Description**

The commissioner has modified certain licensing requirements for programs and facilities licensed or certified by the Department of Human Services to establish and implement a COVID-19 Preparedness Plan by June 29, 2020. The changes are necessary to comply with the requirements of Emergency Executive Order 20-74. The plan must provide for implementation of Minnesota Department of Health and Center for Disease Control and Prevention guidelines on COVID-19. The commissioner has developed COVID-19 preparedness plan guidance and optional plan templates as a resource for providers.

Affects Minnesota Statutes, [Chapter 245A](#).

### **Timeline**

The changes are effective June 18, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **VI. Federal waivers requested under peacetime emergency authority, Executive Order 20-11**

*Items in this section were approved between May 9 and July 11, 2020. Section VIII of this document reflects changes and amendments to waivers approved prior to May 9, 2020.*

### **CV. 57 – Waiving non-electronic public notice of Community Access for Disability Inclusion Waiver**

#### **Description**

The commissioner sought federal approval to waive the requirement for non-electronic public notice for renewal of the Community Access for Disability Inclusion (CADI) waiver. The CADI waiver provides home and community-based services to children and adults with disabilities who require the level of care provided in a nursing facility to help them live as independently as possible in a community setting.

Minnesota must submit its CADI waiver renewal to the Centers for Medicare & Medicaid Services by July 2, 2020. As part of the process, states are required to have a public notice process that includes non-electronic means of gathering feedback. Public spaces and gatherings have been closed or limited during the COVID-19 peacetime emergency in accordance with CDC social distancing guidelines. Because of this, it would not be safe or effective to post non-electronic copies of the public notice. The department will continue to gather public feedback through electronic communications as part of the waiver renewal process.

#### **Timeline**

The department received federal approval for this change, effective May 11, 2020.

#### **Fiscal Impact**

This proposal is not expected to increase state spending.

## VII. Changes under existing authority to respond to COVID-19

*Items in this section were approved between May 9 and July 11, 2020. Section VIII of this document reflects changes and amendments to waivers approved prior to May 9, 2020.*

### CV.51 – Modifying certain child care background studies

#### Description

The commissioner temporarily modified certain statutory background study requirements for child care providers. These temporary changes will help preserve the health, safety and well-being of children while discontinuing portions of background studies that are not feasible during the peacetime emergency. The modifications were effective beginning April 6, 2020.

The commissioner has applied for a temporary waiver from the federal Office of Child Care to allow child care providers the flexibility they need to maintain their workforce.

The federal requirements to be waived are a search of state criminal and sex offender registry or repository; a search of state-based child abuse and neglect registries and databases in each state where a child care staff member resided during the preceding five years; a search of the National Crime Information Center and the National Sex Offender Registry; and an FBI fingerprint check. These searches are difficult or impossible to complete as many other states are not processing requests during the COVID-19 pandemic.

Affects [42 U.S.C. § 9858f\(b\)](#).

#### Timeline

The request for the temporary federal waiver is retroactive to April 6, 2020. These changes may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

#### Fiscal Impact

This proposal is not expected to increase state spending.

### CV.52 – Modifying certain child care licensing requirements

#### Description

On April 7, 2020, the commissioner modified specific licensing and certification requirements for child care providers during the peacetime emergency. These changes were in addition to modifications made March 20, 2020 for certain regulatory actions and requirements, which were revised on May 4, 2020. These waivers were necessary to provide additional flexibility to child care providers so that they can remain available to provide care to the children of essential workers during this peacetime emergency, mitigate the spread of the virus, and protect the health and safety of children and staff.

The commissioner has applied for a temporary waiver from the federal Office of Child Care to allow child care providers the flexibility they need to maintain their workforce.

The federal requirements to be waived are pediatric first aid and CPR training for all caregivers in licensed and certified child care centers, annual unannounced inspections for licensed child care providers and annual inspections for licensed-exempt certified centers.

Affects Minnesota Statutes, sections [245A.04](#), [245A.09](#), [245A.16](#), [245A.40](#), [245H.05](#) and [245H.14](#).

### **Timeline**

The waiver for pediatric first aid and CPR training would be effective until December 31, 2020. The requirement for the state to conduct annual inspections of licensed and license-exempt child care providers would be waived until March 2021 to provide licensors time to catch up on any backlog of visits.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **CV.59 – Modifying eligibility period for federally funded Refugee Cash Assistance Program**

### **Description**

The commissioner applied for and received a federal waiver for the federally funded Refugee Cash Assistance (RCA) program, allowing the benefit eligibility period to be extended from 8 months to 18 months, with the additional months not to extend beyond September 30, 2020. This change applies to people with refugee, asylee, victim of trafficking, Cuban/Haitian entrant, Amerasian, and special immigrant visa statuses who became eligible for RCA benefits after April 1, 2019, and who meet income guidelines. Recipients of these benefits are not eligible for other public assistance programs.

This change will allow people who have lost employment or are unable to work and are not eligible for other supports to receive a minimum cash benefit to support their well-being during the COVID-19 pandemic.

Affects [45 CFR § 400.211](#).

### **Timeline**

This federal waiver is effective immediately and will expire September 30, 2020.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **CV.60 – Modifying eligibility period for federally funded Refugee Social Services Program**

### **Description**

The commissioner applied for and received a federal waiver to extend the 60-month eligibility period for the federally funded Refugee Social Services Program, with additional months not to extend beyond September 30, 2020. This change applies to people with refugee, asylee, victim of trafficking, Cuban/Haitian entrant, Amerasian, and special immigrant visa statuses. The federal waiver also allows eligibility status to be confirmed through verbal attestation rather than written documentation.

The Refugee Social Services Program provides employment, orientation, mentoring and system navigation services to people in their first five years after arriving in the United States. These changes support people who have lost employment or are unable to work or need other assistance to support their well-being during the COVID-19 pandemic.

Affects 45 CFR §§ 400.43(a), [45 CFR 400.152\(b\)](#).

### **Timeline**

This federal waiver is effective immediately and will expire September 30, 2020.

### **Fiscal Impact**

This proposal is not expected to increase state spending.

## **CV.75 – Confirming the Availability of Employment Services and the Right to Make Informed Choices and During the Peacetime Emergency (CV75)**

### **Description**

As Minnesota employers re-open their businesses within the requirements of applicable Executive Orders, people may also return to their jobs and receive employment supports. The commissioner issued guidance to confirm the availability of employment services for people with disabilities and the right of people to make an informed choice about whether or not it is safe to return to a community-based job during the peacetime emergency.

Lead agencies and providers should work with people to allow them to make informed choices, including considerations such as:

- People considered at high-risk – those over 65 or with underlying health conditions – are strongly encouraged to stay home.
- Employers should have a COVID-19 Preparedness Plan on file with the Department of Employment and Economic Development and the individual feels confident that the plan will be implemented effectively by the employer.

- Individuals should be prepared to protect themselves in the workplace by regular hand-washing, mask-wearing, not touching their faces, etc.

Affects Minnesota Statutes, section [245D.03](#) and 42 CFR § 440.180.

#### **Related operational changes**

[Bulletin #20-56-01, issued June 9, 2020: Employment services and the right to make informed choices during the peacetime emergency](#)

#### **Timeline**

The communications are applicable beginning May 30, 2020, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

#### **Fiscal Impact**

This proposal is not expected to increase state spending relative to forecast expenditures.

## **CV.82 – Maintaining suspended interest on certain child support debt**

#### **Description**

The commissioner temporarily modified policy to require that interest not accrue on certain child support debt. Parents paying child support who fail to make a timely and complete child support payment but who had previously made at least 12 complete and timely payments, and had interest suspended on their debt, will continue to have interest suspended.

This modification will support parents paying child support who had previously made timely and complete child support payments for at least 12 months, but who may now be facing COVID-related financial difficulties and limited access to courts. Counties would otherwise need to assess each individual case during the COVID-19 pandemic.

Affects Minnesota Statutes, section 548.091.

#### **Timeline**

This temporary policy modification is effective July 1, 2020, and may remain in effect for the duration of the COVID-19 peacetime emergency declared by the governor.

#### **Fiscal Impact**

This proposal is not expected to increase state spending.

# VIII. Updates to Previously Approved Waivers Under Peacetime Emergency Authority, Executive Order 20-12

## CV.02 – Modifying certain licensing enforcement requirements and extending licenses for family child care, child and adult foster care, and community residential and treatment settings

### Description

The commissioner amended her previous decision, which suspended or modified specific routine enforcement actions by DHS Licensing, now that Minnesota’s stay-at-home orders have been lifted and providers have been required to develop [COVID-19 Preparedness Plans](#). The commissioner continued these modifications to increase flexibility for providers:

- DHS, county and private agency licensors may conduct licensing activities using remote technologies when necessary to support social distancing and community mitigation. Routine licensing and certification by OIG Licensing, county licensors and private placing agencies may continue to waive the statutory requirement to conduct unannounced annual licensing visits for licensed child care programs that are not in response to complaint investigations. Minn. Stat. §§ 245A.04, 245A.16.
- DHS, county and private agency licensors will continue to communicate with and provide technical assistance to providers to the greatest extent possible using remote technologies that support social distancing and community mitigation. Minn. Stat. §§ 245A.04, 245A.16.
- DHS, county, and private licensors will continue to provide corrective action that reflects the provider’s current operation during the pandemic. Minn. Stat. §§ 245A.06, 245A.07.
- Family child care, child and adult foster care, and community residential settings licenses expiring through the peacetime emergency will automatically be extended for 3 additional months. Minn. Stat. §§ 245A.04, subdivision 7(a); 245A.16.
- Training timelines for existing staff and license holders that expire during the declared peacetime emergency and cannot be met are extended through the end of the state peacetime emergency. Minn. Stat. Ch. 245A.

Affects Minnesota Statutes, Chapters [245A](#), [245D](#), [245G](#) and [245H](#).

### Timeline

These modifications may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal is not expected to increase state spending.



## CV.07 – Allowing child care assistance payments for a second child care provider when a program temporarily closes or is unavailable

### Description

The commissioner amended her previous decisions that temporarily modified certain requirements under the Child Care Assistance Program (CCAP). Under those decisions, the commissioner: (1) permitted CCAP to pay a second providers when a child’s regular provider is temporarily closed and the child is attending a new program; (2) waived the normal 15-day notice period required when a family changes providers; and (3) allowed CCAP to pay for more than the usual maximum of 120 hours of care per child every two weeks.

The commissioner amended these previous decisions on April 9, 2020 to make them retroactive to March 13, 2020, or the day care started, whichever is later, and end one month from the child’s start date, or June 30, 2020, whichever is earlier. In the most recent amendment, the commissioner allowed CCAP payments to be paid to the second provider for up to an additional four weeks beginning June 1, 2020 and through the end of the peacetime emergency.

These changes support children, families and providers by continuing to prioritize care needs during the COVID-19 peacetime emergency, and reducing the negative financial impact on families and providers due to the COVID-19 pandemic. Affects Minnesota Statutes, sections [119B.09, subd. 6](#); [119B.097](#); [119B.13, subd. 7](#); Minnesota Rule [3400.0040, subp. 4\(B\)](#); and [45 C.F.R. Part 98](#).

### Related operational changes:

[Bulletin #20-68-22, issued May 15, 2020: Child Care Assistance Program temporary policy changes due to COVID-19](#)

### Timeline

These changes may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal was forecast to increase state spending by \$2.630 million, which was reflected in the May Interim Budget Projection.

## CV.08 – Paying CCAP to child care providers while children not attending care

### Description

The commissioner previously approved a waiver on March 20, 2020, temporarily allowing for flexibility and expanded use of medical exemptions to pay child care providers under the Child Care Assistance Program (CCAP) for more days when children are absent. Under that March 20, 2020, waiver, the department will make CCAP payments to temporarily closed child care providers, for up to one month.

In further response to the COVID-19 pandemic, on May 30, 2020, the commissioner approved additional flexibility, which temporarily allows CCAP providers to:

- Receive CCAP payments even if they have chosen not to charge, or reduce fees for, private pay families during closure.
- Bill CCAP for closed days from the date the provider closed for up to one month, beginning as early as March 13, 2020, which is the date of the federal emergency declaration, and ending no later than June 30, 2020. The beginning date in the original waiver was March 20, 2020.
- Bill CCAP for up to an additional four weeks after closure, beginning as early as June 1, 2020, through June 30, 2020, or the end of the peacetime emergency, whichever is later.

These changes support children, families and providers by prioritizing care needs during the COVID-19 peacetime emergency.

Affects Minnesota Statutes, sections [119B.13, subds. 4 and 7](#); Minnesota Rule [3400.0120, subp. 1a\(C\)](#); [45 C.F.R. Part 98](#).

### Timeline

These changes may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

### Fiscal Impact

This proposal is not expected to increase state spending.

## CV.17 – Preserving health care coverage for Medical Assistance and MinnesotaCare

### Description

The commissioner continued enrollment in public health care programs to ensure that no one enrolled in Medical Assistance, including Medical Assistance for Employed Persons with Disabilities or MinnesotaCare, loses coverage during the pandemic, unless an enrollee requests that their coverage ends or moves out of Minnesota. This includes coverage for enrollees who are unable to pay their premiums. The department is not sending notices on the need to renew coverage or closure notices to Minnesotans on Medical Assistance and MinnesotaCare except for enrollee requested closures or no longer being a state resident.

The commissioner also continued enrollment in all Medical Assistance-funded home and community-based waiver programs. This includes the following programs:

- Alternative Care (AC)
- Brain Injury (BI) waiver
- Community Access for Disability Inclusion (CADI) waiver
- Community Alternative Care (CAC) waiver
- Developmental Disabilities (DD) waiver
- Elderly Waiver (EW)

A person cannot be terminated from any of these waiver programs, unless the person chooses to exit the program, the person has moved out of state, or the person has died. This includes coverage for waiver enrollees who have a monthly fee and are unable to pay.

Affects Minnesota Statutes, sections [256B.056, subd. 7a](#); [256B.0913](#); [256B.092](#); [256B.093](#); [256B.49](#); [256L.05, subd.3a](#); [256L.06, subd.3](#); [256L.07, subd. 1](#); [256L.15](#); and [256S](#); Minnesota Rule part [9505.0115, subpart2](#); part [9506.0040](#).

**Related operational changes:**

- [Bulletin #20-21-02, issued April 29, 2020: DHS Announces Temporary Policy Changes to Minnesota Health Care Programs During the Covid-19 Peacetime Emergency](#)
- [Bulletin #20-21-04, issued May 1, 2020: DHS Explains Treatment of Federal Coronavirus Aid, Relief, and Economic Security Act Payments for Minnesota Health Care Programs](#)
- [Bulletin #20-21-05, issued May 4, 2020: DHS Explains Treatment of Federal Pandemic Unemployment Compensation Payments for Minnesota Health Care Programs](#)
- [Bulletin #20-21-06, issued June 5, 2020: DHS Explains Treatment of State, Local and Tribal COVID-19 Relief Payments for Minnesota Health Care Program](#)

**Timeline**

This modification is effective immediately, and may remain in effect for a 60-day transition period after the end of the COVID-19 peacetime emergency declared by the governor.

**Fiscal Impact**

This proposal is estimated to increase state Medical Assistance expenditures from the general fund by \$23.520 million in FY 2020, \$169.709 million in FY 2021, and \$9.981 million in FY 2022. It is forecast to increase MinnesotaCare expenditures from the Health Care Access Fund by \$5.927 million in FY 2020 and \$12.099 million in FY 2021. These estimates assume the provision is in effect through September 2020.

## CV.32 – Allowing additional reimbursement to Customized Living providers

### Description

The commissioner waived certain licensing requirements for Housing Support settings to provide needed flexibility in response to the COVID-19 pandemic. The change allows people to move to another setting, approved by the department, in order to isolate and keep people safe.

Housing Support recipients currently live in a variety of group and individual settings. Some of the existing living arrangements may not meet social distancing guidelines, or quarantine/isolation guidelines needed to keep people safe and healthy. In addition, it may not be possible for licensors and inspectors to complete inspections during this time.

Affects Minnesota Statutes, section [256I.04 subd.2a and 2b](#); and [Laws of Minnesota 2020, 1st special session, chapter 7](#).

### Timeline

This change is effective April 20, 2020, and remains in effect under state law until June July 31, 2021, unless necessary federal approval is not received at any time for a waiver or modification.

### Fiscal Impact

This proposal is forecast to increase state spending by \$2.066 million in FY 2020 and \$6.103 million in FY 2021.

## CV.37 – Extending recertification dates for SNAP and MFAP

### Description

The commissioner temporarily waived minimum certification periods for SNAP and MFAP recipients, who normally must verify their situations every six months to receive benefits. This waiver maintains uninterrupted benefits during the peacetime emergency even if recipients cannot submit otherwise required documentation. It also allows county and tribal eligibility staff to process new applications.

Affects Minnesota Statute sections [256D.0516](#) and [256D.053](#), and Federal Regulations [7 CFR 273.10\(f\)\(3\)\(i\)](#), [7 CFR 273.10\(f\)\(5\)](#), [7 CFR 273.12\(a\)\(5\)\(iii\)](#), and [7 CFR 273.14](#).

### Timeline

This waiver is retroactive to March 1, 2020, and extended the recertification dates through June 30, 2020. The waiver was amended to extend the recertification dates through July 31, 2020, then amended again to extend the recertification dates through August 31, 2020.

### Fiscal Impact

This proposal is not expected to increase state spending relative to the May 2020 Interim Budget Projection.

## CV.43 – Expanding remote Home and Community Based Services waiver services for people with disabilities

### Description

Effective April 29, 2020, the commissioner temporarily waived requirements to allow remote services by phone and other interactive technologies for people living in their own homes. This flexibility was needed to help combat isolation and strengthen the health and safety of older adults and people with disabilities who used to have daily contact in day services facilities.

This modification affects the following programs:

- Alternative Care (AC) program
- Brain Injury (BI) Waiver
- Community Alternative Care (CAC) Waiver
- Community Access for Disability Inclusion (CADI) Waiver
- Developmental Disabilities (DD) Waiver
- Elderly Waiver (EW)
- Essential Community Supports (ECS)

Federal approval has been received to allow certain home and community based waiver services to be provided remotely, by phone and other interactive technologies for people living in their own homes. This change is effective April 29, 2020, and expires at the end of the peacetime emergency.

The department will seek federal approval to allow additional consumer directed community supports service categories to be delivered remotely and to allow the previously approved home and community waiver remote services in provider-controlled settings, retroactive to March 19, 2020.

Affects Minnesota's existing federally approved 1915(c) waiver plan, Appendix-K.

### Related operational changes:

- [Bulletin #20-48-01, issued May 4, 2020: Temporary expansion of remote support for home and community-based services \(HCBS\) waivers](#)
- [Bulletin #20-56-02, issued May 4, 2020: Temporary expansion of remote support for home and communitybased services \(HCBS\) waivers](#)
- [Bulletin #20-48-03, issued May 18, 2020: Non-electronic public notice requirement waived for the CADI Waiver renewal](#)
- [Bulletin #20-56-04, issued May 18, 2020: Non-electronic public notice requirement waived for the CADI Waiver renewal](#)

- [Bulletin #20-25-02, issued May 19, 2020: Customized living rate add-on payments for settings with confirmed cases of COVID-19](#)

#### **Timeline**

On May 30, the commissioner approved additional flexibilities to allow services to be delivered remotely in provider-controlled settings, including licensed adult foster care settings, licensed community residential settings and registered housing with services settings.

#### **Fiscal Impact**

This proposal is forecast to increase state spending by \$1.351 million in FY 2020 and \$743 thousand in FY 2021 relative to the May 2020 Interim Budget Projection.

## **CV.49 – Modifying certain license requirements for adult day services**

#### **Description**

The commissioner temporarily modified certain licensing requirements for adult day services, which were directed to close March 29, 2020, to provide minimum health and safety standards while services are being provided remotely and in people’s homes during the peacetime emergency due to the COVID-19 pandemic. The modifications require service providers to notify the commissioner if they plan to provide services to existing clients during the peacetime emergency and apply to staff requirements and training, health and safety practices, client service plans, documentation and physical plant requirements.

Affects Minnesota Statutes, [Chapter 245A](#); [Laws of Minnesota 2020, 1st special session, chapter 7](#); and Minnesota Rules, parts [9555.9600 to 9555.9730 \(Rule 223\)](#).

#### **Timeline**

These changes are necessary to provide additional flexibility to providers, mitigate the spread of the virus, and protect the health and safety of people receiving services and providers. These changes became effective April 29, 2020, and remain in effect under state law until June 30, 2021, unless necessary federal approval is not received at any time for a waiver or modification.

#### **Fiscal Impact**

This proposal is not expected to increase state spending relative to forecast expenditures.

# IX. Appendix

## Fiscal Estimates Department of Human Services COVID-19 Changes

\$ in thousands

Line	Tracking #	Internal Approval Date	Authority	Title	Fund	FY 2020/2021	FY 2022/2023
1	CV.02	3/20/2020; 5/1/2020	EO	Suspension or Modification of Licensing Requirements	GF	10	-
2	CV.03	3/20/2020	EO	Economic Assistance Programs Applications	GF	-	-
3	CV.05	3/20/2020	EO	Family Violence Specialist Waiver in MFIP	GF	-	-
4	CV.06	3/20/2020	MS 256J.57	Good Cause Exemptions from MFIP Sanctions	GF	-	-
5	CV.08	3/20/2020	EO	Pay Child Care Assistance Program Providers While Children Not Attending Care	GF	-	-
6	CV.10	3/20/2020	EO	Child Care Assistance Program Provider Registration Renewals	GF	-	-
7	CV.11	3/20/2020	EO	Monthly Foster Care Caseworker Visits Videoconferencing	GF	-	-
8	CV.12	3/20/2020	EO	Waiving Prospective Mandatory Child Support Enforcement Remedies	GF	-	-
9	CV.15	3/20/2020	EO	Waiver of Face-to-Face Requirement of Assessments and Case Management for HCBS Waiver Services	GF	-	-
10	CV.17	3/20/2020; 4/13/2020; 6/16/2020	EO	Ensuring Uninterrupted Coverage & Services for State Public Program Enrollees	GF HCAF	193,229 18,026	9,981 -
11	CV.18	3/20/2020	7 CFR 273.7(i)	Good Cause Exemption for Able-Bodied Adults without Dependents SNAP Participants	GF	-	-
12	CV.16	3/23/2020	EO	Increasing Access to Services via Telemedicine	GF	-	-
13	CV.01	3/23/2020	MS 12A.10	Expedited Reimbursement to Nursing Facilities under M.S. 12A.10	GF	65,331	(16,127)
14	CV.04	3/20/2020	EO	Economic Assistance Program Renewals and Recertifications	GF	43,069	-
15	CV.19	3/23/2020	EO	Allow 90 Day Refill Limits for Prescription Maintenance Medications	GF	(3,027)	-
16	CV.22	3/23/2020	EO	Suspend Provider Revalidation	GF	-	-
17	CV.14	3/23/2020	EO	Waiver Recertification for AIDS Drug Assistance Program	GF	-	-

Line	Tracking #	Internal Approval Date	Authority	Title	Fund	FY 2020/2021	FY 2022/2023
18	CV.07	3/24/2020	EO	Paying Second Child Care Assistance Providers if One Provider is Closed or Unavailable	GF	2,630	-
19	CV.07A2	5/26/2020	EO	Paying Second Child Care Assistance Provider if One Provider is Closed or Unavailable - Extension	CCDBG	4,948	-
20	CV.09	3/24/2020	EO	Waiving, Modifying and Suspending Certain Requirements for Child Care Assistance Redetermination	GF	472	-
21	CV.21	3/24/2020	EO	Continuation of School-Linked and Intermediate School District Mental Health Services	GF	-	-
22	CV.24	3/27/2020	EO	Removal of Face-to-Face Requirements for MN Medicaid Targeted Case Management	GF	-	-
23	CV.20	3/23/2020	EO	Eliminating Cost Sharing for COVID-19 Testing and Treatment	GF	-	-
24	CV.23	3/27/2020	EO	Modify Certain Background Study Requirements	GF	-	-
25	CV.26	4/3/2020	EO	Modify Certain Requirements for Licensed Child Care Centers & Certified Child Care Centers	GF	-	-
26	CV.25	4/3/2020 3/30/2020	EO	Modify Certain License Requirements for Family Child Care	GF	- -	- -
27	CV.27	3/30/2020	EO	Allowing Exemption for Temporary Absence Policy in Housing Support	GF	207	-
28	CV.29	3/31/2020	EO	Waiving In-person Requirement to Allow Fair Hearings to Take Place by Telephone or Video	GF	-	-
29	CV.30	4/6/2020	EO	Expanding Telemedicine in Health Care, Mental Health, and Substance Use Disorder Settings	GF	-	-
30	CV.33	4/3/2020	EO	Modify Timelines & Face to Face Requirements for Certain Child Protection Responses to Alleged Maltreatment	GF	-	-
31	CV.35	4/8/2020	EO	Modifying Requirements for Physical Examinations of Foster Children	GF	-	-
32	CV.34	4/8/2020	CA	Cancelling RFP for Special Needs BasicCare in three counties	GF	-	-
33	CV.36	4/10/2020	EO	Modifying the Time Period to Complete an Out-of-Home Placement Plan After a Child is Placed in Foster Care and Signature Requirements	GF	-	-
34	CV.38	4/15/2020	EO	Allowing Flexibility in Housing Licensing Requirements	GF	-	-
35	CV.37	4/15/2020	CA	Extending Recertification Dates for SNAP and MFAP	GF	-	-
36	CV.35	4/17/2020	CA	Providing emergency increases of SNAP and MFAP benefits	GF	60	-
37	CV.42	4/17/2020	CA	Streamlining the SNAP waiver process	GF	-	-
38	CV.40	4/17/2020	EO	Waiving Signature Requirements for Medical Equipment and Transportation	GF	-	-



Line	Tracking #	Internal Approval Date	Authority	Title	Fund	FY 2020/2021	FY 2022/2023
39	CV.31	4/27/2020	EO	Allowing Waiver of County Cost When COVID-19 Delays Discharges from DHS-operated Psychiatric Hospitals	GF	-	-
40	CV.44	4/23/2020	EO	Allowing Remote Delivery of Adult Day Services	GF	-	-
41	CV.43	4/22/2020	EO	Expanding Remote Home and Community Based Services Waiver Services for People Living in Their Own Homes	GF	2,094	-
42	CV.45	4/23/2020	EO	Modifying certain licensing requirements for substance use disorder treatment	GF	-	-
43	CV.46	4/23/2020	EO	Modifying Certain Licensing Requirements for Children's Residential Facilities	GF	-	-
44	CV.47	4/23/2020	EO	Modifying Certain Licensing Requirements for Intensive Residential Treatment Service Providers	GF	-	-
45	CV.48	4/22/2020	EO	Modifying Requirements for Child Protection New Worker Training	GF	-	-
46	CV.49	4/23/2020	EO	Modifying Certain License Requirements for Adult Day Services	GF	-	-
47	CV.50	4/23/2020	EO	Modifying Certain Requirements for Early Intensive Developmental and Behavioral Intervention (EIDBI) Services	GF	-	-
48	CV.55	4/29/2020	EO	Modifying certain licensing requirements for adult foster care, community residential settings, child foster care and family adult day services	GF	-	-
49	CV.54	4/29/2020	EO	Modifying certain licensing requirements for detoxification programs	GF	-	-
50	CV.32	5/1/2020	MS 12A.10	Allowing additional reimbursement to Customized Living providers	GF	8,169	0
51	CV.53	5/6/2020	EO	Allowing Flexibility for Personal Care Assistance (PCA) Service Oversight and Hours	GF	243	-
52	CV.58	5/6/2020	EO	Authorizing federal waiver request & modifying certain requirements for legal nonlicensed provider registration for CCAP	GF	-	-
53	CV.63	5/6/2020	EO	Modify Certain Licensing Requirements for the Residential Facilities: Forensic Mental Health Program	GF	-	-
54	CV.61	5/7/2020	EO	Modifying Certain Requirements for the Minnesota Sex Offender Program	GF	-	-
55	CV.62	5/7/2020	EO	Waiving Vendor Payment Requirement for Certain MFIP Participants	GF	-	-
56	CV.64	5/12/2020	EO	Modifying Certain Certification Requirements for Mental Health Centers (Rule 29)	GF	-	-
57	CV.65	5/12/2020	EO	Modify Certain Licensing Requirements for Psychiatric Residential Treatment Facilities	GF	-	-

Line	Tracking #	Internal Approval Date	Authority	Title	Fund	FY 2020/2021	FY 2022/2023
58	CV.70	5/28/2020	EO	Waiving the County Child Support Agency In-Person Payment Location Requirement	GF	-	-
59	CV.73	5/26/2020	EO	Modifying Certain Licensing Requirements for Providers of Day Services for Adults with Disabilities	GF	654	-
60	CV.80	6/15/2020	EO	Modifying Licensing Requirements for Licensed and Certified Providers to require COVID-19 Plan	GF	-	-
61	CV.78	6/10/2020	EO	Extending Recertification Timelines for Community Mental Health Service Providers	GF	-	-
62				<b>Total Forecast Costs Approved</b>	<b>GF</b>	<b>313,141</b>	<b>(6,146)</b>
					<b>HCAF</b>	<b>18,026</b>	<b>-</b>
63				<b>Additional Forecast Changes to DHS Programs</b>			
64				Enhanced Federal Matching Funds: January through September 2020	GF	(588,154)	
65				<b>FY 2020-21 General Fund Forecast Costs of Program Waivers After Enhanced Federal Match</b>		<b>(275,013)</b>	