

## Memo

**Date:** March 23, 2023

**To:** Behavioral health home (BHH) services providers

**From:** BHH services policy team

### **RE: BHH providers must get participants' written consent for eligibility review for BHH services**

This memo addresses upcoming changes to the participant consent requirement to review eligibility for BHH services. Providers must have people seeking to participate in BHH services sign the [BHH services rights, responsibilities and consent \(DHS-4797B\) \(PDF\)](#) beginning **May 12, 2023**.

#### **Background**

In May of 2020, the Minnesota Department of Human Services (DHS) emailed all BHH services providers to inform them that verbal consent could be used for the BHH services rights, responsibilities and consent form. Verbal consent of this form was allowed due to the the federal Public Health Emergency (PHE) for COVID-19, declared under Section 319 of the Public Health Service Act.

#### **Upcoming consent change**

The U.S. Department of Health and Human Services (HHS) is planning for the federal COVID-19 PHE to end on May 11, 2023.

Starting **May 12, 2023**, BHH services providers can no longer accept verbal consent and will need to obtain signed consent from participants for an eligibility review and submit the signed [BHH Services Rights, Responsibilities and Consent \(DHS-4797B\) \(PDF\)](#).

You will have an option to submit a variance request for this requirement. Submit the [BHH services variance request \(DHS-8026\) \(PDF\)](#) if you wish to request a variance to the consent requirement. The guidance for submitting a variance request is listed on the variance request form.

#### **Next steps**

DHS BHH services policy staff will begin work immediately on updating all relevant BHH services documents to reflect the information in this policy memo.

Email the DHS BHH services policy team at [Behavioral.Health.Home.Services@state.mn.us](mailto:Behavioral.Health.Home.Services@state.mn.us) with any questions about this memo.