

2021



SESSION SUMMARIES

2021 SESSION SUMMARIES

Introduction

The Legal Services Advocacy Project (LSAP) is pleased to present the 2021 Session Summaries. They are divided by topic area of substantive law and reflect the statutory changes made by the Legislature in 2021 during the Regular Session and Special Session that impact Legal Aid's clients. They do not include every bill enacted into law during the Regular and the Special Sessions. Certain entries applicable to several substantive areas may be repeated in more than one section.

These summaries have been prepared by the LSAP staff. Some of the source material is based on bill summaries prepared by legislative staff of the House and Senate.

We hope you find these Session Summaries useful.

The LSAP staff who prepared these summaries are:

- Ron Elwood
relwood@mnlsap.org
- Maren Hulden
mhulden@mnlsap.org
- Jessica Webster
Jlwebster@mnlsap.org

Table of Contents

CHILD CARE.....	4
CONSUMER LAW.....	7
COURTS/CIVIL PROCEDURE	11
CRIMINAL JUSTICE	13
DHS BACKGROUND STUDIES.....	16
DISABILITY LAW	18
General.....	18
Mental Health.....	25
Grant Programs.....	28
Rates and Payments.....	29
EDUCATION LAW	32
ELDER LAW	33
FAMILY LAW	34
Domestic Violence and Sexual Assault.....	37
FOOD SUPPORTS.....	40
HEALTH LAW.....	42
Medical Assistance.....	42
Minnesota Care	44
MNSure/Navigators	45
Mental Health.....	45
Maternal, Infant, and Childrens' Health	46
Telehealth	49
Miscellaneous.....	51
HOUSING LAW	53
HUMAN RIGHTS LAW	55
IMMIGRATION LAW	56
JUVENILE/YOUTH LAW	57
PUBLIC BENEFITS LAW.....	59
UNEMPLOYMENT INSURANCE (UI) LAW	64
UTILITIES LAW.....	66

CHILD CARE

Acronyms Used in this Section

CCAP	=	Child Care Assistance Program
DHS	=	Minnesota Department of Human Services
MFIP	=	Minnesota Family Investment Program

I. **OMBUDSPERSON FOR FAMILY CHILD CARE PROVIDERS**

First Special Session, Chapter 7, Article 2, Section 3 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 245.975

Effective July 1, 2021

Requires the Governor to appoint an Ombudsperson for Family Care Providers to provide assistance with licensing, compliance, and other issues. Lists duties and requires the ombudsperson to report annually to both DHS and the legislature on the ombudsperson's activities. Allows the ombudsperson to act independently of DHS to provide testimony to the legislature, make periodic reports to the legislature, and address areas of concern to family child care providers

II. **SELF-EMPLOYMENT INCOME**

First Special Session, Chapter 7, Article 7, Section 1 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 119B.09, subdivision 4; 256P.02 subdivision 2; 256P.04 subdivision 4; 256P.05 subdivisions 1-3

Effective May 1, 2022

Makes a number of technical changes to self-employment income calculations for child care and other public benefit eligibility. Clarifies that the full value of business accounts used to pay expenses not related to the business count toward the \$10,000 program asset limit and must be verified by a county worker.

III. **FAMILY SUPPORTS AND IMPROVEMENT INFORMATION SHARING PROGRAM RECOMMENDATIONS**

First Special Session, Chapter 7, Article 14, Section 19 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective July 1, 2021

Requires DHS to collaborate with various state agencies and stakeholders to develop recommendations -- including whether grant money is necessary for the program and how it should be administered and distributed -- for implementing a family-focused voluntary information sharing program aimed at improving the effectiveness of public assistance programs and delivery of services to families. Requires a report to the Legislature, with possible proposed legislation, by January 15, 2023.

CHILD CARE ASSISTANCE PROGRAM AND BASIC SLIDING FEE

IV. TEMPORARY REPRIORITIZATION FOR CCAP BASIC SLIDING FEE

First Special Session, Chapter 7, Article 8, Section 1 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 119B.03

Effective July 1, 2021

From July 1, 2021, through May 31, 2024, establishes alternate Basic Sliding Fee priority to prioritize non-MFIP families, among other priorities, permitting more families to utilize Basic Sliding Fee while preserving CCAP access for MFIP and transition-year families.

V. CCAP ALLOCATION FORMULA

First Special Session, Chapter 7, Article 8, Section 2 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 119B.03, subdivision 6

Effective January 1, 2022

Modifies the formula for allocating money to counties for their basic sliding fee programs.

VI. RECOVERY OF CCAP OVERPAYMENTS

First Special Session, Chapter 7, Article 8, Section 3 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 119B.11, subdivision 2a

Effective August 1, 2021

A. New DHS Authority

Allows DHS to initiate efforts to recover child care assistance overpayments from families and providers unless they are the result of agency error. Prohibits DHS and county agencies from collecting overpayments from families or providers that occurred more than six years prior, except where the overpayments were a result of fraud.

B. New Eligibility for Families

Makes a family with an outstanding debt is eligible for child care assistance

VII. CCAP MAXIMUM RATES

*First Special Session, Chapter 7, Article 8, Section 5 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 119B.13, subdivision 1
Effective November 15, 2021*

Increases the maximum rates paid to providers for child care assistance. The maximum rate: (1) for infants and toddler is the 40th percentile of the 2021 child care provider rate survey; and (2) for preschoolers and school children is the 30th percentile. Beginning in January 2025, the maximum rates will be based on the 2024 child care provider rate survey (but the percentiles for the different age groups will continue).

VIII. CCAP PROVIDER PAYMENTS

*First Special Session, Chapter 7, Article 8, Section 7 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 119B.13, subdivision 6
Effective August 1, 2021*

Limits retroactive payments under CCAP to three months (rather than the six months allowed under current law). Adds certified, license-exempt child care providers to the list of providers for which the county agency or DHS may refuse, revoke their authorization or stop or refuse payment. Establishes circumstances under which a child care provider must forfeit CCAP payment to a county agency or DHS.

IX. CCAP ABSENT DAYS

*First Special Session, Chapter 7, Article 8, Section 8 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 119B.13, subdivision 7
Effective August 1, 2021*

Makes child care providers liable for overpayments. Makes a family or a child care provider liable for overpayments if the family or provider failed to timely report a change.

CONSUMER LAW

I. EQUITY STRIPPING PROTECTIONS EXTENDED TO HOMEOWNERS IN TAX FORFEITURE

Regular Session, Chapter 7 (SF 440)

Amends Minn. Stat. §§ 282.301; 325N.01; 325N.02; 325N.03; 325N.04; 325N.06; and 325N.10, subdivisions 2, 3, 4, 5, and 7

Adds Minn. Stat. §§ 282.302; 282.303; and 282.304

Various Effective Dates

A. Equity Stripping Law Amendments

Clarifies that the protections available under Minnesota's Equity Stripping Law (Chapter 325N) are available not only to homeowners in mortgage foreclosure tax forfeiture, but also to homeowners facing tax forfeiture.

Amends various sections of Chapter 325N

Effective July 1, 2021

B. Conveyance of Deeds by County Auditors After Certification

Specifies that, upon payment of the back taxes, the county must provide the quitclaim deed to the record owner (even if the would-be equity stripper pays the amount due). Makes other procedural and conforming changes.

Amends Minn. Stat. § 282.301

Adds Minn. Stat. §§ 282.302; 282.303; and 282.304

Effective July 1, 2021, and applies to repurchases approved on or after that date

II. REVERSE MORTGAGE PROTECTIONS FOR ELDER HOMEOWNERS

Regular Session, Chapter 9 (HF 333)

Amends Minn. Stat. § 47.58, subdivisions 1 and 8

Adds Minn. Stat. § 47.58, subdivisions 6a and 6b

Effective August 1, 2021, and applies to reverse mortgage loans originated on or after that date

Requires housing counselors to inform would-be borrowers of the right created by this new law to designate (on a statutory form to be given to the lender) a trusted third party to receive default and other notices, the failure of which to cure could lead to foreclosure. Provides that the information is to be conveyed during the already-required pre-housing counseling session. Requires reverse mortgage loan servicers to send the notice simultaneously to the borrower and the trusted, designated third party. Gives the borrower a cause of action under Minn. Stat. § 582.043 to halt or set aside the foreclosure sale if the servicer fails to send the notice to the third party.

III. DEBT BUYERS DEEMED DEBT COLLECTORS SUBJECT TO MINNESOTA DEBT COLLECTION LAWS

First Special Session, Chapter 4, Article 5 (HF 6)

Omnibus Commerce and Energy Bill

Amends Minn. Stat. §§ 332.31, subdivisions 3 and 6; 332.311 332.32; 332.33, subdivisions 1, 2, 5, 5a, 7, and 8; 332.34; 332.345; 332.355; 332.37; 332.385; 332.40, subdivision 3; 332.42, subdivisions 1 and 2;

Adds Minn. Stat. §§ 332.31, subdivisions 8 and 9; and 332.33, subdivision 9

Effective August 1, 2021

Defines “debt buyers,” amends the definition of “collection agency” to include them, and thus subjects debt buyers to Department of Commerce licensing, regulation, and enforcement.

Applies prohibited practices under Minn. Stat. § 332.37, which incorporates violation of the Federal Fair Debt Collections Practices Act (FDCPA), to debt buyers.

IV. STUDENT LOAN BORROWER BILL OF RIGHTS

First Special Session, Chapter 4, Article 6, Sections 1 - 11 (HF 6)

Omnibus Commerce and Energy Bill

Adds Minn. Stat. § 13.712, subdivision 7; and Chapter 58B (Minn. Stat. §§ 58B.01 – 58B.10)

Effective August 1, 2021

Subjects student loan servicers to licensing and regulation by the Department of Commerce. Establishes duties of student loan services, which include evaluating eligibility for an income-driven repayment program before placing a borrower in forbearance or default. Prohibits certain conduct, including misleading, deceptive, or misrepresentative acts. Gives the Department of Commerce enforcement powers, including the power to order restitution to a borrower.

V. CIVIL ASSET FORFEITURE REFORM

First Special Session, Chapter 11, Article 5 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 169A.63, subdivisions 1, 7, 8, 9, 10, and 13; 609.531, subdivision 1; 609.5311, subdivisions 2, 3, and 4; 509.5314, subdivisions 1, 2 and 3; and 609.5315, subdivisions 5, 5b, and 6

Adds Minn. Stat. §§ 169A.63, subdivisions 7a and 14; 609.531, subdivision 9; and 609.5314, subdivision 1a
Various Effective Dates

Makes major reforms of civil asset forfeiture statutes, including limiting seizures of vehicles and other personal property associated with drug and DWI cases, codifying the rights of innocent owners, and specifying ways that law enforcement can use funds derived from forfeitures. Key reforms include:

A. Limitations on Forfeiture

1. Forfeiture of Property Associated with Drug Crimes

Prohibits seizure of personal property, including vehicles, and real property unless the property is an instrument of – or represents proceeds from – a crime or is needed for evidence.

Amends Minn. Stat. § 169A.5311, subdivisions 2 and 3

Effective January 1, 2022, and applies to seizures occurring on or after that date

2. Administrative Forfeiture Associated with Drug Crimes
Provides that money believed to be the proceeds of a drug sale amounting to less than \$1,500 is not subject to administrative forfeiture.
Amends Minn. Stat. § 169A.5314, subdivision 1
Effective January 1, 2022, and applies to seizures occurring on or after that date

B. Protections for Innocent Owner

1. Generally
Codifies the Minnesota Supreme Court's 2019 holding in *Olson v. One 1999 Lexus* that the statute allowing seizure and possible forfeiture of vehicles in DWI cases violated the constitutional rights of the innocent vehicle owner, the mother of a driver charged with a DWI.
2. DWI Cases
Permits owners, other than the driver of a vehicle that has been seized as a result of a DWI, to assert an innocent owner claim. Gives possession to innocent owner if the owner: (1) proves ownership; and (2) had no knowledge that the vehicle was used in, or took reasonable steps to prevent, the crime.
Adds Minn. Stat. § 169A.63, subdivision 7a
Effective January 1, 2022, and applies to seizures occurring on or after that date
3. Drug Cases
Permits owners, other than the driver of a seized vehicle alleged to have used a vehicle in the transportation or exchange of drugs intended for distribution or sale, to assert an innocent owner claim. Gives possession to innocent owner if the owner: (1) proves ownership; and (2) had no knowledge that the vehicle was used in, or took reasonable steps to prevent, the crime.
Adds Minn. Stat. § 609.5314, subdivision 1a
Effective January 1, 2022, and applies to seizures occurring on or after that date

VI. STORAGE LIEN LAW – CONSUMER PROTECTION IMPROVEMENTS

First Special Session, Chapter 4, Article 6, Sections 26 - 31 (HF 6)

Omnibus Commerce and Energy Bill

Amends Minn. Stat. §§ 514.972, subdivisions 4 and 5; 514.973, subdivisions 3 and 4; 514.974; and 514.977

Effective July 1, 2021

Makes substantive and technical changes the Storage Lien Law. Key substantive changes include:

A. Right of Low-Income Clients to Remove Critical Items Even if Locked Out

Allows low-income occupants, even if the storage unit is locked because of default, to remove from the unit personal clothing and tools of the trade that are necessary for the occupant’s livelihood with a market value of up to \$125 per item. Requires the occupant to provide documentation from a government or nonprofit agency or legal aid office stating that the occupant is: (1) a recipient of relief based on need; (2) is eligible for legal aid services; or (3) is a survivor of domestic violence or sexual assault

Amends Minn. Stat. § 514.972, subdivision 5

B. Storage Owners’ Ejectment Remedy Modified

Replaces existing storage lien law remedy for removing an occupant of taking an eviction action under Chapter 504B with a new statutory remedy allowing expedited ejectment through district court, governed by the Minnesota Rules of Civil Procedure.

Amends Minn. Stat. § 514.977

VII. CHECKING ACCOUNTS FOR BORROWERS IN CREDIT BUILDING PROGRAMS

Regular Session, Chapter 21 (SF 1284)

Amends Minn. Stat. § 48.512, subdivisions 2, 3, and 7

Effective August 1, 2021

Makes an exception to the statutory ban on banks opening checking accounts for borrowers whose accounts had been closed involuntarily because of a dishonored check or criminal conviction within specified periods for borrowers in programs designed to expand access for individuals without a bank account to financial services.

VIII. SALVAGE TITLE TASK FORCE

First Special Session, Chapter 5, Article 4, Section 147 (HF 10)

Omnibus Transportation Bill

Uncodified Session Law

Effective June 27, 2021

Establishes a Salvage Title Task Force, consisting exclusively of legislators, to review state motor whether the current titling law relating to the designation of “salvage vehicle” conveys information about the condition of the vehicle sufficient to enable vehicle owners to make informed repair decisions about totaled cars and prospective purchasers of used vehicles at auctions or used car dealers to make informed purchase decisions. Charges the Task Force with making recommendations, including proposed legislation, for motor vehicle titling changes.

COURTS/CIVIL PROCEDURE

I. REDUCTION OR WAIVER OF \$75 COURT SURCHARGE ON TRAFFIC TICKETS AND CRIMINAL FINES

First Special Session, Chapter 11, Article 3, Sections 8, 9, and 11 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 169.99, subdivision 1c; and 357.021, subdivision 6

Adds Minn. Stat. § 169.99, subdivision 1d

Various Effective Dates

A. Reduction or Waiver of Fee

Gives courts the discretion to reduce or waive, based on their ability to pay, the surcharge imposed on criminal and traffic fines. Allows courts to impose community work service in lieu of the surcharge.

Amends Minn. Stat. § 357.021, subdivision 6

Effective July 1, 2022

B. Notice

Requires revision of uniform traffic ticket to include notice that a fine *may* be imposed and that it can be reduced or waived for financial hardship.

Amends Minn. Stat. § 169.99, subdivision 1c

Adds Minn. Stat. § 169.99, subdivision 1d

Effective August 1, 2022

II. WAIVER OF FEES FOR FEDERALLY RECOGNIZED TRIBES IN CERTAIN COURT PROCEEDINGS

First Special Session, Chapter 11, Article 3, Section 10 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 357.021, subdivision 1a

Effective July 1, 2021

Eliminates fees for appearances and filing documents for federally recognized American Indian tribes, and their attorney, if the case involves: (1) child support; (2) paternity; (3) civil commitment; (4) public guardianship or conservatorship; or (4) juvenile court or child protection matters.

III. INTERPRETERS FOR INDIGENT DEFENDANTS IN CRIMINAL CASES

First Special Session, Chapter 11, Article 3, Section 28 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 611.21

Effective July 1, 2021

Allows Public Defenders to apply to the court for an interpreter for an indigent defendant, to be paid for by the county, if necessary for an adequate defense.

IV. HARMLESS ERROR

First Special Session, Chapter 11, Article 3, Section 27 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 524.2-503

Effective retroactively from March 13, 2020, and applies to documents and writings executed on or after March 13, 2020

Makes permanent the “harmless error” rule in probate matters that was enacted during the 2020 Session in response to COVID, which allows courts to consider evidence about whether or not all the formalities of a will have been met.

CRIMINAL JUSTICE

I. ENDING DRIVER'S LICENSE SUSPENSION FOR FAILURE TO PAY FINES AND FEES

First Special Session, Chapter 5, Article 4, Sections 57, 77, 78, 80, 81, and 83 (HF 10)

Omnibus Transportation Bill

Amends Minn. Stat. §§ 169.92, subdivision 4; and 171.16, subdivisions 2 and 3; 171.18, subdivision 1; 171.20, subdivision 4; and 171.29, subdivision 2

Adds Minn. Stat. § 171.325

Various Effective Dates

A. No Suspension for Failure to Pay Fines and Fees

Prohibits the suspension of a person's driver's license based solely on the fact that the person: (1) failed to pay court fines related to a traffic violation, including parking tickets; (2) appear in court on a petty misdemeanor traffic violation; or (2) was found to be driving after license suspension or revocation.

Amends Minn. Stat. §§ 169.92, subdivision 4; and 171.16, subdivisions 2 and 3; and 171.18, subdivision 1

Effective January 1, 2022

B. Reinstatement Fee

Eliminates the practice of fee "stacking" by providing that, to have driving privileges restored, a driver need only pay a single reinstatement fee: (1) of \$20 for license suspensions; or (2) \$30 for license revocations because of one or more convictions, pleas of guilty, forfeitures of bail not vacated, or mandatory revocations.

Amends Minn. Stat. §§ 171.20, subdivision 4; and 171.29, subdivision 2

Effective March 1, 2022, or upon completion of the necessary programming changes to the driver services information system.

II. REDUCTION OR WAIVER OF \$75 COURT SURCHARGE ON TRAFFIC TICKETS AND CRIMINAL FINES

First Special Session, Chapter 11, Article 3, Sections 8, 9, and 11 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 169.99, subdivision 1c; and 357.021, subdivision 6

Adds Minn. Stat. § 169.99, subdivision 1d

Various Effective Dates

A. Reduction or Waiver of Fee

Gives courts the discretion to reduce or waive, based on ability to pay, the surcharges imposed on criminal and traffic fines. Allows courts to impose community service work in lieu of the surcharge.

Amends Minn. Stat. § 357.021, subdivision 6

Effective July 1, 2022

B. Notice

Requires revision of uniform traffic tickets to include notice of the law change that a fine may be imposed and that it can be reduced or waived for financial hardship.

Amends Minn. Stat. § 169.99, subdivision 1c

Adds Minn. Stat. § 169.99, subdivision 1d

Effective August 1, 2022

III. CONDITIONAL RELEASE OF INMATES WHO ARE PREGNANT OR HAVE GIVEN BIRTH

Regular Session, Chapter 17 (SF 1315)

Amends Minn. Stat. § 244.065

Effective August 1, 2021

Grants the Commissioner of Corrections the authority to conditionally release to a community-based program: (1) for the duration of the pregnancy and up to one year postpartum, an inmate who is pregnant; or (2) for up to one year postpartum, an inmate who gave birth within eight months of the date of incarceration.

IV. ID CARDS AND REENTRY ASSISTANCE FOR INMATES BEING RELEASED FROM PRISON

Regular Session, Chapter 24 (SF 519)

Amends Minn. Stat. § 171.06, subdivision 3

Adds Minn. Stat. § 241.067

Various Effective Dates

A. Identification Cards

Requires the Department of Corrections to inform an inmate upon intake (and again prior to release) that the Department must facilitate an inmate request for help in obtaining, among other things, an identification card (and a copy of the inmate's birth certificate).

Adds Minn. Stat. § 241.067, subdivision 2

Effective September 1, 2021

B. Medical Assistance and MinnesotaCare Enrollment

Requires the Department of Corrections, at least 45 days before the scheduled release of an inmate, to offer and, if accepted, provide assistance in completing an application for Medical Assistance or MinnesotaCare.

Adds Minn. Stat. § 241.067, subdivision 3

Effective September 1, 2021

C. Department of Corrections ID Card Valid for State ID Card or Driver's License

Provides that a valid Department of Corrections or Federal Bureau of Prisons identification card is an acceptable form of proof of identity in an application for an identification card, instruction permit, or driver's license.

Amends Minn. Stat. § 171.06, subdivision 3

Effective August 1, 2021

V. HOMELESS MITIGATION PLAN FOR INMATES BEING RELEASED FROM PRISON

Regular Session, Chapter 24 (SF 519)

Adds Minn. Stat. § 241.068

Effective July 1, 2021

Directs the Department of Corrections to develop and implement a homelessness mitigation plan for individuals released from prison. Requires a report to the Legislature each year specifying, among other things, the number of prisoners released to homelessness, disaggregated by race and gender.

VI. RESTRAINTS ON CHILDREN IN COURT

First Special Session, Chapter 11, Article 9, Section 20 (HF 63)

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 260B.008

Effective April 15, 2022

Prohibits the use of restraints on children appearing in court unless the court makes findings, based on enumerated factors: (1) that there are no less restrictive alternatives available; and (2) the use is necessary to prevent physical harm to the child or another, or to prevent the child from fleeing. Requires, by April 1, 2022, the court to develop protocols to address how to implement and comply with these changes.

VII. DEPARTMENT OF CORRECTIONS OVERSIGHT AND OTHER CHANGES

First Special Session, Chapter 11, Article 9, Sections 5 - 18 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 241.021, 243.48, and 243.52

Effective July 1, 2022

Makes a series of changes to strengthen oversight for state correctional facilities, including changes to: (1) standards for the management, operation, physical condition, and the security of correctional facilities and the safety, health, treatment, and discipline of incarcerated persons; (2) the license revocation process; and (3) use of force policy, providing that force may not be applied maliciously or sadistically to cause harm to inmates and prohibiting certain forms of restraint including prone restraint and chokeholds. Establishes new requirements, including: (1) a report to the Legislature regarding individuals who have died in facilities; and (2) a biennial safety audits of each state correctional facility;

VIII. NEUROPSYCHOLOGICAL EVALUATION FEASIBILITY STUDY

First Special Session, Chapter 11, Article 2, Section 46 (HF 63)

Omnibus Judiciary and Public Safety Bill

Uncodified Session Law

Effective July 1, 2022

Directs the State Court Administrator to conduct a feasibility study on whether the courts should be required to order individuals convicted of felonies to undergo a neuropsychological examination. Requires a report to the Legislature by February 15, 2022.

DHS BACKGROUND STUDIES

I. CHANGES TO DHS BACKGROUND STUDIES LAW

First Special Session, Chapter 7, Article 2, Sections 11 - 67 (HF 33)

Omnibus Health and Human Services Bill

Amends Chapter 245C

Various Effective Dates

Among the many changes made to Background Studies Law were:

A. New Programs, Services, and Individuals Subject to Background Studies

Adds to the list of programs, services, and individuals for which background studies (or the new alternative background studies) are required, including: (1) navigators, in-person assisters, and certified application counselors; (2) licensed home and community-based services under Chapter 245D; (3) community residential settings; (4) independent living assistance for youth; (5) federally approved home and community-based waiver plans; (6) consumer-directed community supports; (7) Community First Services and Supports (CFSS) agency-providers and Financial Management Services (FMS); and (8) personal care assistance provider agencies enrolled to provide personal care assistance services under Medical Assistance.

Amends Various Sections of Chapter 245C

Various Effective Dates

B. Additional Submissions Required by Study Subject

Requires the subject of the study to submit a completed criminal and maltreatment history records check consent form for applicable national and state level record checks.

Amends Minn. Stat. § 245C.05, subdivision 1

Effective July 1, 2021

C. Disqualification from Working in Licensed Child Care Centers

Provides additional criteria for disqualifying or removing a person from working in any position in a licensed child care center or certified license-exempt child care center.

Amends Minn. Stat. §§ 245C.14 and 245C.18

Effective July 1, 2021

D. Determination of Immediate Risk of Harm

Adds additional criteria for determining immediate risk of harm for purposes of removing an individual from any position: (1) which allows direct contact with or access to persons receiving services; or (2) in a licensed child care center or certified license-exempt child care center

Amends Minn. Stat. § 245C.16, subdivision 1

Effective July 1, 2021

E. Permanent Bar to a Set-Aside

Prohibits the DHS Commissioner from setting aside or granting a variance for a set of crimes warranting disqualification, which are enumerated under new Minn. Stat. § 245C.15, subdivision 4a, paragraphs (a) and (b), for an individual at least 18 years of age. Allows a variance for an individual under 18 when the background study is submitted.

Amends Minn. Stat. § 245C.24, subdivision 2

Effective July 1, 2022

II. ALTERNATIVE BACKGROUND STUDIES

First Special Session, Chapter 7, Article 2, Section 18 (HF 33)

Adds Minn. Stat. § 245C.031

Effective July 1, 2021

Requires DHS to conduct – and specifies the procedures for -- an alternative background study of enumerated persons, including: (1) certain MDH licensees; (2) guardians and conservators; (3) guardians ad litem; and (4) navigators, in-person assisters, and certified application counselors under MNsure.

III. HUMAN SERVICES BACKGROUND STUDY ELIGIBILITY LEGISLATIVE TASK FORCE

First Special Session, Chapter 7, Article 2, Section 74 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective June 30, 2021, and expires upon the submission of the final report or December 20, 2022, whichever is later

Establishes a legislative task force to review eligibility and disqualification provisions in DHS Background Study statutes.

A. Membership

Names 26 members, which include one member appointed jointly by Mid-Minnesota Legal Aid, Southern Minnesota Legal Services, and the Legal Rights Center.

B. Duties

Directs the task force to: (1) evaluate the effectiveness of existing law in protecting the individuals for whom background studies are conducted; (2) identify weaknesses and inefficiencies in current law; (3) identify ways in which the existing statutes may unintentionally or unnecessarily prevent qualified individuals from providing services or securing employment; and (4) develop legislative proposals to improve background study statutes, and address identified weakness or inefficiencies.

C. Report

Requires: (1) an interim written report by March 1, 2022; and (2) a final report by December 16, 2022.

DISABILITY LAW

Acronyms Used in this Section

CFFS	=	Community First Services and Supports
DHS	=	Minnesota Department of Human Services
DWRS	=	Disability Waiver Rate System
FMAP	=	Federal Medical Assistance Percentages
HCBS	=	Home and Community-Based Services
ICF/DD	=	The Intermediate Care Facilities for Persons with Developmental Disabilities
MA	=	Medical Assistance
MDH	=	Minnesota Department of Health
MNCARE	=	MinnesotaCare
PCA	=	Personal Care Assistance

GENERAL

I. WAIVER REIMAGINE PHASE II

First Special Session, Chapter 7, Article 13, Sections 16-17, 19, 26-28, 73, and 75 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 256B.092 and 256B.49

Various effective dates

Implements Phase 2 of Waiver Reimagine, including:

- Requiring DHS to: (1) seek federal approval to reconfigure the MA home and community-based waivers to implement a two-waiver structure and an individual resource allocation methodology; (2) and transfer management of waiver funds from the counties to the commission.
- Requiring DHS to consult with stakeholders concerning: (1) potential adjustments to the rate exemption criteria and process and the streamlined service menu from Phase I; and (2) the development and implementation of Phase II, including criteria and a process for individualized budget exemptions and supporting and expanding informed choice and informed decision making.
- Establishing a Waiver Reimagine Advisory Committee.
- Developing an online support planning tool for people using disability waiver services that allows access to the total budget available to the person, the services for which they are eligible, and the services they have chosen and used.

II. INFORMED CHOICE POLICY STATEMENTS AND IMPLEMENTATION

First Special Session, Chapter 7, Article 13, Sections 15, 18, 30-41, and 76 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. §§ 256B.0911; and 256B.4905
Uncodified Session Law
Effective July 1, 2021

Re-focuses disability policy statements passed in 2020 to center statements and disability services on the informed choices of people who have disabilities. Changes include:

- New definitions of “informed choice” and “informed decision making.”
- Revisions to policy statements to indicate that the state’s policy is to offer informed choices regarding: (1) where people live and work; (2) self-directing services, and the (3) use of technology supports.
- Requiring DHS, as part of Waiver Reimagine, to develop and implement a curriculum and training plan to ensure all lead agency assessors and case managers have the knowledge and skills necessary to comply with informed decision making for people who used home and community-based disability waivers.

III. TASK FORCE ON ELIMINATING THE USE OF SUBMINIMUM WAGE

First Special Session, Chapter 7, Article 16, Sections 14 and 15 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021

Establishes, as one of the HCBS FMAP spending authorizations, a task force on eliminating subminimum wages for people with disabilities. Includes funding to establish a reinvention grant program to promote opportunities for people with disabilities to earn competitive wages.

IV. INCLUSIVE CHILD CARE

First Special Session, Chapter 7, Article 14, Section 15 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021

A. Grant Program

Establishes a two-year grant program to counties or tribes that partner with family child care providers or child care centers to use funds to develop, improve, or expand their child care setting to enable the provider to care for children with disabilities in an inclusive setting with children without disabilities. Eligible expenses include: (1) making modifications to the space; (2) training or hiring additional staff; and (3) funding the cost of services or equipment for the children with disabilities.

B. Report to the Legislature

Requires grantees to report to DHS six months and requires DHS to report to the Legislature at the end of the grant period on: (1) the process and outcomes of the program; and (2) how inclusive child care settings could be expanded statewide.

V. NONDISCRIMINATION IN ACCESS TO TRANSPLANTS

Regular Session, Chapter 30, Article 14 (HF 2128)

Adds Minn. Stat. §§ 62A.082 and 363A.50

Effective August 1, 2021

A. Applicability to Health Plans

Prohibits a health plan that provides coverage for anatomical gifts, organ transplants, or related treatment and services from, based on an enrollee's disability: (1) denying coverage, eligibility for coverage, or renewal of coverage; (2) penalizing, reducing, or limiting reimbursement; or (3) reducing or limiting an enrollee's benefits.

Adds Minn. Stat. § 62A.082

B. Addition to Human Rights Act

Prohibits discrimination regarding organ transplants by enumerated entities, including hospitals and donor/recipient matching services. Enumerates acts constituting discrimination, including refusing to refer an individual to a transplant center or specialist. Establishes a private right of action to seek an injunction for violation.

Adds Minn. Stat. § 363A.50

VI. REASONABLE ACCOMMODATIONS IN EMPLOYMENT – USE OF INTERACTIVE PROCESS

First Special Session, Chapter 11, Article 3, Section 13 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 363A.08, subdivision 6

Effective July 1, 2021

Requires an employer, an employment agency, or labor organization to use an informal, interactive process to determine the appropriate reasonable accommodation if requested by an employee.

VII. REGIONAL QUALITY COUNCILS

First Special Session, Chapter 7, Article 13, Sections 20 - 23 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.097

Repeals Minn. Stat. §256B.097, subdivisions 1, 2, 3, 4, 5, and 6

Effective July 1, 2021

Repeals the State Quality Council. Reconfigures the existing regional quality councils to allow them to continue to perform their remaining functions without the State Quality Council. Expands the duties of the councils to: (1) examine and improve services for people with disabilities; (2) promote informed decision making; (3) provide advocacy and recommendations for quality improvements; and (4) provide help resolve disputes between lead agencies or providers and people with disabilities.

VIII. CLIENT CONTACT INFORMATION AND HCBS SURVEYS

First Special Session, Chapter 7, Article 13, Sections 24 - 25 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.439
Various Effective Dates

Allows DHS to request contact information of clients and associated key representatives for purposes of conducting consumer surveys for HCBS.

IX. RESIDENTIAL SERVICES CRITERIA

First Special Session, Chapter 7, Article 13, Section 30 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.4914
Effective 90 days after federal approval

Requires DHS to develop and implement residential support services criteria that limit eligibility for community residential services, customized living services, and 24-hour customized living services. Provides that the criteria -- which only apply to individuals who do not have an active service agreement as of the effective date of the criteria -- must limit eligibility to individuals who have either complex behavioral health or complex medical needs and for whom other residential support services have been deemed inappropriate by the individual's support planning team.

X. UNLICENSED CUSTOMIZED LIVING MORATORIUM

First Special Session, Chapter 7, Article 13, Sections 5, 29, 60, and 66 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. §§ 245A.03, 256B.49, and 256S.20
Effective July 1, 2021

Creates a time-limited exception to the corporate foster care and community residential settings licensing moratorium, allowing unlicensed customized living settings to become licensed settings.

XI. REIMBURSEMENT FOR CFSS DRIVING

First Special Session, Chapter 7, Article 13, Sections 49, 51 - 53 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.85
Various Effective Dates

Allows CFSS support workers to be reimbursed for driving clients under MA and establishes documentation requirements for travel time.

Note *These changes are only for CFSS, not PCA, and CFSS has not yet been implemented.*

XII. HOUSING SUPPORT ABSENCE DAY CHANGES

*First Special Session, Chapter 7, Article 13, Sections 57 - 58 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. §§ 256I.05; and 256I.06
Effective July 1, 2021*

Establishes a new extended absence day limit of 92 days per year for individuals who are absent from a housing support setting because they are admitted to certain facilities. Creates a new exception process for individuals who exceed the new extended absence day limit.

XIII. MEDICAID COVERAGE FOR DIRECT SUPPORT WHILE IN ACUTE CARE SETTINGS

*First Special Session, Chapter 7, Article 13, Section 68 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021*

Requires DHS to develop an MA-covered service to provide direct care services to patients admitted to an acute care hospital and submit to the Legislature draft language to implement the service.

XIV. SUPPORTIVE PARENTING

*First Special Session, Chapter 7, Article 13, Section 69 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective upon federal approval of Minnesota's initial state spending plan as required by CMS for implementation of the federal American Rescue Plan Act*

Requires DHS to conduct a study to determine the feasibility of adding supportive parenting services as a covered MA service.

XV. PCA PAID PARENT AND SPOUSE

*First Special Session, Chapter 7, Article 13, Section 70 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective June 30, 2021 and expires upon the expiration of the COVID-19 public health emergency declared by the United States Secretary of Health and Human Services.*

Resumes temporary funding for the provision of PCA services by parents of a minor and spouses.

XVI. DIRECT CARE AND TREATMENT AND SAFETY NET STUDY

First Special Session, Chapter 7, Article 12, Section 2 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective July 1, 2021

Requires DHS to: (1) seek input from stakeholders; (2) assess and report to the Legislature on the extent to which state-operated direct care and treatment services function as safety net services; (3) make recommendations that would enhance, improve, and innovate those services; and (4) include fiscal estimates and proposed implementing legislation. Requires the report to be submitted by October 15, 2023.

XVII. HCBS FMAP SPENDING

First Special Session, Chapter 7, Article 16, Sections 1, 3-7, 9, 10, 12, 13, and 16-21 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective July 1, 2021

A. Funding Directives

Specifies uses of federal HCBS Medicaid match dollars made available through the American Rescue Plan Act, including for:

- The transition to and funding for community initiative;
- Grant funding for: (1) technology for HCBS recipients; (2) Centers for Independent Living HCBS access; (3) respite services for older adults; and (4) HCBS workforce development;
- Development of an individual HCBS portal for recipients;
- Housing transition costs and community living infrastructure;
- Lead agency process mapping;
- Continuity of care for students with behavioral health and disability support needs;
- Provider capacity grants for rural and underserved communities;
- Children’s mental health transition and support teams to facilitate transition back into the community of children from certain inpatient and residential treatment facilities;
- An analysis of the utilization and efficacy of current residential and psychiatric residential treatment facility treatment options for children under MA;
- Research on access to long-term care services and financing;
- HCBS system reform analysis and an “Own Your Own Future” study;
- an analysis of the current rate-setting methodology for all outpatient services in MA and MNCARE, including rates for behavioral health, substance use disorder treatment, and residential substance use disorder treatment (section 18)

B. Consultation with Stakeholders

Requires DHS to consult with stakeholders before submitting Minnesota’s initial state spending plan for enhanced HCBS funding.

XVIII. INTERPRETERS IN CRIMINAL CASES INVOLVING INDIGENT DEFENDANTS

First Special Session, Chapter 11, Article 3, Section 28 (HF 63)
Omnibus Judiciary and Public Safety Bill
Amends Minn. Stat. § 611.21
Effective July 1, 2021

Allows Public Defenders to apply to the court for an interpreter for an indigent defendant, paid for by the county, if necessary for an adequate defense.

XIX. SEXUAL ABUSE AGAINST VULNERABLE ADULTS

First Special Session, Chapter 11, Article 4, Sections 4 (HF 63)
Omnibus Judiciary and Public Safety Bill
Amends Minn. Stat. § 609.2325
Effective September 15, 2021, and applies to all crimes committed on or after that date

Moves provisions regarding, and increases penalties for, the crime of sexual abuse of vulnerable adults by caregivers or staff or others providing services in hospitals, nursing homes, assisted living facilities, or home care settings or nonresidential facilities.

XX. SERVICE AND SUPPORT ANIMALS

First Special Session, Chapter 8, Article 2, Sections 2, 5, and 10 (HF 4)
Omnibus Housing Bill
Amends Minn. Stat. §§ 256C.02; and 363A.09, subdivision 5
Adds Minn. Stat. § 504B.113
Effective July 1, 2021

A. Public Accommodations for Persons with Visual Impairments Using Service Dogs

Removes the requirement that a service dog must have identification from a recognized school for service animals.
Amends Minn. Stat. § 256C.02

B. Human Rights Act – Right to Access to Real Property for Persons Using Service Animals

Clarifies that it is a discriminatory practice to deny full and equal access to real property to a person who has a disability and uses a service animal, regardless of whether or not the animal has identification from a recognized program for service animals.
Amends Minn. Stat. § 363A.09, subdivision 5

C. Reasonable Accommodations for Service and Support Animals Rental Property

Allows a landlord to request documentation from a tenant regarding the tenant’s disability and need for a service animal unless the need is readily apparent or already known to the landlord. Requires that the documentation must come from a licensed professional. Prohibits misrepresentation by a tenant and provides the remedy of denial of the request for a reasonable accommodation. Prohibits additional fees or deposits.

Adds Minn. Stat. § 504B.113

XXI. PARKING SPACES FOR PERSONS WITH DISABILITIES ON ROADS WITH BIKEWAYS

First Special Session, Chapter 5, Article 4, Section 9 (HF 10)

Omnibus Transportation Bill

Amends Minn. Stat. § 160.263, subdivision 3

Effective July 1, 2021

Requires that, when a governing body is considering designating a bikeway on a road with a disability parking space, the governing must either: (1) fashion an agreement with the person who requested the disability parking space to remove, modify, or relocate the space; or (2) if there is no agreement, either construct the bikeway so as not to eliminate or interfere with the space or establish the disability parking space at the nearest possible location to facilitate a continuous bikeway.

MENTAL HEALTH

I. MENTAL HEALTH CULTURAL COMMUNITY CONTINUING EDUCATION GRANT PROGRAM

First Special Session, Chapter 7, Article 3, Section 44 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective July 1, 2021

Directs MDH to develop a grant program to provide for the continuing education necessary for the following members of communities of color or underrepresented communities who work for community health providers and who serve public program enrollees (or patients receiving federal discounts) to become supervisors pursuing licensure in mental health professions: (1) social workers; (2) marriage and family therapists; (3) psychologists; and (4) professional clinical counselors. Requires MDH to consult with the relevant mental health licensing boards

II. MENTAL HEALTH SERVICES – TELEHEALTH

First Special Session, Chapter 7, Article 6, Section 16 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0625, subdivision 46

Effective July 1, 2021

Allows direct, face-to-face mental health services covered by MA to be provided through telehealth.

III. MENTAL HEALTH CASE MANAGEMENT – USE OF INTERACTIVE VIDEO

First Special Session, Chapter 7, Article 6, Section 14 and 15 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0625, subdivisions 20 and 20b

Effective July 1, 2021, or upon federal approval, whichever is later

Allows minimum required face-to-face contacts for targeted case management through interactive video if it is: (1) in the best interests of the person; and (2) deemed appropriate by both the recipient or legal guardian and the case management provider. Allows MA and MNCARE payment. Defines “interactive video” as “the delivery of targeted case management services in real time through the use of two-way interactive audio and visual communication.”

IV. CHILDREN’S MENTAL HEALTH INDIVIDUAL TREATMENT PLANS

First Special Session, Chapter 7, Article 11, Section 2 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 245.4876 by adding subdivision 3a

Effective September 30, 2021, and expires July 1, 2022

Requires the development of an individual treatment for each child client by: (1) all providers of outpatient services; day treatment services; professional home-based family treatment; residential treatment; and acute care hospital inpatient treatment; and (2) all regional treatment centers that provide mental health services for children. Establishes requirements about the relationship to diagnostic assessment, family involvement, and timing of services.

V. CHILDREN’S RESIDENTIAL TREATMENT CHANGES

First Special Session, Chapter 7, Article 11, Sections 3 - 5 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 245.4882 subdivisions 1 and 3; and 245.4882, subdivision 1

Effective September 30, 2021

A. Review of Length of Stay

Provides 90-day review for a child’s length of stay in residential treatment.

B. Discharge Planning

Adds requirements for discharge planning content and timelines for children in residential treatment.

C. Other Changes

Makes clarifying changes to admission criteria, including specifying that the county board (rather than the responsible social services agency) determines the appropriate level of care for a child when county funds are used to pay for the child’s residential treatment. Deletes references to treatment foster care settings and functional assessments. Requires that the child and the child’s family be invited to level of care determination or decision making meetings and allows them to invite others. Requires the level of care determination, placement decision, and service recommendations to be made available to the child’s family, as appropriate.

VI. RATE INCREASES FOR CULTURALLY AND DISABILITY RESPONSIVE SUBSTANCE USE DISORDER TREATMENT PROGRAMS

First Special Session, Chapter 7, Article 11, Sections 9-12 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 245B.01, 245B.05, and 245B.12

Effective January 1, 2022, or upon federal approval, whichever is later

Increases by 5% for substance use disorder treatment services provided by culturally specific or culturally responsive programs, or disability responsive programs. Establishes or clarifies definitions for culturally responsive or disability responsive programs.

VII. MENTAL HEALTH CASE MANAGEMENT SERVICES

First Special Session, Chapter 7, Article 11, Section 24 (HF 33)

Omnibus Health and Human Services Bill

Adds new Minn. Stat. § 256B.076

Effective July 1, 2021

Outlines state policy for medical assistance coverage of targeted case management services, subject to federal approval. Requires DHS, tribes, counties, providers, and individuals served to propose further modifications to targeted case management services. Requires the commissioner to develop and implement a statewide rate methodology for any county that subcontracts targeted case management services, paid by medical assistance, to a vendor. Lists what the commissioner must include when setting the rate methodology. Allows a county to request authorization of a rate based on a lower caseload size in certain circumstances; outlines what must be included in such a request. Sets caseload size limits for county-subcontracted providers of targeted case management services. Defines “culturally specific program.”

VIII. TEMPORARY REDUCTION OF WEEKLY SERVICE UNITS

First Special Session, Chapter 7, Article 11, Section 28 (HF 33)

Omnibus Health and Human Services Bill

Adds new Minn. Stat. § 256B.0946, subdivision 4

Effective July 1, 2021, or upon federal approval, whichever is later

Authorizes temporary reduction of weekly service units for no more than 60 days if the provider and family agree and the reasons for the reduction are documented in the case file. Requires providing either psychotherapy, crisis assistance, or psychoeducation services in order to receive a daily per-client encounter rate. Allows clinical care consultation and individual treatment plan development to be included in that daily per-client encounter rate.

IX. INTENSIVE NON-RESIDENTIAL REHABILITATIVE MENTAL HEALTH SERVICES ELIGIBILITY

First Special Session, Chapter 7, Article 11, Sections 29-31 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0947

Effective July 1, 2021

Extends the age range intensive nonresidential rehabilitative mental health services eligibility from 16 - 20 years old to 8 - 26 years old. Requires a treatment team to have specialized training in providing services either to youth aged 8 to 16 years old, or to youth aged 14 to 26 years old.

X. CHILDREN'S MENTAL HEALTH RESIDENTIAL TREATMENT WORK GROUP

First Special Session, Chapter 7, Article 11, Section 34 (HF 33)

Omnibus Health and Human Services Bill

Uncodified Session Law

Effective July 1, 2021

Requires DHS to organize a work group, in consultation with specified entities and individuals, to develop recommendations for: (1) funding room and board costs for children's mental health residential treatment; and (2) how to address systemic barriers in transitioning children into the community. Requires a report to the Legislature with recommendations by February 15, 2022.

GRANT PROGRAMS

I. SELF ADVOCACY GRANTS

First Special Session, Chapter 7, Article 13, Section 7 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256.477

Effective July 1, 2021

Renames the program the Rick Cardenas Statewide Self-Advocacy Network. Expands duties of the Network and allows use of the grant funds for administration and general operating costs. Requires subgrants for the purpose of conducting outreach and providing information and education about community options o persons working and living in institutional settings.

II. MINNESOTA INCLUSION INITIATIVE GRANTS

First Special Session, Chapter 7, Article 13, Section 8 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 256.4772

Effective upon federal approval of Minnesota's initial state spending plan as required by the American Rescue Plan Act

Establishes the Minnesota Inclusion Initiative Grant Program to encourage self-advocacy groups of persons with intellectual and developmental disabilities to develop and organize projects that: (1) increase the inclusion of persons with intellectual and developmental disabilities in the community; (2) improve community integration outcomes; (3) educate decision-makers and the public about persons with intellectual and developmental disabilities; and (4) advocate for changes that increase access to the formal and informal supports necessary for greater inclusion of persons with intellectual and developmental disabilities in the community.

RATES AND PAYMENTS

I. ENHANCED PCA OR CFSS RATE

First Special Session, Chapter 7, Article 13, Sections 6, 13-14, 50, 54, and 67 (HF 33)

Omnibus Health and Human Services Bill

Amends §§ Minn. Stat. 256.476, 256B.0659, and 256B.85

Uncodified Session Law

Effective January 1, 2022, or upon federal approval, whichever is later

Reduces from 12 to 10 the required hours of service a person needs to qualify for an enhanced PCA or CFSS service rate. Makes changes applicable to Consumer Support Grant.

II. HOME HEALTH AGENCY SERVICES AND HOME CARE NURSING SERVICES ANNUAL INFLATION ADJUSTMENT

First Special Session, Chapter 7, Article 13, Sections 11 and 12 (HF 33)

Omnibus Health and Human Services Bill

Ads Minn. Stat. §§ 256B.0653, subdivision 8; and 256B.0654, subdivision 5

Effective July 1, 2021, or upon federal approval, whichever is later, for services delivered on or after January 1, 2022

Requires DHS annually adjust payments for home health agency services and home care nursing services to reflect the change in the CMS Home Health Agency Market Basket.

III. DWRS INFLATION ADJUSTMENT CHANGES

First Special Session, Chapter 7, Article 13, Section 42 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.4914

Effective January 1, 2022, or upon federal approval, whichever is later

A. Delays in Adjustment Schedules

Delays: (1) the next scheduled inflation adjustment by 6 months to January 1, 2022; (2) the subsequent scheduled inflation adjustment by 4 months to November 1, 2024. Provides that the third inflation adjustment will occur as required under current law on July 1, 2026.

B. Other Changes

Requires providers to: use 80% of the marginal increase in revenue attributable to the January 1, 2022, inflation adjustments for compensation-related costs. Defines compensation-related costs.

IV. CUSTOMIZED LIVING PROGRAM INTEGRITY

First Special Session, Chapter 7, Article 13, Section 43 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.4914

Effective January 1, 2022, or upon federal approval, whichever is later

Clarifies that the customized living rate floor under Minn. Stat. § 256S.205 does not apply to customized living services reimbursed under this section. Prohibits the authorization of more than 24-hours of support in a daily unit of customized living services. Effective January 1, 2022, establishes an acuity-based input limit for service rate calculations.

V. RATE INCREASE FOR ICF/DD

First Special Session, Chapter 7, Article 13, Sections 44 - 47 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 256B.5012; and 256B.5013

Effective January 1, 2022, or upon federal approval, whichever is later

Makes a series of changes including:

- Increasing ICF/DD rates by 5% over the rates in effect on July 30, 2021;
- Adding cognitive needs and increased staffing needs as additional circumstances under which a county can recommend that a requested rate increase to meet the needs of a particular individual be granted;
- Modifying the conditions under which an ICF/DD is eligible for an increased ICF/DD rate to enable the facility to meet a particular individual's documented increase in need and allows the increased rate to remain in place unless the needs of the particular individual for whom the increased rate was granted change; and
- Increasing the rate for "services during the day" from 75 % of the rate that would have been paid for an individual to participate in "day training and habilitation" to 100% and specifying the conditions under which an individual qualifies for services during the day, and thus for reimbursement for those services.

VI. PCA/CFSS RATE FRAMEWORK

First Special Session, Chapter 7, Article 13, Sections 48, 49, and 55 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. §§ 256B.69; and 256B.85
Adds Minn. Stat. § Minn. Stat. § 256B.851
Various Effective Dates

A. Managed Care Reports

Requires each managed care plan to submit an annual report to DHS and the Legislature documenting the impact of any PCA or CFSS rate increase on rates paid by the plan to PCA or CFSS provider agencies.

Effective October 1, 2021

B. CFSS Driving

Modifies the definition of “instrumental activities of daily living” for the purposes of CFSS to include traveling with a participant to medical appointments, either accompanying the participant in the participant’s chosen mode of transportation or driving the participant.

Effective October 1, 2021, or upon federal approval, whichever is later

C. Fee Schedule Rate Methodology for PCA/CFSS Services

Establishes a fee schedule rate methodology for services, including, among other details, base wage and calculation of hourly and 15-minute rate framework.

Effective October 1, 2021, or upon federal approval, whichever is later:

VII. PCA RATE INCREASE

First Special Session, Chapter 7, Article 13, Sections 72 and 77 (HF 33)
Omnibus Health and Human Services Bill
Adds uncodified session law
October 1, 2021, or upon federal approval

Requires DHS to increase reimbursement rates, individual budgets, grants, or allocations by 4.14% for direct support services provided through specified programs.

VIII. HOME CARE SERVICES RATE INCREASE

First Special Session, Chapter 7, Article 13, Section 74 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective January 1, 2022

Increases payment rates for home health services, home care nursing services, and respiratory therapy by 5%.

EDUCATION LAW

I. LUNCH SHAMING PROHIBITED

First Special Session, Chapter 13, Article 8, Section 1 (HF 2)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 124D.111

Effective July 1, 2021

Prohibits lunch shaming practices, including but not limited to: (1) dumping meals; (2) withdrawing a meal that has been served; (3) publicly announcing or listing students' names; (3) affixing stickers or stamps; or (4) limiting participation in school activities, graduation ceremonies, field trips, athletics, and activity clubs. Requires schools to post a school meals policy to their website. Requires the posted policy to: (1) explicitly prohibit lunch shaming practices; (2) communicate any meal charges that will be incurred when a student lacks money at the point of service; (3) address whether the school uses a collections agency to collect unpaid school meals debt; (4) be shared with third party vendors.

II. SPECIAL EDUCATION RECOVERY EDUCATION SERVICES

First Special Session, Chapter 13, Article 5, Section 1 (HF 2)

Omnibus Education Finance Bill

Uncodified Session Law

Effective July 1, 2021

Requires schools to invite the parents of students with Individual Education Plans (IEPs) to an IEP meeting to discuss: (1) whether their child struggled or failed to make progress due to pandemic learning disruptions; and (2), if so, what services and supports the student would need to address the learning disruptions. Establishes and factors for IEP teams to consider in addressing both questions. Requires meeting invitations must be extended by December 1, 2021.

III. SEIZURE SMART TRAINING FOR SCHOOLS

First Special Session, Chapter 13, Article 6, Section 2 (HF 2)

Omnibus Education Finance Bill

Adds new Minn. Stat. § 121A.24

Effective for the 2022-23 school year and later

Requires a school district or charter school to: (1) have a seizure action plan where a student with a seizure disorder and prescribed seizure medication is enrolled; and (2) provide all licensed school nurses or other designated individuals and staff with self-study materials on seizure disorders. Specifies that the action plan must identify a school nurse or designated individual who can administer seizure medication and require training on seizures.

ELDER LAW

I. CONSUMER PROTECTIONS FOR RESIDENTS OF PUBLIC AND TAX-CREDIT ASSISTED LIVING

First Special Session, Chapter 7, Article 13, Section 65 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 325F.722

Effective August 1, 2021

Maintains existing protections for residents of assisted living facilities that: (1) are publicly operated or subsidized; or (2) receive Low-Income Tax Credits. Absent this new statute, residents of these facilities would have lost existing protections because: (1) these facilities are exempt from Assisted Living licensure effective August 1, 2021; and (2) the governing statutes for these facilities are repealed effective August 1, 2021. Protections preserved include: (1) contract requirements; (2) facility requirements for dementia training and emergency planning; and (3) restriction on the use of restraints.

II. SEXUAL ABUSE AGAINST VULNERABLE ADULTS

First Special Session, Chapter 7, Article 4, Sections 4 and 12 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 609.2325

Adds Minn. Stat. § 609.341, subdivision 24

Effective September 15, 2021, and applies to all crimes committed on or after that date

Moves provisions regarding, and increases penalties for, the crime of sexual abuse of vulnerable adults by caregivers or staff or others providing services in hospitals, nursing homes, assisted living facilities, or home care settings or nonresidential facilities.

FAMILY LAW

I. UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC-VIOLENCE PROTECTION ORDERS ACT

Regular Session, Chapter 6 (SF 395)

Adds Minnesota Statutes, Chapter 518F (Minn. Stat. §§ 518F.01 – 518F.11)

Makes conforming amendments to Minn. Stat. § 518B.01, subdivisions 14, and 19a.

Effective August 1, 2021

Establishes a new chapter of law based on the uniform act that requires recognition and enforcement of orders for protection issued in Canada, as orders for protection issued by other states and tribal governments are currently recognized and enforced.

II. APPEAL GOOD CAUSE RULING REGARDING COOPERATION WITH CHILD SUPPORT AGENCY

Regular Session, Chapter 30, Article 10, Sections 13 and 14 (HF 2128)

Adds Minn. Stat. § 256.741, subdivision 12a

Effective August 1, 2021

Establishes the right of an individual to appeal a determination or redetermination of whether good cause existed to excuse the individual's noncooperation with a child support agency. Prohibits further enforcement action or reporting noncooperation until determination on appeal is rendered.

III. CHILD SUPPORT CHANGES

Regular Session, Chapter 30, Article 10, Sections 61 - 78 (HF 2128)

Amends Minn. Stat. §§ 518.68, subdivision 2; 518A.29; 518A.33; 518A.35, subdivisions 1 and 2; 518A.39, subdivision 7; 518.40, subdivision 4; 518A.42; 518A.685; 548.091, subdivision 1a, 2a, 3b, 9, and 10; and 548.09, subdivision 1

Adds Minn. Stat. §§ 518A.40, subdivision 3a; 518A.43, subdivision 1b; and 518A.80

Various Effective Dates

A. Calculation of Gross Income

Eliminates the deduction of court-ordered child support payments from other periodic payments received by a party for purposes of determining gross income.

Amends Minn. Stat. § 518A.29

Effective January 1, 2023

B. Deductions for Nonjoint Children

Specifies that court-ordered child support for a nonjoint child is deducted from the payor's gross income when either or both parents are legally responsible for a nonjoint child. Provides the deduction to be calculated when: (1) a parent is legally responsible for a nonjoint child; and (2) the parent is not obligated to pay basic child support for the to the other parent or a legal custodian under an existing child support order.

Amends Minn. Stat. § 518A.33

Effective January 1, 2023

C. Determination of Obligation for Single Parent

Specifies the support obligation determination for when a support order is sought in an action involving only one parent.

Amends Minn. Stat. § 518A.35, subdivision 1

Effective January 1, 2023

D. Child Support Chart

Updates the basic support guideline table amounts, including making low-income adjustments.

Amends Minn. Stat. § 518A.35, subdivision 2

Effective January 1, 2023

E. Child Care Support

1. Modification of Orders

Mandates that a decrease in the amount of child care support is effective as of the date the expenses terminated unless otherwise found by the court.

Amends Minn. Stat. § 518A.39, subdivision 7

Effective August 1, 2021

2. Information to Child Care Provider or Obligor

Requires the obligee, at the request of the obligor, to provide certain information to the child care provider or to the obligor, unless: (1) there is a protective or restraining order regarding one of the parties on behalf of a joint child; or (2) the obligee is a participant in the Safe at Home Program.

Adds Minn. Stat. § 518A.40, subdivision 3a

Effective August 1, 2021

3. Child Care Expenses

Permits parties to: (1) modify the child support order where child care expenses have terminated; or (2) contact the public authority if providing child support services regarding the option of a stipulation to modify or terminate the child care support amount.

Amends Minn. Stat. § 518A.40, subdivision 4

Effective August 1, 2021

F. Self-Support Adjustment

Modifies how obligor's income available for support is calculated. Changes provisions related to minimum basic support amounts for certain numbers of children. Adds that the minimum basic support amount does not apply if the obligor's basic support amount is reduced below the minimum due to the parenting expense adjustment.

Amends Minn. Stat. § 518A.42

Effective January 1, 2023

G. Deviation from Child Support Guidelines

Permits the court to deviate from the guidelines where the custodial parent's income increases and one of several other factors is met+.

Adds Minn. Stat. § 518A.43, subdivision 1b

Effective January 1, 2023

H. Reporting Arrears to Consumer Reporting Agencies

Makes reporting of arrears to consumer reporting agencies by the public agency optional.

Amends Minn. Stat. § 518A.685

Effective January 1, 2023

I. Transfer of Action to Tribal Court

Authorizes and establishes conditions and procedures for a state court to transfer a post-judgment child support, custody, or parenting time action to a Tribal court.

Adds Minn. Stat. § 518A.80

Effective May 27, 2021

J. Interest on Arrears

Eliminates the accrual of interest on child support arrears and makes conforming changes to a number of other sections.

Amends Minn. Stat. § 548.091, subdivision 1a, 2a, 3b, and 9; and 548.09, subdivision 1

Effective August 1, 2022

IV. PARENTING EDUCATION PROGRAMS

Regular Session, Chapter 30, Article 10, Section 59 and 60 (HF 2128)

Amends Minn. Stat. § 518.157, subdivisions 1 and 3

Effective August 1, 2021

Allows parties who are required to take a parenting education class but have not agreed to a parenting time schedule to take the class online. Requires the parties to complete the class before the initial case management conference, unless otherwise ordered by the court. Requires the court to provide information on how to resolve disagreements through mediation.

V. OMBUDSPERSON FOR AMERICAN INDIAN FAMILIES – DUTIES WITH RESPECT TO COURT

First Special Session, Chapter 7, Article 14, Section 1 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 3.9215

Effective July 1, 2021

Creates the Office of the Ombudsperson for American Indian Families. Enumerated duties include working with local state courts to ensure that: (1) court officials, public policy makers, and service providers are trained in cultural competency; (2) qualified expert witnesses from the appropriate American Indian community, including Tribal advocates, are used as court advocates and are consulted in placement decisions that involve American Indian children; and (3) guardians ad litem and other individuals from American Indian communities are recruited, trained, and used in court proceedings to advocate on behalf of American Indian children.

VI. GRANTS FOR THE FATHER PROJECT

*First Special Session, Chapter 10, Article 2, Section 2 (SF 9)
Omnibus Jobs and Economic Development Bill
Appropriation
Effective July 1, 2021*

Appropriates \$1 million for the biennium to Goodwill-Easter Seals Minnesota to be used to continue the FATHER Project in Rochester, Park Rapids, St. Cloud, St. Paul, Minneapolis, and the surrounding areas to assist fathers in overcoming barriers that prevent fathers from supporting their children economically and emotionally.

DOMESTIC VIOLENCE/SEXUAL ASSAULT

I. REVISION OF CRIMINAL SEXUAL CONDUCT LAWS

*First Special Session, Chapter 11, Article 4 (HF 63)
Omnibus Judiciary and Public Safety Bill
Amends Chapter 609
Various Effective Dates*

This article implements many of the recommendations made by the Criminal Sexual Conduct Statutory Reform Working Group, established in 2019, that were contained in the group’s 2021 report submitted to the Legislature. Key changes include:

A. Voluntary Intoxication of Survivor of Sexual Assault

Addresses the March 24, 2021, Minnesota Supreme Court decision in *State v. Khalil* by modifying the statutory definition for “mentally incapacitated” to include voluntary intoxication. Provides that rape of a person who is mentally incapacitated based on voluntary intoxication is considered a specific intent crime for the purposes of invoking the intoxication defense and that such defense is available under Minn. Stat. § 609.075. Sections 7 and 23
*Amends Minn. Stat. § 609.341, subdivision 7 (definition)
Adds Minn. Stat. § 609.3469 (clarifying voluntary intoxication defense)
Effective September 15, 2021, and applies to crimes committed on or after that date*

B. Submission to Rape No Longer an Element of “Coercion”

Modifies the definition of “coercion” in the sex crimes statutes to provide that fear of infliction of bodily harm – with or without submission to the act -- is sufficient to constitute coercion.
Section 10
*Amends Minn. Stat. § 609.341, subdivision 14
Effective September 15, 2021, and applies to crimes committed on or after that date*

- C. Sexual Assault by Caregivers, Others in Occupational Relationships with Survivor**
Adds the definition of “prohibited occupational relationship,” providing that such relationship exists when rape is committed by certain persons, including: (1) psychotherapists; (2) clergy; (3) caregivers; (4) staff or persons providing services to residents or patients in a facility.

Section 12

Adds Minn. Stat. § 609.341, subdivision 24

Effective September 15, 2021, and applies to crimes committed on or after that date

- D. Crime of Sexual Extortion**
Creates a new offense of sexual extortion, defined as the use of threats or blackmail, such as threatening to report immigration status or evict a tenant from a rental unit, to extort unwanted sexual contact with a survivor. Prohibits attempts from being prosecuted.

Section 22

Adds Minn. Stat. § 609.3458

Effective September 15, 2021, and applies to crimes committed on or after that date

II. QUALIFIED IMMUNITY FOR CERTAIN SURVIVORS OF SEXUAL ASSAULT

First Special Session, Chapter 11, Article 2, Section 28 (HF 63)

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 604A.06

Effective August 1, 2021, and applies to actions arising from incidents occurring on or after that date

Exempts a survivor of sexual assault from charges and prosecution for: (1) the possession of a controlled substance or drug paraphernalia; or (2) if the person is under the age of 21, underage alcohol consumption. Requires that, to qualify for the immunity, the evidence of the exempted offense was obtained as a result of a call for assistance.

III. RIGHT TO GET CRITICAL POSSESSIONS FROM STORAGE UNIT EVEN IF LOCKED OUT

First Special Session, Chapter 4, Article 6, Section 27 (HF 6)

Omnibus Commerce and Energy Bill

Amends Minn. Stat. §§ 514.972, subdivision 5

Effective August 1, 2021

Allows low-income occupants to remove personal clothing of the occupant and the occupant's dependents and tools of the trade that are necessary for the livelihood of the occupant that has a market value not to exceed \$125 per item from a storage unit, even if the unit has been locked for nonpayment, if the occupant provides documentation provides from a government or nonprofit agency or legal aid office that the occupant is: (1) a recipient of relief based on need; (2) is eligible for legal aid services; or (3) is a survivor of domestic violence or sexual assault.

IV. SURVIVOR SUPPORT AND PREVENTION GRANTS

*First Special Session, Chapter 11, Article 2, Section 48 (HF 63)
Uncodified Session Law
Effective July 1, 2021*

Establishes a grant program at the Office of Justice Programs for organizations serving victims of crime to: (1) provide direct financial assistance to victims in order to support their immediate financial needs and mitigate the impacts of crime; and (2) stop the cycles of violence by meeting emerging or unmet needs impacting victims of crime. Provides that, for grants to organizations to provide direct financial assistance, OJP must establish the eligibility requirements and mechanisms for distribution of funds in consultation with Violence Free Minnesota, the Minnesota Coalition Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual Assault Coalition, and Sacred Hoop Coalition. Provides that eligibility requirements must prioritize survivors based on economic need; whether the survivor is a member of an underserved population; whether the person was a survivor of sexual assault, domestic violence, child abuse, or other violent crime; and whether the survivor was a juvenile. Requires a report to the Legislature every two years.

V. OFFICE OF JUSTICE PROGRAMS

*First Special Session, Chapter 11, Article 1, Section 4 (HF 63)
Omnibus Judiciary and Public Safety Bill
Appropriation
Effective July 1, 2021*

Appropriates \$150,000 in FY 2022 to address financial, transportation, food, housing, or social support barriers in order to increase the rate of participants completing the domestic violence programs.

FOOD SUPPORTS

Acronym Used in This Section

SNAP = Supplemental Nutrition Assistance Program

I. FOOD SHELF FUNDS EXTENDED TO TRIBES

Regular Session, Chapter 30, Article 8 (HF 2128)

Amends Minn. Stat. § 256E.34, subdivision 1

Effective July 1, 2021

Adds “federally recognized Tribal nation(s)” as a “qualifying food shelves,” making them eligible to receive state appropriated funds for their food shelf operations.

II. INCOMPLETE HOUSEHOLD REPORT FORMS

Regular session, Chapter 30, Article 8, Section 2 (HF 2128)

Amends Minn. Stat. § 256J.30, subdivision 8

Effective July 1, 2021

Removes requirement for county workers to return by mail incomplete household report forms. Authorizes county workers to contact a person by phone or email for more information.

III. SNAP AT FARMERS MARKETS

First Special Session, Chapter 12, Article 1, Section 25 (SF 2)

Omnibus Health and Human Services Bill

Appropriation

Effective July 1, 2021

Appropriates \$325,000 each year for the Healthy Eating, Here at Home program – effectively continuing the ability to use SNAP EBT cards at farmers markets statewide.

IV. SNAP VOLUNTARY EMPLOYMENT

First Special Session, Chapter 7, Article 7, Sections 2-6 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 256D.051, subdivision 20

Repeals Minn. Stat. § 256D.051, subdivisions 1, 1a, 2, 2a, 3, 3a, 3b, 6b, 6c, 7, 8, 9, and 18; and 256D.052, subdivision 3

Effective August 1, 2021

Strikes obsolete language regarding mandatory SNAP work requirements and sanctions. Codifies the current voluntary employment and training rules within SNAP. Requires counties and tribes to inform people accessing SNAP about employment and training opportunities. Clarifies that able-bodied adults without dependents must meet any federal SNAP work requirements.

V. LUNCH SHAMING PROHIBITED

First Special Session, Chapter 13, Article 8, Section 1 (HF 2)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 124D.111

Effective July 1, 2021

Prohibits lunch shaming practices, including but not limited to: (1) dumping meals; (2) withdrawing a meal that has been served; (3) publicly announcing or listing students' names; (3) affixing stickers or stamps; or (4) limiting participation in school activities, graduation ceremonies, field trips, athletics, and activity clubs. Requires schools to post a school meals policy to their website. Requires the posted policy to: (1) explicitly prohibit lunch shaming practices; (2) communicate any meal charges that will be incurred when a student lacks money at the point of service; (3) address whether the school uses a collections agency to collect unpaid school meals debt; (4) be shared with third party vendors.

HEALTH LAW

Acronyms Used in This Section

BI	=	Brain Injury
CAC	=	Community Alternative Care Program
CADI	=	Community Access for Disability Inclusion Program
DD	=	Developmental Disabilities
DHS	=	Minnesota Department of Human Services
MA	=	Medical Assistance
MDH	=	Minnesota Department of Health
MNCARE	=	MinnesotaCare

MEDICAL ASSISTANCE

I. EXTENSION OF POSTPARTUM COVERAGE

First Special Session, Chapter 7, Article 1, Sections 4, 5, and 6 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 256B.055, subdivision 6; and 256B.56, subdivision 10; and 256B.06, subdivision 4 Effective July 1, 2022, or upon federal approval, whichever is later

Extends postpartum coverage under MA from 60 days to 12 months. Includes qualified noncitizens, as defined under Minn. Stat. § 256B.06, subdivision 4(b).

II. EXPANSION OF DENTAL COVERAGE AND RATES

First Special Session, Chapter 7, Article 1, Section 7, 22, 23, 28, and 29 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0625, subdivision 9

Effective July 1, 2021, or upon federal approval, whichever is later

Adds coverage of nonsurgical treatment for periodontal disease. Provides for increased rates for critical access dental care providers.

III. EXPANSION COVERAGE FOR CERTAIN ALLERGEN-REDUCING PRODUCTS AND ASTHMA CARE FOR CHILDREN

First Special Session, Chapter 7, Article 1, Sections 14 and 16 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0625, subdivision 31

Adds Minn. Stat. § 256B.0625, subdivision 67

Effective July 1, 2022, or upon federal approval, whichever is later

Adds coverage of allergen-reducing and asthma care products that are identified as needed that reduce asthma triggers and are recommended for the child by an enumerated of health professionals.

IV. PARTICIPANT COST SHARING FOR BRAND NAME DRUGS

First Special Session, Chapter 7, Article 1, Section 17 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.0631, subdivision 1
Effective January 1, 2022

Establishes the copayment at \$1 per prescription for brand-name multisource drugs listed on the preferred drug list.

V. REPEAL OF EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES RULES

First Special Session, Chapter 7, Article 1, Section 40 (HF 33)
Omnibus Health and Human Services Bill
Repeals Minn. R., 9505.0275; 9505.1693; 9505.1696; 9505.1699; 9505.1701; 9505.1703; 9505.1706; 9505.1712; 9505.1715; 9505.1718; 9505.1724; 9505.1727; 9505.1730; 9505.1733; 9505.1736; 9505.1739; 9505.1742; 9505.1745; and 9505.1748
Effective July 1, 2021

Repeals the rules governing the EPSDT Program.

VI. 90-DAY PRESCRIPTION DRUG SUPPLY

First Special Session, Chapter 7, Article 1, Section 8 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.0625, subdivision 13
Effective January 1, 2022

Allows a 90-day supply of a prescription drug to be dispensed under MA, if the drug appears on the 90-day supply list published by the commissioner

VII. COVID-19 TREATMENT, TESTING, AND VACCINATION

First Special Session, Chapter 7, Article 1, Section 32 (HF 33)
Omnibus Health and Human Services Bill
Effective July 1, 2021

Establishes that MA covers treatment, testing, and vaccination for COVID-19 as required under and for the time periods described in the American Rescue Plan Act.

VIII. BENCHMARKS FOR DENTAL ACCESS

First Special Session, Chapter 7, Article 1, Section 2 (HF 33)
Omnibus Health and Human Services Bill
Adds Minn. Stat. § 256B.0371
Effective January 1, 2022, or upon federal approval, whichever is later

Requires DHS to establish performance benchmarks that provide that at least 55% of children and adults continuously enrolled in MA or MNCARE through a managed care or county-based purchasing plan for at least 11 months receive at least one dental visit per year (for the coverage years 2022 through 2024).

IX. PROVISION OF PUBLIC TRANSIT PASS

First Special Session, Chapter 7, Article 1, Section 13 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.0625, subdivision 18
Effective July 1, 2021.

Allows DHS to provide monthly public transit passes to MA recipients who are “well-served by public transit for the recipient’s nonemergency medical transportation needs.” Establishes eligibility restrictions.

X. HOSPITAL CLOSURE

First Special Session, Chapter 7, Article 3, Section 31 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 144.555
Effective June 30, 2021.

Requires, before a hospital closes, curtails operations, relocates services, or stops offering certain services: (1) notice to MDH and the public; and (2) a public hearing.

MINNESOTACARE

I. COVID RESPONSES

First Special Session, Chapter 7, Article 1, Section 36 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256L.07, subdivision 2
Effective June 30, 2021

Prohibits DHS from collecting any unpaid premium for a coverage month that occurred during the federally declared COVID-19 public health emergency. Gives DHS authority to suspend periodic data matching for up to six months following the last day the federal public health emergency.

II. FUTURE FIX TO “THE FAMILY GLITCH”

First Special Session, Chapter 7, Article 1, Section 27 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256L.07, subdivision 2
Effective January 1, 2023

In 2023, makes eligible for MNCARE a person who both has access to subsidized health coverage through a spouse’s or parent’s employer and meets the requirements of minimum essential coverage under federal regulations to be eligible for MinnesotaCare if the amount the employee pays for employee and dependent coverage exceeds the required income contribution for determining whether employer coverage is affordable under the ACA.

MNsure – NAVIGATORS

I. DHS BACKGROUND STUDIES REQUIRED

*First Special Session, Chapter 7, Article 2, Sections 1 and 18 (HF 33)
Omnibus Health and Human Services Bill
Adds Minn. Stat. §§ 62V.05 and 245C.031
Effective July 1, 2021*

Requires MNsure to conduct “alternative background studies” of: (1) navigators; (2) in-person assisters; and (3) certified application counselors. Provides that reconsideration and set aside requests will be reviewed under the Chapter 245 reconsideration procedures. Establishes alternative background study procedures.

II. APPROPRIATION

*First Special Session, Chapter 7, Article 16, Section 2, Subdivision 25 (HF 33)
Omnibus Health and Human Services Bill
Appropriation
Effective July 1, 2021*

Appropriates \$2,082,000 in fiscal year 2022 for grants to organizations with a MNsure grant services navigator assister contract in good standing as of June 30, 2021, allocated in proportion to the number of MA and MNCARE enrollees each organization assisted that resulted in a successful enrollment in the second quarter of fiscal year 2020.

MENTAL HEALTH

I. MENTAL HEALTH CULTURAL COMMUNITY CONTINUING EDUCATION GRANT PROGRAM

*First Special Session, Chapter 7, Article 3, Section 44 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021*

Directs MDH to develop a grant program to provide for the continuing education necessary for the following members of communities of color or underrepresented communities who work for community health providers and who serve public program enrollees (or patients receiving federal discounts) to become supervisors pursuing licensure in mental health professions: (1) social workers; (2) marriage and family therapists; (3) psychologists; and (4) professional clinical counselors. Requires MDH to consult with the relevant mental health licensing boards.

II. MENTAL HEALTH SERVICES – TELEHEALTH

First Special Session, Chapter 7, Article 6, Section 16 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.0625, subdivision 46
Effective July 1, 2021

Allows direct, face-to-face mental health services covered by MA to be provided through telehealth.

III. MENTAL HEALTH CASE MANAGEMENT – USE OF INTERACTIVE VIDEO

First Special Session, Chapter 7, Article 6, Section 14 and 15 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. § 256B.0625, subdivisions 20 and 20b
Effective July 1, 2021, or upon federal approval, whichever is later

Allows minimum required face-to-face contacts for targeted case management to be provided through interactive video if interactive video is: (1) in the best interests of the person; and (2) deemed appropriate by both the recipient or the recipient's legal guardian and the case management provider. Allows MA and MNCARE payment for the services. Defines “interactive video” as “the delivery of targeted case management services in real time through the use of two-way interactive audio and visual communication.”

MATERNAL, INFANT, AND CHILDRENS’ HEALTH

I. CHANGES TO MATERNAL AND CHILD NUTRITION ACT OF 1975

Regular Session, Chapter 30, Article 3, Sections 22 - 25 (HF 2128)
Amends Minn. Stat. §§ 145.893, subdivision 1; 145.894; 145.897; and 145.899
Effective July 1, 2021

The Maternal and Child Nutrition Act of 1975 requires the Department of Health to administer a program to deliver nutritional supplements to: (1) pregnant and lactating women; (2) infants; and (3) children.

A. Nomenclature Change

Changes the term “vouchers” to “food benefits” to describe the subsidy provided to purchase the nutritional supplements.

B. Eligible Items for Purchase with Benefits

Makes the items eligible for purchase those items determined by the United States United States Department of Agriculture. (Previously, eligible items were determined by the Department of Health.)

C. Period of Issuance

Extends the period between issuance of the food benefits from every two months to every three months.

II. MATERNAL AND INFANT HEALTH REPORT TO THE LEGISLATURE

First Special Session, Chapter 7, Article 1, Section 26 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 256B.795

Effective July 1, 2021

Requires DHS, in consultation with MDH and beginning April 15, 2022, to submit a biennial report to the Legislature on the effectiveness of state maternal and infant health policies and programs in addressing disparities in prenatal and postpartum health outcomes.

III. DISPARITIES IN INFANT MORTALITY RATES

Regular Session, Chapter 30, Article 3, Section 3, Subdivision 2 (HF 2128)

Appropriation

Effective July 1, 2021

Appropriates \$4 million over the biennium to the Department of Health to decrease racial and ethnic disparities in infant mortality rates.

IV. DIGNITY IN PREGNANCY AND CHILDBIRTH ACT

First Special Session, Chapter 7, Article 3, Section 21 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 144.1461

Effective July 1, 2021

A. Obligations for Certain Hospitals – Anti-Racism Training

Requires hospitals with obstetric care and birth centers to make available to staff who routinely care for pregnant or postpartum women, a continuing education course on anti-racism training and implicit bias.

B. Obligations of the Department of Health – Midwife and Doula Care

Requires MDH, in partnership culturally based community organizations, to -- for groups with the most significant disparities in maternal and infant mortality and morbidity -- (1) identify barriers and solutions to obtaining midwife and doula services; (2) promote racial, ethnic, and language diversity in the midwife and doula workforce; and (3) explore ways to ensure that midwife and doula training and education are culturally responsive. Establishes a goal to improve maternal and infant health and birth outcomes in groups with the most significant disparities.

V. HEALTHY CHILD DEVELOPMENT GRANTS

Regular Session, Chapter 30, Article 3, Section 3, Subdivision 2 (HF 2128)

Appropriation

Effective July 1, 2021

Appropriates \$2 million over the biennium for the Community Solutions for Healthy Child Development Grant Program to promote health and racial equity for young children and families.

VI. HOME VISITING PROGRAM FOR PREGNANT WOMEN AND FAMILIES WITH YOUNG CHILDREN

Regular Session, Chapter 30, Article 3, Section 21 (HF 2128)

Adds Minn. Stat. § 145.87

Effective August 1, 2021

Directs the Department of Health to award grants to community health boards, nonprofit organizations, and Tribal nations to start up, sustain, or expand voluntary home visiting programs serving pregnant women or families with young children. Among the purposes of the grants are to: (1) serve families with young children or pregnant women who have high needs or are high-risk; (2) improve maternal and newborn health, school readiness and achievement, and family economic self-sufficiency; (4) reduce child injuries, abuse, and neglect; and (5) reduce crime and domestic violence.

TELEHEALTH

I. TELEHEALTH FOR PUBLIC PROGRAM ENROLLEES

First Special Session, Chapter 7, Article 6, Sections 10 – 12, 14 and 15 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 256B.0622, subdivision 7a, as amended by Laws 2021, chapter 30, article 17, section 60; 256B.0625, subdivision 3b, as amended by Laws 2021, chapter 30, article 17, section 71; 256B.0622, subd. 7a; 256B.0625, subdivisions 20, 20b, and 46; 256B.0924, subdivision 6; 256B.094, subdivision 6; and 256B.49

Adds Minn. Stat. § 256B.0625, subdivision 3h

Various Effective Dates

A. Services Affected

Makes a number of changes to Chapters 256B (MA) and 256L (MNCARE) to reflect the change in terminology from “telemedicine” to “telehealth” and allow for a wider use of and public for telehealth services, including for: (1) Assertive Community Treatment (ACT) Team services; (2) telemonitoring services; (3) mental health services; (4) targeted case management services; and (5) home and community-based services.

B. Definition of “Telehealth”

Defines “telehealth” as “the delivery of health care services or consultations through the use of real time two-way interactive audio and visual communication to provide or support health care delivery and facilitate the assessment, diagnosis, consultation, treatment, education, and care management of a patient's health care.”

C. Exclusions

Provides that telehealth does not include communication between health care providers, or between a health care provider and a patient that consists solely of an audio-only communication, e-mail, or fax.

D. Alternative for Targeted Case Management

Allows face-to-face contact to be provided by interactive video if it is: (1) in the best interest of the person; and (2) deemed appropriate by the person or the person’s legal representative and the case management provider. However, prohibits use of interactive video as an alternative when face-to-face contact is required for children: (1) receiving case management services for child protection reasons; or (2) who are in out-of-home placements.

II. MINNESOTA TELEHEALTH ACT

First Special Session, Chapter 7, Article 6, Section 1 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. §§ 62A.673

Effective July 1, 2021

Requires health carriers to: (1) cover benefits delivered through telehealth in the same manner as any other benefits covered under the health plan; and (2) comply with the requirements of the Act.

Note: The Minnesota Telehealth Act does not apply MA and MNCARE enrollees.

III. TELEHEALTH FOR LONG TERM CARE CONSULTATION SERVICES

First Special Session, Chapter 7, Article 6, Sections 17-18 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256B.0911, subdivisions 1a and 3a

Effective July 1, 2021, or upon federal approval, whichever is later

Permits reassessments under certain circumstances to be conducted via interactive video. Provides that all other requirements of a face-to-face reassessment shall apply to a remote reassessment, including updates to a person's support plan.

A. For DD, CAC, CADI, and BI Waivers

Permits remote reassessments to be used for two consecutive reassessments if followed by a face-to-face reassessment.

B. For Alternative Care, Essential Community Supports, and Elderly Waiver

Permits remote reassessments to be used for one reassessment if followed by a face-to-face reassessment.

C. Conditions for Remote Assessments

Permits remote reassessments to be used only if the person being reassessed, or the person's legal representative, and the lead agency case manager both agree that: (1) there is no change in the person's condition; (2) there is no need for a change in service; and (3) a remote reassessment is appropriate.

D. Right to Refuse Remote Assessment

Provides that person being reassessed or their legal representative may refuse a remote reassessment at any time.

E. Requirement for Face-to-Face Assessment in Certain Cases

Requires the lead agency to schedule a face-to-face reassessment if, during a remote reassessment, the certified assessor determines a face-to-face reassessment is necessary in order to complete the assessment.

IV. TELEHEALTH STUDY

First Special Session, Chapter 7, Article 6, Section 27 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021

Directs MDH, in consultation with DHS and the Department of Commerce, to study the impact of telehealth expansion, including its impact on: (1) access to health care services, quality of care, and health outcomes; and (2) reducing health care disparities and providing equitable access to health care services for underserved communities. Requires a preliminary report to the Legislature by January 15, 2023, which must include recommendations on whether audio-only communication should be allowed as a telehealth option beyond June 30, 2023. Requires a final report by January 15, 2024.

MISCELLANEOUS

I. PUBLIC HEALTH INFRASTRUCTURE FUNDS TO TRIBES

First Special Session, Chapter 7, Article 3, Section 45 (HF 33)
Omnibus Health and Human Services Bill
Uncodified Session Law
Effective July 1, 2021

Requires MDH to provide funds to community health boards and Tribal governments for projects to build foundational public health capacity across the state and improve public health services to underserved populations.

III. HEALTH-RELATED LICENSING BOARDS

First Special Session, Chapter 7, Article 4, Sections 1, 2, and 8 - 12 (HF 33)
Omnibus Health and Human Services Bill
Amends Minn. Stat. §§ 148.90, subdivision 2; 148.911; 148B.30, subdivision 1; 148B.31; 148B.51; and 148B.54, subdivision 2
Adds Minn. Stat. § 148E.010, subdivision 7f
Various Effective Dates

A. Board of Psychology

Requires that at least two members must be either: (1) a person of color; or (2) a member of an underrepresented community with respect to race, ethnicity, national origin, sexual orientation, gender identity, or physical ability. Requires continuing education to include increasing knowledge, understanding, and skills to competently address the needs of clients from diverse socioeconomic and cultural backgrounds.
Amends Minn. Stat. §§ 148.90, subdivision 2; and 148.911
Effective July 1, 2021

B. Board of Marriage and Family Therapy

Requires that at least two members must be either: (1) a person of color; or (2) a member of an underrepresented community with respect to race, ethnicity, national origin, sexual orientation, gender identity, or physical ability. Requires continuing education to include increasing knowledge, understanding, and skills to competently address the needs of clients from diverse socioeconomic and cultural backgrounds.

Amends Minn. Stat. §§ 148B.30, subdivision 1; and 148B.31

Effective July 1, 2023

C. Board of Behavioral Health and Therapy

Requires that at least three members of the board must be either: (1) a person of color; or (2) a member of an underrepresented community with respect to race, ethnicity, national origin, sexual orientation, gender identity, or physical ability. Requires continuing education to include increasing knowledge, understanding, and skills to competently address the needs of clients from diverse socioeconomic and cultural backgrounds.

Amends Minn. Stat. §§ 148B.51; and 148B.54, subdivision 2

Effective July 1, 2023

D. Board of Social Work Practice

Adds definition of “cultural responsiveness,” meaning increasing the knowledge, understanding, and practice skills that enable a social worker to serve clients from diverse socioeconomic and cultural backgrounds

Adds Minn. Stat. § 148E.010, subdivision 7f

Effective July 1, 2021

HOUSING LAW

I. PRORATED RENT REQUIRED

First Special Session, Chapter 8, Article 2, Section 11 (HF 4)

Omnibus Housing Bill

Adds Minn. Stat. § 504B.116

Effective September 1, 2021 and applies to leases entered into on or after that date.

Prohibits a tenant from being charged more than the prorated amount of rent for the final month's rent if the lease requires the tenant to move out before the last day of the month.

II. REASONABLE ACCOMMODATIONS FOR SERVICE AND SUPPORT ANIMALS IN RENTAL HOUSING

First Special Session, Chapter 8, Article 2, Section 10 (HF 4)

Omnibus Housing Bill

Adds Minn. Stat. § 504B.113

Effective August 1, 2021

Allows a landlord to request documentation from a tenant regarding the tenant's disability and need for a service animal unless the need is readily apparent or already known to the landlord. Requires that the documentation must come from a licensed professional. Prohibits misrepresentation by a tenant and provides the remedy of denial of the request for a reasonable accommodation. Prohibits additional fees or deposits.

III. TASK FORCE ON SHELTER

First Special Session, Chapter 8, Article 6 (HF 4)

Omnibus Housing Bill

Adds Minn. Stat. § 504B.113

Effective July 1, 2021

Creates a task force to: (1) develop standards for the provision of shelter; (2) examine the need for, and the feasibility and cost of, establishing state oversight of shelter; and (3) make recommendations to the Legislature. Names members, which include an organization that provides legal services to persons experiencing homelessness. Requires an initial report by February 1, 2022 and a final report by August 31, 2022.

IV. MANUFACTURED HOMES IN HOME PARKS OWNED BY COOPS CONSIDERED REAL PROPERTY

First Special Session, Chapter 8, Article 3, Sections 1 and 5 (HF 4)

Omnibus Housing Bill

Adds Minn. Stat. §§ 168A.1411 and 1412

Repeals Minn. Stat. § 168A.141

Effective August 1, 2021

Replaces existing law governing the process of affixing a manufactured home to real property and creates two new sections: (1) one establishing the process when the property is owned by a Minnesota nonprofit corporation or a Minnesota cooperative and allows the home to be considered real, instead of personal, property; and (2) the other governing privately owned property.

V. New Crime of Sexual Extortion Includes Threats to Evict or Otherwise Threaten Housing

First Special Session, Chapter 11, Article 4, Section 22 (HF 63)

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 609.3458

Effective September 15, 2021, and applies to crimes committed on or after that date

Creates a new offense of sexual extortion, defined as the use of threats or blackmail, which includes threatening to evict a tenant or otherwise threaten a tenant's housing to extort unwanted sexual contact with a survivor.

HUMAN RIGHTS LAW

I. Amendments to Minnesota Human Rights Act

First Special Session, Chapter 11, Article 3, Sections 12 - 25 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 363A.02, subdivision 1; 363A.08, subdivision 6; 363A.28, subdivisions 1 and 6;

363A.31, subdivision 2; 363A.33, subdivision 3; 363A.36, subdivisions 1 - 4; 363A.44, subdivisions 2, 4 and 9

Adds Minn. Stat. § 363A.36, subdivision 6

Various Effective Dates

Makes a number of changes to Chapter 363A, the Minnesota Human Rights Act, including expressly allowing electronic submissions of documents and filings. Key substantive changes include:

A. Freedom from Discrimination

Adds “familial status” as a protected class in the policy statement.

Amends Minn. Stat. § 363A.02, subdivision 1

Effective August 1, 2021

B. Reasonable Accommodations in Employment

Requires an employer, an employment agency, or labor organization to use an informal, interactive process to determine the appropriate reasonable accommodation.

Amends Minn. Stat. § 363A.08, subdivision 6

Effective August 1, 2021

C. Period to File for Reconsideration of Finding of No Probable Cause

Clarifies that a charging party has 30 days to request a reconsideration of a determination by the Department of Human Rights of no probable cause on the party’s discrimination claim. (Also provides 30 days for a respondent to seek reconsideration of a finding of probable cause.)

Amends Minn. Stat. § 363A.28, subdivision 6

Effective August 1, 2021

II. NONDISCRIMINATION IN ACCESS TO TRANSPLANTS

Regular Session, Chapter 30, Article 14 (HF 2128)

Adds Minn. Stat. § 363A.50

Effective August 1, 2021

Prohibits discrimination regarding organ transplants by enumerated entities, including hospitals and donor/recipient matching services; enumerates acts constituting discrimination, including refusing to refer an individual to a transplant center or specialist. Establishes a private right of action to seek an injunction for violation.

IMMIGRATION LAW

I. CERTIFICATIONS FOR VICTIMS OF CRIMES

First Special Session, Chapter 11, Article 3, Section 35 (HF 63)

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 611A.95

Requires a certifying entity to process a certification requested by a victim of criminal activity or a representative of the victim, including the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within: (1) 90 days of request; or (2) if the victim is in removal proceedings, within 14 days of request.

II. New Crime of Sexual Extortion Includes Threats to Expose Immigration Status

First Special Session, Chapter 11, Article 4, Section 22 (HF 63)

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 609.3458

Effective September 15, 2021, and applies to crimes committed on or after that date

Creates a new offense of sexual extortion, defined as the use of threats or blackmail, which includes threatening to report immigration status to extort unwanted sexual contact with a survivor.

JUVENILE/YOUTH LAW

I. CHILDREN IN PLACEMENT

Regular Session, Chapter 30, Article 10, Sections 29 - 31 (HF 2128)

Amends Minn. Stat. § 260C.212, subdivisions 1, 1a, 2, and 13

Adds Minn. Stat. § 260C.212, subdivision 15

Effective May 26, 2021

Key changes to Chapter 260C include:

A. Social and Medical History for Children Under 14

Allows the responsible social services agency to give the record and social and medical history to a child who is younger than 14 if: (1) it is appropriate; and (2) the child continues to be in placement out of the home of the parent or guardian from whom the child was removed.

Amends Minn. Stat. § 260C.212, subdivision 1

B. Placement Decisions

Clarifies that a parent, guardian, or custodian of the child's siblings are considered related individuals for purposes for placement decisions by the child-placing agency.

Amends Minn. Stat. § 260C.212, subdivision 2

II. HOMELESS YOUTH – ACCESS TO CERTIFIED BIRTH RECORDS

First Special Session, Chapter 7, Article 3, Sections 25 – 27, and 29 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 144.225, subdivision 2

Adds Minn. Stat. §§ 144.212, subdivision 12; 144.2255; and 144.226, subdivision 8.

Effective June 30, 2021, for applications for/issuance of birth records on or after January 1, 2022

Establishes procedures and application requirements to enable homeless youth to obtain a certified birth record. Defines homeless youth to have the same meaning as given under the Homeless Youth Act. Waives fees.

III. HOMELESS YOUTH – ACCESS TO MINNESOTA IDENTIFICATION CARDS

First Special Session, Chapter 7, Article 3, Section 40 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 171.07, subdivision 3b

Effective June 30, 2021, for applications for/issuance of identification cards on or after January 1, 2022

Establishes procedures and application requirements to enable homeless youth to obtain a Minnesota identification card. Defines homeless youth to have the same meaning as given under the Homeless Youth Act.

IV. OMBUDSPERSON FOR AMERICAN INDIAN FAMILIES

First Special Session, Chapter 7, Article 14, Section 1 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 3.9215

Effective August 1, 2021

Creates the Office of the Ombudsperson for American Indian Families and provides that the Ombudsperson operates independently from the Indian Affairs Council and the American Indian Child Welfare Advisory Council.

A. General Duties

Charges the Ombudsman with monitoring agency compliance with all laws governing child protection and placement, public education, and housing issues related to child protection that impact American Indian children and their families, including specifically the Minnesota Indian Family Preservation Act (Minn. Stat. §§ 260.751 to 260.835).

B. Duties with Respect to the Court System

Directs the Ombudsperson to work with local state courts to ensure that: (1) court officials, public policy makers, and service providers are trained in cultural competency; (2) qualified expert witnesses from the appropriate American Indian community, including Tribal advocates, are used as court advocates and are consulted in placement decisions that involve American Indian children; and (3) guardians ad litem and other individuals from American Indian communities are recruited, trained, and used in court proceedings to advocate on behalf of American Indian children.

V. WAIVER OF FEES FOR FEDERALLY RECOGNIZED TRIBES IN CERTAIN COURT PROCEEDINGS

First Special Session, Chapter 11, Article 3, Sections 10 (HF 63)

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 357.021, subdivision 1a

Effective July 1, 2021

Eliminates fees for appearances and filing documents for federally recognized American Indian tribes, and their attorney, if the involves: (1) child support; (2) paternity; (3) civil commitment; (4) public guardianship or conservatorship; or (4) juvenile court or child protection matters.

PUBLIC BENEFITS LAW

Acronyms Used in This Section

DWP	=	Diversionary Work Program
GA	=	General Assistance
MFIP	=	Minnesota Family Investment Program
MSA	=	Minnesota Supplemental Aid
SNAP	=	Supplemental Nutrition Assistance Program

I. CASH ASSISTANCE PAYMENTS

A. Annual Cost of Living Adjustment for MFIP, DWP, and Refugee Cash Assistance

First Special Session, Chapter 7, Article 7, Section 13 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 256J.24 subdivision 5

Effective July 1, 2021

Adds an annual cost of living adjustment to the MFIP, DWP, and Refugee Cash Assistance cash payments on October 1 of each year using inflation based on CPI-U.

Note: *Refugee Cash Assistance payments are also increased by a cost-of-living adjustment because Federal law requires that this program mirror a state's TANF program.*

B. One-Time Emergency Payment for MFIP, DWP, and Refugee Cash Assistance

First Special Session, Chapter 7, Article 16 (HF 2128)

Omnibus Health and Human Services Bill

Appropriation

Effective July 1, 2021

Provides for a one-time \$435 payment to every family accessing MFIP, DWP, or Refugee Cash Assistance. Makes the payment available to new families the month after they are first active in the program, and the payment does not count against other public benefit program eligibility.

C. Pandemic Emergency Relief

First Special Session, Chapter 7, Article 7, Section 27 (HF 33)

Omnibus Health and Human Services Bill

Amends 2020 First and Third Session Laws providing COVID Relief

Effective July 1, 2021; expires December 31, 2021 without new federal waivers

Clarifies that pandemic emergency relief payments received prior to December 31, 2021 (unless a new federal waiver is in place) will not count against income and asset determinations in public benefits programs. The payments affected include:

- State, local, or tribal government payments issued to individuals to relieve the adverse economic impact caused by COVID-19;
- Federal payments of up to \$1,200 per adult and \$500 per child authorized under the CARES Act;
- Federal payments of up to \$600 to eligible individuals authorized under the Consolidated Appropriations Act;
- Federal payments of up to \$1,400 to eligible individuals authorized under the American Rescue Plan Act;
- Pandemic Unemployment Assistance payments made to high school students under the federal CARES Act and extended by the federal Consolidated Appropriations Act;
- Advance payments of the child tax credit authorized under the American Rescue Plan Act;
- Emergency rental assistance payments authorized under the Consolidated Appropriations and the American Rescue Plan Act;
- Homeowner assistance funds authorized under the American Rescue Plan Act;
- Payments issued to tribal members to relieve the adverse economic impact caused by the COVID-19 pandemic authorized under the American Rescue Plan Act.

II. REPORTING AND RENEWALS

A. Applications and Recertifications

Regular Session, Chapter 30, Article 7 (HF 2128)

First Special Session, Chapter 7, Section 22 (HF 33)

Omnibus Health and Human Services Bills

Amends Minn. Stat. §§ 256J.08, subdivision 21; 256J.09, subdivision 3; 256J.45, subdivision 1; 256J.95, subdivision 5; and 256P.04 subdivision 8

Effective August 1, 2021

1. Interview Requirements

Permits application, orientation, and recertification interview requirements for DWP/MFIP to be met over the telephone or online. Requires a signed application within 30 days of a telephone or video application submission.

2. County Flexibility

Provides counties new flexibility for determining when interviews are required for annual recertifications for MFIP, GA, MSA, and Housing Support. (Updated DHS guidance will be issued before January 2022.) Under existing state COVID-19 waivers, interviews for annual renewals are not required for GA, MSA, Housing Support, and MFIP cases in which all caregivers are SSI recipients or relative caregiver cases where the caregiver(s) are not part of the MFIP household.

B. Incomplete Household Report Forms

Regular session, Chapter 30, Article 8, Section 2 (HF 2128)

Amends Minn. Stat. § 256J.30, subdivision 8

Effective July 1, 2021

Removes requirement that county workers return by mail incomplete MFIP household report forms. Authorizes the county worker to contact a person by phone or email for additional information.

III. PUBLIC BENEFIT INCOME CALCULATIONS

A. SELF-EMPLOYMENT INCOME

First Special Session, Chapter 7, Article 7, section 1 (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. § 119B.09, subdivision 4; 256P.02 subdivision 2; 256P.04 subdivision 4; and 256P.05 subdivisions 1 - 3

Effective May 1, 2022

Makes a number of technical changes to self-employment income calculations across public benefit programs. Further clarifies that the full value of business accounts used to pay expenses not related to the business count toward the \$10,000 program asset limit and must be verified by a county worker.

B. MFIP Consolidated Fund Payments

Regular Session, Chapter 30, Article 8, Section 3 (HF 2128)

Amends Minn. Stat. § 256J.626, subdivision 1

Effective May 1, 2022

Clarifies that payments made to parents from the MFIP consolidated fund (typically for emergency assistance or employment supports) are disregarded when calculating available family income.

C. Conforming Changes

First Special Session, Chapter 7, Article 7, Various Sections (HF 33)

Omnibus Health and Human Services Bill

Amends Minn. Stat. §§ 256J.08, subdivision 15, 53; 256J.10; 256J.21 subdivision 5; 256J.33 subdivision 1, 4; 256J.37 subdivision 1; 256J.95 subdivision 9; 256P.01 subdivision 3; 256P.06 subdivision 2; and 256P.06 subdivision 3

Effective August 1, 2021

Makes various technical changes to align Chapter 256J income calculation rules with existing law in Chapter 256P and codify current county practices. Further clarifies that in-kind income and student financial assistance and work study income are excluded as “earned income.”

IV. APPEAL GOOD CAUSE RULING REGARDING COOPERATION WITH CHILD SUPPORT AGENCY

Regular Session, Chapter 30, Article 10, Sections 13 and 14 (HF 2128)

Adds Minn. Stat. § 256.741, subdivision 12a

Effective August 1, 2021

Establishes the right of an individual to appeal a determination or redetermination of whether good cause existed to excuse the individual’s noncooperation with a child support agency. Prohibits further enforcement action or reporting noncooperation until determination on appeal is rendered.

V. SNAP VOLUNTARY EMPLOYMENT

First Special Session, Chapter 7, Article 7, Sections 2 - 6 (HF 33)

Omnibus Health and Human Services Bill

Adds Minn. Stat. § 256D.051, subdivision 20

Repeals 256D.051, subdivisions 1, 1a, 2, 2a, 3, 3a, 3b, 6b, 6c, 7, 8, 9, and 18; and 256D.052, subdivision 3

Effective August 1, 2021

Strikes obsolete language regarding mandatory SNAP work requirements and sanctions.

Codifies current voluntary employment and training rules within SNAP. Requires counties and tribes to inform people accessing SNAP about employment and training opportunities. Clarifies that able bodied adults without dependents must meet any federal SNAP work requirements.

UNEMPLOYMENT INSURANCE LAW

I. REEMPLOYMENT ASSISTANCE TRAINING

*First Special Session, Chapter 10, Article 4, Section 1 (SF 9)
Omnibus Jobs and Economic Development Bill
Amends Minn. Stat. § 268.035 subdivision 21c
Effective July 3, 2022*

Adds several allowable education activities to be considered as “reemployment assistance training” for purposes of unemployment insurance eligibility, including: (1) adult basic education; (2) basic skills enhancement focused on math, literacy and writing; (3) GED preparation; (4) computer skills training; (5) English as a second language instruction; and (6) over-the-road truck driving instruction. Requires the applicant to provide proof of enrollment or participation.

II. NEW HIGH SCHOOL ELIGIBILITY

*First Special Session, Chapter 10, Article 4, Section 2 (SF 9)
Omnibus Jobs and Economic Development Bill
Amends Minn. Stat. § 268.085 subdivision 2
Effective July 3, 2022*

Removes UI ineligibility for applicants attending secondary school, including students on summer or winter breaks.

III. SOCIAL SECURITY PENALTY

*First Special Session, Chapter 10, Article 4, Section 3 (SF 9)
Omnibus Jobs and Economic Development Bill
Amends Minn. Stat. § 268.085 subdivision 4a
Effective July 3, 2022*

Removes was a 50% deduction (offset) penalty from a person’s weekly unemployment insurance payment in any week they applied for or accessed Social Security Disability payments.

IV. COVID-19 LEAVE OF ABSENCE

First Special Session, Chapter 10, Article 4, Section 7 (SF 9)

Uncodified Session Law

Effective retroactive to December 27, 2020

Clarifies that a COVID-19 related leave of absence is presumed to be an involuntary leave that does not make an applicant ineligible if: (1) a determination has been made by health authorities or by a health care professional that the presence of the applicant in the workplace would jeopardize the health of others; (2) a quarantine or isolation order has been issued; (3) the applicant has been advised to self-isolate or self-quarantine due to elevated risk from COVID-19 due to being immunocompromised; (4) the applicant has been instructed by the employer not to come to work due to an outbreak of a communicable disease; or (5) the applicant has received a notification from a school district, day care, or other child care provider that either classes are canceled or the applicant's ordinary child care is unavailable, provided that the applicant made reasonable effort to obtain other child care and requested time off or other accommodation from the employer and no reasonable accommodation was available.

UTILITIES LAW

I. COLD WEATHER RULE PERIOD EXTENDED

First Special Session, Chapter 4, Article 8, Sections 9 - 15 (HF 6)

Omnibus Commerce and Energy Bill

Amends Minn. Stat. §§ 216B.096, subdivisions 2 and 3; 216B.097, subdivisions 1, 2, and 3; and 216B.0976

Adds Minn. Stat. § 216B.097, subdivision 5

Effective August 1, 2021

A. Period of Protection Extended

Extends the Cold Weather Rule period by two weeks by starting the period two weeks earlier and ending it two weeks later than current law. The new period during which low-income consumers are protected against disconnection if they enter into an affordable payment agreement now extends from October 1 to April 30.

Amends Minn. Stat. § 216B.096, subdivisions 2 and 3 (public utilities)

Amends Minn. Stat. § 216B.097, subdivision 1 (municipal and cooperative utilities)

B. Additional Procedures for Disconnection by Municipal and Cooperative Utilities

Requires municipal utilities and cooperative electric utilities to: (1) send any disconnection notices simultaneously to the customer, the local energy assistance agency, and the Department of Commerce; and (2) notify both the city and the Department of Commerce if the utility actually disconnects a customer. Allows municipal utilities and cooperative electric utilities to disconnect service remotely if they ascertain the unit is unoccupied and prohibits disconnection if the customer is currently protected under the medical emergency provisions of Minn. Stat. § 216B.098, subdivision 5.

Amends Minn. Stat. § 216B.097 subdivision 2 (notices to Department and energy assistance agency)

Amends Minn. Stat. § 216B.097, subdivision 3 (remote disconnection)

Amends Minn. Stat. § 216B.0976 (notice to Department of actual disconnections)

II. LOW-INCOME CONSERVATION IMPROVEMENT PROGRAM (CIP) ADDITIONS

Regular Session, Chapter 29 (HF 164)

Energy Conservation and Optimization Act of 2021

Amends Minn. Stat. § 216B.241, subdivisions 3 and 7

Adds Minn. Stat § 216B.2402, subdivision 20; and 216B.2403, subdivisions 5(f) - (h) and 7

Allows the installation under CIP of “preweatherization measures,” defined as a home improvement that is necessary to allow energy conservation improvements. Allows up to 15% of a utility's spending on low-income energy conservation programs to be spent on preweatherization measures. Defines “low-income household” as a household whose household income is 60% or less of the state median household income. Significantly increases CIP spending on low-income programs by: (1) public (investor-owned) gas utilities (such as CenterPoint Energy); and (2) cooperative electric associations.