

# 2022 SESSION SUMMARIES

## CONSUMER LAW

### I. **STRUCTURED SETTLEMENT SALES/TRANSFERS**

*2022 Minn. Laws, Regular Session, Chapter 62*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/62/>

This new law reforms the judicial approval process for the transfer of the rights to future structured settlement payments. Structured settlements, typically annuities, arise as a result of settlements by insurance companies of tort claims by accident victims who have suffered serious or catastrophic injuries, often leaving them cognitively impaired. Companies – known as structured settlement purchase companies – seek to acquire future payment rights of substantial sums for often small, immediate lump sum payments.

An October 2021 Star Tribune” series<sup>1</sup> exposed egregious abusive practices by structured settlement companies and the lack of standards by which judges could evaluate the merits of the proposed transfers. the 1999 law was shown to be woefully deficient in reining in the predatory practices that often resulted in grossly unfair sales.

This legislation dramatically changes the governance of these sales and provides significant consumer protections against the exploitation of these vulnerable victim-sellers, including adding factors on which judges may base the decision to approve or deny and allowing or requiring the appointment of an independent attorney-adviser to the court.

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<sup>1</sup> See <https://www.startribune.com/structured-settlements-was-selling-their-payments-worth-it-we-looked-at-hundreds-minnesota-cases/600101586/>

## II. SALVAGE TITLES

*2022 Minn. Laws, Chapter 57*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/57/>

Under current law, the only vehicles that must be given a “Salvage” title brand are those that have been declared a total loss by an insurance company and are either: (1) less than six years old (“late-model”); or (2) worth more than \$9,000 (“high-value”). This legislation changes the current practice and covers all cars, regardless of age or value. Further, it beefs up disclosure requirements by used car dealers of the title designation and possible damage to vehicle they are offering for sale.

## III. DEBT COLLECTION

*2022 Minn. Laws, Chapter 70*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/70/>

### A. Information Regarding Credit Counseling Agencies

Beginning September 1, 2023, collection agencies must include in their initial written communication with debtors a notice: (1) stating that debt and credit counseling agencies are available to help debtors understand their rights and help them manage and satisfy debts; and (2) providing contact information for a list of agencies that the Department of Commerce is directed to compile and maintain.

The new law also requires the inclusion in the notice of nonprofit credit counseling organizations that provide credit counseling services in languages other than English. It also requires the statement and information about the availability of credit counseling agencies to be provided in the five most prevalent non-English languages spoken in Minnesota: Spanish, Somali, Hmong, Vietnamese, and Chinese.

### B. Debt Collectors

Makes permanent a provision implemented during the COVID pandemic allowing a debt collector employed by a debt collection agency to work from a location other than the licensee's business location, provided the collector and collection agency comply with all other existing requirements of law.

**IV. DEBT SETTLEMENT**

*2022 Minn. Laws, Chapter 67*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/67/>

Exempts “Enrolled Agents” and “Enrolled Agent Firms” from Chapter 332B, Minnesota’s Debt Settlement Law, based on the fact that enrolled agents must be certified by the IRS to conduct business.

**V. STUDENT DATA PRIVACY ACT**

*2022 Minn. Laws, Chapter 69*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/69/>

This new law places limits on the currently unregulated use technology in schools that is exacerbating inequities in treatment of students in Minnesota and addresses concerns regarding the lack of protections around the retention, aggregation, and sale of student data and the invasion of student privacy, including tracking of school-issued laptops and other devices. It addresses concerns that tracking of student use of school-issued technology leads to disproportionate and inequitable discipline of students of color, students with disabilities, and students who are LGBTQ.

**VI. UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT (URCMJA)**

*2022 Minn. Laws, Chapter 81*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/81/>

Establishes a process to register a Canadian money judgment with a Minnesota court and creates a statutory form to use to register the judgment.

# DISABILITY LAW

## I. HUMAN SERVICES POLICY CHANGES

2022 Minn. Laws, Regular Session, Chapter 98, Articles 4 -6, 10

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

### A. Community Supports and Behavioral Health Policy

Article 4

#### 1. Changes to Mental Health Uniform Service Standards

- Makes changes to individual treatment plans for licensed children's residential facilities. (Sections 5-8)
- Makes technical changes to the Mental Health Uniform Service Standards. (Sections 18-31)
- Modifies required updates for level of care assessments and function assessments from every 90 days to every six months and removes language requiring individual treatment plan review at least every 90 days. (Section 39)

#### 2. Group Home, Adult Foster Care, and ICF Licensing and Capacity Changes

- Deletes obsolete language regrading foster care licensing moratorium. (Section 10)
- Expands capacity for Intermediate Care Facilities (ICFs) to 7 or 8 people, through July 1, 2023. (Sections 11 and 13)
- Expands capacity for variances for adult foster care and community residential settings (such as group homes) from 5 to 6 under certain circumstances; this provision sunsets on July 1, 2023. (Section 12)
- Requires setting capacity reports for Integrated Community Supports (ICS) to include the total number of people who live in the building and who receive ICS. (Section 14)

#### 3. Remote Services and Telehealth Technical and Other Changes

- Makes Technical changes. (Sections 32 and 33)
- Changes requirements for consent for remote MnCHOICES and adding documentation requirement for informed choice. (Section 35)

4. Changes to EIDBI  
Requires consultation with stakeholders and makes changes to advanced certification definition and parameters regarding early intensive developmental and behavioral interventions (EIDBI). (*Sections 40 - 42*)
  
5. Other changes
  - Allows Dialectical Behavior Therapy Medicaid coverage for people under 18 years of age. (*Section 34*)
  - Requires counties to provide information to people who use contracted case management services about how they can file a grievance about their case management services. (*Section 36*)
  - Clarifies definition of excluded time for purposes of determining the county of financial responsibility for the provision of integrated community supports and day support services. (*Section 43*)
  - Changes regarding ABLE (Achieving a Better Life Experience) accounts. If an eligible individual is unable to establish his or her own ABLE account, allows an ABLE account to be established on behalf of the eligible individual by the eligible individual's agent under power of attorney or, if none, by the eligible individual's conservator or legal guardian, spouse, parent, sibling, or grandparent or a representative payee appointed for the eligible individual by the SSA, in that order. This change aligns Minnesota's ABLE statute with final federal IRS rules. (*Section 48*)

**B. Community Supports**

*Article 5*

- Expands right to appeal service terminations under Minn. Stat. 245D.10 to people who live in own home settings and more service types. Makes conforming changes to Minn. Stat. 245D.10 to reflect that service terminations are no longer limited to terminations from facilities. (*Sections 1 and 2*)
- Changes cross reference in Medicaid Room and Board rate to be specifically 81% of federal poverty guidelines rather than the "income standard" as the income standard changed from 81% to 100% of FPG on July 1, 2022. (*Section 3*)

## C. Behavioral Health

### Article 6

This article establishes the Opioids, Substance Use, and Addiction Subcabinet, the Governor's Advisory Council on Opioids, Substance Use, and Addiction, and requires the governor to appoint an addiction and recovery director. It also modifies requirements for disclosure of mental health data and records to law enforcement, clarifies children's mental health respite services and federal block grant requirements for Tribes, updates certified community behavioral health hospital provisions, modifies psychiatric residential treatment and children's therapeutic services and supports (CTSS) program and service requirements, modifies the age limit for intensive nonresidential rehabilitative mental health services, and modifies eligibility for the transition to community initiative.

- Modifies respite care services grant items to include children in out-of-home placement who are at risk of a placement change or higher level of care. *(Section 4)*
- PRTF staffing requirements: Specifies that psychiatric residential treatment facilities must provide at least one staff person for every six residents during sleeping hours. Requires a provider to adjust staffing levels based on the residents' clinical needs. *(Section 8)*
- Changes to CTSS: Changes definitions, specifies that CTSS includes development and rehabilitative services that support developmental treatment needs, changes requirements for trained staff and billing requirements. *(Sections 9-15)*
- Changes to age range for intensive nonresidential rehabilitative mental health services for federal compliance. *(Sections 16-18)*
- Requirements for disclosure of mental health data and records to law enforcement: Requires law enforcement agencies that seek or use mental health data or records to establish and enforce a written policy for the use of such records and data. Specifies minimum policy requirements. *(Section 20)*
- Changes eligibility for the transition to community initiative by removing the requirement that a person must be on the waiting list for Anoka Metro Regional Treatment Center and allows a person to be eligible if the person is in a community hospital. *(Section 22)*
- Review and Recommendations regarding DHS structure: Requires the newly established addiction and recovery director to contract with a consultant to conduct an independent review of the structure of DHS, focusing on behavioral health service delivery and treatment access. The review to be completed by December 31, 2022. Requires the subcabinet to submit a recommendation to the legislature for creating a permanent Office of Opioid Use, Substance Use, and Addiction. *(Section 23)*

**D. Direct Care and Treatment: Voluntary Transfer to Secure Treatment Facility**  
*Article 10*

Establishes a process for individuals committed as persons with a mental illness and who are dangerous to the public to voluntarily transfer back to a secure treatment facility. (*Section 1*)

**II. COMPETENCY RESTORATION ACT**

*2022 Minn. Laws, Regular Session, Chapter 99*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/99/>

This new law addresses a gap between a determination that a person is not competent to stand trial in a criminal proceeding and a determination that the person does not meet the criteria for civil commitment. It establishes standards to assess a person's competency to stand trial, describes the procedures to be followed for obtaining and reviewing a competency report, establishes competency restoration programs, and provides for continuing supervision of some individuals found to be incompetent. It also creates a new forensic navigator service, creates a planning committee to oversee the development of forensic navigator programs, and establishes standards for competency restoration services.

**III. CHILDREN'S MENTAL HEALTH ACT**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 4, Sections 6 - 8*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

**A. Alternative Assessment**

Exempts licensed children's residential facilities from the assessment requirements under the Mental Health Uniform Service Standards Act and instead requires facilities to include a written plan of intervention, treatment, and services for a child with an emotional disturbance that the service provider develops under the clinical supervision of a mental health professional on the basis of a diagnostic assessment. Requires an assessment to be completed within 10 days of the client's admission.

**B. Participation of Child and Family in Treatment Plan**

Requires a facility to involve the child and the child's family in all phases of developing and implementing the individual treatment plan to the extent appropriate. Requires review of the individual treatment plan every 90 days after intake.

# **EDUCATION LAW**

## **I. STUDENT DATA PRIVACY ACT**

*2022 Minn. Laws, Chapter 69*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/69/>

This new law places limits on the currently unregulated use technology in schools that is exacerbating inequities in treatment of students in Minnesota and addresses concerns regarding the lack of protections around the retention, aggregation, and sale of student data and the invasion of student privacy, including tracking of school-issued laptops and other devices. It addresses concerns that tracking of student use of school-issued technology leads to disproportionate and inequitable discipline of students of color, students with disabilities, and students who are LGBTQ.

# **ELDER LAW**

## **I. ASSISTED LIVING LAW CHANGES**

*2022 Minnesota Laws, Regular Session, Chapter 98, Article 1, Sections 11, 21 - 60*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Makes mostly technical, but includes some substantive, changes to the 2019 Eldercare and Vulnerable Adult Act, governing Assisted Living Facilities. The changes impact requirements of licensees as well as consumer protection provisions. Included among the various changes are: (1) clarification that an electronic monitoring device can be placed in a resident's room by a resident or another person. (This provision also applies to Nursing Homes); (2) clarification that the name and contact number of the Minnesota Disability Law Center must be included in the notice to be provided by Assisted Living Facilities to ensure that every resident has access to consumer advocacy or legal services; and (3) elimination of the right of an assisted living facility to violate a resident's right to privacy "where clearly advisable."

## **II. VULNERABLE ADULT ACT**

*2022 Minnesota Laws, Regular Session, Chapter 98, Article 8, Sections 37 - 49*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

This legislation makes technical (clean-up) revisions as well as certain substantive changes to the Vulnerable Adult Act. Included among the many changes are:

- Amendments to the definitions of “caregiver” and “neglect” (creating the definition of “self-neglect”) to allow county agencies to focus on resources rather than on punishment of families struggling to care for vulnerable adults; and
- Elimination of the requirement that Adult Protective Services conduct an investigation for final determination against the adult who is vulnerable to maltreatment (or their family member or unpaid caregiver), for allegations of neglect or financial exploitation where determination for responsibility for maltreatment may not safeguard the adult or prevent further maltreatment.

## **III. HOME AND COMMUNITY-BASED SERVICES STATUTES REORGANIZATION**

*2022 Minnesota Laws, Regular Session, Chapter 33*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/33/>

Reorganizes Minnesota Statutes, section 256B.4914. This section of statute contains the disability waiver rate system (DWRS), which determines the services rates for most disability waiver services. The primary purpose of the legislation is to reorganize the statute without changing the meaning or effect of the provisions contained in it.

## **IV. LONG-TERM CARE CONSULTATION SERVICES**

*2022 Minnesota Laws, Regular Session, Chapter 98, Articles 16 and 17*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Recodifies the Long-Term Care Consultation Services statutes and makes conforming changes.

# **FAMILY LAW**

## **I. SAFE AT HOME PROGRAM AMENDMENTS**

*2022 Minnesota Laws, Regular Session, Chapter 83*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/83/>

Updates and makes technical changes to the Safe at Home statutes, including clarifying, among other things that (1) entities must accept the designated address as the program participant's address and must not disclose the designated address; and (2) landlords who have been notified that a person is a program participant must not display the participant's name at a protected address.

## **II. BEST INTEREST OF THE CHILD FACTORS**

*2022 Minnesota Laws, Regular Session, Chapter 98, Article 8, Section 35*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Adds "developmental disability" to the list of any special medical, mental health, or educational needs that the child may have that may require special parenting arrangements or access to recommended services in the factors for consideration of the best interests of the child.

## **III. CHILD SUPPORT – GENERAL FACTORS**

*2022 Minnesota Laws, Regular Session, Chapter 98, Article 8, Section 36*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Adds that, in cases involving court-ordered out-of-home placement, setting or modifying child support or determining whether to deviate upward or downward from the presumptive child support obligation, a factor the court should consider is whether ordering and redirecting a child support obligation to reimburse the county for the cost of care, examination, or treatment would compromise the parent's ability to meet the requirements of a reunification plan or the parent's ability to meet the child's needs after reunification.

# FARM LAW

## **DATA PROTECTION FOR PERSONS CONTACTING MINNESOTA FARM AND RURAL HELPLINE**

*2022 Minn. Laws, Regular Session Chapter 47*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/47/>

Under this new law, data collected and maintained by the Department of Agriculture and Minnesota State Colleges and Universities about individuals who seek mental or behavioral health assistance or who contact the Minnesota Farm and Rural Helpline are private or nonpublic. However, release is allowed data “to appropriate parties in connection with an emergency if knowledge of the data is necessary to protect the health or safety of any person.”

# HEALTH LAW

## **1. MEDICAL ASSISTANCE (MA)**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 2, Sections 5 - 11*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Makes various amendments to Chapter 256B, including:

### **A. Treatment of Trusts**

Expresses public policy that persons must use all available resources before accessing MA and declares that trust instruments should not be permitted to shield available resources of an individual or spouse.

### **B. Asset Limits for Families and Children**

Removes asset limits for children under the age of 21.

## **2. OMBUDSPERSON FOR MANAGED CARE**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 2, Sections 12 and 13*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Establishes the position of Ombudsperson for Managed Care and directs the Commissioner of the Department of Human Services to designate the individual to serve in that capacity. Provides that the Ombudsperson’s role is to advocate for enrollees, by, among other things, assisting with grievance, appeals and fair hearings process

# HOUSING LAW

## **I. SAFE AT HOME PROGRAM**

*2022 Minnesota Laws, Regular Session, Chapter 83*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/83/>

Updates and makes technical changes to the Safe at Home statutes, including clarifying, among other things that landlords who have been notified that a person is a program participant must not display the participant's name at a protected address.

## **II. TRANSITIONAL HOUSING**

*2022 Minnesota Laws, Regular Session, Chapter 98, Article 11, Sections 1 and 2*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Amends the definition of "transitional housing" to extend to 36 months (currently 24 months).

# IMMIGRATION LAW

## **SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)**

*2022 Minn. Laws, Chapter 45*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/45/>

This new law fills a gap between state and federal law by establishing a procedure by which abused, abandoned, or neglected juveniles between the ages of 18 and 21 who have been brought into this country can exercise their federal right to apply for Special Immigrant Juvenile Status (SIJS). Because of a quirk in Minnesota law, a predicate order was only available to juveniles in this situation who had not yet reached 18 years of age.

It establishes a juvenile court guardianship for these at-risk juveniles and gives the juvenile court jurisdiction over these cases. The law states the purpose of the guardianship is to provide guidance, assistance, financial and emotional support, and referrals. The law requires an order (constituting a "predicate order") with specific findings necessary to qualify the juvenile to petition for SIJS status.

# **PUBLIC BENEFITS LAW**

## **I. MEDICAL ASSISTANCE (MA)**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 2, Sections 5 - 11*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Makes various amendments to Chapter 256B, including:

### **A. Treatment of Trusts**

Expresses public policy that persons must use all available resources before accessing MA and declares that trust instruments should not be permitted to shield available resources of an individual or spouse.

### **B. Asset Limits for Families and Children**

Removes asset limits for children under the age of 21.

## **II. HEALTH RECORDS ACCESS FEES**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 1, Section 7*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Clarifies that providers must not charge a \$10 fee for health records in social security appeals cases where a patient is receiving public assistance or is represented by Legal Aid or a volunteer attorney program based on indigency.

## **III. INCREASED GROSS INCOME LIMIT FOR SNAP**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 9, Section 1*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Increases the gross income limit for SNAP eligibility from 165 percent to 200 percent of the federal poverty guideline. Effective September 1, 2022.

## **IV. SNAP WORK VERIFICATION**

*2022 Minn. Laws, Regular Session, Chapter 98, Article 9, Section 6*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Codifies the current federal requirement for the Commissioner of Human Services to issue guidance to counties and tribes no later than December 1, 2022, regarding local agency responsibilities for verification of federal work requirements for SNAP recipients.

**V. TRIBES ELIGIBLE TO ISSUE EMERGENCY SERVICES GRANTS**  
*2022 Minn. Laws, Regular Session, Chapter 98, Article 9, Section 2*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Provides that federally recognized Tribal Nations are eligible to issue emergency services grants and receive a state funding match.

**VI. MFIP HOUSEHOLD REPORT FORMS**  
*2022 Minn. Laws, Regular Session, Chapter 98, Article 9, Section 3*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Removes requirement for county workers to physically return incomplete household report forms to parents participating in MFIP. Establishes new flexibility for a worker to contact a person by phone or in writing (email and text) to obtain missing information to complete the form and avoid sanction.

**VII. COUNTY “WORK FOCUS” PROGRAM**  
*2022 Minn. Laws, Regular Session, Chapter 98, Article 9, Section 8*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Repeals obsolete language allowing counties to create a “work focus” program; retains the Diversionary Work Program in state law.

**VIII. OMBUDSPERSON FOR MANAGED CARE**  
*2022 Minn. Laws, Regular Session, Chapter 98, Article 2, Sections 12 and 13*  
<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/98/>

Establishes the position of Ombudsperson for Managed Care and directs the Commissioner of the Department of Human Services to designate the individual to serve in that capacity. Provides that the Ombudsperson’s role is to advocate for enrollees, by, among other things, assisting with grievance, appeals and fair hearings process.

# YOUTH LAW

## **I. HARASSMENT RESTRAINING ORDERS (HRO) FOR EMANCIPATED MINORS**

*2022 Minn. Laws, Regular Session, Chapter 82*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/82/>

Establishes a statutory right and procedure for an emancipated minor to seek an HRO if: (1) the minor demonstrates that the minor is emancipated; and (2) the court finds that the order is in the best interests of the emancipated minor.

Provides that a minor demonstrates emancipation by showing that: (1) the minor is living separate and apart from parents; managing the minor's own financial affairs; and (3) shows, through an instrument in writing or other agreement, or by the conduct of the parties that all parents who have a legal parent and child relationship with the minor have relinquished control and authority over the minor.

## **II. STUDENT DATA PRIVACY ACT**

*2022 Minn. Laws, Chapter 69*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/69/>

This new law places limits on the currently unregulated use technology in schools that is exacerbating inequities in treatment of students in Minnesota and addresses concerns regarding the lack of protections around the retention, aggregation, and sale of student data and the invasion of student privacy, including tracking of school-issued laptops and other devices. It addresses concerns that tracking of student use of school-issued technology leads to disproportionate and inequitable discipline of students of color, students with disabilities, and students who are LGBTQ.

## **III. FOSTER YOUTH OMBUDSPERSON**

*2022 Minn. Laws, Regular Session, Chapter 64*

<https://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/64/>

Establishes the position of Foster Youth Ombudsperson and requires the ombudsperson to provide outreach, resources, and assistance to youth in foster care through direct engagement. Grants the power to the Foster Youth Ombudsperson to establish a complaint process and investigate complaints, issue conclusions and recommendations to the Governor or the Legislature, and be present at court proceedings when requested by a youth in foster care. Establishes and specifies membership of a Board of the Foster Youth Ombudsperson, to make recommendations to the Ombudsperson and staff and oversee the work of the ombudsperson.