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CHAPTER 7--H.F.No. 105

An act elating to human services; extending the expiration of the executive order relating to use of telemedicine in the state medical cannabis program; extending the expiration of certain human services program waivers and modifications issued by the commissioner of human services pursuant to executive orders during the peacetime emergency declared in response to the COVID-19 pandemic; establishing a 60-day period for the commissioner of human services to transition affected programs off of COVID-19 waivers and modifications following expiration of the peacetime emergency; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **COMMISSIONER OF HUMAN SERVICES; EXTENSION OF COVID-19 HUMAN SERVICES PROGRAM WAIVERS AND MODIFICATIONS.**

Subdivision 1. **Waivers and modifications; federal funding extension.** When the peacetime emergency declared by the governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by the proper authority, the following waivers and modifications to human services programs issued by the commissioner of human services pursuant to Executive Orders 20-11 and 20-12 that are required to comply with federal law may remain in effect for the time period set out in applicable federal law or for the time period set out in any applicable federally approved waiver or state plan amendment, whichever is later:

(1) CV17: preserving health care coverage for Medical Assistance and MinnesotaCare;

(2) CV18: implementation of federal changes to the Supplemental Nutrition Assistance Program;

(3) CV20: eliminating cost-sharing for COVID-19 diagnosis and treatment;

(4) CV37: implementation of federal changes to the Supplemental Nutrition Assistance Program;

(5) CV39: implementation of federal changes to the Supplemental Nutrition Assistance Program;

(6) CV59: modifying eligibility period for the federally funded Refugee Cash Assistance Program; and

(7) CV60: modifying eligibility period for the federally funded Refugee Social Services Program.

Subd. 2. **Waivers and modifications; extension to June 30, 2021.** When the peacetime emergency declared by the governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by the proper authority, the following waivers and modifications to human services programs issued by the commissioner of human services pursuant to Executive Orders 20-11 and 20-12, including any amendments to the waivers or modifications issued before the peacetime emergency expires, shall remain in effect until June 30, 2021, unless necessary federal approval is not received at any time for a waiver or modification:

(1) CV15: allowing phone or video visits for waiver programs;

(2) CV16: expanding access to telemedicine services for Children's Health Insurance Program, Medical Assistance, and MinnesotaCare enrollees;

(3) CV21: allowing telemedicine alternative for school-linked mental health services and intermediate school district mental health services;

(4) CV24: allowing phone or video use for targeted case management visits;

(5) CV30: expanding telemedicine in health care, mental health, and substance use disorder settings;

(6) CV31: allowing partial waiver of county cost when COVID-19 delays discharges from DHS-operated psychiatric hospitals;

(7) CV38: allowing flexibility in housing licensing requirements;

(8) CV43: expanding remote home and community-based services waiver services;

(9) CV44: allowing remote delivery of adult day services;

(10) CV45: modifying certain licensing requirements for substance use disorder treatment, except that the extension shall be limited to the portions of this modification requiring programs to become and remain familiar with Minnesota Department of Health and Centers for Disease Control and Prevention guidance on COVID-19; requiring programs to follow Minnesota Department of Health and Centers for Disease Control and Prevention guidance specific to the situation and program capabilities if a person receiving services or a staff person tests positive for COVID-19; permitting programs to temporarily suspend group counseling or limit attendance at sessions when unable to accommodate requirements for social distancing and community mitigation; permitting comprehensive assessments to be completed by telephone or video communication; permitting a counselor, recovery peer, or treatment coordinator to provide treatment services from their home by telephone or video communication to a client in their home; permitting programs to follow the Substance Abuse and Mental Health Services Administration guidelines as directed by the State Opioid Treatment Authority within the Department of Human Services Behavioral Health division to allow for an increased number of take-home doses in accordance with an assessment conducted under Minnesota Statutes, section 245G.22, subdivision 6; removing the requirement for opioid treatment programs to conduct outreach activities in the community; and permitting programs to document a client's verbal approval of a treatment plan instead of requiring the client's signature;

(11) CV49: modifying certain license requirements for adult day services;

(12) CV50: modifying certain requirements for early intensive developmental and behavioral intervention (EIDBI) services;

(13) CV53: allowing flexibility for personal care assistance service oversight, except that the portion of this modification permitting personal care assistance workers to bill 310 hours per month shall expire upon the expiration of the peacetime emergency; and

(14) CV64: modifying certain certification requirements for mental health centers, except that the extension shall be limited to the portions of this modification requiring programs to become and remain familiar with Minnesota Department of Health and Centers for Disease Control and Prevention guidance on COVID-19; requiring programs to follow Minnesota Department of Health and Centers for Disease Control and Prevention guidance specific to the situation and program capabilities if a person receiving services or a staff person tests positive for COVID-19; permitting alternative mental health professional supervision of clinical services at satellite locations; permitting an alternative process for case consultation meetings; and permitting mental health professionals to provide required client-specific supervisory contact by telephone or video communication instead of face-to-face supervision.

Subd. 3. **Waivers and modifications; 60-day transition period.** When the peacetime emergency declared by the governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by the proper authority, all waivers or modifications issued by the commissioner of human services in response to the COVID-19 outbreak that have not been extended as provided in subdivisions 1, 2, and 4 of this section may remain in effect for no more than 60 days, only for purposes of transitioning affected programs back to operating without the waivers or modifications in place.

Subd. 4. **Modification; extension to December 30, 2020.** When the peacetime emergency declared by the governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by the proper authority, the modification in CV27: allowing exemption for temporary absence policy in housing support, issued by the commissioner of human services pursuant to Executive Orders 20-11 and 20-12, and including any amendments to the modification issued before the peacetime emergency expires, shall remain in effect until December 30, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **EXTENSION OF MEDICAL CANNABIS PROGRAM TELEMEDICINE FLEXIBILITIES.**

When the peacetime emergency declared by the governor in response to the COVID-19 outbreak expires, is terminated, or is rescinded by the proper authority, the provisions in Executive Order 20-26 authorizing the use of telemedicine in the medical cannabis program to conduct patient assessments to certify patient qualifying medical conditions, and to perform consultations between patients or caregivers and manufacturer employees licensed as pharmacists before the distribution of medical cannabis, shall remain in effect until June 30, 2021.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. **APPROPRIATION; HOUSING SUPPORT TEMPORARY ABSENCE POLICY MODIFICATION EXTENSION.**

$1,135,000 in fiscal year 2021 is appropriated from the coronavirus relief federal fund to the commissioner of human services for extending the modification to the housing support temporary absence policy in section 1, subdivision 4, until December 30, 2020. This is a onetime appropriation.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor June 22, 2020

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