

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 4503

(SENATE AUTHORS: KUNESH)

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Introduction and first reading
Referred to Human Services Licensing Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; adding cultural practitioners to providers of chemical
1.3 dependency services; requiring Minnesota's Tribal nations to be informed of
1.4 changes in law; amending Minnesota Statutes 2020, sections 245G.07, subdivision
1.5 2; 245G.11, subdivision 5, by adding a subdivision; 256.01, by adding subdivisions;
1.6 Minnesota Statutes 2021 Supplement, section 254B.05, subdivision 5.

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

1.8 Section 1. Minnesota Statutes 2020, section 245G.07, subdivision 2, is amended to read:

1.9 Subd. 2. **Additional treatment service.** A license holder may provide or arrange the
1.10 following additional treatment service as a part of the client's individual treatment plan:

1.11 (1) relationship counseling provided by a qualified professional to help the client identify
1.12 the impact of the client's substance use disorder on others and to help the client and persons
1.13 in the client's support structure identify and change behaviors that contribute to the client's
1.14 substance use disorder;

1.15 (2) therapeutic recreation to allow the client to participate in recreational activities
1.16 without the use of mood-altering chemicals and to plan and select leisure activities that do
1.17 not involve the inappropriate use of chemicals;

1.18 (3) stress management and physical well-being to help the client reach and maintain an
1.19 appropriate level of health, physical fitness, and well-being;

1.20 (4) living skills development to help the client learn basic skills necessary for independent
1.21 living;

1.22 (5) employment or educational services to help the client become financially independent;

2.1 (6) socialization skills development to help the client live and interact with others in a
2.2 positive and productive manner;

2.3 (7) room, board, and supervision at the treatment site to provide the client with a safe
2.4 and appropriate environment to gain and practice new skills; ~~and~~

2.5 (8) peer recovery support services provided one-to-one by an individual in recovery
2.6 qualified according to section 245G.11, subdivision 8. Peer support services include
2.7 education; advocacy; mentoring through self-disclosure of personal recovery experiences;
2.8 attending recovery and other support groups with a client; accompanying the client to
2.9 appointments that support recovery; assistance accessing resources to obtain housing,
2.10 employment, education, and advocacy services; and nonclinical recovery support to assist
2.11 the transition from treatment into the recovery community; and

2.12 (9) holistic health services provided by medicine men and women and cultural
2.13 practitioners for Native American clientele, or in Native American programs.

2.14 Sec. 2. Minnesota Statutes 2020, section 245G.11, subdivision 5, is amended to read:

2.15 Subd. 5. **Alcohol and drug counselor qualifications.** (a) An alcohol and drug counselor
2.16 must either be licensed ~~or~~, exempt from licensure under chapter 148F, or a medicine man
2.17 or woman or cultural practitioner providing holistic services under section 245G.07,
2.18 subdivision 2.

2.19 (b) An individual who is exempt from licensure under chapter 148F, must meet one of
2.20 the following additional requirements:

2.21 (1) completion of at least a baccalaureate degree with a major or concentration in social
2.22 work, nursing, sociology, human services, or psychology, or licensure as a registered nurse;
2.23 successful completion of a minimum of 120 hours of classroom instruction in which each
2.24 of the core functions listed in chapter 148F is covered; and successful completion of 440
2.25 hours of supervised experience as an alcohol and drug counselor, either as a student or a
2.26 staff member;

2.27 (2) completion of at least 270 hours of drug counselor training in which each of the core
2.28 functions listed in chapter 148F is covered, and successful completion of 880 hours of
2.29 supervised experience as an alcohol and drug counselor, either as a student or as a staff
2.30 member;

2.31 (3) current certification as an alcohol and drug counselor or alcohol and drug counselor
2.32 reciprocal, through the evaluation process established by the International Certification and
2.33 Reciprocity Consortium Alcohol and Other Drug Abuse, Inc.;

3.1 (4) completion of a bachelor's degree including 480 hours of alcohol and drug counseling
3.2 education from an accredited school or educational program and 880 hours of alcohol and
3.3 drug counseling practicum; or

3.4 (5) employment in a program formerly licensed under Minnesota Rules, parts 9530.5000
3.5 to 9530.6400, and successful completion of 6,000 hours of supervised work experience in
3.6 a licensed program as an alcohol and drug counselor prior to January 1, 2005.

3.7 (c) An alcohol and drug counselor may not provide a treatment service that requires
3.8 professional licensure unless the individual possesses the necessary license. For the purposes
3.9 of enforcing this section, the commissioner has the authority to monitor a service provider's
3.10 compliance with the relevant standards of the service provider's profession and may issue
3.11 licensing actions against the license holder according to sections 245A.05, 245A.06, and
3.12 245A.07, based on the commissioner's determination of noncompliance.

3.13 Sec. 3. Minnesota Statutes 2020, section 245G.11, is amended by adding a subdivision to
3.14 read:

3.15 Subd. 12. **Holistic health services.** A medicine man or woman or cultural practitioner
3.16 may provide holistic health services under this chapter.

3.17 Sec. 4. Minnesota Statutes 2021 Supplement, section 254B.05, subdivision 5, is amended
3.18 to read:

3.19 Subd. 5. **Rate requirements.** (a) The commissioner shall establish rates for substance
3.20 use disorder services and service enhancements funded under this chapter.

3.21 (b) Eligible substance use disorder treatment services include:

3.22 (1) outpatient treatment services that are licensed according to sections 245G.01 to
3.23 245G.17, or applicable tribal license;

3.24 (2) comprehensive assessments provided according to sections 245.4863, paragraph (a),
3.25 and 245G.05;

3.26 (3) care coordination services provided according to section 245G.07, subdivision 1,
3.27 paragraph (a), clause (5);

3.28 (4) peer recovery support services provided according to section 245G.07, subdivision
3.29 2, clause (8);

3.30 (5) on July 1, 2019, or upon federal approval, whichever is later, withdrawal management
3.31 services provided according to chapter 245F;

4.1 (6) medication-assisted therapy services that are licensed according to sections 245G.01
4.2 to 245G.17 and 245G.22, or applicable tribal license;

4.3 (7) medication-assisted therapy plus enhanced treatment services that meet the
4.4 requirements of clause (6) and provide nine hours of clinical services each week;

4.5 (8) high, medium, and low intensity residential treatment services that are licensed
4.6 according to sections 245G.01 to 245G.17 and 245G.21 or applicable tribal license which
4.7 provide, respectively, 30, 15, and five hours of clinical services each week;

4.8 (9) hospital-based treatment services that are licensed according to sections 245G.01 to
4.9 245G.17 or applicable tribal license and licensed as a hospital under sections 144.50 to
4.10 144.56;

4.11 (10) adolescent treatment programs that are licensed as outpatient treatment programs
4.12 according to sections 245G.01 to 245G.18 or as residential treatment programs according
4.13 to Minnesota Rules, parts 2960.0010 to 2960.0220, and 2960.0430 to 2960.0490, or
4.14 applicable tribal license;

4.15 (11) high-intensity residential treatment services that are licensed according to sections
4.16 245G.01 to 245G.17 and 245G.21 or applicable tribal license, which provide 30 hours of
4.17 clinical services each week provided by a state-operated vendor or to clients who have been
4.18 civilly committed to the commissioner, present the most complex and difficult care needs,
4.19 and are a potential threat to the community; ~~and~~

4.20 (12) room and board facilities that meet the requirements of subdivision 1a; and

4.21 (13) holistic health services provided by medicine men and women and cultural
4.22 practitioners under chapter 245G.

4.23 (c) The commissioner shall establish higher rates for programs that meet the requirements
4.24 of paragraph (b) and one of the following additional requirements:

4.25 (1) programs that serve parents with their children if the program:

4.26 (i) provides on-site child care during the hours of treatment activity that:

4.27 (A) is licensed under chapter 245A as a child care center under Minnesota Rules, chapter
4.28 9503; or

4.29 (B) meets the licensure exclusion criteria of section 245A.03, subdivision 2, paragraph
4.30 (a), clause (6), and meets the requirements under section 245G.19, subdivision 4; or

4.31 (ii) arranges for off-site child care during hours of treatment activity at a facility that is
4.32 licensed under chapter 245A as:

- 5.1 (A) a child care center under Minnesota Rules, chapter 9503; or
- 5.2 (B) a family child care home under Minnesota Rules, chapter 9502;
- 5.3 (2) culturally specific or culturally responsive programs as defined in section 254B.01,
- 5.4 subdivision 4a;
- 5.5 (3) disability responsive programs as defined in section 254B.01, subdivision 4b;
- 5.6 (4) programs that offer medical services delivered by appropriately credentialed health
- 5.7 care staff in an amount equal to two hours per client per week if the medical needs of the
- 5.8 client and the nature and provision of any medical services provided are documented in the
- 5.9 client file; or
- 5.10 (5) programs that offer services to individuals with co-occurring mental health and
- 5.11 chemical dependency problems if:
- 5.12 (i) the program meets the co-occurring requirements in section 245G.20;
- 5.13 (ii) 25 percent of the counseling staff are licensed mental health professionals, as defined
- 5.14 in section 245.462, subdivision 18, clauses (1) to (6), or are students or licensing candidates
- 5.15 under the supervision of a licensed alcohol and drug counselor supervisor and licensed
- 5.16 mental health professional, except that no more than 50 percent of the mental health staff
- 5.17 may be students or licensing candidates with time documented to be directly related to
- 5.18 provisions of co-occurring services;
- 5.19 (iii) clients scoring positive on a standardized mental health screen receive a mental
- 5.20 health diagnostic assessment within ten days of admission;
- 5.21 (iv) the program has standards for multidisciplinary case review that include a monthly
- 5.22 review for each client that, at a minimum, includes a licensed mental health professional
- 5.23 and licensed alcohol and drug counselor, and their involvement in the review is documented;
- 5.24 (v) family education is offered that addresses mental health and substance abuse disorders
- 5.25 and the interaction between the two; and
- 5.26 (vi) co-occurring counseling staff shall receive eight hours of co-occurring disorder
- 5.27 training annually.
- 5.28 (d) In order to be eligible for a higher rate under paragraph (c), clause (1), a program
- 5.29 that provides arrangements for off-site child care must maintain current documentation at
- 5.30 the chemical dependency facility of the child care provider's current licensure to provide
- 5.31 child care services. Programs that provide child care according to paragraph (c), clause (1),
- 5.32 must be deemed in compliance with the licensing requirements in section 245G.19.

6.1 (e) Adolescent residential programs that meet the requirements of Minnesota Rules,
6.2 parts 2960.0430 to 2960.0490 and 2960.0580 to 2960.0690, are exempt from the requirements
6.3 in paragraph (c), clause (4), items (i) to (iv).

6.4 (f) Subject to federal approval, substance use disorder services that are otherwise covered
6.5 as direct face-to-face services may be provided via telehealth as defined in section 256B.0625,
6.6 subdivision 3b. The use of telehealth to deliver services must be medically appropriate to
6.7 the condition and needs of the person being served. Reimbursement shall be at the same
6.8 rates and under the same conditions that would otherwise apply to direct face-to-face services.

6.9 (g) For the purpose of reimbursement under this section, substance use disorder treatment
6.10 services provided in a group setting without a group participant maximum or maximum
6.11 client to staff ratio under chapter 245G shall not exceed a client to staff ratio of 48 to one.
6.12 At least one of the attending staff must meet the qualifications as established under this
6.13 chapter for the type of treatment service provided. A recovery peer may not be included as
6.14 part of the staff ratio.

6.15 (h) Payment for outpatient substance use disorder services that are licensed according
6.16 to sections 245G.01 to 245G.17 is limited to six hours per day or 30 hours per week unless
6.17 prior authorization of a greater number of hours is obtained from the commissioner.

6.18 Sec. 5. Minnesota Statutes 2020, section 256.01, is amended by adding a subdivision to
6.19 read:

6.20 Subd. 43. **Cultural grants.** The department must inform the American Indian Advisory
6.21 Council and the Minnesota Indian Affairs Council of any cultural grants that are awarded
6.22 to help American Indians reclaim their spirituality and cultural identity.

6.23 Sec. 6. Minnesota Statutes 2020, section 256.01, is amended by adding a subdivision to
6.24 read:

6.25 Subd. 44. **Changes in state law.** (a) The department's Office of Indian Policy must
6.26 inform Minnesota's Tribal nations, American Indian residents of Minnesota, and other
6.27 concerned stakeholders about any changes to state law that may affect Minnesota's Tribal
6.28 nations or American Indian residents of Minnesota.

6.29 (b) In order to comply with paragraph (a), the department may annually post the
6.30 information on the Office of Indian Policy's website.

7.1 Sec. 7. Minnesota Statutes 2020, section 256.01, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 45. **Data and information.** The department must use the data and information it
7.4 collects to promote legislation and policies that honor Minnesota's Tribal nations and their
7.5 sovereignty.