

2018 Legislative Session Summary

Elder abuse prevention, the opioid crisis and affordable health care were key human services issues before the Legislature during the 2018 session. The session ended with vetoes of the omnibus [spending](#) and [tax](#) bills leaving only the pension bill and a number of policy nonbudget bills signed into law. DHS did not advance a policy bill and had a comparatively small [budget request](#). Following is a summary of changes affecting human services.

Children and family services

Advisory committee sunset date extensions (policy only)

[Laws of Minnesota, 2018, Chapter 164](#)

Effective June 29, 2018

This legislation extends the sunset date for the Traumatic Brain Injury (TBI) Advisory Committee as well as the sunset date for the American Indian Child Welfare Advisory Council from June 30, 2018, until June 30, 2023. The TBI Advisory Committee makes recommendations to DHS on program and service needs for the brain injury home and community service waivers. The American Indian Child Welfare Advisory Council makes recommendations and formulates policies specific to ensure equity in Indian child welfare. The bill also extends the sunset for the Drug Formulary Committee from June 30, 2018, to June 30, 2022.

Joint petitions for unmarried parents (policy only)

[Laws of Minnesota, 2018, Chapter 127](#)

Effective Aug. 1, 2018

This legislative change authorizes unmarried parents to use a joint petition to establish custody, parenting time and child support.

Clarification of child support modification standards (policy only)

[Laws of Minnesota, 2018, Chapter 118](#)

Effective upon enactment

This legislation clarifies that child support payers or recipients can seek to modify child support if a change in their obligation occurs due only to a change in the law, provided that the change equates to an increase or a decrease in child support of at least 20 percent and \$75. Current law appears to prohibit modifications if the only reason for the change is the impact of a new statute.

Child support formula correction (policy only)

[Laws of Minnesota, 2018, Chapter 182](#)

Article 1, Section 101

Effective Aug. 1, 2018

Included in the Revisor's Office technical bill is a provision that corrects a typographical error in the child support formula. The error created a conflict in the statute, and might have resulted in a reduction in child support of 90 percent in some cases.

Child foster care and MAPCY provision modifications

[Laws of Minnesota, 2018, Chapter 188](#)

Effective Aug. 1, 2018 unless otherwise noted

Foster care sibling Bill of Rights (policy only)

Provides for notice to foster youth, and their siblings who may or may not be in out-of-home placement, of their aspirational rights to maintain relationships. Effective for all children who enter foster care on or after Aug. 1, 2018. Also effective Aug. 1, all children who are currently in foster care shall receive a copy of the bill of rights.

Foster care training requirements (policy only)

Requires that 1 out of 12 hours of annually required training for foster parents be on the subject of fetal alcohol syndrome.

American Indian Child Welfare Advisory Council (policy only)

Extends the American Indian Child Welfare Advisory Council to 2023. This council provides the department with advice and assistance for developing child welfare policies that are sensitive to the needs and culture of American Indian children and families. Effective June 29, 2018.

MAPCY review and revision (policy only)

Requires the department to review the Minnesota Assessment of Parenting for Children and Youth (MAPCY) and incorporate changes that take into consideration different cultures and the diverse needs of communities of color. The MAPCY is a tool used to determine Northstar Care for Children benefits. The department considered diverse cultures and needs when the MAPCY was first established, and incorporated a number of parenting considerations related to ensuring a child remains connected with his or her cultural heritage. This review will allow the department to determine whether there is a need to change or add to the way the issue of cultural diversity is addressed in the MAPCY.

Continuing care for older adults

Nursing facility property rate adjustment (budget neutral)

[Laws of Minnesota, 2018, Chapter 141](#)

Effective Jan. 1, 2019

This legislation will provide an additional \$7.55 per resident day to the daily property payment rate for the Episcopal Church Home to cover debt service payments that exceed the property rate that is permitted under current law. Funds from the nursing home moratorium exceptions appropriation awarded in FY 2017 under MS 144A.073, subd. 3 will be used to cover the cost of this proposal. As a result, Medical Assistance funding available for future competitive moratorium awards will be reduced.

Community supports

Mental health provider requirement modifications (budget neutral)

[Laws of Minnesota 2018, Chapter 128](#)

Effective July 1, 2018, unless otherwise specified

Creates additional avenues for a person to qualify to become a mental health practitioner or mental health rehabilitation worker. Unifies existing definitions and allows a larger cohort of people to work in these positions by modifying qualifications based on life experience, undergraduate and graduate degrees, and experience providing care to other people with conditions other than a mental illness.

Elimination of the host county contract for IRTS/RCS (budget neutral)

[Laws of Minnesota 2018, Chapter 151](#)

Effective July 1, 2018, unless otherwise specified

Eliminates the requirement that intensive residential treatment (IRTS) facilities and residential crisis service (RCS) facilities obtain a county contract. Providers will instead submit a statement of need regarding the geographic distribution of services, demonstrate evidence of ongoing relationships with counties and show the local mental health authority supports the program being proposed. DHS will continue to have the primary responsibility for ensuring that plans for physical plant, staffing patterns and provider policies are aligned.

Direct Care and Treatment (DCT)

Workers Compensation Advisory Council recommendations (policy only)

[Laws of Minnesota 2018, Chapter 185](#)

Effective June 1, 2018

Includes post-traumatic stress disorder as a work-related illness for Security Counselors (“Officers in a secure treatment facility”) in DCT programs. This will have an unknown, though likely nominal, fiscal impact for DCT.

Modifications to discharge criteria for civilly committed individuals (policy only)

[Laws of Minnesota 2018, Chapter 194](#)

Effective the day following enactment

Strikes “inpatient” from the Mentally Ill and Dangerous and Sexually Dangerous Person/Sexual Psychopathic Personality discharge criteria to prevent untimely discharge. A stakeholder working group will convene over the interim to address the clarifying changes that were amended out of the bill on the House floor.

Authorized bonding projects (\$18.75 million)

[Laws of Minnesota 2018, Chapter 214](#)

Effective the day following enactment

The capital investment bill included \$10 million for asset preservation; \$2.2 million for the St. Peter Dietary Building heating, venting and cooling and electrical upgrades; and \$6.55 million for the Anoka-Metro Regional Treatment Center roof and HVAC replacement. The bill included \$28.1 million for the Regional Behavioral Health Crisis Facility Grant Program. It also included \$10 million for the Family Partnership in Minneapolis, \$1.9 million for the Scott County Regional Crisis Stabilization and IRTS Facility, \$900,000 for the White Earth Opiate Treatment Facility, and \$15.073 million for the Hennepin County Regional Medical Examiner’s Facility.

Agency Operations

Repeal of the requirement to post correction orders (policy only)

[Laws of Minnesota, 2018, Chapter 153](#)

Effective Aug. 1, 2018

This bill eliminates the requirement that licensed child care centers and licensed family child care providers post correction orders in their programs for a period of two years.

Child care exemption from the positive supports rule (policy only)

[Laws of Minnesota, 2018, Chapter 163](#)

Effective Aug. 1, 2018

This bill creates an exception for child care providers from the Positive Supports Rule. Child care centers serving a person with a developmental disability would have to comply with the individual child care program (if one

exists), while family child care would have to comply with the individual education plan developed by the child's school (if one exists). Both programs would be prohibited from using procedures prohibited by 245D.06, subdivision 5.

Child care background study modifications

[Laws of Minnesota, 2018, Chapter 166](#)

Effective Aug. 1, 2018 unless otherwise noted

Family child care and family foster care modifications (budget neutral)

The bill changes the background study standard for minors affiliated with four in-home provider types from fingerprint-based state criminal checks to name and date of birth-based state criminal checks (This exemption does not apply to minors who are employed by a child care provider or who supervise children in a child care program). It also changes the definition of reasonable cause to require a fingerprint-based FBI study for any minor who had a name and date of birth study that returns a Minnesota criminal record.

Child care modifications (budget neutral)

The bill requires minors who are employed by a child care provider or who supervise children in a child care program to have a fingerprint-based FBI criminal record check. It removes the term "child care staff person" from statute and replaces it with a more accurate and a more clearly-structured definition of "child care background study subject." It also removes the requirement that child care studies include a search of the National Sex Offender Public Website and changes it "to the extent practicable" because the site is not federally required and it cannot be automated. It codifies a background study fee of \$20 for minors who have a name and date of birth state criminal record check. It clarifies a reference to federal law.

All DHS background study modifications (budget neutral)

Three changes affect all DHS background studies. First, the bill restructures the definition of "reasonable cause for a national criminal history record check" and defines national criminal history record check. Clarifies use throughout 245C, which also helps the state comply with a request from the FBI to clearly define when an FBI check is required. Second, it adds to the criteria that require a national criminal history record check when any background study subject lives outside of Minnesota or has sometime in the five years preceding the background study. Third, it clarifies fingerprint retention for FBI and associated privacy notice requirements. Requiring DHS to notify all study subjects that fingerprints are not retained by DHS or the Minnesota Bureau of Criminal Apprehension after a study is complete and clarifying that the FBI will only retain prints if the individual has a criminal history.

Modification of various child care licensing provisions

[Laws of Minnesota, 2018, Chapter 200](#)

Effective Aug. 1, 2018, unless otherwise noted

Variances (policy only)

Helps licensed child care centers address workforce shortages by allowing the centers to request variances related to staff qualifications and for the Department to recognize credible professional development options that exist today but did not exist when the rule was written.

Plain language communication to license holders and applicants (policy only)

Sections 2, 3, 4, and 6 make changes to four areas of statute where DHS Licensing communicates with license holders and license applicants to require that these communications be in plain language, including notices for license denials, conditional licenses, revocations and other licensing actions. Effective Jan. 1, 2019.

Specialized infant and toddler family child care (policy only)

Allows the family child care provider serving infants and toddlers the flexibility to float between license types, so that, for example, they can add staff on certain days and care for additional infants who are enrolled on a part-time basis.

Child care license holder insurance (policy only)

Makes changes to child care license holder insurance requirements so that license holders only need to provide notices to parents/guardians if their insurance coverage changes, instead of a new notice each year that it has been renewed.

Instruction and technical assistance (budget neutral)

Requires DHS to provide training to county and private agencies about how to identify and prevent fraud in the Child Care Assistance Program by Dec. 31, 2019.

Notice of county recommendation (policy only)

Codifies current practices and the current data classification of county recommendations to the Commissioner of Human Services.

Direction to commissioner; child care licensing reform (policy only)

Codifies several existing practices, including: complying with federal law by posting more information about inspections for child care providers, any violations found and how they are being addressed; providing each child care license holder with information about what will and will not be posted by DHS; and requesting DHS convene regional meetings with child care license holders and county licensors to discuss the changes to the information that will be posted online and gather input about potential future enhancements.

In addition, DHS is required to add information to an existing legislative report, including: the guidelines for what information will be posted online; a summary of outreach efforts; feedback from the outreach; administrative reforms DHS has taken or is in the process of taking; and evaluation of other state's models to reduce the barriers and burdens for child care providers.

Department of Human Services components of retirement bill (\$2.35 million)

[Laws of Minnesota, 2018, Chapter 211](#)

Effective July 1, 2018, unless otherwise noted

This legislation makes changes to Public Employee Retirement Systems. Many changes are internal, such as actuarial assumptions, early retirement or deferred retirement. It also make changes to employer and employee contribution rates toward retirement, adds one job classification, Physical Therapist, as an eligible job classification to be covered by the correctional employee program, and codifies a review process for jobs/job classifications to be covered by this program. The fiscal impact for DCT is \$1.91 million in FY19 and \$8.78 million in FYs20-21. The fiscal impact for Central Office is \$442,000 in FY19 and \$1.76 million in FYs20-21. However, Minnesota Management and Budget offsets DHS expenses with allocations in FY19 of \$2.41 million and \$10.73 million in FYs20-21.