



ATAM – The Autism Treatment Association of Minnesota

6/11/2025

Highlights of the new EIDBI Provisional License law in MN Session Law 20250607 HF3 25-05696 Human Services Omnibus

Note that the effective date for each Section is listed at the end of that section.

Note that there are multiple background study references across the bill, some of which are contradictory.

- Sec. 1. Subd. 3. (b) Only agencies who were enrolled before July 1, 2025 will be eligible for the provisional license. Their deadline to apply is May 31, 2026.
- Sec. 1. Subd. 4. (1) Commissioner may enter premises without advance notice.
- Sec. 1. Subd. 5. (1) to (5) Agencies must comply with reporting of significant individuals and policies and procedures, and current EIDBI requirements.
- Sec. 1. Subd. 5. (5) Incorporates existing workforce exceptions.
- Sec. 1. Subd. 6. Agency appeal rights defined as in existing statutes.
- Sec. 1. Subd. 7. Commissioner has broad disenrollment authority.

Effective Date: July 1, 2025

- Sec. 2. Subd. 15. Background studies are required for all owners and all personnel.
- Sec. 3. Subd. 12. Agency must initiate a background study using NETStudy 2.0 before the individual begins in a position allowing direct contact.
- Sec. 4. Subd. 2. (8) Different from the above the agency must have received a notice from the commissioner that the individual is not disqualified.

Effective Date: August 5, 2025

- Sec. 5. Subd. 1. (e) to (f) Confusing statement of applicability of existing risk of harm statute to EIDBI background studies.

Effective Date: January 1, 2026

- Sec. 6. Subd. 21. (3) Each EIDBI agency must revalidate every three years.

Effective Date: July 1, 2025

- Sec. 7. Subd. 2. (c) Deletes “contractors” from agency definition.
- Sec. 7. Subd. 2. (e) Licensed Behavior Analyst definition.

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Sec. 7. Subd. 2. (f) Clinical Supervision is defined as provided by a QSP who takes full professional responsibility.

Sec. 7. Subd. 2. (k) Employee definition (more than 80 hours per year).

Effective Date: The day following final enactment (Governor's Signature).

Sec. 8. Subd. 13. (b) (4) Eliminates Play Project modality.

Sec. 8. Subd. 13. (b) (5) Fails to eliminate RDI.

Sec. 8. Subd. 13. (b) (6) Eliminates additional unnamed modalities.

Effective Date: July 1, 2025

Sec. 9. Subd. 15. (a) (1) QSP can be a licensed behavior analyst.

Sec. 9. Subd. 15. (b) Level I must be an employee.

Sec. 9. Subd. 15. (b) (1) (v) to (vi) Incorporates existing workforce shortage exceptions for Level I.

Sec. 9. Subd. 15. (c) Level II must be an employee.

Sec. 9. Subd. 15. (c) (6) Incorporates existing workforce shortage exceptions for Level II.

Sec. 9. Subd. 15. (d) Level III must be an employee.

Effective Date: The day following final enactment (Governor's Signature).

Sec. 10. Subd. 15. (a) (2) QSP must be an employee.

Effective Date: January 1, 2026

Sec. 11. Subd. 16. (a) (2) Agency must designate a compliance officer.

Sec. 11. Subd. 16. (a) (3) Agency must comply with federal billing laws.

Sec. 11. Subd. 16. (a) (6) Agency must comply with elaborate paperwork.

Sec. 11. Subd. 16. (a) (8) Agency must initiate a background study as required under below subdivision 16a.

Sec. 11. Subd. 16. (a) (15) Agency must provide *undefined* clinical supervision every 16 hours per person *with flexibility according to ITP*.

Sec. 11. Subd. 16. (a) (16) Agency must provide observation and direction at least once per month, and

Sec. 11. Subd. 16. (a) (16) Observation and direction may be delivered by telehealth for this purpose no more than two consecutive months - *There is no ITP flexibility for this telehealth.*

Sec. 11. Subd. 16. (b) (1) – (3) Repeat of requirement to disclose individuals.

Effective Date: January 1, 2026

Sec. 12. Subd. 16a. (a) – (b) *Compare with above Sections 3 and 4 - Before an individual has direct contact with a person, the agency must have received a notice from the commissioner that the subject of the background study is not disqualified.*

Effective Date: January 1, 2026

Sec. 13. Subd. 18. (a) Unannounced site visits.

Sec. 13. Subd. 18. (b) DHS may withhold payments for undefined reasons, but does refer to a defined appeal process.

Effective Date: July 1, 2025

Sec. 14. Subd. 1. (e) DHS is responsible for investigating maltreatment.

Effective Date: July 1, 2025

Sec. 15. Subd. 13. (b) DHS is the lead investigative agency for EIDBI investigations.

Effective Date: July 1, 2025

Sec. 16. (a) (1) – (9) Directs commissioner to develop a comprehensive license for multiple requirements by January 1, 2027.

Sec. 17. Moratorium on new agencies.

Effective Date: July 1, 2025

Sec. 18. Workforce exceptions remain in effect at least until full implementation of license.

Effective Date: July 1, 2025