

1.1 moves to amend H.F. No. 3138, the first engrossment, as follows:

1.2 Page 10, after line 14, insert:

1.3 "Sec. 12. Minnesota Statutes 2016, section 144.057, subdivision 1, is amended to read:

1.4 Subdivision 1. **Background studies required.** The commissioner of health shall contract
1.5 with the commissioner of human services to conduct background studies of:

1.6 (1) individuals providing services which have direct contact, as defined under section
1.7 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,
1.8 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and
1.9 home care agencies licensed under chapter 144A; ~~residential care homes licensed under~~
1.10 ~~chapter 144B~~, and board and lodging establishments that are registered to provide supportive
1.11 or health supervision services under section 157.17;

1.12 (2) individuals specified in section 245C.03, subdivision 1, who perform direct contact
1.13 services in a nursing home or a home care agency licensed under chapter 144A or a boarding
1.14 care home licensed under sections 144.50 to 144.58. If the individual under study resides
1.15 outside Minnesota, the study must include a check for substantiated findings of maltreatment
1.16 of adults and children in the individual's state of residence when the information is made
1.17 available by that state, and must include a check of the National Crime Information Center
1.18 database;

1.19 (3) beginning July 1, 1999, all other employees in nursing homes licensed under chapter
1.20 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification
1.21 of an individual in this section shall disqualify the individual from positions allowing direct
1.22 contact or access to patients or residents receiving services. "Access" means physical access
1.23 to a client or the client's personal property without continuous, direct supervision as defined
1.24 in section 245C.02, subdivision 8, when the employee's employment responsibilities do not
1.25 include providing direct contact services;

2.1 (4) individuals employed by a supplemental nursing services agency, as defined under
2.2 section 144A.70, who are providing services in health care facilities; ~~and~~

2.3 (5) controlling persons of a supplemental nursing services agency, as defined under
2.4 section 144A.70; and

2.5 (6) individuals providing services who have direct contact, as defined under section
2.6 245C.02, subdivision 11, with medically complex or technologically dependent children at
2.7 a prescribed pediatric extended care center licensed under chapter 144H.

2.8 If a facility or program is licensed by the Department of Human Services and subject to
2.9 the background study provisions of chapter 245C and is also licensed by the Department
2.10 of Health, the Department of Human Services is solely responsible for the background
2.11 studies of individuals in the jointly licensed programs."

2.12 Page 45, delete section 54 and insert:

2.13 "Sec. 55. Minnesota Statutes 2017 Supplement, section 144H.01, subdivision 5, is amended
2.14 to read:

2.15 Subd. 5. **Medically complex or technologically dependent child.** "Medically complex
2.16 or technologically dependent child" means a child under 21 years of age who, ~~because of~~
2.17 ~~a medical condition, requires continuous therapeutic interventions or skilled nursing~~
2.18 ~~supervision which must be prescribed by a licensed physician and administered by, or under~~
2.19 ~~the direct supervision of, a licensed registered nurse.:~~

2.20 (1) needs skilled assessment and intervention multiple times during a 24-hour period to
2.21 maintain health and prevent deterioration of health status;

2.22 (2) has both predictable health needs and the potential for changes in condition that
2.23 could lead to rapid deterioration or life-threatening episodes;

2.24 (3) requires a 24-hour plan of care, including a backup plan, to reasonably ensure health
2.25 and safety in the community; and

2.26 (4) is expected to require frequent or continuous care in a hospital without the provision
2.27 of services in the child's home or a community setting."

2.28 Page 45, after line 31, insert:

2.29 "Sec. 57. Minnesota Statutes 2017 Supplement, section 144H.06, is amended to read:

2.30 **144H.06 APPLICATION OF RULES FOR HOSPICE SERVICES AND**
2.31 **RESIDENTIAL HOSPICE FACILITIES.**

3.1 Minnesota Rules, chapter 4664, shall apply to PPEC centers licensed under this chapter,
 3.2 except that the following parts, subparts, and items, ~~and subitems~~ do not apply:

3.3 (1) Minnesota Rules, part 4664.0003, subparts 2, 6, 7, 11, 12, 13, 14, and 38;

3.4 (2) Minnesota Rules, part 4664.0008;

3.5 (3) Minnesota Rules, part 4664.0010, subparts 3; 4, ~~items A, subitem (6), and item B;~~
 3.6 and 8;

3.7 (4) Minnesota Rules, part 4664.0020, subpart 13;

3.8 (5) Minnesota Rules, part 4664.0370, subpart 1;

3.9 (6) Minnesota Rules, part 4664.0390, subpart 1, items A, C, and E;

3.10 (7) Minnesota Rules, part 4664.0420;

3.11 (8) Minnesota Rules, part 4664.0425, subparts 3, item A; 4; and 6;

3.12 (9) Minnesota Rules, part 4664.0430, subparts 3, 4, 5, 7, 8, 9, 10, 11, and 12;

3.13 (10) Minnesota Rules, part 4664.0490; and

3.14 (11) Minnesota Rules, part 4664.0520.

3.15 Sec. 58. Minnesota Statutes 2017 Supplement, section 144H.08, is amended to read:

3.16 **144H.08 ADMINISTRATION AND MANAGEMENT.**

3.17 Subdivision 1. ~~Duties of owner~~ Owners. (a) The owner of a PPEC center shall:

3.18 (1) have full legal authority and responsibility for the operation of the center. A PPEC
 3.19 center must be organized according to a written table of organization, describing the lines
 3.20 of authority and communication to the child care level. The organizational structure must
 3.21 be designed to ensure an integrated continuum of services for the children served; and

3.22 ~~(b) The owner must~~ (2) designate one person as a center administrator, who is responsible
 3.23 and accountable for overall management of the center.

3.24 (b) In order to serve as an owner of a PPEC center, an individual must have at least two
 3.25 years of experience in the past five years (1) operating a business that provides care to
 3.26 medically complex or technologically dependent children, or (2) managing the care of
 3.27 medically complex or technologically dependent children.

3.28 Subd. 2. ~~Duties of administrator~~ Administrators. (a) The center administrator is
 3.29 responsible and accountable for overall management of the center. The administrator must:

4.1 (1) designate in writing a person to be responsible for the center when the administrator
4.2 is absent from the center for more than 24 hours;

4.3 (2) maintain the following written records, in a place and form and using a system that
4.4 allows for inspection of the records by the commissioner during normal business hours:

4.5 (i) a daily census record, which indicates the number of children currently receiving
4.6 services at the center;

4.7 (ii) a record of all accidents or unusual incidents involving any child or staff member
4.8 that caused, or had the potential to cause, injury or harm to a person at the center or to center
4.9 property;

4.10 (iii) copies of all current agreements with providers of supportive services or contracted
4.11 services;

4.12 (iv) copies of all current agreements with consultants employed by the center,
4.13 documentation of each consultant's visits, and written, dated reports; and

4.14 (v) a personnel record for each employee, which must include an application for
4.15 employment, references, employment history for the preceding five years, and copies of all
4.16 performance evaluations;

4.17 (3) develop and maintain a current job description for each employee;

4.18 (4) provide necessary qualified personnel and ancillary services to ensure the health,
4.19 safety, and proper care for each child; and

4.20 (5) develop and implement infection control policies that comply with rules adopted by
4.21 the commissioner regarding infection control.

4.22 (b) In order to serve as an administrator of a PPEC center, an individual must have at
4.23 least two years of experience in the past five years caring for or managing the care of
4.24 medically complex or technologically dependent children."

4.25 Page 65, line 8, delete everything after the period

4.26 Page 65, delete lines 9 to 12

4.27 Page 65, line 13, delete "subdivision 5."

4.28 Page 318, line 9, after the period insert "Of this amount, \$112,000 is for administration."

4.29 Page 318, line 19, delete "\$30,000" and insert "\$992,000" and delete "\$30,000" and
4.30 insert "\$986,000"

4.31 Page 318, line 27, after the period insert "Of this amount, \$113,000 is for administration."

- 5.1 Page 320, line 14, delete "appropriation, the" and insert "amount, \$112,000 is for
5.2 administration."
- 5.3 Page 320, delete line 15
- 5.4 Page 320, line 16, delete "administer the program."
- 5.5 Page 320, line 32, after the period insert "Of this amount, \$104,000 is for administration."
- 5.6 Page 321, line 19, delete "\$4,677,000" and insert "\$4,669,000"
- 5.7 Page 321, line 20, delete "\$6,082,000" and insert "\$6,068,000"
- 5.8 Page 322, line 10, delete "216,000" and insert "224,000"
- 5.9 Page 322, line 16, delete "5,000" and insert "13,000"
- 5.10 Page 322, delete line 17 and insert:
- 5.11 "**Base Adjustments.** The state government
5.12 special revenue fund base is increased \$5,000
5.13 in fiscal year 2020 and \$5,000 in fiscal year
5.14 2021."
- 5.15 Renumber the sections in sequence and correct the internal references
- 5.16 Amend the title accordingly