

1.1 moves to amend H.F. No. 696 as follows:

1.2 Page 1, after line 14, insert:

1.3 "Section 1. Minnesota Statutes 2016, section 245A.11, subdivision 2a, is amended to read:

1.4 Subd. 2a. **Adult foster care and community residential setting license capacity.** (a)

1.5 The commissioner shall issue adult foster care and community residential setting licenses
1.6 with a maximum licensed capacity of four beds, including nonstaff roomers and boarders,
1.7 except that the commissioner may issue a license with a capacity of five beds, including
1.8 roomers and boarders, according to paragraphs (b) to (f).

1.9 (b) The license holder may have a maximum license capacity of five if all persons in
1.10 care are age 55 or over and do not have a serious and persistent mental illness or a
1.11 developmental disability.

1.12 (c) The commissioner may grant variances to paragraph (b) to allow a facility with a
1.13 licensed capacity of up to five persons to admit an individual under the age of 55 if the
1.14 variance complies with section 245A.04, subdivision 9, and approval of the variance is
1.15 recommended by the county in which the licensed facility is located.

1.16 (d) The commissioner may grant variances to paragraph (b) to allow the use of an
1.17 additional bed, up to five, for emergency crisis services for a person with serious and
1.18 persistent mental illness or a developmental disability, regardless of age, if the variance
1.19 complies with section 245A.04, subdivision 9, and approval of the variance is recommended
1.20 by the county in which the licensed facility is located.

1.21 (e) The commissioner may grant a variance to paragraph (b) to allow for the use of an
1.22 additional bed, up to five, for respite services, as defined in section 245A.02, for persons
1.23 with disabilities, regardless of age, if the variance complies with sections 245A.03,
1.24 subdivision 7, and 245A.04, subdivision 9, and approval of the variance is recommended

2.1 by the county in which the licensed facility is located. Respite care may be provided under
2.2 the following conditions:

2.3 (1) staffing ratios cannot be reduced below the approved level for the individuals being
2.4 served in the home on a permanent basis;

2.5 (2) no more than two different individuals can be accepted for respite services in any
2.6 calendar month and the total respite days may not exceed 120 days per program in any
2.7 calendar year;

2.8 (3) the person receiving respite services must have his or her own bedroom, which could
2.9 be used for alternative purposes when not used as a respite bedroom, and cannot be the
2.10 room of another person who lives in the facility; and

2.11 (4) individuals living in the facility must be notified when the variance is approved. The
2.12 provider must give 60 days' notice in writing to the residents and their legal representatives
2.13 prior to accepting the first respite placement. Notice must be given to residents at least two
2.14 days prior to service initiation, or as soon as the license holder is able if they receive notice
2.15 of the need for respite less than two days prior to initiation, each time a respite client will
2.16 be served, unless the requirement for this notice is waived by the resident or legal guardian.

2.17 (f) The commissioner may issue an adult foster care or community residential setting
2.18 license with a capacity of five adults if the fifth bed does not increase the overall statewide
2.19 capacity of licensed adult foster care or community residential setting beds in homes that
2.20 are not the primary residence of the license holder, as identified in a plan submitted to the
2.21 commissioner by the county, when the capacity is recommended by the county licensing
2.22 agency of the county in which the facility is located and if the recommendation verifies
2.23 that:

2.24 (1) the facility meets the physical environment requirements in the adult foster care
2.25 licensing rule;

2.26 (2) the five-bed living arrangement is specified for each resident in the resident's:

2.27 (i) individualized plan of care;

2.28 (ii) individual service plan under section 256B.092, subdivision 1b, if required; or

2.29 (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105,
2.30 subpart 19, if required;

2.31 (3) the license holder obtains written and signed informed consent from each resident
2.32 or resident's legal representative documenting the resident's informed choice to remain

3.1 living in the home and that the resident's refusal to consent would not have resulted in
3.2 service termination; and

3.3 (4) the facility was licensed for adult foster care before March 1, 2011.

3.4 (g) The commissioner shall not issue a new adult foster care license under paragraph (f)
3.5 after June 30, ~~2017~~ 2019. The commissioner shall allow a facility with an adult foster care
3.6 license issued under paragraph (f) before June 30, ~~2017~~ 2019, to continue with a capacity
3.7 of five adults if the license holder continues to comply with the requirements in paragraph
3.8 (f).

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

3.10 Renumber the sections in sequence and correct the internal references

3.11 Amend the title accordingly