

1.1 moves to amend H.F. No. 975, the first engrossment, as follows:

1.2 Page 4, line 26, delete everything after the period

1.3 Page 4, delete lines 27 to 29

1.4 Page 6, after line 33, insert:

1.5 "Sec. Minnesota Statutes 2012, section 256.045, subdivision 5, is amended to read:

1.6 **Subd. 5. Orders of the commissioner of human services.** A state human services referee shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A referee may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human services referee and issue the order to the county agency and the applicant, recipient, former recipient, or prepaid health plan. The commissioner on refusing to accept the recommended order of the state human services referee, shall notify the petitioner, the agency, or prepaid health plan of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner, the agency, or prepaid health plan.

1.7 A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If

2.1 reconsideration is granted, the other participants must be sent a copy of all material
2.2 submitted in support of the request for reconsideration and must be given ten days to
2.3 respond. Upon reconsideration, the commissioner may issue an amended order or an
2.4 order affirming the original order.

2.5 Any order of the commissioner issued under this subdivision shall be conclusive
2.6 upon the parties unless appeal is taken in the manner provided by subdivision 7. Any
2.7 order of the commissioner is binding on the parties and must be implemented by the state
2.8 agency, a county agency, or a prepaid health plan according to subdivision 3a, until the
2.9 order is reversed by the district court, or unless the commissioner or a district court orders
2.10 monthly assistance or aid or services paid or provided under subdivision 10.

2.11 A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor
2.12 under contract with a county agency to provide social services is not a party and may not
2.13 request a hearing or seek judicial review of an order issued under this section, unless
2.14 assisting a recipient as provided in subdivision 4. A prepaid health plan is a party to an
2.15 appeal under subdivision 3a, but cannot seek judicial review of an order issued under
2.16 this section."

2.17 Page 9, line 17, after "requested" insert "under section 256.045, subdivision 5,"

2.18 Page 9, lines 21 to 23, delete the new language

2.19 Renumber the sections in sequence and correct the internal references

2.20 Amend the title accordingly