

1.1 moves to amend H.F. No. 1233, the first engrossment, as follows:

1.2 Page 19, delete section 26 and insert:

1.3 "Sec. 26. Minnesota Statutes 2012, section 256L.01, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 1b. Affordable Care Act. "Affordable Care Act" means the federal Patient
1.6 Protection and Affordable Care Act, Public Law 111-148, as amended, including the
1.7 federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and
1.8 any amendments to, and any federal guidance or regulations issued under, these acts."

1.9 Page 176, line 22, after "clinic" insert "that is part of a dental group"

1.10 Page 176, line 23, after "10,000" insert "dental group"

1.11 Page 176, line 25, after "the" insert "individual"

1.12 Page 179, line 14, delete "..." and insert "one"

1.13 Page 179, line 15, delete "\$500,000" and insert "\$450,000"

1.14 Page 181, delete section 1

1.15 Page 186, line 6, delete "\$3,717" and insert "\$3,679"

1.16 Page 200, after line 18, insert:

1.17 "(c) Effective July 1, 2013, or later, any boarding care facility in Hennepin
1.18 County licensed for 100 beds shall be allowed to receive a property rate adjustment
1.19 for a construction project that takes action to come into compliance with Minnesota
1.20 Department of Labor and Industry elevator upgrade requirements, with costs below the
1.21 minimum threshold under subdivision 16. Only costs related to the construction project
1.22 that brings the facility into compliance with the elevator requirements shall be allowed.
1.23 Notwithstanding any other law to the contrary, money available under section 144A.073,
1.24 subdivision 11, after the completion of the moratorium exception approval process in
1.25 2013 under section 144A.073, subdivision 3, shall be used to reduce the fiscal impact to
1.26 the medical assistance program."

1.27 Page 200, line 19, delete "This section" and insert "Paragraph (b)"

2.1 Page 221, line 14, delete "home" and insert "facility" and delete "implementation"
 2.2 and insert "to be implemented January 1, 2014,"

2.3 Page 221, line 15, delete everything after "who" and insert "lose eligibility for home
 2.4 and community-based services waivers under Minnesota Statutes, sections 256B.0915,
 2.5 and 256B.49, and alternative care under Minnesota Statutes, section 256B.0913;"

2.6 Page 221, delete lines 16 to 23, and insert:

2.7 "(2) the number of individuals who lose eligibility for medical assistance; and

2.8 (3) for individuals reported under clauses (1) and (2), and to the extent possible:

2.9 (i) their living situation before and after nursing facility level of care implementation;

2.10 and

2.11 (ii) the programs or services they received before and after nursing facility level of

2.12 care implementation, including, but not limited to, personal care assistant services and

2.13 essential community supports."

2.14 Page 221, line 26, after "(a)" insert ". A preliminary report shall be submitted" and

2.15 delete "annually thereafter" and insert "a final report shall be submitted February 15, 2015"

2.16 Page 221, after line 26, insert:

2.17 "Sec. **HOME AND COMMUNITY-BASED SERVICES REPORT CARD.**

2.18 (a) The commissioner of human services shall work with existing advisory groups
 2.19 to develop recommendations for a home and community-based services report card.

2.20 The advisory committee shall consider the requirements from the Minnesota Consumer

2.21 Information Guide under Minnesota Statutes, section 144G.06, as a base for development

2.22 of a home and community-based services report card to compare the housing options

2.23 available to consumers. Other items to be considered by the advisory committee in

2.24 developing recommendations include:

2.25 (1) defining the goal of the report card;

2.26 (2) measuring outcomes, consumer information, and options for pay for performance;

2.27 (3) developing separate measures for programs for the elderly population and for
 2.28 persons with disabilities;

2.29 (4) identifying sources of information that are standardized and contain sufficient
 2.30 data;

2.31 (5) identifying the financial support needed to create and publicize the housing
 2.32 information guide, and ongoing funding for data collection and staffing to monitor,
 2.33 report, and analyze data;

2.34 (6) recognizing that home and community-based services settings exist with
 2.35 significant variations as to size, settings, and services available;

3.1 (7) ensuring that consumer choice and consumer information is retained and valued;
3.2 and

3.3 (8) considering the applicability of these measures on providers based on payer
3.4 source, size, and population served.

3.5 (b) The workgroup shall discuss whether there are additional funding, resources,
3.6 or research needed. The workgroup shall report recommendations to the legislative
3.7 committees with jurisdiction over health and human services policy and finance by August
3.8 1, 2014. The report card shall be available on July 1, 2015."

3.9 Page 337, after line 8, insert:

3.10 "Section 1. Minnesota Statutes 2012, section 13.46, subdivision 4, is amended to read:

3.11 Subd. 4. **Licensing data.** (a) As used in this subdivision:

3.12 (1) "licensing data" are all data collected, maintained, used, or disseminated by the
3.13 welfare system pertaining to persons licensed or registered or who apply for licensure
3.14 or registration or who formerly were licensed or registered under the authority of the
3.15 commissioner of human services;

3.16 (2) "client" means a person who is receiving services from a licensee or from an
3.17 applicant for licensure; and

3.18 (3) "personal and personal financial data" are Social Security numbers, identity
3.19 of and letters of reference, insurance information, reports from the Bureau of Criminal
3.20 Apprehension, health examination reports, and social/home studies.

3.21 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,
3.22 license holders, and former licensees are public: name, address, telephone number of
3.23 licensees, date of receipt of a completed application, dates of licensure, licensed capacity,
3.24 type of client preferred, variances granted, record of training and education in child care
3.25 and child development, type of dwelling, name and relationship of other family members,
3.26 previous license history, class of license, the existence and status of complaints, and the
3.27 number of serious injuries to or deaths of individuals in the licensed program as reported
3.28 to the commissioner of human services, the local social services agency, or any other
3.29 county welfare agency. For purposes of this clause, a serious injury is one that is treated
3.30 by a physician.

3.31 (ii) When a correction order, an order to forfeit a fine, an order of license suspension,
3.32 an order of temporary immediate suspension, an order of license revocation, an order
3.33 of license denial, or an order of conditional license has been issued, or a complaint is
3.34 resolved, the following data on current and former licensees and applicants are public: the
3.35 substance and investigative findings of the licensing or maltreatment complaint, licensing
3.36 violation, or substantiated maltreatment; the record of informal resolution of a licensing

4.1 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final
4.2 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or
4.3 conditional license contained in the record of licensing action; whether a fine has been
4.4 paid; and the status of any appeal of these actions.

4.5 (iii) When a license denial under section 245A.05 or a sanction under section
4.6 245A.07 is based on a determination that the license holder or applicant is responsible for
4.7 maltreatment under section 626.556 or 626.557, the identity of the applicant or license
4.8 holder as the individual responsible for maltreatment is public data at the time of the
4.9 issuance of the license denial or sanction.

4.10 (iv) When a license denial under section 245A.05 or a sanction under section
4.11 245A.07 is based on a determination that the license holder or applicant is disqualified
4.12 under chapter 245C, the identity of the license holder or applicant as the disqualified
4.13 individual and the reason for the disqualification are public data at the time of the
4.14 issuance of the licensing sanction or denial. If the applicant or license holder requests
4.15 reconsideration of the disqualification and the disqualification is affirmed, the reason for
4.16 the disqualification and the reason to not set aside the disqualification are public data.

4.17 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,
4.18 when any person subject to disqualification under section 245C.14 in connection with a
4.19 license to provide family day care for children, child care center services, foster care for
4.20 children in the provider's home, or foster care or day care services for adults in the provider's
4.21 home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is
4.22 a reason for a licensing action, the identity of the substantiated perpetrator of maltreatment
4.23 is public data. For purposes of this clause, a person is a substantiated perpetrator if the
4.24 maltreatment determination has been upheld under section 256.045; 626.556, subdivision
4.25 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or facility has not timely
4.26 exercised appeal rights under these sections, except as provided under clause (1).

4.27 (3) For applicants who withdraw their application prior to licensure or denial of a
4.28 license, the following data are public: the name of the applicant, the city and county in
4.29 which the applicant was seeking licensure, the dates of the commissioner's receipt of the
4.30 initial application and completed application, the type of license sought, and the date
4.31 of withdrawal of the application.

4.32 (4) For applicants who are denied a license, the following data are public: the name
4.33 and address of the applicant, the city and county in which the applicant was seeking
4.34 licensure, the dates of the commissioner's receipt of the initial application and completed
4.35 application, the type of license sought, the date of denial of the application, the nature of
4.36 the basis for the denial, the record of informal resolution of a denial, orders of hearings,

5.1 findings of fact, conclusions of law, specifications of the final order of denial, and the
5.2 status of any appeal of the denial.

5.3 (5) Except as provided in paragraph (1), the following data on persons subject to
5.4 disqualification under section 245C.14 in connection with a license to provide family day
5.5 care for children, child care center services, foster care for children in the provider's home,
5.6 or foster care or day care services for adults in the provider's home, are public: the nature
5.7 of any disqualification set aside under section 245C.22, subdivisions 2 and 4, and the
5.8 reasons for setting aside the disqualification; the nature of any disqualification for which
5.9 a variance was granted under sections 245A.04, subdivision 9; and 245C.30, and the
5.10 reasons for granting any variance under section 245A.04, subdivision 9; and, if applicable,
5.11 the disclosure that any person subject to a background study under section 245C.03,
5.12 subdivision 1, has successfully passed a background study. If a licensing sanction under
5.13 section 245A.07, or a license denial under section 245A.05, is based on a determination
5.14 that an individual subject to disqualification under chapter 245C is disqualified, the
5.15 disqualification as a basis for the licensing sanction or denial is public data. As specified
5.16 in clause (1), item (iv), if the disqualified individual is the license holder or applicant,
5.17 the identity of the license holder or applicant and the reason for the disqualification
5.18 are public data; and, if the license holder or applicant requested reconsideration of the
5.19 disqualification and the disqualification is affirmed, the reason for the disqualification and
5.20 the reason to not set aside the disqualification are public data. If the disqualified individual
5.21 is an individual other than the license holder or applicant, the identity of the disqualified
5.22 individual shall remain private data.

5.23 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the
5.24 victim and the substantiated perpetrator are affiliated with a program licensed under
5.25 chapter 245A, the commissioner of human services, local social services agency, or
5.26 county welfare agency may inform the license holder where the maltreatment occurred of
5.27 the identity of the substantiated perpetrator and the victim.

5.28 (7) Notwithstanding clause (1), for child foster care, only the name of the license
5.29 holder and the status of the license are public if the county attorney has requested that data
5.30 otherwise classified as public data under clause (1) be considered private data based on the
5.31 best interests of a child in placement in a licensed program.

5.32 (c) The following are private data on individuals under section 13.02, subdivision
5.33 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial
5.34 data on family day care program and family foster care program applicants and licensees
5.35 and their family members who provide services under the license.

6.1 (d) The following are private data on individuals: the identity of persons who have
6.2 made reports concerning licensees or applicants that appear in inactive investigative data,
6.3 and the records of clients or employees of the licensee or applicant for licensure whose
6.4 records are received by the licensing agency for purposes of review or in anticipation of a
6.5 contested matter. The names of reporters of complaints or alleged violations of licensing
6.6 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment
6.7 under sections 626.556 and 626.557, are confidential data and may be disclosed only as
6.8 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

6.9 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under
6.10 this subdivision become public data if submitted to a court or administrative law judge as
6.11 part of a disciplinary proceeding in which there is a public hearing concerning a license
6.12 which has been suspended, immediately suspended, revoked, or denied.

6.13 (f) Data generated in the course of licensing investigations that relate to an alleged
6.14 violation of law are investigative data under subdivision 3.

6.15 (g) Data that are not public data collected, maintained, used, or disseminated under
6.16 this subdivision that relate to or are derived from a report as defined in section 626.556,
6.17 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of
6.18 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

6.19 (h) Upon request, not public data collected, maintained, used, or disseminated under
6.20 this subdivision that relate to or are derived from a report of substantiated maltreatment as
6.21 defined in section 626.556 or 626.557 may be exchanged with the Department of Health
6.22 for purposes of completing background studies pursuant to section 144.057 and with
6.23 the Department of Corrections for purposes of completing background studies pursuant
6.24 to section 241.021.

6.25 (i) Data on individuals collected according to licensing activities under chapters
6.26 245A and 245C, data on individuals collected by the commissioner of human services
6.27 according to investigations under chapters 245A, 245B, and 245C, and sections 626.556
6.28 and 626.557 may be shared with the Department of Human Rights, the Department
6.29 of Health, the Department of Corrections, the ombudsman for mental health and
6.30 developmental disabilities, and the individual's professional regulatory board when there
6.31 is reason to believe that laws or standards under the jurisdiction of those agencies may
6.32 have been violated or the information may otherwise be relevant to the board's regulatory
6.33 jurisdiction. Background study data on an individual who is the subject of a background
6.34 study under chapter 245C for a licensed service for which the commissioner of human
6.35 services is the license holder may be shared with the commissioner and the commissioner's

7.1 delegate by the licensing division. Unless otherwise specified in this chapter, the identity
7.2 of a reporter of alleged maltreatment or licensing violations may not be disclosed.

7.3 (j) In addition to the notice of determinations required under section 626.556,
7.4 subdivision 10f, if the commissioner or the local social services agency has determined
7.5 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual
7.6 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social
7.7 services agency knows that the individual is a person responsible for a child's care in
7.8 another facility, the commissioner or local social services agency shall notify the head
7.9 of that facility of this determination. The notification must include an explanation of the
7.10 individual's available appeal rights and the status of any appeal. If a notice is given under
7.11 this paragraph, the government entity making the notification shall provide a copy of the
7.12 notice to the individual who is the subject of the notice.

7.13 (k) All not public data collected, maintained, used, or disseminated under this
7.14 subdivision and subdivision 3 may be exchanged between the Department of Human
7.15 Services, Licensing Division, and the Department of Corrections for purposes of
7.16 regulating services for which the Department of Human Services and the Department
7.17 of Corrections have regulatory authority.

7.18 (l) For individuals whose disqualification under chapter 245C was based only on
7.19 juvenile court records, and for which it was determined there have been no offenses in the
7.20 previous five or more years, the disqualification, the reason for the disqualification, and any
7.21 information about a set-aside shall be private data on the individual, and disclosed to the
7.22 program or entity that initiated the background study only as provided under chapter 245C.

7.23 Sec. 2. Minnesota Statutes 2012, section 62A.65, subdivision 2, is amended to read:

7.24 Subd. 2. **Guaranteed renewal.** (a) No individual health plan may be offered, sold,
7.25 issued, or renewed to a Minnesota resident unless the health plan provides that the plan
7.26 is guaranteed renewable at a premium rate that does not take into account the claims
7.27 experience or any change in the health status of any covered person that occurred after
7.28 the initial issuance of the health plan to the person. The premium rate upon renewal
7.29 must also otherwise comply with this section. A health carrier must not refuse to renew
7.30 an individual health plan, except for nonpayment of premiums, fraud, or intentional
7.31 misrepresentation of a material fact.

7.32 (b) A health carrier may elect to discontinue health plan coverage of an individual in
7.33 the individual market only, excluding a grandfathered plan as defined in section 62A.011,
7.34 subdivision 1c, in one or more of the following situations:

8.1 (1) the health carrier is ceasing to offer individual health plan coverage in the
8.2 individual market in accordance with sections 62A.65, subdivision 8, 62E.11, subdivision
8.3 9, and federal law;

8.4 (2) for network plans, the individual no longer resides, lives, or works in the
8.5 service area of the health carrier, or the area for which the health carrier is authorized to
8.6 do business, but only if coverage is terminated uniformly without regard to any health
8.7 status-related factor of covered individuals; or

8.8 (3) a decision by the health carrier to discontinue offering a particular type of
8.9 individual health plan if it meets the following requirements:

8.10 (i) provides notice in writing to each individual provided coverage of that type of
8.11 health plan at least 90 days before the date coverage will be discontinued;

8.12 (ii) provides notice to the commissioner of commerce at least 30 business days
8.13 before the issuer or health carrier gives notice to the individuals;

8.14 (iii) offers to each covered individual information about products currently offered
8.15 that are closest in actuarial equivalence;

8.16 (iv) offers to each covered individual, on a guaranteed issue basis, the option to
8.17 purchase any other individual health plan currently being offered by the health carrier or
8.18 related health carrier for individuals in the market; and

8.19 (v) acts uniformly without regard to any health status-related factor of covered
8.20 individuals or dependents of covered individuals who may become eligible for coverage.

8.21 Sec. 3. Minnesota Statutes 2012, section 62A.65, is amended by adding a subdivision
8.22 to read:

8.23 Subd. 2a. **Modification of plan.** At the time of coverage renewal, an issuer or
8.24 health carrier may modify the health plan, excluding a grandfathered plan as defined under
8.25 section 62A.011, subdivision 1c, providing individual health plan coverage offered to
8.26 individuals in the individual market, so long as the modification is consistent with state
8.27 law and is effective on a uniform basis for individuals with that coverage."

8.28 Page 341, after line 20, insert:

8.29 "Sec. 5. Minnesota Statutes 2012, section 245C.04, is amended by adding a subdivision
8.30 to read:

8.31 Subd. 7. **Initiation of background study by an individual.** The commissioner shall
8.32 modify the online NETStudy system to allow an individual to initiate a background study
8.33 on himself or herself when the individual has only juvenile court records, and no adult
8.34 criminal history information on file with the courts or Bureau of Criminal Apprehension,
8.35 so that if disqualified, the individual may request a set-aside of the disqualification under

9.1 section 245C.22 before applying for employment with a program or agency required to
9.2 initiate a background study under this chapter. If the individual receives a set-aside of
9.3 the disqualification under section 245C.22, the provisions of section 245C.22 shall apply
9.4 to future background studies initiated by a program or entity under this chapter. The
9.5 commissioner shall collect a fee from the individual initiating the background study under
9.6 this subdivision according to the fee requirements for human services licensed programs
9.7 under section 245C.10, subdivision 9.

9.8 Sec. 6. Minnesota Statutes 2012, section 245C.17, subdivision 2, is amended to read:

9.9 Subd. 2. **Disqualification notice sent to subject.** (a) If the information in the study
9.10 indicates the individual is disqualified from direct contact with, or from access to, persons
9.11 served by the program, the ~~commissioner shall disclose~~ commissioner's notice to the
9.12 individual studied shall include:

9.13 (1) the information causing disqualification;

9.14 (2) instructions on how to request a reconsideration of the disqualification;

9.15 (3) an explanation of any restrictions on the commissioner's discretion to set aside
9.16 the disqualification under section 245C.24, when applicable to the individual;

9.17 (4) except as provided under paragraph (d), the commissioner's notice to the
9.18 individual will include a statement that, if the individual's disqualification is set aside
9.19 under section 245C.22, the applicant, license holder, or other entity that initiated the
9.20 background study will be provided with the reason for the individual's disqualification
9.21 and an explanation that the factors under section 245C.22, subdivision 4, which were the
9.22 basis of the decision to set aside the disqualification shall be made available to the license
9.23 holder upon request without the consent of the subject of the background study;

9.24 (5) except as provided under paragraph (d), the commissioner's notice to the
9.25 individual will include a statement indicating that if the individual's disqualification is set
9.26 aside or the facility is granted a variance under section 245C.30, the individual's identity
9.27 and the reason for the individual's disqualification will become public data under section
9.28 245C.22, subdivision 7, when applicable to the individual;

9.29 (6) except as provided under paragraph (d), the commissioner's notice to the
9.30 individual will include a statement that when a subsequent background study is initiated
9.31 on the individual following a set-aside of the individual's disqualification, and the
9.32 commissioner makes a determination under section 245C.22, subdivision 5, paragraph
9.33 (b), that the previous set-aside applies to the subsequent background study, the applicant,
9.34 license holder, or other entity that initiated the background study will be informed in the
9.35 notice under section 245C.22, subdivision 5, paragraph (c):

10.1 (i) of the reason for the individual's disqualification;
10.2 (ii) that the individual's disqualification is set aside for that program or agency; and
10.3 (iii) that information about the factors under section 245C.22, subdivision 4, that
10.4 were the basis of the decision to set aside the disqualification are available to the license
10.5 holder upon request without the consent of the background study subject; and

10.6 (7) the commissioner's determination of the individual's immediate risk of harm
10.7 under section 245C.16.

10.8 (b) If the commissioner determines under section 245C.16 that an individual poses
10.9 an imminent risk of harm to persons served by the program where the individual will have
10.10 direct contact with, or access to, people receiving services, the commissioner's notice must
10.11 include an explanation of the basis of this determination.

10.12 (c) If the commissioner determines under section 245C.16 that an individual studied
10.13 does not pose a risk of harm that requires immediate removal, the individual shall be
10.14 informed of the conditions under which the agency that initiated the background study
10.15 may allow the individual to have direct contact with, or access to, people receiving
10.16 services, as provided under subdivision 3.

10.17 (d) For a disqualification based only on juvenile court records, and for which there
10.18 have been no offenses in the previous five or more years, and unless the commissioner
10.19 determines that the individual must be immediately removed or provided continuous
10.20 supervision under subdivision 3, the notice of disqualification sent to the individual
10.21 shall explain that:

10.22 (1) the notice to the program or agency that initiated the background study stated
10.23 only that more time is needed to complete the background study;

10.24 (2) if the disqualified individual submits a timely request for reconsideration and the
10.25 result is a rescission of the disqualification or a set-aside of the disqualification, the fact that
10.26 the individual was disqualified will not be made public or provided to the employer; and

10.27 (3) if the disqualification is rescinded or set aside, the commissioner shall send
10.28 the program or agency the same notification received by the program or agency for a
10.29 background study in which the individual studied has not been disqualified.

10.30 Sec. 7. Minnesota Statutes 2012, section 245C.17, subdivision 3, is amended to read:

10.31 Subd. 3. **Disqualification notification to the applicant, license holder, or other**
10.32 **entity.** (a) The commissioner shall notify an applicant, license holder, or other entity as
10.33 provided in this chapter who is not the subject of the study:

11.1 (1) that the commissioner has found information that disqualifies the individual
11.2 studied from being in a position allowing direct contact with, or access to, people served
11.3 by the program; and

11.4 (2) the commissioner's determination of the individual's risk of harm under section
11.5 245C.16.

11.6 (b) If the commissioner determines under section 245C.16 that an individual studied
11.7 poses an imminent risk of harm to persons served by the program where the individual
11.8 studied will have direct contact with, or access to, people served by the program, the
11.9 commissioner shall order the license holder to immediately remove the individual studied
11.10 from any position allowing direct contact with, or access to, people served by the program.

11.11 (c) If the commissioner determines under section 245C.16 that an individual studied
11.12 poses a risk of harm that requires continuous, direct supervision, the commissioner shall
11.13 order the applicant, license holder, or other entities as provided in this chapter to:

11.14 (1) immediately remove the individual studied from any position allowing direct
11.15 contact with, or access to, people receiving services; ~~or~~

11.16 (2) before allowing the disqualified individual to be in a position allowing direct
11.17 contact with, or access to, people receiving services, the applicant, license holder, or other
11.18 entity, as provided in this chapter, must:

11.19 (i) obtain from the disqualified individual a copy of the individual's notice of
11.20 disqualification from the commissioner that explains the reason for disqualification;

11.21 (ii) ensure that the individual studied is under continuous, direct supervision when
11.22 in a position allowing direct contact with, or access to, people receiving services during
11.23 the period in which the individual may request a reconsideration of the disqualification
11.24 under section 245C.21; and

11.25 (iii) ensure that the disqualified individual requests reconsideration within 30 days of
11.26 receipt of the notice of disqualification; or

11.27 (3) for a disqualification based only on juvenile court records, and there have been
11.28 no offenses in the previous five or more years, the notice under this paragraph shall not
11.29 require the program or entity to obtain from the individual a copy of the individual's notice
11.30 of disqualification under clause (2), item (i).

11.31 (d) Except as provided under paragraph (f), if the commissioner determines under
11.32 section 245C.16 that an individual studied does not pose a risk of harm that requires
11.33 continuous, direct supervision, the commissioner shall order the applicant, license holder,
11.34 or other entities as provided in this chapter to:

11.35 (1) immediately remove the individual studied from any position allowing direct
11.36 contact with, or access to, people receiving services; or

12.1 (2) before allowing the disqualified individual to be in any position allowing direct
12.2 contact with, or access to, people receiving services, the applicant, license holder, or
12.3 other entity as provided in this chapter must:

12.4 (i) obtain from the disqualified individual a copy of the individual's notice of
12.5 disqualification from the commissioner that explains the reason for disqualification; and

12.6 (ii) ensure that the disqualified individual requests reconsideration within 15 days
12.7 of receipt of the notice of disqualification.

12.8 (e) The commissioner shall not notify the applicant, license holder, or other entity
12.9 as provided in this chapter of the information contained in the subject's background
12.10 study unless:

12.11 (1) the basis for the disqualification is failure to cooperate with the background study
12.12 or substantiated maltreatment under section 626.556 or 626.557;

12.13 (2) the Data Practices Act under chapter 13 provides for release of the information; or

12.14 (3) the individual studied authorizes the release of the information.

12.15 (f) When an individual's disqualification is based only on juvenile court records, and
12.16 there have been no offenses in the previous five or more years, and the commissioner does
12.17 not determine that the individual must be immediately removed according to paragraph (b)
12.18 or continuously supervised according to paragraph (c), the notice to the program or entity
12.19 shall not identify that the individual is disqualified, but state only that the commissioner
12.20 needs more time to complete the background study.

12.21 Sec. 8. Minnesota Statutes 2012, section 245C.22, subdivision 5, is amended to read:

12.22 Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification
12.23 under this section, the disqualified individual remains disqualified, but may hold a license
12.24 and have direct contact with or access to persons receiving services. Except as provided in
12.25 paragraph (b) or (c), the commissioner's set-aside of a disqualification is limited solely to
12.26 the licensed program, applicant, or agency specified in the set aside notice under section
12.27 245C.23. For personal care provider organizations, the commissioner's set-aside may
12.28 further be limited to a specific individual who is receiving services. For new background
12.29 studies required under section 245C.04, subdivision 1, paragraph (i), if an individual's
12.30 disqualification was previously set aside for the license holder's program and the new
12.31 background study results in no new information that indicates the individual may pose a
12.32 risk of harm to persons receiving services from the license holder, the previous set-aside
12.33 shall remain in effect.

12.34 (b) If the commissioner has previously set aside an individual's disqualification
12.35 for one or more programs or agencies, and the individual is the subject of a subsequent

13.1 background study for a different program or agency, the commissioner shall determine
13.2 whether the disqualification is set aside for the program or agency that initiated the
13.3 subsequent background study. A notice of a set-aside under paragraph (c) shall be issued
13.4 within 15 working days if all of the following criteria are met:

13.5 (1) the subsequent background study was initiated in connection with a program
13.6 licensed or regulated under the same provisions of law and rule for at least one program
13.7 for which the individual's disqualification was previously set aside by the commissioner;

13.8 (2) the individual is not disqualified for an offense specified in section 245C.15,
13.9 subdivision 1 or 2;

13.10 (3) the commissioner has received no new information to indicate that the individual
13.11 may pose a risk of harm to any person served by the program; and

13.12 (4) the previous set-aside was not limited to a specific person receiving services.

13.13 (c) Except as provided in paragraph (d), when a disqualification is set aside under
13.14 paragraph (b), the notice of background study results issued under section 245C.17, in
13.15 addition to the requirements under section 245C.17, shall state that the disqualification is
13.16 set aside for the program or agency that initiated the subsequent background study. The
13.17 notice must inform the individual that the individual may request reconsideration of the
13.18 disqualification under section 245C.21 on the basis that the information used to disqualify
13.19 the individual is incorrect.

13.20 (d) When a disqualification is set aside under paragraph (b) for a disqualification
13.21 based only on juvenile court records, the notice of background study results issued to
13.22 the program or agency by the commissioner under section 245C.17 shall be the same
13.23 notification received by the program or agency for a background study in which the
13.24 individual studied has no disqualifying characteristic."

13.25 Page 350, line 25, strike "prostitution" and insert "sexual exploitation"

13.26 Page 351, line 28, strike "prostitution" and insert "sexual exploitation"

13.27 Page 352, line 5, after the period, insert "Programs funded under this section must
13.28 submit demographic and outcome information to the commissioner. The commissioner
13.29 must submit a report regarding program demographic and outcome information to the
13.30 legislature upon request."

13.31 Page 356, after line 6, insert:

13.32 "Sec. 17. Laws 2011, First Special Session chapter 9, article 1, section 3, the effective
13.33 date, is amended to read:

13.34 **EFFECTIVE DATE.** This section is effective ~~January 1, 2013~~ July 1, 2014.

13.35 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2013."

14.1 Page 356, line 31, before the comma insert "under Minnesota Statutes chapter 256B
14.2 and MinnesotaCare under chapter 256L"

14.3 Page 357, line 1, after "income" insert a comma

14.4 Page 357, line 7, delete everything after the period

14.5 Page 357, after line 7, insert:

14.6 "(d) For the purposes of this section:"

14.7 Page 357, line 13, delete "goal setting" and insert "goal-setting"

14.8 Page 430, after line 10, insert:

14.9 "Sec. Minnesota Statutes 2012, section 144.0724, subdivision 6, is amended to read:

14.10 Subd. 6. **Penalties for late or nonsubmission.** A facility that fails to complete or

14.11 submit an assessment for a RUG-III or RUG-IV classification within seven days of the

14.12 time requirements in subdivisions 4 and 5 is subject to a reduced rate for that resident.

14.13 The reduced rate shall be the lowest rate for that facility. The reduced rate is effective on

14.14 the day of admission for new admission assessments or on the day that the assessment

14.15 was due for all other assessments and continues in effect until the first day of the month

14.16 following the date of submission of the resident's assessment. If loss of revenue due to

14.17 penalties incurred by a facility for any period of 92 days are equal to or greater than 1.0

14.18 percent of the total operating costs on the facility's most recent annual statistical and cost

14.19 report, a facility may apply to the commissioner of human services for a reduction in

14.20 the total penalty amount. The commissioner of human services in consultation with the

14.21 commissioner of health may, at the sole discretion of the commissioner of human services,

14.22 limit the penalty for residents covered by medical assistance to fifteen days."

14.23 Page 443, line 20, after "illness" insert ", preventable health costs,"

14.24 Page 443, line 26, strike "2009" and insert "2013"

14.25 Page 443, line 27, strike "competitive" and after "to" insert "all"

14.26 Page 444, delete lines 26 to 30

14.27 Page 445, delete lines 8 to 19 and insert:

14.28 "(b) in carrying out its responsibilities for administration, technical assistance, and

14.29 oversight, the commissioner may contract out its responsibilities within the limits of the

14.30 administrative budget given for those purposes."

14.31 Page 445, delete lines 28 to 36

14.32 Page 478, line 24, delete "5,644,039,000" and insert "5,643,757,000" and delete "

14.33 5,876,951,000" and insert "5,877,152,000" and delete "11,520,990,000" and insert "

14.34 11,520,909,000"

- 15.1 Page 478, line 27, delete "664,161,000" and insert "664,087,000" and delete "
- 15.2 427,466,000" and insert "432,345,000" and delete "1,091,628,000" and insert "
- 15.3 1,096,433,000"
- 15.4 Page 478, line 30, delete "6,649,113,000" and insert "6,648,757,000" and delete "
- 15.5 6,646,747,000" and insert "6,651,827,000" and delete "13,295,860,000" and insert "
- 15.6 13,300,584,000"
- 15.7 Page 479, line 17, delete "5,558,517,000" and insert "5,558,235,000" and delete "
- 15.8 5,796,553,000" and insert "5,796,754,000"
- 15.9 Page 479, line 20, delete "631,881,000" and insert "631,807,000" and delete "
- 15.10 395,749,000" and insert "395,628,000"
- 15.11 Page 489, line 28, delete "296,272,000" and insert "296,282,000" and delete "
- 15.12 226,606,000" and insert "226,619,000"
- 15.13 Page 489, line 31, delete "4,368,215,000" and insert "4,367,908,000" and delete "
- 15.14 4,592,196,000" and insert "4,592,372,000"
- 15.15 Page 489, line 32, delete "292,771,000" and insert "292,697,000" and delete "
- 15.16 123,507,000" and insert "123,386,000"
- 15.17 Page 490, line 4, delete "\$239,934,000" and insert "\$240,426,000"
- 15.18 Page 490, line 5, delete "\$218,047,000" and insert "\$218,557,000"
- 15.19 Page 491, delete lines 15 to 33
- 15.20 Page 492, delete lines 1 to 16
- 15.21 Page 493, line 26, delete "16,572,000" and insert "16,597,000" and delete "
- 15.22 16,573,000" and insert "16,598,000"
- 15.23 Page 494, after line 4, insert:
- 15.24 "**Food Shelf Programs. \$25,000 each**
- 15.25 year from the general fund is for food shelf
- 15.26 programs under Minnesota Statutes, section
- 15.27 256E.34. This appropriation is onetime.
- 15.28 Notwithstanding Minnesota Statutes, section
- 15.29 256E.34, subdivision 4, no portion of this
- 15.30 appropriation may be used by Hunger
- 15.31 Solutions for its administrative expenses,
- 15.32 including but not limited to rent and salaries."
- 15.33 Page 494, line 9, delete everything after the period and insert "If funds are
- 15.34 appropriated in fiscal years 2014 or 2015"
- 15.35 Page 494, delete line 10
- 15.36 Page 494, line 11, delete "and fiscal year 2015"

- 16.1 Page 494, line 17, delete ". The" and insert ", then the"
- 16.2 Page 497, line 21, delete "168,946,000" and insert "173,946,000"
- 16.3 Page 497, line 27, delete "31,717,000" and insert "36,717,000"
- 16.4 Page 498, line 5, delete "21,731,000" and insert "26,731,000"
- 16.5 Page 498, delete lines 16 to 21 and insert:
- 16.6 "(a) \$20,000,000 in fiscal year 2014 and
- 16.7 \$25,000,000 in fiscal year 2015 is from the
- 16.8 Health Care Access fund for the Statewide
- 16.9 Health Improvement Program (SHIP) for
- 16.10 grants to all local community health boards
- 16.11 and tribal governments. Funds appropriated
- 16.12 under this paragraph are available until
- 16.13 expended. Public health agencies in their
- 16.14 third cycle of SHIP funding shall incorporate
- 16.15 activities targeted to addressing populations
- 16.16 with health disparities or persons with
- 16.17 disabilities.
- 16.18 (b) Of the appropriated amount, \$500,000
- 16.19 in fiscal year 2015 shall be distributed as
- 16.20 two-year pilot grants focused on improving
- 16.21 health and reducing health care costs in
- 16.22 populations over age 60. Grants shall be
- 16.23 awarded by February 1, 2014, to five county
- 16.24 public health agencies, multicounty public
- 16.25 health agency partnerships, or county/city
- 16.26 public health agency partnerships to initiate
- 16.27 evidence-based strategies for improving
- 16.28 the physical activity levels of citizens over
- 16.29 age 60 with a goal of improving health and
- 16.30 reducing health care costs. Partnerships with
- 16.31 community education, health providers, or
- 16.32 other local institutions shall be encouraged
- 16.33 to establish ongoing outreach and sustainable
- 16.34 programming.

17.1 (c) Pilot project funds shall be distributed
17.2 based on a \$30,000 base with a per senior
17.3 add-on based on the population to be served
17.4 and shall include urban, suburban, regional
17.5 center, and rural counties. Each grant shall
17.6 serve an area with a minimum population
17.7 base of persons over age 60 and shall target
17.8 those seniors most at risk of high health costs
17.9 due to a sedentary lifestyle, chronic disease,
17.10 or other risk factors. Up to 8 percent of the
17.11 above appropriation is available for creating
17.12 a library of evidence-based programs that
17.13 improve health and reduce health care costs,
17.14 outcome-based reporting, and administration.
17.15 The planning for the pilots shall engage
17.16 local public health officials, other health
17.17 promotion organizations and Board of Aging
17.18 staff, and explore the potential future use of
17.19 Title III Older American Act funds and other
17.20 nonstate funding.

17.21 (d) No more than 16 percent of the SHIP
17.22 budget may be used for administration,
17.23 technical assistance, and state-level
17.24 evaluation costs."

17.25 Reletter the paragraphs in sequence

17.26 Renumber the sections in sequence and correct the internal references

17.27 Amend the title accordingly