

1.1 moves to amend H.F. No. 2456, the second engrossment, as follows:

1.2 Page 6, line 5, before "Licensure" insert "(a)"

1.3 Page 6, after line 10, insert:

1.4 "(b) Implementation of compliance monitoring must be phased in after January
1.5 1, 2013.

1.6 (1) Applicants who do not currently hold a license issued under this chapter must
1.7 receive an initial compliance monitoring visit within 12 months of the effective date of
1.8 the initial license for the purpose of providing technical assistance on how to achieve and
1.9 maintain compliance with the applicable law or rules governing the provision of home and
1.10 community-based services under chapter 245D. If during the review the commissioner
1.11 finds that the license holder has failed to achieve compliance with an applicable law or
1.12 rule and this failure does not imminently endanger the health, safety, or rights of the
1.13 persons served by the program, the commissioner may issue a licensing review report with
1.14 recommendations for achieving and maintaining compliance.

1.15 (2) Applicants who do currently hold a license issued under this chapter must receive
1.16 a compliance monitoring visit after 24 months of the effective date of the initial license.

1.17 (c) Nothing in this subdivision shall be construed to limit the commissioner's
1.18 authority to suspend or revoke a license or issue a fine at any time under section 245A.07,
1.19 or make correction orders and make a license conditional for failure to comply with
1.20 applicable laws or rules under section 245A.06, based on the nature, chronicity, or severity
1.21 of the violation of law or rule and the effect of the violation on the health, safety, or
1.22 rights of persons served by the program."

1.23 Page 26, line 21, after the period, insert "The license holder is prohibited from using
1.24 restraints or seclusion under any circumstance, unless the commissioner has approved a
1.25 variance request from the license holder that allows for the emergency use of restraints
1.26 and seclusion according to terms and conditions approved in the variance."