

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

1.2 Page 6, after line 4, insert:

1.3 "Subd. 2. **Modified application procedures.** (a) Applicants seeking 245D licensure  
1.4 who meet the following criteria are subject to modified application procedures:

1.5 (1) the applicant holds a 245B license issued on or before December 31, 2012, at  
1.6 the time of application;

1.7 (2) the applicant's 245B license or licenses are in substantial compliance according  
1.8 to the licensing standards in chapters 245A and 245B; and

1.9 (3) the commissioner has conducted at least one on-site inspection of the 245B  
1.10 license or licenses within the two year period before submitting the 245D license  
1.11 application.

1.12 For purposes of this subdivision, substantial compliance means the commissioner  
1.13 has not issued a sanction according to section 245A.07 against any 245B license held  
1.14 by the applicant or made the 245B license or licenses conditional according to section  
1.15 245A.06 within the 12-month period before submitting the application for 245D licensure.

1.16 (b) The modified application procedures means the commissioner must accept  
1.17 the applicant's attestation of compliance with certain requirements in lieu of providing  
1.18 information to the commissioner for evaluation that is otherwise required when seeking  
1.19 245D licensure."

1.20 Renumber the subdivisions in sequence

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

1.22 Page 6, after line 10, insert:

1.23 "(b) Implementation of compliance monitoring must be phased in after January  
1.24 1, 2013.

1.25 (1) Applicants who do not currently hold a license issued under this chapter must  
1.26 receive an initial compliance monitoring visit within 12 months of the effective date of  
1.27 the initial license for the purpose of providing technical assistance on how to achieve and

2.1 maintain compliance with the applicable law or rules governing the provision of home and  
2.2 community-based services under chapter 245D. If during the review the commissioner  
2.3 finds that the license holder has failed to achieve compliance with an applicable law or  
2.4 rule and this failure does not imminently endanger the health, safety, or rights of the  
2.5 persons served by the program, the commissioner may issue a licensing review report with  
2.6 recommendations for achieving and maintaining compliance.

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

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

2.15 Page 25, line 13, after "2a" insert ", within 24 hours of the death, discovery of the  
2.16 death, or receipt of information that the death occurred unless the license holder has  
2.17 reason to know that the death has already been reported"

2.18 Page 26, line 18, after "government" insert "or to staff persons employed by  
2.19 license holders who were acting as power-of-attorney, guardian, or conservator for  
2.20 specific individuals prior to enactment of this section. The license holder must maintain  
2.21 documentation of the power-of-attorney, guardianship, or conservatorship in the service  
2.22 recipient record"

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

2.27 Renumber the sections in sequence and correct the internal references

2.28 Amend the title accordingly