

- 1.1 moves to amend H.F. No. 3216 as follows:
- 1.2 Page 32, lines 31 to 33, reinstate the stricken language
- 1.3 Page 48, line 8, strike "under the"
- 1.4 Page 48, line 9, strike "agency-provider model"
- 1.5 Page 48, line 10, before "approved" insert "as"
- 1.6 Page 50, line 23, delete the new language, and insert "employer"
- 1.7 Page 55, line 20, after "and" insert "enrolled as a Minnesota health care program
- 1.8 provider as"
- 1.9 Page 55, line 24, delete "that may be"
- 1.10 Page 57, line 20, delete "a multiplier established by the commissioner" and insert "
- 1.11 an adjustment needed"
- 1.12 Page 58, line 17, after "equipment" insert "listed as a covered benefit under medical
- 1.13 assistance"
- 1.14 Page 58, line 27, strike "physical" and insert "health" and strike "physical" and
- 1.15 insert "health"
- 1.16 Page 58, line 29, strike everything before the semicolon and insert "Minnesota
- 1.17 health care program enrolled physician"
- 1.18 Page 60, line 19, delete everything after "and"
- 1.19 Page 60, line 20, delete "services" and insert "FMS"
- 1.20 Page 71, line 22, delete "years" and insert "years"
- 1.21 Page 72, delete section 20
- 1.22 Page 74, line 19, delete everything before the semicolon and insert "staff who will
- 1.23 have direct contact with the participant to provide worker training and development"
- 1.24 Page 79, line 7, delete "aversive and deprivation procedures" and insert "restrictive
- 1.25 interventions"
- 1.26 Page 79, line 10, delete "aversive and deprivation"

2.1 Page 79, line 11, delete "procedures" and insert "restrictive interventions" and before "
2.2 and" insert a comma

2.3 Page 79, line 33, delete "the rules after adoption of the rules" and insert "
2.4 implementation of the rules and make recommendations to the commissioner about any
2.5 needed policy changes after adoption of the rules"

2.6 Page 80, line 9, delete "aversive or deprivation procedures" and insert "restrictive
2.7 interventions"

2.8 Page 80, line 11, delete everything after "Disabilities"

2.9 Page 80, line 12, delete "Disabilities"

2.10 Page 80, line 17, after "Health;" insert "and"

2.11 Page 80, delete lines 18 and 19

2.12 Page 80, line 20, delete "(6)" and insert "(5)"

2.13 Page 81, line 35, after "written" insert "or electronic"

2.14 Page 82, after line 6, insert:

2.15 "Sec. 3. Minnesota Statutes 2013 Supplement, section 245A.16, subdivision 1, is
2.16 amended to read:

2.17 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and
2.18 private agencies that have been designated or licensed by the commissioner to perform
2.19 licensing functions and activities under section 245A.04 and background studies for family
2.20 child care under chapter 245C; to recommend denial of applicants under section 245A.05;
2.21 to issue correction orders, to issue variances, and recommend a conditional license under
2.22 section 245A.06, or to recommend suspending or revoking a license or issuing a fine under
2.23 section 245A.07, shall comply with rules and directives of the commissioner governing
2.24 those functions and with this section. The following variances are excluded from the
2.25 delegation of variance authority and may be issued only by the commissioner:

2.26 (1) dual licensure of family child care and child foster care, dual licensure of child
2.27 and adult foster care, and adult foster care and family child care;

2.28 (2) adult foster care maximum capacity;

2.29 (3) adult foster care minimum age requirement;

2.30 (4) child foster care maximum age requirement;

2.31 (5) variances regarding disqualified individuals except that county agencies may
2.32 issue variances under section 245C.30 regarding disqualified individuals when the county
2.33 is responsible for conducting a consolidated reconsideration according to sections 245C.25
2.34 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination
2.35 and a disqualification based on serious or recurring maltreatment;

3.1 (6) the required presence of a caregiver in the adult foster care residence during
3.2 normal sleeping hours; and

3.3 (7) variances for community residential setting licenses under chapter 245D.

3.4 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency
3.5 must not grant a license holder a variance to exceed the maximum allowable family child
3.6 care license capacity of 14 children.

3.7 (b) County agencies must report information about disqualification reconsiderations
3.8 under sections 245C.25 and 245C.27, subdivision 2, paragraphs (a) and (b), and variances
3.9 granted under paragraph (a), clause (5), to the commissioner at least monthly in a format
3.10 prescribed by the commissioner.

3.11 (c) For family day care programs, the commissioner may authorize licensing reviews
3.12 every two years after a licensee has had at least one annual review.

3.13 (d) For family adult day services programs, the commissioner may authorize
3.14 licensing reviews every two years after a licensee has had at least one annual review.

3.15 (e) A license issued under this section may be issued for up to two years.

3.16 (f) During implementation of chapter 245D, the commissioner shall consider:

3.17 (1) the role of counties in quality assurance;

3.18 (2) the duties of county licensing staff; and

3.19 (3) the possible use of joint powers agreements, according to section 471.59, with
3.20 counties through which some licensing duties under chapter 245D may be delegated by
3.21 the commissioner to the counties.

3.22 Any consideration related to this paragraph must meet all of the requirements of the
3.23 corrective action plan ordered by the federal Centers for Medicare and Medicaid Services.

3.24 (g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
3.25 successor provisions; and section 245D.061 or successor provisions, for family child
3.26 foster care programs providing out-of-home respite, as identified in section 245D.03,
3.27 subdivision 1, paragraph (b), clause (1), is excluded from the delegation of authority
3.28 to county and private agencies."

3.29 Page 83, line 25, before the semicolon, insert "or successor provisions"

3.30 Page 85, line 25, before the semicolon, insert ", excluding out-of-home respite care
3.31 provided to children in a family child foster care home licensed under Minnesota Rules,
3.32 parts 2960.3000 to 2960.3100, when the child foster care license holder complies with the
3.33 requirements under section 245D.06, subdivisions 5, 6, 7, and 8, or successor provisions;
3.34 and section 245D.061 or successor provisions, which must be stipulated in the statement
3.35 of intended use required under Minnesota Rules, part 2960.3000, subpart 4"

3.36 Page 88, line 17, after "subdivision 6" insert ", or successor provisions"

4.1 Page 88, line 28, delete "or any aversive, deprivation" and insert "restrictive
4.2 intervention"

4.3 Page 88, line 29, after "subdivision 5," insert "or successor provisions"

4.4 Page 88, line 31, after "245D.061" insert "or successor provisions"

4.5 Page 88, line 33, after "subdivision 8" insert ", or successor provisions"

4.6 Page 96, after line 4, insert:

4.7 "Sec. 25. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 1,
4.8 is amended to read:

4.9 Subdivision 1. **Incident response and reporting.** (a) The license holder must
4.10 respond to incidents under section 245D.02, subdivision 11, that occur while providing
4.11 services to protect the health and safety of and minimize risk of harm to the person.

4.12 (b) The license holder must maintain information about and report incidents to the
4.13 person's legal representative or designated emergency contact and case manager within
4.14 24 hours of an incident occurring while services are being provided, within 24 hours of
4.15 discovery or receipt of information that an incident occurred, unless the license holder
4.16 has reason to know that the incident has already been reported, or as otherwise directed
4.17 in a person's coordinated service and support plan or coordinated service and support
4.18 plan addendum. An incident of suspected or alleged maltreatment must be reported as
4.19 required under paragraph (d), and an incident of serious injury or death must be reported
4.20 as required under paragraph (e).

4.21 (c) When the incident involves more than one person, the license holder must not
4.22 disclose personally identifiable information about any other person when making the report
4.23 to each person and case manager unless the license holder has the consent of the person.

4.24 (d) Within 24 hours of reporting maltreatment as required under section 626.556
4.25 or 626.557, the license holder must inform the case manager of the report unless there is
4.26 reason to believe that the case manager is involved in the suspected maltreatment. The
4.27 license holder must disclose the nature of the activity or occurrence reported and the
4.28 agency that received the report.

4.29 (e) The license holder must report the death or serious injury of the person as
4.30 required in paragraph (b) and to the Department of Human Services Licensing Division,
4.31 and the Office of Ombudsman for Mental Health and Developmental Disabilities as
4.32 required under section 245.94, subdivision 2a, within 24 hours of the death, or receipt of
4.33 information that the death occurred, unless the license holder has reason to know that the
4.34 death has already been reported.

4.35 (f) When a death or serious injury occurs in a facility certified as an intermediate
4.36 care facility for persons with developmental disabilities, the death or serious injury must

5.1 be reported to the Department of Health, Office of Health Facility Complaints, and the
 5.2 Office of Ombudsman for Mental Health and Developmental Disabilities, as required
 5.3 under sections 245.91 and 245.94, subdivision 2a, unless the license holder has reason to
 5.4 know that the death has already been reported.

5.5 (g) The license holder must conduct an internal review of incident reports of deaths
 5.6 and serious injuries that occurred while services were being provided and that were not
 5.7 reported by the program as alleged or suspected maltreatment, for identification of incident
 5.8 patterns, and implementation of corrective action as necessary to reduce occurrences.
 5.9 The review must include an evaluation of whether related policies and procedures were
 5.10 followed, whether the policies and procedures were adequate, whether there is a need for
 5.11 additional staff training, whether the reported event is similar to past events with the
 5.12 persons or the services involved, and whether there is a need for corrective action by the
 5.13 license holder to protect the health and safety of persons receiving services. Based on
 5.14 the results of this review, the license holder must develop, document, and implement a
 5.15 corrective action plan designed to correct current lapses and prevent future lapses in
 5.16 performance by staff or the license holder, if any.

5.17 (h) The license holder must verbally report the emergency use of manual restraint
 5.18 of a person as required in paragraph (b) within 24 hours of the occurrence. The license
 5.19 holder must ensure the written report and internal review of all incident reports of the
 5.20 emergency use of manual restraints are completed according to the requirements in section
 5.21 245D.061 or successor provisions."

5.22 Page 97, line 10, after "property" insert "; legal representative restrictions"

5.23 Page 100, line 22, strike "aversive or deprivation procedures" and insert "restrictive
 5.24 interventions"

5.25 Page 108, line 23, after "subdivision 5," insert "or successor provisions"

5.26 Page 108, line 25, before the period, insert "or successor provisions"

5.27 Page 112, after line 18, insert:

5.28 "Sec. 41. Minnesota Statutes 2013 Supplement, section 245D.10, subdivision 4,
 5.29 is amended to read:

5.30 Subd. 4. **Availability of current written policies and procedures.** (a) The license
 5.31 holder must review and update, as needed, the written policies and procedures required
 5.32 under this chapter.

5.33 (b) (1) The license holder must inform the person and case manager of the policies
 5.34 and procedures affecting a person's rights under section 245D.04, and provide copies of
 5.35 those policies and procedures, within five working days of service initiation.

5.36 (2) If a license holder only provides basic services and supports, this includes the:

6.1 (i) grievance policy and procedure required under subdivision 2; and
 6.2 (ii) service suspension and termination policy and procedure required under
 6.3 subdivision 3.

6.4 (3) For all other license holders this includes the:

6.5 (i) policies and procedures in clause (2);

6.6 (ii) emergency use of manual restraints policy and procedure required under section
 6.7 245D.061, subdivision 10, or successor provisions; and

6.8 (iii) data privacy requirements under section 245D.11, subdivision 3.

6.9 (c) The license holder must provide a written notice to all persons or their legal
 6.10 representatives and case managers at least 30 days before implementing any procedural
 6.11 revisions to policies affecting a person's service-related or protection-related rights under
 6.12 section 245D.04 and maltreatment reporting policies and procedures. The notice must
 6.13 explain the revision that was made and include a copy of the revised policy and procedure.
 6.14 The license holder must document the reasonable cause for not providing the notice at
 6.15 least 30 days before implementing the revisions.

6.16 (d) Before implementing revisions to required policies and procedures, the license
 6.17 holder must inform all employees of the revisions and provide training on implementation
 6.18 of the revised policies and procedures.

6.19 (e) The license holder must annually notify all persons, or their legal representatives,
 6.20 and case managers of any procedural revisions to policies required under this chapter,
 6.21 other than those in paragraph (c). Upon request, the license holder must provide the
 6.22 person, or the person's legal representative, and case manager with copies of the revised
 6.23 policies and procedures."

6.24 Page 131, line 25, after "repealed" insert "upon the effective date of rules adopted
 6.25 according to Minnesota Statutes, section 245.8251, or, if sequential effective dates are
 6.26 used, the first effective date. The commissioner of human services shall notify the revisor
 6.27 of statutes when this occurs"

6.28 Page 131, line 27, after "245.8251" insert ", or, if sequential effective dates are
 6.29 used, the first effective date"

6.30 Page 131, line 30, delete everything before "23b" and insert "5a, and" and delete "
 6.31 , 28, 29, and 34a"

6.32 Page 131, line 32, after "245.8251" insert ", or, if sequential effective dates are
 6.33 used, the first effective date"

6.34 Page 131, line 35, after "245.8251" insert ", or, if sequential effective dates are
 6.35 used, the first effective date"

6.36 Renumber the sections in sequence and correct the internal references

7.1 Amend the title accordingly