

# Bill Summary Comparison of Health and Human Services

Senate Language UEH1233-1  
Article 8: Waiver Provider Standards

House Language H1233-3  
Article 8: Waiver Provider Standards

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Section	Article 8: Waiver Provider Standards		Article 8: Waiver Provider Standards
1	<p><b>Section 1 (13.461, subdivision 7c)</b> adds the recording-keeping requirements of home and community-based services waivers license holders under Minnesota Statutes, chapter 245D, subject to certain provisions in the Government Data Practices chapter.</p>	Senate-only	
2	<p><b>Section 2 (145C.01, subdivision 7)</b> adds community residential settings to the definition of “health care facility” in the Health Care Directives chapter.</p>	Identical	<p><b>Section 1. Health care facility.</b> Amends § 145C.01, subd. 7. Adds community residential settings licensed under chapter 245D to the definition of “health care facility.”</p>
3	<p><b>Section 3 (243.166, subdivision 4b)</b> removes the word “developmental,” requiring potential recipients of residential services with nondevelopmental disabilities to disclose their status as a registered predatory offender.</p>	Identical	<p><b>Section 2. Health care facility; notice of status.</b> Amends § 243.166. Strikes the word “developmental.”</p>
4	<p><b>Section 4 (245.8251)</b> creates a new section, “POSITIVE SUPPORT STRATEGIES AND EMERGENCY MANUAL RESTRAINT; LICENSED FACILITIES AND PROGRAMS,” requiring the Department of Human Services (DHS) to adopt rules on the use of positive support, safety interventions, and emergency use of manual restraints in programs licensed under chapter 245D; and to consult with stakeholders and collect data on the use of aversive and controlled procedures from providers who will be licensed under chapter 245D.</p>	Identical	<p><b>Section 3. Positive support strategies and emergency manual restraint; licensed facilities and programs.</b> Creates § 245.8251.</p> <p><b>Subd. 1. Rules.</b> Requires the commissioner to adopt rules on the use of positive support, safety interventions, and emergency use of manual restraints in programs licensed under chapter 245D.</p> <p><b>Subd. 2. Data collection.</b> Requires the commissioner to consult with stakeholders and collect data on the use of aversive and controlled procedures from providers who will be licensed under chapter 245D.</p>

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5	<b>Section 5 (245A.02, subdivision 10)</b> strikes obsolete language, changes a cross-reference, and applies persons with all disabilities (not just developmental disabilities) and those 65 years of age or older to the definition of nonresidential program.	Identical	<b>Section 4. Nonresidential program.</b> Amends § 245A.02, subd. 10. Strikes obsolete language from the definition of nonresidential program. Adds language and cross reference to chapter 245D.
6	<b>Section 6 (245A.02, subdivision 12)</b> changes a cross-reference, and applies persons with all disabilities (not just developmental disabilities) and those 65 years of age or older to the definition of nonresidential program.	Identical	<b>Section 5. Residential program.</b> Amends § 245A.02, subd. 14. Strikes obsolete language from the definition of residential program. Adds language and cross-reference to chapter 245D.
7	<b>Section 7 (245A.03, subdivision 7)</b> adds community residential setting licenses to the list of licenses subject to the moratorium, and adds references to community residential settings.	Identical	<b>Section 6. Licensing moratorium.</b> Amends § 245A.03, subd. 7. Adds community residential setting licenses to the list of licenses subject to the moratorium. Adds references to community residential settings.
8	<b>Section 8 (245A.03, subdivision 8)</b> makes a cross-reference change.	Identical	<b>Section 7. Excluded providers seeking licensure.</b> Amends §245A.03, subd. 8. Corrects a cross reference.
9	<b>Section 9 (245A.042, subdivision 3)</b> clarifies language related to DHS's authority to issue correction orders and makes a cross-reference change.	Identical	<b>Section 8. Implementation.</b> Amends §2 45A.042, subd. 3. Corrects a cross reference. Clarifies language related to the commissioner's authority to issue correction orders.
10	<b>Section 10 (245A.08, subdivision 2a)</b> requires the county attorney to defend DHS's orders for sanctions in consolidated contested case hearings involving community residential settings.	Identical	<b>Section 9. Consolidated contested case hearings.</b> Amends § 245A.08, subd. 2a. Requires the county attorney to defend the commissioner's orders for sanctions in consolidated contested case hearings involving community residential settings.
11	<b>Section 11 (245A.10)</b> makes changes to license fees, effective July 1, 2013.	Some differences.	<b>Section 10. Fees.</b> Amends § 245A.10.

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	<b>Subdivision 1</b> states that no application or license fee will be charged for community residential settings, except as provided in subdivision 2.	Identical	<b>Subd. 1. Application or license fee required; programs exempt from fee.</b> States that no application or license fee will be charged for community residential settings, except as provided in subdivision 2.
	<b>Subdivision 2</b> allows a county agency to charge a fee to recover the actual cost of inspection for licensing the physical plant of a community residential setting.	Identical	<b>Subd. 2. County fees for background studies and licensing inspections.</b> Allows a county agency to charge a fee to recover the actual cost of inspection for licensing the physical plant of a community residential setting.
	<b>Subdivision 3</b> requires an applicant for an initial day services facility license to submit a \$250 application fee with each new license, and allows applicants for a license to provide HCBS waiver services to persons with disabilities or to persons age 65 and older to submit an application to provide services statewide; adds that initial application fees in this subdivision do not include the temporary license surcharge under section 16E.22, and strikes obsolete language.	Identical	<b>Subd. 3. Application fee for initial license or certification.</b> Requires an applicant for an initial day services facility license to submit a \$250 application fee with each new license. Allows applicants for a license to provide HCBS waiver services to persons with disabilities or to persons age 65 and older to submit an application to provide services statewide. Adds that initial application fees in this subdivision do not include the temporary license surcharge under section 16E.22. Strikes obsolete language.
	<b>Subdivision 4</b> establishes the new license fee schedule for services licensed under chapter 245D, and removes obsolete language.	Senate: base rate of \$563, plus \$46 for each client served between ten and 200.  House: base rate of \$2,250, plus \$92 for each client served between ten and 200.  Technical differences	<b>Subd. 4. License or certification fee for certain programs.</b> Strikes obsolete language and fees. Establishes new license fees for programs licensed under chapter 245D.  <b>Effective date.</b> Makes this section effective July 1, 2013.
12	<b>Section 12 (245A.11, subdivision 2a)</b> makes technical changes allowing this section to apply to community residential settings.	Identical	<b>Section 11. Adult foster care and community residential setting license capacity.</b> Amends § 245A.11, subd. 2a. Makes technical changes so that this section applies to

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			community residential settings.
13	<b>Section 13 (245A.11, subdivision 7)</b> requires transfer of a variance granted under this subdivision when an adult foster home license holder converts to a community residential setting license under chapter 245D.	Identical	<b>Section 12. Adult foster care; variance for alternate overnight supervision.</b> Amends § 245A.11, subd. 7. Requires transfer of a variance granted under this subdivision when an adult foster home license holder converts to a community residential setting license under chapter 245D.
14	<b>Section 14 (245A.11, subdivision 7a)</b> updates terminology and strikes obsolete language.	Identical	<b>Section 13. Alternate overnight supervision technology; adult foster care and community residential setting licenses.</b> Amends § 245A.11, subd. 7a. Updates terminology and strikes obsolete language.
15	<b>Section 15 (245A.11, subdivision 7b)</b> updates terminology and strikes obsolete language.	Identical	<b>Section 14. Adult foster care data privacy and security.</b> Amends § 245A.11, subd. 7b. Updates terminology and strikes obsolete language.
16	<b>Section 16 (245A.11, subdivision 8)</b> strikes references to child foster care and to residential support services, and adds a cross-reference to the definition of community residential setting.	Identical	<b>Section 15. Community residential setting license.</b> Amends § 245A.11, subd. 8. Strikes references to child foster care and to residential support services. Adds a cross reference to the definition of community residential setting.
17	<b>Section 17 (245A.16, subdivision 1)</b> prohibits county agencies from granting variances for community residential setting licenses.	Identical	<b>Section 16. Delegation of authority to agencies.</b> Amends § 245A.16, subd. 1. Prohibits county agencies from granting variances for community residential setting licenses.
18	<b>Section 18 (245D.02)</b> adds and modifies definitions applicable to chapter 245D.	Technical differences. Staff recommends the Senate.	<b>Section 17. Definitions.</b> Amends § 245D.02. Modifies definitions in the home and community-based services standards by adding definitions of “authorized representative,” “certification,” “community residential setting,” “coordinated service and support plan,” “coordinated service and support plan addendum,” “corporate foster care,” “cultural competence or culturally competent,” “day services facility,” “direct support staff or staff,” “emergency use of

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			manual restraint,” “expanded support team,” “family foster care,” “intermediate care facility for persons with developmental disabilities or ICF/DD,” “least restrictive alternative,” “most integrated setting,” “outcome,” “physician,” “self-determination,” “semi-independent living services,” “supervised living facility,” “supervision,” “time out,” and “treatment.” Removes definitions for “medication administration,” “medication assistance,” “medication management,” “service plan,” and “unit of government.” Modifies definitions of “emergency,” “home and community-based services,” “incident,” “legal representative,” “mental health crisis intervention team,” “prescriber,” “prescription drug,” “seclusion,” and “service.” Makes this section effective January 1, 2014.
19	<b>Section 19 (245D.03)</b> modifies the “APPLICABILITY AND EFFECT” section, effective January 1, 2014.	Identical	<b>Section 18. Applicability and effect.</b> Amends § 245D.03.
	<b>Subdivision 1</b> modifies the list of services governed by the licensing standards in this chapter.	Identical	<b>Subd. 1. Applicability.</b> Modifies the list of services governed by the licensing standards in this chapter.
	<b>Subdivision 2</b> modifies standards related to foster care services; exempts license holders providing services in supervised living facilities, residential services to person in an ICF/DD, and homemaker services from certain standards; specifies nothing in this chapter prohibits a license holder from concurrently serving persons without disabilities or people who are or are not age 65 or older, provided all relevant standards are met.	Identical	<b>Subd. 2. Relationship to other standards governing home and community-based services.</b> Modifies standards related to foster care services. Exempts license holders providing (1) services in supervised living facilities, (2) residential services to person in an ICF/DD, and (3) homemaker services from certain standards. Specifies nothing in this chapter prohibits a license holder from concurrently serving persons without disabilities or people who are or are not age 65 or older, provided all relevant standards are met.

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	<b>Subdivision 3</b> corrects a cross-reference	Identical	<b>Subd. 3. Variance.</b> Corrects a cross-reference.
	<b>Subdivision 4</b> is repealed.	Identical	<b>Subd. 4. License holders with multiple 245D licenses.</b> Repeals this subdivision.
	<b>Subdivision 5</b> allows an applicant or license holder to apply for program certification.	Identical	<b>Subd. 5. Program certification.</b> Allows an applicant or license holder to apply for program certification.
20	<b>Section 20 (245D.04)</b> modifies the “SERVICE RECIPIENT RIGHTS” section, effective January 1, 2014, modifying terminology, a person’s service-related rights and a person’s protection-related rights.	Identical	<p><b>Section 19. Service recipient rights.</b> Amends § 245D.04.</p> <p><b>Subd. 1. License holder responsibility for individual rights of persons served by the program.</b> Modifies terminology.</p> <p><b>Subd. 2. Service-related rights.</b> Modifies a person’s service-related rights.</p> <p><b>Subd. 3. Protection-related rights.</b> Modifies a person’s protection-related rights.</p> <p>Makes this section effective January 1, 2014.</p>
21	<b>Section 21 (245D.05)</b> modifies the “HEALTH SERVICES” section, effective January 1, 2014, defining and specifying responsibilities of medication setup, medication assistance, and medication administration.	Identical	<p><b>Section 20. Health services.</b> Amends § 245D.05.</p> <p><b>Subd. 1. Health needs.</b> Modifies terminology and phrasing related to license holder responsibilities for meeting health service needs of recipients.</p> <p><b>Subd. 1a. Medication setup.</b> Defines “medication setup” and lists information the license holder must document in the person’s medication administration record.</p> <p><b>Subd. 1b. Medication assistance.</b> Defines “medication assistance” and specifies requirements that</p>

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			<p>must be met by the license holder when staff provides medication assistance.</p> <p><b>Subd. 2. Medication administration.</b> Lists medication administration procedures that must be implemented by the license holder to ensure a person takes medications and treatments as prescribed. Modifies requirements that must be met before administering medication or treatment. Modifies the list of information that must be included in the person’s medication administration record.</p> <p><b>Subd. 3. Medication assistance.</b> Repeals this subdivision.</p> <p><b>Subd. 4. Reviewing and reporting medication and treatment issues.</b> Modifies provisions related to reviewing and reporting medication and treatment issues.</p> <p><b>Subd. 5. Injectable medications.</b> No changes.</p> <p>Makes this section effective January 1, 2014.</p>
22	<p><b>Section 22 (245D.051)</b> creates a new section, “PSYCHOTROPIC MEDICATION USE AND MONITORING,” listing the requirements for psychotropic medication administration, and procedures for license holders to follow when a person refuses to take psychotropic medication.</p>	Identical	<p><b>Section 21. Psychotropic medication use and monitoring.</b> Creates § 245D.051.</p> <p><b>Subd. 1. Conditions for psychotropic medication administration.</b> Lists requirements that must be met when the license holder is assigned responsibility for administering a person’s psychotropic medication. Defines “target symptom.”</p> <p><b>Subd. 2. Refusal to authorize psychotropic medication.</b> Specifies license holder duties when the</p>



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			<p>person or the person’s legal representative refuses to authorize the administration of a psychotropic medication ordered by the prescriber.</p> <p>Makes this section effective January 1, 2014.</p>
23	<p><b>Section 23 (245D.06)</b> modifies the “PROTECTION STANDARDS” section, effective January 1, 2014.</p>	<p>Some differences.</p>	<p><b>Section 22. Protection standards.</b> Amends § 245D.06.</p>
	<p><b>Subdivision 1</b> makes technical and conforming changes; specifies when incident reviews must be conducted and what must be included in the review; requires license holders to report the emergency use of manual restraint of a person to DHS within 24 hours of the occurrence; specifies reporting requirements when a death or serious injury occurs at an ICF/DD.</p>	<p>Identical</p>	<p><b>Subd. 1. Incident response and reporting.</b> Makes technical and conforming changes. Specifies when incident reviews must be conducted and what must be included in the review. Requires license holders to report the emergency use of manual restraint of a person to DHS within 24 hours of the occurrence. Specifies reporting requirements when a death or serious injury occurs at an ICF/DD.</p>
	<p><b>Subdivision 2</b> modifies the list of duties license holders must perform related to environment and safety.</p>	<p>Senate requires staff to be trained in CPR, if required by a person’s coordinated service and support plan.</p> <p>House requires first aid training.</p>	<p><b>Subd. 2. Environment and safety.</b> Modifies the list of duties license holders must perform related to environment and safety.</p>
	<p><b>Subdivision 3</b> is repealed.</p>	<p>Identical</p>	<p><b>Subd. 3. Compliance with fire and safety codes.</b> Repeals this subdivision.</p>
	<p><b>Subdivision 4</b> specifies when authorization must be received and other license holder duties when the license holder assists a person with the safekeeping of funds or other property; removes language prohibiting license holders from being appointed a guardian or conservator of a person receiving services from the license holder; specifies license holder duties upon the transfer or death of a person.</p>	<p>Identical</p>	<p><b>Subd. 4. Funds and property.</b> Specifies when authorization must be received and other license holder duties when the license holder assists a person with the safekeeping of funds or other property. Removes language prohibiting license holders from being appointed a guardian or conservator of a person receiving services from the license holder. Specifies license holder duties upon the transfer or death of a</p>

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			person.
	<b>Subdivision 5</b> prohibits license holders from using chemical restraints, mechanical restraint practices, manual restraints, time out, or seclusion as a substitute for adequate staffing, a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience; and defines “chemical restraint” and “mechanical restraint practice.”	Identical	<b>Subd. 4. Funds and property.</b> Specifies when authorization must be received and other license holder duties when the license holder assists a person with the safekeeping of funds or other property. Removes language prohibiting license holders from being appointed a guardian or conservator of a person receiving services from the license holder. Specifies license holder duties upon the transfer or death of a person.
24	<b>Section 24 (245D.061)</b> creates a new section, “EMERGENCY USE OF MANUAL RESTRAINTS,” effective January 1, 2013.	Identical	<b>Section 23. Emergency use of manual restraints.</b> Creates § 245D.061.
	<b>Subdivision 1</b> specifies standards for emergency use of manual restraints.	Identical	<b>Subd. 1. Standards for emergency use of manual restraints.</b> Specifies standards for emergency use of manual restraints.
	<b>Subdivision 2</b> defines “manual restraint” and “mechanical restraint.”	Identical	<b>Subd. 2. Definitions.</b> Defines “manual restraint” and “mechanical restraint.”
	<b>Subdivision 3</b> lists the conditions that must be met for emergency use of manual restraint.	Identical	<b>Subd. 3. Conditions for emergency use of manual restraint.</b> Lists the conditions that must be met for emergency use of manual restraint.
	<b>Subdivision 4</b> requires physical contact or instructional	Identical	<b>Subd. 4. Permitted instructional techniques and</b>

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	<p>techniques to use the least restrictive alternative possible to meet the needs of the person and allows them to be used under specified conditions; specifies when restraint may be use as therapeutic conduct; requires a plan to be developed for using restraint as therapeutic conduct.</p>		<p><b>therapeutic conduct.</b> Requires physical contact or instructional techniques to use the least restrictive alternative possible to meet the needs of the person and allows them to be used under specified conditions. Specifies when restraint may be use as therapeutic conduct. Requires a plan to be developed for using restraint as therapeutic conduct.</p>
	<p><b>Subdivision 5</b> lists prohibitions regarding emergency use of manual restraint procedures.</p>	<p>Identical</p>	<p><b>Subd. 5. Restrictions when implementing emergency use of manual restraint.</b> Lists prohibitions regarding emergency use of manual restraint procedures.</p>
	<p><b>Subdivision 6</b> requires the license holder to monitor a person’s health and safety during an emergency use of manual restraint, and requires license holders to complete a monitoring form for each incident involving the emergency use of manual restraint.</p>	<p>Identical</p>	<p><b>Subd. 6. Monitoring emergency use of manual restraint.</b> Requires the license holder to monitor a person’s health and safety during an emergency use of manual restraint. Requires the license holder to complete a monitoring form for each incident involving the emergency use of manual restraint.</p>
	<p><b>Subdivision 7</b> requires the staff person who implemented the emergency use of a manual restraint to report each incident involving the emergency use of manual restraint; specifies the information that must be included in the incident report; requires each single incident of emergency use of manual restraint to be reported separately</p>	<p>Identical</p>	<p><b>Subd. 7. Reporting emergency use of manual restraint incident.</b> Requires the staff person who implemented the emergency use of a manual restraint to report each incident involving the emergency use of manual restraint. Specifies the information that must be included in the incident report. Requires each single incident of emergency use of manual restraint to be reported separately.</p>
	<p><b>Subdivision 8</b> requires license holders to complete an internal review of each report of emergency use of manual restraint, lists the information that must be evaluated as part of the review, and requires a corrective action plan to be developed</p>	<p>Identical</p>	<p><b>Subd. 8. Internal review of emergency use of manual restraint.</b> Requires license holders to complete an internal review of each report of emergency use of manual restraint, lists the information that must be evaluated as part of the review, and</p>

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	and implemented if any lapses in performance are found.		requires a corrective action plan to be developed and implemented if any lapses in performance are found.
	<b>Subdivision 9</b> requires license holders to consult with the expanded support team following the emergency use of manual restraint.	Identical	<b>Subd. 9. Expanded support team review.</b> Requires license holders to consult with the expanded support team following the emergency use of manual restraint.
	<b>Subdivision 10</b> requires license holders to develop, document, and implement policies and procedures for the emergency use of manual restraints, and specifies the information that must be included in the policy and procedures.	Identical	<b>Subd. 10. Emergency use of manual restraints policy and procedures.</b> Requires license holders to develop, document, and implement a policy and procedures for the emergency use of manual restraints. Specifies the information that must be included in the policy and procedures.  Makes this section effective January 1, 2014.
25	<b>Section 25 (245D.07)</b> modifies this section, and changes the title to “SERVICES PLANNING AND DELIVERY,” effective January 1, 2014.	Identical	<b>Section 24. Service planning and delivery.</b> Amends § 245D.07.
	<b>Subdivision 1</b> makes technical changes	Identical	<b>Subd. 1. Provision of services.</b> Makes technical changes to phrasing.
	<b>Subdivision 1a</b> requires license holders to provide services in response to the person’s identified needs and preferences as specified in the coordinated service and support plan, the plan addendum, and with provider standards, and lists the principles that must guide provision of services.	Identical	<b>Subd. 1a. Person-centered planning and service delivery.</b> Requires the license holder to provide services in response to the person’s identified needs and preferences as specified in the coordinated service and support plan, the plan addendum, and with provider standards. Lists the principles that must guide provision of services.
	<b>Subdivision 2</b> specifies timelines for developing the coordinated service and support plan addendum based on the	Identical	<b>Subd. 2. Service planning; requirements for basic support services.</b> Specifies timelines for

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	coordinated service and support plan, and makes conforming changes.		developing the coordinated service and support plan addendum based on the coordinated service and support plan. Makes conforming changes.
26	<b>Section 26 (245D.071)</b> creates a new section, “SERVICE PLANNING AND DELIVERY; INTENSIVE SUPPORT SERVICES,” effective January 1, 2014.	Identical	<b>Section 25. Service planning and delivery; intensive support services.</b> Creates § 245D.071.
	<b>Subdivision 1</b> specifies the requirements license holders providing intensive support services must meet.	Identical	<b>Subd. 1. Requirements for intensive support services.</b> Specifies the requirements license holders providing intensive support services must meet.
	<b>Subdivision 2</b> requires license holders to develop, document, and implement an abuse prevention plan prior to or upon initiating services.	Identical	<b>Subd. 2. Abuse prevention.</b> Requires license holders to develop, document, and implement an abuse prevention plan prior to or upon initiating services.
	<b>Subdivision 3</b> specifies the timelines and processes license holders must follow for developing the coordinated service and support plan addendum for a person.	Identical	<b>Subd. 3. Assessment and initial service planning.</b> Specifies the timelines and processes a license holder must follow for developing the coordinated service and support plan addendum for a person.
	<b>Subdivision 4</b> requires service outcomes and supports to be developed by the license holder and included in the coordinated service and support plan addendum; requires the license holder to document the supports and lists the information that must be included in the documentation; requires the license holder to obtain dated signatures from the person or the person’s legal representative and case manager to document completion and approval of the plan addendum.	Identical	<b>Subd. 4. Service outcomes and supports.</b> Requires service outcomes and supports to be developed by the license holder and included in the coordinated service and support plan addendum. Requires the license holder to document the supports and lists the information that must be included in the documentation. Requires the license holder to obtain dated signatures from the person or the person’s legal representative and case manager to document completion and approval of the plan addendum.
	<b>Subdivision 5</b> specifies the process for progress reviews.	Identical	<b>Subd. 5. Progress reviews.</b> Specifies the process for progress reviews.

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			Makes this section effective January 1, 2014.
27	<b>Section 27 (245D.081)</b> creates a new section, “PROGRAM COORDINATION, EVALUATION AND OVERSIGHT,” effective January 1, 2014.	Identical	<b>Section 26. Program coordination, evaluation, and oversight.</b> Creates § 245D.081.
	<b>Subdivision 1</b> lists license holder responsibilities related to program coordination and evaluation.	Identical	<b>Subd. 1. Program coordination and evaluation.</b> Lists license holder responsibilities related to program coordination and evaluation.
	<b>Subdivision 2</b> requires delivery and evaluation of services provided by the license holder to be coordinated by a designated staff person; lists activities for which the designated coordinator must provide supervision, support, and evaluation; lists education and training requirements for designated coordinators.	Identical	<b>Subd. 2. Coordination and evaluation of individual service delivery.</b> Requires delivery and evaluation of services provided by the license holder to be coordinated by a designated staff person. Lists activities for which the designated coordinator must provide supervision, support, and evaluation. Lists education and training requirements for designated coordinators.
	<b>Subdivision 3</b> requires license holders to designate a managerial staff person or persons to provide program management and oversight of the services provided by the license holder; lists the responsibilities of the designated manager; specifies the education, training, and supervisory experience necessary to be a designated manager.	Identical	<b>Subd. 3. Program management and oversight.</b> Requires the license holder to designate a managerial staff person or persons to provide program management and oversight of the services provided by the license holder. Lists the responsibilities of the designated manager. Specifies the education, training, and supervisory experience necessary to be a designated manager.  Makes this section effective January 1, 2014.
28	<b>Section 28 (245D.09)</b> modifies the “STAFFING STANDARDS” section, effective January 1, 2014.	Some differences.	<b>Section 27. Staffing standards.</b> Amends § 245D.09.
	<b>Subdivision 1</b> modifies staffing requirements.	Identical	<b>Subd. 1. Staffing requirements.</b> Modifies staffing

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			requirements.
	<b>Subdivision 2</b> modifies terminology.	Identical	<b>Subd. 2. Supervision of staff having direct contact.</b> Makes conforming changes by modifying terminology.
	<b>Subdivision 3</b> makes conforming language changes and modifies staff qualifications.	Technical differences. Staff recommends the Senate.	<b>Subd. 3. Staff qualifications.</b> Makes conforming changes by modifying terminology and modifies staff qualifications.
	<b>Subdivision 4</b> modifies orientation requirements.	Identical	<b>Subd. 4. Orientation to program requirements.</b> Modifies orientation requirements.
	<b>Subdivision 4a</b> modifies requirements related to orientation to individual service recipient needs.	Minor technical difference; Staff recommends the Senate language.	<b>Subd. 4a. Orientation to individual service recipient needs.</b> Modifies requirements related to orientation to individual service recipient needs.
	<b>Subdivision 5</b> modifies annual training requirements for direct support staff.	Minor technical difference; Staff recommends the Senate language.	<b>Subd. 5. Annual training.</b> Modifies annual training requirements for direct support staff.
	<b>Subdivision 5a</b> allows alternative sources of training and specifies requirements for license holders related to documenting alternative sources of training.	Identical	<b>Subd. 5a. Alternative sources of training.</b> Allows alternative sources of training and specifies requirements for license holders related to documenting alternative sources of training.
	<b>Subdivision 6</b> modifies license holder requirements related to subcontractors and temporary staff.	Identical	<b>Subd. 6. Subcontractors and temporary staff.</b> Modifies license holder requirements related to subcontractors and temporary staff.
	<b>Subdivision 7</b> modifies terminology and requires license holders to ensure that a background study has been completed and to maintain documentation that applicable requirements have been met.	Identical	<b>Subd. 7. Volunteers.</b> Modifies terminology and requires license holders to ensure that a background study has been completed and to maintain documentation that applicable requirements have been met.

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	<p><b>Subdivision 8</b> requires license holders to develop a staff orientation and training plan documenting when and how compliance with orientation and training requirements will be met.</p>	<p>Identical</p>	<p><b>Subd. 8. Staff orientation and training plan.</b> Requires license holders to develop a staff orientation and training plan documenting when and how compliance with orientation and training requirements will be met.</p> <p>Makes this section effective January 1, 2014.</p>
<p><b>29</b></p>	<p><b>Section 29 (245D. 091)</b> creates a new section, "INTERVENTION SERVICES," effective January 1, 2014</p>	<p>Technical differences</p>	<p><b>Section 28. Intervention services.</b> Creates § 245D.091.</p>
	<p><b>Subdivision 1</b> specifies that certain employees of licensed programs providing specified services do not have to hold a separate license under this chapter; and individuals who are not providing services as an employee of a licensed program must obtain a license according to this chapter.</p>	<p>Identical</p>	<p><b>Subd. 1. Licensure requirements.</b> Specifies certain employees of licensed programs providing specified services do not have to hold a separate license under this chapter. Individuals who are not providing services as an employee of a licensed program must obtain a license according to this chapter.</p>
	<p><b>Subdivision 2</b> lists qualifications for behavior professionals, as defined in the BI and CADI waiver plans.</p>	<p>Identical</p>	<p><b>Subd. 2. Behavior professional qualifications.</b> Lists qualifications for behavior professionals, as defined in the BI and CADI waiver plans.</p>
	<p><b>Subdivision 3</b> lists qualifications for behavior analysts, as defined in the BI and CADI waiver plans.</p>	<p>Technical differences. Staff recommends the Senate.</p>	<p><b>Subd. 3. Behavior analyst qualifications.</b> Lists qualifications for behavior analysts, as defined in the BI and CADI waiver plans.</p>
	<p><b>Subdivision 4</b> lists qualifications for behavior specialists, as defined in the BI and CADI waiver plans.</p>	<p>Identical</p>	<p><b>Subd. 4. Behavior specialist qualifications.</b> Lists qualifications for behavior specialists, as defined in the BI and CADI waiver plans.</p>



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	<p><b>Subdivision 5</b> lists qualifications for an individual providing specialist services, as defined in the DD waiver plan.</p>	<p>Identical</p>	<p><b>Subd. 5. Specialist services qualifications.</b> Lists qualifications for an individual providing specialist services, as defined in the DD waiver plan.</p> <p>Makes this section effective January 1, 2014.</p>
<p><b>30</b></p>	<p><b>Section 30 (245D. 095)</b> creates a new section, “RECORD REQUIREMENTS,” effective January 1, 2014, outlining the record keeping requirements for providers licensed under Chapter 245D.</p>	<p>Technical differences. Staff recommends Senate.</p>	<p><b>Section 29. Record requirements.</b> Creates § 245D.095.</p> <p><b>Subd. 1. Record-keeping systems.</b> Requires license holders to ensure that certain records are uniform and legible.</p> <p><b>Subd. 2. Admission and discharge register.</b> Requires the license holder to keep a written or electronic register listing the dates and names of all persons served by the program who have been admitted, discharged, or transferred.</p> <p><b>Subd. 3. Service recipient record.</b> Requires license holders to maintain a record of current services provided to each person on the premises where the services are provided or coordinated. Lists the information that must be maintained for each person.</p> <p><b>Subd. 4. Access to service recipient records.</b> Requires license holders to ensure that certain people have access to service recipient records in accordance with applicable state and federal law, regulation, or rule.</p> <p><b>Subd. 5. Personnel records.</b> Requires the license holder to maintain a personnel record of each employee to document and verify staff qualifications, orientation, and training. Lists the information that must be</p>

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			<p>included in the personnel record.</p> <p>Makes this section effective January 1, 2014.</p>
31	<p><b>Section 31 (245D.10)</b> modifies the “POLICIES AND PROCEDURES” section, effective January 1, 2014.</p>	<p>Some differences.</p>	<p><b>Section 30. Policies and procedures.</b> Amends § 245D.10.</p>
	<p><b>Subdivision 1</b> modifies license holder policy and procedure requirements.</p>	<p>Identical</p>	<p><b>Subd. 1. Policy and procedure requirements.</b> Modifies license holder policy and procedure requirements.</p>
	<p><b>Subdivision 2</b> requires the complaint process to promote service recipient rights.</p>	<p>Identical</p>	<p><b>Subd. 2. Grievances.</b> Requires the complaint process to promote service recipient rights.</p>
	<p><b>Subdivision 3</b> modifies requirements related to policies and procedures for service suspension and service termination.</p>	<p>Identical</p>	<p><b>Subd. 3. Service suspension and service termination.</b> Modifies requirements related to policies and procedures for service suspension and service termination.</p>
	<p><b>Subdivision 4</b> modifies license holder requirements related to making available current written policies and procedures.</p>	<p>Language difference; Staff recommends the Senate language.</p>	<p><b>Subd. 4. Availability of current written policies and procedures.</b> Modifies license holder requirements related to making available current written policies and procedures.</p> <p>Makes this section effective January 1, 2014.</p>
32	<p><b>Section 32 (245D.11)</b> creates a new section, “POLICIES AND PROCEDURES; INTENSIVE SUPPORT SERVICES,” effective January 1, 2014.</p>	<p>Identical</p>	<p><b>Section 31. Policies and procedures; intensive support services.</b> Creates § 245D.11.</p>
	<p><b>Subdivision 1</b> requires license holders providing intensive support services to establish, enforce, and maintain required policies and procedures.</p>	<p>Identical</p>	<p><b>Subd. 1. Policy and procedure requirements.</b> Requires license holders providing intensive support services to establish, enforce, and maintain required policies and procedures.</p>

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	<b>Subdivision 2</b> requires license holders to establish policies and procedures that promote health and safety, and lists health and safety requirements.	Identical	<b>Subd. 2. Health and safety.</b> Requires license holders to establish policies and procedures that promote health and safety. Lists health and safety requirements.
	<b>Subdivision 3</b> requires license holders to establish policies and procedures that promote service recipient rights by ensuring data privacy according to the Minnesota Government Data Practices Act and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).	Identical	<b>Subd. 3. Data privacy.</b> Requires license holders to establish policies and procedures that promote service recipient rights by ensuring data privacy according to the Minnesota Government Data Practices Act and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
	<b>Subdivision 4</b> requires license holders to establish policies and procedures that promote continuity of care by ensuring certain admission or service initiation criteria are met.	Identical	<b>Subd. 4. Admission criteria.</b> Requires license holders to establish policies and procedures that promote continuity of care by ensuring certain admission or service initiation criteria are met.  Makes this section effective January 1, 2014.
33	<b>Section 33 (245D.21)</b> creates a new section, “FACILITY LICENSURE REQUIREMENTS AND APPLICATION PROCESS,” effective January 1, 2104; defining “facility” and specifying requirements related to inspections and code compliance.	Identical	<b>Section 32. Facility licensure requirements and application process.</b> Creates § 245D.21.  <b>Subd. 1. Community residential settings and day service facilities.</b> Defines “facility.”  <b>Subd. 2. Inspections and code compliance.</b> Specifies requirements related to inspections and code compliance.  Makes this section effective January 1, 2014.
34	<b>Section 34 (245D.22)</b> creates a new section, “FACILITY SANITATION AND HEALTH,” effective January 1, 2014.	Some differences.	<b>Section 33. Facility sanitation and health.</b> Creates § 245D.22.

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	<p><b>Subdivision 1</b> requires license holders to maintain the interior and exterior of buildings used by the facility in good repair and in a sanitary and safe condition; requires license holders to correct building and equipment deterioration, safety hazards, and unsanitary conditions.</p>	<p>Identical</p>	<p><b>Subd. 1. General maintenance.</b> Requires license holders to maintain the interior and exterior of buildings used by the facility in good repair and in a sanitary and safe condition. Requires license holders to correct building and equipment deterioration, safety hazards, and unsanitary conditions.</p>
	<p><b>Subdivision 2</b> requires license holders to ensure that service sites owned or leased by the license holder are free from hazards that would threaten the health or safety of a person receiving services; and lists requirements that must be met.</p>	<p>Technical differences. Staff recommends the Senate.</p>	<p><b>Subd. 2. Hazards and toxic substances.</b> Requires license holders to ensure that service sites owned or leased by the license holder are free from hazards that would threaten the health or safety of a person receiving services. Lists requirements that must be met.</p>
	<p><b>Subdivision 3</b> requires certain controlled substances to be stored in a locked storage area permitting access only by persons and staff authorized to administer the medication, and requires medications to be disposed of according to EPA recommendations.</p>	<p>Identical</p>	<p><b>Subd. 3. Storage and disposal of medication.</b> Requires certain controlled substances to be stored in a locked storage area permitting access only by persons and staff authorized to administer the medication. Requires medications to be disposed of according to EPA recommendations.</p>
	<p><b>Subdivision 4</b> requires staff people trained in first aid to be available onsite and, when required in a person’s coordinated service and support plan, cardiopulmonary resuscitation; requires facilities to have first aid kits readily available; specifies the items with which first aid kits must be equipped.</p>	<p>Senate requires staff to be trained in CPR, if required by the person’s coordinated service and support plan.</p>	<p><b>Subd. 4. First aid.</b> Requires staff people trained in first aid to be available on site and, when required in a person’s coordinated service and support plan, cardiopulmonary resuscitation. Requires facilities to have first aid kits readily available. Specifies the items with which first aid kits must be equipped.</p>
	<p><b>Subdivision 5</b> requires license holders to have a written plan for responding to emergencies to ensure the safety of persons in the facility and lists information that must be included in the</p>	<p>Technical difference. Staff recommends the Senate.</p>	<p><b>Subd. 5. Emergencies.</b> Requires license holders to have a written plan for responding to emergencies to ensure the safety of persons in the facility and lists</p>

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	plan.		information that must be included in the plan.
	<b>Subdivision 6</b> requires each facility to have a flashlight and a portable radio or TV that do not require electricity and can be used if a power failure occurs.	Identical	<b>Subd. 6. Emergency equipment.</b> Requires each facility to have a flashlight and a portable radio or TV that do not require electricity and can be used if a power failure occurs.
	<b>Subdivision 7</b> requires each facility to have a noncoin operated telephone that is readily accessible; requires a list of emergency numbers to be posted in a prominent location; specifies the numbers that must be included on the list of emergency numbers; and requires the names and telephone numbers of each person’s representative, physician, and dentist to be readily available.	Identical	<b>Subd. 7. Telephone and posted numbers.</b> Requires each facility to have a non-coin operated telephone that is readily accessible. Requires a list of emergency numbers to be posted in a prominent location. Specifies the numbers that must be included on the list of emergency numbers. Requires the names and telephone numbers of each person’s representative, physician, and dentist to be readily available.  Makes this section effective January 1, 2014.
35	<b>Section 35 (245D.23)</b> creates a new section, “COMMUNITY RESIDENTIAL SETTINGS; SATELLITE LICENSURE REQUIREMENTS AND APPLICATION PROCESS,” effective January 1, 2014.	Identical	<b>Section 34. Community residential settings; satellite licensure requirements and application process.</b> Creates § 245D.23.
	<b>Subdivision 1</b> requires license holders providing residential support services to obtain a separate satellite license for each community residential setting located at separate addresses when the settings are to be operated by the same license holder; specifies a community residential setting is a satellite of the HCBS license; specifies community residential settings are permitted single-family use homes, and requires DHS to notify the local municipality where the residence is located of the approved license.	Identical	<b>Subd. 1. Separate satellite license required for separate sites.</b> Requires license holders providing residential support services to obtain a separate satellite license for each community residential setting located at separate addresses when the settings are to be operated by the same license holder. Specifies a community residential setting is a satellite of the HCBS license. Specifies community residential settings are permitted single-family use homes. Requires the commissioner to notify the local municipality where the residence is located of the approved license.

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	<p><b>Subdivision 2</b> requires license holders to notify the local agency within 24 hours of the onset of changes in a residence resulting from construction, remodeling, or damages requiring repairs that require a building permit or may affect a licensing requirement.</p>	<p>Identical</p>	<p><b>Subd. 2. Notification to local agency.</b> Requires license holders to notify the local agency within 24 hours of the onset of changes in a residence resulting from construction, remodeling, or damages requiring repairs that require a building permit or may affect a licensing requirement.</p>
	<p><b>Subdivision 3</b> specifies requirements for license holders who have been granted an alternate overnight supervision technology adult foster care license.</p>	<p>Identical</p>	<p><b>Subd. 3. Alternate overnight supervision.</b> Specifies requirements for license holders who have been granted an alternate overnight supervision technology adult foster care license.</p> <p>Makes this section effective January 1, 2014.</p>
<p><b>36</b></p>	<p><b>Section 36 (245D.24)</b> creates a new section, “COMMUNITY RESIDENTIAL SETTINGS; PHYSICAL PLANT AND ENVIRONMENT,” effective January 1, 2014.</p>	<p>Identical</p>	<p><b>Section 35. Community residential settings; physical plant and environment.</b> Creates § 245D.24.</p>
	<p><b>Subdivision 1</b> requires the residence to meet the definition of a dwelling unit in a residential occupancy.</p>	<p>Identical</p>	<p><b>Subd. 1. Occupancy.</b> Requires the residence to meet the definition of a dwelling unit in a residential occupancy.</p>
	<p><b>Subdivision 2</b> requires the living area to be provided with an adequate number of furnishings for the usual functions of daily living and social activities; requires the dining area to be furnished to accommodate meals shared by all persons living in the residence; and requires furnishings to be in good repair and functional to meet the daily needs of the persons living in the residence.</p>	<p>Identical</p>	<p><b>Subd. 2. Common area requirements.</b> Requires the living area to be provided with an adequate number of furnishings for the usual functions of daily living and social activities. Requires the dining area to be furnished to accommodate meals shared by all persons living in the residence. Requires furnishings to be in good repair and functional to meet the daily needs of the persons living in the residence.</p>
	<p><b>Subdivision 3</b> requires persons receiving services to mutually consent to sharing a bedroom with one another; specifies no more than two people receiving services may share one</p>	<p>Identical</p>	<p><b>Subd. 3. Bedrooms.</b> Requires persons receiving services to mutually consent to sharing a bedroom with one another. Specifies no more than two people</p>

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	bedroom; and specifies size, furnishings, and other requirements bedrooms must meet.		receiving services may share one bedroom. Specifies size, furnishings, and other requirements bedrooms must meet.  Makes this section effective January 1, 2014.
37	<b>Section 37 (245D.25)</b> creates a new section, “COMMUNITY RESIDENTIAL SETTINGS; FOOD AND WATER,” effective January 1, 2014; outlining food and nutrition requirements for community residential settings.	Technical differences. Staff recommends Senate.	<b>Section 36. Community residential settings; food and water.</b> Creates § 245D.25.  <b>Subd. 1. Water.</b> Requires potable water from private wells to be tested annually to verify safety. Authorizes the health authority to require retesting and corrective measures under certain circumstances. Prohibits water temperature of faucets from exceeding 120 degrees Fahrenheit.  <b>Subd. 2. Food.</b> Requires food served to meet any dietary needs of a person as prescribed by the person’s physician or dietician. Requires three nutritionally balanced meals to be served or made available per day, and requires nutritious snacks to be available between meals.  <b>Subd. 3. Food safety.</b> Requires food to be obtained, handled, and properly stored to prevent contamination, spoilage, or a threat to the health of a person.  Makes this section effective January 1, 2014.
38	<b>Section 38 (245D.26)</b> creates a new section, “COMMUNITY RESIDENTIAL SETTINGS; SANITATION AND HEALTH,” effective January 1, 2014; outlining requirements related to: goods provided by the license holder, personal	Identical	<b>Section 37. Community residential settings; sanitation and health.</b> Creates § 245D.26.  <b>Subd. 1. Goods provided by the license holder.</b> Specifies the household goods that must be made

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	<p>items, pets and service animals, smoking and weapons.</p>		<p>available by the license holder.</p> <p><b>Subd. 2. Personal items.</b> Requires personal health and hygiene items to be stored in a safe and sanitary manner.</p> <p><b>Subd. 3. Pets and service animals.</b> Requires pets and service animals housed in the residence to be immunized and maintained in good health. Requires license holders to ensure that the person and person’s representative are notified before admission of the presence of pets in the residence.</p> <p><b>Subd. 4. Smoking in the residence.</b> Requires license holders to comply with the requirements of the Minnesota Clean Indoor Air Act, when smoking is permitted in the residence.</p> <p><b>Subd. 5. Weapons.</b> Requires weapons and ammunition to be stored separately in locked areas that are inaccessible to a person receiving services. Defines “weapons.”</p> <p>Makes this section effective January 1, 2014.</p>



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39	<p><b>Section 39 (245D.27)</b> creates a new section, “DAY SERVICES FACILITIES; SATELLITE LICENSURE REQUIREMENTS AND APPLICATION PROCESS,” effective January 1, 2014; requiring license holders providing day services to apply for separate licenses for each facility-based service site when the license holder is the owner, lessor, or tenant of the service site at which services are provided more than 30 days within any 12-month period, and allowing a day services program to operate multiple licensed day service facilities in one or more counties in the state.</p>	Identical	<p><b>Section 38. Day services facilities; satellite licensure requirements and application process.</b> Creates § 245D.27. Requires license holders providing day services to apply for separate licenses for each facility-based service site when the license holder is the owner, lessor, or tenant of the service site at which services are provided more than 30 days within any 12-month period. Allows a day services program to operate multiple licensed day service facilities in one or more counties in the state. Makes this section effective January 1, 2014.</p>
40	<p><b>Section 40 (245D.28)</b> creates a new section, “DAY SERVICES FACILITIES; PHYSICAL PLANT AND SPACE REQUIREMENTS,” effective January 1, 2014; specifying facility capacity and useable space requirements for day services facilities, and requires each person to be provided space for storage of personal items for the person’s own use while receiving services at the facility.</p>	Technical differences. Staff recommends the Senate.	<p><b>Section 39. Day services facilities; physical plant and space requirements.</b> Creates § 245D.28.</p> <p><b>Subd. 1. Facility capacity and useable space requirements.</b> Specifies facility capacity and useable space requirements for day services facilities.</p> <p><b>Subd. 2. Individual personal articles.</b> Requires each person to be provided space for storage of personal items for the person’s own use while receiving services at the facility.</p> <p>Makes this section effective January 1, 2014.</p>
41	<p><b>Section 41 (245D.29)</b> creates a new section, “DAY SERVICES FACILITIES; HEALTH AND SAFETY REQUIREMENTS,” effective January 1, 2014; outlining food safety procedures for the license holder to follow, and requirements for when an individual becomes ill; also requires license holders to put in writing safety procedures.</p>	Identical	<p><b>Section 40. Day services facilities; health and safety requirements.</b> Creates § 245D.29.</p> <p><b>Subd. 1. Refrigeration.</b> Requires refrigeration to have a temperature of 40 degrees Fahrenheit or less if refrigeration is provided by the license holder.</p> <p><b>Subd. 2. Drinking water.</b> Requires drinking water to be available to all persons receiving services and to</p>

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			<p>be provided in single-service containers or from drinking fountains accessible to all persons.</p> <p><b>Subd. 3. Individuals who become ill during the day.</b> Requires there to be an area in which a person receiving services can rest under certain circumstances.</p> <p><b>Subd. 4. Safety procedures.</b> Requires the license holder to establish general written safety procedures and specifies the information that must be included in the safety procedures.</p> <p>Makes this section effective January 1, 2014.</p>
42	<p><b>Section 42 (245D.31)</b> creates a new section, “DAY SERVICES FACILITIES; STAFF RATIO AND FACILITY COVERAGE,” effective January 1, 2014.</p>	<p>Technical differences</p>	<p><b>Section 41. Day services facilities; staff ratio and facility coverage.</b> Creates § 245D.31.</p>
	<p><b>Subdivision 1</b> makes this section apply only to facility-based day services.</p>	<p>Identical</p>	<p><b>Subd. 1. Scope.</b> Makes this section apply only to facility-based day services.</p>
	<p><b>Subdivision 2</b> lists factors that affect the number of direct support staff members license holders are required to have on duty at the facility at a given time; and requires DHS to consider these factors in determining license holders' compliance with staffing requirements and whether the staff ratio requirement for each person receiving services accurately reflects the person's need for staff time.</p>	<p>Identical</p>	<p><b>Subd. 2. Factors.</b> Lists factors that affect the number of direct support staff members a license holder is required to have on duty at the facility at a given time. Requires the commissioner to consider these factors in determining a license holder's compliance with staffing requirements and whether the staff ratio requirement for each person receiving services accurately reflects the person's need for staff time.</p>
	<p><b>Subdivision 3</b> specifies the process for the case manager to determine the staff ratio assigned to each person receiving services and requires documentation of how the ratio was determined.</p>	<p>Identical</p>	<p><b>Subd. 3. Staff ratio requirement for each person receiving services.</b> Specifies the process for the case manager to determine the staff ratio assigned to each person receiving services and requires documentation</p>

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			of how the ratio was determined.
	<b>Subdivision 4</b> specifies the conditions under which a person must be assigned a staff ratio of one to four.	Identical	<b>Subd. 4. Person requiring staff ratio of one to four.</b> Specifies the conditions under which a person must be assigned a staff ratio of one to four.
	<b>Subdivision 5</b> specifies the conditions under which a person must be assigned a staff ratio of one to eight.	Identical	<b>Subd. 5. Person requiring staff ratio of one to eight.</b> Specifies the conditions under which a person must be assigned a staff ratio of one to eight.
	<b>Subdivision 6</b> requires a person who does not have any of the characteristics described in subdivisions 4 and 5 to be assigned a staff ratio of one to six.	Identical	<b>Subd. 6. Person requiring staff ratio of one to six.</b> Requires a person who does not have any of the characteristics described in subdivisions 4 and 5 to be assigned a staff ratio of one to six.
			<b>Subd. 7. Determining number of direct support service staff required.</b> Specifies the steps for determining the number of direct support service staff required to meet the combined staff ratio requirements of the persons present at any one time.
	<b>Subdivision 8</b> requires only direct support staff to be counted as staff members in calculating the staff to participant ratio, and allows volunteers to be counted under certain circumstances.	Technical differences. Staff recommends the Senate.	<b>Subd. 8. Staff to be included in calculating minimum staffing requirement.</b> Requires only direct support staff to be counted as staff members in calculating the staff to participant ratio. Allows volunteers to be counted under certain circumstances. Prohibits persons receiving services from being counted as or substituted for a staff member in calculating the staff to participant ratio.
	<b>Subdivision 9</b> requires license holders to increase the number of direct support staff persons present at any one time beyond the number required if necessary under specified circumstances.	Identical	<b>Subd. 9. Conditions requiring additional direct support staff.</b> Requires the license holder to increase the number of direct support staff persons present at any one time beyond the number required if necessary

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			under specified circumstances.
	<b>Subdivision 10</b> prohibits one direct support staff member from being assigned responsibility for supervision and training of more than ten persons receiving supervision and training, except as otherwise stated in each person’s risk management plan; and requires a direct support staff member to be assigned to supervise the center in the absence of the director or a supervisor.	Identical	<b>Subd. 10. Supervision requirements.</b> Prohibits one direct support staff member from being assigned responsibility for supervision and training of more than 10 persons receiving supervision and training, except as otherwise stated in each person’s risk management plan. Requires a direct support staff member to be assigned to supervise the center in the absence of the director or a supervisor.
	<b>Subdivision 11</b> allows multifunctional programs to count other employees of the organization besides direct support staff of the day service facility in calculating the staff to participant ratio, if the employee is assigned to the day services facility for a specified amount of time during which the employee is not assigned to another organization or program.	Technical differences. Staff recommends the Senate.	<b>Subd. 11. Multifunctional programs.</b> Allows multifunctional programs to count other employees of the organization besides direct support staff of the day service facility in calculating the staff to participant ratio if the employee is assigned to the day services facility for a specified amount of time, during which the employee is not assigned to another organization or program.  Makes this section effective January 1, 2014.
43	<b>Section 43 (245D.32)</b> creates a new section, “ALTERNATIVE LICENSING INSPECTIONS,” effective January 1, 2014.	Technical differences	<b>Section 42. Alternative licensing inspections.</b> Creates § 245D.32.
	<b>Subdivision 1</b> allows community residential setting and day services facility license holders to request approval for an alternative licensing inspection when all services provided under the license holder’s license are accredited and certain other requirements are met.	Technical differences. Staff recommends the Senate.	<b>Subd. 1. Eligibility for an alternative licensing inspection.</b> Allows community residential setting and day services facility license holders to request approval for an alternative licensing inspection when all services provided under the license holder’s license are accredited and certain other requirements are met.
	<b>Subdivision 2</b> requires DHS to accept a three-year accreditation from the Commission on Accreditation of	Identical	<b>Subd. 2. Qualifying accreditation.</b> Requires the commissioner to accept a three-year accreditation from

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	Rehabilitation Facilities as a qualifying accreditation.		the Commission on Accreditation of Rehabilitation Facilities as a qualifying accreditation.
	<b>Subdivision 3</b> specifies the process for requesting approval of an alternative inspection.	Identical	<b>Subd. 3. Request for approval of an alternative inspection status.</b> Specifies the process for requesting approval of an alternative inspection.
	<b>Subdivision 4</b> requires license holders approved for alternative licensing inspection to maintain compliance with all licensing standards, prohibits DHS from performing routine licensing inspections, and requires DHS to investigate complaints and take action as provided for in human services licensing statutes.	Identical	<b>Subd. 4. Programs approved for alternative licensing inspection; deemed compliance licensing requirements.</b> Requires license holders approved for alternative licensing inspection to maintain compliance with all licensing standards, prohibits the commissioner from performing routine licensing inspections, and requires the commissioner to investigate complaints and take action as provided for in human services licensing statutes.
	<b>Subdivision 5</b> specifies that DHS retains the responsibility to investigate alleged or suspected maltreatment of a minor or a vulnerable adult.  <b>Subdivision 6</b> allows DHS to terminate or deny subsequent approval of an alternative licensing inspection if DHS makes certain determinations.	Identical	<b>Subd. 5. Investigations of alleged or suspected maltreatment.</b> Specifies the commissioner retains the responsibility to investigate alleged or suspected maltreatment of a minor or a vulnerable adult.  <b>Subd. 6. Termination or denial of subsequent approval.</b> Allows the commissioner to terminate or deny subsequent approval of an alternative licensing inspection if the commissioner makes certain determinations.
	<b>Subdivision 7</b> prohibits appeals of DHS's decision that the conditions for approval for an alternative licensing inspection have not been met.	Identical	<b>Subd. 7. Appeals.</b> Prohibits appeals of the commissioner's decision that the conditions for approval for an alternative licensing inspection have not been met.
	<b>Subdivision 8</b> excludes certain licensed HCBS providers from	Identical	<b>Subd. 8. Commissioner's programs.</b> Excludes

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	being approved for an alternative licensing inspection.		certain licensed HCBS providers from being approved for an alternative licensing inspection.  Makes this section effective January 1, 2014.
44	<b>Section 44 (245D.33)</b> creates a new section, “ADULT MENTAL HEALTH CERTIFICATION STANDARDS,” effective January 1, 2014; requiring DHS to issue a mental health certification for services licensed under this chapter when a license holder is determined to have met certain requirements; makes this certification voluntary for license holders; requires the certification to be printed on the license and identified on DHS's public Web site; lists the requirements for certification; requires license holders seeking this certification to request it on forms and in the manner prescribed by DHS; allows DHS to issue correction orders, orders of conditional license, or sanctions if DHS finds that a license holder has failed to comply with the certification requirements; and prohibits appeals when a certification is denied or removed based on a determination that the certification requirements have not been met.	Technical differences. Staff recommends the Senate.	<b>Section 43. Adult mental health certification standards.</b> Creates § 245D.33. Requires the commissioner to issue a mental health certification for services licensed under this chapter when a license holder is determined to have met certain requirements. Makes this certification voluntary for license holders. Requires the certification to be printed on the license and identified on the commissioner’s public Web site. Lists the requirements for certification. Requires license holders seeking this certification to request it on forms and in the manner prescribed by the commissioner. Allows the commissioner to issue correction orders, orders of conditional license, or sanctions if the commissioner finds that a license holder has failed to comply with the certification requirements. Prohibits appeals when a certification is denied or removed based on a determination that the certification requirements have not been met. Makes this section effective January 1, 2014.
45	<b>Section 45 (256B.092, subdivision 11)</b> modifies the types of settings than can provide residential support services and the criteria residential support services must meet.	Identical	<b>Section 44. Residential support services.</b> Amends § 256B.092, subd. 11. Modifies the types of settings than can provide residential support services and the criteria residential support services must meet.
46	<b>Section 46 (256B.4912, subdivision 1)</b> adds cross-references and modifies provider qualifications beginning January 1, 2014.	Identical	<b>Section 45. Provider qualifications.</b> Amends § 256B.4912, subd. 1. Adds cross-references and modifies provider qualifications beginning January 1, 2014.

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Section	Article 8: Waiver Provider Standards		Article 8: Waiver Provider Standards
47	<b>Section 47 (256B.4912, subdivision 7)</b> adds cross-references and requires newly enrolled HCBS providers to ensure that at least one controlling individual has completed training on waiver and related program billing within six months of enrollment.	Identical	<b>Section 46. Applicant and license holder training.</b> Amends § 256B.4912, subd. 7. Adds cross-references and requires newly enrolled HCBS providers to ensure that at least one controlling individual has completed training on waiver and related program billing within six months of enrollment.
48	<b>Section 48 (256B.4912, subdivision 8)</b> adds a subdivision requiring facilities and services licensed under chapter 245D to submit data regarding the use of emergency use of manual restraint.	Identical	<b>Section 47. Data on use of emergency use of manual restraint.</b> Amends § 256B.4912, by adding subd. 8. Requires facilities and services licensed under chapter 245D to submit data regarding the use of emergency use of manual restraint.
49	<b>Section 49 (256B.4912, subdivision 9)</b> adds a subdivision defining “controlling individual,” “managerial officer,” and “owner” for this section.	Identical	<b>Section 48. Definitions.</b> Amends §256B.4912, by adding subd. 9. Defines “controlling individual,” “managerial officer,” and “owner” for purposes of HCBS waivers.
50	<b>Section 50 (256B.4912, subdivision 10 )</b> adds a subdivision listing the information and documentation all HCBS waiver providers must provide to DHS at the time of enrollment and within 30 days of a request.	Identical	<b>Section 49. Enrollment requirements.</b> Amends § 256B.4912, by adding subd. 10. Lists information and documentation all HCBS waiver providers must provide to the commissioner at the time of enrollment and within 30 days of a request.
51	<b>Section 51 (626.557, subdivision 9)</b> strikes the requirement for the common entry point to report allegations of maltreatment to the county when the report involves services licensed under chapter 245D.	Identical	<b>Section 50. Evaluation and referral of reports made to common entry point unit.</b> Amends § 626.557, subd. 9a. Strikes the requirement for the common entry point to report allegations of maltreatment to the county when the report involves services licensed under chapter 245D.
52	<b>Section 52 (626.5572, subdivision 13)</b> states that DHS is the lead investigative agency for reports involving vulnerable adults who are receiving HCBS subject to chapter 245D.	Identical	<b>Section 51. Lead investigative agency.</b> Amends §626.5572, subd. 13. Provides that the Department of Human Services is the lead investigative agency for reports involving vulnerable adults who are receiving HCBS subject to chapter 245D.

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Section	Article 8: Waiver Provider Standards		Article 8: Waiver Provider Standards
53	<p><b>Section 53</b> requires MDH and DHS to jointly develop an integrated licensing system for providers of both home care services and for HCBS; lists components that must be included in the integrated licensing system; requires that before the implementation of the integrated licensing system, licensed home care providers be allowed to provide home and community-based services without obtaining a HCBS license; and lists conditions that apply to these providers.</p>	<p>Technical differences. Staff recommends the Senate.</p>	<p><b>Section 52. Integrated licensing system for home care and home and community-based services.</b> Requires the Departments of Health and Human Services to jointly develop an integrated licensing system for providers of both home care services and for HCBS. Lists components that must be included in the integrated licensing system. Before implementation of the integrated licensing system, allows licensed home care providers to provide HCBS without obtaining a HCBS license. Lists conditions that apply to these providers.</p>
54	<p><b>Section 54 repeals</b>, effective January 1, 2014, <b>sections 245B.01</b> (rule consolidation); <b>245B.02</b> (definitions); <b>245B.03</b> (applicability and effect); <b>245B.031</b> (accreditation, alternative inspection, and deemed compliance); <b>245B.04</b> (consumer protection standards); <b>245B.07</b> (management standards); and <b>245B.08</b> (compliance strategies); also repeals section <b>245D.08</b> (record requirements).</p>	<p>Identical</p>	<p><b>Section 53. Repealer.</b> (a) Repeals Minnesota Statutes, sections 245B.01 (rule consolidation); 245B.02 (definitions); 245B.03 (applicability and effect); 245B.031 (accreditation, alternative inspection, and deemed compliance); 245B.04 (consumer rights); 245B.05, subd. 1, 2, 3, 5, 6, and 7 (consumer protection standards); 245B.055 (staffing for DT&amp;H services); 245B.06 (service standards); 245B.07 (management standards); and 245B.08 (compliance strategies), effective January 1, 2014.</p> <p>(b) Repeals Minnesota Statutes, section 245D.08 (record requirements).</p>