

1.1 ..... moves to amend H.F. No. 1792 as follows:

1.2 Page 3, line 6, delete "one day" and insert "two days"

1.3 Page 3, line 19, delete "The commissioner"

1.4 Page 3, delete lines 20 to 22

1.5 Page 3, line 23, delete "health and safety"

1.6 Page 3, lines 34 to 36, reinstate the stricken language

1.7 Page 5, delete section 2

1.8 Page 7, delete section 5 and insert:

1.9 "Sec. 4. Minnesota Statutes 2014, section 256B.495, subdivision 5, is amended to read:

1.10 Subd. 5. **Sale or transfer of a nursing facility in receivership after closure.** (a)

1.11 Upon the subsequent sale or transfer of a nursing facility in receivership, the commissioner  
1.12 ~~must~~ shall seek to recover from the prior licensee any amounts paid through payment  
1.13 rate adjustments under ~~subdivision 4 which exceed the normal cost of operating the~~  
1.14 ~~nursing facility. Examples of costs in excess of the normal cost of operating the nursing~~  
1.15 ~~facility include the managing agent's fee, directly identifiable costs of the managing~~  
1.16 ~~agent, bonuses paid to employees for their continued employment during the downsizing~~  
1.17 ~~to closure of the nursing facility, prereceivership expenditures paid by the receiver,~~  
1.18 ~~additional professional services such as accountants, psychologists, and dietitians, and~~  
1.19 ~~other similar costs incurred by the receiver to complete receivership~~ subdivision 1. The  
1.20 ~~buyer or transferee~~ prior licensee shall repay this amount to the commissioner within 60  
1.21 days after the commissioner notifies the ~~buyer or transferee~~ prior licensee of the obligation  
1.22 to repay. ~~The buyer or transferee must also repay the private-pay resident the amount the~~  
1.23 ~~private-pay resident paid through payment rate adjustment.~~

1.24 (b) The commissioner may recover amounts paid through the receivership fee by  
1.25 means of withholding from payments due to the prior licensee related to any other medical  
1.26 assistance provider of theirs in Minnesota. The prior licensee must also repay private-pay  
1.27 residents the amount the private-pay resident paid for the receivership fee.

2.1           (c) If a nursing facility with payment rates subject to subdivision 4, paragraph (a),  
2.2 determined under subdivision 1 is later sold while the nursing facility is in receivership,  
2.3 the payment rates in effect prior to the receivership shall be the new owner's payment  
2.4 rates. Those payment rates shall continue to be in effect until the rate year following the  
2.5 reporting period ending on September 30 for the new owner. The reporting period shall,  
2.6 whenever possible, be at least five consecutive months. If the reporting period is less than  
2.7 five months but more than three months, the nursing facility's resident days for the last  
2.8 two months of the reporting period must be annualized over the reporting period for the  
2.9 purpose of computing the payment rate for the rate year following the reporting period.  
2.10 The commissioner shall apply to these rates any rate adjustment provided to other nursing  
2.11 facilities for which the facility is qualified."

2.12           Renumber the sections in sequence and correct the internal references

2.13           Amend the title accordingly