

1.1 moves to amend H.F. No. 3142 as follows:

1.2 Page 1, after line 25, insert:

1.3 **"EFFECTIVE DATE. This section is effective October 1, 2016."**

1.4 Page 4, delete section 4 and insert:

1.5 "Sec. 4. Minnesota Statutes 2014, section 144A.475, subdivision 3, is amended to read:

1.6 Subd. 3. **Notice.** (a) Prior to any suspension, revocation, or refusal to renew a
1.7 license, the home care provider shall be entitled to notice and a hearing as provided
1.8 by sections 14.57 to 14.69. In addition to any other remedy provided by law, the
1.9 commissioner may, without a prior contested case hearing, temporarily suspend a license
1.10 or prohibit delivery of services by a provider for not more than 90 days, or issue a
1.11 conditional license if the commissioner determines that there are level 3 ~~or 4~~ violations as
1.12 defined in section 144A.474, subdivision 11, paragraph (b), that do not pose an imminent
1.13 risk of harm to the health or safety of persons in the provider's care, provided:

- 1.14 (1) advance notice is given to the home care provider;
- 1.15 (2) after notice, the home care provider fails to correct the problem;
- 1.16 (3) the commissioner has reason to believe that other administrative remedies are not
1.17 likely to be effective; and
- 1.18 (4) there is an opportunity for a contested case hearing within the 30 days unless
1.19 there is an extension granted by an administrative law judge pursuant to subdivision 3b.

1.20 (b) If the commissioner determines there are:

- 1.21 (1) level 4 violations; or
- 1.22 (2) violations that pose an imminent risk of harm to the health or safety of persons in
1.23 the provider's care, the commissioner may immediately temporarily suspend a license,
1.24 prohibit delivery of services by a provider, or issue a conditional license without meeting
1.25 the requirements of paragraph (a), clauses (1) to (4).

2.1 For the purposes of this subdivision "level 3" and "level 4" have the meanings given in
 2.2 section 144A.474, subdivision 11, paragraph (b)."

2.3 Page 4, line 27, strike "Temporary suspension"

2.4 Page 4, line 28, delete "immediate" and after "suspension" insert "or issuance of a
 2.5 condition license"

2.6 Page 5, line 2, delete "immediate" and after "suspension" insert "or issuance of a
 2.7 condition license"

2.8 Page 5, line 4, after "(b)" insert ", or that there were violations that posed an
 2.9 imminent risk of harm to the health and safety of persons in the provider's care"

2.10 Page 5, lines 10 and 11, after "suspension" insert "or conditional license"

2.11 Page 5, line 18, before "A" insert "(d)"

2.12 Page 5, delete section 6 and insert:

2.13 "Sec. 6. Minnesota Statutes 2014, section 144A.475, is amended by adding a
 2.14 subdivision to read:

2.15 Subd. 3c. **Immediate temporary suspension.** (a) In addition to any other
 2.16 remedies provided by law, the commissioner may, without a prior contested case hearing,
 2.17 immediately temporarily suspend a licence or prohibit delivery of services by a provider
 2.18 for not more than 90 days, or issue a conditional license, if the commissioner determines
 2.19 that there are:

2.20 (1) level 4 violations; or

2.21 (2) violations that pose an imminent risk of harm to the health or safety of persons in
 2.22 the provider's care.

2.23 (b) For purposes of this subdivision, "level 4" has the meaning given in section
 2.24 144A.474, subdivision 11, paragraph (b).

2.25 (c) A notice stating the reasons for the immediate temporary suspension or
 2.26 conditional license and informing the license holder of the right to an expedited hearing
 2.27 under subdivision 3b, must be delivered by personal services to the address shown on the
 2.28 application or the last known address of the license holder. The license holder may appeal
 2.29 an order immediately temporarily suspending a license or issuing a conditional license.
 2.30 The appeal must be made in writing by certified mail or personal service. If mailed, the
 2.31 appeal must be postmarked and sent to the commissioner within five calendar days after the
 2.32 license holder receives notice. If an appeal is made by personal service, it must be received
 2.33 by the commissioner within five calendar days after the license holder received the order.

2.34 (d) A license holder whose license is immediately temporarily suspended must
 2.35 comply with the requirements for notification and transfer of clients in subdivision 5.
 2.36 These requirements remain if an appeal is requested."

- 3.1 Page 9, line 19, after "days" insert "within the applicable license period"
- 3.2 Amend the title accordingly