

..... moves to amend H.F. No. 1245 as follows:

Page 2, after line 2, insert:

"Sec. Minnesota Statutes 2016, section 256D.051, subdivision 1, is amended to read:

Subdivision 1. **Food stamp employment and training program.** The commissioner shall implement a food stamp employment and training program in order to meet the food stamp employment and training participation requirements of the United States Department of Agriculture. ~~Unless exempt under subdivision 3a, each adult recipient in the unit must participate in the food stamp employment and training program each month that the person is eligible for food stamps. The person's participation in food stamp employment and training services must begin no later than the first day of the calendar month following the determination of eligibility for food stamps. With the county agency's consent, and To the extent of available resources, the person~~ a recipient may voluntarily continue volunteer to participate in food stamp employment and training services for up to three additional consecutive months immediately following termination of food stamp benefits in order to complete the provisions of the person's employability development plan. A recipient who volunteers for employment and training services is subject to the work requirements in Code of Federal Regulations, title 7, section 273.7.

EFFECTIVE DATE. This section is effective October 1, 2017.

Sec. Minnesota Statutes 2016, section 256D.051, subdivision 1a, is amended to read:

Subd. 1a. **Notices and sanctions.** (a) At the time the county agency notifies the household that it is eligible for food stamps, the county agency must inform ~~all mandatory employment and training services participants as identified in subdivision 1 in the household that they must comply with all food stamp employment and training program requirements each month, including the requirement to attend an initial orientation to the food stamp employment and training program and that food stamp eligibility will end unless the~~

~~participants comply with the requirements specified in the notice~~ an adult of the opportunity to volunteer for and participate in SNAP employment and training activities, provide plain language material that explains the benefits of voluntary participation, and provide the name and address of the county's designated employment and training service provider.

~~(b) A participant who fails without good cause to comply with food stamp employment and training program requirements of this section, including attendance at orientation, will lose food stamp eligibility for the following periods:~~ The county must inform each recipient who is an able-bodied adult without dependents that the recipient's SNAP benefits are limited to three months in a 36-month period from the first full month of application unless the recipient meets the work requirements in Code of Federal Regulations, title 7, section 273.7.

~~(1) for the first occurrence, for one month or until the person complies with the requirements not previously complied with, whichever is longer;~~

~~(2) for the second occurrence, for three months or until the person complies with the requirements not previously complied with, whichever is longer; or~~

~~(3) for the third and any subsequent occurrence, for six months or until the person complies with the requirements not previously complied with, whichever is longer.~~

~~If the participant is not the food stamp head of household, the person shall be considered an ineligible household member for food stamp purposes. If the participant is the food stamp head of household, the entire household is ineligible for food stamps as provided in Code of Federal Regulations, title 7, section 273.7(g). "Good cause" means circumstances beyond the control of the participant, such as illness or injury, illness or injury of another household member requiring the participant's presence, a household emergency, or the inability to obtain child care for children between the ages of six and 12 or to obtain transportation needed in order for the participant to meet the food stamp employment and training program participation requirements.~~

~~(c) The county agency shall mail or hand deliver a notice to the participant not later than five days after determining that the participant has failed without good cause to comply with food stamp employment and training program requirements which specifies the requirements that were not complied with, the factual basis for the determination of noncompliance, and the right to reinstate eligibility upon a showing of good cause for failure to meet the requirements. The notice must ask the reason for the noncompliance and identify the participant's appeal rights. The notice must request that the participant inform the county agency if the participant believes that good cause existed for the failure to comply and must~~

~~state that the county agency intends to terminate eligibility for food stamp benefits due to failure to comply with food stamp employment and training program requirements.~~

~~(d) If the county agency determines that the participant did not comply during the month with all food stamp employment and training program requirements that were in effect, and if the county agency determines that good cause was not present, the county must provide a ten-day notice of termination of food stamp benefits. The amount of food stamps that are withheld from the household and determination of the impact of the sanction on other household members is governed by Code of Federal Regulations, title 7, section 273.7.~~

~~(e) The participant may appeal the termination of food stamp benefits under the provisions of section 256.045.~~

EFFECTIVE DATE. This section is effective October 1, 2017.

Sec. Minnesota Statutes 2016, section 256D.051, subdivision 2, is amended to read:

Subd. 2. **County agency duties.** (a) The county agency shall provide to food stamp recipients a food stamp employment and training program. The program must include:

(1) orientation to the food stamp employment and training program;

(2) an individualized employability assessment and an individualized employability development plan that includes assessment of literacy, ability to communicate in the English language, educational and employment history, and that estimates the length of time it will take the participant to obtain employment. The employability assessment and development plan must be completed in consultation with the participant, must assess the participant's assets, barriers, and strengths, and must identify steps necessary to overcome barriers to employment. A copy of the employability development plan must be provided to the registrant;

(3) referral to available accredited remedial or skills training or career pathways programs designed to address participant's barriers to employment;

(4) referral to available programs that provide subsidized or unsubsidized employment as necessary;

(5) a job search program, including job seeking skills training; and

(6) other activities, to the extent of available resources designed by the county agency to prepare the participant for permanent employment.

~~In order to allow time for job search, the county agency may not require an individual to participate in the food stamp employment and training program for more than 32 hours~~

4.1 ~~a week. The county agency shall require an individual to spend at least eight hours a week~~
 4.2 ~~in job search or other food stamp employment and training program activities.~~

4.3 (b) The county agency shall prepare an annual plan for the operation of its food stamp
 4.4 employment and training program. The plan must be submitted to and approved by the
 4.5 commissioner of employment and economic development. The plan must include:

4.6 (1) a description of the services to be offered by the county agency;

4.7 (2) a plan to coordinate the activities of all public entities and private nonprofit entities
 4.8 providing employment-related services in order to avoid duplication of effort and to provide
 4.9 a wide range of allowable activities and services more efficiently;

4.10 (3) a description of the factors that will be taken into account when determining a client's
 4.11 employability development plan; and

4.12 (4) provisions to ensure that ~~the~~ a county agency's employment and training service
 4.13 provider provides each recipient with an orientation, employability assessment, and
 4.14 employability development plan as specified in paragraph (a), clauses (1) and (2), within
 4.15 30 days of the recipient's ~~eligibility for assistance~~ request to participate in employment and
 4.16 training.

4.17 **EFFECTIVE DATE.** This section is effective October 1, 2017.

4.18 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 3, is amended to read:

4.19 Subd. 3. **Participant duties.** In order to receive food stamp ~~assistance~~ employment and
 4.20 training services, a ~~registrant~~ participant who volunteers shall: (1) cooperate with the county
 4.21 agency in all aspects of the food stamp employment and training program; and (2) ~~accept~~
 4.22 ~~any suitable employment, including employment offered through the Job Training Partnership~~
 4.23 ~~Act, and other employment and training options; and~~ (3) participate in food stamp
 4.24 employment and training activities assigned by the county agency. The county agency may
 4.25 terminate employment and training assistance to a ~~registrant~~ voluntary participant who fails
 4.26 to cooperate in the food stamp employment and training program, ~~as provided in subdivision~~
 4.27 ~~1a~~ unless good cause is provided.

4.28 **EFFECTIVE DATE.** This section is effective October 1, 2017.

4.29 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 3a, is amended to read:

4.30 Subd. 3a. **Requirement to register work.** ~~(a)~~ To the extent required under Code of
 4.31 Federal Regulations, title 7, section 273.7(a), each applicant for and recipient of food stamps

is required to register for work as a condition of eligibility for food stamp benefits. Applicants and recipients are registered by signing an application or annual reapplication for food stamps, and must be informed that they are registering for work by signing the form.

~~(b) The commissioner shall determine, within federal requirements, persons required to participate in the food stamp employment and training (FSET) program.~~

~~(c) The following food stamp recipients are exempt from mandatory participation in food stamp employment and training services:~~

~~(1) recipients of benefits under the Minnesota family investment program, Minnesota supplemental aid program, or the general assistance program;~~

~~(2) a child;~~

~~(3) a recipient over age 55;~~

~~(4) a recipient who has a mental or physical illness, injury, or incapacity which is expected to continue for at least 30 days and which impairs the recipient's ability to obtain or retain employment as evidenced by professional certification or the receipt of temporary or permanent disability benefits issued by a private or government source;~~

~~(5) a parent or other household member responsible for the care of either a dependent child in the household who is under age six or a person in the household who is professionally certified as having a physical or mental illness, injury, or incapacity. Only one parent or other household member may claim exemption under this provision;~~

~~(6) a recipient receiving unemployment insurance or who has applied for unemployment insurance and has been required to register for work with the Department of Employment and Economic Development as part of the unemployment insurance application process;~~

~~(7) a recipient participating each week in a drug addiction or alcohol abuse treatment and rehabilitation program, provided the operators of the treatment and rehabilitation program, in consultation with the county agency, recommend that the recipient not participate in the food stamp employment and training program;~~

~~(8) a recipient employed or self-employed for 30 or more hours per week at employment paying at least minimum wage, or who earns wages from employment equal to or exceeding 30 hours multiplied by the federal minimum wage; or~~

~~(9) a student enrolled at least half time in any school, training program, or institution of higher education. When determining if a student meets this criteria, the school's, program's or institution's criteria for being enrolled half time shall be used.~~

6.1 **EFFECTIVE DATE.** This section is effective October 1, 2017.

6.2 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 3b, is amended to read:

6.3 Subd. 3b. **Orientation.** The county agency or its employment and training service
6.4 ~~provider~~ providers must provide an orientation to food stamp employment and training
6.5 services to each ~~nonexempt food stamp~~ recipient within 30 days of the date ~~that food stamp~~
6.6 ~~eligibility is determined~~ the recipient agreed to volunteer. The orientation must inform the
6.7 participant of the ~~requirement to participate~~ benefits of participating in services, the date,
6.8 time, and address to report to for services, the name and telephone number of the food stamp
6.9 employment and training service provider, the consequences for failure without good cause
6.10 to comply, the services and support services available through food stamp employment and
6.11 training services and other providers of similar services, and must encourage the participant
6.12 to view the food stamp program as a temporary means of supplementing the family's food
6.13 needs until the family achieves self-sufficiency through employment. The orientation may
6.14 be provided through audio-visual methods, but the participant must have the opportunity
6.15 for face-to-face interaction with county agency staff.

6.16 **EFFECTIVE DATE.** This section is effective October 1, 2017.

6.17 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 6b, is amended to read:

6.18 Subd. 6b. **Federal reimbursement.** (a) Federal financial participation from the United
6.19 States Department of Agriculture for food stamp employment and training expenditures
6.20 that are eligible for reimbursement through the food stamp employment and training program
6.21 are dedicated funds and are annually appropriated to the commissioner of human services
6.22 for the operation of the food stamp employment and training program.

6.23 (b) The appropriation must be used for skill attainment through employment, training,
6.24 and support services for food stamp participants. By February 15, 2017, the commissioner
6.25 shall report to the chairs and ranking minority members of the legislative committees having
6.26 jurisdiction over the food stamp employment and training program on the progress of
6.27 securing additional federal reimbursement dollars under this program.

6.28 (c) Federal financial participation for the nonstate portion of food stamp employment
6.29 and training costs must be paid to the county agency or service provider that incurred the
6.30 costs at a rate to be determined by the Departments of Human Services and Employment
6.31 and Economic Development.

6.32 **EFFECTIVE DATE.** This section is effective October 1, 2017.

7.1 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 8, is amended to read:

7.2 Subd. 8. **Voluntary quit.** A person who is required to participate in food stamp
7.3 employment and training services is not eligible for food stamps if, without good cause, the
7.4 person refuses a legitimate offer of, or quits, suitable employment within ~~60~~ 30 days before
7.5 the date of application. A person who is required to participate in food stamp employment
7.6 and training services and, without good cause, voluntarily quits suitable employment or
7.7 refuses a legitimate offer of suitable employment while receiving food stamps shall be
7.8 terminated from the food stamp program ~~as specified in subdivision 1a.~~

7.9 **EFFECTIVE DATE.** This section is effective October 1, 2017.

7.10 Sec. Minnesota Statutes 2016, section 256D.051, subdivision 18, is amended to read:

7.11 Subd. 18. **Work experience placements.** (a) To the extent of available resources, each
7.12 county agency ~~must~~ may establish and operate a work experience component in the food
7.13 stamp employment and training program for recipients who are subject to a federal limit of
7.14 three months of food stamp eligibility in any 36-month period. The purpose of the work
7.15 experience component is to enhance the participant's employability, self-sufficiency, and
7.16 to provide meaningful, productive work activities.

7.17 (b) The commissioner shall assist counties in the design and implementation of these
7.18 components. The commissioner must ensure that job placements under a work experience
7.19 component comply with section 256J.72. Written or oral concurrence with job duties of
7.20 persons placed under the community work experience program shall be obtained from the
7.21 appropriate exclusive bargaining representative.

7.22 (c) Worksites developed under this section are limited to projects that serve a useful
7.23 public service such as health, social service, environmental protection, education, urban
7.24 and rural development and redevelopment, welfare, recreation, public facilities, public
7.25 safety, community service, services to aged or disabled citizens, and child care. To the
7.26 extent possible, the prior training, skills, and experience of a recipient must be used in
7.27 making appropriate work experience assignments.

7.28 (d) Structured, supervised ~~volunteer~~ uncompensated work with an agency or organization
7.29 that is monitored by the county service provider may, with the approval of the county agency,
7.30 be used as a work experience placement.

7.31 (e) As a condition of placing a person receiving food stamps in a program under this
7.32 subdivision, the county agency shall first provide the recipient the opportunity:

(1) for placement in suitable subsidized or unsubsidized employment through participation in job search under section 256D.051; ~~or~~

(2) for placement in suitable employment through participation in ~~on-the-job training a~~
paid work experience, if such employment is available; ~~or~~

(3) for placement in an educational program designed to increase job skills and employability.

(f) The county agency shall limit the maximum monthly number of hours that any participant may work in a work experience placement to a number equal to the amount of the family's monthly food stamp allotment divided by the greater of the federal minimum wage or the applicable state minimum wage.

After a participant has been assigned to a position for nine months, the participant may not continue in that assignment unless the maximum number of hours a participant works is no greater than the amount of the food stamp benefit divided by the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site.

(g) The participant's employability development plan must include the length of time needed in the work experience program, the need to continue job seeking activities while participating in work experience, and the participant's employment goals.

(h) After each six months of a recipient's participation in a work experience job placement, and at the conclusion of each work experience assignment under this section, the county agency shall reassess and revise, as appropriate, the participant's employability development plan.

(i) A participant has good cause for failure to cooperate with a work experience job placement if, in the judgment of the employment and training service provider, the reason for failure is reasonable and justified. ~~Good cause for purposes of this section is defined in subdivision 1a, paragraph (b).~~

(j) A recipient who has failed without good cause to participate in or comply with the work experience job placement shall be terminated from participation in work experience job activities. ~~If the recipient is not exempt from mandatory food stamp employment and training program participation under subdivision 3a, the recipient will be assigned to other mandatory program activities. If the recipient is exempt from mandatory participation but is participating as a volunteer, the person shall be terminated from the food stamp employment and training program.~~

9.1 **EFFECTIVE DATE.** This section is effective October 1, 2017.

9.2 Sec. Minnesota Statutes 2016, section 256J.751, subdivision 2, is amended to read:

9.3 Subd. 2. **Quarterly comparison report TANF work participation rates.** (a) The
9.4 commissioner shall report quarterly to all counties on each county's performance on the
9.5 following measures:

9.6 (1) percent of MFIP caseload working in paid employment;

9.7 (2) percent of MFIP caseload receiving only the food portion of assistance;

9.8 (3) number of MFIP cases that have left assistance;

9.9 (4) median placement wage rate;

9.10 (5) caseload by months of TANF assistance;

9.11 (6) percent of MFIP and diversionary work program (DWP) cases off cash assistance

9.12 or working 30 or more hours per week at one-year, two-year, and three-year follow-up

9.13 points from a baseline quarter. This measure is called the self-support index. The

9.14 commissioner shall report quarterly an expected range of performance for each county,

9.15 county grouping, and tribe on the self-support index. The expected range shall be derived

9.16 by a statistical methodology developed by the commissioner in consultation with the counties

9.17 and tribes. The statistical methodology shall control differences across counties in economic

9.18 conditions and demographics of the MFIP and DWP case load; and

9.19 (7) the TANF work participation rate, defined as the participation requirements specified

9.20 under Public Law 109-171, the Deficit Reduction Act of 2005.

9.21 (b) The commissioner shall not apply the limits on vocational educational training and

9.22 education activities under Code of Federal Regulations, title 45, section 261.33(c), when

9.23 determining TANF work participation rates for individual counties under this subdivision.

9.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.25 Sec. Minnesota Statutes 2016, section 256J.751, is amended by adding a subdivision

9.26 to read:

9.27 Subd. 2a. **Comparison reports.** The commissioner, in cooperation with counties, tribes,

9.28 and employment services agencies, shall develop and provide monthly and quarterly reports

9.29 to all counties, tribes, and employment service agencies on each county's and tribe's

9.30 performance, including work participation rate and racial and geographic data that measures

9.31 disparities within MFIP.

10.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.2 Sec. Minnesota Statutes 2016, section 256J.751, is amended by adding a subdivision
10.3 to read:

10.4 Subd. 4a. **Self-support index.** The self-support index is the percentage of MFIP and
10.5 diversionary work program (DWP) cases off cash assistance or working 30 hours or more
10.6 per week at one-, two-, and three-year follow-up points from a baseline quarter. The
10.7 commissioner shall report quarterly an expected range of performance for each county,
10.8 county grouping, and tribe on the self-support index. The expected range shall be based on
10.9 a statistical methodology developed by the commissioner in consultation with the counties
10.10 and tribes. The statistical methodology shall control differences across counties in economic
10.11 conditions and demographics of the MFIP and DWP caseload.

10.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.13 Sec. Minnesota Statutes 2016, section 256J.751, subdivision 5, is amended to read:

10.14 Subd. 5. **Failure to meet federal performance standards.** (a) If sanctions occur for
10.15 failure to meet the performance standards specified in title 1 of Public Law 104-193 of the
10.16 Personal Responsibility and Work Opportunity Act of 1996, and under Public Law 109-171,
10.17 the Deficit Reduction Act of 2005, the state shall pay 88 percent of the sanction. The
10.18 remaining 12 percent of the sanction will be paid by the counties. The county portion of the
10.19 sanction will be distributed across all counties in proportion to each county's percentage of
10.20 the MFIP average monthly caseload during the period for which the sanction was applied.

10.21 (b) If a county fails to meet the performance standards specified in title 1 of Public Law
10.22 104-193 of the Personal Responsibility and Work Opportunity Act of 1996, and Public Law
10.23 109-171, the Deficit Reduction Act of 2005, for any year, the commissioner shall work with
10.24 counties to organize a joint state-county technical assistance team to work with the county.
10.25 The commissioner shall coordinate any technical assistance with other departments and
10.26 agencies including the Departments of Employment and Economic Development and
10.27 Education as necessary to achieve the purpose of this paragraph.

10.28 (c) For state performance measures, a low-performing county is one that:

10.29 (1) performs below the bottom of their expected range for the measure in subdivision
10.30 ~~2, clause (6),~~ 5 in an annualized measurement reported in October of each year; or

(2) performs below 40 percent for the ~~measure in subdivision 2, clause (7)~~ TANF work participation rate, as averaged across the four quarterly measurements for the year, or the ten counties with the lowest rates if more than ten are below 40 percent.

(d) Low-performing counties under paragraph (c) must engage in corrective action planning as defined by the commissioner. The commissioner may coordinate technical assistance as specified in paragraph (b) for low-performing counties under paragraph (c).

EFFECTIVE DATE. This section is effective the day following final enactment."

Page 9, after line 5, insert:

"Sec. Minnesota Statutes 2016, section 256P.02, subdivision 1, is amended to read:

Subdivision 1. **Property ownership.** (a) The agency must apply paragraphs (b) to (e) to determine the value of personal property. The agency must use the equity value of legally available personal property to determine whether an applicant or participant is eligible for assistance.

(b) When personal property is jointly owned by two or more persons, the agency shall assume that each person owns an equal share, except that either person owns the entire sum of a joint personal checking or savings account. When an applicant or participant documents greater or lesser ownership, the agency must use that greater or lesser share to determine the equity value held by the applicant or participant. Other types of ownership must be evaluated according to law.

(c) Personal property owned by the applicant or participant must be presumed legally available to the applicant or participant unless the applicant or participant documents that the property is not legally available to the applicant or participant. When personal property is not legally available, its equity value must not be applied against the limits of subdivision 2.

(d) An applicant must disclose whether the applicant has transferred personal property valued in excess of the property limits in subdivision 2 for which reasonable compensation was not received within one year prior to application. A participant must disclose all transfers of property valued in excess of these limits, according to the reporting requirements in section 256J.30, subdivision 9. When a transfer of personal property without reasonable compensation has occurred:

(1) the person who transferred the property must provide the property's description, information needed to determine the property's equity value, the names of the persons who received the property, and the circumstances of and reasons for the transfer; and

12.1 (2) when the transferred property can be reasonably reacquired, or when reasonable
12.2 compensation can be secured, the property is presumed legally available to the applicant or
12.3 participant.

12.4 (e) A participant may build the equity value of personal property to the limits in
12.5 subdivision 2.

12.6 (f) Any lump sum payment that remains in the third month after the month of receipt is
12.7 counted in the asset limit.

12.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.9 Sec. Minnesota Statutes 2016, section 256P.02, subdivision 1a, is amended to read:

12.10 Subd. 1a. **Exemption.** Participants who qualify for child care assistance programs under
12.11 chapter 119B and funds under chapter 256Q are exempt from this section.

12.12 **EFFECTIVE DATE.** This section is effective the day following final enactment."

12.13 Page 10, line 7, strike "emergency" and insert "crisis"

12.14 Page 20, line 20, after "including" insert "911 dispatch"

12.15 Page 21, line 5, after "satisfaction" insert ", including notifying recipients of the process
12.16 by which the county accepts and responds to concerns"

12.17 Page 21, line 18, delete "timeliness" and insert "timelines"

12.18 Page 23, line 13, after "recipient" insert ", a recipient's guardian, or a recipient's family"

12.19 Page 23, line 32, after "recipient" insert ", a recipient's guardian, or a recipient's family"

12.20 Page 30, line 13, strike "for the program"

12.21 Page 31, line 21, strike "inpatient"

12.22 Page 31, line 22, strike "hospitalization" and after "partial hospitalization" insert
12.23 "program"

12.24 Page 31, line 26, strike "for the program"

12.25 Page 35, after line 21, insert:

12.26 "Sec. Minnesota Statutes 2016, section 256B.0622, subdivision 3a, is amended to read:

12.27 Subd. 3a. **Provider certification and contract requirements for assertive community**
12.28 **treatment.** (a) The assertive community treatment provider entity must:

13.1 ~~(1) have a contract with the host county to provide assertive community treatment~~
13.2 ~~services; and~~

13.3 ~~(2)~~ have each ACT team be certified by the state following the certification process and
13.4 procedures developed by the commissioner. The certification process determines whether
13.5 the ACT team meets the standards for assertive community treatment under this section as
13.6 well as minimum program fidelity standards as measured by a nationally recognized fidelity
13.7 tool approved by the commissioner. Recertification must occur at least every three years.

13.8 (b) An ACT team certified under this subdivision must meet the following standards:

13.9 (1) have capacity to recruit, hire, manage, and train required ACT team members;

13.10 (2) have adequate administrative ability to ensure availability of services;

13.11 (3) ensure adequate preservice and ongoing training for staff;

13.12 (4) ensure that staff is capable of implementing culturally specific services that are
13.13 culturally responsive and appropriate as determined by the client's culture, beliefs, values,
13.14 and language as identified in the individual treatment plan;

13.15 (5) ensure flexibility in service delivery to respond to the changing and intermittent care
13.16 needs of a client as identified by the client and the individual treatment plan;

13.17 (6) develop and maintain client files, individual treatment plans, and contact charting;

13.18 (7) develop and maintain staff training and personnel files;

13.19 (8) submit information as required by the state;

13.20 (9) keep all necessary records required by law;

13.21 (10) comply with all applicable laws;

13.22 (11) be an enrolled Medicaid provider;

13.23 (12) establish and maintain a quality assurance plan to determine specific service
13.24 outcomes and the client's satisfaction with services; and

13.25 (13) develop and maintain written policies and procedures regarding service provision
13.26 and administration of the provider entity.

13.27 (c) The commissioner may intervene at any time and decertify an ACT team with cause.
13.28 The commissioner shall establish a process for decertification of an ACT team and shall
13.29 require corrective action, medical assistance repayment, or decertification of an ACT team
13.30 that no longer meets the requirements in this section or that fails to meet the clinical quality

14.1 standards or administrative standards provided by the commissioner in the application and
14.2 certification process. The decertification is subject to appeal to the state.

14.3 (d) A provider entity must specify in the provider entity's application what geographic
14.4 area and populations will be served by the proposed program. A provider entity must
14.5 document that the capacity or program specialties of existing programs are not sufficient
14.6 to meet the service needs of the target population. A provider entity must submit evidence
14.7 of ongoing relationships with other providers and levels of care to facilitate referrals to and
14.8 from the proposed program.

14.9 (e) A provider entity must submit documentation that the provider entity requested a
14.10 statement of need from each county board and tribal authority that serves as a local mental
14.11 health authority in the proposed service area. The statement of need must specify if the local
14.12 mental health authority supports or does not support the need for the proposed program and
14.13 the basis for this determination. If a local mental health authority does not respond within
14.14 60 days of the receipt of the request, the commissioner shall determine the need for the
14.15 program based on the documentation submitted by the provider entity.

14.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.17 Sec. Minnesota Statutes 2016, section 256B.0622, subdivision 4, is amended to read:

14.18 Subd. 4. **Provider entity licensure and contract requirements for intensive residential**
14.19 **treatment services.** (a) The intensive residential treatment services provider entity must:

14.20 (1) be licensed under Minnesota Rules, parts 9520.0500 to 9520.0670;

14.21 (2) not exceed 16 beds per site; and

14.22 (3) comply with the additional standards in this section; ~~and~~.

14.23 ~~(4) have a contract with the host county to provide these services.~~

14.24 (b) The commissioner shall develop procedures for counties and providers to submit
14.25 ~~contracts and other~~ documentation as needed to allow the commissioner to determine whether
14.26 the standards in this section are met.

14.27 (c) A provider entity must specify in the provider entity's application what geographic
14.28 area and populations will be served by the proposed program. A provider entity must
14.29 document that the capacity or program specialties of existing programs are not sufficient
14.30 to meet the service needs of the target population. A provider entity must submit evidence
14.31 of ongoing relationships with other providers and levels of care to facilitate referrals to and
14.32 from the proposed program.

15.1 (d) A provider entity must submit documentation that the provider entity requested a
 15.2 statement of need from each county board and tribal authority that serves as a local mental
 15.3 health authority in the proposed service area. The statement of need must specify if the local
 15.4 mental health authority supports or does not support the need for the proposed program and
 15.5 the basis for this determination. If a local mental health authority does not respond within
 15.6 60 days of the receipt of the request, the commissioner shall determine the need for the
 15.7 program based on the documentation submitted by the provider entity.

15.8 **EFFECTIVE DATE.** This section is effective the day following final enactment."

15.9 Page 38, line 18, after "the" insert "employment and"

15.10 Page 38, line 19, after "full-time" insert "employment and"

15.11 Page 38, line 20, after "in" insert "employment and"

15.12 Page 38, line 22, after the first "the" insert "employment and"

15.13 Page 38, line 24, after "vocational" insert "employment and" and after "The" insert
 15.14 "employment and"

15.15 Page 38, line 27, after "of" insert "employment or"

15.16 Page 40, after line 2, insert:

15.17 "Sec. Minnesota Statutes 2016, section 256B.0622, subdivision 7b, is amended to read:

15.18 Subd. 7b. **Assertive community treatment program size and opportunities.** (a) Each
 15.19 ACT team shall maintain an annual average caseload that does not exceed 100 clients.
 15.20 Staff-to-client ratios shall be based on team size as follows:

15.21 (1) a small ACT team must:

15.22 (i) employ at least six but no more than seven full-time treatment team staff, excluding
 15.23 the program assistant and the psychiatric care provider;

15.24 (ii) serve an annual average maximum of no more than 50 clients;

15.25 (iii) ensure at least one full-time equivalent position for every eight clients served;

15.26 (iv) schedule ACT team staff for at least eight-hour shift coverage on weekdays and
 15.27 on-call duty to provide crisis services and deliver services after hours when staff are not
 15.28 working;

15.29 (v) provide crisis services during business hours if the small ACT team does not have
 15.30 sufficient staff numbers to operate an after-hours on-call system. During all other hours,
 15.31 the ACT team may arrange for coverage for crisis assessment and intervention services

through a reliable crisis-intervention provider as long as there is a mechanism by which the ACT team communicates routinely with the crisis-intervention provider and the on-call ACT team staff are available to see clients face-to-face when necessary or if requested by the crisis-intervention services provider;

(vi) adjust schedules and provide staff to carry out the needed service activities in the evenings or on weekend days or holidays, when necessary;

(vii) arrange for and provide psychiatric backup during all hours the psychiatric care provider is not regularly scheduled to work. If availability of the ACT team's psychiatric care provider during all hours is not feasible, alternative psychiatric prescriber backup must be arranged and a mechanism of timely communication and coordination established in writing;

(viii) be composed of, at minimum, one full-time team leader, at least 16 hours each week per 50 clients of psychiatric provider time, or equivalent if fewer clients, one full-time equivalent nursing, one full-time substance abuse specialist, one full-time equivalent mental health certified peer specialist, one full-time vocational specialist, one full-time program assistant, and at least one additional full-time ACT team member who ~~has~~ is a mental health professional or practitioner status; and

(2) a midsize ACT team shall:

(i) be composed of, at minimum, one full-time team leader, at least 16 hours of psychiatry time for 51 clients, with an additional two hours for every six clients added to the team, 1.5 to two full-time equivalent nursing staff, one full-time substance abuse specialist, one full-time equivalent mental health certified peer specialist, one full-time vocational specialist, one full-time program assistant, and at least 1.5 to two additional full-time equivalent ACT members, with at least one dedicated full-time staff member with mental health professional status. Remaining team members may have mental health professional or practitioner status;

(ii) employ seven or more treatment team full-time equivalents, excluding the program assistant and the psychiatric care provider;

(iii) serve an annual average maximum caseload of 51 to 74 clients;

(iv) ensure at least one full-time equivalent position for every nine clients served;

(v) schedule ACT team staff for a minimum of ten-hour shift coverage on weekdays and six- to eight-hour shift coverage on weekends and holidays. In addition to these minimum specifications, staff are regularly scheduled to provide the necessary services on a client-by-client basis in the evenings and on weekends and holidays;

17.1 (vi) schedule ACT team staff on-call duty to provide crisis services and deliver services
17.2 when staff are not working;

17.3 (vii) have the authority to arrange for coverage for crisis assessment and intervention
17.4 services through a reliable crisis-intervention provider as long as there is a mechanism by
17.5 which the ACT team communicates routinely with the crisis-intervention provider and the
17.6 on-call ACT team staff are available to see clients face-to-face when necessary or if requested
17.7 by the crisis-intervention services provider; and

17.8 (viii) arrange for and provide psychiatric backup during all hours the psychiatric care
17.9 provider is not regularly scheduled to work. If availability of the psychiatric care provider
17.10 during all hours is not feasible, alternative psychiatric prescriber backup must be arranged
17.11 and a mechanism of timely communication and coordination established in writing;

17.12 (3) a large ACT team must:

17.13 (i) be composed of, at minimum, one full-time team leader, at least 32 hours each week
17.14 per 100 clients, or equivalent of psychiatry time, three full-time equivalent nursing staff,
17.15 one full-time substance abuse specialist, one full-time equivalent mental health certified
17.16 peer specialist, one full-time vocational specialist, one full-time program assistant, and at
17.17 least two additional full-time equivalent ACT team members, with at least one dedicated
17.18 full-time staff member with mental health professional status. Remaining team members
17.19 may have mental health professional or mental health practitioner status;

17.20 (ii) employ nine or more treatment team full-time equivalents, excluding the program
17.21 assistant and psychiatric care provider;

17.22 (iii) serve an annual average maximum caseload of 75 to 100 clients;

17.23 (iv) ensure at least one full-time equivalent position for every nine individuals served;

17.24 (v) schedule staff to work two eight-hour shifts, with a minimum of two staff on the
17.25 second shift providing services at least 12 hours per day weekdays. For weekends and
17.26 holidays, the team must operate and schedule ACT team staff to work one eight-hour shift,
17.27 with a minimum of two staff each weekend day and every holiday;

17.28 (vi) schedule ACT team staff on-call duty to provide crisis services and deliver services
17.29 when staff are not working; and

17.30 (vii) arrange for and provide psychiatric backup during all hours the psychiatric care
17.31 provider is not regularly scheduled to work. If availability of the ACT team psychiatric care
17.32 provider during all hours is not feasible, alternative psychiatric backup must be arranged
17.33 and a mechanism of timely communication and coordination established in writing.

(b) An ACT team of any size may have a staff-to-client ratio that is lower than the requirements described in paragraph (a) upon approval by the commissioner, but may not exceed a one-to-ten staff-to-client ratio."

Page 43, line 26, after "recipient" insert ", the recipient's guardian, or the recipient's family"

Page 45, delete lines 19 to 24 and insert

"Sec. **REPEALER.**

Minnesota Statutes 2016, section 256B.0625, subdivision 35a, is repealed."

Page 52, after line 7, insert:

"Sec. Minnesota Statutes 2016, section 256B.0943, subdivision 8, is amended to read:

Subd. 8. **Required ~~preservice~~ training and continuing education.** (a) A provider entity shall establish a ~~plan~~ training program to provide ~~preservice~~ training and continuing education for staff. The ~~plan~~ training program must ~~clearly~~ describe the ~~type of training provided by the entity~~ necessary to obtain new skills and maintain current skills ~~and obtain new skills and that relates to the provider entity's goals and objectives for services offered to provide appropriate services.~~

(b) A provider entity that employs a mental health behavioral aide under this section must require the mental health behavioral aide to complete 30 hours of ~~preservice~~ training. ~~The preservice training must include parent team training. The preservice training must include 15 hours of in-person training of a mental health behavioral aide in mental health services delivery and eight hours of parent team training. Before providing services to a client, the aide must complete 24 hours of training, including training on the role and limitations of a behavioral aide, boundaries, ethics, confidentiality, the federal Health Insurance Portability and Accountability Act of 1996 (HIPPA), child development, documentation, crisis de-escalation skills, and common medications, their side effects and impact on symptoms. A provider entity's policies are not considered part of the 24 hours of required training.~~

Within 60 days of employment, the aide must complete six hours of Department of Human Services approved or delivered parent team training. Curricula for parent team training must be approved in advance by the commissioner. Components of parent team training include:

(1) ~~partnering with parents~~ as partners;

(2) ~~fundamentals of family support~~ understanding and supporting families;

- 19.1 (3) ~~fundamentals of policy and decision-making~~ impact on siblings;
- 19.2 (4) ~~defining equal partnership~~ the role of culture in family structures; and
- 19.3 (5) ~~complexities of the parent and service provider partnership in multiple service delivery~~
- 19.4 ~~systems due to system strengths and weaknesses;~~
- 19.5 (6) ~~sibling impacts;~~
- 19.6 (7) ~~(5) community resources and support networks; and~~
- 19.7 (8) ~~community resources.~~

19.8 (c) A provider entity that employs a mental health practitioner and a mental health

19.9 behavioral aide to provide children's therapeutic services and supports under this section

19.10 must require the mental health practitioner and mental health behavioral aide to complete

19.11 20 hours of continuing education every two calendar years. The continuing education must

19.12 be related to serving the needs of a child with emotional disturbance ~~in the child's home~~

19.13 ~~environment and the child's family.~~

19.14 (d) The provider entity must document the mental health practitioner's or mental health

19.15 behavioral aide's annual completion of the required continuing education. The documentation

19.16 must include the date, subject, ~~and~~ number of hours of the continuing education, and

19.17 attendance records, as verified by the staff member's signature, job title, and the instructor's

19.18 name. The provider entity must keep documentation for each employee, including records

19.19 of attendance at professional workshops and conferences, at a central location and in the

19.20 employee's personnel file.

19.21 **EFFECTIVE DATE.** This section is effective the day following final enactment."

19.22 Page 65, line 24, after "disenrolled," insert "disqualified" and strike "subject to" and

19.23 insert "has a" and strike "revocation or suspension" and insert "that has been revoked or

19.24 suspended under Minnesota Statutes, chapter 245A"

19.25 Page 65, line 25, strike "disqualified" and strike "subject to vendor debarment" and insert

19.26 "has been debarred or suspended"

19.27 Page 75, line 1, delete "Sale of a program" and insert "Change of ownership requirements"

19.28 Page 76, line 2, after "letter" insert "with the license application" and after "how" insert

19.29 "and within what length of time"

19.30 Page 76, line 19, delete "pursuant to subdivision 4," and insert "and"

19.31 Page 77, delete line 5

- 20.1 Page 77, line 6, delete "(2)" and insert "(1)"
- 20.2 Page 77, line 8, delete "(3)" and insert "(2)"
- 20.3 Page 77, line 10, delete "(4)" and insert "(3)"
- 20.4 Page 77, line 15, delete "(5)" and insert "(4)"
- 20.5 Page 78, line 2, delete "section" and insert "subdivision"
- 20.6 Page 79, line 9, after the second comma, insert "family"
- 20.7 Page 80, delete section 19
- 20.8 Page 81, delete section 20
- 20.9 Page 87, line 18, after the period, insert "This provision does not apply to mental health
- 20.10 crisis services provided under section 256B.0624 outside of normal business hours if on-call
- 20.11 staff are being dispatched directly from a location other than the provider's usual place of
- 20.12 business."
- 20.13 Page 96, line 21, after the period, insert "Services provided on days and times other than
- 20.14 the days and hours of operation specified on any license that is required under chapter 245A
- 20.15 or 245D are not reimbursable under the program."
- 20.16 Page 96, line 23, delete everything after the period and insert "Services not documented
- 20.17 according to this subdivision or not specified in a federally approved waiver plan are not
- 20.18 reimbursable under the program and may be recovered by the department in accordance
- 20.19 with section 256B.064, and Minnesota Rules, parts 9505.2160 to 9505.2245."
- 20.20 Page 96, delete line 24
- 20.21 Page 96, line 25, delete everything before "For"
- 20.22 Page 96, line 26, delete "(a) to (i)" and insert "(b) to (j)"
- 20.23 Page 97, line 11, delete "section" and insert "sections 256B.0913, subdivision 7,
- 20.24 256B.0915, subdivision 1a,"
- 20.25 Page 97, line 18, delete "and"
- 20.26 Page 97, line 21, delete the period and insert "; and"
- 20.27 Page 97, after line 21, insert:
- 20.28 "(5) for services provided under section 245D.03, subdivision 1, paragraph (c), clause
- 20.29 (3), entries into the record under this subdivision shall occur at least monthly."
- 20.30 Page 97, line 23, delete "(a) to (d) and (f)" and insert "(b) to (e) and (g)"

- 21.1 Page 98, line 6, delete "(a) to (d)" and insert "(b) to (e)"
- 21.2 Page 98, line 17, after the second comma insert "and licensed under Minnesota Rules,
21.3 parts 9555.9600 to 9555.9730,"
- 21.4 Page 98, line 18, delete "(a) to (e)" and insert "(b) to (f)"
- 21.5 Page 98, after line 22, insert:
- 21.6 "(ii) attendance records as specified under section 245A.14, subdivision 14, paragraph
21.7 (c), the date of attendance must be documented on the attendance record with the day, month,
21.8 and year noted, and the pick up and drop off time must be noted on the attendance record
21.9 in hours and minutes, with a.m. and p.m. designations;"
- 21.10 Page 98, delete lines 23 to 25
- 21.11 Page 98, line 30, after the semicolon insert "and"
- 21.12 Page 99, line 3, after "location" insert a comma and delete "and"
- 21.13 Page 99, line 5, delete "; and" and insert a period
- 21.14 Page 99, delete lines 6 and 7
- 21.15 Page 99, line 8, delete "the day following final enactment" and insert "August 1, 2017"
- 21.16 Page 108, delete lines 18 to 22 and insert "only if determined necessary for health and
21.17 safety reasons identified by the home care provider's registered nurse in an initial assessment
21.18 or reassessment as defined under section 144A.4791, subdivision 8, and documented in the
21.19 written service plan under section 144A.4791, subdivision 9. Any restrictions of those rights
21.20 for people served under sections 256B.0915 and 256B.49 must be documented in the
21.21 resident's coordinated service and support plan as defined under sections 256B.0915,
21.22 subdivision 6, and 256B.49, subdivision 15."
- 21.23 Page 108, line 26, delete everything after "time"
- 21.24 Page 108, line 27, delete everything before the semicolon
- 21.25 Renumber the sections in sequence and correct the internal references
- 21.26 Amend the title accordingly