

1.1 ..... moves to amend H.F. No. 2900 as follows:

1.2 Page 2, delete article 1

1.3 Page 31, delete article 2

1.4 Page 55, delete article 3

1.5 Page 82, delete article 4

1.6 Page 107, after line 2, insert:

1.7 **"EFFECTIVE DATE. This section is effective August 1, 2023."**

1.8 Page 107, after line 25, insert:

1.9 "Sec. .... Minnesota Statutes 2022, section 256D.44, subdivision 5, is amended to read:

1.10 Subd. 5. **Special needs.** (a) In addition to the state standards of assistance established  
1.11 in subdivisions 1 to 4, payments are allowed for the following special needs of recipients  
1.12 of Minnesota supplemental aid who are not residents of a nursing home, a regional treatment  
1.13 center, or a setting authorized to receive housing support payments under chapter 256I.

1.14 (b) The county agency shall pay a monthly allowance for medically prescribed diets if  
1.15 the cost of those additional dietary needs cannot be met through some other maintenance  
1.16 benefit. The need for special diets or dietary items must be prescribed by a licensed physician,  
1.17 advanced practice registered nurse, or physician assistant. Costs for special diets shall be  
1.18 determined as percentages of the allotment for a one-person household under the thrifty  
1.19 food plan as defined by the United States Department of Agriculture. The types of diets and  
1.20 the percentages of the thrifty food plan that are covered are as follows:

1.21 (1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;

2.1 (2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent of  
2.2 thrifty food plan;

2.3 (3) controlled protein diet, less than 40 grams and requires special products, 125 percent  
2.4 of thrifty food plan;

2.5 (4) low cholesterol diet, 25 percent of thrifty food plan;

2.6 (5) high residue diet, 20 percent of thrifty food plan;

2.7 (6) pregnancy and lactation diet, 35 percent of thrifty food plan;

2.8 (7) gluten-free diet, 25 percent of thrifty food plan;

2.9 (8) lactose-free diet, 25 percent of thrifty food plan;

2.10 (9) antidumping diet, 15 percent of thrifty food plan;

2.11 (10) hypoglycemic diet, 15 percent of thrifty food plan; or

2.12 (11) ketogenic diet, 25 percent of thrifty food plan.

2.13 (c) Payment for nonrecurring special needs must be allowed for necessary home repairs  
2.14 or necessary repairs or replacement of household furniture and appliances using the payment  
2.15 standard of the AFDC program in effect on July 16, 1996, for these expenses, as long as  
2.16 other funding sources are not available.

2.17 (d) A fee for guardian or conservator service is allowed at a reasonable rate negotiated  
2.18 by the county or approved by the court. This rate shall not exceed five percent of the  
2.19 assistance unit's gross monthly income up to a maximum of \$100 per month. If the guardian  
2.20 or conservator is a member of the county agency staff, no fee is allowed.

2.21 (e) The county agency shall continue to pay a monthly allowance of \$68 for restaurant  
2.22 meals for a person who was receiving a restaurant meal allowance on June 1, 1990, and  
2.23 who eats two or more meals in a restaurant daily. The allowance must continue until the  
2.24 person has not received Minnesota supplemental aid for one full calendar month or until  
2.25 the person's living arrangement changes and the person no longer meets the criteria for the  
2.26 restaurant meal allowance, whichever occurs first.

2.27 (f) ~~A fee of ten percent of the recipient's gross income or \$25, whichever is less, equal~~  
2.28 to the maximum monthly amount allowed by the Social Security Administration is allowed  
2.29 for representative payee services provided by an agency that meets the requirements under  
2.30 SSI regulations to charge a fee for representative payee services. This special need is available  
2.31 to all recipients of Minnesota supplemental aid regardless of their living arrangement.

3.1 (g)(1) Notwithstanding the language in this subdivision, an amount equal to one-half of  
 3.2 the maximum federal Supplemental Security Income payment amount for a single individual  
 3.3 which is in effect on the first day of July of each year will be added to the standards of  
 3.4 assistance established in subdivisions 1 to 4 for adults under the age of 65 who qualify as  
 3.5 in need of housing assistance and are:

3.6 (i) relocating from an institution, a setting authorized to receive housing support under  
 3.7 chapter 256I, or an adult mental health residential treatment program under section  
 3.8 256B.0622;

3.9 (ii) eligible for personal care assistance under section 256B.0659; or

3.10 (iii) home and community-based waiver recipients living in their own home or rented  
 3.11 or leased apartment.

3.12 (2) Notwithstanding subdivision 3, paragraph (c), an individual eligible for the shelter  
 3.13 needy benefit under this paragraph is considered a household of one. An eligible individual  
 3.14 who receives this benefit prior to age 65 may continue to receive the benefit after the age  
 3.15 of 65.

3.16 (3) "Housing assistance" means that the assistance unit incurs monthly shelter costs that  
 3.17 exceed 40 percent of the assistance unit's gross income before the application of this special  
 3.18 needs standard. "Gross income" for the purposes of this section is the applicant's or recipient's  
 3.19 income as defined in section 256D.35, subdivision 10, or the standard specified in subdivision  
 3.20 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or state housing subsidy,  
 3.21 that limits shelter costs to a percentage of gross income, shall not be considered in need of  
 3.22 housing assistance for purposes of this paragraph.

3.23 **EFFECTIVE DATE.** This section is effective January 1, 2024."

3.24 Page 108, line 6, delete "medical assistance"

3.25 Page 108, line 14, delete "medical"

3.26 Page 108, line 15, delete "assistance" and delete everything after "in"

3.27 Page 108, line 16, delete everything before "does not" and insert "section 256B.35"

3.28 Page 108, line 19, after "SSI" insert "and the general assistance personal needs allowance"

3.29 Page 108, line 23, delete "medical assistance"

3.30 Page 108, line 24, delete everything after "in"

3.31 Page 108, line 25, delete everything before "does not" and insert "section 256B.35"

4.1 Page 108, after line 25, insert:

4.2 "(e) For a recipient who lives in a setting as described in section 256I.04, subdivision  
4.3 2a, paragraph (b), clause (2), and receives general assistance, the personal needs allowance  
4.4 described in section 256B.35 is not countable unearned income."

4.5 Page 108, line 26, delete "January 1, 2025" and insert "October 1, 2024"

4.6 Page 110, after line 27, insert:

4.7 "EFFECTIVE DATE. This section is effective August 1, 2023."

4.8 Page 113, after line 18, insert:

4.9 "EFFECTIVE DATE. This section is effective August 1, 2023."

4.10 Page 113, after line 32, insert:

4.11 "EFFECTIVE DATE. This section is effective August 1, 2023."

4.12 Page 114, line 2, delete "AND HOMELESSNESS"

4.13 Page 114, delete section 1

4.14 Page 115, delete section 3

4.15 Page 116, delete sections 4 and 5

4.16 Page 120, line 28, before "including" insert a comma

4.17 Page 120, line 29, after "disorders" insert a comma

4.18 Page 123, line 19, after "centers" insert a comma

4.19 Page 123, line 20, after "when" insert "the comprehensive assessment is"

4.20 Page 123, delete section 5

4.21 Page 123, after line 25, insert:

4.22 "Sec. .... Minnesota Statutes 2022, section 254B.05, subdivision 1a, is amended to read:

4.23 Subd. 1a. **Room and board provider requirements.** (a) ~~Effective January 1, 2000,~~

4.24 Vendors of room and board are eligible for behavioral health fund payment if the vendor:

4.25 (1) has rules prohibiting residents bringing chemicals into the facility or using chemicals  
4.26 while residing in the facility and provide consequences for infractions of those rules;

4.27 (2) is determined to meet applicable health and safety requirements;

4.28 (3) is not a jail or prison;

- 5.1 (4) is not concurrently receiving funds under chapter 256I for the recipient;
- 5.2 (5) admits individuals who are 18 years of age or older;
- 5.3 (6) is registered as a board and lodging or lodging establishment according to section  
5.4 157.17;
- 5.5 (7) has awake staff on site 24 hours per day;
- 5.6 (8) has staff who are at least 18 years of age and meet the requirements of section  
5.7 245G.11, subdivision 1, paragraph (b);
- 5.8 (9) has emergency behavioral procedures that meet the requirements of section 245G.16;
- 5.9 (10) meets the requirements of section 245G.08, subdivision 5, if administering  
5.10 medications to clients;
- 5.11 (11) meets the abuse prevention requirements of section 245A.65, including a policy on  
5.12 fraternization and the mandatory reporting requirements of section 626.557;
- 5.13 (12) documents coordination with the treatment provider to ensure compliance with  
5.14 section 254B.03, subdivision 2;
- 5.15 (13) protects client funds and ensures freedom from exploitation by meeting the  
5.16 provisions of section 245A.04, subdivision 13;
- 5.17 (14) has a grievance procedure that meets the requirements of section 245G.15,  
5.18 subdivision 2; and
- 5.19 (15) has sleeping and bathroom facilities for men and women separated by a door that  
5.20 is locked, has an alarm, or is supervised by awake staff.

5.21 (b) Programs licensed according to Minnesota Rules, chapter 2960, are exempt from  
5.22 paragraph (a), clauses (5) to (15).

5.23 (c) Programs providing children's mental health crisis admissions and stabilization under  
5.24 section 245.4882, subdivision 6, are eligible vendors of room and board.

5.25 (d) Programs providing children's residential services under section 245.4882, except  
5.26 services for individuals who have a placement under chapter 260C or 260D, are eligible  
5.27 vendors of room and board.

5.28 ~~(d)~~(e) Licensed programs providing intensive residential treatment services or residential  
5.29 crisis stabilization services pursuant to section 256B.0622 or 256B.0624 are eligible vendors  
5.30 of room and board and are exempt from paragraph (a), clauses (6) to (15).

5.31 **EFFECTIVE DATE.** This section is effective July 1, 2023.

6.1 Sec. .... Minnesota Statutes 2022, section 256.478, subdivision 2, is amended to read:

6.2 Subd. 2. **Eligibility.** An individual is eligible for the transition to community initiative  
6.3 if the individual does not meet eligibility criteria for the medical assistance program under  
6.4 section 256B.056 or 256B.057, but who meets at least one of the following criteria:

6.5 (1) the person otherwise meets the criteria under section 256B.092, subdivision 13, or  
6.6 256B.49, subdivision 24;

6.7 (2) the person has met treatment objectives and no longer requires a hospital-level care  
6.8 or a secure treatment setting, but the person's discharge from the Anoka Metro Regional  
6.9 Treatment Center, the Minnesota ~~Security Hospital~~ Forensic Mental Health Program, the  
6.10 Child and Adolescent Behavioral Health Hospital program, a psychiatric residential treatment  
6.11 facility under section 256B.0941, intensive residential treatment services under section  
6.12 256B.0622, children's residential services under section 245.4882, or a ~~community behavioral~~  
6.13 ~~health~~ hospital would be substantially delayed without additional resources available through  
6.14 the transitions to community initiative; or

6.15 ~~(3) the person is in a community hospital, but alternative community living options~~  
6.16 ~~would be appropriate for the person, and the person has received approval from the~~  
6.17 ~~commissioner; or~~

6.18 ~~(4)(i)~~ (3) the person (i) is receiving customized living services reimbursed under section  
6.19 256B.4914, 24-hour customized living services reimbursed under section 256B.4914, or  
6.20 community residential services reimbursed under section 256B.4914; ~~(ii) the person~~ expresses  
6.21 a desire to move; and ~~(iii) the person~~ has received approval from the commissioner.

6.22 **EFFECTIVE DATE.** This section is effective July 1, 2023."

6.23 Page 124, delete section 6

6.24 Page 125, delete sections 7 and 8

6.25 Page 127, delete section 9

6.26 Page 130, delete section 10

6.27 Page 131, line 13, after "(a)" insert "The commissioner shall establish start-up and  
6.28 capacity-building grants for psychiatric residential treatment facility sites."

6.29 Page 131, line 18, after "resources" insert a comma

6.30 Page 132, line 2, after "commissioner" insert "of human services"

6.31 Page 132, line 4, delete "will" and insert "must"

7.1 Page 132, line 5, before "crisis" insert "a" and after "crisis" insert a comma

7.2 Page 132, line 7, delete "crisis" and insert "crises"

7.3 Page 132, line 15, delete "the"

7.4 Page 132, line 16, delete "evaluation"

7.5 Page 132, after line 21, insert:

7.6 "Sec. .... **RATE INCREASE FOR MENTAL HEALTH ADULT DAY TREATMENT.**

7.7 The commissioner of human services must increase the reimbursement rate for adult  
7.8 day treatment under Minnesota Statutes, section 256B.0671, subdivision 3, by 50 percent  
7.9 over the reimbursement rate in effect as of June 30, 2023.

7.10 **EFFECTIVE DATE.** This section is effective January 1, 2024, or upon federal approval,  
7.11 whichever is later. The commissioner of human services shall notify the revisor of statutes  
7.12 when federal approval is obtained.

7.13 Sec. .... **ROOM AND BOARD COSTS IN CHILDREN'S RESIDENTIAL**  
7.14 **FACILITIES.**

7.15 The commissioner of human services must update the behavioral health fund room and  
7.16 board rate schedule to include services provided under Minnesota Statutes, section 245.4882,  
7.17 for individuals who do not have a placement under Minnesota Statutes, chapter 260C or  
7.18 260D. The commissioner must establish room and board rates commensurate with current  
7.19 room and board rates for adolescent programs licensed under Minnesota Statutes, section  
7.20 245G.18.

7.21 **EFFECTIVE DATE.** This section is effective July 1, 2023."

7.22 Page 143, line 1, delete "July 1, 2023" and insert "the day following final enactment"

7.23 Page 143, after line 6, insert:

7.24 "(1) a child under 19 years of age who is determined eligible for medical assistance must  
7.25 remain eligible for a period of 12 months;"

7.26 Renumber the clauses in sequence

7.27 Page 143, line 7, and after "child" insert "19 years of age or older and"

7.28 Page 143, line 23, after "approval" insert "and the implementation of required  
7.29 administrative and systems changes"

8.1 Page 143, line 25, after "obtained" insert "and the administrative and systems changes  
8.2 are implemented"

8.3 Page 145, line 2, after the semicolon, insert "and"

8.4 Page 145, line 3, strike "; and" and insert a period

8.5 Page 145, delete line 4

8.6 Page 150, after line 11, insert:

8.7 "Sec. .... Minnesota Statutes 2022, section 256B.0625, subdivision 22, is amended to read:

8.8 Subd. 22. **Hospice care.** Medical assistance covers hospice care services under Public  
8.9 Law 99-272, section 9505, to the extent authorized by rule, except that a recipient age 21  
8.10 or under who elects to receive hospice services does not waive coverage for services that  
8.11 are related to the treatment of the condition for which a diagnosis of terminal illness has  
8.12 been made. Hospice respite and end-of-life care under subdivision 22a are not hospice  
8.13 services under this subdivision.

8.14 Sec. .... Minnesota Statutes 2022, section 256B.0625, is amended by adding a subdivision  
8.15 to read:

8.16 Subd. 22a. **Residential hospice facility; hospice respite and end-of-life care for**  
8.17 **children.** (a) Medical assistance covers hospice respite and end-of-life care if the care is  
8.18 for recipients age 21 or under who elect to receive hospice care delivered in a facility that  
8.19 is licensed under sections 144A.75 to 144A.755 and that is a residential hospice facility  
8.20 under section 144A.75, subdivision 13, paragraph (a). Hospice care services under  
8.21 subdivision 22 are not hospice respite or end-of-life care under this subdivision.

8.22 (b) The payment rates for coverage under this subdivision must be 100 percent of the  
8.23 Medicare rate for continuous home care hospice services as published in the Centers for  
8.24 Medicare and Medicaid Services annual final rule updating payments and policies for hospice  
8.25 care. The commissioner shall seek federal financial participation for payment for hospice  
8.26 respite and end-of-life care under this subdivision. If federal financial participation is not  
8.27 available, payment must be made from state-only funds. Payment for hospice respite and  
8.28 end-of-life care must be paid to the residential hospice facility and is not included in any  
8.29 limits or cap amounts applicable to hospice services payments to the elected hospice services  
8.30 provider.

9.1 (c) Certification of the residential hospice facility by the federal Medicare program must  
 9.2 not be a requirement of medical assistance payment for hospice respite and end-of-life care  
 9.3 under this subdivision."

9.4 Page 158, after line 4, insert:

9.5 "Sec. .... Minnesota Statutes 2022, section 256B.0631, subdivision 3, is amended to read:

9.6 Subd. 3. **Collection.** (a) The medical assistance reimbursement to the provider shall be  
 9.7 reduced by the amount of the co-payment or deductible, except that reimbursements shall  
 9.8 not be reduced:

9.9 (1) once a recipient has reached the \$12 per month maximum for prescription drug  
 9.10 co-payments; or

9.11 (2) for a recipient who has met their monthly five percent cost-sharing limit.

9.12 (b) The provider collects the co-payment or deductible from the recipient. Providers  
 9.13 may not deny services to recipients who are unable to pay the co-payment or deductible.

9.14 ~~(c) Medical assistance reimbursement to fee-for-service providers and payments to~~  
 9.15 ~~managed care plans shall not be increased as a result of the removal of co-payments or~~  
 9.16 ~~deductibles effective on or after January 1, 2009.~~

9.17 **EFFECTIVE DATE.** This section is effective January 1, 2024."

9.18 Page 167, delete lines 21 to 23

9.19 Page 170, line 5, delete "Medical" and insert "Medicare"

9.20 Page 172, line 19, delete everything after "2024" and insert a period

9.21 Page 172, delete lines 20 and 21

9.22 Page 172, before line 22, insert:

9.23 "Sec. .... Minnesota Statutes 2022, section 256B.764, is amended to read:

9.24 **256B.764 REIMBURSEMENT FOR FAMILY PLANNING SERVICES.**

9.25 (a) Effective for services rendered on or after July 1, 2007, payment rates for family  
 9.26 planning services shall be increased by 25 percent over the rates in effect June 30, 2007,  
 9.27 when these services are provided by a community clinic as defined in section 145.9268,  
 9.28 subdivision 1.

10.1 (b) Effective for services rendered on or after July 1, 2013, payment rates for family  
10.2 planning services shall be increased by 20 percent over the rates in effect June 30, 2013,  
10.3 when these services are provided by a community clinic as defined in section 145.9268,  
10.4 subdivision 1. The commissioner shall adjust capitation rates to managed care and  
10.5 county-based purchasing plans to reflect this increase, and shall require plans to pass on the  
10.6 full amount of the rate increase to eligible community clinics, in the form of higher payment  
10.7 rates for family planning services.

10.8 (c) Effective for services provided on or after January 1, 2024, payment rates for family  
10.9 planning and abortion services shall be increased by ten percent. This increase does not  
10.10 apply to federally qualified health centers, rural health centers, or Indian health services.

10.11 Sec. .... Minnesota Statutes 2022, section 256B.766, is amended to read:

10.12 **256B.766 REIMBURSEMENT FOR BASIC CARE SERVICES.**

10.13 (a) Effective for services provided on or after July 1, 2009, total payments for basic care  
10.14 services, shall be reduced by three percent, except that for the period July 1, 2009, through  
10.15 June 30, 2011, total payments shall be reduced by 4.5 percent for the medical assistance  
10.16 and general assistance medical care programs, prior to third-party liability and spenddown  
10.17 calculation. Effective July 1, 2010, the commissioner shall classify physical therapy services,  
10.18 occupational therapy services, and speech-language pathology and related services as basic  
10.19 care services. The reduction in this paragraph shall apply to physical therapy services,  
10.20 occupational therapy services, and speech-language pathology and related services provided  
10.21 on or after July 1, 2010.

10.22 (b) Payments made to managed care plans and county-based purchasing plans shall be  
10.23 reduced for services provided on or after October 1, 2009, to reflect the reduction effective  
10.24 July 1, 2009, and payments made to the plans shall be reduced effective October 1, 2010,  
10.25 to reflect the reduction effective July 1, 2010.

10.26 (c) Effective for services provided on or after September 1, 2011, through June 30, 2013,  
10.27 total payments for outpatient hospital facility fees shall be reduced by five percent from the  
10.28 rates in effect on August 31, 2011.

10.29 (d) Effective for services provided on or after September 1, 2011, through June 30, 2013,  
10.30 total payments for ambulatory surgery centers facility fees, medical supplies and durable  
10.31 medical equipment not subject to a volume purchase contract, prosthetics and orthotics,  
10.32 renal dialysis services, laboratory services, public health nursing services, physical therapy  
10.33 services, occupational therapy services, speech therapy services, eyeglasses not subject to

11.1 a volume purchase contract, hearing aids not subject to a volume purchase contract, and  
11.2 anesthesia services shall be reduced by three percent from the rates in effect on August 31,  
11.3 2011.

11.4 (e) Effective for services provided on or after September 1, 2014, payments for  
11.5 ambulatory surgery centers facility fees, hospice services, renal dialysis services, laboratory  
11.6 services, public health nursing services, eyeglasses not subject to a volume purchase contract,  
11.7 and hearing aids not subject to a volume purchase contract shall be increased by three percent  
11.8 and payments for outpatient hospital facility fees shall be increased by three percent.  
11.9 Payments made to managed care plans and county-based purchasing plans shall not be  
11.10 adjusted to reflect payments under this paragraph.

11.11 (f) Payments for medical supplies and durable medical equipment not subject to a volume  
11.12 purchase contract, and prosthetics and orthotics, provided on or after July 1, 2014, through  
11.13 June 30, 2015, shall be decreased by .33 percent. Payments for medical supplies and durable  
11.14 medical equipment not subject to a volume purchase contract, and prosthetics and orthotics,  
11.15 provided on or after July 1, 2015, shall be increased by three percent from the rates as  
11.16 determined under paragraphs (i) and (j).

11.17 (g) Effective for services provided on or after July 1, 2015, payments for outpatient  
11.18 hospital facility fees, medical supplies and durable medical equipment not subject to a  
11.19 volume purchase contract, prosthetics, and orthotics to a hospital meeting the criteria specified  
11.20 in section 62Q.19, subdivision 1, paragraph (a), clause (4), shall be increased by 90 percent  
11.21 from the rates in effect on June 30, 2015. Payments made to managed care plans and  
11.22 county-based purchasing plans shall not be adjusted to reflect payments under this paragraph.

11.23 (h) This section does not apply to physician and professional services, inpatient hospital  
11.24 services, family planning services, mental health services, dental services, prescription  
11.25 drugs, medical transportation, federally qualified health centers, rural health centers, Indian  
11.26 health services, and Medicare cost-sharing.

11.27 (i) Effective for services provided on or after July 1, 2015, the following categories of  
11.28 medical supplies and durable medical equipment shall be individually priced items: enteral  
11.29 nutrition and supplies, customized and other specialized tracheostomy tubes and supplies,  
11.30 electric patient lifts, and durable medical equipment repair and service. This paragraph does  
11.31 not apply to medical supplies and durable medical equipment subject to a volume purchase  
11.32 contract, products subject to the preferred diabetic testing supply program, and items provided  
11.33 to dually eligible recipients when Medicare is the primary payer for the item. The

12.1 commissioner shall not apply any medical assistance rate reductions to durable medical  
12.2 equipment as a result of Medicare competitive bidding.

12.3 (j) Effective for services provided on or after July 1, 2015, medical assistance payment  
12.4 rates for durable medical equipment, prosthetics, orthotics, or supplies shall be increased  
12.5 as follows:

12.6 (1) payment rates for durable medical equipment, prosthetics, orthotics, or supplies that  
12.7 were subject to the Medicare competitive bid that took effect in January of 2009 shall be  
12.8 increased by 9.5 percent; and

12.9 (2) payment rates for durable medical equipment, prosthetics, orthotics, or supplies on  
12.10 the medical assistance fee schedule, whether or not subject to the Medicare competitive bid  
12.11 that took effect in January of 2009, shall be increased by 2.94 percent, with this increase  
12.12 being applied after calculation of any increased payment rate under clause (1).

12.13 This paragraph does not apply to medical supplies and durable medical equipment subject  
12.14 to a volume purchase contract, products subject to the preferred diabetic testing supply  
12.15 program, items provided to dually eligible recipients when Medicare is the primary payer  
12.16 for the item, and individually priced items identified in paragraph (i). Payments made to  
12.17 managed care plans and county-based purchasing plans shall not be adjusted to reflect the  
12.18 rate increases in this paragraph.

12.19 (k) Effective for nonpressure support ventilators provided on or after January 1, 2016,  
12.20 the rate shall be the lower of the submitted charge or the Medicare fee schedule rate. Effective  
12.21 for pressure support ventilators provided on or after January 1, 2016, the rate shall be the  
12.22 lower of the submitted charge or 47 percent above the Medicare fee schedule rate. For  
12.23 payments made in accordance with this paragraph, if, and to the extent that, the commissioner  
12.24 identifies that the state has received federal financial participation for ventilators in excess  
12.25 of the amount allowed effective January 1, 2018, under United States Code, title 42, section  
12.26 1396b(i)(27), the state shall repay the excess amount to the Centers for Medicare and  
12.27 Medicaid Services with state funds and maintain the full payment rate under this paragraph.

12.28 (l) Payment rates for durable medical equipment, prosthetics, orthotics or supplies, that  
12.29 are subject to the upper payment limit in accordance with section 1903(i)(27) of the Social  
12.30 Security Act, shall be paid the Medicare rate. Rate increases provided in this chapter shall  
12.31 not be applied to the items listed in this paragraph.

12.32 (m) Beginning July 1, 2023, enteral nutrition and supplies must be paid according to the  
12.33 applicable method in clauses (1) to (3). For methods based upon the 50th percentile, the  
12.34 commissioner must determine the 50th percentile based on data that exists for that product

13.1 or supply on the effective date of that rate. The commissioner must make the 50th percentile  
13.2 determination based on at least 100 paid claim lines by at least ten different providers for  
13.3 a given product or supply. If the commissioner does not have at least 100 paid claim lines  
13.4 from ten different providers for a given product or supply, the commissioner must make  
13.5 the 50th percentile determination based on at least 20 claim lines by at least five different  
13.6 providers for a product or supply. If the commissioner does not have at least 20 claim lines  
13.7 by five different providers for a product or supply, payment for enteral nutrition and supplies  
13.8 must be made according to clause (3).

13.9 (1) For dates of service on or after July 1, 2023, through December 31, 2023, payment  
13.10 must be based on the 50th percentile of the usual and customary charges per product code  
13.11 submitted to the commissioner for the previous fiscal year, using only charges submitted  
13.12 per unit. Rate increases must not exceed 50 percent of the previous rate per code and product  
13.13 combination.

13.14 (2) For dates of service on or after January 1, 2024, payment must be based on the 50th  
13.15 percentile of the usual and customary charges per product code submitted to the commissioner  
13.16 for the previous calendar year, using only charges submitted per unit. The commissioner  
13.17 must update the payment rates effective for each calendar year annually using the previous  
13.18 calendar year's data, not to exceed an increase of 50 percent of the previous year's rate per  
13.19 code and product combination.

13.20 (3) For dates of service on or after July 1, 2023, if data are not available to calculate the  
13.21 50th percentile for enteral products or supplies under clause (1) or (2), the payment must  
13.22 be based on the manufacturer's suggested retail price of that product or supply minus 20  
13.23 percent. If the manufacturer's suggested retail price is not available, payment must be based  
13.24 on the actual acquisition cost of that product or supply plus 20 percent."

13.25 Page 174, line 13, strike "256B.057, subdivision 9,"

13.26 Page 174, lines 15 to 18, reinstate the stricken language and delete the new language

13.27 Page 175, line 10, after "assistance" insert "and MinnesotaCare"

13.28 Page 175, line 17, after "recipient" insert ", and provide MinnesotaCare benefits, pending  
13.29 the outcome of a fair hearing decision, to any MinnesotaCare recipient,"

13.30 Page 175, lines 20, 25, and 28, after "assistance" insert "or MinnesotaCare"

13.31 Page 176, after line 2, insert:

14.1 "(g) Notwithstanding Minnesota Statutes, section 256L.15, subdivision 2, the  
 14.2 commissioner shall make MinnesotaCare available with no premium payments required,  
 14.3 for coverage beginning June 1, 2023, through June 30, 2024.

14.4 (h) Notwithstanding Minnesota Statutes, section 256B.057, subdivision 9, or any other  
 14.5 provision to the contrary, the commissioner shall not collect any unpaid premium for a  
 14.6 coverage month that occurred during the COVID-19 public health emergency declared by  
 14.7 the United States Secretary of Health and Human Services through the month after the  
 14.8 enrollee's first renewal is conducted, following the resumption of medical assistance renewals  
 14.9 after March 31, 2023.

14.10 (i) Notwithstanding any other law to the contrary, the commissioner shall, as required  
 14.11 by the Centers for Medicare and Medicaid Services, suspend certain procedural terminations  
 14.12 for medical assistance enrollees."

14.13 Page 180, line 10, delete "who" and insert "that"

14.14 Page 182, after line 11, insert:

14.15 "Sec. .... **[144.1913] CLINICAL DENTAL EDUCATION INNOVATION GRANTS.**

14.16 (a) The commissioner shall award clinical dental education innovation grants to teaching  
 14.17 institutions and clinical training sites for projects that increase dental access for underserved  
 14.18 populations and promote innovative clinical training of dental professionals. In awarding  
 14.19 the grants, the commissioner shall consider the following:

14.20 (1) potential to successfully increase access to dental services for an underserved  
 14.21 population;

14.22 (2) the long-term viability of the project to improve access to dental services beyond  
 14.23 the period of initial funding;

14.24 (3) evidence of collaboration between the applicant and local communities;

14.25 (4) efficiency in the use of grant funding; and

14.26 (5) the priority level of the project in relation to state education, access, and workforce  
 14.27 goals.

14.28 (b) The commissioner shall periodically evaluate the priorities in awarding innovations  
 14.29 grants under this section to ensure that the priorities meet the changing workforce needs of  
 14.30 the state."

14.31 Page 186, delete lines 12 to 16

- 15.1 Page 189, line 16, delete "with" and insert "who: (1) have"
- 15.2 Page 189, line 17, delete ", including those"
- 15.3 Page 189, line 18, delete "with" and insert "; (2) have"
- 15.4 Page 189, line 18, delete the second comma and insert "; or (3) are undocumented
- 15.5 noncitizens 19 years of age or older,"
- 15.6 Page 189, line 19, after "requirements" insert a comma
- 15.7 Page 195, after line 2, insert:
- 15.8 "Sec. .... Minnesota Statutes 2022, section 13.46, subdivision 4, is amended to read:
- 15.9 Subd. 4. **Licensing data.** (a) As used in this subdivision:
- 15.10 (1) "licensing data" are all data collected, maintained, used, or disseminated by the
- 15.11 welfare system pertaining to persons licensed or registered or who apply for licensure or
- 15.12 registration or who formerly were licensed or registered under the authority of the
- 15.13 commissioner of human services;
- 15.14 (2) "client" means a person who is receiving services from a licensee or from an applicant
- 15.15 for licensure; and
- 15.16 (3) "personal and personal financial data" are Social Security numbers, identity of and
- 15.17 letters of reference, insurance information, reports from the Bureau of Criminal
- 15.18 Apprehension, health examination reports, and social/home studies.
- 15.19 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license
- 15.20 holders, and former licensees are public: name, address, telephone number of licensees,
- 15.21 date of receipt of a completed application, dates of licensure, licensed capacity, type of
- 15.22 client preferred, variances granted, record of training and education in child care and child
- 15.23 development, type of dwelling, name and relationship of other family members, previous
- 15.24 license history, class of license, the existence and status of complaints, and the number of
- 15.25 serious injuries to or deaths of individuals in the licensed program as reported to the
- 15.26 commissioner of human services, the local social services agency, or any other county
- 15.27 welfare agency. For purposes of this clause, a serious injury is one that is treated by a
- 15.28 physician.
- 15.29 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,
- 15.30 an order of license suspension, an order of temporary immediate suspension, an order of
- 15.31 license revocation, an order of license denial, or an order of conditional license has been
- 15.32 issued, or a complaint is resolved, the following data on current and former licensees and

16.1 applicants are public: the general nature of the complaint or allegations leading to the  
16.2 temporary immediate suspension; the substance and investigative findings of the licensing  
16.3 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence  
16.4 of settlement negotiations; the record of informal resolution of a licensing violation; orders  
16.5 of hearing; findings of fact; conclusions of law; specifications of the final correction order,  
16.6 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license  
16.7 contained in the record of licensing action; whether a fine has been paid; and the status of  
16.8 any appeal of these actions.

16.9 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07  
16.10 is based on a determination that a license holder, applicant, or controlling individual is  
16.11 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the  
16.12 applicant, license holder, or controlling individual as the individual responsible for  
16.13 maltreatment is public data at the time of the issuance of the license denial or sanction.

16.14 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07  
16.15 is based on a determination that a license holder, applicant, or controlling individual is  
16.16 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling  
16.17 individual as the disqualified individual ~~and the reason for the disqualification are~~ is public  
16.18 data at the time of the issuance of the licensing sanction or denial. If the applicant, license  
16.19 holder, or controlling individual requests reconsideration of the disqualification and the  
16.20 disqualification is affirmed, the reason for the disqualification and the reason to not set aside  
16.21 the disqualification are ~~public~~ private data.

16.22 (v) A correction order or fine issued to a child care provider for a licensing violation is  
16.23 private data on individuals under section 13.02, subdivision 12, or nonpublic data under  
16.24 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

16.25 (2) For applicants who withdraw their application prior to licensure or denial of a license,  
16.26 the following data are public: the name of the applicant, the city and county in which the  
16.27 applicant was seeking licensure, the dates of the commissioner's receipt of the initial  
16.28 application and completed application, the type of license sought, and the date of withdrawal  
16.29 of the application.

16.30 (3) For applicants who are denied a license, the following data are public: the name and  
16.31 address of the applicant, the city and county in which the applicant was seeking licensure,  
16.32 the dates of the commissioner's receipt of the initial application and completed application,  
16.33 the type of license sought, the date of denial of the application, the nature of the basis for  
16.34 the denial, the existence of settlement negotiations, the record of informal resolution of a

17.1 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final  
17.2 order of denial, and the status of any appeal of the denial.

17.3 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the  
17.4 victim and the substantiated perpetrator are affiliated with a program licensed under chapter  
17.5 245A, the commissioner of human services, local social services agency, or county welfare  
17.6 agency may inform the license holder where the maltreatment occurred of the identity of  
17.7 the substantiated perpetrator and the victim.

17.8 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder  
17.9 and the status of the license are public if the county attorney has requested that data otherwise  
17.10 classified as public data under clause (1) be considered private data based on the best interests  
17.11 of a child in placement in a licensed program.

17.12 (c) The following are private data on individuals under section 13.02, subdivision 12,  
17.13 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data  
17.14 on family day care program and family foster care program applicants and licensees and  
17.15 their family members who provide services under the license.

17.16 (d) The following are private data on individuals: the identity of persons who have made  
17.17 reports concerning licensees or applicants that appear in inactive investigative data, and the  
17.18 records of clients or employees of the licensee or applicant for licensure whose records are  
17.19 received by the licensing agency for purposes of review or in anticipation of a contested  
17.20 matter. The names of reporters of complaints or alleged violations of licensing standards  
17.21 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment  
17.22 under section 626.557 and chapter 260E, are confidential data and may be disclosed only  
17.23 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

17.24 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this  
17.25 subdivision become public data if submitted to a court or administrative law judge as part  
17.26 of a disciplinary proceeding in which there is a public hearing concerning a license which  
17.27 has been suspended, immediately suspended, revoked, or denied.

17.28 (f) Data generated in the course of licensing investigations that relate to an alleged  
17.29 violation of law are investigative data under subdivision 3.

17.30 (g) Data that are not public data collected, maintained, used, or disseminated under this  
17.31 subdivision that relate to or are derived from a report as defined in section 260E.03, or  
17.32 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,  
17.33 subdivision 6, and 626.557, subdivision 12b.

18.1 (h) Upon request, not public data collected, maintained, used, or disseminated under  
18.2 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
18.3 defined in section 626.557 or chapter 260E may be exchanged with the Department of  
18.4 Health for purposes of completing background studies pursuant to section 144.057 and with  
18.5 the Department of Corrections for purposes of completing background studies pursuant to  
18.6 section 241.021.

18.7 (i) Data on individuals collected according to licensing activities under chapters 245A  
18.8 and 245C, data on individuals collected by the commissioner of human services according  
18.9 to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E  
18.10 may be shared with the Department of Human Rights, the Department of Health, the  
18.11 Department of Corrections, the ombudsman for mental health and developmental disabilities,  
18.12 and the individual's professional regulatory board when there is reason to believe that laws  
18.13 or standards under the jurisdiction of those agencies may have been violated or the  
18.14 information may otherwise be relevant to the board's regulatory jurisdiction. Background  
18.15 study data on an individual who is the subject of a background study under chapter 245C  
18.16 for a licensed service for which the commissioner of human services is the license holder  
18.17 may be shared with the commissioner and the commissioner's delegate by the licensing  
18.18 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged  
18.19 maltreatment or licensing violations may not be disclosed.

18.20 (j) In addition to the notice of determinations required under sections 260E.24,  
18.21 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the  
18.22 commissioner or the local social services agency has determined that an individual is a  
18.23 substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in  
18.24 section 260E.03, and the commissioner or local social services agency knows that the  
18.25 individual is a person responsible for a child's care in another facility, the commissioner or  
18.26 local social services agency shall notify the head of that facility of this determination. The  
18.27 notification must include an explanation of the individual's available appeal rights and the  
18.28 status of any appeal. If a notice is given under this paragraph, the government entity making  
18.29 the notification shall provide a copy of the notice to the individual who is the subject of the  
18.30 notice.

18.31 (k) All not public data collected, maintained, used, or disseminated under this subdivision  
18.32 and subdivision 3 may be exchanged between the Department of Human Services, Licensing  
18.33 Division, and the Department of Corrections for purposes of regulating services for which  
18.34 the Department of Human Services and the Department of Corrections have regulatory  
18.35 authority.

19.1 Sec. .... Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision  
19.2 to read:

19.3 Subd. 7a. **Conservator.** "Conservator" has the meaning given under section 524.1-201,  
19.4 clause (10), and includes proposed and current conservators.

19.5 Sec. .... Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision  
19.6 to read:

19.7 Subd. 11f. **Guardian.** "Guardian" has the meaning given under section 524.1-201, clause  
19.8 (27), and includes proposed and current guardians.

19.9 Sec. .... Minnesota Statutes 2022, section 245C.02, subdivision 13e, is amended to read:

19.10 Subd. 13e. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system that  
19.11 replaces both NETStudy and the department's internal background study processing system.  
19.12 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by  
19.13 improving the accuracy of background studies through fingerprint-based criminal record  
19.14 checks and expanding the background studies to include a review of information from the  
19.15 Minnesota Court Information System and the national crime information database. NETStudy  
19.16 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

19.17 (1) providing access to and updates from public web-based data related to employment  
19.18 eligibility;

19.19 (2) decreasing the need for repeat studies through electronic updates of background  
19.20 study subjects' criminal records;

19.21 (3) supporting identity verification using subjects' Social Security numbers and  
19.22 photographs;

19.23 (4) using electronic employer notifications; ~~and~~

19.24 (5) issuing immediate verification of subjects' eligibility to provide services as more  
19.25 studies are completed under the NETStudy 2.0 system; and

19.26 (6) providing electronic access to certain notices for entities and background study  
19.27 subjects.

19.28 Sec. .... Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

19.29 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background  
19.30 study on:

- 20.1 (1) the person or persons applying for a license;
- 20.2 (2) an individual age 13 and over living in the household where the licensed program  
20.3 will be provided who is not receiving licensed services from the program;
- 20.4 (3) current or prospective employees or contractors of the applicant who will have direct  
20.5 contact with persons served by the facility, agency, or program;
- 20.6 (4) volunteers or student volunteers who will have direct contact with persons served  
20.7 by the program to provide program services if the contact is not under the continuous, direct  
20.8 supervision by an individual listed in clause (1) or (3);
- 20.9 (5) an individual age ten to 12 living in the household where the licensed services will  
20.10 be provided when the commissioner has reasonable cause as defined in section 245C.02,  
20.11 subdivision 15;
- 20.12 (6) an individual who, without providing direct contact services at a licensed program,  
20.13 may have unsupervised access to children or vulnerable adults receiving services from a  
20.14 program, when the commissioner has reasonable cause as defined in section 245C.02,  
20.15 subdivision 15;
- 20.16 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;
- 20.17 (8) notwithstanding the other requirements in this subdivision, child care background  
20.18 study subjects as defined in section 245C.02, subdivision 6a; and
- 20.19 (9) notwithstanding clause (3), for children's residential facilities and foster residence  
20.20 settings, any adult working in the facility, whether or not the individual will have direct  
20.21 contact with persons served by the facility.
- 20.22 (b) For child foster care when the license holder resides in the home where foster care  
20.23 services are provided, a short-term substitute caregiver providing direct contact services for  
20.24 a child for less than 72 hours of continuous care is not required to receive a background  
20.25 study under this chapter.
- 20.26 (c) This subdivision applies to the following programs that must be licensed under  
20.27 chapter 245A:
- 20.28 (1) adult foster care;
- 20.29 (2) child foster care;
- 20.30 (3) children's residential facilities;
- 20.31 (4) family child care;

- 21.1 (5) licensed child care centers;
- 21.2 (6) licensed home and community-based services under chapter 245D;
- 21.3 (7) residential mental health programs for adults;
- 21.4 (8) substance use disorder treatment programs under chapter 245G;
- 21.5 (9) withdrawal management programs under chapter 245F;
- 21.6 (10) adult day care centers;
- 21.7 (11) family adult day services;
- 21.8 (12) independent living assistance for youth;
- 21.9 (13) detoxification programs;
- 21.10 (14) community residential settings; ~~and~~
- 21.11 (15) intensive residential treatment services and residential crisis stabilization under
- 21.12 chapter 245I; and
- 21.13 (16) treatment programs for persons with sexual psychopathic personality or sexually
- 21.14 dangerous persons, licensed under chapter 245A and according to Minnesota Rules, parts
- 21.15 9515.3000 to 9515.3110.

21.16 Sec. .... Minnesota Statutes 2022, section 245C.03, subdivision 1a, is amended to read:

21.17 Subd. 1a. **Procedure.** (a) Individuals and organizations that are required under this

21.18 section to have or initiate background studies shall comply with the requirements of this

21.19 chapter.

21.20 (b) All studies conducted under this section shall be conducted according to sections

21.21 299C.60 to 299C.64. This requirement does not apply to subdivisions 1, paragraph (c),

21.22 clauses (2) to (5), and 6a.

21.23 (c) All data obtained by the commissioner for a background study completed under this

21.24 section shall be classified as private data.

21.25 Sec. .... Minnesota Statutes 2022, section 245C.031, subdivision 1, is amended to read:

21.26 Subdivision 1. **Alternative background studies.** (a) The commissioner shall conduct

21.27 an alternative background study of individuals listed in this section.

22.1 (b) Notwithstanding other sections of this chapter, all alternative background studies  
 22.2 except subdivision 12 shall be conducted according to this section and with sections 299C.60  
 22.3 to 299C.64.

22.4 (c) All terms in this section shall have the definitions provided in section 245C.02.

22.5 (d) The entity that submits an alternative background study request under this section  
 22.6 shall submit the request to the commissioner according to section 245C.05.

22.7 (e) The commissioner shall comply with the destruction requirements in section 245C.051.

22.8 (f) Background studies conducted under this section are subject to the provisions of  
 22.9 section 245C.32.

22.10 (g) The commissioner shall forward all information that the commissioner receives under  
 22.11 section 245C.08 to the entity that submitted the alternative background study request under  
 22.12 subdivision 2. The commissioner shall not make any eligibility determinations regarding  
 22.13 background studies conducted under this section.

22.14 (h) All data obtained by the commissioner for a background study completed under this  
 22.15 section shall be classified as private data.

22.16 Sec. .... **[245C.033] GUARDIANS AND CONSERVATORS; MALTREATMENT**  
 22.17 **AND STATE LICENSING AGENCY CHECKS.**

22.18 Subdivision 1. **Maltreatment data.** Requests for maltreatment data and records checks  
 22.19 submitted pursuant to section 524.5-118 shall include information regarding whether the  
 22.20 guardian or conservator has been a perpetrator of substantiated maltreatment of a vulnerable  
 22.21 adult under section 626.557 or a minor under chapter 260E. If the guardian or conservator  
 22.22 has been the perpetrator of substantiated maltreatment of a vulnerable adult or a minor, the  
 22.23 commissioner must include a copy of any available public portion of the investigation  
 22.24 memorandum under section 626.557, subdivision 12b, or any available public portion of  
 22.25 the investigation memorandum under section 260E.30.

22.26 Subd. 2. **State licensing agency data.** (a) Requests for state licensing agency data and  
 22.27 records checks submitted pursuant to section 524.5-118 shall include information from a  
 22.28 check of state licensing agency records.

22.29 (b) The commissioner shall provide the court with licensing agency data for licenses  
 22.30 directly related to the responsibilities of a guardian or conservator if the guardian or  
 22.31 conservator has a current or prior affiliation with the:

22.32 (1) Lawyers Responsibility Board;

- 23.1 (2) State Board of Accountancy;
- 23.2 (3) Board of Social Work;
- 23.3 (4) Board of Psychology;
- 23.4 (5) Board of Nursing;
- 23.5 (6) Board of Medical Practice;
- 23.6 (7) Department of Education;
- 23.7 (8) Department of Commerce;
- 23.8 (9) Board of Chiropractic Examiners;
- 23.9 (10) Board of Dentistry;
- 23.10 (11) Board of Marriage and Family Therapy;
- 23.11 (12) Department of Human Services;
- 23.12 (13) Peace Officer Standards and Training (POST) Board; and
- 23.13 (14) Professional Educator Licensing and Standards Board.
- 23.14 (c) The commissioner shall provide to the court the electronically available data
- 23.15 maintained in the agency's database, including whether the guardian or conservator is or
- 23.16 has been licensed by the agency and whether a disciplinary action or a sanction against the
- 23.17 individual's license, including a condition, suspension, revocation, or cancellation, is in the
- 23.18 licensing agency's database.
- 23.19 Subd. 3. **Procedure; maltreatment and state licensing agency data.** Requests for
- 23.20 maltreatment and state licensing agency data checks shall be submitted by the guardian or
- 23.21 conservator to the commissioner on the form or in the manner prescribed by the
- 23.22 commissioner. Upon receipt of a signed informed consent, and payment under 245C.10,
- 23.23 the commissioner shall complete the maltreatment and state licensing agency checks. Upon
- 23.24 completion of the checks, the commissioner shall provide the requested information to the
- 23.25 courts on the form or in the manner prescribed by the commissioner.
- 23.26 Subd. 4. **Classification of maltreatment and state licensing agency data; access to**
- 23.27 **information.** All data obtained by the commissioner for maltreatment and state licensing
- 23.28 agency checks completed under this section shall be classified as private data.

24.1 Sec. .... Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

24.2 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the  
24.3 background study must provide the applicant, license holder, or other entity under section  
24.4 245C.04 with sufficient information to ensure an accurate study, including:

24.5 (1) the individual's first, middle, and last name and all other names by which the  
24.6 individual has been known;

24.7 (2) current home address, city, and state of residence;

24.8 (3) current zip code;

24.9 (4) sex;

24.10 (5) date of birth;

24.11 (6) driver's license number or state identification number; and

24.12 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of  
24.13 residence for the past five years.

24.14 (b) Every subject of a background study conducted or initiated by counties or private  
24.15 agencies under this chapter must also provide the home address, city, county, and state of  
24.16 residence for the past five years.

24.17 (c) Every subject of a background study related to private agency adoptions or related  
24.18 to child foster care licensed through a private agency, who is 18 years of age or older, shall  
24.19 also provide the commissioner a signed consent for the release of any information received  
24.20 from national crime information databases to the private agency that initiated the background  
24.21 study.

24.22 (d) The subject of a background study shall provide fingerprints and a photograph as  
24.23 required in subdivision 5.

24.24 (e) The subject of a background study shall submit a completed criminal and maltreatment  
24.25 history records check consent form for applicable national and state level record checks.

24.26 (f) A background study subject who has access to the NETStudy 2.0 applicant portal  
24.27 must provide updated contact information to the commissioner via NETStudy 2.0 any time  
24.28 their personal information changes for as long as they remain affiliated on any roster.

24.29 (g) An entity must update contact information in NETStudy 2.0 for a background study  
24.30 subject on the entity's roster any time the entity receives new contact information from the  
24.31 study subject.

25.1 Sec. .... Minnesota Statutes 2022, section 245C.05, subdivision 2c, is amended to read:

25.2 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each  
25.3 background study, the entity initiating the study must provide the commissioner's privacy  
25.4 notice to the background study subject required under section 13.04, subdivision 2. The  
25.5 notice must be available through the commissioner's electronic NETStudy and NETStudy  
25.6 2.0 systems and shall include the information in paragraphs (b) and (c).

25.7 (b) The background study subject shall be informed that any previous background studies  
25.8 that received a set-aside will be reviewed, and without further contact with the background  
25.9 study subject, the commissioner may notify the agency that initiated the subsequent  
25.10 background study:

25.11 ~~(1) that the individual has a disqualification that has been set aside for the program or~~  
25.12 ~~agency that initiated the study;~~

25.13 ~~(2) the reason for the disqualification; and~~

25.14 ~~(3) that information about the decision to set aside the disqualification will be available~~  
25.15 ~~to the license holder upon request without the consent of the background study subject.~~

25.16 (c) The background study subject must also be informed that:

25.17 (1) the subject's fingerprints collected for purposes of completing the background study  
25.18 under this chapter must not be retained by the Department of Public Safety, Bureau of  
25.19 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will  
25.20 not retain background study subjects' fingerprints;

25.21 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image  
25.22 will be retained by the commissioner, and if the subject has provided the subject's Social  
25.23 Security number for purposes of the background study, the photographic image will be  
25.24 available to prospective employers and agencies initiating background studies under this  
25.25 chapter to verify the identity of the subject of the background study;

25.26 (3) the authorized fingerprint collection vendor or vendors shall, for purposes of verifying  
25.27 the identity of the background study subject, be able to view the identifying information  
25.28 entered into NETStudy 2.0 by the entity that initiated the background study, but shall not  
25.29 retain the subject's fingerprints, photograph, or information from NETStudy 2.0. The  
25.30 authorized fingerprint collection vendor or vendors shall retain no more than the subject's  
25.31 name and the date and time the subject's fingerprints were recorded and sent, only as  
25.32 necessary for auditing and billing activities;

26.1 (4) the commissioner shall provide the subject notice, as required in section 245C.17,  
26.2 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

26.3 (5) the subject may request in writing a report listing the entities that initiated a  
26.4 background study on the individual as provided in section 245C.17, subdivision 1, paragraph  
26.5 (b);

26.6 (6) the subject may request in writing that information used to complete the individual's  
26.7 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,  
26.8 paragraph (a), are met; and

26.9 (7) notwithstanding clause (6), the commissioner shall destroy:

26.10 (i) the subject's photograph after a period of two years when the requirements of section  
26.11 245C.051, paragraph (c), are met; and

26.12 (ii) any data collected on a subject under this chapter after a period of two years following  
26.13 the individual's death as provided in section 245C.051, paragraph (d).

26.14 Sec. .... Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

26.15 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the  
26.16 Department of Human Services, the commissioner shall implement a secure system for the  
26.17 electronic transmission of:

26.18 (1) background study information to the commissioner;

26.19 (2) background study results to the license holder;

26.20 (3) background study information obtained under this section and section 245C.08 to  
26.21 counties and private agencies for background studies conducted by the commissioner for  
26.22 child foster care, including a summary of nondisqualifying results, except as prohibited by  
26.23 law; and

26.24 (4) background study results to county agencies for background studies conducted by  
26.25 the commissioner for adult foster care and family adult day services and, upon  
26.26 implementation of NETStudy 2.0, family child care and legal nonlicensed child care  
26.27 authorized under chapter 119B.

26.28 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a  
26.29 license holder or an applicant must use the electronic transmission system known as  
26.30 NETStudy or NETStudy 2.0 to submit all requests for background studies to the  
26.31 commissioner as required by this chapter.

27.1 (c) A license holder or applicant whose program is located in an area in which high-speed  
27.2 Internet is inaccessible may request the commissioner to grant a variance to the electronic  
27.3 transmission requirement.

27.4 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under  
27.5 this subdivision.

27.6 (e) The background study subject shall access background study-related documents  
27.7 electronically in the applicant portal. A background study subject may request the  
27.8 commissioner to grant a variance to the requirement to access documents electronically in  
27.9 the NETStudy 2.0 applicant portal, and maintains the ability to request paper documentation  
27.10 of their background studies.

27.11 Sec. .... Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

27.12 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)  
27.13 For a background study conducted by the Department of Human Services, the commissioner  
27.14 shall review:

27.15 (1) information related to names of substantiated perpetrators of maltreatment of  
27.16 vulnerable adults that has been received by the commissioner as required under section  
27.17 626.557, subdivision 9c, paragraph (j);

27.18 (2) the commissioner's records relating to the maltreatment of minors in licensed  
27.19 programs, and from findings of maltreatment of minors as indicated through the social  
27.20 service information system;

27.21 (3) information from juvenile courts as required in subdivision 4 for individuals listed  
27.22 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

27.23 (4) information from the Bureau of Criminal Apprehension, including information  
27.24 regarding a background study subject's registration in Minnesota as a predatory offender  
27.25 under section 243.166;

27.26 (5) except as provided in clause (6), information received as a result of submission of  
27.27 fingerprints for a national criminal history record check, as defined in section 245C.02,  
27.28 subdivision 13c, when the commissioner has reasonable cause for a national criminal history  
27.29 record check as defined under section 245C.02, subdivision 15a, or as required under section  
27.30 144.057, subdivision 1, clause (2);

27.31 (6) for a background study related to a child foster family setting application for licensure,  
27.32 foster residence settings, children's residential facilities, a transfer of permanent legal and

28.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
28.2 background study required for family child care, certified license-exempt child care, child  
28.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
28.4 commissioner shall also review:

28.5 (i) information from the child abuse and neglect registry for any state in which the  
28.6 background study subject has resided for the past five years;

28.7 (ii) when the background study subject is 18 years of age or older, or a minor under  
28.8 section 245C.05, subdivision 5a, paragraph (c), information received following submission  
28.9 of fingerprints for a national criminal history record check; and

28.10 (iii) when the background study subject is 18 years of age or older or a minor under  
28.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified  
28.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care  
28.13 authorized under chapter 119B, information obtained using non-fingerprint-based data  
28.14 including information from the criminal and sex offender registries for any state in which  
28.15 the background study subject resided for the past five years and information from the national  
28.16 crime information database and the national sex offender registry; ~~and~~

28.17 (7) for a background study required for family child care, certified license-exempt child  
28.18 care centers, licensed child care centers, and legal nonlicensed child care authorized under  
28.19 chapter 119B, the background study shall also include, to the extent practicable, a name  
28.20 and date-of-birth search of the National Sex Offender Public website; and

28.21 (8) for a background study required for treatment programs for sexual psychopathic  
28.22 personality or sexually dangerous persons, the background study shall only include a review  
28.23 of the information required under paragraph (a), clauses (1), (2), (3), and (4).

28.24 (b) Notwithstanding expungement by a court, the commissioner may consider information  
28.25 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice  
28.26 of the petition for expungement and the court order for expungement is directed specifically  
28.27 to the commissioner.

28.28 (c) The commissioner shall also review criminal case information received according  
28.29 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates  
28.30 to individuals who have already been studied under this chapter and who remain affiliated  
28.31 with the agency that initiated the background study.

28.32 (d) When the commissioner has reasonable cause to believe that the identity of a  
28.33 background study subject is uncertain, the commissioner may require the subject to provide

29.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
 29.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
 29.3 shall not be saved by the commissioner after they have been used to verify the identity of  
 29.4 the background study subject against the particular criminal record in question.

29.5 (e) The commissioner may inform the entity that initiated a background study under  
 29.6 NETStudy 2.0 of the status of processing of the subject's fingerprints."

29.7 Page 198, after line 8, insert:

29.8 "Sec. .... Minnesota Statutes 2022, section 245C.10, subdivision 15, is amended to read:

29.9 Subd. 15. **Guardians and conservators.** The commissioner shall recover the cost of  
 29.10 conducting ~~background studies~~ maltreatment and state licensing agency checks for guardians  
 29.11 and conservators under section ~~524.5-118~~ 245C.033 through a fee of no more than \$110  
 29.12 \$50 per study. The fees collected under this subdivision are appropriated to the commissioner  
 29.13 for the purpose of conducting ~~background studies~~ maltreatment and state licensing agency  
 29.14 checks. The fee for conducting an alternative background study for appointment of a  
 29.15 professional guardian or conservator must be paid by the guardian or conservator. In other  
 29.16 cases, the fee must be paid as follows: must be paid directly to and in the manner prescribed  
 29.17 by the commissioner before any maltreatment and state licensing agency checks under  
 29.18 section 245C.033 may be conducted.

29.19 ~~(1) if the matter is proceeding in forma pauperis, the fee must be paid as an expense for~~  
 29.20 ~~purposes of section 524.5-502, paragraph (a);~~

29.21 ~~(2) if there is an estate of the ward or protected person, the fee must be paid from the~~  
 29.22 ~~estate; or~~

29.23 ~~(3) in the case of a guardianship or conservatorship of a person that is not proceeding~~  
 29.24 ~~in forma pauperis, the fee must be paid by the guardian, conservator, or the court."~~

29.25 Page 199, after line 11, insert:

29.26 "Sec. .... Minnesota Statutes 2022, section 245C.17, subdivision 2, is amended to read:

29.27 Subd. 2. **Disqualification notice sent to subject.** (a) If the information in the study  
 29.28 indicates the individual is disqualified from direct contact with, or from access to, persons  
 29.29 served by the program, the commissioner shall disclose to the individual studied:

29.30 (1) the information causing disqualification;

29.31 (2) instructions on how to request a reconsideration of the disqualification;

30.1 (3) an explanation of any restrictions on the commissioner's discretion to set aside the  
30.2 disqualification under section 245C.24, when applicable to the individual;

30.3 ~~(4) a statement that, if the individual's disqualification is set aside under section 245C.22,~~  
30.4 ~~the applicant, license holder, or other entity that initiated the background study will be~~  
30.5 ~~provided with the reason for the individual's disqualification and an explanation that the~~  
30.6 ~~factors under section 245C.22, subdivision 4, which were the basis of the decision to set~~  
30.7 ~~aside the disqualification shall be made available to the license holder upon request without~~  
30.8 ~~the consent of the subject of the background study;~~

30.9 ~~(5) a statement indicating that if the individual's disqualification is set aside or the facility~~  
30.10 ~~is granted a variance under section 245C.30, the individual's identity and the reason for the~~  
30.11 ~~individual's disqualification will become public data under section 245C.22, subdivision 7,~~  
30.12 ~~when applicable to the individual;~~

30.13 ~~(6)~~ (4) a statement that when a subsequent background study is initiated on the individual  
30.14 following a set-aside of the individual's disqualification, and the commissioner makes a  
30.15 determination under section 245C.22, subdivision 5, paragraph (b), that the previous set-aside  
30.16 applies to the subsequent background study, the applicant, license holder, or other entity  
30.17 that initiated the background study will be informed in the notice under section 245C.22,  
30.18 subdivision 5, paragraph (c):

30.19 ~~(i)~~ of the reason for the individual's disqualification; and

30.20 ~~(ii) that the individual's disqualification is set aside for that program or agency; and~~

30.21 ~~(iii) that information about the factors under section 245C.22, subdivision 4, that were~~  
30.22 ~~the basis of the decision to set aside the disqualification are available to the license holder~~  
30.23 ~~upon request without the consent of the background study subject; and~~

30.24 ~~(7)~~ (5) the commissioner's determination of the individual's immediate risk of harm  
30.25 under section 245C.16.

30.26 (b) If the commissioner determines under section 245C.16 that an individual poses an  
30.27 imminent risk of harm to persons served by the program where the individual will have  
30.28 direct contact with, or access to, people receiving services, the commissioner's notice must  
30.29 include an explanation of the basis of this determination.

30.30 (c) If the commissioner determines under section 245C.16 that an individual studied  
30.31 does not pose a risk of harm that requires immediate removal, the individual shall be informed  
30.32 of the conditions under which the agency that initiated the background study may allow the

31.1 individual to have direct contact with, or access to, people receiving services, as provided  
31.2 under subdivision 3.

31.3 Sec. .... Minnesota Statutes 2022, section 245C.17, subdivision 3, is amended to read:

31.4 Subd. 3. **Disqualification notification.** (a) The commissioner shall notify an applicant,  
31.5 license holder, or other entity as provided in this chapter who is not the subject of the study:

31.6 (1) that the commissioner has found information that disqualifies the individual studied  
31.7 from being in a position allowing direct contact with, or access to, people served by the  
31.8 program; and

31.9 (2) the commissioner's determination of the individual's risk of harm under section  
31.10 245C.16.

31.11 (b) If the commissioner determines under section 245C.16 that an individual studied  
31.12 poses an imminent risk of harm to persons served by the program where the individual  
31.13 studied will have direct contact with, or access to, people served by the program, the  
31.14 commissioner shall order the license holder to immediately remove the individual studied  
31.15 from any position allowing direct contact with, or access to, people served by the program.

31.16 (c) If the commissioner determines under section 245C.16 that an individual studied  
31.17 poses a risk of harm that requires continuous, direct supervision, the commissioner shall  
31.18 order the applicant, license holder, or other entities as provided in this chapter to:

31.19 (1) immediately remove the individual studied from any position allowing direct contact  
31.20 with, or access to, people receiving services; or

31.21 (2) before allowing the disqualified individual to be in a position allowing direct contact  
31.22 with, or access to, people receiving services, the applicant, license holder, or other entity,  
31.23 as provided in this chapter, must:

31.24 ~~(i) obtain from the disqualified individual a copy of the individual's notice of~~  
31.25 ~~disqualification from the commissioner that explains the reason for disqualification;~~

31.26 ~~(ii)~~ (i) ensure that the individual studied is under continuous, direct supervision when  
31.27 in a position allowing direct contact with, or access to, people receiving services during the  
31.28 period in which the individual may request a reconsideration of the disqualification under  
31.29 section 245C.21; and

31.30 ~~(iii)~~ (ii) ensure that the disqualified individual requests reconsideration within 30 days  
31.31 of receipt of the notice of disqualification.

32.1 (d) If the commissioner determines under section 245C.16 that an individual studied  
 32.2 does not pose a risk of harm that requires continuous, direct supervision, the commissioner  
 32.3 shall order the applicant, license holder, or other entities as provided in this chapter to:

32.4 (1) immediately remove the individual studied from any position allowing direct contact  
 32.5 with, or access to, people receiving services; or

32.6 (2) before allowing the disqualified individual to be in any position allowing direct  
 32.7 contact with, or access to, people receiving services, the applicant, license holder, or other  
 32.8 entity as provided in this chapter must:

32.9 ~~(i) obtain from the disqualified individual a copy of the individual's notice of~~  
 32.10 ~~disqualification from the commissioner that explains the reason for disqualification; and~~

32.11 ~~(ii) ensure that the disqualified individual requests reconsideration within 15 days of~~  
 32.12 ~~receipt of the notice of disqualification.~~

32.13 (e) The commissioner shall not notify the applicant, license holder, or other entity as  
 32.14 provided in this chapter of the information contained in the subject's background study  
 32.15 unless:

32.16 (1) the basis for the disqualification is failure to cooperate with the background study  
 32.17 ~~or substantiated maltreatment under section 626.557 or chapter 260E;~~

32.18 (2) the Data Practices Act under chapter 13 provides for release of the information; or

32.19 (3) the individual studied authorizes the release of the information.

32.20 Sec. .... Minnesota Statutes 2022, section 245C.22, subdivision 7, is amended to read:

32.21 Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except as  
 32.22 provided in paragraph ~~(f)~~ (e), upon setting aside a disqualification under this section, the  
 32.23 identity of the disqualified individual who received the set-aside and the individual's  
 32.24 disqualifying characteristics are ~~public~~ private data ~~if the set-aside was:~~

32.25 ~~(1) for any disqualifying characteristic under section 245C.15, except a felony-level~~  
 32.26 ~~conviction for a drug-related offense within the past five years, when the set-aside relates~~  
 32.27 ~~to a child care center or a family child care provider licensed under chapter 245A, certified~~  
 32.28 ~~license-exempt child care center, or legal nonlicensed family child care; or~~

32.29 ~~(2) for a disqualifying characteristic under section 245C.15, subdivision 2.~~

32.30 (b) Notwithstanding section 13.46, upon granting a variance to a license holder under  
 32.31 section 245C.30, the identity of the disqualified individual who is the subject of the variance,

33.1 the individual's disqualifying characteristics under section 245C.15, and the terms of the  
33.2 variance are ~~public data, except as provided in paragraph (e), clause (6), when the variance:~~  
33.3 private.

33.4 ~~(1) is issued to a child care center or a family child care provider licensed under chapter~~  
33.5 ~~245A; or~~

33.6 ~~(2) relates to an individual with a disqualifying characteristic under section 245C.15,~~  
33.7 ~~subdivision 2.~~

33.8 (c) The identity of a disqualified individual and the reason for disqualification remain  
33.9 private data when:

33.10 (1) a disqualification is not set aside and no variance is granted, except as provided under  
33.11 section 13.46, subdivision 4;

33.12 (2) the data are not public under paragraph (a) or (b);

33.13 (3) the disqualification is rescinded because the information relied upon to disqualify  
33.14 the individual is incorrect;

33.15 (4) the disqualification relates to a license to provide relative child foster care. As used  
33.16 in this clause, "relative" has the meaning given it under section 260C.007, subdivision 26b  
33.17 or 27;

33.18 (5) the disqualified individual is a household member of a licensed foster care provider  
33.19 and:

33.20 (i) the disqualified individual previously received foster care services from this licensed  
33.21 foster care provider;

33.22 (ii) the disqualified individual was subsequently adopted by this licensed foster care  
33.23 provider; and

33.24 (iii) the disqualifying act occurred before the adoption; or

33.25 (6) a variance is granted to a child care center or family child care license holder for an  
33.26 individual's disqualification that is based on a felony-level conviction for a drug-related  
33.27 offense that occurred within the past five years.

33.28 ~~(d) Licensed family child care providers and child care centers must provide notices as~~  
33.29 ~~required under section 245C.301.~~

33.30 ~~(e)~~ (d) Notwithstanding paragraphs (a) and (b), the identity of household members who  
33.31 are the subject of a disqualification related set-aside or variance is not public data if:

- 34.1 (1) the household member resides in the residence where the family child care is provided;
- 34.2 (2) the subject of the set-aside or variance is under the age of 18 years; and
- 34.3 (3) the set-aside or variance only relates to a disqualification under section 245C.15,
- 34.4 subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

34.5 ~~(f)~~ (e) When the commissioner has reason to know that a disqualified individual has

34.6 received an order for expungement for the disqualifying record that does not limit the

34.7 commissioner's access to the record, and the record was opened or exchanged with the

34.8 commissioner for purposes of a background study under this chapter, the data that would

34.9 otherwise become public under paragraph (a) or (b) remain private data.

34.10 Sec. .... Minnesota Statutes 2022, section 245C.23, subdivision 1, is amended to read:

34.11 Subdivision 1. **Disqualification that is rescinded or set aside.** (a) If the commissioner

34.12 rescinds or sets aside a disqualification, the commissioner shall notify the applicant, license

34.13 holder, or other entity in writing or by electronic transmission of the decision.

34.14 (b) In the notice from the commissioner that a disqualification has been rescinded, the

34.15 commissioner must inform the applicant, license holder, or other entity that the information

34.16 relied upon to disqualify the individual was incorrect.

34.17 ~~(e) Except as provided in paragraphs (d) and (e), in the notice from the commissioner~~

34.18 ~~that a disqualification has been set aside, the commissioner must inform the applicant,~~

34.19 ~~license holder, or other entity of the reason for the individual's disqualification and that~~

34.20 ~~information about which factors under section 245C.22, subdivision 4, were the basis of~~

34.21 ~~the decision to set aside the disqualification are available to the license holder upon request~~

34.22 ~~without the consent of the background study subject.~~

34.23 ~~(d) When the commissioner has reason to know that a disqualified individual has received~~

34.24 ~~an order for expungement for the disqualifying record that does not limit the commissioner's~~

34.25 ~~access to the record, and the record was opened or exchanged with the commissioner for~~

34.26 ~~purposes of a background study under this chapter, the information provided under paragraph~~

34.27 ~~(e) must only inform the applicant, license holder, or other entity that the disqualifying~~

34.28 ~~criminal record is sealed under a court order.~~

34.29 ~~(e) The notification requirements in paragraph (e) do not apply when the set aside is~~

34.30 ~~granted to an individual related to a background study for a licensed child care center,~~

34.31 ~~certified license-exempt child care center, or family child care license holder, or for a legal~~

34.32 ~~nonlicensed child care provider authorized under chapter 119B, and the individual is~~

34.33 ~~disqualified for a felony-level conviction for a drug-related offense that occurred within the~~

35.1 ~~past five years. The notice that the individual's disqualification is set aside must inform the~~  
35.2 ~~applicant, license holder, or legal nonlicensed child care provider that the disqualifying~~  
35.3 ~~criminal record is not public."~~

35.4 Page 199, delete section 21

35.5 Page 200, delete section 22

35.6 Page 204, delete sections 23 and 24

35.7 Page 207, delete section 25

35.8 Page 211, delete section 26

35.9 Page 212, delete section 27

35.10 Page 213, delete section 28

35.11 Page 215, delete sections 29 and 30

35.12 Page 216, delete section 31

35.13 Page 217, delete section 32

35.14 Page 218, delete section 33

35.15 Page 224, delete section 34

35.16 Page 225, delete section 35

35.17 Page 228, delete sections 36 to 38

35.18 Page 229, delete section 39

35.19 Page 231, delete section 40

35.20 Page 234, delete section 41

35.21 Page 235, delete sections 42 to 44

35.22 Page 236, delete section 45

35.23 Page 239, delete section 46

35.24 Page 240, delete section 47

35.25 Page 241, delete sections 48 and 49

35.26 Page 242, before line 27, insert:

36.1 "Sec. .... Minnesota Statutes 2022, section 524.5-118, is amended to read:

36.2 **524.5-118 BACKGROUND STUDY MALTREATMENT AND STATE LICENSING**  
36.3 **AGENCY CHECKS; CRIMINAL HISTORY CHECK.**

36.4 Subdivision 1. **When required; exception.** (a) The court shall require ~~a background~~  
36.5 ~~study~~ maltreatment and state licensing agency checks and a criminal history check under  
36.6 this section:

36.7 (1) before the appointment of a guardian or conservator, unless ~~a background study has~~  
36.8 maltreatment and state licensing agency checks and a criminal history check have been  
36.9 done on the person under this section within the previous five years; and

36.10 (2) once every five years after the appointment, if the person continues to serve as a  
36.11 guardian or conservator.

36.12 (b) ~~The background study~~ maltreatment and state licensing agency checks and criminal  
36.13 history check under this section must include:

36.14 (1) criminal history data from the Bureau of Criminal Apprehension, ~~other criminal~~  
36.15 ~~history data held by the commissioner of human services, and data regarding whether the~~  
36.16 ~~person has been a perpetrator of substantiated maltreatment of a vulnerable adult or minor;~~

36.17 (2) criminal history data from a national criminal history record check ~~as defined in~~  
36.18 ~~section 245C.02, subdivision 13e; and~~

36.19 (3) state licensing agency data if a search of the database or databases of the agencies  
36.20 listed in subdivision 2a shows that the proposed guardian or conservator has ever held a  
36.21 professional license directly related to the responsibilities of a professional fiduciary from  
36.22 an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled;  
36.23 and

36.24 (4) data regarding whether the person has been a perpetrator of substantiated maltreatment  
36.25 of a vulnerable adult or minor.

36.26 (c) If the guardian or conservator is not an individual, the ~~background study~~ maltreatment  
36.27 and state licensing agency checks and criminal history check must be done on all individuals  
36.28 currently employed by the proposed guardian or conservator who will be responsible for  
36.29 exercising powers and duties under the guardianship or conservatorship.

36.30 (d) Notwithstanding paragraph (a), if the court determines that it would be in the best  
36.31 interests of the person subject to guardianship or conservatorship to appoint a guardian or  
36.32 conservator before the ~~background study~~ maltreatment and state licensing agency checks

37.1 and criminal history check can be completed, the court may make the appointment pending  
 37.2 the results of the study checks, however, the ~~background study~~ maltreatment and state  
 37.3 licensing agency checks and criminal history check must then be completed as soon as  
 37.4 reasonably possible after appointment, ~~no later than 30 days after appointment~~.

37.5 (e) The ~~fee~~ fees for ~~background studies~~ the maltreatment and state licensing agency  
 37.6 checks and the criminal history check conducted under this section ~~is~~ are specified in ~~section~~  
 37.7 sections 245C.10, subdivision 14 15, and 299C.10, subdivisions 4 and 5. The ~~fee~~ fees for  
 37.8 conducting a ~~background study~~ these checks for appointment of a professional guardian or  
 37.9 conservator must be paid by the guardian or conservator. In other cases, the fee must be  
 37.10 paid as follows:

37.11 (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of  
 37.12 section 524.5-502, paragraph (a);

37.13 (2) if there is an estate of the person subject to guardianship or conservatorship, the fee  
 37.14 must be paid from the estate; or

37.15 (3) in the case of a guardianship or conservatorship of the person that is not proceeding  
 37.16 in forma pauperis, the court may order that the fee be paid by the guardian or conservator  
 37.17 or by the court.

37.18 (f) The requirements of this subdivision do not apply if the guardian or conservator is:

37.19 (1) a state agency or county;

37.20 (2) a parent or guardian of a person proposed to be subject to guardianship or  
 37.21 conservatorship who has a developmental disability, if the parent or guardian has raised the  
 37.22 person proposed to be subject to guardianship or conservatorship in the family home until  
 37.23 the time the petition is filed, unless counsel appointed for the person proposed to be subject  
 37.24 to guardianship or conservatorship under section 524.5-205, paragraph (e); 524.5-304,  
 37.25 paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a  
 37.26 background study; or

37.27 (3) a bank with trust powers, bank and trust company, or trust company, organized under  
 37.28 the laws of any state or of the United States and which is regulated by the commissioner of  
 37.29 commerce or a federal regulator.

37.30 Subd. 2. **Procedure; maltreatment and state licensing agency checks and criminal**  
 37.31 **history and ~~maltreatment records background~~ check.** (a) The ~~court~~ guardian or  
 37.32 conservator shall request the ~~commissioner of human services~~ Bureau of Criminal  
 37.33 Apprehension to complete a ~~background study~~ under section 245C.32 criminal history

38.1 check. The request must be accompanied by the applicable fee and acknowledgment that  
38.2 the study subject guardian or conservator received a privacy notice ~~required under subdivision~~  
38.3 ~~3~~. The ~~commissioner of human services~~ Bureau of Criminal Apprehension shall conduct a  
38.4 national criminal history record check. The study subject guardian or conservator shall  
38.5 submit a set of classifiable fingerprints. The fingerprints must be recorded on a fingerprint  
38.6 card provided by the ~~commissioner of human services~~ Bureau of Criminal Apprehension.

38.7 (b) The ~~commissioner of human services~~ Bureau of Criminal Apprehension shall provide  
38.8 the court with criminal history data as defined in section 13.87 from the Bureau of Criminal  
38.9 Apprehension in the Department of Public Safety, ~~other criminal history data held by the~~  
38.10 ~~commissioner of human services, data regarding substantiated maltreatment of vulnerable~~  
38.11 ~~adults under section 626.557, and substantiated maltreatment of minors under chapter 260E,~~  
38.12 and criminal history information from other states or jurisdictions as indicated from a national  
38.13 criminal history record check within 20 working days of receipt of a request. In accordance  
38.14 with section 245C.033, the commissioner of human services shall provide the court with  
38.15 data regarding substantiated maltreatment of vulnerable adults under section 626.557, and  
38.16 substantiated maltreatment of minors under chapter 260E within 25 working days of receipt  
38.17 of a request. If the subject of the study guardian or conservator has been the perpetrator of  
38.18 substantiated maltreatment of a vulnerable adult or minor, the response must include a copy  
38.19 of the any available public portion of the investigation memorandum under section 626.557,  
38.20 subdivision 12b, or the any available public portion of the investigation memorandum under  
38.21 section 260E.30. The commissioner shall provide the court with information from a review  
38.22 of information according to subdivision 2a if the study subject provided information  
38.23 indicating current or prior affiliation with a state licensing agency.

38.24 (c) Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner  
38.25 of human services or a county lead agency or lead investigative agency has information that  
38.26 a person ~~on whom a background study was previously done~~ under this section has been  
38.27 determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the  
38.28 commissioner or the county may provide this information to the court that ~~requested the~~  
38.29 background study is determining eligibility for the guardian or conservator. ~~The commissioner~~  
38.30 ~~may also provide the court with additional criminal history or substantiated maltreatment~~  
38.31 ~~information that becomes available after the background study is done.~~

38.32 Subd. 2a. **Procedure; state licensing agency data.** (a) In response to a request submitted  
38.33 under section 245C.033, the court shall request the commissioner of human services to shall  
38.34 provide the court within 25 working days of receipt of the request with licensing agency  
38.35 data for licenses directly related to the responsibilities of a professional fiduciary if the study

39.1 ~~subject indicates~~ guardian or conservator has a current or prior affiliation from the following  
39.2 agencies in Minnesota:

39.3 (1) Lawyers Responsibility Board;

39.4 (2) State Board of Accountancy;

39.5 (3) Board of Social Work;

39.6 (4) Board of Psychology;

39.7 (5) Board of Nursing;

39.8 (6) Board of Medical Practice;

39.9 (7) Department of Education;

39.10 (8) Department of Commerce;

39.11 (9) Board of Chiropractic Examiners;

39.12 (10) Board of Dentistry;

39.13 (11) Board of Marriage and Family Therapy;

39.14 (12) Department of Human Services;

39.15 (13) Peace Officer Standards and Training (POST) Board; and

39.16 (14) Professional Educator Licensing and Standards Board.

39.17 ~~(b) The commissioner shall enter into agreements with these agencies to provide the~~  
39.18 ~~commissioner with electronic access to the relevant licensing data, and to provide the~~  
39.19 ~~commissioner with a quarterly list of new sanctions issued by the agency.~~

39.20 ~~(e) (b) The commissioner shall provide information to the court the electronically~~  
39.21 ~~available data maintained in the agency's database, including whether the proposed guardian~~  
39.22 ~~or conservator is or has been licensed by the agency, and if the licensing agency database~~  
39.23 ~~indicates a disciplinary action or a sanction against the individual's license, including a~~  
39.24 ~~condition, suspension, revocation, or cancellation in accordance with section 245C.033.~~

39.25 ~~(d) If the proposed guardian or conservator has resided in a state other than Minnesota~~  
39.26 ~~in the previous ten years, licensing agency data under this section shall also include the~~  
39.27 ~~licensing agency data from any other state where the proposed guardian or conservator~~  
39.28 ~~reported to have resided during the previous ten years if the study subject indicates current~~  
39.29 ~~or prior affiliation. If the proposed guardian or conservator has or has had a professional~~  
39.30 ~~license in another state that is directly related to the responsibilities of a professional fiduciary~~

40.1 ~~from one of the agencies listed under paragraph (a), state licensing agency data shall also~~  
 40.2 ~~include data from the relevant licensing agency of that state.~~

40.3 ~~(e) The commissioner is not required to repeat a search for Minnesota or out-of-state~~  
 40.4 ~~licensing data on an individual if the commissioner has provided this information to the~~  
 40.5 ~~court within the prior five years.~~

40.6 ~~(f) The commissioner shall review the information in paragraph (e) at least once every~~  
 40.7 ~~four months to determine if an individual who has been studied within the previous five~~  
 40.8 ~~years:~~

40.9 ~~(1) has new disciplinary action or sanction against the individual's license; or~~

40.10 ~~(2) did not disclose a prior or current affiliation with a Minnesota licensing agency.~~

40.11 ~~(g) If the commissioner's review in paragraph (f) identifies new information, the~~  
 40.12 ~~commissioner shall provide any new information to the court.~~

40.13 **Subd. 3. Forms and systems.** ~~The court~~ In accordance with section 245C.033, subdivision  
 40.14 3, the commissioner must provide the study subject guardian or conservator with a privacy  
 40.15 notice for the maltreatment and state licensing agency checks that complies with section  
 40.16 245C.05, subdivision 2e 13.04, subdivision 2. The commissioner of human services shall  
 40.17 use the NETStudy 2.0 system to conduct a background study under this section. The Bureau  
 40.18 of Criminal Apprehension must provide the guardian or conservator with a privacy notice  
 40.19 for the criminal history check.

40.20 **Subd. 4. Rights.** The court shall notify the ~~subject of a background study~~ guardian or  
 40.21 conservator that the subject has they have the following rights:

40.22 (1) the right to be informed that the court will request ~~a background study on the subject~~  
 40.23 maltreatment and state licensing agency checks and a criminal history check on the guardian  
 40.24 or conservator for the purpose of determining whether the person's appointment or continued  
 40.25 appointment is in the best interests of the person subject to guardianship or conservatorship;

40.26 (2) the right to be informed of the results of the study and to obtain from the court a  
 40.27 copy of the results; and

40.28 (3) the right to challenge the accuracy and completeness of information contained in the  
 40.29 results under section 13.04, subdivision 4, except to the extent precluded by section 256.045,  
 40.30 subdivision 3."

40.31 Page 242, line 28, after the first semicolon, insert "245C.031, subdivisions 5, 6, and 7;"

- 41.1 Page 246, line 18, delete "diagnosed with behavioral health disorders" and insert
- 41.2 "experiencing behavioral health concerns"
- 41.3 Page 246, delete subdivision 2
- 41.4 Page 246, line 25, delete "245.736" and insert "245.7357"
- 41.5 Page 247, line 8, delete "245.736" and insert "245.7357"
- 41.6 Page 247, delete subdivisions 8 and 9
- 41.7 Page 248, delete subdivisions 12, 15, and 19
- 41.8 Page 248, delete lines 7 to 10
- 41.9 Page 248, line 24, delete everything after "that" and insert "is person-centered and
- 41.10 family-centered, and that is formulated to respond to a client's needs and goals. The integrated
- 41.11 treatment plan must integrate prevention, medical needs, and behavioral health needs and
- 41.12 service delivery. The CCBHC must develop the integrated treatment plan in collaboration
- 41.13 with and receive endorsement from the client, the adult client's family to the extent the client
- 41.14 wishes, and a child or youth client's family or caregivers, and coordinate with staff or
- 41.15 programs necessary to effectuate the plan."
- 41.16 Page 248, delete line 25
- 41.17 Page 249, delete subdivision 24
- 41.18 Renumber the subdivisions in sequence
- 41.19 Page 249, lines 25 and 29, before "process" insert "or recertification"
- 41.20 Page 249, line 26, delete "245.736" and insert "245.7357"
- 41.21 Page 249, line 30, delete "certification process must:" and insert "commissioner shall
- 41.22 recertify a CCBHC provider entity every 36 months using the provider entity's certification
- 41.23 anniversary or the calendar year end. The commissioner may approve a recertification
- 41.24 extension in the interest of sustaining services when a certain date for recertification is
- 41.25 identified."
- 41.26 Page 249, delete lines 31 and 32 and insert:
- 41.27 "(c) The commissioner shall establish a process for decertification of a CCBHC provider
- 41.28 entity and shall require corrective action, medical assistance repayment, or decertification
- 41.29 of a provider entity that no longer meets the requirements in sections 245.7351 to 245.7357
- 41.30 or that fails to meet the clinical quality standards or administrative standards provided by
- 41.31 the commissioner in the application and certification processes."

42.1 (d) The commissioner shall provide the following to CCBHC provider entities for the  
 42.2 certification, recertification, and decertification processes:

42.3 (1) a structured listing of required provider entity certification criteria;

42.4 (2) a formal written letter with a determination of certification, recertification, or  
 42.5 decertification, signed by the commissioner or the appropriate division director; and

42.6 (3) a formal written communication outlining the process for necessary corrective action  
 42.7 and follow-up by the commissioner, if applicable, signed by the commissioner or the  
 42.8 appropriate division director."

42.9 Page 250, delete lines 1 to 5

42.10 Page 250, line 7, delete "245.736" and insert "245.7357"

42.11 Page 250, after line 7, insert:

42.12 "(1) comply with the standards issued by the commissioner relating to CCBHC screenings,  
 42.13 assessments, and evaluations;"

42.14 Renumber the clauses in sequence

42.15 Page 250, line 18, delete "and"

42.16 Page 250, line 20, delete the period and insert "; and"

42.17 Page 250, after line 20, insert:

42.18 "(10) directly employ or through a formal arrangement utilize a medically trained  
 42.19 behavioral health care provider with independent authority under state law to prescribe and  
 42.20 manage medications, including buprenorphine and other medications used to treat opioid  
 42.21 and alcohol use disorders."

42.22 Page 250, line 24, delete "245.736" and insert "245.7357"

42.23 Page 250, delete subdivision 3

42.24 Page 251, line 12, delete "245.736" and insert "245.7357"

42.25 Page 251, delete subdivision 8

42.26 Renumber the subdivisions in sequence

42.27 Page 252, delete section 5

42.28 Page 254, line 1, delete "[245.7355]" and insert "[245.7354]"

42.29 Page 254, line 6, after "including" insert "a medical director,"

- 43.1 Page 254, delete subdivisions 1 to 5 and insert:
- 43.2 "(a) A CCBHC must meet minimum staffing requirements as identified in the certification
- 43.3 process.
- 43.4 (b) A CCBHC must employ or contract for clinic staff who have backgrounds in diverse
- 43.5 disciplines, including licensed mental health professionals, licensed alcohol and drug
- 43.6 counselors, staff who are culturally and linguistically trained to meet the needs of the
- 43.7 population the clinic serves, and staff who are trained to make accommodations to meet the
- 43.8 needs of clients with disabilities."
- 43.9 Page 255, delete sections 7 and 8
- 43.10 Page 258, line 1, delete "[245.7358]" and insert "[245.7355]"
- 43.11 Page 258, line 5, delete "245.736" and insert "245.7357"
- 43.12 Page 258, line 7, delete "levels" and insert "level" and delete "and 2.0"
- 43.13 Page 258, line 23, delete everything after the period
- 43.14 Page 258, delete lines 24 to 30
- 43.15 Page 259, delete lines 1 and 2
- 43.16 Page 259, line 8, delete everything after "and" and insert "must contain all data elements
- 43.17 listed in the commissioner's public clinical guidance."
- 43.18 Page 259, delete line 9
- 43.19 Page 259, line 12, delete everything after "must" and insert "follow the timelines
- 43.20 established in the CCBHC certification criteria published by the Substance Abuse and
- 43.21 Mental Health Services Administration and the commissioner's published clinical guidance."
- 43.22 Page 259, delete lines 13 to 15 and 19 to 30
- 43.23 Page 260, delete lines 1 to 3
- 43.24 Page 260, line 4, delete "245.736" and insert "245.7357"
- 43.25 Page 260, line 5, delete the second "in" and insert "for"
- 43.26 Page 260, line 6, after "(1)" insert "a brief diagnostic assessment under"
- 43.27 Page 260, delete lines 7 and 8
- 43.28 Renumber the clauses in sequence

- 44.1 Page 260, line 9, before "section" insert "an individual family assessment summary  
44.2 under"
- 44.3 Page 260, line 10, before "section" insert "an individual assessment summary under"
- 44.4 Page 260, line 11, before "Minnesota" insert "a diagnostic assessment under"
- 44.5 Page 260, line 12, before "Minnesota" insert "a local agency determination based on a  
44.6 diagnostic assessment under"
- 44.7 Page 260, line 13, before "Minnesota" insert "an individual family community support  
44.8 plan and an individual community support plan under"
- 44.9 Page 260, line 14, before "Minnesota" insert "an individual family community support  
44.10 plan under"
- 44.11 Page 260, line 15, before "Minnesota" insert "an individual community support plan  
44.12 under"
- 44.13 Page 260, line 21, delete everything after "and" and insert "must contain all data elements  
44.14 listed in the commissioner's public clinical guidance."
- 44.15 Page 260, delete lines 22 to 28
- 44.16 Page 261, line 3, delete "as defined in section 245G.11, subdivision 5"
- 44.17 Page 261, line 5, delete "section 245G.05" and insert "chapter 245G" and after the comma  
44.18 insert "if the comprehensive evaluation includes a diagnosis of a substance use disorder or  
44.19 a finding that the client does not meet the criteria for a substance use disorder."
- 44.20 Page 261, delete lines 6 to 27
- 44.21 Reletter the paragraphs in sequence
- 44.22 Page 262, line 22, delete "245.736" and insert "245.7357" and delete "initial" and insert  
44.23 "comprehensive"
- 44.24 Page 262, line 23, delete the second "in" and insert "for"
- 44.25 Page 262, line 24, before "section" insert "a diagnostic assessment or crisis assessment  
44.26 under" and delete "2a" and insert "2, paragraph (a)"
- 44.27 Page 262, line 25, before "section" insert "a diagnostic assessment under"
- 44.28 Page 262, line 26, before "section" insert "an initial services plan under"
- 44.29 Page 262, delete lines 27 and 28
- 44.30 Renumber the clauses in sequence

- 45.1 Page 262, line 29, before "section" insert "a diagnostic assessment under"
- 45.2 Page 262, line 30, before "section" insert "a diagnostic assessment under"
- 45.3 Page 263, line 1, before "Minnesota" insert "a diagnostic assessment under"
- 45.4 Page 263, line 2, before "Minnesota" insert "a diagnostic assessment under"
- 45.5 Page 263, line 3, before "Minnesota" insert "an individual family community support
- 45.6 plan and an individual community support plan under"
- 45.7 Page 263, line 9, delete everything after "use"
- 45.8 Page 263, delete line 10
- 45.9 Page 263, line 11, delete everything before "a"
- 45.10 Page 263, line 25, delete "in sections" and insert "for"
- 45.11 Page 263, delete line 26
- 45.12 Renumber the clauses in sequence
- 45.13 Page 263, line 27, before "245I.10" insert "an individual treatment plan under section"
- 45.14 Page 263, line 28, before "245G.06" insert "an individual treatment plan under section"
- 45.15 Page 263, line 29, before "245G.09" insert "an individual treatment plan under section"
- 45.16 Page 263, after line 29, insert:
- 45.17 "(h) The CCBHC functional assessment requirements replace the requirements for:
- 45.18 (1) a functional assessment under section 256B.0623, subdivision 9;
- 45.19 (2) a functional assessment under section 245.4711, subdivision 3; and
- 45.20 (3) functional assessments under Minnesota Rules, part 9520.0914, subpart 2, items A
- 45.21 and B."
- 45.22 Page 263, delete subdivision 9 and insert:
- 45.23 "Subd. 9. **Licensing and certification requirements.** The requirements for initial
- 45.24 evaluations under subdivision 6, comprehensive evaluations under subdivision 7, and
- 45.25 integrated treatment plans under subdivision 8 are part of the licensing requirements for
- 45.26 substance use disorder treatment programs licensed according to chapter 245G and
- 45.27 certification requirements for mental health clinics certified according to section 245I.20 if
- 45.28 the program or clinic is part of a CCBHC. The Department of Human Services licensing

46.1 division will review, inspect, and investigate for compliance with the requirements in  
46.2 subdivisions 6 to 8."

46.3 Page 264, delete lines 19 to 21

46.4 Page 264, line 22, delete "[245.7359]" and insert "[245.7356]"

46.5 Page 265, line 18, delete "[245.736]" and insert "[245.7357]"

46.6 Page 265, lines 20, 21, and 29, delete "245.7358" and insert "245.7355"

46.7 Page 266, line 20, delete "245.736" and insert "245.7357"

46.8 Page 267, delete section 12

46.9 Page 276, lines 9 to 11, delete the new language

46.10 Page 276, line 15, delete the new language

46.11 Page 276, line 16, after the period, insert "If the order is issued through the provider  
46.12 hub, the appeal must be received by the commissioner within 20 calendar days from the  
46.13 date the commissioner issued the order through the hub."

46.14 Page 277, line 22, delete everything after the period

46.15 Page 277, lines 23 and 24, delete the new language

46.16 Page 277, line 31, delete the new language

46.17 Page 278, line 1, delete the new language and after "order" insert ", or submitted in the  
46.18 provider licensing and reporting hub within 20 calendar days from the date the commissioner  
46.19 issued the order through the hub,"

46.20 Page 279, line 1, delete the new language

46.21 Page 279, line 2, after the period, insert "If the order is issued through the provider hub,  
46.22 the request must be received by the commissioner within ten calendar days from the date  
46.23 the commissioner issued the order through the hub."

46.24 Page 280, lines 28 to 30, delete the new language

46.25 Page 281, line 6, delete the new language

46.26 Page 281, line 7, after the period, insert "If the order is issued through the provider hub,  
46.27 the appeal must be received by the commissioner within ten calendar days from the date  
46.28 the commissioner issued the order through the hub."

46.29 Page 281, lines 18 and 19, delete the new language

47.1 Page 281, line 20, after the period, insert "If the order is issued through the provider  
 47.2 hub, the appeal must be received by the commissioner within ten calendar days from the  
 47.3 date the commissioner issued the order through the hub."

47.4 Page 283, after line 28, insert:

47.5 "Sec. .... Minnesota Statutes 2022, section 245A.13, is amended to read:

47.6 **245A.13 INVOLUNTARY RECEIVERSHIP FOR RESIDENTIAL OR**  
 47.7 **NONRESIDENTIAL PROGRAMS.**

47.8 Subdivision 1. **Application.** (a) In addition to any other remedy provided by law, the  
 47.9 commissioner may petition the district court in Ramsey County for an order directing the  
 47.10 controlling individuals of a residential or nonresidential program licensed or certified by  
 47.11 the commissioner to show cause why the commissioner should not be appointed receiver  
 47.12 to operate the program. The petition to the district court must contain proof by affidavit that  
 47.13 one or more of the following exists: (1) that the commissioner has either begun proceedings  
 47.14 to suspend or revoke a license or certification, has suspended or revoked a license or  
 47.15 certification, or has decided to deny an application for licensure or certification of the  
 47.16 program; or (2) it appears to the commissioner that the health, safety, or rights of the residents  
 47.17 or persons receiving care from the program may be in jeopardy because of the manner in  
 47.18 which the program may close, the program's financial condition, or violations committed  
 47.19 by the program of federal or state laws or rules.

47.20 (1) the commissioner has commenced proceedings to suspend or revoke the state license,  
 47.21 or refused to renew a license;

47.22 (2) there is a threat of imminent abandonment by the provider or its controlling  
 47.23 individuals;

47.24 (3) there is a pattern of failure to meet ongoing financial obligations such as failing to  
 47.25 pay for food, pharmaceuticals, personnel, or required insurance;

47.26 (4) it appears to the commissioner that the health, safety, or rights of the residents or  
 47.27 person receiving care from the program may be in jeopardy because of the manner in which  
 47.28 the program may close, the program's financial condition, or violations committed by the  
 47.29 program of federal or state laws or rules; or

47.30 (5) the commissioner has notified the provider or its controlling individuals that their  
 47.31 federal Medicare or Medicaid provider agreement will be terminated, revoked, canceled,  
 47.32 or not renewed.

48.1 (b) If the license holder, applicant, or controlling individual operates more than one  
48.2 program, the commissioner's petition must specify and be limited to the program for which  
48.3 it seeks receivership. ~~The affidavit submitted by the commissioner must set forth alternatives~~  
48.4 ~~to receivership that have been considered, including rate adjustments. The order to show~~  
48.5 ~~cause is returnable not less than five days after service is completed and must provide for~~  
48.6 ~~personal service of a copy to the program administrator and to the persons designated as~~  
48.7 ~~agents by the controlling individuals to accept service on their behalf.~~

48.8 (c) The order to show cause shall be personally served on the provider through its  
48.9 authorized agent or, in the event the authorized agent cannot be located, on any controlling  
48.10 individual for the program.

48.11 Subd. 2. **Appointment of receiver.** (a) If the court finds that involuntary receivership  
48.12 is necessary as a means of protecting the health, safety, or rights of persons being served  
48.13 by the program, the court shall appoint the commissioner as receiver to operate the program.  
48.14 The commissioner as receiver may contract with another entity or group to act as the  
48.15 managing agent during the receivership period. The managing agent will be responsible for  
48.16 the day-to-day operations of the program subject at all times to the review and approval of  
48.17 the commissioner. A managing agent cannot:

48.18 (1) be the license holder or controlling individual of the program;

48.19 (2) have a financial interest in the program at the time of the receivership;

48.20 (3) be otherwise affiliated with the program; or

48.21 (4) have had a licensed program that has been ordered into receivership.

48.22 (b) Notwithstanding state contracting requirements in chapter 16C, the commissioner  
48.23 shall establish and maintain a list of qualified persons or entities with experience in delivering  
48.24 services under chapters 245A, 245D, or 245G, or other service types licensed by the  
48.25 commissioner, and experience winding down these programs. The list shall be a resource  
48.26 for choosing a managing agent, and the commissioner may update the list at any time.

48.27 Subd. 3. **Powers and duties of receiver.** ~~Within 36 months after the receivership order,~~  
48.28 ~~the receiver shall provide for the orderly transfer of the persons served by the program to~~  
48.29 ~~other programs or make other provisions to protect their health, safety, and rights.~~ (a) A  
48.30 receiver appointed pursuant to this section shall, within 18 months after the receivership  
48.31 order, determine whether to close the program or to make other provisions intended to keep  
48.32 it open. If the receiver determines that program closure is appropriate, the commissioner  
48.33 shall provide for the orderly transfer of individuals served by the program to other programs

49.1 or make other provisions to protect the health, safety, and rights of individuals served by  
49.2 the program.

49.3 (b) During the receivership, the receiver or the managing agent shall correct or eliminate  
49.4 deficiencies in the program that the commissioner determines endanger the health, safety,  
49.5 or welfare of the persons being served by the program unless the correction or elimination  
49.6 of deficiencies at a residential program involves major alteration in the structure of the  
49.7 physical plant. If the correction or elimination of the deficiencies at a residential program  
49.8 requires major alterations in the structure of the physical plant, the receiver shall take actions  
49.9 designed to result in the immediate transfer of persons served by the residential program.  
49.10 During the period of the receivership, the receiver and the managing agent shall operate the  
49.11 residential or nonresidential program in a manner designed to preserve the health, safety,  
49.12 rights, adequate care, and supervision of the persons served by the program.

49.13 (c) The receiver or the managing agent may make contracts and incur lawful expenses.

49.14 (d) The receiver or the managing agent shall use the building, fixtures, furnishings, and  
49.15 any accompanying consumable goods in the provision of care and services to the clients  
49.16 during the receivership period. The receiver shall take action as is reasonably necessary to  
49.17 protect or conserve the tangible assets or property during receivership.

49.18 (e) The receiver or the managing agent shall collect incoming payments from all sources  
49.19 and apply them to the cost incurred in the performance of the functions of the receivership  
49.20 including the fee set under subdivision 4. No security interest in any real or personal property  
49.21 comprising the program or contained within it, or in any fixture of the physical plant, shall  
49.22 be impaired or diminished in priority by the receiver or the managing agent.

49.23 (f) The receiver has authority to hire, direct, manage, and discharge any employees of  
49.24 the program including management level staff for the program.

49.25 (g) The commissioner, as the receiver appointed by the court, may hire a managing agent  
49.26 to work on the commissioner's behalf to operate the program during the receivership, and  
49.27 the managing agent is entitled to a reasonable fee. The receiver and managing agent shall  
49.28 be liable only in an official capacity for injury to person and property by reason of the  
49.29 conditions of the program. The receiver and managing agent shall not be personally liable,  
49.30 except for gross negligence and intentional acts. The commissioner shall assist the managing  
49.31 agent in carrying out the managing agent's duties.

49.32 Subd. 3a. **Liability.** The provisions contained in section 245A.12, subdivision 6, shall  
49.33 also apply to receiverships ordered according to this section.

50.1 Subd. 3b. **Liability for financial obligations.** The provisions contained in section  
50.2 245A.12, subdivision 7, also apply to receiverships ordered according to this section.

50.3 Subd. 3c. **Physical plant of the program.** Occupation of the physical plant under an  
50.4 involuntary receivership shall be governed by paragraphs (a) and (b).

50.5 (a) The physical plant owned by a controlling individual of the program or related party  
50.6 must be made available for the use of the program throughout the receivership period. The  
50.7 court shall determine a fair monthly rental for the physical plant, taking into account all  
50.8 relevant factors necessary to meet required arm's-length obligations of controlling individuals  
50.9 such as mortgage payments, real estate taxes, and special assessments. The rental fee must  
50.10 be paid by the receiver to the appropriate controlling individuals or related parties for each  
50.11 month that the receivership remains in effect. No payment made to a controlling individual  
50.12 or related party by the receiver or the managing agent or any state agency during a period  
50.13 of the receivership shall include any allowance for profit or be based on any formula that  
50.14 includes an allowance for profit.

50.15 (b) If the owner of the physical plant of a program is not a related party, the court shall  
50.16 order the controlling individual to continue as the lessee of the property during the  
50.17 receivership period. Rental payments during the receivership period shall be made to the  
50.18 owner of the physical plant by the commissioner or the managing agent on behalf of the  
50.19 controlling individual.

50.20 Subd. 4. **Fee.** A receiver appointed under an involuntary receivership or the managing  
50.21 agent is entitled to a reasonable fee as determined by the court.

50.22 Subd. 5. **Termination.** An involuntary receivership terminates ~~36~~18 months after the  
50.23 date on which it was ordered or at any other time designated by the court or when any of  
50.24 the following events occurs:

50.25 (1) the commissioner determines that the program's license or certification application  
50.26 should be granted or should not be suspended or revoked;

50.27 (2) a new license or certification is granted to the program;

50.28 (3) the commissioner determines that all persons residing in a residential program have  
50.29 been provided with alternative residential programs or that all persons receiving services  
50.30 in a nonresidential program have been referred to other programs; or

50.31 (4) the court determines that the receivership is no longer necessary because the conditions  
50.32 which gave rise to the receivership no longer exist.

51.1 Subd. 6. **Emergency procedure.** (a) If it appears from the petition filed under subdivision  
51.2 1, from an affidavit or affidavits filed with the petition, or from testimony of witnesses  
51.3 under oath if the court determines it necessary, that there is probable cause to believe that  
51.4 an emergency exists in a residential or nonresidential program, the court shall issue a  
51.5 temporary order for appointment of a receiver within ~~five~~ two days after receipt of the  
51.6 petition.

51.7 (b) Notice of the petition must be served on the ~~program administrator and on the persons~~  
51.8 ~~designated as agents by the controlling individuals to accept service on their behalf~~ authorized  
51.9 agent, as defined by section 245A.02, of the program that is subject to the receivership  
51.10 petition, or if service is not immediately available on the authorized agent on at least one  
51.11 of the controlling individuals as defined by section 245A.02, subdivision 5a, for the program.  
51.12 A hearing on the petition must be held within five days after notice is served unless the  
51.13 ~~administrator or~~ authorized agent or other controlling individual consents to a later date.  
51.14 After the hearing, the court may continue, modify, or terminate the temporary order.

51.15 Subd. 7. **Rate recommendation.** For any program receiving Medicaid funds and ordered  
51.16 into receivership, the commissioner of human services may review rates of a residential or  
51.17 nonresidential program ~~participating in the medical assistance program which is in~~  
51.18 ~~receivership and~~ that has needs or deficiencies documented by the Department of Health  
51.19 or the Department of Human Services. If the commissioner of human services determines  
51.20 that a review of the rate established under sections 256B.5012 and 256B.5013 is needed,  
51.21 the commissioner shall:

51.22 (1) review the order or determination that cites the deficiencies or needs; and

51.23 (2) determine the need for additional staff, additional annual hours by type of employee,  
51.24 and additional consultants, services, supplies, equipment, repairs, or capital assets necessary  
51.25 to satisfy the needs or deficiencies.

51.26 Subd. 8. **Adjustment to the rate.** Upon review of rates under subdivision 7, the  
51.27 commissioner may adjust the program's payment rate. The commissioner shall review the  
51.28 circumstances, together with the program's most recent income and expense report, to  
51.29 determine whether or not the deficiencies or needs can be corrected or met by reallocating  
51.30 program staff, costs, revenues, or any other resources including investments. If the  
51.31 commissioner determines that any deficiency cannot be corrected or the need cannot be met  
51.32 with the payment rate currently being paid, the commissioner shall determine the payment  
51.33 rate adjustment by dividing the additional annual costs established during the commissioner's  
51.34 review by the program's actual client days from the most recent income and expense report

52.1 or the estimated client days in the projected receivership period. The payment rate adjustment  
 52.2 remains in effect during the period of the receivership or until another date set by the  
 52.3 commissioner. Upon the subsequent sale, closure, or transfer of the program, the  
 52.4 commissioner may recover amounts that were paid as payment rate adjustments under this  
 52.5 subdivision. This recovery shall be determined through a review of actual costs and client  
 52.6 days in the receivership period. The costs the commissioner finds to be allowable shall be  
 52.7 divided by the actual client days for the receivership period. This rate shall be compared to  
 52.8 the rate paid throughout the receivership period, with the difference multiplied by client  
 52.9 days, being the amount to be repaid to the commissioner. Allowable costs shall be determined  
 52.10 by the commissioner as those ordinary, necessary, and related to client care by prudent and  
 52.11 cost-conscious management. The buyer or transferee shall repay this amount to the  
 52.12 commissioner within 60 days after the commissioner notifies the buyer or transferee of the  
 52.13 obligation to repay. This provision does not limit the liability of the seller to the commissioner  
 52.14 pursuant to section 256B.0641.

52.15 Subd. 9. **Receivership accounting.** The commissioner may ~~use~~ adjust Medicaid rates  
 52.16 and use Medicaid funds, including but not limited to waiver funds, and the medical assistance  
 52.17 account and funds for receivership cash flow, receivership administrative fees, and accounting  
 52.18 purposes, to the extent permitted by the state's approved Medicaid plan.

52.19 Subd. 10. **Receivership costs.** The commissioner may use the accounts and funds that  
 52.20 would have been available for the room and board, services, and program costs of persons  
 52.21 in the program for costs, cash flow, and accounting purposes related to the receivership.

52.22 Subd. 11. **Controlling individuals; restrictions on licensure.** No controlling individual  
 52.23 of a program placed into receivership under this section may apply for or receive a license  
 52.24 or certification to operate a residential or nonresidential program for five years from the  
 52.25 commencement of the receivership period. This subdivision does not apply to programs  
 52.26 that are owned or operated by controlling individuals that were in existence before the date  
 52.27 of the receivership agreement, and that have not been placed into receivership."

52.28 Page 284, delete sections 27 and 28

52.29 Page 285, delete section 29

52.30 Page 286, delete section 30

52.31 Page 287, delete section 31

52.32 Page 288 delete sections 32 and 33 and insert:

53.1 "Sec. .... Minnesota Statutes 2022, section 245G.03, subdivision 1, is amended to read:

53.2 Subdivision 1. **License requirements.** (a) An applicant for a license to provide substance  
53.3 use disorder treatment must comply with the general requirements in section 626.557;  
53.4 chapters 245A, 245C, and 260E; and Minnesota Rules, chapter 9544.

53.5 (b) The commissioner may grant variances to the requirements in this chapter that do  
53.6 not affect the client's health or safety if the conditions in section 245A.04, subdivision 9,  
53.7 are met.

53.8 (c) If a program is licensed according to this chapter and is part of a certified community  
53.9 behavioral health clinic under sections 245.7351 to 245.7357, the license holder must comply  
53.10 with the requirements in section 245.7355, subdivision 10, as part of the licensing  
53.11 requirements under this chapter."

53.12 Page 289, lines 9 to 11, delete the new language

53.13 Page 289, line 19, delete the new language

53.14 Page 289, line 20, after the period, insert "If the order is issued through the provider  
53.15 hub, the request must be received by the commissioner within 20 calendar days from the  
53.16 date the commissioner issued the order through the hub."

53.17 Page 290, line 3, delete everything after the period

53.18 Page 290, lines 4 and 5, delete the new language

53.19 Page 290, line 22, after the period, insert "If the order is issued through the provider  
53.20 hub, the request must be received by the commissioner within 20 calendar days from the  
53.21 date the commissioner issued the order through the hub."

53.22 Page 291, line 10, delete everything after the period

53.23 Page 291, lines 11 and 12, delete the new language

53.24 Page 291, line 20, delete the new language

53.25 Page 291, line 21, after the period, insert "If the order is issued through the provider  
53.26 hub, the request must be received by the commissioner within 20 calendar days from the  
53.27 date the commissioner issued the order through the hub."

53.28 Page 291, after line 26, insert:

54.1 "Sec. .... Minnesota Statutes 2022, section 245I.011, subdivision 3, is amended to read:

54.2 Subd. 3. **Certification required.** (a) An individual, organization, or government entity  
54.3 that is exempt from licensure under section 245A.03, subdivision 2, paragraph (a), clause  
54.4 (19), and chooses to be identified as a certified mental health clinic must:

54.5 (1) be a mental health clinic that is certified under section 245I.20;

54.6 (2) comply with all of the responsibilities assigned to a license holder by this chapter  
54.7 except subdivision 1; and

54.8 (3) comply with all of the responsibilities assigned to a certification holder by chapter  
54.9 245A.

54.10 (b) An individual, organization, or government entity described by this subdivision must  
54.11 obtain a criminal background study for each staff person or volunteer who provides direct  
54.12 contact services to clients.

54.13 (c) If a program is licensed according to this chapter and is part of a certified community  
54.14 behavioral health clinic under sections 245.7351 to 245.7357, the license holder must comply  
54.15 with the requirements in section 245.7355, subdivision 10, as part of the licensing  
54.16 requirements under this chapter.

54.17 Sec. .... Minnesota Statutes 2022, section 245I.04, subdivision 14, is amended to read:

54.18 Subd. 14. **Mental health rehabilitation worker qualifications.** (a) A mental health  
54.19 rehabilitation worker must:

54.20 (1) have a high school diploma or equivalent; ~~and~~

54.21 (2) have the training required under section 245I.05, subdivision 3, paragraph (c); and

54.22 ~~(2)~~ (3) meet one of the following qualification requirements:

54.23 (i) be fluent in the non-English language or competent in the culture of the ethnic group  
54.24 to which at least 20 percent of the mental health rehabilitation worker's clients belong;

54.25 (ii) have an associate of arts degree;

54.26 (iii) have two years of full-time postsecondary education or a total of 15 semester hours  
54.27 or 23 quarter hours in behavioral sciences or related fields;

54.28 (iv) be a registered nurse;

54.29 (v) have, within the previous ten years, three years of personal life experience with  
54.30 mental illness;

55.1 (vi) have, within the previous ten years, three years of life experience as a primary  
 55.2 caregiver to an adult with a mental illness, traumatic brain injury, substance use disorder,  
 55.3 or developmental disability; or

55.4 (vii) have, within the previous ten years, 2,000 hours of work experience providing  
 55.5 health and human services to individuals.

55.6 (b) A mental health rehabilitation worker who is exclusively scheduled as an overnight  
 55.7 staff person ~~and works alone~~ is exempt from the additional qualification requirements in  
 55.8 paragraph (a), clause ~~(2)~~ (3).

55.9 Sec. .... Minnesota Statutes 2022, section 245I.04, subdivision 16, is amended to read:

55.10 Subd. 16. **Mental health behavioral aide qualifications.** (a) A level 1 mental health  
 55.11 behavioral aide must have the training required under section 245I.05, subdivision 3,  
 55.12 paragraph (c), and: (1) a high school diploma or equivalent; or (2) two years of experience  
 55.13 as a primary caregiver to a child with mental illness within the previous ten years.

55.14 (b) A level 2 mental health behavioral aide must: ~~(1) have~~ the training required under  
 55.15 section 245I.05, subdivision 3, paragraph (c), and an associate or bachelor's degree; ~~or (2)~~  
 55.16 ~~be certified by a program under section 256B.0943, subdivision 8a.~~

55.17 Sec. .... Minnesota Statutes 2022, section 245I.08, subdivision 2, is amended to read:

55.18 Subd. 2. **Documentation standards.** A license holder must ensure that all documentation  
 55.19 required by this chapter:

55.20 (1) is legible;

55.21 (2) identifies the applicable client name on each page of the client file and staff person  
 55.22 name on each page of the personnel file; and

55.23 (3) is signed and dated by the staff persons who provided services to the client or  
 55.24 completed the documentation, including the staff persons' credentials.

55.25 Sec. .... Minnesota Statutes 2022, section 245I.08, subdivision 4, is amended to read:

55.26 Subd. 4. **Progress notes.** A license holder must use a progress note to document each  
 55.27 occurrence of a mental health service that a staff person provides to a client. A progress  
 55.28 note must include the following:

55.29 (1) the type of service;

55.30 (2) the date of service;

56.1 (3) the start and stop time of the service unless the license holder is licensed as a  
56.2 residential program;

56.3 (4) the location of the service;

56.4 (5) the scope of the service, including: (i) the targeted goal and objective; (ii) the  
56.5 intervention that the staff person provided to the client and the methods that the staff person  
56.6 used; (iii) the client's response to the intervention; and (iv) the staff person's plan to take  
56.7 future actions, including changes in treatment that the staff person will implement if the  
56.8 intervention was ineffective; ~~and (v) the service modality;~~

56.9 (6) the signature and credentials of the staff person who provided the service to the  
56.10 client;

56.11 (7) the mental health provider travel documentation required by section 256B.0625, if  
56.12 applicable; and

56.13 (8) significant observations by the staff person, if applicable, including: (i) the client's  
56.14 current risk factors; (ii) emergency interventions by staff persons; (iii) consultations with  
56.15 or referrals to other professionals, family, or significant others; and (iv) changes in the  
56.16 client's mental or physical symptoms.

56.17 Sec. .... Minnesota Statutes 2022, section 245I.10, subdivision 2, is amended to read:

56.18 Subd. 2. **Generally.** (a) A license holder must use a client's diagnostic assessment or  
56.19 crisis assessment to determine a client's eligibility for mental health services, except as  
56.20 provided in this section.

56.21 (b) Prior to completing a client's initial diagnostic assessment, a license holder may  
56.22 provide a client with the following services:

56.23 (1) an explanation of findings;

56.24 (2) neuropsychological testing, neuropsychological assessment, and psychological  
56.25 testing;

56.26 (3) any combination of psychotherapy sessions, family psychotherapy sessions, and  
56.27 family psychoeducation sessions not to exceed three sessions;

56.28 (4) crisis assessment services according to section 256B.0624; and

56.29 (5) ten days of intensive residential treatment services according to the assessment and  
56.30 treatment planning standards in section 245I.23, subdivision 7.

57.1 (c) Based on the client's needs that a crisis assessment identifies under section 256B.0624,  
57.2 a license holder may provide a client with the following services:

57.3 (1) crisis intervention and stabilization services under section 245I.23 or 256B.0624;  
57.4 and

57.5 (2) any combination of psychotherapy sessions, group psychotherapy sessions, family  
57.6 psychotherapy sessions, and family psychoeducation sessions not to exceed ten sessions  
57.7 within a 12-month period without prior authorization.

57.8 (d) Based on the client's needs in the client's brief diagnostic assessment, a license holder  
57.9 may provide a client with any combination of psychotherapy sessions, group psychotherapy  
57.10 sessions, family psychotherapy sessions, and family psychoeducation sessions not to exceed  
57.11 ten sessions within a 12-month period without prior authorization for any new client or for  
57.12 an existing client who the license holder projects will need fewer than ten sessions during  
57.13 the next 12 months.

57.14 (e) Based on the client's needs that a hospital's medical history and presentation  
57.15 examination identifies, a license holder may provide a client with:

57.16 (1) any combination of psychotherapy sessions, group psychotherapy sessions, family  
57.17 psychotherapy sessions, and family psychoeducation sessions not to exceed ten sessions  
57.18 within a 12-month period without prior authorization for any new client or for an existing  
57.19 client who the license holder projects will need fewer than ten sessions during the next 12  
57.20 months; and

57.21 (2) up to five days of day treatment services or partial hospitalization.

57.22 (f) A license holder must complete a new standard diagnostic assessment of a client or  
57.23 an update to an assessment as permitted under paragraph (g):

57.24 (1) when the client requires services of a greater number or intensity than the services  
57.25 that paragraphs (b) to (e) describe;

57.26 (2) at least annually following the client's initial diagnostic assessment if the client needs  
57.27 additional mental health services and the client does not meet the criteria for a brief  
57.28 assessment;

57.29 (3) when the client's mental health condition has changed markedly since the client's  
57.30 most recent diagnostic assessment; or

57.31 (4) when the client's current mental health condition does not meet the criteria of the  
57.32 client's current diagnosis.

58.1 (g) For ~~an existing~~ a client who is already engaged in services and has a prior assessment,  
58.2 the license holder must ~~ensure that a new standard diagnostic assessment includes~~ complete  
58.3 a written update containing all significant new or changed information about the client,  
58.4 removal of outdated or inaccurate information, and an update regarding what information  
58.5 has not significantly changed, including a discussion with the client about changes in the  
58.6 client's life situation, functioning, presenting problems, and progress with achieving treatment  
58.7 goals since the client's last diagnostic assessment was completed.

58.8 Sec. .... Minnesota Statutes 2022, section 245I.10, subdivision 3, is amended to read:

58.9 Subd. 3. **Continuity of services.** (a) For any client with a diagnostic assessment  
58.10 completed under Minnesota Rules, parts 9505.0370 to 9505.0372, before July 1, 2022, or  
58.11 upon federal approval, whichever is later, the diagnostic assessment is valid for authorizing  
58.12 the client's treatment and billing for one calendar year after the date that the assessment was  
58.13 completed.

58.14 (b) For any client with an individual treatment plan completed under section 256B.0622,  
58.15 256B.0623, 256B.0943, 256B.0946, or 256B.0947 or Minnesota Rules, parts 9505.0370 to  
58.16 9505.0372, the client's treatment plan is valid for authorizing treatment and billing until the  
58.17 treatment plan's expiration date.

58.18 (c) This subdivision expires ~~July 1~~ October 17, 2023.

58.19 Sec. .... Minnesota Statutes 2022, section 245I.10, subdivision 6, is amended to read:

58.20 Subd. 6. **Standard diagnostic assessment; required elements.** (a) Only a mental health  
58.21 professional or a clinical trainee may complete a standard diagnostic assessment of a client.  
58.22 A standard diagnostic assessment of a client must include a face-to-face interview with a  
58.23 client and a written evaluation of the client. The assessor must complete a client's standard  
58.24 diagnostic assessment within the client's cultural context.

58.25 (b) When completing a standard diagnostic assessment of a client, the assessor must  
58.26 gather and document information about the client's current life situation, including the  
58.27 following information:

58.28 (1) the client's age;

58.29 (2) the client's current living situation, including the client's housing status and household  
58.30 members;

58.31 (3) the status of the client's basic needs;

- 59.1 (4) the client's education level and employment status;
- 59.2 (5) the client's current medications;
- 59.3 (6) any immediate risks to the client's health and safety;
- 59.4 (7) the client's perceptions of the client's condition;
- 59.5 (8) the client's description of the client's symptoms, including the reason for the client's
- 59.6 referral;
- 59.7 (9) the client's history of mental health treatment; and
- 59.8 (10) cultural influences on the client.
- 59.9 (c) If the assessor cannot obtain the information that this paragraph requires without
- 59.10 retraumatizing the client or harming the client's willingness to engage in treatment, the
- 59.11 assessor must identify which topics will require further assessment during the course of the
- 59.12 client's treatment. The assessor must gather and document information related to the following
- 59.13 topics:
- 59.14 (1) the client's relationship with the client's family and other significant personal
- 59.15 relationships, including the client's evaluation of the quality of each relationship;
- 59.16 (2) the client's strengths and resources, including the extent and quality of the client's
- 59.17 social networks;
- 59.18 (3) important developmental incidents in the client's life;
- 59.19 (4) maltreatment, trauma, potential brain injuries, and abuse that the client has suffered;
- 59.20 (5) the client's history of or exposure to alcohol and drug usage and treatment; and
- 59.21 (6) the client's health history and the client's family health history, including the client's
- 59.22 physical, chemical, and mental health history.
- 59.23 (d) When completing a standard diagnostic assessment of a client, an assessor must use
- 59.24 a recognized diagnostic framework.
- 59.25 (1) When completing a standard diagnostic assessment of a client who is five years of
- 59.26 age or younger, the assessor must use the current edition of the DC: 0-5 Diagnostic
- 59.27 Classification of Mental Health and Development Disorders of Infancy and Early Childhood
- 59.28 published by Zero to Three.
- 59.29 (2) When completing a standard diagnostic assessment of a client who is six years of
- 59.30 age or older, the assessor must use the current edition of the Diagnostic and Statistical
- 59.31 Manual of Mental Disorders published by the American Psychiatric Association.

60.1 (3) When completing a standard diagnostic assessment of a client who is five years of  
60.2 age or younger, an assessor must administer the Early Childhood Service Intensity Instrument  
60.3 (ECSII) to the client and include the results in the client's assessment.

60.4 (4) When completing a standard diagnostic assessment of a client who is six to 17 years  
60.5 of age, an assessor must administer the Child and Adolescent Service Intensity Instrument  
60.6 (CASII) to the client and include the results in the client's assessment.

60.7 (5) When completing a standard diagnostic assessment of a client who is 18 years of  
60.8 age or older, an assessor must use either (i) the CAGE-AID Questionnaire or (ii) the criteria  
60.9 in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
60.10 published by the American Psychiatric Association to screen and assess the client for a  
60.11 substance use disorder.

60.12 (e) When completing a standard diagnostic assessment of a client, the assessor must  
60.13 include and document the following components of the assessment:

60.14 (1) the client's mental status examination;

60.15 (2) the client's baseline measurements; symptoms; behavior; skills; abilities; resources;  
60.16 vulnerabilities; safety needs, including client information that supports the assessor's findings  
60.17 after applying a recognized diagnostic framework from paragraph (d); and any differential  
60.18 diagnosis of the client;

60.19 (3) an explanation of: (i) how the assessor diagnosed the client using the information  
60.20 from the client's interview, assessment, psychological testing, and collateral information  
60.21 about the client; (ii) the client's needs; (iii) the client's risk factors; (iv) the client's strengths;  
60.22 and (v) the client's responsivity factors.

60.23 (f) When completing a standard diagnostic assessment of a client, the assessor must  
60.24 consult the client and the client's family about which services that the client and the family  
60.25 prefer to treat the client. The assessor must make referrals for the client as to services required  
60.26 by law.

60.27 (g) Information from other providers and prior assessments may be used to complete  
60.28 the diagnostic assessment if the source of the information is documented in the diagnostic  
60.29 assessment.

60.30 Sec. .... Minnesota Statutes 2022, section 245I.10, subdivision 7, is amended to read:

60.31 Subd. 7. **Individual treatment plan.** A license holder must follow each client's written  
60.32 individual treatment plan when providing services to the client with the following exceptions:

61.1 (1) services that do not require that a license holder completes a standard diagnostic  
61.2 assessment of a client before providing services to the client;

61.3 (2) when developing a treatment or service plan; and

61.4 (3) when a client re-engages in services under subdivision 8, paragraph (b).

61.5 Sec. .... Minnesota Statutes 2022, section 245I.10, subdivision 8, is amended to read:

61.6 Subd. 8. **Individual treatment plan; required elements.** (a) After completing a client's  
61.7 diagnostic assessment or reviewing a client's diagnostic assessment received from a different  
61.8 provider, and before providing services to the client beyond those permitted under subdivision  
61.9 7, the license holder must complete the client's individual treatment plan. The license holder  
61.10 must:

61.11 (1) base the client's individual treatment plan on the client's diagnostic assessment and  
61.12 baseline measurements;

61.13 (2) for a child client, use a child-centered, family-driven, and culturally appropriate  
61.14 planning process that allows the child's parents and guardians to observe and participate in  
61.15 the child's individual and family treatment services, assessments, and treatment planning;

61.16 (3) for an adult client, use a person-centered, culturally appropriate planning process  
61.17 that allows the client's family and other natural supports to observe and participate in the  
61.18 client's treatment services, assessments, and treatment planning;

61.19 (4) identify the client's treatment goals, measureable treatment objectives, a schedule  
61.20 for accomplishing the client's treatment goals and objectives, a treatment strategy, and the  
61.21 individuals responsible for providing treatment services and supports to the client. The  
61.22 license holder must have a treatment strategy to engage the client in treatment if the client:

61.23 (i) has a history of not engaging in treatment; and

61.24 (ii) is ordered by a court to participate in treatment services or to take neuroleptic  
61.25 medications;

61.26 (5) identify the participants involved in the client's treatment planning. The client must  
61.27 be a participant in the client's treatment planning. If applicable, the license holder must  
61.28 document the reasons that the license holder did not involve the client's family or other  
61.29 natural supports in the client's treatment planning;

61.30 (6) review the client's individual treatment plan every 180 days and update the client's  
61.31 individual treatment plan with the client's treatment progress, new treatment objectives and

62.1 goals or, if the client has not made treatment progress, changes in the license holder's  
62.2 approach to treatment; and

62.3 (7) ensure that the client approves of the client's individual treatment plan unless a court  
62.4 orders the client's treatment plan under chapter 253B.

62.5 (b) If the client disagrees with the client's treatment plan, the license holder must  
62.6 document in the client file the reasons why the client does not agree with the treatment plan.  
62.7 If the license holder cannot obtain the client's approval of the treatment plan, a mental health  
62.8 professional must make efforts to obtain approval from a person who is authorized to consent  
62.9 on the client's behalf within 30 days after the client's previous individual treatment plan  
62.10 expired. A license holder may not deny a client service during this time period solely because  
62.11 the license holder could not obtain the client's approval of the client's individual treatment  
62.12 plan. A license holder may continue to bill for the client's otherwise eligible services when  
62.13 the client re-engages in services.

62.14 Sec. .... Minnesota Statutes 2022, section 245I.11, subdivision 3, is amended to read:

62.15 Subd. 3. **Storing and accounting for medications.** (a) If a license holder stores client  
62.16 medications, the license holder must:

62.17 (1) store client medications in original containers in a locked location;

62.18 (2) store refrigerated client medications in special trays or containers that are separate  
62.19 from food;

62.20 (3) store client medications marked "for external use only" in a compartment that is  
62.21 separate from other client medications;

62.22 (4) store Schedule II ~~to IV~~ drugs listed in section 152.02, ~~subdivisions~~ subdivision 3 to  
62.23 5, in a compartment that is locked separately from other medications;

62.24 (5) ensure that only authorized staff persons have access to stored client medications;

62.25 (6) follow a documentation procedure ~~on each shift~~ to account for all ~~scheduled~~ Schedule  
62.26 II to V drugs listed in section 152.02, subdivisions 3 to 6; and

62.27 (7) record each incident when a staff person accepts a supply of client medications and  
62.28 destroy discontinued, outdated, or deteriorated client medications.

62.29 (b) If a license holder is licensed as a residential program, the license holder must allow  
62.30 clients who self-administer medications to keep a private medication supply. The license  
62.31 holder must ensure that the client stores all private medication in a locked container in the  
62.32 client's private living area, unless the private medication supply poses a health and safety

63.1 risk to any clients. A client must not maintain a private medication supply of a prescription  
 63.2 medication without a written medication order from a licensed prescriber and a prescription  
 63.3 label that includes the client's name.

63.4 Sec. .... Minnesota Statutes 2022, section 245I.11, subdivision 4, is amended to read:

63.5 Subd. 4. **Medication orders.** (a) If a license holder stores, prescribes, or administers  
 63.6 medications or observes a client self-administer medications, the license holder must:

63.7 (1) ensure that a licensed prescriber writes all orders to accept, administer, or discontinue  
 63.8 client medications;

63.9 (2) accept nonwritten orders to administer client medications in emergency circumstances  
 63.10 only;

63.11 (3) establish a timeline and process for obtaining a written order with the licensed  
 63.12 prescriber's signature when the license holder accepts a nonwritten order to administer client  
 63.13 medications; and

63.14 ~~(4) obtain prescription medication renewals from a licensed prescriber for each client~~  
 63.15 ~~every 90 days for psychotropic medications and annually for all other medications; and~~

63.16 ~~(5)~~ (4) maintain the client's right to privacy and dignity.

63.17 (b) If a license holder employs a licensed prescriber, the license holder must inform the  
 63.18 client about potential medication effects and side effects and obtain and document the client's  
 63.19 informed consent before the licensed prescriber prescribes a medication.

63.20 Sec. .... Minnesota Statutes 2022, section 245I.20, subdivision 6, is amended to read:

63.21 Subd. 6. **Additional policy and procedure requirements.** (a) In addition to the policies  
 63.22 and procedures required by section 245I.03, the certification holder must establish, enforce,  
 63.23 and maintain the policies and procedures required by this subdivision.

63.24 (b) The certification holder must have a clinical evaluation procedure to identify and  
 63.25 document each treatment team member's areas of competence.

63.26 (c) The certification holder must have policies and procedures for client intake and case  
 63.27 assignment that:

63.28 (1) outline the client intake process;

64.1 (2) describe how the mental health clinic determines the appropriateness of accepting a  
64.2 client into treatment by reviewing the client's condition and need for treatment, the clinical  
64.3 services that the mental health clinic offers to clients, and other available resources; and

64.4 (3) contain a process for assigning a client's case to a mental health professional who is  
64.5 responsible for the client's case and other treatment team members.

64.6 (d) Notwithstanding the requirements under section 245I.10, subdivisions 5 to 10, for  
64.7 the required elements of a diagnostic assessment and a treatment plan, psychiatry billed as  
64.8 evaluation and management services must be documented in accordance with the most  
64.9 recent current procedural terminology as published by the American Medical Association."

64.10 Page 292, lines 17 to 19, delete the new language

64.11 Page 292, line 26, delete the new language

64.12 Page 292, line 27, after the period, insert "If the order is issued through the provider  
64.13 hub, the request must be received by the commissioner within 20 calendar days from the  
64.14 date the commissioner issued the order through the hub."

64.15 Page 293, line 22, delete everything after the period and insert "If the order is issued  
64.16 through the provider hub, the request must be received by the commissioner within 20  
64.17 calendar days from the date the commissioner issued the order through the hub."

64.18 Page 293, delete lines 23 and 24

64.19 Page 294, line 10, delete everything after the period

64.20 Page 294, lines 11 and 12, delete the new language

64.21 Page 294, line 18, delete the new language

64.22 Page 294, line 19, after the period, insert "If the order is issued through the provider  
64.23 hub, the request must be received by the commissioner within 20 calendar days from the  
64.24 date the commissioner issued the order through the hub."

64.25 Page 295, after line 19, insert:

64.26 "Sec. .... Minnesota Statutes 2022, section 256B.0623, subdivision 3, is amended to read:

64.27 Subd. 3. **Eligibility.** An eligible recipient is an individual who:

64.28 (1) is age 18 or older;

64.29 (2) is diagnosed with a medical condition, such as mental illness or traumatic brain  
64.30 injury, for which adult rehabilitative mental health services are needed;

65.1 (3) has substantial disability and functional impairment in three or more of the areas  
65.2 listed in section 245I.10, subdivision 9, clause (4), so that self-sufficiency is markedly  
65.3 reduced; and

65.4 (4) has had a recent standard diagnostic assessment by a qualified professional or an  
65.5 initial evaluation or comprehensive evaluation performed by a certified community behavioral  
65.6 health center according to section 245.7355, subdivision 6, that documents adult rehabilitative  
65.7 mental health services are medically necessary to address identified disability and functional  
65.8 impairments and individual recipient goals."

65.9 Page 295, line 24, delete "245.736" and insert "245.7357"

65.10 Page 296, lines 7 and 12, delete "245.7358" and insert "245.7355"

65.11 Page 296, line 15, delete "245.736" and insert "245.7357"

65.12 Page 298, after line 28, insert:

65.13 "Sec. .... Minnesota Statutes 2022, section 256B.0671, subdivision 2, is amended to read:

65.14 Subd. 2. **Generally.** (a) An individual, organization, or government entity providing  
65.15 mental health services to a client under this section must obtain a criminal background study  
65.16 of each staff person or volunteer who is providing direct contact services to a client.

65.17 (b) An individual, organization, or government entity providing mental health services  
65.18 to a client under this section must comply with all responsibilities that chapter 245I assigns  
65.19 to a license holder, except section 245I.011, subdivision 1, unless all of the individual's,  
65.20 organization's, or government entity's treatment staff are qualified as mental health  
65.21 professionals.

65.22 (c) An individual, organization, or government entity providing mental health services  
65.23 to a client under this section must comply with the following requirements if all of the  
65.24 license holder's treatment staff are qualified as mental health professionals:

65.25 (1) provider qualifications and scopes of practice under section 245I.04;

65.26 (2) maintaining and updating personnel files under section 245I.07;

65.27 (3) documenting under section 245I.08;

65.28 (4) maintaining and updating client files under section 245I.09;

65.29 (5) completing client assessments and treatment planning under section 245I.10;

65.30 (6) providing clients with health services and medications under section 245I.11; and

66.1 (7) respecting and enforcing client rights under section 245I.12.

66.2 (d) The requirements of this section do not apply to evaluation and management services  
 66.3 reimbursed as physician services and professional services under section 256B.0625,  
 66.4 subdivisions 3, 4, 28, or 28a.

66.5 Sec. .... Minnesota Statutes 2022, section 256B.0943, subdivision 3, is amended to read:

66.6 **Subd. 3. Determination of client eligibility.** (a) A client's eligibility to receive children's  
 66.7 therapeutic services and supports under this section shall be determined based on a standard  
 66.8 diagnostic assessment by a mental health professional or a clinical trainee, or an initial  
 66.9 evaluation or comprehensive evaluation performed by a certified community behavioral  
 66.10 health center according to section 245.7355, subdivision 6, that is performed within one  
 66.11 year before the initial start of service. The ~~standard diagnostic assessment or evaluation~~  
 66.12 must:

66.13 (1) determine whether a child under age 18 has a diagnosis of emotional disturbance or,  
 66.14 if the person is between the ages of 18 and 21, whether the person has a mental illness;

66.15 (2) document children's therapeutic services and supports as medically necessary to  
 66.16 address an identified disability, functional impairment, and the individual client's needs and  
 66.17 goals; and

66.18 (3) be used in the development of the individual treatment plan.

66.19 (b) Notwithstanding paragraph (a), a client may be determined to be eligible for up to  
 66.20 five days of day treatment under this section based on a hospital's medical history and  
 66.21 presentation examination of the client.

66.22 (c) Children's therapeutic services and supports include development and rehabilitative  
 66.23 services that support a child's developmental treatment needs."

66.24 Page 299, line 11, delete "required to report under section 260E.06, subdivision 1" and  
 66.25 insert "who has an account with the provider licensing and reporting hub and is required to  
 66.26 report suspected maltreatment as a licensed program under section 260E.06, subdivision 1"

66.27 Page 299, line 13, delete everything after the period and insert "A report submitted  
 66.28 through the provider licensing and reporting hub must be made immediately."

66.29 Page 299, delete line 14

66.30 Page 302, line 25, delete "(1,363,772,000)" and insert "(1,453,441,000)"

66.31 Page 302, line 28, delete "(1,156,872,000)" and insert "(1,228,684,000)"

- 67.1 Page 302, line 29, delete "(196,098,000)" and insert "(203,530,000)"
- 67.2 Page 302, line 30, delete "(10,802,000)" and insert "(21,227,000)"
- 67.3 Page 303, line 5, delete "3,636,000" and insert "(99,000)"
- 67.4 Page 303, line 6, delete "(10,802,000)" and insert "(21,227,000)"
- 67.5 Page 303, line 8, delete "(521,000)" and insert "(1,632,000)"
- 67.6 Page 303, line 9, delete "(5,000)" and insert "783,000"
- 67.7 Page 303, line 10, delete "221,000" and insert "180,000"
- 67.8 Page 303, line 11, delete "(12,670,000)" and insert "(18,038,000)"
- 67.9 Page 303, line 12, delete "(196,098,000)" and insert "(203,530,000)"
- 67.10 Page 303, line 18, delete "(1,110,576,000)" and insert "(1,172,921,000)"
- 67.11 Page 304, line 7, delete "6,244,921,000" and insert "6,249,805,000" and delete
- 67.12 "6,489,006,000" and insert "6,479,601,000"
- 67.13 Page 304, line 10, delete "4,949,348,000" and insert "4,948,930,000" and delete
- 67.14 "4,597,204,000" and insert "4,592,728,000"
- 67.15 Page 304, line 13, delete "1,005,106,000" and insert "1,019,146,000" and delete
- 67.16 "1,617,914,000" and insert "1,617,894,000"
- 67.17 Page 304, line 14, delete "285,691,000" and insert "276,953,000" and delete
- 67.18 "286,604,000" and insert "281,694,000"
- 67.19 Page 306, line 21, delete "(d)" and insert "(c)"
- 67.20 Page 308, line 6, delete "297,580,000" and insert "307,843,000" and delete "258,240,000"
- 67.21 and insert "261,501,000"
- 67.22 Page 309, line 6, delete "\$251,157,000" and insert "\$254,181,000"
- 67.23 Page 309, line 7, delete "\$248,981,000" and insert "252,062,000"
- 67.24 Page 309, line 13, delete "40,568,000" and insert "42,378,000" and delete "42,523,000"
- 67.25 and insert "43,022,000"
- 67.26 Page 309, line 21, delete "\$41,848,000" and insert "42,272,000"
- 67.27 Page 309, line 22, delete "\$40,452,000" and insert "41,061,000"
- 67.28 Page 309, line 25, delete "49,059,000" and insert "53,655,000" and delete "32,969,000"
- 67.29 and insert "33,935,000"

68.1 Page 310, line 10, delete "\$32,111,000" and insert "\$33,035,000"

68.2 Page 310, line 11, delete "\$35,798,000" and insert "\$36,392,000"

68.3 Page 310, line 16, delete "1,098,000" and insert "3,773,000" and delete "1,277,000" and  
68.4 insert "4,839,000"

68.5 Page 310, after line 16, insert:

68.6 "**Base level adjustment. The general fund**  
68.7 **base is \$4,518,000 in fiscal year 2026 and**  
68.8 **\$4,353,000 in fiscal year 2027.**"

68.9 Page 312, line 20, delete "\$120,000,000" and insert "\$166,550,000"

68.10 Page 312, line 23, after "119B.27" insert ", and the transition grant program"

68.11 Page 312, after line 33, insert:

68.12 "**(c) Child care one-stop shop. \$2,920,000 in**  
68.13 **fiscal year 2025 is for a grant to the statewide**  
68.14 **child care resource and referral network to**  
68.15 **administer the child care one-stop shop**  
68.16 **regional assistance network under Minnesota**  
68.17 **Statutes, section 119B.19, subdivision 7,**  
68.18 **clause (9).**

68.19 **(d) Child care workforce development**  
68.20 **grants administration. Beginning in fiscal**  
68.21 **year 2025, the base shall include \$1,300,000**  
68.22 **for a grant to the statewide child care resource**  
68.23 **and referral network to administer child care**  
68.24 **workforce development grants under**  
68.25 **Minnesota Statutes, section 119B.19,**  
68.26 **subdivision 7, clause (10).**

68.27 **(e) Shared services grants. \$500,000 in fiscal**  
68.28 **year 2024 and \$500,000 in fiscal year 2025**  
68.29 **are for shared services grants under Minnesota**  
68.30 **Statutes, section 119B.28.**

68.31 **(f) Access to technology grants. \$300,000 in**  
68.32 **fiscal year 2024 and \$300,000 in fiscal year**

69.1 2025 are for child care provider access to  
69.2 technology grants under Minnesota Statutes,  
69.3 section 119B.29.

69.4 **(g) Business training and consultation.**  
69.5 \$1,250,000 in fiscal year 2024 and \$1,500,000  
69.6 in fiscal year 2025 are for business training  
69.7 and consultation under Minnesota Statutes,  
69.8 section 119B.25, subdivision 3, paragraph (a),  
69.9 clause (6).

69.10 **(h) Scholarship program. \$695,000 in fiscal**  
69.11 year 2025 is for a scholarship program for  
69.12 early childhood and school age educators  
69.13 under Minnesota Statutes, section 119B.251."

69.14 Page 313, line 1, delete "(c)" and insert "(i)"

69.15 Page 313, after line 10, insert:

69.16 **"(a) Title IV-E adoption assistance. (1) The**  
69.17 commissioner shall allocate funds from the  
69.18 state's savings from the Fostering Connections  
69.19 to Success and Increasing Adoptions Act's  
69.20 expanded eligibility for Title IV-E adoption  
69.21 assistance as required in Minnesota Statutes,  
69.22 section 256N.261, and as allowable under  
69.23 federal law.

69.24 **(2) Additional savings to the state as a result**  
69.25 of the Fostering Connections to Success and  
69.26 Increasing Adoptions Act's expanded  
69.27 eligibility for Title IV-E adoption assistance  
69.28 is for postadoption, foster care, adoption, and  
69.29 kinship services, including a parent-to-parent  
69.30 support network and as allowable under  
69.31 federal law."

69.32 Page 313, after line 31, insert:

70.1 "(d) White Earth Nation American Indian  
 70.2 Child Welfare Initiative. \$824,000 in fiscal  
 70.3 year 2024 and \$824,000 in fiscal year 2025  
 70.4 are from the general fund for the White Earth  
 70.5 Nation to participate in the American Indian  
 70.6 child welfare initiative."

70.7 Reletter the paragraphs in sequence

70.8 Page 314, line 19, delete "under"

70.9 Page 314, line 20, delete "Minnesota Statutes, section 260.014"

70.10 Page 314, line 22, after the period, insert "Funds shall be transferred to the special  
 70.11 revenue fund."

70.12 Page 315, line 10, delete "256K.47" and insert "256K.48"

70.13 Page 315, line 24, after "(h)" insert ", and to expand the public-private adoption initiative  
 70.14 to similarly support permanency of children in foster care through transfer of permanent  
 70.15 legal and physical custody to a relative or equivalent permanency disposition in Tribal code"

70.16 Page 316, line 22, after "(c)" delete "Tribal food sovereignty grants." and insert  
 70.17 "American Indian food sovereignty funding."

70.18 Page 316, line 25, delete "for grants"

70.19 Page 316, line 31, delete "support grants" and insert "shelf program"

70.20 Page 318, lines 1, 2, and 10, delete "\$1,000,000" and insert "\$2,500,000"

70.21 Page 318, line 21, delete "\$1,064,000" and insert "\$1,936,000"

70.22 Page 318, after line 27, insert:

70.23 "(d) Lead agency allocations. \$36,000,000  
 70.24 in fiscal year 2024 is from the health care  
 70.25 access fund for allocations to county and  
 70.26 Tribal processing entities to assist processing  
 70.27 entities with resuming medical assistance  
 70.28 renewals following the expiration of the  
 70.29 commissioner's CV17 waiver to human  
 70.30 services programs as described in Laws 2020,  
 70.31 First Special Session chapter 7, section 1,  
 70.32 subdivision 1, as amended by Laws 2021, First

71.1 Special Session chapter 7, article 2, section  
71.2 71; Laws 2022, chapter 98, article 4, section  
71.3 49, and this act. The commissioner must  
71.4 distribute the entire amount of this  
71.5 appropriation to county and Tribal processing  
71.6 entities in proportion to each entity's March  
71.7 2023 share of statewide enrollment in  
71.8 Minnesota health care programs other than  
71.9 MinnesotaCare. This is a onetime  
71.10 appropriation."

71.11 Page 318, line 28, delete "(d)" and insert "(e)"

71.12 Page 319, after line 6, insert:

71.13 "**Heading Home Corps.** \$1,100,000 in fiscal  
71.14 year 2024 and \$1,100,000 in fiscal year 2025  
71.15 are for the AmeriCorps Heading Home Corps  
71.16 program."

71.17 Renumber the sections in sequence and correct the internal references

71.18 Amend the title accordingly