

150.18

**ARTICLE 5**

150.19

**DEPARTMENT OF HUMAN SERVICES OFFICE OF INSPECTOR GENERAL**

150.20 Section 1. Minnesota Statutes 2024, section 142E.51, subdivision 5, is amended to read:

150.21 Subd. 5. **Administrative disqualification of child care providers caring for children**  
150.22 **receiving child care assistance.** (a) The department shall pursue an administrative  
150.23 disqualification, if the child care provider is accused of committing an intentional program  
150.24 violation, in lieu of a criminal action when it has not been pursued the department refers  
150.25 the investigation to a law enforcement or prosecutorial agency for possible criminal  
150.26 prosecution, and the law enforcement or prosecutorial agency does not pursue a criminal  
150.27 action. Intentional program violations include intentionally making false or misleading  
150.28 statements; intentionally offering, providing, soliciting, or receiving illegal remuneration  
150.29 as described in subdivision 6a or in violation of section 609.542, subdivision 2; intentionally  
150.30 misrepresenting, concealing, or withholding facts; and repeatedly and intentionally violating  
150.31 program regulations under this chapter. No conviction is required before the department  
151.1 pursues an administrative disqualification. Intent may be proven by demonstrating a pattern  
151.2 of conduct that violates program rules under this chapter.

151.3 (b) To initiate an administrative disqualification, the commissioner must send written  
151.4 notice using a signature-verified confirmed delivery method to the provider against whom  
151.5 the action is being taken. Unless otherwise specified under this chapter or Minnesota Rules,  
151.6 chapter 3400, the commissioner must send the written notice at least 15 calendar days before  
151.7 the adverse action's effective date. The notice shall state (1) the factual basis for the agency's  
151.8 determination, (2) the action the agency intends to take, (3) the dollar amount of the monetary  
151.9 recovery or recoupment, if known, and (4) the provider's right to appeal the agency's proposed  
151.10 action.

151.11 (c) The provider may appeal an administrative disqualification by submitting a written  
151.12 request to the state agency. A provider's request must be received by the state agency no  
151.13 later than 30 days after the date the commissioner mails the notice.

151.14 (d) The provider's appeal request must contain the following:

151.15 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the  
151.16 dollar amount involved for each disputed item;

151.17 (2) the computation the provider believes to be correct, if applicable;

151.18 (3) the statute or rule relied on for each disputed item; and

426.18

**ARTICLE 15**

426.19

**DEPARTMENT OF HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL**

426.20

**POLICY**

426.21 Section 1. Minnesota Statutes 2024, section 142E.51, subdivision 5, is amended to read:

426.22 Subd. 5. **Administrative disqualification of child care providers caring for children**  
426.23 **receiving child care assistance.** (a) The department shall pursue an administrative  
426.24 disqualification, if the child care provider is accused of committing an intentional program  
426.25 violation, in lieu of a criminal action when it has not been pursued. Intentional program  
426.26 violations include intentionally making false or misleading statements; receiving or providing  
426.27 a kickback, as defined in subdivision 6, paragraph (b); intentionally misrepresenting,  
426.28 concealing, or withholding facts; and repeatedly and intentionally violating program  
426.29 regulations under this chapter. Intent may be proven by demonstrating a pattern of conduct  
426.30 that violates program rules under this chapter.

426.31 (b) To initiate an administrative disqualification, the commissioner must send written  
426.32 notice using a signature-verified confirmed delivery method to the provider against whom  
426.33 the action is being taken. Unless otherwise specified under this chapter or Minnesota Rules,  
426.34 chapter 3400, the commissioner must send the written notice at least 15 calendar days before  
427.1 the adverse action's effective date. The notice shall state (1) the factual basis for the agency's  
427.2 determination, (2) the action the agency intends to take, (3) the dollar amount of the monetary  
427.3 recovery or recoupment, if known, and (4) the provider's right to appeal the agency's proposed  
427.4 action.

427.5 (c) The provider may appeal an administrative disqualification by submitting a written  
427.6 request to the state agency. A provider's request must be received by the state agency no  
427.7 later than 30 days after the date the commissioner mails the notice.

427.8 (d) The provider's appeal request must contain the following:

427.9 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the  
427.10 dollar amount involved for each disputed item;

427.11 (2) the computation the provider believes to be correct, if applicable;

427.12 (3) the statute or rule relied on for each disputed item; and

151.19 (4) the name, address, and telephone number of the person at the provider's place of  
151.20 business with whom contact may be made regarding the appeal.

151.21 (e) On appeal, the issuing agency bears the burden of proof to demonstrate by a  
151.22 preponderance of the evidence that the provider committed an intentional program violation.

151.23 (f) The hearing is subject to the requirements of section 142A.20. The human services  
151.24 judge may combine a fair hearing and administrative disqualification hearing into a single  
151.25 hearing if the factual issues arise out of the same or related circumstances and the provider  
151.26 receives prior notice that the hearings will be combined.

151.27 (g) A provider found to have committed an intentional program violation and is  
151.28 administratively disqualified must be disqualified, for a period of three years for the first  
151.29 offense and permanently for any subsequent offense, from receiving any payments from  
151.30 any child care program under this chapter.

151.31 (h) Unless a timely and proper appeal made under this section is received by the  
151.32 department, the administrative determination of the department is final and binding.

152.1 Sec. 2. Minnesota Statutes 2024, section 142E.51, subdivision 6, is amended to read:

152.2 Subd. 6. **Prohibited hiring practice practices.** ~~It is prohibited to~~ A person must not  
152.3 hire a child care center employee when, as a condition of employment, the employee is  
152.4 required to have one or more children who are eligible for or receive child care assistance,  
152.5 if:

152.6 (1) the individual hiring the employee is, or is acting at the direction of or in cooperation  
152.7 with, a child care center provider, center owner, director, manager, license holder, or other  
152.8 controlling individual; and

152.9 (2) the individual hiring the employee knows or has reason to know the purpose in hiring  
152.10 the employee is to obtain child care assistance program funds.

152.11 Sec. 3. Minnesota Statutes 2024, section 142E.51, is amended by adding a subdivision to  
152.12 read:

152.13 Subd. 6a. **Illegal remuneration.** (a) Except as provided in paragraph (b), program  
152.14 applicants, participants, and providers must not offer, provide, solicit, or receive money, a  
152.15 discount, a credit, a waiver, a rebate, a good, a service, employment, or anything else of  
152.16 value in exchange for:

152.17 (1) obtaining or attempting to obtain child care assistance program benefits; or

152.18 (2) directing a person's child care assistance program benefits to a particular provider.

152.19 (b) The prohibition in paragraph (a) does not apply to:

427.13 (4) the name, address, and telephone number of the person at the provider's place of  
427.14 business with whom contact may be made regarding the appeal.

427.15 (e) On appeal, the issuing agency bears the burden of proof to demonstrate by a  
427.16 preponderance of the evidence that the provider committed an intentional program violation.

427.17 (f) The hearing is subject to the requirements of section 142A.20. The human services  
427.18 judge may combine a fair hearing and administrative disqualification hearing into a single  
427.19 hearing if the factual issues arise out of the same or related circumstances and the provider  
427.20 receives prior notice that the hearings will be combined.

427.21 (g) A provider found to have committed an intentional program violation and is  
427.22 administratively disqualified must be disqualified, for a period of three years for the first  
427.23 offense and permanently for any subsequent offense, from receiving any payments from  
427.24 any child care program under this chapter.

427.25 (h) Unless a timely and proper appeal made under this section is received by the  
427.26 department, the administrative determination of the department is final and binding.

427.27 Sec. 2. Minnesota Statutes 2024, section 142E.51, subdivision 6, is amended to read:

427.28 Subd. 6. **Prohibited hiring practice practices.** (a) It is prohibited to hire a child care  
427.29 center employee when, as a condition of employment, the employee is required to have one  
427.30 or more children who are eligible for or receive child care assistance, if:

428.1 (1) the individual hiring the employee is, or is acting at the direction of or in cooperation  
428.2 with, a child care center provider, center owner, director, manager, license holder, or other  
428.3 controlling individual; and

428.4 (2) the individual hiring the employee knows or has reason to know the purpose in hiring  
428.5 the employee is to obtain child care assistance program funds.

428.6 (b) Program applicants, participants, and providers are prohibited from receiving or  
428.7 providing a kickback or payment in exchange for obtaining or attempting to obtain child  
428.8 care assistance benefits for their own financial gain. This paragraph does not apply to:

152.20 (1) marketing or promotional offerings that directly benefit an applicant or recipient's  
152.21 child or dependent for whom the child care provider is providing child care services; or

152.22 (2) child care provider discounts, scholarships, or other financial assistance allowed  
152.23 under section 142E.17, subdivision 7.

152.24 (c) An attempt to buy or sell access to a family's child care assistance program benefits  
152.25 to an unauthorized person by an applicant, a participant, or a provider is an intentional  
152.26 program violation under subdivision 5 and wrongfully obtaining assistance under section  
152.27 256.98.

152.28 Sec. 4. Minnesota Statutes 2024, section 144.651, subdivision 2, is amended to read:

152.29 Subd. 2. **Definitions.** For the purposes of this section, "patient" means a person who is  
152.30 admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for  
152.31 the purpose of diagnosis or treatment bearing on the physical or mental health of that person.  
153.1 For purposes of subdivisions 4 to 9, 12, 13, 15, 16, and 18 to 20, "patient" also means a  
153.2 person who receives health care services at an outpatient surgical center or at a birth center  
153.3 licensed under section 144.615. "Patient" also means a ~~minor~~ person who is admitted to a  
153.4 residential program as defined in section 253C.01. "Patient" also means a person who is  
153.5 admitted to a residential substance use disorder treatment program licensed according to  
153.6 Minnesota Rules, parts 2960.0430 to 2960.0490. For purposes of subdivisions 1, 3 to 16,  
153.7 18, 20 and 30, "patient" also means any person who is receiving mental health treatment or  
153.8 substance use disorder treatment on an outpatient basis or in a community support program  
153.9 or other community-based program. "Resident" means a person who is admitted to a nonacute  
153.10 care facility including extended care facilities, nursing homes, and boarding care homes for  
153.11 care required because of prolonged mental or physical illness or disability, recovery from  
153.12 injury or disease, or advancing age. For purposes of all subdivisions except subdivisions  
153.13 28 and 29, "resident" also means a person who is admitted to a facility licensed as a board  
153.14 and lodging facility under Minnesota Rules, parts 4625.0100 to 4625.2355, a boarding care  
153.15 home under sections 144.50 to 144.56, or a supervised living facility under Minnesota Rules,  
153.16 parts 4665.0100 to 4665.9900, and ~~which that operates a rehabilitation withdrawal~~  
153.17 ~~management program licensed under chapter 245F, a residential substance use disorder~~  
153.18 ~~treatment program licensed under chapter 245G or, an intensive residential treatment services~~  
153.19 ~~or residential crisis stabilization program licensed under chapter 245I, or a detoxification~~  
153.20 ~~program licensed under Minnesota Rules, parts 9530.6510 to 9530.6590.~~

153.21 Sec. 5. Minnesota Statutes 2024, section 245A.04, subdivision 1, is amended to read:

153.22 Subdivision 1. **Application for licensure.** (a) An individual, organization, or government  
153.23 entity that is subject to licensure under section 245A.03 must apply for a license. The  
153.24 application must be made on the forms and in the manner prescribed by the commissioner.  
153.25 The commissioner shall provide the applicant with instruction in completing the application  
153.26 and provide information about the rules and requirements of other state agencies that affect  
153.27 the applicant. An applicant seeking licensure in Minnesota with headquarters outside of  
153.28 Minnesota must have a program office located within 30 miles of the Minnesota border.

428.9 (1) marketing or promotional offerings that directly benefit an applicant or recipient's  
428.10 child or dependent for whom the child care provider is providing child care services; or

428.11 (2) child care provider discounts, scholarships, or other financial assistance allowed  
428.12 under section 142E.17, subdivision 7.

428.13 (c) An attempt to buy or sell access to a family's child care subsidy benefits to an  
428.14 unauthorized person by an applicant, a participant, or a provider is a kickback, an intentional  
428.15 program violation under subdivision 5, and wrongfully obtaining assistance under section  
428.16 256.98.

428.17 Sec. 3. Minnesota Statutes 2024, section 245A.04, subdivision 1, is amended to read:

428.18 Subdivision 1. **Application for licensure.** (a) An individual, organization, or government  
428.19 entity that is subject to licensure under section 245A.03 must apply for a license. The  
428.20 application must be made on the forms and in the manner prescribed by the commissioner.  
428.21 The commissioner shall provide the applicant with instruction in completing the application  
428.22 and provide information about the rules and requirements of other state agencies that affect  
428.23 the applicant. An applicant seeking licensure in Minnesota with headquarters outside of  
428.24 Minnesota must have a program office located within 30 miles of the Minnesota border.

153.29 An applicant who intends to buy or otherwise acquire a program or services licensed under  
153.30 this chapter that is owned by another license holder must apply for a license under this  
153.31 chapter and comply with the application procedures in this section and section 245A.043.

153.32 The commissioner shall act on the application within 90 working days after a complete  
153.33 application and any required reports have been received from other state agencies or  
153.34 departments, counties, municipalities, or other political subdivisions. The commissioner  
154.1 shall not consider an application to be complete until the commissioner receives all of the  
154.2 required information.

154.3 When the commissioner receives an application for initial licensure that is incomplete  
154.4 because the applicant failed to submit required documents or that is substantially deficient  
154.5 because the documents submitted do not meet licensing requirements, the commissioner  
154.6 shall provide the applicant written notice that the application is incomplete or substantially  
154.7 deficient. In the written notice to the applicant the commissioner shall identify documents  
154.8 that are missing or deficient and give the applicant 45 days to resubmit a second application  
154.9 that is substantially complete. An applicant's failure to submit a substantially complete  
154.10 application after receiving notice from the commissioner is a basis for license denial under  
154.11 section 245A.043.

154.12 (b) An application for licensure must identify all controlling individuals as defined in  
154.13 section 245A.02, subdivision 5a, and must designate one individual to be the authorized  
154.14 agent. The application must be signed by the authorized agent and must include the authorized  
154.15 agent's first, middle, and last name; mailing address; and email address. By submitting an  
154.16 application for licensure, the authorized agent consents to electronic communication with  
154.17 the commissioner throughout the application process. The authorized agent must be  
154.18 authorized to accept service on behalf of all of the controlling individuals. A government  
154.19 entity that holds multiple licenses under this chapter may designate one authorized agent  
154.20 for all licenses issued under this chapter or may designate a different authorized agent for  
154.21 each license. Service on the authorized agent is service on all of the controlling individuals.  
154.22 It is not a defense to any action arising under this chapter that service was not made on each  
154.23 controlling individual. The designation of a controlling individual as the authorized agent  
154.24 under this paragraph does not affect the legal responsibility of any other controlling individual  
154.25 under this chapter.

154.26 (c) An applicant or license holder must have a policy that prohibits license holders,  
154.27 employees, subcontractors, and volunteers, when directly responsible for persons served  
154.28 by the program, from abusing prescription medication or being in any manner under the  
154.29 influence of a chemical that impairs the individual's ability to provide services or care. The  
154.30 license holder must train employees, subcontractors, and volunteers about the program's  
154.31 drug and alcohol policy before the employee, subcontractor, or volunteer has direct contact,  
154.32 as defined in section 245C.02, subdivision 11, with a person served by the program.

154.33 (d) An applicant and license holder must have a program grievance procedure that permits  
154.34 persons served by the program and their authorized representatives to bring a grievance to  
154.35 the highest level of authority in the program.

428.25 An applicant who intends to buy or otherwise acquire a program or services licensed under  
428.26 this chapter that is owned by another license holder must apply for a license under this  
428.27 chapter and comply with the application procedures in this section and section 245A.043.

428.28 The commissioner shall act on the application within 90 working days after a complete  
428.29 application and any required reports have been received from other state agencies or  
428.30 departments, counties, municipalities, or other political subdivisions. The commissioner  
428.31 shall not consider an application to be complete until the commissioner receives all of the  
428.32 required information.

429.1 When the commissioner receives an application for initial licensure that is incomplete  
429.2 because the applicant failed to submit required documents or that is substantially deficient  
429.3 because the documents submitted do not meet licensing requirements, the commissioner  
429.4 shall provide the applicant written notice that the application is incomplete or substantially  
429.5 deficient. In the written notice to the applicant the commissioner shall identify documents  
429.6 that are missing or deficient and give the applicant 45 days to resubmit a second application  
429.7 that is substantially complete. An applicant's failure to submit a substantially complete  
429.8 application after receiving notice from the commissioner is a basis for license denial under  
429.9 section 245A.043.

429.10 (b) An application for licensure must identify all controlling individuals as defined in  
429.11 section 245A.02, subdivision 5a, and must designate one individual to be the authorized  
429.12 agent. The application must be signed by the authorized agent and must include the authorized  
429.13 agent's first, middle, and last name; mailing address; and email address. By submitting an  
429.14 application for licensure, the authorized agent consents to electronic communication with  
429.15 the commissioner throughout the application process. The authorized agent must be  
429.16 authorized to accept service on behalf of all of the controlling individuals. A government  
429.17 entity that holds multiple licenses under this chapter may designate one authorized agent  
429.18 for all licenses issued under this chapter or may designate a different authorized agent for  
429.19 each license. Service on the authorized agent is service on all of the controlling individuals.  
429.20 It is not a defense to any action arising under this chapter that service was not made on each  
429.21 controlling individual. The designation of a controlling individual as the authorized agent  
429.22 under this paragraph does not affect the legal responsibility of any other controlling individual  
429.23 under this chapter.

429.24 (c) An applicant or license holder must have a policy that prohibits license holders,  
429.25 employees, subcontractors, and volunteers, when directly responsible for persons served  
429.26 by the program, from abusing prescription medication or being in any manner under the  
429.27 influence of a chemical that impairs the individual's ability to provide services or care. The  
429.28 license holder must train employees, subcontractors, and volunteers about the program's  
429.29 drug and alcohol policy before the employee, subcontractor, or volunteer has direct contact,  
429.30 as defined in section 245C.02, subdivision 11, with a person served by the program.

429.31 (d) An applicant and license holder must have a program grievance procedure that permits  
429.32 persons served by the program and their authorized representatives to bring a grievance to  
429.33 the highest level of authority in the program.

155.1 (e) The commissioner may limit communication during the application process to the  
155.2 authorized agent or the controlling individuals identified on the license application and for  
155.3 whom a background study was initiated under chapter 245C. Upon implementation of the  
155.4 provider licensing and reporting hub, applicants and license holders must use the hub in the  
155.5 manner prescribed by the commissioner. The commissioner may require the applicant,  
155.6 except for child foster care, to demonstrate competence in the applicable licensing  
155.7 requirements by successfully completing a written examination. The commissioner may  
155.8 develop a prescribed written examination format.

155.9 (f) When an applicant is an individual, the applicant must provide:

155.10 (1) the applicant's taxpayer identification numbers including the Social Security number  
155.11 or Minnesota tax identification number, and federal employer identification number if the  
155.12 applicant has employees;

155.13 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
155.14 of state that includes the complete business name, if any;

155.15 (3) if doing business under a different name, the doing business as (DBA) name, as  
155.16 registered with the secretary of state;

155.17 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique  
155.18 Minnesota Provider Identifier (UMPI) number; and

155.19 (5) at the request of the commissioner, the notarized signature of the applicant or  
155.20 authorized agent.

155.21 (g) When an applicant is an organization, the applicant must provide:

155.22 (1) the applicant's taxpayer identification numbers including the Minnesota tax  
155.23 identification number and federal employer identification number;

155.24 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
155.25 of state that includes the complete business name, and if doing business under a different  
155.26 name, the doing business as (DBA) name, as registered with the secretary of state;

155.27 (3) the first, middle, and last name, and address for all individuals who will be controlling  
155.28 individuals, including all officers, owners, and managerial officials as defined in section  
155.29 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant  
155.30 for each controlling individual;

155.31 (4) if applicable, the applicant's NPI number and UMPI number;

156.1 (5) the documents that created the organization and that determine the organization's  
156.2 internal governance and the relations among the persons that own the organization, have  
156.3 an interest in the organization, or are members of the organization, in each case as provided  
156.4 or authorized by the organization's governing statute, which may include a partnership

429.34 (e) The commissioner may limit communication during the application process to the  
429.35 authorized agent or the controlling individuals identified on the license application and for  
430.1 whom a background study was initiated under chapter 245C. Upon implementation of the  
430.2 provider licensing and reporting hub, applicants and license holders must use the hub in the  
430.3 manner prescribed by the commissioner. The commissioner may require the applicant,  
430.4 except for child foster care, to demonstrate competence in the applicable licensing  
430.5 requirements by successfully completing a written examination. The commissioner may  
430.6 develop a prescribed written examination format.

430.7 (f) When an applicant is an individual, the applicant must provide:

430.8 (1) the applicant's taxpayer identification numbers including the Social Security number  
430.9 or Minnesota tax identification number, and federal employer identification number if the  
430.10 applicant has employees;

430.11 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
430.12 of state that includes the complete business name, if any;

430.13 (3) if doing business under a different name, the doing business as (DBA) name, as  
430.14 registered with the secretary of state;

430.15 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique  
430.16 Minnesota Provider Identifier (UMPI) number; and

430.17 (5) at the request of the commissioner, the notarized signature of the applicant or  
430.18 authorized agent.

430.19 (g) When an applicant is an organization, the applicant must provide:

430.20 (1) the applicant's taxpayer identification numbers including the Minnesota tax  
430.21 identification number and federal employer identification number;

430.22 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
430.23 of state that includes the complete business name, and if doing business under a different  
430.24 name, the doing business as (DBA) name, as registered with the secretary of state;

430.25 (3) the first, middle, and last name, and address for all individuals who will be controlling  
430.26 individuals, including all officers, owners, and managerial officials as defined in section  
430.27 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant  
430.28 for each controlling individual;

430.29 (4) if applicable, the applicant's NPI number and UMPI number;

430.30 (5) the documents that created the organization and that determine the organization's  
430.31 internal governance and the relations among the persons that own the organization, have  
430.32 an interest in the organization, or are members of the organization, in each case as provided  
431.1 or authorized by the organization's governing statute, which may include a partnership

156.5 agreement, bylaws, articles of organization, organizational chart, and operating agreement,  
156.6 or comparable documents as provided in the organization's governing statute; and

156.7 (6) the notarized signature of the applicant or authorized agent.

156.8 (h) When the applicant is a government entity, the applicant must provide:

156.9 (1) the name of the government agency, political subdivision, or other unit of government  
156.10 seeking the license and the name of the program or services that will be licensed;

156.11 (2) the applicant's taxpayer identification numbers including the Minnesota tax  
156.12 identification number and federal employer identification number;

156.13 (3) a letter signed by the manager, administrator, or other executive of the government  
156.14 entity authorizing the submission of the license application; and

156.15 (4) if applicable, the applicant's NPI number and UMPI number.

156.16 (i) At the time of application for licensure or renewal of a license under this chapter, the  
156.17 applicant or license holder must acknowledge on the form provided by the commissioner  
156.18 if the applicant or license holder elects to receive any public funding reimbursement from  
156.19 the commissioner for services provided under the license that:

156.20 (1) the applicant's or license holder's compliance with the provider enrollment agreement  
156.21 or registration requirements for receipt of public funding may be monitored by the  
156.22 commissioner as part of a licensing investigation or licensing inspection; and

156.23 (2) noncompliance with the provider enrollment agreement or registration requirements  
156.24 for receipt of public funding that is identified through a licensing investigation or licensing  
156.25 inspection, or noncompliance with a licensing requirement that is a basis of enrollment for  
156.26 reimbursement for a service, may result in:

156.27 (i) a correction order or a conditional license under section 245A.06, or sanctions under  
156.28 section 245A.07;

156.29 (ii) nonpayment of claims submitted by the license holder for public program  
156.30 reimbursement;

156.31 (iii) recovery of payments made for the service;

156.32 (iv) disenrollment in the public payment program; or

157.1 (v) other administrative, civil, or criminal penalties as provided by law.

157.2 Sec. 6. Minnesota Statutes 2024, section 245A.04, subdivision 7, is amended to read:

157.3 Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that  
157.4 the program complies with all applicable rules and laws, the commissioner shall issue a  
157.5 license consistent with this section or, if applicable, a temporary change of ownership license  
157.6 under section 245A.043. At minimum, the license shall state:

431.2 agreement, bylaws, articles of organization, organizational chart, and operating agreement,  
431.3 or comparable documents as provided in the organization's governing statute; and

431.4 (6) the notarized signature of the applicant or authorized agent.

431.5 (h) When the applicant is a government entity, the applicant must provide:

431.6 (1) the name of the government agency, political subdivision, or other unit of government  
431.7 seeking the license and the name of the program or services that will be licensed;

431.8 (2) the applicant's taxpayer identification numbers including the Minnesota tax  
431.9 identification number and federal employer identification number;

431.10 (3) a letter signed by the manager, administrator, or other executive of the government  
431.11 entity authorizing the submission of the license application; and

431.12 (4) if applicable, the applicant's NPI number and UMPI number.

431.13 (i) At the time of application for licensure or renewal of a license under this chapter, the  
431.14 applicant or license holder must acknowledge on the form provided by the commissioner  
431.15 if the applicant or license holder elects to receive any public funding reimbursement from  
431.16 the commissioner for services provided under the license that:

431.17 (1) the applicant's or license holder's compliance with the provider enrollment agreement  
431.18 or registration requirements for receipt of public funding may be monitored by the  
431.19 commissioner as part of a licensing investigation or licensing inspection; and

431.20 (2) noncompliance with the provider enrollment agreement or registration requirements  
431.21 for receipt of public funding that is identified through a licensing investigation or licensing  
431.22 inspection, or noncompliance with a licensing requirement that is a basis of enrollment for  
431.23 reimbursement for a service, may result in:

431.24 (i) a correction order or a conditional license under section 245A.06, or sanctions under  
431.25 section 245A.07;

431.26 (ii) nonpayment of claims submitted by the license holder for public program  
431.27 reimbursement;

431.28 (iii) recovery of payments made for the service;

431.29 (iv) disenrollment in the public payment program; or

431.30 (v) other administrative, civil, or criminal penalties as provided by law.

432.1 Sec. 4. Minnesota Statutes 2024, section 245A.04, subdivision 7, is amended to read:

432.2 Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that  
432.3 the program complies with all applicable rules and laws, the commissioner shall issue a  
432.4 license consistent with this section or, if applicable, a temporary change of ownership license  
432.5 under section 245A.043. At minimum, the license shall state:

157.7 (1) the name of the license holder;  
157.8 (2) the address of the program;  
157.9 (3) the effective date and expiration date of the license;  
157.10 (4) the type of license;  
157.11 (5) the maximum number and ages of persons that may receive services from the program;  
157.12 and  
157.13 (6) any special conditions of licensure.  
157.14 (b) The commissioner may issue a license for a period not to exceed two years if:  
157.15 (1) the commissioner is unable to conduct the observation required by subdivision 4,  
157.16 paragraph (a), clause (3), because the program is not yet operational;  
157.17 (2) certain records and documents are not available because persons are not yet receiving  
157.18 services from the program; and  
157.19 (3) the applicant complies with applicable laws and rules in all other respects.  
157.20 (c) A decision by the commissioner to issue a license does not guarantee that any person  
157.21 or persons will be placed or cared for in the licensed program.  
157.22 (d) Except as provided in paragraphs (i) and (j), the commissioner shall not issue a  
157.23 license if the applicant, license holder, or an affiliated controlling individual has:  
157.24 (1) been disqualified and the disqualification was not set aside and no variance has been  
157.25 granted;  
157.26 (2) been denied a license under this chapter or chapter 142B within the past two years;  
157.27 (3) had a license issued under this chapter or chapter 142B revoked within the past five  
157.28 years; or  
157.29 (4) failed to submit the information required of an applicant under subdivision 1,  
157.30 paragraph (f), (g), or (h), after being requested by the commissioner.  
158.1 When a license issued under this chapter or chapter 142B is revoked, the license holder  
158.2 and each affiliated controlling individual with a revoked license may not hold any license  
158.3 under chapter 245A for five years following the revocation, and other licenses held by the  
158.4 applicant or license holder or licenses affiliated with each controlling individual shall also  
158.5 be revoked.  
158.6 (e) Notwithstanding paragraph (d), the commissioner may elect not to revoke a license  
158.7 affiliated with a license holder or controlling individual that had a license revoked within  
158.8 the past five years if the commissioner determines that (1) the license holder or controlling  
158.9 individual is operating the program in substantial compliance with applicable laws and rules

432.6 (1) the name of the license holder;  
432.7 (2) the address of the program;  
432.8 (3) the effective date and expiration date of the license;  
432.9 (4) the type of license;  
432.10 (5) the maximum number and ages of persons that may receive services from the program;  
432.11 and  
432.12 (6) any special conditions of licensure.  
432.13 (b) The commissioner may issue a license for a period not to exceed two years if:  
432.14 (1) the commissioner is unable to conduct the observation required by subdivision 4,  
432.15 paragraph (a), clause (3), because the program is not yet operational;  
432.16 (2) certain records and documents are not available because persons are not yet receiving  
432.17 services from the program; and  
432.18 (3) the applicant complies with applicable laws and rules in all other respects.  
432.19 (c) A decision by the commissioner to issue a license does not guarantee that any person  
432.20 or persons will be placed or cared for in the licensed program.  
432.21 (d) Except as provided in paragraphs (i) and (j), the commissioner shall not issue a  
432.22 license if the applicant, license holder, or an affiliated controlling individual has:  
432.23 (1) been disqualified and the disqualification was not set aside and no variance has been  
432.24 granted;  
432.25 (2) been denied a license under this chapter or chapter 142B within the past two years;  
432.26 (3) had a license issued under this chapter or chapter 142B revoked within the past five  
432.27 years; or  
432.28 (4) failed to submit the information required of an applicant under subdivision 1,  
432.29 paragraph (f), (g), or (h), after being requested by the commissioner.  
433.1 When a license issued under this chapter or chapter 142B is revoked, the license holder  
433.2 and each affiliated controlling individual with a revoked license may not hold any license  
433.3 under chapter 245A for five years following the revocation, and other licenses held by the  
433.4 applicant or license holder or licenses affiliated with each controlling individual shall also  
433.5 be revoked.  
433.6 (e) Notwithstanding paragraph (d), the commissioner may elect not to revoke a license  
433.7 affiliated with a license holder or controlling individual that had a license revoked within  
433.8 the past five years if the commissioner determines that (1) the license holder or controlling  
433.9 individual is operating the program in substantial compliance with applicable laws and rules

158.10 and (2) the program's continued operation is in the best interests of the community being  
158.11 served.

158.12 (f) Notwithstanding paragraph (d), the commissioner may issue a new license in response  
158.13 to an application that is affiliated with an applicant, license holder, or controlling individual  
158.14 that had an application denied within the past two years or a license revoked within the past  
158.15 five years if the commissioner determines that (1) the applicant or controlling individual  
158.16 has operated one or more programs in substantial compliance with applicable laws and rules  
158.17 and (2) the program's operation would be in the best interests of the community to be served.

158.18 (g) In determining whether a program's operation would be in the best interests of the  
158.19 community to be served, the commissioner shall consider factors such as the number of  
158.20 persons served, the availability of alternative services available in the surrounding  
158.21 community, the management structure of the program, whether the program provides  
158.22 culturally specific services, and other relevant factors.

158.23 (h) The commissioner shall not issue or reissue a license under this chapter if an individual  
158.24 living in the household where the services will be provided as specified under section  
158.25 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside  
158.26 and no variance has been granted.

158.27 (i) Pursuant to section 245A.07, subdivision 1, paragraph (b), when a license issued  
158.28 under this chapter has been suspended or revoked and the suspension or revocation is under  
158.29 appeal, the program may continue to operate pending a final order from the commissioner.  
158.30 If the license under suspension or revocation will expire before a final order is issued, a  
158.31 temporary provisional license may be issued provided any applicable license fee is paid  
158.32 before the temporary provisional license is issued.

158.33 (j) Notwithstanding paragraph (i), when a revocation is based on the disqualification of  
158.34 a controlling individual or license holder, and the controlling individual or license holder  
159.1 is ordered under section 245C.17 to be immediately removed from direct contact with  
159.2 persons receiving services or is ordered to be under continuous, direct supervision when  
159.3 providing direct contact services, the program may continue to operate only if the program  
159.4 complies with the order and submits documentation demonstrating compliance with the  
159.5 order. If the disqualified individual fails to submit a timely request for reconsideration, or  
159.6 if the disqualification is not set aside and no variance is granted, the order to immediately  
159.7 remove the individual from direct contact or to be under continuous, direct supervision  
159.8 remains in effect pending the outcome of a hearing and final order from the commissioner.

159.9 (k) Unless otherwise specified by statute, all licenses issued under this chapter expire  
159.10 at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must  
159.11 apply for and be granted comply with the requirements in section 245A.10 and be reissued  
159.12 a new license to operate the program or the program must not be operated after the expiration  
159.13 date. Adult foster care, family adult day services, child foster residence setting, and  
159.14 community residential services license holders must apply for and be granted a new license  
159.15 to operate the program or the program must not be operated after the expiration date. Upon

433.10 and (2) the program's continued operation is in the best interests of the community being  
433.11 served.

433.12 (f) Notwithstanding paragraph (d), the commissioner may issue a new license in response  
433.13 to an application that is affiliated with an applicant, license holder, or controlling individual  
433.14 that had an application denied within the past two years or a license revoked within the past  
433.15 five years if the commissioner determines that (1) the applicant or controlling individual  
433.16 has operated one or more programs in substantial compliance with applicable laws and rules  
433.17 and (2) the program's operation would be in the best interests of the community to be served.

433.18 (g) In determining whether a program's operation would be in the best interests of the  
433.19 community to be served, the commissioner shall consider factors such as the number of  
433.20 persons served, the availability of alternative services available in the surrounding  
433.21 community, the management structure of the program, whether the program provides  
433.22 culturally specific services, and other relevant factors.

433.23 (h) The commissioner shall not issue or reissue a license under this chapter if an individual  
433.24 living in the household where the services will be provided as specified under section  
433.25 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside  
433.26 and no variance has been granted.

433.27 (i) Pursuant to section 245A.07, subdivision 1, paragraph (b), when a license issued  
433.28 under this chapter has been suspended or revoked and the suspension or revocation is under  
433.29 appeal, the program may continue to operate pending a final order from the commissioner.  
433.30 If the license under suspension or revocation will expire before a final order is issued, a  
433.31 temporary provisional license may be issued provided any applicable license fee is paid  
433.32 before the temporary provisional license is issued.

433.33 (j) Notwithstanding paragraph (i), when a revocation is based on the disqualification of  
433.34 a controlling individual or license holder, and the controlling individual or license holder  
434.1 is ordered under section 245C.17 to be immediately removed from direct contact with  
434.2 persons receiving services or is ordered to be under continuous, direct supervision when  
434.3 providing direct contact services, the program may continue to operate only if the program  
434.4 complies with the order and submits documentation demonstrating compliance with the  
434.5 order. If the disqualified individual fails to submit a timely request for reconsideration, or  
434.6 if the disqualification is not set aside and no variance is granted, the order to immediately  
434.7 remove the individual from direct contact or to be under continuous, direct supervision  
434.8 remains in effect pending the outcome of a hearing and final order from the commissioner.

434.9 (k) Unless otherwise specified by statute, all licenses issued under this chapter expire  
434.10 at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must  
434.11 apply for and be granted comply with the requirements in section 245A.10 and be reissued  
434.12 a new license to operate the program or the program must not be operated after the expiration  
434.13 date. Adult foster care, family adult day services, child foster residence setting, and  
434.14 community residential services license holders must apply for and be granted a new license  
434.15 to operate the program or the program must not be operated after the expiration date. Upon



159.16 implementation of the provider licensing and reporting hub, licenses may be issued each  
159.17 calendar year.

159.18 (l) The commissioner shall not issue or reissue a license under this chapter if it has been  
159.19 determined that a Tribal licensing authority has established jurisdiction to license the program  
159.20 or service.

159.21 (m) The commissioner of human services may coordinate and share data with the  
159.22 commissioner of children, youth, and families to enforce this section.

159.23 Sec. 7. Minnesota Statutes 2024, section 245A.16, subdivision 1, is amended to read:

159.24 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies that have been  
159.25 designated by the commissioner to perform licensing functions and activities under section  
159.26 245A.04; to recommend denial of applicants under section 245A.05; to issue correction  
159.27 orders, to issue variances, and recommend a conditional license under section 245A.06; or  
159.28 to recommend suspending or revoking a license or issuing a fine under section 245A.07,  
159.29 shall comply with rules and directives of the commissioner governing those functions and  
159.30 with this section. The following variances are excluded from the delegation of variance  
159.31 authority and may be issued only by the commissioner:

159.32 (1) dual licensure of child foster residence setting and community residential setting;

160.1 (2) until the responsibility for family child foster care transfers to the commissioner of  
160.2 children, youth, and families under Laws 2023, chapter 70, article 12, section 30, dual  
160.3 licensure of family child foster care and family adult foster care;

160.4 (3) until the responsibility for family child care transfers to the commissioner of children,  
160.5 youth, and families under Laws 2023, chapter 70, article 12, section 30, dual licensure of  
160.6 family adult foster care and family child care;

160.7 (4) adult foster care or community residential setting maximum capacity;

160.8 (5) adult foster care or community residential setting minimum age requirement;

160.9 (6) child foster care maximum age requirement;

160.10 (7) variances regarding disqualified individuals;

160.11 (8) the required presence of a caregiver in the adult foster care residence during normal  
160.12 sleeping hours;

160.13 (9) variances to requirements relating to chemical use problems of a license holder or a  
160.14 household member of a license holder; and

160.15 (10) variances to section 142B.46 for the use of a cradleboard for a cultural  
160.16 accommodation.

160.17 (b) Once the respective responsibilities transfer from the commissioner of human services  
160.18 to the commissioner of children, youth, and families, under Laws 2023, chapter 70, article

434.16 implementation of the provider licensing and reporting hub, licenses may be issued each  
434.17 calendar year.

434.18 (l) The commissioner shall not issue or reissue a license under this chapter if it has been  
434.19 determined that a Tribal licensing authority has established jurisdiction to license the program  
434.20 or service.

434.21 (m) The commissioner of human services may coordinate and share data with the  
434.22 commissioner of children, youth, and families to enforce this section.

434.23 Sec. 5. Minnesota Statutes 2024, section 245A.16, subdivision 1, is amended to read:

434.24 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies that have been  
434.25 designated by the commissioner to perform licensing functions and activities under section  
434.26 245A.04; to recommend denial of applicants under section 245A.05; to issue correction  
434.27 orders, to issue variances, and recommend a conditional license under section 245A.06; or  
434.28 to recommend suspending or revoking a license or issuing a fine under section 245A.07,  
434.29 shall comply with rules and directives of the commissioner governing those functions and  
434.30 with this section. The following variances are excluded from the delegation of variance  
434.31 authority and may be issued only by the commissioner:

434.32 (1) dual licensure of child foster residence setting and community residential setting;

435.1 (2) until the responsibility for family child foster care transfers to the commissioner of  
435.2 children, youth, and families under Laws 2023, chapter 70, article 12, section 30, dual  
435.3 licensure of family child foster care and family adult foster care;

435.4 (3) until the responsibility for family child care transfers to the commissioner of children,  
435.5 youth, and families under Laws 2023, chapter 70, article 12, section 30, dual licensure of  
435.6 family adult foster care and family child care;

435.7 (4) adult foster care or community residential setting maximum capacity;

435.8 (5) adult foster care or community residential setting minimum age requirement;

435.9 (6) child foster care maximum age requirement;

435.10 (7) variances regarding disqualified individuals;

435.11 (8) the required presence of a caregiver in the adult foster care residence during normal  
435.12 sleeping hours;

435.13 (9) variances to requirements relating to chemical use problems of a license holder or a  
435.14 household member of a license holder; and

435.15 (10) variances to section 142B.46 for the use of a cradleboard for a cultural  
435.16 accommodation.

435.17 (b) Once the respective responsibilities transfer from the commissioner of human services  
435.18 to the commissioner of children, youth, and families, under Laws 2023, chapter 70, article

160.19 12, section 30, the commissioners of human services and children, youth, and families must  
160.20 both approve a variance for dual licensure of family child foster care and family adult foster  
160.21 care or family adult foster care and family child care. Variances under this paragraph are  
160.22 excluded from the delegation of variance authority and may be issued only by both  
160.23 commissioners.

160.24 ~~(e) For family adult day services programs, the commissioner may authorize licensing~~  
160.25 ~~reviews every two years after a licensee has had at least one annual review.~~

160.26 ~~(d) A~~ (c) An adult foster care, family adult day services, child foster residence setting,  
160.27 or community residential services license issued under this section may be issued for up to  
160.28 two years until implementation of the provider licensing and reporting hub. Upon  
160.29 implementation of the provider licensing and reporting hub, licenses may be issued each  
160.30 calendar year.

160.31 ~~(e)~~ (d) During implementation of chapter 245D, the commissioner shall consider:

160.32 (1) the role of counties in quality assurance;

161.1 (2) the duties of county licensing staff; and

161.2 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
161.3 through which some licensing duties under chapter 245D may be delegated by the  
161.4 commissioner to the counties.

161.5 Any consideration related to this paragraph must meet all of the requirements of the corrective  
161.6 action plan ordered by the federal Centers for Medicare and Medicaid Services.

161.7 ~~(f)~~ (e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
161.8 successor provisions; and section 245D.061 or successor provisions, for family child foster  
161.9 care programs providing out-of-home respite, as identified in section 245D.03, subdivision  
161.10 1, paragraph (b), clause (1), is excluded from the delegation of authority to county agencies.

161.11 Sec. 8. Minnesota Statutes 2024, section 245A.242, subdivision 2, is amended to read:

161.12 Subd. 2. **Emergency overdose treatment.** (a) A license holder must maintain a supply  
161.13 of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency  
161.14 treatment of opioid overdose and must have a written standing order protocol by a physician  
161.15 who is licensed under chapter 147, advanced practice registered nurse who is licensed under  
161.16 chapter 148, or physician assistant who is licensed under chapter 147A, that permits the  
161.17 license holder to maintain a supply of opiate antagonists on site. A license holder must  
161.18 require staff to undergo training in the specific mode of administration used at the program,  
161.19 which may include intranasal administration, intramuscular injection, or both, before the  
161.20 staff has direct contact, as defined in section 245C.02, subdivision 11, with a person served  
161.21 by the program.

161.22 (b) Notwithstanding any requirements to the contrary in Minnesota Rules, chapters 2960  
161.23 and 9530, and Minnesota Statutes, chapters 245F, 245G, and 245I:

435.19 12, section 30, the commissioners of human services and children, youth, and families must  
435.20 both approve a variance for dual licensure of family child foster care and family adult foster  
435.21 care or family adult foster care and family child care. Variances under this paragraph are  
435.22 excluded from the delegation of variance authority and may be issued only by both  
435.23 commissioners.

435.24 ~~(e) For family adult day services programs, the commissioner may authorize licensing~~  
435.25 ~~reviews every two years after a licensee has had at least one annual review.~~

435.26 ~~(d) A~~ (c) An adult foster care, family adult day services, child foster residence setting,  
435.27 or community residential services license issued under this section may be issued for up to  
435.28 two years until implementation of the provider licensing and reporting hub. Upon  
435.29 implementation of the provider licensing and reporting hub, licenses may be issued each  
435.30 calendar year.

435.31 ~~(e)~~ (d) During implementation of chapter 245D, the commissioner shall consider:

435.32 (1) the role of counties in quality assurance;

436.1 (2) the duties of county licensing staff; and

436.2 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
436.3 through which some licensing duties under chapter 245D may be delegated by the  
436.4 commissioner to the counties.

436.5 Any consideration related to this paragraph must meet all of the requirements of the corrective  
436.6 action plan ordered by the federal Centers for Medicare and Medicaid Services.

436.7 ~~(f)~~ (e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
436.8 successor provisions; and section 245D.061 or successor provisions, for family child foster  
436.9 care programs providing out-of-home respite, as identified in section 245D.03, subdivision  
436.10 1, paragraph (b), clause (1), is excluded from the delegation of authority to county agencies.

436.11 Sec. 6. Minnesota Statutes 2024, section 245A.242, subdivision 2, is amended to read:

436.12 Subd. 2. **Emergency overdose treatment.** (a) A license holder must maintain a supply  
436.13 of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency  
436.14 treatment of opioid overdose and must have a written standing order protocol by a physician  
436.15 who is licensed under chapter 147, advanced practice registered nurse who is licensed under  
436.16 chapter 148, or physician assistant who is licensed under chapter 147A, that permits the  
436.17 license holder to maintain a supply of opiate antagonists on site. A license holder must  
436.18 require staff to undergo training in the specific mode of administration used at the program,  
436.19 which may include intranasal administration, intramuscular injection, or both, before the  
436.20 staff has direct contact, as defined in section 245C.02, subdivision 11, with a person served  
436.21 by the program.

436.22 (b) Notwithstanding any requirements to the contrary in Minnesota Rules, chapters 2960  
436.23 and 9530, and Minnesota Statutes, chapters 245F, 245G, and 245I:

161.24 (1) emergency opiate antagonist medications are not required to be stored in a locked  
161.25 area and staff and adult clients may carry this medication on them and store it in an unlocked  
161.26 location;

161.27 (2) staff persons who only administer emergency opiate antagonist medications only  
161.28 require the training required by paragraph (a), which any knowledgeable trainer may provide.  
161.29 The trainer is not required to be a registered nurse or part of an accredited educational  
161.30 institution; and

161.31 (3) nonresidential substance use disorder treatment programs that do not administer  
161.32 client medications beyond emergency opiate antagonist medications are not required to  
161.33 have the policies and procedures required in section 245G.08, subdivisions 5 and 6, and  
162.1 must instead describe the program's procedures for administering opiate antagonist  
162.2 medications in the license holder's description of health care services under section 245G.08,  
162.3 subdivision 1.

162.4 Sec. 9. Minnesota Statutes 2024, section 245C.05, is amended by adding a subdivision to  
162.5 read:

162.6 Subd. 9. **Electronic signature.** For documentation requiring a signature under this  
162.7 chapter, use of an electronic signature as defined under section 325L.02, paragraph (h), is  
162.8 allowed.

162.9 Sec. 10. Minnesota Statutes 2024, section 245C.08, subdivision 3, is amended to read:

162.10 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
162.11 under this section, if the commissioner has reasonable cause to believe the information is  
162.12 pertinent to the disqualification of an individual, the commissioner also may review arrest  
162.13 and investigative information from:

162.14 (1) the Bureau of Criminal Apprehension;

162.15 (2) the commissioners of children, youth, and families; health; and human services;

162.16 (3) a ~~county attorney~~ prosecutor;

162.17 ~~(4) a county sheriff~~;

162.18 ~~(5) (4)~~ a county agency;

162.19 ~~(6) (5)~~ a ~~local chief of police~~ law enforcement agency;

162.20 ~~(7) (6)~~ other states;

162.21 ~~(8) (7)~~ the courts;

162.22 ~~(9) (8)~~ the Federal Bureau of Investigation;

162.23 ~~(10) (9)~~ the National Criminal Records Repository; and

162.24 ~~(11) (10)~~ criminal records from other states.

436.24 (1) emergency opiate antagonist medications are not required to be stored in a locked  
436.25 area and staff and adult clients may carry this medication on them and store it in an unlocked  
436.26 location;

436.27 (2) staff persons who only administer emergency opiate antagonist medications only  
436.28 require the training required by paragraph (a), which any knowledgeable trainer may provide.  
436.29 The trainer is not required to be a registered nurse or part of an accredited educational  
436.30 institution; and

436.31 (3) nonresidential substance use disorder treatment programs that do not administer  
436.32 client medications beyond emergency opiate antagonist medications are not required to  
436.33 have the policies and procedures required in section 245G.08, subdivisions 5 and 6, and  
437.1 must instead describe the program's procedures for administering opiate antagonist  
437.2 medications in the license holder's description of health care services under section 245G.08,  
437.3 subdivision 1.

437.4 Sec. 7. Minnesota Statutes 2024, section 245C.05, is amended by adding a subdivision to  
437.5 read:

437.6 Subd. 9. **Electronic signature.** For documentation requiring a signature under this  
437.7 chapter, use of an electronic signature as defined under section 325L.02, paragraph (h), is  
437.8 allowed.

437.9 Sec. 8. Minnesota Statutes 2024, section 245C.08, subdivision 3, is amended to read:

437.10 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
437.11 under this section, if the commissioner has reasonable cause to believe the information is  
437.12 pertinent to the disqualification of an individual, the commissioner also may review arrest  
437.13 and investigative information from:

437.14 (1) the Bureau of Criminal Apprehension;

437.15 (2) the commissioners of children, youth, and families; health; and human services;

437.16 (3) a ~~county attorney~~ prosecutor;

437.17 ~~(4) a county sheriff~~;

437.18 ~~(5) (4)~~ a county agency;

437.19 ~~(6) (5)~~ a ~~local chief of police~~ law enforcement agency;

437.20 ~~(7) (6)~~ other states;

437.21 ~~(8) (7)~~ the courts;

437.22 ~~(9) (8)~~ the Federal Bureau of Investigation;

437.23 ~~(10) (9)~~ the National Criminal Records Repository; and

437.24 ~~(11) (10)~~ criminal records from other states.

162.25 (b) Except when specifically required by law, the commissioner is not required to conduct  
162.26 more than one review of a subject's records from the Federal Bureau of Investigation if a  
162.27 review of the subject's criminal history with the Federal Bureau of Investigation has already  
162.28 been completed by the commissioner and there has been no break in the subject's affiliation  
162.29 with the entity that initiated the background study.

163.1 (c) If the commissioner conducts a national criminal history record check when required  
163.2 by law and uses the information from the national criminal history record check to make a  
163.3 disqualification determination, the data obtained is private data and cannot be shared with  
163.4 private agencies or prospective employers of the background study subject.

163.5 (d) If the commissioner conducts a national criminal history record check when required  
163.6 by law and uses the information from the national criminal history record check to make a  
163.7 disqualification determination, the license holder or entity that submitted the study is not  
163.8 required to obtain a copy of the background study subject's disqualification letter under  
163.9 section 245C.17, subdivision 3.

163.10 Sec. 11. Minnesota Statutes 2024, section 245C.22, subdivision 5, is amended to read:

163.11 Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification under  
163.12 this section, the disqualified individual remains disqualified, but may hold a license and  
163.13 have direct contact with or access to persons receiving services. Except as provided in  
163.14 paragraph (b), the commissioner's set-aside of a disqualification is limited solely to the  
163.15 licensed program, applicant, or agency specified in the set aside notice under section 245C.23.  
163.16 For personal care provider organizations, financial management services organizations,  
163.17 community first services and supports organizations, unlicensed home and community-based  
163.18 organizations, and consumer-directed community supports organizations, the commissioner's  
163.19 set-aside may further be limited to a specific individual who is receiving services. For new  
163.20 background studies required under section 245C.04, subdivision 1, paragraph (h), if an  
163.21 individual's disqualification was previously set aside for the license holder's program and  
163.22 the new background study results in no new information that indicates the individual may  
163.23 pose a risk of harm to persons receiving services from the license holder, the previous  
163.24 set-aside shall remain in effect.

163.25 (b) If the commissioner has previously set aside an individual's disqualification for one  
163.26 or more programs or agencies, and the individual is the subject of a subsequent background  
163.27 study for a different program or agency, the commissioner shall determine whether the  
163.28 disqualification is set aside for the program or agency that initiated the subsequent  
163.29 background study. A notice of a set-aside under paragraph (c) shall be issued within 15  
163.30 working days if all of the following criteria are met:

163.31 (1) the subsequent background study was initiated in connection with a program licensed  
163.32 or regulated under the same provisions of law and rule for at least one program for which  
163.33 the individual's disqualification was previously set aside by the commissioner;

437.25 (b) Except when specifically required by law, the commissioner is not required to conduct  
437.26 more than one review of a subject's records from the Federal Bureau of Investigation if a  
437.27 review of the subject's criminal history with the Federal Bureau of Investigation has already  
437.28 been completed by the commissioner and there has been no break in the subject's affiliation  
437.29 with the entity that initiated the background study.

438.1 (c) If the commissioner conducts a national criminal history record check when required  
438.2 by law and uses the information from the national criminal history record check to make a  
438.3 disqualification determination, the data obtained is private data and cannot be shared with  
438.4 private agencies or prospective employers of the background study subject.

438.5 (d) If the commissioner conducts a national criminal history record check when required  
438.6 by law and uses the information from the national criminal history record check to make a  
438.7 disqualification determination, the license holder or entity that submitted the study is not  
438.8 required to obtain a copy of the background study subject's disqualification letter under  
438.9 section 245C.17, subdivision 3.

438.10 Sec. 9. Minnesota Statutes 2024, section 245C.22, subdivision 5, is amended to read:

438.11 Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification under  
438.12 this section, the disqualified individual remains disqualified, but may hold a license and  
438.13 have direct contact with or access to persons receiving services. Except as provided in  
438.14 paragraph (b), the commissioner's set-aside of a disqualification is limited solely to the  
438.15 licensed program, applicant, or agency specified in the set aside notice under section 245C.23.  
438.16 For personal care provider organizations, financial management services organizations,  
438.17 community first services and supports organizations, unlicensed home and community-based  
438.18 organizations, and consumer-directed community supports organizations, the commissioner's  
438.19 set-aside may further be limited to a specific individual who is receiving services. For new  
438.20 background studies required under section 245C.04, subdivision 1, paragraph (h), if an  
438.21 individual's disqualification was previously set aside for the license holder's program and  
438.22 the new background study results in no new information that indicates the individual may  
438.23 pose a risk of harm to persons receiving services from the license holder, the previous  
438.24 set-aside shall remain in effect.

438.25 (b) If the commissioner has previously set aside an individual's disqualification for one  
438.26 or more programs or agencies, and the individual is the subject of a subsequent background  
438.27 study for a different program or agency, the commissioner shall determine whether the  
438.28 disqualification is set aside for the program or agency that initiated the subsequent  
438.29 background study. A notice of a set-aside under paragraph (c) shall be issued within 15  
438.30 working days if all of the following criteria are met:

438.31 (1) the subsequent background study was initiated in connection with a program licensed  
438.32 or regulated under the same provisions of law and rule for at least one program for which  
438.33 the individual's disqualification was previously set aside by the commissioner;

164.1 (2) the individual is not disqualified for an offense specified in section 245C.15,  
164.2 subdivision 1 or 2;

164.3 (3) the commissioner has received no new information to indicate that the individual  
164.4 may pose a risk of harm to any person served by the program; and

164.5 (4) the previous set-aside was not limited to a specific person receiving services.

164.6 (c) Notwithstanding paragraph (b), clause (2), for an individual who is employed in the  
164.7 substance use disorder field, if the commissioner has previously set aside an individual's  
164.8 disqualification for one or more programs or agencies in the substance use disorder treatment  
164.9 field, and the individual is the subject of a subsequent background study for a different  
164.10 program or agency in the substance use disorder treatment field, the commissioner shall set  
164.11 aside the disqualification for the program or agency in the substance use disorder treatment  
164.12 field that initiated the subsequent background study when the criteria under paragraph (b),  
164.13 clauses (1), (3), and (4), are met and the individual is not disqualified for an offense specified  
164.14 in section 245C.15, subdivision 1. A notice of a set-aside under paragraph (d) shall be issued  
164.15 within 15 working days.

164.16 (d) When a disqualification is set aside under paragraph (b), the notice of background  
164.17 study results issued under section 245C.17, in addition to the requirements under section  
164.18 245C.17, shall state that the disqualification is set aside for the program or agency that  
164.19 initiated the subsequent background study. The notice must inform the individual that the  
164.20 individual may request reconsideration of the disqualification under section 245C.21 on the  
164.21 basis that the information used to disqualify the individual is incorrect.

164.22 Sec. 12. Minnesota Statutes 2024, section 245D.02, subdivision 4a, is amended to read:

164.23 Subd. 4a. **Community residential setting.** "Community residential setting" means a  
164.24 residential program ~~as identified in section 245A.11, subdivision 8,~~ where residential supports  
164.25 and services identified in section 245D.03, subdivision 1, paragraph (c), clause (3), items  
164.26 (i) and (ii), are provided to adults, as defined in section 245A.02, subdivision 2, and the  
164.27 license holder is the owner, lessor, or tenant of the facility licensed according to this chapter,  
164.28 and the license holder does not reside in the facility.

164.29 **EFFECTIVE DATE.** This section is effective August 1, 2025.

164.30 Sec. 13. Minnesota Statutes 2024, section 245G.05, subdivision 1, is amended to read:

164.31 Subdivision 1. **Comprehensive assessment.** A comprehensive assessment of the client's  
164.32 substance use disorder must be administered face-to-face by an alcohol and drug counselor  
165.1 within five calendar days from the day of service initiation for a residential program or by  
165.2 the end of the fifth day on which a treatment service is provided in a nonresidential program.  
165.3 The number of days to complete the comprehensive assessment excludes the day of service  
165.4 initiation. If the comprehensive assessment is not completed within the required time frame,  
165.5 the person-centered reason for the delay and the planned completion date must be documented  
165.6 in the client's file. The comprehensive assessment is complete upon a qualified staff member's

439.1 (2) the individual is not disqualified for an offense specified in section 245C.15,  
439.2 subdivision 1 or 2;

439.3 (3) the commissioner has received no new information to indicate that the individual  
439.4 may pose a risk of harm to any person served by the program; and

439.5 (4) the previous set-aside was not limited to a specific person receiving services.

439.6 (c) Notwithstanding paragraph (b), clause (2), for an individual who is employed in the  
439.7 substance use disorder field, if the commissioner has previously set aside an individual's  
439.8 disqualification for one or more programs or agencies in the substance use disorder treatment  
439.9 field, and the individual is the subject of a subsequent background study for a different  
439.10 program or agency in the substance use disorder treatment field, the commissioner shall set  
439.11 aside the disqualification for the program or agency in the substance use disorder treatment  
439.12 field that initiated the subsequent background study when the criteria under paragraph (b),  
439.13 clauses (1), (3), and (4), are met and the individual is not disqualified for an offense specified  
439.14 in section 245C.15, subdivision 1. A notice of a set-aside under paragraph (d) shall be issued  
439.15 within 15 working days.

439.16 (d) When a disqualification is set aside under paragraph (b), the notice of background  
439.17 study results issued under section 245C.17, in addition to the requirements under section  
439.18 245C.17, shall state that the disqualification is set aside for the program or agency that  
439.19 initiated the subsequent background study. The notice must inform the individual that the  
439.20 individual may request reconsideration of the disqualification under section 245C.21 on the  
439.21 basis that the information used to disqualify the individual is incorrect.

439.22 Sec. 10. Minnesota Statutes 2024, section 245D.02, subdivision 4a, is amended to read:

439.23 Subd. 4a. **Community residential setting.** "Community residential setting" means a  
439.24 residential program ~~as identified in section 245A.11, subdivision 8,~~ where residential supports  
439.25 and services identified in section 245D.03, subdivision 1, paragraph (c), clause (3), items  
439.26 (i) and (ii), are provided to adults, as defined in section 245A.02, subdivision 2, and the  
439.27 license holder is the owner, lessor, or tenant of the facility licensed according to this chapter,  
439.28 and the license holder does not reside in the facility.

439.29 **EFFECTIVE DATE.** This section is effective August 1, 2025.

165.7 dated signature. If the client previously received a comprehensive assessment ~~that authorized~~  
165.8 ~~the treatment service~~, an alcohol and drug counselor may use the comprehensive assessment  
165.9 for requirements of this subdivision but must document a review of the comprehensive  
165.10 assessment and update the comprehensive assessment as clinically necessary to ensure  
165.11 compliance with this subdivision within applicable timelines. An alcohol and drug counselor  
165.12 must sign and date the comprehensive assessment review and update.

165.13 Sec. 14. Minnesota Statutes 2024, section 245G.06, subdivision 1, is amended to read:

165.14 Subdivision 1. **General.** Each client must have a person-centered individual treatment  
165.15 plan developed by an alcohol and drug counselor within ten days from the day of service  
165.16 initiation for a residential program, by the end of the tenth day on which a treatment session  
165.17 has been provided from the day of service initiation for a client in a nonresidential program,  
165.18 not to exceed 30 days. Opioid treatment programs must complete the individual treatment  
165.19 plan within ~~24~~ 14 days from the day of service initiation. The number of days to complete  
165.20 the individual treatment plan excludes the day of service initiation. The individual treatment  
165.21 plan must be signed by the client and the alcohol and drug counselor and document the  
165.22 client's involvement in the development of the plan. The individual treatment plan is  
165.23 developed upon the qualified staff member's dated signature. Treatment planning must  
165.24 include ongoing assessment of client needs. An individual treatment plan must be updated  
165.25 based on new information gathered about the client's condition, the client's level of  
165.26 participation, and on whether methods identified have the intended effect. A change to the  
165.27 plan must be signed by the client and the alcohol and drug counselor. If the client chooses  
165.28 to have family or others involved in treatment services, the client's individual treatment plan  
165.29 must include how the family or others will be involved in the client's treatment. If a client  
165.30 is receiving treatment services or an assessment via telehealth and the alcohol and drug  
165.31 counselor documents the reason the client's signature cannot be obtained, the alcohol and  
165.32 drug counselor may document the client's verbal approval or electronic written approval of  
165.33 the treatment plan or change to the treatment plan in lieu of the client's signature.

166.1 Sec. 15. Minnesota Statutes 2024, section 245G.06, subdivision 2a, is amended to read:

166.2 Subd. 2a. **Documentation of treatment services.** The license holder must ensure that  
166.3 the staff member who provides the treatment service documents in the client record the  
166.4 date, type, and amount of each treatment service provided to a client and the client's response  
166.5 to each treatment service within seven days of providing the treatment service. In addition  
166.6 to the other requirements of this subdivision, if a guest speaker presents information during  
166.7 a treatment service, the alcohol and drug counselor who provided the service and is  
166.8 responsible for the information presented by the guest speaker must document the name of  
166.9 the guest speaker, date of service, time the presentation began, time the presentation ended,  
166.10 and a summary of the topic presentation.

166.11 Sec. 16. Minnesota Statutes 2024, section 245G.06, subdivision 3a, is amended to read:

166.12 Subd. 3a. **Frequency of treatment plan reviews.** (a) A license holder must ensure that  
166.13 the alcohol and drug counselor responsible for a client's treatment plan completes and

166.14 documents a treatment plan review that meets the requirements of subdivision 3 in each  
166.15 client's file, according to the frequencies required in this subdivision. All ASAM levels  
166.16 referred to in this chapter are those described in section 254B.19, subdivision 1.

166.17 (b) For a client receiving residential ASAM level 3.3 or 3.5 high-intensity services or  
166.18 residential hospital-based services, a treatment plan review must be completed once every  
166.19 14 days.

166.20 (c) For a client receiving residential ASAM level 3.1 low-intensity services or any other  
166.21 residential level not listed in paragraph (b), a treatment plan review must be completed once  
166.22 every 30 days.

166.23 (d) For a client receiving nonresidential ASAM level 2.5 partial hospitalization services,  
166.24 a treatment plan review must be completed once every 14 days.

166.25 (e) For a client receiving nonresidential ASAM level 1.0 outpatient or 2.1 intensive  
166.26 outpatient services or any other nonresidential level not included in paragraph (d), a treatment  
166.27 plan review must be completed once every 30 days.

166.28 (f) For a client receiving nonresidential opioid treatment program services according to  
166.29 section 245G.22, a treatment plan review must be completed:

166.30 (1) weekly for the ten weeks following completion of the treatment plan; and

166.31 (2) monthly thereafter.

166.32 Treatment plan reviews must be completed more frequently when clinical needs warrant.

167.1 (g) The ten-week time frame in paragraph (f), clause (1), may include a client's previous  
167.2 time at another opioid treatment program licensed in Minnesota under section 245G.22 if:

167.3 (1) the client was enrolled in the other opioid treatment program immediately prior to  
167.4 admission to the license holder's program;

167.5 (2) the client did not miss taking a daily dose of medication to treat an opioid use disorder;  
167.6 and

167.7 (3) the license holder obtains from the previous opioid treatment program the client's  
167.8 number of days in comprehensive treatment, discharge summary, amount of daily milligram  
167.9 dose of medication for opioid use disorder, and previous three drug abuse test results.

167.10 ~~(g)~~ (h) Notwithstanding paragraphs (e) and (f), clause (2), for a client in a nonresidential  
167.11 program with a treatment plan that clearly indicates less than five hours of skilled treatment  
167.12 services will be provided to the client each month, a treatment plan review must be completed  
167.13 once every 90 days. Treatment plan reviews must be completed more frequently when  
167.14 clinical needs warrant.

- 167.15 Sec. 17. Minnesota Statutes 2024, section 245G.07, subdivision 2, is amended to read:
- 167.16 Subd. 2. **Additional treatment service.** A license holder may provide or arrange the
- 167.17 following additional treatment service as a part of the client's individual treatment plan:
- 167.18 (1) relationship counseling provided by a qualified professional to help the client identify
- 167.19 the impact of the client's substance use disorder on others and to help the client and persons
- 167.20 in the client's support structure identify and change behaviors that contribute to the client's
- 167.21 substance use disorder;
- 167.22 (2) therapeutic recreation to allow the client to participate in recreational activities
- 167.23 without the use of mood-altering chemicals and to plan and select leisure activities that do
- 167.24 not involve the inappropriate use of chemicals;
- 167.25 (3) stress management and physical well-being to help the client reach and maintain an
- 167.26 appropriate level of health, physical fitness, and well-being;
- 167.27 (4) living skills development to help the client learn basic skills necessary for independent
- 167.28 living;
- 167.29 (5) employment or educational services to help the client become financially independent;
- 167.30 (6) socialization skills development to help the client live and interact with others in a
- 167.31 positive and productive manner;
- 168.1 (7) room, board, and supervision at the treatment site to provide the client with a safe
- 168.2 and appropriate environment to gain and practice new skills; and
- 168.3 (8) peer recovery support services must be provided one-to-one and face-to-face, by a
- 168.4 recovery peer ~~qualified~~ according to section 245I.04, subdivision 18. Peer recovery support
- 168.5 services must be provided according to sections 254B.05, subdivision 5, and 254B.052, and
- 168.6 may be provided through telehealth according to section 256B.0625, subdivision 3b.
- 168.7 Sec. 18. Minnesota Statutes 2024, section 245G.08, subdivision 6, is amended to read:
- 168.8 Subd. 6. **Control of drugs.** A license holder must have and implement written policies
- 168.9 and procedures developed by a registered nurse that contain:
- 168.10 (1) a requirement that each drug must be stored in a locked compartment. A Schedule
- 168.11 II drug, as defined by section 152.02, subdivision 3, must be stored in a separately locked
- 168.12 compartment, permanently affixed to the physical plant or medication cart;
- 168.13 (2) a documentation system ~~which~~ that accounts for all ~~scheduled drugs each shift~~
- 168.14 ~~schedule II to V drugs listed in section 152.02, subdivisions 3 to 6;~~
- 168.15 (3) a procedure for recording the client's use of medication, including the signature of
- 168.16 the staff member who completed the administration of the medication with the time and
- 168.17 date;
- 168.18 (4) a procedure to destroy a discontinued, outdated, or deteriorated medication;



168.19 (5) a statement that only authorized personnel are permitted access to the keys to a locked  
168.20 compartment;

168.21 (6) a statement that no legend drug supply for one client shall be given to another client;  
168.22 and

168.23 (7) a procedure for monitoring the available supply of an opiate antagonist as defined  
168.24 in section 604A.04, subdivision 1, on site and replenishing the supply when needed.

168.25 Sec. 19. Minnesota Statutes 2024, section 245G.09, subdivision 3, is amended to read:

168.26 Subd. 3. **Contents.** (a) Client records must contain the following:

168.27 (1) documentation that the client was given:

168.28 (i) information on client rights and responsibilities; and grievance procedures; on the  
168.29 day of service initiation;

169.1 (ii) information on tuberculosis; and HIV; and that the client was provided within 72  
169.2 hours of service initiation;

169.3 (iii) an orientation to the program abuse prevention plan required under section 245A.65,  
169.4 subdivision 2, paragraph (a), clause (4); ~~If the client has an opioid use disorder, the record~~  
169.5 ~~must contain documentation that the client was provided,~~ within 24 hours of admission or,  
169.6 for clients who would benefit from a later orientation, 72 hours; and

169.7 (iv) opioid educational information material according to section 245G.04, subdivision  
169.8 3, on the day of service initiation;

169.9 (2) an initial services plan completed according to section 245G.04;

169.10 (3) a comprehensive assessment completed according to section 245G.05;

169.11 (4) an individual abuse prevention plan according to sections 245A.65, subdivision 2,  
169.12 and 626.557, subdivision 14, when applicable;

169.13 (5) an individual treatment plan according to section 245G.06, subdivisions 1 and 1a;

169.14 (6) documentation of treatment services, significant events, appointments, concerns, and  
169.15 treatment plan reviews according to section 245G.06, subdivisions 2a, 2b, 3, and 3a; and

169.16 (7) a summary at the time of service termination according to section 245G.06,  
169.17 subdivision 4.

169.18 (b) For a client that transfers to another of the license holder's licensed treatment locations,  
169.19 the license holder is not required to complete new documents or orientation for the client,  
169.20 except that the client must receive an orientation to the new location's grievance procedure,  
169.21 program abuse prevention plan, and maltreatment of minor and vulnerable adults reporting  
169.22 procedures.

169.23 Sec. 20. Minnesota Statutes 2024, section 245G.11, subdivision 11, is amended to read:

169.24 Subd. 11. **Individuals with temporary permit.** An individual with a temporary permit  
169.25 from the Board of Behavioral Health and Therapy may provide substance use disorder  
169.26 treatment service services and complete comprehensive assessments, individual treatment  
169.27 plans, treatment plan reviews, and service discharge summaries according to this subdivision  
169.28 if they meet the requirements of either paragraph (a) or (b).

169.29 (a) An individual with a temporary permit must be supervised by a licensed alcohol and  
169.30 drug counselor assigned by the license holder. The supervising licensed alcohol and drug  
169.31 counselor must document the amount and type of supervision provided at least on a weekly  
169.32 basis. The supervision must relate to the clinical practice.

170.1 (b) An individual with a temporary permit must be supervised by a clinical supervisor  
170.2 approved by the Board of Behavioral Health and Therapy. The supervision must be  
170.3 documented and meet the requirements of section 148F.04, subdivision 4.

170.4 Sec. 21. Minnesota Statutes 2024, section 245G.18, subdivision 2, is amended to read:

170.5 Subd. 2. **Alcohol and drug counselor qualifications.** In addition to the requirements  
170.6 specified in section 245G.11, subdivisions 1 and 5, an alcohol and drug counselor providing  
170.7 treatment service to an adolescent must have:

170.8 ~~(1)~~ an additional 30 hours of training or classroom instruction or one three-credit semester  
170.9 college course in adolescent development. ~~This~~ The training, classroom instruction, or  
170.10 college course must be completed no later than six months after the counselor first provides  
170.11 treatment services to adolescents and need only be completed one time; and. The training  
170.12 must be interactive and must not consist only of reading information. An alcohol and drug  
170.13 counselor who is also qualified as a mental health professional under section 245I.04,  
170.14 subdivision 2, is exempt from the requirement in this subdivision.

170.15 ~~(2) at least 150 hours of supervised experience as an adolescent counselor, either as a~~  
170.16 ~~student or as a staff member.~~

170.17 Sec. 22. Minnesota Statutes 2024, section 245G.19, subdivision 4, is amended to read:

170.18 Subd. 4. **Additional licensing requirements.** During the times the license holder is  
170.19 responsible for the supervision of a child, except for license holders described in subdivision  
170.20 5, the license holder must meet the following standards:

170.21 (1) child and adult ratios in Minnesota Rules, part 9502.0367;

170.22 (2) day care training in section 142B.70;

170.23 (3) behavior guidance in Minnesota Rules, part 9502.0395;

170.24 (4) activities and equipment in Minnesota Rules, part 9502.0415;

170.25 (5) physical environment in Minnesota Rules, part 9502.0425;

170.26 (6) physical space requirements in section 142B.72; and

170.27 (7) water, food, and nutrition in Minnesota Rules, part 9502.0445, unless the license

170.28 holder has a license from the Department of Health.

171.1 Sec. 23. Minnesota Statutes 2024, section 245G.19, is amended by adding a subdivision

171.2 to read:

171.3 Subd. 5. **Child care license exemption.** (a) License holders that only provide supervision

171.4 of children for less than three hours a day while the child's parent is in the same building

171.5 or contiguous building as allowed by the exclusion from licensure in section 245A.03,

171.6 subdivision 2, paragraph (a), clause (6), are exempt from the requirements of subdivision

171.7 4 if the requirements of this subdivision are met.

171.8 (b) During the times the license holder is responsible for the supervision of the child,

171.9 there must always be a staff member present who is responsible for supervising the child

171.10 who is trained in cardiopulmonary resuscitation (CPR) and first aid. This staff person must

171.11 be able to immediately contact the child's parent at all times.

171.12 Sec. 24. Minnesota Statutes 2024, section 245G.22, subdivision 1, is amended to read:

171.13 Subdivision 1. **Additional requirements.** (a) An opioid treatment program licensed

171.14 under this chapter must also: (1) comply with the requirements of this section and Code of

171.15 Federal Regulations, title 42, part 8; (2) be registered as a narcotic treatment program with

171.16 the Drug Enforcement Administration; (3) be accredited through an accreditation body

171.17 approved by the Division of Pharmacologic Therapy of the Center for Substance Abuse

171.18 Treatment; (4) be certified through the Division of Pharmacologic Therapy of the Center

171.19 for Substance Abuse Treatment; and (5) hold a license from the Minnesota Board of

171.20 Pharmacy or equivalent agency meet the requirements for dispensing by a practitioner in

171.21 section 151.37, subdivision 2, and Minnesota Rules, parts 6800.9950 to 6800.9954.

171.22 (b) A license holder operating under the dispensing by practitioner requirements in

171.23 section 151.37, subdivision 2, and Minnesota Rules, parts 6800.9950 to 6800.9954, must

171.24 maintain documentation that the practitioner responsible for complying with the above

171.25 statute and rules has signed a statement attesting that they are the practitioner responsible

171.26 for complying with the applicable statutes and rules. If more than one person is responsible

171.27 for compliance, all practitioners must sign a statement.

171.28 ~~(b)~~ (c) Where a standard in this section differs from a standard in an otherwise applicable

171.29 administrative rule or statute, the standard of this section applies.

171.30 Sec. 25. Minnesota Statutes 2024, section 245G.22, subdivision 14, is amended to read:

171.31 Subd. 14. **Central registry.** ~~(a)~~ A license holder must comply with requirements to

171.32 submit information and necessary consents to the state central registry for each client

172.1 admitted, as specified by the commissioner. The license holder must submit data concerning

172.2 medication used for the treatment of opioid use disorder. The data must be submitted in a

172.3 method determined by the commissioner and the original information must be kept in the

172.4 client's record. The information must be submitted for each client at admission and discharge.  
172.5 The program must document the date the information was submitted. The client's failure to  
172.6 provide the information shall prohibit participation in an opioid treatment program. The  
172.7 information submitted must include the client's:

172.8 (1) full name and all aliases;

172.9 (2) date of admission;

172.10 (3) date of birth;

172.11 (4) Social Security number or Alien Registration Number, if any; and

172.12 (5) current or previous enrollment status in another opioid treatment program;

172.13 ~~(6) government-issued photo identification card number; and~~

172.14 ~~(7) driver's license number, if any.~~

172.15 ~~(b) The requirements in paragraph (a) are effective upon the commissioner's~~

172.16 ~~implementation of changes to the drug and alcohol abuse normative evaluation system or~~

172.17 ~~development of an electronic system by which to submit the data.~~

172.18 Sec. 26. Minnesota Statutes 2024, section 245G.22, subdivision 15, is amended to read:

172.19 Subd. 15. **Nonmedication treatment services; documentation.** (a) The program must  
172.20 offer at least 50 consecutive minutes of individual or group therapy treatment services as  
172.21 defined in section 245G.07, subdivision 1, paragraph (a), clause (1), per week, for the first  
172.22 ten weeks following the day of service initiation, and at least 50 consecutive minutes per  
172.23 month thereafter. As clinically appropriate, the program may offer these services cumulatively  
172.24 and not consecutively in increments of no less than 15 minutes over the required time period,  
172.25 and for a total of 60 minutes of treatment services over the time period, and must document  
172.26 the reason for providing services cumulatively in the client's record. The program may offer  
172.27 additional levels of service when deemed clinically necessary.

172.28 (b) The ten-week time frame may include a client's previous time at another opioid  
172.29 treatment program licensed in Minnesota under this section if:

172.30 (1) the client was enrolled in the other opioid treatment program immediately prior to  
172.31 admission to the license holder's program;

173.1 (2) the client did not miss taking a daily dose of medication to treat an opioid use disorder;  
173.2 and

173.3 (3) the license holder obtains from the previous opioid treatment program the client's  
173.4 number of days in comprehensive maintenance treatment, discharge summary, amount of  
173.5 daily milligram dose of medication for opioid use disorder, and previous three drug abuse  
173.6 test results.

173.7 ~~(b)~~ (c) Notwithstanding the requirements of comprehensive assessments in section  
173.8 245G.05, the assessment must be completed within 21 days from the day of service initiation.

173.9 Sec. 27. Minnesota Statutes 2024, section 256.98, subdivision 1, is amended to read:

173.10 Subdivision 1. **Wrongfully obtaining assistance.** (a) A person who commits any of the  
173.11 following acts or omissions with intent to defeat the purposes of sections 145.891 to 145.897,  
173.12 the MFIP program formerly codified in sections 256.031 to 256.0361, the AFDC program  
173.13 formerly codified in sections 256.72 to 256.871, chapter 142G, 256B, 256D, 256I, 256K,  
173.14 or 256L, child care assistance programs, and emergency assistance programs under section  
173.15 256D.06, is guilty of theft and shall be sentenced under section 609.52, subdivision 3, clauses  
173.16 (1) to (5):

173.17 (1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a  
173.18 willfully false statement or representation, by intentional concealment of any material fact,  
173.19 or by impersonation or other fraudulent device, assistance or the continued receipt of  
173.20 assistance, to include child care assistance or food benefits produced according to sections  
173.21 145.891 to 145.897 and MinnesotaCare services according to sections 256.9365, 256.94,  
173.22 and 256L.01 to 256L.15, to which the person is not entitled or assistance greater than that  
173.23 to which the person is entitled;

173.24 (2) knowingly aids or abets in buying or in any way disposing of the property of a  
173.25 recipient or applicant of assistance without the consent of the county agency; or

173.26 (3) obtains or attempts to obtain, alone or in collusion with others, the receipt of payments  
173.27 to which the individual is not entitled as a provider of subsidized child care, ~~or, by furnishing~~  
173.28 ~~or concurring in offering, providing, soliciting, or receiving illegal remuneration as described~~  
173.29 ~~in section 142E.51, subdivision 6a, or in violation of section 609.542, subdivision 2; or by~~  
173.30 ~~submitting or aiding and abetting the submission of a willfully false claim for child care~~  
173.31 ~~assistance.~~

173.32 (b) The continued receipt of assistance to which the person is not entitled or greater than  
173.33 that to which the person is entitled as a result of any of the acts, failure to act, or concealment  
174.1 described in this subdivision shall be deemed to be continuing offenses from the date that  
174.2 the first act or failure to act occurred.

174.3 Sec. 28. Minnesota Statutes 2024, section 256B.064, subdivision 1a, is amended to read:

174.4 Subd. 1a. **Grounds for sanctions.** (a) The commissioner may impose sanctions against  
174.5 any individual or entity that receives payments from medical assistance or provides goods  
174.6 or services for which payment is made from medical assistance for any of the following:

439.30 Sec. 11. Minnesota Statutes 2024, section 256.98, subdivision 1, is amended to read:

439.31 Subdivision 1. **Wrongfully obtaining assistance.** (a) A person who commits any of the  
439.32 following acts or omissions with intent to defeat the purposes of sections 145.891 to 145.897,  
440.1 the MFIP program formerly codified in sections 256.031 to 256.0361, the AFDC program  
440.2 formerly codified in sections 256.72 to 256.871, chapter 142G, 256B, 256D, 256I, 256K,  
440.3 or 256L, child care assistance programs, and emergency assistance programs under section  
440.4 256D.06, is guilty of theft and shall be sentenced under section 609.52, subdivision 3, clauses  
440.5 (1) to (5):

440.6 (1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a  
440.7 willfully false statement or representation, by intentional concealment of any material fact,  
440.8 or by impersonation or other fraudulent device, assistance or the continued receipt of  
440.9 assistance, to include child care assistance or food benefits produced according to sections  
440.10 145.891 to 145.897 and MinnesotaCare services according to sections 256.9365, 256.94,  
440.11 and 256L.01 to 256L.15, to which the person is not entitled or assistance greater than that  
440.12 to which the person is entitled;

440.13 (2) knowingly aids or abets in buying or in any way disposing of the property of a  
440.14 recipient or applicant of assistance without the consent of the county agency; or

440.15 (3) obtains or attempts to obtain, alone or in collusion with others, the receipt of payments  
440.16 to which the individual is not entitled as a provider of subsidized child care, ~~or by furnishing~~  
440.17 ~~or concurring in receiving or providing any prohibited payment, as defined in section~~  
440.18 ~~609.542, subdivision 2, including a kickback, or by submitting or aiding or abetting the~~  
440.19 ~~submission of a willfully false claim for child care assistance.~~

440.20 (b) The continued receipt of assistance to which the person is not entitled or greater than  
440.21 that to which the person is entitled as a result of any of the acts, failure to act, or concealment  
440.22 described in this subdivision shall be deemed to be continuing offenses from the date that  
440.23 the first act or failure to act occurred.

440.24 Sec. 12. Minnesota Statutes 2024, section 256B.064, subdivision 1a, is amended to read:

440.25 Subd. 1a. **Grounds for sanctions.** (a) The commissioner may impose sanctions against  
440.26 any individual or entity that receives payments from medical assistance or provides goods  
440.27 or services for which payment is made from medical assistance for any of the following:  
440.28 (1) fraud, theft, or abuse in connection with the provision of goods and services to recipients  
440.29 of public assistance for which payment is made from medical assistance; (2) a pattern of  
440.30 presentment of false or duplicate claims or claims for services not medically necessary; (3)  
440.31 a pattern of making false statements of material facts for the purpose of obtaining greater  
440.32 compensation than that to which the individual or entity is legally entitled; (4) suspension  
440.33 or termination as a Medicare vendor; (5) refusal to grant the state agency access during

174.7 (1) fraud, theft, or abuse in connection with the provision of goods and services to  
174.8 recipients of public assistance for which payment is made from medical assistance;  
174.9 (2) a pattern of presentment of false or duplicate claims or claims for services not  
174.10 medically necessary;  
174.11 (3) a pattern of making false statements of material facts for the purpose of obtaining  
174.12 greater compensation than that to which the individual or entity is legally entitled;  
174.13 (4) suspension or termination as a Medicare vendor;  
174.14 (5) refusal to grant the state agency access during regular business hours to examine all  
174.15 records necessary to disclose the extent of services provided to program recipients and  
174.16 appropriateness of claims for payment;  
174.17 (6) failure to repay an overpayment or a fine finally established under this section;  
174.18 (7) failure to correct errors in the maintenance of health service or financial records for  
174.19 which a fine was imposed or after issuance of a warning by the commissioner; and  
174.20 (8) any reason for which an individual or entity could be excluded from participation in  
174.21 the Medicare program under section 1128, 1128A, or 1866(b)(2) of the Social Security Act.  
174.22 (b) For the purposes of this section, goods or services for which payment is made from  
174.23 medical assistance includes but is not limited to care and services identified in section  
174.24 256B.0625 or provided pursuant to any federally approved waiver.  
174.25 (c) Regardless of the source of payment or other item of value, the commissioner may  
174.26 impose sanctions against any individual or entity that solicits, receives, pays, or offers to  
174.27 pay any illegal remuneration as described in section 142E.51, subdivision 6a, in violation  
174.28 of section 609.542, subdivision 2, or in violation of United States Code, title 42, section

440.34 regular business hours to examine all records necessary to disclose the extent of services  
441.1 provided to program recipients and appropriateness of claims for payment; (6) failure to  
441.2 repay an overpayment or a fine finally established under this section; (7) failure to correct  
441.3 errors in the maintenance of health service or financial records for which a fine was imposed  
441.4 or after issuance of a warning by the commissioner; (8) soliciting or receiving any  
441.5 remuneration as defined in section 609.542, subdivision 3, or United States Code, title 42,  
441.6 section 1320a-7b(b)(1), and a criminal conviction is not required; (9) paying or offering to  
441.7 pay any remuneration as defined in section 609.542, subdivision 2, or United States Code,  
441.8 title 42, section 1320a-7b(b)(2), and a criminal conviction is not required; and ~~(8)~~ (10) any  
441.9 reason for which an individual or entity could be excluded from participation in the Medicare  
441.10 program under section 1128, 1128A, or 1866(b)(2) of the Social Security Act. For the  
441.11 purposes of this section, goods or services for which payment is made from medical  
441.12 assistance includes but is not limited to care and services identified in section 256B.0625  
441.13 or provided pursuant to any federally approved waiver.

174.29 1320a-7b(b)(1) or (2). No conviction is required before the commissioner can impose  
174.30 sanctions under this paragraph.

175.1 ~~(b)~~ (d) The commissioner may impose sanctions against a pharmacy provider for failure  
175.2 to respond to a cost of dispensing survey under section 256B.0625, subdivision 13e,  
175.3 paragraph (h).

175.4 Sec. 29. Minnesota Statutes 2024, section 256I.04, subdivision 2c, is amended to read:

175.5 Subd. 2c. **Background study requirements.** (a) Effective July 1, 2016, A provider of  
175.6 housing support must initiate background studies in accordance with chapter 245C of the  
175.7 following individuals: section 245C.03, subdivision 10.

175.8 (1) controlling individuals as defined in section 245A.02;

175.9 (2) managerial officials as defined in section 245A.02; and

175.10 (3) all employees and volunteers of the establishment who have direct contact with  
175.11 recipients, or who have unsupervised access to recipients, their personal property, or their  
175.12 private data.

175.13 (b) The provider of housing support must maintain compliance with all requirements  
175.14 established for entities initiating background studies under chapter 245C. A provider initiating  
175.15 a background study pursuant to chapter 245C is not required to initiate a background study  
175.16 in accordance with sections 299C.66 to 299C.71 or chapter 364.

175.17 (c) Effective July 1, 2017, a provider of housing support must demonstrate that all  
175.18 individuals required to have a background study according to paragraph (a) have a notice  
175.19 stating either that:

175.20 (1) the individual is not disqualified under section 245C.14; or

175.21 (2) the individual is disqualified, but the individual has been issued a set aside of the  
175.22 disqualification for that setting under section 245C.22.

441.14 ~~(b)~~ The commissioner may impose sanctions against a pharmacy provider for failure to  
441.15 respond to a cost of dispensing survey under section 256B.0625, subdivision 13e, paragraph  
441.16 (h).

441.17 Sec. 13. Minnesota Statutes 2024, section 256B.12, is amended to read:

441.18 **256B.12 LEGAL REPRESENTATION.**

441.19 The attorney general or the appropriate county attorney appearing at the direction of the  
441.20 attorney general shall be the attorney for the state agency, and the county attorney of the  
441.21 appropriate county shall be the attorney for the local county agency in all matters pertaining  
441.22 hereto. To prosecute under this chapter or sections 609.466 and 609.52, subdivision 2; and  
441.23 609.542 or to recover payments wrongfully made under this chapter, the attorney general  
441.24 or the appropriate county attorney, acting independently or at the direction of the attorney  
441.25 general may institute a criminal or civil action.

175.23 Sec. 30. Minnesota Statutes 2024, section 480.40, subdivision 1, is amended to read:

175.24 Subdivision 1. **Definitions.** (a) For purposes of this section and section 480.45, the

175.25 following terms have the meanings given.

175.26 (b) "Judicial official" means:

175.27 (1) every Minnesota district court judge, senior judge, retired judge, and every judge of

175.28 the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge

175.29 who resides in Minnesota;

175.30 (2) a justice of the Minnesota Supreme Court;

176.1 (3) employees of the Minnesota judicial branch;

176.2 (4) judicial referees and magistrate judges; and

176.3 (5) current and retired judges and current employees of the Office of Administrative

176.4 Hearings, Department of Human Services Appeals Division, Workers' Compensation Court

176.5 of Appeals, and Tax Court.

176.6 (c) "Personal information" does not include publicly available information. Personal

176.7 information means:

176.8 (1) a residential address of a judicial official;

176.9 (2) a residential address of the spouse, domestic partner, or children of a judicial official;

176.10 (3) a nonjudicial branch issued telephone number or email address of a judicial official;

176.11 (4) the name of any child of a judicial official; and

176.12 (5) the name of any child care facility or school that is attended by a child of a judicial

176.13 official if combined with an assertion that the named facility or school is attended by the

176.14 child of a judicial official.

176.15 (d) "Publicly available information" means information that is lawfully made available

176.16 through federal, state, or local government records or information that a business has a

176.17 reasonable basis to believe is lawfully made available to the general public through widely

176.18 distributed media, by a judicial official, or by a person to whom the judicial official has

176.19 disclosed the information, unless the judicial official has restricted the information to a

176.20 specific audience.

176.21 (e) "Law enforcement support organizations" do not include charitable organizations.

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



176.23 Sec. 31. [609.542] ILLEGAL REMUNERATIONS.

176.24 Subdivision 1. **Definition.** For purposes of this section, "federal health care program"  
176.25 has the meaning given in United States Code, title 42, section 1320a-7b(f).

176.26 Subd. 2. **Human services program; unauthorized remuneration.** (a) A person who  
176.27 intentionally solicits or receives money, a discount, a credit, a waiver, a rebate, a good, a  
176.28 service, employment, or anything else of value in return for doing any of the following is  
176.29 guilty of a crime and may be sentenced as provided in subdivision 4:

176.30 (1) referring an individual to a person for the furnishing or arranging for the furnishing  
176.31 of any item or service for which payment may be made in whole or in part under a federal  
177.1 health care program, behavioral health program under chapter 254B, or program under  
177.2 chapter 142E;

177.3 (2) purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing,  
177.4 or ordering any good, facility, service, or item for which payment may be made in whole  
177.5 or in part under a federal health care program, behavioral health program under chapter  
177.6 254B, or program under chapter 142E; or

177.7 (3) applying for or receiving any item or service for which payment may be made in  
177.8 whole or in part under a federal health care program, behavioral health program under  
177.9 chapter 254B, or program under chapter 142E;

177.10 (b) A person who intentionally offers or provides money, a discount, a credit, a waiver,  
177.11 a rebate, a good, a service, employment, or anything else of value to induce a person to do  
177.12 any of the following is guilty of a crime and may be sentenced as provided in subdivision  
177.13 4:

177.14 (1) refer an individual to a person for the furnishing or arranging for the furnishing of  
177.15 any item or service for which payment may be made in whole or in part under a federal  
177.16 health care program, behavioral health program under chapter 254B, or program under  
177.17 chapter 142E;

177.18 (2) purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering  
177.19 any good, facility, service, or item for which payment may be made in whole or in part  
177.20 under a federal health care program, behavioral health program under chapter 254B, or  
177.21 program under chapter 142E; or

177.22 (3) apply for or receive any item or service for which payment may be made in whole  
177.23 or in part under a federal health care program, behavioral health program under chapter  
177.24 254B, or program under chapter 142E;

177.25 Subd. 3. **Exceptions.** (a) Subdivision 2 does not apply to any payment, discount, waiver,  
177.26 or other remuneration exempted under United States Code, title 42, section 1320a-7b(b)(3),

441.26 Sec. 14. [609.542] HUMAN SERVICES PROGRAMS CRIMES.

441.27 Subdivision 1. **Definition.** For purposes of this section, "federal health care program"  
441.28 has the meaning given in United States Code, title 42, section 1320a-7b(f).

442.10 Subd. 3. **Receipt of prohibited payments relating to human services programs.** A  
442.11 person is guilty of a crime and may be sentenced as provided in subdivision 5 if the person  
442.12 intentionally solicits or receives any remuneration, including any kickback, bribe, or rebate,  
442.13 directly or indirectly, overtly or covertly, in cash or in kind:

442.5 (2) in return for purchasing, leasing, ordering, or arranging for or inducing the purchasing,  
442.6 leasing, or ordering of any good, facility, service, or item for which payment may be made  
442.7 in whole or in part, or which is administered in whole or in part under a federal health care  
442.8 program, state behavioral health program under section 254B.04, or family program under  
442.9 chapter 142E;

442.1 (1) to induce that person to apply for, receive, or induce another person to apply for or  
442.2 receive an item or service for which payment may be made in whole or in part under a  
442.3 federal health care program, state behavioral health program under section 254B.04, or  
442.4 family program under chapter 142E; or

441.29 Subd. 2. **Prohibited payments made relating to human services programs.** A person  
441.30 is guilty of a crime and may be sentenced as provided in subdivision 5 if the person  
441.31 intentionally offers or pays any remuneration, including any kickback, bribe, or rebate,  
441.32 directly or indirectly, overtly or covertly, in cash or in kind, to another person:

442.18 (2) in return for purchasing, leasing, ordering, or arranging for or inducing the purchasing,  
442.19 leasing, or ordering of any good, facility, service, or item for which payment may be made  
442.20 in whole or in part under a federal health care program, state behavioral health program  
442.21 under section 254B.04, or family program under chapter 142E;

442.14 (1) in return for applying for or receiving a human services benefit, service, or grant for  
442.15 which payment may be made in whole or in part under a federal health care program, state  
442.16 behavioral health program under section 254B.04, or family program under chapter 142E;  
442.17 or

442.22 Subd. 4. **Exemptions.** (a) This section does not apply to remuneration exempted under  
442.23 the Anti-Kickback Statute, United States Code, title 42, section 1320a-7b(b)(3), or payment

177.27 or payment made under a federal health care program that is exempt from liability by United  
177.28 States Code, title 42, section 1001.952.

177.29 (b) For actions involving a program under chapter 142E, subdivision 2 does not apply  
177.30 to:

177.31 (1) any amount paid by an employer to a bona fide employee for providing covered  
177.32 items or services under chapter 142E while acting in the course and scope of employment;  
177.33 or

178.1 (2) child care provider discounts, scholarships, or other financial assistance to families  
178.2 allowed under section 142E.17, subdivision 7.

178.3 Subd. 4. **Penalties.** An individual who violates subdivision 2 may be sentenced as  
178.4 follows:

178.5 (1) imprisonment of not more than 20 years or payment of a fine of not more than  
178.6 \$100,000, or both, if the value of any money, discount, credit, waiver, rebate, good, service,  
178.7 employment, or other thing of value solicited, received, offered, or provided exceeds \$35,000;

178.8 (2) imprisonment of not more than ten years or payment of a fine of not more than  
178.9 \$20,000, or both, if the value of any money, discount, credit, waiver, rebate, good, service,  
178.10 employment, or other item of value solicited, received, offered, or provided is more than  
178.11 \$5,000 but not more than \$35,000; or

178.12 (3) imprisonment for not more than five years or payment of a fine of not more than  
178.13 \$10,000, or both, if the value of any money, discount, credit, waiver, rebate, good, service,  
178.14 employment, or other item of value solicited, received, offered, or provided is not more  
178.15 than \$5,000.

178.16 Subd. 5. **Aggregation.** In a prosecution under this section, the value of any money,  
178.17 discount, credit, waiver, rebate, good, service, employment, or other item of value solicited,

442.24 made under a federal health care program which is exempt from liability by United States  
442.25 Code, title 42, section 1001.952.

442.26 (b) This section does not apply to:

442.27 (1) any amount paid by an employer to a bona fide employee for providing covered  
442.28 items or services under chapter 142E while acting in the course and scope of employment;  
442.29 or

442.30 (2) child care provider discounts, scholarships, or other financial assistance to families  
442.31 allowed under section 142E.17, subdivision 7.

442.32 Subd. 5. **Sentence.** (a) A person convicted under subdivision 2 or 3 may be sentenced  
442.33 pursuant to section 609.52, subdivision 3.

443.1 (b) For purposes of sentencing a violation of subdivision 2, "value" means the fair market  
443.2 value of the good, facility, service, or item that was obtained as a direct or indirect result  
443.3 of the prohibited payment.

443.4 (c) For purposes of sentencing a violation of subdivision 3, "value" means the amount  
443.5 of the prohibited payment solicited or received.

443.6 (d) As a matter of law, a claim for any good, facility, service, or item rendered or claimed  
443.7 to have been rendered in violation of this section is noncompensable and unenforceable at  
443.8 the time the claim is made.

443.9 Subd. 6. **Aggregation.** In a prosecution under this section, the value of the money,  
443.10 property, or benefit received or solicited by the defendant within a six-month period may

178.18 received, offered, or provided within a six-month period may be aggregated and the defendant  
178.19 charged accordingly. When two or more offenses are committed by the same person in two  
178.20 or more counties, the accused may be prosecuted in any county in which one of the offenses  
178.21 was committed for all of the offenses aggregated under this subdivision.

178.22 Subd. 6. **False claims.** In addition to the penalties provided in this section, a claim, as  
178.23 defined in section 15C.01, subdivision 2, that includes items or services resulting from a  
178.24 violation of this section constitutes a false or fraudulent claim for purposes of section 15C.02.

178.25 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes  
178.26 committed on or after that date.

178.27 Sec. 32. Laws 2023, chapter 70, article 7, section 34, the effective date, is amended to  
178.28 read:

178.29 **EFFECTIVE DATE.** This section is effective for background studies requested on or  
178.30 after August 1, 2024 the day following final enactment.

179.1 Sec. 33. **MODIFICATION OF DEFINITIONS.**

179.2 (a) For the purposes of implementing the provider licensing and reporting hub, the  
179.3 commissioner of human services may modify definitions in Minnesota Statutes, chapters  
179.4 142B, 245A, 245D, 245F, 245G, and 245I, and Minnesota Rules, chapters 2960, 9502,  
179.5 9520, 9530, 9543, 9555, and 9570. Definitions changed pursuant to this section do not affect  
179.6 the rights, responsibilities, or duties of the commissioner; the Department of Human Services;  
179.7 programs administered, licensed, certified, or funded by the commissioner; or the programs'  
179.8 employees or clients.

179.9 (b) Notwithstanding Laws 1995, chapter 226, article 3, sections 50, 51, and 60, or any  
179.10 other law to the contrary, the joint rulemaking authority with the commissioner of corrections  
179.11 under Minnesota Rules, chapter 2960, does not apply to rule amendments applicable only  
179.12 to the Department of Human Services. A rule that is amending jointly administered rule  
179.13 parts must be related to requirements on the provider licensing and reporting hub.

179.14 (c) This section expires August 31, 2028.

179.15 Sec. 34. **REPEALER.**

179.16 (a) Minnesota Statutes 2024, section 245A.11, subdivision 8, is repealed.

179.17 (b) Minnesota Statutes 2024, section 245A.042, subdivisions 2, 3, and 4, are repealed.

179.18 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2025.

443.11 be aggregated and the defendant charged accordingly in applying the provisions of  
443.12 subdivision 5.

443.13 Subd. 7. **False claims.** In addition to the penalties provided for in this section, a claim,  
443.14 as defined in section 15C.01, subdivision 2, that includes items or services resulting from  
443.15 a violation of this section constitutes a false or fraudulent claim for purposes of section  
443.16 15C.02.

443.17 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes  
443.18 committed on or after that date.

443.19 Sec. 15. Laws 2023, chapter 70, article 7, section 34, the effective date, is amended to  
443.20 read:

443.21 **EFFECTIVE DATE.** This section is effective for background studies requested on or  
443.22 after August 1, 2024 the day following final enactment.

443.23 Sec. 16. **MODIFICATION OF DEFINITIONS.**

443.24 For the purposes of implementing the provider licensing and reporting hub, the  
443.25 commissioner of human services may modify definitions in Minnesota Statutes, chapters  
443.26 142B, 245A, 245D, 245F, 245G, and 245I, and Minnesota Rules, chapters 2960, 9502,  
443.27 9520, 9530, 9543, 9555, and 9570. Definitions changed pursuant to this section do not affect  
443.28 the rights, responsibilities, or duties of the commissioner; the Department of Human Services;  
443.29 programs administered, licensed, certified, or funded by the commissioner; or the programs'  
443.30 employees or clients. This section expires August 31, 2028.

444.1 Sec. 17. **REPEALER.**

444.2 Minnesota Statutes 2024, section 245A.11, subdivision 8, is repealed.

444.3 **EFFECTIVE DATE.** This section is effective August 1, 2025.