

House Research Act Summary

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Article 1: Human Services

Overview

This article authorizes residential placement in bordering states for children with severe emotional disturbance. It amends laws related to disposition of a decedent's remains under specified circumstances, and modifies laws related to children's out of home placement.

- 1** **Availability of residential treatment services.** Amends § 245.4882, subd. 1. Changes a cross-reference to the court review process for children in voluntary placement for treatment.
- 2** **Admission criteria.** Amends § 245.4885, subd. 1. Requires all children, except in emergency situations, to have an assessment prior to admission for treatment of severe emotional disturbance to determine the needed level of care. The unit of government, county, state, or Indian tribe that is responsible for payment is to conduct the assessment.
- 3** **Emergency admission.** Amends § 245.4885, subd. 1a. Requires a level of care determination to be completed within five days of a child's emergency admission for mental health treatment. Current law requires this determination to be completed within three days.
- 4** **Cremation, burial, and funeral expenses.** Amends § 256.935, subd. 1. Permits a county agency to pay for the cremation of an MFIP recipient's remains under specified circumstances.

- 5 Residential services; provider qualifications.** Amends § 256B.0945, subd. 1. Permits a child to be placed in a facility in a bordering state if the facility is the closest to the child's home and provides the appropriate level of care. Requires the commissioner of human services to complete an inspection, and the commissioner of corrections to certify the program meets the standards set out in Minnesota Rules, chapter 2960.
- 6 Payment rates.** Amends § 256B.0945, subd. 4. Allows reimbursement on a fee-for-service basis for services provided in facilities in bordering states under certain conditions.
- 7 Federal revenue enhancement.** Amends § 256F.13, subd. 1. Strikes base level expenditure requirements for family service collaboratives.
- 8 Monthly caseworker visits.** Amends § 260C.212, subd. 4a. Permits a person who has responsibility for visitation of a child to fulfill the requirement for monthly caseworker visits to a child in foster care or on a trial home visit.
- 9 Rules; family and group foster care.** Amends § 260C.212, subd. 11. Relieves foster care providers of the requirements to attend training on cultural diversity and the importance of federal and state Indian child welfare laws when the safety of a child in their care is not jeopardized.
- 10 Cremation, burial, and funerals at expense of county.** Amends § 261.035. Provides that if a person left insufficient funds to pay for funeral expenses, then the county board shall provide for cremation of the person's remains at the county's expense unless it is determined that cremation is not in accordance with the faith traditions or preferences of the decedent or the decedent's next of kin. If this is the case, then the county shall provide for a burial and funeral.

Article 2: Health Care and Education

Overview

This article modifies provisions related to incontinent nursing home residents and those who require assistance repositioning. This article also makes various changes to DHS programs.

- 1 Audits.** Amends § 62Q.37. Modifies a provision from permissive language to requiring the commissioner to accept independent audits and to require no further audit if the results show the performance standard meets or exceeds state standards.
- 2 Incontinent residents.** Amends § 144A.04, subd. 11. Modifies current requirements by requiring that incontinent residents be treated according to their comprehensive assessment and care plan.
- 3 Resident positioning.** Amends § 144A.04, by adding subd. 12. Requires that residents unable to change their own position must be changed based on their comprehensive assessment and care plan.
- 4 Medication reminder.** Amends § 144A.43, by adding subd. 5. Provides a definition of "medication reminder."

- 5 **Rules.** Amends § 144A.45, subd. 1. Modifies the supervision requirements for home care services by stating that certain home care aide tasks do not require supervision by a nurse.
- 6 **Home health aide qualifications.** Permits a person registered as a nursing assistant to perform health aide tasks.
- 7 **Other health care practitioners.** Amends § 147C.10, subd. 2, as amended by Laws 2009, ch. 142, art. 2, § 3. Modifies exceptions to respiratory care licenses.
- 8 **Accreditation, alternative inspection, and deemed compliance.** Creates § 245B.031.
- Subd. 1. Day training and habilitation or supported employment services programs; alternative inspection status.** Allows certain license holders to request alternative inspection status. Specifies the information that must be included in the request for alternative inspection status. Allows the commissioner to terminate or deny a subsequent alternative inspection status request if certain conditions have occurred.
- Subd. 2. Programs exempt from certain statutes.** Exempts license holders approved for alternative inspection status from certain licensing requirements. Specifies where complaints shall be referred.
- Subd. 3. Programs deemed to be in compliance with nonexempt licensing requirements.** Requires license holders approved for alternative inspection status to maintain compliance with all licensing standards from which they are not exempt. Deems license holders approved for alternative inspection status to be in compliance with all nonexempt statutes, prohibits the commissioner from performing routine inspections. Allows the commissioner to investigate and take action on complaints not related to licensing requirements.
- Subd. 4. Investigations of alleged maltreatment of minors or vulnerable adults.** Specifies nothing in this section changes the commissioner's responsibilities to investigate alleged or suspected maltreatment of a minor or vulnerable adult.
- Subd. 5. Request to Commission on Rehabilitation Facilities to expand accreditation survey.** Requires the commissioner to submit a request to the commission to routinely inspect for compliance with specified nonexempt licensing standards.
- 9 **School districts and charter schools.** Amends § 256.962, subd. 6. Modifies the information school districts and charter schools must provide to students at the beginning of the school year.
- 10 **Disposition order; copy to school.** Amends § 260B.171, subd. 3. Allows a juvenile's probation officer to ensure that either a mailed notice or an electronic copy of a court's disposition order is transmitted to the superintendent of the juvenile's school district. Previously, the probation officer was required to transmit a copy of the court's disposition order to the superintendent.
- 11 **Officers, employees.** Amends § 471.61, subd. 1. Allows political subdivisions to provide health benefits to its employees, dependents, and any class or classes of officers, employers, or dependents through negotiated contributions to self-funded multi-employer health and

welfare funds. Makes this section effective the day following final enactment; applies to contributions made before, on, or after that date; and is intended as a clarification of existing law.

- 12** **Repealer.** Repeals Minnesota Rules, part 4668.0110, subp. 5 (relating to home care and class B supervision).