

HOUSE RESEARCH

Bill Summary

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Article 1. Fair Hearings Overview

This article modifies appeal and fair hearing requirements. It clarifies that human services judges must be licensed Minnesota attorneys and standardizes the title of “human services judge” for human services referees and judges appointed by the commissioner of human services.

- 1 **Powers of the state agency.** Amends §256.045, subd. 1. Clarifies that full-time human services judges must be licensed Minnesota attorneys.

Provides a July 1, 2013 effective date.

- 2 **State agency hearings.** Amends §256.045, subd. 3. Makes a technical change to clarify that the time frame for requesting a hearing to appeal an agency action is within 30 days of receipt of written notice of the action. With good cause, this time frame may be extended to 90 days. The burden is on the individual filing appeal to show that good cause exists for the extension.

Provides that in cases of alleged maltreatment of a child or vulnerable adult if a district court case is pending, the fair hearing must be suspended.

- 3 **Conduct of hearings.** Amends §256.045, subd. 4. Allows a judge to hold in-person hearings by interactive video unless the appellant or a witness has a condition that

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substantially impairs the person's ability to participate in the hearing using that technology.

- 4 **Prehearing conferences.** Amends §256.0451, subd. 5. Allows human services judges to make and issue rulings while an appeal is pending. Makes these rulings subject to reconsideration or appeal as part of the final decision on the matter.
- 5 **Failure to appear; good cause.** Amends §256.0451, subd. 13. Allows an individual whose appeal was dismissed because the individual failed to appear for the hearing to submit written information showing good cause for failing to appear. Requires the information to be submitted within 10 working days of the dismissal.
- 6 **Decisions.** Amends §256.0451, subd. 22. Provides that the 90 day period for issuing a final ruling does not begin in cases involving maltreatment determinations or disqualifications until the licensing authority provides notice that it has made a final determination or the date the appellant files the last appeal in consolidated matters.
- 7 **Reconsideration.** Amends §256.0451, subd. 24. Allows additional evidence only if the appellant shows the information was not available at the time of the hearing and could not have been discovered at that time.
- 8 **Revisor's instruction.** Instructs the Revisor to substitute the title "human services judge" for the title "appeals examiner," "human services referee," "referee," or similar terms referring to referees appointed by the commissioner of human services.

Article 2. Cultural and Ethnic Communities Leadership Council.

Overview

This article creates the Cultural and Ethnic Communities Leadership Council. The purpose of the council is to provide advice to the commissioner of human services on ways to reduce disparities that affect racial and ethnic groups.

- 1 **Cultural and Ethnic Communities Leadership Council.** Creates §256.999.
 - Subd. 1. Establishment; purpose.** Creates a council to provide advice to the commissioner of human services on ways to reduce disparities that affect racial and ethnic groups.
 - Subd. 2. Membership.** Requires the commissioner to appoint a council of no less than 15 and no more than 25 members and to develop guidelines for operation of the council.
 - Subd. 3. Guidelines.** Provides that the commissioner shall direct the development of guidelines on membership, definitions, and duties. Outlines groups that must be represented.
 - Subd. 4. First appointment and meeting.** Requires appointment of 15 members

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by September 15, 2013, convening of the first meeting by November 15, 2013.

Subd. 5-7. Chair and terms. Directs appointment of a chair and sets terms for members.

Subd. 8. Compensation. Provides that members will not receive compensation.

Subd. 9. Duties of the commissioner. Requires the commissioner to work and consult with the council and based on council recommendations submit legislation to reduce disparities.

Subd. 10. Duties of the council. Requires the council to identify issues regarding disparities; provide technical assistance to service providers to promote development of culturally appropriate, accessible, and cost-effective services; make recommendations to the commissioner; and submit an annual report to the legislature.

Subd. 11. Duties of the council members. Requires council members to attend, prepare for, and participate in meetings, collaborate on disparity reduction efforts, and participate in activities to facilitate the goals and duties of the council.

Subd. 12. Expiration. Provides that the council does not expire unless directed by the commissioner.

Article 3. Internal Audits

1 **Authority and purpose.** Amends §256.017, subd. 1. Strikes “general assistance medical care.” Makes explicit that the commissioner has the authority to ensure compliance of all programs administered by the commissioner. Allows the commissioner to issue administrative subpoenas.

Article 4. Technical Changes

Overview

The Steering Committee on Performance Outcome Reforms, created by the 2009 Legislature, was instructed to identify obsolete language and statutes for repeal. This article contains language and statutes identified as obsolete by this committee.

1 **Program design and implementation.** Amends §245.4661, subd. 2. Strikes obsolete language.

2 **Duties of the commissioner.** Amends §245.4661, subd. 6. Strikes obsolete language.

3 **Commissioner’s consolidated reporting recommendations.** Amends §245.482, subd. 5.

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Strikes an obsolete cross reference.

4 **Specific powers.** Amends §256.01, subd. 2. Strikes paragraphs (u) and (cc), obsolete provisions related to the drug rebate program.

5 **Disabled children.** Amends §256B.055, subd. 12. Strikes paragraph (h), an obsolete provision related to children's eligibility for medical assistance services.

6 **Treatment of annuities.** Amends §256B.056, subd. 11. Corrects a cross reference.

7 **Qualifying individuals.** Amends §256B.057, subd. 3b. Strikes obsolete language.

8 **Prohibited transfers.** Amends §256B.0595, subd. 1. Strikes paragraph (a) related to transfers of assets prior to 1993.

9 **Period of ineligibility for long-term care services.** Amends §256B.0595, subd. 2. Strikes paragraph (a) related to uncompensated transfers prior to 1993.

10 **Other exceptions to transfer prohibition.** Amends §256B.0595, subd. 4. Corrects a cross reference.

11 **Filing cause of action; limitation.** Amends §256B.0595, subd. 9. Corrects a cross reference.

12 **Resident.** Amends §256D.02, subd. 12a. Strikes an obsolete sentence related to general assistance medical care.

13 **Late MFIP household report forms.** Amends §256J.30, subd. 8. Strikes an obsolete cross reference.

14 **Changes that must be reported.** Amends §256J.30, subd. 9. Strikes an obsolete cross reference.

15 **Rental subsidies; unearned income.** Amends §256J.37, subd. 3a. Strikes paragraph (d), an obsolete provision related to grant reductions.

16 **Vendor payment.** Amends §256J.395, subd. 1. Strikes obsolete cross references.

17 **Eligibility.** Amends §256J.575, subd. 3. Strikes an obsolete paragraph.

18 **Base allocation to counties and tribes; definitions.** Amends §256J.626, subd. 6. Strikes obsolete funding allocations.

19 **Performance base funds.** Amends §256J.626, subd. 7. Strikes obsolete language.

20 **Nondisplacement protection.** Amends §256J.72, subd. 1. Strikes an obsolete cross reference.

21 **Status of participant.** Amends §256J.72, subd. 3. Strikes an obsolete cross reference.

22 **Repealer.** Repeals §§ 245.46, subd. 3 (implementation report); 245.463, subds. 1, 3, and 4

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(planning for a mental health system); 256.01, subds. 2a (authorization for test sites for health care programs), 13 (pilot project for persons lacking English proficiency), and 23a (administration of publicly funded health care programs); 256B.0185 (report on pending applications); 256D.02, subd. 4a (definition of general assistance medical care); 256J.575, subd. 4 (family stabilization services); 256J.74, subd. 4 (relationship to other programs); and 256L.04, subd. 9 (eligibility for general assistance medical care).