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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 850

02/12/2015 Authored by Liebling, Schultz and Loeffler

The bill was read for the first time and referred to the Committee on Health and Human Services Finance

A bill for an act

1.1 relating to state government; establishing the health and human services budget;
1.2 modifying provisions governing children and family services, chemical and
1.3 mental health services, withdrawal management programs, direct care and
1.4 treatment, operations, health care, continuing care, and Department of Health
1.5 programs; making changes to medical assistance, general assistance, Minnesota
1.6 supplemental aid, Northstar Care for Children, MinnesotaCare, child care
1.7 assistance, and group residential housing programs; modifying child support
1.8 provisions; establishing standards for withdrawal management programs;
1.9 modifying requirements for background studies; making changes to provisions
1.10 governing the health information exchange; requiring reports; making technical
1.11 changes; modifying certain fees for Department of Health programs; modifying
1.12 fees of certain health-related licensing boards; appropriating money; amending
1.13 Minnesota Statutes 2014, sections 62A.045; 62J.498; 62J.4981; 62J.4982,
1.14 subdivisions 4, 5; 119B.07; 119B.10, subdivision 1; 119B.11, subdivision 2a;
1.15 124D.165, subdivision 4; 144.057, subdivision 1; 144.3831, subdivision 1;
1.16 144.9501, subdivisions 22b, 26b, by adding a subdivision; 144.9505; 144.9508;
1.17 144A.70, subdivision 6, by adding a subdivision; 144A.71; 144A.72; 144A.73;
1.18 144D.01, by adding a subdivision; 145A.131, subdivision 1; 148.57, subdivisions
1.19 1, 2; 148.59; 148E.180, subdivisions 2, 5; 149A.20, subdivisions 5, 6; 149A.40,
1.20 subdivision 11; 149A.65; 149A.92, subdivision 1; 149A.97, subdivision 7;
1.21 150A.091, subdivisions 4, 5, 11, by adding subdivisions; 150A.31; 151.065,
1.22 subdivisions 1, 2, 3, 4; 157.16; 174.30, by adding a subdivision; 245C.03, by
1.23 adding subdivisions; 245C.08, subdivision 1; 245C.10, by adding subdivisions;
1.24 245C.12; 246.54, subdivision 1; 246B.01, subdivision 2b; 246B.10; 254B.05,
1.25 subdivision 5; 256.01, by adding a subdivision; 256.015, subdivision 7; 256.017,
1.26 subdivision 1; 256.741, subdivisions 1, 2; 256.962, by adding a subdivision;
1.27 256.969, subdivisions 1, 2b, 9; 256B.059, subdivision 5; 256B.0622, subdivisions
1.28 1, 2, 3, 4, 5, 7, 8, 9, 10, by adding a subdivision; 256B.0624, subdivision 7;
1.29 256B.0625, subdivisions 9, 13h, 58, by adding a subdivision; 256B.0631;
1.30 256B.0757; 256B.092, subdivision 13; 256B.49, subdivision 24; 256B.75;
1.31 256B.76, subdivisions 2, 4; 256D.01, subdivision 1b; 256D.44, subdivisions
1.32 2, 5; 256I.01; 256I.02; 256I.03, subdivisions 3, 7, 8, by adding subdivisions;
1.33 256I.04; 256I.05, subdivisions 1c, 1g, by adding a subdivision; 256I.06; 256L.01,
1.34 subdivisions 3a, 5; 256L.03, subdivision 5; 256L.04, subdivisions 1a, 1c, 7b, 10;
1.35 256L.05, subdivisions 3, 3a, 4, by adding a subdivision; 256L.06, subdivision
1.36 3; 256L.11, subdivision 7; 256L.121, subdivision 1; 256L.15, subdivision 2;
1.37 256N.22, subdivisions 9, 10; 256N.24, subdivision 4; 256N.25, subdivision 1;
1.38 256N.27, subdivision 2; 259A.75; 260C.007, subdivisions 27, 32; 260C.203;
1.39

2.1 260C.212, subdivision 1, by adding subdivisions; 260C.221; 260C.331,
 2.2 subdivision 1; 260C.451, subdivisions 2, 6; 260C.515, subdivision 5; 260C.521,
 2.3 subdivisions 1, 2; 260C.607, subdivision 4; 282.241, subdivision 1; 297A.70,
 2.4 subdivision 7; 514.73; 514.981, subdivision 2; 518A.32, subdivision 2; 518A.39,
 2.5 subdivision 1, by adding a subdivision; 518A.41, subdivisions 1, 3, 4, 14, 15;
 2.6 518A.46, subdivision 3, by adding a subdivision; 518A.51; 518A.53, subdivision
 2.7 4; 518C.802; 580.032, subdivision 1; Laws 2014, chapter 189, sections 5; 10;
 2.8 11; 16; 17; 18; 19; 23; 24; 27; 28; 29; 31; 43; 50; 51; 73; proposing coding
 2.9 for new law in Minnesota Statutes, chapters 15; 119B; 144; 144D; 245; 256B;
 2.10 proposing coding for new law as Minnesota Statutes, chapter 245F; repealing
 2.11 Minnesota Statutes 2014, sections 124D.142; 256.969, subdivision 30; 256B.69,
 2.12 subdivision 32; 256L.02, subdivision 3; 256L.05, subdivisions 1b, 1c, 3c, 5;
 2.13 Minnesota Rules, part 8840.5900, subparts 12, 14.

2.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.15 ARTICLE 1

2.16 CHILDREN AND FAMILY SERVICES

2.17 Section 1. Minnesota Statutes 2014, section 119B.07, is amended to read:

2.18 **119B.07 USE OF MONEY.**

2.19 Subdivision 1. Uses of money. (a) Money for persons listed in sections 119B.03,
 2.20 subdivision 3, and 119B.05, subdivision 1, shall be used to reduce the costs of child care
 2.21 for students, including the costs of child care for students while employed if enrolled in an
 2.22 eligible education program at the same time and making satisfactory progress towards
 2.23 completion of the program. Counties may not limit the duration of child care subsidies for
 2.24 a person in an employment or educational program, except when the person is found to be
 2.25 ineligible under the child care fund eligibility standards. Any limitation must be based
 2.26 on a person's employment plan in the case of an MFIP participant, and county policies
 2.27 included in the child care fund plan. The maximum length of time a student is eligible for
 2.28 child care assistance under the child care fund for education and training is no more than
 2.29 the time necessary to complete the credit requirements for an associate or baccalaureate
 2.30 degree as determined by the educational institution, excluding basic or remedial education
 2.31 programs needed to prepare for postsecondary education or employment.

2.32 Subd. 2. Eligibility. (b) To be eligible, the student must be in good standing
 2.33 and be making satisfactory progress toward the degree. Time limitations for child care
 2.34 assistance do not apply to basic or remedial educational programs needed to prepare
 2.35 for postsecondary education or employment. These programs include: high school,
 2.36 general equivalency diploma, and English as a second language. Programs exempt from
 2.37 this time limit must not run concurrently with a postsecondary program. If an MFIP
 2.38 participant who is receiving MFIP child care assistance under this chapter moves to
 2.39 another county, continues to participate in educational or training programs authorized in

3.1 their employment plans, and continues to be eligible for MFIP child care assistance under
 3.2 this chapter, the MFIP participant must receive continued child care assistance from the
 3.3 county responsible for their current employment plan, under section 256G.07.

3.4 Subd. 3. **Amount of child care assistance authorized.** (a) If the student meets the
 3.5 conditions of subdivisions 1 and 2, child care assistance must be authorized for all hours
 3.6 of actual class time and credit hours, including independent study and internships; up to
 3.7 two hours of travel time per day; and, for postsecondary students, two hours per week
 3.8 per credit hour for study time and academic appointments. For an MFIP or DWP student
 3.9 whose employment plan specifies a different time frame, child care assistance must be
 3.10 authorized according to the time frame specified in the employment plan.

3.11 (b) The amount of child care assistance authorized must take into consideration the
 3.12 amount of time the parent reports on the application or redetermination form that the child
 3.13 attends preschool, a Head Start program, or school while the parent is participating in
 3.14 the parent's authorized activity.

3.15 (c) When the conditions in paragraph (d) do not apply, the applicant's or participant's
 3.16 activity schedule does not need to be verified. The amount of child care assistance
 3.17 authorized may be used during the applicant's or participant's activity or at other times, as
 3.18 determined by the family, to meet the developmental needs of the child.

3.19 (d) Care must be authorized based on the applicant's or participant's verified activity
 3.20 schedule when:

3.21 (1) the family requests to regularly receive care from more than one provider per child;

3.22 (2) the family requests a legal nonlicensed provider;

3.23 (3) the family includes more than one applicant or participant; or

3.24 (4) an applicant or participant is employed by a child care center.

3.25 Sec. 2. Minnesota Statutes 2014, section 119B.10, subdivision 1, is amended to read:

3.26 Subdivision 1. **Assistance for persons seeking and retaining employment.** (a)

3.27 Persons who are seeking employment and who are eligible for assistance under this
 3.28 section are eligible to receive up to 240 hours of child care assistance per calendar year.

3.29 (b) Employed persons who work at least an average of 20 hours and full-time
 3.30 students who work at least an average of ten hours a week and receive at least a minimum
 3.31 wage for all hours worked are eligible for continued child care assistance for employment.
 3.32 For purposes of this section, work-study programs must be counted as employment. Child
 3.33 care assistance ~~during employment~~ for employed participants must be authorized as
 3.34 provided in paragraphs (c) ~~and~~, (d), (e), (f), and (g).

4.1 (c) When the person works for an hourly wage and the hourly wage is equal to or
 4.2 greater than the applicable minimum wage, child care assistance shall be provided for the
 4.3 actual hours of employment, break, and mealtime during the employment and travel time
 4.4 up to two hours per day.

4.5 (d) When the person does not work for an hourly wage, child care assistance must be
 4.6 provided for the lesser of:

4.7 (1) the amount of child care determined by dividing gross earned income by the
 4.8 applicable minimum wage, up to one hour every eight hours for meals and break time,
 4.9 plus up to two hours per day for travel time; or

4.10 (2) the amount of child care equal to the actual amount of child care used during
 4.11 employment, including break and mealtime during employment, and travel time up to
 4.12 two hours per day.

4.13 (e) The amount of child care assistance authorized must take into consideration the
 4.14 amount of time the parent reports on the application or redetermination form that the child
 4.15 attends preschool, a Head Start program, or school while the parent is participating in
 4.16 the parent's authorized activity.

4.17 (f) When the conditions in paragraph (g) do not apply, the applicant's or participant's
 4.18 activity schedule does not need to be verified. The amount of child care assistance
 4.19 authorized may be used during the applicant's or participant's activity or at other times, as
 4.20 determined by the family, to meet the developmental needs of the child.

4.21 (g) Care must be authorized based on the applicant's or participant's verified activity
 4.22 schedule when:

4.23 (1) the family requests to regularly receive care from more than one provider per child;

4.24 (2) the family requests a legal nonlicensed provider;

4.25 (3) the family includes more than one applicant or participant; or

4.26 (4) an applicant or participant is employed by a child care center.

4.27 Sec. 3. Minnesota Statutes 2014, section 119B.11, subdivision 2a, is amended to read:

4.28 Subd. 2a. **Recovery of overpayments.** (a) An amount of child care assistance
 4.29 paid to a recipient or provider in excess of the payment due is recoverable by the county
 4.30 agency under paragraphs (b) and (c), even when the overpayment was caused by ~~agency~~
 4.31 ~~error or~~ circumstances outside the responsibility and control of the family or provider.
 4.32 Notwithstanding any provision to the contrary in this subdivision, an overpayment must
 4.33 be recovered, regardless of amount or time period, if the overpayment was caused by
 4.34 wrongfully obtaining assistance under section 256.98 or benefits paid while an action is

5.1 pending appeal under section 119B.16, to the extent the commissioner finds on appeal that
5.2 the appellant was not eligible for the amount of child care assistance paid.

5.3 (b) An overpayment must be recouped or recovered from the family if the
5.4 overpayment benefited the family by causing the family to pay less for child care expenses
5.5 than the family otherwise would have been required to pay under child care assistance
5.6 program requirements. Family overpayments must be established and recovered in
5.7 accordance with clauses (1) to (5).

5.8 (1) If the overpayment is estimated to be less than \$500, the overpayment must not be
5.9 established or collected. Any portion of the overpayment that occurred more than one year
5.10 prior to the date of the overpayment determination must not be established or collected.

5.11 (2) If the family remains eligible for child care assistance and an overpayment is
5.12 established, the overpayment must be recovered through recoupment as identified in
5.13 Minnesota Rules, part 3400.0187, except that the overpayments must be calculated and
5.14 collected on a service period basis. If the family no longer remains eligible for child
5.15 care assistance, the county may choose to initiate efforts to recover overpayments from
5.16 the family for overpayment less than \$50.

5.17 (3) If the family is no longer eligible for child care assistance and an overpayment
5.18 is greater than or equal to \$50 established, the county shall seek voluntary repayment of
5.19 the overpayment from the family.

5.20 (4) If the county is unable to recoup the overpayment through voluntary repayment,
5.21 the county shall initiate civil court proceedings to recover the overpayment unless the
5.22 county's costs to recover the overpayment will exceed the amount of the overpayment.

5.23 (5) A family with an outstanding debt under this subdivision is not eligible for
5.24 child care assistance until:

5.25 ~~(1)~~ (i) the debt is paid in full; or

5.26 ~~(2)~~ (ii) satisfactory arrangements are made with the county to retire the debt
5.27 consistent with the requirements of this chapter and Minnesota Rules, chapter 3400, and
5.28 the family is in compliance with the arrangements.

5.29 (c) The county must recover an overpayment from a provider if the overpayment did
5.30 not benefit the family by causing it to receive more child care assistance or to pay less
5.31 for child care expenses than the family otherwise would have been eligible to receive
5.32 or required to pay under child care assistance program requirements, and benefited the
5.33 provider by causing the provider to receive more child care assistance than otherwise
5.34 would have been paid on the family's behalf under child care assistance program
5.35 requirements. If the provider continues to care for children receiving child care assistance,
5.36 the overpayment must be recovered through reductions in child care assistance payments

6.1 for services as described in an agreement with the county. The provider may not charge
6.2 families using that provider more to cover the cost of recouping the overpayment. If the
6.3 provider no longer cares for children receiving child care assistance, the county may
6.4 choose to initiate efforts to recover overpayments of less than \$50 from the provider. If the
6.5 overpayment is greater than or equal to \$50, the county shall seek voluntary repayment of
6.6 the overpayment from the provider. If the county is unable to recoup the overpayment
6.7 through voluntary repayment, the county shall initiate civil court proceedings to recover
6.8 the overpayment unless the county's costs to recover the overpayment will exceed the
6.9 amount of the overpayment. A provider with an outstanding debt under this subdivision is
6.10 not eligible to care for children receiving child care assistance until:

6.11 (1) the debt is paid in full; or

6.12 (2) satisfactory arrangements are made with the county to retire the debt consistent
6.13 with the requirements of this chapter and Minnesota Rules, chapter 3400, and the provider
6.14 is in compliance with the arrangements.

6.15 (d) When both the family and the provider acted together to intentionally cause the
6.16 overpayment, both the family and the provider are jointly liable for the overpayment
6.17 regardless of who benefited from the overpayment. The county must recover the
6.18 overpayment as provided in paragraphs (b) and (c). When the family or the provider is in
6.19 compliance with a repayment agreement, the party in compliance is eligible to receive
6.20 child care assistance or to care for children receiving child care assistance despite the
6.21 other party's noncompliance with repayment arrangements.

6.22 (e) An overpayment caused by agency error must not be established or collected.
6.23 An overpayment caused by more than one reason must not be established or collected
6.24 if any portion of the overpayment is due to agency error. This paragraph does not
6.25 apply if the overpayment was caused in part by wrongfully obtaining assistance under
6.26 section 256.98 or benefits paid pending appeal under section 119B.16, to the extent that
6.27 the commissioner finds on appeal that the appellant was not eligible for the amount of
6.28 child care assistance paid.

6.29 **Sec. 4. [119B.27] QUALITY RATING AND IMPROVEMENT SYSTEM.**

6.30 **Subdivision 1. Establishment; purpose.** There is established a voluntary quality
6.31 rating and improvement system to ensure that Minnesota's children have access to
6.32 high-quality early childhood programs in a range of settings in order to improve the
6.33 educational outcomes of children so that they are ready for school.

7.1 Subd. 2. **Standards.** The commissioner of human services, in cooperation with the
 7.2 commissioner of health and the commissioner of education, shall create quality standards
 7.3 and indicators using research-based practices.

7.4 Subd. 3. **Eligible early childhood programs.** Early childhood programs eligible to
 7.5 participate in the voluntary quality rating and improvement system include:

- 7.6 (1) child care centers licensed under Minnesota Rules, chapter 9503;
 7.7 (2) family and group family day care homes licensed under Minnesota Rules,
 7.8 chapter 9502;
 7.9 (3) Head Start programs under section 119A.50;
 7.10 (4) school readiness programs under section 124D.15;
 7.11 (5) early childhood special education programs under chapter 125A;
 7.12 (6) tribally licensed early childhood programs; and
 7.13 (7) other program types as determined by the commissioner.

7.14 Subd. 4. **Duties.** For each eligible early childhood program that voluntarily seeks a
 7.15 rating, the commissioner shall:

- 7.16 (1) assess program quality using established quality standards and indicators;
 7.17 (2) determine a rating or determine that no rating was earned;
 7.18 (3) issue a rating;
 7.19 (4) reassess a rating if the early childhood program:
 7.20 (i) believes one or more errors was made in the program's quality assessment; and
 7.21 (ii) requests reconsideration of the rating in writing to the commissioner within
 7.22 60 days of the issuance date of the rating;
 7.23 (5) revoke a rating under any of the following conditions:
 7.24 (i) a licensed early childhood program is issued a conditional license or a licensing
 7.25 sanction under chapter 245A;
 7.26 (ii) an early childhood program, provider, or person knowingly withholds relevant
 7.27 information from or gives false or misleading information to an assessor in the quality
 7.28 rating assessment process;
 7.29 (iii) an early childhood program, provider, or person is disqualified from receiving
 7.30 payment for child care services from the child care assistance program under this chapter,
 7.31 due to wrongfully obtaining child care assistance under section 256.98, subdivision 8,
 7.32 paragraph (c);
 7.33 (iv) an early childhood program, provider, or person has a determination of
 7.34 substantiated financial misconduct in early learning scholarships under section 124D.165;
 7.35 or
 7.36 (v) an early childhood program is no longer eligible under subdivision 3; and

8.1 (6) make rating information publicly available to consumers.

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

8.3 Sec. 5. Minnesota Statutes 2014, section 124D.165, subdivision 4, is amended to read:

8.4 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept
8.5 an early learning scholarship, a program must:

8.6 (1) participate in the quality rating and improvement system under section ~~124D.142~~
8.7 119B.27; and

8.8 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating
8.9 and improvement system.

8.10 (b) Any program accepting scholarships must use the revenue to supplement and not
8.11 supplant federal funding.

8.12 (c) Notwithstanding paragraph (a), all Minnesota early learning foundation
8.13 scholarship program pilot sites are eligible to accept an early learning scholarship under
8.14 this section.

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

8.16 Sec. 6. Minnesota Statutes 2014, section 245C.03, is amended by adding a subdivision
8.17 to read:

8.18 Subd. 10. **Providers of group residential housing or supplementary services.**

8.19 The commissioner shall conduct background studies on any individual required under
8.20 section 256I.04 to have a background study completed under this chapter.

8.21 Sec. 7. Minnesota Statutes 2014, section 245C.10, is amended by adding a subdivision
8.22 to read:

8.23 Subd. 11. **Providers of group residential housing or supplementary services.**

8.24 The commissioner shall recover the cost of background studies initiated by providers of
8.25 group residential housing or supplementary services under section 256I.04 through a fee
8.26 of no more than \$20 per study. The fees collected under this subdivision are appropriated
8.27 to the commissioner for the purpose of conducting background studies.

8.28 Sec. 8. Minnesota Statutes 2014, section 256.01, is amended by adding a subdivision
8.29 to read:

8.30 Subd. 14c. **Early intervention support and services for at-risk American Indian**

8.31 **families.** (a) The commissioner of human services shall authorize grants to tribal child

9.1 welfare agencies and urban Indian organizations for the purpose of providing early
9.2 intervention support and services to prevent child maltreatment for at-risk American
9.3 Indian families.

9.4 (b) The commissioner is authorized to develop program eligibility criteria, early
9.5 intervention service delivery procedures, and reporting requirements for agencies and
9.6 organizations receiving grants.

9.7 Sec. 9. Minnesota Statutes 2014, section 256.017, subdivision 1, is amended to read:

9.8 Subdivision 1. **Authority and purpose.** The commissioner shall administer a
9.9 compliance system for the Minnesota family investment program, the food stamp or
9.10 food support program, emergency assistance, general assistance, medical assistance,
9.11 emergency general assistance, Minnesota supplemental assistance, group residential
9.12 housing and housing assistance, preadmission screening, alternative care grants, the child
9.13 care assistance program, and all other programs administered by the commissioner or on
9.14 behalf of the commissioner under the powers and authorities named in section 256.01,
9.15 subdivision 2. The purpose of the compliance system is to permit the commissioner to
9.16 supervise the administration of public assistance programs and to enforce timely and
9.17 accurate distribution of benefits, completeness of service and efficient and effective
9.18 program management and operations, to increase uniformity and consistency in the
9.19 administration and delivery of public assistance programs throughout the state, and to
9.20 reduce the possibility of sanctions and fiscal disallowances for noncompliance with federal
9.21 regulations and state statutes. The commissioner, or the commissioner's representative,
9.22 may issue administrative subpoenas as needed in administering the compliance system.

9.23 The commissioner shall utilize training, technical assistance, and monitoring
9.24 activities, as specified in section 256.01, subdivision 2, to encourage county agency
9.25 compliance with written policies and procedures.

9.26 Sec. 10. Minnesota Statutes 2014, section 256.741, subdivision 1, is amended to read:

9.27 Subdivision 1. **Definitions.** (a) The term "direct support" as used in this chapter and
9.28 chapters 257, 518, 518A, and 518C refers to an assigned support payment from an obligor
9.29 which is paid directly to a recipient of public assistance.

9.30 (b) The term "public assistance" as used in this chapter and chapters 257, 518, 518A,
9.31 and 518C, includes any form of assistance provided under the AFDC program formerly
9.32 codified in sections 256.72 to 256.87, MFIP and MFIP-R formerly codified under chapter
9.33 256, MFIP under chapter 256J, work first program formerly codified under chapter 256K;
9.34 child care assistance provided through the child care fund under chapter 119B; any form

10.1 of medical assistance under chapter 256B; ~~MinnesotaCare under chapter 256L~~; and
 10.2 foster care as provided under title IV-E of the Social Security Act. MinnesotaCare and
 10.3 plans supplemented by tax credits are not considered public assistance for purposes of
 10.4 a child support referral.

10.5 (c) The term "child support agency" as used in this section refers to the public
 10.6 authority responsible for child support enforcement.

10.7 (d) The term "public assistance agency" as used in this section refers to a public
 10.8 authority providing public assistance to an individual.

10.9 (e) The terms "child support" and "arrear" as used in this section have the meanings
 10.10 provided in section 518A.26.

10.11 (f) The term "maintenance" as used in this section has the meaning provided in
 10.12 section 518.003.

10.13 Sec. 11. Minnesota Statutes 2014, section 256.741, subdivision 2, is amended to read:

10.14 Subd. 2. **Assignment of support and maintenance rights.** (a) An individual
 10.15 receiving public assistance in the form of assistance under any of the following programs:
 10.16 the AFDC program formerly codified in sections 256.72 to 256.87, MFIP under chapter
 10.17 256J, MFIP-R and MFIP formerly codified under chapter 256, or work first program
 10.18 formerly codified under chapter 256K is considered to have assigned to the state at the
 10.19 time of application all rights to child support and maintenance from any other person the
 10.20 applicant or recipient may have in the individual's own behalf or in the behalf of any other
 10.21 family member for whom application for public assistance is made. An assistance unit is
 10.22 ineligible for the Minnesota family investment program unless the caregiver assigns all
 10.23 rights to child support and maintenance benefits according to this section.

10.24 (1) The assignment is effective as to any current child support and current
 10.25 maintenance.

10.26 (2) Any child support or maintenance arrears that accrue while an individual is
 10.27 receiving public assistance in the form of assistance under any of the programs listed in
 10.28 this paragraph are permanently assigned to the state.

10.29 (3) The assignment of current child support and current maintenance ends on the
 10.30 date the individual ceases to receive or is no longer eligible to receive public assistance
 10.31 under any of the programs listed in this paragraph.

10.32 (b) An individual receiving public assistance in the form of medical assistance;
 10.33 ~~including MinnesotaCare~~, is considered to have assigned to the state at the time of
 10.34 application all rights to medical support from any other person the individual may have

11.1 in the individual's own behalf or in the behalf of any other family member for whom
 11.2 medical assistance is provided.

11.3 (1) An assignment made after September 30, 1997, is effective as to any medical
 11.4 support accruing after the date of medical assistance ~~or MinnesotaCare~~ eligibility.

11.5 (2) Any medical support arrears that accrue while an individual is receiving public
 11.6 assistance in the form of medical assistance, ~~including MinnesotaCare~~, are permanently
 11.7 assigned to the state.

11.8 (3) The assignment of current medical support ends on the date the individual ceases
 11.9 to receive or is no longer eligible to receive public assistance in the form of medical
 11.10 assistance ~~or MinnesotaCare~~.

11.11 (c) An individual receiving public assistance in the form of child care assistance
 11.12 under the child care fund pursuant to chapter 119B is considered to have assigned to the
 11.13 state at the time of application all rights to child care support from any other person the
 11.14 individual may have in the individual's own behalf or in the behalf of any other family
 11.15 member for whom child care assistance is provided.

11.16 (1) The assignment is effective as to any current child care support.

11.17 (2) Any child care support arrears that accrue while an individual is receiving public
 11.18 assistance in the form of child care assistance under the child care fund in chapter 119B
 11.19 are permanently assigned to the state.

11.20 (3) The assignment of current child care support ends on the date the individual
 11.21 ceases to receive or is no longer eligible to receive public assistance in the form of child
 11.22 care assistance under the child care fund under chapter 119B.

11.23 Sec. 12. Minnesota Statutes 2014, section 256D.01, subdivision 1b, is amended to read:

11.24 Subd. 1b. **Rules.** The commissioner shall adopt rules to set standards of assistance
 11.25 and methods of calculating payment to conform with subdivision 1a. When a recipient
 11.26 is receiving housing assistance according to section 256I.04, subdivision 1, paragraph
 11.27 (d), or is a resident of a licensed residential facility, except shelters for the homeless or
 11.28 shelters under section 611A.31, the recipient is not eligible for a full general assistance
 11.29 standard. The state standard of assistance for those recipients who have personal needs not
 11.30 otherwise provided for is the personal needs allowance authorized for medical assistance
 11.31 recipients under section 256B.35.

11.32 Sec. 13. Minnesota Statutes 2014, section 256D.44, subdivision 2, is amended to read:

11.33 Subd. 2. **Standard of assistance for certain persons.** The state standard
 11.34 of assistance for a person who: (1) is eligible for a medical assistance home and

12.1 community-based services waiver; or (2) has been determined by the local agency to meet
 12.2 the plan eligibility requirements for placement in a group residential housing facility
 12.3 under section 256I.04, subdivision 1a; ~~or (3) is eligible for a shelter needy payment under~~
 12.4 ~~subdivision 5, paragraph (f)~~, is the standard established in subdivision 3, paragraph (a)
 12.5 or (b).

12.6 **EFFECTIVE DATE.** The amendment to this section striking clause (3) is effective
 12.7 February 1, 2017.

12.8 Sec. 14. Minnesota Statutes 2014, section 256D.44, subdivision 5, is amended to read:

12.9 Subd. 5. **Special needs.** In addition to the state standards of assistance established in
 12.10 subdivisions 1 to 4, payments are allowed for the following special needs of recipients of
 12.11 Minnesota supplemental aid who are not residents of a nursing home, a regional treatment
 12.12 center, or a group residential housing facility.

12.13 (a) The county agency shall pay a monthly allowance for medically prescribed
 12.14 diets if the cost of those additional dietary needs cannot be met through some other
 12.15 maintenance benefit. The need for special diets or dietary items must be prescribed by
 12.16 a licensed physician. Costs for special diets shall be determined as percentages of the
 12.17 allotment for a one-person household under the thrifty food plan as defined by the United
 12.18 States Department of Agriculture. The types of diets and the percentages of the thrifty
 12.19 food plan that are covered are as follows:

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

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

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

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

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

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

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

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

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

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

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

12.33 (b) Payment for nonrecurring special needs must be allowed for necessary home
 12.34 repairs or necessary repairs or replacement of household furniture and appliances using

13.1 the payment standard of the AFDC program in effect on July 16, 1996, for these expenses,
13.2 as long as other funding sources are not available.

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

13.7 (d) The county agency shall continue to pay a monthly allowance of \$68 for
13.8 restaurant meals for a person who was receiving a restaurant meal allowance on June 1,
13.9 1990, and who eats two or more meals in a restaurant daily. The allowance must continue
13.10 until the person has not received Minnesota supplemental aid for one full calendar month
13.11 or until the person's living arrangement changes and the person no longer meets the criteria
13.12 for the restaurant meal allowance, whichever occurs first.

13.13 (e) A fee of ten percent of the recipient's gross income or \$25, whichever is less,
13.14 is allowed for representative payee services provided by an agency that meets the
13.15 requirements under SSI regulations to charge a fee for representative payee services. This
13.16 special need is available to all recipients of Minnesota supplemental aid regardless of
13.17 their living arrangement.

13.18 ~~(f)(1) Notwithstanding the language in this subdivision, an amount equal to~~
13.19 ~~the maximum allotment authorized by the federal Food Stamp Program for a single~~
13.20 ~~individual which is in effect on the first day of July of each year will be added to the~~
13.21 ~~standards of assistance established in subdivisions 1 to 4 for adults under the age of~~
13.22 ~~65 who qualify as shelter needy and are: (i) relocating from an institution, or an adult~~
13.23 ~~mental health residential treatment program under section 256B.0622; or (ii) home and~~
13.24 ~~community-based waiver recipients living in their own home or rented or leased apartment~~
13.25 ~~which is not owned, operated, or controlled by a provider of service not related by blood~~
13.26 ~~or marriage, unless allowed under paragraph (g).~~

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

13.31 ~~(3) "Shelter needy" means that the assistance unit incurs monthly shelter costs that~~
13.32 ~~exceed 40 percent of the assistance unit's gross income before the application of this~~
13.33 ~~special needs standard. "Gross income" for the purposes of this section is the applicant's or~~
13.34 ~~recipient's income as defined in section 256D.35, subdivision 10, or the standard specified~~
13.35 ~~in subdivision 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or~~

14.1 state housing subsidy, that limits shelter costs to a percentage of gross income, shall not be
 14.2 considered shelter needy for purposes of this paragraph.

14.3 (g) Notwithstanding this subdivision, to access housing and services as provided
 14.4 in paragraph (f), the recipient may choose housing that may be owned, operated, or
 14.5 controlled by the recipient's service provider. When housing is controlled by the service
 14.6 provider, the individual may choose the individual's own service provider as provided in
 14.7 section 256B.49, subdivision 23, clause (3). When the housing is controlled by the service
 14.8 provider, the service provider shall implement a plan with the recipient to transition the
 14.9 lease to the recipient's name. Within two years of signing the initial lease, the service
 14.10 provider shall transfer the lease entered into under this subdivision to the recipient. In
 14.11 the event the landlord denies this transfer, the commissioner may approve an exception
 14.12 within sufficient time to ensure the continued occupancy by the recipient. This paragraph
 14.13 expires June 30, 2016.

14.14 **EFFECTIVE DATE.** This section is effective February 1, 2017.

14.15 Sec. 15. Minnesota Statutes 2014, section 256I.01, is amended to read:

14.16 **256I.01 CITATION.**

14.17 Sections 256I.01 to 256I.06 shall be cited as the "Group Residential Housing Act."

14.18 Sec. 16. Minnesota Statutes 2014, section 256I.02, is amended to read:

14.19 **256I.02 PURPOSE.**

14.20 The Group Residential Housing Act establishes a comprehensive system of rates
 14.21 and payments for persons who reside in the community and who meet the eligibility
 14.22 criteria under section 256I.04, subdivision 1.

14.23 Sec. 17. Minnesota Statutes 2014, section 256I.03, subdivision 3, is amended to read:

14.24 Subd. 3. **Group residential housing.** "Group residential housing" means a group
 14.25 living situation that provides at a minimum room and board to unrelated persons who
 14.26 meet the eligibility requirements of section 256I.04. ~~This definition includes foster care~~
 14.27 ~~settings or community residential settings for a single adult.~~ To receive payment for a
 14.28 group residence rate, the residence must meet the requirements under section 256I.04,
 14.29 ~~subdivision~~ subdivisions 2a to 2f.

14.30 Sec. 18. Minnesota Statutes 2014, section 256I.03, subdivision 7, is amended to read:

15.1 Subd. 7. **Countable income.** "Countable income" means all income received by an
15.2 applicant or recipient less any applicable exclusions or disregards. For a recipient of any
15.3 cash benefit from the SSI program, countable income means the SSI benefit limit in effect
15.4 at the time the person is ~~in a GRH~~ a recipient of group residential housing or housing
15.5 assistance, less the medical assistance personal needs allowance under section 256B.35. If
15.6 the SSI limit ~~has been~~ or benefit is reduced for a person due to events ~~occurring prior to~~
15.7 ~~the persons entering the GRH setting~~ other than receipt of additional income, countable
15.8 income means actual income less any applicable exclusions and disregards.

15.9 Sec. 19. Minnesota Statutes 2014, section 256I.03, subdivision 8, is amended to read:

15.10 Subd. 8. **Supplementary services.** "Supplementary services" means services
15.11 provided to ~~residents~~ recipients of group residential housing ~~providers~~ or housing
15.12 assistance in addition to room and board including, but not limited to, oversight and up to
15.13 24-hour supervision, medication reminders, assistance with transportation, arranging for
15.14 meetings and appointments, and arranging for medical and social services.

15.15 Sec. 20. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
15.16 to read:

15.17 Subd. 9. **Direct contact.** "Direct contact" means providing face-to-face care,
15.18 support, training, supervision, counseling, consultation, or medication assistance to
15.19 recipients of group residential housing or supplementary services.

15.20 Sec. 21. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
15.21 to read:

15.22 Subd. 10. **Habitability inspection.** "Habitability inspection" means an inspection to
15.23 determine whether the housing occupied by an individual meets the habitability standards
15.24 specified by the commissioner and posted on the Department of Human Services Web site.

15.25 Sec. 22. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
15.26 to read:

15.27 Subd. 11. **Housing assistance.** "Housing assistance" means a monthly rate provided
15.28 to an individual who is living in the individual's own home that has passed a habitability
15.29 inspection.

15.30 Sec. 23. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
15.31 to read:

16.1 Subd. 12. **Housing costs.** "Housing costs" means actual monthly rent or mortgage
16.2 amount, costs associated with heating, cooling, electricity, water, sewer, and garbage
16.3 collection, and the basic service fee for one telephone.

16.4 Sec. 24. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
16.5 to read:

16.6 Subd. 13. **Institution.** "Institution" means a hospital, a nursing facility, an
16.7 intermediate care facility for persons with developmental disabilities, or regional treatment
16.8 center inpatient services provided according to section 245.474.

16.9 Sec. 25. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
16.10 to read:

16.11 Subd. 14. **Long-term homelessness.** "Long-term homelessness" means lacking
16.12 a permanent place to live: (1) continuously for one year or more; or (2) at least four
16.13 times in the past three years.

16.14 Sec. 26. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
16.15 to read:

16.16 Subd. 15. **Own home.** "Own home" means an individual's residence that: (1) is
16.17 owned, rented, or leased by an individual who is responsible for the individual's own
16.18 meals; (2) is not licensed according to section 256I.04, subdivision 2a; and (3) does not
16.19 have program requirements that restrict residency.

16.20 Sec. 27. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
16.21 to read:

16.22 Subd. 16. **Professional certification.** "Professional certification" means a statement
16.23 about an individual's illness, injury, or incapacity that is signed by a qualified professional.
16.24 The statement must specify that the individual has an illness or incapacity which limits the
16.25 individual's ability to work and provide self-support. The statement must also specify that
16.26 the individual needs assistance to access or maintain housing, as evidenced by the need
16.27 for two or more of the following services:

16.28 (1) tenancy supports to assist an individual with finding the individual's own
16.29 home, landlord negotiation, securing furniture and household supplies, understanding
16.30 and maintaining tenant responsibilities, conflict negotiation, and budgeting and financial
16.31 education;

17.1 (2) supportive services to assist with basic living and social skills, household
 17.2 management, monitoring of overall well-being, and problem solving;

17.3 (3) employment supports to assist with maintaining or increasing employment,
 17.4 increasing earnings, understanding and utilizing appropriate benefits and services,
 17.5 improving physical or mental health, moving toward self-sufficiency, and achieving
 17.6 personal goals; or

17.7 (4) health supervision services to assist in the preparation and administration of
 17.8 medications other than injectables, the provision of therapeutic diets, taking vital signs, or
 17.9 providing assistance in dressing, grooming, bathing, or with walking devices.

17.10 Sec. 28. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
 17.11 to read:

17.12 Subd. 17. **Prospective budgeting.** "Prospective budgeting" means estimating the
 17.13 amount of monthly income a person will have in the payment month.

17.14 Sec. 29. Minnesota Statutes 2014, section 256I.03, is amended by adding a subdivision
 17.15 to read:

17.16 Subd. 18. **Qualified professional.** "Qualified professional" means an individual as
 17.17 defined in section 256J.08, subdivision 73a, or Minnesota Rules, part 9530.6450, subpart
 17.18 3, 4, or 5; or an individual approved by the director of human services or a designee
 17.19 of the director.

17.20 Sec. 30. Minnesota Statutes 2014, section 256I.04, is amended to read:

17.21 **256I.04 ELIGIBILITY FOR GROUP RESIDENTIAL HOUSING PAYMENT.**

17.22 Subdivision 1. **Individual eligibility requirements.** An individual is eligible for and
 17.23 entitled to a ~~group residential housing~~ payment to be made on the individual's behalf if the
 17.24 ~~agency has approved the individual's residence in a group residential housing setting and the~~
 17.25 ~~individual meets the requirements in paragraph (a) or (b) and paragraph (c).~~ To be eligible
 17.26 for housing assistance, an individual must also meet the requirements in paragraphs (d)
 17.27 and (e). Paragraphs (f) and (g) apply to individuals eligible for group residential housing.

17.28 (a) The individual is aged, blind, or is over 18 years of age and disabled as determined
 17.29 under the criteria used by the title II program of the Social Security Act, and meets the
 17.30 resource restrictions and standards of section 256P.02, and the individual's countable
 17.31 ~~income after deducting shall be reduced by the~~ (1) exclusions and disregards of the SSI
 17.32 program, (2) the medical assistance personal needs allowance under section 256B.35, ~~and~~
 17.33 ~~(3) an amount equal to the income actually made available to a community spouse by an~~

18.1 elderly waiver participant under the provisions of sections 256B.0575, paragraph (a), clause
18.2 (4), and 256B.058, subdivision 2, is less than the monthly rate specified in the agency's
18.3 agreement with the provider of group residential housing in which the individual resides.

18.4 (b) The individual meets a category of eligibility under section 256D.05, subdivision
18.5 1, paragraph (a), clauses (1), (3), (5), (6), (7), (8), (9), (14), and paragraph (b), if
18.6 applicable, and the individual's resources are less than the standards specified by section
18.7 256P.02, and the individual's countable income as determined under sections 256D.01 to
18.8 256D.21, less shall be reduced by the medical assistance personal needs allowance under
18.9 section 256B.35 is less than the monthly rate specified in the agency's agreement with the
18.10 provider of group residential housing in which the individual resides.

18.11 (c) Effective July 1, 2016, the individual must demonstrate a need for services
18.12 as shown by receipt of:

18.13 (1) an assessed need for supportive housing according to the continuum of care
18.14 coordinated assessment system established under Code of Federal Regulations, title 24,
18.15 section 578.3;

18.16 (2) home and community-based services identified in section 245D.03, subdivision 1;
18.17 alternative care according to section 256B.0913; adult rehabilitative mental health services
18.18 according to section 256B.0623; targeted case management services according to section
18.19 256B.0924, subdivision 3; assertive community treatment services according to section
18.20 256B.0622, subdivision 2; essential community supports according to section 256B.0922;
18.21 nonresidential chemical dependency treatment services identified in Minnesota Rules,
18.22 parts 9530.6620 and 9530.6622; community first services and supports according to
18.23 section 256B.85; or a difficulty of care rate according to section 256I.05, subdivision 1c; or

18.24 (3) a professional certification for residence in group residential housing.

18.25 (d) Effective February 1, 2017, an individual is eligible for housing assistance if
18.26 the individual:

18.27 (1) is relocating out of an institution or a licensed or registered setting according to
18.28 subdivision 2a, within the last 90 days; was receiving group residential housing payments in
18.29 the individual's own home as of February 1, 2017; or was receiving the shelter special need
18.30 payment under section 256D.44, subdivision 5, paragraph (f), on January 31, 2017; and

18.31 (2) has monthly housing costs in the individual's own home that are more than 40
18.32 percent of the individual's monthly countable income.

18.33 (e) An individual who receives housing assistance is required to apply for federal
18.34 rental assistance in the individual's own home, if applicable. An individual may not
18.35 receive housing assistance and group residential housing or state or federal rental
18.36 assistance at the same time.

19.1 (f) For an individual eligible for group residential housing under paragraph (a),
 19.2 the individual's countable income shall be reduced by an amount equal to the income
 19.3 actually made available to a community spouse by an elderly waiver participant under the
 19.4 provisions of sections 256B.0575, subdivision 1, paragraph (a), clause (4), and 256B.058,
 19.5 subdivision 2.

19.6 (g) For an individual eligible for group residential housing under paragraph (a)
 19.7 or (b), the individual's countable income must be less than the monthly rate specified
 19.8 in the agency's agreement with the provider of group residential housing in which the
 19.9 individual resides.

19.10 Subd. 1a. **County approval.** (a) A county agency may not approve a ~~group~~
 19.11 ~~residential housing~~ payment for an individual in any setting with a rate in excess of the
 19.12 MSA equivalent rate ~~for more than 30 days in a calendar year~~ or for an individual in the
 19.13 individual's own home in excess of the housing assistance payment unless the county
 19.14 ~~agency has developed or approved~~ individual has a plan for the individual which specifies
 19.15 ~~that:~~ professional certification.

19.16 ~~(1) the individual has an illness or incapacity which prevents the person from living~~
 19.17 ~~independently in the community; and~~

19.18 ~~(2) the individual's illness or incapacity requires the services which are available in~~
 19.19 ~~the group residence.~~

19.20 ~~The plan must be signed or countersigned by any of the following employees of the~~
 19.21 ~~county of financial responsibility: the director of human services or a designee of the~~
 19.22 ~~director; a social worker; or a case aide.~~

19.23 (b) If a county agency determines that an applicant is ineligible due to not meeting
 19.24 eligibility requirements under this section, a county agency may accept a signed personal
 19.25 statement from the applicant in lieu of documentation verifying ineligibility.

19.26 (c) Effective July 1, 2016, to be eligible for supplementary service payments,
 19.27 providers must enroll in the provider enrollment system identified by the commissioner.

19.28 Subd. 1b. **Optional state supplements to SSI.** Group residential housing and
 19.29 housing assistance payments made on behalf of persons eligible under subdivision 1,
 19.30 paragraph (a), are optional state supplements to the SSI program.

19.31 Subd. 1c. **Interim assistance.** Group residential housing and housing assistance
 19.32 payments made on behalf of persons eligible under subdivision 1, paragraph (b), are
 19.33 considered interim assistance payments to applicants for the federal SSI program.

19.34 Subd. 2. **Date of eligibility.** An individual who has met the eligibility requirements
 19.35 of subdivision 1, shall have a ~~group residential housing~~ payment made on the individual's
 19.36 behalf from the first day of the month in which a signed application form is received by

20.1 a county agency, or the first day of the month in which all eligibility factors have been
20.2 met, whichever is later.

20.3 Subd. 2a. **License, staffing qualifications, background studies required.** A
20.4 ~~county~~ (a) An agency may not enter into an agreement with an establishment to provide
20.5 group residential housing unless:

20.6 (1) the establishment is licensed by the Department of Health as a hotel and
20.7 restaurant; a board and lodging establishment; ~~a residential care home~~; a boarding care
20.8 home before March 1, 1985; or a supervised living facility, and the service provider
20.9 for residents of the facility is licensed under chapter 245A. However, an establishment
20.10 licensed by the Department of Health to provide lodging need not also be licensed to
20.11 provide board if meals are being supplied to residents under a contract with a food vendor
20.12 who is licensed by the Department of Health;

20.13 (2) the residence is: (i) licensed by the commissioner of human services under
20.14 Minnesota Rules, parts 9555.5050 to 9555.6265; (ii) certified by a county human services
20.15 agency prior to July 1, 1992, using the standards under Minnesota Rules, parts 9555.5050
20.16 to 9555.6265; (iii) ~~a residence~~ licensed by the commissioner under Minnesota Rules, parts
20.17 2960.0010 to 2960.0120, with a variance under section 245A.04, subdivision 9; or (iv)
20.18 licensed under section 245D.02, subdivision 4a, as a community residential setting by
20.19 the commissioner of human services; or

20.20 (3) the establishment is registered under chapter 144D and provides three meals a
20.21 day, ~~or is an establishment voluntarily registered under section 144D.025 as a supportive~~
20.22 ~~housing establishment; or~~ .

20.23 ~~(4) an establishment voluntarily registered under section 144D.025, other than~~
20.24 ~~a supportive housing establishment under clause (3), is not eligible to provide group~~
20.25 ~~residential housing.~~

20.26 (b) The requirements under ~~clauses (1) to (4)~~ paragraph (a) do not apply to
20.27 establishments exempt from state licensure because they are:

20.28 (1) located on Indian reservations and subject to tribal health and safety
20.29 requirements; or

20.30 (2) a supportive housing establishment that has an approved habitability inspection
20.31 and an individual lease agreement and that serves people who have experienced long-term
20.32 homelessness and were referred through a coordinated assessment.

20.33 (c) Supportive housing establishments and emergency shelters must participate in
20.34 the homeless management information system.

21.1 (d)(1) Effective July 1, 2016, the provider of group residential housing or
 21.2 supplementary services must initiate background studies in accordance with chapter 245C
 21.3 on the following individuals:

21.4 (i) controlling individuals as defined in section 245A.02;
 21.5 (ii) managerial officials as defined in section 245A.02; and
 21.6 (iii) all employees and volunteers of the establishment who have direct contact
 21.7 with recipients, or who have unsupervised access to recipients, their personal property,
 21.8 or their private data.

21.9 (2) The provider of group residential housing or supplementary services must
 21.10 maintain compliance with all requirements established for entities initiating background
 21.11 studies under chapter 245C.

21.12 (3) Effective July 1, 2017, for an individual to begin or continue employment with
 21.13 a provider of group residential housing or supplementary services, an individual who is
 21.14 required to receive a background study according to chapter 245C must receive either a
 21.15 notice stating that:

21.16 (i) the individual is not disqualified under section 245C.14; or
 21.17 (ii) the individual is disqualified, but the individual has been issued a set-aside of
 21.18 the disqualification for that setting under section 245C.22.

21.19 (e) Effective July 1, 2016, an agency shall not have an agreement with a provider
 21.20 of group residential housing or supplementary services unless all staff members who
 21.21 have direct contact with recipients:

21.22 (1) have the skills and knowledge acquired through:

21.23 (i) a course of study in a health or human services-related field leading to a bachelor
 21.24 of arts, bachelor of science, or associate's degree;

21.25 (ii) one year of experience with the target population served;

21.26 (iii) experience as a certified peer specialist according to section 256B.0615; or

21.27 (iv) meeting the requirements for unlicensed personnel under sections 144A.43
 21.28 to 144A.483;

21.29 (2) hold a current Minnesota driver's license appropriate to the vehicle driven if
 21.30 transporting participants;

21.31 (3) complete training on vulnerable adults mandated reporting and child
 21.32 maltreatment mandated reporting where applicable; and

21.33 (4) complete group residential housing orientation training offered by the
 21.34 commissioner.

21.35 Subd. 2b. **Group residential housing Agreements.** Agreements between county
 21.36 agencies and providers of group residential housing or supplementary services must be

22.1 in writing on a form developed and approved by the commissioner and must specify
 22.2 the name and address under which the establishment subject to the agreement does
 22.3 business and under which the establishment, or service provider, if different from the
 22.4 group residential housing establishment, is licensed by the Department of Health or the
 22.5 Department of Human Services; the specific license or registration from the Department
 22.6 of Health or the Department of Human Services held by the provider and the number
 22.7 of beds subject to that license; the address of the location or locations at which group
 22.8 residential housing is provided under this agreement; the per diem and monthly rates that
 22.9 are to be paid from group residential housing or supplementary service funds for each
 22.10 eligible resident at each location; the number of beds at each location which are subject
 22.11 to the ~~group residential housing~~ agreement; whether the license holder is a not-for-profit
 22.12 corporation under section 501(c)(3) of the Internal Revenue Code; and a statement that
 22.13 the agreement is subject to the provisions of sections 256I.01 to 256I.06 and subject to
 22.14 any changes to those sections. Agreements must require providers to cooperate with the
 22.15 agency to verify minimum requirements, including:

- 22.16 (1) current license or registration, including authorization if managing or monitoring
 22.17 medications;
 22.18 (2) all staff who have direct contact with recipients meet the staff qualifications;
 22.19 (3) the provision of group residential housing;
 22.20 (4) the provision of supplementary services, if applicable;
 22.21 (5) reports of adverse events, including recipient death or serious injury; and
 22.22 (6) submission of residency requirements that could result in recipient eviction.

22.23 ~~Group residential housing~~ Agreements may be terminated with or without cause by
 22.24 ~~either the county commissioner, the agency,~~ or the provider with two calendar months
 22.25 prior notice.

22.26 Subd. 2c. **Crisis shelters.** Secure crisis shelters for battered women and their
 22.27 children designated by the Minnesota Department of Corrections are not group residences
 22.28 under this chapter.

22.29 Subd. 2d. **Conditions of payment.** (a) Group residential housing or supplementary
 22.30 services shall be provided to the satisfaction of the commissioner, as determined at the
 22.31 sole discretion of the commissioner's authorized representative, and in accordance with
 22.32 all applicable federal, state, and local laws, ordinances, rules, and regulations, including
 22.33 business registration requirements of the Office of the Secretary of State. A provider
 22.34 shall not receive payment for work found by the commissioner to be unsatisfactory, or
 22.35 performed in violation of federal, state, or local law, ordinance, rule, or regulation.

23.1 (b) The commissioner has the right to suspend or terminate the agreement
23.2 immediately when the commissioner determines the health or welfare of the service
23.3 recipients is endangered, or when the commissioner has reasonable cause to believe that
23.4 the provider has breached a material term of the agreement.

23.5 (c) Notwithstanding paragraph (b), if the commissioner learns of a curable material
23.6 breach of the agreement by the provider, the commissioner shall provide the provider with
23.7 written notice of the breach and ten days to cure the breach. If the provider does not cure
23.8 the breach within the time allowed, the provider shall be in default of the agreement and
23.9 the commissioner may terminate the agreement immediately thereafter. If the provider
23.10 has breached a material term of the agreement and cure is not possible, the commissioner
23.11 may immediately terminate the agreement.

23.12 Subd. 2e. **Providers holding health or human services licenses.** (a) Except
23.13 for facilities with only a board and lodging license, when group residential housing or
23.14 supplementary service staff are also operating under a license issued by the Department of
23.15 Health or the Department of Human Services, the minimum staff qualification requirements
23.16 for the setting shall be the qualifications listed under the related licensing standards.

23.17 (b) A background study completed for the licensed service shall also satisfy the
23.18 background study requirements under this section if the provider has established the
23.19 background study contact person according to chapter 245C and as directed by the
23.20 Department of Human Services.

23.21 Subd. 2f. **Required services.** In licensed and registered settings, providers shall
23.22 ensure that participants have at a minimum:

23.23 (1) food preparation and service for three nutritious meals a day on site;

23.24 (2) a bed, clothing storage, linen, bedding, laundering, and laundry supplies or
23.25 service;

23.26 (3) housekeeping, including cleaning and lavatory supplies or service; and

23.27 (4) maintenance and operation of the building and grounds, including heat, water,
23.28 garbage removal, electricity, telephone for the site, cooling, supplies, and parts and tools
23.29 to repair and maintain equipment and facilities.

23.30 Subd. 3. **Moratorium on development of group residential housing beds.** (a)
23.31 County Agencies shall not enter into agreements for new group residential housing beds
23.32 with total rates in excess of the MSA equivalent rate except:

23.33 (1) for group residential housing establishments licensed under Minnesota Rules,
23.34 parts 9525.0215 to 9525.0355, provided the facility is needed to meet the census reduction
23.35 targets for persons with developmental disabilities at regional treatment centers;

24.1 (2) up to 80 beds in a single, specialized facility located in Hennepin County that will
24.2 provide housing for chronic inebriates who are repetitive users of detoxification centers
24.3 and are refused placement in emergency shelters because of their state of intoxication,
24.4 and planning for the specialized facility must have been initiated before July 1, 1991,
24.5 in anticipation of receiving a grant from the Housing Finance Agency under section
24.6 462A.05, subdivision 20a, paragraph (b);

24.7 (3) notwithstanding the provisions of subdivision 2a, for up to 190 supportive
24.8 housing units in Anoka, Dakota, Hennepin, or Ramsey County for homeless adults with a
24.9 mental illness, a history of substance abuse, or human immunodeficiency virus or acquired
24.10 immunodeficiency syndrome. For purposes of this section, "homeless adult" means a
24.11 person who is living on the street or in a shelter or discharged from a regional treatment
24.12 center, community hospital, or residential treatment program and has no appropriate
24.13 housing available and lacks the resources and support necessary to access appropriate
24.14 housing. At least 70 percent of the supportive housing units must serve homeless adults
24.15 with mental illness, substance abuse problems, or human immunodeficiency virus or
24.16 acquired immunodeficiency syndrome who are about to be or, within the previous six
24.17 months, has been discharged from a regional treatment center, or a state-contracted
24.18 psychiatric bed in a community hospital, or a residential mental health or chemical
24.19 dependency treatment program. If a person meets the requirements of subdivision 1,
24.20 paragraph (a), and receives a federal or state housing subsidy, the group residential housing
24.21 rate for that person is limited to the supplementary rate under section 256I.05, subdivision
24.22 1a, and is determined by subtracting the amount of the person's countable income that
24.23 exceeds the MSA equivalent rate from the group residential housing supplementary rate.
24.24 A resident in a demonstration project site who no longer participates in the demonstration
24.25 program shall retain eligibility for a group residential housing payment in an amount
24.26 determined under section 256I.06, subdivision 8, using the MSA equivalent rate. Service
24.27 funding under section 256I.05, subdivision 1a, will end June 30, 1997, if federal matching
24.28 funds are available and the services can be provided through a managed care entity. If
24.29 federal matching funds are not available, then service funding will continue under section
24.30 256I.05, subdivision 1a;

24.31 (4) for an additional two beds, resulting in a total of 32 beds, for a facility located in
24.32 Hennepin County providing services for recovering and chemically dependent men that
24.33 has had a group residential housing contract with the county and has been licensed as a
24.34 board and lodge facility with special services since 1980;

24.35 (5) for a group residential housing provider located in the city of St. Cloud, or a county
24.36 contiguous to the city of St. Cloud, that operates a 40-bed facility, that received financing

25.1 through the Minnesota Housing Finance Agency Ending Long-Term Homelessness
 25.2 Initiative and serves chemically dependent clientele, providing 24-hour-a-day supervision;

25.3 (6) for a new 65-bed facility in Crow Wing County that will serve chemically
 25.4 dependent persons, operated by a group residential housing provider that currently
 25.5 operates a 304-bed facility in Minneapolis, and a 44-bed facility in Duluth;

25.6 (7) for a group residential housing provider that operates two ten-bed facilities, one
 25.7 located in Hennepin County and one located in Ramsey County, that provide community
 25.8 support and 24-hour-a-day supervision to serve the mental health needs of individuals
 25.9 who have chronically lived unsheltered; and

25.10 (8) for a group residential facility in Hennepin County with a capacity of up to 48
 25.11 beds that has been licensed since 1978 as a board and lodging facility and that until August
 25.12 1, 2007, operated as a licensed chemical dependency treatment program.

25.13 (b) ~~A county~~ An agency may enter into a group residential housing agreement for
 25.14 beds with rates in excess of the MSA equivalent rate in addition to those currently covered
 25.15 under a group residential housing agreement if the additional beds are only a replacement
 25.16 of beds with rates in excess of the MSA equivalent rate which have been made available
 25.17 due to closure of a setting, a change of licensure or certification which removes the beds
 25.18 from group residential housing payment, or as a result of the downsizing of a group
 25.19 residential housing setting. The transfer of available beds from one ~~county~~ agency to
 25.20 another can only occur by the agreement of both ~~counties~~ agencies.

25.21 Subd. 4. **Rental assistance.** For participants in the Minnesota supportive housing
 25.22 demonstration program under subdivision 3, paragraph (a), clause (5), notwithstanding
 25.23 the provisions of section 256I.06, subdivision 8, the amount of the group residential
 25.24 housing payment for room and board must be calculated by subtracting 30 percent of the
 25.25 recipient's adjusted income as defined by the United States Department of Housing and
 25.26 Urban Development for the Section 8 program from the fair market rent established for the
 25.27 recipient's living unit by the federal Department of Housing and Urban Development. This
 25.28 payment shall be regarded as a state housing subsidy for the purposes of subdivision 3.
 25.29 Notwithstanding the provisions of section 256I.06, subdivision 6, the recipient's countable
 25.30 income will only be adjusted when a change of greater than \$100 in a month occurs or
 25.31 upon annual redetermination of eligibility, whichever is sooner. ~~The commissioner is~~
 25.32 ~~directed to study the feasibility of developing a rental assistance program to serve persons~~
 25.33 ~~traditionally served in group residential housing settings and report to the legislature by~~
 25.34 ~~February 15, 1999.~~

25.35 Sec. 31. Minnesota Statutes 2014, section 256I.05, subdivision 1c, is amended to read:

26.1 Subd. 1c. **Rate increases.** ~~A county~~ An agency may not increase the rates
26.2 negotiated for group residential housing above those in effect on June 30, 1993, except as
26.3 provided in paragraphs (a) to ~~(f)~~ (g).

26.4 (a) ~~A county~~ An agency may increase the rates for group residential housing settings
26.5 to the MSA equivalent rate for those settings whose current rate is below the MSA
26.6 equivalent rate.

26.7 (b) ~~A county~~ An agency may increase the rates for residents in adult foster care
26.8 whose difficulty of care has increased. The total group residential housing rate for these
26.9 residents must not exceed the maximum rate specified in subdivisions 1 and 1a. ~~County~~
26.10 Agencies must not include nor increase group residential housing difficulty of care rates
26.11 for adults in foster care whose difficulty of care is eligible for funding by home and
26.12 community-based waiver programs under title XIX of the Social Security Act.

26.13 (c) The room and board rates will be increased each year when the MSA equivalent
26.14 rate is adjusted for SSI cost-of-living increases by the amount of the annual SSI increase,
26.15 less the amount of the increase in the medical assistance personal needs allowance under
26.16 section 256B.35.

26.17 (d) When a group residential housing rate is used to pay for an individual's room
26.18 and board, or other costs necessary to provide room and board, the rate payable to
26.19 the residence must continue for up to 18 calendar days per incident that the person is
26.20 temporarily absent from the residence, not to exceed 60 days in a calendar year, if the
26.21 absence or absences have received the prior approval of the county agency's social service
26.22 staff. Prior approval is not required for emergency absences due to crisis, illness, or injury.

26.23 (e) For facilities meeting substantial change criteria within the prior year. Substantial
26.24 change criteria exists if the group residential housing establishment experiences a 25
26.25 percent increase or decrease in the total number of its beds, if the net cost of capital
26.26 additions or improvements is in excess of 15 percent of the current market value of the
26.27 residence, or if the residence physically moves, or changes its licensure, and incurs a
26.28 resulting increase in operation and property costs.

26.29 (f) Until June 30, 1994, ~~a county~~ an agency may increase by up to five percent the
26.30 total rate paid for recipients of assistance under sections 256D.01 to 256D.21 or 256D.33
26.31 to 256D.54 who reside in residences that are licensed by the commissioner of health as
26.32 a boarding care home, but are not certified for the purposes of the medical assistance
26.33 program. However, an increase under this clause must not exceed an amount equivalent to
26.34 65 percent of the 1991 medical assistance reimbursement rate for nursing home resident
26.35 class A, in the geographic grouping in which the facility is located, as established under
26.36 Minnesota Rules, parts 9549.0050 to 9549.0058.

27.1 (g) An agency may negotiate a difficulty of care rate approved by the commissioner
 27.2 for an individual receiving a group residential housing payment or housing assistance
 27.3 payment if necessary to provide housing for the individual due to the individual's
 27.4 extraordinary emotional, behavioral, or physical health needs and if necessary to secure
 27.5 housing for an individual transitioning into a more integrated setting.

27.6 Sec. 32. Minnesota Statutes 2014, section 256I.05, subdivision 1g, is amended to read:

27.7 Subd. 1g. **Supplementary service rate for certain facilities.** On or after July 1,
 27.8 2005, ~~a county~~ an agency may negotiate a supplementary service rate for recipients of
 27.9 assistance under section 256I.04, subdivision 1, paragraph (a) or (b), who ~~relocate from a~~
 27.10 ~~homeless shelter licensed and registered prior to December 31, 1996, by the Minnesota~~
 27.11 ~~Department of Health under section 157.17, to~~ have experienced long-term homelessness
 27.12 and who live in a supportive housing establishment developed and funded in whole or in
 27.13 part with funds provided specifically as part of the plan to end long-term homelessness
 27.14 required under Laws 2003, chapter 128, article 15, section 9, not to exceed \$456.75 under
 27.15 section 256I.04, subdivision 2a.

27.16 Sec. 33. Minnesota Statutes 2014, section 256I.05, is amended by adding a subdivision
 27.17 to read:

27.18 Subd. 1p. **Supplemental rate; relocation into an individual's own home.**
 27.19 Beginning February 1, 2017, an agency may negotiate a supplemental service rate in
 27.20 addition to the rate specified in subdivision 1, not to exceed the rate authorized by
 27.21 subdivision 1a, paragraph (a), for a provider authorized to provide supplemental services
 27.22 under this chapter to serve individuals who are receiving housing assistance.

27.23 Sec. 34. Minnesota Statutes 2014, section 256I.06, is amended to read:

27.24 **256I.06 PAYMENT METHODS.**

27.25 Subdivision 1. **Monthly payments.** Monthly payments made on an individual's
 27.26 behalf for group residential housing must be issued as a voucher or vendor payment.
 27.27 Monthly payments made on an individual's behalf for housing assistance must be issued as
 27.28 a voucher or vendor payment unless the individual is receiving Supplemental Security
 27.29 Income or Social Security Disability Insurance issued by the United States Social Security
 27.30 Administration.

27.31 Subd. 2. **Time of payment.** A county agency may make payments to a group
 27.32 residence in advance for an individual whose stay in the group residence is expected
 27.33 to last beyond the calendar month for which the payment is made ~~and who does not~~

28.1 ~~expect to receive countable earned income during the month for which the payment is~~
28.2 ~~made.~~ Group residential housing payments made by a county agency on behalf of an
28.3 individual who is not expected to remain in the group residence beyond the month for
28.4 which payment is made must be made subsequent to the individual's departure from the
28.5 group residence. ~~Group residential housing payments made by a county agency on behalf~~
28.6 ~~of an individual with countable earned income must be made subsequent to receipt of a~~
28.7 ~~monthly household report form.~~

28.8 Subd. 3. **Filing of application.** The county agency must immediately provide an
28.9 application form to any person requesting ~~group residential housing~~ payments under this
28.10 chapter. Application for ~~group residential housing~~ must be in writing on a form prescribed
28.11 by the commissioner. The county agency must determine an applicant's eligibility for
28.12 ~~group residential housing~~ payments under this chapter as soon as the required verifications
28.13 are received by the county agency and within 30 days after a signed application is received
28.14 by the county agency for the aged or blind or within 60 days for the disabled.

28.15 Subd. 4. **Verification.** The county agency must request, and applicants and
28.16 recipients must provide and verify, all information necessary to determine initial and
28.17 continuing eligibility and ~~group residential housing~~ payment amounts under this chapter.
28.18 If necessary, the county agency shall assist the applicant or recipient in obtaining
28.19 verifications. If the applicant or recipient refuses or fails without good cause to provide
28.20 the information or verification, the county agency shall deny or terminate eligibility for
28.21 ~~group residential housing~~ payments under this chapter.

28.22 Subd. 5. **Redetermination of eligibility.** The eligibility of each recipient must be
28.23 redetermined at least once every 12 months.

28.24 Subd. 6. **Reports.** Recipients must report changes in circumstances that affect
28.25 eligibility or ~~group residential housing~~ payment amounts, other than changes in earned
28.26 income, within ten days of the change. Recipients with countable earned income must
28.27 complete a ~~monthly~~ household report form at least once every six months. If the report
28.28 form is not received before the end of the month in which it is due, the county agency
28.29 must terminate eligibility for ~~group residential housing~~ payments under this chapter.
28.30 The termination shall be effective on the first day of the month following the month in
28.31 which the report was due. If a complete report is received within the month eligibility
28.32 was terminated, the individual is considered to have continued an application for ~~group~~
28.33 ~~residential housing~~ payment under this chapter effective the first day of the month the
28.34 eligibility was terminated.

28.35 Subd. 7. **Determination of rates.** The agency in the county in which a ~~group~~
28.36 residence is located ~~will~~ shall determine the amount of group residential housing rate or

29.1 supplementary service rate to be paid on behalf of an individual in the ~~group~~ residence
 29.2 regardless of the individual's ~~county~~ agency of financial responsibility.

29.3 Subd. 8. **Amount of ~~group residential housing~~ payment.** (a) The amount of
 29.4 a group residential housing payment to be made on behalf of an eligible individual is
 29.5 determined by subtracting the individual's countable income under section 256I.04,
 29.6 subdivision 1, for a whole calendar month from the group residential housing charge for
 29.7 that same month. The group residential housing charge is determined by multiplying the
 29.8 group residential housing rate times the period of time the individual was a resident or
 29.9 temporarily absent under section 256I.05, subdivision 1c, paragraph (d).

29.10 (b) For an individual who lives in the individual's own home and meets the standards
 29.11 under section 256I.04, subdivision 1, paragraph (d), the amount of payment is determined
 29.12 by subtracting 40 percent of the individual's countable income for a whole calendar month
 29.13 from the maximum United States Department of Housing and Urban Development fair
 29.14 market rent for the individual's area of residence or the individual's actual housing costs,
 29.15 whichever is lower. An individual living in a setting funded through a Minnesota Housing
 29.16 Finance Agency multifamily award before July 1, 2015, shall use the MSA equivalent rate
 29.17 minus the maximum allotment authorized by the federal Food Stamp Program according
 29.18 to section 256I.03, subdivision 5, instead of the fair market rent.

29.19 (c) For an individual with earned income, prospective budgeting shall be used to
 29.20 determine the amount of the individual's payment for the following six-month period. An
 29.21 increase in income shall not affect an individual's eligibility or payment amount until the
 29.22 month following the reporting month. A decrease in income shall be effective the first day
 29.23 of the month after the month in which the decrease is reported.

29.24 **EFFECTIVE DATE.** Subdivision 8, paragraph (b), is effective February 1, 2017.

29.25 Sec. 35. Minnesota Statutes 2014, section 256N.22, subdivision 9, is amended to read:

29.26 Subd. 9. **Death or incapacity of relative custodian or ~~dissolution~~ modification**
 29.27 **of custody.** The Northstar kinship assistance agreement ends upon death or ~~dissolution~~
 29.28 incapacity of the relative custodian or modification of the order for permanent legal and
 29.29 physical custody of ~~both relative custodians in the case of assignment of custody to two~~
 29.30 individuals, or the sole relative custodian in the case of assignment of custody to one
 29.31 individual in which legal or physical custody is removed from the relative custodian.
 29.32 In the case of a relative custodian's death or incapacity, Northstar kinship assistance
 29.33 eligibility may be continued according to subdivision 10.

29.34 Sec. 36. Minnesota Statutes 2014, section 256N.22, subdivision 10, is amended to read:

30.1 Subd. 10. **Assigning a successor relative custodian for a child's Northstar**
 30.2 **kinship assistance to a court-appointed guardian or custodian.** (a) Northstar kinship
 30.3 ~~assistance may be continued with the written consent of the commissioner to~~ In the event
 30.4 of the death or incapacity of the relative custodian, eligibility for Northstar kinship
 30.5 assistance and title IV-E assistance, if applicable, is not affected if the relative custodian
 30.6 is replaced by a successor named in the Northstar kinship assistance benefit agreement.
 30.7 Northstar kinship assistance shall be paid to a named successor who is not the child's legal
 30.8 parent, biological parent or stepparent, or other adult living in the home of the legal parent,
 30.9 biological parent, or stepparent.

30.10 (b) In order to receive Northstar kinship assistance, a named successor must:

30.11 (1) meet the background study requirements in subdivision 4;

30.12 (2) renegotiate the agreement consistent with section 256N.25, subdivision 2,

30.13 including cooperating with an assessment under section 256N.24;

30.14 (3) be ordered by the court to be the child's legal relative custodian in a modification
 30.15 proceeding under section 260C.521, subdivision 2; and

30.16 (4) satisfy the requirements in this paragraph within one year of the relative
 30.17 custodian's death or incapacity unless the commissioner certifies that the named successor
 30.18 made reasonable attempts to satisfy the requirements within one year and failure to satisfy
 30.19 the requirements was not the responsibility of the named successor.

30.20 (c) Payment of Northstar kinship assistance to the successor guardian may be
 30.21 temporarily approved through the policies, procedures, requirements, and deadlines under
 30.22 section 256N.28, subdivision 2. Ongoing payment shall begin in the month when all the
 30.23 requirements in paragraph (b) are satisfied.

30.24 (d) Continued payment of Northstar kinship assistance may occur in the event of the
 30.25 death or incapacity of the relative custodian when no successor has been named in the
 30.26 benefit agreement when the commissioner gives written consent to an individual who is a
 30.27 guardian or custodian appointed by a court for the child upon the death of both relative
 30.28 custodians in the case of assignment of custody to two individuals, or the sole relative
 30.29 custodian in the case of assignment of custody to one individual, unless the child is under
 30.30 the custody of a county, tribal, or child-placing agency.

30.31 ~~(b)~~ (e) Temporary assignment of Northstar kinship assistance may be approved
 30.32 for a maximum of six consecutive months from the death or incapacity of the relative
 30.33 custodian or custodians as provided in paragraph (a) and must adhere to the policies and,
 30.34 procedures, requirements, and deadlines under section 256N.28, subdivision 2, that are
 30.35 prescribed by the commissioner. If a court has not appointed a permanent legal guardian

31.1 or custodian within six months, the Northstar kinship assistance must terminate and must
31.2 not be resumed.

31.3 ~~(e)~~ (f) Upon assignment of assistance payments under ~~this subdivision~~ paragraphs
31.4 (d) and (e), assistance must be provided from funds other than title IV-E.

31.5 Sec. 37. Minnesota Statutes 2014, section 256N.24, subdivision 4, is amended to read:

31.6 Subd. 4. **Extraordinary levels.** (a) The assessment tool established under
31.7 subdivision 2 must provide a mechanism through which up to five levels can be added
31.8 to the supplemental difficulty of care for a particular child under section 256N.26,
31.9 subdivision 4. In establishing the assessment tool, the commissioner must design the tool
31.10 so that the levels applicable to the portions of the assessment other than the extraordinary
31.11 levels can accommodate the requirements of this subdivision.

31.12 (b) These extraordinary levels are available when all of the following circumstances
31.13 apply:

31.14 (1) the child has extraordinary needs as determined by the assessment tool provided
31.15 for under subdivision 2, and the child meets other requirements established by the
31.16 commissioner, such as a minimum score on the assessment tool;

31.17 (2) the child's extraordinary needs require extraordinary care and intense supervision
31.18 that is provided by the child's caregiver as part of the parental duties as described in the
31.19 supplemental difficulty of care rate, section 256N.02, subdivision 21. This extraordinary
31.20 care provided by the caregiver is required so that the child can be safely cared for in the
31.21 home and community, and prevents residential placement;

31.22 (3) the child is physically living in a foster family setting, as defined in Minnesota
31.23 Rules, part 2960.3010, subpart 23, in a foster residence setting, or physically living in the
31.24 home with the adoptive parent or relative custodian; and

31.25 (4) the child is receiving the services for which the child is eligible through medical
31.26 assistance programs or other programs that provide necessary services for children with
31.27 disabilities or other medical and behavioral conditions to live with the child's family, but
31.28 the agency with caregiver's input has identified a specific support gap that cannot be met
31.29 through home and community support waivers or other programs that are designed to
31.30 provide support for children with special needs.

31.31 (c) The agency completing an assessment, under subdivision 2, that suggests an
31.32 extraordinary level must document as part of the assessment, the following:

31.33 (1) the assessment tool that determined that the child's needs or disabilities require
31.34 extraordinary care and intense supervision;

32.1 (2) a summary of the extraordinary care and intense supervision that is provided by
 32.2 the caregiver as part of the parental duties as described in the supplemental difficulty of
 32.3 care rate, section 256N.02, subdivision 21;

32.4 (3) confirmation that the child is currently physically residing in the foster family
 32.5 setting or in the home with the adoptive parent or relative custodian;

32.6 (4) the efforts of the agency, caregiver, parents, and others to request support services
 32.7 in the home and community that would ease the degree of parental duties provided by the
 32.8 caregiver for the care and supervision of the child. This would include documentation of
 32.9 the services provided for the child's needs or disabilities, and the services that were denied
 32.10 or not available from the local social service agency, community agency, the local school
 32.11 district, local public health department, the parent, or child's medical insurance provider;

32.12 (5) the specific support gap identified that places the child's safety and well-being at
 32.13 risk in the home or community and is necessary to prevent residential placement; and

32.14 (6) the extraordinary care and intense supervision provided by the foster, adoptive,
 32.15 or guardianship caregivers to maintain the child safely in the child's home and prevent
 32.16 residential placement that cannot be supported by medical assistance or other programs
 32.17 that provide services, necessary care for children with disabilities, or other medical or
 32.18 behavioral conditions in the home or community.

32.19 (d) An agency completing an assessment under subdivision 2 that suggests
 32.20 an extraordinary level is appropriate must forward the assessment and required
 32.21 documentation to the commissioner. If the commissioner approves, the extraordinary
 32.22 levels must be retroactive to the date the assessment was forwarded.

32.23 Sec. 38. Minnesota Statutes 2014, section 256N.25, subdivision 1, is amended to read:

32.24 Subdivision 1. **Agreement; Northstar kinship assistance; adoption assistance.** (a)
 32.25 In order to receive Northstar kinship assistance or adoption assistance benefits on behalf
 32.26 of an eligible child, a written, binding agreement between the caregiver or caregivers,
 32.27 the financially responsible agency, or, if there is no financially responsible agency, the
 32.28 agency designated by the commissioner, and the commissioner must be established prior
 32.29 to finalization of the adoption or a transfer of permanent legal and physical custody. The
 32.30 agreement must be negotiated with the caregiver or caregivers under subdivision 2 and
 32.31 renegotiated under subdivision 3, if applicable.

32.32 (b) The agreement must be on a form approved by the commissioner and must
 32.33 specify the following:

32.34 (1) duration of the agreement;

- 33.1 (2) the nature and amount of any payment, services, and assistance to be provided
 33.2 under such agreement;
- 33.3 (3) the child's eligibility for Medicaid services;
- 33.4 (4) the terms of the payment, including any child care portion as specified in section
 33.5 256N.24, subdivision 3;
- 33.6 (5) eligibility for reimbursement of nonrecurring expenses associated with adopting
 33.7 or obtaining permanent legal and physical custody of the child, to the extent that the
 33.8 total cost does not exceed \$2,000 per child;
- 33.9 (6) that the agreement must remain in effect regardless of the state of which the
 33.10 adoptive parents or relative custodians are residents at any given time;
- 33.11 (7) provisions for modification of the terms of the agreement, including renegotiation
 33.12 of the agreement; ~~and~~
- 33.13 (8) the effective date of the agreement; and
- 33.14 (9) the successor relative custodian or custodians for Northstar kinship assistance,
 33.15 when applicable. The successor relative custodian or custodians may be added or changed
 33.16 by mutual agreement under subdivision 3.
- 33.17 (c) The caregivers, the commissioner, and the financially responsible agency, or, if
 33.18 there is no financially responsible agency, the agency designated by the commissioner, must
 33.19 sign the agreement. A copy of the signed agreement must be given to each party. Once
 33.20 signed by all parties, the commissioner shall maintain the official record of the agreement.
- 33.21 (d) The effective date of the Northstar kinship assistance agreement must be the date
 33.22 of the court order that transfers permanent legal and physical custody to the relative. The
 33.23 effective date of the adoption assistance agreement is the date of the finalized adoption
 33.24 decree.
- 33.25 (e) Termination or disruption of the preadoptive placement or the foster care
 33.26 placement prior to assignment of custody makes the agreement with that caregiver void.

33.27 Sec. 39. Minnesota Statutes 2014, section 256N.27, subdivision 2, is amended to read:

33.28 Subd. 2. **State share.** The commissioner shall pay the state share of the maintenance
 33.29 payments as determined under subdivision 4, and an identical share of the pre-Northstar
 33.30 Care foster care program under section 260C.4411, subdivision 1, the relative custody
 33.31 assistance program under section 257.85, and the pre-Northstar Care for Children adoption
 33.32 assistance program under chapter 259A. ~~The commissioner may transfer funds into the~~
 33.33 ~~account if a deficit occurs.~~

34.1 Sec. 40. Minnesota Statutes 2014, section 259A.75, is amended to read:

34.2 **259A.75 REIMBURSEMENT OF CERTAIN AGENCY COSTS; PURCHASE**
 34.3 **OF SERVICE CONTRACTS AND TRIBAL CUSTOMARY ADOPTIONS.**

34.4 Subdivision 1. **General information.** (a) Subject to the procedures required by
 34.5 the commissioner and the provisions of this section, a Minnesota county ~~or tribal social~~
 34.6 ~~services agency~~ shall receive a reimbursement from the commissioner equal to 100 percent
 34.7 of the reasonable and appropriate cost for contracted adoption placement services identified
 34.8 for a specific child that are not reimbursed under other federal or state funding sources.

34.9 (b) The commissioner may spend up to \$16,000 for each purchase of service
 34.10 contract. Only one contract per child per adoptive placement is permitted. Funds
 34.11 encumbered and obligated under the contract for the child remain available until the terms
 34.12 of the contract are fulfilled or the contract is terminated.

34.13 (c) The commissioner shall set aside an amount not to exceed five percent of the
 34.14 total amount of the fiscal year appropriation from the state for the adoption assistance
 34.15 program to reimburse a Minnesota county or tribal social services placing ~~agencies~~ agency
 34.16 for child-specific adoption placement services. When adoption assistance payments for
 34.17 children's needs exceed 95 percent of the total amount of the fiscal year appropriation from
 34.18 the state for the adoption assistance program, the amount of reimbursement available to
 34.19 placing agencies for adoption services is reduced correspondingly.

34.20 Subd. 2. **Purchase of service contract child eligibility criteria.** (a) A child who is
 34.21 the subject of a purchase of service contract must:

34.22 (1) have the goal of adoption, which may include an adoption in accordance with
 34.23 tribal law;

34.24 (2) be under the guardianship of the commissioner of human services or be a ward of
 34.25 tribal court pursuant to section 260.755, subdivision 20; and

34.26 (3) meet all of the special needs criteria according to section 259A.10, subdivision 2.

34.27 (b) A child under the guardianship of the commissioner must have an identified
 34.28 adoptive parent and a fully executed adoption placement agreement according to section
 34.29 260C.613, subdivision 1, paragraph (a).

34.30 Subd. 3. **Agency eligibility criteria.** (a) A Minnesota county ~~or tribal social~~
 34.31 ~~services agency~~ shall receive reimbursement for child-specific adoption placement
 34.32 services for an eligible child that it purchases from a private adoption agency licensed in
 34.33 Minnesota or any other state or tribal social services agency.

34.34 (b) Reimbursement for adoption services is available only for services provided
 34.35 prior to the date of the adoption decree.

35.1 Subd. 4. **Application and eligibility determination.** (a) A county or tribal social
 35.2 services agency may request reimbursement of costs for adoption placement services by
 35.3 submitting a complete purchase of service application, according to the requirements and
 35.4 procedures and on forms prescribed by the commissioner.

35.5 (b) The commissioner shall determine eligibility for reimbursement of adoption
 35.6 placement services. If determined eligible, the commissioner of human services shall
 35.7 sign the purchase of service agreement, making this a fully executed contract. No
 35.8 reimbursement under this section shall be made to an agency for services provided prior to
 35.9 the fully executed contract.

35.10 (c) Separate purchase of service agreements shall be made, and separate records
 35.11 maintained, on each child. Only one agreement per child per adoptive placement is
 35.12 permitted. For siblings who are placed together, services shall be planned and provided to
 35.13 best maximize efficiency of the contracted hours.

35.14 Subd. 5. **Reimbursement process.** (a) The agency providing adoption services is
 35.15 responsible to track and record all service activity, including billable hours, on a form
 35.16 prescribed by the commissioner. The agency shall submit this form to the state for
 35.17 reimbursement after services have been completed.

35.18 (b) The commissioner shall make the final determination whether or not the
 35.19 requested reimbursement costs are reasonable and appropriate and if the services have
 35.20 been completed according to the terms of the purchase of service agreement.

35.21 Subd. 6. **Retention of purchase of service records.** Agencies entering into
 35.22 purchase of service contracts shall keep a copy of the agreements, service records, and all
 35.23 applicable billing and invoicing according to the department's record retention schedule.
 35.24 Agency records shall be provided upon request by the commissioner.

35.25 Subd. 7. **Tribal customary adoptions.** (a) The commissioner shall enter into
 35.26 grant contracts with Minnesota tribal social services agencies to provide child-specific
 35.27 recruitment and adoption placement services for Indian children under the jurisdiction
 35.28 of tribal court.

35.29 (b) Children served under these grant contracts must meet the child eligibility
 35.30 criteria in subdivision 2.

35.31 Sec. 41. Minnesota Statutes 2014, section 260C.007, subdivision 27, is amended to read:

35.32 Subd. 27. **Relative.** "Relative" means a person related to the child by blood,
 35.33 marriage, or adoption; the legal parent, guardian, or custodian of the child's siblings; or an
 35.34 individual who is an important friend with whom the child has resided or had significant
 35.35 contact. For an Indian child, relative includes members of the extended family as defined

36.1 by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces,
 36.2 nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978,
 36.3 United States Code, title 25, section 1903.

36.4 Sec. 42. Minnesota Statutes 2014, section 260C.007, subdivision 32, is amended to read:

36.5 Subd. 32. **Sibling.** "Sibling" means one of two or more individuals who have one or
 36.6 both parents in common through blood, marriage, or adoption, ~~including~~. This includes
 36.7 siblings as defined by the child's tribal code or custom. Sibling also includes an individual
 36.8 that would have been considered a sibling but for a termination of parental rights of one
 36.9 or both parents, suspension of parental rights under tribal code, or other disruption of
 36.10 parental rights such as the death of a parent.

36.11 Sec. 43. Minnesota Statutes 2014, section 260C.203, is amended to read:

36.12 **260C.203 ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.**

36.13 (a) Unless the court is conducting the reviews required under section 260C.202,
 36.14 there shall be an administrative review of the out-of-home placement plan of each child
 36.15 placed in foster care no later than 180 days after the initial placement of the child in foster
 36.16 care and at least every six months thereafter if the child is not returned to the home of the
 36.17 parent or parents within that time. The out-of-home placement plan must be monitored and
 36.18 updated at each administrative review. The administrative review shall be conducted by
 36.19 the responsible social services agency using a panel of appropriate persons at least one of
 36.20 whom is not responsible for the case management of, or the delivery of services to, either
 36.21 the child or the parents who are the subject of the review. The administrative review shall
 36.22 be open to participation by the parent or guardian of the child and the child, as appropriate.

36.23 (b) As an alternative to the administrative review required in paragraph (a), the court
 36.24 may, as part of any hearing required under the Minnesota Rules of Juvenile Protection
 36.25 Procedure, conduct a hearing to monitor and update the out-of-home placement plan
 36.26 pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph
 36.27 (d). The party requesting review of the out-of-home placement plan shall give parties to
 36.28 the proceeding notice of the request to review and update the out-of-home placement
 36.29 plan. A court review conducted pursuant to section 260C.141, subdivision 2; 260C.193;
 36.30 260C.201, subdivision 1; 260C.202; 260C.204; 260C.317; or 260D.06 shall satisfy the
 36.31 requirement for the review so long as the other requirements of this section are met.

36.32 (c) As appropriate to the stage of the proceedings and relevant court orders, the
 36.33 responsible social services agency or the court shall review:

36.34 (1) the safety, permanency needs, and well-being of the child;

37.1 (2) the continuing necessity for and appropriateness of the placement;

37.2 (3) the extent of compliance with the out-of-home placement plan;

37.3 (4) the extent of progress that has been made toward alleviating or mitigating the
37.4 causes necessitating placement in foster care;

37.5 (5) the projected date by which the child may be returned to and safely maintained in
37.6 the home or placed permanently away from the care of the parent or parents or guardian; and

37.7 (6) the appropriateness of the services provided to the child.

37.8 (d) When a child is age ~~16~~ 14 or older, in addition to any administrative review
37.9 conducted by the agency, at the in-court review required under section 260C.317,
37.10 subdivision 3, clause (3), or 260C.515, subdivision 5 or 6, the court shall review the
37.11 independent living plan required under section 260C.212, subdivision 1, paragraph (c),
37.12 clause ~~(11)~~ (12), and the provision of services to the child related to the well-being of
37.13 the child as the child prepares to leave foster care. The review shall include the actual
37.14 plans related to each item in the plan necessary to the child's future safety and well-being
37.15 when the child is no longer in foster care.

37.16 (e) At the court review required under paragraph (d) for a child age ~~16~~ 14 or older,
37.17 the following procedures apply:

37.18 (1) six months before the child is expected to be discharged from foster care, the
37.19 responsible social services agency shall give the written notice required under section
37.20 260C.451, subdivision 1, regarding the right to continued access to services for certain
37.21 children in foster care past age 18 and of the right to appeal a denial of social services
37.22 under section 256.045. The agency shall file a copy of the notice, including the right to
37.23 appeal a denial of social services, with the court. If the agency does not file the notice by
37.24 the time the child is age 17-1/2, the court shall require the agency to give it;

37.25 (2) consistent with the requirements of the independent living plan, the court shall
37.26 review progress toward or accomplishment of the following goals:

37.27 (i) the child has obtained a high school diploma or its equivalent;

37.28 (ii) the child has completed a driver's education course or has demonstrated the
37.29 ability to use public transportation in the child's community;

37.30 (iii) the child is employed or enrolled in postsecondary education;

37.31 (iv) the child has applied for and obtained postsecondary education financial aid for
37.32 which the child is eligible;

37.33 (v) the child has health care coverage and health care providers to meet the child's
37.34 physical and mental health needs;

37.35 (vi) the child has applied for and obtained disability income assistance for which
37.36 the child is eligible;

38.1 (vii) the child has obtained affordable housing with necessary supports, which does
38.2 not include a homeless shelter;

38.3 (viii) the child has saved sufficient funds to pay for the first month's rent and a
38.4 damage deposit;

38.5 (ix) the child has an alternative affordable housing plan, which does not include a
38.6 homeless shelter, if the original housing plan is unworkable;

38.7 (x) the child, if male, has registered for the Selective Service; and

38.8 (xi) the child has a permanent connection to a caring adult; and

38.9 (3) the court shall ensure that the responsible agency in conjunction with the
38.10 placement provider assists the child in obtaining the following documents prior to the
38.11 child's leaving foster care: a Social Security card; the child's birth certificate; a state
38.12 identification card or driver's license, tribal enrollment identification card, green card, or
38.13 school visa; the child's school, medical, and dental records; a contact list of the child's
38.14 medical, dental, and mental health providers; and contact information for the child's
38.15 siblings, if the siblings are in foster care.

38.16 (f) For a child who will be discharged from foster care at age 18 or older, the
38.17 responsible social services agency is required to develop a personalized transition plan as
38.18 directed by the youth. The transition plan must be developed during the 90-day period
38.19 immediately prior to the expected date of discharge. The transition plan must be as
38.20 detailed as the child may elect and include specific options on housing, health insurance,
38.21 education, local opportunities for mentors and continuing support services, and work force
38.22 supports and employment services. The agency shall ensure that the youth receives, at
38.23 no cost to the youth, a copy of the youth's consumer credit report as defined in section
38.24 13C.001 and assistance in interpreting and resolving any inaccuracies in the report. The
38.25 plan must include information on the importance of designating another individual to
38.26 make health care treatment decisions on behalf of the child if the child becomes unable
38.27 to participate in these decisions and the child does not have, or does not want, a relative
38.28 who would otherwise be authorized to make these decisions. The plan must provide the
38.29 child with the option to execute a health care directive as provided under chapter 145C.
38.30 The agency shall also provide the youth with appropriate contact information if the youth
38.31 needs more information or needs help dealing with a crisis situation through age 21.

38.32 Sec. 44. Minnesota Statutes 2014, section 260C.212, subdivision 1, is amended to read:

38.33 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan
38.34 shall be prepared within 30 days after any child is placed in foster care by court order or a

39.1 voluntary placement agreement between the responsible social services agency and the
39.2 child's parent pursuant to section 260C.227 or chapter 260D.

39.3 (b) An out-of-home placement plan means a written document which is prepared
39.4 by the responsible social services agency jointly with the parent or parents or guardian
39.5 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the
39.6 child is an Indian child, the child's foster parent or representative of the foster care facility,
39.7 and, where appropriate, the child. When a child is age 14 or older, the child may include
39.8 two other individuals on the team preparing the child's out-of-home placement plan. For
39.9 a child in voluntary foster care for treatment under chapter 260D, preparation of the
39.10 out-of-home placement plan shall additionally include the child's mental health treatment
39.11 provider. As appropriate, the plan shall be:

39.12 (1) submitted to the court for approval under section 260C.178, subdivision 7;

39.13 (2) ordered by the court, either as presented or modified after hearing, under section
39.14 260C.178, subdivision 7, or 260C.201, subdivision 6; and

39.15 (3) signed by the parent or parents or guardian of the child, the child's guardian ad
39.16 litem, a representative of the child's tribe, the responsible social services agency, and, if
39.17 possible, the child.

39.18 (c) The out-of-home placement plan shall be explained to all persons involved in its
39.19 implementation, including the child who has signed the plan, and shall set forth:

39.20 (1) a description of the foster care home or facility selected, including how the
39.21 out-of-home placement plan is designed to achieve a safe placement for the child in the
39.22 least restrictive, most family-like, setting available which is in close proximity to the home
39.23 of the parent or parents or guardian of the child when the case plan goal is reunification,
39.24 and how the placement is consistent with the best interests and special needs of the child
39.25 according to the factors under subdivision 2, paragraph (b);

39.26 (2) the specific reasons for the placement of the child in foster care, and when
39.27 reunification is the plan, a description of the problems or conditions in the home of the
39.28 parent or parents which necessitated removal of the child from home and the changes the
39.29 parent or parents must make in order for the child to safely return home;

39.30 (3) a description of the services offered and provided to prevent removal of the child
39.31 from the home and to reunify the family including:

39.32 (i) the specific actions to be taken by the parent or parents of the child to eliminate
39.33 or correct the problems or conditions identified in clause (2), and the time period during
39.34 which the actions are to be taken; and

39.35 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made
39.36 to achieve a safe and stable home for the child including social and other supportive

40.1 services to be provided or offered to the parent or parents or guardian of the child, the
40.2 child, and the residential facility during the period the child is in the residential facility;

40.3 (4) a description of any services or resources that were requested by the child or the
40.4 child's parent, guardian, foster parent, or custodian since the date of the child's placement
40.5 in the residential facility, and whether those services or resources were provided and if
40.6 not, the basis for the denial of the services or resources;

40.7 (5) the visitation plan for the parent or parents or guardian, other relatives as defined
40.8 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed
40.9 together in foster care, and whether visitation is consistent with the best interest of the
40.10 child, during the period the child is in foster care;

40.11 (6) when a child cannot return to or be in the care of either parent, documentation
40.12 of steps to finalize adoption as the permanency plan for the child, ~~including: (i) through~~
40.13 reasonable efforts to place the child for adoption. At a minimum, the documentation must
40.14 include consideration of whether adoption is in the best interests of the child, child-specific
40.15 recruitment efforts such as relative search and the use of state, regional, and national
40.16 adoption exchanges to facilitate orderly and timely placements in and outside of the state.
40.17 A copy of this documentation shall be provided to the court in the review required under
40.18 section 260C.317, subdivision 3, paragraph (b); ~~and~~

40.19 ~~(ii) documentation necessary to support the requirements of the kinship placement~~
40.20 ~~agreement under section 256N.22 when adoption is determined not to be in the child's~~
40.21 ~~best interests;~~ (7) when a child cannot return to or be in the care of either parent,
40.22 documentation of steps to finalize the transfer of permanent legal and physical custody
40.23 to a relative as the permanency plan for the child. This documentation must support the
40.24 requirements of the kinship placement agreement under section 256N.22 and must include
40.25 the reasonable efforts used to determine that it is not appropriate for the child to return
40.26 home or be adopted, and reasons why permanent placement with a relative through a
40.27 Northstar kinship assistance arrangement is in the child's best interest; how the child meets
40.28 the eligibility requirements for Northstar kinship assistance payments; agency efforts to
40.29 discuss adoption with the child's relative foster parent and reasons why the relative foster
40.30 parent chose not to pursue adoption, if applicable; and agency efforts to discuss with the
40.31 child's parent or parents the permanent transfer of permanent legal and physical custody or
40.32 the reasons why these efforts were not made;

40.33 ~~(7)~~ (8) efforts to ensure the child's educational stability while in foster care, including:

40.34 (i) efforts to ensure that the child remains in the same school in which the child was
40.35 enrolled prior to placement or upon the child's move from one placement to another,

41.1 including efforts to work with the local education authorities to ensure the child's
41.2 educational stability; or

41.3 (ii) if it is not in the child's best interest to remain in the same school that the child
41.4 was enrolled in prior to placement or move from one placement to another, efforts to
41.5 ensure immediate and appropriate enrollment for the child in a new school;

41.6 ~~(8)~~ (9) the educational records of the child including the most recent information
41.7 available regarding:

41.8 (i) the names and addresses of the child's educational providers;

41.9 (ii) the child's grade level performance;

41.10 (iii) the child's school record;

41.11 (iv) a statement about how the child's placement in foster care takes into account
41.12 proximity to the school in which the child is enrolled at the time of placement; and

41.13 (v) any other relevant educational information;

41.14 ~~(9)~~ (10) the efforts by the local agency to ensure the oversight and continuity of
41.15 health care services for the foster child, including:

41.16 (i) the plan to schedule the child's initial health screens;

41.17 (ii) how the child's known medical problems and identified needs from the screens,
41.18 including any known communicable diseases, as defined in section 144.4172, subdivision
41.19 2, will be monitored and treated while the child is in foster care;

41.20 (iii) how the child's medical information will be updated and shared, including
41.21 the child's immunizations;

41.22 (iv) who is responsible to coordinate and respond to the child's health care needs,
41.23 including the role of the parent, the agency, and the foster parent;

41.24 (v) who is responsible for oversight of the child's prescription medications;

41.25 (vi) how physicians or other appropriate medical and nonmedical professionals
41.26 will be consulted and involved in assessing the health and well-being of the child and
41.27 determine the appropriate medical treatment for the child; and

41.28 (vii) the responsibility to ensure that the child has access to medical care through
41.29 either medical insurance or medical assistance;

41.30 ~~(10)~~ (11) the health records of the child including information available regarding:

41.31 (i) the names and addresses of the child's health care and dental care providers;

41.32 (ii) a record of the child's immunizations;

41.33 (iii) the child's known medical problems, including any known communicable
41.34 diseases as defined in section 144.4172, subdivision 2;

41.35 (iv) the child's medications; and

- 42.1 (v) any other relevant health care information such as the child's eligibility for
 42.2 medical insurance or medical assistance;
- 42.3 ~~(11)~~ (12) an independent living plan for a child age ~~16~~ 14 or older. The plan should
 42.4 include, but not be limited to, the following objectives:
- 42.5 (i) educational, vocational, or employment planning;
- 42.6 (ii) health care planning and medical coverage;
- 42.7 (iii) transportation including, where appropriate, assisting the child in obtaining a
 42.8 driver's license;
- 42.9 (iv) money management, including the responsibility of the agency to ensure that
 42.10 the youth annually receives, at no cost to the youth, a consumer report as defined under
 42.11 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;
- 42.12 (v) planning for housing;
- 42.13 (vi) social and recreational skills; ~~and~~
- 42.14 (vii) establishing and maintaining connections with the child's family and
 42.15 community; and
- 42.16 (viii) regular opportunities to engage in age-appropriate or developmentally
 42.17 appropriate activities typical for the child's age group, taking into consideration the
 42.18 capacities of the individual child; and
- 42.19 ~~(12)~~ (13) for a child in voluntary foster care for treatment under chapter 260D,
 42.20 diagnostic and assessment information, specific services relating to meeting the mental
 42.21 health care needs of the child, and treatment outcomes.
- 42.22 (d) The parent or parents or guardian and the child each shall have the right to legal
 42.23 counsel in the preparation of the case plan and shall be informed of the right at the time
 42.24 of placement of the child. The child shall also have the right to a guardian ad litem.
 42.25 If unable to employ counsel from their own resources, the court shall appoint counsel
 42.26 upon the request of the parent or parents or the child or the child's legal guardian. The
 42.27 parent or parents may also receive assistance from any person or social services agency
 42.28 in preparation of the case plan.
- 42.29 After the plan has been agreed upon by the parties involved or approved or ordered
 42.30 by the court, the foster parents shall be fully informed of the provisions of the case plan
 42.31 and shall be provided a copy of the plan.
- 42.32 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
 42.33 physical custodian, as appropriate, and the child, if appropriate, must be provided with
 42.34 a current copy of the child's health and education record.

43.1 Sec. 45. Minnesota Statutes 2014, section 260C.212, is amended by adding a
43.2 subdivision to read:

43.3 Subd. 13. **Protecting missing and runaway children and youth at risk of sex**
43.4 **trafficking.** (a) The local social services agency shall expeditiously locate any child
43.5 missing from foster care.

43.6 (b) The local social services agency shall report immediately, but no later than
43.7 24 hours, after receiving information on a missing or abducted child to the local law
43.8 enforcement agency for entry into the National Crime Information Center (NCIC)
43.9 database of the Federal Bureau of Investigation, and to the National Center for Missing
43.10 and Exploited Children.

43.11 (c) The local social services agency shall not discharge a child from foster care or
43.12 close the social services case until diligent efforts have been exhausted to locate the child
43.13 and the court terminates the agency's jurisdiction.

43.14 (d) The local social services agency shall determine the primary factors that
43.15 contributed to the child's running away or otherwise being absent from care and, to
43.16 the extent possible and appropriate, respond to those factors in current and subsequent
43.17 placements.

43.18 (e) The local social services agency shall determine what the child experienced
43.19 while absent from care, including screening the child to determine if the child is a possible
43.20 sex trafficking victim as defined in section 609.321, subdivision 7b.

43.21 (f) The local social services agency shall report immediately, but no later than 24
43.22 hours, to the local law enforcement agency any reasonable cause to believe a child is, or is
43.23 at risk of being, a sex trafficking victim.

43.24 (g) The local social services agency shall determine appropriate services as described
43.25 in section 145.4717 with respect to any child for whom the local social services agency has
43.26 responsibility for placement, care, or supervision when the local social services agency
43.27 has reasonable cause to believe the child is, or is at risk of being, a sex trafficking victim.

43.28 Sec. 46. Minnesota Statutes 2014, section 260C.212, is amended by adding a
43.29 subdivision to read:

43.30 Subd. 14. **Support normalcy for foster children.** Responsible social services
43.31 agencies and child-placing agencies shall support a foster child's emotional and
43.32 developmental growth by permitting the child to participate in activities or events that
43.33 are generally accepted as suitable for children of the same chronological age or are
43.34 developmentally appropriate for the child. Foster parents and residential facility staff
43.35 are permitted to allow foster children to participate in extracurricular, social, or cultural

44.1 activities that are typical for the child's age by applying reasonable and prudent parenting
 44.2 standards. Reasonable and prudent parenting standards are characterized by careful and
 44.3 sensible parenting decisions that maintain the child's health and safety, and are made in
 44.4 the child's best interest.

44.5 Sec. 47. Minnesota Statutes 2014, section 260C.221, is amended to read:

44.6 **260C.221 RELATIVE SEARCH.**

44.7 (a) The responsible social services agency shall exercise due diligence to identify
 44.8 and notify adult relatives prior to placement or within 30 days after the child's removal
 44.9 from the parent. The county agency shall consider placement with a relative under this
 44.10 section without delay and whenever the child must move from or be returned to foster
 44.11 care. The relative search required by this section shall be comprehensive in scope. After a
 44.12 finding that the agency has made reasonable efforts to conduct the relative search under
 44.13 this paragraph, the agency has the continuing responsibility to appropriately involve
 44.14 relatives, who have responded to the notice required under this paragraph, in planning
 44.15 for the child and to continue to consider relatives according to the requirements of
 44.16 section 260C.212, subdivision 2. At any time during the course of juvenile protection
 44.17 proceedings, the court may order the agency to reopen its search for relatives when it is in
 44.18 the child's best interest to do so.

44.19 (b) The relative search required by this section shall include both maternal relatives
 44.20 and paternal adult relatives of the child; all adult grandparents; all legal parents, guardians
 44.21 or custodians; the child's siblings; and any other adult relatives suggested by the child's
 44.22 parents, subject to the exceptions due to family violence in paragraph (c). The search shall
 44.23 also include getting information from the child in an age-appropriate manner about who
 44.24 the child considers to be family members and important friends with whom the child has
 44.25 resided or had significant contact. The relative search required under this section must
 44.26 fulfill the agency's duties under the Indian Child Welfare Act regarding active efforts
 44.27 to prevent the breakup of the Indian family under United States Code, title 25, section
 44.28 1912(d), and to meet placement preferences under United States Code, title 25, section
 44.29 1915. The relatives must be notified:

44.30 (1) of the need for a foster home for the child, the option to become a placement
 44.31 resource for the child, and the possibility of the need for a permanent placement for the
 44.32 child;

44.33 (2) of their responsibility to keep the responsible social services agency and the court
 44.34 informed of their current address in order to receive notice in the event that a permanent
 44.35 placement is sought for the child and to receive notice of the permanency progress review

45.1 hearing under section 260C.204. A relative who fails to provide a current address to the
45.2 responsible social services agency and the court forfeits the right to receive notice of the
45.3 possibility of permanent placement and of the permanency progress review hearing under
45.4 section 260C.204. A decision by a relative not to be identified as a potential permanent
45.5 placement resource or participate in planning for the child at the beginning of the case
45.6 shall not affect whether the relative is considered for placement of the child with that
45.7 relative later;

45.8 (3) that the relative may participate in the care and planning for the child, including
45.9 that the opportunity for such participation may be lost by failing to respond to the notice
45.10 sent under this subdivision. "Participate in the care and planning" includes, but is not
45.11 limited to, participation in case planning for the parent and child, identifying the strengths
45.12 and needs of the parent and child, supervising visits, providing respite and vacation visits
45.13 for the child, providing transportation to appointments, suggesting other relatives who
45.14 might be able to help support the case plan, and to the extent possible, helping to maintain
45.15 the child's familiar and regular activities and contact with friends and relatives;

45.16 (4) of the family foster care licensing requirements, including how to complete an
45.17 application and how to request a variance from licensing standards that do not present a
45.18 safety or health risk to the child in the home under section 245A.04 and supports that are
45.19 available for relatives and children who reside in a family foster home; and

45.20 (5) of the relatives' right to ask to be notified of any court proceedings regarding
45.21 the child, to attend the hearings, and of a relative's right or opportunity to be heard by the
45.22 court as required under section 260C.152, subdivision 5.

45.23 ~~(b)~~ (c) A responsible social services agency may disclose private data, as defined
45.24 in sections 13.02 and 626.556, to relatives of the child for the purpose of locating and
45.25 assessing a suitable placement and may use any reasonable means of identifying and
45.26 locating relatives including the Internet or other electronic means of conducting a search.
45.27 The agency shall disclose data that is necessary to facilitate possible placement with
45.28 relatives and to ensure that the relative is informed of the needs of the child so the
45.29 relative can participate in planning for the child and be supportive of services to the child
45.30 and family. If the child's parent refuses to give the responsible social services agency
45.31 information sufficient to identify the maternal and paternal relatives of the child, the
45.32 agency shall ask the juvenile court to order the parent to provide the necessary information.
45.33 If a parent makes an explicit request that a specific relative not be contacted or considered
45.34 for placement due to safety reasons including past family or domestic violence, the agency
45.35 shall bring the parent's request to the attention of the court to determine whether the
45.36 parent's request is consistent with the best interests of the child and the agency shall not

46.1 contact the specific relative when the juvenile court finds that contacting the specific
46.2 relative would endanger the parent, guardian, child, sibling, or any family member.

46.3 ~~(e)~~ (d) At a regularly scheduled hearing not later than three months after the child's
46.4 placement in foster care and as required in section 260C.202, the agency shall report to
46.5 the court:

46.6 (1) its efforts to identify maternal and paternal relatives of the child and to engage
46.7 the relatives in providing support for the child and family, and document that the relatives
46.8 have been provided the notice required under paragraph (a); and

46.9 (2) its decision regarding placing the child with a relative as required under section
46.10 260C.212, subdivision 2, and to ask relatives to visit or maintain contact with the child in
46.11 order to support family connections for the child, when placement with a relative is not
46.12 possible or appropriate.

46.13 ~~(d)~~ (e) Notwithstanding chapter 13, the agency shall disclose data about particular
46.14 relatives identified, searched for, and contacted for the purposes of the court's review of
46.15 the agency's due diligence.

46.16 ~~(e)~~ (f) When the court is satisfied that the agency has exercised due diligence to
46.17 identify relatives and provide the notice required in paragraph (a), the court may find that
46.18 reasonable efforts have been made to conduct a relative search to identify and provide
46.19 notice to adult relatives as required under section 260.012, paragraph (e), clause (3). If the
46.20 court is not satisfied that the agency has exercised due diligence to identify relatives and
46.21 provide the notice required in paragraph (a), the court may order the agency to continue its
46.22 search and notice efforts and to report back to the court.

46.23 ~~(f)~~ (g) When the placing agency determines that permanent placement proceedings
46.24 are necessary because there is a likelihood that the child will not return to a parent's
46.25 care, the agency must send the notice provided in paragraph ~~(g)~~ (h), may ask the court to
46.26 modify the duty of the agency to send the notice required in paragraph ~~(g)~~ (h), or may
46.27 ask the court to completely relieve the agency of the requirements of paragraph ~~(g)~~ (h).
46.28 The relative notification requirements of paragraph ~~(g)~~ (h) do not apply when the child is
46.29 placed with an appropriate relative or a foster home that has committed to adopting the
46.30 child or taking permanent legal and physical custody of the child and the agency approves
46.31 of that foster home for permanent placement of the child. The actions ordered by the
46.32 court under this section must be consistent with the best interests, safety, permanency,
46.33 and welfare of the child.

46.34 ~~(g)~~ (h) Unless required under the Indian Child Welfare Act or relieved of this duty
46.35 by the court under paragraph ~~(e)~~ (f), when the agency determines that it is necessary to
46.36 prepare for permanent placement determination proceedings, or in anticipation of filing a

47.1 termination of parental rights petition, the agency shall send notice to the relatives, any
47.2 adult with whom the child is currently residing, any adult with whom the child has resided
47.3 for one year or longer in the past, and any adults who have maintained a relationship or
47.4 exercised visitation with the child as identified in the agency case plan. The notice must
47.5 state that a permanent home is sought for the child and that the individuals receiving the
47.6 notice may indicate to the agency their interest in providing a permanent home. The notice
47.7 must state that within 30 days of receipt of the notice an individual receiving the notice must
47.8 indicate to the agency the individual's interest in providing a permanent home for the child
47.9 or that the individual may lose the opportunity to be considered for a permanent placement.

47.10 Sec. 48. Minnesota Statutes 2014, section 260C.331, subdivision 1, is amended to read:

47.11 Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights
47.12 are terminated,

47.13 (1) whenever legal custody of a child is transferred by the court to a responsible
47.14 social services agency,

47.15 (2) whenever legal custody is transferred to a person other than the responsible social
47.16 services agency, but under the supervision of the responsible social services agency, or

47.17 (3) whenever a child is given physical or mental examinations or treatment under
47.18 order of the court, and no provision is otherwise made by law for payment for the care,
47.19 examination, or treatment of the child, these costs are a charge upon the welfare funds of
47.20 the county in which proceedings are held upon certification of the judge of juvenile court.

47.21 (b) The court shall order, and the responsible social services agency shall require,
47.22 the parents or custodian of a child, while the child is under the age of 18, to use the
47.23 total income and resources attributable to the child for the period of care, examination,
47.24 or treatment, except for clothing and personal needs allowance as provided in section
47.25 256B.35, to reimburse the county for the cost of care, examination, or treatment. Income
47.26 and resources attributable to the child include, but are not limited to, Social Security
47.27 benefits, Supplemental Security Income (SSI), veterans benefits, railroad retirement
47.28 benefits and child support. When the child is over the age of 18, and continues to receive
47.29 care, examination, or treatment, the court shall order, and the responsible social services
47.30 agency shall require, reimbursement from the child for the cost of care, examination, or
47.31 treatment from the income and resources attributable to the child less the clothing and
47.32 personal needs allowance. Income does not include earnings from a child over the age of
47.33 18 who is working as part of a plan under section 260C.212, subdivision 1, paragraph (c),
47.34 clause ~~(11)~~ (12), to transition from foster care, or the income and resources from sources

48.1 other than Supplemental Security Income and child support that are needed to complete
48.2 the requirements listed in section 260C.203.

48.3 (c) If the income and resources attributable to the child are not enough to reimburse
48.4 the county for the full cost of the care, examination, or treatment, the court shall inquire
48.5 into the ability of the parents to support the child and, after giving the parents a reasonable
48.6 opportunity to be heard, the court shall order, and the responsible social services agency
48.7 shall require, the parents to contribute to the cost of care, examination, or treatment of
48.8 the child. When determining the amount to be contributed by the parents, the court shall
48.9 use a fee schedule based upon ability to pay that is established by the responsible social
48.10 services agency and approved by the commissioner of human services. The income of
48.11 a stepparent who has not adopted a child shall be excluded in calculating the parental
48.12 contribution under this section.

48.13 (d) The court shall order the amount of reimbursement attributable to the parents
48.14 or custodian, or attributable to the child, or attributable to both sources, withheld under
48.15 chapter 518A from the income of the parents or the custodian of the child. A parent or
48.16 custodian who fails to pay without good reason may be proceeded against for contempt, or
48.17 the court may inform the county attorney, who shall proceed to collect the unpaid sums,
48.18 or both procedures may be used.

48.19 (e) If the court orders a physical or mental examination for a child, the examination
48.20 is a medically necessary service for purposes of determining whether the service is
48.21 covered by a health insurance policy, health maintenance contract, or other health
48.22 coverage plan. Court-ordered treatment shall be subject to policy, contract, or plan
48.23 requirements for medical necessity. Nothing in this paragraph changes or eliminates
48.24 benefit limits, conditions of coverage, co-payments or deductibles, provider restrictions,
48.25 or other requirements in the policy, contract, or plan that relate to coverage of other
48.26 medically necessary services.

48.27 (f) Notwithstanding paragraph (b), (c), or (d), a parent, custodian, or guardian of the
48.28 child is not required to use income and resources attributable to the child to reimburse
48.29 the county for costs of care and is not required to contribute to the cost of care of the
48.30 child during any period of time when the child is returned to the home of that parent,
48.31 custodian, or guardian pursuant to a trial home visit under section 260C.201, subdivision
48.32 1, paragraph (a).

48.33 Sec. 49. Minnesota Statutes 2014, section 260C.451, subdivision 2, is amended to read:

48.34 Subd. 2. **Independent living plan.** Upon the request of any child in foster care
48.35 immediately prior to the child's 18th birthday and who is in foster care at the time

49.1 of the request, the responsible social services agency shall, in conjunction with the
49.2 child and other appropriate parties, update the independent living plan required under
49.3 section 260C.212, subdivision 1, paragraph (c), clause ~~(H)~~ (12), related to the child's
49.4 employment, vocational, educational, social, or maturational needs. The agency shall
49.5 provide continued services and foster care for the child including those services that are
49.6 necessary to implement the independent living plan.

49.7 Sec. 50. Minnesota Statutes 2014, section 260C.451, subdivision 6, is amended to read:

49.8 Subd. 6. **Reentering foster care and accessing services after age 18.** (a)

49.9 Upon request of an individual between the ages of 18 and 21 who had been under the
49.10 guardianship of the commissioner and who has left foster care without being adopted, the
49.11 responsible social services agency which had been the commissioner's agent for purposes
49.12 of the guardianship shall develop with the individual a plan to increase the individual's
49.13 ability to live safely and independently using the plan requirements of section 260C.212,
49.14 subdivision 1, paragraph ~~(b)~~ (c), clause ~~(H)~~ (12), and to assist the individual to meet
49.15 one or more of the eligibility criteria in subdivision 4 if the individual wants to reenter
49.16 foster care. The agency shall provide foster care as required to implement the plan. The
49.17 agency shall enter into a voluntary placement agreement under section 260C.229 with the
49.18 individual if the plan includes foster care.

49.19 (b) Individuals who had not been under the guardianship of the commissioner of
49.20 human services prior to age 18 and are between the ages of 18 and 21 may ask to reenter
49.21 foster care after age 18 and, to the extent funds are available, the responsible social
49.22 services agency that had responsibility for planning for the individual before discharge
49.23 from foster care may provide foster care or other services to the individual for the purpose
49.24 of increasing the individual's ability to live safely and independently and to meet the
49.25 eligibility criteria in subdivision 3a, if the individual:

49.26 (1) was in foster care for the six consecutive months prior to the person's 18th
49.27 birthday and was not discharged home, adopted, or received into a relative's home under a
49.28 transfer of permanent legal and physical custody under section 260C.515, subdivision 4; or

49.29 (2) was discharged from foster care while on runaway status after age 15.

49.30 (c) In conjunction with a qualifying and eligible individual under paragraph (b) and
49.31 other appropriate persons, the responsible social services agency shall develop a specific
49.32 plan related to that individual's vocational, educational, social, or maturational needs
49.33 and, to the extent funds are available, provide foster care as required to implement the
49.34 plan. The agency shall enter into a voluntary placement agreement with the individual
49.35 if the plan includes foster care.

50.1 (d) Youth who left foster care while under guardianship of the commissioner of
50.2 human services retain eligibility for foster care for placement at any time between the
50.3 ages of 18 and 21.

50.4 Sec. 51. Minnesota Statutes 2014, section 260C.515, subdivision 5, is amended to read:

50.5 Subd. 5. **Permanent custody to agency.** The court may order permanent custody to
50.6 the responsible social services agency for continued placement of the child in foster care
50.7 but only if it approves the responsible social services agency's compelling reasons that no
50.8 other permanency disposition order is in the child's best interests and:

50.9 (1) the child has reached age ~~12~~ 16, and has been asked about the child's desired
50.10 permanency outcome;

50.11 (2) the child is a sibling of a child described in clause (1) and the siblings have a
50.12 significant positive relationship and are ordered into the same foster home;

50.13 (3) the responsible social services agency has made reasonable efforts to locate and
50.14 place the child with an adoptive family or a fit and willing relative who would either agree
50.15 to adopt the child or to a transfer of permanent legal and physical custody of the child, but
50.16 these efforts have not proven successful; and

50.17 (4) the parent will continue to have visitation or contact with the child and will
50.18 remain involved in planning for the child.

50.19 Sec. 52. Minnesota Statutes 2014, section 260C.521, subdivision 1, is amended to read:

50.20 Subdivision 1. **Child in permanent custody of responsible social services agency.**

50.21 (a) Court reviews of an order for permanent custody to the responsible social services
50.22 agency for placement of the child in foster care must be conducted at least yearly at an
50.23 in-court appearance hearing.

50.24 (b) The purpose of the review hearing is to ensure:

50.25 (1) the order for permanent custody to the responsible social services agency for
50.26 placement of the child in foster care continues to be in the best interests of the child and
50.27 that no other permanency disposition order is in the best interests of the child;

50.28 (2) that the agency is assisting the child to build connections to the child's family
50.29 and community; and

50.30 (3) that the agency is appropriately planning with the child for development of
50.31 independent living skills for the child and, as appropriate, for the orderly and successful
50.32 transition to independent living that may occur if the child continues in foster care without
50.33 another permanency disposition order.

51.1 (c) The court must review the child's out-of-home placement plan and the reasonable
 51.2 efforts of the agency to finalize an alternative permanent plan for the child including the
 51.3 agency's efforts to:

51.4 (1) ensure that permanent custody to the agency with placement of the child in
 51.5 foster care continues to be the most appropriate legal arrangement for meeting the child's
 51.6 need for permanency and stability or, if not, to identify and attempt to finalize another
 51.7 permanency disposition order under this chapter that would better serve the child's needs
 51.8 and best interests;

51.9 (2) identify a specific foster home for the child, if one has not already been identified;

51.10 (3) support continued placement of the child in the identified home, if one has been
 51.11 identified;

51.12 (4) ensure appropriate services are provided to address the physical health, mental
 51.13 health, and educational needs of the child during the period of foster care and also ensure
 51.14 appropriate services or assistance to maintain relationships with appropriate family
 51.15 members and the child's community; and

51.16 (5) plan for the child's independence upon the child's leaving foster care living as
 51.17 required under section 260C.212, subdivision 1.

51.18 (d) The court may find that the agency has made reasonable efforts to finalize the
 51.19 permanent plan for the child when:

51.20 (1) the agency has made reasonable efforts to identify a more legally permanent
 51.21 home for the child than is provided by an order for permanent custody to the agency
 51.22 for placement in foster care; ~~and~~

51.23 (2) the child has been asked about the child's desired permanency outcome; and

51.24 ~~(2)~~ (3) the agency's engagement of the child in planning for independent living is
 51.25 reasonable and appropriate.

51.26 Sec. 53. Minnesota Statutes 2014, section 260C.521, subdivision 2, is amended to read:

51.27 Subd. 2. **Modifying order for permanent legal and physical custody to a**
 51.28 **relative.** (a) An order for a relative to have permanent legal and physical custody of a
 51.29 child may be modified using standards under sections 518.18 and 518.185.

51.30 (b) If a relative named as permanent legal and physical custodian in an order made
 51.31 under this chapter becomes incapacitated or dies, a successor custodian named in the
 51.32 kinship placement agreement under section 256N.22, subdivision 2, may file a request
 51.33 to modify the order for permanent legal and physical custody to name the successor
 51.34 custodian as the permanent legal and physical custodian of the child. The court shall
 51.35 modify the order to name the successor custodian as the permanent legal and physical

52.1 custodian upon reviewing the background study required under section 245C.33 if the
 52.2 court finds the modification is in the child's best interests.

52.3 (c) The social services agency is a party to the proceeding and must receive notice.

52.4 Sec. 54. Minnesota Statutes 2014, section 260C.607, subdivision 4, is amended to read:

52.5 Subd. 4. **Content of review.** (a) The court shall review:

52.6 (1) the agency's reasonable efforts under section 260C.605 to finalize an adoption
 52.7 for the child as appropriate to the stage of the case; and

52.8 (2) the child's current out-of-home placement plan required under section 260C.212,
 52.9 subdivision 1, to ensure the child is receiving all services and supports required to meet
 52.10 the child's needs as they relate to the child's:

52.11 (i) placement;

52.12 (ii) visitation and contact with siblings;

52.13 (iii) visitation and contact with relatives;

52.14 (iv) medical, mental, and dental health; and

52.15 (v) education.

52.16 (b) When the child is age ~~16~~ 14 and older, and as long as the child continues in foster
 52.17 care, the court shall also review the agency's planning for the child's independent living
 52.18 after leaving foster care including how the agency is meeting the requirements of section
 52.19 260C.212, subdivision 1, paragraph (c), clause ~~(11)~~ (12). The court shall use the review
 52.20 requirements of section 260C.203 in any review conducted under this paragraph.

52.21 Sec. 55. Minnesota Statutes 2014, section 518A.32, subdivision 2, is amended to read:

52.22 Subd. 2. **Methods.** Determination of potential income must be made according
 52.23 to one of three methods, as appropriate:

52.24 (1) the parent's probable earnings level based on employment potential, recent
 52.25 work history, and occupational qualifications in light of prevailing job opportunities and
 52.26 earnings levels in the community;

52.27 (2) if a parent is receiving unemployment compensation or workers' compensation,
 52.28 that parent's income may be calculated using the actual amount of the unemployment
 52.29 compensation or workers' compensation benefit received; or

52.30 (3) the amount of income a parent could earn working ~~full-time~~ 30 hours per week at
 52.31 ~~150~~ 100 percent of the current federal or state minimum wage, whichever is higher.

52.32 Sec. 56. Minnesota Statutes 2014, section 518A.39, subdivision 1, is amended to read:

53.1 Subdivision 1. **Authority.** After an order under this chapter or chapter 518 for
53.2 maintenance or support money, temporary or permanent, or for the appointment of trustees
53.3 to receive property awarded as maintenance or support money, the court may from time to
53.4 time, on motion of either of the parties, a copy of which is served on the public authority
53.5 responsible for child support enforcement if payments are made through it, or on motion
53.6 of the public authority responsible for support enforcement, modify the order respecting
53.7 the amount of maintenance or support money or medical support, and the payment of it,
53.8 and also respecting the appropriation and payment of the principal and income of property
53.9 held in trust, and may make an order respecting these matters which it might have made
53.10 in the original proceeding, except as herein otherwise provided. A party or the public
53.11 authority also may bring a motion for contempt of court if the obligor is in arrears in
53.12 support or maintenance payments.

53.13 Sec. 57. Minnesota Statutes 2014, section 518A.39, is amended by adding a
53.14 subdivision to read:

53.15 Subd. 8. **Medical support-only modification.** (a) The medical support terms of
53.16 a support order and determination of the child dependency tax credit may be modified
53.17 without modification of the full order for support or maintenance, if the order has been
53.18 established or modified in its entirety within three years from the date of the motion, and
53.19 upon a showing of one or more of the following:

53.20 (1) a change in the availability of appropriate health care coverage or a substantial
53.21 increase or decrease in health care coverage costs;

53.22 (2) a change in the eligibility for medical assistance under chapter 256B;

53.23 (3) a party's failure to carry court-ordered coverage, or to provide other medical
53.24 support as ordered;

53.25 (4) the federal child dependency tax credit is not ordered for the same parent who is
53.26 ordered to carry health care coverage; or

53.27 (5) the federal child dependency tax credit is not addressed in the order and the
53.28 noncustodial parent is ordered to carry health care coverage.

53.29 (b) For a motion brought under this subdivision, a modification of the medical
53.30 support terms of an order may be made retroactive only with respect to any period during
53.31 which the petitioning party has pending a motion for modification, but only from the date
53.32 of service of notice of the motion on the responding party and on the public authority if
53.33 public assistance is being furnished or the county attorney is the attorney of record.

53.34 (c) The court need not hold an evidentiary hearing on a motion brought under this
53.35 subdivision for modification of medical support only.

54.1 (d) Sections 518.14 and 518A.735 shall govern the award of attorney fees for
 54.2 motions brought under this subdivision.

54.3 (e) The PICS originally stated in the order being modified shall be used to determine
 54.4 the modified medical support order under section 518A.41 for motions brought under
 54.5 this subdivision.

54.6 Sec. 58. Minnesota Statutes 2014, section 518A.41, subdivision 1, is amended to read:

54.7 Subdivision 1. **Definitions.** The definitions in this subdivision apply to this chapter
 54.8 and chapter 518.

54.9 (a) "Health care coverage" means medical, dental, or other health care benefits that
 54.10 are provided by one or more health plans. Health care coverage does not include any
 54.11 form of public coverage.

54.12 (b) "Health carrier" means a carrier as defined in sections 62A.011, subdivision
 54.13 2, and 62L.02, subdivision 16.

54.14 (c) "Health plan" means a plan, other than any form of public coverage, that provides
 54.15 medical, dental, or other health care benefits and is:

54.16 (1) provided on an individual or group basis;

54.17 (2) provided by an employer or union;

54.18 (3) purchased in the private market; or

54.19 (4) available to a person eligible to carry insurance for the joint child, including a
 54.20 party's spouse or parent.

54.21 Health plan includes, but is not limited to, a plan meeting the definition under section
 54.22 62A.011, subdivision 3, except that the exclusion of coverage designed solely to provide
 54.23 dental or vision care under section 62A.011, subdivision 3, clause (6), does not apply to
 54.24 the definition of health plan under this section; a group health plan governed under the
 54.25 federal Employee Retirement Income Security Act of 1974 (ERISA); a self-insured plan
 54.26 under sections 43A.23 to 43A.317 and 471.617; and a policy, contract, or certificate issued
 54.27 by a community-integrated service network licensed under chapter 62N.

54.28 (d) "Medical support" means providing health care coverage for a joint child by
 54.29 carrying health care coverage for the joint child or by contributing to the cost of health
 54.30 care coverage, public coverage, unreimbursed medical expenses, and uninsured medical
 54.31 expenses of the joint child.

54.32 (e) "National medical support notice" means an administrative notice issued by the
 54.33 public authority to enforce health insurance provisions of a support order in accordance
 54.34 with Code of Federal Regulations, title 45, section 303.32, in cases where the public
 54.35 authority provides support enforcement services.

55.1 (f) "Public coverage" means health care benefits provided by any form of medical
 55.2 assistance under chapter 256B or ~~MinnesotaCare under chapter 256L~~. Public coverage
 55.3 does not include MinnesotaCare or federally tax-subsidized medical plans.

55.4 (g) "Uninsured medical expenses" means a joint child's reasonable and necessary
 55.5 health-related expenses if the joint child is not covered by a health plan or public coverage
 55.6 when the expenses are incurred.

55.7 (h) "Unreimbursed medical expenses" means a joint child's reasonable and necessary
 55.8 health-related expenses if a joint child is covered by a health plan or public coverage and
 55.9 the plan or coverage does not pay for the total cost of the expenses when the expenses
 55.10 are incurred. Unreimbursed medical expenses do not include the cost of premiums.
 55.11 Unreimbursed medical expenses include, but are not limited to, deductibles, co-payments,
 55.12 and expenses for orthodontia, and prescription eyeglasses and contact lenses, but not
 55.13 over-the-counter medications if coverage is under a health plan.

55.14 Sec. 59. Minnesota Statutes 2014, section 518A.41, subdivision 3, is amended to read:

55.15 Subd. 3. **Determining appropriate health care coverage.** In determining whether
 55.16 a parent has appropriate health care coverage for the joint child, the court must consider
 55.17 the following factors:

55.18 (1) comprehensiveness of health care coverage providing medical benefits.
 55.19 Dependent health care coverage providing medical benefits is presumed comprehensive if
 55.20 it includes medical and hospital coverage and provides for preventive, emergency, acute,
 55.21 and chronic care; or if it meets the minimum essential coverage definition in United
 55.22 States Code, title 26, section 500A(f). If both parents have health care coverage providing
 55.23 medical benefits that is presumed comprehensive under this paragraph, the court must
 55.24 determine which parent's coverage is more comprehensive by considering what other
 55.25 benefits are included in the coverage;

55.26 (2) accessibility. Dependent health care coverage is accessible if the covered joint
 55.27 child can obtain services from a health plan provider with reasonable effort by the parent
 55.28 with whom the joint child resides. Health care coverage is presumed accessible if:

55.29 (i) primary care is available within 30 minutes or 30 miles of the joint child's residence
 55.30 and specialty care is available within 60 minutes or 60 miles of the joint child's residence;

55.31 (ii) the health care coverage is available through an employer and the employee can
 55.32 be expected to remain employed for a reasonable amount of time; and

55.33 (iii) no preexisting conditions exist to unduly delay enrollment in health care
 55.34 coverage;

55.35 (3) the joint child's special medical needs, if any; and

56.1 (4) affordability. Dependent health care coverage is affordable if it is reasonable
56.2 in cost. If both parents have health care coverage available for a joint child that is
56.3 comparable with regard to comprehensiveness of medical benefits, accessibility, and the
56.4 joint child's special needs, the least costly health care coverage is presumed to be the most
56.5 appropriate health care coverage for the joint child.

56.6 Sec. 60. Minnesota Statutes 2014, section 518A.41, subdivision 4, is amended to read:

56.7 Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled
56.8 in health care coverage, the court must order that the parent who currently has the joint
56.9 child enrolled continue that enrollment unless the parties agree otherwise or a party
56.10 requests a change in coverage and the court determines that other health care coverage is
56.11 more appropriate.

56.12 (b) If a joint child is not presently enrolled in health care coverage providing medical
56.13 benefits, upon motion of a parent or the public authority, the court must determine whether
56.14 one or both parents have appropriate health care coverage providing medical benefits
56.15 for the joint child.

56.16 (c) If only one parent has appropriate health care coverage providing medical
56.17 benefits available, the court must order that parent to carry the coverage for the joint child.

56.18 (d) If both parents have appropriate health care coverage providing medical benefits
56.19 available, the court must order the parent with whom the joint child resides to carry the
56.20 coverage for the joint child, unless:

56.21 (1) a party expresses a preference for health care coverage providing medical
56.22 benefits available through the parent with whom the joint child does not reside;

56.23 (2) the parent with whom the joint child does not reside is already carrying
56.24 dependent health care coverage providing medical benefits for other children and the cost
56.25 of contributing to the premiums of the other parent's coverage would cause the parent with
56.26 whom the joint child does not reside extreme hardship; or

56.27 (3) the parties agree as to which parent will carry health care coverage providing
56.28 medical benefits and agree on the allocation of costs.

56.29 (e) If the exception in paragraph (d), clause (1) or (2), applies, the court must
56.30 determine which parent has the most appropriate coverage providing medical benefits
56.31 available and order that parent to carry coverage for the joint child.

56.32 (f) If neither parent has appropriate health care coverage available, the court must
56.33 order the parents to:

56.34 (1) contribute toward the actual health care costs of the joint children based on
56.35 a pro rata share; or

57.1 (2) if the joint child is receiving any form of public coverage, the parent with whom
 57.2 the joint child does not reside shall contribute a monthly amount toward the actual cost of
 57.3 public coverage. The amount of the noncustodial parent's contribution is determined by
 57.4 applying the noncustodial parent's PICS to the premium ~~schedule for public coverage~~ scale
 57.5 for MinnesotaCare under section 256L.15, subdivision 2, paragraph (c). If the noncustodial
 57.6 parent's PICS meets the eligibility requirements for ~~public coverage~~ MinnesotaCare, the
 57.7 contribution is the amount the noncustodial parent would pay for the child's premium. If
 57.8 the noncustodial parent's PICS exceeds the eligibility requirements for ~~public coverage~~, the
 57.9 contribution is the amount of the premium for the highest eligible income on the ~~appropriate~~
 57.10 premium schedule for public coverage scale for MinnesotaCare under section 256L.15,
 57.11 subdivision 2, paragraph (c). For purposes of determining the premium amount, the
 57.12 noncustodial parent's household size is equal to one parent plus the child or children who
 57.13 are the subject of the child support order. The custodial parent's obligation is determined
 57.14 under the requirements for public coverage as set forth in chapter 256B ~~or 256L~~; or

57.15 (3) if the noncustodial parent's PICS meet the eligibility requirement for public
 57.16 coverage under chapter 256B or the noncustodial parent receives public assistance, the
 57.17 noncustodial parent must not be ordered to contribute toward the cost of public coverage.

57.18 (g) If neither parent has appropriate health care coverage available, the court may
 57.19 order the parent with whom the child resides to apply for public coverage for the child.

57.20 (h) The commissioner of human services must publish a table with the premium
 57.21 schedule for public coverage and update the chart for changes to the schedule by July
 57.22 1 of each year.

57.23 (i) If a joint child is not presently enrolled in health care coverage providing dental
 57.24 benefits, upon motion of a parent or the public authority, the court must determine whether
 57.25 one or both parents have appropriate dental health care coverage for the joint child, and the
 57.26 court may order a parent with appropriate dental health care coverage available to carry
 57.27 the coverage for the joint child.

57.28 (j) If a joint child is not presently enrolled in available health care coverage
 57.29 providing benefits other than medical benefits or dental benefits, upon motion of a parent
 57.30 or the public authority, the court may determine whether that other health care coverage
 57.31 for the joint child is appropriate, and the court may order a parent with that appropriate
 57.32 health care coverage available to carry the coverage for the joint child.

57.33 Sec. 61. Minnesota Statutes 2014, section 518A.41, subdivision 14, is amended to read:

57.34 Subd. 14. **Child support enforcement services.** The public authority must take
 57.35 necessary steps to establish ~~and enforce~~, enforce, and modify an order for medical support

58.1 if the joint child receives public assistance or a party completes an application for services
58.2 from the public authority under section 518A.51.

58.3 Sec. 62. Minnesota Statutes 2014, section 518A.41, subdivision 15, is amended to read:

58.4 Subd. 15. **Enforcement.** (a) Remedies available for collecting and enforcing child
58.5 support apply to medical support.

58.6 (b) For the purpose of enforcement, the following are additional support:

58.7 (1) the costs of individual or group health or hospitalization coverage;

58.8 (2) dental coverage;

58.9 (3) medical costs ordered by the court to be paid by either party, including health
58.10 care coverage premiums paid by the obligee because of the obligor's failure to obtain
58.11 coverage as ordered; and

58.12 (4) liabilities established under this subdivision.

58.13 (c) A party who fails to carry court-ordered dependent health care coverage is liable
58.14 for the joint child's uninsured medical expenses unless a court order provides otherwise.

58.15 A party's failure to carry court-ordered coverage, or to provide other medical support as
58.16 ordered, is a basis for modification of a medical support order under section 518A.39,
58.17 subdivision ~~2~~ 8, unless it meets the presumption in section 518A.39, subdivision 2.

58.18 (d) Payments by the health carrier or employer for services rendered to the dependents
58.19 that are directed to a party not owed reimbursement must be endorsed over to and forwarded
58.20 to the vendor or appropriate party or the public authority. A party retaining insurance
58.21 reimbursement not owed to the party is liable for the amount of the reimbursement.

58.22 Sec. 63. Minnesota Statutes 2014, section 518A.46, subdivision 3, is amended to read:

58.23 Subd. 3. **Contents of pleadings.** (a) In cases involving establishment or
58.24 modification of a child support order, the initiating party shall include the following
58.25 information, if known, in the pleadings:

58.26 (1) names, addresses, and dates of birth of the parties;

58.27 (2) Social Security numbers of the parties and the minor children of the parties,
58.28 which information shall be considered private information and shall be available only to
58.29 the parties, the court, and the public authority;

58.30 (3) other support obligations of the obligor;

58.31 (4) names and addresses of the parties' employers;

58.32 (5) gross income of the parties as calculated in section 518A.29;

58.33 (6) amounts and sources of any other earnings and income of the parties;

58.34 (7) health insurance coverage of parties;

59.1 (8) types and amounts of public assistance received by the parties, including
 59.2 Minnesota family investment plan, child care assistance, medical assistance,
 59.3 ~~MinnesotaCare~~, title IV-E foster care, or other form of assistance as defined in section
 59.4 256.741, subdivision 1; and

59.5 (9) any other information relevant to the computation of the child support obligation
 59.6 under section 518A.34.

59.7 (b) For all matters scheduled in the expedited process, whether or not initiated by
 59.8 the public authority, the nonattorney employee of the public authority shall file with the
 59.9 court and serve on the parties the following information:

59.10 (1) information pertaining to the income of the parties available to the public
 59.11 authority from the Department of Employment and Economic Development;

59.12 (2) a statement of the monthly amount of child support, medical support, child care,
 59.13 and arrears currently being charged the obligor on Minnesota IV-D cases;

59.14 (3) a statement of the types and amount of any public assistance, as defined in
 59.15 section 256.741, subdivision 1, received by the parties; and

59.16 (4) any other information relevant to the determination of support that is known to
 59.17 the public authority and that has not been otherwise provided by the parties.

59.18 The information must be filed with the court or child support magistrate at least
 59.19 five days before any hearing involving child support, medical support, or child care
 59.20 reimbursement issues.

59.21 Sec. 64. Minnesota Statutes 2014, section 518A.46, is amended by adding a
 59.22 subdivision to read:

59.23 Subd. 3a. **Contents of pleadings for medical support modifications.** (a) In cases
 59.24 involving modification of only the medical support portion of a child support order
 59.25 under section 518A.39, subdivision 8, the initiating party shall include the following
 59.26 information, if known, in the pleadings:

59.27 (1) names, addresses, and dates of birth of the parties;

59.28 (2) Social Security numbers of the parties and the minor children of the parties,
 59.29 which shall be considered private information and shall be available only to the parties,
 59.30 the court, and the public authority;

59.31 (3) a copy of the full support order being modified;

59.32 (4) names and addresses of the parties' employers;

59.33 (5) gross income of the parties as stated in the order being modified;

59.34 (6) health insurance coverage of the parties; and

60.1 (7) any other information relevant to the determination of the medical support
 60.2 obligation under section 518A.41.

60.3 (b) For all matters scheduled in the expedited process, whether or not initiated by
 60.4 the public authority, the nonattorney employee of the public authority shall file with the
 60.5 court and serve on the parties the following information:

60.6 (1) a statement of the monthly amount of child support, medical support, child care,
 60.7 and arrears currently being charged the obligor on Minnesota IV-D cases;

60.8 (2) a statement of the amount of medical assistance received by the parties; and

60.9 (3) any other information relevant to the determination of medical support that is
 60.10 known to the public authority and that has not been otherwise provided by the parties.

60.11 The information must be filed with the court or child support magistrate at least five
 60.12 days before the hearing on the motion to modify medical support.

60.13 Sec. 65. Minnesota Statutes 2014, section 518A.51, is amended to read:

60.14 **518A.51 FEES FOR IV-D SERVICES.**

60.15 (a) When a recipient of IV-D services is no longer receiving assistance under the
 60.16 state's title IV-A, IV-E foster care, or medical assistance, ~~or MinnesotaCare~~ programs, the
 60.17 public authority responsible for child support enforcement must notify the recipient,
 60.18 within five working days of the notification of ineligibility, that IV-D services will be
 60.19 continued unless the public authority is notified to the contrary by the recipient. The
 60.20 notice must include the implications of continuing to receive IV-D services, including the
 60.21 available services and fees, cost recovery fees, and distribution policies relating to fees.

60.22 ~~(b) An application fee of \$25 shall be paid by the person who applies for child~~
 60.23 ~~support and maintenance collection services, except persons who are receiving public~~
 60.24 ~~assistance as defined in section 256.741 and the diversionary work program under section~~
 60.25 ~~256J.95, persons who transfer from public assistance to nonpublic assistance status, and~~
 60.26 ~~minor parents and parents enrolled in a public secondary school, area learning center, or~~
 60.27 ~~alternative learning program approved by the commissioner of education.~~

60.28 ~~(e)~~ (b) In the case of an individual who has never received assistance under a state
 60.29 program funded under title IV-A of the Social Security Act and for whom the public
 60.30 authority has collected at least \$500 of support, the public authority must impose an
 60.31 annual federal collections fee of \$25 for each case in which services are furnished. This
 60.32 fee must be retained by the public authority from support collected on behalf of the
 60.33 individual, but not from the first \$500 collected.

60.34 ~~(d)~~ (c) When the public authority provides full IV-D services to an obligee who
 60.35 has applied for those services, upon written notice to the obligee, the public authority

61.1 must charge a cost recovery fee of two percent of the amount collected. This fee must
 61.2 be deducted from the amount of the child support and maintenance collected and not
 61.3 assigned under section 256.741 before disbursement to the obligee. This fee does not
 61.4 apply to an obligee who:

61.5 (1) is currently receiving assistance under the state's title IV-A, IV-E foster care, or
 61.6 medical assistance, ~~or MinnesotaCare~~ programs; or

61.7 (2) has received assistance under the state's title IV-A or IV-E foster care programs,
 61.8 until the person has not received this assistance for 24 consecutive months.

61.9 ~~(e)~~ (d) When the public authority provides full IV-D services to an obligor who has
 61.10 applied for such services, upon written notice to the obligor, the public authority must
 61.11 charge a cost recovery fee of two percent of the monthly court-ordered child support and
 61.12 maintenance obligation. The fee may be collected through income withholding, as well
 61.13 as by any other enforcement remedy available to the public authority responsible for
 61.14 child support enforcement.

61.15 ~~(f)~~ (e) Fees assessed by state and federal tax agencies for collection of overdue
 61.16 support owed to or on behalf of a person not receiving public assistance must be imposed
 61.17 on the person for whom these services are provided. The public authority upon written
 61.18 notice to the obligee shall assess a fee of \$25 to the person not receiving public assistance
 61.19 for each successful federal tax interception. The fee must be withheld prior to the release
 61.20 of the funds received from each interception and deposited in the general fund.

61.21 ~~(g)~~ (f) Federal collections fees collected under paragraph ~~(e)~~ (b) and cost recovery
 61.22 fees collected under paragraphs (c) and (d) ~~and (e)~~ retained by the commissioner of human
 61.23 services shall be considered child support program income according to Code of Federal
 61.24 Regulations, title 45, section 304.50, and shall be deposited in the special revenue fund
 61.25 account established under paragraph ~~(f)~~ (h). The commissioner of human services must
 61.26 elect to recover costs based on either actual or standardized costs.

61.27 ~~(h)~~ (g) The limitations of this section on the assessment of fees shall not apply to
 61.28 the extent inconsistent with the requirements of federal law for receiving funds for the
 61.29 programs under title IV-A and title IV-D of the Social Security Act, United States Code,
 61.30 title 42, sections 601 to 613 and United States Code, title 42, sections 651 to 662.

61.31 ~~(i)~~ (h) The commissioner of human services is authorized to establish a special
 61.32 revenue fund account to receive the federal collections fees collected under paragraph ~~(e)~~
 61.33 (b) and cost recovery fees collected under paragraphs (c) and (d) ~~and (e)~~.

61.34 ~~(j)~~ (i) The nonfederal share of the cost recovery fee revenue must be retained by the
 61.35 commissioner and distributed as follows:

62.1 (1) one-half of the revenue must be transferred to the child support system special
 62.2 revenue account to support the state's administration of the child support enforcement
 62.3 program and its federally mandated automated system;

62.4 (2) an additional portion of the revenue must be transferred to the child support
 62.5 system special revenue account for expenditures necessary to administer the fees; and

62.6 (3) the remaining portion of the revenue must be distributed to the counties to aid the
 62.7 counties in funding their child support enforcement programs.

62.8 ~~(k)~~ (j) The nonfederal share of the federal collections fees must be distributed to the
 62.9 counties to aid them in funding their child support enforcement programs.

62.10 ~~(j)~~ (k) The commissioner of human services shall distribute quarterly any of the
 62.11 funds dedicated to the counties under paragraphs (i) and (j) and ~~(k)~~ using the methodology
 62.12 specified in section 256.979, subdivision 11. The funds received by the counties must be
 62.13 reinvested in the child support enforcement program and the counties must not reduce the
 62.14 funding of their child support programs by the amount of the funding distributed.

62.15 Sec. 66. Minnesota Statutes 2014, section 518A.53, subdivision 4, is amended to read:

62.16 Subd. 4. **Collection services.** (a) The commissioner of human services shall prepare
 62.17 and make available to the courts a notice of services that explains child support and
 62.18 maintenance collection services available through the public authority, including income
 62.19 withholding, and the fees for such services. Upon receiving a petition for dissolution of
 62.20 marriage or legal separation, the court administrator shall promptly send the notice of
 62.21 services to the petitioner and respondent at the addresses stated in the petition.

62.22 (b) Either the obligee or obligor may at any time apply to the public authority for
 62.23 either full IV-D services or for income withholding only services.

62.24 (c) For those persons applying for income withholding only services, a monthly
 62.25 service fee of \$15 must be charged to the obligor. This fee is in addition to the amount of
 62.26 the support order and shall be withheld through income withholding. The public authority
 62.27 shall explain the service options in this section to the affected parties and encourage the
 62.28 application for full child support collection services.

62.29 (d) If the obligee is not a current recipient of public assistance as defined in section
 62.30 256.741, the person who applied for services may at any time choose to terminate either
 62.31 full IV-D services or income withholding only services regardless of whether income
 62.32 withholding is currently in place. The obligee or obligor may reapply for either full IV-D
 62.33 services or income withholding only services at any time. ~~Unless the applicant is a~~
 62.34 ~~recipient of public assistance as defined in section 256.741, a \$25 application fee shall be~~
 62.35 ~~charged at the time of each application.~~

63.1 (e) When a person terminates IV-D services, if an arrearage for public assistance as
 63.2 defined in section 256.741 exists, the public authority may continue income withholding,
 63.3 as well as use any other enforcement remedy for the collection of child support, until all
 63.4 public assistance arrears are paid in full. Income withholding shall be in an amount equal
 63.5 to 20 percent of the support order in effect at the time the services terminated.

63.6 Sec. 67. Minnesota Statutes 2014, section 518C.802, is amended to read:

63.7 **518C.802 CONDITIONS OF RENDITION.**

63.8 (a) Before making demand that the governor of another state surrender an individual
 63.9 charged criminally in this state with having failed to provide for the support of an obligee,
 63.10 the governor of this state may require a prosecutor of this state to demonstrate that at least
 63.11 60 days previously the obligee had initiated proceedings for support pursuant to this
 63.12 chapter or that the proceeding would be of no avail.

63.13 (b) If, under this chapter or a law substantially similar to this chapter, ~~the Uniform~~
 63.14 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement~~
 63.15 ~~of Support Act~~, the governor of another state makes a demand that the governor of
 63.16 this state surrender an individual charged criminally in that state with having failed to
 63.17 provide for the support of a child or other individual to whom a duty of support is owed,
 63.18 the governor may require a prosecutor to investigate the demand and report whether
 63.19 a proceeding for support has been initiated or would be effective. If it appears that a
 63.20 proceeding would be effective but has not been initiated, the governor may delay honoring
 63.21 the demand for a reasonable time to permit the initiation of a proceeding.

63.22 (c) If a proceeding for support has been initiated and the individual whose rendition is
 63.23 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails
 63.24 and the individual whose rendition is demanded is subject to a support order, the governor
 63.25 may decline to honor the demand if the individual is complying with the support order.

63.26 Sec. 68. Laws 2014, chapter 189, section 5, is amended to read:

63.27 Sec. 5. Minnesota Statutes 2012, section 518C.201, is amended to read:

63.28 **518C.201 BASES FOR JURISDICTION OVER NONRESIDENT.**

63.29 (a) In a proceeding to establish, or enforce, ~~or modify~~ a support order or to determine
 63.30 parentage of a child, a tribunal of this state may exercise personal jurisdiction over a
 63.31 nonresident individual or the individual's guardian or conservator if:

63.32 (1) the individual is personally served with a summons or comparable document
 63.33 within this state;

64.1 (2) the individual submits to the jurisdiction of this state by consent, by entering a
 64.2 general appearance, or by filing a responsive document having the effect of waiving any
 64.3 contest to personal jurisdiction;

64.4 (3) the individual resided with the child in this state;

64.5 (4) the individual resided in this state and provided prenatal expenses or support
 64.6 for the child;

64.7 (5) the child resides in this state as a result of the acts or directives of the individual;

64.8 (6) the individual engaged in sexual intercourse in this state and the child may have
 64.9 been conceived by that act of intercourse;

64.10 (7) the individual asserted parentage of a child under sections 257.51 to 257.75; or

64.11 (8) there is any other basis consistent with the constitutions of this state and the
 64.12 United States for the exercise of personal jurisdiction.

64.13 (b) The bases of personal jurisdiction in paragraph (a) or in any other law of this state
 64.14 may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child
 64.15 support order of another state unless the requirements of section 518C.611 are met, or, in
 64.16 the case of a foreign support order, unless the requirements of section 518C.615 are met.

64.17 Sec. 69. Laws 2014, chapter 189, section 10, is amended to read:

64.18 Sec. 10. Minnesota Statutes 2012, section 518C.206, is amended to read:

64.19 **518C.206 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER**
 64.20 **BY TRIBUNAL HAVING CONTINUING JURISDICTION TO ENFORCE CHILD**
 64.21 **SUPPORT ORDER.**

64.22 (a) A tribunal of this state that has issued a child support order consistent with the
 64.23 law of this state may serve as an initiating tribunal to request a tribunal of another state
 64.24 to enforce:

64.25 (1) the order if the order is the controlling order and has not been modified by
 64.26 a tribunal of another state that assumed jurisdiction pursuant to ~~this chapter or a law~~
 64.27 ~~substantially similar to this chapter~~ the Uniform Interstate Family Support Act; or

64.28 (2) a money judgment for arrears of support and interest on the order accrued before
 64.29 a determination that an order of a tribunal of another state is the controlling order.

64.30 (b) A tribunal of this state having continuing, ~~exclusive~~ jurisdiction over a support
 64.31 order may act as a responding tribunal to enforce the order.

64.32 Sec. 70. Laws 2014, chapter 189, section 11, is amended to read:

65.1 Sec. 11. Minnesota Statutes 2012, section 518C.207, is amended to read:

65.2 **518C.207 ~~RECOGNITION~~ DETERMINATION OF CONTROLLING CHILD**
 65.3 **SUPPORT ORDER.**

65.4 (a) If a proceeding is brought under this chapter and only one tribunal has issued a
 65.5 child support order, the order of that tribunal ~~is controlling~~ controls and must be recognized.

65.6 (b) If a proceeding is brought under this chapter, and two or more child support
 65.7 orders have been issued by tribunals of this state, another state, or a foreign country with
 65.8 regard to the same obligor and child, a tribunal of this state having personal jurisdiction
 65.9 over both the obligor and the individual obligee shall apply the following rules and by
 65.10 order shall determine which order controls and must be recognized:

65.11 (1) If only one of the tribunals would have continuing, exclusive jurisdiction under
 65.12 this chapter, the order of that tribunal ~~is controlling~~ controls.

65.13 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction
 65.14 under this chapter:

65.15 (i) an order issued by a tribunal in the current home state of the child controls; or

65.16 (ii) if an order has not been issued in the current home state of the child, the order
 65.17 most recently issued controls.

65.18 (3) If none of the tribunals would have continuing, exclusive jurisdiction under this
 65.19 chapter, the tribunal of this state shall issue a child support order, which controls.

65.20 (c) If two or more child support orders have been issued for the same obligor and
 65.21 child, upon request of a party who is an individual or that is a support enforcement agency,
 65.22 a tribunal of this state having personal jurisdiction over both the obligor and the obligee
 65.23 who is an individual shall determine which order controls under paragraph (b). The
 65.24 request may be filed with a registration for enforcement or registration for modification
 65.25 pursuant to sections 518C.601 to 518C.616, or may be filed as a separate proceeding.

65.26 (d) A request to determine which is the controlling order must be accompanied
 65.27 by a copy of every child support order in effect and the applicable record of payments.
 65.28 The requesting party shall give notice of the request to each party whose rights may
 65.29 be affected by the determination.

65.30 (e) The tribunal that issued the controlling order under paragraph (a), (b), or (c) has
 65.31 continuing jurisdiction to the extent provided in section 518C.205, or 518C.206.

65.32 (f) A tribunal of this state which determines by order which is the controlling order
 65.33 under paragraph (b), clause (1) or (2), or paragraph (c), or which issues a new controlling
 65.34 child support order under paragraph (b), clause (3), shall state in that order:

65.35 (1) the basis upon which the tribunal made its determination;

65.36 (2) the amount of prospective support, if any; and

66.1 (3) the total amount of consolidated arrears and accrued interest, if any, under all of
66.2 the orders after all payments made are credited as provided by section 518C.209.

66.3 (g) Within 30 days after issuance of the order determining which is the controlling
66.4 order, the party obtaining that order shall file a certified copy of it with each tribunal that
66.5 issued or registered an earlier order of child support. A party or support enforcement
66.6 agency obtaining the order that fails to file a certified copy is subject to appropriate
66.7 sanctions by a tribunal in which the issue of failure to file arises. The failure to file does
66.8 not affect the validity or enforceability of the controlling order.

66.9 (h) An order that has been determined to be the controlling order, or a judgment for
66.10 consolidated arrears of support and interest, if any, made pursuant to this section must be
66.11 recognized in proceedings under this chapter.

66.12 Sec. 71. Laws 2014, chapter 189, section 16, is amended to read:

66.13 Sec. 16. Minnesota Statutes 2012, section 518C.301, is amended to read:

66.14 **518C.301 PROCEEDINGS UNDER THIS CHAPTER.**

66.15 (a) Except as otherwise provided in this chapter, sections 518C.301 to 518C.319
66.16 apply to all proceedings under this chapter.

66.17 ~~(b) This chapter provides for the following proceedings:~~

66.18 ~~(1) establishment of an order for spousal support or child support pursuant to~~
66.19 ~~section 518C.401;~~

66.20 ~~(2) enforcement of a support order and income withholding order of another state or~~
66.21 ~~a foreign country without registration pursuant to sections 518C.501 and 518C.502;~~

66.22 ~~(3) registration of an order for spousal support or child support of another state or a~~
66.23 ~~foreign country for enforcement pursuant to sections 518C.601 to 518C.612;~~

66.24 ~~(4) modification of an order for child support or spousal support issued by a tribunal~~
66.25 ~~of this state pursuant to sections 518C.203 to 518C.206;~~

66.26 ~~(5) registration of an order for child support of another state or a foreign country for~~
66.27 ~~modification pursuant to sections 518C.601 to 518C.612;~~

66.28 ~~(6) determination of parentage of a child pursuant to section 518C.701; and~~

66.29 ~~(7) assertion of jurisdiction over nonresidents pursuant to sections 518C.201 and~~
66.30 ~~518C.202.~~

66.31 ~~(e)~~ (b) An individual petitioner or a support enforcement agency may commence
66.32 a proceeding authorized under this chapter by filing a petition in an initiating tribunal
66.33 for forwarding to a responding tribunal or by filing a petition or a comparable pleading
66.34 directly in a tribunal of another state or a foreign country which has or can obtain personal
66.35 jurisdiction over the respondent.

67.1 Sec. 72. Laws 2014, chapter 189, section 17, is amended to read:

67.2 Sec. 17. Minnesota Statutes 2012, section 518C.303, is amended to read:

67.3 **518C.303 APPLICATION OF LAW OF THIS STATE.**

67.4 Except as otherwise provided by this chapter, a responding tribunal of this state shall:

67.5 (1) apply the procedural and substantive law, ~~including the rules on choice of law,~~
67.6 generally applicable to similar proceedings originating in this state and may exercise all
67.7 powers and provide all remedies available in those proceedings; and

67.8 (2) determine the duty of support and the amount payable in accordance with the
67.9 law and support guidelines of this state.

67.10 Sec. 73. Laws 2014, chapter 189, section 18, is amended to read:

67.11 Sec. 18. Minnesota Statutes 2012, section 518C.304, is amended to read:

67.12 **518C.304 DUTIES OF INITIATING TRIBUNAL.**

67.13 (a) Upon the filing of a petition authorized by this chapter, an initiating tribunal of
67.14 this state shall forward the petition and its accompanying documents:

67.15 (1) to the responding tribunal or appropriate support enforcement agency in the
67.16 responding state; or

67.17 (2) if the identity of the responding tribunal is unknown, to the state information
67.18 agency of the responding state with a request that they be forwarded to the appropriate
67.19 tribunal and that receipt be acknowledged.

67.20 (b) If requested by the responding tribunal, a tribunal of this state shall issue a
67.21 certificate or other documents and make findings required by the law of the responding
67.22 state. If the responding tribunal is in a foreign country, upon request the tribunal of this
67.23 state shall specify the amount of support sought, convert that amount into the equivalent
67.24 amount in the foreign currency under applicable official or market exchange rate as
67.25 publicly reported, and provide other documents necessary to satisfy the requirements of
67.26 the responding foreign tribunal.

67.27 Sec. 74. Laws 2014, chapter 189, section 19, is amended to read:

67.28 Sec. 19. Minnesota Statutes 2012, section 518C.305, is amended to read:

67.29 **518C.305 DUTIES AND POWERS OF RESPONDING TRIBUNAL.**

67.30 (a) When a responding tribunal of this state receives a petition or comparable
67.31 pleading from an initiating tribunal or directly pursuant to section 518C.301, paragraph (e)
67.32 (b), it shall cause the petition or pleading to be filed and notify the petitioner where and
67.33 when it was filed.

68.1 (b) A responding tribunal of this state, to the extent ~~otherwise authorized by~~ not
 68.2 prohibited by other law, may do one or more of the following:

68.3 (1) establish or enforce a support order, modify a child support order, determine the
 68.4 controlling child support order, or to determine parentage of a child;

68.5 (2) order an obligor to comply with a support order, specifying the amount and
 68.6 the manner of compliance;

68.7 (3) order income withholding;

68.8 (4) determine the amount of any arrearages, and specify a method of payment;

68.9 (5) enforce orders by civil or criminal contempt, or both;

68.10 (6) set aside property for satisfaction of the support order;

68.11 (7) place liens and order execution on the obligor's property;

68.12 (8) order an obligor to keep the tribunal informed of the obligor's current residential
 68.13 address, electronic mail address, telephone number, employer, address of employment,
 68.14 and telephone number at the place of employment;

68.15 (9) issue a bench warrant for an obligor who has failed after proper notice to appear
 68.16 at a hearing ordered by the tribunal and enter the bench warrant in any local and state
 68.17 computer systems for criminal warrants;

68.18 (10) order the obligor to seek appropriate employment by specified methods;

68.19 (11) award reasonable attorney's fees and other fees and costs; and

68.20 (12) grant any other available remedy.

68.21 (c) A responding tribunal of this state shall include in a support order issued under
 68.22 this chapter, or in the documents accompanying the order, the calculations on which
 68.23 the support order is based.

68.24 (d) A responding tribunal of this state may not condition the payment of a support
 68.25 order issued under this chapter upon compliance by a party with provisions for visitation.

68.26 (e) If a responding tribunal of this state issues an order under this chapter, the
 68.27 tribunal shall send a copy of the order to the petitioner and the respondent and to the
 68.28 initiating tribunal, if any.

68.29 (f) If requested to enforce a support order, arrears, or judgment or modify a support
 68.30 order stated in a foreign currency, a responding tribunal of this state shall convert the
 68.31 amount stated in the foreign currency to the equivalent amount in dollars under the
 68.32 applicable official or market exchange rate as publicly reported.

68.33 Sec. 75. Laws 2014, chapter 189, section 23, is amended to read:

68.34 Sec. 23. Minnesota Statutes 2012, section 518C.310, is amended to read:

68.35 **518C.310 DUTIES OF STATE INFORMATION AGENCY.**

69.1 (a) The unit within the Department of Human Services that receives and disseminates
 69.2 incoming interstate actions under title IV-D of the Social Security Act is the State
 69.3 Information Agency under this chapter.

69.4 (b) The State Information Agency shall:

69.5 (1) compile and maintain a current list, including addresses, of the tribunals in this
 69.6 state which have jurisdiction under this chapter and any support enforcement agencies in
 69.7 this state and transmit a copy to the state information agency of every other state;

69.8 (2) maintain a register of names and addresses of tribunals and support enforcement
 69.9 agencies received from other states;

69.10 (3) forward to the appropriate tribunal in the place in this state in which the
 69.11 individual obligee or the obligor resides, or in which the obligor's property is believed
 69.12 to be located, all documents concerning a proceeding under this chapter received from
 69.13 another state or a foreign country; and

69.14 (4) obtain information concerning the location of the obligor and the obligor's
 69.15 property within this state not exempt from execution, by such means as postal verification
 69.16 and federal or state locator services, examination of telephone directories, requests for the
 69.17 obligor's address from employers, and examination of governmental records, including, to
 69.18 the extent not prohibited by other law, those relating to real property, vital statistics, law
 69.19 enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

69.20 Sec. 76. Laws 2014, chapter 189, section 24, is amended to read:

69.21 Sec. 24. Minnesota Statutes 2012, section 518C.311, is amended to read:

69.22 **518C.311 PLEADINGS AND ACCOMPANYING DOCUMENTS.**

69.23 (a) A petitioner seeking to establish or modify a support order, determine parentage
 69.24 of a child, or register and modify a support order of a tribunal of another state or a foreign
 69.25 country, in a proceeding under this chapter must file a petition. Unless otherwise ordered
 69.26 under section 518C.312, the petition or accompanying documents must provide, so far
 69.27 as known, the name, residential address, and Social Security numbers of the obligor and
 69.28 the obligee or parent and alleged parent, and the name, sex, residential address, Social
 69.29 Security number, and date of birth of each child for whom support is sought or whose
 69.30 ~~parenthood~~ parentage is to be determined. Unless filed at the time of registration, the
 69.31 petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~ known
 69.32 to have been issued by another tribunal. The petition may include any other information
 69.33 that may assist in locating or identifying the respondent.

70.1 (b) The petition must specify the relief sought. The petition and accompanying
 70.2 documents must conform substantially with the requirements imposed by the forms
 70.3 mandated by federal law for use in cases filed by a support enforcement agency.

70.4 Sec. 77. Laws 2014, chapter 189, section 27, is amended to read:

70.5 Sec. 27. Minnesota Statutes 2012, section 518C.314, is amended to read:

70.6 **518C.314 LIMITED IMMUNITY OF PETITIONER.**

70.7 (a) Participation by a petitioner in a proceeding under this chapter before a
 70.8 responding tribunal, whether in person, by private attorney, or through services provided
 70.9 by the support enforcement agency, does not confer personal jurisdiction over the
 70.10 petitioner in another proceeding.

70.11 (b) A petitioner is not amenable to service of civil process while physically present
 70.12 in this state to participate in a proceeding under this chapter.

70.13 (c) The immunity granted by this section does not extend to civil litigation based on
 70.14 acts unrelated to a proceeding under this chapter committed by a party while physically
 70.15 present in this state to participate in the proceeding.

70.16 Sec. 78. Laws 2014, chapter 189, section 28, is amended to read:

70.17 Sec. 28. Minnesota Statutes 2012, section 518C.316, is amended to read:

70.18 **518C.316 SPECIAL RULES OF EVIDENCE AND PROCEDURE.**

70.19 (a) The physical presence of ~~the petitioner~~ a nonresident party who is an individual
 70.20 in a ~~responding~~ tribunal of this state is not required for the establishment, enforcement,
 70.21 or modification of a support order or the rendition of a judgment determining parentage
 70.22 of a child.

70.23 (b) ~~A verified petition,~~ An affidavit, a document substantially complying with
 70.24 federally mandated forms, and or a document incorporated by reference in any of them,
 70.25 not excluded under the hearsay rule if given in person, is admissible in evidence if given
 70.26 under ~~oath~~ penalty of perjury by a party or witness residing outside this state.

70.27 (c) A copy of the record of child support payments certified as a true copy of the
 70.28 original by the custodian of the record may be forwarded to a responding tribunal. The copy
 70.29 is evidence of facts asserted in it, and is admissible to show whether payments were made.

70.30 (d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal
 70.31 health care of the mother and child, furnished to the adverse party at least ten days before
 70.32 trial, are admissible in evidence to prove the amount of the charges billed and that the
 70.33 charges were reasonable, necessary, and customary.

71.1 (e) Documentary evidence transmitted from outside this state to a tribunal of this state
 71.2 by telephone, telecopier, or other electronic means that do not provide an original record
 71.3 may not be excluded from evidence on an objection based on the means of transmission.

71.4 (f) In a proceeding under this chapter, a tribunal of this state shall permit a party
 71.5 or witness residing outside this state to be deposed or to testify under penalty of perjury
 71.6 by telephone, audiovisual means, or other electronic means at a designated tribunal or
 71.7 other location. A tribunal of this state shall cooperate with other tribunals in designating
 71.8 an appropriate location for the deposition or testimony.

71.9 (g) If a party called to testify at a civil hearing refuses to answer on the ground that
 71.10 the testimony may be self-incriminating, the trier of fact may draw an adverse inference
 71.11 from the refusal.

71.12 (h) A privilege against disclosure of communications between spouses does not
 71.13 apply in a proceeding under this chapter.

71.14 (i) The defense of immunity based on the relationship of husband and wife or parent
 71.15 and child does not apply in a proceeding under this chapter.

71.16 (j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible
 71.17 to establish parentage of a child.

71.18 Sec. 79. Laws 2014, chapter 189, section 29, is amended to read:

71.19 Sec. 29. Minnesota Statutes 2012, section 518C.317, is amended to read:

71.20 **518C.317 COMMUNICATIONS BETWEEN TRIBUNALS.**

71.21 A tribunal of this state may communicate with a tribunal outside this state in
 71.22 ~~writing, by e-mail, or a record, or by telephone, electronic mail,~~ or other means, to obtain
 71.23 information concerning the laws of that state, the legal effect of a judgment, decree, or
 71.24 order of that tribunal, and the status of a proceeding. A tribunal of this state may furnish
 71.25 similar information by similar means to a tribunal outside this state.

71.26 Sec. 80. Laws 2014, chapter 189, section 31, is amended to read:

71.27 Sec. 31. Minnesota Statutes 2012, section 518C.319, is amended to read:

71.28 **518C.319 RECEIPT AND DISBURSEMENT OF PAYMENTS.**

71.29 (a) A support enforcement agency or tribunal of this state shall disburse promptly
 71.30 any amounts received pursuant to a support order, as directed by the order. The agency
 71.31 or tribunal shall furnish to a requesting party or tribunal of another state or a foreign
 71.32 country a certified statement by the custodian of the record of the amounts and dates
 71.33 of all payments received.

72.1 (b) If neither the obligor, ~~not~~ nor the obligee who is an individual, nor the child
 72.2 resides in this state, upon request from the support enforcement agency of this state or
 72.3 another state, the support enforcement agency of this state or a tribunal of this state shall:

72.4 (1) direct that the support payment be made to the support enforcement agency in
 72.5 the state in which the obligee is receiving services; and

72.6 (2) issue and send to the obligor's employer a conforming income-withholding order
 72.7 or an administrative notice of change of payee, reflecting the redirected payments.

72.8 (c) The support enforcement agency of this state receiving redirected payments from
 72.9 another state pursuant to a law similar to paragraph (b) shall furnish to a requesting party
 72.10 or tribunal of the other state a certified statement by the custodian of the record of the
 72.11 amount and dates of all payments received.

72.12 Sec. 81. Laws 2014, chapter 189, section 43, is amended to read:

72.13 Sec. 43. Minnesota Statutes 2012, section 518C.604, is amended to read:

72.14 **518C.604 CHOICE OF LAW.**

72.15 (a) Except as otherwise provided in paragraph (d), the law of the issuing state or
 72.16 foreign country governs:

72.17 (1) the nature, extent, amount, and duration of current payments under a registered
 72.18 support order;

72.19 (2) the computation and payment of arrearages and accrual of interest on the
 72.20 arrearages under the support order; and

72.21 (3) the existence and satisfaction of other obligations under the support order.

72.22 (b) In a proceeding for arrearages under a registered support order, the statute of
 72.23 limitation under the laws of this state or of the issuing state or foreign country, whichever
 72.24 is longer, applies.

72.25 (c) A responding tribunal of this state shall apply the procedures and remedies of
 72.26 this state to enforce current support and collect arrears and interest due on a support order
 72.27 of another state or a foreign country registered in this state.

72.28 (d) After a tribunal of this state or another state determines which is the controlling
 72.29 order and issues an order consolidating arrears, if any, a tribunal of this state shall
 72.30 prospectively apply the law of the state or foreign country issuing the controlling order,
 72.31 including its law on interest on arrears, on current and future support, and on consolidated
 72.32 arrears.

72.33 Sec. 82. Laws 2014, chapter 189, section 50, is amended to read:

73.1 Sec. 50. Minnesota Statutes 2012, section 518C.611, is amended to read:

73.2 **518C.611 MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER**
73.3 **STATE.**

73.4 (a) If section 518C.613 does not apply, upon petition a tribunal of this state may
73.5 modify a child support order issued in another state that is registered in this state if, after
73.6 notice and hearing, it finds that:

73.7 (1) the following requirements are met:

73.8 (i) neither the child, nor the obligee who is an individual, nor the obligor resides
73.9 in the issuing state;

73.10 (ii) a petitioner who is a nonresident of this state seeks modification; and

73.11 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

73.12 (2) this state is the residence of the child, or a party who is an individual is subject to
73.13 the personal jurisdiction of the tribunal of this state and all of the parties who are individuals
73.14 have filed ~~written~~ consents in a record in the issuing tribunal for a tribunal of this state to
73.15 modify the support order and assume continuing, exclusive jurisdiction ~~over the order~~.

73.16 (b) Modification of a registered child support order is subject to the same
73.17 requirements, procedures, and defenses that apply to the modification of an order issued
73.18 by a tribunal of this state and the order may be enforced and satisfied in the same manner.

73.19 (c) A tribunal of this state may not modify any aspect of a child support order that
73.20 may not be modified under the law of the issuing state, including the duration of the
73.21 obligation of support. If two or more tribunals have issued child support orders for the
73.22 same obligor and child, the order that controls and must be recognized under section
73.23 518C.207 establishes the aspects of the support order which are nonmodifiable.

73.24 (d) In a proceeding to modify a child support order, the law of the state that is
73.25 determined to have issued the initial controlling order governs the duration of the
73.26 obligation of support. The obligor's fulfillment of the duty of support established by that
73.27 order precludes imposition of a further obligation of support by a tribunal of this state.

73.28 (e) On issuance of an order by a tribunal of this state modifying a child support order
73.29 issued in another state, a tribunal of this state becomes the tribunal having continuing,
73.30 exclusive jurisdiction.

73.31 (f) Notwithstanding paragraphs (a) to ~~(d)~~ (e) and section 518C.201, paragraph (b),
73.32 a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this
73.33 state if:

73.34 (1) one party resides in another state; and

73.35 (2) the other party resides outside the United States.

74.1 Sec. 83. Laws 2014, chapter 189, section 51, is amended to read:

74.2 Sec. 51. Minnesota Statutes 2012, section 518C.612, is amended to read:

74.3 **518C.612 RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.**

74.4 If a child support order issued by a tribunal of this state is modified by a tribunal of
74.5 another state which assumed jurisdiction ~~according to this chapter or a law substantially~~
74.6 ~~similar to this chapter~~ pursuant to the Uniform Interstate Family Support Act, a tribunal of
74.7 this state:

74.8 (1) may enforce its order that was modified only as to arrears and interest accruing
74.9 before the modification;

74.10 (2) may provide appropriate relief for violations of its order which occurred before
74.11 the effective date of the modification; and

74.12 (3) shall recognize the modifying order of the other state, upon registration, for the
74.13 purpose of enforcement.

74.14 Sec. 84. Laws 2014, chapter 189, section 73, is amended to read:

74.15 Sec. 73. **EFFECTIVE DATE.**

74.16 This act ~~becomes~~ is effective on the date that the United States deposits the
74.17 instrument of ratification for the Hague Convention on the International Recovery of Child
74.18 Support and Other Forms of Family Maintenance with the Hague Conference on Private
74.19 International Law July 1, 2015.

74.20 **EFFECTIVE DATE.** This section is effective July 1, 2015.

74.21 Sec. 85. **REPEALER.**

74.22 Minnesota Statutes 2014, section 124D.142, is repealed effective the day following
74.23 final enactment.

74.24 **ARTICLE 2**

74.25 **CHEMICAL AND MENTAL HEALTH SERVICES**

74.26 Section 1. **[245.735] EXCELLENCE IN MENTAL HEALTH DEMONSTRATION**
74.27 **PROJECT.**

74.28 Subdivision 1. Excellence in Mental Health demonstration project. The
74.29 commissioner shall develop and execute projects to reform the mental health system by
74.30 participating in the Excellence in Mental Health demonstration project.

74.31 Subd. 2. Federal proposal. The commissioner shall develop and submit to the
74.32 United States Department of Health and Human Services a proposal for the Excellence

75.1 in Mental Health demonstration project. The proposal shall include any necessary state
75.2 plan amendments, waivers, requests for new funding, realignment of existing funding, and
75.3 other authority necessary to implement the projects specified in subdivision 4.

75.4 Subd. 3. **Rules.** By January 15, 2017, the commissioner shall adopt rules that meet
75.5 the criteria in subdivision 4, paragraph (a), to establish standards for state certification
75.6 of community behavioral health clinics, and rules that meet the criteria in subdivision 4,
75.7 paragraph (b), to implement a prospective payment system for medical assistance payment
75.8 of mental health services delivered in certified community behavioral health clinics. These
75.9 rules shall comply with federal requirements for certification of community behavioral
75.10 health clinics and the prospective payment system and shall apply to community mental
75.11 health centers, mental health clinics, mental health residential treatment centers, essential
75.12 community providers, federally qualified health centers, and rural health clinics. The
75.13 commissioner may adopt rules under this subdivision using the expedited process in
75.14 section 14.389.

75.15 Subd. 4. **Reform projects.** (a) The commissioner shall establish standards
75.16 for state certification of a clinic as a certified community behavioral health clinic, in
75.17 accordance with the criteria published on or before September 1, 2015, by the United
75.18 States Department of Health and Human Services. Certification standards established by
75.19 the commissioner shall require that:

75.20 (1) clinic staff have backgrounds in diverse disciplines, include licensed mental
75.21 health professionals, and are culturally and linguistically trained to serve the needs of the
75.22 clinic's patient population;

75.23 (2) clinic services are available and accessible and that crisis management services
75.24 are available 24 hours per day;

75.25 (3) fees for clinic services are established using a sliding fee scale and services to
75.26 patients are not denied or limited due to a patient's inability to pay for services;

75.27 (4) clinics provide coordination of care across settings and providers to ensure
75.28 seamless transitions for patients across the full spectrum of health services, including
75.29 acute, chronic, and behavioral needs. Care coordination may be accomplished through
75.30 partnerships or formal contracts with federally qualified health centers, inpatient
75.31 psychiatric facilities, substance use and detoxification facilities, community-based mental
75.32 health providers, and other community services, supports, and providers including
75.33 schools, child welfare agencies, juvenile and criminal justice agencies, Indian Health
75.34 Services clinics, tribally licensed health care and mental health facilities, urban Indian
75.35 health clinics, Department of Veterans Affairs medical centers, outpatient clinics, drop-in
75.36 centers, acute care hospitals, and hospital outpatient clinics;

76.1 (5) services provided by clinics include crisis mental health services, emergency
 76.2 crisis intervention services, and stabilization services; screening, assessment, and diagnosis
 76.3 services, including risk assessments and level of care determinations; patient-centered
 76.4 treatment planning; outpatient mental health and substance use services; targeted case
 76.5 management; psychiatric rehabilitation services; peer support and counselor services and
 76.6 family support services; and intensive community-based mental health services, including
 76.7 mental health services for members of the armed forces and veterans; and

76.8 (6) clinics comply with quality assurance reporting requirements and other reporting
 76.9 requirements, including any required reporting of encounter data, clinical outcomes data,
 76.10 and quality data.

76.11 (b) The commissioner shall establish standards and methodologies for a prospective
 76.12 payment system for medical assistance payments for mental health services delivered by
 76.13 certified community behavioral health clinics, in accordance with guidance issued on or
 76.14 before September 1, 2015, by the Centers for Medicare and Medicaid Services. During the
 76.15 operation of the demonstration project, payments shall comply with federal requirements
 76.16 for a 90 percent enhanced federal medical assistance percentage.

76.17 Subd. 5. **Public participation.** In developing the projects under subdivision 4, the
 76.18 commissioner shall consult with mental health providers, advocacy organizations, licensed
 76.19 mental health professionals, and Minnesota health care program enrollees who receive
 76.20 mental health services and their families.

76.21 Subd. 6. **Information systems support.** The commissioner and the state chief
 76.22 information officer shall provide information systems support to the projects as necessary
 76.23 to comply with federal requirements and the deadlines in subdivision 3.

76.24 Sec. 2. Minnesota Statutes 2014, section 254B.05, subdivision 5, is amended to read:

76.25 Subd. 5. **Rate requirements.** (a) The commissioner shall establish rates for
 76.26 chemical dependency services and service enhancements funded under this chapter.

76.27 (b) Eligible chemical dependency treatment services include:

76.28 (1) outpatient treatment services that are licensed according to Minnesota Rules,
 76.29 parts 9530.6405 to 9530.6480, or applicable tribal license;

76.30 (2) medication-assisted therapy services that are licensed according to Minnesota
 76.31 Rules, parts 9530.6405 to 9530.6480 and 9530.6500, or applicable tribal license;

76.32 (3) medication-assisted therapy plus enhanced treatment services that meet the
 76.33 requirements of clause (2) and provide nine hours of clinical services each week;

76.34 (4) high, medium, and low intensity residential treatment services that are licensed
 76.35 according to Minnesota Rules, parts 9530.6405 to 9530.6480 and 9530.6505, or applicable

77.1 tribal license which provide, respectively, 30, 15, and five hours of clinical services each
77.2 week;

77.3 (5) hospital-based treatment services that are licensed according to Minnesota Rules,
77.4 parts 9530.6405 to 9530.6480, or applicable tribal license and licensed as a hospital under
77.5 sections 144.50 to 144.56;

77.6 (6) adolescent treatment programs that are licensed as outpatient treatment programs
77.7 according to Minnesota Rules, parts 9530.6405 to 9530.6485, or as residential treatment
77.8 programs according to Minnesota Rules, parts 2960.0010 to 2960.0220, and 2960.0430 to
77.9 2960.0490, or applicable tribal license; ~~and~~

77.10 (7) room and board facilities that meet the requirements of section 254B.05,
77.11 subdivision 1a.; and

77.12 (8) services that:

77.13 (i) are licensed according to Minnesota Rules, parts 9530.6405 to 9530.6480 and
77.14 9530.6505, or with an applicable tribal license, and provide 30 hours of clinical services
77.15 each week;

77.16 (ii) are certified according to Minnesota Rules, parts 9533.0010 to 9533.0180;

77.17 (iii) are provided by a state-operated or nonstate-operated vendor, to clients who
77.18 have been civilly committed to the commissioner, present the most complex and difficult
77.19 care needs, and are a potential threat to the community; and

77.20 (iv) meet staffing requirements established by the commissioner for serving this
77.21 population.

77.22 (c) The commissioner shall establish higher rates for programs that meet the
77.23 requirements of paragraph (b) and the following additional requirements:

77.24 (1) programs that serve parents with their children if the program:

77.25 (i) provides on-site child care during hours of treatment activity that meets the
77.26 requirements in Minnesota Rules, part 9530.6490, or section 245A.03, subdivision 2; or

77.27 (ii) arranges for off-site child care during hours of treatment activity at a facility that
77.28 is licensed under chapter 245A as:

77.29 (A) a child care center under Minnesota Rules, chapter 9503; or

77.30 (B) a family child care home under Minnesota Rules, chapter 9502;

77.31 (2) culturally specific programs as defined in section 254B.01, subdivision 8 4a, if
77.32 the program meets the requirements in Minnesota Rules, part 9530.6605, subpart 13;

77.33 (3) programs that offer medical services delivered by appropriately credentialed
77.34 health care staff in an amount equal to two hours per client per week if the medical
77.35 needs of the client and the nature and provision of any medical services provided are
77.36 documented in the client file; and

78.1 (4) programs that offer services to individuals with co-occurring mental health and
78.2 chemical dependency problems if:

78.3 (i) the program meets the co-occurring requirements in Minnesota Rules, part
78.4 9530.6495;

78.5 (ii) 25 percent of the counseling staff are licensed mental health professionals, as
78.6 defined in section 245.462, subdivision 18, clauses (1) to (6), or are students or licensing
78.7 candidates under the supervision of a licensed alcohol and drug counselor supervisor and
78.8 licensed mental health professional, except that no more than 50 percent of the mental
78.9 health staff may be students or licensing candidates with time documented to be directly
78.10 related to provisions of co-occurring services;

78.11 (iii) clients scoring positive on a standardized mental health screen receive a mental
78.12 health diagnostic assessment within ten days of admission;

78.13 (iv) the program has standards for multidisciplinary case review that include a
78.14 monthly review for each client that, at a minimum, includes a licensed mental health
78.15 professional and licensed alcohol and drug counselor, and their involvement in the review
78.16 is documented;

78.17 (v) family education is offered that addresses mental health and substance abuse
78.18 disorders and the interaction between the two; and

78.19 (vi) co-occurring counseling staff will receive eight hours of co-occurring disorder
78.20 training annually.

78.21 (d) In order to be eligible for a higher rate under paragraph (c), clause (1), a program
78.22 that provides arrangements for off-site child care must maintain current documentation at
78.23 the chemical dependency facility of the child care provider's current licensure to provide
78.24 child care services. Programs that provide child care according to paragraph (c), clause
78.25 (1), must be deemed in compliance with the licensing requirements in Minnesota Rules,
78.26 part 9530.6490.

78.27 (e) Adolescent residential programs that meet the requirements of Minnesota
78.28 Rules, parts 2960.0430 to 2960.0490 and 2960.0580 to 2960.0690, are exempt from the
78.29 requirements in paragraph (c), clause (4), items (i) to (iv).

78.30 **EFFECTIVE DATE.** The amendments to paragraph (b) are effective January 1,
78.31 2016, or upon federal approval, whichever is later. The commissioner of human services
78.32 shall notify the revisor of statutes when federal approval is obtained.

78.33 Sec. 3. Minnesota Statutes 2014, section 256B.0622, subdivision 1, is amended to read:

78.34 Subdivision 1. **Scope.** Subject to federal approval, medical assistance covers
78.35 medically necessary, ~~intensive nonresidential~~ assertive community treatment and intensive

79.1 residential rehabilitative mental health services as defined in subdivision 2, for recipients
 79.2 as defined in subdivision 3, when the services are provided by an entity meeting the
 79.3 standards in this section.

79.4 Sec. 4. Minnesota Statutes 2014, section 256B.0622, subdivision 2, is amended to read:

79.5 Subd. 2. **Definitions.** For purposes of this section, the following terms have the
 79.6 meanings given them.

79.7 (a) ~~"Intensive nonresidential rehabilitative mental health services" means adult~~
 79.8 ~~rehabilitative mental health services as defined in section 256B.0623, subdivision 2,~~
 79.9 ~~paragraph (a), except that these services are provided by a multidisciplinary staff using~~
 79.10 ~~a total team approach consistent with assertive community treatment, the Fairweather~~
 79.11 ~~Lodge treatment model, as defined by the standards established by the National Coalition~~
 79.12 ~~for Community Living, and other evidence-based practices, and directed to recipients with~~
 79.13 ~~a serious mental illness who require intensive services. "Assertive community treatment"~~
 79.14 means intensive nonresidential rehabilitative mental health services provided according
 79.15 to the evidence-based practice of assertive community treatment. Core elements of this
 79.16 service include, but are not limited to:

79.17 (1) a multidisciplinary staff who utilize a total team approach and who serve as a
 79.18 fixed point of responsibility for all service delivery;

79.19 (2) providing services 24 hours per day and 7 days per week;

79.20 (3) providing the majority of services in a community setting;

79.21 (4) offering a low ratio of recipients to staff; and

79.22 (5) providing service that is not time-limited.

79.23 (b) "Intensive residential rehabilitative mental health services" means short-term,
 79.24 time-limited services provided in a residential setting to recipients who are in need of
 79.25 more restrictive settings and are at risk of significant functional deterioration if they do
 79.26 not receive these services. Services are designed to develop and enhance psychiatric
 79.27 stability, personal and emotional adjustment, self-sufficiency, and skills to live in a more
 79.28 independent setting. Services must be directed toward a targeted discharge date with
 79.29 specified client outcomes ~~and must be consistent with the Fairweather Lodge treatment~~
 79.30 ~~model as defined in paragraph (a), and other evidence-based practices.~~

79.31 (c) "Evidence-based practices" are nationally recognized mental health services that
 79.32 are proven by substantial research to be effective in helping individuals with serious
 79.33 mental illness obtain specific treatment goals.

80.1 (d) "Overnight staff" means a member of the intensive residential rehabilitative
 80.2 mental health treatment team who is responsible during hours when recipients are
 80.3 typically asleep.

80.4 (e) "Treatment team" means all staff who provide services under this section to
 80.5 recipients. At a minimum, this includes the clinical supervisor, mental health professionals
 80.6 as defined in section 245.462, subdivision 18, clauses (1) to (6); mental health practitioners
 80.7 as defined in section 245.462, subdivision 17; mental health rehabilitation workers under
 80.8 section 256B.0623, subdivision 5, clause (3); and certified peer specialists under section
 80.9 256B.0615.

80.10 Sec. 5. Minnesota Statutes 2014, section 256B.0622, subdivision 3, is amended to read:

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

80.12 (1) is age 18 or older;

80.13 (2) is eligible for medical assistance;

80.14 (3) is diagnosed with a mental illness;

80.15 (4) because of a mental illness, has substantial disability and functional impairment
 80.16 in three or more of the areas listed in section 245.462, subdivision 11a, so that
 80.17 self-sufficiency is markedly reduced;

80.18 (5) has one or more of the following: a history of ~~two or more~~ recurring or prolonged
 80.19 inpatient hospitalizations in the past year, significant independent living instability,
 80.20 homelessness, or very frequent use of mental health and related services yielding poor
 80.21 outcomes; and

80.22 (6) in the written opinion of a licensed mental health professional, has the need for
 80.23 mental health services that cannot be met with other available community-based services,
 80.24 or is likely to experience a mental health crisis or require a more restrictive setting if
 80.25 intensive rehabilitative mental health services are not provided.

80.26 Sec. 6. Minnesota Statutes 2014, section 256B.0622, subdivision 4, is amended to read:

80.27 Subd. 4. **Provider certification and contract requirements.** (a) The ~~intensive~~
 80.28 ~~nonresidential rehabilitative mental health services~~ assertive community treatment
 80.29 provider must:

80.30 (1) have a contract with the host county to provide intensive adult rehabilitative
 80.31 mental health services; and

80.32 (2) be certified by the commissioner as being in compliance with this section and
 80.33 section 256B.0623.

80.34 (b) The intensive residential rehabilitative mental health services provider must:

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

81.2 (2) not exceed 16 beds per site;

81.3 (3) comply with the additional standards in this section; and

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

81.5 (c) The commissioner shall develop procedures for counties and providers to submit
81.6 contracts and other documentation as needed to allow the commissioner to determine
81.7 whether the standards in this section are met.

81.8 Sec. 7. Minnesota Statutes 2014, section 256B.0622, subdivision 5, is amended to read:

81.9 Subd. 5. **Standards applicable to both nonresidential assertive community**
81.10 **treatment and residential providers.** (a) Services must be provided by qualified staff as
81.11 defined in section 256B.0623, subdivision 5, who are trained and supervised according
81.12 to section 256B.0623, subdivision 6, except that mental health rehabilitation workers
81.13 acting as overnight staff are not required to comply with section 256B.0623, subdivision
81.14 5, clause (3), item (iv).

81.15 (b) The clinical supervisor must be an active member of the treatment team. The
81.16 treatment team must meet with the clinical supervisor at least weekly to discuss recipients'
81.17 progress and make rapid adjustments to meet recipients' needs. The team meeting shall
81.18 include recipient-specific case reviews and general treatment discussions among team
81.19 members. Recipient-specific case reviews and planning must be documented in the
81.20 individual recipient's treatment record.

81.21 (c) Treatment staff must have prompt access in person or by telephone to a mental
81.22 health practitioner or mental health professional. The provider must have the capacity to
81.23 promptly and appropriately respond to emergent needs and make any necessary staffing
81.24 adjustments to assure the health and safety of recipients.

81.25 (d) The initial functional assessment must be completed within ten days of intake
81.26 and updated at least every ~~three months~~ 30 days for intensive residential services and
81.27 every six months for assertive community treatment, or prior to discharge from the
81.28 service, whichever comes first.

81.29 (e) The initial individual treatment plan must be completed within ten days of intake
81.30 ~~and~~ for assertive community treatment and within 24 hours of admission for intensive
81.31 residential services. Within ten days of admission, the initial treatment plan must be
81.32 refined and further developed for intensive residential services, except for providers
81.33 certified according to Minnesota Rules, parts 9533.0010 to 9533.0180. The individual
81.34 treatment plan must be reviewed with the recipient and updated at least monthly ~~with the~~

82.1 ~~recipient~~ for intensive residential services and at least every six months for assertive
 82.2 community treatment.

82.3 Sec. 8. Minnesota Statutes 2014, section 256B.0622, subdivision 7, is amended to read:

82.4 Subd. 7. **Additional standards for ~~nonresidential services~~ assertive community**
 82.5 **treatment.** The standards in this subdivision apply to ~~intensive nonresidential~~
 82.6 ~~rehabilitative mental health~~ assertive community treatment services.

82.7 (1) The treatment team must use team treatment, not an individual treatment model.

82.8 (2) The clinical supervisor must function as a practicing clinician at least on a
 82.9 part-time basis.

82.10 (3) The staffing ratio must not exceed ten recipients to one full-time equivalent
 82.11 treatment team position.

82.12 (4) Services must be available at times that meet client needs.

82.13 (5) The treatment team must actively and assertively engage and reach out to the
 82.14 recipient's family members and significant others, after obtaining the recipient's permission.

82.15 (6) The treatment team must establish ongoing communication and collaboration
 82.16 between the team, family, and significant others and educate the family and significant
 82.17 others about mental illness, symptom management, and the family's role in treatment.

82.18 (7) The treatment team must provide interventions to promote positive interpersonal
 82.19 relationships.

82.20 Sec. 9. Minnesota Statutes 2014, section 256B.0622, subdivision 8, is amended to read:

82.21 Subd. 8. **Medical assistance payment for intensive rehabilitative mental health**
 82.22 **services.** (a) Payment for intensive residential and nonresidential services and assertive
 82.23 community treatment in this section shall be based on one daily rate per provider inclusive
 82.24 of the following services received by an eligible recipient in a given calendar day: all
 82.25 rehabilitative services under this section, staff travel time to provide rehabilitative services
 82.26 under this section, and nonresidential crisis stabilization services under section 256B.0624.

82.27 (b) Except as indicated in paragraph (c), payment will not be made to more than one
 82.28 entity for each recipient for services provided under this section on a given day. If services
 82.29 under this section are provided by a team that includes staff from more than one entity, the
 82.30 team must determine how to distribute the payment among the members.

82.31 (c) The commissioner shall determine one rate for each provider that will bill
 82.32 medical assistance for residential services under this section and one rate for each
 82.33 ~~nonresidential~~ assertive community treatment provider. If a single entity provides both
 82.34 services, one rate is established for the entity's residential services and another rate for the

83.1 entity's nonresidential services under this section. A provider is not eligible for payment
 83.2 under this section without authorization from the commissioner. The commissioner shall
 83.3 develop rates using the following criteria:

83.4 ~~(1) the cost for similar services in the local trade area;~~

83.5 ~~(2)~~ (1) the provider's cost for services shall include direct services costs, other
 83.6 program costs, and other costs determined as follows:

83.7 (i) the direct services costs must be determined using actual costs of salaries, benefits,
 83.8 payroll taxes, and training of direct service staff and service-related transportation;

83.9 (ii) other program costs not included in item (i) must be determined as a specified
 83.10 percentage of the direct services costs as determined by item (i). The percentage used shall
 83.11 be determined by the commissioner based upon the average of percentages that represent
 83.12 the relationship of other program costs to direct services costs among the entities that
 83.13 provide similar services;

83.14 ~~(iii) in situations where a provider of intensive residential services can demonstrate~~
 83.15 ~~actual program-related physical plant costs in excess of the group residential housing~~
 83.16 ~~reimbursement, the commissioner may include these costs in the program rate, so long~~
 83.17 ~~as the additional reimbursement does not subsidize the room and board expenses of the~~
 83.18 ~~program physical plant costs calculated based on the percentage of space within the~~
 83.19 ~~program that is entirely devoted to treatment and programming. This does not include~~
 83.20 ~~administrative or residential space;~~

83.21 (iv) ~~intensive nonresidential services~~ assertive community treatment physical plant
 83.22 costs must be reimbursed as part of the costs described in item (ii); and

83.23 (v) subject to federal approval, up to an additional five percent of the total rate ~~must~~
 83.24 may be added to the program rate as a quality incentive based upon the entity meeting
 83.25 performance criteria specified by the commissioner;

83.26 ~~(3)~~ (2) actual cost is defined as costs which are allowable, allocable, and reasonable,
 83.27 and consistent with federal reimbursement requirements under Code of Federal
 83.28 Regulations, title 48, chapter 1, part 31, relating to for-profit entities, and Office of
 83.29 Management and Budget Circular Number A-122, relating to nonprofit entities;

83.30 ~~(4)~~ (3) the number of service units;

83.31 ~~(5)~~ (4) the degree to which recipients will receive services other than services under
 83.32 this section; and

83.33 ~~(6)~~ (5) the costs of other services that will be separately reimbursed; and

83.34 ~~(7) input from the local planning process authorized by the adult mental health~~
 83.35 ~~initiative under section 245.4661, regarding recipients' service needs.~~

84.1 (d) The rate for intensive rehabilitative mental health services must exclude room
84.2 and board, as defined in section 256I.03, subdivision 6, and services not covered under
84.3 this section, such as partial hospitalization, home care, and inpatient services.

84.4 (e) Physician services that are not separately billed may be included in the rate to the
84.5 extent that a psychiatrist is a member of the treatment team. Physician services, whether
84.6 billed separately or included in the rate, may be delivered by telemedicine. For purposes
84.7 of this paragraph, "telemedicine" has the meaning given to "mental health telemedicine"
84.8 in section 256B.0625, subdivision 46, when telemedicine is used to provide intensive
84.9 residential treatment services.

84.10 (e) (f) When services under this section are provided by an ~~intensive nonresidential~~
84.11 ~~service~~ assertive community treatment provider, case management functions must be an
84.12 integral part of the team.

84.13 (f) (g) The rate for a provider must not exceed the rate charged by that provider for
84.14 the same service to other payors.

84.15 (g) (h) The rates for existing programs must be established prospectively based upon
84.16 the expenditures and utilization over a prior 12-month period using the criteria established
84.17 in paragraph (c). The rates for new programs must be established based upon estimated
84.18 expenditures and estimated utilization using the criteria established in paragraph (c).

84.19 (h) (i) Entities who discontinue providing services must be subject to a settle-up
84.20 process whereby actual costs and reimbursement for the previous 12 months are
84.21 compared. In the event that the entity was paid more than the entity's actual costs plus
84.22 any applicable performance-related funding due the provider, the excess payment must
84.23 be reimbursed to the department. If a provider's revenue is less than actual allowed costs
84.24 due to lower utilization than projected, the commissioner may reimburse the provider to
84.25 recover its actual allowable costs. The resulting adjustments by the commissioner must
84.26 be proportional to the percent of total units of service reimbursed by the commissioner
84.27 and must reflect a difference of greater than five percent.

84.28 (i) (j) A provider may request of the commissioner a review of any rate-setting
84.29 decision made under this subdivision.

84.30 Sec. 10. Minnesota Statutes 2014, section 256B.0622, subdivision 9, is amended to read:

84.31 **Subd. 9. Provider enrollment; rate setting for county-operated entities.** Counties
84.32 that employ their own staff to provide services under this section shall apply directly to
84.33 the commissioner for enrollment and rate setting. In this case, a county contract is not
84.34 required ~~and the commissioner shall perform the program review and rate setting duties~~
84.35 ~~which would otherwise be required of counties under this section.~~

85.1 Sec. 11. Minnesota Statutes 2014, section 256B.0622, subdivision 10, is amended to
85.2 read:

85.3 Subd. 10. **Provider enrollment; rate setting for specialized program.** A county
85.4 contract is not required for a provider proposing to serve a subpopulation of eligible
85.5 recipients may bypass the county approval procedures in this section and receive approval
85.6 for provider enrollment and rate setting directly from the commissioner under the
85.7 following circumstances:

85.8 (1) the provider demonstrates that the subpopulation to be served requires a
85.9 specialized program which is not available from county-approved entities; and

85.10 (2) the subpopulation to be served is of such a low incidence that it is not feasible to
85.11 develop a program serving a single county or regional group of counties.

85.12 ~~For providers meeting the criteria in clauses (1) and (2), the commissioner shall~~
85.13 ~~perform the program review and rate setting duties which would otherwise be required of~~
85.14 ~~counties under this section.~~

85.15 Sec. 12. Minnesota Statutes 2014, section 256B.0622, is amended by adding a
85.16 subdivision to read:

85.17 Subd. 11. **Sustainability grants.** The commissioner may disburse grant funds
85.18 directly to intensive residential services providers and assertive community treatment
85.19 providers to maintain access to these services.

85.20 Sec. 13. Minnesota Statutes 2014, section 256B.0624, subdivision 7, is amended to read:

85.21 Subd. 7. **Crisis stabilization services.** (a) Crisis stabilization services must be
85.22 provided by qualified staff of a crisis stabilization services provider entity and must meet
85.23 the following standards:

85.24 (1) a crisis stabilization treatment plan must be developed which meets the criteria
85.25 in subdivision 11;

85.26 (2) staff must be qualified as defined in subdivision 8; and

85.27 (3) services must be delivered according to the treatment plan and include
85.28 face-to-face contact with the recipient by qualified staff for further assessment, help with
85.29 referrals, updating of the crisis stabilization treatment plan, supportive counseling, skills
85.30 training, and collaboration with other service providers in the community.

85.31 (b) If crisis stabilization services are provided in a supervised, licensed residential
85.32 setting, the recipient must be contacted face-to-face daily by a qualified mental health
85.33 practitioner or mental health professional. The program must have 24-hour-a-day
85.34 residential staffing which may include staff who do not meet the qualifications in

86.1 subdivision 8. The residential staff must have 24-hour-a-day immediate direct or telephone
86.2 access to a qualified mental health professional or practitioner.

86.3 (c) If crisis stabilization services are provided in a supervised, licensed residential
86.4 setting that serves no more than four adult residents, and ~~no more than two are recipients~~
86.5 ~~of crisis stabilization services~~ one or more individuals are present at the setting to receive
86.6 residential crisis stabilization services, the residential staff must include, for at least eight
86.7 hours per day, at least one individual who meets the qualifications in subdivision 8,
86.8 paragraph (a), clause (1) or (2).

86.9 (d) If crisis stabilization services are provided in a supervised, licensed residential
86.10 setting that serves more than four adult residents, and one or more are recipients of crisis
86.11 stabilization services, the residential staff must include, for 24 hours a day, at least one
86.12 individual who meets the qualifications in subdivision 8. During the first 48 hours that a
86.13 recipient is in the residential program, the residential program must have at least two staff
86.14 working 24 hours a day. Staffing levels may be adjusted thereafter according to the needs
86.15 of the recipient as specified in the crisis stabilization treatment plan.

86.16 Sec. 14. Minnesota Statutes 2014, section 256B.0625, is amended by adding a
86.17 subdivision to read:

86.18 Subd. 45a. **Psychiatric residential treatment facility services for persons under**
86.19 **21 years of age.** (a) Medical assistance covers psychiatric residential treatment facility
86.20 services for persons under 21 years of age. Individuals who reach age 21 at the time they
86.21 are receiving services are eligible to continue receiving services until they no longer
86.22 require services or until they reach age 22, whichever occurs first.

86.23 (b) For purposes of this subdivision, "psychiatric residential treatment facility"
86.24 means a facility other than a hospital that provides psychiatric services, as described in
86.25 Code of Federal Regulations, title 42, sections 441.151 to 441.182, to individuals under
86.26 age 21 in an inpatient setting.

86.27 (c) The commissioner shall develop admissions and discharge procedures and
86.28 establish rates consistent with guidelines from the federal Centers for Medicare and
86.29 Medicaid Services.

86.30 (d) The commissioner shall enroll up to 150 certified psychiatric residential
86.31 treatment facility services beds at up to six sites, not to exceed 30 beds per site. The
86.32 commissioner shall select psychiatric residential treatment facility services providers
86.33 through a request for proposals process. Providers of state-operated services may respond
86.34 to the request for proposals.

87.1 **EFFECTIVE DATE.** This section is effective July 1, 2017, or upon federal
 87.2 approval, whichever is later. The commissioner of human services shall notify the revisor
 87.3 of statutes when federal approval is obtained.

87.4 Sec. 15. **RATE-SETTING METHODOLOGY FOR COMMUNITY-BASED**
 87.5 **MENTAL HEALTH SERVICES.**

87.6 The commissioner of human services shall conduct a comprehensive analysis
 87.7 of the current rate-setting methodology for all community-based mental health
 87.8 services for children and adults. The report shall include an assessment of alternative
 87.9 payment structures, consistent with the intent and direction of the federal Centers for
 87.10 Medicare and Medicaid Services, that could provide adequate reimbursement to sustain
 87.11 community-based mental health services regardless of geographic location. The report
 87.12 shall also include recommendations for establishing pay-for-performance measures for
 87.13 providers delivering services consistent with evidence-based practices. In developing the
 87.14 report, the commissioner shall consult with stakeholders and with outside experts in
 87.15 Medicaid financing. The commissioner shall provide a report on the analysis to the chairs
 87.16 of the legislative committees with jurisdiction over health and human services finance
 87.17 by January 1, 2017.

87.18 Sec. 16. **EXCELLENCE IN MENTAL HEALTH DEMONSTRATION PROJECT.**

87.19 By January 15, 2016, the commissioner of human services shall report to the
 87.20 legislative committees in the house of representatives and senate with jurisdiction over
 87.21 human services issues on the progress of the Excellence in Mental Health demonstration
 87.22 project under Minnesota Statutes, section 245.735. The commissioner shall include in
 87.23 the report any recommendations for legislative changes needed to implement the reform
 87.24 projects specified in Minnesota Statutes, section 245.735, subdivision 4.

87.25 **ARTICLE 3**

87.26 **WITHDRAWAL MANAGEMENT PROGRAMS**

87.27 Section 1. **[245F.01] PURPOSE.**

87.28 It is hereby declared to be the public policy of this state that the public interest is best
 87.29 served by providing efficient and effective withdrawal management services to persons
 87.30 in need of appropriate detoxification, assessment, intervention, and referral services.
 87.31 The services shall vary to address the unique medical needs of each patient and shall be
 87.32 responsive to the language and cultural needs of each patient. Services shall not be denied
 87.33 on the basis of a patient's inability to pay.

88.1 Sec. 2. **[245F.02] DEFINITIONS.**

88.2 Subdivision 1. **Scope.** The terms used in this chapter have the meanings given
88.3 them in this section.

88.4 Subd. 2. **Administration of medications.** "Administration of medications" means
88.5 performing a task to provide medications to a patient, and includes the following tasks
88.6 performed in the following order:

88.7 (1) checking the patient's medication record;

88.8 (2) preparing the medication for administration;

88.9 (3) administering the medication to the patient;

88.10 (4) documenting administration of the medication or the reason for not administering
88.11 the medication as prescribed; and

88.12 (5) reporting information to a licensed practitioner or a registered nurse regarding
88.13 problems with the administration of the medication or the patient's refusal to take the
88.14 medication.

88.15 Subd. 3. **Alcohol and drug counselor.** "Alcohol and drug counselor" means an
88.16 individual qualified under Minnesota Rules, part 9530.6450, subpart 5.

88.17 Subd. 4. **Applicant.** "Applicant" means an individual, partnership, voluntary
88.18 association, corporation, or other public or private organization that submits an application
88.19 for licensure under this chapter.

88.20 Subd. 5. **Care coordination.** "Care coordination" means activities intended to bring
88.21 together health services, patient needs, and streams of information to facilitate the aims
88.22 of care. Care coordination includes an ongoing needs assessment, life skills advocacy,
88.23 treatment follow-up, disease management, education, and other services as needed.

88.24 Subd. 6. **Chemical.** "Chemical" means alcohol, solvents, controlled substances as
88.25 defined in section 152.01, subdivision 4, and other mood-altering substances.

88.26 Subd. 7. **Clinically managed program.** "Clinically managed program" means a
88.27 residential setting with staff comprised of a medical director and a licensed practical
88.28 nurse. A licensed practical nurse must be on site 24 hours a day, seven days a week.
88.29 An individual who meets the qualification requirements of a medical director must be
88.30 available by telephone or in person for consultation 24 hours a day. Patients admitted to
88.31 this level of service receive medical observation, evaluation, and stabilization services
88.32 during the detoxification process; access to medications administered by trained, licensed
88.33 staff to manage withdrawal; and a comprehensive assessment pursuant to Minnesota
88.34 Rules, part 9530.6422.

88.35 Subd. 8. **Commissioner.** "Commissioner" means the commissioner of human
88.36 services or the commissioner's designated representative.

89.1 Subd. 9. **Department.** "Department" means the Department of Human Services.

89.2 Subd. 10. **Direct patient contact.** "Direct patient contact" has the meaning given
89.3 for "direct contact" in section 245C.02, subdivision 11.

89.4 Subd. 11. **Discharge plan.** "Discharge plan" means a written plan that states with
89.5 specificity the services the program has arranged for the patient to transition back into
89.6 the community.

89.7 Subd. 12. **Licensed practitioner.** "Licensed practitioner" means a practitioner as
89.8 defined in section 151.01, subdivision 23, who is authorized to prescribe.

89.9 Subd. 13. **Medical director.** "Medical director" means an individual licensed in
89.10 Minnesota as a doctor of osteopathy or physician, or an individual licensed in Minnesota
89.11 as an advanced practice registered nurse by the Board of Nursing and certified to practice
89.12 as a clinical nurse specialist or nurse practitioner by a national nurse organization
89.13 acceptable to the board. The medical director must be employed by or under contract with
89.14 the license holder to direct and supervise health care for patients of a program licensed
89.15 under this chapter.

89.16 Subd. 14. **Medically monitored program.** "Medically monitored program" means
89.17 a residential setting with staff that includes a registered nurse and a medical director. A
89.18 registered nurse must be on site 24 hours a day. A medical director must be on site seven
89.19 days a week, and patients must have the ability to be seen by a medical director within 24
89.20 hours. Patients admitted to this level of service receive medical observation, evaluation,
89.21 and stabilization services during the detoxification process; medications administered by
89.22 trained, licensed staff to manage withdrawal; and a comprehensive assessment pursuant to
89.23 Minnesota Rules, part 9530.6422.

89.24 Subd. 15. **Nurse.** "Nurse" means a person licensed and currently registered to
89.25 practice practical or professional nursing as defined in section 148.171, subdivisions
89.26 14 and 15.

89.27 Subd. 16. **Patient.** "Patient" means an individual who presents or is presented for
89.28 admission to a withdrawal management program that meets the criteria in section 245F.05.

89.29 Subd. 17. **Peer recovery support services.** "Peer recovery support services"
89.30 means mentoring and education, advocacy, and nonclinical recovery support provided
89.31 by a recovery peer.

89.32 Subd. 18. **Program director.** "Program director" means the individual who is
89.33 designated by the license holder to be responsible for all operations of a withdrawal
89.34 management program and who meets the qualifications specified in section 245F.15,
89.35 subdivision 3.

90.1 Subd. 19. **Protective procedure.** "Protective procedure" means an action taken by a
 90.2 staff member of a withdrawal management program to protect a patient from imminent
 90.3 danger of harming self or others. Protective procedures include the following actions:

90.4 (1) seclusion, which means the temporary placement of a patient, without the
 90.5 patient's consent, in an environment to prevent social contact; and

90.6 (2) physical restraint, which means the restraint of a patient by use of physical holds
 90.7 intended to limit movement of the body.

90.8 Subd. 20. **Recovery peer.** "Recovery peer" means a person who has progressed in
 90.9 the person's own recovery from substance use disorder and is willing to serve as a peer
 90.10 to assist others in their recovery.

90.11 Subd. 21. **Responsible staff person.** "Responsible staff person" means the program
 90.12 director, the medical director, or a staff person with current licensure as a nurse in
 90.13 Minnesota. The responsible staff person must be on the premises and is authorized to
 90.14 make immediate decisions concerning patient care and safety.

90.15 Subd. 22. **Substance.** "Substance" means "chemical" as defined in subdivision 6.

90.16 Subd. 23. **Substance use disorder.** "Substance use disorder" means a pattern of
 90.17 substance use as defined in the current edition of the Diagnostic and Statistical Manual of
 90.18 Mental Disorders.

90.19 Subd. 24. **Technician.** "Technician" means a person who meets the qualifications in
 90.20 section 245F.15, subdivision 6.

90.21 Subd. 25. **Withdrawal management program.** "Withdrawal management
 90.22 program" means a licensed program that provides short-term medical services on
 90.23 a 24-hour basis for the purpose of stabilizing intoxicated patients, managing their
 90.24 withdrawal, and facilitating access to substance use disorder treatment as indicated by a
 90.25 comprehensive assessment.

90.26 Sec. 3. **[245F.03] APPLICATION.**

90.27 (a) This chapter establishes minimum standards for withdrawal management
 90.28 programs licensed by the commissioner that serve one or more unrelated persons.

90.29 (b) This chapter does not apply to a withdrawal management program licensed as a
 90.30 hospital under sections 144.50 to 144.581. A withdrawal management program located in
 90.31 a hospital licensed under sections 144.50 to 144.581 that chooses to be licensed under this
 90.32 chapter is deemed to be in compliance with section 245F.13.

90.33 Sec. 4. **[245F.04] PROGRAM LICENSURE.**

91.1 Subdivision 1. **General application and license requirements.** An applicant
 91.2 for licensure as a clinically managed withdrawal management program or medically
 91.3 monitored withdrawal management program must meet the following requirements,
 91.4 except where otherwise noted. All programs must comply with federal requirements and
 91.5 the general requirements in chapters 245A and 245C and sections 626.556, 626.557, and
 91.6 626.5572. A withdrawal management program must be located in a hospital licensed under
 91.7 sections 144.50 to 144.581, or must be a supervised living facility with a class B license
 91.8 from the Department of Health under Minnesota Rules, parts 4665.0100 to 4665.9900.

91.9 Subd. 2. **Contents of application.** Prior to the issuance of a license, an applicant
 91.10 must submit, on forms provided by the commissioner, documentation demonstrating
 91.11 the following:

91.12 (1) compliance with this section;

91.13 (2) compliance with applicable building, fire, and safety codes; health rules; zoning
 91.14 ordinances; and other applicable rules and regulations or documentation that a waiver
 91.15 has been granted. The granting of a waiver does not constitute modification of any
 91.16 requirement of this section;

91.17 (3) completion of an assessment of need for a new or expanded program as required
 91.18 by Minnesota Rules, part 9530.6800; and

91.19 (4) insurance coverage, including bonding, sufficient to cover all patient funds,
 91.20 property, and interests.

91.21 Subd. 3. **Changes in license terms.** (a) A license holder must notify the
 91.22 commissioner before one of the following occurs and the commissioner must determine
 91.23 the need for a new license:

91.24 (1) a change in the Department of Health's licensure of the program;

91.25 (2) a change in the medical services provided by the program that affects the
 91.26 program's capacity to provide services required by the program's license designation as a
 91.27 clinically managed program or medically monitored program;

91.28 (3) a change in program capacity; or

91.29 (4) a change in location.

91.30 (b) A license holder must notify the commissioner and apply for a new license
 91.31 when a change in program ownership occurs.

91.32 Subd. 4. **Variations.** The commissioner may grant variations to the requirements of
 91.33 this chapter under section 245A.04, subdivision 9.

91.34 Sec. 5. **[245F.05] ADMISSION AND DISCHARGE POLICIES.**

92.1 Subdivision 1. **Admission policy.** A license holder must have a written admission
92.2 policy containing specific admission criteria. The policy must describe the admission
92.3 process and the point at which an individual who is eligible under subdivision 2 is
92.4 admitted to the program. A license holder must not admit individuals who do not meet the
92.5 admission criteria. The admission policy must be approved and signed by the medical
92.6 director of the facility and must designate which staff members are authorized to admit
92.7 and discharge patients. The admission policy must be posted in the area of the facility
92.8 where patients are admitted and given to all interested individuals upon request.

92.9 Subd. 2. **Admission criteria.** For an individual to be admitted to a withdrawal
92.10 management program, the program must make a determination that the program services
92.11 are appropriate to the needs of the individual. A program may only admit individuals who
92.12 meet the admission criteria and who, at the time of admission:

92.13 (1) are impaired as the result of intoxication;

92.14 (2) are experiencing physical, mental, or emotional problems due to intoxication or
92.15 withdrawal from alcohol or other drugs;

92.16 (3) are being held under apprehend and hold orders under section 253B.07,
92.17 subdivision 2b;

92.18 (4) have been committed under chapter 253B, and need temporary placement;

92.19 (5) are held under emergency holds or peace and health officer holds under section
92.20 253B.05, subdivision 1 or 2; or

92.21 (6) need to stay temporarily in a protective environment because of a crisis related
92.22 to substance use disorder. Individuals satisfying this clause may be admitted only at the
92.23 request of the county of fiscal responsibility, as determined according to section 256G.02,
92.24 subdivision 4. Individuals admitted according to this clause must not be restricted to
92.25 the facility.

92.26 Subd. 3. **Individuals denied admission by program.** (a) A license holder must
92.27 have a written policy and procedure for addressing the needs of individuals who are
92.28 denied admission to the program. These individuals include:

92.29 (1) individuals whose pregnancy, in combination with their presenting problem,
92.30 requires services not provided by the program; and

92.31 (2) individuals who are in imminent danger of harming self or others if their
92.32 behavior is beyond the behavior management capabilities of the program and staff.

92.33 (b) Programs must document denied admissions, including the date and time of
92.34 the admission request, reason for the denial of admission, and where the individual was
92.35 referred. If the individual did not receive a referral, the program must document why a

93.1 referral was not made. This information must be documented on a form approved by the
 93.2 commissioner and made available to the commissioner upon request.

93.3 Subd. 4. **License holder responsibilities; denying admission or terminating**
 93.4 **services.** (a) If a license holder denies an individual admission to the program or
 93.5 terminates services to a patient and the denial or termination poses an immediate threat to
 93.6 the patient's or individual's health or requires immediate medical intervention, the license
 93.7 holder must refer the patient or individual to a medical facility capable of admitting the
 93.8 patient or individual.

93.9 (b) A license holder must report to a law enforcement agency with proper jurisdiction
 93.10 all denials of admission and terminations of services that involve the commission of a crime
 93.11 against a staff member of the license holder or on the license holder's property, as provided
 93.12 in Code of Federal Regulations, title 42, section 2.12(c)(5), and title 45, parts 160 to 164.

93.13 Subd. 5. **Discharge and transfer policies.** A license holder must have a written
 93.14 policy and procedure, approved and signed by the medical director, that specifies
 93.15 conditions under which patients may be discharged or transferred. The policy must
 93.16 include the following:

93.17 (1) guidelines for determining when a patient is medically stable and whether a
 93.18 patient is able to be discharged or transferred to a lower level of care;

93.19 (2) guidelines for determining when a patient needs a transfer to a higher level of care.
 93.20 Clinically managed program guidelines must include guidelines for transfer to a medically
 93.21 monitored program, hospital, or other acute care facility. Medically monitored program
 93.22 guidelines must include guidelines for transfer to a hospital or other acute care facility;

93.23 (3) procedures staff must follow when discharging a patient under each of the
 93.24 following circumstances:

93.25 (i) the patient is involved in the commission of a crime against program staff or
 93.26 against a license holder's property. The procedures for a patient discharged under this
 93.27 item must specify how reports must be made to law enforcement agencies with proper
 93.28 jurisdiction as allowed under Code of Federal Regulations, title 42, section 2.12(c)(5), and
 93.29 title 45, parts 160 to 164;

93.30 (ii) the patient is in imminent danger of harming self or others and is beyond the
 93.31 license holder's capacity to ensure safety;

93.32 (iii) the patient was admitted under chapter 253B; or

93.33 (iv) the patient is leaving against staff or medical advice; and

93.34 (4) a requirement that staff must document where the patient was referred after
 93.35 discharge or transfer, and if a referral was not made, the reason the patient was not
 93.36 provided a referral.

94.1 **Sec. 6. [245F.06] SCREENING AND COMPREHENSIVE ASSESSMENT.**

94.2 **Subdivision 1. Screening for substance use disorder.** A nurse or an alcohol
94.3 and drug counselor must screen each patient upon admission to determine whether a
94.4 comprehensive assessment is indicated. The license holder must screen patients at
94.5 each admission, except that if the patient has already been determined to suffer from a
94.6 substance use disorder, subdivision 2 applies.

94.7 **Subd. 2. Comprehensive assessment.** (a) Prior to a medically stable discharge,
94.8 but not later than 72 hours following admission, a license holder must provide a
94.9 comprehensive assessment according to section 245.4863, paragraph (a), and Minnesota
94.10 Rules, part 9530.6422, for each patient who has a positive screening for a substance use
94.11 disorder. If a patient's medical condition prevents a comprehensive assessment from
94.12 being completed within 72 hours, the license holder must document why the assessment
94.13 was not completed. The comprehensive assessment must include documentation of the
94.14 appropriateness of an involuntary referral through the civil commitment process.

94.15 (b) If available to the program, a patient's previous comprehensive assessment may
94.16 be used in the patient record. If a previously completed comprehensive assessment is used,
94.17 its contents must be reviewed to ensure the assessment is accurate and current and complies
94.18 with the requirements of this chapter. The review must be completed by a staff person
94.19 qualified according to Minnesota Rules, part 9530.6450, subpart 5. The license holder must
94.20 document that the review was completed and that the previously completed assessment is
94.21 accurate and current, or the license holder must complete an updated or new assessment.

94.22 **Sec. 7. [245F.07] STABILIZATION PLANNING.**

94.23 **Subdivision 1. Stabilization plan.** Within 12 hours of admission, a license
94.24 holder must develop an individualized stabilization plan for each patient accepted for
94.25 stabilization services. The plan must be based on the patient's initial health assessment
94.26 and continually updated based on new information gathered about the patient's condition
94.27 from the comprehensive assessment, medical evaluation and consultation, and ongoing
94.28 monitoring and observations of the patient. The patient must have an opportunity to have
94.29 direct involvement in the development of the plan. The stabilization plan must:

94.30 (1) identify medical needs and goals to be achieved while the patient is receiving
94.31 services;

94.32 (2) specify stabilization services to address the identified medical needs and goals,
94.33 including amount and frequency of services;

94.34 (3) specify the participation of others in the stabilization planning process and
94.35 specific services where appropriated; and

95.1 (4) document the patient's participation in developing the content of the stabilization
 95.2 plan and any updates.

95.3 Subd. 2. **Progress notes.** Progress notes must be entered in the patient's file at least
 95.4 daily and immediately following any significant event, including any change that impacts
 95.5 the medical, behavioral, or legal status of the patient. Progress notes must:

95.6 (1) include documentation of the patient's involvement in the stabilization services,
 95.7 including the type and amount of each stabilization service;

95.8 (2) include the monitoring and observations of the patient's medical needs;

95.9 (3) include documentation of referrals made to other services or agencies;

95.10 (4) specify the participation of others; and

95.11 (5) be legible, signed, and dated by the staff person completing the documentation.

95.12 Subd. 3. **Discharge plan.** Before a patient leaves the facility, the license holder
 95.13 must conduct discharge planning for the patient, document discharge planning in the
 95.14 patient's record, and provide the patient with a copy of the discharge plan. The discharge
 95.15 plan must include:

95.16 (1) referrals made to other services or agencies at the time of transition;

95.17 (2) the patient's plan for follow-up, aftercare, or other poststabilization services;

95.18 (3) documentation of the patient's participation in the development of the transition
 95.19 plan;

95.20 (4) any service that will continue after discharge under the direction of the license
 95.21 holder; and

95.22 (5) a stabilization summary and final evaluation of the patient's progress toward
 95.23 treatment objectives.

95.24 **Sec. 8. [245F.08] STABILIZATION SERVICES.**

95.25 Subdivision 1. **General.** The license holder must encourage patients to remain in
 95.26 care for an appropriate duration as determined by the patient's stabilization plan, and must
 95.27 encourage all patients to enter programs for ongoing recovery as clinically indicated. In
 95.28 addition, the license holder must offer services that are patient-centered, trauma-informed,
 95.29 and culturally appropriate. Culturally appropriate services must include translation services
 95.30 and dietary services that meet a patient's dietary needs. All services provided to the patient
 95.31 must be documented in the patient's medical record. The following services must be
 95.32 offered unless clinically inappropriate and the justifying clinical rationale is documented:

95.33 (1) individual or group motivational counseling sessions;

95.34 (2) individual advocacy and case management services;

95.35 (3) medical services as required in section 245F.12;

- 96.1 (4) care coordination provided according to subdivision 2;
 96.2 (5) peer recovery support services provided according to subdivision 3;
 96.3 (6) patient education provided according to subdivision 4; and
 96.4 (7) referrals to mutual aid, self-help, and support groups.

96.5 Subd. 2. **Care coordination.** Care coordination services must be initiated for each
 96.6 patient upon admission. The license holder must identify the staff person responsible for
 96.7 the provision of each service. Care coordination services must include:

- 96.8 (1) coordination with significant others to assist in the stabilization planning process
 96.9 whenever possible;
 96.10 (2) coordination with and follow-up to appropriate medical services as identified by
 96.11 the nurse or licensed practitioner;
 96.12 (3) referral to substance use disorder services as indicated by the comprehensive
 96.13 assessment;
 96.14 (4) referral to mental health services as identified in the comprehensive assessment;
 96.15 (5) referrals to economic assistance, social services, and prenatal care in accordance
 96.16 with the patient's needs;
 96.17 (6) review and approval of the transition plan prior to discharge, except in an
 96.18 emergency, by a staff member able to provide direct patient contact;
 96.19 (7) documentation of the provision of care coordination services in the patient's
 96.20 file; and
 96.21 (8) addressing cultural and socioeconomic factors affecting the patient's access to
 96.22 services.

96.23 Subd. 3. **Peer recovery support services.** (a) Peers in recovery serve as mentors or
 96.24 recovery-support partners for individuals in recovery, and may provide encouragement,
 96.25 self-disclosure of recovery experiences, transportation to appointments, assistance with
 96.26 finding resources that will help locate housing, job search resources, and assistance finding
 96.27 and participating in support groups.

96.28 (b) Peer recovery support services are provided by a recovery peer and must be
 96.29 supervised by the responsible staff person.

96.30 Subd. 4. **Patient education.** A license holder must provide education to each
 96.31 patient on the following:

- 96.32 (1) substance use disorder, including the effects of alcohol and other drugs, specific
 96.33 information about the effects of substance use on unborn children, and the signs and
 96.34 symptoms of fetal alcohol spectrum disorders;
 96.35 (2) tuberculosis and reporting known cases of tuberculosis disease to health care
 96.36 authorities according to section 144.4804;

- 97.1 (3) Hepatitis C treatment and prevention;
 97.2 (4) HIV as required in section 245A.19, paragraphs (b) and (c);
 97.3 (5) nicotine cessation options, if applicable;
 97.4 (6) opioid tolerance and overdose risks, if applicable; and
 97.5 (7) long-term withdrawal issues related to use of barbiturates and benzodiazepines,
 97.6 if applicable.

97.7 Subd. 5. **Mutual aid, self-help, and support groups.** The license holder must
 97.8 refer patients to mutual aid, self-help, and support groups when clinically indicated and
 97.9 to the extent available in the community.

97.10 Sec. 9. **[245F.09] PROTECTIVE PROCEDURES.**

97.11 Subdivision 1. **Use of protective procedures.** (a) Programs must incorporate
 97.12 person-centered planning and trauma-informed care into its protective procedure policies.
 97.13 Protective procedures may be used only in cases where a less restrictive alternative will
 97.14 not protect the patient or others from harm and when the patient is in imminent danger
 97.15 of harming self or others. When a program uses a protective procedure, the program
 97.16 must continuously observe the patient until the patient may safely be left for 15-minute
 97.17 intervals. Use of the procedure must end when the patient is no longer in imminent danger
 97.18 of harming self or others.

97.19 (b) Protective procedures may not be used:

- 97.20 (1) for disciplinary purposes;
 97.21 (2) to enforce program rules;
 97.22 (3) for the convenience of staff;
 97.23 (4) as a part of any patient's health monitoring plan; or
 97.24 (5) for any reason except in response to specific, current behaviors which create an
 97.25 imminent danger of harm to the patient or others.

97.26 Subd. 2. **Protective procedures plan.** A license holder must have a written policy
 97.27 and procedure that establishes the protective procedures that program staff must follow
 97.28 when a patient is in imminent danger of harming self or others. The policy must be
 97.29 appropriate to the type of facility and the level of staff training. The protective procedures
 97.30 policy must include:

- 97.31 (1) an approval signed and dated by the program director and medical director prior
 97.32 to implementation. Any changes to the policy must also be approved, signed, and dated by
 97.33 the current program director and the medical director prior to implementation;
 97.34 (2) which protective procedures the license holder will use to prevent patients from
 97.35 imminent danger of harming self or others;

- 98.1 (3) the emergency conditions under which the protective procedures are permitted
98.2 to be used, if any;
- 98.3 (4) the patient's health conditions that limit the specific procedures that may be used
98.4 and alternative means of ensuring safety;
- 98.5 (5) emergency resources the program staff must contact when a patient's behavior
98.6 cannot be controlled by the procedures established in the policy;
- 98.7 (6) the training that staff must have before using any protective procedure;
- 98.8 (7) documentation of approved therapeutic holds;
- 98.9 (8) the use of law enforcement personnel as described in subdivision 4;
- 98.10 (9) standards governing emergency use of seclusion. Seclusion must be used only
98.11 when less restrictive measures are ineffective or not feasible. The standards in items (i) to
98.12 (vii) must be met when seclusion is used with a patient:
- 98.13 (i) seclusion must be employed solely for the purpose of preventing a patient from
98.14 imminent danger of harming self or others;
- 98.15 (ii) seclusion rooms must be equipped in a manner that prevents patients from
98.16 self-harm using projections, windows, electrical fixtures, or hard objects, and must allow
98.17 the patient to be readily observed without being interrupted;
- 98.18 (iii) seclusion must be authorized by the program director, a licensed physician, or
98.19 a registered nurse. If one of these individuals is not present in the facility, the program
98.20 director or a licensed physician or registered nurse must be contacted and authorization
98.21 must be obtained within 30 minutes of initiating seclusion, according to written policies;
- 98.22 (iv) patients must not be placed in seclusion for more than 12 hours at any one time;
- 98.23 (v) once the condition of a patient in seclusion has been determined to be safe
98.24 enough to end continuous observation, a patient in seclusion must be observed at a
98.25 minimum of every 15 minutes for the duration of seclusion and must always be within
98.26 hearing range of program staff;
- 98.27 (vi) a process for program staff to use to remove a patient to other resources available
98.28 to the facility if seclusion does not sufficiently assure patient safety; and
- 98.29 (vii) a seclusion area may be used for other purposes, such as intensive observation, if
98.30 the room meets normal standards of care for the purpose and if the room is not locked; and
- 98.31 (10) physical holds may only be used when less restrictive measures are not feasible.
98.32 The standards in items (i) to (iv) must be met when physical holds are used with a patient:
- 98.33 (i) physical holds must be employed solely for preventing a patient from imminent
98.34 danger of harming self or others;
- 98.35 (ii) physical holds must be authorized by the program director, a licensed physician,
98.36 or a registered nurse. If one of these individuals is not present in the facility, the program

99.1 director or a licensed physician or a registered nurse must be contacted and authorization
 99.2 must be obtained within 30 minutes of initiating a physical hold, according to written
 99.3 policies;

99.4 (iii) the patient's health concerns must be considered in deciding whether to use
 99.5 physical holds and which holds are appropriate for the patient; and

99.6 (iv) only approved holds may be utilized. Prone holds are not allowed and must
 99.7 not be authorized.

99.8 Subd. 3. **Records.** Each use of a protective procedure must be documented in the
 99.9 patient record. The patient record must include:

99.10 (1) a description of specific patient behavior precipitating a decision to use a
 99.11 protective procedure, including date, time, and program staff present;

99.12 (2) the specific means used to limit the patient's behavior;

99.13 (3) the time the protective procedure began, the time the protective procedure ended,
 99.14 and the time of each staff observation of the patient during the procedure;

99.15 (4) the names of the program staff authorizing the use of the protective procedure,
 99.16 the time of the authorization, and the program staff directly involved in the protective
 99.17 procedure and the observation process;

99.18 (5) a brief description of the purpose for using the protective procedure, including
 99.19 less restrictive interventions used prior to the decision to use the protective procedure
 99.20 and a description of the behavioral results obtained through the use of the procedure. If
 99.21 a less restrictive intervention was not used, the reasons for not using a less restrictive
 99.22 intervention must be documented;

99.23 (6) documentation by the responsible staff person on duty of reassessment of the
 99.24 patient at least every 15 minutes to determine if seclusion or the physical hold can be
 99.25 terminated;

99.26 (7) a description of the physical holds used in escorting a patient; and

99.27 (8) any injury to the patient that occurred during the use of a protective procedure.

99.28 Subd. 4. **Use of law enforcement.** The program must maintain a central log
 99.29 documenting each incident involving use of law enforcement, including:

99.30 (1) the date and time law enforcement arrived at and left the program;

99.31 (2) the reason for the use of law enforcement;

99.32 (3) if law enforcement used force or a protective procedure and which protective
 99.33 procedure was used; and

99.34 (4) whether any injuries occurred.

99.35 Subd. 5. **Administrative review.** (a) The license holder must keep a record of all
 99.36 patient incidents and protective procedures used. An administrative review of each use

100.1 of protective procedures must be completed within 72 hours by someone other than the
 100.2 person who used the protective procedure. The record of the administrative review of the
 100.3 use of protective procedures must state whether:

- 100.4 (1) the required documentation was recorded for each use of a protective procedure;
- 100.5 (2) the protective procedure was used according to the policy and procedures;
- 100.6 (3) the staff who implemented the protective procedure was properly trained; and
- 100.7 (4) the behavior met the standards for imminent danger of harming self or others.

100.8 (b) The license holder must conduct and document a quarterly review of the use of
 100.9 protective procedures with the goal of reducing the use of protective procedures. The
 100.10 review must include:

100.11 (1) any patterns or problems indicated by similarities in the time of day, day of the
 100.12 week, duration of the use of a protective procedure, individuals involved, or other factors
 100.13 associated with the use of protective procedures;

- 100.14 (2) any injuries resulting from the use of protective procedures;
- 100.15 (3) whether law enforcement was involved in the use of a protective procedure;
- 100.16 (4) actions needed to correct deficiencies in the program's implementation of
 100.17 protective procedures;

100.18 (5) an assessment of opportunities missed to avoid the use of protective procedures;
 100.19 and
 100.20 (6) proposed actions to be taken to minimize the use of protective procedures.

100.21 **Sec. 10. [245F.10] PATIENT RIGHTS AND GRIEVANCE PROCEDURES.**

100.22 **Subdivision 1. Patient rights.** Patients have the rights in sections 144.651,
 100.23 148F.165, and 253B.03, as applicable. The license holder must give each patient, upon
 100.24 admission, a written statement of patient rights. Program staff must review the statement
 100.25 with the patient.

100.26 **Subd. 2. Grievance procedure.** Upon admission, the license holder must explain
 100.27 the grievance procedure to the patient or patient's representative. The grievance procedure
 100.28 must be posted in a place visible to the patient and must be made available to current and
 100.29 former patients upon request. A license holder's written grievance procedure must include:

- 100.30 (1) staff assistance in developing and processing the grievance;
- 100.31 (2) an initial response to the patient who filed the grievance within 24 hours of the
 100.32 program's receipt of the grievance, and timelines for additional steps to be taken to resolve
 100.33 the grievance, including access to the person with the highest level of authority in the
 100.34 program if the grievance cannot be resolved by other staff members; and

101.1 (3) the addresses and telephone numbers of the Department of Human Services
 101.2 Licensing Division, Department of Health Office of Health Facilities Complaints, Board
 101.3 of Behavioral Health and Therapy, Board of Medical Practice, Board of Nursing, and
 101.4 Office of the Ombudsman for Mental Health and Developmental Disabilities.

101.5 Sec. 11. **[245F.11] PATIENT PROPERTY MANAGEMENT.**

101.6 A license holder must meet the requirements for handling patient funds and property
 101.7 in section 245A.04, subdivision 14, except:

101.8 (1) a license holder must establish policies regarding the use of personal property to
 101.9 assure that program activities and the rights of other patients are not infringed, and may
 101.10 take temporary custody of personal property if these policies are violated;

101.11 (2) a license holder must retain the patient's property for a minimum of seven days
 101.12 after discharge if the patient does not reclaim the property after discharge; and

101.13 (3) the license holder must return to the patient all of the patient's property held in
 101.14 trust at discharge, regardless of discharge status, except that:

101.15 (i) drugs, drug paraphernalia, and drug containers that are forfeited under section
 101.16 609.5316 must be destroyed by staff or given over to the custody of a local law
 101.17 enforcement agency, according to Code of Federal Regulations, title 42, sections 2.1 to
 101.18 2.67, and title 45, parts 160 to 164; and

101.19 (ii) weapons, explosives, and other property that may cause serious harm to self
 101.20 or others must be transferred to a local law enforcement agency. The patient must be
 101.21 notified of the transfer and the right to reclaim the property if the patient has a legal right
 101.22 to possess the item.

101.23 Sec. 12. **[245F.12] MEDICAL SERVICES.**

101.24 Subdivision 1. **Services provided at all programs.** Withdrawal management
 101.25 programs must have:

101.26 (1) a standardized data collection tool for collecting health-related information about
 101.27 each patient. The data collection tool must be developed in collaboration with a registered
 101.28 nurse and approved and signed by the medical director; and

101.29 (2) written procedures for a nurse to assess and monitor patient health within the
 101.30 nurse's scope of practice. The procedures must:

101.31 (i) be approved by the medical director;

101.32 (ii) include a follow-up screening conducted between four and 12 hours after service
 101.33 initiation to collect information relating to acute intoxication, other health complaints, and
 101.34 behavioral risk factors that the patient may not have communicated at service initiation;

102.1 (iii) specify the physical signs and symptoms that, when present, require consultation
102.2 with a registered nurse or a physician and that require transfer to an acute care facility or
102.3 a higher level of care than that provided by the program;

102.4 (iv) specify those staff members responsible for monitoring patient health and
102.5 provide for hourly observation and for more frequent observation if the initial health
102.6 assessment or follow-up screening indicates a need for intensive physical or behavioral
102.7 health monitoring; and

102.8 (v) specify the actions to be taken to address specific complicating conditions,
102.9 including pregnancy or the presence of physical signs or symptoms of any other medical
102.10 condition.

102.11 Subd. 2. **Services provided at clinically managed programs.** In addition to the
102.12 services listed in subdivision 1, clinically managed programs must:

102.13 (1) have a licensed practical nurse on site 24 hours a day and a medical director;

102.14 (2) provide an initial health assessment conducted by a nurse upon admission;

102.15 (3) provide daily on-site medical evaluation and consultation with a registered
102.16 nurse and have a registered nurse available by telephone or in person for consultation
102.17 24 hours a day;

102.18 (4) have an individual who meets the qualification requirements of a medical director
102.19 available by telephone or in person for consultation 24 hours a day; and

102.20 (5) have appropriately licensed staff available to administer medications according
102.21 to prescriber-approved orders.

102.22 Subd. 3. **Services provided at medically monitored programs.** In addition to the
102.23 services listed in subdivision 1, medically monitored programs must have a registered
102.24 nurse on site 24 hours a day and a medical director. Medically monitored programs must
102.25 provide intensive inpatient withdrawal management services which must include:

102.26 (1) an initial health assessment conducted by a registered nurse upon admission;

102.27 (2) the availability of a medical evaluation and consultation with a registered nurse
102.28 24 hours a day;

102.29 (3) the availability of a licensed professional who meets the qualification requirements
102.30 of a medical director by telephone or in person for consultation 24 hours a day;

102.31 (4) the ability to be seen within 24 hours or sooner by an individual who meets the
102.32 qualification requirements of a medical director if the initial health assessment indicates
102.33 the need to be seen;

102.34 (5) the availability of on-site monitoring of patient care seven days a week by an
102.35 individual who meets the qualification requirements of a medical director; and

103.1 (6) appropriately licensed staff available to administer medications according to
 103.2 prescriber-approved orders.

103.3 **Sec. 13. [245F.13] MEDICATIONS.**

103.4 Subdivision 1. **Administration of medications.** A license holder must employ or
 103.5 contract with a registered nurse to develop the policies and procedures for medication
 103.6 administration. A registered nurse must provide supervision as defined in section 148.171,
 103.7 subdivision 23, for the administration of medications. For clinically managed programs,
 103.8 the registered nurse supervision must include on-site supervision at least monthly or more
 103.9 often as warranted by the health needs of the patient. The medication administration
 103.10 policies and procedures must include:

103.11 (1) a provision that patients may carry emergency medication such as nitroglycerin
 103.12 as instructed by their prescriber;

103.13 (2) requirements for recording the patient's use of medication, including staff
 103.14 signatures with date and time;

103.15 (3) guidelines regarding when to inform a licensed practitioner or a registered nurse
 103.16 of problems with medication administration, including failure to administer, patient
 103.17 refusal of a medication, adverse reactions, or errors; and

103.18 (4) procedures for acceptance, documentation, and implementation of prescriptions,
 103.19 whether written, oral, telephonic, or electronic.

103.20 Subd. 2. **Control of drugs.** A license holder must have in place and implement
 103.21 written policies and procedures relating to control of drugs. The policies and procedures
 103.22 must be developed by a registered nurse and must contain the following provisions:

103.23 (1) a requirement that all drugs must be stored in a locked compartment. Schedule II
 103.24 drugs, as defined in section 152.02, subdivision 3, must be stored in a separately locked
 103.25 compartment that is permanently affixed to the physical plant or a medication cart;

103.26 (2) a system for accounting for all scheduled drugs each shift;

103.27 (3) a procedure for recording a patient's use of medication, including staff signatures
 103.28 with time and date;

103.29 (4) a procedure for destruction of discontinued, outdated, or deteriorated medications;

103.30 (5) a statement that only authorized personnel are permitted to have access to the
 103.31 keys to the locked drug compartments; and

103.32 (6) a statement that no legend drug supply for one patient may be given to another
 103.33 patient.

103.34 **Sec. 14. [245F.14] STAFFING REQUIREMENTS AND DUTIES.**

104.1 Subdivision 1. **Program director.** A license holder must employ or contract with a
104.2 person, on a full-time basis, to serve as program director. The program director must be
104.3 responsible for all aspects of the facility and the services delivered to the license holder's
104.4 patients. An individual may serve as program director for more than one program owned
104.5 by the same license holder.

104.6 Subd. 2. **Responsible staff person.** During all hours of operation, a license holder
104.7 must designate a staff member as the responsible staff person to be present and awake
104.8 in the facility and be responsible for the program. The responsible staff person must
104.9 have decision-making authority over the day-to-day operation of the program as well
104.10 as the authority to direct the activity of or terminate the shift of any staff member who
104.11 has direct patient contact.

104.12 Subd. 3. **Technician required.** A license holder must have one technician awake
104.13 and on duty at all times for every ten patients in the program. A license holder may assign
104.14 technicians according to the need for care of the patients, except that the same technician
104.15 must not be responsible for more than 15 patients at one time. For purposes of establishing
104.16 this ratio, all staff whose qualifications meet or exceed those for technicians under section
104.17 245F.15, subdivision 6, and who are performing the duties of a technician may be counted
104.18 as technicians. The same individual may not be counted as both a technician and an
104.19 alcohol and drug counselor.

104.20 Subd. 4. **Registered nurse required.** A license holder must employ or contract
104.21 with a registered nurse, who must be available 24 hours a day by telephone or in person
104.22 for consultation. The registered nurse is responsible for:

104.23 (1) establishing and implementing procedures for the provision of nursing care and
104.24 delegated medical care, including:

104.25 (i) a health monitoring plan;

104.26 (ii) a medication control plan;

104.27 (iii) training and competency evaluations for staff performing delegated medical and
104.28 nursing functions;

104.29 (iv) handling serious illness, accident, or injury to patients;

104.30 (v) an infection control program; and

104.31 (vi) a first aid kit;

104.32 (2) delegating nursing functions to other staff consistent with their education,
104.33 competence, and legal authorization;

104.34 (3) assigning, supervising, and evaluating the performance of nursing tasks; and

104.35 (4) implementing condition-specific protocols in compliance with section 151.37,
104.36 subdivision 2.

105.1 Subd. 5. **Medical director required.** A license holder must have a medical director
 105.2 available for medical supervision. The medical director is responsible for ensuring the
 105.3 accurate and safe provision of all health-related services and procedures. A license
 105.4 holder must obtain and document the medical director's annual approval of the following
 105.5 procedures before the procedures may be used:

- 105.6 (1) admission, discharge, and transfer criteria and procedures;
 105.7 (2) a health services plan;
 105.8 (3) physical indicators for a referral to a physician, registered nurse, or hospital, and
 105.9 procedures for referral;
 105.10 (4) procedures to follow in case of accident, injury, or death of a patient;
 105.11 (5) formulation of condition-specific protocols regarding the medications that
 105.12 require a withdrawal regimen that will be administered to patients;
 105.13 (6) an infection control program;
 105.14 (7) protective procedures; and
 105.15 (8) a medication control plan.

105.16 Subd. 6. **Alcohol and drug counselor.** A withdrawal management program must
 105.17 provide one full-time equivalent alcohol and drug counselor for every 16 patients served
 105.18 by the program.

105.19 Subd. 7. **Ensuring staff-to-patient ratio.** The responsible staff person under
 105.20 subdivision 2 must ensure that the program does not exceed the staff-to-patient ratios in
 105.21 subdivisions 3 and 6 and must inform admitting staff of the current staffed capacity of
 105.22 the program for that shift. A license holder must have a written policy for documenting
 105.23 staff-to-patient ratios for each shift and actions to take when staffed capacity is reached.

105.24 Sec. 15. **[245F.15] STAFF QUALIFICATIONS.**

105.25 Subdivision 1. **Qualifications for all staff who have direct patient contact.** (a) All
 105.26 staff who have direct patient contact must be at least 18 years of age and must, at the time
 105.27 of hiring, document that they meet the requirements in paragraph (b), (c), or (d).

105.28 (b) Program directors, supervisors, nurses, and alcohol and drug counselors must be
 105.29 free of substance use problems for at least two years immediately preceding their hiring
 105.30 and must sign a statement attesting to that fact.

105.31 (c) Recovery peers must be free of substance use problems for at least one year
 105.32 immediately preceding their hiring and must sign a statement attesting to that fact.

105.33 (d) Technicians and other support staff must be free of substance use problems
 105.34 for at least six months immediately preceding their hiring and must sign a statement
 105.35 attesting to that fact.

106.1 Subd. 2. **Continuing employment; no substance use problems.** License holders
106.2 must require staff to be free from substance use problems as a condition of continuing
106.3 employment. Staff are not required to sign statements attesting to their freedom from
106.4 substance use problems after the initial statement required by subdivision 1. Staff with
106.5 substance use problems must be immediately removed from any responsibilities that
106.6 include direct patient contact.

106.7 Subd. 3. **Program director qualifications.** A program director must:

106.8 (1) have at least one year of work experience in direct service to individuals
106.9 with substance use disorders or one year of work experience in the management or
106.10 administration of direct service to individuals with substance use disorders;

106.11 (2) have a baccalaureate degree or three years of work experience in administration
106.12 or personnel supervision in human services; and

106.13 (3) know and understand the implications of this chapter and chapters 245A and
106.14 245C, and sections 253B.04, 253B.05, 626.556, 626.557, and 626.5572.

106.15 Subd. 4. **Alcohol and drug counselor qualifications.** An alcohol and drug
106.16 counselor must meet the requirements in Minnesota Rules, part 9530.6450, subpart 5.

106.17 Subd. 5. **Responsible staff person qualifications.** Each responsible staff person
106.18 must know and understand the implications of this chapter and sections 245A.65,
106.19 253B.04, 253B.05, 626.556, 626.557, and 626.5572. In a clinically managed program, the
106.20 responsible staff person must be a licensed practiced nurse employed by or under contract
106.21 with the license holder. In a medically monitored program, the responsible staff person
106.22 must be a registered nurse, program director, or physician.

106.23 Subd. 6. **Technician qualifications.** A technician employed by a program must
106.24 demonstrate competency, prior to direct patient contact, in the following areas:

106.25 (1) knowledge of the client bill of rights in section 148F.165, and staff responsibilities
106.26 in sections 144.651 and 253B.03;

106.27 (2) knowledge of and the ability to perform basic health screening procedures with
106.28 intoxicated patients that consist of:

106.29 (i) blood pressure, pulse, temperature, and respiration readings;

106.30 (ii) interviewing to obtain relevant medical history and current health complaints; and

106.31 (iii) visual observation of a patient's health status, including monitoring a patient's
106.32 behavior as it relates to health status;

106.33 (3) a current first aid certificate from the American Red Cross or an equivalent
106.34 organization; a current cardiopulmonary resuscitation certificate from the American Red
106.35 Cross, the American Heart Association, a community organization, or an equivalent
106.36 organization; and knowledge of first aid for seizures, trauma, and loss of consciousness; and

107.1 (4) knowledge of and ability to perform basic activities of daily living and personal
 107.2 hygiene.

107.3 Subd. 7. **Recovering peer qualifications.** Recovery peers must:

107.4 (1) be at least 21 years of age and have a high school diploma or its equivalent;

107.5 (2) have a minimum of one year in recovery from substance use disorder;

107.6 (3) have completed a curriculum designated by the commissioner that teaches
 107.7 specific skills and training in the domains of ethics and boundaries, advocacy, mentoring
 107.8 and education, and recovery and wellness support; and

107.9 (4) receive supervision in areas specific to the domains of their role by qualified
 107.10 supervisory staff.

107.11 Subd. 8. **Personal relationships.** A license holder must have a written policy
 107.12 addressing personal relationships between patients and staff who have direct patient
 107.13 contact. The policy must:

107.14 (1) prohibit direct patient contact between a patient and a staff member if the staff
 107.15 member has had a personal relationship with the patient within two years prior to the
 107.16 patient's admission to the program;

107.17 (2) prohibit access to a patient's clinical records by a staff member who has had a
 107.18 personal relationship with the patient within two years prior to the patient's admission,
 107.19 unless the patient consents in writing; and

107.20 (3) prohibit a clinical relationship between a staff member and a patient if the staff
 107.21 member has had a personal relationship with the patient within two years prior to the
 107.22 patient's admission. If a personal relationship exists, the staff member must report the
 107.23 relationship to the staff member's supervisor and recuse the staff member from a clinical
 107.24 relationship with that patient.

107.25 Sec. 16. **[245F.16] PERSONNEL POLICIES AND PROCEDURES.**

107.26 Subdivision 1. **Policy requirements.** A license holder must have written personnel
 107.27 policies and must make them available to staff members at all times. The personnel
 107.28 policies must:

107.29 (1) ensure that staff member's retention, promotion, job assignment, or pay are not
 107.30 affected by a good faith communication between the staff member and the Department
 107.31 of Human Services, Department of Health, Ombudsman for Mental Health and
 107.32 Developmental Disabilities, law enforcement, or local agencies that investigate complaints
 107.33 regarding patient rights, health, or safety;

108.1 (2) include a job description for each position that specifies job responsibilities,
 108.2 degree of authority to execute job responsibilities, standards of job performance related to
 108.3 specified job responsibilities, and qualifications;

108.4 (3) provide for written job performance evaluations for staff members of the license
 108.5 holder at least annually;

108.6 (4) describe behavior that constitutes grounds for disciplinary action, suspension, or
 108.7 dismissal, including policies that address substance use problems and meet the requirements
 108.8 of section 245F.15, subdivisions 1 and 2. The policies and procedures must list behaviors
 108.9 or incidents that are considered substance use problems. The list must include:

108.10 (i) receiving treatment for substance use disorder within the period specified for the
 108.11 position in the staff qualification requirements;

108.12 (ii) substance use that has a negative impact on the staff member's job performance;

108.13 (iii) substance use that affects the credibility of treatment services with patients,
 108.14 referral sources, or other members of the community; and

108.15 (iv) symptoms of intoxication or withdrawal on the job;

108.16 (5) include policies prohibiting personal involvement with patients and policies
 108.17 prohibiting patient maltreatment as specified under chapter 604 and sections 245A.65,
 108.18 626.556, 626.557, and 626.5572;

108.19 (6) include a chart or description of organizational structure indicating the lines
 108.20 of authority and responsibilities;

108.21 (7) include a written plan for new staff member orientation that, at a minimum,
 108.22 includes training related to the specific job functions for which the staff member was hired,
 108.23 program policies and procedures, patient needs, and the areas identified in subdivision 2,
 108.24 paragraphs (b) to (e); and

108.25 (8) include a policy on the confidentiality of patient information.

108.26 Subd. 2. Staff development. (a) A license holder must ensure that each staff
 108.27 member receives orientation training before providing direct patient care and at least
 108.28 30 hours of continuing education every two years. A written record must be kept to
 108.29 demonstrate completion of training requirements.

108.30 (b) Within 72 hours of beginning employment, all staff having direct patient contact
 108.31 must be provided orientation on the following:

108.32 (1) specific license holder and staff responsibilities for patient confidentiality;

108.33 (2) standards governing the use of protective procedures;

108.34 (3) patient ethical boundaries and patient rights, including the rights of patients
 108.35 admitted under chapter 253B;

108.36 (4) infection control procedures;

- 109.1 (5) mandatory reporting under sections 245A.65, 626.556, and 626.557, including
109.2 specific training covering the facility's policies concerning obtaining patient releases
109.3 of information;
- 109.4 (6) HIV minimum standards as required in section 245A.19;
109.5 (7) motivational counseling techniques and identifying stages of change; and
109.6 (8) eight hours of training on the program's protective procedures policy required in
109.7 section 245F.09, including:
- 109.8 (i) approved therapeutic holds;
109.9 (ii) protective procedures used to prevent patients from imminent danger of harming
109.10 self or others;
- 109.11 (iii) the emergency conditions under which the protective procedures may be used, if
109.12 any;
- 109.13 (iv) documentation standards for using protective procedures;
109.14 (v) how to monitor and respond to patient distress; and
109.15 (vi) person-centered planning and trauma-informed care.
- 109.16 (c) All staff having direct patient contact must be provided annual training on the
109.17 following:
- 109.18 (1) infection control procedures;
109.19 (2) mandatory reporting under sections 245A.65, 626.556, and 626.557, including
109.20 specific training covering the facility's policies concerning obtaining patient releases
109.21 of information;
- 109.22 (3) HIV minimum standards as required in section 245A.19; and
109.23 (4) motivational counseling techniques and identifying stages of change.
- 109.24 (d) All staff having direct patient contact must be provided training every two
109.25 years on the following:
- 109.26 (1) specific license holder and staff responsibilities for patient confidentiality;
109.27 (2) standards governing use of protective procedures, including:
- 109.28 (i) approved therapeutic holds;
109.29 (ii) protective procedures used to prevent patients from imminent danger of harming
109.30 self or others;
- 109.31 (iii) the emergency conditions under which the protective procedures may be used, if
109.32 any;
- 109.33 (iv) documentation standards for using protective procedures;
109.34 (v) how to monitor and respond to patient distress; and
109.35 (vi) person-centered planning and trauma-informed care; and

110.1 (3) patient ethical boundaries and patient rights, including the rights of patients
 110.2 admitted under chapter 253B.

110.3 (e) Continuing education that is completed in areas outside of the required topics
 110.4 must provide information to the staff person that is useful to the performance of the
 110.5 individual staff person's duties.

110.6 **Sec. 17. [245F.17] PERSONNEL FILES.**

110.7 A license holder must maintain a separate personnel file for each staff member. At a
 110.8 minimum, the file must contain:

110.9 (1) a completed application for employment signed by the staff member that
 110.10 contains the staff member's qualifications for employment and documentation related to
 110.11 the applicant's background study data, as defined in chapter 245C;

110.12 (2) documentation of the staff member's current professional license or registration,
 110.13 if relevant;

110.14 (3) documentation of orientation and subsequent training;

110.15 (4) documentation of a statement of freedom from substance use problems; and

110.16 (5) an annual job performance evaluation.

110.17 **Sec. 18. [245F.18] POLICY AND PROCEDURES MANUAL.**

110.18 A license holder must develop a written policy and procedures manual that is
 110.19 alphabetically indexed and has a table of contents, so that staff have immediate access
 110.20 to all policies and procedures, and that consumers of the services, and other authorized
 110.21 parties have access to all policies and procedures. The manual must contain the following
 110.22 materials:

110.23 (1) a description of patient education services as required in section 245F.06;

110.24 (2) personnel policies that comply with section 245F.16;

110.25 (3) admission information and referral and discharge policies that comply with
 110.26 section 245F.05;

110.27 (4) a health monitoring plan that complies with section 245F.12;

110.28 (5) a protective procedures policy that complies with section 245F.09, if the program
 110.29 elects to use protective procedures;

110.30 (6) policies and procedures for assuring appropriate patient-to-staff ratios that
 110.31 comply with section 245F.14;

110.32 (7) policies and procedures for assessing and documenting the susceptibility for
 110.33 risk of abuse to the patient as the basis for the individual abuse prevention plan required
 110.34 by section 245A.65;

111.1 (8) procedures for mandatory reporting as required by sections 245A.65, 626.556,
 111.2 and 626.557;

111.3 (9) a medication control plan that complies with section 245F.13; and

111.4 (10) policies and procedures regarding HIV that meet the minimum standards
 111.5 under section 245A.19.

111.6 Sec. 19. **[245F.19] PATIENT RECORDS.**

111.7 Subdivision 1. **Patient records required.** A license holder must maintain a file of
 111.8 current patient records on the program premises where the treatment is provided. Each
 111.9 entry in each patient record must be signed and dated by the staff member making the
 111.10 entry. Patient records must be protected against loss, tampering, or unauthorized disclosure
 111.11 in compliance with chapter 13 and section 254A.09; Code of Federal Regulations, title 42,
 111.12 sections 2.1 to 2.67; and title 45, parts 160 to 164.

111.13 Subd. 2. **Records retention.** A license holder must retain and store records as
 111.14 required by section 245A.041, subdivisions 3 and 4.

111.15 Subd. 3. **Contents of records.** Patient records must include the following:

111.16 (1) documentation of the patient's presenting problem, any substance use screening,
 111.17 the most recent assessment, and any updates;

111.18 (2) a stabilization plan and progress notes as required by section 245F.07,
 111.19 subdivisions 1 and 2;

111.20 (3) a discharge summary as required by section 245F.07, subdivision 3;

111.21 (4) an individual abuse prevention plan that complies with section 245A.65, and
 111.22 related rules;

111.23 (5) documentation of referrals made; and

111.24 (6) documentation of the monitoring and observations of the patient's medical needs.

111.25 Sec. 20. **[245F.20] DATA COLLECTION REQUIRED.**

111.26 The license holder must participate in the drug and alcohol abuse normative
 111.27 evaluation system (DAANES) by submitting, in a format provided by the commissioner,
 111.28 information concerning each patient admitted to the program. Staff submitting data must
 111.29 be trained by the license holder with the DAANES Web manual.

111.30 Sec. 21. **[245F.21] PAYMENT METHODOLOGY.**

111.31 The commissioner shall develop a payment methodology for services provided
 111.32 under this chapter or by an Indian Health Services facility or a facility owned and operated
 111.33 by a tribe or tribal organization operating under Public Law 93-638 as a 638 facility. The

112.1 commissioner shall seek federal approval for the methodology. Upon federal approval, the
 112.2 commissioner must seek and obtain legislative approval of the funding methodology to
 112.3 support the service.

112.4 **ARTICLE 4**

112.5 **DIRECT CARE AND TREATMENT**

112.6 Section 1. Minnesota Statutes 2014, section 246.54, subdivision 1, is amended to read:

112.7 Subdivision 1. **County portion for cost of care.** (a) Except for chemical
 112.8 dependency services provided under sections 254B.01 to 254B.09, the client's county
 112.9 shall pay to the state of Minnesota a portion of the cost of care provided in a regional
 112.10 treatment center or a state nursing facility to a client legally settled in that county. A
 112.11 county's payment shall be made from the county's own sources of revenue and payments
 112.12 shall equal a percentage of the cost of care, as determined by the commissioner, for each
 112.13 day, or the portion thereof, that the client spends at a regional treatment center or a state
 112.14 nursing facility according to the following schedule:

112.15 (1) zero percent for the first 30 days;

112.16 (2) 20 percent for days 31 ~~to 60~~ and over if the stay is determined to be clinically
 112.17 appropriate for the client; and

112.18 (3) ~~75 percent for any days over 60~~ 100 percent for each day during the stay,
 112.19 including the day of admission, when the facility determines that it is clinically appropriate
 112.20 for the client to be discharged.

112.21 ~~(b) The increase in the county portion for cost of care under paragraph (a), clause~~
 112.22 ~~(3), shall be imposed when the treatment facility has determined that it is clinically~~
 112.23 ~~appropriate for the client to be discharged.~~

112.24 ~~(e) (b)~~ (b) If payments received by the state under sections 246.50 to 246.53 exceed
 112.25 80 percent of the cost of care for days over 31 to 60, ~~or 25 percent for days over 60~~ for
 112.26 clients who meet the criteria in paragraph (a), clause (2), the county shall be responsible
 112.27 for paying the state only the remaining amount. The county shall not be entitled to
 112.28 reimbursement from the client, the client's estate, or from the client's relatives, except as
 112.29 provided in section 246.53.

112.30 Sec. 2. Minnesota Statutes 2014, section 246B.01, subdivision 2b, is amended to read:

112.31 Subd. 2b. **Cost of care.** "Cost of care" means the commissioner's charge for housing
 112.32 ~~and~~, treatment, aftercare services, and supervision, provided to any person admitted to the
 112.33 Minnesota sex offender program.

113.1 For purposes of this subdivision, "charge for housing ~~and~~, treatment, aftercare
 113.2 services, and supervision" means the cost of services, treatment, maintenance, bonds issued
 113.3 for capital improvements, depreciation of buildings and equipment, and indirect costs
 113.4 related to the operation of state facilities. The commissioner may determine the charge for
 113.5 services on an anticipated average per diem basis as an all-inclusive charge per facility.

113.6 Sec. 3. Minnesota Statutes 2014, section 246B.10, is amended to read:

113.7 **246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

113.8 The civilly committed sex offender's county shall pay to the state a portion of the
 113.9 cost of care provided in the Minnesota sex offender program to a civilly committed sex
 113.10 offender who has legally settled in that county. A county's payment must be made from the
 113.11 county's own sources of revenue and payments must equal 25 percent of the cost of care, as
 113.12 determined by the commissioner, for each day or portion of a day, that the civilly committed
 113.13 sex offender ~~spends at the facility~~ receives services, either within a Minnesota sex offender
 113.14 program facility or while on provisional discharge. If payments received by the state under
 113.15 this chapter exceed 75 percent of the cost of care for offenders admitted to the program on
 113.16 or after August 1, 2011, the county is responsible for paying the state the remaining amount.
 113.17 If payments received by the state under this chapter exceed 90 percent of the cost of care
 113.18 for offenders admitted to the program prior to August 1, 2011, the county is responsible
 113.19 for paying the state the remaining amount. The county is not entitled to reimbursement
 113.20 from the civilly committed sex offender, the civilly committed sex offender's estate, or
 113.21 from the civilly committed sex offender's relatives, except as provided in section 246B.07.

113.22 **EFFECTIVE DATE.** The amendment to the provision governing county payments
 113.23 for each day or portion of a day that a civilly committed sex offender receives services
 113.24 is effective for offenders provisionally discharged on or after the day following final
 113.25 enactment.

113.26 **ARTICLE 5**

113.27 **OPERATIONS**

113.28 Section 1. Minnesota Statutes 2014, section 144.057, subdivision 1, is amended to read:

113.29 Subdivision 1. **Background studies required.** The commissioner of health shall
 113.30 contract with the commissioner of human services to conduct background studies of:

113.31 (1) individuals providing services which have direct contact, as defined under
 113.32 section 245C.02, subdivision 11, with patients and residents in hospitals, boarding care
 113.33 homes, outpatient surgical centers licensed under sections 144.50 to 144.58; nursing

114.1 homes and home care agencies licensed under chapter 144A; residential care homes
 114.2 licensed under chapter 144B, and board and lodging establishments that are registered to
 114.3 provide supportive or health supervision services under section 157.17;

114.4 (2) individuals specified in section 245C.03, subdivision 1, who perform direct
 114.5 contact services in a nursing home or a home care agency licensed under chapter 144A
 114.6 or a boarding care home licensed under sections 144.50 to 144.58, ~~and~~. If the individual
 114.7 under study resides outside Minnesota, the study must ~~be at least as comprehensive as~~
 114.8 ~~that of a Minnesota resident and include a search of information from the criminal justice~~
 114.9 ~~data communications network in the state where the subject of the study resides~~ include a
 114.10 check for substantiated findings of maltreatment of adults and children in the individual's
 114.11 state of residence when the information is made available by that state, and must include a
 114.12 check of the National Crime Information Center database;

114.13 (3) beginning July 1, 1999, all other employees in nursing homes licensed under
 114.14 chapter 144A, and boarding care homes licensed under sections 144.50 to 144.58. A
 114.15 disqualification of an individual in this section shall disqualify the individual from
 114.16 positions allowing direct contact or access to patients or residents receiving services.
 114.17 "Access" means physical access to a client or the client's personal property without
 114.18 continuous, direct supervision as defined in section 245C.02, subdivision 8, when the
 114.19 employee's employment responsibilities do not include providing direct contact services;

114.20 (4) individuals employed by a supplemental nursing services agency, as defined
 114.21 under section 144A.70, who are providing services in health care facilities; and

114.22 (5) controlling persons of a supplemental nursing services agency, as defined under
 114.23 section 144A.70.

114.24 If a facility or program is licensed by the Department of Human Services and
 114.25 subject to the background study provisions of chapter 245C and is also licensed by the
 114.26 Department of Health, the Department of Human Services is solely responsible for the
 114.27 background studies of individuals in the jointly licensed programs.

114.28 Sec. 2. Minnesota Statutes 2014, section 174.30, is amended by adding a subdivision
 114.29 to read:

114.30 Subd. 10. **Background studies.** (a) Providers of special transportation service
 114.31 regulated under this section must initiate background studies in accordance with chapter
 114.32 245C on the following individuals:

114.33 (1) each person with a direct or indirect ownership interest of five percent or higher
 114.34 in the transportation service provider;

114.35 (2) each controlling individual as defined under section 245A.02;

- 115.1 (3) managerial officials as defined in section 245A.02;
 115.2 (4) each driver employed by the transportation service provider;
 115.3 (5) each individual employed by the transportation service provider to assist a
 115.4 passenger during transport; and
 115.5 (6) all employees of the transportation service agency who provide administrative
 115.6 support, including those who:
 115.7 (i) may have face-to-face contact with or access to passengers, their personal
 115.8 property, or their private data;
 115.9 (ii) perform any scheduling or dispatching tasks; or
 115.10 (iii) perform any billing activities.
 115.11 (b) The transportation service provider must initiate the background studies required
 115.12 under paragraph (a) using the online NETStudy system operated by the commissioner
 115.13 of human services.
 115.14 (c) The transportation service provider shall not permit any individual to provide
 115.15 any service listed in paragraph (a) until the transportation service provider has received
 115.16 notification from the commissioner of human services indicating that the individual:
 115.17 (1) is not disqualified under chapter 245C; or
 115.18 (2) is disqualified, but has received a set-aside of that disqualification according to
 115.19 section 245C.23 related to that transportation service provider.

115.20 **EFFECTIVE DATE.** This section is effective January 1, 2016.

115.21 Sec. 3. Minnesota Statutes 2014, section 245C.03, is amended by adding a subdivision
 115.22 to read:

115.23 **Subd. 10. Providers of special transportation service.** The commissioner shall
 115.24 conduct background studies on any individual required under section 174.30 to have a
 115.25 background study completed under this chapter.

115.26 **EFFECTIVE DATE.** This section is effective January 1, 2016.

115.27 Sec. 4. Minnesota Statutes 2014, section 245C.03, is amended by adding a subdivision
 115.28 to read:

115.29 **Subd. 11. MNsure consumer assistance partners.** The commissioner shall
 115.30 conduct background studies on any individual required under section 256.962, subdivision
 115.31 9, to have a background study completed under this chapter.

115.32 Sec. 5. Minnesota Statutes 2014, section 245C.08, subdivision 1, is amended to read:

116.1 Subdivision 1. **Background studies conducted by Department of Human**

116.2 **Services.** (a) For a background study conducted by the Department of Human Services,
116.3 the commissioner shall review:

116.4 (1) information related to names of substantiated perpetrators of maltreatment of
116.5 vulnerable adults that has been received by the commissioner as required under section
116.6 626.557, subdivision 9c, paragraph (j);

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

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

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

116.15 (5) except as provided in clause (6), information from the national crime information
116.16 system when the commissioner has reasonable cause as defined under section 245C.05,
116.17 subdivision 5, or as required under section 144.057, subdivision 1, clause (2); and

116.18 (6) for a background study related to a child foster care application for licensure, a
116.19 transfer of permanent legal and physical custody of a child under sections 260C.503 to
116.20 260C.515, or adoptions, the commissioner shall also review:

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

116.23 (ii) information from national crime information databases, when the background
116.24 study subject is 18 years of age or older.

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

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

116.33 (d) When the commissioner has reasonable cause to believe that the identity of
116.34 a background study subject is uncertain, the commissioner may require the subject to
116.35 provide a set of classifiable fingerprints for purposes of completing a fingerprint-based
116.36 record check with the Bureau of Criminal Apprehension. Fingerprints collected under this

117.1 paragraph shall not be saved by the commissioner after they have been used to verify the
117.2 identity of the background study subject against the particular criminal record in question.

117.3 Sec. 6. Minnesota Statutes 2014, section 245C.10, is amended by adding a subdivision
117.4 to read:

117.5 Subd. 11. **Providers of special transportation service.** The commissioner shall
117.6 recover the cost of background studies initiated by providers of special transportation
117.7 service under section 174.30 through a fee of no more than \$20 per study. The fees
117.8 collected under this subdivision are appropriated to the commissioner for the purpose of
117.9 conducting background studies.

117.10 **EFFECTIVE DATE.** This section is effective January 1, 2016.

117.11 Sec. 7. Minnesota Statutes 2014, section 245C.10, is amended by adding a subdivision
117.12 to read:

117.13 Subd. 12. **MNsure consumer assistance partners.** The commissioner shall recover
117.14 the cost of background studies required under section 256.962, subdivision 9, through
117.15 a fee of no more than \$20 per study. The fees collected under this subdivision are
117.16 appropriated to the commissioner for the purpose of conducting background studies.

117.17 Sec. 8. Minnesota Statutes 2014, section 245C.12, is amended to read:

117.18 **245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

117.19 (a) For the purposes of background studies completed by tribal organizations
117.20 performing licensing activities otherwise required of the commissioner under this chapter,
117.21 after obtaining consent from the background study subject, tribal licensing agencies shall
117.22 have access to criminal history data in the same manner as county licensing agencies and
117.23 private licensing agencies under this chapter.

117.24 (b) Tribal organizations may contract with the commissioner to obtain background
117.25 study data on individuals under tribal jurisdiction related to adoptions according to
117.26 section 245C.34. Tribal organizations may also contract with the commissioner to obtain
117.27 background study data on individuals under tribal jurisdiction related to child foster care
117.28 according to section 245C.34.

117.29 (c) For the purposes of background studies completed to comply with a tribal
117.30 organization's licensing requirements for individuals affiliated with nursing facilities
117.31 licensed under section 144.057, the commissioner shall obtain criminal history data from
117.32 the National Criminal Records Repository in accordance with section 245C.32.

118.1 Sec. 9. Minnesota Statutes 2014, section 256.962, is amended by adding a subdivision
118.2 to read:

118.3 Subd. 9. **Background studies for consumer assistance partners.** All consumer
118.4 assistance partners, as defined in Minnesota Rules, part 7700.0020, subpart 7, are required
118.5 to undergo a background study according to the requirements of chapter 245C.

118.6 Sec. 10. **REPEALER.**

118.7 Minnesota Rules, part 8840.5900, subparts 12 and 14, are repealed.

118.8 **EFFECTIVE DATE.** This section is effective January 1, 2016.

118.9 **ARTICLE 6**

118.10 **HEALTH CARE**

118.11 Section 1. Minnesota Statutes 2014, section 62A.045, is amended to read:

118.12 **62A.045 PAYMENTS ON BEHALF OF ENROLLEES IN GOVERNMENT**
118.13 **HEALTH PROGRAMS.**

118.14 (a) As a condition of doing business in Minnesota or providing coverage to
118.15 residents of Minnesota covered by this section, each health insurer shall comply with the
118.16 requirements of the federal Deficit Reduction Act of 2005, Public Law 109-171, including
118.17 any federal regulations adopted under that act, to the extent that it imposes a requirement
118.18 that applies in this state and that is not also required by the laws of this state. This section
118.19 does not require compliance with any provision of the federal act prior to the effective date
118.20 provided for that provision in the federal act. The commissioner shall enforce this section.

118.21 For the purpose of this section, "health insurer" includes self-insured plans, group
118.22 health plans (as defined in section 607(1) of the Employee Retirement Income Security
118.23 Act of 1974), service benefit plans, managed care organizations, pharmacy benefit
118.24 managers, or other parties that are by contract legally responsible to pay a claim for a
118.25 health-care item or service for an individual receiving benefits under paragraph (b).

118.26 (b) No plan offered by a health insurer issued or renewed to provide coverage to
118.27 a Minnesota resident shall contain any provision denying or reducing benefits because
118.28 services are rendered to a person who is eligible for or receiving medical benefits pursuant
118.29 to title XIX of the Social Security Act (Medicaid) in this or any other state; chapter 256;
118.30 256B; or 256D or services pursuant to section 252.27; 256L.01 to 256L.10; 260B.331,
118.31 subdivision 2; 260C.331, subdivision 2; or 393.07, subdivision 1 or 2. No health insurer
118.32 providing benefits under plans covered by this section shall use eligibility for medical

119.1 programs named in this section as an underwriting guideline or reason for nonacceptance
119.2 of the risk.

119.3 (c) If payment for covered expenses has been made under state medical programs for
119.4 health care items or services provided to an individual, and a third party has a legal liability
119.5 to make payments, the rights of payment and appeal of an adverse coverage decision for the
119.6 individual, or in the case of a child their responsible relative or caretaker, will be subrogated
119.7 to the state agency. The state agency may assert its rights under this section within three
119.8 years of the date the service was rendered. For purposes of this section, "state agency"
119.9 includes prepaid health plans under contract with the commissioner according to sections
119.10 256B.69, 256D.03, subdivision 4, paragraph (c), and 256L.12; children's mental health
119.11 collaboratives under section 245.493; demonstration projects for persons with disabilities
119.12 under section 256B.77; nursing homes under the alternative payment demonstration project
119.13 under section 256B.434; and county-based purchasing entities under section 256B.692.

119.14 (d) Notwithstanding any law to the contrary, when a person covered by a plan
119.15 offered by a health insurer receives medical benefits according to any statute listed in this
119.16 section, payment for covered services or notice of denial for services billed by the provider
119.17 must be issued directly to the provider. If a person was receiving medical benefits through
119.18 the Department of Human Services at the time a service was provided, the provider must
119.19 indicate this benefit coverage on any claim forms submitted by the provider to the health
119.20 insurer for those services. If the commissioner of human services notifies the health
119.21 insurer that the commissioner has made payments to the provider, payment for benefits or
119.22 notices of denials issued by the health insurer must be issued directly to the commissioner.
119.23 Submission by the department to the health insurer of the claim on a Department of
119.24 Human Services claim form is proper notice and shall be considered proof of payment of
119.25 the claim to the provider and supersedes any contract requirements of the health insurer
119.26 relating to the form of submission. Liability to the insured for coverage is satisfied to the
119.27 extent that payments for those benefits are made by the health insurer to the provider or
119.28 the commissioner as required by this section.

119.29 (e) When a state agency has acquired the rights of an individual eligible for medical
119.30 programs named in this section and has health benefits coverage through a health insurer,
119.31 the health insurer shall not impose requirements that are different from requirements
119.32 applicable to an agent or assignee of any other individual covered.

119.33 (f) A health insurer must process a claim made by a state agency for covered
119.34 expenses paid under state medical programs within 90 business days of the claim's
119.35 submission. If the health insurer needs additional information to process the claim,
119.36 the health insurer may be granted an additional 30 business days to process the claim,

120.1 provided the health insurer submits the request for additional information to the state
120.2 agency within 30 business days after the health insurer received the claim.

120.3 (g) A health insurer may request a refund of a claim paid in error to the Department
120.4 of Human Services within two years of the date the payment was made to the department.
120.5 A request for a refund shall not be honored by the department if the health insurer makes
120.6 the request after the time period has lapsed.

120.7 Sec. 2. Minnesota Statutes 2014, section 256.015, subdivision 7, is amended to read:

120.8 Subd. 7. **Cooperation with information requests required.** (a) Upon the request
120.9 of the commissioner of human services:

120.10 (1) any state agency or third-party payer shall cooperate by furnishing information to
120.11 help establish a third-party liability, as required by the federal Deficit Reduction Act of
120.12 2005, Public Law 109-171;

120.13 (2) any employer or third-party payer shall cooperate by furnishing a data file
120.14 containing information about group health insurance plan or medical benefit plan coverage
120.15 of its employees or insureds within 60 days of the request. The information in the data
120.16 file must include at least the following: full name, date of birth, Social Security number
120.17 if collected by the employer or third-party payer, employer name, policy identification
120.18 number, group identification number, and plan or coverage type.

120.19 (b) For purposes of section 176.191, subdivision 4, the commissioner of labor and
120.20 industry may allow the commissioner of human services and county agencies direct access
120.21 and data matching on information relating to workers' compensation claims in order to
120.22 determine whether the claimant has reported the fact of a pending claim and the amount
120.23 paid to or on behalf of the claimant to the commissioner of human services.

120.24 (c) For the purpose of compliance with section 169.09, subdivision 13, and
120.25 federal requirements under Code of Federal Regulations, title 42, section 433.138

120.26 (d)(4), the commissioner of public safety shall provide accident data as requested by
120.27 the commissioner of human services. The disclosure shall not violate section 169.09,
120.28 subdivision 13, paragraph (d).

120.29 (d) The commissioner of human services and county agencies shall limit its use of
120.30 information gained from agencies, third-party payers, and employers to purposes directly
120.31 connected with the administration of its public assistance and child support programs. The
120.32 provision of information by agencies, third-party payers, and employers to the department
120.33 under this subdivision is not a violation of any right of confidentiality or data privacy.

120.34 Sec. 3. Minnesota Statutes 2014, section 256.969, subdivision 1, is amended to read:

121.1 Subdivision 1. **Hospital cost index.** (a) The hospital cost index shall be the change
 121.2 in the Consumer Price Index-All Items (United States city average) (CPI-U) forecasted
 121.3 by Data Resources, Inc. The commissioner shall use the indices as forecasted in the
 121.4 third quarter of the calendar year prior to the rate year. The hospital cost index may be
 121.5 used to adjust the base year operating payment rate through the rate year on an annually
 121.6 compounded basis.

121.7 ~~(b) For fiscal years beginning on or after July 1, 1993, the commissioner of human~~
 121.8 ~~services shall not provide automatic annual inflation adjustments for hospital payment~~
 121.9 ~~rates under medical assistance. The commissioner of management and budget shall~~
 121.10 ~~include as a budget change request in each biennial detailed expenditure budget submitted~~
 121.11 ~~to the legislature under section 16A.11 annual adjustments in hospital payment rates under~~
 121.12 ~~medical assistance based upon the hospital cost index.~~

121.13 Sec. 4. Minnesota Statutes 2014, section 256.969, subdivision 2b, is amended to read:

121.14 Subd. 2b. **Hospital payment rates.** (a) For discharges occurring on or after
 121.15 November 1, 2014, hospital inpatient services for hospitals located in Minnesota shall be
 121.16 paid according to the following:

121.17 (1) critical access hospitals as defined by Medicare shall be paid using a cost-based
 121.18 methodology;

121.19 (2) long-term hospitals as defined by Medicare shall be paid on a per diem
 121.20 methodology under subdivision 25;

121.21 (3) rehabilitation hospitals or units of hospitals that are recognized as rehabilitation
 121.22 distinct parts as defined by Medicare shall be paid according to the methodology under
 121.23 subdivision 12; and

121.24 (4) all other hospitals shall be paid on a diagnosis-related group (DRG) methodology.

121.25 (b) For the period beginning January 1, 2011, through October 31, 2014, rates shall
 121.26 not be rebased, except that a Minnesota long-term hospital shall be rebased effective
 121.27 January 1, 2011, based on its most recent Medicare cost report ending on or before
 121.28 September 1, 2008, with the provisions under subdivisions 9 and 23, based on the rates
 121.29 in effect on December 31, 2010. For rate setting periods after November 1, 2014, in
 121.30 which the base years are updated, a Minnesota long-term hospital's base year shall remain
 121.31 within the same period as other hospitals.

121.32 (c) Effective for discharges occurring on and after November 1, 2014, payment rates
 121.33 for hospital inpatient services provided by hospitals located in Minnesota or the local trade
 121.34 area, except for the hospitals paid under the methodologies described in paragraph (a),
 121.35 clauses (2) and (3), shall be rebased, incorporating cost and payment methodologies in a

122.1 manner similar to Medicare. The base year for the rates effective November 1, 2014, shall
122.2 be calendar year 2012. The rebasing under this paragraph shall be budget neutral, ensuring
122.3 that the total aggregate payments under the rebased system are equal to the total aggregate
122.4 payments that were made for the same number and types of services in the base year.
122.5 Separate budget neutrality calculations shall be determined for payments made to critical
122.6 access hospitals and payments made to hospitals paid under the DRG system. Only the rate
122.7 increases or decreases under subdivision 3a or 3c that applied to the hospitals being rebased
122.8 during the entire base period shall be incorporated into the budget neutrality calculation.

122.9 (d) For discharges occurring on or after November 1, 2014, through June 30, 2016,
122.10 the rebased rates under paragraph (c) shall include adjustments to the projected rates that
122.11 result in no greater than a five percent increase or decrease from the base year payments
122.12 for any hospital. Any adjustments to the rates made by the commissioner under this
122.13 paragraph and paragraph (e) shall maintain budget neutrality as described in paragraph (c).

122.14 (e) For discharges occurring on or after November 1, 2014, through June 30, 2016,
122.15 the commissioner may make additional adjustments to the rebased rates, and when
122.16 evaluating whether additional adjustments should be made, the commissioner shall
122.17 consider the impact of the rates on the following:

- 122.18 (1) pediatric services;
- 122.19 (2) behavioral health services;
- 122.20 (3) trauma services as defined by the National Uniform Billing Committee;
- 122.21 (4) transplant services;
- 122.22 (5) obstetric services, newborn services, and behavioral health services provided
122.23 by hospitals outside the seven-county metropolitan area;
- 122.24 (6) outlier admissions;
- 122.25 (7) low-volume providers; and
- 122.26 (8) services provided by small rural hospitals that are not critical access hospitals.

122.27 (f) Hospital payment rates established under paragraph (c) must incorporate the
122.28 following:

122.29 (1) for hospitals paid under the DRG methodology, the base year payment rate per
122.30 admission is standardized by the applicable Medicare wage index and adjusted by the
122.31 hospital's disproportionate population adjustment;

122.32 (2) for critical access hospitals, interim per diem payment rates shall be based on the
122.33 ratio of cost and charges reported on the base year Medicare cost report or reports and
122.34 applied to medical assistance utilization data. Final settlement payments for a state fiscal
122.35 year must be determined based on a review of the medical assistance cost report required
122.36 under subdivision 4b for the applicable state fiscal year;

123.1 (3) the cost and charge data used to establish hospital payment rates must only
 123.2 reflect inpatient services covered by medical assistance; and

123.3 (4) in determining hospital payment rates for discharges occurring on or after the
 123.4 rate year beginning January 1, 2011, through December 31, 2012, the hospital payment
 123.5 rate per discharge shall be based on the cost-finding methods and allowable costs of the
 123.6 Medicare program in effect during the base year or years.

123.7 (g) The commissioner shall validate the rates effective November 1, 2014, by
 123.8 applying the rates established under paragraph (c), and any adjustments made to the rates
 123.9 under paragraph (d) or (e), to hospital claims paid in calendar year 2013 to determine
 123.10 whether the total aggregate payments for the same number and types of services under the
 123.11 rebased rates are equal to the total aggregate payments made during calendar year 2013.

123.12 (h) Effective for discharges occurring on or after July 1, 2017, and every two
 123.13 years thereafter, payment rates under this section shall be rebased to reflect only those
 123.14 changes in hospital costs between the existing base year and the next base year. The
 123.15 commissioner shall establish the base year for each rebasing period considering the most
 123.16 recent year for which filed Medicare cost reports are available. The estimated change in
 123.17 the average payment per hospital discharge resulting from a scheduled rebasing must be
 123.18 calculated and made available to the legislature by January 15 of each year in which
 123.19 rebasing is scheduled to occur, and must include by hospital the differential in payment
 123.20 rates compared to the individual hospital's costs.

123.21 (i) Effective for discharges occurring on or after July 1, 2015, payment rates for
 123.22 critical access hospitals located in Minnesota or the local trade area shall be determined
 123.23 using a new cost-based methodology. The commissioner shall establish within the
 123.24 methodology tiers of payment designed to promote efficiency and cost-effectiveness.
 123.25 Annual payments to hospitals under this paragraph shall equal the total cost for critical
 123.26 access hospitals as reflected in base year cost reports. The new cost-based rate shall be
 123.27 the final rate and shall not be settled to actual incurred costs. The factors used to develop
 123.28 the new methodology may include but are not limited to:

123.29 (1) the ratio between the hospital's costs for treating medical assistance patients and
 123.30 the hospital's charges to the medical assistance program;

123.31 (2) the ratio between the hospital's costs for treating medical assistance patients and
 123.32 the hospital's payments received from the medical assistance program for the care of
 123.33 medical assistance patients;

123.34 (3) the ratio between the hospital's charges to the medical assistance program and
 123.35 the hospital's payments received from the medical assistance program for the care of
 123.36 medical assistance patients;

- 124.1 (4) the statewide average increases in the ratios identified in clauses (1), (2), and (3);
 124.2 (5) the proportion of that hospital's costs that are administrative and trends in
 124.3 administrative costs; and
 124.4 (6) geographic location.

124.5 Sec. 5. Minnesota Statutes 2014, section 256.969, subdivision 9, is amended to read:

124.6 Subd. 9. **Disproportionate numbers of low-income patients served.** (a) For
 124.7 admissions occurring on or after July 1, 1993, the medical assistance disproportionate
 124.8 population adjustment shall comply with federal law and shall be paid to a hospital,
 124.9 excluding regional treatment centers and facilities of the federal Indian Health Service,
 124.10 with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The
 124.11 adjustment must be determined as follows:

124.12 (1) for a hospital with a medical assistance inpatient utilization rate above the
 124.13 arithmetic mean for all hospitals excluding regional treatment centers and facilities of the
 124.14 federal Indian Health Service but less than or equal to one standard deviation above the
 124.15 mean, the adjustment must be determined by multiplying the total of the operating and
 124.16 property payment rates by the difference between the hospital's actual medical assistance
 124.17 inpatient utilization rate and the arithmetic mean for all hospitals excluding regional
 124.18 treatment centers and facilities of the federal Indian Health Service; and

124.19 (2) for a hospital with a medical assistance inpatient utilization rate above one
 124.20 standard deviation above the mean, the adjustment must be determined by multiplying
 124.21 the adjustment that would be determined under clause (1) for that hospital by 1.1.
 124.22 The commissioner may establish a separate disproportionate population payment rate
 124.23 adjustment for critical access hospitals. The commissioner shall report annually on the
 124.24 number of hospitals likely to receive the adjustment authorized by this paragraph. The
 124.25 commissioner shall specifically report on the adjustments received by public hospitals and
 124.26 public hospital corporations located in cities of the first class.

124.27 (b) Certified public expenditures made by Hennepin County Medical Center shall
 124.28 be considered Medicaid disproportionate share hospital payments. Hennepin County
 124.29 and Hennepin County Medical Center shall report by June 15, 2007, on payments made
 124.30 beginning July 1, 2005, or another date specified by the commissioner, that may qualify
 124.31 for reimbursement under federal law. Based on these reports, the commissioner shall
 124.32 apply for federal matching funds.

124.33 (c) Upon federal approval of the related state plan amendment, paragraph (b) is
 124.34 effective retroactively from July 1, 2005, or the earliest effective date approved by the
 124.35 Centers for Medicare and Medicaid Services.

125.1 (d) Effective July 1, 2015, disproportionate share hospital (DSH) payments shall
 125.2 be paid in accordance with a new methodology. Annual DSH payments made under
 125.3 this paragraph shall equal the total amount of DSH payments made for 2012. The new
 125.4 methodology shall take into account a variety of factors, including but not limited to:
 125.5 (1) the medical assistance utilization rate of the hospitals that receive payments
 125.6 under this subdivision;
 125.7 (2) whether the hospital is located within Minnesota;
 125.8 (3) the difference between a hospital's costs for treating medical assistance patients
 125.9 and the total amount of payments received from medical assistance;
 125.10 (4) the percentage of uninsured patient days at each qualifying hospital in relation
 125.11 to the total number of uninsured patient days statewide;
 125.12 (5) the hospital's status as a hospital authorized to make presumptive eligibility
 125.13 determinations for medical assistance in accordance with section 256B.057, subdivision 12;
 125.14 (6) the hospital's status as a safety net, critical access, children's, rehabilitation, or
 125.15 long-term hospital;
 125.16 (7) whether the hospital's administrative cost of compiling the necessary DSH
 125.17 reports exceeds the anticipated value of any calculated DSH payment; and
 125.18 (8) whether the hospital provides specific services designated by the commissioner
 125.19 to be of particular importance to the medical assistance program.
 125.20 (e) Any payments or portion of payments made to a hospital under this subdivision
 125.21 that are subsequently returned to the commissioner because the payments are found to
 125.22 exceed the hospital-specific DSH limit for that hospital shall be redistributed to other
 125.23 DSH-eligible hospitals in a manner established by the commissioner.

125.24 Sec. 6. Minnesota Statutes 2014, section 256B.059, subdivision 5, is amended to read:

125.25 Subd. 5. **Asset availability.** (a) At the time of initial determination of eligibility for
 125.26 medical assistance benefits following the first continuous period of institutionalization on
 125.27 or after October 1, 1989, assets considered available to the institutionalized spouse shall
 125.28 be the total value of all assets in which either spouse has an ownership interest, reduced by
 125.29 the following amount for the community spouse:

- 125.30 (1) prior to July 1, 1994, the greater of:
 125.31 (i) \$14,148;
 125.32 (ii) the lesser of the spousal share or \$70,740; or
 125.33 (iii) the amount required by court order to be paid to the community spouse;

126.1 (2) for persons whose date of initial determination of eligibility for medical
126.2 assistance following their first continuous period of institutionalization occurs on or after
126.3 July 1, 1994, the greater of:

126.4 (i) \$20,000;

126.5 (ii) the lesser of the spousal share or \$70,740; or

126.6 (iii) the amount required by court order to be paid to the community spouse.

126.7 The value of assets transferred for the sole benefit of the community spouse under section
126.8 256B.0595, subdivision 4, in combination with other assets available to the community
126.9 spouse under this section, cannot exceed the limit for the community spouse asset
126.10 allowance determined under subdivision 3 or 4. Assets that exceed this allowance shall be
126.11 considered available to the institutionalized spouse ~~whether or not converted to income~~. If
126.12 the community spouse asset allowance has been increased under subdivision 4, then the
126.13 assets considered available to the institutionalized spouse under this subdivision shall be
126.14 further reduced by the value of additional amounts allowed under subdivision 4.

126.15 (b) An institutionalized spouse may be found eligible for medical assistance even
126.16 though assets in excess of the allowable amount are found to be available under paragraph
126.17 (a) if the assets are owned jointly or individually by the community spouse, and the
126.18 institutionalized spouse cannot use those assets to pay for the cost of care without the
126.19 consent of the community spouse, and if: (i) the institutionalized spouse assigns to the
126.20 commissioner the right to support from the community spouse under section 256B.14,
126.21 subdivision 3; (ii) the institutionalized spouse lacks the ability to execute an assignment
126.22 due to a physical or mental impairment; or (iii) the denial of eligibility would cause an
126.23 imminent threat to the institutionalized spouse's health and well-being.

126.24 (c) After the month in which the institutionalized spouse is determined eligible for
126.25 medical assistance, during the continuous period of institutionalization, no assets of the
126.26 community spouse are considered available to the institutionalized spouse, unless the
126.27 institutionalized spouse has been found eligible under paragraph (b).

126.28 (d) Assets determined to be available to the institutionalized spouse under this
126.29 section must be used for the health care or personal needs of the institutionalized spouse.

126.30 (e) For purposes of this section, assets do not include assets excluded under the
126.31 Supplemental Security Income program.

126.32 Sec. 7. Minnesota Statutes 2014, section 256B.0625, subdivision 9, is amended to read:

126.33 Subd. 9. **Dental services.** (a) Medical assistance covers dental services.

126.34 (b) Medical assistance dental coverage for nonpregnant adults is limited to the
126.35 following services:

- 127.1 (1) comprehensive exams, limited to once every five years;
- 127.2 (2) periodic exams, limited to one per year;
- 127.3 (3) limited exams;
- 127.4 (4) bitewing x-rays, limited to one per year;
- 127.5 (5) periapical x-rays;
- 127.6 (6) panoramic x-rays, limited to one every five years except (1) when medically
 127.7 necessary for the diagnosis and follow-up of oral and maxillofacial pathology and trauma
 127.8 or (2) once every two years for patients who cannot cooperate for intraoral film due to
 127.9 a developmental disability or medical condition that does not allow for intraoral film
 127.10 placement;
- 127.11 (7) prophylaxis, limited to one per year;
- 127.12 (8) application of fluoride varnish, limited to one per year;
- 127.13 (9) posterior fillings, all at the amalgam rate;
- 127.14 (10) anterior fillings;
- 127.15 (11) endodontics, limited to root canals on the anterior and premolars only;
- 127.16 (12) removable prostheses, each dental arch limited to one every six years;
- 127.17 (13) oral surgery, limited to extractions, biopsies, and incision and drainage of
 127.18 abscesses;
- 127.19 (14) palliative treatment and sedative fillings for relief of pain; ~~and~~
- 127.20 (15) full-mouth debridement, limited to one every five years; and
- 127.21 (16) nonsurgical treatment for periodontal disease, including scaling, root planing,
 127.22 and routine periodontal maintenance procedures, limited to once per quadrant per year.
- 127.23 (c) In addition to the services specified in paragraph (b), medical assistance
 127.24 covers the following services for adults, if provided in an outpatient hospital setting or
 127.25 freestanding ambulatory surgical center as part of outpatient dental surgery:
- 127.26 (1) periodontics, limited to periodontal scaling and root planing once every two years;
- 127.27 (2) general anesthesia; and
- 127.28 (3) full-mouth survey once every five years.
- 127.29 (d) Medical assistance covers medically necessary dental services for children and
 127.30 pregnant women. The following guidelines apply:
- 127.31 (1) posterior fillings are paid at the amalgam rate;
- 127.32 (2) application of sealants are covered once every five years per permanent molar for
 127.33 children only;
- 127.34 (3) application of fluoride varnish is covered once every six months; and
- 127.35 (4) orthodontia is eligible for coverage for children only.

128.1 (e) In addition to the services specified in paragraphs (b) and (c), medical assistance
128.2 covers the following services for adults:

128.3 (1) house calls or extended care facility calls for on-site delivery of covered services;

128.4 (2) behavioral management when additional staff time is required to accommodate
128.5 behavioral challenges and sedation is not used;

128.6 (3) oral or IV sedation, if the covered dental service cannot be performed safely
128.7 without it or would otherwise require the service to be performed under general anesthesia
128.8 in a hospital or surgical center; and

128.9 (4) prophylaxis, in accordance with an appropriate individualized treatment plan, but
128.10 no more than four times per year.

128.11 (f) The commissioner shall not require prior authorization for the services included
128.12 in paragraph (e), clauses (1) to (3), and shall prohibit managed care and county-based
128.13 purchasing plans from requiring prior authorization for the services included in paragraph
128.14 (e), clauses (1) to (3), when provided under sections 256B.69, 256B.692, and 256L.12.

128.15 Sec. 8. Minnesota Statutes 2014, section 256B.0625, subdivision 13h, is amended to
128.16 read:

128.17 Subd. 13h. **Medication therapy management services.** (a) Medical assistance ~~and~~
128.18 ~~general assistance medical care cover~~ covers medication therapy management services
128.19 for a recipient taking ~~three or more~~ prescriptions to treat or prevent one or more chronic
128.20 medical conditions; ~~a recipient with a drug therapy problem that is identified by the~~
128.21 ~~commissioner or identified by a pharmacist and approved by the commissioner; or prior~~
128.22 ~~authorized by the commissioner that has resulted or is likely to result in significant~~
128.23 ~~nondrug program costs. The commissioner may cover medical therapy management~~
128.24 ~~services under MinnesotaCare if the commissioner determines this is cost-effective. For~~
128.25 purposes of this subdivision, "medication therapy management" means the provision
128.26 of the following pharmaceutical care services by a licensed pharmacist to optimize the
128.27 therapeutic outcomes of the patient's medications:

128.28 (1) performing or obtaining necessary assessments of the patient's health status;

128.29 (2) formulating a medication treatment plan;

128.30 (3) monitoring and evaluating the patient's response to therapy, including safety
128.31 and effectiveness;

128.32 (4) performing a comprehensive medication review to identify, resolve, and prevent
128.33 medication-related problems, including adverse drug events;

128.34 (5) documenting the care delivered and communicating essential information to
128.35 the patient's other primary care providers;

129.1 (6) providing verbal education and training designed to enhance patient
129.2 understanding and appropriate use of the patient's medications;

129.3 (7) providing information, support services, and resources designed to enhance
129.4 patient adherence with the patient's therapeutic regimens; and

129.5 (8) coordinating and integrating medication therapy management services within the
129.6 broader health care management services being provided to the patient.

129.7 Nothing in this subdivision shall be construed to expand or modify the scope of practice of
129.8 the pharmacist as defined in section 151.01, subdivision 27.

129.9 (b) To be eligible for reimbursement for services under this subdivision, a pharmacist
129.10 must meet the following requirements:

129.11 (1) have a valid license issued by the Board of Pharmacy of the state in which the
129.12 medication therapy management service is being performed;

129.13 (2) have graduated from an accredited college of pharmacy on or after May 1996, or
129.14 completed a structured and comprehensive education program approved by the Board of
129.15 Pharmacy and the American Council of Pharmaceutical Education for the provision and
129.16 documentation of pharmaceutical care management services that has both clinical and
129.17 didactic elements;

129.18 (3) be practicing in an ambulatory care setting as part of a multidisciplinary team or
129.19 have developed a structured patient care process that is offered in a private or semiprivate
129.20 patient care area that is separate from the commercial business that also occurs in the
129.21 setting, or in home settings, including long-term care settings, group homes, and facilities
129.22 providing assisted living services, but excluding skilled nursing facilities; and

129.23 (4) make use of an electronic patient record system that meets state standards.

129.24 (c) For purposes of reimbursement for medication therapy management services,
129.25 the commissioner may enroll individual pharmacists as medical assistance ~~and general~~
129.26 ~~assistance medical care~~ providers. The commissioner may also establish contact
129.27 requirements between the pharmacist and recipient, including limiting the number of
129.28 reimbursable consultations per recipient.

129.29 (d) If there are no pharmacists who meet the requirements of paragraph (b) practicing
129.30 within a reasonable geographic distance of the patient, a pharmacist who meets the
129.31 requirements may provide the services via two-way interactive video. Reimbursement
129.32 shall be at the same rates and under the same conditions that would otherwise apply to
129.33 the services provided. To qualify for reimbursement under this paragraph, the pharmacist
129.34 providing the services must meet the requirements of paragraph (b), and must be
129.35 located within an ambulatory care setting ~~approved by the commissioner~~ that meets the
129.36 requirements of paragraph (b), clause (3). The patient must also be located within an

130.1 ambulatory care setting ~~approved by the commissioner~~ that meets the requirements of
 130.2 paragraph (b), clause (3). Services provided under this paragraph may not be transmitted
 130.3 into the patient's residence.

130.4 ~~(e) The commissioner shall establish a pilot project for an intensive medication~~
 130.5 ~~therapy management program for patients identified by the commissioner with multiple~~
 130.6 ~~chronic conditions and a high number of medications who are at high risk of preventable~~
 130.7 ~~hospitalizations, emergency room use, medication complications, and suboptimal~~
 130.8 ~~treatment outcomes due to medication-related problems. For purposes of the pilot~~
 130.9 ~~project, medication therapy management services may be provided in a patient's home~~
 130.10 ~~or community setting, in addition to other authorized settings. The commissioner may~~
 130.11 ~~waive existing payment policies and establish special payment rates for the pilot project.~~
 130.12 ~~The pilot project must be designed to produce a net savings to the state compared to the~~
 130.13 ~~estimated costs that would otherwise be incurred for similar patients without the program.~~
 130.14 ~~The pilot project must begin by January 1, 2010, and end June 30, 2012.~~

130.15 (e) Medication therapy management services may be delivered into a patient's
 130.16 residence via secure interactive video if the medication therapy management services
 130.17 are performed electronically during a covered home care visit by an enrolled provider.
 130.18 Reimbursement shall be at the same rates and under the same conditions that would
 130.19 otherwise apply to the services provided. To qualify for reimbursement under this
 130.20 paragraph, the pharmacist providing the services must meet the requirements of paragraph
 130.21 (b) and must be located within an ambulatory care setting that meets the requirements of
 130.22 paragraph (b), clause (3).

130.23 Sec. 9. Minnesota Statutes 2014, section 256B.0625, subdivision 58, is amended to read:

130.24 Subd. 58. **Early and periodic screening, diagnosis, and treatment services.**

130.25 Medical assistance covers early and periodic screening, diagnosis, and treatment services
 130.26 (EPSDT). The payment amount for a complete EPSDT screening shall not include charges
 130.27 for ~~vaccines~~ health care services and products that are available at no cost to the provider
 130.28 and shall not exceed the rate established per Minnesota Rules, part 9505.0445, item M,
 130.29 effective October 1, 2010.

130.30 Sec. 10. Minnesota Statutes 2014, section 256B.0631, is amended to read:

130.31 **256B.0631 MEDICAL ASSISTANCE CO-PAYMENTS.**

130.32 Subdivision 1. **Cost-sharing.** (a) Except as provided in subdivision 2, the medical
 130.33 assistance benefit plan shall include the following cost-sharing for all recipients, effective
 130.34 for services provided on or after September 1, 2011:

131.1 (1) \$3 per nonpreventive visit, except as provided in paragraph (b). For purposes
131.2 of this subdivision, a visit means an episode of service which is required because of
131.3 a recipient's symptoms, diagnosis, or established illness, and which is delivered in an
131.4 ambulatory setting by a physician or physician ancillary, chiropractor, podiatrist, nurse
131.5 midwife, advanced practice nurse, audiologist, optician, or optometrist;

131.6 (2) \$3.50 for nonemergency visits to a hospital-based emergency room, except that
131.7 this co-payment shall be increased to \$20 upon federal approval;

131.8 (3) \$3 per brand-name drug prescription and \$1 per generic drug prescription,
131.9 subject to a \$12 per month maximum for prescription drug co-payments. No co-payments
131.10 shall apply to antipsychotic drugs when used for the treatment of mental illness;

131.11 (4) ~~effective January 1, 2012, a family deductible equal to the maximum amount~~
131.12 ~~allowed under Code of Federal Regulations, title 42, part 447.54~~ \$2.75 per month per
131.13 family and adjusted annually by the percentage increase in the medical care component
131.14 of the CPI-U for the period of September to September of the preceding calendar year,
131.15 rounded to the next higher five-cent increment; and

131.16 (5) ~~for individuals identified by the commissioner with income at or below 100~~
131.17 ~~percent of the federal poverty guidelines, total monthly cost-sharing must not exceed five~~
131.18 ~~percent of family income. For purposes of this paragraph, family income is the total~~
131.19 ~~earned and unearned income of the individual and the individual's spouse, if the spouse is~~
131.20 ~~enrolled in medical assistance and also subject to the five percent limit on cost-sharing.~~
131.21 This paragraph does not apply to premiums charged to individuals described under section
131.22 256B.057, subdivision 9.

131.23 (b) Recipients of medical assistance are responsible for all co-payments and
131.24 deductibles in this subdivision.

131.25 (c) Notwithstanding paragraph (b), the commissioner, through the contracting
131.26 process under sections 256B.69 and 256B.692, may allow managed care plans and
131.27 county-based purchasing plans to waive the family deductible under paragraph (a),
131.28 clause (4). The value of the family deductible shall not be included in the capitation
131.29 payment to managed care plans and county-based purchasing plans. Managed care plans
131.30 and county-based purchasing plans shall certify annually to the commissioner the dollar
131.31 value of the family deductible.

131.32 (d) Notwithstanding paragraph (b), the commissioner may waive the collection of
131.33 the family deductible described under paragraph (a), clause (4), from individuals and
131.34 allow long-term care and waived service providers to assume responsibility for payment.

131.35 (e) Notwithstanding paragraph (b), the commissioner, through the contracting
131.36 process under section 256B.0756 shall allow the pilot program in Hennepin County to

132.1 waive co-payments. The value of the co-payments shall not be included in the capitation
 132.2 payment amount to the integrated health care delivery networks under the pilot program.

132.3 Subd. 2. **Exceptions.** Co-payments and deductibles shall be subject to the following
 132.4 exceptions:

132.5 (1) children under the age of 21;

132.6 (2) pregnant women for services that relate to the pregnancy or any other medical
 132.7 condition that may complicate the pregnancy;

132.8 (3) recipients expected to reside for at least 30 days in a hospital, nursing home, or
 132.9 intermediate care facility for the developmentally disabled;

132.10 (4) recipients receiving hospice care;

132.11 (5) 100 percent federally funded services provided by an Indian health service;

132.12 (6) emergency services;

132.13 (7) family planning services;

132.14 (8) services that are paid by Medicare, resulting in the medical assistance program
 132.15 paying for the coinsurance and deductible;

132.16 (9) co-payments that exceed one per day per provider for nonpreventive visits,
 132.17 eyeglasses, and nonemergency visits to a hospital-based emergency room; and

132.18 (10) services, fee-for-service payments subject to volume purchase through
 132.19 competitive bidding;

132.20 (11) American Indians who meet the requirements in Code of Federal Regulations,
 132.21 title 42, section 447.51;

132.22 (12) persons needing treatment for breast or cervical cancer as described under
 132.23 section 256B.057, subdivision 10; and

132.24 (13) services that currently have a rating of A or B from the United States Preventive
 132.25 Services Task Force (USPSTF), immunizations recommended by the Advisory Committee
 132.26 on Immunization Practices of the Centers for Disease Control and Prevention, and
 132.27 preventive services and screenings provided to women as described in Code of Federal
 132.28 Regulations, title 45, section 147.130.

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

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

132.34 (2) for a recipient ~~identified by the commissioner under 100 percent of the federal~~
 132.35 ~~poverty guidelines~~ who has met their monthly five percent cost-sharing limit.

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

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

133.6 **EFFECTIVE DATE.** The amendment to subdivision 1, paragraph (a), clause (4), is
 133.7 effective retroactively from January 1, 2014.

133.8 Sec. 11. **[256B.0638] OPIOID PRESCRIBING IMPROVEMENT PROGRAM.**

133.9 Subdivision 1. **Program established.** The commissioner of human services and the
 133.10 commissioner of health shall coordinate and implement a statewide opioid prescribing
 133.11 improvement program to reduce opioid dependency and substance use by Minnesotans
 133.12 due to the prescribing of opioid analgesics by health care providers.

133.13 Subd. 2. **Definitions.** (a) The terms defined in this section have the meanings given
 133.14 them.

133.15 (b) "Commissioner" means the commissioner of human services.

133.16 (c) "Commissioners" means the commissioner of human services and the
 133.17 commissioner of health.

133.18 (d) "DEA" means the United States Drug Enforcement Administration.

133.19 (e) "MHCP" means Minnesota health care programs.

133.20 (f) "MHCP opioid disenrollment standards" means parameters of opioid prescribing
 133.21 practices that fall outside community standard thresholds for prescribing to such a degree
 133.22 that a provider must be disenrolled from MHCP.

133.23 (g) "MHCP opioid prescriber" means a licensed health care provider who prescribes
 133.24 opioids to MHCP recipients.

133.25 (h) "Nonpublic data" has the meaning given in section 13.02, subdivision 9.

133.26 (i) "OPWG" means the opioid prescribing work group.

133.27 (j) "Private data on individuals" has the meaning given in section 13.02, subdivision
 133.28 12.

133.29 (k) "Program" means the statewide opioid prescribing improvement program
 133.30 established under this section.

133.31 (l) "Provider group" means a clinic, hospital, or primary or specialty practice group
 133.32 that employs, contracts with, or is affiliated with an MHCP opioid prescriber. Provider
 133.33 group does not include a professional association supported by dues-paying members.

134.1 (m) "MHCP opioid quality improvement standard thresholds" means parameters of
 134.2 opioid prescribing practices that fall outside community standards for prescribing to such
 134.3 a degree that quality improvement is required.

134.4 (n) "Sentinel measures" means measures of opioid use that identify variations in
 134.5 prescribing practices during the prescribing intervals.

134.6 Subd. 3. **Opioid prescribing work group.** (a) The commissioners shall establish an
 134.7 opioid prescribing work group. The commissioners shall appoint to the OPWG the voting
 134.8 members listed in paragraph (b) and the nonvoting members listed in paragraph (c).

134.9 (b) The OPWG's voting members shall consist of:

134.10 (1) at least two consumer members who have been impacted by opioid abuse
 134.11 disorder or opioid dependence disorder, either personally or in their families;

134.12 (2) one licensed physician actively practicing in Minnesota and registered as a
 134.13 practitioner with the DEA;

134.14 (3) one licensed pharmacist actively practicing in Minnesota and registered as a
 134.15 practitioner with the DEA;

134.16 (4) one licensed nurse practitioner actively practicing in Minnesota and registered
 134.17 as a practitioner with the DEA;

134.18 (5) one licensed dentist actively practicing in Minnesota and registered as a
 134.19 practitioner with the DEA;

134.20 (6) one nonphysician health care professional who is licensed or registered in that
 134.21 profession, who is actively engaged in the practice of that profession in Minnesota, and
 134.22 whose practice includes treating pain;

134.23 (7) one health or mental health professional who is licensed or registered in that
 134.24 profession, who is actively engaged in the practice of that profession in Minnesota, and
 134.25 whose practice includes treating patients with chemical dependency or substance abuse;

134.26 (8) one medical examiner for a Minnesota county;

134.27 (9) one voting member of the Health Services Policy Committee established under
 134.28 section 256B.0625, subdivisions 3c to 3e;

134.29 (10) at least one medical director of a health plan company doing business in
 134.30 Minnesota;

134.31 (11) at least one pharmacy director of a health plan company doing business in
 134.32 Minnesota; and

134.33 (12) one representative of Minnesota law enforcement.

134.34 (c) The OPWG's nonvoting members shall consist of:

134.35 (1) one representative of the Department of Health;

134.36 (2) the medical director for MHCP;

135.1 (3) one representative of the Department of Human Services' pharmacy program; and
135.2 (4) the medical director for the Department of Labor and Industry.

135.3 (d) An honorarium of \$200 per meeting and reimbursement for mileage and parking
135.4 shall be paid to each voting member in attendance.

135.5 Subd. 4. **Program components.** (a) The OPWG shall recommend to the
135.6 commissioners the components of the statewide opioid prescribing improvement program,
135.7 which shall include but are not limited to the following components:

135.8 (1) developing criteria for opioid prescribing protocols, including:

135.9 (i) prescribing for the interval of up to four days immediately after an acute painful
135.10 event;

135.11 (ii) prescribing for the interval of up to 45 days after an acute painful event; and

135.12 (iii) prescribing for chronic pain, which means pain lasting longer than 45 days
135.13 after an acute painful event;

135.14 (2) developing sentinel measures;

135.15 (3) developing educational resources for opioid prescribers about communicating
135.16 with patients about pain management and the use of opioids to treat pain;

135.17 (4) developing MHCP opioid quality improvement standard thresholds and MHCP
135.18 opioid disenrollment standards for MHCP opioid prescribers and provider groups. MHCP
135.19 opioid disenrollment standards may be described in terms of the length of time in which
135.20 prescribing practices fall outside community standards and the nature and amount of
135.21 opioid prescribing that fall outside community standards; and

135.22 (5) addressing other program issues as determined by the commissioners.

135.23 (b) The program shall not apply to opioids prescribed for patients who are
135.24 experiencing pain caused by a malignant condition or who are receiving hospice care, or
135.25 to opioids prescribed as medication-assisted therapy to treat opioid dependency.

135.26 (c) Except as specified in subdivision 6, provider implementation of the program
135.27 shall be voluntary.

135.28 Subd. 5. **Annual report to legislature.** By September 15, 2016, and annually
135.29 thereafter, the commissioner of health shall report to the legislature on the status of the
135.30 program statewide, and the commissioner of human services shall report to the legislature
135.31 on the status of its implementation in MHCP. The reports shall include but not be limited
135.32 to data on statewide utilization of opioids and the utilization of opioids within MHCP.

135.33 Subd. 6. **Program implementation.** (a) The commissioner shall implement
135.34 the program within MHCP to improve the health of and quality of care provided to
135.35 MHCP recipients. The commissioner shall annually collect and report to MHCP opioid

136.1 prescribers, data showing the sentinel measures of their opioid prescribing patterns
136.2 compared to their anonymized peers.

136.3 (b) The commissioner shall notify an MHCP opioid prescriber and all provider
136.4 groups with which the MHCP opioid prescriber is employed or affiliated when the MHCP
136.5 opioid prescriber's prescribing pattern exceeds the MHCP opioid quality improvement
136.6 standard thresholds. A prescriber and any provider group that receives a notice under
136.7 this paragraph shall submit a quality improvement plan for review and approval by the
136.8 commissioner with the goal of bringing the prescriber's prescribing practices into alignment
136.9 with community standards. A quality improvement plan must include but is not limited to:

136.10 (1) components of the program described in subdivision 4, paragraph (a);

136.11 (2) internal practice-based measures to review the prescribing practice of the MHCP
136.12 opioid prescriber and, where appropriate, any other MHCP opioid prescribers employed
136.13 by or affiliated with any of the provider groups with which the MHCP opioid prescriber is
136.14 employed or affiliated; and

136.15 (3) appropriate use of the prescription monitoring program under section 152.126.

136.16 (c) If, after a year from the commissioner's notice under paragraph (b), the MHCP
136.17 opioid prescriber's prescribing practices do not improve so that they are consistent with
136.18 community standards, the commissioner shall take one or more of the following steps:

136.19 (1) monitor prescribing practices more frequently than annually;

136.20 (2) monitor more aspects of the prescriber's prescribing practices than the sentinel
136.21 measures; or

136.22 (3) require the prescriber to participate in additional quality improvement efforts,
136.23 including but not limited to mandatory use of the prescription monitoring program.

136.24 (d) The commissioner shall disenroll from MHCP all MHCP opioid prescribers and
136.25 provider groups that meet applicable MHCP opioid disenrollment standards.

136.26 Subd. 7. **Data practices.** (a) Reports and data identifying an MHCP opioid
136.27 prescriber are private data on individuals until an MHCP opioid prescriber is subject
136.28 to disenrollment under this section. Notwithstanding this data classification, the
136.29 commissioner shall share with all of the provider groups with which an MHCP opioid
136.30 prescriber is employed or affiliated, a report identifying an MHCP opioid prescriber who
136.31 is subject to quality improvement activities under subdivision 6, paragraph (b) or (c).

136.32 (b) Reports and data identifying a provider group are nonpublic data until the
136.33 provider group is subject to disenrollment under this section.

136.34 (c) Upon disenrollment under this section, reports and data identifying an MHCP
136.35 opioid prescriber or provider group are public, except that any identifying information for
136.36 MHCP recipients must be redacted.

137.1 Sec. 12. Minnesota Statutes 2014, section 256B.0757, is amended to read:

137.2 **256B.0757 COORDINATED CARE THROUGH A HEALTH HOME.**

137.3 Subdivision 1. **Provision of coverage.** (a) The commissioner shall provide
 137.4 medical assistance coverage of health home services for eligible individuals with chronic
 137.5 conditions who select a designated provider, ~~a team of health care professionals, or a~~
 137.6 ~~health team~~ as the individual's health home.

137.7 (b) The commissioner shall implement this section in compliance with the
 137.8 requirements of the state option to provide health homes for enrollees with chronic
 137.9 conditions, as provided under the Patient Protection and Affordable Care Act, Public
 137.10 Law 111-148, sections 2703 and 3502. Terms used in this section have the meaning
 137.11 provided in that act.

137.12 (c) The commissioner shall establish behavioral health homes to serve populations
 137.13 with serious mental illness. These services provided by behavioral health homes shall
 137.14 focus on both the behavioral and the physical health of these populations.

137.15 Subd. 2. **Eligible individual.** (a) An individual is eligible for health home services
 137.16 under this section if the individual is eligible for medical assistance under this chapter
 137.17 and has at least:

- 137.18 (1) two chronic conditions;
 137.19 (2) one chronic condition and is at risk of having a second chronic condition; or
 137.20 (3) one serious and persistent mental health condition.

137.21 (b) An individual is eligible for behavioral health home services under this section if
 137.22 the individual is eligible for medical assistance under this chapter; meets the definition in
 137.23 section 245.462, subdivision 20, paragraph (a), or 245.4871, subdivision 15, clause (2);
 137.24 and has a current diagnostic assessment as defined in Minnesota Rules, part 9505.0372,
 137.25 subpart 1, item B or C, as performed or reviewed by a mental health professional
 137.26 employed by or under contract with the behavioral health home. The commissioner shall
 137.27 establish criteria for determining continued eligibility.

137.28 Subd. 3. **Health home services.** (a) Health home services means comprehensive and
 137.29 timely high-quality services that are provided by a health home. These services include:

- 137.30 (1) comprehensive care management;
 137.31 (2) care coordination and health promotion;
 137.32 (3) comprehensive transitional care, including appropriate follow-up, from inpatient
 137.33 to other settings;
 137.34 (4) patient and family support, including authorized representatives;
 137.35 (5) referral to community and social support services, if relevant; and
 137.36 (6) use of health information technology to link services, as feasible and appropriate.

138.1 (b) The commissioner shall maximize the number and type of services included
 138.2 in this subdivision to the extent permissible under federal law, including physician,
 138.3 outpatient, mental health treatment, and rehabilitation services necessary for
 138.4 comprehensive transitional care following hospitalization.

138.5 Subd. 4. ~~Health teams~~ **Designated provider.** (a) Behavioral health home services
 138.6 are voluntary and an eligible individual may choose any designated provider. The
 138.7 commissioner shall establish ~~health teams to support the patient-centered~~ designated
 138.8 providers to serve as health home homes and provide the services described in subdivision
 138.9 3 to individuals eligible under subdivision 2. The commissioner shall apply for grants ~~or~~
 138.10 ~~contracts~~ as provided under section 3502 of the Patient Protection and Affordable Care Act
 138.11 to establish ~~health teams~~ homes and provide capitated payments to ~~primary care~~ designated
 138.12 providers. For purposes of this section, "~~health teams~~" "designated provider" means
 138.13 ~~community-based, interdisciplinary, interprofessional teams of health care providers~~
 138.14 ~~that support primary care practices. These providers may include medical specialists,~~
 138.15 ~~nurses, advanced practice registered nurses, pharmacists, nutritionists, social workers,~~
 138.16 ~~behavioral and mental health providers, doctors of chiropractic, licensed complementary~~
 138.17 ~~and alternative medicine practitioners, and physician assistants.~~ a physician, clinical
 138.18 practice or clinical group practice, rural clinic, community health center, community
 138.19 mental health center, or any other entity or provider that is determined by the Department
 138.20 of Human Services to be qualified to be a health home for eligible individuals. This
 138.21 determination must be based on documentation evidencing that the designated provider
 138.22 has the systems and infrastructure in place to provide health home services and satisfies the
 138.23 qualification standards established by the Department of Human Services in consultation
 138.24 with stakeholders and approved by the Centers for Medicare and Medicaid Services.

138.25 (b) The commissioner shall develop and implement certification standards for
 138.26 designated providers under this subdivision.

138.27 Subd. 5. **Payments.** The commissioner shall make payments to each ~~health home~~
 138.28 ~~and each health team~~ designated provider for the provision of health home services
 138.29 described in subdivision 3 to each eligible individual with chronic conditions under
 138.30 subdivision 2 that selects the health home as a provider.

138.31 Subd. 6. **Coordination.** The commissioner, to the extent feasible, shall ensure that
 138.32 the requirements and payment methods for ~~health homes and health teams~~ designated
 138.33 providers developed under this section are consistent with the requirements and payment
 138.34 methods for health care homes established under sections 256B.0751 and 256B.0753. The
 138.35 commissioner may modify requirements and payment methods under sections 256B.0751

139.1 and 256B.0753 in order to be consistent with federal health home requirements and
 139.2 payment methods.

139.3 Subd. 8. Evaluation and continued development. (a) For continued certification
 139.4 under this section, health homes must meet process, outcome, and quality standards
 139.5 developed and specified by the commissioner. The commissioner shall collect data from
 139.6 health homes as necessary to monitor compliance with certification standards.

139.7 (b) The commissioner may contract with a private entity to evaluate patient and
 139.8 family experiences, health care utilization, and costs.

139.9 (c) The commissioner shall utilize findings from the implementation of behavioral
 139.10 health homes to determine populations to serve under subsequent health home models
 139.11 for individuals with chronic conditions.

139.12 EFFECTIVE DATE. This section is effective upon federal approval. The services
 139.13 under subdivision 3 are effective January 1, 2016, or upon federal approval, whichever
 139.14 is later. The commissioner of human services shall notify the revisor of statutes when
 139.15 federal approval is obtained.

139.16 Sec. 13. Minnesota Statutes 2014, section 256B.75, is amended to read:

139.17 **256B.75 HOSPITAL OUTPATIENT REIMBURSEMENT.**

139.18 (a) For outpatient hospital facility fee payments for services rendered on or after
 139.19 October 1, 1992, the commissioner of human services shall pay the lower of (1) submitted
 139.20 charge, or (2) 32 percent above the rate in effect on June 30, 1992, except for those
 139.21 services for which there is a federal maximum allowable payment. Effective for services
 139.22 rendered on or after January 1, 2000, payment rates for nonsurgical outpatient hospital
 139.23 facility fees and emergency room facility fees shall be increased by eight percent over the
 139.24 rates in effect on December 31, 1999, except for those services for which there is a federal
 139.25 maximum allowable payment. Services for which there is a federal maximum allowable
 139.26 payment shall be paid at the lower of (1) submitted charge, or (2) the federal maximum
 139.27 allowable payment. Total aggregate payment for outpatient hospital facility fee services
 139.28 shall not exceed the Medicare upper limit. If it is determined that a provision of this
 139.29 section conflicts with existing or future requirements of the United States government with
 139.30 respect to federal financial participation in medical assistance, the federal requirements
 139.31 prevail. The commissioner may, in the aggregate, prospectively reduce payment rates to
 139.32 avoid reduced federal financial participation resulting from rates that are in excess of
 139.33 the Medicare upper limitations.

140.1 (b) Notwithstanding paragraph (a), payment for outpatient, emergency, and
140.2 ambulatory surgery hospital facility fee services for critical access hospitals designated
140.3 under section 144.1483, clause (9), shall be paid on a cost-based payment system that is
140.4 based on the cost-finding methods and allowable costs of the Medicare program.

140.5 (c) Effective for services provided on or after July 1, 2003, rates that are based
140.6 on the Medicare outpatient prospective payment system shall be replaced by a budget
140.7 neutral prospective payment system that is derived using medical assistance data. The
140.8 commissioner shall provide a proposal to the 2003 legislature to define and implement
140.9 this provision.

140.10 (d) For fee-for-service services provided on or after July 1, 2002, the total payment,
140.11 before third-party liability and spenddown, made to hospitals for outpatient hospital
140.12 facility services is reduced by .5 percent from the current statutory rate.

140.13 (e) In addition to the reduction in paragraph (d), the total payment for fee-for-service
140.14 services provided on or after July 1, 2003, made to hospitals for outpatient hospital
140.15 facility services before third-party liability and spenddown, is reduced five percent from
140.16 the current statutory rates. Facilities defined under section 256.969, subdivision 16, are
140.17 excluded from this paragraph.

140.18 (f) In addition to the reductions in paragraphs (d) and (e), the total payment for
140.19 fee-for-service services provided on or after July 1, 2008, made to hospitals for outpatient
140.20 hospital facility services before third-party liability and spenddown, is reduced three
140.21 percent from the current statutory rates. Mental health services and facilities defined under
140.22 section 256.969, subdivision 16, are excluded from this paragraph.

140.23 (g) Effective for services provided on or after July 1, 2015, rates established for
140.24 critical access hospitals under paragraph (b) for the applicable payment year shall be the
140.25 final payment and shall not be settled to actual costs.

140.26 Sec. 14. Minnesota Statutes 2014, section 256B.76, subdivision 2, is amended to read:

140.27 Subd. 2. **Dental reimbursement.** (a) Effective for services rendered on or after
140.28 October 1, 1992, the commissioner shall make payments for dental services as follows:

140.29 (1) dental services shall be paid at the lower of (i) submitted charges, or (ii) 25
140.30 percent above the rate in effect on June 30, 1992; and

140.31 (2) dental rates shall be converted from the 50th percentile of 1982 to the 50th
140.32 percentile of 1989, less the percent in aggregate necessary to equal the above increases.

140.33 (b) Beginning October 1, 1999, the payment for tooth sealants and fluoride treatments
140.34 shall be the lower of (1) submitted charge, or (2) 80 percent of median 1997 charges.

141.1 (c) Effective for services rendered on or after January 1, 2000, payment rates for
141.2 dental services shall be increased by three percent over the rates in effect on December
141.3 31, 1999.

141.4 (d) Effective for services provided on or after January 1, 2002, payment for
141.5 diagnostic examinations and dental x-rays provided to children under age 21 shall be the
141.6 lower of (1) the submitted charge, or (2) 85 percent of median 1999 charges.

141.7 (e) The increases listed in paragraphs (b) and (c) shall be implemented January 1,
141.8 2000, for managed care.

141.9 (f) Effective for dental services rendered on or after October 1, 2010, by a
141.10 state-operated dental clinic, payment shall be paid on a reasonable cost basis that is based
141.11 on the Medicare principles of reimbursement. This payment shall be effective for services
141.12 rendered on or after January 1, 2011, to recipients enrolled in managed care plans or
141.13 county-based purchasing plans.

141.14 (g) Beginning in fiscal year 2011, if the payments to state-operated dental clinics
141.15 in paragraph (f), including state and federal shares, are less than \$1,850,000 per fiscal
141.16 year, a supplemental state payment equal to the difference between the total payments
141.17 in paragraph (f) and \$1,850,000 shall be paid from the general fund to state-operated
141.18 services for the operation of the dental clinics.

141.19 ~~(h) If the cost-based payment system for state-operated dental clinics described in~~
141.20 ~~paragraph (f) does not receive federal approval, then state-operated dental clinics shall be~~
141.21 ~~designated as critical access dental providers under subdivision 4, paragraph (b), and shall~~
141.22 ~~receive the critical access dental reimbursement rate as described under subdivision 4,~~
141.23 ~~paragraph (a).~~

141.24 ~~(h)~~ (h) Effective for services rendered on or after September 1, 2011, through June
141.25 30, 2013, payment rates for dental services shall be reduced by three percent. This
141.26 reduction does not apply to state-operated dental clinics in paragraph (f).

141.27 ~~(i)~~ (i) Effective for services rendered on or after January 1, 2014, payment rates for
141.28 dental services shall be increased by five percent from the rates in effect on December
141.29 31, 2013. This increase does not apply to state-operated dental clinics in paragraph (f),
141.30 federally qualified health centers, rural health centers, and Indian health services. Effective
141.31 January 1, 2014, payments made to managed care plans and county-based purchasing
141.32 plans under sections 256B.69, 256B.692, and 256L.12 shall reflect the payment increase
141.33 described in this paragraph.

141.34 (j) Effective for services rendered on or after January 1, 2016, payment rates for
141.35 dental services shall be set to the percentage of 2012 fee-for-service submitted charges

142.1 that results in a 15 percent increase in the aggregate payment for dental services from
 142.2 the rates in effect on December 31, 2015.

142.3 Sec. 15. Minnesota Statutes 2014, section 256B.76, subdivision 4, is amended to read:

142.4 Subd. 4. **Critical access dental providers.** (a) Effective for dental services
 142.5 rendered on or after January 1, 2002, the commissioner shall increase reimbursements
 142.6 to dentists and dental clinics deemed by the commissioner to be critical access dental
 142.7 providers. ~~For dental services rendered on or after July 1, 2007, the commissioner shall~~
 142.8 ~~increase reimbursement by 35 percent above the reimbursement rate that would otherwise~~
 142.9 ~~be paid to the critical access dental provider.~~ The commissioner shall pay the managed
 142.10 care plans and county-based purchasing plans in amounts sufficient to reflect increased
 142.11 reimbursements to critical access dental providers as approved by the commissioner.

142.12 (b) For dental services rendered on or after January 1, 2016, the commissioner
 142.13 shall reimburse a critical access dental provider that is not a community health clinic an
 142.14 additional 20 percent above the payment rate specified in subdivision 2.

142.15 (c) For dental services rendered on or after January 1, 2016, the commissioner
 142.16 shall reimburse a critical access dental provider that is also a community health clinic an
 142.17 additional 17.4 percent above the payment rate specified in subdivision 2.

142.18 ~~(b)~~ (d) The commissioner shall designate the following dentists and dental clinics as
 142.19 critical access dental providers:

142.20 (1) nonprofit community clinics that:

142.21 (i) have nonprofit status in accordance with chapter 317A;

142.22 (ii) have tax exempt status in accordance with the Internal Revenue Code, section
 142.23 501(c)(3);

142.24 (iii) are established to provide oral health services to patients who are low income,
 142.25 uninsured, have special needs, and are underserved;

142.26 (iv) have professional staff familiar with the cultural background of the clinic's
 142.27 patients;

142.28 (v) charge for services on a sliding fee scale designed to provide assistance to
 142.29 low-income patients based on current poverty income guidelines and family size;

142.30 (vi) do not restrict access or services because of a patient's financial limitations
 142.31 or public assistance status; and

142.32 (vii) have free care available as needed;

142.33 (2) federally qualified health centers, rural health clinics, and public health clinics;

142.34 (3) city or county owned and operated hospital-based dental clinics;

143.1 (4) a dental clinic or dental group owned and operated by a nonprofit corporation in
143.2 accordance with chapter 317A with more than 10,000 patient encounters per year with
143.3 patients who are uninsured or covered by medical assistance or MinnesotaCare;

143.4 (5) a dental clinic owned and operated by the University of Minnesota or the
143.5 Minnesota State Colleges and Universities system; and

143.6 (6) private practicing dentists if:

143.7 (i) the dentist's office is located within a health professional shortage area as defined
143.8 under Code of Federal Regulations, title 42, part 5, and United States Code, title 42,
143.9 section 254E;

143.10 (ii) more than 50 percent of the dentist's patient encounters per year are with patients
143.11 who are uninsured or covered by medical assistance or MinnesotaCare;

143.12 (iii) the dentist does not restrict access or services because of a patient's financial
143.13 limitations or public assistance status; and

143.14 (iv) the level of service provided by the dentist is critical to maintaining adequate
143.15 levels of patient access within the service area in which the dentist operates.

143.16 ~~(e)~~ (e) A designated critical access clinic shall receive the reimbursement rate
143.17 specified in paragraph (a) for dental services provided off site at a private dental office if
143.18 the following requirements are met:

143.19 (1) the designated critical access dental clinic is located within a health professional
143.20 shortage area as defined under Code of Federal Regulations, title 42, part 5, and United
143.21 States Code, title 42, section 254E, and is located outside the seven-county metropolitan
143.22 area;

143.23 (2) the designated critical access dental clinic is not able to provide the service
143.24 and refers the patient to the off-site dentist;

143.25 (3) the service, if provided at the critical access dental clinic, would be reimbursed
143.26 at the critical access reimbursement rate;

143.27 (4) the dentist and allied dental professionals providing the services off site are
143.28 licensed and in good standing under chapter 150A;

143.29 (5) the dentist providing the services is enrolled as a medical assistance provider;

143.30 (6) the critical access dental clinic submits the claim for services provided off site
143.31 and receives the payment for the services; and

143.32 (7) the critical access dental clinic maintains dental records for each claim submitted
143.33 under this paragraph, including the name of the dentist, the off-site location, and the
143.34 license number of the dentist and allied dental professionals providing the services.

144.1 Sec. 16. **[256B.79] INTEGRATED CARE FOR HIGH-RISK PREGNANT**
144.2 **WOMEN.**

144.3 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
144.4 have the meanings given them.

144.5 (b) "Adverse outcomes" means maternal opiate addiction, other reportable prenatal
144.6 substance abuse, low birth weight, or preterm birth.

144.7 (c) "Commissioner" means the commissioner of human services.

144.8 (d) "Qualified integrated perinatal care collaborative" or "collaborative" means
144.9 a combination of (1) members of community-based organizations that represent
144.10 communities within the identified targeted populations, and (2) local or tribally based
144.11 service entities, including health care, public health, social services, mental health,
144.12 chemical dependency treatment, and community-based providers, determined by the
144.13 commissioner to meet the criteria for the provision of integrated care and enhanced
144.14 services for enrollees within targeted populations.

144.15 (e) "Targeted populations" means pregnant medical assistance enrollees residing
144.16 in geographic areas identified by the commissioner as being at above-average risk for
144.17 adverse outcomes.

144.18 Subd. 2. **Pilot program established.** The commissioner shall implement a pilot
144.19 program to improve birth outcomes and strengthen early parental resilience for pregnant
144.20 women who are medical assistance enrollees, are at significantly elevated risk for adverse
144.21 outcomes of pregnancy, and are in targeted populations. The program must promote the
144.22 provision of integrated care and enhanced services to these pregnant women, including
144.23 postpartum coordination to ensure ongoing continuity of care, by qualified integrated
144.24 perinatal care collaboratives. The program shall operate until June 30, 2019.

144.25 Subd. 3. **Grant awards.** The commissioner shall award grants to qualifying
144.26 applicants to support interdisciplinary, integrated perinatal care. Grants shall be awarded
144.27 beginning July 1, 2016. Grant funds shall be distributed through a request for proposals
144.28 process to a designated lead agency within an entity determined to be a qualified integrated
144.29 perinatal care collaborative or within an entity in the process of meeting the qualifications
144.30 to become a qualified integrated perinatal care collaborative. Grant awards must be used to
144.31 support interdisciplinary, team-based needs assessments, planning, and implementation of
144.32 integrated care and enhanced services for targeted populations. In determining grant award
144.33 amounts, the commissioner must consider the identified health and social risks linked to
144.34 adverse outcomes and attributed to enrollees within the identified targeted population.

144.35 Subd. 4. **Eligibility for grants.** To be eligible for a grant under this section, an
144.36 entity must show that the entity meets or is in the process of meeting qualifications

145.1 established by the commissioner to be a qualified integrated perinatal care collaborative.
145.2 These qualifications must include evidence that the entity has or is in the process of
145.3 developing policies, services, and partnerships to support interdisciplinary, integrated care.
145.4 The policies, services, and partnerships must meet specific criteria and be approved by the
145.5 commissioner. The commissioner must establish a process to review the collaborative's
145.6 capacity for interdisciplinary, integrated care, to be reviewed at the commissioner's
145.7 discretion. In determining whether the entity meets the qualifications for a qualified
145.8 integrated perinatal care collaborative, the commissioner must verify and review whether
145.9 the entity's policies, services, and partnerships:

145.10 (1) optimize early identification of drug and alcohol dependency and abuse during
145.11 pregnancy, effectively coordinate referrals and follow-up of identified patients to
145.12 evidence-based or evidence-informed treatment, and integrate perinatal care services with
145.13 behavioral health and substance abuse services;

145.14 (2) enhance access to, and effective use of, needed health care or tribal health care
145.15 services, public health or tribal public health services, social services, mental health
145.16 services, chemical dependency services, or services provided by community-based
145.17 providers by bridging cultural gaps within systems of care and by integrating
145.18 community-based paraprofessionals such as doulas and community health workers as
145.19 routinely available service components;

145.20 (3) encourage patient education about prenatal care, birthing, and postpartum
145.21 care, and document how patient education is provided. Patient education may include
145.22 information on nutrition, reproductive life planning, breastfeeding, and parenting;

145.23 (4) integrate child welfare case planning with substance abuse treatment planning
145.24 and monitoring, as appropriate;

145.25 (5) effectively systematize screening, collaborative care planning, referrals, and
145.26 follow up for behavioral and social risks known to be associated with adverse outcomes
145.27 and known to be prevalent within the targeted populations;

145.28 (6) facilitate ongoing continuity of care to include postpartum coordination and
145.29 referrals for interconception care, continued treatment for substance abuse, identification
145.30 and referrals for maternal depression and other chronic mental health conditions,
145.31 continued medication management for chronic diseases, and appropriate referrals to tribal
145.32 or county-based social services agencies and tribal or county-based public health nursing
145.33 services; and

145.34 (7) implement ongoing quality improvement activities as determined by the
145.35 commissioner, including collection and use of data from qualified providers on metrics

146.1 of quality such as health outcomes and processes of care, and the use of other data that
146.2 has been collected by the commissioner.

146.3 Subd. 5. **Gaps in communication, support, and care.** A collaborative receiving
146.4 a grant under this section must develop means of identifying and reporting gaps in the
146.5 collaborative's communication, administrative support, and direct care that must be
146.6 remedied for the collaborative to effectively provide integrated care and enhanced services
146.7 to targeted populations.

146.8 Subd. 6. **Report.** By January 31, 2019, the commissioner shall report to the
146.9 legislature on the status and progress of the pilot program. The report must:

146.10 (1) describe the capacity of collaboratives receiving grants under this section;

146.11 (2) contain aggregate information about enrollees served within targeted populations;

146.12 (3) describe the utilization of enhanced prenatal services;

146.13 (4) for enrollees identified with maternal substance use disorders, describe the
146.14 utilization of substance use treatment and dispositions of any child protection cases;

146.15 (5) contain data on outcomes within targeted populations and compare these
146.16 outcomes to outcomes statewide, using standard categories of race and ethnicity; and

146.17 (6) include recommendations for continuing the program or sustaining improvements
146.18 through other means beyond June 30, 2019.

146.19 Subd. 7. **Expiration.** This section expires June 30, 2019.

146.20 Sec. 17. Minnesota Statutes 2014, section 256L.01, subdivision 3a, is amended to read:

146.21 Subd. 3a. **Family.** (a) Except as provided in paragraphs (c) and (d), "family" has
146.22 the meaning given for family and family size as defined in Code of Federal Regulations,
146.23 title 26, section 1.36B-1.

146.24 (b) The term includes children who are temporarily absent from the household in
146.25 settings such as schools, camps, or parenting time with noncustodial parents.

146.26 (c) For an individual who does not expect to file a federal tax return and does not
146.27 expect to be claimed as a dependent for the applicable tax year, "family" has the meaning
146.28 given in Code of Federal Regulations, title 42, section 435.603(f)(3).

146.29 (d) For a married couple, "family" has the meaning given in Code of Federal
146.30 Regulations, title 42, section 435.603(f)(4).

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

146.32 Sec. 18. Minnesota Statutes 2014, section 256L.01, subdivision 5, is amended to read:

147.1 Subd. 5. **Income.** "Income" has the meaning given for modified adjusted gross
 147.2 income, as defined in Code of Federal Regulations, title 26, section 1.36B-1-, and means a
 147.3 household's projected annual income for the applicable tax year

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

147.5 Sec. 19. Minnesota Statutes 2014, section 256L.03, subdivision 5, is amended to read:

147.6 Subd. 5. **Cost-sharing.** (a) Except as otherwise provided in this subdivision, the
 147.7 MinnesotaCare benefit plan shall include the following cost-sharing requirements for all
 147.8 enrollees:

147.9 (1) \$3 per prescription for adult enrollees;

147.10 (2) \$25 for eyeglasses for adult enrollees;

147.11 (3) \$3 per nonpreventive visit. For purposes of this subdivision, a "visit" means an
 147.12 episode of service which is required because of a recipient's symptoms, diagnosis, or
 147.13 established illness, and which is delivered in an ambulatory setting by a physician or
 147.14 physician ancillary, chiropractor, podiatrist, nurse midwife, advanced practice nurse,
 147.15 audiologist, optician, or optometrist;

147.16 (4) \$6 for nonemergency visits to a hospital-based emergency room for services
 147.17 provided through December 31, 2010, and \$3.50 effective January 1, 2011; and

147.18 (5) a family deductible equal to ~~the maximum amount allowed under Code of~~
 147.19 ~~Federal Regulations, title 42, part 447.54.~~ \$2.75 per month per family and adjusted
 147.20 annually by the percentage increase in the medical care component of the CPI-U for
 147.21 the period of September to September of the preceding calendar year, rounded to the
 147.22 next-higher five cent increment.

147.23 (b) Paragraph (a) does not apply to children under the age of 21 and to American
 147.24 Indians as defined in Code of Federal Regulations, title 42, section 447.51.

147.25 (c) Paragraph (a), clause (3), does not apply to mental health services.

147.26 (d) MinnesotaCare reimbursements to fee-for-service providers and payments to
 147.27 managed care plans or county-based purchasing plans shall not be increased as a result of
 147.28 the reduction of the co-payments in paragraph (a), clause (4), effective January 1, 2011.

147.29 (e) The commissioner, through the contracting process under section 256L.12,
 147.30 may allow managed care plans and county-based purchasing plans to waive the family
 147.31 deductible under paragraph (a), clause (5). The value of the family deductible shall not be
 147.32 included in the capitation payment to managed care plans and county-based purchasing
 147.33 plans. Managed care plans and county-based purchasing plans shall certify annually to the
 147.34 commissioner the dollar value of the family deductible.

148.1 (f) The commissioner shall increase co-payments for covered services in a manner
 148.2 sufficient to reduce the actuarial value of the benefit to 94 percent. The cost-sharing
 148.3 charges described in this paragraph do not apply to eligible recipients or services exempt
 148.4 from cost-sharing under state law. The cost-sharing changes described in this paragraph
 148.5 shall not be implemented prior to January 1, 2016.

148.6 (g) The cost-sharing changes authorized under paragraph (f) must satisfy the
 148.7 requirements for cost-sharing under the Basic Health Program as set forth in Code of
 148.8 Federal Regulations, title 42, sections 600.510 and 600.520.

148.9 **EFFECTIVE DATE.** The amendment to paragraph (a), clause (5), is effective
 148.10 retroactively from January 1, 2014. The amendment to paragraph (b) is effective the
 148.11 day following final enactment.

148.12 Sec. 20. Minnesota Statutes 2014, section 256L.04, subdivision 1a, is amended to read:

148.13 Subd. 1a. **Social Security number required.** (a) Individuals and families applying
 148.14 for MinnesotaCare coverage must provide a Social Security number if required in Code of
 148.15 Federal Regulations, title 45, section 155.310(a)(3).

148.16 ~~(b) The commissioner shall not deny eligibility to an otherwise eligible applicant~~
 148.17 ~~who has applied for a Social Security number and is awaiting issuance of that Social~~
 148.18 ~~Security number.~~

148.19 ~~(c) Newborns enrolled under section 256L.05, subdivision 3, are exempt from the~~
 148.20 ~~requirements of this subdivision.~~

148.21 ~~(d) Individuals who refuse to provide a Social Security number because of~~
 148.22 ~~well-established religious objections are exempt from the requirements of this subdivision.~~
 148.23 ~~The term "well-established religious objections" has the meaning given in Code of Federal~~
 148.24 ~~Regulations, title 42, section 435.910.~~

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

148.26 Sec. 21. Minnesota Statutes 2014, section 256L.04, subdivision 1c, is amended to read:

148.27 Subd. 1c. **General requirements.** To be eligible for coverage under MinnesotaCare,
 148.28 a person must meet the eligibility requirements of this section. A person eligible for
 148.29 MinnesotaCare shall not be considered a qualified individual under section 1312 of the
 148.30 Affordable Care Act, and is not eligible for enrollment in a qualified health plan offered
 148.31 through MNsure under chapter 62V.

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

149.1 Sec. 22. Minnesota Statutes 2014, section 256L.04, subdivision 7b, is amended to read:

149.2 Subd. 7b. **Annual income limits adjustment.** The commissioner shall adjust the
 149.3 income limits under this section each July 1 by the annual update of the federal poverty
 149.4 guidelines following publication by the United States Department of Health and Human
 149.5 Services except that the income standards shall not go below those in effect on July 1,
 149.6 2009 annually on January 1 as provided in Code of Federal Regulations, title 26, section
 149.7 1.36B-1(h).

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

149.9 Sec. 23. Minnesota Statutes 2014, section 256L.04, subdivision 10, is amended to read:

149.10 Subd. 10. **Citizenship requirements.** (a) Eligibility for MinnesotaCare is limited
 149.11 to citizens or nationals of the United States and lawfully present noncitizens as defined
 149.12 in Code of Federal Regulations, title 8 45, section ~~103.12~~ 152.2. Undocumented
 149.13 noncitizens are ineligible for MinnesotaCare. For purposes of this subdivision, an
 149.14 undocumented noncitizen is an individual who resides in the United States without the
 149.15 approval or acquiescence of the United States Citizenship and Immigration Services.
 149.16 Families with children who are citizens or nationals of the United States must cooperate in
 149.17 obtaining satisfactory documentary evidence of citizenship or nationality according to the
 149.18 requirements of the federal Deficit Reduction Act of 2005, Public Law 109-171.

149.19 (b) Notwithstanding subdivisions 1 and 7, eligible persons include families and
 149.20 individuals who are lawfully present and ineligible for medical assistance by reason of
 149.21 immigration status and who have incomes equal to or less than 200 percent of federal
 149.22 poverty guidelines.

149.23 Sec. 24. Minnesota Statutes 2014, section 256L.05, is amended by adding a subdivision
 149.24 to read:

149.25 Subd. 2a. **Eligibility and coverage.** For purposes of this chapter, an individual
 149.26 is eligible for MinnesotaCare following a determination by the commissioner that the
 149.27 individual meets the eligibility criteria for the applicable period of eligibility. For an
 149.28 individual required to pay a premium, coverage is only available in each month of the
 149.29 applicable period of eligibility for which a premium is paid.

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

149.31 Sec. 25. Minnesota Statutes 2014, section 256L.05, subdivision 3, is amended to read:

150.1 Subd. 3. **Effective date of coverage.** (a) The effective date of coverage is the first
 150.2 day of the month following the month in which eligibility is approved and the first premium
 150.3 payment has been received. The effective date of coverage for new members added to the
 150.4 family is the first day of the month following the month in which the change is reported. All
 150.5 eligibility criteria must be met by the family at the time the new family member is added.
 150.6 The income of the new family member is included with the family's modified adjusted gross
 150.7 income and the adjusted premium begins in the month the new family member is added.

150.8 (b) The initial premium must be received by the last working day of the month for
 150.9 coverage to begin the first day of the following month.

150.10 (c) Notwithstanding any other law to the contrary, benefits under sections 256L.01 to
 150.11 256L.18 are secondary to a plan of insurance or benefit program under which an eligible
 150.12 person may have coverage and the commissioner shall use cost avoidance techniques to
 150.13 ensure coordination of any other health coverage for eligible persons. The commissioner
 150.14 shall identify eligible persons who may have coverage or benefits under other plans of
 150.15 insurance or who become eligible for medical assistance.

150.16 (d) The effective date of coverage for individuals or families who are exempt from
 150.17 paying premiums under section 256L.15, subdivision 1, paragraph (c), is the first day of
 150.18 the month following the month in which ~~verification of American Indian status is received~~
 150.19 ~~or~~ eligibility is approved, ~~whichever is later.~~

150.20 Sec. 26. Minnesota Statutes 2014, section 256L.05, subdivision 3a, is amended to read:

150.21 Subd. 3a. **Renewal Redetermination of eligibility.** (a) ~~Beginning July 1, 2007, An~~
 150.22 ~~enrollee's eligibility must be renewed every 12 months~~ redetermined on an annual basis.
 150.23 ~~The 12-month period begins in the month after the month the application is approved. The~~
 150.24 period of eligibility is the entire calendar year following the year in which eligibility is
 150.25 redetermined. Beginning in calendar year 2015, eligibility redeterminations shall occur
 150.26 during the open enrollment period for qualified health plans as specified in Code of
 150.27 Federal Regulations, title 45, section 155.410.

150.28 (b) Each new period of eligibility must take into account any changes in
 150.29 circumstances that impact eligibility and premium amount. ~~An enrollee must provide all~~
 150.30 ~~the information needed to redetermine eligibility by the first day of the month that ends~~
 150.31 ~~the eligibility period. The premium for the new period of eligibility must be received~~
 150.32 Coverage begins as provided in section 256L.06 ~~in order for eligibility to continue.~~

150.33 (c) ~~For children enrolled in MinnesotaCare, the first period of renewal begins the~~
 150.34 ~~month the enrollee turns 21 years of age.~~

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

151.1 Sec. 27. Minnesota Statutes 2014, section 256L.05, subdivision 4, is amended to read:

151.2 Subd. 4. **Application processing.** The commissioner of human services shall
 151.3 determine an applicant's eligibility for MinnesotaCare no more than ~~30~~ 45 days from the
 151.4 date that the application is received by the Department of Human Services as set forth in
 151.5 Code of Federal Regulations, title 42, section 435.912. ~~Beginning January 1, 2000, this~~
 151.6 ~~requirement also applies to local county human services agencies that determine eligibility~~
 151.7 ~~for MinnesotaCare.~~

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

151.9 Sec. 28. Minnesota Statutes 2014, section 256L.06, subdivision 3, is amended to read:

151.10 Subd. 3. **Commissioner's duties and payment.** (a) Premiums are dedicated to the
 151.11 commissioner for MinnesotaCare.

151.12 (b) The commissioner shall develop and implement procedures to: (1) require
 151.13 enrollees to report changes in income; (2) adjust sliding scale premium payments, based
 151.14 upon both increases and decreases in enrollee income, at the time the change in income
 151.15 is reported; and (3) disenroll enrollees from MinnesotaCare for failure to pay required
 151.16 premiums. Failure to pay includes payment with a dishonored check, a returned automatic
 151.17 bank withdrawal, or a refused credit card or debit card payment. The commissioner may
 151.18 demand a guaranteed form of payment, including a cashier's check or a money order, as
 151.19 the only means to replace a dishonored, returned, or refused payment.

151.20 (c) Premiums are calculated on a calendar month basis and may be paid on a
 151.21 monthly, quarterly, or semiannual basis, with the first payment due upon notice from the
 151.22 commissioner of the premium amount required. The commissioner shall inform applicants
 151.23 and enrollees of these premium payment options. Premium payment is required before
 151.24 enrollment is complete and to maintain eligibility in MinnesotaCare. Premium payments
 151.25 received before noon are credited the same day. Premium payments received after noon
 151.26 are credited on the next working day.

151.27 (d) Nonpayment of the premium will result in disenrollment from the plan
 151.28 effective for the calendar month following the month for which the premium was due.
 151.29 ~~Persons disenrolled for nonpayment who pay all past due premiums as well as current~~
 151.30 ~~premiums due, including premiums due for the period of disenrollment, within 20 days of~~
 151.31 ~~disenrollment, shall be reenrolled retroactively to the first day of disenrollment~~ may not
 151.32 reenroll prior to the first day of the month following the payment of an amount equal to
 151.33 two months' premiums.

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

152.1 Sec. 29. Minnesota Statutes 2014, section 256L.11, subdivision 7, is amended to read:

152.2 Subd. 7. **Critical access dental providers.** (a) Effective for dental services provided
152.3 to MinnesotaCare enrollees on or after January 1, 2007, through August 31, 2011, the
152.4 commissioner shall increase payment rates to dentists and dental clinics deemed by the
152.5 commissioner to be critical access providers under section 256B.76, subdivision 4, by 50
152.6 percent above the payment rate that would otherwise be paid to the provider. Effective for
152.7 dental services provided on or after September 1, 2011, the commissioner shall increase
152.8 the payment rate by 30 percent above the payment rate that would otherwise be paid to
152.9 the provider. The commissioner shall pay the prepaid health plans under contract with
152.10 the commissioner amounts sufficient to reflect this rate increase. The prepaid health plan
152.11 must pass this rate increase to providers who have been identified by the commissioner as
152.12 critical access dental providers under section 256B.76, subdivision 4.

152.13 (b) Effective for services provided on or after January 1, 2016, the commissioner
152.14 shall no longer provide a critical access dental add-on in the MinnesotaCare program.

152.15 Sec. 30. Minnesota Statutes 2014, section 256L.121, subdivision 1, is amended to read:

152.16 Subdivision 1. **Competitive process.** The commissioner of human services shall
152.17 establish a competitive process for entering into contracts with participating entities for
152.18 the offering of standard health plans through MinnesotaCare. Coverage through standard
152.19 health plans must be available to enrollees beginning January 1, 2015. Each standard
152.20 health plan must cover the health services listed in and meet the requirements of section
152.21 256L.03. The competitive process must meet the requirements of section 1331 of the
152.22 Affordable Care Act and be designed to ensure enrollee access to high-quality health care
152.23 coverage options. The commissioner, to the extent feasible, shall seek to ensure that
152.24 enrollees have a choice of coverage from more than one participating entity within a
152.25 geographic area. In counties that were part of a county-based purchasing plan on January
152.26 1, 2013, the commissioner shall use the medical assistance competitive procurement
152.27 process under section 256B.69, ~~subdivisions 1 to 32,~~ under which selection of entities is
152.28 based on criteria related to provider network access, coordination of health care with other
152.29 local services, alignment with local public health goals, and other factors.

152.30 Sec. 31. Minnesota Statutes 2014, section 256L.15, subdivision 2, is amended to read:

152.31 Subd. 2. **Sliding fee scale; monthly individual or family income.** (a) The
152.32 commissioner shall establish a sliding fee scale to determine the percentage of monthly
152.33 individual or family income that households at different income levels must pay to obtain

153.1 coverage through the MinnesotaCare program. The sliding fee scale must be based on the
153.2 enrollee's monthly individual or family income.

153.3 (b) Beginning Between January 1, 2014, and December 31, 2015, MinnesotaCare
153.4 enrollees shall pay premiums according to the premium scale specified in paragraph (e)
153.5 with the exception that children 20 years of age and younger in families with income at or
153.6 below 200 percent of the federal poverty guidelines shall pay no premiums (d). Beginning
153.7 January 1, 2016, MinnesotaCare enrollees shall pay premiums according to the premium
153.8 scale specified in paragraph (e).

153.9 (c) Paragraph (b) does not apply to:

153.10 (1) children 20 years of age or younger; and

153.11 (2) individuals with household incomes below 35 percent of the federal poverty
153.12 guidelines.

153.13 (e) (d) The following premium scale is established for each individual in the
153.14 household who is 21 years of age or older and enrolled in MinnesotaCare:

153.15 Federal Poverty Guideline		153.16 Individual Premium
153.17 Greater than or Equal to	153.18 Less than	153.19 Amount
153.20 0% <u>35%</u>	153.21 55%	153.22 \$4
153.23 55%	153.24 80%	153.25 \$6
153.26 80%	153.27 90%	153.28 \$8
153.29 90%	153.30 100%	153.31 \$10
153.32 100%	153.33 110%	153.34 \$12
153.35 110%	153.36 120%	153.37 \$15 <u>\$14</u>
153.38 120%	153.39 130%	153.39 \$18 <u>\$15</u>
153.40 130%	153.41 140%	153.42 \$21 <u>\$16</u>
153.43 140%	153.44 150%	153.45 \$25
153.46 150%	153.47 160%	153.48 \$29
153.49 160%	153.50 170%	153.51 \$33
153.52 170%	153.53 180%	153.54 \$38
153.55 180%	153.56 190%	153.57 \$43
153.58 190%		153.59 \$50

153.31 (e) Beginning January 1, 2016, the following premium scale is established for each
153.32 individual in the household who is 21 years of age or older and enrolled in MinnesotaCare:

153.33 Federal Poverty Guideline		153.34 Individual Premium
153.35 Greater than or Equal to	153.36 Less than	153.37 Amount
153.38 <u>35%</u>	153.39 <u>55%</u>	153.40 <u>\$4</u>
153.41 <u>55%</u>	153.42 <u>80%</u>	153.43 <u>\$6</u>
153.44 <u>80%</u>	153.45 <u>90%</u>	153.46 <u>\$8</u>
153.47 <u>90%</u>	153.48 <u>100%</u>	153.49 <u>\$10</u>
153.50 <u>100%</u>	153.51 <u>110%</u>	153.52 <u>\$12</u>
153.53 <u>110%</u>	153.54 <u>120%</u>	153.55 <u>\$14</u>

154.1	<u>120%</u>	<u>130%</u>	<u>\$15</u>
154.2	<u>130%</u>	<u>140%</u>	<u>\$16</u>
154.3	<u>140%</u>	<u>150%</u>	<u>\$25</u>
154.4	<u>150%</u>	<u>160%</u>	<u>\$36</u>
154.5	<u>160%</u>	<u>170%</u>	<u>\$42</u>
154.6	<u>170%</u>	<u>180%</u>	<u>\$51</u>
154.7	<u>180%</u>	<u>190%</u>	<u>\$58</u>
154.8	<u>190%</u>		<u>\$68</u>

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

154.10 Sec. 32. Minnesota Statutes 2014, section 282.241, subdivision 1, is amended to read:

154.11 Subdivision 1. **Repurchase requirements.** The owner at the time of forfeiture, or
 154.12 the owner's heirs, devisees, or representatives, or any person to whom the right to pay
 154.13 taxes was given by statute, mortgage, or other agreement, may repurchase any parcel
 154.14 of land claimed by the state to be forfeited to the state for taxes unless before the time
 154.15 repurchase is made the parcel is sold under installment payments, or otherwise, by the
 154.16 state as provided by law, or is under mineral prospecting permit or lease, or proceedings
 154.17 have been commenced by the state or any of its political subdivisions or by the United
 154.18 States to condemn the parcel of land. The parcel of land may be repurchased for the sum
 154.19 of all delinquent taxes and assessments computed under section 282.251, together with
 154.20 penalties, interest, and costs, that accrued or would have accrued if the parcel of land had
 154.21 not forfeited to the state. Except for property which was homesteaded on the date of
 154.22 forfeiture, repurchase is permitted during one year only from the date of forfeiture, and in
 154.23 any case only after the adoption of a resolution by the board of county commissioners
 154.24 determining that by repurchase undue hardship or injustice resulting from the forfeiture
 154.25 will be corrected, or that permitting the repurchase will promote the use of the lands that
 154.26 will best serve the public interest. If the county board has good cause to believe that
 154.27 a repurchase installment payment plan for a particular parcel is unnecessary and not
 154.28 in the public interest, the county board may require as a condition of repurchase that
 154.29 the entire repurchase price be paid at the time of repurchase. A repurchase is subject to
 154.30 any easement, lease, or other encumbrance granted by the state before the repurchase,
 154.31 including an encumbrance allowed under sections 256B.15 and 514.981, and if the land is
 154.32 located within a restricted area established by any county under Laws 1939, chapter 340,
 154.33 the repurchase must not be permitted unless the resolution approving the repurchase is
 154.34 adopted by the unanimous vote of the board of county commissioners.

154.35 The person seeking to repurchase under this section shall pay all maintenance costs
 154.36 incurred by the county auditor during the time the property was tax-forfeited.

155.1 Sec. 33. Minnesota Statutes 2014, section 297A.70, subdivision 7, is amended to read:

155.2 Subd. 7. **Hospitals, outpatient surgical centers, and critical access dental**
155.3 **providers.** (a) Sales, except for those listed in paragraph (d), to a hospital are exempt,
155.4 if the items purchased are used in providing hospital services. For purposes of this
155.5 subdivision, "hospital" means a hospital organized and operated for charitable purposes
155.6 within the meaning of section 501(c)(3) of the Internal Revenue Code, and licensed under
155.7 chapter 144 or by any other jurisdiction, and "hospital services" are services authorized or
155.8 required to be performed by a "hospital" under chapter 144.

155.9 (b) Sales, except for those listed in paragraph (d), to an outpatient surgical center
155.10 are exempt, if the items purchased are used in providing outpatient surgical services. For
155.11 purposes of this subdivision, "outpatient surgical center" means an outpatient surgical
155.12 center organized and operated for charitable purposes within the meaning of section
155.13 501(c)(3) of the Internal Revenue Code, and licensed under chapter 144 or by any other
155.14 jurisdiction. For the purposes of this subdivision, "outpatient surgical services" means:
155.15 (1) services authorized or required to be performed by an outpatient surgical center under
155.16 chapter 144; and (2) urgent care. For purposes of this subdivision, "urgent care" means
155.17 health services furnished to a person whose medical condition is sufficiently acute to
155.18 require treatment unavailable through, or inappropriate to be provided by, a clinic or
155.19 physician's office, but not so acute as to require treatment in a hospital emergency room.

155.20 (c) Sales, except for those listed in paragraph (d), to a critical access dental provider
155.21 are exempt, if the items purchased are used in providing critical access dental care
155.22 services. For the purposes of this subdivision, "critical access dental provider" means a
155.23 dentist or dental clinic that qualifies under section 256B.76, subdivision 4, paragraph ~~(b)~~
155.24 (d), and, in the previous calendar year, had no more than 15 percent of its patients covered
155.25 by private dental insurance.

155.26 (d) This exemption does not apply to the following products and services:

155.27 (1) purchases made by a clinic, physician's office, or any other medical facility not
155.28 operating as a hospital, outpatient surgical center, or critical access dental provider, even
155.29 though the clinic, office, or facility may be owned and operated by a hospital, outpatient
155.30 surgical center, or critical access dental provider;

155.31 (2) sales under section 297A.61, subdivision 3, paragraph (g), clause (2), and
155.32 prepared food, candy, and soft drinks;

155.33 (3) building and construction materials used in constructing buildings or facilities
155.34 that will not be used principally by the hospital, outpatient surgical center, or critical
155.35 access dental provider;

156.1 (4) building, construction, or reconstruction materials purchased by a contractor or a
 156.2 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
 156.3 maximum price covering both labor and materials for use in the construction, alteration, or
 156.4 repair of a hospital, outpatient surgical center, or critical access dental provider; or

156.5 (5) the leasing of a motor vehicle as defined in section 297B.01, subdivision 11.

156.6 (e) A limited liability company also qualifies for exemption under this subdivision if
 156.7 (1) it consists of a sole member that would qualify for the exemption, and (2) the items
 156.8 purchased qualify for the exemption.

156.9 (f) An entity that contains both a hospital and a nonprofit unit may claim this
 156.10 exemption on purchases made for both the hospital and nonprofit unit provided that:

156.11 (1) the nonprofit unit would have qualified for exemption under subdivision 4; and

156.12 (2) the items purchased would have qualified for the exemption.

156.13 Sec. 34. Minnesota Statutes 2014, section 514.73, is amended to read:

156.14 **514.73 LIENS ASSIGNABLE.**

156.15 Subdivision 1. **Assignment.** All liens given by this chapter and section 256B.15
 156.16 are assignable and may be asserted and enforced by the assignee, or by the personal
 156.17 representative of any holder thereof in case of the holder's death.

156.18 Subd. 2. **Redemption.** The redemption rights of all liens given by this chapter and
 156.19 section 256B.15 are assignable and may be asserted and enforced by the assignee, or by
 156.20 the personal representative of any holder thereof in case of the holder's death.

156.21 Subd. 3. **Lien payoff information.** The commissioner of human services may
 156.22 disclose the outstanding obligation secured by a lien filed under this chapter and section
 156.23 256B.15 when assigning a lien or assigning the redemption rights of the lien.

156.24 Sec. 35. Minnesota Statutes 2014, section 514.981, subdivision 2, is amended to read:

156.25 Subd. 2. **Attachment.** (a) A medical assistance lien attaches and becomes
 156.26 enforceable against specific real property as of the date when the following conditions
 156.27 are met:

156.28 (1) payments have been made by an agency for a medical assistance benefit;

156.29 (2) notice and an opportunity for a hearing have been provided under paragraph (b);

156.30 (3) a lien notice has been filed as provided in section 514.982;

156.31 (4) if the property is registered property, the lien notice has been memorialized on
 156.32 the certificate of title of the property affected by the lien notice; and

156.33 (5) all restrictions against enforcement have ceased to apply.

157.1 (b) An agency may not file a medical assistance lien notice until the medical
157.2 assistance recipient or the recipient's legal representative has been sent, by certified or
157.3 registered mail, written notice of the agency's lien rights and there has been an opportunity
157.4 for a hearing under section 256.045. In addition, the agency may not file a lien notice
157.5 unless the agency determines as medically verified by the recipient's attending physician
157.6 that the medical assistance recipient cannot reasonably be expected to be discharged from
157.7 a medical institution and return home or the medical assistance recipient has resided in a
157.8 medical institution for six months or longer.

157.9 (c) An agency may not file a medical assistance lien notice against real property
157.10 while it is the home of the recipient's spouse.

157.11 (d) An agency may not file a medical assistance lien notice against real property that
157.12 was the homestead of the medical assistance recipient or the recipient's spouse when the
157.13 medical assistance recipient received medical institution services if any of the following
157.14 persons are lawfully residing in the property:

157.15 (1) a child of the medical assistance recipient if the child is under age 21 or is blind or
157.16 permanently and totally disabled according to the Supplemental Security Income criteria;

157.17 (2) a child of the medical assistance recipient if the child resided in the homestead
157.18 for at least two years immediately before the date the medical assistance recipient received
157.19 medical institution services, and the child provided care to the medical assistance recipient
157.20 that permitted the recipient to live without medical institution services; or

157.21 (3) a sibling of the medical assistance recipient if the sibling has an equity interest in
157.22 the property and has resided in the property for at least one year immediately before the
157.23 date the medical assistance recipient began receiving medical institution services.

157.24 (e) A medical assistance lien applies only to the specific real property described in
157.25 the lien notice.

157.26 Sec. 36. Minnesota Statutes 2014, section 580.032, subdivision 1, is amended to read:

157.27 Subdivision 1. **Recording request for notice.** A person having a redeemable
157.28 interest in real property under section 580.23 or 580.24, may record a request for notice
157.29 of a mortgage foreclosure by advertisement with the county recorder or registrar of titles
157.30 of the county where the property is located. To be effective for purposes of this section,
157.31 a request for notice must be recorded as a separate and distinct document, except a
157.32 mechanic's lien statement recorded pursuant to section 514.08 and a lien recorded pursuant
157.33 to sections 256B.15 and 514.981 also ~~constitutes~~ constitute a request for notice if the
157.34 mechanic's lien statement includes a legal description of the real property and the name
157.35 and mailing address of the mechanic's lien claimant.

158.1 Sec. 37. **STATEWIDE OPIOID PRESCRIBING IMPROVEMENT PROGRAM.**

158.2 The commissioners of health and human services shall report to the legislature by
158.3 December 1, 2015, on recommendations made by the opioid prescribing work group
158.4 under Minnesota Statutes, section 256B.0638, subdivision 4, and steps taken by the
158.5 commissioner of human services to implement the opioid prescribing improvement
158.6 program under Minnesota Statutes, section 256B.0638, subdivision 6.

158.7 Sec. 38. **PAYMENT SYSTEM FOR CRITICAL ACCESS DENTAL PROVIDERS.**

158.8 The commissioner of human services, in collaboration with the Dental Services
158.9 Advisory Committee, shall make recommendations on modifications to the current
158.10 Critical Access Dental Program so that the payment system for critical access dental
158.11 providers is based at least 50 percent on measures of quality and outcome measures. These
158.12 measures may include but are not limited to provider ability to meet both preventative and
158.13 restorative needs of their patients, patient risk and risk reduction over time, or other dental
158.14 outcome measures. The commissioner shall submit recommendations to the chairs and
158.15 ranking minority members of the legislative committees and divisions with jurisdiction
158.16 over health and human services and finance by January 15, 2017.

158.17 Sec. 39. **REPEALER.**

158.18 (a) Minnesota Statutes 2014, sections 256.969, subdivision 30; and 256B.69,
158.19 subdivision 32, are repealed.

158.20 (b) Minnesota Statutes 2014, sections 256L.02, subdivision 3; and 256L.05,
158.21 subdivisions 1b, 1c, 3c, and 5, are repealed effective the day following final enactment.

158.22 **ARTICLE 7**

158.23 **CONTINUING CARE**

158.24 Section 1. Minnesota Statutes 2014, section 256B.092, subdivision 13, is amended to
158.25 read:

158.26 Subd. 13. **Waiver allocations for transition populations.** (a) The commissioner
158.27 shall make available additional waiver allocations and additional necessary resources
158.28 to assure timely discharges from the Anoka Metro Regional Treatment Center and the
158.29 Minnesota Security Hospital in St. Peter for individuals who meet the following criteria:

158.30 (1) are otherwise eligible for the developmental disabilities waiver under this section;

158.31 (2) who would otherwise remain at the Anoka Metro Regional Treatment Center or
158.32 the Minnesota Security Hospital;

159.1 (3) whose discharge would be significantly delayed without the available waiver
159.2 allocation; and

159.3 (4) who have met treatment objectives and no longer meet hospital level of care.

159.4 (b) Additional waiver allocations and resources under this subdivision must meet
159.5 cost-effectiveness requirements of the federal approved waiver plan.

159.6 (c) Any corporate foster care home developed under this subdivision must be
159.7 considered an exception under section 245A.03, subdivision 7, paragraph (a).

159.8 Sec. 2. Minnesota Statutes 2014, section 256B.49, subdivision 24, is amended to read:

159.9 Subd. 24. **Waiver allocations for transition populations.** (a) The commissioner
159.10 shall make available additional waiver allocations and additional necessary resources
159.11 to assure timely discharges from the Anoka Metro Regional Treatment Center and the
159.12 Minnesota Security Hospital in St. Peter for individuals who meet the following criteria:

159.13 (1) are otherwise eligible for the brain injury, community alternatives for disabled
159.14 individuals, or community alternative care waivers under this section;

159.15 (2) who would otherwise remain at the Anoka Metro Regional Treatment Center or
159.16 the Minnesota Security Hospital;

159.17 (3) whose discharge would be significantly delayed without the available waiver
159.18 allocation or resources; and

159.19 (4) who have met treatment objectives and no longer meet hospital level of care.

159.20 (b) Additional waiver allocations and resources under this subdivision must meet
159.21 cost-effectiveness requirements of the federal approved waiver plan.

159.22 (c) Any corporate foster care home developed under this subdivision must be
159.23 considered an exception under section 245A.03, subdivision 7, paragraph (a).

159.24 Sec. 3. **RATE INCREASE FOR SELF-DIRECTED WORKFORCE**

159.25 **NEGOTIATIONS.**

159.26 (a) If the labor agreement between the state of Minnesota and SEIU Healthcare
159.27 Minnesota according to Laws 2013, chapter 128, article 2, is ratified by the legislature, the
159.28 commissioner of human services shall increase reimbursement rates, grants, or allocations
159.29 by 1.53 percent for services provided on or after July 1, 2015, and by an additional 0.2
159.30 percent for services provided on or after July 1, 2016, as necessary, to implement and
159.31 assure compliance with the provisions of the agreement.

159.32 (b) The rate changes described in this section apply to direct support services
159.33 provided through a covered program, as defined in Minnesota Statutes, section 256B.0711,
159.34 subdivision 1.

160.1 Sec. 4. **HOME AND COMMUNITY-BASED SERVICES INCENTIVE POOL.**

160.2 The commissioner of human services shall develop an initiative to provide
160.3 incentives for innovation in achieving integrated competitive employment, living in
160.4 the most integrated setting, and other outcomes determined by the commissioner. The
160.5 commissioner shall seek requests for proposals and shall contract with one or more entities
160.6 to provide incentive payments for meeting identified outcomes. The initial requests for
160.7 proposals must be issued by October 1, 2015.

160.8 **ARTICLE 8**

160.9 **HEALTH DEPARTMENT**

160.10 Section 1. **[15.445] RETAIL FOOD ESTABLISHMENT FEES.**

160.11 Subdivision 1. Fees. The fees in this section are required for retail food handler
160.12 and food and beverage service establishments, licensed under chapters 28A and 157.
160.13 Permanent retail food handler and food and beverage service establishments must pay
160.14 the applicable fee under subdivision 2, paragraph (a), (b), (c), or (d), and all applicable
160.15 fees under subdivision 4. Temporary food establishments and special events must pay the
160.16 applicable fee under subdivision 3.

160.17 Subd. 2. Permanent food establishments. (a) The Category 1 establishment
160.18 license fee is \$210 annually. "Category 1 establishment" means an establishment that
160.19 does one or more of the following:

160.20 (1) sells only prepackaged nonpotentially hazardous foods as defined in Minnesota
160.21 Rules, chapter 4626;

160.22 (2) provides cleaning for eating, drinking, or cooking utensils, when the only food
160.23 served is prepared off-site;

160.24 (3) operates a childcare facility licensed under section 245A.03 and Minnesota
160.25 Rules, chapter 9503; or

160.26 (4) operates as a retail food handler classified in section 28A.05 and has gross annual
160.27 sales of \$250,000 or less.

160.28 (b) The Category 2 establishment license fee is \$270 annually. "Category 2
160.29 establishment" means an establishment that is not a Category 1 establishment and is either:

160.30 (1) a food establishment where the method of food preparation meets the definition
160.31 of a low-risk establishment in section 157.20; or

160.32 (2) an elementary or secondary school as defined in section 120A.05.

160.33 (c) The Category 3 establishment license fee is \$460 annually. "Category 3
160.34 establishment" means an establishment that is not a Category 1 or 2 establishment and

161.1 the method of food preparation meets the definition of a medium-risk establishment in
161.2 section 157.20.

161.3 (d) The Category 4 establishment license fee is \$690 annually. "Category 4
161.4 establishment" means an establishment that is not a Category 1, 2, or 3 establishment
161.5 and is either:

161.6 (1) a food establishment where the method of food preparation meets the definition
161.7 of a high-risk establishment in section 157.20; or

161.8 (2) an establishment where 500 or more meals per day are prepared at one location
161.9 and served at one or more separate locations.

161.10 Subd. 3. **Temporary food establishments and special events.** (a) The special
161.11 event food stand license fee is \$50 annually. Special event food stand is where food is
161.12 prepared or served in conjunction with celebrations, county fairs, or special events from a
161.13 special event food stand as defined in section 157.15.

161.14 (b) The temporary food and beverage service license fee is \$210 annually. A
161.15 temporary food and beverage service includes food carts, mobile food units, seasonal
161.16 temporary food stands, retail food vehicles, portable structures, and seasonal permanent
161.17 food stands.

161.18 Subd. 4. **Additional applicable fees.** (a) The individual private sewer or individual
161.19 private water license fee is \$60 annually. Individual private water is a water supply other
161.20 than a community public water supply as covered in Minnesota Rules, chapter 4720.
161.21 Individual private sewer is an individual sewage treatment system which uses subsurface
161.22 treatment and disposal.

161.23 (b) The additional food or beverage service license fee is \$165 annually. Additional
161.24 food or beverage service is a location at a food service establishment, other than the
161.25 primary food preparation and service area, used to prepare or serve food or beverages to
161.26 the public. Additional food service does not apply to school concession stands.

161.27 (c) The large retail food handler license fee is .02 percent of gross sales or service
161.28 including food service with a maximum fee of \$5,000 annually. Large retail food handler
161.29 is a fee category added to a license for retail food handlers as classified in section 28A.05
161.30 with gross annual sales over \$10,000,000.

161.31 (d) The specialized processing license fee is \$400 annually. Specialized processing
161.32 is a business that performs one or more specialized processes that require a HACCP as
161.33 required in Minnesota Rules, chapter 4626.

161.34 Sec. 2. Minnesota Statutes 2014, section 62J.498, is amended to read:

161.35 **62J.498 HEALTH INFORMATION EXCHANGE.**

162.1 Subdivision 1. **Definitions.** The following definitions apply to sections 62J.498 to
162.2 62J.4982:

162.3 (a) "Clinical data repository" means a real time database that consolidates data from
162.4 a variety of clinical sources to present a unified view of a single patient.

162.5 ~~(a)~~ (b) "Clinical transaction" means any meaningful use transaction or other health
162.6 information exchange transaction that is not covered by section 62J.536.

162.7 ~~(b)~~ (c) "Commissioner" means the commissioner of health.

162.8 ~~(c)~~ (e) "Direct health information exchange" means the electronic transmission of
162.9 health-related information through a direct connection between the electronic health
162.10 record systems of health care providers without the use of a health data intermediary.

162.11 (d) "Health care provider" or "provider" means a health care provider or provider as
162.12 defined in section 62J.03, subdivision 8.

162.13 (e) "Health data intermediary" means an entity that provides the infrastructure
162.14 technical capabilities or related products and services to connect computer systems or
162.15 other electronic devices used by health care providers, laboratories, pharmacies, health
162.16 plans, third-party administrators, or pharmacy benefit managers to facilitate the secure
162.17 transmission of health information, including enable health information exchange among
162.18 health care providers that are not related health care entities as defined in section 144.291,
162.19 subdivision 2, paragraph (j). This includes but is not limited to: health information service
162.20 providers (HISP), electronic health record vendors, and pharmaceutical electronic data
162.21 intermediaries as defined in section 62J.495. This does not include health care providers
162.22 engaged in direct health information exchange.

162.23 (f) "Health information exchange" means the electronic transmission of health-related
162.24 information between organizations according to nationally recognized standards.

162.25 (g) "Health information exchange service provider" means a health data intermediary
162.26 or health information organization that has been issued a certificate of authority by the
162.27 commissioner under section 62J.4981.

162.28 (h) "Health information organization" means an organization that oversees, governs,
162.29 and facilitates the health information exchange of health-related information among
162.30 organizations according to nationally recognized standards health care providers that are
162.31 not related health care entities as defined in section 144.291, subdivision 2, paragraph (j),
162.32 to improve coordination of patient care and the efficiency of health care delivery.

162.33 (i) "HITECH Act" means the Health Information Technology for Economic and
162.34 Clinical Health Act as defined in section 62J.495.

162.35 (j) "Major participating entity" means:

163.1 (1) a participating entity that receives compensation for services that is greater
 163.2 than 30 percent of the health information organization's gross annual revenues from the
 163.3 health information exchange service provider;

163.4 (2) a participating entity providing administrative, financial, or management services
 163.5 to the health information organization, if the total payment for all services provided by the
 163.6 participating entity exceeds three percent of the gross revenue of the health information
 163.7 organization; and

163.8 (3) a participating entity that nominates or appoints 30 percent or more of the board
 163.9 of directors or equivalent governing body of the health information organization.

163.10 (k) "Meaningful use" means use of certified electronic health record technology ~~that~~
 163.11 ~~includes e-prescribing, and is connected in a manner that provides for the electronic~~
 163.12 ~~exchange of health information and used for the submission of clinical quality measures~~
 163.13 to improve quality, safety, and efficiency and reduce health disparities; engage patients
 163.14 and families; improve care coordination and population and public health; and maintain
 163.15 privacy and security of patient health information as established by the Center for
 163.16 Medicare and Medicaid Services and the Minnesota Department of Human Services
 163.17 pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

163.18 (l) "Meaningful use transaction" means an electronic transaction that a health care
 163.19 provider must exchange to receive Medicare or Medicaid incentives or avoid Medicare
 163.20 penalties pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

163.21 (m) "Participating entity" means any of the following persons, health care providers,
 163.22 companies, or other organizations with which a health information organization or health
 163.23 data intermediary has contracts or other agreements for the provision of health information
 163.24 exchange ~~service providers services~~ services:

163.25 (1) a health care facility licensed under sections 144.50 to 144.56, a nursing home
 163.26 licensed under sections 144A.02 to 144A.10, and any other health care facility otherwise
 163.27 licensed under the laws of this state or registered with the commissioner;

163.28 (2) a health care provider, and any other health care professional otherwise licensed
 163.29 under the laws of this state or registered with the commissioner;

163.30 (3) a group, professional corporation, or other organization that provides the
 163.31 services of individuals or entities identified in clause (2), including but not limited to a
 163.32 medical clinic, a medical group, a home health care agency, an urgent care center, and
 163.33 an emergent care center;

163.34 (4) a health plan as defined in section 62A.011, subdivision 3; and

163.35 (5) a state agency as defined in section 13.02, subdivision 17.

164.1 (n) "Reciprocal agreement" means an arrangement in which two or more health
 164.2 information exchange service providers agree to share in-kind services and resources to
 164.3 allow for the pass-through of ~~meaningful-use~~ clinical transactions.

164.4 (o) "State-certified health data intermediary" means a health data intermediary that:
 164.5 has been issued a certificate of authority to operate in Minnesota.

164.6 ~~(1) provides a subset of the meaningful use transaction capabilities necessary for~~
 164.7 ~~hospitals and providers to achieve meaningful use of electronic health records;~~

164.8 ~~(2) is not exclusively engaged in the exchange of meaningful use transactions~~
 164.9 ~~covered by section 62J.536; and~~

164.10 ~~(3) has been issued a certificate of authority to operate in Minnesota.~~

164.11 (p) "State-certified health information organization" means a ~~nonprofit~~ health
 164.12 information organization that ~~provides transaction capabilities necessary to fully support~~
 164.13 ~~clinical transactions required for meaningful use of electronic health records that has been~~
 164.14 issued a certificate of authority to operate in Minnesota.

164.15 Subd. 2. **Health information exchange oversight.** (a) The commissioner shall
 164.16 protect the public interest on matters pertaining to health information exchange. The
 164.17 commissioner shall:

164.18 (1) review and act on applications from health data intermediaries and health
 164.19 information organizations for certificates of authority to operate in Minnesota;

164.20 (2) provide ongoing monitoring to ensure compliance with criteria established under
 164.21 sections 62J.498 to 62J.4982;

164.22 (3) respond to public complaints related to health information exchange services;

164.23 (4) take enforcement actions as necessary, including the imposition of fines,
 164.24 suspension, or revocation of certificates of authority as outlined in section 62J.4982;

164.25 (5) provide a biennial report on the status of health information exchange services
 164.26 that includes but is not limited to:

164.27 (i) recommendations on actions necessary to ensure that health information exchange
 164.28 services are adequate to meet the needs of Minnesota citizens and providers statewide;

164.29 (ii) recommendations on enforcement actions to ensure that health information
 164.30 exchange service providers act in the public interest without causing disruption in health
 164.31 information exchange services;

164.32 (iii) recommendations on updates to criteria for obtaining certificates of authority
 164.33 under this section; and

164.34 (iv) recommendations on standard operating procedures for health information
 164.35 exchange, including but not limited to the management of consumer preferences; and

164.36 (6) other duties necessary to protect the public interest.

165.1 (b) As part of the application review process for certification under paragraph (a),
 165.2 prior to issuing a certificate of authority, the commissioner shall:

165.3 (1) ~~hold public hearings that provide an adequate opportunity for participating~~
 165.4 ~~entities and consumers to provide feedback and recommendations on the application under~~
 165.5 ~~consideration. The commissioner shall make all portions of the application classified as~~
 165.6 ~~public data available to the public for at least ten days in advance of the hearing while~~
 165.7 ~~an application is under consideration. At the request of the commissioner, the applicant~~
 165.8 ~~shall participate in the a public hearing by presenting an overview of their application and~~
 165.9 ~~responding to questions from interested parties; and~~

165.10 (2) ~~make available all feedback and recommendations gathered at the hearing~~
 165.11 ~~available to the public prior to issuing a certificate of authority; and~~

165.12 (3) ~~consult with hospitals, physicians, and other professionals eligible to receive~~
 165.13 ~~meaningful use incentive payments or subject to penalties as established in the HITECH~~
 165.14 ~~Act, and their respective statewide associations, providers prior to issuing a certificate of~~
 165.15 ~~authority.~~

165.16 (c) When the commissioner is actively considering a suspension or revocation of a
 165.17 certificate of authority as described in section 62J.4982, subdivision 3, all investigatory
 165.18 data that are collected, created, or maintained related to the suspension or revocation
 165.19 are classified as confidential data on individuals and as protected nonpublic data in the
 165.20 case of data not on individuals.

165.21 (d) The commissioner may disclose data classified as protected nonpublic or
 165.22 confidential under paragraph (c) if disclosing the data will protect the health or safety of
 165.23 patients.

165.24 (e) After the commissioner makes a final determination regarding a suspension or
 165.25 revocation of a certificate of authority, all minutes, orders for hearing, findings of fact,
 165.26 conclusions of law, and the specification of the final disciplinary action, are classified
 165.27 as public data.

165.28 Sec. 3. Minnesota Statutes 2014, section 62J.4981, is amended to read:

165.29 **62J.4981 CERTIFICATE OF AUTHORITY TO PROVIDE HEALTH**
 165.30 **INFORMATION EXCHANGE SERVICES.**

165.31 Subdivision 1. **Authority to require organizations to apply.** The commissioner
 165.32 shall require ~~an entity providing health information exchange services~~ a health data
 165.33 intermediary or a health information organization to apply for a certificate of authority
 165.34 under this section. An applicant may continue to operate until the commissioner acts
 165.35 on the application. If the application is denied, the applicant is considered a health

166.1 information ~~organization~~ exchange service provider whose certificate of authority has
 166.2 been revoked under section 62J.4982, subdivision 2, paragraph (d).

166.3 Subd. 2. **Certificate of authority for health data intermediaries.** (a) A health
 166.4 data intermediary ~~that provides health information exchange services for the transmission~~
 166.5 ~~of one or more clinical transactions necessary for hospitals, providers, or eligible~~
 166.6 ~~professionals to achieve meaningful use~~ must be registered with certified by the state and
 166.7 comply with requirements established in this section.

166.8 (b) Notwithstanding any law to the contrary, any corporation organized to do so
 166.9 may apply to the commissioner for a certificate of authority to establish and operate as
 166.10 a health data intermediary in compliance with this section. No person shall establish or
 166.11 operate a health data intermediary in this state, nor sell or offer to sell, or solicit offers
 166.12 to purchase or receive advance or periodic consideration in conjunction with a health
 166.13 data intermediary contract unless the organization has a certificate of authority or has an
 166.14 application under active consideration under this section.

166.15 (c) In issuing the certificate of authority, the commissioner shall determine whether
 166.16 the applicant for the certificate of authority has demonstrated that the applicant meets
 166.17 the following minimum criteria:

166.18 ~~(1) interoperate with at least one state-certified health information organization;~~

166.19 ~~(2) provide an option for Minnesota entities to connect to their services through at~~
 166.20 ~~least one state-certified health information organization;~~

166.21 ~~(3) have a record locator service as defined in section 144.291, subdivision 2,~~
 166.22 ~~paragraph (i), that is compliant with the requirements of section 144.293, subdivision 8,~~
 166.23 ~~when conducting meaningful use transactions; and~~

166.24 ~~(4) (1) hold reciprocal agreements with at least one state-certified health information~~
 166.25 ~~organization to enable access to record locator services to find patient data, and for the~~
 166.26 ~~transmission and receipt of meaningful use clinical transactions consistent with the~~
 166.27 ~~format and content required by national standards established by Centers for Medicare~~
 166.28 ~~and Medicaid Services. Reciprocal agreements must meet the requirements established in~~
 166.29 ~~subdivision 5; and~~

166.30 ~~(2) participate in statewide shared health information exchange services as defined~~
 166.31 ~~by the commissioner to support interoperability between state-certified health information~~
 166.32 ~~organizations and state-certified health data intermediaries.~~

166.33 Subd. 3. **Certificate of authority for health information organizations.**

166.34 (a) A health information organization ~~that provides all electronic capabilities for the~~
 166.35 ~~transmission of clinical transactions necessary for meaningful use of electronic health~~

167.1 ~~records~~ must obtain a certificate of authority from the commissioner and demonstrate
167.2 compliance with the criteria in paragraph (c).

167.3 (b) Notwithstanding any law to the contrary, ~~a nonprofit corporation organized to~~
167.4 ~~do so~~ an organization may apply for a certificate of authority to establish and operate a
167.5 health information organization under this section. No person shall establish or operate a
167.6 health information organization in this state, nor sell or offer to sell, or solicit offers
167.7 to purchase or receive advance or periodic consideration in conjunction with a health
167.8 information organization or health information contract unless the organization has a
167.9 certificate of authority under this section.

167.10 (c) In issuing the certificate of authority, the commissioner shall determine whether
167.11 the applicant for the certificate of authority has demonstrated that the applicant meets
167.12 the following minimum criteria:

167.13 (1) the entity is a legally established, ~~nonprofit~~ organization;

167.14 (2) appropriate insurance, including liability insurance, for the operation of the
167.15 health information organization is in place and sufficient to protect the interest of the
167.16 public and participating entities;

167.17 (3) strategic and operational plans ~~clearly~~ address governance, technical
167.18 infrastructure, legal and policy issues, finance, and business operations in regard to how
167.19 the organization will expand technical capacity of the health information organization
167.20 to support providers in achieving meaningful use of electronic health records health
167.21 information exchange goals over time;

167.22 (4) the entity addresses the parameters to be used with participating entities and
167.23 other health information ~~organizations~~ exchange service providers for ~~meaningful use~~
167.24 clinical transactions, compliance with Minnesota law, and interstate health information
167.25 exchange ~~in~~ trust agreements;

167.26 (5) the entity's board of directors or equivalent governing body is composed of
167.27 members that broadly represent the health information organization's participating entities
167.28 and consumers;

167.29 (6) the entity maintains a professional staff responsible to the board of directors or
167.30 equivalent governing body with the capacity to ensure accountability to the organization's
167.31 mission;

167.32 (7) the organization is compliant with ~~criteria established under the Health~~
167.33 ~~Information Exchange Accreditation Program of the Electronic Healthcare Network~~
167.34 ~~Accreditation Commission (EHNAC) or equivalent criteria established~~ national
167.35 certification and accreditation programs designated by the commissioner;

168.1 (8) the entity maintains a the capability to query for patient information based on
 168.2 national standards. The query capability may utilize a master patient index, clinical
 168.3 data repository, or record locator service as defined in section 144.291, subdivision 2,
 168.4 paragraph (i), that is. If the entity maintains a record locator service, it must be compliant
 168.5 with the requirements of section 144.293, subdivision 8, when conducting meaningful
 168.6 use clinical transactions;

168.7 (9) the organization demonstrates interoperability with all other state-certified health
 168.8 information organizations using nationally recognized standards;

168.9 (10) the organization demonstrates compliance with all privacy and security
 168.10 requirements required by state and federal law; and

168.11 (11) the organization uses financial policies and procedures consistent with generally
 168.12 accepted accounting principles and has an independent audit of the organization's
 168.13 financials on an annual basis.

168.14 (d) Health information organizations that have obtained a certificate of authority must:

168.15 (1) ~~meet the requirements established for connecting to the Nationwide Health~~
 168.16 ~~Information Network (NHIN) within the federally mandated timeline or within a time~~
 168.17 ~~frame established by the commissioner and published in the State Register. If the state~~
 168.18 ~~timeline for implementation varies from the federal timeline, the State Register notice~~
 168.19 ~~shall include an explanation for the variation~~ National eHealth Exchange;

168.20 (2) annually submit strategic and operational plans for review by the commissioner
 168.21 that address:

168.22 ~~(i) increasing adoption rates to include a sufficient number of participating entities to~~
 168.23 ~~achieve financial sustainability; and~~

168.24 ~~(ii) (i) progress in achieving objectives included in previously submitted strategic~~
 168.25 ~~and operational plans across the following domains: business and technical operations,~~
 168.26 ~~technical infrastructure, legal and policy issues, finance, and organizational governance;~~

168.27 ~~(3) develop and maintain a business plan that addresses:~~

168.28 ~~(i) (ii) plans for ensuring the necessary capacity to support meaningful use clinical~~
 168.29 ~~transactions;~~

168.30 ~~(ii) (iii) approach for attaining financial sustainability, including public and private~~
 168.31 ~~financing strategies, and rate structures;~~

168.32 ~~(iii) (iv) rates of adoption, utilization, and transaction volume, and mechanisms to~~
 168.33 ~~support health information exchange; and~~

168.34 ~~(iv) (v) an explanation of methods employed to address the needs of community~~
 168.35 ~~clinics, critical access hospitals, and free clinics in accessing health information exchange~~
 168.36 ~~services;~~

169.1 ~~(4) annually submit a rate plan to the commissioner outlining fee structures for health~~
 169.2 ~~information exchange services for approval by the commissioner. The commissioner~~
 169.3 ~~shall approve the rate plan if it:~~

169.4 ~~(i) distributes costs equitably among users of health information services;~~

169.5 ~~(ii) provides predictable costs for participating entities;~~

169.6 ~~(iii) covers all costs associated with conducting the full range of meaningful use~~
 169.7 ~~clinical transactions, including access to health information retrieved through other~~
 169.8 ~~state-certified health information exchange service providers; and~~

169.9 ~~(iv) provides for a predictable revenue stream for the health information organization~~
 169.10 ~~and generates sufficient resources to maintain operating costs and develop technical~~
 169.11 ~~infrastructure necessary to serve the public interest;~~

169.12 ~~(5) (3) enter into reciprocal agreements with all other state-certified health~~
 169.13 ~~information organizations and state-certified health data intermediaries to enable access~~
 169.14 ~~to record locator services to find patient data, and for the transmission and receipt of~~
 169.15 ~~meaningful use clinical transactions consistent with the format and content required by~~
 169.16 ~~national standards established by Centers for Medicare and Medicaid Services. Reciprocal~~
 169.17 ~~agreements must meet the requirements in subdivision 5; and~~

169.18 ~~(4) participate in statewide shared health information exchange services as defined~~
 169.19 ~~by the commissioner to support interoperability between state-certified health information~~
 169.20 ~~organizations and state-certified health data intermediaries; and~~

169.21 ~~(6) (5) comply with additional requirements for the certification or recertification of~~
 169.22 ~~health information organizations that may be established by the commissioner.~~

169.23 **Subd. 4. Application for certificate of authority for health information exchange**
 169.24 **service providers.** (a) Each application for a certificate of authority shall be in a form
 169.25 prescribed by the commissioner and verified by an officer or authorized representative
 169.26 of the applicant. Each application shall include the following in addition to information
 169.27 described in the criteria in subdivisions 2 and 3:

169.28 (1) for health information organizations only, a copy of the basic organizational
 169.29 document, if any, of the applicant and of each major participating entity, such as the
 169.30 articles of incorporation, or other applicable documents, and all amendments to it;

169.31 (2) for health information organizations only, a list of the names, addresses, and
 169.32 official positions of the following:

169.33 (i) all members of the board of directors or equivalent governing body, and the
 169.34 principal officers and, if applicable, shareholders of the applicant organization; and

169.35 (ii) all members of the board of directors or equivalent governing body, and the
 169.36 principal officers of each major participating entity and, if applicable, each shareholder

170.1 beneficially owning more than ten percent of any voting stock of the major participating
170.2 entity;

170.3 ~~(3)~~ (3) for health information organizations only, the name and address of each
170.4 participating entity and the agreed-upon duration of each contract or agreement if
170.5 applicable;

170.6 ~~(4)~~ (4) a copy of each standard agreement or contract intended to bind the participating
170.7 entities and the health information ~~organization~~ exchange service provider. Contractual
170.8 provisions shall be consistent with the purposes of this section, in regard to the services to
170.9 be performed under the standard agreement or contract, the manner in which payment for
170.10 services is determined, the nature and extent of responsibilities to be retained by the health
170.11 information organization, and contractual termination provisions;

170.12 ~~(5)~~ (5) a copy of each contract intended to bind major participating entities and the
170.13 health information organization. Contract information filed with the commissioner under
170.14 this section shall be nonpublic as defined in section 13.02, subdivision 9;

170.15 ~~(6)~~ (5) a statement generally describing the health information ~~organization~~ exchange
170.16 service provider, its health information exchange contracts, facilities, and personnel,
170.17 including a statement describing the manner in which the applicant proposes to provide
170.18 participants with comprehensive health information exchange services;

170.19 ~~(7)~~ (7) financial statements showing the applicant's assets, liabilities, and sources
170.20 of financial support, including a copy of the applicant's most recent certified financial
170.21 statement;

170.22 ~~(8)~~ (8) strategic and operational plans that specifically address how the organization
170.23 will expand technical capacity of the health information organization to support providers
170.24 in achieving meaningful use of electronic health records over time, a description of
170.25 the proposed method of marketing the services, a schedule of proposed charges, and a
170.26 financial plan that includes a three-year projection of the expenses and income and other
170.27 sources of future capital;

170.28 ~~(9)~~ (6) a statement reasonably describing the geographic area or areas to be served
170.29 and the type or types of participants to be served;

170.30 ~~(10)~~ (7) a description of the complaint procedures to be used as required under
170.31 this section;

170.32 ~~(11)~~ (8) a description of the mechanism by which participating entities will have an
170.33 opportunity to participate in matters of policy and operation;

170.34 ~~(12)~~ (9) a copy of any pertinent agreements between the health information
170.35 organization and insurers, including liability insurers, demonstrating coverage is in place;

171.1 ~~(13)~~ (10) a copy of the conflict of interest policy that applies to all members of the
 171.2 board of directors or equivalent governing body and the principal officers of the health
 171.3 information organization; and

171.4 ~~(14)~~ (11) other information as the commissioner may reasonably require to be
 171.5 provided.

171.6 (b) Within ~~30~~ 45 days after the receipt of the application for a certificate of authority,
 171.7 the commissioner shall determine whether or not the application submitted meets the
 171.8 requirements for completion in paragraph (a), and notify the applicant of any further
 171.9 information required for the application to be processed.

171.10 (c) Within 90 days after the receipt of a complete application for a certificate of
 171.11 authority, the commissioner shall issue a certificate of authority to the applicant if the
 171.12 commissioner determines that the applicant meets the minimum criteria requirements
 171.13 of subdivision 2 for health data intermediaries or subdivision 3 for health information
 171.14 organizations. If the commissioner determines that the applicant is not qualified, the
 171.15 commissioner shall notify the applicant and specify the reasons for disqualification.

171.16 (d) Upon being granted a certificate of authority to operate as a state-certified health
 171.17 information organization or state-certified health data intermediary, the organization must
 171.18 operate in compliance with the provisions of this section. Noncompliance may result in
 171.19 the imposition of a fine or the suspension or revocation of the certificate of authority
 171.20 according to section 62J.4982.

171.21 **Subd. 5. Reciprocal agreements between health information exchange entities.**

171.22 (a) Reciprocal agreements between two health information organizations or between a
 171.23 health information organization and a health data intermediary must include a fair and
 171.24 equitable model for charges between the entities that:

171.25 (1) does not impede the secure transmission of clinical transactions ~~necessary to~~
 171.26 ~~achieve meaningful use~~;

171.27 (2) does not charge a fee for the exchange of meaningful use transactions transmitted
 171.28 according to nationally recognized standards where no additional value-added service
 171.29 is rendered to the sending or receiving health information organization or health data
 171.30 intermediary either directly or on behalf of the client;

171.31 (3) is consistent with fair market value and proportionately reflects the value-added
 171.32 services accessed as a result of the agreement; and

171.33 (4) prevents health care stakeholders from being charged multiple times for the
 171.34 same service.

171.35 (b) Reciprocal agreements must include comparable quality of service standards that
 171.36 ensure equitable levels of services.

172.1 (c) Reciprocal agreements are subject to review and approval by the commissioner.

172.2 (d) Nothing in this section precludes a state-certified health information organization
172.3 or state-certified health data intermediary from entering into contractual agreements for
172.4 the provision of value-added services beyond meaningful use transactions.

172.5 ~~(e) The commissioner of human services or health, when providing access to data or~~
172.6 ~~services through a certified health information organization, must offer the same data or~~
172.7 ~~services directly through any certified health information organization at the same pricing,~~
172.8 ~~if the health information organization pays for all connection costs to the state data or~~
172.9 ~~service. For all external connectivity to the respective agencies through existing or future~~
172.10 ~~information exchange implementations, the respective agency shall establish the required~~
172.11 ~~connectivity methods as well as protocol standards to be utilized.~~

172.12 ~~Subd. 6. **State participation in health information exchange.** A state agency that~~
172.13 ~~connects to a health information exchange service provider for the purpose of exchanging~~
172.14 ~~meaningful use transactions must ensure that the contracted health information exchange~~
172.15 ~~service provider has reciprocal agreements in place as required by this section. The~~
172.16 ~~reciprocal agreements must provide equal access to information supplied by the agency as~~
172.17 ~~necessary for meaningful use by the participating entities of the other health information~~
172.18 ~~service providers.~~

172.19 Sec. 4. Minnesota Statutes 2014, section 62J.4982, subdivision 4, is amended to read:

172.20 Subd. 4. **Coordination.** (a) The commissioner shall, to the extent possible, seek
172.21 the advice of the Minnesota e-Health Advisory Committee, in the review and update of
172.22 criteria for the certification and recertification of health information exchange service
172.23 providers when implementing sections 62J.498 to 62J.4982.

172.24 ~~(b) By January 1, 2011, the commissioner shall report to the governor and the chairs~~
172.25 ~~of the senate and house of representatives committees having jurisdiction over health~~
172.26 ~~information policy issues on the status of health information exchange in Minnesota, and~~
172.27 ~~provide recommendations on further action necessary to facilitate the secure electronic~~
172.28 ~~movement of health information among health providers that will enable Minnesota~~
172.29 ~~providers and hospitals to meet meaningful use exchange requirements.~~

172.30 Sec. 5. Minnesota Statutes 2014, section 62J.4982, subdivision 5, is amended to read:

172.31 Subd. 5. **Fees and monetary penalties.** (a) The commissioner shall assess fees
172.32 on every health information exchange service provider subject to sections 62J.4981 and
172.33 62J.4982 as follows:

173.1 (1) filing an application for certificate of authority to operate as a health information
173.2 organization, ~~\$10,500~~ \$7,000;

173.3 (2) filing an application for certificate of authority to operate as a health data
173.4 intermediary, \$7,000;

173.5 (3) annual health information organization certificate fee, ~~\$14,000~~ \$7,000; and

173.6 (4) annual health data intermediary certificate fee, \$7,000; ~~and~~

173.7 ~~(5) fees for other filings, as specified by rule.~~

173.8 (b) Fees collected under this section shall be deposited in the state treasury and
173.9 credited to the state government special revenue fund.

173.10 ~~(b)~~ (c) Administrative monetary penalties imposed under this subdivision shall
173.11 be credited to an account in the special revenue fund and are appropriated to the
173.12 commissioner for the purposes of sections 62J.498 to 62J.4982.

173.13 Sec. 6. Minnesota Statutes 2014, section 144.3831, subdivision 1, is amended to read:

173.14 Subdivision 1. **Fee setting.** The commissioner of health may assess an annual fee
173.15 of ~~\$6.36~~ \$8.28 for every service connection to a public water supply that is owned or
173.16 operated by a home rule charter city, a statutory city, a city of the first class, or a town. The
173.17 commissioner of health may also assess an annual fee for every service connection served
173.18 by a water user district defined in section 110A.02. Fees collected under this section shall
173.19 be deposited in the state treasury and credited to the state government special revenue fund.

173.20 Sec. 7. [144.4961] MINNESOTA RADON LICENSING ACT.

173.21 Subdivision 1. **Citation.** This section may be cited as the "Minnesota Radon
173.22 Licensing Act."

173.23 Subd. 2. **Definitions.** (a) As used in this section, the following terms have the
173.24 meanings given them.

173.25 (b) "Mitigation" means the act of repairing or altering a building or building design
173.26 for the purpose in whole or in part of reducing the concentration of radon in the indoor
173.27 atmosphere.

173.28 (c) "Radon" means both the radioactive, gaseous element produced by the
173.29 disintegration of radium, and the short-lived radionuclides that are decay products of radon.

173.30 Subd. 3. **Rulemaking.** The commissioner of health is responsible for adopting
173.31 rules for licensure and enforcement of applicable laws and rules relating to indoor radon
173.32 in dwellings and other buildings, with the exception of newly constructed Minnesota
173.33 homes according to section 326B.106, subdivision 6. The commissioner is responsible for
173.34 coordination, oversight, and implementation of all state functions in matters concerning

174.1 the presence, effects, measurement, and mitigation of risks of radon in dwellings and
174.2 other buildings.

174.3 Subd. 4. **System tag.** All radon mitigation systems installed in Minnesota on or
174.4 after July 1, 2016, must have a radon mitigation system tag provided by the commissioner.
174.5 A radon mitigation professional must attach the tag to the radon mitigation system in
174.6 a visible location.

174.7 Subd. 5. **License required annually.** A license is required annually for every
174.8 person, firm, or corporation that sells a device or performs a service for compensation
174.9 to detect the presence of radon in the indoor atmosphere, performs laboratory analysis,
174.10 or performs a service to mitigate radon in the indoor atmosphere. This section does not
174.11 apply to retail stores that only sell or distribute radon sampling but are not engaged in the
174.12 manufacture of radon sampling devices.

174.13 Subd. 6. **Exemptions.** Radon systems installed in newly constructed Minnesota
174.14 homes according to section 326B.106, subdivision 6, prior to the issuance of a certificate
174.15 of occupancy are not required to follow the requirements of this section.

174.16 Subd. 7. **License applications and other reports.** The professionals, companies,
174.17 laboratories, and examinees listed in subdivision 8 must submit applications for licenses,
174.18 system tags, and any other reporting required under this section and Minnesota Rules
174.19 on forms prescribed by the commissioner.

174.20 Subd. 8. **Licensing fees.** (a) All radon license applications submitted to the
174.21 commissioner of health must be accompanied by the required fees. If the commissioner
174.22 determines that insufficient fees were paid, the necessary additional fees must be paid
174.23 before the commissioner approves the application. The commissioner shall charge the
174.24 following fees for each radon license:

174.25 (1) Each measurement professional license, \$600 per year. "Measurement
174.26 professional" means any person who does not require supervision and performs a test to
174.27 determine the presence and concentration of radon; provides professional or expert advice
174.28 on radon testing, radon exposure, or health risks related to radon exposure; provides
174.29 direct supervision of a measurement technician; or makes representations of doing any
174.30 of these activities.

174.31 (2) Each measurement technician license, \$300 per year. "Measurement technician"
174.32 means any person who is under the direct supervision of a measurement professional,
174.33 and who performs a test to determine the presence and concentration of radon; provides
174.34 professional or expert advice on radon testing, radon exposure, or health risks related to
174.35 radon exposure; or makes representations of doing any of these activities.

175.1 (3) Each mitigation professional license, \$600 per year. "Mitigation professional"
175.2 means an individual who does not require supervision and performs radon mitigation;
175.3 provides professional or expert advice on radon mitigation or radon entry routes; or
175.4 provides on-site supervision of radon mitigation and mitigation technicians; or makes
175.5 representations of doing any of these activities.

175.6 (4) Each mitigation technician license, \$300 per year. "Mitigation technician" means
175.7 any person who is under the direct supervision of a mitigation professional and who
175.8 performs radon mitigation; provides professional or expert advice on radon mitigation or
175.9 radon entry routes; or makes representations of doing any of these activities.

175.10 (5) Each mitigation company license, \$800 per year. "Mitigation company" means
175.11 any business or government entity that performs or authorizes employees to perform radon
175.12 mitigation. This fee is waived if the company is a sole proprietorship.

175.13 (6) Each radon analysis laboratory license, \$500 per year. "Radon analysis
175.14 laboratory" means a business entity or government entity that analyzes passive radon
175.15 detection devices to determine the presence and concentration of radon in the devices.

175.16 (7) Each Minnesota Department of Health radon measurement exam, \$125 per exam.
175.17 "Minnesota Department of Health radon measurement exam" means a radon measurement
175.18 exam administered by the commissioner of health.

175.19 (8) Each Minnesota Department of Health radon mitigation exam, \$125 per exam.
175.20 "Minnesota Department of Health radon mitigation exam" means a radon mitigation exam
175.21 administered by the commissioner of health.

175.22 (9) Each Minnesota Department of Health radon mitigation system tag, \$50 per tag.
175.23 "Minnesota Department of Health radon mitigation system tag" or "system tag" means a
175.24 unique identifiable radon system label provided by the commissioner of health.

175.25 (b) Fees collected under this section shall be deposited in the state treasury and
175.26 credited to the state government special revenue fund.

175.27 Subd. 9. **Enforcement.** The commissioner shall enforce this section under the
175.28 provisions of sections 144.989 to 144.993.

175.29 **EFFECTIVE DATE.** This section is effective July 1, 2015, except subdivisions 4
175.30 and 5, which are effective July 1, 2016.

175.31 Sec. 8. Minnesota Statutes 2014, section 144.9501, subdivision 22b, is amended to read:

175.32 Subd. 22b. **Lead sampling technician.** "Lead sampling technician" means an
175.33 individual who performs clearance inspections for renovation sites and lead dust sampling
175.34 for nonabatement sites, ~~and who is registered with the commissioner under section~~
175.35 ~~144.9505.~~

176.1 **EFFECTIVE DATE.** This section is effective July 1, 2016.

176.2 Sec. 9. Minnesota Statutes 2014, section 144.9501, subdivision 26b, is amended to read:

176.3 Subd. 26b. **Renovation.** "Renovation" means the modification of any pre-1978
 176.4 affected property that results in the disturbance of known or presumed lead-containing
 176.5 painted and coated surfaces defined under section 144.9508, unless that activity is
 176.6 performed as ~~an abatement~~ lead hazard reduction. A renovation performed for the purpose
 176.7 of converting a building or part of a building into an affected property is a renovation
 176.8 under this subdivision.

176.9 **EFFECTIVE DATE.** This section is effective July 1, 2016.

176.10 Sec. 10. Minnesota Statutes 2014, section 144.9501, is amended by adding a
 176.11 subdivision to read:

176.12 Subd. 26c. **Lead renovator.** "Lead renovator" means an individual who directs
 176.13 individuals who perform renovations. A lead renovator also performs renovation, surface
 176.14 coating testing, and cleaning verification.

176.15 **EFFECTIVE DATE.** This section is effective July 1, 2016.

176.16 Sec. 11. Minnesota Statutes 2014, section 144.9505, is amended to read:

176.17 **144.9505 LICENSING CREDENTIALING OF LEAD FIRMS AND**
 176.18 **PROFESSIONALS.**

176.19 Subdivision 1. **Licensing and, certification; generally, and permitting.** (a) ~~All~~
 176.20 Fees received ~~shall be paid~~ collected under this section shall be deposited into the state
 176.21 treasury and credited to ~~the lead abatement licensing and certification account and are~~
 176.22 ~~appropriated to the commissioner to cover costs incurred under this section and section~~
 176.23 ~~144.9508~~ state government special revenue fund.

176.24 (b) Persons shall not advertise or otherwise present themselves as lead supervisors,
 176.25 lead workers, lead inspectors, lead risk assessors, lead sampling technicians, lead project
 176.26 designers, ~~or renovation firms~~, lead firms unless they have licenses or certificates issued
 176.27 by ~~or are registered with~~ the commissioner under this section.

176.28 (c) The fees required in this section for inspectors, risk assessors, and certified lead
 176.29 firms are waived for state or local government employees performing services for or
 176.30 as an assessing agency.

176.31 (d) An individual who is the owner of property on which regulated lead work is to be
 176.32 performed or an adult individual who is related to the property owner, as defined under

177.1 section 245A.02, subdivision 13, is exempt from the requirements to obtain a license and
177.2 pay a fee according to this section.

177.3 (e) A person that employs individuals to perform regulated lead work outside of the
177.4 person's property must obtain certification as a certified lead firm or a certified renovation
177.5 firm. An individual who performs ~~regulated lead work~~ lead hazard reduction, lead hazard
177.6 screens, lead inspections, lead risk assessments, lead project designer services, lead
177.7 sampling technician services, swab team services, and activities performed to comply with
177.8 lead orders must be employed by a certified lead firm, unless the individual is a sole
177.9 proprietor and does not employ any other ~~individual who performs regulated lead work~~
177.10 individuals, the individual is employed by a person that does not perform regulated lead
177.11 work outside of the person's property, or the individual is employed by an assessing agency.

177.12 Subd. 1a. **Lead worker license.** Before an individual performs regulated lead work
177.13 as a worker, the individual shall first obtain a license from the commissioner. No license
177.14 shall be issued unless the individual shows evidence of successfully completing a training
177.15 course in lead hazard control. The commissioner shall specify the course of training and
177.16 testing requirements and shall charge a \$50 fee annually for the license. License fees are
177.17 nonrefundable and must be submitted with each application. The license must be carried
177.18 by the individual and be readily available for review by the commissioner and other public
177.19 health officials charged with the health, safety, and welfare of the state's citizens.

177.20 Subd. 1b. **Lead supervisor license.** Before an individual performs regulated lead
177.21 work as a supervisor, the individual shall first obtain a license from the commissioner. No
177.22 license shall be issued unless the individual shows evidence of experience and successful
177.23 completion of a training course in lead hazard control. The commissioner shall specify
177.24 the course of training, experience, and testing requirements and shall charge a \$50 fee
177.25 annually for the license. License fees are nonrefundable and must be submitted with
177.26 each application. The license must be carried by the individual and be readily available
177.27 for review by the commissioner and other public health officials charged with the health,
177.28 safety, and welfare of the state's citizens.

177.29 Subd. 1c. **Lead inspector license.** Before an individual performs lead inspection
177.30 services, the individual shall first obtain a license from the commissioner. No license shall
177.31 be issued unless the individual shows evidence of successfully completing a training
177.32 course in lead inspection. The commissioner shall specify the course of training and
177.33 testing requirements and shall charge a \$50 fee annually for the license. License fees are
177.34 nonrefundable and must be submitted with each application. The license must be carried
177.35 by the individual and be readily available for review by the commissioner and other public
177.36 health officials charged with the health, safety, and welfare of the state's citizens.

178.1 Subd. 1d. **Lead risk assessor license.** Before an individual performs lead risk
178.2 assessor services, the individual shall first obtain a license from the commissioner. No
178.3 license shall be issued unless the individual shows evidence of experience and successful
178.4 completion of a training course in lead risk assessment. The commissioner shall specify
178.5 the course of training, experience, and testing requirements and shall charge a \$100 fee
178.6 annually for the license. License fees are nonrefundable and must be submitted with
178.7 each application. The license must be carried by the individual and be readily available
178.8 for review by the commissioner and other public health officials charged with the health,
178.9 safety, and welfare of the state's citizens.

178.10 Subd. 1e. **Lead project designer license.** Before an individual performs lead
178.11 project designer services, the individual shall first obtain a license from the commissioner.
178.12 No license shall be issued unless the individual shows evidence of experience and
178.13 successful completion of a training course in lead project design. The commissioner shall
178.14 specify the course of training, experience, and testing requirements and shall charge a
178.15 \$100 fee annually for the license. License fees are nonrefundable and must be submitted
178.16 with each application. The license must be carried by the individual and be readily
178.17 available for review by the commissioner and other public health officials charged with
178.18 the health, safety, and welfare of the state's citizens.

178.19 ~~Subd. 1f. **Lead sampling technician.** An individual performing lead sampling~~
178.20 ~~technician services shall first register with the commissioner. The commissioner shall not~~
178.21 ~~register an individual unless the individual shows evidence of successfully completing a~~
178.22 ~~training course in lead sampling. The commissioner shall specify the course of training~~
178.23 ~~and testing requirements. Proof of registration must be carried by the individual and be~~
178.24 ~~readily available for review by the commissioner and other public health officials charged~~
178.25 ~~with the health, safety, and welfare of the state's citizens.~~

178.26 Subd. 1g. **Certified lead firm.** A person who employs individuals to perform
178.27 regulated lead work, with the exception of renovation, outside of the person's property
178.28 must obtain certification as a lead firm. The certificate must be in writing, contain an
178.29 expiration date, be signed by the commissioner, and give the name and address of the
178.30 person to whom it is issued. A lead firm certificate is valid for one year. The certification
178.31 fee is \$100, is nonrefundable, and must be submitted with each application. The lead firm
178.32 certificate or a copy of the certificate must be readily available at the worksite for review
178.33 by the contracting entity, the commissioner, and other public health officials charged with
178.34 the health, safety, and welfare of the state's citizens.

178.35 Subd. 1h. **Certified renovation firm.** A person who employs individuals to
178.36 perform renovation activities outside of the person's property must obtain certification

179.1 as a renovation firm. The certificate must be in writing, contain an expiration date, be
179.2 signed by the commissioner, and give the name and address of the person to whom it is
179.3 issued. A renovation firm certificate is valid for two years. The certification fee is \$100,
179.4 is nonrefundable, and must be submitted with each application. The renovation firm
179.5 certificate or a copy of the certificate must be readily available at the worksite for review
179.6 by the contracting entity, the commissioner, and other public health officials charged with
179.7 the health, safety, and welfare of the state's citizens.

179.8 Subd. 1i. **Lead training course.** Before a person provides training to lead
179.9 workers, lead supervisors, lead inspectors, lead risk assessors, lead project designers, lead
179.10 sampling technicians, and lead renovators, the person shall first obtain a permit from the
179.11 commissioner. The permit must be in writing, contain an expiration date, be signed by
179.12 the commissioner, and give the name and address of the person to whom it is issued.
179.13 A training course permit is valid for two years. Training course permit fees shall be
179.14 nonrefundable and must be submitted with each application in the amount of \$500 for an
179.15 initial training course, \$250 for renewal of a permit for an initial training course, \$250 for
179.16 a refresher training course, and \$125 for renewal of a permit of a refresher training course.

179.17 Subd. 3. **Licensed building contractor; information.** The commissioner shall
179.18 provide health and safety information on lead abatement and lead hazard reduction to all
179.19 residential building contractors licensed under section 326B.805. The information must
179.20 include the lead-safe practices and any other materials describing ways to protect the
179.21 health and safety of both employees and residents.

179.22 Subd. 4. **Notice of regulated lead work.** (a) At least five working days before
179.23 starting work at each regulated lead worksite, the person performing the regulated lead
179.24 work shall give written notice to the commissioner and the appropriate board of health.

179.25 (b) This provision does not apply to lead hazard screen, lead inspection, lead risk
179.26 assessment, lead sampling technician, renovation, or lead project design activities.

179.27 Subd. 6. **Duties of contracting entity.** A contracting entity intending to have
179.28 regulated lead work performed for its benefit shall include in the specifications and
179.29 contracts for the work a requirement that the work be performed by contractors and
179.30 subcontractors licensed by the commissioner under sections 144.9501 to 144.9512 and
179.31 according to rules adopted by the commissioner related to regulated lead work. No
179.32 contracting entity shall allow regulated lead work to be performed for its benefit unless the
179.33 contracting entity has seen that the person has a valid license or certificate. A contracting
179.34 entity's failure to comply with this subdivision does not relieve a person from any
179.35 responsibility under sections 144.9501 to 144.9512.

179.36 **EFFECTIVE DATE.** This section is effective July 1, 2016.

180.1 Sec. 12. Minnesota Statutes 2014, section 144.9508, is amended to read:

180.2 **144.9508 RULES.**

180.3 Subdivision 1. **Sampling and analysis.** The commissioner shall adopt, by rule,
180.4 methods for:

180.5 (1) lead inspections, lead hazard screens, lead risk assessments, and clearance
180.6 inspections;

180.7 (2) environmental surveys of lead in paint, soil, dust, and drinking water to determine
180.8 areas at high risk for toxic lead exposure;

180.9 (3) soil sampling for soil used as replacement soil;

180.10 (4) drinking water sampling, which shall be done in accordance with lab certification
180.11 requirements and analytical techniques specified by Code of Federal Regulations, title
180.12 40, section 141.89; and

180.13 (5) sampling to determine whether at least 25 percent of the soil samples collected
180.14 from a census tract within a standard metropolitan statistical area contain lead in
180.15 concentrations that exceed 100 parts per million.

180.16 Subd. 2. **Regulated lead work standards and methods.** (a) The commissioner shall
180.17 adopt rules establishing regulated lead work standards and methods in accordance with the
180.18 provisions of this section, for lead in paint, dust, drinking water, and soil in a manner that
180.19 protects public health and the environment for all residences, including residences also
180.20 used for a commercial purpose, child care facilities, playgrounds, and schools.

180.21 (b) In the rules required by this section, the commissioner shall require lead hazard
180.22 reduction of intact paint only if the commissioner finds that the intact paint is on a
180.23 chewable or lead-dust producing surface that is a known source of actual lead exposure to
180.24 a specific individual. The commissioner shall prohibit methods that disperse lead dust into
180.25 the air that could accumulate to a level that would exceed the lead dust standard specified
180.26 under this section. The commissioner shall work cooperatively with the commissioner
180.27 of administration to determine which lead hazard reduction methods adopted under this
180.28 section may be used for lead-safe practices including prohibited practices, preparation,
180.29 disposal, and cleanup. The commissioner shall work cooperatively with the commissioner
180.30 of the Pollution Control Agency to develop disposal procedures. In adopting rules under
180.31 this section, the commissioner shall require the best available technology for regulated
180.32 lead work methods, paint stabilization, and repainting.

180.33 (c) The commissioner of health shall adopt regulated lead work standards and
180.34 methods for lead in bare soil in a manner to protect public health and the environment.
180.35 The commissioner shall adopt a maximum standard of 100 parts of lead per million in
180.36 bare soil. The commissioner shall set a soil replacement standard not to exceed 25 parts

181.1 of lead per million. Soil lead hazard reduction methods shall focus on erosion control
181.2 and covering of bare soil.

181.3 (d) The commissioner shall adopt regulated lead work standards and methods for lead
181.4 in dust in a manner to protect the public health and environment. Dust standards shall use
181.5 a weight of lead per area measure and include dust on the floor, on the window sills, and
181.6 on window wells. Lead hazard reduction methods for dust shall focus on dust removal and
181.7 other practices which minimize the formation of lead dust from paint, soil, or other sources.

181.8 (e) The commissioner shall adopt lead hazard reduction standards and methods for
181.9 lead in drinking water both at the tap and public water supply system or private well
181.10 in a manner to protect the public health and the environment. The commissioner may
181.11 adopt the rules for controlling lead in drinking water as contained in Code of Federal
181.12 Regulations, title 40, part 141. Drinking water lead hazard reduction methods may include
181.13 an educational approach of minimizing lead exposure from lead in drinking water.

181.14 (f) The commissioner of the Pollution Control Agency shall adopt rules to ensure that
181.15 removal of exterior lead-based coatings from residences and steel structures by abrasive
181.16 blasting methods is conducted in a manner that protects health and the environment.

181.17 (g) All regulated lead work standards shall provide reasonable margins of safety that
181.18 are consistent with more than a summary review of scientific evidence and an emphasis on
181.19 overprotection rather than underprotection when the scientific evidence is ambiguous.

181.20 (h) No unit of local government shall have an ordinance or regulation governing
181.21 regulated lead work standards or methods for lead in paint, dust, drinking water, or soil
181.22 that require a different regulated lead work standard or method than the standards or
181.23 methods established under this section.

181.24 (i) Notwithstanding paragraph (h), the commissioner may approve the use by a unit
181.25 of local government of an innovative lead hazard reduction method which is consistent
181.26 in approach with methods established under this section.

181.27 (j) The commissioner shall adopt rules for issuing lead orders required under section
181.28 144.9504, rules for notification of abatement or interim control activities requirements,
181.29 and other rules necessary to implement sections 144.9501 to 144.9512.

181.30 (k) The commissioner shall adopt rules consistent with section 402(c)(3) of the
181.31 Toxic Substances Control Act to ensure that renovation in a pre-1978 affected property
181.32 where a child or pregnant female resides is conducted in a manner that protects health
181.33 and the environment. Notwithstanding sections 14.125 and 14.128, the authority to adopt
181.34 these rules does not expire.

182.1 (l) The commissioner shall adopt rules consistent with sections 406(a) and 406(b)
182.2 of the Toxic Substances Control Act. Notwithstanding sections 14.125 and 14.128, the
182.3 authority to adopt these rules does not expire.

182.4 Subd. 2a. **Lead standards for exterior surfaces and street dust.** The
182.5 commissioner may, by rule, establish lead standards for exterior horizontal surfaces,
182.6 concrete or other impervious surfaces, and street dust on residential property to protect the
182.7 public health and the environment.

182.8 Subd. 3. **Licensure and certification.** The commissioner shall adopt rules to license
182.9 lead supervisors, lead workers, lead project designers, lead inspectors, lead risk assessors,
182.10 and lead sampling technicians. The commissioner shall also adopt rules requiring
182.11 certification of firms that perform regulated lead work. The commissioner shall require
182.12 periodic renewal of licenses and certificates and shall establish the renewal periods.

182.13 Subd. 4. **Lead training course.** The commissioner shall establish by rule
182.14 requirements for training course providers and the renewal period for each lead-related
182.15 training course required for certification or licensure. The commissioner shall establish
182.16 criteria in rules for the content and presentation of training courses intended to qualify
182.17 trainees for licensure under subdivision 3. The commissioner shall establish criteria in
182.18 rules for the content and presentation of training courses for lead renovation and lead
182.19 sampling technicians. ~~Training course permit fees shall be nonrefundable and must be~~
182.20 ~~submitted with each application in the amount of \$500 for an initial training course, \$250~~
182.21 ~~for renewal of a permit for an initial training course, \$250 for a refresher training course,~~
182.22 ~~and \$125 for renewal of a permit of a refresher training course.~~

182.23 Subd. 5. **Variances.** In adopting the rules required under this section, the
182.24 commissioner shall provide variance procedures for any provision in rules adopted under
182.25 this section, except for the numerical standards for the concentrations of lead in paint,
182.26 dust, bare soil, and drinking water. A variance shall be considered only according to the
182.27 procedures and criteria in Minnesota Rules, parts 4717.7000 to 4717.7050.

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

182.29 Sec. 13. Minnesota Statutes 2014, section 144A.70, subdivision 6, is amended to read:

182.30 Subd. 6. **Supplemental nursing services agency.** "Supplemental nursing services
182.31 agency" means a person, firm, corporation, partnership, or association engaged for hire
182.32 in the business of providing or procuring temporary employment in health care facilities
182.33 for nurses, nursing assistants, nurse aides, ~~and orderlies,~~ and other licensed health
182.34 professionals. Supplemental nursing services agency does not include an individual who
182.35 only engages in providing the individual's services on a temporary basis to health care

183.1 facilities. Supplemental nursing services agency does not include a professional home
 183.2 care agency licensed as a Class A provider under section 144A.46 and rules adopted
 183.3 ~~thereunder~~ that only provides staff to other home care providers.

183.4 Sec. 14. Minnesota Statutes 2014, section 144A.70, is amended by adding a
 183.5 subdivision to read:

183.6 Subd. 7. **Oversight.** The commissioner is responsible for the oversight of
 183.7 supplemental nursing services agencies through annual unannounced surveys, complaint
 183.8 investigations under sections 144A.51 to 144A.53, and other actions necessary to ensure
 183.9 compliance with sections 144A.70 to 144A.74.

183.10 Sec. 15. Minnesota Statutes 2014, section 144A.71, is amended to read:

183.11 **144A.71 SUPPLEMENTAL NURSING SERVICES AGENCY**
 183.12 **REGISTRATION.**

183.13 Subdivision 1. **Duty to register.** A person who operates a supplemental nursing
 183.14 services agency shall register ~~the agency~~ annually with the commissioner. Each separate
 183.15 location of the business of a supplemental nursing services agency shall register the agency
 183.16 with the commissioner. Each separate location of the business of a supplemental nursing
 183.17 services agency shall have a separate registration. Fees collected under this section shall be
 183.18 deposited in the state treasury and credited to the state government special revenue fund.

183.19 Subd. 2. **Application information and fee.** The commissioner shall establish forms
 183.20 and procedures for processing each supplemental nursing services agency registration
 183.21 application. An application for a supplemental nursing services agency registration must
 183.22 include at least the following:

183.23 (1) the names and addresses of the owner or owners of the supplemental nursing
 183.24 services agency;

183.25 (2) if the owner is a corporation, copies of its articles of incorporation and current
 183.26 bylaws, together with the names and addresses of its officers and directors;

183.27 (3) satisfactory proof of compliance with section 144A.72, subdivision 1, clauses
 183.28 (5) to (7);

183.29 (4) any other relevant information that the commissioner determines is necessary
 183.30 to properly evaluate an application for registration; ~~and~~

183.31 (5) ~~the annual registration fee for a supplemental nursing services agency, which~~
 183.32 ~~is \$891.~~ a policy and procedure that describes how the supplemental nursing services
 183.33 agency's records will be immediately available at all times to the commissioner; and

183.34 (6) a registration fee of \$2,035.

184.1 If a supplemental nursing services agency fails to provide the items in this
 184.2 subdivision to the department, the commissioner shall immediately suspend or refuse to
 184.3 issue the supplemental nursing services agency registration. The supplemental nursing
 184.4 services agency may appeal the commissioner's findings according to section 144A.475,
 184.5 subdivisions 3a and 7, except that the hearing must be conducted by an administrative law
 184.6 judge within 60 calendar days of the request for hearing assignment.

184.7 Subd. 3. **Registration not transferable.** A registration issued by the commissioner
 184.8 according to this section is effective for a period of one year from the date of its issuance
 184.9 unless the registration is revoked or suspended under section 144A.72, subdivision 2, or
 184.10 unless the supplemental nursing services agency is sold or ownership or management
 184.11 is transferred. When a supplemental nursing services agency is sold or ownership or
 184.12 management is transferred, the registration of the agency must be voided and the new
 184.13 owner or operator may apply for a new registration.

184.14 Sec. 16. Minnesota Statutes 2014, section 144A.72, is amended to read:

184.15 **144A.72 REGISTRATION REQUIREMENTS; PENALTIES.**

184.16 Subdivision 1. **Minimum criteria.** (a) The commissioner shall require that, as a
 184.17 condition of registration:

184.18 (1) the supplemental nursing services agency shall document that each temporary
 184.19 employee provided to health care facilities currently meets the minimum licensing, training,
 184.20 and continuing education standards for the position in which the employee will be working;

184.21 (2) the supplemental nursing services agency shall comply with all pertinent
 184.22 requirements relating to the health and other qualifications of personnel employed in
 184.23 health care facilities;

184.24 (3) the supplemental nursing services agency must not restrict in any manner the
 184.25 employment opportunities of its employees;

184.26 (4) the supplemental nursing services agency shall carry medical malpractice
 184.27 insurance to insure against the loss, damage, or expense incident to a claim arising out
 184.28 of the death or injury of any person as the result of negligence or malpractice in the
 184.29 provision of health care services by the supplemental nursing services agency or by any
 184.30 employee of the agency;

184.31 (5) the supplemental nursing services agency shall carry an employee dishonesty
 184.32 bond in the amount of \$10,000;

184.33 (6) the supplemental nursing services agency shall maintain insurance coverage
 184.34 for workers' compensation for all nurses, nursing assistants, nurse aides, and orderlies
 184.35 provided or procured by the agency;

185.1 (7) the supplemental nursing services agency shall file with the commissioner of
185.2 revenue: (i) the name and address of the bank, savings bank, or savings association
185.3 in which the supplemental nursing services agency deposits all employee income tax
185.4 withholdings; and (ii) the name and address of any nurse, nursing assistant, nurse aide, or
185.5 orderly whose income is derived from placement by the agency, if the agency purports
185.6 the income is not subject to withholding;

185.7 (8) the supplemental nursing services agency must not, in any contract with any
185.8 employee or health care facility, require the payment of liquidated damages, employment
185.9 fees, or other compensation should the employee be hired as a permanent employee of a
185.10 health care facility; ~~and~~

185.11 (9) the supplemental nursing services agency shall document that each temporary
185.12 employee provided to health care facilities is an employee of the agency and is not
185.13 an independent contractor; and

185.14 (10) the supplemental nursing services agency shall retain all records for five
185.15 calendar years. All records of the supplemental nursing services agency must be
185.16 immediately available to the department.

185.17 (b) In order to retain registration, the supplemental nursing services agency must
185.18 provide services to a health care facility during the year preceding the supplemental
185.19 nursing services agency's registration renewal date.

185.20 Subd. 2. **Penalties.** ~~A pattern of~~ Failure to comply with this section shall subject
185.21 the supplemental nursing services agency to revocation or nonrenewal of its registration.
185.22 Violations of section 144A.74 are subject to a fine equal to 200 percent of the amount
185.23 billed or received in excess of the maximum permitted under that section.

185.24 Subd. 3. **Revocation.** Notwithstanding subdivision 2, the registration of a
185.25 supplemental nursing services agency that knowingly supplies to a health care facility a
185.26 person with an illegally or fraudulently obtained or issued diploma, registration, license,
185.27 certificate, or background study shall be revoked by the commissioner. The commissioner
185.28 shall notify the supplemental nursing services agency 15 days in advance of the date
185.29 of revocation.

185.30 Subd. 4. **Hearing.** (a) No supplemental nursing services agency's registration
185.31 may be revoked without a hearing held as a contested case in accordance with ~~chapter~~
185.32 ~~14. The hearing must commence within 60 days after the proceedings are initiated~~
185.33 section 144A.475, subdivisions 3a and 7, except the hearing must be conducted by an
185.34 administrative law judge within 60 calendar days of the request for assignment.

185.35 (b) If a controlling person has been notified by the commissioner of health that the
185.36 supplemental nursing services agency will not receive an initial registration or that a

186.1 renewal of the registration has been denied, the controlling person or a legal representative
 186.2 on behalf of the supplemental nursing services agency may request and receive a hearing
 186.3 on the denial. ~~This~~ The hearing shall be held as a contested case in accordance with
 186.4 ~~chapter 14~~ a contested case in accordance with section 144A.475, subdivisions 3a and 7,
 186.5 except the hearing must be conducted by an administrative law judge within 60 calendar
 186.6 days of the request for assignment.

186.7 Subd. 5. **Period of ineligibility.** (a) The controlling person of a supplemental
 186.8 nursing services agency whose registration has not been renewed or has been revoked
 186.9 because of noncompliance with the provisions of sections 144A.70 to 144A.74 shall not
 186.10 be eligible to apply for nor will be granted a registration for five years following the
 186.11 effective date of the nonrenewal or revocation.

186.12 (b) The commissioner shall not issue or renew a registration to a supplemental
 186.13 nursing services agency if a controlling person includes any individual or entity who was
 186.14 a controlling person of a supplemental nursing services agency whose registration was
 186.15 not renewed or was revoked as described in paragraph (a) for five years following the
 186.16 effective date of nonrenewal or revocation.

186.17 Sec. 17. Minnesota Statutes 2014, section 144A.73, is amended to read:

186.18 **144A.73 COMPLAINT SYSTEM.**

186.19 The commissioner shall establish a system for reporting complaints against a
 186.20 supplemental nursing services agency or its employees. Complaints may be made by
 186.21 any member of the public. ~~Written complaints must be forwarded to the employer of~~
 186.22 ~~each person against whom a complaint is made. The employer shall promptly report to~~
 186.23 ~~the commissioner any corrective action taken~~ Complaints against a supplemental nursing
 186.24 services agency shall be investigated by the Office of Health Facility Complaints under
 186.25 Minnesota Statutes, sections 144A.51 to 144A.53.

186.26 Sec. 18. Minnesota Statutes 2014, section 144D.01, is amended by adding a
 186.27 subdivision to read:

186.28 Subd. 3a. **Direct-care staff.** "Direct-care staff" means staff and employees who
 186.29 provide home care services listed in section 144A.471, subdivisions 6 and 7.

186.30 Sec. 19. **[144D.12] ENFORCEMENT OF DEMENTIA CARE TRAINING**
 186.31 **REQUIREMENTS.**

187.1 Subdivision 1. **Enforcement.** (a) The commissioner shall enforce the dementia care
187.2 training standards for staff working in housing with services settings and for housing
187.3 managers according to clauses (1) to (3):

187.4 (1) for dementia care training requirements in section 144D.065, the commissioner
187.5 shall review training records as part of the home care provider survey process for direct
187.6 care staff and supervisors of direct care staff, in accordance with section 144A.474. The
187.7 commissioner may also request and review training records at any time during the year;

187.8 (2) for dementia care training standards in section 144D.065, the commissioner
187.9 shall review training records for maintenance, housekeeping, and food service staff and
187.10 other staff not providing direct care working in housing with services settings as part of
187.11 the housing with services registration application and renewal application process in
187.12 accordance with section 144D.03. The commissioner may also request and review training
187.13 records at any time during the year; and

187.14 (3) for housing managers, the commissioner shall review the statement verifying
187.15 compliance with the required training described in section 144D.10, paragraph (d),
187.16 through the housing with services registration application and renewal application process
187.17 in accordance with section 144D.03. The commissioner may also request and review
187.18 training records at any time during the year.

187.19 (b) The commissioner shall specify the required forms and what constitutes sufficient
187.20 training records for the items listed in paragraph (a), clauses (1) to (3).

187.21 Subd. 2. **Fines for noncompliance.** (a) Beginning January 1, 2017, the
187.22 commissioner may impose a \$200 fine for every staff person required to obtain dementia
187.23 care training who does not have training records to show compliance. For violations of
187.24 subdivision 1, paragraph (a), clause (1), the fine will be imposed upon the home care
187.25 provider, and may be appealed under the contested case procedure in section 144A.475,
187.26 subdivisions 3a, 4, and 7. For violations of subdivision 1, paragraph (a), clauses (2) and
187.27 (3), the fine will be imposed on the housing with services registrant and may be appealed
187.28 under the contested case procedure in section 144A.475, subdivisions 3a, 4, and 7. Prior
187.29 to imposing the fine, the commissioner must allow two weeks for staff to complete the
187.30 required training. Fines collected under this section shall be deposited in the state treasury
187.31 and credited to the state government special revenue fund.

187.32 (b) The housing with services registrant and home care provider must allow
187.33 for the required training as part of employee and staff duties. Imposition of a fine
187.34 by the commissioner does not negate the need for the required training. Continued
187.35 noncompliance with the requirements of sections 144D.065 and 144D.10 may result in
187.36 revocation or nonrenewal of the housing with services registration or home care license.

188.1 The commissioner shall make public the list of all housing with services establishments
 188.2 that have complied with the training requirements.

188.3 Subd. 3. **Technical assistance.** From January 1, 2016, to December 31, 2016,
 188.4 the commissioner shall provide technical assistance instead of imposing fines for
 188.5 noncompliance with the training requirements. During the year of technical assistance,
 188.6 the commissioner shall review the training records to determine if the records meet the
 188.7 requirements and inform the home care provider. The commissioner shall also provide
 188.8 information about available training resources.

188.9 Sec. 20. Minnesota Statutes 2014, section 145A.131, subdivision 1, is amended to read:

188.10 Subdivision 1. **Funding formula for community health boards.** (a) Base funding
 188.11 for each community health board eligible for a local public health grant under section
 188.12 145A.03, subdivision 7, shall be determined by each community health board's fiscal year
 188.13 2003 allocations, prior to unallotment, for the following grant programs: community
 188.14 health services subsidy; state and federal maternal and child health special projects grants;
 188.15 family home visiting grants; TANF MN ENABL grants; TANF youth risk behavior grants;
 188.16 and available women, infants, and children grant funds in fiscal year 2003, prior to
 188.17 unallotment, distributed based on the proportion of WIC participants served in fiscal year
 188.18 2003 within the CHS service area.

188.19 (b) Base funding for a community health board eligible for a local public health
 188.20 grant under section 145A.03, subdivision 7, as determined in paragraph (a), shall be
 188.21 adjusted by the percentage difference between the base, as calculated in paragraph (a),
 188.22 and the funding available for the local public health grant.

188.23 (c) Multicounty or multicity community health boards shall receive a local
 188.24 partnership base of up to \$5,000 per year for each county or city in the case of a multicity
 188.25 community health board included in the community health board.

188.26 (d) The State Community Health Advisory Committee may recommend a formula
 188.27 to the commissioner to use in distributing ~~state and federal~~ funds to community health
 188.28 boards ~~organized and operating under sections 145A.03 to 145A.131 to achieve locally~~
 188.29 ~~identified priorities under section 145A.04, subdivision 1a, for use in distributing funds to~~
 188.30 ~~community health boards beginning January 1, 2006, and thereafter.~~

188.31 (e) Notwithstanding any adjustment in paragraph (b), community health boards, all
 188.32 or a portion of which are located outside of the counties of Anoka, Chisago, Carver,
 188.33 Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright, are eligible
 188.34 to receive an increase equal to ten percent of the grant award to the community health
 188.35 board under paragraph (a) starting July 1, 2015. The increase in calendar year 2015 shall

189.1 be prorated for the last six months of the year. For calendar years beginning on or after
 189.2 January 1, 2016, the amount distributed under this paragraph shall be adjusted each year
 189.3 based on available funding and the number of eligible community health boards.

189.4 Sec. 21. Minnesota Statutes 2014, section 149A.20, subdivision 5, is amended to read:

189.5 Subd. 5. **Examinations.** After having met the educational requirements of
 189.6 subdivision 4, a person must attain a passing score on the National Board Examination
 189.7 administered by the Conference of Funeral Service Examining Boards of the United
 189.8 States, Inc. or any other examination that, in the determination of the commissioner,
 189.9 adequately and accurately assesses the knowledge and skills required to practice
 189.10 mortuary science. In addition, a person must attain a passing score on the state licensing
 189.11 examination administered by or on behalf of the commissioner. The state examination
 189.12 shall encompass the laws and rules of Minnesota that pertain to the practice of mortuary
 189.13 science. The commissioner shall make available copies of all pertinent laws and rules
 189.14 prior to administration of the state licensing examination. If a passing score is not attained
 189.15 on the state examination, the individual must wait two weeks before they can retake
 189.16 the examination.

189.17 Sec. 22. Minnesota Statutes 2014, section 149A.20, subdivision 6, is amended to read:

189.18 Subd. 6. **Internship.** (a) A person who attains a passing score on both examinations
 189.19 in subdivision 5 must complete a registered internship under the direct supervision of an
 189.20 individual currently licensed to practice mortuary science in Minnesota. Interns must file
 189.21 with the commissioner:

189.22 (1) the appropriate fee; and

189.23 (2) a registration form indicating the name and home address of the intern, the
 189.24 date the internship begins, and the name, license number, and business address of the
 189.25 supervising mortuary science licensee.

189.26 (b) Any changes in information provided in the registration must be immediately
 189.27 reported to the commissioner. The internship shall be a minimum of ~~one calendar year~~
 189.28 ~~and a maximum of three calendar years in duration;~~ 2,080 hours to be completed within a
 189.29 three-year period, however, the commissioner may waive up to ~~three months~~ 520 hours of
 189.30 the internship time requirement upon satisfactory completion of a clinical or practicum
 189.31 in mortuary science administered through the program of mortuary science of the
 189.32 University of Minnesota or a substantially similar program approved by the commissioner.
 189.33 Registrations must be renewed on an annual basis if they exceed one calendar year. During
 189.34 the internship period, the intern must be under the direct supervision of a person holding a

190.1 current license to practice mortuary science in Minnesota. An intern may be registered
 190.2 under only one licensee at any given time and may be directed and supervised only by
 190.3 the registered licensee. The registered licensee shall have only one intern registered at
 190.4 any given time. The commissioner shall issue to each registered intern a registration
 190.5 permit that must be displayed with the other establishment and practice licenses. While
 190.6 under the direct supervision of the licensee, the intern must ~~actively participate in the~~
 190.7 ~~embalming of at least 25 dead human bodies and in the arrangements for and direction of~~
 190.8 ~~at least 25 funerals~~ complete 25 case reports in each of the following areas: embalming,
 190.9 funeral arrangements, and services. Case reports, on forms provided by the commissioner,
 190.10 shall be completed by the intern, ~~signed by the supervising licensee,~~ and filed with the
 190.11 commissioner ~~for at least 25 embalmings and funerals in which the intern participates~~ prior
 190.12 to the completion of the internship. Information contained in these reports that identifies
 190.13 the subject or the family of the subject embalmed or the subject or the family of the subject
 190.14 of the funeral shall be classified as licensing data under section 13.41, subdivision 2.

190.15 Sec. 23. Minnesota Statutes 2014, section 149A.40, subdivision 11, is amended to read:

190.16 Subd. 11. **Continuing education.** The commissioner ~~may~~ shall require 18
 190.17 continuing education hours for renewal of a license to practice mortuary science. Ten of
 190.18 the required hours must be in the following areas: (1) funeral service laws and regulations,
 190.19 2 CE hours; (2) OSHA to include blood-borne pathogens, 2 CE hours; (3) embalming
 190.20 practices, 2 CE hours; (4) ethics, 2 CE hours; and (5) preneed arrangements, 2 CE hours.
 190.21 Continuing education hours shall be reported to the commissioner every other year based
 190.22 on the licensee's license number. Licensees whose license ends in an odd number must
 190.23 report CE hours at renewal time every odd year. If a licensee's license ends in an even
 190.24 number, the licensee must report the licensee's CE hours at renewal time every even year.

190.25 Sec. 24. Minnesota Statutes 2014, section 149A.65, is amended to read:

190.26 **149A.65 FEES.**

190.27 Subdivision 1. **Generally.** This section establishes the fees for registrations,
 190.28 examinations, initial and renewal licenses, and late fees authorized under the provisions
 190.29 of this chapter.

190.30 Subd. 2. **Mortuary science fees.** Fees for mortuary science are:

- 190.31 (1) ~~\$50~~ \$75 for the initial and renewal registration of a mortuary science intern;
 190.32 (2) ~~\$100~~ \$125 for the mortuary science examination;
 190.33 (3) ~~\$125~~ \$200 for issuance of initial and renewal mortuary science licenses;
 190.34 (4) ~~\$25~~ \$100 late fee charge for a license renewal; and

191.1 (5) ~~\$200~~ \$250 for issuing a mortuary science license by endorsement.

191.2 Subd. 3. **Funeral directors.** The license renewal fee for funeral directors is ~~\$125~~
191.3 \$200. The late fee charge for a license renewal is ~~\$25~~ \$100.

191.4 Subd. 4. **Funeral establishments.** The initial and renewal fee for funeral
191.5 establishments is ~~\$300~~ \$425. The late fee charge for a license renewal is ~~\$25~~ \$100.

191.6 Subd. 5. **Crematories.** The initial and renewal fee for a crematory is ~~\$300~~ \$425.
191.7 The late fee charge for a license renewal is ~~\$25~~ \$100.

191.8 Subd. 6. **Alkaline hydrolysis facilities.** The initial and renewal fee for an alkaline
191.9 hydrolysis facility is ~~\$300~~ \$425. The late fee charge for a license renewal is ~~\$25~~ \$100.

191.10 Subd. 7. **State government special revenue fund.** Fees collected by the
191.11 commissioner under this section must be deposited in the state treasury and credited to
191.12 the state government special revenue fund.

191.13 Sec. 25. Minnesota Statutes 2014, section 149A.92, subdivision 1, is amended to read:

191.14 Subdivision 1. **Exemption Establishment update.** ~~All funeral establishments~~
191.15 ~~having a preparation and embalming room that has not been used for the preparation or~~
191.16 ~~embalming of a dead human body in the 12 calendar months prior to July 1, 1997, are~~
191.17 ~~exempt from the minimum requirements in subdivisions 2 to 6, except as provided in this~~
191.18 ~~section.~~ At the time that ownership of a funeral establishment changes, the physical
191.19 location of the establishment changes, or the building housing the funeral establishment or
191.20 business space of the establishment is remodeled the existing preparation and embalming
191.21 room must be brought into compliance with the minimum standards in this section and in
191.22 accordance with subdivision 11.

191.23 Sec. 26. Minnesota Statutes 2014, section 149A.97, subdivision 7, is amended to read:

191.24 Subd. 7. **Reports to commissioner.** Every funeral provider lawfully doing business
191.25 in Minnesota that accepts funds under subdivision 2 must make a complete annual report
191.26 to the commissioner. The reports may be on forms provided by the commissioner or
191.27 substantially similar forms containing, at least, identification and the state of each trust
191.28 account, including all transactions involving principal and accrued interest, and must be
191.29 filed by March 31 of the calendar year following the reporting year along with a filing
191.30 fee of \$25 for each report. Fees shall be paid to the commissioner of management and
191.31 budget, state of Minnesota, for deposit in the state government special revenue fund in
191.32 the state treasury. Reports must be signed by an authorized representative of the funeral
191.33 provider and notarized under oath. The commissioner shall require funeral providers
191.34 reporting preneed trust accounts under this section to complete an independent audit by

192.1 an independent third party auditing firm at their expense every other year and report the
 192.2 findings of the audit to the commissioner by March 31 of that calendar year. The audit
 192.3 report is in addition to the annual report that is required to be submitted. All reports to the
 192.4 commissioner shall be reviewed for account inaccuracies or possible violations of this
 192.5 section. If the commissioner has a reasonable belief to suspect that there are account
 192.6 irregularities or possible violations of this section, the commissioner shall report that
 192.7 belief, in a timely manner, to the state auditor or other state agencies as determined by
 192.8 the commissioner. The commissioner shall also file an annual letter with the state auditor
 192.9 disclosing whether or not any irregularities or possible violations were detected in review
 192.10 of the annual trust fund reports filed by the funeral providers. This letter shall be filed with
 192.11 the state auditor by May 31 of the calendar year following the reporting year.

192.12 Sec. 27. Minnesota Statutes 2014, section 157.16, is amended to read:

192.13 **157.16 LICENSES REQUIRED; FEES.**

192.14 Subdivision 1. **License required annually.** A license is required annually for every
 192.15 person, firm, or corporation engaged in the business of conducting a food and beverage
 192.16 service establishment, youth camp, hotel, motel, lodging establishment, public pool,
 192.17 or resort. Any person wishing to operate a place of business licensed in this section
 192.18 shall first make application, pay the required fee specified in this section, and receive
 192.19 approval for operation, including plan review approval. Special event food stands are
 192.20 not required to submit plans. Nonprofit organizations operating a special event food
 192.21 stand with multiple locations at an annual one-day event shall be issued only one license.
 192.22 Application shall be made on forms provided by the commissioner and shall require the
 192.23 applicant to state the full name and address of the owner of the building, structure, or
 192.24 enclosure, the lessee and manager of the food and beverage service establishment, hotel,
 192.25 motel, lodging establishment, public pool, or resort; the name under which the business is
 192.26 to be conducted; and any other information as may be required by the commissioner to
 192.27 complete the application for license.

192.28 Subd. 2. **License renewal.** Initial and renewal licenses for all food and beverage
 192.29 service establishments, youth camps, hotels, motels, lodging establishments, public pools,
 192.30 and resorts shall be issued on an annual basis. Any person who operates a place of business
 192.31 after the expiration date of a license or without having submitted an application and paid
 192.32 the fee shall be deemed to have violated the provisions of this chapter and shall be subject
 192.33 to enforcement action, as provided in the Health Enforcement Consolidation Act, sections
 192.34 144.989 to 144.993. In addition, a penalty of \$60 shall be added to the total of the license
 192.35 fee for any food and beverage service establishment operating without a license as a mobile

193.1 food unit, a seasonal temporary or seasonal permanent food stand, or a special event food
 193.2 stand, and a penalty of \$120 shall be added to the total of the license fee for all restaurants,
 193.3 food carts, hotels, motels, lodging establishments, youth camps, public pools, and resorts
 193.4 operating without a license for a period of up to 30 days. A late fee of \$360 shall be added
 193.5 to the license fee for establishments operating more than 30 days without a license.

193.6 Subd. 2a. **Food manager certification.** An applicant for certification or certification
 193.7 renewal as a food manager must submit to the commissioner a \$35 nonrefundable
 193.8 certification fee payable to the Department of Health. The commissioner shall issue a
 193.9 duplicate certificate to replace a lost, destroyed, or mutilated certificate if the applicant
 193.10 submits a completed application on a form provided by the commissioner for a duplicate
 193.11 certificate and pays \$20 to the department for the cost of duplication.

193.12 Subd. 3. **Establishment fees; definitions.** (a) The following fees are required
 193.13 for food and beverage service establishments, youth camps, hotels, motels, lodging
 193.14 establishments, public pools, and resorts licensed under this chapter. ~~Food and beverage~~
 193.15 ~~service establishments must pay the highest applicable fee under paragraph (d), clause~~
 193.16 ~~(1), (2), (3), or (4), and establishments serving alcohol must pay the highest applicable~~
 193.17 ~~fee under paragraph (d), clause (6) or (7).~~ The license fee for new operators previously
 193.18 licensed under this chapter for the same calendar year is one-half of the appropriate annual
 193.19 license fee, plus any penalty that may be required. The license fee for operators opening
 193.20 on or after October 1 is one-half of the appropriate annual license fee, plus any penalty
 193.21 that may be required.

193.22 (b) Each food and beverage establishment shall pay the applicable fees specified
 193.23 in section 15.445.

193.24 ~~(b) (c) All food and beverage service establishments, except special event food~~
 193.25 ~~stands, and all hotels, motels, lodging establishments, public pools, and resorts shall pay~~
 193.26 ~~an annual base fee of \$150, except for establishments that paid for a food and beverage~~
 193.27 ~~establishment license under paragraph (b).~~

193.28 ~~(c) A special event food stand shall pay a flat fee of \$50 annually. "Special event~~
 193.29 ~~food stand" means a fee category where food is prepared or served in conjunction with~~
 193.30 ~~celebrations, county fairs, or special events from a special event food stand as defined~~
 193.31 ~~in section 157.15.~~

193.32 (d) In addition to the base fee in paragraph ~~(b) (c)~~, each food and beverage service
 193.33 establishment, other than a special event food stand and a school concession stand, and
 193.34 each hotel, motel, lodging establishment, public pool, and resort shall pay an additional
 193.35 annual fee for each applicable fee category, ~~additional food service, or required additional~~
 193.36 ~~inspection~~ specified in this paragraph:

194.1 ~~(1) Limited food menu selection, \$60. "Limited food menu selection" means a fee~~
 194.2 ~~category that provides one or more of the following:~~

194.3 ~~(i) prepackaged food that receives heat treatment and is served in the package;~~

194.4 ~~(ii) frozen pizza that is heated and served;~~

194.5 ~~(iii) a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;~~

194.6 ~~(iv) soft drinks, coffee, or nonalcoholic beverages; or~~

194.7 ~~(v) cleaning for eating, drinking, or cooking utensils, when the only food served~~
 194.8 ~~is prepared off site.~~

194.9 ~~(2) Small establishment, including boarding establishments, \$120. "Small~~
 194.10 ~~establishment" means a fee category that has no salad bar and meets one or more of~~
 194.11 ~~the following:~~

194.12 ~~(i) possesses food service equipment that consists of no more than a deep fat fryer, a~~
 194.13 ~~grill, two hot holding containers, and one or more microwave ovens;~~

194.14 ~~(ii) serves dipped ice cream or soft serve frozen desserts;~~

194.15 ~~(iii) serves breakfast in an owner-occupied bed and breakfast establishment;~~

194.16 ~~(iv) is a boarding establishment; or~~

194.17 ~~(v) meets the equipment criteria in clause (3), item (i) or (ii), and has a maximum~~
 194.18 ~~patron seating capacity of not more than 50.~~

194.19 ~~(3) Medium establishment, \$310. "Medium establishment" means a fee category~~
 194.20 ~~that meets one or more of the following:~~

194.21 ~~(i) possesses food service equipment that includes a range, oven, steam table, salad~~
 194.22 ~~bar, or salad preparation area;~~

194.23 ~~(ii) possesses food service equipment that includes more than one deep fat fryer,~~
 194.24 ~~one grill, or two hot holding containers; or~~

194.25 ~~(iii) is an establishment where food is prepared at one location and served at one or~~
 194.26 ~~more separate locations.~~

194.27 ~~Establishments meeting criteria in clause (2), item (v), are not included in this fee~~
 194.28 ~~category.~~

194.29 ~~(4) Large establishment, \$540. "Large establishment" means either:~~

194.30 ~~(i) a fee category that (A) meets the criteria in clause (3), items (i) or (ii), for a~~
 194.31 ~~medium establishment, (B) seats more than 175 people, and (C) offers the full menu~~
 194.32 ~~selection an average of five or more days a week during the weeks of operation; or~~

194.33 ~~(ii) a fee category that (A) meets the criteria in clause (3), item (iii), for a medium~~
 194.34 ~~establishment, and (B) prepares and serves 500 or more meals per day.~~

194.35 ~~(5) Other food and beverage service, including food carts, mobile food units,~~
 194.36 ~~seasonal temporary food stands, and seasonal permanent food stands, \$60.~~

195.1 ~~(6) Beer or wine table service, \$60. "Beer or wine table service" means a fee~~
 195.2 ~~category where the only alcoholic beverage service is beer or wine, served to customers~~
 195.3 ~~seated at tables.~~

195.4 ~~(7) Alcoholic beverage service, other than beer or wine table service, \$165.~~

195.5 ~~"Alcohol beverage service, other than beer or wine table service" means a fee category~~
 195.6 ~~where alcoholic mixed drinks are served or where beer or wine are served from a bar.~~

195.7 ~~(8) (1) Lodging per sleeping accommodation unit, \$10, including hotels, motels,~~
 195.8 ~~lodging establishments, and resorts, up to a maximum of \$1,000. "Lodging per sleeping~~
 195.9 ~~accommodation unit" means a fee category including the number of guest rooms, cottages,~~
 195.10 ~~or other rental units of a hotel, motel, lodging establishment, or resort; or the number of~~
 195.11 ~~beds in a dormitory.~~

195.12 ~~(9) (2) First public pool, \$325; each additional public pool, \$175. "Public pool"~~
 195.13 ~~means a fee category that has the meaning given in section 144.1222, subdivision 4.~~

195.14 ~~(10) (3) First spa, \$175; each additional spa, \$100. "Spa pool" means a fee category~~
 195.15 ~~that has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.~~

195.16 ~~(11) (4) Private sewer or water, \$60. "Individual private water" means a fee category~~
 195.17 ~~with a water supply other than a community public water supply as defined covered in~~
 195.18 ~~Minnesota Rules, chapter 4720. "Individual private sewer" means a fee category with an~~
 195.19 ~~individual sewage treatment system which uses subsurface treatment and disposal.~~

195.20 ~~(12) Additional food service, \$150. "Additional food service" means a location at~~
 195.21 ~~a food service establishment, other than the primary food preparation and service area,~~
 195.22 ~~used to prepare or serve food to the public. Additional food service does not apply to~~
 195.23 ~~school concession stands.~~

195.24 ~~(13) Additional inspection fee, \$360. "Additional inspection fee" means a fee to~~
 195.25 ~~conduct the second inspection each year for elementary and secondary education facility~~
 195.26 ~~school lunch programs when required by the Richard B. Russell National School Lunch~~
 195.27 ~~Act.~~

195.28 (e) Youth camps shall pay an annual single fee for food and lodging as follows:

195.29 (1) camps with up to 99 campers, \$325;

195.30 (2) camps with 100 to 199 campers, \$550; and

195.31 (3) camps with 200 or more campers, \$750.

195.32 (f) A youth camp that pays fees under paragraph (b) or (d) is not required to pay
 195.33 fees under paragraph (e).

195.34 Subd. 3a. **Construction plan review.** (e) (a) A fee for review of construction plans
 195.35 must accompany the initial license application for restaurants, hotels, motels, lodging

196.1 establishments, resorts, seasonal food stands, and mobile food units. The fee for this
 196.2 construction plan review is as follows:

196.3	Service Area	Type	Fee	
196.4	Food	limited food menu <u>category 1 establishment</u>	\$275	
196.5		small <u>category 2 establishment</u>	\$400	
196.6		medium <u>category 3 establishment</u>	\$450	
196.7		large food <u>category 4 establishment</u>	\$500	
196.8		additional food service	\$150	
196.9	Transient food service			
196.10	<u>Temporary food establishment</u>			
196.11		food cart	\$250	
196.12		seasonal permanent food stand	\$250	
196.13		seasonal temporary food stand	\$250	
196.14		mobile food unit	\$350	
196.15		Alcohol	beer or wine table service	\$150
196.16			alcohol service from bar	\$250
196.17	Lodging	less than 25 rooms	\$375	
196.18		25 to less than 100 rooms	\$400	
196.19		100 rooms or more	\$500	
196.20		less than five cabins	\$350	
196.21		five to less than ten cabins	\$400	
196.22		ten cabins or more	\$450	

196.23 ~~(f)~~ (b) When existing food and beverage service establishments, hotels, motels,
 196.24 lodging establishments, resorts, seasonal food stands, and mobile food units are
 196.25 extensively remodeled, a fee must be submitted with the remodeling plans. The fee for
 196.26 this construction plan review is as follows:

196.27	Service Area	Type	Fee	
196.28	Food	limited food menu <u>category 1 establishment</u>	\$250	
196.29		small <u>category 2 establishment</u>	\$300	
196.30		medium <u>category 3 establishment</u>	\$350	
196.31		large <u>category 4 food establishment</u>	\$400	
196.32		additional food service	\$150	
196.33	Transient food service			
196.34	<u>Temporary food establishment</u>			
196.35		food cart	\$250	
196.36		seasonal permanent food stand	\$250	
196.37		seasonal temporary food stand	\$250	
196.38		mobile food unit	\$250	
196.39		Alcohol	beer or wine table service	\$150
196.40			alcohol service from bar	\$250
196.41	Lodging	less than 25 rooms	\$250	
196.42		25 to less than 100 rooms	\$300	
196.43		100 rooms or more	\$450	

197.1	less than five cabins	\$250
197.2	five to less than ten cabins	\$350
197.3	ten cabins or more	\$400

197.4 ~~(g)~~ (c) Special event food stands are not required to submit construction or
 197.5 remodeling plans for review.

197.6 ~~(h) Youth camps shall pay an annual single fee for food and lodging as follows:~~

197.7 ~~(1) camps with up to 99 campers, \$325;~~

197.8 ~~(2) camps with 100 to 199 campers, \$550; and~~

197.9 ~~(3) camps with 200 or more campers, \$750.~~

197.10 ~~(i) A youth camp which pays fees under paragraph (d) is not required to pay fees~~
 197.11 ~~under paragraph (h).~~

197.12 Subd. 3a. 3b. Statewide hospitality fee. Every person, firm, or corporation that
 197.13 operates a licensed boarding establishment, food and beverage service establishment,
 197.14 seasonal temporary or permanent food stand, special event food stand, mobile food unit,
 197.15 food cart, resort, hotel, motel, or lodging establishment in Minnesota must submit to the
 197.16 commissioner a \$35 annual statewide hospitality fee for each licensed activity. The fee
 197.17 for establishments licensed by the Department of Health is required at the same time the
 197.18 licensure fee is due. For establishments licensed by local governments, the fee is due by
 197.19 July 1 of each year.

197.20 Subd. 4. **Posting requirements.** Every food and beverage service establishment,
 197.21 for-profit youth camp, hotel, motel, lodging establishment, public pool, or resort must
 197.22 have the original license posted in a conspicuous place at the establishment. ~~Mobile food~~
 197.23 ~~units, food carts, and seasonal temporary food stands shall be issued decals with the~~
 197.24 ~~initial license and each calendar year with license renewals. The current license year~~
 197.25 ~~decal must be placed on the unit or stand in a location determined by the commissioner.~~
 197.26 ~~Decals are not transferable.~~

197.27 Subd. 5. **Special revenue fund.** Fees collected under this section shall be deposited
 197.28 in the state treasury and credited to the state government special revenue fund.

197.29 ARTICLE 9

197.30 HEALTH LICENSING BOARD FEE MODIFICATIONS

197.31 Section 1. Minnesota Statutes 2014, section 148.57, subdivision 1, is amended to read:

197.32 Subdivision 1. **Examination.** (a) A person not authorized to practice optometry in
 197.33 the state and desiring to do so shall apply to the state Board of Optometry by filling out
 197.34 and swearing to an application for a license granted by the board and accompanied by a
 197.35 fee ~~in an amount of \$87~~ established by the board, not to exceed the amount specified in

198.1 section 148.59. With the submission of the application form, the candidate shall prove
 198.2 that the candidate:

198.3 (1) is of good moral character;

198.4 (2) has obtained a clinical doctorate degree from a board-approved school or college
 198.5 of optometry, or is currently enrolled in the final year of study at such an institution; and

198.6 (3) has passed all parts of an examination.

198.7 (b) The examination shall include both a written portion and a clinical practical
 198.8 portion and shall thoroughly test the fitness of the candidate to practice in this state. In
 198.9 regard to the written and clinical practical examinations, the board may:

198.10 (1) prepare, administer, and grade the examination itself;

198.11 (2) recognize and approve in whole or in part an examination prepared, administered
 198.12 and graded by a national board of examiners in optometry; or

198.13 (3) administer a recognized and approved examination prepared and graded by or
 198.14 under the direction of a national board of examiners in optometry.

198.15 (c) The board shall issue a license to each applicant who satisfactorily passes the
 198.16 examinations and fulfills the other requirements stated in this section and section 148.575
 198.17 for board certification for the use of legend drugs. Applicants for initial licensure do not
 198.18 need to apply for or possess a certificate as referred to in sections 148.571 to 148.574. The
 198.19 fees mentioned in this section are for the use of the board and in no case shall be refunded.

198.20 Sec. 2. Minnesota Statutes 2014, section 148.57, subdivision 2, is amended to read:

198.21 Subd. 2. **Endorsement.** An optometrist who holds a current license from another
 198.22 state, and who has practiced in that state not less than three years immediately preceding
 198.23 application, may apply for licensure in Minnesota by filling out and swearing to an
 198.24 application for license by endorsement furnished by the board. The completed application
 198.25 with all required documentation shall be filed at the board office along with a fee of ~~\$87~~
 198.26 established by the board, not to exceed the amount specified in section 148.59. The
 198.27 application fee shall be for the use of the board and in no case shall be refunded. To
 198.28 verify that the applicant possesses the knowledge and ability essential to the practice of
 198.29 optometry in this state, the applicant must provide evidence of:

198.30 (1) having obtained a clinical doctorate degree from a board-approved school
 198.31 or college of optometry;

198.32 (2) successful completion of both written and practical examinations for licensure in
 198.33 the applicant's original state of licensure that thoroughly tested the fitness of the applicant
 198.34 to practice;

198.35 (3) successful completion of an examination of Minnesota state optometry laws;

199.1 (4) compliance with the requirements for board certification in section 148.575;
 199.2 (5) compliance with all continuing education required for license renewal in every
 199.3 state in which the applicant currently holds an active license to practice; and

199.4 (6) being in good standing with every state board from which a license has been
 199.5 issued.

199.6 Documentation from a national certification system or program, approved by the
 199.7 board, which supports any of the listed requirements, may be used as evidence. The
 199.8 applicant may then be issued a license if the requirements for licensure in the other state
 199.9 are deemed by the board to be equivalent to those of sections 148.52 to 148.62.

199.10 Sec. 3. Minnesota Statutes 2014, section 148.59, is amended to read:

199.11 **148.59 LICENSE RENEWAL; ~~FEE~~ LICENSE AND REGISTRATION FEES.**

199.12 A licensed optometrist shall pay to the state Board of Optometry a fee as set by the
 199.13 board in order to renew a license as provided by board rule. No fees shall be refunded.

199.14 Fees may not exceed the following amounts but may be adjusted lower by board direction
 199.15 and are for the exclusive use of the board:

- 199.16 (1) optometry licensure application, \$160;
- 199.17 (2) optometry annual licensure renewal, \$135;
- 199.18 (3) optometry late penalty fee, \$75;
- 199.19 (4) annual license renewal card, \$10;
- 199.20 (5) continuing education provider application, \$45;
- 199.21 (6) emeritus registration, \$10;
- 199.22 (7) endorsement/reciprocity application, \$160;
- 199.23 (8) replacement of initial license, \$12; and
- 199.24 (9) license verification, \$50.

199.25 Sec. 4. Minnesota Statutes 2014, section 148E.180, subdivision 2, is amended to read:

199.26 Subd. 2. **License fees.** License fees are as follows:

- 199.27 (1) for a licensed social worker, \$81;
- 199.28 (2) for a licensed graduate social worker, \$144;
- 199.29 (3) for a licensed independent social worker, \$216;
- 199.30 (4) for a licensed independent clinical social worker, \$238.50;
- 199.31 (5) for an emeritus inactive license, \$43.20; ~~and~~
- 199.32 (6) for an emeritus active license, one-half of the renewal fee specified in subdivision
 199.33 3; and
- 199.34 (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

200.1 If the licensee's initial license term is less or more than 24 months, the required
200.2 license fees must be prorated proportionately.

200.3 Sec. 5. Minnesota Statutes 2014, section 148E.180, subdivision 5, is amended to read:

200.4 Subd. 5. **Late fees.** Late fees are as follows:

200.5 (1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3; ~~and~~

200.6 (2) supervision plan late fee, \$40.; and

200.7 (3) license late fee, \$100 plus the prorated share of the license fee specified in

200.8 subdivision 2 for the number of months during which the individual practiced social

200.9 work without a license.

200.10 Sec. 6. Minnesota Statutes 2014, section 150A.091, subdivision 4, is amended to read:

200.11 Subd. 4. **Annual license fees.** Each limited faculty or resident dentist shall submit
200.12 with an annual license renewal application a fee established by the board not to exceed
200.13 the following amounts:

200.14 (1) limited faculty dentist, \$168; and

200.15 (2) resident dentist or dental provider, ~~\$59~~ \$85.

200.16 Sec. 7. Minnesota Statutes 2014, section 150A.091, subdivision 5, is amended to read:

200.17 Subd. 5. **Biennial license or permit fees.** Each of the following applicants shall
200.18 submit with a biennial license or permit renewal application a fee as established by the
200.19 board, not to exceed the following amounts:

200.20 (1) dentist or full faculty dentist, ~~\$336~~ \$475;

200.21 (2) dental therapist, ~~\$180~~ \$300;

200.22 (3) dental hygienist, ~~\$118~~ \$200;

200.23 (4) licensed dental assistant, ~~\$80~~ \$150; and

200.24 (5) dental assistant with a permit as described in Minnesota Rules, part 3100.8500,
200.25 subpart 3, \$24.

200.26 Sec. 8. Minnesota Statutes 2014, section 150A.091, subdivision 11, is amended to read:

200.27 Subd. 11. **Certificate application fee for anesthesia/sedation.** Each dentist
200.28 shall submit with a general anesthesia or moderate sedation application ~~or~~ a contracted
200.29 sedation provider application, or biennial renewal, a fee as established by the board not to
200.30 exceed the following amounts:

200.31 (1) for both a general anesthesia and moderate sedation application, ~~\$250~~ \$400;

200.32 (2) for a general anesthesia application only, ~~\$250~~ \$400;

201.1 (3) for a moderate sedation application only, ~~\$250~~ \$400; and

201.2 (4) for a contracted sedation provider application, ~~\$250~~ \$400.

201.3 Sec. 9. Minnesota Statutes 2014, section 150A.091, is amended by adding a
201.4 subdivision to read:

201.5 Subd. 17. **Advanced dental therapy examination fee.** Any dental therapist eligible
201.6 to sit for the advanced dental therapy certification examination must submit with the
201.7 application a fee as established by the board, not to exceed \$250.

201.8 Sec. 10. Minnesota Statutes 2014, section 150A.091, is amended by adding a
201.9 subdivision to read:

201.10 Subd. 18. **Corporation or professional firm late fee.** Any corporation or
201.11 professional firm whose annual fee is not postmarked or otherwise received by the board
201.12 by the due date of December 31 shall, in addition to the fee, submit a late fee as established
201.13 by the board, not to exceed \$15.

201.14 Sec. 11. Minnesota Statutes 2014, section 150A.31, is amended to read:

201.15 **150A.31 FEES.**

201.16 (a) The initial biennial registration fee is \$50.

201.17 (b) The biennial renewal registration fee is ~~\$25~~ not to exceed \$80.

201.18 (c) The fees specified in this section are nonrefundable and shall be deposited in
201.19 the state government special revenue fund.

201.20 Sec. 12. Minnesota Statutes 2014, section 151.065, subdivision 1, is amended to read:

201.21 Subdivision 1. **Application fees.** Application fees for licensure and registration
201.22 are as follows:

201.23 (1) pharmacist licensed by examination, ~~\$130~~ \$145;

201.24 (2) pharmacist licensed by reciprocity, ~~\$225~~ \$240;

201.25 (3) pharmacy intern, ~~\$30~~ \$37.50;

201.26 (4) pharmacy technician, ~~\$30~~ \$37.50;

201.27 (5) pharmacy, ~~\$190~~ \$225;

201.28 (6) drug wholesaler, legend drugs only, ~~\$200~~ \$235;

201.29 (7) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;

201.30 (8) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;

201.31 (9) drug wholesaler, medical gases, ~~\$150~~ \$175;

201.32 (10) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

- 202.1 (11) drug manufacturer, legend drugs only, ~~\$200~~ \$235;
- 202.2 (12) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;
- 202.3 (13) drug manufacturer, nonlegend or veterinary legend drugs, ~~\$175~~ \$210;
- 202.4 (14) drug manufacturer, medical gases, ~~\$150~~ \$185;
- 202.5 (15) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;
- 202.6 (16) medical gas distributor, ~~\$75~~ \$110;
- 202.7 (17) controlled substance researcher, ~~\$50~~ \$75; and
- 202.8 (18) pharmacy professional corporation, ~~\$100~~ \$125.

202.9 Sec. 13. Minnesota Statutes 2014, section 151.065, subdivision 2, is amended to read:

202.10 Subd. 2. **Original license fee.** The pharmacist original licensure fee, ~~\$130~~ \$145.

202.11 Sec. 14. Minnesota Statutes 2014, section 151.065, subdivision 3, is amended to read:

202.12 Subd. 3. **Annual renewal fees.** Annual licensure and registration renewal fees
202.13 are as follows:

- 202.14 (1) pharmacist, ~~\$130~~ \$145;
- 202.15 (2) pharmacy technician, ~~\$30~~ \$37.50;
- 202.16 (3) pharmacy, ~~\$190~~ \$225;
- 202.17 (4) drug wholesaler, legend drugs only, ~~\$200~~ \$235;
- 202.18 (5) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;
- 202.19 (6) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;
- 202.20 (7) drug wholesaler, medical gases, ~~\$150~~ \$185;
- 202.21 (8) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;
- 202.22 (9) drug manufacturer, legend drugs only, ~~\$200~~ \$235;
- 202.23 (10) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;
- 202.24 (11) drug manufacturer, nonlegend, veterinary legend drugs, or both, ~~\$175~~ \$210;
- 202.25 (12) drug manufacturer, medical gases, ~~\$150~~ \$185;
- 202.26 (13) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;
- 202.27 (14) medical gas distributor, ~~\$75~~ \$110;
- 202.28 (15) controlled substance researcher, ~~\$50~~ \$75; and
- 202.29 (16) pharmacy professional corporation, ~~\$45~~ \$75.

202.30 Sec. 15. Minnesota Statutes 2014, section 151.065, subdivision 4, is amended to read:

202.31 Subd. 4. **Miscellaneous fees.** Fees for issuance of affidavits and duplicate licenses
202.32 and certificates are as follows:

- 202.33 (1) intern affidavit, ~~\$15~~ \$20;

- 203.1 (2) duplicate small license, \$15 \$20; and
- 203.2 (3) duplicate large certificate, \$25 \$30.

ARTICLE 10

HEALTH AND HUMAN SERVICES APPROPRIATIONS

Section 1. **HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2016" and "2017" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2016, or June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal year 2017. "The biennium" is fiscal years 2016 and 2017.

APPROPRIATIONS
Available for the Year
Ending June 30
2016 **2017**

Sec. 2. **COMMISSIONER OF HUMAN SERVICES**

Subdivision 1. **Total Appropriation** \$ **7,206,221,000** \$ **7,544,129,000**

Appropriations by Fund

	<u>2016</u>	<u>2017</u>
<u>General</u>	<u>6,287,850,000</u>	<u>6,543,610,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>4,514,000</u>	<u>4,274,000</u>
<u>Health Care Access</u>	<u>645,221,000</u>	<u>730,343,000</u>
<u>Federal TANF</u>	<u>266,743,000</u>	<u>264,006,000</u>
<u>Lottery Prize</u>	<u>1,893,000</u>	<u>1,896,000</u>

Receipts for Systems Projects.

Appropriations and federal receipts for information systems projects for MAXIS, PRISM, MMIS, ISDS, and SSIS must be deposited in the state systems account authorized in Minnesota Statutes, section 256.014. Money appropriated for computer projects approved by the commissioner of the Office of MN.IT Services, funded

204.1 by the legislature, and approved by the
204.2 commissioner of management and budget
204.3 may be transferred from one project to
204.4 another and from development to operations
204.5 as the commissioner of human services
204.6 considers necessary. Any unexpended
204.7 balance in the appropriation for these
204.8 projects does not cancel but is available for
204.9 ongoing development and operations.

204.10 **Nonfederal Share Transfers.** The
204.11 nonfederal share of activities for which
204.12 federal administrative reimbursement is
204.13 appropriated to the commissioner may be
204.14 transferred to the special revenue fund.

204.15 **TANF Maintenance of Effort.** (a) In order
204.16 to meet the basic maintenance of effort
204.17 (MOE) requirements of the TANF block grant
204.18 specified under Code of Federal Regulations,
204.19 title 45, section 263.1, the commissioner may
204.20 only report nonfederal money expended for
204.21 allowable activities listed in the following
204.22 clauses as TANF/MOE expenditures:

204.23 (1) MFIP cash, diversionary work program,
204.24 and food assistance benefits under Minnesota
204.25 Statutes, chapter 256J;

204.26 (2) the child care assistance programs
204.27 under Minnesota Statutes, sections 119B.03
204.28 and 119B.05, and county child care
204.29 administrative costs under Minnesota
204.30 Statutes, section 119B.15;

204.31 (3) state and county MFIP administrative
204.32 costs under Minnesota Statutes, chapters
204.33 256J and 256K;

205.1 (4) state, county, and tribal MFIP
205.2 employment services under Minnesota
205.3 Statutes, chapters 256J and 256K;

205.4 (5) expenditures made on behalf of legal
205.5 noncitizen MFIP recipients who qualify for
205.6 the MinnesotaCare program under Minnesota
205.7 Statutes, chapter 256L;

205.8 (6) qualifying working family credit
205.9 expenditures under Minnesota Statutes,
205.10 section 290.0671; and

205.11 (7) qualifying Minnesota education credit
205.12 expenditures under Minnesota Statutes,
205.13 section 290.0674.

205.14 (b) The commissioner shall ensure that
205.15 sufficient qualified nonfederal expenditures
205.16 are made each year to meet the state's
205.17 TANF/MOE requirements. For the activities
205.18 listed in paragraph (a), clauses (2) to
205.19 (7), the commissioner may only report
205.20 expenditures that are excluded from the
205.21 definition of assistance under Code of
205.22 Federal Regulations, title 45, section 260.31.

205.23 (c) For fiscal years beginning with state fiscal
205.24 year 2003, the commissioner shall ensure
205.25 that the maintenance of effort used by the
205.26 commissioner of management and budget
205.27 for the February and November forecasts
205.28 required under Minnesota Statutes, section
205.29 16A.103, contains expenditures under
205.30 paragraph (a), clause (1), equal to at least 16
205.31 percent of the total required under Code of
205.32 Federal Regulations, title 45, section 263.1.

205.33 (d) The requirement in Minnesota Statutes,
205.34 section 256.011, subdivision 3, that federal
205.35 grants or aids secured or obtained under that

206.1 subdivision be used to reduce any direct
206.2 appropriations provided by law, does not
206.3 apply if the grants or aids are federal TANF
206.4 funds.

206.5 (e) For the federal fiscal years beginning on
206.6 or after October 1, 2007, the commissioner
206.7 may not claim an amount of TANF/MOE in
206.8 excess of the 75 percent standard in Code
206.9 of Federal Regulations, title 45, section
206.10 263.1(a)(2), except:

206.11 (1) to the extent necessary to meet the 80
206.12 percent standard under Code of Federal
206.13 Regulations, title 45, section 263.1(a)(1),
206.14 if it is determined by the commissioner
206.15 that the state will not meet the TANF work
206.16 participation target rate for the current year;

206.17 (2) to provide any additional amounts
206.18 under Code of Federal Regulations, title 45,
206.19 section 264.5, that relate to replacement of
206.20 TANF funds due to the operation of TANF
206.21 penalties; and

206.22 (3) to provide any additional amounts that
206.23 may contribute to avoiding or reducing
206.24 TANF work participation penalties through
206.25 the operation of the excess MOE provisions
206.26 of Code of Federal Regulations, title 45,
206.27 section 261.43(a)(2).

206.28 For the purposes of clauses (1) to (3),
206.29 the commissioner may supplement the
206.30 MOE claim with working family credit
206.31 expenditures or other qualified expenditures
206.32 to the extent such expenditures are otherwise
206.33 available after considering the expenditures
206.34 allowed in this subdivision, subdivision 2,
206.35 and subdivision 3.

207.1 (f) Notwithstanding any contrary provision
207.2 in this article, paragraphs (a) to (e) expire
207.3 June 30, 2019.

207.4 **Working Family Credit Expenditure**
207.5 **as TANF/MOE.** The commissioner may
207.6 claim as TANF maintenance of effort up to
207.7 \$6,707,000 per year of working family credit
207.8 expenditures in each fiscal year.

207.9 **Subd. 2. Working Family Credit to be Claimed**
207.10 **for TANF/MOE**

207.11 The commissioner may count the following
207.12 additional amounts of working family credit
207.13 expenditures as TANF maintenance of effort:

207.14 (1) fiscal year 2016, \$0;

207.15 (2) fiscal year 2017, \$1,283,000;

207.16 (3) fiscal year 2018, \$0; and

207.17 (4) fiscal year 2019, \$0.

207.18 Notwithstanding any contrary provision in
207.19 this article, this subdivision expires June 30,
207.20 2019.

207.21 **Subd. 3. TANF Transfer To Federal Child Care**
207.22 **and Development Fund**

207.23 (a) The following TANF fund amounts
207.24 are appropriated to the commissioner for
207.25 purposes of MFIP/transition year child care
207.26 assistance under Minnesota Statutes, section
207.27 119B.05:

207.28 (1) fiscal year 2016, \$49,135,000;

207.29 (2) fiscal year 2017, \$49,658,000;

207.30 (3) fiscal year 2018, \$49,658,000; and

207.31 (4) fiscal year 2019, \$49,658,000.

207.32 (b) The commissioner shall authorize the
207.33 transfer of sufficient TANF funds to the

208.1 federal child care and development fund to
 208.2 meet this appropriation and shall ensure that
 208.3 all transferred funds are expended according
 208.4 to federal child care and development fund
 208.5 regulations.

208.6 Subd. 4. **Central Office**

208.7 The amounts that may be spent from this
 208.8 appropriation for each purpose are as follows:

208.9 (a) **Operations**

	<u>Appropriations by Fund</u>	
208.10		
208.11	<u>General</u>	<u>113,514,000</u> <u>111,463,000</u>
208.12	<u>State Government</u>	
208.13	<u>Special Revenue</u>	<u>4,389,000</u> <u>4,149,000</u>
208.14	<u>Health Care Access</u>	<u>14,646,000</u> <u>13,751,000</u>
208.15	<u>Federal TANF</u>	<u>100,000</u> <u>100,000</u>

208.16 **Base Level Adjustment.** The general fund
 208.17 base is increased by \$561,000 in fiscal years
 208.18 2018 and 2019. The health care access fund
 208.19 base is decreased by \$455,000 in fiscal years
 208.20 2018 and 2019.

208.21 **Administrative Recovery; Set-Aside.** The
 208.22 commissioner may invoice local entities
 208.23 through the SWIFT accounting system as an
 208.24 alternative means to recover the actual cost
 208.25 of administering the following provisions:

208.26 (1) Minnesota Statutes, section 125A.744,
 208.27 subdivision 3;

208.28 (2) Minnesota Statutes, section 245.495,
 208.29 paragraph (b);

208.30 (3) Minnesota Statutes, section 256B.0625,
 208.31 subdivision 20, paragraph (k);

208.32 (4) Minnesota Statutes, section 256B.0924,
 208.33 subdivision 6, paragraph (g);

209.1 (5) Minnesota Statutes, section 256B.0945,
209.2 subdivision 4, paragraph (d); and
209.3 (6) Minnesota Statutes, section 256F.10,
209.4 subdivision 6, paragraph (b).

209.5 **IT Appropriations Generally.** This
209.6 appropriation includes funds for information
209.7 technology projects, services, and support.
209.8 Notwithstanding Minnesota Statutes,
209.9 section 16E.0466, funding for information
209.10 technology project costs shall be incorporated
209.11 into the service level agreement and paid
209.12 to the Office of MN.IT Services by the
209.13 Department of Human Services under
209.14 the rates and mechanism specified in that
209.15 agreement.

209.16 **Continued Development of MNsure**
209.17 **IT System.** The following amounts are
209.18 appropriated for transfer to the state systems
209.19 account under Minnesota Statutes, section
209.20 256.014:

209.21 (1) \$5,180,000 in fiscal year 2016 and
209.22 \$2,590,000 in fiscal year 2017 are from
209.23 the general fund for the state share of
209.24 Medicaid-allocated costs for the acceleration
209.25 of the MNsure IT system development
209.26 project. The general fund base is \$3,045,000
209.27 each year in fiscal years 2018 and 2019; and

209.28 (2) \$1,820,000 in fiscal year 2016 and
209.29 \$910,000 in fiscal year 2017 are from the
209.30 health care access fund for the state share
209.31 of MinnesotaCare-allocated costs for the
209.32 acceleration of the MNsure IT system
209.33 development project. The health care access
209.34 fund base is \$455,000 each year in fiscal
209.35 years 2018 and 2019.

210.1 **(b) Children and Families**210.2 Appropriations by Fund

210.3	<u>General</u>	<u>11,609,000</u>	<u>11,993,000</u>
210.4	<u>Federal TANF</u>	<u>2,582,000</u>	<u>2,582,000</u>

210.5 **Base Level Adjustment.** The general fund
 210.6 base is increased by \$31,000 in fiscal years
 210.7 2018 and 2019.

210.8 **Financial Institution Data Match and**210.9 **Payment of Fees.** The commissioner is210.10 authorized to allocate up to \$310,000 each210.11 year in fiscal year 2016 and fiscal year210.12 2017 from the PRISM special revenue210.13 account to make payments to financial210.14 institutions in exchange for performing210.15 data matches between account information210.16 held by financial institutions and the public210.17 authority's database of child support obligors210.18 as authorized by Minnesota Statutes, section210.19 13B.06, subdivision 7.210.20 **(c) Health Care**210.21 Appropriations by Fund

210.22	<u>General</u>	<u>15,534,000</u>	<u>16,119,000</u>
210.23	<u>Health Care Access</u>	<u>30,174,000</u>	<u>30,216,000</u>

210.24 **Base Level Adjustment.** The general fund210.25 base is decreased by \$16,000 in fiscal year210.26 2018 and is decreased by \$114,000 in fiscal210.27 year 2019. The health care access fund base210.28 is increased by \$1,740,000 in fiscal year210.29 2018 only.210.30 **(d) Continuing Care**210.31 Appropriations by Fund

210.32	<u>General</u>	<u>31,367,000</u>	<u>29,235,000</u>
210.33	<u>State Government</u>		
210.34	<u>Special Revenue</u>	<u>125,000</u>	<u>125,000</u>

211.1 **Base Level Adjustment.** The general fund
 211.2 base is increased by \$111,000 in fiscal years
 211.3 2018 and 2019.

211.4 **(e) Chemical and Mental Health**

	<u>Appropriations by Fund</u>		
211.5			
211.6	<u>General</u>	<u>6,855,000</u>	<u>7,270,000</u>
211.7	<u>Lottery Prize</u>	<u>160,000</u>	<u>163,000</u>

211.8 **Base Level Adjustment.** The general fund
 211.9 base is decreased by \$213,000 in fiscal year
 211.10 2018 and is decreased by \$265,000 in fiscal
 211.11 year 2019.

211.12 **Subd. 5. Forecasted Programs**

211.13 The amounts that may be spent from this
 211.14 appropriation for each purpose are as follows:

211.15 **(a) MFIP/DWP**

	<u>Appropriations by Fund</u>		
211.16			
211.17	<u>General</u>	<u>91,040,000</u>	<u>93,952,000</u>
211.18	<u>Federal TANF</u>	<u>86,139,000</u>	<u>82,546,000</u>

211.19 **(b) MFIP Child Care Assistance** 99,736,000 107,296,000

211.20 **(c) General Assistance** 55,884,000 58,600,000

211.21 **General Assistance Standard.** The
 211.22 commissioner shall set the monthly standard
 211.23 of assistance for general assistance units
 211.24 consisting of an adult recipient who is
 211.25 childless and unmarried or living apart
 211.26 from parents or a legal guardian at \$203.
 211.27 The commissioner may reduce this amount
 211.28 according to Laws 1997, chapter 85, article
 211.29 3, section 54.

211.30 **Emergency General Assistance.** The
 211.31 amount appropriated for emergency
 211.32 general assistance is limited to no more
 211.33 than \$6,729,812 in fiscal year 2016 and
 211.34 \$6,729,812 in fiscal year 2017. Funds

212.1 to counties shall be allocated by the
 212.2 commissioner using the allocation method
 212.3 under Minnesota Statutes, section 256D.06.

212.4 **(d) Minnesota Supplemental Aid** 39,668,000 40,207,000

212.5 **(e) Group Residential Housing** 156,612,000 170,619,000

212.6 **(f) Northstar Care for Children** 45,206,000 49,599,000

212.7 **(g) MinnesotaCare** 398,264,000 472,748,000

212.8 This appropriation is from the health care
 212.9 access fund.

212.10 **(h) Medical Assistance**

212.11 Appropriations by Fund

212.12 General 4,887,942,000 5,109,885,000

212.13 Health Care Access 196,186,000 206,650,000

212.14 **Critical Access Nursing Facilities.**

212.15 \$1,500,000 each fiscal year is for critical
 212.16 access nursing facilities under Minnesota
 212.17 Statutes, section 256B.441, subdivision 63.

212.18 **(i) Alternative Care** 43,996,000 43,220,000

212.19 **Alternative Care Transfer.** Any money
 212.20 allocated to the alternative care program that
 212.21 is not spent for the purposes indicated does
 212.22 not cancel but must be transferred to the
 212.23 medical assistance account.

212.24 **(j) Chemical Dependency Treatment Fund** 82,454,000 88,983,000

212.25 **Subd. 6. Grant Programs**

212.26 The amounts that may be spent from this
 212.27 appropriation for each purpose are as follows:

212.28 **(a) Support Services Grants**

212.29 Appropriations by Fund

212.30 General 13,258,000 8,840,000

212.31 Federal TANF 96,311,000 96,311,000

213.1 **Base Level Adjustment.** The general fund
 213.2 base is increased by \$227,000 in fiscal years
 213.3 2018 and 2019.

213.4 **(b) Basic Sliding Fee Child Care Assistance**
 213.5 **Grants**

52,269,000

53,145,000

213.6 **Basic Sliding Fee Waiting List Allocation.**

213.7 Notwithstanding Minnesota Statutes, section
 213.8 119B.03, funds appropriated to reduce the
 213.9 basic sliding fee program waiting list in state
 213.10 fiscal year 2016 are allocated as follows:

213.11 (1) The calendar year 2016 allocation shall
 213.12 be increased to serve families on the waiting
 213.13 list. To receive funds appropriated for this
 213.14 purpose, a county must have:

213.15 (i) a waiting list in the most recent published
 213.16 waiting list month;

213.17 (ii) an average of at least ten families on the
 213.18 most recent six months of published waiting
 213.19 list; and

213.20 (iii) total expenditures in calendar year
 213.21 2014 that met or exceeded 80 percent of the
 213.22 county's available final allocation.

213.23 (2) Funds shall be distributed proportionately
 213.24 based on the average of the most recent six
 213.25 months of published waiting lists to counties
 213.26 that meet the criteria in clause (1).

213.27 (3) Allocations in calendar years 2017
 213.28 and beyond shall be calculated using the
 213.29 allocation formula in Minnesota Statutes,
 213.30 section 119B.03.

213.31 (4) The guaranteed floor for calendar year
 213.32 2017 shall be based on the revised calendar
 213.33 year 2016 allocation.

214.1	<u>Base Level Adjustment.</u> The general fund		
214.2	base is increased by \$3,545,000 in fiscal		
214.3	<u>years 2018 and 2019.</u>		
214.4	<u>(c) Child Care Development Grants</u>	<u>2,600,000</u>	<u>3,347,000</u>
214.5	<u>(d) Child Support Enforcement Grants</u>	<u>50,000</u>	<u>50,000</u>
214.6	<u>(e) Children's Services Grants</u>		
214.7	<u>Appropriations by Fund</u>		
214.8	<u>General</u>	<u>14,600,000</u>	<u>14,600,000</u>
214.9	<u>Federal TANF</u>	<u>140,000</u>	<u>140,000</u>
214.10	<u>Base Level Adjustment.</u> The general fund		
214.11	base is increased by \$865,000 in fiscal years		
214.12	<u>2018 and 2019.</u>		
214.13	<u>Title IV-E Adoption Assistance.</u> Additional		
214.14	<u>federal reimbursement to the state as a result</u>		
214.15	<u>of the Fostering Connections to Success</u>		
214.16	<u>and Increasing Adoptions Act's expanded</u>		
214.17	<u>eligibility for title IV-E adoption assistance</u>		
214.18	<u>is appropriated to the commissioner</u>		
214.19	<u>for postadoption services, including a</u>		
214.20	<u>parent-to-parent support network.</u>		
214.21	<u>Adoption Assistance Incentive Grants.</u>		
214.22	<u>Federal funds available during fiscal years</u>		
214.23	<u>2016 and 2017 for adoption incentive grants</u>		
214.24	<u>are appropriated to the commissioner for</u>		
214.25	<u>these purposes.</u>		
214.26	<u>(f) Children and Community Service Grants</u>	<u>57,701,000</u>	<u>57,701,000</u>
214.27	<u>White Earth Band of Ojibwe Human</u>		
214.28	<u>Services.</u> \$1,400,000 in fiscal year 2016		
214.29	and \$1,400,000 in fiscal year 2017 are		
214.30	<u>appropriated for a grant to the White Earth</u>		
214.31	<u>Band of Ojibwe for the direct implementation</u>		
214.32	<u>and administrative costs of the White Earth</u>		
214.33	<u>transfer authorized under Laws 2011, First</u>		

215.1 Special Session chapter 9, article 9, section

215.2 18. This appropriation is added to the base.

215.3 **(g) Children and Economic Support Grants** 23,610,000 23,793,000

215.4 **Minnesota Food Assistance Program.**

215.5 Unexpended funds for the Minnesota food

215.6 assistance program for fiscal year 2016 do

215.7 not cancel but are available for this purpose

215.8 in fiscal year 2017.

215.9 **Base Level Adjustment.** The general fund

215.10 base is increased by \$209,000 in fiscal year

215.11 2018 and is increased by \$447,000 in fiscal

215.12 year 2019.

215.13 **(h) Health Care Grants**

215.14 Appropriations by Fund

215.15 General 90,000 640,000

215.16 Health Care Access 3,341,000 3,465,000

215.17 **Base Level Adjustment.** The general fund

215.18 base is increased by \$600,000 in fiscal year

215.19 2018 only.

215.20 **(i) Aging and Adult Services Grants** 27,713,000 27,412,000

215.21 **(j) Deaf and Hard-of-Hearing Grants** 1,875,000 1,875,000

215.22 **(k) Disabilities Grants** 21,798,000 21,983,000

215.23 **Transition Populations.** \$1,551,000 in

215.24 fiscal year 2016 and \$1,725,000 in fiscal

215.25 year 2017 are appropriated for home

215.26 and community-based services transition

215.27 grants to assist in providing home and

215.28 community-based services and treatment

215.29 for transition populations under Minnesota

215.30 Statutes, section 256.478.

215.31 **(l) Adult Mental Health Grants**

215.32 Appropriations by Fund

215.33 General 67,392,000 68,244,000

216.1	<u>Health Care Access</u>	<u>2,610,000</u>	<u>3,513,000</u>
216.2	<u>Lottery Prize</u>	<u>1,733,000</u>	<u>1,733,000</u>

216.3 **Base Level Adjustment.** The general fund
 216.4 base is increased by \$3,076,000 in fiscal year
 216.5 2018 and is increased by \$3,376,000 in fiscal
 216.6 year 2019. The health care access fund base
 216.7 is decreased by \$2,763,000 in fiscal years
 216.8 2018 and 2019.

216.9 **Funding Usage.** Up to 75 percent of a fiscal
 216.10 year's appropriation for adult mental health
 216.11 grants may be used to fund allocations in that
 216.12 portion of the fiscal year ending December
 216.13 31.

216.14 **Problem Gambling.** \$225,000 in fiscal year
 216.15 2016 and \$225,000 in fiscal year 2017 are
 216.16 appropriated from the lottery prize fund for a
 216.17 grant to the state affiliate recognized by the
 216.18 National Council on Problem Gambling. The
 216.19 affiliate must provide services to increase
 216.20 public awareness of problem gambling,
 216.21 education, and training for individuals and
 216.22 organizations providing effective treatment
 216.23 services to problem gamblers and their
 216.24 families, and research related to problem
 216.25 gambling.

216.26	<u>(m) Child Mental Health Grants</u>	<u>21,921,000</u>	<u>23,188,000</u>
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216.27 **Base Level Adjustment.** The general fund
 216.28 base is increased by \$1,324,000 in fiscal year
 216.29 2018 and is increased by \$1,689,000 in fiscal
 216.30 year 2019.

216.31 **Funding Usage.** Up to 75 percent of a fiscal
 216.32 year's appropriation for child mental health
 216.33 grants may be used to fund allocations in that

217.1	<u>portion of the fiscal year ending December</u>		
217.2	<u>31.</u>		
217.3	<u>(n) Chemical Dependency Treatment Support</u>		
217.4	<u>Grants</u>	<u>1,161,000</u>	<u>1,161,000</u>
217.5	<u>Subd. 7. DCT State-Operated Services</u>		
217.6	<u>Transfer Authority for State-Operated</u>		
217.7	<u>Services.</u> Money appropriated for		
217.8	<u>state-operated services may be transferred</u>		
217.9	<u>between fiscal years of the biennium</u>		
217.10	<u>with the approval of the commissioner of</u>		
217.11	<u>management and budget.</u>		
217.12	<u>The amounts that may be spent from the</u>		
217.13	<u>appropriation for each purpose are as follows:</u>		
217.14	<u>(a) DCT State-Operated Services Mental</u>		
217.15	<u>Health</u>	<u>126,244,000</u>	<u>125,065,000</u>
217.16	<u>Base Level Adjustment.</u> The general fund		
217.17	<u>base is increased by \$5,351,000 in fiscal year</u>		
217.18	<u>2018 and is increased by \$10,701,000 in</u>		
217.19	<u>fiscal year 2019.</u>		
217.20	<u>Dedicated Receipts Available.</u> Of the		
217.21	<u>revenue received under Minnesota Statutes,</u>		
217.22	<u>section 246.18, subdivision 8, paragraph</u>		
217.23	<u>(a), up to \$1,000,000 each year is available</u>		
217.24	<u>for the purposes of Minnesota Statutes,</u>		
217.25	<u>section 246.18, subdivision 8, paragraph</u>		
217.26	<u>(b), clause (1); up to \$1,000,000 each year</u>		
217.27	<u>is available to transfer to the adult mental</u>		
217.28	<u>health grants budget activity for the purposes</u>		
217.29	<u>of Minnesota Statutes, section 246.18,</u>		
217.30	<u>subdivision 8, paragraph (b), clause (2); and</u>		
217.31	<u>up to \$2,713,000 each year is available for</u>		
217.32	<u>the purposes of Minnesota Statutes, section</u>		
217.33	<u>246.18, subdivision 8, paragraph (b), clause</u>		
217.34	<u>(3).</u>		

218.1	<u>Public Psychiatric Residency</u>		
218.2	<u>Collaboration.</u> \$118,000 in fiscal year		
218.3	<u>2016 and \$236,000 in fiscal year 2017 are</u>		
218.4	<u>for paying psychiatric resident stipends</u>		
218.5	<u>for residents enrolled in the University of</u>		
218.6	<u>Minnesota psychiatry residency program.</u>		
218.7	<u>This appropriation is added to the base.</u>		
218.8	<u>(b) DCT State-Operated Services Enterprise</u>		
218.9	<u>Services</u>	<u>6,031,000</u>	<u>1,799,000</u>
218.10	<u>Base Level Adjustment.</u> The general fund		
218.11	<u>base is decreased by \$1,023,000 in fiscal</u>		
218.12	<u>years 2018 and 2019.</u>		
218.13	<u>Community Addiction Recovery</u>		
218.14	<u>Enterprise (C.A.R.E.).</u> \$6,031,000 in fiscal		
218.15	<u>year 2016 and \$1,799,000 in fiscal year</u>		
218.16	<u>2017 are for the Community Addiction</u>		
218.17	<u>Recovery Enterprise (C.A.R.E.) program.</u>		
218.18	<u>The commissioner must transfer \$6,031,000</u>		
218.19	<u>in fiscal year 2016 and \$1,799,000 in fiscal</u>		
218.20	<u>year 2017 to the enterprise fund for the</u>		
218.21	<u>Community Addiction Recovery Enterprise.</u>		
218.22	<u>(c) DCT State-Operated Services Minnesota</u>		
218.23	<u>Security Hospital</u>	<u>81,647,000</u>	<u>82,862,000</u>
218.24	<u>Subd. 8. DCT Minnesota Sex Offender</u>		
218.25	<u>Program</u>	<u>86,473,000</u>	<u>89,464,000</u>
218.26	<u>Transfer Authority for Minnesota Sex</u>		
218.27	<u>Offender Program.</u> Money appropriated		
218.28	<u>for the Minnesota sex offender program</u>		
218.29	<u>may be transferred between fiscal years</u>		
218.30	<u>of the biennium with the approval of the</u>		
218.31	<u>commissioner of management and budget.</u>		
218.32	<u>Limited Carryforward Allowed.</u>		
218.33	<u>Notwithstanding any contrary provision</u>		
218.34	<u>in this article, of this appropriation, up to</u>		
218.35	<u>\$875,000 in fiscal year 2016 and \$2,625,000</u>		

219.1 in fiscal year 2017 are available until June
 219.2 30, 2019.

219.3 **Base Level Adjustment.** The general fund
 219.4 base is decreased by \$2,625,000 in fiscal
 219.5 years 2018 and 2019.

219.6 **Subd. 9. Technical Activities** 81,471,000 82,327,000

219.7 This appropriation is from the federal TANF
 219.8 fund.

219.9 **Base Level Adjustment.** The federal TANF
 219.10 fund base is increased by \$204,000 in fiscal
 219.11 year 2018 and is increased by \$192,000 in
 219.12 fiscal year 2019.

219.13 **Sec. 3. COMMISSIONER OF HEALTH**

219.14 **Subdivision 1. Total Appropriation** \$ 175,960,000 \$ 177,528,000

	<u>Appropriations by Fund</u>	
	<u>2016</u>	<u>2017</u>
219.15		
219.16		
219.17	<u>80,318,000</u>	<u>81,921,000</u>
219.18		
219.19	<u>55,092,000</u>	<u>55,562,000</u>
219.20	<u>28,837,000</u>	<u>28,332,000</u>
219.21	<u>11,713,000</u>	<u>11,713,000</u>

219.22 The amounts that may be spent for each
 219.23 purpose are specified in the following
 219.24 subdivisions.

219.25 **Subd. 2. Health Improvement**

	<u>Appropriations by Fund</u>	
	<u>2016</u>	<u>2017</u>
219.26		
219.27	<u>59,602,000</u>	<u>61,062,000</u>
219.28		
219.29	<u>6,261,000</u>	<u>6,179,000</u>
219.30	<u>28,837,000</u>	<u>28,332,000</u>
219.31	<u>11,713,000</u>	<u>11,713,000</u>

219.32 **Local and Tribal Public Health Grants. (a)**
 219.33 \$894,000 in fiscal year 2016 and \$894,000 in
 219.34 fiscal year 2017 are for an increase in local
 219.35 public health grants for community health

220.1 boards under Minnesota Statutes, section
220.2 145A.131, subdivision 1, paragraph (e).
220.3 (b) \$106,000 in fiscal year 2016 and \$106,000
220.4 in fiscal year 2017 are for an increase in
220.5 special grants to tribal governments under
220.6 Minnesota Statutes, section 145A.14,
220.7 subdivision 2a.
220.8 **Evidence-Based Home Visiting.** \$650,000
220.9 in fiscal year 2016 and \$2,000,000 in fiscal
220.10 year 2017 from the general fund are for
220.11 competitive evidence-based home visiting
220.12 grants to community health boards and tribal
220.13 governments under Minnesota Statutes,
220.14 section 145A.17.
220.15 **Family Planning Special Projects.**
220.16 \$1,000,000 in fiscal year 2016 and
220.17 \$1,000,000 in fiscal year 2017 from the
220.18 general fund are for family planning special
220.19 project grants under Minnesota Statutes,
220.20 section 145.925.
220.21 **TANF Appropriations.** (a) \$1,156,000 of
220.22 the TANF funds is appropriated each year of
220.23 the biennium to the commissioner for family
220.24 planning grants under Minnesota Statutes,
220.25 section 145.925.
220.26 (b) \$3,579,000 of the TANF funds is
220.27 appropriated each year of the biennium to
220.28 the commissioner for home visiting and
220.29 nutritional services listed under Minnesota
220.30 Statutes, section 145.882, subdivision 7,
220.31 clauses (6) and (7). Funds must be distributed
220.32 to community health boards according to
220.33 Minnesota Statutes, section 145A.131,
220.34 subdivision 1, paragraph (a).

221.1 (c) \$2,000,000 of the TANF funds is
221.2 appropriated each year of the biennium to
221.3 the commissioner for decreasing racial and
221.4 ethnic disparities in infant mortality rates
221.5 under Minnesota Statutes, section 145.928,
221.6 subdivision 7.

221.7 (d) \$4,978,000 of the TANF funds is
221.8 appropriated each year of the biennium to the
221.9 commissioner for the family home visiting
221.10 grant program according to Minnesota
221.11 Statutes, section 145A.17. \$4,000,000 of the
221.12 funding must be distributed to community
221.13 health boards according to Minnesota
221.14 Statutes, section 145A.131, subdivision 1,
221.15 paragraph (a). \$978,000 of the funding must
221.16 be distributed to tribal governments based
221.17 on Minnesota Statutes, section 145A.14,
221.18 subdivision 2a.

221.19 (e) The commissioner may use up to 6.23
221.20 percent of the funds appropriated each fiscal
221.21 year to conduct the ongoing evaluations
221.22 required under Minnesota Statutes, section
221.23 145A.17, subdivision 7, and training and
221.24 technical assistance as required under
221.25 Minnesota Statutes, section 145A.17,
221.26 subdivisions 4 and 5.

221.27 **TANF Carryforward.** Any unexpended
221.28 balance of the TANF appropriation in the
221.29 first year of the biennium does not cancel but
221.30 is available for the second year.

221.31 **Base Level Adjustments.** The general fund
221.32 base is reduced by \$50,000 in fiscal year
221.33 2018. The state government special revenue
221.34 fund base is increased by \$33,000 in fiscal

222.1 year 2018. The health care access fund base
 222.2 is increased by \$600,000 in fiscal year 2018.

222.3 **Subd. 3. Health Protection**

222.4 Appropriations by Fund

222.5 General 12,506,000 12,635,000

222.6 State Government

222.7 Special Revenue 48,831,000 49,383,000

222.8 **Base Level Adjustments.** The state

222.9 government special revenue fund base is

222.10 increased by \$70,000 in fiscal year 2018 and

222.11 is increased by \$43,000 in fiscal year 2019.

222.12 **Subd. 4. Administrative Support Services** 8,210,000 8,224,000

222.13 **Sec. 4. HEALTH-RELATED BOARDS**

222.14 **Subdivision 1. Total Appropriation** \$ 19,707,000 \$ 19,597,000

222.15 This appropriation is from the state

222.16 government special revenue fund. The

222.17 amounts that may be spent for each purpose

222.18 are specified in the following subdivisions.

222.19 **Subd. 2. Board of Chiropractic Examiners** 507,000 513,000

222.20 **Subd. 3. Board of Dentistry** 2,192,000 2,206,000

222.21 This appropriation includes \$864,000 in fiscal

222.22 year 2016 and \$878,000 in fiscal year 2017

222.23 for the health professional services program.

222.24 **Subd. 4. Board of Dietetics and Nutrition**

222.25 **Practice** 113,000 115,000

222.26 **Subd. 5. Board of Marriage and Family**

222.27 **Therapy** 234,000 237,000

222.28 **Subd. 6. Board of Medical Practice** 3,933,000 3,962,000

222.29 **Subd. 7. Board of Nursing** 4,189,000 4,243,000

222.30 **Subd. 8. Board of Nursing Home**

222.31 **Administrators** 2,365,000 2,062,000

222.32 **Administrative Services Unit - Operating**

222.33 **Costs.** Of this appropriation, \$1,482,000

223.1 in fiscal year 2016 and \$1,497,000 in
223.2 fiscal year 2017 are for operating costs
223.3 of the administrative services unit. The
223.4 administrative services unit may receive
223.5 and expend reimbursements for services
223.6 performed by other agencies.

223.7 **Administrative Services Unit - Volunteer**
223.8 **Health Care Provider Program.** Of this
223.9 appropriation, \$150,000 in fiscal year 2016
223.10 and \$150,000 in fiscal year 2017 are to pay
223.11 for medical professional liability coverage
223.12 required under Minnesota Statutes, section
223.13 214.40.

223.14 **Administrative Services Unit - Retirement**
223.15 **Costs.** Of this appropriation, \$320,000 in
223.16 fiscal year 2016 is a onetime appropriation
223.17 to the administrative services unit to pay for
223.18 the retirement costs of health-related board
223.19 employees. This funding may be transferred
223.20 to the health board incurring the retirement
223.21 costs. These funds are available either year
223.22 of the biennium.

223.23 **Administrative Services Unit - Contested**
223.24 **Cases and Other Legal Proceedings.** Of
223.25 this appropriation, \$200,000 in fiscal year
223.26 2016 and \$200,000 in fiscal year 2017 are
223.27 for costs of contested case hearings and other
223.28 unanticipated costs of legal proceedings
223.29 involving health-related boards funded
223.30 under this section. Upon certification by a
223.31 health-related board to the administrative
223.32 services unit that the costs will be incurred
223.33 and that there is insufficient money available
223.34 to pay for the costs out of money currently
223.35 available to that board, the administrative

224.1	<u>services unit is authorized to transfer money</u>		
224.2	<u>from this appropriation to the board for</u>		
224.3	<u>payment of those costs with the approval</u>		
224.4	<u>of the commissioner of management and</u>		
224.5	<u>budget.</u>		
224.6	<u>Subd. 9. Board of Optometry</u>	<u>138,000</u>	<u>143,000</u>
224.7	<u>Subd. 10. Board of Pharmacy</u>	<u>2,847,000</u>	<u>2,888,000</u>
224.8	<u>Subd. 11. Board of Physical Therapy</u>	<u>354,000</u>	<u>359,000</u>
224.9	<u>Subd. 12. Board of Podiatry</u>	<u>78,000</u>	<u>79,000</u>
224.10	<u>Subd. 13. Board of Psychology</u>	<u>874,000</u>	<u>884,000</u>
224.11	<u>Subd. 14. Board of Social Work</u>	<u>1,141,000</u>	<u>1,155,000</u>
224.12	<u>Subd. 15. Board of Veterinary Medicine</u>	<u>262,000</u>	<u>265,000</u>
224.13	<u>Subd. 16. Board of Behavioral Health and</u>		
224.14	<u>Therapy</u>	<u>480,000</u>	<u>486,000</u>
224.15	<u>Sec. 5. EMERGENCY MEDICAL SERVICES</u>		
224.16	<u>REGULATORY BOARD</u>	<u>\$ 2,872,000</u>	<u>\$ 3,006,000</u>
224.17	<u>Regional Grants. \$585,000 in fiscal year</u>		
224.18	<u>2016 and \$585,000 in fiscal year 2017 are</u>		
224.19	<u>for regional emergency medical services</u>		
224.20	<u>programs, to be distributed equally to the</u>		
224.21	<u>eight emergency medical service regions.</u>		
224.22	<u>Cooper/Sams Volunteer Ambulance</u>		
224.23	<u>Program. \$700,000 in fiscal year 2016 and</u>		
224.24	<u>\$700,000 in fiscal year 2017 are for the</u>		
224.25	<u>Cooper/Sams volunteer ambulance program</u>		
224.26	<u>under Minnesota Statutes, section 144E.40.</u>		
224.27	<u>(a) Of this amount, \$611,000 in fiscal year</u>		
224.28	<u>2016 and \$611,000 in fiscal year 2017</u>		
224.29	<u>are for the ambulance service personnel</u>		
224.30	<u>longevity award and incentive program under</u>		
224.31	<u>Minnesota Statutes, section 144E.40.</u>		
224.32	<u>(b) Of this amount, \$89,000 in fiscal year</u>		
224.33	<u>2016 and \$89,000 in fiscal year 2017 are</u>		

225.1 for the operations of the ambulance service
 225.2 personnel longevity award and incentive
 225.3 program under Minnesota Statutes, section
 225.4 144E.40.

225.5 **Ambulance Training Grant.** \$361,000 in
 225.6 fiscal year 2016 and \$361,000 in fiscal year
 225.7 2017 are for training grants.

225.8 **EMSRB Board Operations.** \$1,226,000 in
 225.9 fiscal year 2016 and \$1,360,000 in fiscal year
 225.10 2017 are for board operations.

225.11 Sec. 6. **COUNCIL ON DISABILITY** \$ 622,000 \$ 629,000

225.12 Sec. 7. **OMBUDSMAN FOR MENTAL**
 225.13 **HEALTH AND DEVELOPMENTAL**
 225.14 **DISABILITIES** \$ 2,097,000 \$ 2,217,000

225.15 Sec. 8. **OMBUDSPERSONS FOR FAMILIES** \$ 392,000 \$ 453,000

225.16 Sec. 9. Minnesota Statutes 2014, section 256.01, is amended by adding a subdivision
 225.17 to read:

225.18 Subd. 40. **Nonfederal share transfers.** The nonfederal share of activities for
 225.19 which federal administrative reimbursement is appropriated to the commissioner may
 225.20 be transferred to the special revenue fund.

225.21 Sec. 10. **TRANSFERS.**

225.22 Subdivision 1. **Grants.** The commissioner of human services, with the approval of
 225.23 the commissioner of management and budget, may transfer unencumbered appropriation
 225.24 balances for the biennium ending June 30, 2017, within fiscal years among the MFIP,
 225.25 general assistance, general assistance medical care under Minnesota Statutes 2009
 225.26 Supplement, section 256D.03, subdivision 3, medical assistance, MinnesotaCare, MFIP
 225.27 child care assistance under Minnesota Statutes, section 119B.05, Minnesota supplemental
 225.28 aid, and group residential housing programs, the entitlement portion of Northstar Care
 225.29 for Children under Minnesota Statutes, chapter 256N, and the entitlement portion of
 225.30 the chemical dependency consolidated treatment fund, and between fiscal years of the
 225.31 biennium. The commissioner shall inform the chairs and ranking minority members of
 225.32 the senate Health and Human Services Finance Division and the house of representatives

226.1 Health and Human Services Finance Committee quarterly about transfers made under
226.2 this subdivision.

226.3 Subd. 2. **Administration.** Positions, salary money, and nonsalary administrative
226.4 money may be transferred within the Departments of Health and Human Services as the
226.5 commissioners consider necessary, with the advance approval of the commissioner of
226.6 management and budget. The commissioner shall inform the chairs and ranking minority
226.7 members of the senate Health and Human Services Finance Division and the house of
226.8 representatives Health and Human Services Finance Committee quarterly about transfers
226.9 made under this subdivision.

226.10 Sec. 11. **INDIRECT COSTS NOT TO FUND PROGRAMS.**

226.11 The commissioners of health and human services shall not use indirect cost
226.12 allocations to pay for the operational costs of any program for which they are responsible.

226.13 Sec. 12. **EXPIRATION OF UNCODIFIED LANGUAGE.**

226.14 All uncodified language contained in this article expires on June 30, 2017, unless a
226.15 different expiration date is explicit.

226.16 Sec. 13. **EFFECTIVE DATE.**

226.17 This article is effective July 1, 2015, unless a different effective date is specified.

APPENDIX
Article locations in 15-2194

ARTICLE 1	CHILDREN AND FAMILY SERVICES	Page.Ln 2.15
ARTICLE 2	CHEMICAL AND MENTAL HEALTH SERVICES	Page.Ln 74.24
ARTICLE 3	WITHDRAWAL MANAGEMENT PROGRAMS	Page.Ln 87.25
ARTICLE 4	DIRECT CARE AND TREATMENT	Page.Ln 112.4
ARTICLE 5	OPERATIONS	Page.Ln 113.26
ARTICLE 6	HEALTH CARE	Page.Ln 118.9
ARTICLE 7	CONTINUING CARE	Page.Ln 158.22
ARTICLE 8	HEALTH DEPARTMENT	Page.Ln 160.8
ARTICLE 9	HEALTH LICENSING BOARD FEE MODIFICATIONS	Page.Ln 197.29
ARTICLE 10	HEALTH AND HUMAN SERVICES APPROPRIATIONS	Page.Ln 203.3

124D.142 QUALITY RATING AND IMPROVEMENT SYSTEM.

(a) There is established a quality rating and improvement system (QRIS) framework to ensure that Minnesota's children have access to high-quality early learning and care programs in a range of settings so that they are fully ready for kindergarten by 2020. Creation of a standards-based voluntary quality rating and improvement system includes:

(1) quality opportunities in order to improve the educational outcomes of children so that they are ready for school. The framework shall be based on the Minnesota quality rating system rating tool and a common set of child outcome and program standards and informed by evaluation results;

(2) a tool to increase the number of publicly funded and regulated early learning and care services in both public and private market programs that are high quality. If a program or provider chooses to participate, the program or provider will be rated and may receive public funding associated with the rating. The state shall develop a plan to link future early learning and care state funding to the framework in a manner that complies with federal requirements; and

(3) tracking progress toward statewide access to high-quality early learning and care programs, progress toward the number of low-income children whose parents can access quality programs, and progress toward increasing the number of children who are fully prepared to enter kindergarten.

(b) In planning a statewide quality rating and improvement system framework in paragraph (a), the state shall use evaluation results of the Minnesota quality rating system rating tool in use in fiscal year 2008 to recommend:

(1) a framework of a common set of child outcome and program standards for a voluntary statewide quality rating and improvement system;

(2) a plan to link future funding to the framework described in paragraph (a), clause (2); and

(3) a plan for how the state will realign existing state and federal administrative resources to implement the voluntary quality rating and improvement system framework. The state shall provide the recommendation in this paragraph to the early childhood education finance committees of the legislature by March 15, 2011.

(c) Prior to the creation of a statewide quality rating and improvement system in paragraph (a), the state shall employ the Minnesota quality rating system rating tool in use in fiscal year 2008 in the original Minnesota Early Learning Foundation pilot areas and additional pilot areas supported by private or public funds with its modification as a result of the evaluation results of the pilot project.

256.969 PAYMENT RATES.

Subd. 30. **Payment rates for births.** (a) For admissions occurring on or after November 1, 2014, the total operating and property payment rate, excluding disproportionate population adjustment, for the following diagnosis-related groups, as they fall within the APR-DRG categories: (1) 5601, 5602, 5603, 5604 vaginal delivery; and (2) 5401, 5402, 5403, 5404 cesarean section, shall be no greater than \$3,528.

(b) The rates described in this subdivision do not include newborn care.

(c) Payments to managed care and county-based purchasing plans under section 256B.69, 256B.692, or 256L.12 shall be reduced for services provided on or after October 1, 2009, to reflect the adjustments in paragraph (a).

(d) Prior authorization shall not be required before reimbursement is paid for a cesarean section delivery.

256B.69 PREPAID HEALTH PLANS.

Subd. 32. **Initiatives to reduce incidence of low birth weight.** The commissioner shall require managed care and county-based purchasing plans, as a condition of contract, to implement strategies to reduce the incidence of low birth weight in geographic areas identified by the commissioner as having a higher than average incidence of low birth weight. The strategies must coordinate health care with social services and the local public health system. Each plan shall develop and report to the commissioner outcome measures related to reducing the incidence of

APPENDIX

Repealed Minnesota Statutes: 15-2194

low birth weight. The commissioner shall consider the outcomes reported when considering plan participation in the competitive bidding program established under subdivision 33.

256L.02 PROGRAM ADMINISTRATION.

Subd. 3. **Financial management.** (a) The commissioner shall manage spending for the MinnesotaCare program in a manner that maintains a minimum reserve. As part of each state revenue and expenditure forecast, the commissioner must make an assessment of the expected expenditures for the covered services for the remainder of the current biennium and for the following biennium. The estimated expenditure, including the reserve, shall be compared to an estimate of the revenues that will be available in the health care access fund. Based on this comparison, and after consulting with the chairs of the house of representatives Ways and Means Committee and the senate Finance Committee, the commissioner shall, as necessary, make the adjustments specified in paragraph (b) to ensure that expenditures remain within the limits of available revenues for the remainder of the current biennium and for the following biennium. The commissioner shall not hire additional staff using appropriations from the health care access fund until the commissioner of management and budget makes a determination that the adjustments implemented under paragraph (b) are sufficient to allow MinnesotaCare expenditures to remain within the limits of available revenues for the remainder of the current biennium and for the following biennium.

(b) The adjustments the commissioner shall use must be implemented in this order: first, stop enrollment of single adults and households without children; second, upon 45 days' notice, stop coverage of single adults and households without children already enrolled in the MinnesotaCare program; third, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income above 200 percent of the federal poverty guidelines; fourth, upon 90 days' notice, decrease the premium subsidy amounts by ten percent for families with gross annual income at or below 200 percent; and fifth, require applicants to be uninsured for at least six months prior to eligibility in the MinnesotaCare program. If these measures are insufficient to limit the expenditures to the estimated amount of revenue, the commissioner shall further limit enrollment or decrease premium subsidies.

256L.05 APPLICATION PROCEDURES.

Subd. 1b. **MinnesotaCare enrollment by county agencies.** Beginning September 1, 2006, county agencies shall enroll single adults and households with no children formerly enrolled in general assistance medical care in MinnesotaCare according to Minnesota Statutes 2009 Supplement, section 256D.03, subdivision 3. County agencies shall perform all duties necessary to administer the MinnesotaCare program ongoing for these enrollees, including the redetermination of MinnesotaCare eligibility at renewal.

Subd. 1c. **Open enrollment and streamlined application and enrollment process.**

Subd. 3c. **Retroactive coverage.** Notwithstanding subdivision 3, the effective date of coverage shall be the first day of the month following termination from medical assistance for families and individuals who are eligible for MinnesotaCare and who submitted a written request for retroactive MinnesotaCare coverage with a completed application within 30 days of the mailing of notification of termination from medical assistance. The applicant must provide all required verifications within 30 days of the written request for verification. For retroactive coverage, premiums must be paid in full for any retroactive month, current month, and next month within 30 days of the premium billing. This subdivision does not apply, and shall not be implemented by the commissioner, once eligibility determination for MinnesotaCare is conducted by the MNsure eligibility determination system.

Subd. 5. **Availability of private insurance.** The commissioner, in consultation with the commissioners of health and commerce, shall provide information regarding the availability of private health insurance coverage and the possibility of disenrollment under section 256L.07, subdivision 1, to all: (1) families enrolled in the MinnesotaCare program whose gross family income is equal to or more than 225 percent of the federal poverty guidelines; and (2) single adults and households without children enrolled in the MinnesotaCare program whose gross family income is equal to or more than 165 percent of the federal poverty guidelines. This information must be provided upon initial enrollment and annually thereafter. The commissioner shall also include information regarding the availability of private health insurance coverage in the notice of ineligibility provided to persons subject to disenrollment under section 256L.07, subdivision 1.

8840.5900 DRIVER QUALIFICATIONS.

Subp. 12. **Criminal record.** A driver must not have a criminal record for which the person was convicted of or pled guilty to, either crimes against persons or crimes reasonably related to providing special transportation services.

A. For purposes of this subpart, "criminal record" means the conviction records of the Minnesota Bureau of Criminal Apprehension or other states' criminal history repository in which the last date of discharge from the criminal justice system is less than 15 years.

B. Conviction has the meaning given it in Minnesota Statutes, section 171.01, subdivision 29.

C. Criminal record and driving record includes a conviction, suspension, cancellation, or revocation for a crime in another jurisdiction that would be a violation under this part.

D. The following offenses are considered crimes against persons or reasonably related to providing special transportation services, or both:

- (1) Minnesota Statutes, section 609.17, attempts;
- (2) Minnesota Statutes, section 609.175, conspiracy;
- (3) Minnesota Statutes, section 609.185, murder in the first degree;
- (4) Minnesota Statutes, section 609.19, murder in the second degree;
- (5) Minnesota Statutes, section 609.195, murder in the third degree;
- (6) Minnesota Statutes, section 609.20, manslaughter in the first degree;
- (7) Minnesota Statutes, section 609.205, manslaughter in the second degree;
- (8) Minnesota Statutes, section 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, criminal vehicular homicide and injury;
- (9) Minnesota Statutes, section 609.215, suicide;
- (10) Minnesota Statutes, section 609.221, assault in the first degree;
- (11) Minnesota Statutes, section 609.222, assault in the second degree;
- (12) Minnesota Statutes, section 609.223, assault in the third degree;
- (13) Minnesota Statutes, section 609.2231, assault in the fourth degree;
- (14) Minnesota Statutes, section 609.224, assault in the fifth degree;
- (15) Minnesota Statutes, section 609.228, great bodily harm caused by distribution of drugs;
- (16) Minnesota Statutes, section 609.23, mistreatment of persons confined;
- (17) Minnesota Statutes, section 609.231, mistreatment of residents or patients;
- (18) Minnesota Statutes, section 609.235, use of drugs to injure or facilitate crime;
- (19) Minnesota Statutes, section 609.24, simple robbery;
- (20) Minnesota Statutes, section 609.245, aggravated robbery;
- (21) Minnesota Statutes, section 609.25, kidnapping;
- (22) Minnesota Statutes, section 609.255, false imprisonment;
- (23) Minnesota Statutes, section 609.265, abduction;
- (24) Minnesota Statutes, section 609.2661, murder of an unborn child in the first degree;
- (25) Minnesota Statutes, section 609.2662, murder of an unborn child in the second degree;
- (26) Minnesota Statutes, section 609.2663, murder of an unborn child in the third degree;
- (27) Minnesota Statutes, section 609.2664, manslaughter of an unborn child in the first degree;
- (28) Minnesota Statutes, section 609.2665, manslaughter of an unborn child in the second degree;
- (29) Minnesota Statutes, section 609.267, assault of an unborn child in the first degree;
- (30) Minnesota Statutes, section 609.2671, assault of an unborn child in the second degree;
- (31) Minnesota Statutes, section 609.2672, assault of an unborn child in the third degree;

APPENDIX
Repealed Minnesota Rule: 15-2194

- (32) Minnesota Statutes, section 609.268, injury or death of an unborn child in the commission of a crime;
- (33) Minnesota Statutes, section 609.322, solicitation, inducement, and promotion of prostitution;
- (34) Minnesota Statutes, section 609.323, receiving profit from prostitution;
- (35) Minnesota Statutes, section 609.324, subdivisions 1 and 1a, other prohibited acts;
- (36) Minnesota Statutes, section 609.33, disorderly house;
- (37) Minnesota Statutes, section 609.342, criminal sexual conduct in the first degree;
- (38) Minnesota Statutes, section 609.343, criminal sexual conduct in the second degree;
- (39) Minnesota Statutes, section 609.344, criminal sexual conduct in the third degree;
- (40) Minnesota Statutes, section 609.345, criminal sexual conduct in the fourth degree;
- (41) Minnesota Statutes, section 609.3451, criminal sexual conduct in the fifth degree;
- (42) Minnesota Statutes, section 609.352, solicitation of children to engage in sexual conduct;
- (43) Minnesota Statutes, section 609.365, incest;
- (44) Minnesota Statutes, section 609.377, malicious punishment of a child;
- (45) Minnesota Statutes, section 609.378, neglect or endangerment of a child;
- (46) Minnesota Statutes, section 609.498, tampering with a witness;
- (47) Minnesota Statutes, section 609.52, felony theft;
- (48) Minnesota Statutes, section 609.561, arson in the first degree;
- (49) Minnesota Statutes, section 609.582, subdivisions 1 and 2, burglary;
- (50) Minnesota Statutes, section 609.713, terroristic threats;
- (51) Minnesota Statutes, section 609.749, nonfelony, harassment and stalking;
- (52) Minnesota Statutes, section 617.23, indecent exposure;
- (53) Minnesota Statutes, section 617.241, obscene materials and performances;
- (54) Minnesota Statutes, section 617.243, indecent literature, distribution;
- (55) Minnesota Statutes, section 617.246, use of minors in sexual performance;
- (56) Minnesota Statutes, section 617.247, possession of pictorial representations of minors;
- (57) Minnesota Statutes, section 617.293, harmful materials; dissemination and display to minors; and
- (58) felony convictions under Minnesota Statutes, chapter 152, prohibited drugs.

8840.5900 DRIVER QUALIFICATIONS.

Subp. 14. **Provider responsibility; driver's traffic and criminal record.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review the driving and criminal records of a driver. In addition, a provider shall annually review the driving and criminal record of a driver it uses or employs.

A. The driving and criminal record review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services, to determine if the driver meets the standards of subparts 9, 10, and 11. The review must also include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of convictions for crimes listed in subpart 12.

B. A provider satisfies the requirements of this subpart by obtaining a background check from the Minnesota Bureau of Criminal Apprehension. A private business or local law enforcement agency may be used for conducting the criminal background check if the review consists of an examination of the records of the Minnesota Bureau of Criminal Apprehension.

C. If a person has resided in Minnesota for less than ten years, the provider shall also conduct a search of the criminal history repository records in each state where the person has resided for the preceding ten years.

D. If a person has held a driver's license in a state other than Minnesota for the preceding three years, the provider shall review the driving record in each state where the person has held a driver's license for the preceding three-year period.