

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3809

(SENATE AUTHORS: **BOLDON, Abeler and Mitchell**)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11627	Introduction and first reading Referred to Human Services
02/26/2024	11825	Author added Mitchell
03/04/2024		Comm report: To pass as amended and re-refer to Health and Human Services

1.1 A bill for an act

1.2 relating to human services; modifying home and community-based services

1.3 standards for out-of-home respite services for children; amending Minnesota

1.4 Statutes 2022, section 245C.03, by adding a subdivision; proposing coding for

1.5 new law in Minnesota Statutes, chapter 245D.

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

1.7 Section 1. Minnesota Statutes 2022, section 245C.03, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 16. **Out-of-home respite services for children in home and community-based**

1.10 **services licensed programs.** The commissioner shall conduct background studies initiated

1.11 by home and community-based services license holders on volunteers living in a household

1.12 providing out-of-home respite services for children under section 245D.13. For purposes

1.13 of this subdivision, volunteers include household members 13 years of age or older. For

1.14 purposes of the background study, the license holder must maintain documentation that all

1.15 household members 13 years of age or older living in a home are volunteers for the program.

1.16 Sec. 2. [245D.13] **OUT-OF-HOME RESPITE SERVICES FOR CHILDREN.**

1.17 Subdivision 1. **Licensed setting required.** A license holder with a home and

1.18 community-based services license providing out-of-home respite services for children must

1.19 do so only in a licensed setting, unless exempt under subdivision 2.

1.20 Subd. 2. **Exemption from licensed setting requirement.** (a) A license holder with a

1.21 home and community-based services license may provide out-of-home respite services for

1.22 children in an unlicensed residential setting if:

2.1 (1) all background studies are completed according to the requirements in section
2.2 245C.03, subdivision 16;

2.3 (2) a child's case manager conducts and documents an assessment of the residential
2.4 setting and its environment before services are provided and at least once each calendar
2.5 year thereafter if services continue to be provided at that residence. The assessment must
2.6 ensure that the setting is suitable for the child receiving respite services. The assessment
2.7 must be conducted on the form and in the manner prescribed by the commissioner;

2.8 (3) the child's legal representative visits the residence and signs and dates a statement
2.9 authorizing services in the residence before services are provided and at least once each
2.10 calendar year thereafter if services continue to be provided at that residence;

2.11 (4) the services are provided in a residential setting that is not licensed to provide any
2.12 other licensed services;

2.13 (5) the services are provided to no more than four children at any one time. Each child
2.14 must have an individual bedroom, with the exception of two siblings who may share a
2.15 bedroom;

2.16 (6) services are not provided to children and adults over the age of 21 in the same
2.17 residence at the same time;

2.18 (7) services are not provided to a single family for more than 46 calendar days in a
2.19 calendar year and no more than ten consecutive days; and

2.20 (8) the license holder's license was not made conditional, suspended, or revoked during
2.21 the previous 24 months.

2.22 (b) The license holder must maintain documentation of the following:

2.23 (1) background studies completed under section 245C.03, subdivision 16;

2.24 (2) service recipient records indicating the calendar dates and times when services were
2.25 provided;

2.26 (3) the case manager's assessment for the initial residential setting assessment and each
2.27 assessment completed thereafter; and

2.28 (4) the legal representative's approval of the residential setting before services are
2.29 provided and each year thereafter.

2.30 (c) This subdivision does not apply to children placed in foster care under Minnesota
2.31 Rules, part 9560.0529.

- 3.1 (d) A child may not receive out-of-home respite services in more than two unlicensed
- 3.2 residential settings in a calendar year.
- 3.3 (e) The license holder must ensure the requirements in this subdivision are met.