

1.1 A bill for an act

1.2 relating to health; amending provisions for the all-payer claims data, statewide
1.3 trauma system, home care, hearing instrument dispensers, Zika preparedness,
1.4 food, beverage, and lodging establishments, and body art technician license;
1.5 allowing electronic monitoring devices in residential care or services; requiring a
1.6 health carrier to update its Web site; adopting requirements for a medical faculty
1.7 license; changing provisions in the medical cannabis program; approving positive
1.8 support strategies and restrictive interventions in Minnesota Rules and making
1.9 conforming statutory changes; appropriating money and canceling a specific
1.10 appropriation; amending Minnesota Statutes 2014, sections 144.605, subdivision
1.11 5; 144.608, subdivision 1; 144A.473, subdivision 2; 144A.475, subdivisions 3,
1.12 3b, by adding a subdivision; 144A.4791, by adding a subdivision; 144A.4792,
1.13 subdivision 13; 144A.4799, subdivisions 1, 3; 144A.482; 144D.01, subdivision
1.14 2a; 144G.03, subdivisions 2, 4; 146B.01, subdivision 28; 146B.03, subdivisions
1.15 4, 6, 7, by adding a subdivision; 146B.07, subdivisions 1, 2; 152.22, subdivision
1.16 14; 152.25, subdivisions 3, 4; 152.29, subdivision 3, by adding a subdivision;
1.17 152.36, subdivision 2, by adding a subdivision; 153A.14, subdivisions 2d,
1.18 2h; 153A.15, subdivision 2a; 157.15, subdivision 14; 157.16, subdivision 4;
1.19 245.8251, subdivision 2, by adding a subdivision; 252.275, subdivision 1a;
1.20 253B.03, subdivisions 1, 6a; 256B.0659, subdivision 3; 256B.0951, subdivision
1.21 5; 256B.097, subdivision 4; 256B.77, subdivision 17; 626.5572, subdivision 2;
1.22 Minnesota Statutes 2015 Supplement, sections 62U.04, subdivision 11; 626.556,
1.23 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters
1.24 62K; 144; 144D; 147; repealing Minnesota Statutes 2014, section 245.825,
1.25 subdivisions 1, 1b.

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

1.27 Section 1. **[62K.075] PROVIDER NETWORK NOTIFICATIONS.**

1.28 A health carrier must update the carrier's Web site regarding any change in a
1.29 provider's network status within 24 hours of the change.

1.30 Sec. 2. Minnesota Statutes 2015 Supplement, section 62U.04, subdivision 11, is
1.31 amended to read:

2.1 Subd. 11. **Restricted uses of the all-payer claims data.** (a) Notwithstanding
2.2 subdivision 4, paragraph (b), and subdivision 5, paragraph (b), the commissioner or the
2.3 commissioner's designee shall only use the data submitted under subdivisions 4 and 5 for
2.4 the following purposes:

2.5 (1) to evaluate the performance of the health care home program as authorized under
2.6 sections 256B.0751, subdivision 6, and 256B.0752, subdivision 2;

2.7 (2) to study, in collaboration with the reducing avoidable readmissions effectively
2.8 (RARE) campaign, hospital readmission trends and rates;

2.9 (3) to analyze variations in health care costs, quality, utilization, and illness burden
2.10 based on geographical areas or populations;

2.11 (4) to evaluate the state innovation model (SIM) testing grant received by the
2.12 Departments of Health and Human Services, including the analysis of health care cost,
2.13 quality, and utilization baseline and trend information for targeted populations and
2.14 communities; and

2.15 (5) to compile one or more public use files of summary data or tables that must:

2.16 (i) be available to the public for no or minimal cost by March 1, 2016, and available
2.17 by Web-based electronic data download by June 30, 2019;

2.18 (ii) not identify individual patients, payers, or providers;

2.19 (iii) be updated by the commissioner, at least annually, with the most current data
2.20 available;

2.21 (iv) contain clear and conspicuous explanations of the characteristics of the data,
2.22 such as the dates of the data contained in the files, the absence of costs of care for uninsured
2.23 patients or nonresidents, and other disclaimers that provide appropriate context; and

2.24 (v) not lead to the collection of additional data elements beyond what is authorized
2.25 under this section as of June 30, 2015.

2.26 (b) The commissioner may publish the results of the authorized uses identified
2.27 in paragraph (a) so long as the data released publicly do not contain information or
2.28 descriptions in which the identity of individual hospitals, clinics, or other providers may
2.29 be discerned.

2.30 (c) Nothing in this subdivision shall be construed to prohibit the commissioner from
2.31 using the data collected under subdivision 4 to complete the state-based risk adjustment
2.32 system assessment due to the legislature on October 1, 2015.

2.33 (d) The commissioner or the commissioner's designee may use the data submitted
2.34 under subdivisions 4 and 5 for the purpose described in paragraph (a), clause (3), until
2.35 July 1, ~~2016~~ 2019.

3.1 (e) The commissioner shall consult with the all-payer claims database work group
3.2 established under subdivision 12 regarding the technical considerations necessary to create
3.3 the public use files of summary data described in paragraph (a), clause (5).

3.4 Sec. 3. Minnesota Statutes 2014, section 144.605, subdivision 5, is amended to read:

3.5 Subd. 5. **Level IV designation.** (a) The commissioner shall grant the appropriate
3.6 level IV trauma hospital designation to a hospital that successfully completes the
3.7 designation process under paragraph (b).

3.8 (b) The hospital must complete and submit a self-reported survey and application to
3.9 the Trauma Advisory Council for review, verifying that the hospital meets the criteria as a
3.10 level IV trauma hospital. When the Trauma Advisory Council is satisfied the application
3.11 is complete, ~~the council shall review the application and, if the council approves the~~
3.12 ~~application, send a letter of recommendation to the commissioner for final approval and~~
3.13 ~~designation. The commissioner shall grant a level IV designation and shall arrange a site~~
3.14 ~~review visit within three years of the designation and every three years thereafter, to~~
3.15 ~~coincide with the three-year reverification process.~~ commissioner shall arrange a site
3.16 review visit. Upon successful completion of the site review, the review team shall make
3.17 written recommendations to the Trauma Advisory Council. If approved by the Trauma
3.18 Advisory Council, a letter of recommendation shall be sent to the commissioner for final
3.19 approval and designation.

3.20 **EFFECTIVE DATE.** This section is effective October 1, 2016.

3.21 Sec. 4. Minnesota Statutes 2014, section 144.608, subdivision 1, is amended to read:

3.22 Subdivision 1. **Trauma Advisory Council established.** (a) A Trauma Advisory
3.23 Council is established to advise, consult with, and make recommendations to the
3.24 commissioner on the development, maintenance, and improvement of a statewide trauma
3.25 system.

3.26 (b) The council shall consist of the following members:

3.27 (1) a trauma surgeon certified by the American Board of Surgery or the American
3.28 Osteopathic Board of Surgery who practices in a level I or II trauma hospital;

3.29 (2) a general surgeon certified by the American Board of Surgery or the American
3.30 Osteopathic Board of Surgery whose practice includes trauma and who practices in a
3.31 designated rural area as defined under section 144.1501, subdivision 1, paragraph (b);

3.32 (3) a neurosurgeon certified by the American Board of Neurological Surgery who
3.33 practices in a level I or II trauma hospital;

4.1 (4) a trauma program nurse manager or coordinator practicing in a level I or II
4.2 trauma hospital;

4.3 (5) an emergency physician certified by the American Board of Emergency Medicine
4.4 or the American Osteopathic Board of Emergency Medicine whose practice includes
4.5 emergency room care in a level I, II, III, or IV trauma hospital;

4.6 (6) a trauma program manager or coordinator who practices in a level III or IV
4.7 trauma hospital;

4.8 (7) a physician certified by the American Board of Family Medicine or the American
4.9 Osteopathic Board of Family Practice whose practice includes emergency department care
4.10 in a level III or IV trauma hospital located in a designated rural area as defined under
4.11 section 144.1501, subdivision 1, paragraph (b);

4.12 (8) a nurse practitioner, as defined under section 144.1501, subdivision 1, paragraph
4.13 (h), or a physician assistant, as defined under section 144.1501, subdivision 1, paragraph
4.14 (j), whose practice includes emergency room care in a level IV trauma hospital located in
4.15 a designated rural area as defined under section 144.1501, subdivision 1, paragraph (b);

4.16 (9) a ~~pediatrician~~ physician certified in pediatric emergency medicine by the
4.17 American Board of Pediatrics or certified in pediatric emergency medicine by the American
4.18 Board of Emergency Medicine or certified by the American Osteopathic Board of Pediatrics
4.19 whose practice primarily includes emergency department medical care in a level I, II, III,
4.20 or IV trauma hospital, or a surgeon certified in pediatric surgery by the American Board of
4.21 Surgery whose practice involves the care of pediatric trauma patients in a trauma hospital;

4.22 (10) an orthopedic surgeon certified by the American Board of Orthopaedic Surgery
4.23 or the American Osteopathic Board of Orthopedic Surgery whose practice includes trauma
4.24 and who practices in a level I, II, or III trauma hospital;

4.25 (11) the state emergency medical services medical director appointed by the
4.26 Emergency Medical Services Regulatory Board;

4.27 (12) a hospital administrator of a level III or IV trauma hospital located in a
4.28 designated rural area as defined under section 144.1501, subdivision 1, paragraph (b);

4.29 (13) a rehabilitation specialist whose practice includes rehabilitation of patients
4.30 with major trauma injuries or traumatic brain injuries and spinal cord injuries as defined
4.31 under section 144.661;

4.32 (14) an attendant or ambulance director who is an EMT, EMT-I, or EMT-P within
4.33 the meaning of section 144E.001 and who actively practices with a licensed ambulance
4.34 service in a primary service area located in a designated rural area as defined under section
4.35 144.1501, subdivision 1, paragraph (b); and

4.36 (15) the commissioner of public safety or the commissioner's designee.

5.1 Sec. 5. [144.945] ZIKA PREPAREDNESS AND RESPONSE.

5.2 (a) To the extent funds are available, the commissioner of health shall undertake
5.3 the following statewide planning, coordination, preparation, and response activities
5.4 related to the Zika virus:

5.5 (1) maintain state and local public health readiness to address Zika-related public
5.6 health threats;

5.7 (2) conduct diagnostic tests of patients who meet criteria for Zika testing and
5.8 maintain enhanced laboratory surveillance activities related to Zika;

5.9 (3) engage in Zika surveillance activities, including evaluating patients for testing
5.10 based on criteria, advising health care providers on Zika virus research, providing
5.11 recommendations and interpretations of test results, and conducting Zika-related public
5.12 awareness and prevention activities; and

5.13 (4) conduct mosquito surveillance activities under section 144.95 to enhance
5.14 monitoring of areas where mosquitoes carrying the Zika virus may be found in Minnesota,
5.15 notwithstanding section 144.95, subdivision 10.

5.16 (b) The commissioner shall seek authority from the United States Centers for
5.17 Disease Control and Prevention to use federal Public Health Emergency Preparedness
5.18 grant funds for costs associated with Zika preparedness and response activities under this
5.19 section and shall seek additional federal funds for this purpose.

5.20 Sec. 6. Minnesota Statutes 2014, section 144A.473, subdivision 2, is amended to read:

5.21 Subd. 2. **Temporary license.** (a) For new license applicants, the commissioner
5.22 shall issue a temporary license for either the basic or comprehensive home care level. A
5.23 temporary license is effective for up to one year from the date of issuance. Temporary
5.24 licensees must comply with sections 144A.43 to 144A.482.

5.25 (b) During the temporary license year, the commissioner shall survey the temporary
5.26 licensee after the commissioner is notified or has evidence that the temporary licensee
5.27 is providing home care services.

5.28 (c) Within five days of beginning the provision of services, the temporary
5.29 licensee must notify the commissioner that it is serving clients. The notification to the
5.30 commissioner may be mailed or e-mailed to the commissioner at the address provided by
5.31 the commissioner. If the temporary licensee does not provide home care services during
5.32 the temporary license year, then the temporary license expires at the end of the year and
5.33 the applicant must reapply for a temporary home care license.

5.34 (d) A temporary licensee may request a change in the level of licensure prior to
5.35 being surveyed and granted a license by notifying the commissioner in writing and

6.1 providing additional documentation or materials required to update or complete the
6.2 changed temporary license application. The applicant must pay the difference between
6.3 the application fees when changing from the basic level to the comprehensive level of
6.4 licensure. No refund will be made if the provider chooses to change the license application
6.5 to the basic level.

6.6 (e) If the temporary licensee notifies the commissioner that the licensee has clients
6.7 within 45 days prior to the temporary license expiration, the commissioner may extend the
6.8 temporary license for up to 60 days in order to allow the commissioner to complete the
6.9 on-site survey required under this section and follow-up survey visits.

6.10 Sec. 7. Minnesota Statutes 2014, section 144A.475, subdivision 3, is amended to read:

6.11 Subd. 3. **Notice.** (a) Prior to any suspension, revocation, or refusal to renew a
6.12 license, the home care provider shall be entitled to notice and a hearing as provided
6.13 by sections 14.57 to 14.69. In addition to any other remedy provided by law, the
6.14 commissioner may, without a prior contested case hearing, temporarily suspend a license
6.15 or prohibit delivery of services by a provider for not more than 90 days, or issue a
6.16 conditional license if the commissioner determines that there are level 3 or 4 violations as
6.17 defined in section 144A.474, subdivision 11, paragraph (b), that do not pose an imminent
6.18 risk of harm to the health or safety of persons in the provider's care, provided:

- 6.19 (1) advance notice is given to the home care provider;
6.20 (2) after notice, the home care provider fails to correct the problem;
6.21 (3) the commissioner has reason to believe that other administrative remedies are not
6.22 likely to be effective; and
6.23 (4) there is an opportunity for a contested case hearing within the 30 days unless
6.24 there is an extension granted by an administrative law judge pursuant to subdivision 3b.

6.25 (b) If the commissioner determines there are:

6.26 (1) level 4 violations; or

6.27 (2) violations that pose an imminent risk of harm to the health or safety of persons in
6.28 the provider's care,

6.29 the commissioner may immediately temporarily suspend a license, prohibit delivery of
6.30 services by a provider, or issue a conditional license without meeting the requirements of
6.31 paragraph (a), clauses (1) to (4).

6.32 For the purposes of this subdivision, "level 3" and "level 4" have the meanings given in
6.33 section 144A.474, subdivision 11, paragraph (b).

6.34 Sec. 8. Minnesota Statutes 2014, section 144A.475, subdivision 3b, is amended to read:

7.1 Subd. 3b. ~~Temporary suspension~~ **Expedited hearing.** (a) Within five business
7.2 days of receipt of the license holder's timely appeal of a temporary suspension or issuance
7.3 of a conditional license, the commissioner shall request assignment of an administrative
7.4 law judge. The request must include a proposed date, time, and place of a hearing. A
7.5 hearing must be conducted by an administrative law judge within 30 calendar days of the
7.6 request for assignment, unless an extension is requested by either party and granted by the
7.7 administrative law judge for good cause. The commissioner shall issue a notice of hearing
7.8 by certified mail or personal service at least ten business days before the hearing. Certified
7.9 mail to the last known address is sufficient. The scope of the hearing shall be limited solely
7.10 to the issue of whether the temporary suspension or issuance of a conditional license should
7.11 remain in effect and whether there is sufficient evidence to conclude that the licensee's
7.12 actions or failure to comply with applicable laws are level 3 or 4 violations as defined in
7.13 section 144A.474, subdivision 11, paragraph (b), or that there were violations that posed
7.14 an imminent risk of harm to the health and safety of persons in the provider's care.

7.15 (b) The administrative law judge shall issue findings of fact, conclusions, and a
7.16 recommendation within ten business days from the date of hearing. The parties shall
7.17 have ten calendar days to submit exceptions to the administrative law judge's report.
7.18 The record shall close at the end of the ten-day period for submission of exceptions.
7.19 The commissioner's final order shall be issued within ten business days from the close
7.20 of the record. When an appeal of a temporary immediate suspension or conditional
7.21 license is withdrawn or dismissed, the commissioner shall issue a final order affirming the
7.22 temporary immediate suspension or conditional license within ten calendar days of the
7.23 commissioner's receipt of the withdrawal or dismissal. The license holder is prohibited
7.24 from operation during the temporary suspension period.

7.25 (c) When the final order under paragraph (b) affirms an immediate suspension, and a
7.26 final licensing sanction is issued under subdivisions 1 and 2 and the licensee appeals that
7.27 sanction, the licensee is prohibited from operation pending a final commissioner's order
7.28 after the contested case hearing conducted under chapter 14.

7.29 (d) A licensee whose license is temporarily suspended must comply with the
7.30 requirements for notification and transfer of clients in subdivision 5. These requirements
7.31 remain if an appeal is requested.

7.32 Sec. 9. Minnesota Statutes 2014, section 144A.475, is amended by adding a
7.33 subdivision to read:

7.34 Subd. 3c. **Immediate temporary suspension.** (a) In addition to any other
7.35 remedies provided by law, the commissioner may, without a prior contested case hearing,

8.1 immediately temporarily suspend a license or prohibit delivery of services by a provider
8.2 for not more than 90 days, or issue a conditional license, if the commissioner determines
8.3 that there are:

8.4 (1) level 4 violations; or

8.5 (2) violations that pose an imminent risk of harm to the health or safety of persons in
8.6 the provider's care.

8.7 (b) For purposes of this subdivision, "level 4" has the meaning given in section
8.8 144A.474, subdivision 11, paragraph (b).

8.9 (c) A notice stating the reasons for the immediate temporary suspension or
8.10 conditional license and informing the license holder of the right to an expedited hearing
8.11 under subdivision 3b, must be delivered by personal services to the address shown on the
8.12 application or the last known address of the license holder. The license holder may appeal
8.13 an order immediately temporarily suspending a license or issuing a conditional license.
8.14 The appeal must be made in writing by certified mail or personal service. If mailed, the
8.15 appeal must be postmarked and sent to the commissioner within five calendar days after the
8.16 license holder receives notice. If an appeal is made by personal service, it must be received
8.17 by the commissioner within five calendar days after the license holder received the order.

8.18 (d) A license holder whose license is immediately temporarily suspended must
8.19 comply with the requirements for notification and transfer of clients in subdivision 5.
8.20 These requirements remain if an appeal is requested.

8.21 Sec. 10. Minnesota Statutes 2014, section 144A.4791, is amended by adding a
8.22 subdivision to read:

8.23 Subd. 14. **Application of other law.** Home care providers may exercise the
8.24 authority and are subject to the protections in section 152.34.

8.25 Sec. 11. Minnesota Statutes 2014, section 144A.4792, subdivision 13, is amended to
8.26 read:

8.27 Subd. 13. **Prescriptions.** There must be a current written or electronically recorded
8.28 prescription as defined in ~~Minnesota Rules, part 6800.0100, subpart 11a~~ section 151.01,
8.29 subdivision 16a, for all prescribed medications that the comprehensive home care provider
8.30 is managing for the client.

8.31 Sec. 12. Minnesota Statutes 2014, section 144A.4799, subdivision 1, is amended to
8.32 read:

9.1 Subdivision 1. **Membership.** The commissioner of health shall appoint eight
9.2 persons to a ~~home care provider~~ home care and assisted living program advisory council
9.3 consisting of the following:

9.4 (1) three public members as defined in section 214.02 who shall be either persons
9.5 who are currently receiving home care services or have family members receiving home
9.6 care services, or persons who have family members who have received home care services
9.7 within five years of the application date;

9.8 (2) three Minnesota home care licensees representing basic and comprehensive
9.9 levels of licensure who may be a managerial official, an administrator, a supervising
9.10 registered nurse, or an unlicensed personnel performing home care tasks;

9.11 (3) one member representing the Minnesota Board of Nursing; and

9.12 (4) one member representing the ombudsman for long-term care.

9.13 Sec. 13. Minnesota Statutes 2014, section 144A.4799, subdivision 3, is amended to
9.14 read:

9.15 Subd. 3. **Duties.** (a) At the commissioner's request, the advisory council shall
9.16 provide advice regarding regulations of Department of Health licensed home care
9.17 providers in this chapter, including advice on the following:

9.18 (1) community standards for home care practices;

9.19 (2) enforcement of licensing standards and whether certain disciplinary actions
9.20 are appropriate;

9.21 (3) ways of distributing information to licensees and consumers of home care;

9.22 (4) training standards;

9.23 (5) ~~identify~~ identifying emerging issues and opportunities in the home care field,
9.24 including the use of technology in home and telehealth capabilities;

9.25 (6) allowable home care licensing modifications and exemptions, including a method
9.26 for an integrated license with an existing license for rural licensed nursing homes to
9.27 provide limited home care services in an adjacent independent living apartment building
9.28 owned by the licensed nursing home; and

9.29 (7) recommendations for studies using the data in section 62U.04, subdivision 4,
9.30 including but not limited to studies concerning costs related to dementia and chronic
9.31 disease among an elderly population over 60 and additional long-term care costs, as
9.32 described in section 62U.10, subdivision 6.

9.33 ~~(7)~~ (b) The advisory council shall perform other duties as directed by the
9.34 commissioner.

10.1 Sec. 14. Minnesota Statutes 2014, section 144A.482, is amended to read:

10.2 **144A.482 REGISTRATION OF HOME MANAGEMENT PROVIDERS.**

10.3 (a) For purposes of this section, a home management provider is a person or
10.4 organization that provides at least two of the following services: housekeeping, meal
10.5 preparation, and shopping to a person who is unable to perform these activities due to
10.6 illness, disability, or physical condition.

10.7 (b) A person or organization that provides only home management services may not
10.8 operate in the state without a current certificate of registration issued by the commissioner
10.9 of health. To obtain a certificate of registration, the person or organization must annually
10.10 submit to the commissioner the name, mailing and physical addresses, e-mail address, and
10.11 telephone number of the person or organization and a signed statement declaring that the
10.12 person or organization is aware that the home care bill of rights applies to their clients and
10.13 that the person or organization will comply with the home care bill of rights provisions
10.14 contained in section 144A.44. A person or organization applying for a certificate must
10.15 also provide the name, business address, and telephone number of each of the persons
10.16 responsible for the management or direction of the organization.

10.17 (c) The commissioner shall charge an annual registration fee of \$20 for persons and
10.18 \$50 for organizations. The registration fee shall be deposited in the state treasury and
10.19 credited to the state government special revenue fund.

10.20 (d) A home care provider that provides home management services and other home
10.21 care services must be licensed, but licensure requirements other than the home care bill of
10.22 rights do not apply to those employees or volunteers who provide only home management
10.23 services to clients who do not receive any other home care services from the provider.
10.24 A licensed home care provider need not be registered as a home management service
10.25 provider but must provide an orientation on the home care bill of rights to its employees
10.26 or volunteers who provide home management services.

10.27 (e) An individual who provides home management services under this section must,
10.28 within 120 days after beginning to provide services, attend an orientation session ~~approved~~
10.29 ~~by the commissioner~~ that provides training on the home care bill of rights and an orientation
10.30 on the aging process and the needs and concerns of elderly and disabled persons.

10.31 (f) The commissioner may suspend or revoke a provider's certificate of registration
10.32 or assess fines for violation of the home care bill of rights. Any fine assessed for a
10.33 violation of the home care bill of rights by a provider registered under this section shall be
10.34 in the amount established in the licensure rules for home care providers. As a condition
10.35 of registration, a provider must cooperate fully with any investigation conducted by the
10.36 commissioner, including providing specific information requested by the commissioner on

11.1 clients served and the employees and volunteers who provide services. Fines collected
11.2 under this paragraph shall be deposited in the state treasury and credited to the fund
11.3 specified in the statute or rule in which the penalty was established.

11.4 (g) The commissioner may use any of the powers granted in sections 144A.43 to
11.5 144A.4798 to administer the registration system and enforce the home care bill of rights
11.6 under this section.

11.7 Sec. 15. Minnesota Statutes 2014, section 144D.01, subdivision 2a, is amended to read:

11.8 Subd. 2a. **Arranged home care provider.** "Arranged home care provider" means
11.9 a home care provider licensed under ~~Minnesota Rules, chapter 4668,~~ chapter 144A that
11.10 provides services to some or all of the residents of a housing with services establishment
11.11 and that is either the establishment itself or another entity with which the establishment
11.12 has an arrangement.

11.13 Sec. 16. **[144D.12] HOME CARE AND HOUSING SERVICES ELECTRONIC**
11.14 **MONITORING.**

11.15 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
11.16 section.

11.17 (b) "Electronic monitoring device" means a video or audio broadcasting or recording
11.18 device that broadcasts or records activity or sounds occurring in a residence.

11.19 (c) "Home care provider" has the meaning given in section 144A.43, subdivision 4.

11.20 (d) "Housing with services establishment" has the meaning given in section
11.21 144D.01, subdivision 4, and includes an establishment providing assisted living services
11.22 under chapter 144G.

11.23 (e) "Legal representative" means a court-appointed guardian or individual with
11.24 current legal authority to make decisions about health services for a resident under a
11.25 health care directive or power of attorney.

11.26 (f) "Resident" means an individual receiving home care services from a home care
11.27 provider or health-related, supportive, or assisted living services from a housing with
11.28 services establishment. Resident includes a legal representative of a resident.

11.29 (g) "Residential care or services provider" or "provider" means a home care provider
11.30 or housing with services establishment.

11.31 Subd. 2. **Electronic monitoring must be permitted.** A residential care or services
11.32 provider must allow a resident to install or use an electronic monitoring device that may
11.33 broadcast or record care or services given to the resident by the provider and that occur
11.34 within the private home, room, or unit of the resident in which the resident does not share

12.1 a home, room, or unit with another resident who does not consent to the installation or use
12.2 of an electronic monitoring device. The resident may elect whether to install the device in
12.3 plain view or in a manner where it is partially or fully hidden.

12.4 Subd. 3. **Resident protections.** (a) A residential care or services provider must not:

12.5 (1) refuse to provide care or services to a potential resident, or change the terms of
12.6 or terminate care or services to a resident, based on the installation or use of an electronic
12.7 monitoring device as provided for under subdivision 2; or

12.8 (2) prevent or interfere with the permissible installation or use of an electronic
12.9 monitoring device by a resident as provided for under subdivision 2.

12.10 (b) A residential care or services provider must not require a resident to install or use
12.11 an electronic monitoring device or otherwise install or use an electronic monitoring device
12.12 in the private home, room, or unit of the resident without the written consent of the resident.

12.13 Subd. 4. **Cost and installation.** (a) A resident who conducts electronic monitoring
12.14 must do so at the resident's own expense, including paying purchase, installation,
12.15 maintenance, and removal costs.

12.16 (b) If a resident installs an electronic monitoring device as provided for under
12.17 subdivision 2 that uses Internet technology for visual or audio monitoring, the resident
12.18 is responsible for contracting with an Internet service provider. A housing with services
12.19 establishment must make a reasonable attempt to accommodate the resident's installation
12.20 needs, including allowing access to the establishment's telecommunications or equipment
12.21 room. An establishment must not charge the resident a fee for the cost of electricity used by
12.22 an electronic monitoring device. Electronic monitoring device installations and supporting
12.23 services in a housing with services establishment must comply with the requirements of
12.24 the National Fire Protection Association (NFPA) 101 Life Safety Code (2015 edition).

12.25 Sec. 17. Minnesota Statutes 2014, section 144G.03, subdivision 2, is amended to read:

12.26 Subd. 2. **Minimum requirements for assisted living.** (a) Assisted living shall
12.27 be provided or made available only to individuals residing in a registered housing with
12.28 services establishment. Except as expressly stated in this chapter, a person or entity
12.29 offering assisted living may define the available services and may offer assisted living to
12.30 all or some of the residents of a housing with services establishment. The services that
12.31 comprise assisted living may be provided or made available directly by a housing with
12.32 services establishment or by persons or entities with which the housing with services
12.33 establishment has made arrangements.

12.34 (b) A person or entity entitled to use the phrase "assisted living," according to
12.35 section 144G.02, subdivision 1, shall do so only with respect to a housing with services

13.1 establishment, or a service, service package, or program available within a housing with
13.2 services establishment that, at a minimum:

13.3 (1) provides or makes available health-related services under a ~~class A or class F~~
13.4 home care license. At a minimum, health-related services must include:

13.5 (i) assistance with self-administration of medication, ~~as defined in Minnesota Rules,~~
13.6 ~~part 4668.0003, subpart 2a,~~ medication management, or medication administration as
13.7 defined in ~~Minnesota Rules, part 4668.0003, subpart 21a~~ in section 144A.43; and

13.8 (ii) assistance with at least three of the following seven activities of daily living:
13.9 bathing, dressing, grooming, eating, transferring, continence care, and toileting.

13.10 All health-related services shall be provided in a manner that complies with applicable
13.11 home care licensure requirements in chapter 144A, and sections 148.171 to 148.285, ~~and~~
13.12 ~~Minnesota Rules, chapter 4668~~;

13.13 (2) provides necessary assessments of the physical and cognitive needs of assisted
13.14 living clients by a registered nurse, as required by applicable home care licensure
13.15 requirements in chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules,~~
13.16 ~~chapter 4668~~;

13.17 (3) has and maintains a system for delegation of health care activities to unlicensed
13.18 ~~assistive health care~~ personnel by a registered nurse, including supervision and evaluation
13.19 of the delegated activities as required by applicable home care licensure requirements in
13.20 chapter 144A, and sections 148.171 to 148.285, ~~and Minnesota Rules, chapter 4668~~;

13.21 (4) provides staff access to an on-call registered nurse 24 hours per day, seven
13.22 days per week;

13.23 (5) has and maintains a system to check on each assisted living client at least daily;

13.24 (6) provides a means for assisted living clients to request assistance for health and
13.25 safety needs 24 hours per day, seven days per week, from the establishment or a person or
13.26 entity with which the establishment has made arrangements;

13.27 (7) has a person or persons available 24 hours per day, seven days per week, who
13.28 is responsible for responding to the requests of assisted living clients for assistance with
13.29 health or safety needs, who shall be:

13.30 (i) awake;

13.31 (ii) located in the same building, in an attached building, or on a contiguous campus
13.32 with the housing with services establishment in order to respond within a reasonable
13.33 amount of time;

13.34 (iii) capable of communicating with assisted living clients;

13.35 (iv) capable of recognizing the need for assistance;

- 14.1 (v) capable of providing either the assistance required or summoning the appropriate
14.2 assistance; and
- 14.3 (vi) capable of following directions;
- 14.4 (8) offers to provide or make available at least the following supportive services
14.5 to assisted living clients:
- 14.6 (i) two meals per day;
- 14.7 (ii) weekly housekeeping;
- 14.8 (iii) weekly laundry service;
- 14.9 (iv) upon the request of the client, reasonable assistance with arranging for
14.10 transportation to medical and social services appointments, and the name of or other
14.11 identifying information about the person or persons responsible for providing this
14.12 assistance;
- 14.13 (v) upon the request of the client, reasonable assistance with accessing community
14.14 resources and social services available in the community, and the name of or other
14.15 identifying information about the person or persons responsible for providing this
14.16 assistance; and
- 14.17 (vi) periodic opportunities for socialization; and
- 14.18 (9) makes available to all prospective and current assisted living clients information
14.19 consistent with the uniform format and the required components adopted by the
14.20 commissioner under section 144G.06. This information must be made available beginning
14.21 no later than six months after the commissioner makes the uniform format and required
14.22 components available to providers according to section 144G.06.

14.23 Sec. 18. Minnesota Statutes 2014, section 144G.03, subdivision 4, is amended to read:

14.24 Subd. 4. **Nursing assessment.** (a) A housing with services establishment offering or
14.25 providing assisted living shall:

14.26 (1) offer to have the arranged home care provider conduct a nursing assessment by
14.27 a registered nurse of the physical and cognitive needs of the prospective resident and
14.28 propose a ~~service agreement~~ or service plan prior to the date on which a prospective
14.29 resident executes a contract with a housing with services establishment or the date on
14.30 which a prospective resident moves in, whichever is earlier; and

14.31 (2) inform the prospective resident of the availability of and contact information for
14.32 long-term care consultation services under section 256B.0911, prior to the date on which a
14.33 prospective resident executes a contract with a housing with services establishment or the
14.34 date on which a prospective resident moves in, whichever is earlier.

15.1 (b) An arranged home care provider is not obligated to conduct a nursing assessment
15.2 by a registered nurse when requested by a prospective resident if either the geographic
15.3 distance between the prospective resident and the provider, or urgent or unexpected
15.4 circumstances, do not permit the assessment to be conducted prior to the date on which
15.5 the prospective resident executes a contract or moves in, whichever is earlier. When such
15.6 circumstances occur, the arranged home care provider shall offer to conduct a telephone
15.7 conference whenever reasonably possible.

15.8 (c) The arranged home care provider shall comply with applicable home care
15.9 licensure requirements in chapter 144A, and sections 148.171 to 148.285, and Minnesota
15.10 Rules, chapter 4668, with respect to the provision of a nursing assessment prior to the
15.11 delivery of nursing services and the execution of a home care service plan or service
15.12 agreement.

15.13 Sec. 19. Minnesota Statutes 2014, section 146B.01, subdivision 28, is amended to read:

15.14 Subd. 28. **Supervision.** "Supervision" means the physical presence of a technician
15.15 licensed under this chapter while a body art procedure is being performed and includes:

15.16 (1) "direct supervision" where a licensed technician is physically present in the
15.17 establishment, and is within five feet and is in the line of sight of the temporary licensee
15.18 who is performing a body art procedure while the procedure is being performed; and

15.19 (2) "indirect supervision" where a licensed technician is physically present in the
15.20 establishment while a body art procedure is being performed by the temporary licensee.

15.21 Sec. 20. Minnesota Statutes 2014, section 146B.03, subdivision 4, is amended to read:

15.22 Subd. 4. **Licensure requirements.** (a) An applicant for licensure under this section
15.23 ~~shall~~ must submit to the commissioner on a form provided by the commissioner:

15.24 (1) proof that the applicant is over the age of 18;

15.25 (2) the type of license the applicant is applying for;

15.26 (3) all fees required under section 146B.10;

15.27 (4) proof of completing a minimum of 200 hours of supervised experience within
15.28 each area for which the applicant is seeking a license, and must include an affidavit from
15.29 the supervising licensed technician;

15.30 (5) proof of having satisfactorily completed coursework within the year preceding
15.31 application and approved by the commissioner on bloodborne pathogens, the prevention
15.32 of disease transmission, infection control, and aseptic technique. Courses to be considered
15.33 for approval by the commissioner may include, but are not limited to, those administered
15.34 by one of the following:

- 16.1 (i) the American Red Cross;
- 16.2 (ii) United States Occupational Safety and Health Administration (OSHA); or
- 16.3 (iii) the Alliance of Professional Tattooists; and
- 16.4 (6) any other relevant information requested by the commissioner.

16.5 The licensure requirements in this paragraph are effective for all applications for

16.6 new licenses received before January 1, 2017.

16.7 (b) An applicant for licensure under this section must submit to the commissioner

16.8 on a form provided by the commissioner:

- 16.9 (1) proof that the applicant is over the age of 18;
- 16.10 (2) the type of license the applicant is applying for;
- 16.11 (3) all fees required under section 146B.10;
- 16.12 (4) a log showing the completion of the required supervised experience described
- 16.13 under subdivision 12 that includes a list of each licensed technician who provided the
- 16.14 required supervision;

16.15 (5) a signed affidavit from each licensed technician who the applicant listed in

16.16 the log described in clause (4);

16.17 (6) proof of having satisfactorily completed a minimum of five hours of coursework,

16.18 within the year preceding application and approval by the commissioner, on bloodborne

16.19 pathogens, the prevention of disease transmission, infection control, and aseptic technique.

16.20 Courses to be considered for approval by the commissioner may include, but are not

16.21 limited to, those administered by one of the following:

- 16.22 (i) the American Red Cross;
- 16.23 (ii) the United States Occupational Safety and Health Administration (OSHA); or
- 16.24 (iii) the Alliance of Professional Tattooists; and
- 16.25 (7) any other relevant information requested by the commissioner.

16.26 The licensure requirements in this paragraph are effective for all applications for

16.27 new licenses received on or after January 1, 2017.

16.28 Sec. 21. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:

16.29 Subd. 6. **Licensure term; renewal.** (a) A technician's license is valid for two

16.30 years from the date of issuance and may be renewed upon payment of the renewal fee

16.31 established under section 146B.10.

16.32 (b) At renewal, a licensee must submit proof of continuing education approved by

16.33 the commissioner in the areas identified in subdivision 4, ~~clause (5).~~

16.34 (c) The commissioner shall notify the technician of the pending expiration of a

16.35 technician license at least 60 days prior to license expiration.

17.1 Sec. 22. Minnesota Statutes 2014, section 146B.03, subdivision 7, is amended to read:

17.2 Subd. 7. **Temporary licensure.** (a) The commissioner may issue a temporary license
17.3 to an applicant who submits to the commissioner on a form provided by the commissioner:

17.4 (1) proof that the applicant is over the age of 18;

17.5 (2) all fees required under section 148B.10; and

17.6 (3) a letter from a licensed technician who has agreed to provide the supervision to
17.7 meet the supervised experience requirement under subdivision 4, ~~clause (4)~~.

17.8 (b) Upon completion of the required supervised experience, the temporary
17.9 licensee shall submit documentation of satisfactorily completing the requirements under
17.10 subdivision 4, ~~clauses (3) and (4)~~, and the applicable fee under section 146B.10. The
17.11 commissioner shall issue a new license in accordance with subdivision 4.

17.12 (c) A temporary license issued under this subdivision is valid for one year and
17.13 may be renewed for one additional year.

17.14 Sec. 23. Minnesota Statutes 2014, section 146B.03, is amended by adding a
17.15 subdivision to read:

17.16 Subd. 12. **Required supervised experience.** An applicant for a body art technician
17.17 license must complete the following minimum supervised experience for licensure:

17.18 (1) for a tattoo technician license an applicant must complete a minimum of 200
17.19 hours of tattoo experience under supervision;

17.20 (2) for a body piercing technician license an applicant must perform 250 body
17.21 piercings under direct supervision and 250 body piercings under indirect supervision; and

17.22 (3) for a dual body art technician license an applicant must complete a minimum of
17.23 200 hours of tattoo experience under supervision and perform 250 body piercings under
17.24 direct supervision and 250 body piercings under indirect supervision.

17.25 Sec. 24. Minnesota Statutes 2014, section 146B.07, subdivision 1, is amended to read:

17.26 Subdivision 1. **Proof of age.** (a) A technician shall require proof of age from clients
17.27 who state they are 18 years of age or older before performing any body art procedure on a
17.28 client. Proof of age must be established by one of the following methods:

17.29 (1) a valid driver's license or identification card issued by the state of Minnesota or
17.30 another state that includes a photograph and date of birth of the individual;

17.31 (2) a valid military identification card issued by the United States Department of
17.32 Defense;

17.33 (3) a valid passport;

17.34 (4) a resident alien card; or

18.1 (5) a tribal identification card.

18.2 (b) Before performing any body art procedure, the technician must provide the client
18.3 with a disclosure and authorization form that indicates whether the client has:

18.4 (1) diabetes;

18.5 (2) a history of hemophilia;

18.6 (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;

18.7 (4) a history of epilepsy, seizures, fainting, or narcolepsy;

18.8 (5) any condition that requires the client to take medications such as anticoagulants
18.9 that thin the blood or interfere with blood clotting; or

18.10 (6) any other information that would aid the technician in the body art procedure
18.11 process evaluation.

18.12 (c) The form must include a statement informing the client that the technician shall
18.13 not perform a body art procedure if the client fails to complete or sign the disclosure and
18.14 authorization form, and the technician may decline to perform a body art procedure if the
18.15 client has any identified health conditions.

18.16 (d) The technician shall ask the client to sign and date the disclosure and
18.17 authorization form confirming that the information listed on the form is accurate.

18.18 (e) Before performing any body art procedure, the technician shall offer and make
18.19 available to the client personal draping, as appropriate.

18.20 Sec. 25. Minnesota Statutes 2014, section 146B.07, subdivision 2, is amended to read:

18.21 Subd. 2. **Parent or legal guardian consent; prohibitions.** (a) A technician may
18.22 perform body piercings on an individual under the age of 18 if:

18.23 (1) the individual's parent or legal guardian is present and;

18.24 (2) the individual's parent or legal guardian provides personal identification by
18.25 using one of the methods described in subdivision 1, paragraph (a), clauses (1) to (5), and
18.26 provides documentation that reasonably establishes that the individual is the parent or
18.27 legal guardian of the individual who is seeking the body piercing;

18.28 (3) the individual seeking the body piercing provides proof of identification by
18.29 using one of the methods described in subdivision 1, paragraph (a), clauses (1) to (5),
18.30 a current student identification, or another official source that includes the name and
18.31 a photograph of the individual;

18.32 (4) a consent form and the authorization form under subdivision 1, paragraph (b) is
18.33 signed by the parent or legal guardian in the presence of the technician; and

18.34 (5) the piercing is not prohibited under paragraph (c).

19.1 (b) No technician shall tattoo any individual under the age of 18 regardless of
19.2 parental or guardian consent.

19.3 (c) No nipple or genital piercing, branding, scarification, suspension, subdermal
19.4 implantation, microdermal, or tongue bifurcation shall be performed by any technician on
19.5 any individual under the age of 18 regardless of parental or guardian consent.

19.6 (d) No technician shall perform body art procedures on any individual who appears
19.7 to be under the influence of alcohol, controlled substances as defined in section 152.01,
19.8 subdivision 4, or hazardous substances as defined in rules adopted under chapter 182.

19.9 (e) No technician shall perform body art procedures while under the influence of
19.10 alcohol, controlled substances as defined under section 152.01, subdivision 4, or hazardous
19.11 substances as defined in the rules adopted under chapter 182.

19.12 (f) No technician shall administer anesthetic injections or other medications.

19.13 Sec. 26. **[147.0375] MEDICAL FACULTY LICENSE.**

19.14 Subdivision 1. Requirements. The board shall issue a license to practice medicine
19.15 to any person who satisfies the requirements in paragraphs (a) to (g).

19.16 (a) The applicant must satisfy all the requirements established in section 147.02,
19.17 subdivision 1, paragraphs (a), (e), (f), (g), and (h).

19.18 (b) The applicant must present evidence satisfactory to the board that the applicant
19.19 is a graduate of a medical or osteopathic school approved by the board as equivalent
19.20 to accredited United States or Canadian schools based upon its faculty, curriculum,
19.21 facilities, accreditation, or other relevant data. If the applicant is a graduate of a medical or
19.22 osteopathic program that is not accredited by the Liaison Committee for Medical Education
19.23 or the American Osteopathic Association, the applicant may use the Federation of State
19.24 Medical Boards' Federation Credentials Verification Service (FCVS) or its successor. If
19.25 the applicant uses this service as allowed under this paragraph, the physician application
19.26 fee may be less than \$200 but must not exceed the cost of administering this paragraph.

19.27 (c) The applicant must present evidence satisfactory to the board of the completion
19.28 of two years of graduate, clinical medical training in a program located in the United
19.29 States, its territories, or Canada and accredited by a national accrediting organization
19.30 approved by the board. This requirement does not apply:

19.31 (1) to an applicant who is admitted as a permanent immigrant to the United States on
19.32 or before October 1, 1991, as a person of exceptional ability in the sciences according to
19.33 Code of Federal Regulations, title 20, section 656.22(d);

19.34 (2) to an applicant holding a valid license to practice medicine in another state or
19.35 country and issued a permanent immigrant visa after October 1, 1991, as a person of

20.1 extraordinary ability in the field of science or as an outstanding professor or researcher
20.2 according to Code of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary
20.3 nonimmigrant visa or status as a person of extraordinary ability in the field of science
20.4 according to Code of Federal Regulations, title 8, section 214.2(o); or

20.5 (3) to an applicant who is licensed in another state, has practiced five years without
20.6 disciplinary action in the United States, its territories, or Canada, has completed one year
20.7 of the graduate, clinical medical training required by this paragraph, and has passed the
20.8 Special Purpose Examination of the Federation of State Medical Boards within three
20.9 attempts in the 24 months before licensing.

20.10 (d) The applicant must present evidence satisfactory to the board that the applicant
20.11 has been appointed to serve as a faculty member of a medical school accredited by the
20.12 Liaison Committee of Medical Education or an osteopathic medical school accredited
20.13 by the American Osteopathic Association.

20.14 Subd. 2. **Medical school review.** The board may contract with any qualified person
20.15 or organization for the performance of a review or investigation, including site visits
20.16 if necessary, of any medical or osteopathic school prior to approving the school under
20.17 section 147.02, subdivision 1, paragraph (b), or subdivision 1, paragraph (b), of this
20.18 section. To the extent possible, the board shall require the school being reviewed to pay
20.19 the costs of the review or investigation.

20.20 Subd. 3. **Resignation or termination for the medical faculty position.** If a person
20.21 holding a license issued under this section resigns or is terminated from the academic
20.22 medical center in which the licensee is employed as a faculty member, the licensee
20.23 must notify the board in writing no later than 30 days after the date of termination or
20.24 resignation. Upon notification of resignation or termination, the board shall terminate
20.25 the medical license.

20.26 Subd. 4. **Reporting obligation.** A person holding a license issued under this section
20.27 is subject to the reporting obligations of section 147.111.

20.28 Subd. 5. **Limitation of practice.** A person issued a license under this section may
20.29 only practice medicine within the clinical setting of the academic medical center where
20.30 the licensee is an appointed faculty member or within a physician group practice affiliated
20.31 with the academic medical center.

20.32 Subd. 6. **Continuing education.** The licensee must meet the continuing education
20.33 requirements under Minnesota Rules, chapter 5605.

20.34 Subd. 7. **Expiration.** This section expires July 1, 2018.

20.35 Sec. 27. Minnesota Statutes 2014, section 152.22, subdivision 14, is amended to read:

21.1 Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a
21.2 diagnosis of any of the following conditions:

21.3 (1) cancer, if the underlying condition or treatment produces one or more of the
21.4 following:

21.5 (i) severe or chronic pain;

21.6 (ii) nausea or severe vomiting; or

21.7 (iii) cachexia or severe wasting;

21.8 (2) glaucoma;

21.9 (3) human immunodeficiency virus or acquired immune deficiency syndrome;

21.10 (4) Tourette's syndrome;

21.11 (5) amyotrophic lateral sclerosis;

21.12 (6) seizures, including those characteristic of epilepsy;

21.13 (7) severe and persistent muscle spasms, including those characteristic of multiple
21.14 sclerosis;

21.15 (8) inflammatory bowel disease, including Crohn's disease;

21.16 (9) terminal illness, with a probable life expectancy of under one year, if the illness
21.17 or its treatment produces one or more of the following:

21.18 (i) severe or chronic pain;

21.19 (ii) nausea or severe vomiting; or

21.20 (iii) cachexia or severe wasting; or

21.21 (10) any other medical condition or its treatment approved by the commissioner.

21.22 Sec. 28. Minnesota Statutes 2014, section 152.25, subdivision 3, is amended to read:

21.23 Subd. 3. **Deadlines.** (a) The commissioner shall adopt rules necessary for the
21.24 manufacturer to begin distribution of medical cannabis to patients under the registry
21.25 program by July 1, 2015, and have notice of proposed rules published in the State Register
21.26 prior to January 1, 2015.

21.27 (b) ~~The commissioner shall, by November 1, 2014, advise the public and the cochairs~~
21.28 ~~of the task force on medical cannabis therapeutic research established under section~~
21.29 ~~152.36 if the commissioner is unable to register two manufacturers by the December 1,~~
21.30 ~~2014, deadline. The commissioner shall provide a written statement as to the reason or~~
21.31 ~~reasons the deadline will not be met. Upon request of the commissioner, the task force~~
21.32 ~~shall extend the deadline by six months, but may not extend the deadline more than once.~~

21.33 (c) ~~If notified by a manufacturer that distribution to patients may not begin by~~
21.34 ~~the July 1, 2015, deadline, the commissioner shall advise the public and the cochairs~~
21.35 ~~of the task force on medical cannabis therapeutic research. Upon notification by the~~

22.1 ~~commissioner, the task force shall extend the deadline by six months, but may not extend~~
22.2 ~~the deadline more than once.~~

22.3 Sec. 29. Minnesota Statutes 2014, section 152.25, subdivision 4, is amended to read:

22.4 Subd. 4. **Reports.** (a) The commissioner shall provide regular updates to the task
22.5 force and to the chairs and ranking minority members of the legislative committees with
22.6 jurisdiction over health and human services, public safety, judiciary, and civil law on
22.7 medical cannabis therapeutic research regarding any changes in federal law or regulatory
22.8 restrictions regarding the use of medical cannabis.

22.9 (b) The commissioner may submit medical research based on the data collected
22.10 under sections 152.22 to 152.37 to any federal agency with regulatory or enforcement
22.11 authority over medical cannabis to demonstrate the effectiveness of medical cannabis for
22.12 treating a qualifying medical condition.

22.13 Sec. 30. Minnesota Statutes 2014, section 152.29, subdivision 3, is amended to read:

22.14 Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that
22.15 employees licensed as pharmacists pursuant to chapter 151 be the only employees to
22.16 ~~distribute~~ give final approval for the distribution of medical cannabis to a patient.

22.17 (b) A manufacturer may dispense medical cannabis products, whether or not the
22.18 products have been manufactured by the manufacturer, but is not required to dispense
22.19 medical cannabis products.

22.20 (c) Prior to distribution of any medical cannabis, the manufacturer shall:

22.21 (1) verify that the manufacturer has received the registry verification from the
22.22 commissioner for that individual patient;

22.23 (2) verify that the person requesting the distribution of medical cannabis is the patient,
22.24 the patient's registered designated caregiver, or the patient's parent or legal guardian listed
22.25 in the registry verification using the procedures described in section 152.11, subdivision 2d;

22.26 (3) assign a tracking number to any medical cannabis distributed from the
22.27 manufacturer;

22.28 (4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to
22.29 chapter 151 has consulted with the patient to determine the proper dosage for the individual
22.30 patient after reviewing the ranges of chemical compositions of the medical cannabis and
22.31 the ranges of proper dosages reported by the commissioner. For purposes of this clause, a
22.32 consultation may be conducted remotely using a videoconference, so long as the employee
22.33 providing the consultation is able to confirm the identity of the patient, the consultation

23.1 occurs while the patient is at a distribution facility, and the consultation adheres to patient
23.2 privacy requirements that apply to health care services delivered through telemedicine;

23.3 (5) properly package medical cannabis in compliance with the United States
23.4 Poison Prevention Packing Act regarding child-resistant packaging and exemptions for
23.5 packaging for elderly patients, and label distributed medical cannabis with a list of all
23.6 active ingredients and individually identifying information, including:

23.7 (i) the patient's name and date of birth;

23.8 (ii) the name and date of birth of the patient's registered designated caregiver or,
23.9 if listed on the registry verification, the name of the patient's parent or legal guardian,
23.10 if applicable;

23.11 (iii) the patient's registry identification number;

23.12 (iv) the chemical composition of the medical cannabis; and

23.13 (v) the dosage; and

23.14 (6) ensure that the medical cannabis distributed contains a maximum of a 30-day
23.15 supply of the dosage determined for that patient.

23.16 (d) A manufacturer shall require any employee of the manufacturer who is
23.17 transporting medical cannabis or medical cannabis products to a distribution facility to
23.18 carry identification showing that the person is an employee of the manufacturer.

23.19 Sec. 31. Minnesota Statutes 2014, section 152.29, is amended by adding a subdivision
23.20 to read:

23.21 Subd. 3a. **Transportation of medical cannabis; staffing.** A medical cannabis
23.22 manufacturer may staff a transport motor vehicle with only one employee if the medical
23.23 cannabis manufacturer is transporting medical cannabis to either a certified laboratory for
23.24 the purpose of testing or a facility for the purpose of disposal. If the medical cannabis
23.25 manufacturer is transporting medical cannabis for any other purpose or destination, the
23.26 transport motor vehicle must be staffed with a minimum of two employees as required by
23.27 rules adopted by the commissioner.

23.28 Sec. 32. Minnesota Statutes 2014, section 152.36, is amended by adding a subdivision
23.29 to read:

23.30 Subd. 1a. **Administration.** The commissioner of health shall provide administrative
23.31 and technical support to the task force.

23.32 Sec. 33. Minnesota Statutes 2014, section 152.36, subdivision 2, is amended to read:

24.1 Subd. 2. **Impact assessment.** The task force shall hold hearings to ~~conduct an~~
24.2 ~~assessment that evaluates~~ evaluate the impact of the use of medical cannabis and ~~evaluates~~
24.3 Minnesota's activities ~~and other states' activities~~ involving medical cannabis, ~~and offer~~
24.4 ~~analysis of~~ including, but not limited to:

- 24.5 (1) program design and implementation;
- 24.6 (2) the impact on the health care provider community;
- 24.7 (3) patient experiences;
- 24.8 (4) the impact on the incidence of substance abuse;
- 24.9 (5) access to and quality of medical cannabis and medical cannabis products;
- 24.10 (6) the impact on law enforcement and prosecutions;
- 24.11 (7) public awareness and perception; and
- 24.12 (8) any unintended consequences.

24.13 Sec. 34. Minnesota Statutes 2014, section 153A.14, subdivision 2d, is amended to read:

24.14 Subd. 2d. **Certification renewal notice.** Certification must be renewed annually.
24.15 The commissioner shall mail a renewal notice to the dispenser's last known address on
24.16 record with the commissioner by September 1 of each year. ~~The notice must include a~~
24.17 ~~renewal application and notice of fees required for renewal.~~ A dispenser is not relieved
24.18 from meeting the renewal deadline on the basis that the dispenser did not receive the
24.19 renewal notice. In renewing a certificate, a dispenser shall follow the procedures for
24.20 applying for a certificate specified in subdivision 1.

24.21 Sec. 35. Minnesota Statutes 2014, section 153A.14, subdivision 2h, is amended to read:

24.22 Subd. 2h. **Certification by examination.** An applicant must achieve a passing score,
24.23 as determined by the commissioner, on an examination according to paragraphs (a) to (c).

24.24 (a) The examination must include, but is not limited to:

24.25 (1) A written examination approved by the commissioner covering the following
24.26 areas as they pertain to hearing instrument selling:

- 24.27 (i) basic physics of sound;
- 24.28 (ii) the anatomy and physiology of the ear;
- 24.29 (iii) the function of hearing instruments; and
- 24.30 (iv) the principles of hearing instrument selection.

24.31 (2) Practical tests of proficiency in the following techniques as they pertain to
24.32 hearing instrument selling:

- 24.33 (i) pure tone audiometry, including air conduction testing and bone conduction
24.34 testing;

25.1 (ii) live voice or recorded voice speech audiometry including speech recognition
25.2 (discrimination) testing, most comfortable loudness level, and uncomfortable loudness
25.3 measurements of tolerance thresholds;

25.4 (iii) masking when indicated;

25.5 (iv) recording and evaluation of audiograms and speech audiometry to determine
25.6 proper selection and fitting of a hearing instrument;

25.7 (v) taking ear mold impressions;

25.8 (vi) using an otoscope for the visual observation of the entire ear canal; and

25.9 (vii) state and federal laws, rules, and regulations.

25.10 (b) The practical examination shall be administered by the commissioner at least
25.11 twice a year.

25.12 (c) An applicant must achieve a passing score on all portions of the examination
25.13 within a two-year period. An applicant who does not achieve a passing score on all
25.14 portions of the examination within a two-year period must retake the entire examination
25.15 and achieve a passing score on each portion of the examination. An applicant who does not
25.16 apply for certification within one year of successful completion of the examination must
25.17 retake the examination and achieve a passing score on each portion of the examination.
25.18 An applicant may not take any part of the practical examination more than three times in
25.19 a two-year period.

25.20 Sec. 36. Minnesota Statutes 2014, section 153A.15, subdivision 2a, is amended to read:

25.21 Subd. 2a. **Hearings.** If the commissioner proposes to take action against the
25.22 dispenser as described in subdivision 2, the commissioner must first notify the person
25.23 against whom the action is proposed to be taken and provide the person with an
25.24 opportunity to request a hearing under the contested case provisions of chapter 14. Service
25.25 of a notice of disciplinary action may be made personally or by certified mail, return
25.26 receipt requested. If the person does not request a hearing by notifying the commissioner
25.27 within 30 days after service of the notice of the proposed action, the commissioner may
25.28 proceed with the action without a hearing.

25.29 Sec. 37. Minnesota Statutes 2014, section 157.15, subdivision 14, is amended to read:

25.30 Subd. 14. **Special event food stand.** "Special event food stand" means a food and
25.31 beverage service establishment which is used in conjunction with celebrations and special
25.32 events, and which operates ~~no more than three times annually~~ for no more than ten total
25.33 days within the applicable license period.

26.1 Sec. 38. Minnesota Statutes 2014, section 157.16, subdivision 4, is amended to read:

26.2 Subd. 4. **Posting requirements.** Every food and beverage service establishment,
26.3 for-profit youth camp, hotel, motel, lodging establishment, public pool, or resort must
26.4 have the original license posted in a conspicuous place at the establishment. ~~Mobile food~~
26.5 ~~units, food carts, and seasonal temporary food stands shall be issued decals with the~~
26.6 ~~initial license and each calendar year with license renewals. The current license year~~
26.7 ~~decals must be placed on the unit or stand in a location determined by the commissioner.~~
26.8 ~~Decals are not transferable.~~

26.9 Sec. 39. Minnesota Statutes 2014, section 245.8251, is amended by adding a
26.10 subdivision to read:

26.11 Subd. 1a. **Legislative approval.** Minnesota Rules, chapter 9544, positive support
26.12 strategies and restrictive interventions is approved.

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

26.14 Sec. 40. Minnesota Statutes 2014, section 245.8251, subdivision 2, is amended to read:

26.15 Subd. 2. **Data collection.** ~~(a)~~ The commissioner shall, with stakeholder input,
26.16 identify data elements specific to incidents of emergency use of manual restraint and
26.17 positive support transition plans for persons receiving services from licensed facilities
26.18 and licensed services under chapter 245D and in licensed facilities and licensed services
26.19 serving persons with a developmental disability or related condition as defined in
26.20 Minnesota Rules, part 9525.0016, subpart 2, effective January 1, 2014. Licensed facilities
26.21 and licensed services shall report the data in a format and at a frequency determined by the
26.22 commissioner of human services to the commissioner and the Office of the Ombudsman
26.23 for Mental Health and Developmental Disabilities.

26.24 ~~(b) Beginning July 1, 2013, licensed facilities and licensed services regulated under~~
26.25 ~~Minnesota Rules, parts 9525.2700 to 9525.2810, shall submit data regarding the use of all~~
26.26 ~~controlled procedures identified in Minnesota Rules, part 9525.2740, in a format and at~~
26.27 ~~a frequency determined by the commissioner to the commissioner and the Office of the~~
26.28 ~~Ombudsman for Mental Health and Developmental Disabilities.~~

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

26.30 Sec. 41. Minnesota Statutes 2014, section 252.275, subdivision 1a, is amended to read:

26.31 Subd. 1a. **Service requirements.** The methods, materials, and settings used to
26.32 provide semi-independent living services to a person must be designed to:

- 27.1 (1) increase the person's independence in performing tasks and activities by teaching
27.2 skills that reduce dependence on caregivers;
- 27.3 (2) provide training in an environment where the skill being taught is typically used;
- 27.4 (3) increase the person's opportunities to interact with nondisabled individuals who
27.5 are not paid caregivers;
- 27.6 (4) increase the person's opportunities to use community resources and participate in
27.7 community activities, including recreational, cultural, and educational resources, stores,
27.8 restaurants, religious services, and public transportation;
- 27.9 (5) increase the person's opportunities to develop decision-making skills and to make
27.10 informed choices in all aspects of daily living, including:
- 27.11 (i) selection of service providers;
- 27.12 (ii) goals and methods;
- 27.13 (iii) location and decor of residence;
- 27.14 (iv) roommates;
- 27.15 (v) daily routines;
- 27.16 (vi) leisure activities; and
- 27.17 (vii) personal possessions;
- 27.18 (6) provide daily schedules, routines, environments and interactions similar to those
27.19 of nondisabled individuals of the same chronological age; and
- 27.20 (7) comply with section ~~245.825, subdivision 1~~ 245.8251 and the rules promulgated
27.21 pursuant to section 245.8251, subdivision 1.

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

27.23 Sec. 42. Minnesota Statutes 2014, section 253B.03, subdivision 1, is amended to read:

27.24 Subdivision 1. **Restraints.** (a) A patient has the right to be free from restraints.

27.25 Restraints shall not be applied to a patient in a treatment facility unless the head of the
27.26 treatment facility, a member of the medical staff, or a licensed peace officer who has custody
27.27 of the patient determines that they are necessary for the safety of the patient or others.

27.28 (b) Restraints shall not be applied to patients with developmental disabilities except
27.29 as permitted under section ~~245.825~~ 245.8251 and rules of the commissioner of human
27.30 services. Consent must be obtained from the person or person's guardian except for
27.31 emergency procedures as permitted under rules of the commissioner adopted under
27.32 section ~~245.825~~ 245.8251.

27.33 (c) Each use of a restraint and reason for it shall be made part of the clinical record
27.34 of the patient under the signature of the head of the treatment facility.

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

28.2 Sec. 43. Minnesota Statutes 2014, section 253B.03, subdivision 6a, is amended to read:

28.3 Subd. 6a. **Consent for treatment for developmental disability.** A patient with
28.4 a developmental disability, or the patient's guardian, has the right to give or withhold
28.5 consent before:

28.6 (1) the implementation of any ~~aversive or deprivation procedure~~ restrictive
28.7 interventions except for emergency ~~procedures~~ use of manual restraint permitted in rules
28.8 of the commissioner adopted under section ~~245.825~~ 245.8251; or

28.9 (2) the administration of psychotropic medication.

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

28.11 Sec. 44. Minnesota Statutes 2014, section 256B.0659, subdivision 3, is amended to read:

28.12 Subd. 3. **Noncovered personal care assistance services.** (a) Personal care assistance
28.13 services are not eligible for medical assistance payment under this section when provided:

28.14 (1) by the recipient's spouse, parent of a recipient under the age of 18, paid legal
28.15 guardian, licensed foster provider, except as allowed under section 256B.0652, subdivision
28.16 10, or responsible party;

28.17 (2) in order to meet staffing or license requirements in a residential or child care
28.18 setting;

28.19 (3) solely as a child care or babysitting service; or

28.20 (4) without authorization by the commissioner or the commissioner's designee.

28.21 (b) The following personal care services are not eligible for medical assistance
28.22 payment under this section when provided in residential settings:

28.23 (1) when the provider of home care services who is not related by blood, marriage,
28.24 or adoption owns or otherwise controls the living arrangement, including licensed or
28.25 unlicensed services; or

28.26 (2) when personal care assistance services are the responsibility of a residential or
28.27 program license holder under the terms of a service agreement and administrative rules.

28.28 (c) Other specific tasks not covered under paragraph (a) or (b) that are not eligible
28.29 for medical assistance reimbursement for personal care assistance services under this
28.30 section include:

28.31 (1) sterile procedures;

28.32 (2) injections of fluids and medications into veins, muscles, or skin;

28.33 (3) home maintenance or chore services;

29.1 (4) homemaker services not an integral part of assessed personal care assistance
29.2 services needed by a recipient;

29.3 (5) application of ~~restraints or implementation of procedures~~ restrictive interventions
29.4 under section ~~245.825~~ 245.8251;

29.5 (6) instrumental activities of daily living for children under the age of 18, except
29.6 when immediate attention is needed for health or hygiene reasons integral to the personal
29.7 care services and the need is listed in the service plan by the assessor; and

29.8 (7) assessments for personal care assistance services by personal care assistance
29.9 provider agencies or by independently enrolled registered nurses.

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

29.11 Sec. 45. Minnesota Statutes 2014, section 256B.0951, subdivision 5, is amended to read:

29.12 Subd. 5. **Variance of certain standards prohibited.** The safety standards, rights,
29.13 or procedural protections under chapter 245C and sections ~~245.825~~ 245.8251; 245.91 to
29.14 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13;
29.15 252.41, subdivision 9; 256B.092, subdivisions 1b, clause (7), and 10; 626.556; 626.557,
29.16 and procedures for the monitoring of psychotropic medications shall not be varied
29.17 under the alternative quality assurance licensing system. The commission may make
29.18 recommendations to the commissioners of human services and health or to the legislature
29.19 regarding alternatives to or modifications of the rules and procedures referenced in this
29.20 subdivision.

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

29.22 Sec. 46. Minnesota Statutes 2014, section 256B.097, subdivision 4, is amended to read:

29.23 Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as
29.24 selected by the State Quality Council, regional quality councils of key stakeholders,
29.25 including regional representatives of:

29.26 (1) disability service recipients and their family members;

29.27 (2) disability service providers;

29.28 (3) disability advocacy groups; and

29.29 (4) county human services agencies and staff from the Department of Human
29.30 Services and Ombudsman for Mental Health and Developmental Disabilities.

29.31 (b) Each regional quality council shall:

29.32 (1) direct and monitor the community-based, person-directed quality assurance
29.33 system in this section;

- 30.1 (2) approve a training program for quality assurance team members under clause (13);
- 30.2 (3) review summary reports from quality assurance team reviews and make
- 30.3 recommendations to the State Quality Council regarding program licensure;
- 30.4 (4) make recommendations to the State Quality Council regarding the system;
- 30.5 (5) resolve complaints between the quality assurance teams, counties, providers,
- 30.6 persons receiving services, their families, and legal representatives;
- 30.7 (6) analyze and review quality outcomes and critical incident data reporting
- 30.8 incidents of life safety concerns immediately to the Department of Human Services
- 30.9 licensing division;
- 30.10 (7) provide information and training programs for persons with disabilities and their
- 30.11 families and legal representatives on service options and quality expectations;
- 30.12 (8) disseminate information and resources developed to other regional quality
- 30.13 councils;
- 30.14 (9) respond to state-level priorities;
- 30.15 (10) establish regional priorities for quality improvement;
- 30.16 (11) submit an annual report to the State Quality Council on the status, outcomes,
- 30.17 improvement priorities, and activities in the region;
- 30.18 (12) choose a representative to participate on the State Quality Council and assume
- 30.19 other responsibilities consistent with the priorities of the State Quality Council; and
- 30.20 (13) recruit, train, and assign duties to members of quality assurance teams, taking
- 30.21 into account the size of the service provider, the number of services to be reviewed,
- 30.22 the skills necessary for the team members to complete the process, and ensure that no
- 30.23 team member has a financial, personal, or family relationship with the facility, program,
- 30.24 or service being reviewed or with anyone served at the facility, program, or service.
- 30.25 Quality assurance teams must be comprised of county staff, persons receiving services
- 30.26 or the person's families, legal representatives, members of advocacy organizations,
- 30.27 providers, and other involved community members. Team members must complete
- 30.28 the training program approved by the regional quality council and must demonstrate
- 30.29 performance-based competency. Team members may be paid a per diem and reimbursed
- 30.30 for expenses related to their participation in the quality assurance process.
- 30.31 (c) The commissioner shall monitor the safety standards, rights, and procedural
- 30.32 protections for the monitoring of psychotropic medications and those identified under
- 30.33 sections ~~245.825~~ 245.8251; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c),
- 30.34 clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b,
- 30.35 clause (7); 626.556; and 626.557.

31.1 (d) The regional quality councils may hire staff to perform the duties assigned in
31.2 this subdivision.

31.3 (e) The regional quality councils may charge fees for their services.

31.4 (f) The quality assurance process undertaken by a regional quality council consists of
31.5 an evaluation by a quality assurance team of the facility, program, or service. The process
31.6 must include an evaluation of a random sample of persons served. The sample must be
31.7 representative of each service provided. The sample size must be at least five percent but
31.8 not less than two persons served. All persons must be given the opportunity to be included
31.9 in the quality assurance process in addition to those chosen for the random sample.

31.10 (g) A facility, program, or service may contest a licensing decision of the regional
31.11 quality council as permitted under chapter 245A.

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

31.13 Sec. 47. Minnesota Statutes 2014, section 256B.77, subdivision 17, is amended to read:

31.14 Subd. 17. **Approval of alternatives.** The commissioner may approve alternatives to
31.15 administrative rules if the commissioner determines that appropriate alternative measures
31.16 are in place to protect the health, safety, and rights of enrollees and to assure that services
31.17 are of sufficient quality to produce the outcomes described in the personal support plans.
31.18 Prior approved waivers, if needed by the demonstration project, shall be extended. The
31.19 commissioner shall not waive the rights or procedural protections under sections ~~245.825~~
31.20 245.8251; 245.91 to 245.97; 252.41, subdivision 9; 256B.092, subdivision 10; 626.556;
31.21 and 626.557; or procedures for the monitoring of psychotropic medications. Prohibited
31.22 practices as defined in statutes and rules governing service delivery to eligible individuals
31.23 are applicable to services delivered under this demonstration project.

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

31.25 Sec. 48. Minnesota Statutes 2015 Supplement, section 626.556, subdivision 2, is
31.26 amended to read:

31.27 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
31.28 given them unless the specific content indicates otherwise:

31.29 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
31.30 occurrence or event which:

31.31 (1) is not likely to occur and could not have been prevented by exercise of due
31.32 care; and

32.1 (2) if occurring while a child is receiving services from a facility, happens when the
32.2 facility and the employee or person providing services in the facility are in compliance
32.3 with the laws and rules relevant to the occurrence or event.

32.4 (b) "Commissioner" means the commissioner of human services.

32.5 (c) "Facility" means:

32.6 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
32.7 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
32.8 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

32.9 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter
32.10 124E; or

32.11 (3) a nonlicensed personal care provider organization as defined in section
32.12 256B.0625, subdivision 19a.

32.13 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
32.14 subsequent child maltreatment, and family strengths and needs that is applied to a child
32.15 maltreatment report that does not allege sexual abuse or substantial child endangerment.
32.16 Family assessment does not include a determination as to whether child maltreatment
32.17 occurred but does determine the need for services to address the safety of family members
32.18 and the risk of subsequent maltreatment.

32.19 (e) "Investigation" means fact gathering related to the current safety of a child
32.20 and the risk of subsequent maltreatment that determines whether child maltreatment
32.21 occurred and whether child protective services are needed. An investigation must be used
32.22 when reports involve sexual abuse or substantial child endangerment, and for reports of
32.23 maltreatment in facilities required to be licensed under chapter 245A or 245D; under
32.24 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
32.25 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
32.26 association as defined in section 256B.0625, subdivision 19a.

32.27 (f) "Mental injury" means an injury to the psychological capacity or emotional
32.28 stability of a child as evidenced by an observable or substantial impairment in the child's
32.29 ability to function within a normal range of performance and behavior with due regard to
32.30 the child's culture.

32.31 (g) "Neglect" means the commission or omission of any of the acts specified under
32.32 clauses (1) to (9), other than by accidental means:

32.33 (1) failure by a person responsible for a child's care to supply a child with necessary
32.34 food, clothing, shelter, health, medical, or other care required for the child's physical or
32.35 mental health when reasonably able to do so;

33.1 (2) failure to protect a child from conditions or actions that seriously endanger the
33.2 child's physical or mental health when reasonably able to do so, including a growth delay,
33.3 which may be referred to as a failure to thrive, that has been diagnosed by a physician and
33.4 is due to parental neglect;

33.5 (3) failure to provide for necessary supervision or child care arrangements
33.6 appropriate for a child after considering factors as the child's age, mental ability, physical
33.7 condition, length of absence, or environment, when the child is unable to care for the
33.8 child's own basic needs or safety, or the basic needs or safety of another child in their care;

33.9 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
33.10 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
33.11 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

33.12 (5) nothing in this section shall be construed to mean that a child is neglected solely
33.13 because the child's parent, guardian, or other person responsible for the child's care in
33.14 good faith selects and depends upon spiritual means or prayer for treatment or care of
33.15 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
33.16 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
33.17 if a lack of medical care may cause serious danger to the child's health. This section does
33.18 not impose upon persons, not otherwise legally responsible for providing a child with
33.19 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

33.20 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
33.21 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
33.22 symptoms in the child at birth, results of a toxicology test performed on the mother at
33.23 delivery or the child at birth, medical effects or developmental delays during the child's
33.24 first year of life that medically indicate prenatal exposure to a controlled substance, or the
33.25 presence of a fetal alcohol spectrum disorder;

33.26 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

33.27 (8) chronic and severe use of alcohol or a controlled substance by a parent or
33.28 person responsible for the care of the child that adversely affects the child's basic needs
33.29 and safety; or

33.30 (9) emotional harm from a pattern of behavior which contributes to impaired
33.31 emotional functioning of the child which may be demonstrated by a substantial and
33.32 observable effect in the child's behavior, emotional response, or cognition that is not
33.33 within the normal range for the child's age and stage of development, with due regard to
33.34 the child's culture.

33.35 (h) "Nonmaltreatment mistake" means:

34.1 (1) at the time of the incident, the individual was performing duties identified in the
34.2 center's child care program plan required under Minnesota Rules, part 9503.0045;

34.3 (2) the individual has not been determined responsible for a similar incident that
34.4 resulted in a finding of maltreatment for at least seven years;

34.5 (3) the individual has not been determined to have committed a similar
34.6 nonmaltreatment mistake under this paragraph for at least four years;

34.7 (4) any injury to a child resulting from the incident, if treated, is treated only with
34.8 remedies that are available over the counter, whether ordered by a medical professional or
34.9 not; and

34.10 (5) except for the period when the incident occurred, the facility and the individual
34.11 providing services were both in compliance with all licensing requirements relevant to the
34.12 incident.

34.13 This definition only applies to child care centers licensed under Minnesota
34.14 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of
34.15 substantiated maltreatment by the individual, the commissioner of human services shall
34.16 determine that a nonmaltreatment mistake was made by the individual.

34.17 (i) "Operator" means an operator or agency as defined in section 245A.02.

34.18 (j) "Person responsible for the child's care" means (1) an individual functioning
34.19 within the family unit and having responsibilities for the care of the child such as a
34.20 parent, guardian, or other person having similar care responsibilities, or (2) an individual
34.21 functioning outside the family unit and having responsibilities for the care of the child
34.22 such as a teacher, school administrator, other school employees or agents, or other lawful
34.23 custodian of a child having either full-time or short-term care responsibilities including,
34.24 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
34.25 and coaching.

34.26 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
34.27 inflicted by a person responsible for the child's care on a child other than by accidental
34.28 means, or any physical or mental injury that cannot reasonably be explained by the child's
34.29 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
34.30 that have not been authorized under section 125A.0942 or ~~245.825~~ 245.8251.

34.31 Abuse does not include reasonable and moderate physical discipline of a child
34.32 administered by a parent or legal guardian which does not result in an injury. Abuse does
34.33 not include the use of reasonable force by a teacher, principal, or school employee as
34.34 allowed by section 121A.582. Actions which are not reasonable and moderate include, but
34.35 are not limited to, any of the following:

34.36 (1) throwing, kicking, burning, biting, or cutting a child;

- 35.1 (2) striking a child with a closed fist;
- 35.2 (3) shaking a child under age three;
- 35.3 (4) striking or other actions which result in any nonaccidental injury to a child
- 35.4 under 18 months of age;
- 35.5 (5) unreasonable interference with a child's breathing;
- 35.6 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- 35.7 (7) striking a child under age one on the face or head;
- 35.8 (8) striking a child who is at least age one but under age four on the face or head,
- 35.9 which results in an injury;
- 35.10 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
- 35.11 substances which were not prescribed for the child by a practitioner, in order to control or
- 35.12 punish the child; or other substances that substantially affect the child's behavior, motor
- 35.13 coordination, or judgment or that results in sickness or internal injury, or subjects the
- 35.14 child to medical procedures that would be unnecessary if the child were not exposed
- 35.15 to the substances;
- 35.16 (10) unreasonable physical confinement or restraint not permitted under section
- 35.17 609.379, including but not limited to tying, caging, or chaining; or
- 35.18 (11) in a school facility or school zone, an act by a person responsible for the child's
- 35.19 care that is a violation under section 121A.58.
- 35.20 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
- 35.21 not limited to employee assistance counseling and the provision of guardian ad litem and
- 35.22 parenting time expeditor services.
- 35.23 (m) "Report" means any communication received by the local welfare agency,
- 35.24 police department, county sheriff, or agency responsible for child protection pursuant to
- 35.25 this section that describes neglect or physical or sexual abuse of a child and contains
- 35.26 sufficient content to identify the child and any person believed to be responsible for the
- 35.27 neglect or abuse, if known.
- 35.28 (n) "Sexual abuse" means the subjection of a child by a person responsible for the
- 35.29 child's care, by a person who has a significant relationship to the child, as defined in
- 35.30 section 609.341, or by a person in a position of authority, as defined in section 609.341,
- 35.31 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
- 35.32 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
- 35.33 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
- 35.34 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
- 35.35 abuse also includes any act which involves a minor which constitutes a violation of
- 35.36 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes

36.1 threatened sexual abuse which includes the status of a parent or household member
36.2 who has committed a violation which requires registration as an offender under section
36.3 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section
36.4 243.166, subdivision 1b, paragraph (a) or (b).

36.5 (o) "Substantial child endangerment" means a person responsible for a child's care,
36.6 by act or omission, commits or attempts to commit an act against a child under their
36.7 care that constitutes any of the following:

36.8 (1) egregious harm as defined in section 260C.007, subdivision 14;

36.9 (2) abandonment under section 260C.301, subdivision 2;

36.10 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the
36.11 child's physical or mental health, including a growth delay, which may be referred to as
36.12 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

36.13 (4) murder in the first, second, or third degree under section 609.185, 609.19, or
36.14 609.195;

36.15 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

36.16 (6) assault in the first, second, or third degree under section 609.221, 609.222, or
36.17 609.223;

36.18 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

36.19 (8) criminal sexual conduct under sections 609.342 to 609.3451;

36.20 (9) solicitation of children to engage in sexual conduct under section 609.352;

36.21 (10) malicious punishment or neglect or endangerment of a child under section
36.22 609.377 or 609.378;

36.23 (11) use of a minor in sexual performance under section 617.246; or

36.24 (12) parental behavior, status, or condition which mandates that the county attorney
36.25 file a termination of parental rights petition under section 260C.503, subdivision 2.

36.26 (p) "Threatened injury" means a statement, overt act, condition, or status that
36.27 represents a substantial risk of physical or sexual abuse or mental injury. Threatened
36.28 injury includes, but is not limited to, exposing a child to a person responsible for the
36.29 child's care, as defined in paragraph (j), clause (1), who has:

36.30 (1) subjected a child to, or failed to protect a child from, an overt act or condition
36.31 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
36.32 similar law of another jurisdiction;

36.33 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
36.34 (b), clause (4), or a similar law of another jurisdiction;

36.35 (3) committed an act that has resulted in an involuntary termination of parental rights
36.36 under section 260C.301, or a similar law of another jurisdiction; or

37.1 (4) committed an act that has resulted in the involuntary transfer of permanent
37.2 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section
37.3 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
37.4 similar law of another jurisdiction.

37.5 A child is the subject of a report of threatened injury when the responsible social
37.6 services agency receives birth match data under paragraph (q) from the Department of
37.7 Human Services.

37.8 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a
37.9 birth record or recognition of parentage identifying a child who is subject to threatened
37.10 injury under paragraph (p), the Department of Human Services shall send the data to the
37.11 responsible social services agency. The data is known as "birth match" data. Unless the
37.12 responsible social services agency has already begun an investigation or assessment of the
37.13 report due to the birth of the child or execution of the recognition of parentage and the
37.14 parent's previous history with child protection, the agency shall accept the birth match
37.15 data as a report under this section. The agency may use either a family assessment or
37.16 investigation to determine whether the child is safe. All of the provisions of this section
37.17 apply. If the child is determined to be safe, the agency shall consult with the county
37.18 attorney to determine the appropriateness of filing a petition alleging the child is in need
37.19 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
37.20 deliver needed services. If the child is determined not to be safe, the agency and the county
37.21 attorney shall take appropriate action as required under section 260C.503, subdivision 2.

37.22 (r) Persons who conduct assessments or investigations under this section shall take
37.23 into account accepted child-rearing practices of the culture in which a child participates
37.24 and accepted teacher discipline practices, which are not injurious to the child's health,
37.25 welfare, and safety.

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

37.27 Sec. 49. Minnesota Statutes 2014, section 626.5572, subdivision 2, is amended to read:

37.28 Subd. 2. **Abuse.** "Abuse" means:

37.29 (a) An act against a vulnerable adult that constitutes a violation of, an attempt to
37.30 violate, or aiding and abetting a violation of:

37.31 (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;

37.32 (2) the use of drugs to injure or facilitate crime as defined in section 609.235;

37.33 (3) the solicitation, inducement, and promotion of prostitution as defined in section
37.34 609.322; and

38.1 (4) criminal sexual conduct in the first through fifth degrees as defined in sections
38.2 609.342 to 609.3451.

38.3 A violation includes any action that meets the elements of the crime, regardless of
38.4 whether there is a criminal proceeding or conviction.

38.5 (b) Conduct which is not an accident or therapeutic conduct as defined in this
38.6 section, which produces or could reasonably be expected to produce physical pain or
38.7 injury or emotional distress including, but not limited to, the following:

38.8 (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a
38.9 vulnerable adult;

38.10 (2) use of repeated or malicious oral, written, or gestured language toward a
38.11 vulnerable adult or the treatment of a vulnerable adult which would be considered by a
38.12 reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;

38.13 (3) use of any aversive or deprivation procedure, unreasonable confinement, or
38.14 involuntary seclusion, including the forced separation of the vulnerable adult from other
38.15 persons against the will of the vulnerable adult or the legal representative of the vulnerable
38.16 adult; and

38.17 (4) use of any aversive or deprivation procedures for persons with developmental
38.18 disabilities or related conditions not authorized under section ~~245.825~~ 245.8251.

38.19 (c) Any sexual contact or penetration as defined in section 609.341, between a
38.20 facility staff person or a person providing services in the facility and a resident, patient,
38.21 or client of that facility.

38.22 (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against
38.23 the vulnerable adult's will to perform services for the advantage of another.

38.24 (e) For purposes of this section, a vulnerable adult is not abused for the sole reason
38.25 that the vulnerable adult or a person with authority to make health care decisions for
38.26 the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C or 252A, or
38.27 section 253B.03 or 524.5-313, refuses consent or withdraws consent, consistent with that
38.28 authority and within the boundary of reasonable medical practice, to any therapeutic
38.29 conduct, including any care, service, or procedure to diagnose, maintain, or treat the
38.30 physical or mental condition of the vulnerable adult or, where permitted under law, to
38.31 provide nutrition and hydration parenterally or through intubation. This paragraph does
38.32 not enlarge or diminish rights otherwise held under law by:

38.33 (1) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
38.34 involved family member, to consent to or refuse consent for therapeutic conduct; or

38.35 (2) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct.

39.1 (f) For purposes of this section, a vulnerable adult is not abused for the sole reason
39.2 that the vulnerable adult, a person with authority to make health care decisions for the
39.3 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means
39.4 or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu
39.5 of medical care, provided that this is consistent with the prior practice or belief of the
39.6 vulnerable adult or with the expressed intentions of the vulnerable adult.

39.7 (g) For purposes of this section, a vulnerable adult is not abused for the sole reason
39.8 that the vulnerable adult, who is not impaired in judgment or capacity by mental or
39.9 emotional dysfunction or undue influence, engages in consensual sexual contact with:

39.10 (1) a person, including a facility staff person, when a consensual sexual personal
39.11 relationship existed prior to the caregiving relationship; or

39.12 (2) a personal care attendant, regardless of whether the consensual sexual personal
39.13 relationship existed prior to the caregiving relationship.

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

39.15 Sec. 50. **APPROPRIATION.**

39.16 \$24,000 is appropriated in fiscal year 2017 to the commissioner of health to
39.17 administer the task force on medical cannabis therapeutic research under Minnesota
39.18 Statutes, section 152.36, and for the task force to conduct the impact assessment on the
39.19 use of cannabis for medicinal purposes.

39.20 Sec. 51. **APPROPRIATION CANCELLATION.**

39.21 Effective July 1, 2016, the appropriation in Laws 2014, chapter 311, section 21,
39.22 subdivision 2, of \$24,000 to the Legislative Coordinating Commission is canceled to the
39.23 general fund.

39.24 Sec. 52. **REPEALER.**

39.25 Minnesota Statutes 2014, section 245.825, subdivisions 1 and 1b, are repealed.

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