

A bill for an act

relating to human services; making technical changes; amending children's mental health, health care, and miscellaneous provisions; amending Minnesota Statutes 2006, sections 254A.035, subdivision 2; 254A.04; 256.0451, subdivision 24; 256.046; 256B.0943, subdivisions 1, 2, 7; 256L.07, subdivision 5; Minnesota Statutes 2007 Supplement, sections 256.01, subdivisions 2, 2b; 256.476, subdivisions 4, 5; 256B.057, subdivision 2c; 256B.06, subdivision 4; 256B.0655, subdivision 12; 256B.0943, subdivisions 6, 9, 12; 256D.03, subdivision 3; 256L.15, subdivision 2; repealing Minnesota Statutes 2006, section 256B.039.

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

ARTICLE 1

CHILDREN'S MENTAL HEALTH

Section 1. Minnesota Statutes 2006, section 256B.0943, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Children's therapeutic services and supports" means the flexible package of mental health services for children who require varying therapeutic and rehabilitative levels of intervention. The services are time-limited interventions that are delivered using various treatment modalities and combinations of services designed to reach treatment outcomes identified in the individual treatment plan.

(b) "Clinical supervision" means the overall responsibility of the mental health professional for the control and direction of individualized treatment planning, service delivery, and treatment review for each client. A mental health professional who is an enrolled Minnesota health care program provider accepts full professional responsibility

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work, and oversees or directs the supervisee's work.

(c) "County board" means the county board of commissioners or board established under sections 402.01 to 402.10 or 471.59.

(d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a.

(e) "Culturally competent provider" means a provider who understands and can utilize to a client's benefit the client's culture when providing services to the client. A provider may be culturally competent because the provider is of the same cultural or ethnic group as the client or the provider has developed the knowledge and skills through training and experience to provide services to culturally diverse clients.

(f) "Day treatment program" for children means a site-based structured program consisting of group psychotherapy for more than three individuals and other intensive therapeutic services provided by a multidisciplinary team, under the clinical supervision of a mental health professional.

(g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision 11.

(h) "Direct service time" means the time that a mental health professional, mental health practitioner, or mental health behavioral aide spends face-to-face with a client and the client's family. Direct service time includes time in which the provider obtains a client's history or provides service components of children's therapeutic services and supports. Notwithstanding Minnesota Rules, part 9505.0323, subpart 1, item M, direct service time does not include time doing work before and after providing direct services, including scheduling, maintaining clinical records, consulting with others about the client's mental health status, preparing reports, receiving clinical supervision ~~directly related to the client's psychotherapy session,~~ and revising the client's individual treatment plan.

(i) "Direction of mental health behavioral aide" means the activities of a mental health professional or mental health practitioner in guiding the mental health behavioral aide in providing services to a client. The direction of a mental health behavioral aide must be based on the client's individualized treatment plan and meet the requirements in subdivision 6, paragraph (b), clause (5).

(j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15. For persons at least age 18 but under age 21, mental illness has the meaning given in section 245.462, subdivision 20, paragraph (a).

(k) "Individual behavioral plan" means a plan of intervention, treatment, and services for a child written by a mental health professional or mental health practitioner,

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

under the clinical supervision of a mental health professional, to guide the work of the mental health behavioral aide.

(l) "Individual treatment plan" has the meaning given in section 245.4871, subdivision 21.

(m) "Mental health professional" means an individual as defined in section 245.4871, subdivision 27, clauses (1) to (5), or tribal vendor as defined in section 256B.02, subdivision 7, paragraph (b).

(n) "Preschool program" means a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and supports provider to provide a structured treatment program to a child who is at least 33 months old but who has not yet attended the first day of kindergarten.

~~(o) "Skills training" means individual, family, or group training designed to improve the basic functioning of the child with emotional disturbance and the child's family in the activities of daily living and community living, and to improve the social functioning of the child and the child's family in areas important to the child's maintaining or reestablishing residency in the community. Individual, family, and group skills training must:~~

~~(1) consist of activities designed to promote skill development of the child and the child's family in the use of age-appropriate daily living skills, interpersonal and family relationships, and leisure and recreational services;~~

~~(2) consist of activities that will assist the family's understanding of normal child development and to use parenting skills that will help the child with emotional disturbance achieve the goals outlined in the child's individual treatment plan; and~~

~~(3) promote family preservation and unification, promote the family's integration with the community, and reduce the use of unnecessary out-of-home placement or institutionalization of children with emotional disturbance.~~ provide rehabilitation of specific skills deficits or maladaptive skills acquired over the course of a psychiatric illness. Skills training is subject to the following requirements:

(1) a mental health professional or a mental health practitioner shall provide skills training;

(2) the child shall always be present during skills training; however, a brief absence of the child for no more than ten percent of the session unit may be allowed to redirect or instruct family members;

(3) skills training delivered to children or their families shall be targeted to the specific deficits or maladaptations of the child's mental health disorder and shall be prescribed in the child's individual treatment plan; and

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

(4) group skills training may be provided to multiple recipients who, because of the nature of their emotional, behavioral, or social dysfunction, can derive mutual benefit from interaction in a group setting, which shall be staffed as follows:

(i) one mental health professional or one mental health practitioner under supervision of a licensed mental health professional shall work with a group of four to eight clients; or

(ii) two mental health professionals or two mental health practitioners under supervision of a licensed mental health professional, or one professional plus one practitioner shall work with a group of nine to 12 clients.

Sec. 2. Minnesota Statutes 2006, section 256B.0943, subdivision 2, is amended to read:

Subd. 2. **Covered service components of children's therapeutic services and supports.** (a) Subject to federal approval, medical assistance covers medically necessary children's therapeutic services and supports as defined in this section that an eligible provider entity certified under ~~subdivisions~~ subdivision 4 and 5 provides to a client eligible under subdivision 3.

(b) The service components of children's therapeutic services and supports are:

(1) individual, family, and group psychotherapy;

(2) individual, family, or group skills training provided by a mental health professional or mental health practitioner;

(3) crisis assistance;

(4) mental health behavioral aide services; and

(5) direction of a mental health behavioral aide.

(c) Service components in paragraph (b) may be combined to constitute therapeutic programs, including day treatment programs and therapeutic preschool programs.

~~Although day treatment and preschool programs have specific client and provider eligibility requirements, medical assistance only pays for the service components listed in paragraph (b).~~

Sec. 3. Minnesota Statutes 2007 Supplement, section 256B.0943, subdivision 6, is amended to read:

Subd. 6. **Provider entity clinical infrastructure requirements.** (a) To be an eligible provider entity under this section, a provider entity must have a clinical infrastructure that utilizes diagnostic assessment, ~~an individualized treatment plan~~ plans, service delivery, and individual treatment plan review that are culturally competent, child-centered, and family-driven to achieve maximum benefit for the client. The provider entity must review and update the clinical policies and procedures every three years and

must distribute the policies and procedures to staff initially and upon each subsequent update.

(b) The clinical infrastructure written policies and procedures must include policies and procedures for:

(1) providing or obtaining a client's diagnostic assessment that identifies acute and chronic clinical disorders, co-occurring medical conditions, sources of psychological and environmental problems, and a functional assessment. The functional assessment must clearly summarize the client's individual strengths and needs;

(2) developing an individual treatment plan that is:

(i) is based on the information in the client's diagnostic assessment;

(ii) identifies goals and objectives of treatment, treatment strategy, a schedule for accomplishing treatment goals and objectives, and the individuals responsible for providing treatment services and supports;

~~(ii) (iii) is developed no later than the end of the first psychotherapy session after within 30 days of the completion of the client's diagnostic assessment by the a mental health professional who provides the client's psychotherapy and before the provision of children's therapeutic services and supports;~~

~~(iii) (iv) is developed through a child-centered, family-driven, culturally appropriate planning process that identifies service needs and individualized, planned, and culturally appropriate interventions that contain specific treatment goals and objectives for the client and the client's family or foster family;~~

~~(iv) (v) is reviewed at least once every 90 days and revised, if necessary; and~~

~~(v) (vi) is signed by the clinical supervisor and by the client or, if appropriate, by the client's parent or other person authorized by statute to consent to mental health services for the client;~~

(3) developing an individual behavior plan that documents ~~services~~ treatment strategies to be provided by the mental health behavioral aide. The individual behavior plan must include:

(i) detailed instructions on the ~~service~~ treatment strategies to be provided;

(ii) time allocated to each ~~service~~ treatment strategy;

(iii) methods of documenting the child's behavior;

(iv) methods of monitoring the child's progress in reaching objectives; and

(v) goals to increase or decrease targeted behavior as identified in the individual treatment plan;

(4) providing clinical supervision of the mental health practitioner and mental health behavioral aide. A mental health professional must document the clinical supervision

the professional provides by cosigning individual treatment plans and making entries in the client's record on supervisory activities. Clinical supervision does not include the authority to make or terminate court-ordered placements of the child. A clinical supervisor must be available for urgent consultation as required by the individual client's needs or the situation. Clinical supervision may occur individually or in a small group to discuss treatment and review progress toward goals. The focus of clinical supervision must be the client's treatment needs and progress and the mental health practitioner's or behavioral aide's ability to provide services;

(4a) ~~CTSS-certified provider entities providing~~ meeting day treatment and therapeutic preschool programs ~~must meet the~~ conditions in items (i) to (iii):

(i) the supervisor must be present and available on the premises more than 50 percent of the time in a five-working-day period during which the supervisee is providing a mental health service;

(ii) the diagnosis and the client's individual treatment plan or a change in the diagnosis or individual treatment plan must be made by or reviewed, approved, and signed by the supervisor; and

(iii) every 30 days, the supervisor must review and sign the record of the client's care for all activities in the preceding 30-day period;

(4b) meeting the clinical supervision standards in items (i) to (iii) for all other services provided under CTSS; ~~clinical supervision standards provided in items (i) to (iii) must be used:~~

(i) medical assistance shall reimburse a mental health practitioner and a mental health behavioral aide who maintains a consulting relationship with a mental health professional who accepts full professional responsibility and is present on site for at least one clock hour for observation during the first 12 hours in which the mental health practitioner or mental health behavioral aide provides ~~the individual, family, or group skills training to the child or the child's family~~ children's therapeutic services and supports;

(ii) thereafter, the mental health professional is required to be present on site for observation as clinically appropriate when the mental health practitioner or mental health behavioral aide is providing ~~individual, family, or group skills training to the child or the child's family~~ CTSS services; and

(iii) ~~the observation must be a minimum of one clinical unit. The~~ on-site presence of the mental health professional must be documented in the child's record and signed by the mental health professional who accepts full professional responsibility;

(5) providing direction to a mental health behavioral aide. For entities that employ mental health behavioral aides, the clinical supervisor must be employed by the provider

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

entity or other certified children's therapeutic supports and services provider entity to ensure necessary and appropriate oversight for the client's treatment and continuity of care. The mental health professional or mental health practitioner giving direction must begin with the goals on the individualized treatment plan, and instruct the mental health behavioral aide on how to construct therapeutic activities and interventions that will lead to goal attainment. The professional or practitioner giving direction must also instruct the mental health behavioral aide about the client's diagnosis, functional status, and other characteristics that are likely to affect service delivery. Direction must also include determining that the mental health behavioral aide has the skills to interact with the client and the client's family in ways that convey personal and cultural respect and that the aide actively solicits information relevant to treatment from the family. The aide must be able to clearly explain the activities the aide is doing with the client and the activities' relationship to treatment goals. Direction is more didactic than is supervision and requires the professional or practitioner providing it to continuously evaluate the mental health behavioral aide's ability to carry out the activities of the individualized treatment plan and the individualized behavior plan. When providing direction, the professional or practitioner must:

(i) review progress notes prepared by the mental health behavioral aide for accuracy and consistency with diagnostic assessment, treatment plan, and behavior goals and the professional or practitioner must approve and sign the progress notes;

(ii) identify changes in treatment strategies, revise the individual behavior plan, and communicate treatment instructions and methodologies as appropriate to ensure that treatment is implemented correctly;

(iii) demonstrate family-friendly behaviors that support healthy collaboration among the child, the child's family, and providers as treatment is planned and implemented;

(iv) ensure that the mental health behavioral aide is able to effectively communicate with the child, the child's family, and the provider; and

(v) record the results of any evaluation and corrective actions taken to modify the work of the mental health behavioral aide;

(6) providing service delivery that implements the individual treatment plan and meets the requirements under subdivision 9; and

(7) individual treatment plan review. The review must determine the extent to which the services have met the goals and objectives in the previous treatment plan. The review must assess the client's progress and ensure that services and treatment goals continue to be necessary and appropriate to the client and the client's family or foster family. Revision of the individual treatment plan does not require a new diagnostic assessment unless the

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

client's mental health status has changed markedly. The updated treatment plan must be signed by the clinical supervisor and by the client, if appropriate, and by the client's parent or other person authorized by statute to give consent to the mental health services for the child.

Sec. 4. Minnesota Statutes 2006, section 256B.0943, subdivision 7, is amended to read:

Subd. 7. Qualifications of individual and team providers. (a) An individual or team provider working within the scope of the provider's practice or qualifications may provide service components of children's therapeutic services and supports that are identified as medically necessary in a client's individual treatment plan.

(b) An individual provider must be qualified as:

(1) a mental health professional as defined in subdivision 1, paragraph (m); or

(2) a mental health practitioner as defined in section 245.4871, subdivision 26. The mental health practitioner must work under the clinical supervision of a mental health professional; or

(3) a mental health behavioral aide working under the ~~direction~~ clinical supervision of a mental health professional to implement the rehabilitative mental health services identified in the client's individual treatment plan and individual behavior plan.

(A) A level I mental health behavioral aide must:

(i) be at least 18 years old;

(ii) have a high school diploma or general equivalency diploma (GED) or two years of experience as a primary caregiver to a child with severe emotional disturbance within the previous ten years; and

(iii) meet preservice and continuing education requirements under subdivision 8.

(B) A level II mental health behavioral aide must:

(i) be at least 18 years old;

(ii) have an associate or bachelor's degree or 4,000 hours of experience in delivering clinical services in the treatment of mental illness concerning children or adolescents; and

(iii) meet preservice and continuing education requirements in subdivision 8.

(c) A preschool program multidisciplinary team must include at least one mental health professional and one or more of the following individuals under the clinical supervision of a mental health professional:

(i) a mental health practitioner; or

(ii) a program person, including a teacher, assistant teacher, or aide, who meets the qualifications and training standards of a level I mental health behavioral aide.

(d) A day treatment multidisciplinary team must include at least one mental health professional and one mental health practitioner.

Sec. 5. Minnesota Statutes 2007 Supplement, section 256B.0943, subdivision 9, is amended to read:

Subd. 9. **Service delivery criteria.** (a) In delivering services under this section, a certified provider entity must ensure that:

(1) each individual provider's caseload size permits the provider to deliver services to both clients with severe, complex needs and clients with less intensive needs. The provider's caseload size should reasonably enable the provider to play an active role in service planning, monitoring, and delivering services to meet the client's and client's family's needs, as specified in each client's individual treatment plan;

(2) site-based programs, including day treatment and preschool programs, provide staffing and facilities to ensure the client's health, safety, and protection of rights, and that the programs are able to implement each client's individual treatment plan;

(3) a day treatment program is provided to a group of clients by a multidisciplinary team under the clinical supervision of a mental health professional. The day treatment program must be provided in and by: (i) an outpatient hospital accredited by the Joint Commission on Accreditation of Health Organizations and licensed under sections 144.50 to 144.55; (ii) a community mental health center under section 245.62; ~~and or~~ (iii) an entity that is under contract with the county board to operate a program that meets the requirements of sections 245.4712, subdivision 2, ~~and or~~ 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475. The day treatment program must stabilize the client's mental health status while developing and improving the client's independent living and socialization skills. The goal of the day treatment program must be to reduce or relieve the effects of mental illness and provide training to enable the client to live in the community. The program must be available ~~at least one day a week for a three-hour time block~~ three hours per day, five days per week, and 12 months of each calendar year. The three-hour daily time block must include at least one hour, but no more than two hours, of individual or group psychotherapy. The remainder of the three-hour time block may include ~~recreation therapy, socialization therapy, or independent living skills therapy~~, individual or group skills training but only if the therapies are included in the client's individual treatment plan. Day treatment programs are not part of inpatient or residential treatment services. A day treatment program may provide fewer than the minimally required hours for a particular child during the billing period in which the child is transitioning into, or out of, the program; and

(4) a therapeutic preschool program is a structured treatment program offered to a child who is at least 33 months old, but who has not yet reached the first day of kindergarten, by a preschool multidisciplinary team in a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175. The program must be available at least one day a week for a minimum two-hour time block. The structured treatment program may include individual or group psychotherapy and recreation therapy, socialization therapy, or independent living skills therapy, if included in the client's individual treatment plan. A therapeutic preschool program may provide fewer than the minimally required hours for a particular child during the billing period in which the child is transitioning into, or out of, the program.

(b) A provider entity must deliver the service components of children's therapeutic services and supports in compliance with the following requirements:

(1) individual, family, and group psychotherapy must be delivered as specified in Minnesota Rules, part 9505.0323;

(2) individual, family, or group skills training must be provided by a mental health professional or a mental health practitioner who has a consulting relationship with a mental health professional who accepts full professional responsibility for the training;

(3) crisis assistance must be time-limited and designed to resolve or stabilize crisis through arrangements for direct intervention and support services to the child and the child's family. Crisis assistance must utilize resources designed to address abrupt or substantial changes in the functioning of the child or the child's family as evidenced by a sudden change in behavior with negative consequences for well being, a loss of usual coping mechanisms, or the presentation of danger to self or others;

(4) mental health behavioral aide services must be medically necessary services that are provided by a mental health behavioral aide and must be designed to improve the functioning of the child and support the family in activities of daily and community living. A mental health behavioral aide must document the delivery of services in written progress notes. The mental health behavioral aide must implement goals in the treatment plan for the child's emotional disturbance that allow the child to acquire developmentally and therapeutically appropriate ~~daily living skills, social skills, and leisure and recreational~~ skills through targeted activities. These activities may include:

~~(i) assisting a child as needed with skills development in dressing, eating, and toileting;~~

~~(ii) assisting, monitoring, and guiding the child to complete tasks, including facilitating the child's participation in medical appointments;~~

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

11.1 ~~(iii) observing the child and~~ (i) intervening to redirect the child's inappropriate
11.2 behavior;

11.3 ~~(iv) (ii) assisting the child in using to progressively use age-appropriate~~
11.4 self-management skills ~~as related to~~ affected by the child's emotional disorder or mental
11.5 illness, ~~including problem solving, decision making, communication, conflict resolution,~~
11.6 ~~anger management, social skills, and recreational skills~~ as identified in the child's
11.7 individual treatment plan and individual behavioral plan; or

11.8 ~~(v) (iii) implementing deescalation~~ de-escalation techniques as recommended by the
11.9 mental health professional; and

11.10 ~~(vi) implementing any other mental health service that the mental health professional~~
11.11 ~~has approved as being within the scope of the behavioral aide's duties; or~~

11.12 ~~(vii) assisting the parents to develop and use parenting skills that help the child~~
11.13 ~~achieve the goals outlined in the child's individual treatment plan or individual behavioral~~
11.14 ~~plan. Parenting skills must be directed exclusively to the child's treatment; and~~

11.15 (5) direction of a mental health behavioral aide must include the following:

11.16 (i) a total of one hour of on-site observation by a mental health professional during
11.17 the first 12 hours of service provided to a child;

11.18 (ii) ongoing on-site observation by a mental health professional or mental health
11.19 practitioner for at least a total of one hour during every 40 hours of service provided
11.20 to a child; and

11.21 (iii) immediate accessibility of the mental health professional or mental health
11.22 practitioner to the mental health behavioral aide during service provision.

11.23 Sec. 6. Minnesota Statutes 2007 Supplement, section 256B.0943, subdivision 12,
11.24 is amended to read:

11.25 Subd. 12. **Excluded services.** The following services are not eligible for medical
11.26 assistance payment as children's therapeutic services and supports:

11.27 (1) service components of children's therapeutic services and supports
11.28 ~~simultaneously~~ provided by more than one provider entity unless prior authorization is
11.29 obtained;

11.30 (2) treatment by multiple providers within the same agency at the same clock time;

11.31 ~~(2) (3)~~ (3) children's therapeutic services and supports provided in violation of medical
11.32 assistance policy in Minnesota Rules, part 9505.0220;

11.33 ~~(3) (4)~~ (4) mental health behavioral aide services provided by a personal care assistant
11.34 who is not qualified as a mental health behavioral aide and employed by a certified
11.35 children's therapeutic services and supports provider entity as provided in this section;

~~(4)~~ (5) service components of CTSS that are the responsibility of a residential or program license holder, including foster care providers under the terms of a service agreement or administrative rules governing licensure;

~~(5)~~ (6) adjunctive activities that may be offered by a provider entity but are not otherwise covered by medical assistance, including:

(i) a service that is primarily recreation oriented or that is provided in a setting that is not medically supervised. This includes sports activities, exercise groups, activities such as craft hours, leisure time, social hours, meal or snack time, trips to community activities, and tours;

(ii) a social or educational service that does not have or cannot reasonably be expected to have a therapeutic outcome related to the client's emotional disturbance;

(iii) consultation with other providers or service agency staff about the care or progress of a client;

(iv) prevention or education programs provided to the community; and

(v) treatment for clients with primary diagnoses of alcohol or other drug abuse; and

~~(6)~~ (7) activities that are not direct service time.

ARTICLE 2

HEALTH CARE AND CONTINUING CARE

Section 1. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2, is amended to read:

Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall carry out the specific duties in paragraphs (a) through (cc):

(a) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(1) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(2) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules,

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

13.1 federal laws, regulations, and policies governing welfare services and promote excellence
13.2 of administration and program operation;

13.3 (3) develop a quality control program or other monitoring program to review county
13.4 performance and accuracy of benefit determinations;

13.5 (4) require county agencies to make an adjustment to the public assistance benefits
13.6 issued to any individual consistent with federal law and regulation and state law and rule
13.7 and to issue or recover benefits as appropriate;

13.8 (5) delay or deny payment of all or part of the state and federal share of benefits and
13.9 administrative reimbursement according to the procedures set forth in section 256.017;

13.10 (6) make contracts with and grants to public and private agencies and organizations,
13.11 both profit and nonprofit, and individuals, using appropriated funds; and

13.12 (7) enter into contractual agreements with federally recognized Indian tribes with
13.13 a reservation in Minnesota to the extent necessary for the tribe to operate a federally
13.14 approved family assistance program or any other program under the supervision of the
13.15 commissioner. The commissioner shall consult with the affected county or counties in
13.16 the contractual agreement negotiations, if the county or counties wish to be included,
13.17 in order to avoid the duplication of county and tribal assistance program services. The
13.18 commissioner may establish necessary accounts for the purposes of receiving and
13.19 disbursing funds as necessary for the operation of the programs.

13.20 (b) Inform county agencies, on a timely basis, of changes in statute, rule, federal law,
13.21 regulation, and policy necessary to county agency administration of the programs.

13.22 (c) Administer and supervise all child welfare activities; promote the enforcement of
13.23 laws protecting disabled, dependent, neglected and delinquent children, and children born
13.24 to mothers who were not married to the children's fathers at the times of the conception
13.25 nor at the births of the children; license and supervise child-caring and child-placing
13.26 agencies and institutions; supervise the care of children in boarding and foster homes or
13.27 in private institutions; and generally perform all functions relating to the field of child
13.28 welfare now vested in the State Board of Control.

13.29 (d) Administer and supervise all noninstitutional service to disabled persons,
13.30 including those who are visually impaired, hearing impaired, or physically impaired
13.31 or otherwise disabled. The commissioner may provide and contract for the care and
13.32 treatment of qualified indigent children in facilities other than those located and available
13.33 at state hospitals when it is not feasible to provide the service in state hospitals.

13.34 (e) Assist and actively cooperate with other departments, agencies and institutions,
13.35 local, state, and federal, by performing services in conformity with the purposes of Laws
13.36 1939, chapter 431.

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

14.1 (f) Act as the agent of and cooperate with the federal government in matters of
14.2 mutual concern relative to and in conformity with the provisions of Laws 1939, chapter
14.3 431, including the administration of any federal funds granted to the state to aid in the
14.4 performance of any functions of the commissioner as specified in Laws 1939, chapter 431,
14.5 and including the promulgation of rules making uniformly available medical care benefits
14.6 to all recipients of public assistance, at such times as the federal government increases its
14.7 participation in assistance expenditures for medical care to recipients of public assistance,
14.8 the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

14.9 (g) Establish and maintain any administrative units reasonably necessary for the
14.10 performance of administrative functions common to all divisions of the department.

14.11 (h) Act as designated guardian of both the estate and the person of all the wards of
14.12 the state of Minnesota, whether by operation of law or by an order of court, without any
14.13 further act or proceeding whatever, except as to persons committed as developmentally
14.14 disabled. For children under the guardianship of the commissioner or a tribe in Minnesota
14.15 recognized by the Secretary of the Interior whose interests would be best served by
14.16 adoptive placement, the commissioner may contract with a licensed child-placing agency
14.17 or a Minnesota tribal social services agency to provide adoption services. A contract
14.18 with a licensed child-placing agency must be designed to supplement existing county
14.19 efforts and may not replace existing county programs or tribal social services, unless the
14.20 replacement is agreed to by the county board and the appropriate exclusive bargaining
14.21 representative, tribal governing body, or the commissioner has evidence that child
14.22 placements of the county continue to be substantially below that of other counties. Funds
14.23 encumbered and obligated under an agreement for a specific child shall remain available
14.24 until the terms of the agreement are fulfilled or the agreement is terminated.

14.25 (i) Act as coordinating referral and informational center on requests for service for
14.26 newly arrived immigrants coming to Minnesota.

14.27 (j) The specific enumeration of powers and duties as hereinabove set forth shall in no
14.28 way be construed to be a limitation upon the general transfer of powers herein contained.

14.29 (k) Establish county, regional, or statewide schedules of maximum fees and charges
14.30 which may be paid by county agencies for medical, dental, surgical, hospital, nursing and
14.31 nursing home care and medicine and medical supplies under all programs of medical
14.32 care provided by the state and for congregate living care under the income maintenance
14.33 programs.

14.34 (l) Have the authority to conduct and administer experimental projects to test
14.35 methods and procedures of administering assistance and services to recipients or potential
14.36 recipients of public welfare. To carry out such experimental projects, it is further provided

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

15.1 that the commissioner of human services is authorized to waive the enforcement of
15.2 existing specific statutory program requirements, rules, and standards in one or more
15.3 counties. The order establishing the waiver shall provide alternative methods and
15.4 procedures of administration, shall not be in conflict with the basic purposes, coverage, or
15.5 benefits provided by law, and in no event shall the duration of a project exceed four years.
15.6 It is further provided that no order establishing an experimental project as authorized by
15.7 the provisions of this section shall become effective until the following conditions have
15.8 been met:

15.9 (1) the secretary of health and human services of the United States has agreed, for
15.10 the same project, to waive state plan requirements relative to statewide uniformity; and

15.11 (2) a comprehensive plan, including estimated project costs, shall be approved by
15.12 the Legislative Advisory Commission and filed with the commissioner of administration.

15.13 (m) According to federal requirements, establish procedures to be followed by
15.14 local welfare boards in creating citizen advisory committees, including procedures for
15.15 selection of committee members.

15.16 (n) Allocate federal fiscal disallowances or sanctions which are based on quality
15.17 control error rates for the aid to families with dependent children program formerly
15.18 codified in sections 256.72 to 256.87, medical assistance, or food stamp program in the
15.19 following manner:

15.20 (1) one-half of the total amount of the disallowance shall be borne by the county
15.21 boards responsible for administering the programs. For the medical assistance and the
15.22 AFDC program formerly codified in sections 256.72 to 256.87, disallowances shall be
15.23 shared by each county board in the same proportion as that county's expenditures for the
15.24 sanctioned program are to the total of all counties' expenditures for the AFDC program
15.25 formerly codified in sections 256.72 to 256.87, and medical assistance programs. For the
15.26 food stamp program, sanctions shall be shared by each county board, with 50 percent of
15.27 the sanction being distributed to each county in the same proportion as that county's
15.28 administrative costs for food stamps are to the total of all food stamp administrative costs
15.29 for all counties, and 50 percent of the sanctions being distributed to each county in the
15.30 same proportion as that county's value of food stamp benefits issued are to the total of
15.31 all benefits issued for all counties. Each county shall pay its share of the disallowance
15.32 to the state of Minnesota. When a county fails to pay the amount due hereunder, the
15.33 commissioner may deduct the amount from reimbursement otherwise due the county, or
15.34 the attorney general, upon the request of the commissioner, may institute civil action
15.35 to recover the amount due; and

(2) notwithstanding the provisions of clause (1), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in clause (1), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to clause (1).

(o) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(p) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(q) Have the authority to establish and enforce the following county reporting requirements:

(1) the commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced;

(2) the county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner;

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

17.1 (3) if the required reports are not received by the deadlines established in clause (2),
17.2 the commissioner may delay payments and withhold funds from the county board until
17.3 the next reporting period. When the report is needed to account for the use of federal
17.4 funds and the late report results in a reduction in federal funding, the commissioner shall
17.5 withhold from the county boards with late reports an amount equal to the reduction in
17.6 federal funding until full federal funding is received;

17.7 (4) a county board that submits reports that are late, illegible, incomplete, or not
17.8 in the required format for two out of three consecutive reporting periods is considered
17.9 noncompliant. When a county board is found to be noncompliant, the commissioner
17.10 shall notify the county board of the reason the county board is considered noncompliant
17.11 and request that the county board develop a corrective action plan stating how the
17.12 county board plans to correct the problem. The corrective action plan must be submitted
17.13 to the commissioner within 45 days after the date the county board received notice
17.14 of noncompliance;

17.15 (5) the final deadline for fiscal reports or amendments to fiscal reports is one year
17.16 after the date the report was originally due. If the commissioner does not receive a report
17.17 by the final deadline, the county board forfeits the funding associated with the report for
17.18 that reporting period and the county board must repay any funds associated with the
17.19 report received for that reporting period;

17.20 (6) the commissioner may not delay payments, withhold funds, or require repayment
17.21 under clause (3) or (5) if the county demonstrates that the commissioner failed to
17.22 provide appropriate forms, guidelines, and technical assistance to enable the county to
17.23 comply with the requirements. If the county board disagrees with an action taken by the
17.24 commissioner under clause (3) or (5), the county board may appeal the action according
17.25 to sections 14.57 to 14.69; and

17.26 (7) counties subject to withholding of funds under clause (3) or forfeiture or
17.27 repayment of funds under clause (5) shall not reduce or withhold benefits or services to
17.28 clients to cover costs incurred due to actions taken by the commissioner under clause
17.29 (3) or (5).

17.30 (r) Allocate federal fiscal disallowances or sanctions for audit exceptions when
17.31 federal fiscal disallowances or sanctions are based on a statewide random sample for
17.32 the foster care program under title IV-E of the Social Security Act, United States Code,
17.33 title 42, in direct proportion to each county's title IV-E foster care maintenance claim
17.34 for that period.

17.35 (s) In conjunction with law enforcement and county human services agency officials,
17.36 be responsible for ~~ensuring~~ the detection, prevention, investigation, and resolution

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

18.1 of fraudulent and criminal activities or behavior ~~by applicants, recipients, and other~~
18.2 ~~participants in~~ involving the human services programs administered by the department,
18.3 including programs and in facilities operated by state operated services.

18.4 (t) Require county agencies to identify overpayments, establish claims, and utilize
18.5 all available and cost-beneficial methodologies to collect and recover these overpayments
18.6 in the human services programs administered by the department.

18.7 (u) Have the authority to administer a drug rebate program for drugs purchased
18.8 pursuant to the prescription drug program established under section 256.955 after the
18.9 beneficiary's satisfaction of any deductible established in the program. The commissioner
18.10 shall require a rebate agreement from all manufacturers of covered drugs as defined in
18.11 section 256B.0625, subdivision 13. Rebate agreements for prescription drugs delivered on
18.12 or after July 1, 2002, must include rebates for individuals covered under the prescription
18.13 drug program who are under 65 years of age. For each drug, the amount of the rebate shall
18.14 be equal to the rebate as defined for purposes of the federal rebate program in United
18.15 States Code, title 42, section 1396r-8. The manufacturers must provide full payment
18.16 within 30 days of receipt of the state invoice for the rebate within the terms and conditions
18.17 used for the federal rebate program established pursuant to section 1927 of title XIX of
18.18 the Social Security Act. The manufacturers must provide the commissioner with any
18.19 information necessary to verify the rebate determined per drug. The rebate program shall
18.20 utilize the terms and conditions used for the federal rebate program established pursuant to
18.21 section 1927 of title XIX of the Social Security Act.

18.22 (v) Have the authority to administer the federal drug rebate program for drugs
18.23 purchased under the medical assistance program as allowed by section 1927 of title XIX
18.24 of the Social Security Act and according to the terms and conditions of section 1927.
18.25 Rebates shall be collected for all drugs that have been dispensed or administered in an
18.26 outpatient setting and that are from manufacturers who have signed a rebate agreement
18.27 with the United States Department of Health and Human Services.

18.28 (w) Have the authority to administer a supplemental drug rebate program for drugs
18.29 purchased under the medical assistance program. The commissioner may enter into
18.30 supplemental rebate contracts with pharmaceutical manufacturers and may require prior
18.31 authorization for drugs that are from manufacturers that have not signed a supplemental
18.32 rebate contract. Prior authorization of drugs shall be subject to the provisions of section
18.33 256B.0625, subdivision 13.

18.34 (x) Operate the department's communication systems account established in Laws
18.35 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared
18.36 communication costs necessary for the operation of the programs the commissioner

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

19.1 supervises. A communications account may also be established for each regional
19.2 treatment center which operates communications systems. Each account must be used
19.3 to manage shared communication costs necessary for the operations of the programs the
19.4 commissioner supervises. The commissioner may distribute the costs of operating and
19.5 maintaining communication systems to participants in a manner that reflects actual usage.
19.6 Costs may include acquisition, licensing, insurance, maintenance, repair, staff time and
19.7 other costs as determined by the commissioner. Nonprofit organizations and state, county,
19.8 and local government agencies involved in the operation of programs the commissioner
19.9 supervises may participate in the use of the department's communications technology and
19.10 share in the cost of operation. The commissioner may accept on behalf of the state any
19.11 gift, bequest, devise or personal property of any kind, or money tendered to the state for
19.12 any lawful purpose pertaining to the communication activities of the department. Any
19.13 money received for this purpose must be deposited in the department's communication
19.14 systems accounts. Money collected by the commissioner for the use of communication
19.15 systems must be deposited in the state communication systems account and is appropriated
19.16 to the commissioner for purposes of this section.

19.17 (y) Receive any federal matching money that is made available through the medical
19.18 assistance program for the consumer satisfaction survey. Any federal money received for
19.19 the survey is appropriated to the commissioner for this purpose. The commissioner may
19.20 expend the federal money received for the consumer satisfaction survey in either year of
19.21 the biennium.

19.22 (z) Designate community information and referral call centers and incorporate
19.23 cost reimbursement claims from the designated community information and referral
19.24 call centers into the federal cost reimbursement claiming processes of the department
19.25 according to federal law, rule, and regulations. Existing information and referral centers
19.26 provided by Greater Twin Cities United Way or existing call centers for which Greater
19.27 Twin Cities United Way has legal authority to represent, shall be included in these
19.28 designations upon review by the commissioner and assurance that these services are
19.29 accredited and in compliance with national standards. Any reimbursement is appropriated
19.30 to the commissioner and all designated information and referral centers shall receive
19.31 payments according to normal department schedules established by the commissioner
19.32 upon final approval of allocation methodologies from the United States Department of
19.33 Health and Human Services Division of Cost Allocation or other appropriate authorities.

19.34 (aa) Develop recommended standards for foster care homes that address the
19.35 components of specialized therapeutic services to be provided by foster care homes with
19.36 those services.

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

(bb) Authorize the method of payment to or from the department as part of the human services programs administered by the department. This authorization includes the receipt or disbursement of funds held by the department in a fiduciary capacity as part of the human services programs administered by the department.

(cc) Have the authority to administer a drug rebate program for drugs purchased for persons eligible for general assistance medical care under section 256D.03, subdivision 3. For manufacturers that agree to participate in the general assistance medical care rebate program, the commissioner shall enter into a rebate agreement for covered drugs as defined in section 256B.0625, subdivisions 13 and 13d. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The manufacturers must provide payment within the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act. The rebate program shall utilize the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act.

Effective January 1, 2006, drug coverage under general assistance medical care shall be limited to those prescription drugs that:

(1) are covered under the medical assistance program as described in section 256B.0625, subdivisions 13 and 13d; and

(2) are provided by manufacturers that have fully executed general assistance medical care rebate agreements with the commissioner and comply with such agreements. Prescription drug coverage under general assistance medical care shall conform to coverage under the medical assistance program according to section 256B.0625, subdivisions 13 to 13g.

The rebate revenues collected under the drug rebate program are deposited in the general fund.

Sec. 2. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2b, is amended to read:

Subd. 2b. **Performance payments.** (a) The commissioner shall develop and implement a pay-for-performance system to provide performance payments to eligible medical groups and clinics that demonstrate optimum care in serving individuals with chronic diseases who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L. The commissioner may receive any federal matching money that is made available through the medical assistance program for managed care oversight contracted through vendors, including consumer surveys,

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

21.1 studies, and external quality reviews as required by the federal Balanced Budget Act of
21.2 1997, Code of Federal Regulations, title 42, part 438-managed care, subpart E-external
21.3 quality review. Any federal money received for managed care oversight is appropriated
21.4 to the commissioner for this purpose. The commissioner may expend the federal money
21.5 received in either year of the biennium.

21.6 (b) Effective July 1, ~~2009~~ 2008, or upon federal approval, whichever is later, the
21.7 commissioner shall develop and implement a patient incentive health program to provide
21.8 incentives and rewards to patients who are enrolled in health care programs administered
21.9 by the commissioner under chapters 256B, 256D, and 256L, and who have agreed to and
21.10 have met personal health goals established with the patients' primary care providers to
21.11 manage a chronic disease or condition, including but not limited to diabetes, high blood
21.12 pressure, and coronary artery disease.

21.13 Sec. 3. Minnesota Statutes 2006, section 256.046, is amended to read:

21.14 **256.046 ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.**

21.15 Subdivision 1. **Hearing authority.** A local agency must initiate an administrative
21.16 fraud disqualification hearing for individuals, including child care providers caring for
21.17 children receiving child care assistance, accused of wrongfully obtaining assistance or
21.18 intentional program violations, in lieu of a criminal action when it has not been pursued, in
21.19 the aid to families with dependent children program formerly codified in sections 256.72
21.20 to 256.87, MFIP, the diversionary work program, child care assistance programs, general
21.21 assistance, family general assistance program formerly codified in section 256D.05,
21.22 subdivision 1, clause (15), Minnesota supplemental aid, food stamp programs, general
21.23 assistance medical care, MinnesotaCare for adults without children, and upon federal
21.24 approval, all categories of medical assistance and remaining categories of MinnesotaCare
21.25 except for children through age 18. The Department of Human Services, in lieu of a local
21.26 agency, may initiate an administrative fraud disqualification hearing when the state agency
21.27 is directly responsible for administration or investigation of the ~~health care~~ program for
21.28 which benefits were wrongfully obtained. The hearing is subject to the requirements of
21.29 section 256.045 and the requirements in Code of Federal Regulations, title 7, section
21.30 ~~273.16, for the food stamp program and title 45, section 235.112, as of September 30, 1995,~~
21.31 ~~for the cash grant, medical care programs, and child care assistance under chapter 119B.~~

21.32 Subd. 2. **Combined hearing.** The referee may combine a fair hearing and
21.33 administrative fraud disqualification hearing into a single hearing if the factual issues
21.34 arise out of the same, or related, circumstances and the individual receives prior notice
21.35 that the hearings will be combined. If the administrative fraud disqualification hearing

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

22.1 and fair hearing are combined, the time frames for administrative fraud disqualification
22.2 hearings specified in Code of Federal Regulations, title 7, section 273.16, and title 45,
22.3 ~~section 235.112, as of September 30, 1995, apply.~~ If the individual accused of wrongfully
22.4 obtaining assistance is charged under section 256.98 for the same act or acts which are
22.5 the subject of the hearing, the individual may request that the hearing be delayed until
22.6 the criminal charge is decided by the court or withdrawn.

22.7 Sec. 4. Minnesota Statutes 2007 Supplement, section 256.476, subdivision 4, is
22.8 amended to read:

22.9 Subd. 4. **Support grants; criteria and limitations.** (a) A county board may
22.10 choose to participate in the consumer support grant program. If a county has not chosen
22.11 to participate by July 1, 2002, the commissioner shall contract with another county or
22.12 other entity to provide access to residents of the nonparticipating county who choose
22.13 the consumer support grant option. The commissioner shall notify the county board
22.14 in a county that has declined to participate of the commissioner's intent to enter into
22.15 a contract with another county or other entity at least 30 days in advance of entering
22.16 into the contract. The local agency shall establish written procedures and criteria to
22.17 determine the amount and use of support grants. These procedures must include, at least,
22.18 the availability of respite care, assistance with daily living, and adaptive aids. The local
22.19 agency may establish monthly or annual maximum amounts for grants and procedures
22.20 where exceptional resources may be required to meet the health and safety needs of the
22.21 person on a time-limited basis, however, the total amount awarded to each individual may
22.22 not exceed the limits established in subdivision 11.

22.23 (b) Support grants to a person, a person's legal representative, or other authorized
22.24 representative will be provided through a monthly subsidy payment and be in the form
22.25 of cash, voucher, or direct county payment to vendor. Support grant amounts must be
22.26 determined by the local agency. Each service and item purchased with a support grant
22.27 must meet all of the following criteria:

22.28 (1) it must be over and above the normal cost of caring for the person if the person
22.29 did not have functional limitations;

22.30 (2) it must be directly attributable to the person's functional limitations;

22.31 (3) it must enable the person, a person's legal representative, or other authorized
22.32 representative to delay or prevent out-of-home placement of the person; and

22.33 (4) it must be consistent with the needs identified in the service agreement, when
22.34 applicable.

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

23.1 (c) Items and services purchased with support grants must be those for which there
23.2 are no other public or private funds available to the person, a person's legal representative,
23.3 or other authorized representative. Fees assessed to the person or the person's family for
23.4 health and human services are not reimbursable through the grant.

23.5 (d) In approving or denying applications, the local agency shall consider the
23.6 following factors:

23.7 (1) the extent and areas of the person's functional limitations;

23.8 (2) the degree of need in the home environment for additional support; and

23.9 (3) the potential effectiveness of the grant to maintain and support the person in the
23.10 family environment or the person's own home.

23.11 (e) At the time of application to the program or screening for other services, the
23.12 person, a person's legal representative, or other authorized representative shall be provided
23.13 sufficient information to ensure an informed choice of alternatives by the person, the
23.14 person's legal representative, or other authorized representative, if any. The application
23.15 shall be made to the local agency and shall specify the needs of the person ~~and family or~~
23.16 the person's legal representative or other authorized representative, the form and amount
23.17 of grant requested, the items and services to be reimbursed, and evidence of eligibility for
23.18 medical assistance.

23.19 (f) Upon approval of an application by the local agency and agreement on a
23.20 support plan for the person or ~~the person's family~~ legal representative or other authorized
23.21 representative, the local agency shall make grants to the person or the person's ~~family~~ legal
23.22 representative or other authorized representative. The grant shall be in an amount for the
23.23 direct costs of the services or supports outlined in the service agreement.

23.24 (g) Reimbursable costs shall not include costs for resources already available,
23.25 such as special education classes, day training and habilitation, case management, other
23.26 services to which the person is entitled, medical costs covered by insurance or other health
23.27 programs, or other resources usually available at no cost to the person or the person's
23.28 ~~family~~ legal representative or other authorized representative.

23.29 (h) The state of Minnesota, the county boards participating in the consumer
23.30 support grant program, or the agencies acting on behalf of the county boards in the
23.31 implementation and administration of the consumer support grant program shall not be
23.32 liable for damages, injuries, or liabilities sustained through the purchase of support by
23.33 the individual, the individual's family, or the authorized representative under this section
23.34 with funds received through the consumer support grant program. Liabilities include but
23.35 are not limited to: workers' compensation liability, the Federal Insurance Contributions
23.36 Act (FICA), or the Federal Unemployment Tax Act (FUTA). For purposes of this section,

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

24.1 participating county boards and agencies acting on behalf of county boards are exempt
24.2 from the provisions of section 268.04.

24.3 Sec. 5. Minnesota Statutes 2007 Supplement, section 256.476, subdivision 5, is
24.4 amended to read:

24.5 Subd. 5. **Reimbursement, allocations, and reporting.** (a) For the purpose of
24.6 transferring persons to the consumer support grant program from the family support
24.7 program and personal care assistant services, home health aide services, or private duty
24.8 nursing services, the amount of funds transferred by the commissioner between the
24.9 family support program account, the medical assistance account, or the consumer support
24.10 grant account shall be based on each county's participation in transferring persons to the
24.11 consumer support grant program from those programs and services.

24.12 (b) At the beginning of each fiscal year, county allocations for consumer support
24.13 grants shall be based on:

24.14 (1) the number of persons to whom the county board expects to provide consumer
24.15 supports grants;

24.16 (2) their eligibility for current program and services;

24.17 (3) the amount of nonfederal dollars allowed under subdivision 11; and

24.18 (4) projected dates when persons will start receiving grants. County allocations shall
24.19 be adjusted periodically by the commissioner based on the actual transfer of persons or
24.20 service openings, and the nonfederal dollars associated with those persons or service
24.21 openings, to the consumer support grant program.

24.22 (c) The amount of funds transferred by the commissioner from the medical
24.23 assistance account for an individual may be changed if it is determined by the county or its
24.24 agent that the individual's need for support has changed.

24.25 (d) The authority to utilize funds transferred to the consumer support grant account
24.26 for the purposes of implementing and administering the consumer support grant program
24.27 will not be limited or constrained by the spending authority provided to the program
24.28 of origination.

24.29 (e) The commissioner may use up to five percent of each county's allocation, as
24.30 adjusted, for payments for administrative expenses, to be paid as a proportionate addition
24.31 to reported direct service expenditures.

24.32 (f) The county allocation for each individual person or individual's family ~~the~~
24.33 person's legal representative or other authorized representative cannot exceed the amount
24.34 allowed under subdivision 11.

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

25.1 (g) The commissioner may recover, suspend, or withhold payments if the county
25.2 board, local agency, or grantee does not comply with the requirements of this section.

25.3 (h) Grant funds unexpended by consumers shall return to the state once a year. The
25.4 annual return of unexpended grant funds shall occur in the quarter following the end of
25.5 the state fiscal year.

25.6 Sec. 6. Minnesota Statutes 2007 Supplement, section 256B.057, subdivision 2c,
25.7 is amended to read:

25.8 Subd. 2c. **Extended coverage for children.** A child receiving medical assistance
25.9 under subdivision 2, who becomes ineligible due to excess income, is eligible for two
25.10 additional months of medical assistance. Eligibility under this section is effective
25.11 following any coverage available under section ~~256B.0625~~ 256B.0635.

25.12 A child eligible for extended coverage under this section is deemed automatically
25.13 eligible for MinnesotaCare until renewal. MinnesotaCare coverage begins in accordance
25.14 with section 256L.05, subdivision 3.

25.15 Sec. 7. Minnesota Statutes 2007 Supplement, section 256B.06, subdivision 4, is
25.16 amended to read:

25.17 Subd. 4. **Citizenship requirements.** (a) Eligibility for medical assistance is limited
25.18 to citizens of the United States, qualified noncitizens as defined in this subdivision, and
25.19 other persons residing lawfully in the United States. Citizens or nationals of the United
25.20 States must cooperate in obtaining satisfactory documentary evidence of citizenship or
25.21 nationality according to the requirements of the federal Deficit Reduction Act of 2005,
25.22 Public Law 109-171.

25.23 (b) "Qualified noncitizen" means a person who meets one of the following
25.24 immigration criteria:

25.25 (1) admitted for lawful permanent residence according to United States Code, title 8;

25.26 (2) admitted to the United States as a refugee according to United States Code,
25.27 title 8, section 1157;

25.28 (3) granted asylum according to United States Code, title 8, section 1158;

25.29 (4) granted withholding of deportation according to United States Code, title 8,
25.30 section 1253(h);

25.31 (5) paroled for a period of at least one year according to United States Code, title 8,
25.32 section 1182(d)(5);

25.33 (6) granted conditional entrant status according to United States Code, title 8,
25.34 section 1153(a)(7);

(7) determined to be a battered noncitizen by the United States Attorney General according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, title V of the Omnibus Consolidated Appropriations Bill, Public Law 104-200;

(8) is a child of a noncitizen determined to be a battered noncitizen by the United States Attorney General according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, title V, of the Omnibus Consolidated Appropriations Bill, Public Law 104-200; or

(9) determined to be a Cuban or Haitian entrant as defined in section 501(e) of Public Law 96-422, the Refugee Education Assistance Act of 1980.

(c) All qualified noncitizens who were residing in the United States before August 22, 1996, who otherwise meet the eligibility requirements of this chapter, are eligible for medical assistance with federal financial participation.

(d) All qualified noncitizens who entered the United States on or after August 22, 1996, and who otherwise meet the eligibility requirements of this chapter, are eligible for medical assistance with federal financial participation through November 30, 1996.

Beginning December 1, 1996, qualified noncitizens who entered the United States on or after August 22, 1996, and who otherwise meet the eligibility requirements of this chapter are eligible for medical assistance with federal participation for five years if they meet one of the following criteria:

(i) refugees admitted to the United States according to United States Code, title 8, section 1157;

(ii) persons granted asylum according to United States Code, title 8, section 1158;

(iii) persons granted withholding of deportation according to United States Code, title 8, section 1253(h);

(iv) veterans of the United States armed forces with an honorable discharge for a reason other than noncitizen status, their spouses and unmarried minor dependent children; or

(v) persons on active duty in the United States armed forces, other than for training, their spouses and unmarried minor dependent children.

Beginning December 1, 1996, qualified noncitizens who do not meet one of the criteria in items (i) to (v) are eligible for medical assistance without federal financial participation as described in paragraph (j).

(e) Noncitizens who are not qualified noncitizens as defined in paragraph (b), who are lawfully ~~residing present~~ in the United States, as defined in Code of Federal Regulations, title 8, section 103.12, and who otherwise meet the eligibility requirements of this chapter, are eligible for medical assistance under clauses (1) to (3). These individuals

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

27.1 must cooperate with the United States Citizenship and Immigration Services to pursue any
27.2 applicable immigration status, including citizenship, that would qualify them for medical
27.3 assistance with federal financial participation.

27.4 (1) Persons who were medical assistance recipients on August 22, 1996, are eligible
27.5 for medical assistance with federal financial participation through December 31, 1996.

27.6 (2) Beginning January 1, 1997, persons described in clause (1) are eligible for
27.7 medical assistance without federal financial participation as described in paragraph (j).

27.8 (3) Beginning December 1, 1996, persons residing in the United States prior to
27.9 August 22, 1996, who were not receiving medical assistance and persons who arrived on
27.10 or after August 22, 1996, are eligible for medical assistance without federal financial
27.11 participation as described in paragraph (j).

27.12 (f) Nonimmigrants who otherwise meet the eligibility requirements of this chapter
27.13 are eligible for the benefits as provided in paragraphs (g) to (i). For purposes of this
27.14 subdivision, a "nonimmigrant" is a person in one of the classes listed in United States
27.15 Code, title 8, section 1101(a)(15).

27.16 (g) Payment shall also be made for care and services that are furnished to noncitizens,
27.17 regardless of immigration status, who otherwise meet the eligibility requirements of
27.18 this chapter, if such care and services are necessary for the treatment of an emergency
27.19 medical condition, except for organ transplants and related care and services and routine
27.20 prenatal care.

27.21 (h) For purposes of this subdivision, the term "emergency medical condition" means
27.22 a medical condition that meets the requirements of United States Code, title 42, section
27.23 1396b(v).

27.24 (i) Pregnant noncitizens who are undocumented, nonimmigrants, or eligible for
27.25 medical assistance as described in paragraph (j), and who are not covered by a group
27.26 health plan or health insurance coverage according to Code of Federal Regulations, title
27.27 42, section 457.310, and who otherwise meet the eligibility requirements of this chapter,
27.28 are eligible for medical assistance through the period of pregnancy, including labor and
27.29 delivery, to the extent federal funds are available under title XXI of the Social Security
27.30 Act, and the state children's health insurance program, followed by 60 days postpartum
27.31 without federal financial participation.

27.32 (j) Qualified noncitizens as described in paragraph (d), and all other noncitizens
27.33 lawfully residing in the United States as described in paragraph (e), who are ineligible
27.34 for medical assistance with federal financial participation and who otherwise meet the
27.35 eligibility requirements of chapter 256B and of this paragraph, are eligible for medical
27.36 assistance without federal financial participation. Qualified noncitizens as described

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

in paragraph (d) are only eligible for medical assistance without federal financial participation for five years from their date of entry into the United States.

(k) Beginning October 1, 2003, persons who are receiving care and rehabilitation services from a nonprofit center established to serve victims of torture and are otherwise ineligible for medical assistance under this chapter are eligible for medical assistance without federal financial participation. These individuals are eligible only for the period during which they are receiving services from the center. Individuals eligible under this paragraph shall not be required to participate in prepaid medical assistance.

Sec. 8. Minnesota Statutes 2007 Supplement, section 256B.0655, subdivision 12, is amended to read:

Subd. 12. **Personal care provider; employment prohibition.** A personal care provider shall not employ a person to provide personal care service for a qualified recipient if the person:

(1) refuses to provide full disclosure of criminal history records as specified in ~~subdivision 1g, clause (1)~~ Minnesota Rules, part 9505.0335, subpart 12;

(2) has been convicted of a crime that directly relates to the occupation of providing personal care services to a qualified recipient;

(3) has jeopardized the health or welfare of a vulnerable adult through physical abuse, sexual abuse, or neglect as defined in section 626.557; or

(4) is misusing or is dependent on mood-altering chemicals, including alcohol, to the extent that the personal care provider knows or has reason to believe that the use of chemicals has a negative effect on the person's ability to provide personal care services or the use of chemicals is apparent during the hours the person is providing personal care services.

Sec. 9. Minnesota Statutes 2007 Supplement, section 256D.03, subdivision 3, is amended to read:

Subd. 3. **General assistance medical care; eligibility.** (a) General assistance medical care may be paid for any person who is not eligible for medical assistance under chapter 256B, including eligibility for medical assistance based on a spenddown of excess income according to section 256B.056, subdivision 5, or MinnesotaCare as defined in paragraph (b), except as provided in paragraph (c), and:

(1) who is receiving assistance under section 256D.05, except for families with children who are eligible under Minnesota family investment program (MFIP), or who is having a payment made on the person's behalf under sections 256I.01 to 256I.06; or

29.1 (2) who is a resident of Minnesota; and

29.2 (i) who has gross countable income not in excess of 75 percent of the federal poverty
29.3 guidelines for the family size, using a six-month budget period and whose equity in assets
29.4 is not in excess of \$1,000 per assistance unit. General assistance medical care is not
29.5 available for applicants or enrollees who are otherwise eligible for medical assistance but
29.6 fail to verify their assets. Enrollees who become eligible for medical assistance shall be
29.7 terminated and transferred to medical assistance. Exempt assets, the reduction of excess
29.8 assets, and the waiver of excess assets must conform to the medical assistance program in
29.9 section 256B.056, ~~subdivision~~ subdivisions 3 and 3d, with the following exception: the
29.10 maximum amount of undistributed funds in a trust that could be distributed to or on behalf
29.11 of the beneficiary by the trustee, assuming the full exercise of the trustee's discretion under
29.12 the terms of the trust, must be applied toward the asset maximum;

29.13 (ii) who has gross countable income above 75 percent of the federal poverty
29.14 guidelines but not in excess of 175 percent of the federal poverty guidelines for the
29.15 family size, using a six-month budget period, whose equity in assets is not in excess
29.16 of the limits in section 256B.056, subdivision 3c, and who applies during an inpatient
29.17 hospitalization; or

29.18 (iii) the commissioner shall adjust the income standards under this section each July
29.19 1 by the annual update of the federal poverty guidelines following publication by the
29.20 United States Department of Health and Human Services.

29.21 (b) Effective for applications and renewals processed on or after September 1, 2006,
29.22 general assistance medical care may not be paid for applicants or recipients who are adults
29.23 with dependent children under 21 whose gross family income is equal to or less than 275
29.24 percent of the federal poverty guidelines who are not described in paragraph (e).

29.25 (c) Effective for applications and renewals processed on or after September 1, 2006,
29.26 general assistance medical care may be paid for applicants and recipients who meet all
29.27 eligibility requirements of paragraph (a), clause (2), item (i), for a temporary period
29.28 beginning the date of application. Immediately following approval of general assistance
29.29 medical care, enrollees shall be enrolled in MinnesotaCare under section 256L.04,
29.30 subdivision 7, with covered services as provided in section 256L.03 for the rest of the
29.31 six-month general assistance medical care eligibility period, until their six-month renewal.

29.32 (d) To be eligible for general assistance medical care following enrollment in
29.33 MinnesotaCare as required by paragraph (c), an individual must complete a new
29.34 application.

29.35 (e) Applicants and recipients eligible under paragraph (a), clause (1); who have
29.36 applied for and are awaiting a determination of blindness or disability by the state medical

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

review team or a determination of eligibility for Supplemental Security Income or Social Security Disability Insurance by the Social Security Administration; who fail to meet the requirements of section 256L.09, subdivision 2; who are homeless as defined by United States Code, title 42, section 11301, et seq.; who are classified as end-stage renal disease beneficiaries in the Medicare program; who are enrolled in private health care coverage as defined in section 256B.02, subdivision 9; who are eligible under paragraph (j); or who receive treatment funded pursuant to section 254B.02 are exempt from the MinnesotaCare enrollment requirements of this subdivision.

(f) For applications received on or after October 1, 2003, eligibility may begin no earlier than the date of application. For individuals eligible under paragraph (a), clause (2), item (i), a redetermination of eligibility must occur every 12 months. Individuals are eligible under paragraph (a), clause (2), item (ii), only during inpatient hospitalization but may reapply if there is a subsequent period of inpatient hospitalization.

(g) Beginning September 1, 2006, Minnesota health care program applications and renewals completed by recipients and applicants who are persons described in paragraph (c) and submitted to the county agency shall be determined for MinnesotaCare eligibility by the county agency. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available in any month during which MinnesotaCare enrollment is pending. Upon notification of eligibility for MinnesotaCare, notice of termination for eligibility for general assistance medical care shall be sent to an applicant or recipient. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available until enrollment in MinnesotaCare subject to the provisions of paragraphs (c), (e), and (f).

(h) The date of an initial Minnesota health care program application necessary to begin a determination of eligibility shall be the date the applicant has provided a name, address, and Social Security number, signed and dated, to the county agency or the Department of Human Services. If the applicant is unable to provide a name, address, Social Security number, and signature when health care is delivered due to a medical condition or disability, a health care provider may act on an applicant's behalf to establish the date of an initial Minnesota health care program application by providing the county agency or Department of Human Services with provider identification and a temporary unique identifier for the applicant. The applicant must complete the remainder of the application and provide necessary verification before eligibility can be determined. The county agency must assist the applicant in obtaining verification if necessary.

(i) County agencies are authorized to use all automated databases containing information regarding recipients' or applicants' income in order to determine eligibility for

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

31.1 general assistance medical care or MinnesotaCare. Such use shall be considered sufficient
31.2 in order to determine eligibility and premium payments by the county agency.

31.3 (j) General assistance medical care is not available for a person in a correctional
31.4 facility unless the person is detained by law for less than one year in a county correctional
31.5 or detention facility as a person accused or convicted of a crime, or admitted as an
31.6 inpatient to a hospital on a criminal hold order, and the person is a recipient of general
31.7 assistance medical care at the time the person is detained by law or admitted on a criminal
31.8 hold order and as long as the person continues to meet other eligibility requirements
31.9 of this subdivision.

31.10 (k) General assistance medical care is not available for applicants or recipients who
31.11 do not cooperate with the county agency to meet the requirements of medical assistance.

31.12 (l) In determining the amount of assets of an individual eligible under paragraph
31.13 (a), clause (2), item (i), there shall be included any asset or interest in an asset, including
31.14 an asset excluded under paragraph (a), that was given away, sold, or disposed of for
31.15 less than fair market value within the 60 months preceding application for general
31.16 assistance medical care or during the period of eligibility. Any transfer described in this
31.17 paragraph shall be presumed to have been for the purpose of establishing eligibility for
31.18 general assistance medical care, unless the individual furnishes convincing evidence to
31.19 establish that the transaction was exclusively for another purpose. For purposes of this
31.20 paragraph, the value of the asset or interest shall be the fair market value at the time it
31.21 was given away, sold, or disposed of, less the amount of compensation received. For any
31.22 uncompensated transfer, the number of months of ineligibility, including partial months,
31.23 shall be calculated by dividing the uncompensated transfer amount by the average monthly
31.24 per person payment made by the medical assistance program to skilled nursing facilities
31.25 for the previous calendar year. The individual shall remain ineligible until this fixed period
31.26 has expired. The period of ineligibility may exceed 30 months, and a reapplication for
31.27 benefits after 30 months from the date of the transfer shall not result in eligibility unless
31.28 and until the period of ineligibility has expired. The period of ineligibility begins in the
31.29 month the transfer was reported to the county agency, or if the transfer was not reported,
31.30 the month in which the county agency discovered the transfer, whichever comes first. For
31.31 applicants, the period of ineligibility begins on the date of the first approved application.

31.32 (m) When determining eligibility for any state benefits under this subdivision,
31.33 the income and resources of all noncitizens shall be deemed to include their sponsor's
31.34 income and resources as defined in the Personal Responsibility and Work Opportunity
31.35 Reconciliation Act of 1996, title IV, Public Law 104-193, sections 421 and 422, and
31.36 subsequently set out in federal rules.

32.1 (n) Undocumented noncitizens and nonimmigrants are ineligible for general
32.2 assistance medical care. For purposes of this subdivision, a nonimmigrant is an individual
32.3 in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and
32.4 an undocumented noncitizen is an individual who resides in the United States without the
32.5 approval or acquiescence of the United States Citizenship and Immigration Services.

32.6 (o) Notwithstanding any other provision of law, a noncitizen who is ineligible for
32.7 medical assistance due to the deeming of a sponsor's income and resources, is ineligible
32.8 for general assistance medical care.

32.9 (p) Effective July 1, 2003, general assistance medical care emergency services end.

32.10 Sec. 10. Minnesota Statutes 2006, section 256L.07, subdivision 5, is amended to read:

32.11 Subd. 5. **Voluntary disenrollment for members of military.** Notwithstanding
32.12 section 256L.05, subdivision 3b, MinnesotaCare enrollees who are members of the
32.13 military and their families, who choose to voluntarily disenroll from the program when
32.14 one or more family members are called to active duty, may reenroll during or following
32.15 that member's tour of active duty. Those individuals and families shall be considered
32.16 to have good cause for voluntary termination under section 256L.06, subdivision 3,
32.17 paragraph (d). Income and asset increases reported at the time of reenrollment shall be
32.18 disregarded. All provisions of sections 256L.01 to 256L.18 shall apply to individuals and
32.19 families enrolled under this subdivision upon ~~six-month~~ 12-month renewal.

32.20 Sec. 11. Minnesota Statutes 2007 Supplement, section 256L.15, subdivision 2, is
32.21 amended to read:

32.22 Subd. 2. **Sliding fee scale; monthly gross individual or family income.** (a) The
32.23 commissioner shall establish a sliding fee scale to determine the percentage of monthly
32.24 gross individual or family income that households at different income levels must pay
32.25 to obtain coverage through the MinnesotaCare program. The sliding fee scale must be
32.26 based on the enrollee's monthly gross individual or family income. The sliding fee scale
32.27 must contain separate tables based on enrollment of one, two, or three or more persons.
32.28 The sliding fee scale begins with a premium of 1.5 percent of monthly gross individual or
32.29 family income for individuals or families with incomes below the limits for the medical
32.30 assistance program for families and children in effect on January 1, 1999, and proceeds
32.31 through the following evenly spaced steps: 1.8, 2.3, 3.1, 3.8, 4.8, 5.9, 7.4, and 8.8 percent.
32.32 These percentages are matched to evenly spaced income steps ranging from the medical
32.33 assistance income limit for families and children in effect on January 1, 1999, to 275
32.34 percent of the federal poverty guidelines for the applicable family size, up to a family size

of five. The sliding fee scale for a family of five must be used for families of more than five. The sliding fee scale and percentages are not subject to the provisions of chapter 14. If a family or individual reports increased income after enrollment, premiums shall be adjusted at the time the change in income is reported.

(b) ~~Families~~ Children whose gross income is above 275 percent of the federal poverty guidelines shall pay the maximum premium. The maximum premium is defined as a base charge for one, two, or three or more enrollees so that if all MinnesotaCare cases paid the maximum premium, the total revenue would equal the total cost of MinnesotaCare medical coverage and administration. In this calculation, administrative costs shall be assumed to equal ten percent of the total. The costs of medical coverage for pregnant women and children under age two and the enrollees in these groups shall be excluded from the total. The maximum premium for two enrollees shall be twice the maximum premium for one, and the maximum premium for three or more enrollees shall be three times the maximum premium for one.

ARTICLE 3

MISCELLANEOUS

Section 1. Minnesota Statutes 2006, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **Membership terms, compensation, removal and expiration.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian Advisory Council members shall be as provided in section 15.059. The council expires June 30, ~~2008~~ 2012.

Sec. 2. Minnesota Statutes 2006, section 254A.04, is amended to read:

254A.04 CITIZENS ADVISORY COUNCIL.

H.F. No. 3435, as introduced - 2007-2008th Legislative Session (2007-2008)

There is hereby created an Alcohol and Other Drug Abuse Advisory Council to advise the Department of Human Services concerning the problems of alcohol and other drug dependency and abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The terms, compensation and removal of members shall be as provided in section 15.059. The council expires June 30, ~~2008~~ 2012. The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.

Sec. 3. Minnesota Statutes 2006, section 256.0451, subdivision 24, is amended to read:

Subd. 24. **Reconsideration.** ~~Reconsideration may be requested within 30 days of the date of the commissioner's final order. If reconsideration is requested, the other participants in the appeal shall be informed of the request. A party may request reconsideration by sending a request to the commissioner and copies of the request to the other parties within 30 days of the date of the commissioner's final order. The person~~ party seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and may include proposed additional evidence supporting the request. The other participants shall be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. The commissioner shall inform all parties of any action on the request.

(a) **Findings of fact.** When the requesting party raises a question as to the appropriateness of the findings of fact, the commissioner shall review the entire record.

(b) **Conclusions of law.** When the requesting party questions the appropriateness of a conclusion of law, the commissioner shall consider the recommended decision, the decision under reconsideration, and the material submitted in connection with the reconsideration. The commissioner shall review the remaining record as necessary to issue a reconsidered decision.

(c) **Written decision.** The commissioner shall issue a written decision on reconsideration in a timely fashion. The decision must clearly inform the parties that this constitutes the final administrative decision, advise the participants of the right to seek judicial review, and the deadline for doing so.

Sec. 4. **REPEALER.**

Minnesota Statutes 2006, section 256B.039, is repealed.

APPENDIX
Article locations in 08-4636

ARTICLE 1	CHILDREN'S MENTAL HEALTH	Page.Ln 1.11
ARTICLE 2	HEALTH CARE AND CONTINUING CARE	Page.Ln 12.17
ARTICLE 3	MISCELLANEOUS	Page.Ln 33.15

APPENDIX
Repealed Minnesota Statutes: 08-4636

**256B.039 REPORTING OF SUPPLEMENTAL NURSING SERVICES AGENCY
USE.**

Beginning March 1, 2002, the commissioner shall report to the legislature annually on the use of supplemental nursing services, including the number of hours worked by supplemental nursing services agency personnel and payments to supplemental nursing services agencies.