

A bill for an act

relating to human services; providing for the relocation of an ICF/MR facility in Cottonwood County; amending Minnesota Statutes 2006, section 252.291, by adding a subdivision.

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

Section 1. Minnesota Statutes 2006, section 252.291, is amended by adding a subdivision to read:

Subd. 2b. **Exception for Cottonwood County facility.** (a) The commissioner shall authorize and grant new licenses under chapter 245A for three new intermediate care facilities for persons with developmental disabilities under the following circumstances:

(1) the new facilities replace an existing 21-bed intermediate care facility for the developmentally disabled located in Cottonwood County that has been operating since September 1977;

(2) the new facilities will be located on nonadjacent parcels of land; and

(3) the new facilities are handicapped accessible.

(b) The medical assistance payment rate for the new facilities must be the higher of the rate specified in paragraph (c) or as otherwise provided by law.

(c) The new facilities must be considered newly established facilities for rate-setting purposes and must be eligible for the investment per bed limit specified in section 256B.501, subdivision 11, paragraph (c), and the interest expense limitation specified in section 256B.501, subdivision 11, paragraph (d). Notwithstanding section 256B.501, the newly established facility's initial payment rate must be set according to Minnesota Rules, part 9553.0075, and are not subject to the provisions of section 256B.501, subdivision 5b.

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- 2.1 (d) During the construction of the new facilities, Cottonwood County shall work
2.2 with residents, families, and service providers to determine all service options open to
2.3 current residents of the facility.