

(SENATE AUTHORS: HANN)

DATE	D-PG	OFFICIAL STATUS
04/14/2011	1339	Introduction and first reading Referred to Health and Human Services
05/03/2011	1616a	Comm report: To pass as amended
	1707	Second reading
05/12/2011	1990	HF substituted on General Orders HF1138

1.1 A bill for an act
1.2 relating to human services; requiring a conference in case management and
1.3 personal care assistance appeals; amending Minnesota Statutes 2010, section
1.4 256.045, subdivision 4a.

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

1.6 Section 1. Minnesota Statutes 2010, section 256.045, subdivision 4a, is amended to
1.7 read:

1.8 Subd. 4a. **Case management appeals.** (a) Any recipient of case management
1.9 services pursuant to section 256B.0625 or 256B.092, or personal care assistance services
1.10 under section 256B.0625, who contests the county agency's action, reduction, suspension,
1.11 denial, or termination of services, or failure to act in the provision of those services, other
1.12 than a failure to act with reasonable promptness ~~or a suspension, reduction, denial, or~~
1.13 ~~termination of services,~~ must submit a written request for a ~~conciliation~~ conference with
1.14 the recipient's case worker and the county social service director or designee to the county
1.15 agency. The county agency shall inform the commissioner of the receipt of a request
1.16 when it is submitted and shall schedule a ~~conciliation~~ conference within ten days of
1.17 receipt of the recipient's written request. The county agency shall notify the recipient, the
1.18 commissioner, and all interested persons of the time, date, and location of the ~~conciliation~~
1.19 conference. ~~The commissioner may assist the county by providing mediation services or~~
1.20 ~~by identifying other resources that may assist in the mediation between the parties.~~ Within
1.21 ~~30~~ 15 days of the conference, the county agency shall ~~conduct the conciliation conference~~
1.22 ~~and~~ inform the recipient in writing of the action the county agency is going to take and
1.23 when that action will be taken and notify the recipient of the right to a hearing under this

subdivision. ~~The conciliation conference shall be conducted in a manner consistent with the commissioner's instructions.~~

(b) If the county fails to conduct the ~~conciliation~~ conference and issue its report within 30 days, or, at any time up to 90 days after the ~~conciliation~~ conference is held, a recipient may submit to the commissioner a written request for a hearing before a state human services referee to determine whether case management services have been provided in accordance with applicable laws and rules or whether the county agency has assured that the services identified in the recipient's individual service plan have been delivered in accordance with the laws and rules governing the provision of those services. The state human services referee shall recommend an order to the commissioner, who shall, in accordance with the procedure in subdivision 5, issue a final order within 60 days of the receipt of the request for a hearing, unless the commissioner refuses to accept the recommended order, in which event a final order shall issue within 90 days of the receipt of that request. The order may direct the county agency to take those actions necessary to comply with applicable laws or rules. The commissioner may issue a temporary order prohibiting the demission of a recipient of case management services from a residential or day habilitation program licensed under chapter 245A, while a county agency review process or an appeal brought by a recipient under this subdivision is pending, or for the period of time necessary for the county agency to implement the commissioner's order. The commissioner shall not issue a final order staying the demission of a recipient of case management services from a residential or day habilitation program licensed under chapter 245A.

(c) Any recipient of case management services under section 256B.0625 or 256B.092, or personal care assistance services under section 256B.0625, must be informed in writing at the time of application and at the time of any change in services of the recipient's right to submit a written request to the county agency for a conference with the case manager and the county social service director.