

(ii) the service to be provided by the facilities will not compete with service provided by private entities.

(20) To assess affected property owners for all or a portion of the costs agreed to with an electric utility, telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right-of-way that exceeds the utility's design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3.

Presented to the governor May 19, 2005

Signed by the governor May 23, 2005, 11:45 a.m.

CHAPTER 68—H.F.No. 1951

An act relating to human services; changing long-term care provisions; amending Minnesota Statutes 2004, sections 144A.071, subdivision 1a; 256B.0913, subdivision 8; 256B.0915, subdivisions 1a, 6, 9.

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

ARTICLE 1

LONG-TERM CARE FACILITIES

Section 1. Minnesota Statutes 2004, section 144A.071, subdivision 1a, is amended to read:

Subd. 1a. **DEFINITIONS.** For purposes of sections 144A.071 to 144A.073, the following terms have the meanings given them:

(a) "Attached fixtures" has the meaning given in Minnesota Rules, part 9549.0020, subpart 6.

(b) "Buildings" has the meaning given in Minnesota Rules, part 9549.0020, subpart 7.

(c) "Capital assets" has the meaning given in section 256B.421, subdivision 16.

(d) "Commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were applied for.

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(e) "Completion date" means the date on which a certificate of occupancy is issued for a construction project, or if a certificate of occupancy is not required, the date on which the construction project is available for facility use.

(f) "Construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the nursing home licensure rules.

(g) "Construction project" means:

(1) a capital asset addition to, or replacement of a nursing home or certified boarding care home that results in new space or the remodeling of or renovations to existing facility space; and

(2) the remodeling or renovation of existing facility space the use of which is modified as a result of the project described in clause (1). This existing space and the project described in clause (1) must be used for the functions as designated on the construction plans on completion of the project described in clause (1) for a period of not less than 24 months; ~~or~~

~~(3) capital asset additions or replacements that are completed within 12 months before or after the completion date of the project described in clause (1).~~

(h) "Depreciation guidelines" means the most recent publication of "The Estimated Useful Lives of Depreciable Hospital Assets," issued by the American Hospital Association, 840 North Lake Shore Drive, Chicago, Illinois, 60611.

(i) "New licensed" or "new certified beds" means:

(1) newly constructed beds in a facility or the construction of a new facility that would increase the total number of licensed nursing home beds or certified boarding care or nursing home beds in the state; or

(2) newly licensed nursing home beds or newly certified boarding care or nursing home beds that result from remodeling of the facility that involves relocation of beds but does not result in an increase in the total number of beds, except when the project involves the upgrade of boarding care beds to nursing home beds, as defined in section 144A.073, subdivision 1. "Remodeling" includes any of the type of conversion, renovation, replacement, or upgrading projects as defined in section 144A.073, subdivision 1.

~~(j)~~ (j) "Project construction costs" means the cost of the following items that have a completion date within 12 months before or after the completion date of the project described in item (g), clause (1):

(1) facility capital asset additions;

(2) replacements;

(3) renovations; ~~or~~

(4) remodeling projects;

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(5) construction site preparation costs, and;

(6) related soft costs. ~~Project construction costs include the cost of any remodeling or renovation of existing facility space which is modified as a result of the construction project. Project construction costs also includes the cost of new technology implemented as part of the construction project. Project construction costs also include; and~~

(7) the cost of new technology implemented as part of the construction project and depreciable equipment directly identified to the project, if the construction costs for clauses (1) to (6) exceed the threshold for additions and replacements stated in section 256B.431, subdivision 16. Any new Technology and depreciable equipment shall be included in the project construction costs shall, at the unless a written election of is made by the facility, be included to not include it in the facility's appraised value for purposes of Minnesota Rules, part 9549.0020, subpart 5, and. Debt incurred for its purchase of technology and depreciable equipment shall be included as allowable debt for purposes of Minnesota Rules, part 9549.0060, subpart 5, items A and C, unless the written election is to not include it. Any new technology and depreciable equipment included in the project construction costs that the facility elects not to include in its appraised value and allowable debt shall be treated as provided in section 256B.431, subdivision 17, paragraph (b). Written election under this paragraph must be included in the facility's request for the rate change related to the project, and this election may not be changed.

(j) (k) "Technology" means information systems or devices that make documentation, charting, and staff time more efficient or encourage and allow for care through alternative settings including, but not limited to, touch screens, monitors, hand-helds, swipe cards, motion detectors, pagers, telemedicine, medication dispensers, and equipment to monitor vital signs and self-injections, and to observe skin and other conditions.

ARTICLE 2

CONTINUING CARE FOR THE ELDERLY

Section 1. Minnesota Statutes 2004, section 256B.0913, subdivision 8, is amended to read:

Subd. 8. **REQUIREMENTS FOR INDIVIDUAL CARE PLAN.** (a) The case manager shall implement the plan of care for each alternative care client and ensure that a client's service needs and eligibility are reassessed at least every 12 months. The plan shall include any services prescribed by the individual's attending physician as necessary to allow the individual to remain in a community setting. In developing the individual's care plan, the case manager should include the use of volunteers from families and neighbors, religious organizations, social clubs, and civic and service

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organizations to support the formal home care services. The county shall be held harmless for damages or injuries sustained through the use of volunteers under this subdivision including workers' compensation liability. The lead agency county of service shall provide documentation in each individual's plan of care and, if requested, to the commissioner that the most cost-effective alternatives available have been offered to the individual and that the individual was free to choose among available qualified providers, both public and private, including qualified case management or service coordination providers other than those employed by the lead agency when the lead agency any county; however, the county or tribe maintains responsibility for prior authorizing services in accordance with statutory and administrative requirements. The case manager must give the individual a ten-day written notice of any denial, termination, or reduction of alternative care services.

(b) If The county administering alternative care services is different than the county of financial responsibility, the care plan may be implemented without the approval of service must provide access to and arrange for case management services, including assuring implementation of the plan. The county of service must notify the county of financial responsibility of the approved care plan and the amount of encumbered funds.

Sec. 2. Minnesota Statutes 2004, section 256B.0915, subdivision 1a, is amended to read:

Subd. 1a. **ELDERLY WAIVER CASE MANAGEMENT SERVICES.** (a) Elderly case management services under the home and community-based services waiver for elderly individuals are available from providers meeting qualification requirements and the standards specified in subdivision 1b. Eligible recipients may choose any qualified provider of elderly case management services.

(b) The county of service or tribe must provide access to and arrange for case management services.

Sec. 3. Minnesota Statutes 2004, section 256B.0915, subdivision 6, is amended to read:

Subd. 6. **IMPLEMENTATION OF CARE PLAN.** Each elderly waiver client shall be provided a copy of a written care plan that meets the requirements outlined in section 256B.0913, subdivision 8. If The care plan must be implemented by the county administering waived services when it is different than the county of financial responsibility, the care plan may be implemented without the approval of. The county administering waived services must notify the county of financial responsibility of the approved care plan.

Sec. 4. Minnesota Statutes 2004, section 256B.0915, subdivision 9, is amended to read:

Subd. 9. **TRIBAL MANAGEMENT OF ELDERLY WAIVER.** Notwithstanding contrary provisions of this section, or those in other state laws or rules, the commissioner and ~~White Earth reservation~~ may develop a model for tribal management of the elderly waiver program and implement this model through a contract

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between the state and White Earth Reservation any of the state's federally recognized tribal governments. The model shall include the provision of tribal waiver case management, assessment for personal care assistance, and administrative requirements otherwise carried out by counties but shall not include tribal financial eligibility determination for medical assistance.

Presented to the governor May 19, 2005

Signed by the governor May 23, 2005, 11:50 a.m.

CHAPTER 69—S.F.No. 767

An act relating to corporations; recodifying and modernizing the law regulating the formation, structure, and operation of certain corporations; making miscellaneous technical and clarifying changes; amending Minnesota Statutes 2004, sections 47.12; 47.15; 47.16; 48.02; 48.03; 48.033; 48.04; 48.06; 48.07; 48A.01, subdivision 1; 48A.04, subdivisions 1, 3; 49.41; 50.001; 50.06; 50.085, subdivision 1; 51A.03, subdivision 2b; 51A.131; 51A.17; 51A.21, subdivision 1; 60A.07, subdivision 1, by adding subdivisions; 60A.075, subdivision 6; 60A.077, subdivision 6; 60B.23; 61A.14, by adding a subdivision; 61A.35; 61A.36; 61B.31; 66A.01; 66A.02; 66A.03; 66A.06; 66A.07; 66A.08, subdivision 1; 67A.06; 67A.40, subdivision 3; 117.232, subdivision 1; 161.433, subdivision 3; 181.970, subdivision 2; 237.81; 301.75; 302A.011, subdivision 4; 302A.021, subdivision 10, by adding a subdivision; 302A.031, by adding a subdivision; 303.02, subdivision 2; 317A.021, subdivision 9; 322B.02; 398A.04, subdivision 6; 453.55, subdivision 11; 453A.05, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 47; 48; 50; 66A; repealing Minnesota Statutes 2004, sections 48.056, subdivision 3; 60A.07, subdivision 8; 61A.32; 66A.04; 66A.05; 66A.075; 300.01; 300.02; 300.025; 300.05; 300.06; 300.08; 300.081; 300.083; 300.09; 300.12; 300.13; 300.131; 300.14; 300.16; 300.17; 300.18; 300.19; 300.20; 300.21; 300.22; 300.23; 300.24; 300.25; 300.26; 300.27; 300.28; 300.29; 300.30; 300.31; 300.32; 300.33; 300.34; 300.35; 300.36; 300.37; 300.38; 300.39; 300.40; 300.41; 300.42; 300.43; 300.44; 300.45; 300.451; 300.46; 300.49; 300.51; 300.52; 300.53; 300.54; 300.55; 300.57; 300.58; 300.59; 300.60; 300.61; 300.62; 300.63.

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

ARTICLE 1

FINANCIAL CORPORATIONS

Section 1. Minnesota Statutes 2004, section 47.12, is amended to read:

47.12 **FINANCIAL CORPORATIONS.**

New language is indicated by underline, deletions by ~~strikeout~~.