

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1170

(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

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

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

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

Subd. 4a. **Case management appeals.** (a) Any recipient of case management
services pursuant to section 256B.092, who contests the county agency's action or failure
to act in the provision of those case management services, other than a failure to act with
reasonable promptness or a suspension, reduction, denial, or termination of services,
~~must~~ may submit a written request for a ~~conciliation~~ conference with the recipient's
case worker and the county lead agency director or designee to the county agency, and
must mail a copy of their request to the department at the same time they file it with the
county agency. The filing with the department shall constitute an appeal for a fair hearing
under this section. The department may hear and decide the appeal without regard to the
request for a conference.

(b) The county agency shall inform the commissioner of the receipt of a request when
it is submitted and shall schedule a ~~conciliation~~ conference. The county agency shall notify
the recipient, the commissioner, and all interested persons of the time, date, and location
of the ~~conciliation~~ conference to be held in person, by telephone, or by electronic media.
~~The commissioner may assist the county by providing mediation services or by identifying
other resources that may assist in the mediation between the parties. Within 30 days after
the conference has been held, the county agency shall conduct the conciliation conference~~

~~and inform the recipient in writing of the action the county agency is going to take and 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. 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 and the recipient's appeal has not yet been heard under this section, the recipient may file a request for an order directing the county agency to comply with their obligation to schedule and hold the conference and issue a notice of its intended action regarding case management services in accordance with this subdivision. 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.~~