

1.1 Senator ..... moves to amend S.F. No. 3389 as follows:

1.2 Page 7, after line 6, insert:

1.3 "Sec. 2. Minnesota Statutes 2021 Supplement, section 256B.49, subdivision 28, is amended  
1.4 to read:

1.5 Subd. 28. **Customized living moratorium for brain injury and community access**  
1.6 **for disability inclusion waivers.** (a) Notwithstanding section 245A.03, subdivision 2,  
1.7 paragraph (a), clause (23), to prevent new development of customized living settings that  
1.8 otherwise meet the residential program definition under section 245A.02, subdivision 14,  
1.9 the commissioner shall not enroll new customized living settings serving four or fewer  
1.10 people in a single-family home to deliver customized living services as defined under the  
1.11 brain injury or community access for disability inclusion waiver plans under this section.

1.12 (b) The commissioner may approve an exception to paragraph (a) when either:

1.13 (1) an existing customized living setting changes ownership at the same address; or

1.14 (2) an existing customized living setting relocates to one or more single-family homes  
1.15 provided:

1.16 (i) four or fewer people are served in each newly enrolled setting; and

1.17 (ii) the total net capacity of the newly enrolled settings does not exceed the number of  
1.18 people served at the old location immediately prior to the relocation.

1.19 (c) Customized living settings operational on or before June 30, 2021, are considered  
1.20 existing customized living settings.

1.21 (d) For any new customized living settings serving four or fewer people in a single-family  
1.22 home to deliver customized living services as defined in paragraph (a) ~~and~~ that was not  
1.23 operational on or before June 30, 2021, and did not receive an exception under paragraph  
1.24 (b), the authorizing lead agency is financially responsible for all home and community-based  
1.25 service payments in the setting.

1.26 (e) For purposes of this subdivision, "operational" means customized living services are  
1.27 authorized and delivered to a person in the customized living setting.

1.28 **Sec. 3. DIRECTION TO THE COMMISSIONER; LICENSING MORATORIUM**  
1.29 **EXCEPTION.**

1.30 (a) Notwithstanding Minnesota Statutes, section 245A.03, subdivision 7, the  
1.31 commissioner may issue new community residential setting licenses to replace assisted

2.1 living facility licenses, including provisional assisted living facility licenses, issued under  
2.2 Minnesota Statutes, chapter 144G. This exception is available until June 30, 2024. This  
2.3 exception is only available to former customized living services settings that served five or  
2.4 fewer people in a single-family home, were operational on or before June 30, 2021, and  
2.5 were issued an assisted living facility license or provisional assisted living facility license  
2.6 under Minnesota Statutes, chapter 144G.

2.7 (b) When issuing an initial license under this section, for license applicants whose service  
2.8 setting was inspected under Minnesota Statutes, chapter 144G, the commissioner of human  
2.9 services shall accept the commissioner of health's determination of substantial compliance  
2.10 with the requirements of Minnesota Statutes, chapter 144G, as sufficient evidence that the  
2.11 license applicant is in substantial compliance with Minnesota Statutes, sections 245D.21 to  
2.12 245D.26, and shall not conduct additional on-site licensing inspections.

2.13 (c) The commissioner shall establish a competitive grant program to award grants to  
2.14 trade associations representing small residential service providers to directly contact each  
2.15 customized living services provider with an assisted living licensed resident capacity of  
2.16 five or fewer and to assist each provider in determining whether the provider is eligible for  
2.17 licensure under this section. Each contract issued under this paragraph must include  
2.18 provisions requiring the commissioner of human services to provide dedicated staff to  
2.19 provide technical assistance to the grantees and potential license applicants.

2.20 Sec. 4. **APPROPRIATION.**

2.21 \$...... in fiscal year 2023 is appropriated from the general fund to the commissioner of  
2.22 human services for competitive grants described in section 1, paragraph (c). This is a onetime  
2.23 appropriation."

2.24 Amend the title accordingly