

1.1 Senator ..... moves to amend the delete-everything amendment (SCS4165A-2)  
1.2 to S.F. No. 4165 as follows:

1.3 Page 54, lines 8 and 16, after "with" insert "the person and"

1.4 Page 55, line 8, strike "except for a service termination under paragraph (b), clause (5),"

1.5 Page 55, line 18, strike "60 days prior to termination" and insert "and"

1.6 Page 55, line 20, strike ", and" and insert ". Notice of the proposed termination of service,  
1.7 including those situations that began with temporary service suspension, must be given at  
1.8 least"

1.9 Page 56, after line 6, insert:

1.10 "(h) For notices issued under paragraph (b), if the lead agency has not finalized an  
1.11 alternative program or service that will meet the assessed needs of the individual receiving  
1.12 services 30 days before the effective date of the 90-day termination period, the lead agency  
1.13 shall provide written notice to the commissioner. Upon receipt of this notice the commissioner  
1.14 shall provide technical assistance, as necessary, to the lead agency until an alternative  
1.15 placement or service that will meet the assessed needs of the individual has been finalized.  
1.16 After assessing the circumstance, the commissioner shall have the authority to require the  
1.17 license holder to continue services until an alternative program or service has been finalized  
1.18 by the lead agency."

1.19 Page 56, line 7, strike "(h)" and insert "(i)"

1.20 Page 79, after line 27, insert:

1.21 "Sec. 17. Minnesota Statutes 2020, section 256B.493, subdivision 4, is amended to read:

1.22 Subd. 4. **Review and approval process.** (a) To be considered for conditional approval,  
1.23 an application must include:

1.24 (1) a description of the proposed closure plan, which must identify the home or homes  
1.25 and occupied beds for which a planned closure rate adjustment is requested;

1.26 (2) the proposed timetable for any proposed closure, including the proposed dates for  
1.27 notification to residents and the affected lead agencies, commencement of closure, and  
1.28 completion of closure;

1.29 (3) the proposed relocation plan jointly developed by the counties of financial  
1.30 responsibility, the residents and their legal representatives, if any, who wish to continue to

2.1 receive services from the provider, and the providers for current residents of any adult foster  
2.2 care home or community residential setting designated for closure; and

2.3 (4) documentation in a format approved by the commissioner that all the adult foster  
2.4 care homes or community residential settings receiving a planned closure rate adjustment  
2.5 under the plan have accepted joint and several liability for recovery of overpayments under  
2.6 section 256B.0641, subdivision 2, for the facilities designated for closure under this plan.

2.7 (b) In reviewing and approving closure proposals, the commissioner shall give first  
2.8 priority to proposals that:

2.9 (1) target counties and geographic areas which have:

2.10 (i) need for other types of services;

2.11 (ii) need for specialized services;

2.12 (iii) higher than average per capita use of foster care settings where the license holder  
2.13 does not reside; or

2.14 (iv) residents not living in the geographic area of their choice;

2.15 (2) demonstrate savings of medical assistance expenditures; ~~and~~

2.16 (3) demonstrate that alternative services are based on the recipient's choice of provider  
2.17 and are consistent with federal law, state law, and federally approved waiver plans;

2.18 (4) demonstrate alternative services based on recipient's choices are available and secured  
2.19 at time of closure application; and

2.20 (5) provide proof of referral to the regional Center for Independent Living for resident  
2.21 transition support.

2.22 The commissioner shall ~~also consider~~ prioritize consideration of any information provided  
2.23 by service recipients, their legal representatives, family members, or the lead agency on the  
2.24 impact of the planned closure on the recipients and the services they need.

2.25 (c) The commissioner shall select proposals that best meet the criteria established in this  
2.26 subdivision for planned closure of adult foster care or community residential settings. The  
2.27 commissioner shall notify license holders of the selections conditionally approved by the  
2.28 commissioner. Approval of closure is obtained following confirmation that every individual  
2.29 impacted by the planned closure has an established plan to continue services in an equivalent  
2.30 residential setting or in a less restrictive setting in the community of their choice.

3.1 (d) For each proposal conditionally approved by the commissioner, a contract must be  
3.2 established between the commissioner, the counties of financial responsibility, and the  
3.3 participating license holder.

3.4 Sec. 18. Minnesota Statutes 2020, section 256B.493, subdivision 5, is amended to read:

3.5 Subd. 5. **Notification of conditionally approved proposal.** (a) Once the license holder  
3.6 receives notification from the commissioner that the proposal has been conditionally  
3.7 approved, the license holder shall provide written notification within five working days to:

3.8 (1) the lead agencies responsible for authorizing the licensed services for the residents  
3.9 of the affected adult foster care settings; and

3.10 (2) current and prospective residents, any legal representatives, and family members  
3.11 involved.

3.12 (b) This notification must occur at least ~~45~~ 90 days prior to the implementation of the  
3.13 closure proposal.

3.14 Sec. 19. Minnesota Statutes 2020, section 256B.493, is amended by adding a subdivision  
3.15 to read:

3.16 Subd. 5a. **Notification of conditionally approved proposal to Centers for Independent**  
3.17 **Living.** (a) Once conditional approval has been sent to the license holder, the commissioner  
3.18 shall provide written notice within five working days to the regional Center for Independent  
3.19 Living.

3.20 (b) The commissioner will provide in written notice the number of persons affected by  
3.21 closure, location of group homes, provider information, and contact information of persons  
3.22 or current guardians to coordinate transition support of residents.

3.23 Sec. 20. Minnesota Statutes 2020, section 256B.493, is amended by adding a subdivision  
3.24 to read:

3.25 Subd. 5b. **Approval for planned closure.** The commissioner may finalize approval of  
3.26 conditional applications for planned closure after the following actions have been taken and  
3.27 proof of documentation has been submitted by the license holder to the commissioner:

3.28 (1) notice to all parties within five business days of receiving conditional approval and  
3.29 giving residents, support team, and family members 90 days notice;

3.30 (2) information regarding rights to appeal service termination and seek temporary order  
3.31 to stay the termination of services according to the procedures in section 256.045, subdivision

4.1 4a or 6, paragraph (c), were provided to the resident, family, and support team at time of  
4.2 closure notice;

4.3 (3) residents were provided options to live in the geographic community of their own  
4.4 choice; and

4.5 (4) residents were provided options to live in a community residential or own home  
4.6 setting with the services and supports of their choice.

4.7 Sec. 21. Minnesota Statutes 2020, section 256B.493, subdivision 6, is amended to read:

4.8 Subd. 6. **Adjustment to rates.** (a) For purposes of this section, the commissioner shall  
4.9 establish enhanced medical assistance payment rates under sections 256B.092 and 256B.49  
4.10 to facilitate an orderly transition for persons with disabilities from adult foster care or  
4.11 community residential settings to other community-based settings.

4.12 (b) The enhanced payment rate shall be effective the day after the first resident has  
4.13 moved until the day the last resident has moved, not to exceed six months.

4.14 Sec. 22. Minnesota Statutes 2020, section 256B.493, is amended by adding a subdivision  
4.15 to read:

4.16 Subd. 7. **Termination of license or satellite license upon approved closure**  
4.17 **date.** Following approval of a planned closure, the commissioner shall confirm termination  
4.18 of licensure for the residence location, whether satellite or home and community-based  
4.19 license for single residence as referenced in section 245D.23. The commissioner will provide  
4.20 written notice confirming termination of licensure to the provider."

4.21 Renumber the sections in sequence and correct the internal references

4.22 Amend the title accordingly