

1.1 Senator moves to amend the delete-everything amendment (SCS4699A-2)
1.2 to S.F. No. 4699 as follows:

1.3 Page 289, after line 12, insert:

1.4 "Sec. 11. Minnesota Statutes 2023 Supplement, section 256.045, subdivision 3, as amended
1.5 by Laws 2024, chapter 79, article 3, section 3, and Laws 2024, chapter 80, article 1, section
1.6 67, is amended to read:

1.7 Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

1.8 (1) any person:

1.9 (i) applying for, receiving or having received public assistance, medical care, or a program
1.10 of social services administered by the commissioner or a county agency on behalf of the
1.11 commissioner; and

1.12 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,
1.13 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly
1.14 paid;

1.15 (2) any patient or relative aggrieved by an order of the commissioner under section
1.16 252.27;

1.17 (3) a party aggrieved by a ruling of a prepaid health plan;

1.18 (4) except as provided under chapter 245C, any individual or facility determined by a
1.19 lead investigative agency to have maltreated a vulnerable adult under section 626.557 after
1.20 they have exercised their right to administrative reconsideration under section 626.557;

1.21 (5) any person to whom a right of appeal according to this section is given by other
1.22 provision of law;

1.23 (6) an applicant aggrieved by an adverse decision to an application for a hardship waiver
1.24 under section 256B.15;

1.25 (7) an applicant aggrieved by an adverse decision to an application or redetermination
1.26 for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

1.27 (8) except as provided under chapter 245A, an individual or facility determined to have
1.28 maltreated a minor under chapter 260E, after the individual or facility has exercised the
1.29 right to administrative reconsideration under chapter 260E;

1.30 ~~(8) (9) except as provided under chapter 245C and except for a subject of a background~~
1.31 ~~study that the commissioner has conducted on behalf of another agency for a program or~~

~~facility not otherwise overseen by the commissioner~~, an individual disqualified under sections 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (8) ~~or section 142A.20, subdivision 3, clause (4)~~, and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment;

~~(9)~~ (10) any person with an outstanding debt resulting from receipt of public assistance administered by the commissioner or medical care who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt;

~~(10)~~ (11) a person issued a notice of service termination under section 245D.10, subdivision 3a, by a licensed provider of any residential supports or services listed in section 245D.03, subdivision 1, paragraphs (b) and (c), that is not otherwise subject to appeal under subdivision 4a;

~~(11)~~ (12) an individual disability waiver recipient based on a denial of a request for a rate exception under section 256B.4914;

~~(12)~~ (13) a person issued a notice of service termination under section 245A.11, subdivision 11, that is not otherwise subject to appeal under subdivision 4a; or

~~(13)~~ (14) a recovery community organization seeking medical assistance vendor eligibility under section 254B.01, subdivision 8, that is aggrieved by a membership or accreditation determination and that believes the organization meets the requirements under section 254B.05, subdivision 1, paragraph (d), clauses (1) to (10). The scope of the review by the human services judge shall be limited to whether the organization meets each of the requirements under section 254B.05, subdivision 1, paragraph (d), clauses (1) to (10).

(b) The hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is the only administrative appeal to the final agency determination specifically, including

a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (8), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is only available when there is no district court action pending. If such action is filed in district court while an administrative review is pending that arises out of some or all of the events or circumstances on which the appeal is based, the administrative review must be suspended until the judicial actions are completed. If the district court proceedings are completed, dismissed, or overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under section 142A.20, subdivision 2, clause (2), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

~~(d)~~ (e) The scope of hearings under paragraph (a), clauses (11) and (13), shall be limited to whether the proposed termination of services is authorized under section 245D.10, subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the requirements of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11, subdivision 2a, paragraphs (d) and (e), were met. If the appeal includes a request for a temporary stay of termination of services, the scope of the hearing shall also include whether the case management provider has finalized arrangements for a residential facility, a program, or services that will meet the assessed needs of the recipient by the effective date of the service termination.

~~(e)~~ (f) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

~~(f)~~ (g) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

~~(g)~~ (h) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law, except in matters covered by paragraph ~~(h)~~ (i).

~~(h)~~ (i) When the subject of an administrative review is a matter within the jurisdiction of the direct care and treatment executive board as a part of the board's powers and duties under chapter 246C, the executive board may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

~~(i)~~ (j) Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision 13, why the request was not submitted within the 30-day time limit. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence.

Sec. 12. Minnesota Statutes 2022, section 256.045, subdivision 3b, as amended by Laws 2024, chapter 80, article 1, section 68, is amended to read:

Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state human services judge shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under section 626.557 and chapter 260E. For purposes of hearings regarding disqualification, the state human services judge shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (9), if a preponderance of the evidence shows the individual has:

(1) committed maltreatment under section 626.557 or chapter 260E that is serious or recurring;

(2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or

(3) failed to make required reports under section 626.557 or chapter 260E, for incidents in which the final disposition under section 626.557 or chapter 260E was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state human services judge shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245C.22, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services judge shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

(c) If a disqualification is based solely on a conviction or is conclusive for any reason under section 245C.29, the disqualified individual does not have a right to a hearing under this section.

(d) The state human services judge shall recommend an order to the commissioner of health; education; children, youth, and families; or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Sec. 13. Minnesota Statutes 2022, section 256.045, subdivision 5, as amended by Laws 2024, chapter 79, article 3, section 4, is amended to read:

Subd. 5. Orders of the commissioner of human services. (a) Except as provided for under subdivision 5a for matters under the jurisdiction of the direct care and treatment executive board and for hearings held under section 142A.20, subdivision 2, a state human services judge shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A human services judge may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human

services judge and issue the order to the county agency and the applicant, recipient, former recipient, or prepaid health plan. The commissioner on refusing to accept the recommended order of the state human services judge, shall notify the petitioner, the agency, or prepaid health plan of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner, the agency, or prepaid health plan.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

(c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency, a county agency, or a prepaid health plan according to subdivision 3a, until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

(d) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing or seek judicial review of an order issued under this section, unless assisting a recipient as provided in subdivision 4. A prepaid health plan is a party to an appeal under subdivision 3a, but cannot seek judicial review of an order issued under this section.

Sec. 14. Minnesota Statutes 2022, section 256.045, subdivision 7, as amended by Laws 2024, chapter 79, article 3, section 7, is amended to read:

Subd. 7. **Judicial review.** Except for a prepaid health plan, any party who is aggrieved by an order of the commissioner of human services; the commissioner of health; or the

commissioner of children, youth, and families in appeals within the commissioner's jurisdiction under subdivision 3b₂; or the direct care and treatment executive board in appeals within the jurisdiction of the executive board under subdivision 5a may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the applicable commissioner or executive board and any adverse party of record within 30 days after the date the commissioner or executive board issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision, with the exception of appeals taken under subdivision 3b. The applicable commissioner or executive board may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner or executive board furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services judge, by serving a written demand upon the applicable commissioner or executive board within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner or executive board under subdivisions 5 or 5a may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 15. Minnesota Statutes 2022, section 256.0451, subdivision 1, as amended by Laws 2024, chapter 80, article 1, section 72, is amended to read:

Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and appeals under ~~section~~ sections 142A.20, subdivision 2, and 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6), (7), (8), (11) (10), and (13) (12). Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), ~~(9) (8), (10) (9), and (12) (11).~~

(b) For purposes of this section, "person" means an individual who, on behalf of themselves or their household, is appealing or disputing or challenging an action, a decision, or a failure to act, by an agency in the human services system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also means the person's attorney or authorized

representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

(c) For purposes of this section, "agency" means the county human services agency, the state human services agency, and, where applicable, any entity involved under a contract, subcontract, grant, or subgrant with the state agency or with a county agency, that provides or operates programs or services in which appeals are governed by section 256.045.

Sec. 16. Minnesota Statutes 2022, section 256.0451, subdivision 22, is amended to read:

Subd. 22. **Decisions.** A timely, written decision must be issued in every appeal. Each decision must contain a clear ruling on the issues presented in the appeal hearing and should contain a ruling only on questions directly presented by the appeal and the arguments raised in the appeal.

(a) A written decision must be issued within 90 days of the date the person involved requested the appeal unless a shorter time is required by law. An additional 30 days is provided in those cases where the commissioner refuses to accept the recommended decision. In appeals of maltreatment determinations or disqualifications filed pursuant to section 256.045, subdivision 3, paragraph (a), clause (4), ~~(9)~~ (8), or ~~(10)~~ (9), that also give rise to possible licensing actions, the 90-day period for issuing final decisions does not begin until the later of the date that the licensing authority provides notice to the appeals division that the authority has made the final determination in the matter or the date the appellant files the last appeal in the consolidated matters.

(b) The decision must contain both findings of fact and conclusions of law, clearly separated and identified. The findings of fact must be based on the entire record. Each finding of fact made by the human services judge shall be supported by a preponderance of the evidence unless a different standard is required under the regulations of a particular program. The "preponderance of the evidence" means, in light of the record as a whole, the evidence leads the human services judge to believe that the finding of fact is more likely to be true than not true. The legal claims or arguments of a participant do not constitute either a finding of fact or a conclusion of law, except to the extent the human services judge adopts an argument as a finding of fact or conclusion of law.

The decision shall contain at least the following:

(1) a listing of the date and place of the hearing and the participants at the hearing;

(2) a clear and precise statement of the issues, including the dispute under consideration and the specific points which must be resolved in order to decide the case;

(3) a listing of the material, including exhibits, records, reports, placed into evidence at the hearing, and upon which the hearing decision is based;

(4) the findings of fact based upon the entire hearing record. The findings of fact must be adequate to inform the participants and any interested person in the public of the basis of the decision. If the evidence is in conflict on an issue which must be resolved, the findings of fact must state the reasoning used in resolving the conflict;

(5) conclusions of law that address the legal authority for the hearing and the ruling, and which give appropriate attention to the claims of the participants to the hearing;

(6) a clear and precise statement of the decision made resolving the dispute under consideration in the hearing; and

(7) written notice of the right to appeal to district court or to request reconsideration, and of the actions required and the time limits for taking appropriate action to appeal to district court or to request a reconsideration.

(c) The human services judge shall not independently investigate facts or otherwise rely on information not presented at the hearing. The human services judge may not contact other agency personnel, except as provided in subdivision 18. The human services judge's recommended decision must be based exclusively on the testimony and evidence presented at the hearing, and legal arguments presented, and the human services judge's research and knowledge of the law.

(d) The commissioner will review the recommended decision and accept or refuse to accept the decision according to section 142A.20, subdivision 3, or 256.045, subdivision 5.

Sec. 17. Minnesota Statutes 2022, section 256.0451, subdivision 24, is amended to read:

Subd. 24. **Reconsideration.** (a) Reconsideration may be requested within 30 days of the date of the commissioner's final order. If reconsideration is requested under section 142A.20, subdivision 3, or 256.045, subdivision 5, the other participants in the appeal shall be informed of the request. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and may include proposed additional evidence supporting the request. The other participants shall be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond.

(b) When the requesting party raises a question as to the appropriateness of the findings of fact, the commissioner shall review the entire record.

(c) When the requesting party questions the appropriateness of a conclusion of law, the commissioner shall consider the recommended decision, the decision under reconsideration, and the material submitted in connection with the reconsideration. The commissioner shall review the remaining record as necessary to issue a reconsidered decision.

(d) The commissioner shall issue a written decision on reconsideration in a timely fashion. The decision must clearly inform the parties that this constitutes the final administrative decision, advise the participants of the right to seek judicial review, and the deadline for doing so.

Sec. 18. Minnesota Statutes 2022, section 256.046, subdivision 2, as amended by Laws 2024, chapter 80, article 1, section 75, is amended to read:

Subd. 2. **Combined hearing.** ~~(a) The human services judge may combine a fair hearing under section 142A.20 or 256.045 and administrative fraud disqualification hearing under this section or section 142A.27 into a single hearing if the factual issues arise out of the same, or related, circumstances; the commissioner of human services has jurisdiction over at least one of the hearings; and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings specified in Code of Federal Regulations, title 7, section 273.16, apply. If the individual accused of wrongfully obtaining assistance is charged under section 256.98 for the same act or acts which are the subject of the hearing, the individual may request that the hearing be delayed until the criminal charge is decided by the court or withdrawn.~~

~~(b) The human services judge must conduct any hearings under section 142A.20 or 142A.27 pursuant to the relevant laws and rules governing children, youth, and families judges."~~

Page 293, after line 17, insert:

"Sec. 23. Laws 2024, chapter 80, article 1, section 38, subdivision 1, is amended to read:

Subdivision 1. **Children, youth, and families judges; appointment Hearings held by the Department of Human Services.** ~~The commissioner of children, youth, and families may appoint one or more state children, youth, and families judges to conduct hearings and recommend orders in accordance with subdivisions 2, 3, and 5. Children, youth, and families judges designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of children, youth, and families and shall not be a part of the Office of Administrative Hearings established pursuant to sections 14.48 to~~

11.1 ~~14.56. The commissioner shall only appoint as a full-time children, youth, and families~~
11.2 ~~judge an individual who is licensed to practice law in Minnesota and who is:~~

11.3 ~~(1) in active status;~~

11.4 ~~(2) an inactive resident;~~

11.5 ~~(3) retired;~~

11.6 ~~(4) on disabled status; or~~

11.7 ~~(5) on retired senior status.~~

11.8 All state agency hearings under subdivision 2 must be heard by a human services judge
11.9 pursuant to sections 256.045 and 256.0451.

11.10 Sec. 24. Laws 2024, chapter 80, article 1, section 38, subdivision 2, is amended to read:

11.11 Subd. 2. **State agency hearings.** ~~(a)~~ State agency hearings are available for the following:

11.12 (1) any person:

11.13 (i) applying for, receiving, or having received public assistance or a program of social
11.14 services administered by the commissioner or a county agency on behalf of the commissioner
11.15 or the federal Food and Nutrition Act; and

11.16 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,
11.17 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly
11.18 paid;

11.19 (2) any person whose claim for foster care payment according to a placement of the
11.20 child resulting from a child protection assessment under chapter 260E is denied or not acted
11.21 upon with reasonable promptness, regardless of funding source;

11.22 (3) any person to whom a right of appeal according to this section is given by other
11.23 provision of law; and

11.24 ~~(4) except as provided under chapter 142B, an individual or facility determined to have~~
11.25 ~~maltreated a minor under chapter 260E, after the individual or facility has exercised the~~
11.26 ~~right to administrative reconsideration under chapter 260E;~~

11.27 ~~(5) except as provided under chapter 245C, an individual disqualified under sections~~
11.28 ~~245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,~~
11.29 ~~on the basis of serious or recurring maltreatment; of a preponderance of the evidence that~~
11.30 ~~the individual has committed an act or acts that meet the definition of any of the crimes~~
11.31 ~~listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under~~

12.1 ~~section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment~~
12.2 ~~determination under clause (4) and a disqualification under this clause in which the basis~~
12.3 ~~for a disqualification is serious or recurring maltreatment shall be consolidated into a single~~
12.4 ~~fair hearing. In such cases, the scope of review by the children, youth, and families judge~~
12.5 ~~shall include both the maltreatment determination and the disqualification. The failure to~~
12.6 ~~exercise the right to an administrative reconsideration shall not be a bar to a hearing under~~
12.7 ~~this section if federal law provides an individual the right to a hearing to dispute a finding~~
12.8 ~~of maltreatment; and~~

12.9 ~~(6) (4)~~ any person with an outstanding debt resulting from receipt of public assistance
12.10 or the federal Food and Nutrition Act who is contesting a setoff claim by the commissioner
12.11 of children, youth, and families or a county agency. The scope of the appeal is the validity
12.12 of the claimant agency's intention to request a setoff of a refund under chapter 270A against
12.13 the debt.

12.14 ~~(b) The hearing for an individual or facility under paragraph (a), clause (4) or (5), is the~~
12.15 ~~only administrative appeal to the final agency determination specifically, including a~~
12.16 ~~challenge to the accuracy and completeness of data under section 13.04. A hearing for an~~
12.17 ~~individual or facility under paragraph (a), clause (4) or (5), is only available when there is~~
12.18 ~~no district court action pending. If such action is filed in district court while an administrative~~
12.19 ~~review is pending that arises out of some or all of the events or circumstances on which the~~
12.20 ~~appeal is based, the administrative review must be suspended until the judicial actions are~~
12.21 ~~completed. If the district court proceedings are completed, dismissed, or overturned, the~~
12.22 ~~matter may be considered in an administrative hearing.~~

12.23 ~~(c) For purposes of this section, bargaining unit grievance procedures are not an~~
12.24 ~~administrative appeal.~~

12.25 ~~(d) The scope of hearings involving claims to foster care payments under paragraph (a),~~
12.26 ~~clause (2), shall be limited to the issue of whether the county is legally responsible for a~~
12.27 ~~child's placement under court order or voluntary placement agreement and, if so, the correct~~
12.28 ~~amount of foster care payment to be made on the child's behalf and shall not include review~~
12.29 ~~of the propriety of the county's child protection determination or child placement decision.~~

12.30 ~~(e) An applicant or recipient is not entitled to receive social services beyond the services~~
12.31 ~~prescribed under chapter 256M or other social services the person is eligible for under state~~
12.32 ~~law.~~

~~(f) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.~~

~~(g) Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause, as defined in section 142A.21, subdivision 13, why the request was not submitted within the 30-day time limit. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence.~~

Sec. 25. Laws 2024, chapter 80, article 1, section 38, subdivision 5, is amended to read:

Subd. 5. Orders of the commissioner of children, youth, and families. (a) A state ~~children, youth, and families~~ human services judge shall conduct a hearing on the an appeal of a matter listed in subdivision 2 and shall recommend an order to the commissioner of children, youth, and families. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A ~~children, youth, and families~~ state human services judge may take official notice of adjudicative facts. The commissioner of children, youth, and families may accept the recommended order of a state ~~children, youth, and families~~ human services judge and issue the order to the county agency and the applicant, recipient, or former recipient. If the commissioner refuses to accept the recommended order of the state ~~children, youth, and families~~ human services judge, the commissioner shall notify the petitioner or the agency of the commissioner's refusal and shall state reasons for the refusal. The commissioner shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 7 5 or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If

proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

(c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision ~~7~~ 5. Any order of the commissioner is binding on the parties and must be implemented by the state agency or a county agency until the order is reversed by the district court or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision ~~10~~ 8.

(d) A vendor under contract with a county agency to provide social services is not a party and may not request a hearing or seek judicial review of an order issued under this section, unless assisting a recipient as provided in section 256.045, subdivision 4.

Sec. 26. Laws 2024, chapter 80, article 1, section 38, subdivision 6, is amended to read:

Subd. 6. **Additional powers of commissioner; subpoenas.** (a) The commissioner may initiate a review of any action or decision of a county agency and direct that the matter be presented to a state ~~children, youth, and families~~ human services judge for a hearing held under subdivision 2 or ~~3~~ section 256.045, subdivision 3b. In all matters dealing with children, youth, and families committed by law to the discretion of the county agency, the commissioner's judgment may be substituted for that of the county agency. The commissioner may order an independent examination when appropriate.

(b) Any party to a hearing held pursuant to subdivision 2 or ~~3~~ section 256.045, subdivision 3b, may request that the commissioner issue a subpoena to compel the attendance of witnesses and the production of records at the hearing. A local agency may request that the commissioner issue a subpoena to compel the release of information from third parties prior to a request for a hearing under section 142A.21 upon a showing of relevance to such a proceeding. The issuance, service, and enforcement of subpoenas under this subdivision is governed by section 357.22 and the Minnesota Rules of Civil Procedure.

~~(c) The commissioner may issue a temporary order staying a proposed demission by a residential facility licensed under chapter 142B:~~

~~(1) while an appeal by a recipient under subdivision 3 is pending; or~~

15.1 (2) for the period of time necessary for the case management provider to implement the
15.2 commissioner's order.

15.3 Sec. 27. Laws 2024, chapter 80, article 1, section 38, subdivision 7, is amended to read:

15.4 Subd. 7. **Judicial review.** Any party who is aggrieved by an order of the commissioner
15.5 of children, youth, and families may appeal the order to the district court of the county
15.6 responsible for furnishing assistance, or, in appeals under section 256.045, subdivision 3
15.7 3b, the county where the maltreatment occurred, by serving a written copy of a notice of
15.8 appeal upon the commissioner and any adverse party of record within 30 days after the date
15.9 the commissioner issued the order, the amended order, or order affirming the original order,
15.10 and by filing the original notice and proof of service with the court administrator of the
15.11 district court. Service may be made personally or by mail; service by mail is complete upon
15.12 mailing. The court administrator shall not require a filing fee in appeals taken pursuant to
15.13 this subdivision, except for appeals taken under section 256.045, subdivision 3 3b. The
15.14 commissioner may elect to become a party to the proceedings in the district court. Except
15.15 for appeals under section 256.045, subdivision 3 3b, any party may demand that the
15.16 commissioner furnish all parties to the proceedings with a copy of the decision, and a
15.17 transcript of any testimony, evidence, or other supporting papers from the hearing held
15.18 before the ~~children, youth, and families~~ state human services judge, by serving a written
15.19 demand upon the commissioner within 30 days after service of the notice of appeal. Any
15.20 party aggrieved by the failure of an adverse party to obey an order issued by the commissioner
15.21 under subdivision 5 may compel performance according to the order in the manner prescribed
15.22 in sections 586.01 to 586.12.

15.23 Sec. 28. Laws 2024, chapter 80, article 1, section 38, subdivision 9, is amended to read:

15.24 Subd. 9. **Appeal.** Any party aggrieved by the order of the district court may appeal the
15.25 order as in other civil cases. Except for appeals under section 256.045, subdivision 3 3b,
15.26 no costs or disbursements shall be taxed against any party nor shall any filing fee or bond
15.27 be required of any party."

15.28 Page 304, delete section 28 and insert:

15.29 "Sec. 42. **REPEALER.**

15.30 Laws 2024, chapter 80, article 1, sections 38, subdivisions 3, 4, and 11; 39; and 43,
15.31 subdivision 2; Laws 2024, chapter 80, article 2, sections 1, subdivision 11; 3, subdivision

- 16.1 3; 4, subdivision 4; 10, subdivision 4; 33; and 69; and Laws 2024, chapter 80, article 7,
- 16.2 sections 3; and 9, are repealed.
- 16.3 (b) Minnesota Rules, part 9545.0845, is repealed."
- 16.4 Renumber the sections in sequence and correct the internal references