

1.1 **Senator Hoffman from the Committee on Human Services, to which was referred**

1.2 **S.F. No. 2443:** A bill for an act relating to human services; modifying provisions relating
1.3 to aging and disability services, behavioral health, Direct Care and Treatment, health care
1.4 administration, the Office of the Inspector General, licensing and disqualification, and
1.5 department operations; establishing human services programs criminal penalties; establishing
1.6 the intermediate school district behavioral health grant program; correcting cross-references
1.7 and making conforming and technical changes; amending Minnesota Statutes 2024, sections
1.8 13.46, subdivisions 3, 4; 15.471, subdivision 6; 16A.103, subdivision 1j; 62J.495, subdivision
1.9 2; 62M.17, subdivision 2; 97A.441, subdivision 3; 142B.10, subdivision 14; 142B.30,
1.10 subdivision 1; 142B.51, subdivision 2; 142B.65, subdivision 8; 142B.66, subdivision 3;
1.11 142B.70, subdivision 7; 142C.06, by adding a subdivision; 142C.11, subdivision 8; 142C.12,
1.12 subdivision 1; 142E.51, subdivisions 5, 6; 144.53; 144.651, subdivisions 2, 4, 20, 31, 32;
1.13 144A.07; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13, subdivision 6; 148.10,
1.14 subdivision 1; 148.261, subdivision 5; 148.754; 148B.5905; 148F.09, subdivision 6; 150A.08,
1.15 subdivision 6; 151.071, subdivision 10; 153.21, subdivision 2; 153B.70; 168.012, subdivision
1.16 1; 244.052, subdivision 4; 245.4871, subdivision 4, by adding a subdivision; 245.4881,
1.17 subdivision 3; 245.50, subdivision 2; 245.91, subdivision 2; 245A.04, subdivisions 1, 7;
1.18 245A.16, subdivision 1; 245A.18, subdivision 1; 245A.242, subdivision 2; 245C.05, by
1.19 adding a subdivision; 245C.08, subdivision 3; 245C.22, subdivision 5; 245D.02, subdivision
1.20 4a; 245G.05, subdivision 1; 245G.06, subdivisions 1, 2a, 3a; 245G.07, subdivision 2;
1.21 245G.08, subdivision 6; 245G.09, subdivision 3; 245G.11, subdivision 11; 245G.18,
1.22 subdivision 2; 245G.19, subdivision 4, by adding a subdivision; 245G.22, subdivisions 1,
1.23 14, 15; 246.585; 246C.06, subdivision 11; 246C.12, subdivision 6; 246C.20; 252.291,
1.24 subdivision 3; 252.43; 252.46, subdivision 1a; 252.50, subdivision 5; 253B.09, subdivision
1.25 3a; 253B.10, subdivision 1; 256.01, subdivisions 2, 5; 256.019, subdivision 1; 256.0281;
1.26 256.0451, subdivisions 1, 3, 6, 8, 9, 18, 22, 23, 24; 256.4825; 256.93, subdivision 1; 256.98,
1.27 subdivisions 1, 7; 256B.0625, subdivision 25c; 256B.092, subdivisions 1a, 10, 11a; 256B.12;
1.28 256B.49, subdivisions 13, 29; 256G.09, subdivisions 4, 5; 299F.77, subdivision 2; 342.04;
1.29 352.91, subdivision 3f; 401.17, subdivision 1; 480.40, subdivision 1; 507.071, subdivision
1.30 1; 611.57, subdivisions 2, 4; 624.7131, subdivisions 1, 2; 624.7132, subdivisions 1, 2;
1.31 624.714, subdivisions 3, 4; 631.40, subdivision 3; proposing coding for new law in Minnesota
1.32 Statutes, chapters 245; 246C; 609; repealing Minnesota Statutes 2024, sections 245.4862;
1.33 245A.11, subdivision 8; 246.015, subdivision 3; 246.50, subdivision 2; 246B.04, subdivision
1.34 1a; Laws 2024, chapter 79, article 1, sections 15; 16; 17.

1.35 Reports the same back with the recommendation that the bill be amended as follows:

1.36 Delete everything after the enacting clause and insert:

1.37 **"ARTICLE 1**

1.38 **AGING AND DISABILITY SERVICES POLICY**

1.39 Section 1. Minnesota Statutes 2024, section 245D.10, is amended by adding a subdivision
1.40 to read:

1.41 Subd. 1a. **Prohibited condition of service provision.** A license holder is prohibited
1.42 from requiring a person to have or obtain a guardian or conservator as a condition of receiving
1.43 or continuing to receive services regulated under this chapter.

2.1 Sec. 2. Minnesota Statutes 2024, section 252.28, subdivision 2, is amended to read:

2.2 Subd. 2. **Rules; program standards; licenses.** The commissioner of human services
2.3 shall:

2.4 (1) Establish uniform rules and program standards for each type of residential and day
2.5 facility or service for persons with developmental disabilities, including state hospitals under
2.6 control of the executive board and serving persons with developmental disabilities, and
2.7 excluding persons with developmental disabilities residing with their families.

2.8 (2) Grant licenses according to the provisions of ~~Laws 1976, chapter 243, sections 2 to~~
2.9 ~~13~~ chapter 245A.

2.10 Sec. 3. Minnesota Statutes 2024, section 252.41, subdivision 3, is amended to read:

2.11 Subd. 3. **Day services for adults with disabilities.** (a) "Day services for adults with
2.12 disabilities" or "day services" means services that:

2.13 (1) include supervision, training, assistance, support, facility-based work-related activities,
2.14 or other community-integrated activities designed and implemented in accordance with the
2.15 support plan and support plan addendum required under sections 245D.02, ~~subdivision 4,~~
2.16 ~~paragraphs (b) and (c), subdivisions 4b and 4c,~~ and 256B.092, subdivision 1b, and Minnesota
2.17 Rules, part 9525.0004, subpart 12, to help an adult reach and maintain the highest possible
2.18 level of independence, productivity, and integration into the community;

2.19 (2) include day support services, prevocational services, ~~day training and habilitation~~
2.20 ~~services,~~ structured day services, and adult day services as defined in Minnesota's federally
2.21 approved disability waiver plans; ~~and~~

2.22 (3) include day training and habilitation services; and

2.23 (4) are provided by a vendor licensed under sections 245A.01 to 245A.16, 245D.27 to
2.24 245D.31, 252.28, subdivision 2, or 252.41 to 252.46, or Minnesota Rules, parts 9525.1200
2.25 to 9525.1330, to provide day services.

2.26 (b) Day services reimbursable under this section do not include special education and
2.27 related services as defined in the Education of the Individuals with Disabilities Act, United
2.28 States Code, title 20, chapter 33, section 1401, clauses (6) and (17), or vocational services
2.29 funded under section 110 of the Rehabilitation Act of 1973, United States Code, title 29,
2.30 section 720, as amended.

(c) Day services do not include employment exploration, employment development, or employment support services as defined in the home and community-based services waivers for people with disabilities authorized under sections 256B.092 and 256B.49.

Sec. 4. Minnesota Statutes 2024, section 252.42, is amended to read:

252.42 SERVICE PRINCIPLES.

The design and delivery of services eligible for reimbursement should reflect the following principles:

(1) services must suit a person's chronological age and be provided in the least restrictive environment possible, consistent with the needs identified in the person's support plan and support plan addendum required under sections 245D.02, subdivisions 4b and 4c, and 256B.092, subdivision 1b, and 245D.02, subdivision 4, paragraphs (b) and (c), and Minnesota Rules, part 9525.0004, subpart 12;

(2) a person with a disability whose individual support plans and support plan addendums authorize employment or employment-related activities shall be given the opportunity to participate in employment and employment-related activities in which nondisabled persons participate;

(3) a person with a disability participating in work shall be paid wages commensurate with the rate for comparable work and productivity except as regional centers are governed by section 246.151;

(4) a person with a disability shall receive services which include services offered in settings used by the general public and designed to increase the person's active participation in ordinary community activities;

(5) a person with a disability shall participate in the patterns, conditions, and rhythms of everyday living and working that are consistent with the norms of the mainstream of society.

Sec. 5. Minnesota Statutes 2024, section 252.43, is amended to read:

252.43 COMMISSIONER'S DUTIES.

(a) The commissioner shall supervise lead agencies' provision of day services to adults with disabilities. The commissioner shall:

(1) determine the need for day ~~programs~~ services, except for adult day services, under sections 256B.4914 and 252.41 to 252.46 operated in a day services facility licensed under sections 245D.27 to 245D.31;

~~(2) establish payment rates as provided under section 256B.4914;~~

~~(3)~~ (2) adopt rules for the administration and provision of day services under sections 245A.01 to 245A.16; 252.28, subdivision 2; or 252.41 to 252.46; or Minnesota Rules, parts 9525.1200 to 9525.1330;

~~(4)~~ (3) enter into interagency agreements necessary to ensure effective coordination and provision of day services;

~~(5)~~ (4) monitor and evaluate the costs and effectiveness of day services; and

~~(6)~~ (5) provide information and technical help to lead agencies and vendors in their administration and provision of day services.

(b) A determination of need in paragraph (a), clause (1), shall not be required for a change in day service provider name or ownership.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 6. Minnesota Statutes 2024, section 252.44, is amended to read:

252.44 LEAD AGENCY BOARD RESPONSIBILITIES.

When the need for day services in a county or tribe has been determined under section ~~252.28~~ 252.43, the board of commissioners for that lead agency shall:

(1) authorize the delivery of day services according to the support plans and support plan addendums required as part of the lead agency's provision of case management services under sections ~~256B.0913, subdivision 8;~~ 256B.092, subdivision 1b~~;~~, and 256B.49, subdivision 15~~;~~, and ~~256S.10~~ and Minnesota Rules, parts 9525.0004 to 9525.0036;

(2) ensure that transportation is provided or arranged by the vendor in the most efficient and reasonable way possible; and

(3) monitor and evaluate the cost and effectiveness of the services.

Sec. 7. Minnesota Statutes 2024, section 252.45, is amended to read:

252.45 VENDOR'S DUTIES.

A day service vendor enrolled with the commissioner is responsible for items under clauses (1), (2), and (3), and extends only to the provision of services that are reimbursable under state and federal law. A vendor providing day services shall:

(1) provide the amount and type of services authorized in the individual service plan under the support plan and support plan addendum required under sections 245D.02, ~~subdivision 4, paragraphs (b) and (c)~~ subdivisions 4b and 4c, and 256B.092, subdivision 1b, and Minnesota Rules, part 9525.0004, subpart 12;

(2) design the services to achieve the outcomes assigned to the vendor in the support plan and support plan addendum required under sections 245D.02, ~~subdivision 4, paragraphs (a) and (b)~~ subdivisions 4b and 4c, and 256B.092, subdivision 1b, and Minnesota Rules, part 9525.0004, subpart 12;

(3) provide or arrange for transportation of persons receiving services to and from service sites;

(4) enter into agreements with community-based intermediate care facilities for persons with developmental disabilities to ensure compliance with applicable federal regulations; and

(5) comply with state and federal law.

Sec. 8. Minnesota Statutes 2024, section 252.46, subdivision 1a, is amended to read:

Subd. 1a. **Day training and habilitation rates.** The commissioner shall establish a statewide rate-setting methodology rates for all day training and habilitation services as ~~provided under section 256B.4914. The rate-setting methodology must abide by the principles of transparency and equitability across the state. The methodology must involve a uniform process of structuring rates for each service and must promote quality and participant choice~~ and for transportation delivered as a part of day training and habilitation services. The commissioner shall consult with impacted groups prior to making modifications to rates under this section.

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 9. Minnesota Statutes 2024, section 256B.0911, subdivision 24, is amended to read:

Subd. 24. **Remote reassessments.** (a) Assessments performed according to subdivisions 17 to 20 and 23 must be in person unless the assessment is a reassessment meeting the requirements of this subdivision. Remote reassessments conducted by interactive video or telephone may substitute for in-person reassessments.

(b) For services provided by the developmental disabilities waiver under section 256B.092, and the community access for disability inclusion, community alternative care, and brain injury waiver programs under section 256B.49, remote reassessments may be substituted for ~~two~~ four consecutive reassessments if followed by an in-person reassessment.

(c) For services provided by alternative care under section 256B.0913, essential community supports under section 256B.0922, and the elderly waiver under chapter 256S, remote reassessments may be substituted for one reassessment if followed by an in-person reassessment.

(d) For personal care assistance provided under section 256B.0659 and community first services and supports provided under section 256B.85, remote reassessments may be substituted for two consecutive reassessments if followed by an in-person reassessment.

(e) A remote reassessment is permitted only if the lead agency provides informed choice and the person being reassessed or the person's legal representative provides informed consent for a remote assessment. Lead agencies must document that informed choice was offered.

(f) The person being reassessed, or the person's legal representative, may refuse a remote reassessment at any time.

(g) During a remote reassessment, if the certified assessor determines an in-person reassessment is necessary in order to complete the assessment, the lead agency shall schedule an in-person reassessment.

(h) All other requirements of an in-person reassessment apply to a remote reassessment, including updates to a person's support plan.

Sec. 10. Minnesota Statutes 2024, section 256B.0911, is amended by adding a subdivision to read:

Subd. 24a. **Verbal attestation to replace required reassessment signatures.** Effective January 1, 2026, or upon federal approval, whichever is later, the commissioner shall allow for verbal attestation to replace required reassessment signatures.

7.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.2 Sec. 11. Minnesota Statutes 2024, section 256B.0911, is amended by adding a subdivision
7.3 to read:

7.4 Subd. 25a. **Attesting to no changes in needs or services.** (a) A person who is 22 to 64
7.5 years of age and receiving home and community-based waiver services under the
7.6 developmental disabilities waiver program under section 256B.092; community access for
7.7 disability inclusion, community alternative care, and brain injury waiver programs under
7.8 section 256B.49; and community first services and supports under section 256B.85 may
7.9 attest that they have unchanged needs from the most recent prior assessment or reassessment
7.10 for up to two consecutive reassessments, if the lead agency provides informed choice and
7.11 the person being reassessed or the person's legal representative provides informed consent.
7.12 Lead agencies must document that informed choice was offered.

7.13 (b) The person or person's legal representative must attest, verbally or through alternative
7.14 communications, that the information provided in the previous assessment or reassessment
7.15 is still accurate and applicable and that no changes in their circumstances have occurred
7.16 that would require changes from the most recent prior assessment or reassessment. The
7.17 person or the person's legal representative may request a full reassessment at any time.

7.18 (c) The assessor must review the most recent prior assessment or reassessment as required
7.19 in subdivision 22, paragraphs (a) and (b), clause (1), before conducting the interview. The
7.20 certified assessor must confirm that the information from the previous assessment or
7.21 reassessment is current.

7.22 (d) The assessment conducted under this section must:

7.23 (1) verify current assessed support needs;

7.24 (2) confirm continued need for the currently assessed level of care;

7.25 (3) inform the person of alternative long-term services and supports available;

7.26 (4) provide informed choice of institutional or home and community-based services;

7.27 and

7.28 (5) identify changes in need that may require a full reassessment.

7.29 (e) The assessor must ensure that any new assessment items or requirements mandated
7.30 by federal or state authority are addressed and the person must provide required information.

8.1 Sec. 12. Minnesota Statutes 2024, section 256B.092, subdivision 1a, is amended to read:

8.2 Subd. 1a. **Case management services.** (a) Each recipient of a home and community-based
8.3 waiver shall be provided case management services by qualified vendors as described in
8.4 the federally approved waiver application.

8.5 (b) Case management service activities provided to or arranged for a person include:

8.6 (1) development of the person-centered support plan under subdivision 1b;

8.7 (2) informing the individual or the individual's legal guardian or conservator, or parent
8.8 if the person is a minor, of service options, including all service options available under the
8.9 waiver plan;

8.10 (3) consulting with relevant medical experts or service providers;

8.11 (4) assisting the person in the identification of potential providers of chosen services,
8.12 including:

8.13 (i) providers of services provided in a non-disability-specific setting;

8.14 (ii) employment service providers;

8.15 (iii) providers of services provided in settings that are not controlled by a provider; and

8.16 (iv) providers of financial management services;

8.17 (5) assisting the person to access services and assisting in appeals under section 256.045;

8.18 (6) coordination of services, if coordination is not provided by another service provider;

8.19 (7) evaluation and monitoring of the services identified in the support plan, which must
8.20 incorporate at least one annual face-to-face visit by the case manager with each person; and

8.21 (8) reviewing support plans and providing the lead agency with recommendations for
8.22 service authorization based upon the individual's needs identified in the support plan.

8.23 (c) Case management service activities that are provided to the person with a
8.24 developmental disability shall be provided directly by county agencies or under contract.

8.25 If a county agency contracts for case management services, the county agency must provide
8.26 each recipient of home and community-based services who is receiving contracted case
8.27 management services with the contact information the recipient may use to file a grievance
8.28 with the county agency about the quality of the contracted services the recipient is receiving
8.29 from a county-contracted case manager. If a county agency provides case management
8.30 under contracts with other individuals or agencies and the county agency utilizes a
8.31 competitive proposal process for the procurement of contracted case management services,

the competitive proposal process must include evaluation criteria to ensure that the county maintains a culturally responsive program for case management services adequate to meet the needs of the population of the county. For the purposes of this section, "culturally responsive program" means a case management services program that: (1) ensures effective, equitable, comprehensive, and respectful quality care services that are responsive to individuals within a specific population's values, beliefs, practices, health literacy, preferred language, and other communication needs; and (2) is designed to address the unique needs of individuals who share a common language or racial, ethnic, or social background.

(d) Case management services must be provided by a public or private agency that is enrolled as a medical assistance provider determined by the commissioner to meet all of the requirements in the approved federal waiver plans. Case management services must not be provided to a recipient by a private agency that has a financial interest in the provision of any other services included in the recipient's support plan. For purposes of this section, "private agency" means any agency that is not identified as a lead agency under section 256B.0911, subdivision 10.

(e) Case managers are responsible for service provisions listed in paragraphs (a) and (b). Case managers shall collaborate with consumers, families, legal representatives, and relevant medical experts and service providers in the development and annual review of the person-centered support plan and habilitation plan.

(f) For persons who need a positive support transition plan as required in chapter 245D, the case manager shall participate in the development and ongoing evaluation of the plan with the expanded support team. At least quarterly, the case manager, in consultation with the expanded support team, shall evaluate the effectiveness of the plan based on progress evaluation data submitted by the licensed provider to the case manager. The evaluation must identify whether the plan has been developed and implemented in a manner to achieve the following within the required timelines:

(1) phasing out the use of prohibited procedures;

(2) acquisition of skills needed to eliminate the prohibited procedures within the plan's timeline; and

(3) accomplishment of identified outcomes.

If adequate progress is not being made, the case manager shall consult with the person's expanded support team to identify needed modifications and whether additional professional support is required to provide consultation.

(g) The Department of Human Services shall offer ongoing education in case management to case managers. Case managers shall receive no less than 20 hours of case management education and disability-related training each year. The education and training must include person-centered planning, informed choice, informed decision making, cultural competency, employment planning, community living planning, self-direction options, and use of technology supports. Case managers must annually complete an informed choice curriculum and pass a competency evaluation, in a form determined by the commissioner, on informed decision-making standards. By August 1, 2024, all case managers must complete an employment support training course identified by the commissioner of human services. For case managers hired after August 1, 2024, this training must be completed within the first six months of providing case management services. For the purposes of this section, "person-centered planning" or "person-centered" has the meaning given in section 256B.0911, subdivision 10. Case managers must document completion of training in a system identified by the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2025.

Sec. 13. Minnesota Statutes 2024, section 256B.092, subdivision 11a, is amended to read:

Subd. 11a. **Residential support services criteria.** (a) For the purposes of this subdivision, "residential support services" means the following residential support services reimbursed under section 256B.4914: community residential services, customized living services, and 24-hour customized living services.

(b) In order to increase independent living options for people with disabilities and in accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with section 245A.03, subdivision 7, the commissioner must establish and implement criteria to access residential support services. The criteria for accessing residential support services must prohibit the commissioner from authorizing residential support services unless at least all of the following conditions are met:

(1) the individual has complex behavioral health or complex medical needs; and

(2) the individual's service planning team has considered all other available residential service options and determined that those options are inappropriate to meet the individual's support needs.

(c) Nothing in this subdivision shall be construed as permitting the commissioner to establish criteria prohibiting the authorization of residential support services for individuals described in the statewide priorities established in subdivision 12, the transition populations

11.1 in subdivision 13, and the licensing moratorium exception criteria under section 245A.03,
11.2 subdivision 7, paragraph (a).

11.3 (d) Individuals with active service agreements for residential support services on the
11.4 date that the criteria for accessing residential support services become effective are exempt
11.5 from the requirements of this subdivision, and the exemption from the criteria for accessing
11.6 residential support services continues to apply for renewals of those service agreements.

11.7 **EFFECTIVE DATE.** This section is effective 90 days following federal approval of
11.8 Laws 2021, First Special Session chapter 7, article 13, section 18.

11.9 Sec. 14. Minnesota Statutes 2024, section 256B.49, subdivision 13, is amended to read:

11.10 Subd. 13. **Case management.** (a) Each recipient of a home and community-based waiver
11.11 shall be provided case management services by qualified vendors as described in the federally
11.12 approved waiver application. The case management service activities provided must include:

11.13 (1) finalizing the person-centered written support plan within the timelines established
11.14 by the commissioner and section 256B.0911, subdivision 29;

11.15 (2) informing the recipient or the recipient's legal guardian or conservator of service
11.16 options, including all service options available under the waiver plans;

11.17 (3) assisting the recipient in the identification of potential service providers of chosen
11.18 services, including:

11.19 (i) available options for case management service and providers;

11.20 (ii) providers of services provided in a non-disability-specific setting;

11.21 (iii) employment service providers;

11.22 (iv) providers of services provided in settings that are not community residential settings;

11.23 and

11.24 (v) providers of financial management services;

11.25 (4) assisting the recipient to access services and assisting with appeals under section
11.26 256.045; and

11.27 (5) coordinating, evaluating, and monitoring of the services identified in the service
11.28 plan.

11.29 (b) The case manager may delegate certain aspects of the case management service
11.30 activities to another individual provided there is oversight by the case manager. The case
11.31 manager may not delegate those aspects which require professional judgment including:

12.1 (1) finalizing the person-centered support plan;

12.2 (2) ongoing assessment and monitoring of the person's needs and adequacy of the
12.3 approved person-centered support plan; and

12.4 (3) adjustments to the person-centered support plan.

12.5 (c) Case management services must be provided by a public or private agency that is
12.6 enrolled as a medical assistance provider determined by the commissioner to meet all of
12.7 the requirements in the approved federal waiver plans. If a county agency provides case
12.8 management under contracts with other individuals or agencies and the county agency
12.9 utilizes a competitive proposal process for the procurement of contracted case management
12.10 services, the competitive proposal process must include evaluation criteria to ensure that
12.11 the county maintains a culturally responsive program for case management services adequate
12.12 to meet the needs of the population of the county. For the purposes of this section, "culturally
12.13 responsive program" means a case management services program that: (1) ensures effective,
12.14 equitable, comprehensive, and respectful quality care services that are responsive to
12.15 individuals within a specific population's values, beliefs, practices, health literacy, preferred
12.16 language, and other communication needs; and (2) is designed to address the unique needs
12.17 of individuals who share a common language or racial, ethnic, or social background.

12.18 (d) Case management services must not be provided to a recipient by a private agency
12.19 that has any financial interest in the provision of any other services included in the recipient's
12.20 support plan. For purposes of this section, "private agency" means any agency that is not
12.21 identified as a lead agency under section 256B.0911, subdivision 10.

12.22 (e) For persons who need a positive support transition plan as required in chapter 245D,
12.23 the case manager shall participate in the development and ongoing evaluation of the plan
12.24 with the expanded support team. At least quarterly, the case manager, in consultation with
12.25 the expanded support team, shall evaluate the effectiveness of the plan based on progress
12.26 evaluation data submitted by the licensed provider to the case manager. The evaluation must
12.27 identify whether the plan has been developed and implemented in a manner to achieve the
12.28 following within the required timelines:

12.29 (1) phasing out the use of prohibited procedures;

12.30 (2) acquisition of skills needed to eliminate the prohibited procedures within the plan's
12.31 timeline; and

12.32 (3) accomplishment of identified outcomes.

13.1 If adequate progress is not being made, the case manager shall consult with the person's
13.2 expanded support team to identify needed modifications and whether additional professional
13.3 support is required to provide consultation.

13.4 (f) The Department of Human Services shall offer ongoing education in case management
13.5 to case managers. Case managers shall receive no less than 20 hours of case management
13.6 education and disability-related training each year. The education and training must include
13.7 person-centered planning, informed choice, informed decision making, cultural competency,
13.8 employment planning, community living planning, self-direction options, and use of
13.9 technology supports. Case managers must annually complete an informed choice curriculum
13.10 and pass a competency evaluation, in a form determined by the commissioner, on informed
13.11 decision-making standards. By August 1, 2024, all case managers must complete an
13.12 employment support training course identified by the commissioner of human services. For
13.13 case managers hired after August 1, 2024, this training must be completed within the first
13.14 six months of providing case management services. For the purposes of this section,
13.15 "person-centered planning" or "person-centered" has the meaning given in section 256B.0911,
13.16 subdivision 10. Case managers shall document completion of training in a system identified
13.17 by the commissioner.

13.18 **EFFECTIVE DATE.** This section is effective August 1, 2025.

13.19 Sec. 15. Minnesota Statutes 2024, section 256B.49, subdivision 29, is amended to read:

13.20 Subd. 29. **Residential support services criteria.** (a) For the purposes of this subdivision,
13.21 "residential support services" means the following residential support services reimbursed
13.22 under section 256B.4914: community residential services, customized living services, and
13.23 24-hour customized living services.

13.24 (b) In order to increase independent living options for people with disabilities and in
13.25 accordance with section 256B.4905, subdivisions ~~3 and 4~~ 7 and 8, and consistent with
13.26 section 245A.03, subdivision 7, the commissioner must establish and implement criteria to
13.27 access residential support services. The criteria for accessing residential support services
13.28 must prohibit the commissioner from authorizing residential support services unless at least
13.29 all of the following conditions are met:

13.30 (1) the individual has complex behavioral health or complex medical needs; and

13.31 (2) the individual's service planning team has considered all other available residential
13.32 service options and determined that those options are inappropriate to meet the individual's
13.33 support needs.

(c) Nothing in this subdivision shall be construed as permitting the commissioner to establish criteria prohibiting the authorization of residential support services for individuals described in the statewide priorities established in subdivision ~~12~~ 11a, the transition populations in subdivision ~~13~~ 24, and the licensing moratorium exception criteria under section 245A.03, subdivision 7, paragraph (a).

~~(e)~~ (d) Individuals with active service agreements for residential support services on the date that the criteria for accessing residential support services become effective are exempt from the requirements of this subdivision, and the exemption from the criteria for accessing residential support services continues to apply for renewals of those service agreements.

EFFECTIVE DATE. This section is effective 90 days following federal approval of Laws 2021, First Special Session chapter 7, article 13, section 30.

Sec. 16. Minnesota Statutes 2024, section 256B.4914, subdivision 10a, is amended to read:

Subd. 10a. **Reporting and analysis of cost data.** (a) The commissioner must ensure that wage values and component values in subdivisions 5 to 9 reflect the cost to provide the service. As determined by the commissioner, in consultation with stakeholders identified in subdivision 17, a provider enrolled to provide services with rates determined under this section must submit requested cost data to the commissioner to support research on the cost of providing services that have rates determined by the disability waiver rates system. Requested cost data may include, but is not limited to:

(1) worker wage costs;

(2) benefits paid;

(3) supervisor wage costs;

(4) executive wage costs;

(5) vacation, sick, and training time paid;

(6) taxes, workers' compensation, and unemployment insurance costs paid;

(7) administrative costs paid;

(8) program costs paid;

(9) transportation costs paid;

(10) vacancy rates; and

(11) other data relating to costs required to provide services requested by the commissioner.

(b) At least once in any five-year period, a provider must submit cost data for a fiscal year that ended not more than 18 months prior to the submission date. The commissioner shall provide each provider a 90-day notice prior to its submission due date. If a provider fails to submit required reporting data, the commissioner shall provide notice to providers that have not provided required data 30 days after the required submission date, and a second notice for providers who have not provided required data 60 days after the required submission date. The commissioner shall temporarily suspend payments to the provider if cost data is not received 90 days after the required submission date. Withheld payments shall be made once data is received by the commissioner.

(c) The commissioner shall conduct a random validation of data submitted under paragraph (a) to ensure data accuracy. The commissioner shall analyze cost documentation in paragraph (a) and provide recommendations for adjustments to cost components.

(d) The commissioner shall analyze cost data submitted under paragraph (a). The commissioner shall release cost data in an aggregate form. Cost data from individual providers must not be released except as provided for in current law.

(e) Beginning January 1, 2029, the commissioner shall use data collected in paragraph (a) to determine the compliance with requirements identified under subdivision 10d. The commissioner shall identify providers who have not met the thresholds identified under subdivision 10d on the Department of Human Services website for the year for which the providers reported their costs.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2025.

Sec. 17. Minnesota Statutes 2024, section 256B.4914, subdivision 10d, is amended to read:

Subd. 10d. Direct care staff; compensation. (a) A provider paid with rates determined under subdivision 6 must use a minimum of 66 percent of the revenue generated by rates determined under that subdivision for direct care staff compensation.

(b) A provider paid with rates determined under subdivision 7 must use a minimum of 45 percent of the revenue generated by rates determined under that subdivision for direct care staff compensation.

(c) A provider paid with rates determined under subdivision 8 or 9 must use a minimum of 60 percent of the revenue generated by rates determined under those subdivisions for direct care staff compensation.

(d) Compensation under this subdivision includes:

(1) wages;

(2) taxes and workers' compensation;

(3) health insurance;

(4) dental insurance;

(5) vision insurance;

(6) life insurance;

(7) short-term disability insurance;

(8) long-term disability insurance;

(9) retirement spending;

(10) tuition reimbursement;

(11) wellness programs;

(12) paid vacation time;

(13) paid sick time; or

(14) other items of monetary value provided to direct care staff.

(e) This subdivision does not apply to a provider licensed as an assisted living facility by the commissioner of health under chapter 144G.

(f) This subdivision is effective January 1, 2029, and applies to services provided on or after that date.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2025.

Sec. 18. Minnesota Statutes 2024, section 256B.4914, subdivision 17, is amended to read:

Subd. 17. **Stakeholder consultation and county training.** (a) The commissioner shall continue consultation at regular intervals with the existing stakeholder group established as part of the rate-setting methodology process and others, to gather input, concerns, and data, to assist in the implementation of the rate payment system, and to make pertinent information available to the public through the department's website.

17.1 (b) The commissioner shall offer training at least annually for county personnel
17.2 responsible for administering the rate-setting framework in a manner consistent with this
17.3 section.

17.4 (c) The commissioner shall maintain an online instruction manual explaining the
17.5 rate-setting framework. The manual shall be consistent with this section, and shall be
17.6 accessible to all stakeholders including recipients, representatives of recipients, county or
17.7 Tribal agencies, and license holders.

17.8 (d) The commissioner shall not defer to the county or Tribal agency on matters of
17.9 technical application of the rate-setting framework, and a county or Tribal agency shall not
17.10 set rates in a manner that conflicts with this section.

17.11 (e) The commissioner must consult with existing stakeholder groups as required under
17.12 this subdivision to periodically review, update, and revise the format by which initiators of
17.13 rate exception requests and lead agencies collect and submit information about individuals
17.14 with exceptional needs under subdivision 14.

17.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

17.16 Sec. 19. Minnesota Statutes 2024, section 256R.38, is amended to read:

17.17 **256R.38 PERFORMANCE-BASED INCENTIVE PAYMENTS.**

17.18 The commissioner shall develop additional incentive-based payments of up to five
17.19 percent above a facility's operating payment rate for achieving outcomes specified in a
17.20 contract. The commissioner may solicit proposals and select those which, on a competitive
17.21 basis, best meet the state's policy objectives. The commissioner shall limit the amount of
17.22 any incentive payment and the number of contract amendments under this section to operate
17.23 the incentive payments within funds appropriated for this purpose. The commissioner shall
17.24 approve proposals through a memorandum of understanding which shall specify various
17.25 levels of payment for various levels of performance. Incentive payments to facilities under
17.26 this section shall be in the form of time-limited rate adjustments which shall be included in
17.27 the external fixed costs payment rate under section 256R.25. In establishing the specified
17.28 outcomes and related criteria, the commissioner shall consider the following state policy
17.29 objectives:

17.30 (1) successful diversion or discharge of residents to the residents' prior home or other
17.31 community-based alternatives;

17.32 (2) adoption of new technology to improve quality or efficiency;

- 18.1 (3) improved quality as measured in the Minnesota Nursing Home Report Card;
- 18.2 (4) reduced acute care costs; and
- 18.3 (5) any additional outcomes proposed by a nursing facility that the commissioner finds
- 18.4 desirable.

18.5 Sec. 20. Minnesota Statutes 2024, section 256R.40, subdivision 5, is amended to read:

18.6 Subd. 5. **Planned closure rate adjustment.** (a) The commissioner shall calculate the

18.7 amount of the planned closure rate adjustment available under subdivision 6 according to

18.8 clauses (1) to (4):

18.9 (1) the amount available is the net reduction of nursing facility beds multiplied by \$2,080;

18.10 (2) the total number of beds in the nursing facility or facilities receiving the planned

18.11 closure rate adjustment must be identified;

18.12 (3) capacity days are determined by multiplying the number determined under clause

18.13 (2) by 365; and

18.14 (4) the planned closure rate adjustment is the amount available in clause (1), divided by

18.15 capacity days determined under clause (3).

18.16 (b) A planned closure rate adjustment under this section is effective on the first day of

18.17 the month of January or July, whichever occurs immediately following completion of closure

18.18 of the facility designated for closure in the application and becomes part of the nursing

18.19 facility's external fixed costs payment rate.

18.20 (c) Upon the request of a closing facility, the commissioner must allow the facility a

18.21 closure rate adjustment as provided under section 144A.161, subdivision 10.

18.22 (d) A facility that has received a planned closure rate adjustment may reassign it to

18.23 another facility that is under the same ownership at any time within three years of its effective

18.24 date. The amount of the adjustment is computed according to paragraph (a).

18.25 (e) If the per bed dollar amount specified in paragraph (a), clause (1), is increased, the

18.26 commissioner shall recalculate planned closure rate adjustments for facilities that delicense

18.27 beds under this section on or after July 1, 2001, to reflect the increase in the per bed dollar

18.28 amount. The recalculated planned closure rate adjustment is effective from the date the per

18.29 bed dollar amount is increased.

19.1 Sec. 21. Laws 2021, First Special Session chapter 7, article 13, section 73, is amended to
19.2 read:

19.3 Sec. 73. **WAIVER REIMAGINE PHASE II.**

19.4 (a) After receiving federal approval, the commissioner of human services must implement
19.5 a two-home and community-based services waiver program structure, as authorized under
19.6 section 1915(c) of the federal Social Security Act, that serves persons who are determined
19.7 by a certified assessor to require the levels of care provided in a nursing home, a hospital,
19.8 a neurobehavioral hospital, or an intermediate care facility for persons with developmental
19.9 disabilities.

19.10 (b) The commissioner of human services must implement an individualized budget
19.11 methodology, as authorized under section 1915(c) of the federal Social Security Act, that
19.12 serves persons who are determined by a certified assessor to require the levels of care
19.13 provided in a nursing home, a hospital, a neurobehavioral hospital, or an intermediate care
19.14 facility for persons with developmental disabilities.

19.15 (c) The commissioner of human services may seek all federal authority necessary to
19.16 implement this section after receiving legislative approval of the final draft waiver plan.

19.17 (d) The commissioner must ensure that the new waiver service menu and individual
19.18 budgets allow people to live in their own home, family home, or any home and
19.19 community-based setting of their choice. The commissioner must ensure, within available
19.20 resources and subject to state and federal regulations and law, that waiver reimagine does
19.21 not result in unintended service disruptions.

19.22 Sec. 22. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 1,
19.23 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 1, is amended to
19.24 read:

19.25 Subdivision 1. **Stakeholder consultation; generally.** (a) The commissioner of human
19.26 services must consult with and seek input and assistance from stakeholders concerning
19.27 potential adjustments ~~to the streamlined service menu from waiver reimagine phase I~~ and
19.28 to the existing rate exemption criteria and process.

19.29 (b) The commissioner of human services must consult with, seek input and assistance
19.30 from, and collaborate with stakeholders concerning the development and implementation
19.31 of waiver reimagine phase II, including criteria and a process for individualized budget
19.32 exemptions, and how waiver reimagine phase II can support and expand informed choice

20.1 and informed decision making, including integrated employment, independent living, and
20.2 self-direction, consistent with Minnesota Statutes, section 256B.4905.

20.3 (c) The commissioner of human services must consult with, seek input and assistance
20.4 from, and collaborate with stakeholders concerning the implementation and revisions of
20.5 the MnCHOICES 2.0 assessment tool.

20.6 Sec. 23. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 2,
20.7 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 2, is amended to
20.8 read:

20.9 Subd. 2. **Public stakeholder engagement.** The commissioner must offer a public method
20.10 to regularly receive input and concerns from people with disabilities and their families about
20.11 waiver reimagine phase II. The ~~commissioner~~ assistant commissioner of aging and disability
20.12 services shall personally provide quarterly public updates on policy development and on
20.13 how recent stakeholder input is being incorporated into the current development and
20.14 implementation of waiver reimagine phase II.

20.15 Sec. 24. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 3,
20.16 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 3, is amended to
20.17 read:

20.18 Subd. 3. **Waiver Reimagine Advisory Committee.** (a) The commissioner must convene,
20.19 at regular intervals throughout the development and implementation of waiver reimagine
20.20 phase II, a Waiver Reimagine Advisory Committee that consists of a group of diverse,
20.21 representative stakeholders. The commissioner must solicit and endeavor to include racially,
20.22 ethnically, and geographically diverse membership from each of the following groups:

20.23 (1) people with disabilities who use waiver services;

20.24 (2) family members of people who use waiver services;

20.25 (3) disability and behavioral health advocates;

20.26 (4) lead agency representatives; and

20.27 (5) waiver service providers.

20.28 (b) The commissioner must ensure that the membership of the Waiver Reimagine
20.29 Advisory Committee includes:

21.1 (1) two individuals presently receiving waiver benefits who are under the age of 65, at
21.2 least one of whom must be assessed to receive ten or more hours of waiver services per
21.3 day;

21.4 (2) one county employee who conducts long-term care consultation services assessments
21.5 for persons under the age of 65;

21.6 (3) one representative of the Department of Human Services with knowledge of the
21.7 requirements for a provider to participate in waiver service programs and of the
21.8 administration of benefits;

21.9 (4) one employee of the Minnesota Council on Disability;

21.10 (5) two family members of individuals under the age of 18 who are receiving waived
21.11 services;

21.12 (6) two family members of individuals aged 18 or older and under age 65 who are
21.13 receiving waived services;

21.14 (7) two providers of waived services for persons who are under the age of 65;

21.15 (8) one member of the Council on Developmental Disabilities;

21.16 (9) one employee from the Office of Ombudsman for Mental Health and Developmental
21.17 Disabilities;

21.18 (10) one employee from the Olmstead Implementation Office; and

21.19 (11) one member from the Home Care Association.

21.20 ~~(b)~~ (c) The assistant commissioner of aging and disability services must attend and
21.21 actively participate in meetings of the Waiver Reimagine Advisory Committee. The assistant
21.22 commissioner may not delegate attendance or active participation.

21.23 ~~(c)~~ (d) The Waiver Reimagine Advisory Committee must have the opportunity to
21.24 collaborate in a meaningful way in developing and providing feedback on proposed plans
21.25 for waiver reimagine components, including an individual budget methodology, criteria
21.26 and a process for individualized budget exemptions, the consolidation of the four current
21.27 home and community-based waiver service programs into two-waiver programs, the role
21.28 of assessments and the MnCHOICES 2.0 assessment tool in determining service needs and
21.29 individual budgets, and other aspects of waiver reimagine phase II.

21.30 ~~(d)~~ (e) The Waiver Reimagine Advisory Committee must have an opportunity to assist
21.31 in the development of and provide feedback on proposed adjustments and modifications to
21.32 the streamlined menu of services and the existing rate exception criteria and process.

22.1 Sec. 25. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 4,
22.2 as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

22.3 Subd. 4. **Required report.** Prior to seeking federal approval for any aspect of waiver
22.4 reimagine phase II and no later than December 15, 2026, in collaboration with the Waiver
22.5 Reimagine Advisory Committee, the commissioner must submit to the chairs and ranking
22.6 minority members of the legislative committees and divisions with jurisdiction over health
22.7 and human services a report on plans for waiver reimagine phase II, as well as the actual
22.8 Waiver Reimagine waiver plan intended to be submitted for federal approval. The report
22.9 must ~~also include any plans to~~ a clear explanation of how the proposed waiver plan submitted
22.10 with the report will adjust or modify ~~the streamlined menu of services,~~ the existing rate or
22.11 budget exemption criteria or process, ~~the;~~ will establish proposed individual ~~budget ranges,~~
22.12 budgets based on the assessed needs of the individual, not location of services; will supply
22.13 the additional resources required for the individual to live in the least restrictive environment;
22.14 ~~and the role of~~ will utilize the MnCHOICES 2.0 assessment tool in determining to determine
22.15 service needs and individual ~~budget ranges~~ budgets.

22.16 Sec. 26. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 5,
22.17 as amended by Laws 2024, chapter 108, article 1, section 28, is amended to read:

22.18 Subd. 5. **Transition process.** (a) Prior to implementation of wavier reimagine phase II,
22.19 the commissioner must establish a process to assist people who use waiver services and
22.20 lead agencies to transition to a two-waiver system with an individual budget methodology.

22.21 (b) The commissioner must ensure that the new waiver service menu and individual
22.22 budgets allow people to live in their own home, family home, or any home and
22.23 community-based setting of their choice, including ensuring that the assessment tool used
22.24 to set individual budgets covers necessary services and resources to live in the least restrictive
22.25 environment. The commissioner must ensure, subject to state and federal regulations and
22.26 law, that waiver reimagine does not result in unintended service disruptions. The
22.27 commissioner must ensure that individual budgets are set based on the assessed needs of
22.28 the individual, and include additional resources required for the individual to live in the
22.29 least restrictive environment. The commissioner must ensure that individual budgets are
22.30 not tied merely to the location of service.

23.1 Sec. 27. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 6,
23.2 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 6, is amended to
23.3 read:

23.4 Subd. 6. **Online support planning tool.** The commissioner must develop an online
23.5 support planning and tracking tool for people using disability waiver services that allows
23.6 access to the total budget available to the person, the services for which they are eligible,
23.7 and the services they have chosen and used. The commissioner must explore operability
23.8 options that would facilitate real-time tracking of a person's remaining available budget
23.9 throughout the service year. The online support planning tool must provide information in
23.10 an accessible format to support the person's informed choice. The commissioner must seek
23.11 input from people with disabilities and the Waiver Reimagine Advisory Committee about
23.12 the online support planning tool prior to its implementation.

23.13 Sec. 28. Laws 2021, First Special Session chapter 7, article 13, section 75, subdivision 7,
23.14 as amended by Laws 2024, chapter 108, article 1, section 28, subdivision 7, is amended to
23.15 read:

23.16 Subd. 7. **Curriculum and training.** The commissioner, in consultation with the Waiver
23.17 Reimagine Advisory Committee, must develop and implement a curriculum and training
23.18 plan to ensure all lead agency assessors and case managers have the knowledge and skills
23.19 necessary to comply with informed decision making for people who used home and
23.20 community-based disability waivers. Training and competency evaluations must be completed
23.21 annually by all staff responsible for case management as described in Minnesota Statutes,
23.22 sections 256B.092, subdivision 1a, paragraph (f), and 256B.49, subdivision 13, paragraph
23.23 (e).

23.24 Sec. 29. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; INPUT ON**
23.25 **WAIVER REIMAGINE PLAN.**

23.26 (a) Notwithstanding Laws 2021, First Special Session chapter 7, article 13, section 73,
23.27 as amended in this act, and Laws 2021, First Special Session chapter 7, article 13, section
23.28 75, as amended by Laws 2024, chapter 108, article 1, section 28 and this act, prior to seeking
23.29 federal approval for a Waiver Reimagine plan or implementation of the same, the
23.30 commissioner of human services must first submit the Waiver Reimagine plan to the Waiver
23.31 Reimagine Advisory Committee, to the legislature, and to all waiver service recipients in
23.32 a specific communication directly to the recipients in a format the recipient can retrieve,

24.1 allowing at least six months for review and input and for the commissioner to make any
24.2 changes to the plan as a result of the input.

24.3 (b) The commissioner of human services shall not submit the Waiver Reimagine plan
24.4 for federal approval without first receiving approval from the legislature.

24.5 Sec. 30. **IMPLEMENTATION OF WAIVER REIMAGINE DEVELOPMENT**
24.6 **CHANGES.**

24.7 The commissioner of human services must use existing resources to implement the
24.8 changes to the process of developing the Waiver Reimagine waiver plan contained in this
24.9 article.

24.10 Sec. 31. **IMPLEMENTATION OF ASSESSMENT POLICY CHANGES.**

24.11 The commissioner of human services must use existing resources to implement the
24.12 policy modifications specified in the amendments to Minnesota Statutes, section 256B.0911,
24.13 subdivisions 24, 24a, and 25a, contained in this article.

24.14 **ARTICLE 2**
24.15 **DEPARTMENT OF HEALTH POLICY**

24.16 Section 1. Minnesota Statutes 2024, section 144.0724, subdivision 2, is amended to read:

24.17 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings
24.18 given.

24.19 (a) "Assessment reference date" or "ARD" means the specific end point for look-back
24.20 periods in the MDS assessment process. This look-back period is also called the observation
24.21 or assessment period.

24.22 (b) "Case mix index" means the weighting factors assigned to the case mix reimbursement
24.23 classifications determined by an assessment.

24.24 (c) "Index maximization" means classifying a resident who could be assigned to more
24.25 than one category, to the category with the highest case mix index.

24.26 (d) "Minimum Data Set" or "MDS" means a core set of screening, clinical assessment,
24.27 and functional status elements, that include common definitions and coding categories
24.28 specified by the Centers for Medicare and Medicaid Services and designated by the
24.29 Department of Health.

(e) "Representative" means a person who is the resident's guardian or conservator, the person authorized to pay the nursing home expenses of the resident, a representative of the Office of Ombudsman for Long-Term Care whose assistance has been requested, or any other individual designated by the resident.

(f) "Activities of daily living" or "ADL" includes personal hygiene, dressing, bathing, transferring, bed mobility, locomotion, eating, and toileting.

(g) "Patient Driven Payment Model" or "PDPM" means the case mix reimbursement classification system for residents in nursing facilities according to the resident's condition, the resident's diagnosis, and the care the resident is receiving as reflected in data supplied in the facility's MDS with an ARD on or after October 1, 2025.

~~(g)~~ (h) "Nursing facility level of care determination" means the assessment process that results in a determination of a resident's or prospective resident's need for nursing facility level of care as established in subdivision 11 for purposes of medical assistance payment of long-term care services for:

(1) nursing facility services under chapter 256R;

(2) elderly waiver services under chapter 256S;

(3) CADI and BI waiver services under section 256B.49; and

(4) state payment of alternative care services under section 256B.0913.

(i) "Resource utilization group" or "RUG" means the case mix reimbursement classification system for residents in nursing facilities according to the resident's clinical and functional status as reflected in data supplied by the facility's MDS with an ARD on or before September 30, 2025.

EFFECTIVE DATE. This section is effective October 1, 2025, and applies to assessments conducted on or after that date.

Sec. 2. Minnesota Statutes 2024, section 144.0724, subdivision 3a, is amended to read:

Subd. 3a. **Resident case mix reimbursement classifications.** (a) Resident case mix reimbursement classifications shall be based on the Minimum Data Set, version 3.0 assessment instrument, or its successor version mandated by the Centers for Medicare and Medicaid Services that nursing facilities are required to complete for all residents. Case mix reimbursement classifications shall also be based on assessments required under subdivision 4. Assessments must be completed according to the Long Term Care Facility Resident Assessment Instrument User's Manual Version 3.0 or a successor manual issued

26.1 by the Centers for Medicare and Medicaid Services. ~~The optional state assessment must be~~
26.2 ~~completed according to the OSA Manual Version 1.0 v.2.~~

26.3 (b) Each resident must be classified based on the information from the Minimum Data
26.4 Set according to the general categories issued by the Minnesota Department of Health,
26.5 utilized for reimbursement purposes.

26.6 **EFFECTIVE DATE.** This section is effective October 1, 2025, and applies to
26.7 assessments conducted on or after that date.

26.8 Sec. 3. Minnesota Statutes 2024, section 144.0724, subdivision 4, is amended to read:

26.9 Subd. 4. **Resident assessment schedule.** (a) A facility must conduct and electronically
26.10 submit to the federal database MDS assessments that conform with the assessment schedule
26.11 defined by the Long Term Care Facility Resident Assessment Instrument User's Manual,
26.12 version 3.0, or its successor issued by the Centers for Medicare and Medicaid Services. The
26.13 commissioner of health may substitute successor manuals or question and answer documents
26.14 published by the United States Department of Health and Human Services, Centers for
26.15 Medicare and Medicaid Services, to replace or supplement the current version of the manual
26.16 or document.

26.17 (b) The assessments required ~~under the Omnibus Budget Reconciliation Act of 1987~~
26.18 ~~(OBRA)~~ used to determine a case mix reimbursement classification include:

26.19 (1) a new admission comprehensive assessment, which must have an assessment reference
26.20 date (ARD) within 14 calendar days after admission, excluding readmissions;

26.21 (2) an annual comprehensive assessment, which must have an ARD within 92 days of
26.22 a previous quarterly review assessment or a previous comprehensive assessment, which
26.23 must occur at least once every 366 days;

26.24 (3) a significant change in status comprehensive assessment, which must have an ARD
26.25 within 14 days after the facility determines, or should have determined, that there has been
26.26 a significant change in the resident's physical or mental condition, whether an improvement
26.27 or a decline, and regardless of the amount of time since the last comprehensive assessment
26.28 or quarterly review assessment;

26.29 (4) a significant change in status comprehensive assessment when isolation for an
26.30 infectious disease has ended. If isolation was not coded on the most recent assessment
26.31 completed, then the significant change in status comprehensive assessment under this clause
26.32 is not required. The ARD for assessments under this clause must be set on day 15 after
26.33 isolation has ended;

(5) a quarterly review assessment must have an ARD within 92 days of the ARD of the previous quarterly review assessment or a previous comprehensive assessment;

~~(5)~~ (6) any significant correction to a prior comprehensive assessment, if the assessment being corrected is the current one being used for reimbursement classification;

~~(6)~~ (7) any significant correction to a prior quarterly review assessment, if the assessment being corrected is the current one being used for reimbursement classification; and

~~(7)~~ (8) any modifications to the most recent assessments under clauses (1) to ~~(6)~~ (7).

~~(e) The optional state assessment must accompany all OBRA assessments. The optional state assessment is also required to determine reimbursement when:~~

~~(1) all speech, occupational, and physical therapies have ended. If the most recent optional state assessment completed does not result in a rehabilitation case mix reimbursement classification, then the optional state assessment is not required. The ARD of this assessment must be set on day eight after all therapy services have ended; and~~

~~(2) isolation for an infectious disease has ended. If isolation was not coded on the most recent optional state assessment completed, then the optional state assessment is not required. The ARD of this assessment must be set on day 15 after isolation has ended.~~

~~(d)~~ (c) In addition to the assessments listed in ~~paragraphs~~ paragraph (b) and ~~(e)~~, the assessments used to determine nursing facility level of care include the following:

(1) preadmission screening completed under section 256.975, subdivisions 7a to 7c, by the Senior LinkAge Line or other organization under contract with the Minnesota Board on Aging; and

(2) a nursing facility level of care determination as provided for under section 256B.0911, subdivision 26, as part of a face-to-face long-term care consultation assessment completed under section 256B.0911, by a county, tribe, or managed care organization under contract with the Department of Human Services.

EFFECTIVE DATE. This section is effective October 1, 2025, and applies to assessments conducted on or after that date.

Sec. 4. Minnesota Statutes 2024, section 144.0724, subdivision 8, is amended to read:

Subd. 8. **Request for reconsideration of resident classifications.** (a) The resident, the resident's representative, the nursing facility, or the boarding care home may request that the commissioner of health reconsider the assigned case mix reimbursement classification

28.1 and any item or items changed during the audit process. The request for reconsideration
28.2 must be submitted in writing to the commissioner of health.

28.3 (b) For reconsideration requests initiated by the resident or the resident's representative:

28.4 (1) The resident or the resident's representative must submit in writing a reconsideration
28.5 request to the facility administrator within 30 days of receipt of the resident classification
28.6 notice. The written request must include the reasons for the reconsideration request.

28.7 (2) Within three business days of receiving the reconsideration request, the nursing
28.8 facility must submit to the commissioner of health a completed reconsideration request
28.9 form, a copy of the resident's or resident's representative's written request, and all supporting
28.10 documentation used to complete the assessment being reconsidered. If the facility fails to
28.11 provide the required information, the reconsideration will be completed with the information
28.12 submitted and the facility cannot make further reconsideration requests on this classification.

28.13 (3) Upon written request and within three business days, the nursing facility must give
28.14 the resident or the resident's representative a copy of the assessment being reconsidered and
28.15 all supporting documentation used to complete the assessment. Notwithstanding any law
28.16 to the contrary, the facility may not charge a fee for providing copies of the requested
28.17 documentation. If a facility fails to provide the required documents within this time, it is
28.18 subject to the issuance of a correction order and penalty assessment under sections 144.653
28.19 and 144A.10. Notwithstanding those sections, any correction order issued under this
28.20 subdivision must require that the nursing facility immediately comply with the request for
28.21 information, and as of the date of the issuance of the correction order, the facility shall
28.22 forfeit to the state a \$100 fine for the first day of noncompliance, and an increase in the
28.23 \$100 fine by \$50 increments for each day the noncompliance continues.

28.24 (c) For reconsideration requests initiated by the facility:

28.25 (1) The facility is required to inform the resident or the resident's representative in writing
28.26 that a reconsideration of the resident's case mix reimbursement classification is being
28.27 requested. The notice must inform the resident or the resident's representative:

28.28 (i) of the date and reason for the reconsideration request;

28.29 (ii) of the potential for a case mix reimbursement classification change and subsequent
28.30 rate change;

28.31 (iii) of the extent of the potential rate change;

28.32 (iv) that copies of the request and supporting documentation are available for review;

28.33 and

29.1 (v) that the resident or the resident's representative has the right to request a
29.2 reconsideration also.

29.3 (2) Within 30 days of receipt of the audit exit report or resident classification notice, the
29.4 facility must submit to the commissioner of health a completed reconsideration request
29.5 form, all supporting documentation used to complete the assessment being reconsidered,
29.6 and a copy of the notice informing the resident or the resident's representative that a
29.7 reconsideration of the resident's classification is being requested.

29.8 (3) If the facility fails to provide the required information, the reconsideration request
29.9 may be denied and the facility may not make further reconsideration requests on this
29.10 classification.

29.11 (d) Reconsideration by the commissioner must be made by individuals not involved in
29.12 reviewing the assessment, audit, or reconsideration that established the disputed classification.
29.13 The reconsideration must be based upon the assessment that determined the classification
29.14 and upon the information provided to the commissioner of health under paragraphs (a) to
29.15 (c). If necessary for evaluating the reconsideration request, the commissioner may conduct
29.16 on-site reviews. Within 15 business days of receiving the request for reconsideration, the
29.17 commissioner shall affirm or modify the original resident classification. The original
29.18 classification must be modified if the commissioner determines that the assessment resulting
29.19 in the classification did not accurately reflect characteristics of the resident at the time of
29.20 the assessment. The commissioner must transmit the reconsideration classification notice
29.21 by electronic means to the nursing facility. The nursing facility is responsible for the
29.22 distribution of the notice to the resident or the resident's representative. The notice must be
29.23 distributed by the nursing facility within three business days after receipt. A decision by
29.24 the commissioner under this subdivision is the final administrative decision of the agency
29.25 for the party requesting reconsideration.

29.26 (e) The case mix reimbursement classification established by the commissioner shall be
29.27 the classification which applies to the resident while the request for reconsideration is
29.28 pending. If a request for reconsideration applies to an assessment used to determine nursing
29.29 facility level of care under subdivision 4, paragraph ~~(d)~~ (c), the resident shall continue to
29.30 be eligible for nursing facility level of care while the request for reconsideration is pending.

29.31 (f) The commissioner may request additional documentation regarding a reconsideration
29.32 necessary to make an accurate reconsideration determination.

29.33 (g) Data collected as part of the reconsideration process under this section is classified
29.34 as private data on individuals and nonpublic data pursuant to section 13.02. Notwithstanding

the classification of these data as private or nonpublic, the commissioner is authorized to share these data with the U.S. Centers for Medicare and Medicaid Services and the commissioner of human services as necessary for reimbursement purposes.

EFFECTIVE DATE. This section is effective October 1, 2025, and applies to assessments conducted on or after that date.

Sec. 5. Minnesota Statutes 2024, section 144.0724, subdivision 9, is amended to read:

Subd. 9. Audit authority. (a) The commissioner shall audit the accuracy of resident assessments performed under section 256R.17 through any of the following: desk audits; on-site review of residents and their records; and interviews with staff, residents, or residents' families. The commissioner shall reclassify a resident if the commissioner determines that the resident was incorrectly classified.

(b) The commissioner is authorized to conduct on-site audits on an unannounced basis.

(c) A facility must grant the commissioner access to examine the medical records relating to the resident assessments selected for audit under this subdivision. The commissioner may also observe and speak to facility staff and residents.

(d) The commissioner shall consider documentation under the time frames for coding items on the minimum data set as set out in the Long-Term Care Facility Resident Assessment Instrument User's Manual ~~or OSA Manual version 1.0 v.2 published by the Centers for Medicare and Medicaid Services.~~

(e) The commissioner shall develop an audit selection procedure that includes the following factors:

(1) Each facility shall be audited annually. If a facility has two successive audits in which the percentage of change is five percent or less and the facility has not been the subject of a special audit in the past 36 months, the facility may be audited biannually. A stratified sample of 15 percent, with a minimum of ten assessments, of the most current assessments shall be selected for audit. If more than 20 percent of the case mix reimbursement classifications are changed as a result of the audit, the audit shall be expanded to a second 15 percent sample, with a minimum of ten assessments. If the total change between the first and second samples is 35 percent or greater, the commissioner may expand the audit to all of the remaining assessments.

(2) If a facility qualifies for an expanded audit, the commissioner may audit the facility again within six months. If a facility has two expanded audits within a 24-month period, that facility will be audited at least every six months for the next 18 months.

(3) The commissioner may conduct special audits if the commissioner determines that circumstances exist that could alter or affect the validity of case mix reimbursement classifications of residents. These circumstances include, but are not limited to, the following:

- (i) frequent changes in the administration or management of the facility;
- (ii) an unusually high percentage of residents in a specific case mix reimbursement classification;
- (iii) a high frequency in the number of reconsideration requests received from a facility;
- (iv) frequent adjustments of case mix reimbursement classifications as the result of reconsiderations or audits;
- (v) a criminal indictment alleging provider fraud;
- (vi) other similar factors that relate to a facility's ability to conduct accurate assessments;
- (vii) an atypical pattern of scoring minimum data set items;
- (viii) nonsubmission of assessments;
- (ix) late submission of assessments; or
- (x) a previous history of audit changes of 35 percent or greater.

(f) If the audit results in a case mix reimbursement classification change, the commissioner must transmit the audit classification notice by electronic means to the nursing facility within 15 business days of completing an audit. The nursing facility is responsible for distribution of the notice to each resident or the resident's representative. This notice must be distributed by the nursing facility within three business days after receipt. The notice must inform the resident of the case mix reimbursement classification assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the commissioner, the opportunity to request a reconsideration of the classification, and the address and telephone number of the Office of Ombudsman for Long-Term Care.

EFFECTIVE DATE. This section is effective October 1, 2025, and applies to assessments conducted on or after that date.

Sec. 6. Minnesota Statutes 2024, section 144.0724, subdivision 11, is amended to read:

Subd. 11. **Nursing facility level of care.** (a) For purposes of medical assistance payment of long-term care services, a recipient must be determined, using assessments defined in subdivision 4, to meet one of the following nursing facility level of care criteria:

- 32.1 (1) the person requires formal clinical monitoring at least once per day;
- 32.2 (2) the person needs the assistance of another person or constant supervision to begin
- 32.3 and complete at least four of the following activities of living: bathing, bed mobility, dressing,
- 32.4 eating, grooming, toileting, transferring, and walking;
- 32.5 (3) the person needs the assistance of another person or constant supervision to begin
- 32.6 and complete toileting, transferring, or positioning and the assistance cannot be scheduled;
- 32.7 (4) the person has significant difficulty with memory, using information, daily decision
- 32.8 making, or behavioral needs that require intervention;
- 32.9 (5) the person has had a qualifying nursing facility stay of at least 90 days;
- 32.10 (6) the person meets the nursing facility level of care criteria determined 90 days after
- 32.11 admission or on the first quarterly assessment after admission, whichever is later; or
- 32.12 (7) the person is determined to be at risk for nursing facility admission or readmission
- 32.13 through a face-to-face long-term care consultation assessment as specified in section
- 32.14 256B.0911, subdivision 17 to 21, 23, 24, 27, or 28, by a county, tribe, or managed care
- 32.15 organization under contract with the Department of Human Services. The person is
- 32.16 considered at risk under this clause if the person currently lives alone or will live alone or
- 32.17 be homeless without the person's current housing and also meets one of the following criteria:
- 32.18 (i) the person has experienced a fall resulting in a fracture;
- 32.19 (ii) the person has been determined to be at risk of maltreatment or neglect, including
- 32.20 self-neglect; or
- 32.21 (iii) the person has a sensory impairment that substantially impacts functional ability
- 32.22 and maintenance of a community residence.
- 32.23 (b) The assessment used to establish medical assistance payment for nursing facility
- 32.24 services must be the most recent assessment performed under subdivision 4, ~~paragraphs~~
- 32.25 paragraph (b) and (e), that occurred no more than 90 calendar days before the effective date
- 32.26 of medical assistance eligibility for payment of long-term care services. In no case shall
- 32.27 medical assistance payment for long-term care services occur prior to the date of the
- 32.28 determination of nursing facility level of care.
- 32.29 (c) The assessment used to establish medical assistance payment for long-term care
- 32.30 services provided under chapter 256S and section 256B.49 and alternative care payment
- 32.31 for services provided under section 256B.0913 must be the most recent face-to-face
- 32.32 assessment performed under section 256B.0911, subdivisions 17 to 21, 23, 24, 27, or 28,

33.1 that occurred no more than 60 calendar days before the effective date of medical assistance
33.2 eligibility for payment of long-term care services.

33.3 **EFFECTIVE DATE.** This section is effective October 1, 2025, and applies to
33.4 assessments conducted on or after that date.

33.5 Sec. 7. Minnesota Statutes 2024, section 144.586, subdivision 2, is amended to read:

33.6 Subd. 2. **Postacute care discharge planning.** (a) Each hospital, including hospitals
33.7 designated as critical access hospitals, must comply with the federal hospital requirements
33.8 for discharge planning which include:

33.9 (1) conducting a discharge planning evaluation that includes an evaluation of:

33.10 (i) the likelihood of the patient needing posthospital services and of the availability of
33.11 those services; and

33.12 (ii) the patient's capacity for self-care or the possibility of the patient being cared for in
33.13 the environment from which the patient entered the hospital;

33.14 (2) timely completion of the discharge planning evaluation under clause (1) by hospital
33.15 personnel so that appropriate arrangements for posthospital care are made before discharge,
33.16 and to avoid unnecessary delays in discharge;

33.17 (3) including the discharge planning evaluation under clause (1) in the patient's medical
33.18 record for use in establishing an appropriate discharge plan. The hospital must discuss the
33.19 results of the evaluation with the patient or individual acting on behalf of the patient. The
33.20 hospital must reassess the patient's discharge plan if the hospital determines that there are
33.21 factors that may affect continuing care needs or the appropriateness of the discharge plan;
33.22 and

33.23 (4) providing counseling, as needed, for the patient and family members or interested
33.24 persons to prepare them for posthospital care. The hospital must provide a list of available
33.25 Medicare-eligible home care agencies or skilled nursing facilities that serve the patient's
33.26 geographic area, or other area requested by the patient if such care or placement is indicated
33.27 and appropriate. Once the patient has designated their preferred providers, the hospital will
33.28 assist the patient in securing care covered by their health plan or within the care network.
33.29 The hospital must not specify or otherwise limit the qualified providers that are available
33.30 to the patient. The hospital must document in the patient's record that the list was presented
33.31 to the patient or to the individual acting on the patient's behalf.

(b) Each hospital, including hospitals designated as critical access hospitals, must document in the patient's discharge plan any instances when a chemical, manual, or mechanical restraint was used to manage the patient's behavior prior to discharge, including the type of restraint, duration, and frequency. In cases where the patient is transferred to any licensed or registered provider, the hospital must notify the provider of the type, duration, and frequency of the restraint. Restraint has the meaning given in section 144G.08, subdivision 61a.

Sec. 8. Minnesota Statutes 2024, section 144.6502, subdivision 3, is amended to read:

Subd. 3. **Consent to electronic monitoring.** (a) Except as otherwise provided in this subdivision, a resident must consent to electronic monitoring in the resident's room or private living unit in writing on a notification and consent form. If the resident has not affirmatively objected to electronic monitoring and the resident representative attests that the resident's medical professional ~~determines~~ determined that the resident currently lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the resident representative may consent on behalf of the resident. For purposes of this subdivision, a resident affirmatively objects when the resident orally, visually, or through the use of auxiliary aids or services declines electronic monitoring. The resident's response must be documented on the notification and consent form.

(b) Prior to a resident representative consenting on behalf of a resident, the resident must be asked if the resident wants electronic monitoring to be conducted. The resident representative must explain to the resident:

(1) the type of electronic monitoring device to be used;

(2) the standard conditions that may be placed on the electronic monitoring device's use, including those listed in subdivision 6;

(3) with whom the recording may be shared under subdivision 10 or 11; and

(4) the resident's ability to decline all recording.

(c) A resident, or resident representative when consenting on behalf of the resident, may consent to electronic monitoring with any conditions of the resident's or resident representative's choosing, including the list of standard conditions provided in subdivision 6. A resident, or resident representative when consenting on behalf of the resident, may request that the electronic monitoring device be turned off or the visual or audio recording component of the electronic monitoring device be blocked at any time.

(d) Prior to implementing electronic monitoring, a resident, or resident representative when acting on behalf of the resident, must obtain the written consent on the notification and consent form of any other resident residing in the shared room or shared private living unit. A roommate's or roommate's resident representative's written consent must comply with the requirements of paragraphs (a) to (c). Consent by a roommate or a roommate's resident representative under this paragraph authorizes the resident's use of any recording obtained under this section, as provided under subdivision 10 or 11.

(e) Any resident conducting electronic monitoring must immediately remove or disable an electronic monitoring device prior to a new roommate moving into a shared room or shared private living unit, unless the resident obtains the roommate's or roommate's resident representative's written consent as provided under paragraph (d) prior to the roommate moving into the shared room or shared private living unit. Upon obtaining the new roommate's signed notification and consent form and submitting the form to the facility as required under subdivision 5, the resident may resume electronic monitoring.

(f) The resident or roommate, or the resident representative or roommate's resident representative if the representative is consenting on behalf of the resident or roommate, may withdraw consent at any time and the withdrawal of consent must be documented on the original consent form as provided under subdivision 5, paragraph (d).

Sec. 9. Minnesota Statutes 2024, section 144.6512, subdivision 3, is amended to read:

Subd. 3. **Retaliation against a resident.** A resident has the right to be free from retaliation. For purposes of this section, to retaliate against a resident includes but is not limited to any of the following actions taken or threatened by a nursing home or an agent of the nursing home against a resident, or any person with a familial, personal, legal, or professional relationship with the resident:

(1) a discharge or transfer;

(2) any form of discrimination;

(3) restriction or prohibition of access:

(i) of the resident to the nursing home or visitors; or

(ii) of a family member or a person with a personal, legal, or professional relationship with the resident, to the resident, unless the restriction is the result of a court order;

(4) the imposition of involuntary seclusion or the withholding of food, care, or services;

(5) restriction of any of the rights granted to residents under state or federal law;

36.1 (6) restriction or reduction of access to or use of amenities, care, services, privileges, or
36.2 living arrangements; or

36.3 (7) unauthorized removal, tampering with, or deprivation of technology, communication,
36.4 or electronic monitoring devices.

36.5 Sec. 10. Minnesota Statutes 2024, section 144.6512, is amended by adding a subdivision
36.6 to read:

36.7 Subd. 5a. **Other remedies.** In addition to the remedies otherwise provided by or available
36.8 under the law, a resident or a resident's legal representative may bring an action in district
36.9 court against a nursing home that retaliates against the resident in violation of this section.
36.10 The court may award damages, injunctive relief, and any other relief the court deems just
36.11 and equitable.

36.12 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to causes
36.13 of action accruing on or after that date.

36.14 Sec. 11. Minnesota Statutes 2024, section 144A.04, is amended by adding a subdivision
36.15 to read:

36.16 Subd. 13. **Retaliation prevention training required.** All employees of a nursing home,
36.17 including managerial officials and licensed administrators, must participate in annual training
36.18 on the requirements of section 144.6512 and preventing retaliation against nursing home
36.19 residents.

36.20 Sec. 12. Minnesota Statutes 2024, section 144A.08, is amended by adding a subdivision
36.21 to read:

36.22 Subd. 1c. **Historic preservation.** A facility may request that the commissioner of health
36.23 grant a variance or waiver from the physical plan and design requirements for nursing homes
36.24 under this chapter and the relevant rules adopted under this chapter for the purposes of
36.25 providing skilled nursing care in a building on the National Register of Historic Places. A
36.26 request for a variance or waiver must be submitted to the commissioner in writing. The
36.27 decision to grant or deny a variance or waiver must be based on the commissioner's evaluation
36.28 of the following criteria:

36.29 (1) whether the variance or waiver will adversely affect the health, treatment, comfort,
36.30 safety, or well-being of residents;

37.1 (2) whether the alternative measures to be taken, if any, are equivalent to or superior to
 37.2 those permitted under this chapter and relevant rules adopted under this chapter; and

37.3 (3) whether compliance with the existing or alternative equivalent requirements would
 37.4 impose an undue burden on the facility's efforts to preserve the historical integrity of the
 37.5 building while providing skilled nursing care in the building.

37.6 Sec. 13. **[144A.104] PROHIBITED CONDITION FOR ADMISSION OR**
 37.7 **CONTINUED RESIDENCE.**

37.8 A nursing home is prohibited from requiring a current or prospective resident to have
 37.9 or obtain a guardian or conservator as a condition of admission to or continued residence
 37.10 in the nursing home.

37.11 Sec. 14. Minnesota Statutes 2024, section 144A.70, subdivision 3, is amended to read:

37.12 Subd. 3. **Controlling person.** "Controlling person" means a business entity or entities,
 37.13 officer, program administrator, or director, whose responsibilities include the management
 37.14 and decision-making authority to establish or control business policy and all other policies
 37.15 of a supplemental nursing services agency. Controlling person also means an individual
 37.16 ~~who, directly or indirectly, beneficially owns an~~ has a direct ownership interest or indirect
 37.17 ownership interest in a corporation, partnership, or other business association that is a
 37.18 ~~controlling person~~ the registrant.

37.19 Sec. 15. Minnesota Statutes 2024, section 144A.70, is amended by adding a subdivision
 37.20 to read:

37.21 Subd. 3a. **Direct ownership interest.** "Direct ownership interest" means an individual
 37.22 or legal entity with at least five percent equity in capital, stock, or profits of the registrant
 37.23 or who is a member of a limited liability company of the registrant.

37.24 Sec. 16. Minnesota Statutes 2024, section 144A.70, is amended by adding a subdivision
 37.25 to read:

37.26 Subd. 4b. **Indirect ownership interest.** "Indirect ownership interest" means an individual
 37.27 or legal entity with a direct ownership interest in an entity that has a direct or indirect
 37.28 ownership interest of at least five percent in an entity that is a registrant.

38.1 Sec. 17. Minnesota Statutes 2024, section 144A.70, subdivision 7, is amended to read:

38.2 Subd. 7. **Oversight.** The commissioner is responsible for the oversight of supplemental
38.3 nursing services agencies through ~~semiannual~~ unannounced surveys every two years and
38.4 follow-up surveys, complaint investigations under sections 144A.51 to 144A.53, and other
38.5 actions necessary to ensure compliance with sections 144A.70 to 144A.74.

38.6 Sec. 18. Minnesota Statutes 2024, section 144A.751, subdivision 1, is amended to read:

38.7 Subdivision 1. **Statement of rights.** An individual who receives hospice care has the
38.8 right to:

38.9 (1) receive written information about rights in advance of receiving hospice care or
38.10 during the initial evaluation visit before the initiation of hospice care, including what to do
38.11 if rights are violated;

38.12 (2) receive care and services according to a suitable hospice plan of care and subject to
38.13 accepted hospice care standards and to take an active part in creating and changing the plan
38.14 and evaluating care and services;

38.15 (3) be told in advance of receiving care about the services that will be provided, the
38.16 disciplines that will furnish care, the frequency of visits proposed to be furnished, other
38.17 choices that are available, and the consequence of these choices, including the consequences
38.18 of refusing these services;

38.19 (4) be told in advance, whenever possible, of any change in the hospice plan of care and
38.20 to take an active part in any change;

38.21 (5) refuse services or treatment;

38.22 (6) know, in advance, any limits to the services available from a provider, and the
38.23 provider's grounds for a termination of services;

38.24 (7) know in advance of receiving care whether the hospice services may be covered by
38.25 health insurance, medical assistance, Medicare, or other health programs in which the
38.26 individual is enrolled;

38.27 (8) receive, upon request, a good faith estimate of the reimbursement the provider expects
38.28 to receive from the health plan company in which the individual is enrolled. A good faith
38.29 estimate must also be made available at the request of an individual who is not enrolled in
38.30 a health plan company. This payment information does not constitute a legally binding
38.31 estimate of the cost of services;

- 39.1 (9) know that there may be other services available in the community, including other
39.2 end of life services and other hospice providers, and know where to go for information
39.3 about these services;
- 39.4 (10) choose freely among available providers and change providers after services have
39.5 begun, within the limits of health insurance, medical assistance, Medicare, or other health
39.6 programs;
- 39.7 (11) have personal, financial, and medical information kept private and be advised of
39.8 the provider's policies and procedures regarding disclosure of such information;
- 39.9 (12) be allowed access to records and written information from records according to
39.10 sections 144.291 to 144.298;
- 39.11 (13) be served by people who are properly trained and competent to perform their duties;
- 39.12 (14) be treated with courtesy and respect and to have the patient's property treated with
39.13 respect;
- 39.14 (15) voice grievances regarding treatment or care that is, or fails to be, furnished or
39.15 regarding the lack of courtesy or respect to the patient or the patient's property;
- 39.16 (16) be free from physical and verbal abuse;
- 39.17 (17) reasonable, advance notice of changes in services or charges, including at least ten
39.18 days' advance notice of the termination of a service by a provider, except in cases where:
- 39.19 (i) the recipient of services engages in conduct that alters the conditions of employment
39.20 between the hospice provider and the individual providing hospice services, or creates an
39.21 abusive or unsafe work environment for the individual providing hospice services;
- 39.22 (ii) an emergency for the informal caregiver or a significant change in the recipient's
39.23 condition has resulted in service needs that exceed the current service provider agreement
39.24 and that cannot be safely met by the hospice provider; or
- 39.25 (iii) the recipient is no longer certified as terminally ill;
- 39.26 (18) a coordinated transfer when there will be a change in the provider of services;
- 39.27 (19) know how to contact an individual associated with the provider who is responsible
39.28 for handling problems and to have the provider investigate and attempt to resolve the
39.29 grievance or complaint;
- 39.30 (20) know the name and address of the state or county agency to contact for additional
39.31 information or assistance;

40.1 (21) assert these rights personally, or have them asserted by the hospice patient's family
40.2 when the patient has been judged incompetent, without retaliation; ~~and~~

40.3 (22) have pain and symptoms managed to the patient's desired level of comfort, including
40.4 ensuring appropriate pain medications are immediately available to the patient;

40.5 (23) revoke hospice election at any time; and

40.6 (24) receive curative treatment for any condition unrelated to the condition that qualified
40.7 the individual for hospice, while remaining on hospice election.

40.8 Sec. 19. Minnesota Statutes 2024, section 144G.08, is amended by adding a subdivision
40.9 to read:

40.10 Subd. 26a. **Imminent risk.** "Imminent risk" means an immediate and impending threat
40.11 to the health, safety, or rights of an individual.

40.12 **EFFECTIVE DATE.** This section is effective January 1, 2026.

40.13 Sec. 20. Minnesota Statutes 2024, section 144G.08, is amended by adding a subdivision
40.14 to read:

40.15 Subd. 54a. **Prone restraint.** "Prone restraint" means the use of manual restraint that
40.16 places a resident in a face-down position. Prone restraint does not include brief physical
40.17 holding of a resident who, during an emergency use of manual restraint, rolls into a prone
40.18 position, if the resident is restored to a standing, sitting, or side-lying position as quickly as
40.19 possible.

40.20 **EFFECTIVE DATE.** This section is effective January 1, 2026.

40.21 Sec. 21. Minnesota Statutes 2024, section 144G.08, is amended by adding a subdivision
40.22 to read:

40.23 Subd. 55a. **Registered nurse.** "Registered nurse" has the meaning given in section
40.24 148.171, subdivision 20, and includes advanced practice registered nurse as defined in
40.25 section 148.171, subdivision 3.

40.26 Sec. 22. Minnesota Statutes 2024, section 144G.08, is amended by adding a subdivision
40.27 to read:

40.28 Subd. 61a. **Restraint.** "Restraint" means:

40.29 (1) chemical restraint, as defined in section 245D.02, subdivision 3b;

- 41.1 (2) manual restraint, as defined in section 245D.02, subdivision 15a;
41.2 (3) mechanical restraint, as defined in section 245D.02, subdivision 15b; or
41.3 (4) any other form of restraint that results in limiting the free and normal movement of
41.4 body or limbs.

41.5 **EFFECTIVE DATE.** This section is effective January 1, 2026.

41.6 Sec. 23. Minnesota Statutes 2024, section 144G.10, subdivision 1, is amended to read:

41.7 Subdivision 1. **License required.** (a)(1) Beginning August 1, 2021, no assisted living
41.8 facility may operate in Minnesota unless it is licensed under this chapter.

41.9 (2) No facility or building on a campus may provide assisted living services until
41.10 obtaining the required license under paragraphs (c) to (e).

41.11 (b) The licensee is legally responsible for the management, control, and operation of the
41.12 facility, regardless of the existence of a management agreement or subcontract. Nothing in
41.13 this chapter shall in any way affect the rights and remedies available under other law.

41.14 (c) Upon approving an application for an assisted living facility license, the commissioner
41.15 shall issue a single license for each building that is operated by the licensee as an assisted
41.16 living facility and is located at a separate address, except as provided under paragraph (d)
41.17 or (e). If a licensed assisted living facility wants a portion of the licensed assisted living
41.18 building to be utilized by an unlicensed entity or a different license type not granted under
41.19 chapter 144G, the licensed assisted living facility must ensure there is at least a vertical
41.20 two-hour fire barrier constructed in accordance with the National Fire Protection Association,
41.21 Standard 101, Life Safety Code, between any licensed assisted living areas and unlicensed
41.22 entity areas of the building and between the licensed assisted living areas and any licensed
41.23 areas subject to another license type.

41.24 (d) Upon approving an application for an assisted living facility license, the commissioner
41.25 may issue a single license for two or more buildings on a campus that are operated by the
41.26 same licensee as an assisted living facility. An assisted living facility license for a campus
41.27 must identify the address and licensed resident capacity of each building located on the
41.28 campus in which assisted living services are provided.

41.29 (e) Upon approving an application for an assisted living facility license, the commissioner
41.30 may:

41.31 (1) issue a single license for two or more buildings on a campus that are operated by the
41.32 same licensee as an assisted living facility with dementia care, provided the assisted living

42.1 facility for dementia care license for a campus identifies the buildings operating as assisted
42.2 living facilities with dementia care; or

42.3 (2) issue a separate assisted living facility with dementia care license for a building that
42.4 is on a campus and that is operating as an assisted living facility with dementia care.

42.5 Sec. 24. Minnesota Statutes 2024, section 144G.10, subdivision 1a, is amended to read:

42.6 Subd. 1a. **Assisted living director license required.** Each assisted living facility must
42.7 employ an assisted living director licensed or permitted by the Board of Executives for
42.8 Long Term Services and Supports and be affiliated as the director of record with the board.

42.9 Sec. 25. Minnesota Statutes 2024, section 144G.10, subdivision 5, is amended to read:

42.10 Subd. 5. **Protected title; restriction on use.** (a) Effective January 1, ~~2026~~ 2027, no
42.11 person or entity may use the phrase "assisted living," whether alone or in combination with
42.12 other words and whether orally or in writing, to: advertise; market; or otherwise describe,
42.13 offer, or promote itself, or any housing, service, service package, or program that it provides
42.14 within this state, unless the person or entity is a licensed assisted living facility that meets
42.15 the requirements of this chapter. A person or entity entitled to use the phrase "assisted living"
42.16 shall use the phrase only in the context of its participation that meets the requirements of
42.17 this chapter.

42.18 (b) Effective January 1, ~~2026~~ 2027, the licensee's name for ~~a new~~ an assisted living
42.19 facility may not include the terms "home care" or "nursing home."

42.20 Sec. 26. Minnesota Statutes 2024, section 144G.16, subdivision 3, is amended to read:

42.21 Subd. 3. **Licensure; termination or extension of provisional licenses.** (a) If the
42.22 provisional licensee is in substantial compliance with the survey, the commissioner shall
42.23 issue a facility license.

42.24 (b) If the provisional licensee is not in substantial compliance with the initial survey,
42.25 the commissioner shall either: (1) not issue the facility license and terminate the provisional
42.26 license; or (2) extend the provisional license for a period not to exceed 90 calendar days
42.27 and apply conditions necessary to bring the facility into substantial compliance. If the
42.28 provisional licensee is not in substantial compliance with the survey within the time period
42.29 of the extension or if the provisional licensee does not satisfy the license conditions, the
42.30 commissioner may deny the license.

(c) The owners and managerial officials of a provisional licensee whose license is denied are ineligible to apply for an assisted living facility license under this chapter for one year following the facility's closure date.

Sec. 27. Minnesota Statutes 2024, section 144G.45, is amended by adding a subdivision to read:

Subd. 8. **Historic preservation.** A facility may request that the commissioner of health grant a variance or waiver from the provisions of this section or section 144G.81, subdivision 5, and relevant rules adopted under this chapter for the purposes of providing housing and assisted living services in a building on the National Register of Historic Places. A request for a variance or waiver must be submitted to the commissioner in writing. The decision to grant or deny a variance or waiver must be based on the commissioner's evaluation of the following criteria:

(1) whether the variance or waiver will adversely affect the health, treatment, comfort, safety, or well-being of residents;

(2) whether the alternative measures to be taken, if any, are equivalent to or superior to those permitted under this section, section 144G.81, and relevant rules adopted under this chapter; and

(3) whether compliance with the existing or alternative equivalent requirements would impose an undue burden on the facility's efforts to preserve the historical integrity of the building while providing housing and assisted living services in the building.

Sec. 28. **[144G.505] PROHIBITED CONDITION OF ADMISSION OR CONTINUED RESIDENCE.**

An assisted living facility is prohibited from requiring a current or prospective resident to have or obtain a guardian or conservator as a condition of admission to or continued residence in the assisted living facility.

Sec. 29. Minnesota Statutes 2024, section 144G.51, is amended to read:

144G.51 ARBITRATION.

~~(a) An assisted living facility must~~ If an assisted living facility includes an arbitration provision in the assisted living contract, the provision and contract must:

(1) clearly and conspicuously disclose, in writing ~~in an assisted living contract~~, any arbitration provision in the contract that precludes, or limits, ~~or delays~~ the ability of a resident or the resident's agent from taking a civil action;

~~(b) An arbitration requirement must not include a choice of law or choice of venue provision. Assisted living contracts must~~ (2) adhere to Minnesota law and any other applicable federal or local law;

(3) not require any resident or the resident's representative to sign a contract containing a provision for binding arbitration as a condition of admission to, or as a requirement to continue to receive care at, the facility; and

(4) explicitly inform the resident or the resident's representative of the resident's right not to sign a contract containing a provision for binding arbitration as a condition of admission to, or as a requirement to continue to receive care at, the facility.

Sec. 30. Minnesota Statutes 2024, section 144G.52, is amended by adding a subdivision to read:

Subd. 5a. **Impermissible ground for termination.** A facility must not terminate an assisted living contract on the ground that the resident changes from using private funds to using public funds to pay for housing or services. This subdivision does not prohibit a facility from terminating an assisted living contract for nonpayment according to subdivision 3 or for a violation of the assisted living contract according to subdivision 4.

Sec. 31. Minnesota Statutes 2024, section 144G.53, is amended to read:

144G.53 NONRENEWAL OF HOUSING.

Subdivision 1. **Notice or termination procedure.** (a) If a facility decides to not renew a resident's housing under a contract, the facility must either (1) provide the resident with 60 calendar days' notice of the nonrenewal and assistance with relocation planning, or (2) follow the termination procedure under section 144G.52.

(b) The notice must include the reason for the nonrenewal and contact information of the Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities.

(c) A facility must:

(1) provide notice of the nonrenewal to the Office of Ombudsman for Long-Term Care; and

(2) for residents who receive home and community-based waiver services under chapter 256S and section 256B.49, provide notice to the resident's case manager;

Subd. 2. Prohibited ground for nonrenewal. A facility must not decline to renew a resident's housing under a contract on the ground that the resident changes from using private funds to using public funds to pay for housing. This subdivision does not prohibit a facility from terminating an assisted living contract for nonpayment according to section 144G.52, subdivision 3, or for a violation of the assisted living contract according to section 144G.52, subdivision 4.

Subd. 3. Requirements following notice. If a facility provides notice of nonrenewal according to subdivision 1, the facility must:

~~(3)~~ (1) ensure a coordinated move to a safe location, as defined in section 144G.55, subdivision 2, that is appropriate for the resident;

~~(4)~~ (2) ensure a coordinated move to an appropriate service provider identified by the facility, if services are still needed and desired by the resident;

~~(5)~~ (3) consult and cooperate with the resident, legal representative, designated representative, case manager for a resident who receives home and community-based waiver services under chapter 256S and section 256B.49, relevant health professionals, and any other persons of the resident's choosing to make arrangements to move the resident, including consideration of the resident's goals; and

~~(6)~~ (4) prepare a written plan to prepare for the move.

Subd. 4. Right to move to location of resident's choosing or to use provider of resident's choosing. ~~(d)~~ A resident may decline to move to the location the facility identifies or to accept services from a service provider the facility identifies, and may instead choose to move to a location of the resident's choosing or receive services from a service provider of the resident's choosing within the timeline prescribed in the nonrenewal notice.

Sec. 32. [144G.65] TRAINING IN EMERGENCY MANUAL RESTRAINTS.

Subdivision 1. Training. The licensee must ensure that staff who may apply an emergency manual restraint complete a minimum of four hours of training from qualified individuals prior to assuming these responsibilities. Training must include:

(1) types of behaviors, de-escalation techniques, and their value;

(2) principles of person-centered planning and service delivery as identified in section 245D.07, subdivision 1a;

46.1 (3) what constitutes the use of a restraint;

46.2 (4) staff responsibilities related to prohibited procedures under section 144G.85,
46.3 subdivision 4; why the procedures are not effective for reducing or eliminating symptoms
46.4 or interfering behavior; and why the procedures are not safe;

46.5 (5) the situations in which staff must contact 911 services in response to an imminent
46.6 risk of harm to the resident or others; and

46.7 (6) strategies for respecting and supporting each resident's cultural preferences.

46.8 Subd. 2. **Annual refresher training.** The licensee must ensure that staff who may apply
46.9 an emergency manual restraint complete two hours of refresher training on an annual basis
46.10 covering each of the training areas in subdivision 1.

46.11 Subd. 3. **Implementation.** The assisted living facility must implement all orientation
46.12 and training topics in this section.

46.13 Subd. 4. **Verification and documentation of orientation and training.** For staff who
46.14 may apply an emergency manual restraint, the assisted living facility must retain evidence
46.15 in the employee record of each staff person having completed the orientation and training
46.16 required under this section.

46.17 **EFFECTIVE DATE.** This section is effective January 1, 2026.

46.18 Sec. 33. Minnesota Statutes 2024, section 144G.70, subdivision 2, is amended to read:

46.19 Subd. 2. **Initial reviews, assessments, and monitoring.** (a) Residents who are not
46.20 receiving any assisted living services shall not be required to undergo an initial
46.21 comprehensive nursing assessment.

46.22 (b) An assisted living facility shall conduct a comprehensive nursing assessment by a
46.23 registered nurse of the physical and cognitive needs of the prospective resident and propose
46.24 a temporary service plan prior to the date on which a prospective resident executes a contract
46.25 with a facility or the date on which a prospective resident moves in, whichever is earlier.
46.26 If necessitated by either the geographic distance between the prospective resident and the
46.27 facility, or urgent or unexpected circumstances, the comprehensive assessment may be
46.28 conducted using telecommunication methods based on practice standards that meet the
46.29 resident's needs and reflect person-centered planning and care delivery.

46.30 (c) Resident comprehensive reassessment and monitoring must be conducted ~~no more~~
46.31 ~~than 14 calendar days after initiation of services. Ongoing resident reassessment and~~

47.1 ~~monitoring must be conducted as needed based on changes in the needs of the resident and~~
 47.2 ~~cannot exceed 90 calendar days from the last date of the assessment~~ by a registered nurse:

47.3 (1) no more than 14 calendar days after initiation of services;

47.4 (2) as needed based upon changes in the needs of the resident; and

47.5 (3) at least every 90 calendar days.

47.6 (d) Sections of the comprehensive reassessment and monitoring in paragraph (c) may
 47.7 be completed by a licensed practical nurse as allowed under the Nurse Practice Act in
 47.8 sections 148.171 to 148.285. A registered nurse must review the findings as part of the
 47.9 resident's comprehensive reassessment.

47.10 ~~(d)~~ (e) For residents only receiving assisted living services specified in section 144G.08,
 47.11 subdivision 9, clauses (1) to (5), the facility shall complete an individualized initial review
 47.12 of the resident's needs and preferences. The initial review must be completed within 30
 47.13 calendar days of the start of services. Resident monitoring and review must be conducted
 47.14 as needed based on changes in the needs of the resident and cannot exceed 90 calendar days
 47.15 from the date of the last review.

47.16 ~~(e)~~ (f) A facility must inform the prospective resident of the availability of and contact
 47.17 information for long-term care consultation services under section 256B.0911, prior to the
 47.18 date on which a prospective resident executes a contract with a facility or the date on which
 47.19 a prospective resident moves in, whichever is earlier.

47.20 Sec. 34. Minnesota Statutes 2024, section 144G.71, subdivision 3, is amended to read:

47.21 Subd. 3. **Individualized medication monitoring and reassessment.** ~~The assisted living~~
 47.22 ~~facility~~ A registered nurse or qualified staff delegated the task by a registered nurse must
 47.23 monitor and reassess the resident's medication management services as needed under
 47.24 subdivision 2 when the resident presents with symptoms or other issues that may be
 47.25 medication-related and, at a minimum, annually.

47.26 Sec. 35. Minnesota Statutes 2024, section 144G.71, subdivision 5, is amended to read:

47.27 Subd. 5. **Individualized medication management plan.** (a) For each resident receiving
 47.28 medication management services, ~~the assisted living facility~~ a registered nurse or qualified
 47.29 staff delegated the task by a registered nurse must prepare and include in the service plan
 47.30 a written statement of the medication management services that will be provided to the
 47.31 resident. The facility must develop and maintain a current individualized medication

48.1 management record for each resident based on the resident's assessment that must contain
48.2 the following:

48.3 (1) a statement describing the medication management services that will be provided;

48.4 (2) a description of storage of medications based on the resident's needs and preferences,
48.5 risk of diversion, and consistent with the manufacturer's directions;

48.6 (3) documentation of specific resident instructions relating to the administration of
48.7 medications;

48.8 (4) identification of persons responsible for monitoring medication supplies and ensuring
48.9 that medication refills are ordered on a timely basis;

48.10 (5) identification of medication management tasks that may be delegated to unlicensed
48.11 personnel;

48.12 (6) procedures for staff notifying a registered nurse or appropriate licensed health
48.13 professional when a problem arises with medication management services; and

48.14 (7) any resident-specific requirements relating to documenting medication administration,
48.15 verifications that all medications are administered as prescribed, and monitoring of
48.16 medication use to prevent possible complications or adverse reactions.

48.17 (b) The medication management record must be current and updated when there are any
48.18 changes.

48.19 (c) Medication reconciliation must be completed when a licensed nurse, licensed health
48.20 professional, or authorized prescriber is providing medication management.

48.21 Sec. 36. Minnesota Statutes 2024, section 144G.81, subdivision 1, is amended to read:

48.22 Subdivision 1. **Fire protection and physical environment.** An assisted living facility
48.23 with a dementia care ~~that has a secured dementia care unit license~~ license must meet the requirements
48.24 of section 144G.45 and the following additional requirements:

48.25 (1) ~~a hazard vulnerability~~ an assessment or of safety risk risks must be performed on
48.26 and around the property. ~~The hazards indicated~~ safety risks identified by the facility on the
48.27 assessment must be ~~assessed and~~ mitigated to protect the residents from harm. The mitigation
48.28 efforts must be documented in the facility's records; and

48.29 (2) the facility ~~shall~~ must be protected throughout by an approved supervised automatic
48.30 sprinkler system by August 1, 2029.

49.1 Sec. 37. Minnesota Statutes 2024, section 144G.81, subdivision 5, is amended to read:

49.2 Subd. 5. **Variance or waiver.** A facility may request under section 144G.45, subdivision
49.3 7 or 8, that the commissioner grant a variance or waiver from the provisions of this section,
49.4 except subdivision 4.

49.5 Sec. 38. **[144G.85] USE OF RESTRAINTS.**

49.6 Subdivision 1. **Use of restraints prohibited.** Restraints are prohibited except as described
49.7 in subdivisions 2 and 4.

49.8 Subd. 2. **Emergency use of manual restraints.** Emergency use of a manual restraint
49.9 is permitted only when immediate intervention is needed to protect the resident or others
49.10 from imminent risk of physical harm and is the least restrictive intervention to address the
49.11 risk. The manual restraint must be imposed for the least amount of time necessary and
49.12 removed when there is no longer imminent risk of physical harm to the resident or other
49.13 persons in the facility. The use of a manual restraint under this subdivision must:

49.14 (1) take into consideration the rights, health, and welfare of the resident;

49.15 (2) not apply back or chest pressure while the resident is in a prone, supine, or side-lying
49.16 position;

49.17 (3) allow the resident to be free from prone restraint.

49.18 Subd. 3. **Documentation and notification of use of emergency manual restraints.** (a)
49.19 The resident's legal representative must be notified within 12 hours of any use of an
49.20 emergency manual restraint and of the circumstances that prompted the use of an emergency
49.21 manual restraint. Notification and the use of an emergency manual restraint must be
49.22 documented. If known, the advanced practice registered nurse, physician, or physician
49.23 assistant must be notified within 12 hours of any use of an emergency manual restraint.

49.24 (b) On a form developed by the commissioner, the facility must notify the commissioner
49.25 and the ombudsperson for long-term care within seven calendar days of the use of any
49.26 emergency manual restraint. The commissioner will monitor reported uses of emergency
49.27 manual restraints to detect overuse or unauthorized, inappropriate, or ineffective use of
49.28 emergency manual restraints. The form must include:

49.29 (1) the name and date of birth of the resident;

49.30 (2) the date and time of the use of the emergency manual restraint;

49.31 (3) the names of staff and any residents who were involved in the incident leading up
49.32 to the emergency use of a manual restraint;

(4) a description of the incident, including the length of time the restraint was applied, and who was present before and during the incident leading up to the emergency use of a manual restraint;

(5) a description of what less restrictive alternative measures were attempted to de-escalate the incident and maintain safety that identifies when, how, and how long the alternative measures were attempted before the emergency manual restraint was implemented;

(6) a description of the mental, physical, and emotional condition of the resident who was manually restrained and of other persons involved in the incident leading up to, during, and following the manual restraint;

(7) whether there was any injury to the resident who was manually restrained or other persons involved in the incident, including staff, before or as a result of the use of manual restraint; and

(8) whether there was a debriefing following the incident with the staff, and, if not contraindicated, with the resident who was manually restrained and other persons who were involved in or who witnessed the manual restraint, and the outcome of the debriefing. If the debriefing was not conducted at the time the incident report was made, the report should identify whether a debriefing is planned and whether there is a plan for mitigating use of emergency manual restraints in the future.

(c) A copy of the report submitted under paragraph (b) must be maintained in the resident's record.

(d) A copy of the report submitted under paragraph (b) must be sent to the resident's waiver case manager within seven calendar days of the use of any emergency manual restraints. Any use of emergency manual restraints on people served under section 256B.49 and chapter 256S must be documented by the case manager in the resident's support plan, as defined in sections 256B.49, subdivision 15, and 256S.10.

Subd. 4. **Ordered treatment.** Any use of a restraint, other than the use of an emergency manual restraint to address an imminent risk, must be the least restrictive option and comply with the requirements for an ordered treatment under section 144G.72.

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 39. Minnesota Statutes 2024, section 144G.92, subdivision 2, is amended to read:

Subd. 2. **Retaliation against a resident.** A resident has the right to be free from retaliation. For purposes of this section, to retaliate against a resident includes but is not

51.1 limited to any of the following actions taken or threatened by a facility or an agent of the
51.2 facility against a resident, or any person with a familial, personal, legal, or professional
51.3 relationship with the resident:

51.4 (1) termination of a contract;

51.5 (2) any form of discrimination;

51.6 (3) restriction or prohibition of access:

51.7 (i) of the resident to the facility or visitors; or

51.8 (ii) of a family member or a person with a personal, legal, or professional relationship
51.9 with the resident, to the resident, unless the restriction is the result of a court order;

51.10 (4) the imposition of involuntary seclusion or the withholding of food, care, or services;

51.11 (5) restriction of any of the rights granted to residents under state or federal law;

51.12 (6) restriction or reduction of access to or use of amenities, care, services, privileges, or
51.13 living arrangements; or

51.14 (7) unauthorized removal, tampering with, or deprivation of technology, communication,
51.15 or electronic monitoring devices.

51.16 Sec. 40. Minnesota Statutes 2024, section 144G.92, is amended by adding a subdivision
51.17 to read:

51.18 Subd. 4a. **Other remedies.** In addition to the remedies otherwise provided by or available
51.19 under the law, a resident or a resident's legal representative may bring an action in district
51.20 court against a facility that retaliates against the resident in violation of this section. The
51.21 court may award damages, injunctive relief, and any other relief the court deems just and
51.22 equitable.

51.23 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to causes
51.24 of action accruing on or after that date.

51.25 Sec. 41. Minnesota Statutes 2024, section 145C.07, is amended by adding a subdivision
51.26 to read:

51.27 Subd. 6. **Visits by others.** A health care agent may not restrict the ability of the principal
51.28 to communicate, visit, or interact with others, including receiving visitors, making or
51.29 receiving telephone calls, sending or receiving personal mail, sending or receiving electronic
51.30 communications including through social media, or participating in social activities, unless

52.1 the health care agent has good cause to believe a restriction is necessary because interaction
52.2 with the person poses a risk of significant physical, psychological, or financial harm to the
52.3 principal and there is no other means to avoid the significant harm. Notwithstanding section
52.4 145C.10, paragraph (c), restrictions made in violation of this subdivision carry no
52.5 presumption that the health care agent is acting in good faith.

52.6 Sec. 42. Minnesota Statutes 2024, section 145C.10, is amended to read:

52.7 **145C.10 PRESUMPTIONS.**

52.8 (a) The principal is presumed to have the capacity to execute a health care directive and
52.9 to revoke a health care directive, absent clear and convincing evidence to the contrary.

52.10 (b) A health care provider or health care agent may presume that a health care directive
52.11 is legally sufficient absent actual knowledge to the contrary. A health care directive is
52.12 presumed to be properly executed, absent clear and convincing evidence to the contrary.

52.13 (c) Except as provided in section 145C.07, subdivision 6, a health care agent, and a
52.14 health care provider acting pursuant to the direction of a health care agent, are presumed to
52.15 be acting in good faith, absent clear and convincing evidence to the contrary.

52.16 (d) A health care directive is presumed to remain in effect until the principal modifies
52.17 or revokes it, absent clear and convincing evidence to the contrary.

52.18 (e) This chapter does not create a presumption concerning the intention of an individual
52.19 who has not executed a health care directive and, except as otherwise provided by section
52.20 145C.15, does not impair or supersede any right or responsibility of an individual to consent,
52.21 refuse to consent, or withdraw consent to health care on behalf of another in the absence of
52.22 a health care directive.

52.23 (f) A copy of a health care directive is presumed to be a true and accurate copy of the
52.24 executed original, absent clear and convincing evidence to the contrary, and must be given
52.25 the same effect as an original.

52.26 (g) When a patient lacks decision-making capacity and is pregnant, and in reasonable
52.27 medical judgment there is a real possibility that if health care to sustain her life and the life
52.28 of the fetus is provided the fetus could survive to the point of live birth, the health care
52.29 provider shall presume that the patient would have wanted such health care to be provided,
52.30 even if the withholding or withdrawal of such health care would be authorized were she not
52.31 pregnant. This presumption is negated by health care directive provisions described in
52.32 section 145C.05, subdivision 2, paragraph (a), clause (10), that are to the contrary, or, in

53.1 the absence of such provisions, by clear and convincing evidence that the patient's wishes,
53.2 while competent, were to the contrary.

53.3 Sec. 43. **REVISOR INSTRUCTION.**

53.4 (a) The revisor of statutes shall renumber Minnesota Statutes, section 144A.70,
53.5 subdivision 4a, as Minnesota Statutes, section 144A.70, subdivision 4c, and correct all
53.6 cross-references.

53.7 (b) The revisor of statutes shall renumber Minnesota Statutes, section 144A.70,
53.8 subdivision 7, as Minnesota Statutes, section 144A.714, and correct all cross-references.

53.9 Sec. 44. **REPEALER.**

53.10 Minnesota Statutes 2024, section 144G.9999, subdivisions 1, 2, and 3, are repealed.

53.11 **ARTICLE 3**

53.12 **DIRECT CARE AND TREATMENT POLICY**

53.13 Section 1. Minnesota Statutes 2024, section 13.46, subdivision 3, is amended to read:

53.14 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services,
53.15 licensees, and applicants that is collected, maintained, used, or disseminated by the welfare
53.16 system in an investigation, authorized by statute, and relating to the enforcement of rules
53.17 or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or
53.18 protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and
53.19 shall not be disclosed except:

53.20 (1) pursuant to section 13.05;

53.21 (2) pursuant to statute or valid court order;

53.22 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
53.23 preparation of defense;

53.24 (4) to an agent of the welfare system or an investigator acting on behalf of a county,
53.25 state, or federal government, including a law enforcement officer or attorney in the
53.26 investigation or prosecution of a criminal, civil, or administrative proceeding, unless the
53.27 commissioner of human services ~~or~~ the commissioner of children, youth, and families; or
53.28 the Direct Care and Treatment executive board determines that disclosure may compromise
53.29 a Department of Human Services ~~or~~ Department of Children, Youth, and Families; or Direct
53.30 Care and Treatment ongoing investigation; or

(5) to provide notices required or permitted by statute.

The data referred to in this subdivision shall be classified as public data upon submission to an administrative law judge or court in an administrative or judicial proceeding. Inactive welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

(b) Notwithstanding any other provision in law, the commissioner of human services shall provide all active and inactive investigative data, including the name of the reporter of alleged maltreatment under section 626.557 or chapter 260E, to the ombudsman for mental health and developmental disabilities upon the request of the ombudsman.

(c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation by the commissioner of human services of possible overpayments of public funds to a service provider or recipient may be disclosed if the commissioner determines that it will not compromise the investigation.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2024, section 13.46, subdivision 4, is amended to read:

Subd. 4. **Licensing data.** (a) As used in this subdivision:

(1) "licensing data" are all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" are Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license holders, certification holders, and former licensees are public: name, address, telephone number of licensees, email addresses except for family child foster care, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human

55.1 services; the commissioner of children, youth, and families; the local social services agency;
55.2 or any other county welfare agency. For purposes of this clause, a serious injury is one that
55.3 is treated by a physician.

55.4 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,
55.5 an order of license suspension, an order of temporary immediate suspension, an order of
55.6 license revocation, an order of license denial, or an order of conditional license has been
55.7 issued, or a complaint is resolved, the following data on current and former licensees and
55.8 applicants are public: the general nature of the complaint or allegations leading to the
55.9 temporary immediate suspension; the substance and investigative findings of the licensing
55.10 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence
55.11 of settlement negotiations; the record of informal resolution of a licensing violation; orders
55.12 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
55.13 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
55.14 contained in the record of licensing action; whether a fine has been paid; and the status of
55.15 any appeal of these actions.

55.16 (iii) When a license denial under section 142A.15 or 245A.05 or a sanction under section
55.17 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
55.18 individual is responsible for maltreatment under section 626.557 or chapter 260E, the identity
55.19 of the applicant, license holder, or controlling individual as the individual responsible for
55.20 maltreatment is public data at the time of the issuance of the license denial or sanction.

55.21 (iv) When a license denial under section 142A.15 or 245A.05 or a sanction under section
55.22 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
55.23 individual is disqualified under chapter 245C, the identity of the license holder, applicant,
55.24 or controlling individual as the disqualified individual is public data at the time of the
55.25 issuance of the licensing sanction or denial. If the applicant, license holder, or controlling
55.26 individual requests reconsideration of the disqualification and the disqualification is affirmed,
55.27 the reason for the disqualification and the reason to not set aside the disqualification are
55.28 private data.

55.29 (v) A correction order or fine issued to a child care provider for a licensing violation is
55.30 private data on individuals under section 13.02, subdivision 12, or nonpublic data under
55.31 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

55.32 (2) For applicants who withdraw their application prior to licensure or denial of a license,
55.33 the following data are public: the name of the applicant, the city and county in which the
55.34 applicant was seeking licensure, the dates of the commissioner's receipt of the initial

56.1 application and completed application, the type of license sought, and the date of withdrawal
56.2 of the application.

56.3 (3) For applicants who are denied a license, the following data are public: the name and
56.4 address of the applicant, the city and county in which the applicant was seeking licensure,
56.5 the dates of the commissioner's receipt of the initial application and completed application,
56.6 the type of license sought, the date of denial of the application, the nature of the basis for
56.7 the denial, the existence of settlement negotiations, the record of informal resolution of a
56.8 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final
56.9 order of denial, and the status of any appeal of the denial.

56.10 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
56.11 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
56.12 142B or 245A; the commissioner of human services; commissioner of children, youth, and
56.13 families; local social services agency; or county welfare agency may inform the license
56.14 holder where the maltreatment occurred of the identity of the substantiated perpetrator and
56.15 the victim.

56.16 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder
56.17 and the status of the license are public if the county attorney has requested that data otherwise
56.18 classified as public data under clause (1) be considered private data based on the best interests
56.19 of a child in placement in a licensed program.

56.20 (c) The following are private data on individuals under section 13.02, subdivision 12,
56.21 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data
56.22 on family day care program and family foster care program applicants and licensees and
56.23 their family members who provide services under the license.

56.24 (d) The following are private data on individuals: the identity of persons who have made
56.25 reports concerning licensees or applicants that appear in inactive investigative data, and the
56.26 records of clients or employees of the licensee or applicant for licensure whose records are
56.27 received by the licensing agency for purposes of review or in anticipation of a contested
56.28 matter. The names of reporters of complaints or alleged violations of licensing standards
56.29 under chapters 142B, 245A, 245B, 245C, and 245D, and applicable rules and alleged
56.30 maltreatment under section 626.557 and chapter 260E, are confidential data and may be
56.31 disclosed only as provided in section 260E.21, subdivision 4; 260E.35; or 626.557,
56.32 subdivision 12b.

56.33 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this
56.34 subdivision become public data if submitted to a court or administrative law judge as part

57.1 of a disciplinary proceeding in which there is a public hearing concerning a license which
57.2 has been suspended, immediately suspended, revoked, or denied.

57.3 (f) Data generated in the course of licensing investigations that relate to an alleged
57.4 violation of law are investigative data under subdivision 3.

57.5 (g) Data that are not public data collected, maintained, used, or disseminated under this
57.6 subdivision that relate to or are derived from a report as defined in section 260E.03, or
57.7 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,
57.8 subdivision 6, and 626.557, subdivision 12b.

57.9 (h) Upon request, not public data collected, maintained, used, or disseminated under
57.10 this subdivision that relate to or are derived from a report of substantiated maltreatment as
57.11 defined in section 626.557 or chapter 260E may be exchanged with the Department of
57.12 Health for purposes of completing background studies pursuant to section 144.057 and with
57.13 the Department of Corrections for purposes of completing background studies pursuant to
57.14 section 241.021.

57.15 (i) Data on individuals collected according to licensing activities under chapters 142B,
57.16 245A, and 245C, data on individuals collected by the commissioner of human services
57.17 according to investigations under section 626.557 and chapters 142B, 245A, 245B, 245C,
57.18 245D, and 260E may be shared with the Department of Human Rights, the Department of
57.19 Health, the Department of Corrections, the ombudsman for mental health and developmental
57.20 disabilities, and the individual's professional regulatory board when there is reason to believe
57.21 that laws or standards under the jurisdiction of those agencies may have been violated or
57.22 the information may otherwise be relevant to the board's regulatory jurisdiction. Background
57.23 study data on an individual who is the subject of a background study under chapter 245C
57.24 for a licensed service for which the commissioner of human services ~~or~~; the commissioner
57.25 of children, youth, and families; or the Direct Care and Treatment executive board is the
57.26 license holder may be shared with the commissioner and the commissioner's delegate by
57.27 the licensing division. Unless otherwise specified in this chapter, the identity of a reporter
57.28 of alleged maltreatment or licensing violations may not be disclosed.

57.29 (j) In addition to the notice of determinations required under sections 260E.24,
57.30 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the
57.31 commissioner of children, youth, and families or the local social services agency has
57.32 determined that an individual is a substantiated perpetrator of maltreatment of a child based
57.33 on sexual abuse, as defined in section 260E.03, and the commissioner or local social services
57.34 agency knows that the individual is a person responsible for a child's care in another facility,

the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

(k) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 3. Minnesota Statutes 2024, section 15.471, subdivision 6, is amended to read:

Subd. 6. **Party.** (a) Except as modified by paragraph (b), "party" means a person named or admitted as a party, or seeking and entitled to be admitted as a party, in a court action or contested case proceeding, or a person admitted by an administrative law judge for limited purposes, and who is:

(1) an unincorporated business, partnership, corporation, association, or organization, having not more than 500 employees at the time the civil action was filed or the contested case proceeding was initiated; and

(2) an unincorporated business, partnership, corporation, association, or organization whose annual revenues did not exceed \$7,000,000 at the time the civil action was filed or the contested case proceeding was initiated.

(b) "Party" also includes a partner, officer, shareholder, member, or owner of an entity described in paragraph (a), clauses (1) and (2).

(c) "Party" does not include a person providing services pursuant to licensure or reimbursement on a cost basis by the Department of Health ~~or~~ the Department of Human Services, or Direct Care and Treatment when that person is named or admitted or seeking to be admitted as a party in a matter which involves the licensing or reimbursement rates, procedures, or methodology applicable to those services.

EFFECTIVE DATE. This section is effective July 1, 2025.

59.1 Sec. 4. Minnesota Statutes 2024, section 43A.241, is amended to read:

59.2 **43A.241 INSURANCE CONTRIBUTIONS; FORMER EMPLOYEES.**

59.3 (a) This section applies to a person who:

59.4 (1) was employed by the commissioner of corrections, the commissioner of human
59.5 services, or the Direct Care and Treatment executive board;

59.6 (2) was covered by the correctional employee retirement plan under section 352.91 or
59.7 the general state employees retirement plan of the Minnesota State Retirement System as
59.8 defined in section 352.021;

59.9 (3) while employed under clause (1), was assaulted by:

59.10 (i) a person under correctional supervision for a criminal offense; or

59.11 (ii) a client or patient at the Minnesota Sex Offender Program, or at a state-operated
59.12 forensic services program as defined in section 352.91, subdivision 3j; and

59.13 (4) as a direct result of the assault under clause (3), was determined to be totally and
59.14 permanently physically disabled under laws governing the Minnesota State Retirement
59.15 System.

59.16 (b) For a person to whom this section applies, the commissioner of corrections, the
59.17 commissioner of human services, or the Direct Care and Treatment executive board, using
59.18 existing budget resources, must continue to make the employer contribution for medical
59.19 and dental benefits under the State Employee Group Insurance Program after the person
59.20 terminates state service. If the person had dependent coverage at the time of terminating
59.21 state service, employer contributions for dependent coverage also must continue under this
59.22 section. The employer contributions must be in the amount of the employer contribution
59.23 for active state employees at the time each payment is made. The employer contributions
59.24 must continue until the person reaches age 65, provided the person makes the required
59.25 employee contributions, in the amount required of an active state employee, at the time and
59.26 in the manner specified by the commissioner ~~or executive board~~.

59.27 **EFFECTIVE DATE.** This section is effective July 1, 2025.

59.28 Sec. 5. Minnesota Statutes 2024, section 62J.495, subdivision 2, is amended to read:

59.29 Subd. 2. **E-Health Advisory Committee.** (a) The commissioner shall establish an
59.30 e-Health Advisory Committee governed by section 15.059 to advise the commissioner on
59.31 the following matters:

(1) assessment of the adoption and effective use of health information technology by the state, licensed health care providers and facilities, and local public health agencies;

(2) recommendations for implementing a statewide interoperable health information infrastructure, to include estimates of necessary resources, and for determining standards for clinical data exchange, clinical support programs, patient privacy requirements, and maintenance of the security and confidentiality of individual patient data;

(3) recommendations for encouraging use of innovative health care applications using information technology and systems to improve patient care and reduce the cost of care, including applications relating to disease management and personal health management that enable remote monitoring of patients' conditions, especially those with chronic conditions; and

(4) other related issues as requested by the commissioner.

(b) The members of the e-Health Advisory Committee shall include the commissioners, or commissioners' designees, of health, human services, administration, and commerce; a representative of the Direct Care and Treatment executive board; and additional members to be appointed by the commissioner to include persons representing Minnesota's local public health agencies, licensed hospitals and other licensed facilities and providers, private purchasers, the medical and nursing professions, health insurers and health plans, the state quality improvement organization, academic and research institutions, consumer advisory organizations with an interest and expertise in health information technology, and other stakeholders as identified by the commissioner to fulfill the requirements of section 3013, paragraph (g), of the HITECH Act.

(c) This subdivision expires June 30, 2031.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 6. Minnesota Statutes 2024, section 97A.441, subdivision 3, is amended to read:

Subd. 3. **Angling; residents of state institutions.** The commissioner may issue a license, without a fee, to take fish by angling to a person that is a ward of the commissioner of human services and a resident of a state institution under the control of the Direct Care and Treatment executive board upon application by the commissioner of human services.

EFFECTIVE DATE. This section is effective July 1, 2025.

61.1 Sec. 7. Minnesota Statutes 2024, section 144.53, is amended to read:

61.2 **144.53 FEES.**

61.3 Each application for a license, or renewal thereof, to operate a hospital, sanitarium or
61.4 other institution for the hospitalization or care of human beings, within the meaning of
61.5 sections 144.50 to 144.56, except applications by the Minnesota Veterans Home, the
61.6 ~~commissioner of human services~~ Direct Care and Treatment executive board for the licensing
61.7 of state institutions, ~~or by the administrator for the licensing of the University of Minnesota~~
61.8 hospitals, shall be accompanied by a fee to be prescribed by the state commissioner of health
61.9 pursuant to section 144.122. No fee shall be refunded. Licenses shall expire and shall be
61.10 renewed as prescribed by the commissioner of health pursuant to section 144.122.

61.11 No license granted hereunder shall be assignable or transferable.

61.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

61.13 Sec. 8. Minnesota Statutes 2024, section 144.651, subdivision 2, is amended to read:

61.14 Subd. 2. **Definitions.** (a) For the purposes of this section, "patient" means a person who
61.15 is admitted to an acute care inpatient facility for a continuous period longer than 24 hours,
61.16 for the purpose of diagnosis or treatment bearing on the physical or mental health of that
61.17 person. For purposes of subdivisions 4 to 9, 12, 13, 15, 16, and 18 to 20, "patient" also
61.18 means a person who receives health care services at an outpatient surgical center or at a
61.19 birth center licensed under section 144.615. "Patient" also means a minor who is admitted
61.20 to a residential program as defined in ~~section 253C.01~~ paragraph (c). For purposes of
61.21 subdivisions 1, 3 to 16, 18, 20 and 30, "patient" also means any person who is receiving
61.22 mental health treatment on an outpatient basis or in a community support program or other
61.23 community-based program.

61.24 (b) "Resident" means a person who is admitted to a nonacute care facility including
61.25 extended care facilities, nursing homes, and boarding care homes for care required because
61.26 of prolonged mental or physical illness or disability, recovery from injury or disease, or
61.27 advancing age. For purposes of all subdivisions except subdivisions 28 and 29, "resident"
61.28 also means a person who is admitted to a facility licensed as a board and lodging facility
61.29 under Minnesota Rules, parts 4625.0100 to 4625.2355, a boarding care home under sections
61.30 144.50 to 144.56, or a supervised living facility under Minnesota Rules, parts 4665.0100
61.31 to 4665.9900, and which operates a rehabilitation program licensed under chapter 245G or
61.32 245I, or Minnesota Rules, parts 9530.6510 to 9530.6590.

(c) "Residential program" means (1) a hospital-based primary treatment program that provides residential treatment to minors with emotional disturbance as defined by the Comprehensive Children's Mental Health Act in sections 245.487 to 245.4889, or (2) a facility licensed by the state under Minnesota Rules, parts 2960.0580 to 2960.0700, to provide services to minors on a 24-hour basis.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 9. Minnesota Statutes 2024, section 144.651, subdivision 4, is amended to read:

Subd. 4. **Information about rights.** Patients and residents shall, at admission, be told that there are legal rights for their protection during their stay at the facility or throughout their course of treatment and maintenance in the community and that these are described in an accompanying written statement of the applicable rights and responsibilities set forth in this section. In the case of patients admitted to residential programs as defined in ~~section 253C.01~~ subdivision 2, the written statement shall also describe the right of a person 16 years old or older to request release as provided in section 253B.04, subdivision 2, and shall list the names and telephone numbers of individuals and organizations that provide advocacy and legal services for patients in residential programs. Reasonable accommodations shall be made for people who have communication disabilities and those who speak a language other than English. Current facility policies, inspection findings of state and local health authorities, and further explanation of the written statement of rights shall be available to patients, residents, their guardians or their chosen representatives upon reasonable request to the administrator or other designated staff person, consistent with chapter 13, the Data Practices Act, and section 626.557, relating to vulnerable adults.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 10. Minnesota Statutes 2024, section 144.651, subdivision 20, is amended to read:

Subd. 20. **Grievances.** Patients and residents shall be encouraged and assisted, throughout their stay in a facility or their course of treatment, to understand and exercise their rights as patients, residents, and citizens. Patients and residents may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge. Notice of the grievance procedure of the facility or program, as well as addresses and telephone numbers for the Office of Health Facility Complaints and the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12) shall be posted in a conspicuous place.

Every acute care inpatient facility, every residential program as defined in ~~section 253C.01~~ subdivision 2, every nonacute care facility, and every facility employing more than two people that provides outpatient mental health services shall have a written internal grievance procedure that, at a minimum, sets forth the process to be followed; specifies time limits, including time limits for facility response; provides for the patient or resident to have the assistance of an advocate; requires a written response to written grievances; and provides for a timely decision by an impartial decision maker if the grievance is not otherwise resolved. Compliance by hospitals, residential programs as defined in ~~section 253C.01~~ subdivision 2 which are hospital-based primary treatment programs, and outpatient surgery centers with section 144.691 and compliance by health maintenance organizations with section 62D.11 is deemed to be compliance with the requirement for a written internal grievance procedure.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 11. Minnesota Statutes 2024, section 144.651, subdivision 31, is amended to read:

Subd. 31. **Isolation and restraints.** A minor patient who has been admitted to a residential program as defined in ~~section 253C.01~~ subdivision 2 has the right to be free from physical restraint and isolation except in emergency situations involving a likelihood that the patient will physically harm the patient's self or others. These procedures may not be used for disciplinary purposes, to enforce program rules, or for the convenience of staff. Isolation or restraint may be used only upon the prior authorization of a physician, advanced practice registered nurse, physician assistant, psychiatrist, or licensed psychologist, only when less restrictive measures are ineffective or not feasible and only for the shortest time necessary.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 12. Minnesota Statutes 2024, section 144.651, subdivision 32, is amended to read:

Subd. 32. **Treatment plan.** A minor patient who has been admitted to a residential program as defined in ~~section 253C.01~~ subdivision 2 has the right to a written treatment plan that describes in behavioral terms the case problems, the precise goals of the plan, and the procedures that will be utilized to minimize the length of time that the minor requires inpatient treatment. The plan shall also state goals for release to a less restrictive facility and follow-up treatment measures and services, if appropriate. To the degree possible, the minor patient and the minor patient's parents or guardian shall be involved in the development of the treatment and discharge plan.

64.1 **EFFECTIVE DATE.** This section is effective July 1, 2025.

64.2 Sec. 13. Minnesota Statutes 2024, section 144A.07, is amended to read:

64.3 **144A.07 FEES.**

64.4 Each application for a license to operate a nursing home, or for a renewal of license,
64.5 except an application by the Minnesota Veterans Home or the ~~commissioner of human~~
64.6 ~~services~~ Direct Care and Treatment executive board for the licensing of state institutions,
64.7 shall be accompanied by a fee to be prescribed by the commissioner of health pursuant to
64.8 section 144.122. No fee shall be refunded.

64.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

64.10 Sec. 14. Minnesota Statutes 2024, section 146A.08, subdivision 4, is amended to read:

64.11 Subd. 4. **Examination; access to medical data.** (a) If the commissioner has probable
64.12 cause to believe that an unlicensed complementary and alternative health care practitioner
64.13 has engaged in conduct prohibited by subdivision 1, paragraph (h), (i), (j), or (k), the
64.14 commissioner may issue an order directing the practitioner to submit to a mental or physical
64.15 examination or substance use disorder evaluation. For the purpose of this subdivision, every
64.16 unlicensed complementary and alternative health care practitioner is deemed to have
64.17 consented to submit to a mental or physical examination or substance use disorder evaluation
64.18 when ordered to do so in writing by the commissioner and further to have waived all
64.19 objections to the admissibility of the testimony or examination reports of the health care
64.20 provider performing the examination or evaluation on the grounds that the same constitute
64.21 a privileged communication. Failure of an unlicensed complementary and alternative health
64.22 care practitioner to submit to an examination or evaluation when ordered, unless the failure
64.23 was due to circumstances beyond the practitioner's control, constitutes an admission that
64.24 the unlicensed complementary and alternative health care practitioner violated subdivision
64.25 1, paragraph (h), (i), (j), or (k), based on the factual specifications in the examination or
64.26 evaluation order and may result in a default and final disciplinary order being entered after
64.27 a contested case hearing. An unlicensed complementary and alternative health care
64.28 practitioner affected under this paragraph shall at reasonable intervals be given an opportunity
64.29 to demonstrate that the practitioner can resume the provision of complementary and
64.30 alternative health care practices with reasonable safety to clients. In any proceeding under
64.31 this paragraph, neither the record of proceedings nor the orders entered by the commissioner
64.32 shall be used against an unlicensed complementary and alternative health care practitioner
64.33 in any other proceeding.

(b) In addition to ordering a physical or mental examination or substance use disorder evaluation, the commissioner may, notwithstanding section 13.384; 144.651; 595.02; or any other law limiting access to medical or other health data, obtain medical data and health records relating to an unlicensed complementary and alternative health care practitioner without the practitioner's consent if the commissioner has probable cause to believe that a practitioner has engaged in conduct prohibited by subdivision 1, paragraph (h), (i), (j), or (k). The medical data may be requested from a provider as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the commissioner under this subdivision and is not liable in any action for damages for releasing the data requested by the commissioner if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew or had reason to believe the information was false. Information obtained under this subdivision is private data under section 13.41.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 15. Minnesota Statutes 2024, section 147.091, subdivision 6, is amended to read:

Subd. 6. **Mental examination; access to medical data.** (a) If the board has probable cause to believe that a regulated person comes under subdivision 1, paragraph (1), it may direct the person to submit to a mental or physical examination. For the purpose of this subdivision every regulated person is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a regulated person to submit to an examination when directed constitutes an admission of the allegations against the person, unless the failure was due to circumstance beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A regulated person affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the person can resume the competent practice of the regulated profession with reasonable skill and safety to the public.

In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a regulated person in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384, 144.651, or any other law limiting access to medical or

other health data, obtain medical data and health records relating to a regulated person or applicant without the person's or applicant's consent if the board has probable cause to believe that a regulated person comes under subdivision 1, paragraph (1). The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under sections 13.01 to 13.87.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 16. Minnesota Statutes 2024, section 147A.13, subdivision 6, is amended to read:

Subd. 6. **Mental examination; access to medical data.** (a) If the board has probable cause to believe that a physician assistant comes under subdivision 1, clause (1), it may direct the physician assistant to submit to a mental or physical examination. For the purpose of this subdivision, every physician assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician assistant to submit to an examination when directed constitutes an admission of the allegations against the physician assistant, unless the failure was due to circumstance beyond the physician assistant's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician assistant affected under this subdivision shall at reasonable intervals be given an opportunity to demonstrate that the physician assistant can resume competent practice with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a physician assistant in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding sections 13.384, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant

67.1 without the licensee's or applicant's consent if the board has probable cause to believe that
67.2 a physician assistant comes under subdivision 1, clause (1).

67.3 The medical data may be requested from a provider, as defined in section 144.291,
67.4 subdivision 2, paragraph (i), an insurance company, or a government agency, including the
67.5 Department of Human Services and Direct Care and Treatment. A provider, insurance
67.6 company, or government agency shall comply with any written request of the board under
67.7 this subdivision and is not liable in any action for damages for releasing the data requested
67.8 by the board if the data are released pursuant to a written request under this subdivision,
67.9 unless the information is false and the provider giving the information knew, or had reason
67.10 to believe, the information was false. Information obtained under this subdivision is classified
67.11 as private under chapter 13.

67.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

67.13 Sec. 17. Minnesota Statutes 2024, section 148.10, subdivision 1, is amended to read:

67.14 Subdivision 1. **Grounds.** (a) The state Board of Chiropractic Examiners may refuse to
67.15 grant, or may revoke, suspend, condition, limit, restrict or qualify a license to practice
67.16 chiropractic, or may cause the name of a person licensed to be removed from the records
67.17 in the office of the court administrator of the district court for:

67.18 (1) advertising that is false or misleading; that violates a rule of the board; or that claims
67.19 the cure of any condition or disease;

67.20 (2) the employment of fraud or deception in applying for a license or in passing the
67.21 examination provided for in section 148.06 or conduct which subverts or attempts to subvert
67.22 the licensing examination process;

67.23 (3) the practice of chiropractic under a false or assumed name or the impersonation of
67.24 another practitioner of like or different name;

67.25 (4) the conviction of a crime involving moral turpitude;

67.26 (5) the conviction, during the previous five years, of a felony reasonably related to the
67.27 practice of chiropractic;

67.28 (6) habitual intemperance in the use of alcohol or drugs;

67.29 (7) practicing under a license which has not been renewed;

67.30 (8) advanced physical or mental disability;

(9) the revocation or suspension of a license to practice chiropractic; or other disciplinary action against the licensee; or the denial of an application for a license by the proper licensing authority of another state, territory or country; or failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction;

(10) the violation of, or failure to comply with, the provisions of sections 148.01 to 148.105, the rules of the state Board of Chiropractic Examiners, or a lawful order of the board;

(11) unprofessional conduct;

(12) being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material, or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills. If the board has probable cause to believe that a person comes within this clause, it shall direct the person to submit to a mental or physical examination. For the purpose of this clause, every person licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a person to submit to such examination when directed shall constitute an admission of the allegations, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A person affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that the person can resume the competent practice of chiropractic with reasonable skill and safety to patients.

In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384, 144.651, or any other law limiting access to health data, obtain health data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that a doctor of chiropractic comes under this clause. The health data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider or entity giving the information knew, or

69.1 had reason to believe, the information was false. Information obtained under this subdivision
69.2 is classified as private under sections 13.01 to 13.87.

69.3 In any proceeding under this clause, neither the record of proceedings nor the orders
69.4 entered by the board shall be used against a person in any other proceeding;

69.5 (13) aiding or abetting an unlicensed person in the practice of chiropractic, except that
69.6 it is not a violation of this clause for a doctor of chiropractic to employ, supervise, or delegate
69.7 functions to a qualified person who may or may not be required to obtain a license or
69.8 registration to provide health services if that person is practicing within the scope of the
69.9 license or registration or delegated authority;

69.10 (14) improper management of health records, including failure to maintain adequate
69.11 health records as described in clause (18), to comply with a patient's request made under
69.12 sections 144.291 to 144.298 or to furnish a health record or report required by law;

69.13 (15) failure to make reports required by section 148.102, subdivisions 2 and 5, or to
69.14 cooperate with an investigation of the board as required by section 148.104, or the submission
69.15 of a knowingly false report against another doctor of chiropractic under section 148.10,
69.16 subdivision 3;

69.17 (16) splitting fees, or promising to pay a portion of a fee or a commission, or accepting
69.18 a rebate;

69.19 (17) revealing a privileged communication from or relating to a patient, except when
69.20 otherwise required or permitted by law;

69.21 (18) failing to keep written chiropractic records justifying the course of treatment of the
69.22 patient, including, but not limited to, patient histories, examination results, test results, and
69.23 x-rays. Unless otherwise required by law, written records need not be retained for more
69.24 than seven years and x-rays need not be retained for more than four years;

69.25 (19) exercising influence on the patient or client in such a manner as to exploit the patient
69.26 or client for financial gain of the licensee or of a third party which shall include, but not be
69.27 limited to, the promotion or sale of services, goods, or appliances;

69.28 (20) gross or repeated malpractice or the failure to practice chiropractic at a level of
69.29 care, skill, and treatment which is recognized by a reasonably prudent chiropractor as being
69.30 acceptable under similar conditions and circumstances; or

69.31 (21) delegating professional responsibilities to a person when the licensee delegating
69.32 such responsibilities knows or has reason to know that the person is not qualified by training,
69.33 experience, or licensure to perform them.

(b) For the purposes of paragraph (a), clause (2), conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) For the purposes of paragraph (a), clauses (4) and (5), conviction as used in these subdivisions includes a conviction of an offense that if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(d) For the purposes of paragraph (a), clauses (4), (5), and (6), a copy of the judgment or proceeding under seal of the administrator of the court or of the administrative agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of its contents.

(e) For the purposes of paragraph (a), clause (11), unprofessional conduct means any unethical, deceptive or deleterious conduct or practice harmful to the public, any departure from or the failure to conform to the minimal standards of acceptable chiropractic practice, or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractor:

(1) gross ignorance of, or incompetence in, the practice of chiropractic;

(2) engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

(3) performing unnecessary services;

(4) charging a patient an unconscionable fee or charging for services not rendered;

(5) directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;

71.1 (6) perpetrating fraud upon patients, third-party payors, or others, relating to the practice
71.2 of chiropractic, including violations of the Medicare or Medicaid laws or state medical
71.3 assistance laws;

71.4 (7) advertising that the licensee will accept for services rendered assigned payments
71.5 from any third-party payer as payment in full, if the effect is to give the impression of
71.6 eliminating the need of payment by the patient of any required deductible or co-payment
71.7 applicable in the patient's health benefit plan. As used in this clause, "advertise" means
71.8 solicitation by the licensee by means of handbills, posters, circulars, motion pictures, radio,
71.9 newspapers, television, or in any other manner. In addition to the board's power to punish
71.10 for violations of this clause, violation of this clause is also a misdemeanor;

71.11 (8) accepting for services rendered assigned payments from any third-party payer as
71.12 payment in full, if the effect is to eliminate the need of payment by the patient of any required
71.13 deductible or co-payment applicable in the patient's health benefit plan, except as hereinafter
71.14 provided; and

71.15 (9) any other act that the board by rule may define.

71.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

71.17 Sec. 18. Minnesota Statutes 2024, section 148.261, subdivision 5, is amended to read:

71.18 Subd. 5. **Examination; access to medical data.** The board may take the following
71.19 actions if it has probable cause to believe that grounds for disciplinary action exist under
71.20 subdivision 1, clause (9) or (10):

71.21 (a) It may direct the applicant or nurse to submit to a mental or physical examination or
71.22 substance use disorder evaluation. For the purpose of this subdivision, when a nurse licensed
71.23 under sections 148.171 to 148.285 is directed in writing by the board to submit to a mental
71.24 or physical examination or substance use disorder evaluation, that person is considered to
71.25 have consented and to have waived all objections to admissibility on the grounds of privilege.
71.26 Failure of the applicant or nurse to submit to an examination when directed constitutes an
71.27 admission of the allegations against the applicant or nurse, unless the failure was due to
71.28 circumstances beyond the person's control, and the board may enter a default and final order
71.29 without taking testimony or allowing evidence to be presented. A nurse affected under this
71.30 paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that the
71.31 competent practice of professional, advanced practice registered, or practical nursing can
71.32 be resumed with reasonable skill and safety to patients. Neither the record of proceedings

nor the orders entered by the board in a proceeding under this paragraph, may be used against a nurse in any other proceeding.

(b) It may, notwithstanding sections 13.384, 144.651, 595.02, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a registered nurse, advanced practice registered nurse, licensed practical nurse, or applicant for a license without that person's consent. The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private data on individuals as defined in section 13.02.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 19. Minnesota Statutes 2024, section 148.754, is amended to read:

148.754 EXAMINATION; ACCESS TO MEDICAL DATA.

(a) If the board has probable cause to believe that a licensee comes under section 148.75, paragraph (a), clause (2), it may direct the licensee to submit to a mental or physical examination. For the purpose of this paragraph, every licensee is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that they constitute a privileged communication. Failure of the licensee to submit to an examination when directed constitutes an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that the person can resume the competent practice of physical therapy with reasonable skill and safety to the public.

(b) In any proceeding under paragraph (a), neither the record of proceedings nor the orders entered by the board shall be used against a licensee in any other proceeding.

(c) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the person's or applicant's consent if the board has probable cause to believe that the person comes under paragraph (a). The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this paragraph and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this paragraph, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this paragraph is classified as private under sections 13.01 to 13.87.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 20. Minnesota Statutes 2024, section 148B.5905, is amended to read:

**148B.5905 MENTAL, PHYSICAL, OR SUBSTANCE USE DISORDER
EXAMINATION OR EVALUATION; ACCESS TO MEDICAL DATA.**

(a) If the board has probable cause to believe section 148B.59, paragraph (a), clause (9), applies to a licensee or applicant, the board may direct the person to submit to a mental, physical, or substance use disorder examination or evaluation. For the purpose of this section, every licensee and applicant is deemed to have consented to submit to a mental, physical, or substance use disorder examination or evaluation when directed in writing by the board and to have waived all objections to the admissibility of the examining professionals' testimony or examination reports on the grounds that the testimony or examination reports constitute a privileged communication. Failure of a licensee or applicant to submit to an examination when directed by the board constitutes an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee or applicant affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the person can resume the competent practice of licensed professional counseling with reasonable skill and safety to the public. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that section 148B.59, paragraph (a), clause (9), applies to the licensee or applicant. The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (i); an insurance company; or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under sections 13.01 to 13.87.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 21. Minnesota Statutes 2024, section 148F.09, subdivision 6, is amended to read:

Subd. 6. Mental, physical, or chemical health evaluation. (a) If the board has probable cause to believe that an applicant or licensee is unable to practice alcohol and drug counseling with reasonable skill and safety due to a mental or physical illness or condition, the board may direct the individual to submit to a mental, physical, or chemical dependency examination or evaluation.

(1) For the purposes of this section, every licensee and applicant is deemed to have consented to submit to a mental, physical, or chemical dependency examination or evaluation when directed in writing by the board and to have waived all objections to the admissibility of the examining professionals' testimony or examination reports on the grounds that the testimony or examination reports constitute a privileged communication.

(2) Failure of a licensee or applicant to submit to an examination when directed by the board constitutes an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence.

(3) A licensee or applicant affected under this subdivision shall at reasonable intervals be given an opportunity to demonstrate that the licensee or applicant can resume the competent practice of licensed alcohol and drug counseling with reasonable skill and safety to the public.

(4) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against the licensee or applicant in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384 or sections 144.291 to 144.298, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that subdivision 1, clause (9), applies to the licensee or applicant. The medical data may be requested from:

(1) a provider, as defined in section 144.291, subdivision 2, paragraph (i);

(2) an insurance company; or

(3) a government agency, including the Department of Human Services and Direct Care and Treatment.

(c) A provider, insurance company, or government agency must comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false.

(d) Information obtained under this subdivision is private data on individuals as defined in section 13.02, subdivision 12.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 22. Minnesota Statutes 2024, section 150A.08, subdivision 6, is amended to read:

Subd. 6. **Medical records.** Notwithstanding contrary provisions of sections 13.384 and 144.651 or any other statute limiting access to medical or other health data, the board may obtain medical data and health records of a licensee or applicant without the licensee's or applicant's consent if the information is requested by the board as part of the process specified in subdivision 5. The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and shall not be liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information

76.1 knew, or had reason to believe, the information was false. Information obtained under this
76.2 subdivision shall be classified as private under the Minnesota Government Data Practices
76.3 Act.

76.4 **EFFECTIVE DATE.** This section is effective July 1, 2025.

76.5 Sec. 23. Minnesota Statutes 2024, section 151.071, subdivision 10, is amended to read:

76.6 Subd. 10. **Mental examination; access to medical data.** (a) If the board receives a
76.7 complaint and has probable cause to believe that an individual licensed or registered by the
76.8 board falls under subdivision 2, clause (14), it may direct the individual to submit to a mental
76.9 or physical examination. For the purpose of this subdivision, every licensed or registered
76.10 individual is deemed to have consented to submit to a mental or physical examination when
76.11 directed in writing by the board and further to have waived all objections to the admissibility
76.12 of the examining practitioner's testimony or examination reports on the grounds that the
76.13 same constitute a privileged communication. Failure of a licensed or registered individual
76.14 to submit to an examination when directed constitutes an admission of the allegations against
76.15 the individual, unless the failure was due to circumstances beyond the individual's control,
76.16 in which case a default and final order may be entered without the taking of testimony or
76.17 presentation of evidence. Pharmacists affected under this paragraph shall at reasonable
76.18 intervals be given an opportunity to demonstrate that they can resume the competent practice
76.19 of the profession of pharmacy with reasonable skill and safety to the public. Pharmacist
76.20 interns, pharmacy technicians, or controlled substance researchers affected under this
76.21 paragraph shall at reasonable intervals be given an opportunity to demonstrate that they can
76.22 competently resume the duties that can be performed, under this chapter or the rules of the
76.23 board, by similarly registered persons with reasonable skill and safety to the public. In any
76.24 proceeding under this paragraph, neither the record of proceedings nor the orders entered
76.25 by the board shall be used against a licensed or registered individual in any other proceeding.

76.26 (b) Notwithstanding section 13.384, 144.651, or any other law limiting access to medical
76.27 or other health data, the board may obtain medical data and health records relating to an
76.28 individual licensed or registered by the board, or to an applicant for licensure or registration,
76.29 without the individual's consent when the board receives a complaint and has probable cause
76.30 to believe that the individual is practicing in violation of subdivision 2, clause (14), and the
76.31 data and health records are limited to the complaint. The medical data may be requested
76.32 from a provider, as defined in section 144.291, subdivision 2, paragraph (i), an insurance
76.33 company, or a government agency, including the Department of Human Services and Direct
76.34 Care and Treatment. A provider, insurance company, or government agency shall comply

with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under sections 13.01 to 13.87.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 24. Minnesota Statutes 2024, section 153.21, subdivision 2, is amended to read:

Subd. 2. **Access to medical data.** In addition to ordering a physical or mental examination or substance use disorder evaluation, the board may, notwithstanding section 13.384, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that a doctor of podiatric medicine falls within the provisions of section 153.19, subdivision 1, clause (12). The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this section and is not liable in any action for damages for releasing the data requested by the board if the data are released in accordance with a written request under this section, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 25. Minnesota Statutes 2024, section 153B.70, is amended to read:

153B.70 GROUNDS FOR DISCIPLINARY ACTION.

(a) The board may refuse to issue or renew a license, revoke or suspend a license, or place on probation or reprimand a licensee for one or any combination of the following:

(1) making a material misstatement in furnishing information to the board;

(2) violating or intentionally disregarding the requirements of this chapter;

(3) conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in this state or elsewhere, reasonably related to the practice of the profession. Conviction, as used in this clause, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,

78.1 without regard to its designation elsewhere, or a criminal proceeding where a finding or
78.2 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
78.3 entered;

78.4 (4) making a misrepresentation in order to obtain or renew a license;

78.5 (5) displaying a pattern of practice or other behavior that demonstrates incapacity or
78.6 incompetence to practice;

78.7 (6) aiding or assisting another person in violating the provisions of this chapter;

78.8 (7) failing to provide information within 60 days in response to a written request from
78.9 the board, including documentation of completion of continuing education requirements;

78.10 (8) engaging in dishonorable, unethical, or unprofessional conduct;

78.11 (9) engaging in conduct of a character likely to deceive, defraud, or harm the public;

78.12 (10) inability to practice due to habitual intoxication, addiction to drugs, or mental or
78.13 physical illness;

78.14 (11) being disciplined by another state or territory of the United States, the federal
78.15 government, a national certification organization, or foreign nation, if at least one of the
78.16 grounds for the discipline is the same or substantially equivalent to one of the grounds in
78.17 this section;

78.18 (12) directly or indirectly giving to or receiving from a person, firm, corporation,
78.19 partnership, or association a fee, commission, rebate, or other form of compensation for
78.20 professional services not actually or personally rendered;

78.21 (13) incurring a finding by the board that the licensee, after the licensee has been placed
78.22 on probationary status, has violated the conditions of the probation;

78.23 (14) abandoning a patient or client;

78.24 (15) willfully making or filing false records or reports in the course of the licensee's
78.25 practice including, but not limited to, false records or reports filed with state or federal
78.26 agencies;

78.27 (16) willfully failing to report child maltreatment as required under the Maltreatment of
78.28 Minors Act, chapter 260E; or

78.29 (17) soliciting professional services using false or misleading advertising.

78.30 (b) A license to practice is automatically suspended if (1) a guardian of a licensee is
78.31 appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other

than the minority of the licensee, or (2) the licensee is committed by order of a court pursuant to chapter 253B. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing. The licensee may be reinstated to practice, either with or without restrictions, by demonstrating clear and convincing evidence of rehabilitation. The regulated person is not required to prove rehabilitation if the subsequent court decision overturns previous court findings of public risk.

(c) If the board has probable cause to believe that a licensee or applicant has violated paragraph (a), clause (10), it may direct the person to submit to a mental or physical examination. For the purpose of this section, every person is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and to have waived all objections to the admissibility of the examining physician's testimony or examination report on the grounds that the testimony or report constitutes a privileged communication. Failure of a regulated person to submit to an examination when directed constitutes an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A regulated person affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the person can resume the competent practice of the regulated profession with reasonable skill and safety to the public. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a regulated person in any other proceeding.

(d) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384 or 144.293, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the person's or applicant's consent if the board has probable cause to believe that a licensee is subject to paragraph (a), clause (10). The medical data may be requested from a provider as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services and Direct Care and Treatment. A provider, insurance company, or government agency shall comply with any written request of the board under this section and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this section, unless the information is false and the provider giving the information knew, or had reason to know, the information was false. Information obtained under this section is private data on individuals as defined in section 13.02.

80.1 (e) If the board issues an order of immediate suspension of a license, a hearing must be
80.2 held within 30 days of the suspension and completed without delay.

80.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

80.4 Sec. 26. Minnesota Statutes 2024, section 168.012, subdivision 1, is amended to read:

80.5 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following
80.6 vehicles are exempt from the provisions of this chapter requiring payment of tax and
80.7 registration fees, except as provided in subdivision 1c:

80.8 (1) vehicles owned and used solely in the transaction of official business by the federal
80.9 government, the state, or any political subdivision;

80.10 (2) vehicles owned and used exclusively by educational institutions and used solely in
80.11 the transportation of pupils to and from those institutions;

80.12 (3) vehicles used solely in driver education programs at nonpublic high schools;

80.13 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled
80.14 persons for charitable, religious, or educational purposes;

80.15 (5) vehicles owned by nonprofit charities and used exclusively for disaster response and
80.16 related activities;

80.17 (6) vehicles owned by ambulance services licensed under section 144E.10 that are
80.18 equipped and specifically intended for emergency response or providing ambulance services;
80.19 and

80.20 (7) vehicles owned by a commercial driving school licensed under section 171.34, or
80.21 an employee of a commercial driving school licensed under section 171.34, and the vehicle
80.22 is used exclusively for driver education and training.

80.23 (b) Provided the general appearance of the vehicle is unmistakable, the following vehicles
80.24 are not required to register or display number plates:

80.25 (1) vehicles owned by the federal government;

80.26 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the
80.27 state or a political subdivision;

80.28 (3) police patrols owned or leased by the state or a political subdivision; and

80.29 (4) ambulances owned or leased by the state or a political subdivision.

81.1 (c) Unmarked vehicles used in general police work, liquor investigations, or arson
81.2 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by
81.3 the Department of Corrections or by conservation officers of the Division of Enforcement
81.4 and Field Service of the Department of Natural Resources, must be registered and must
81.5 display appropriate license number plates, furnished by the registrar at cost. Original and
81.6 renewal applications for these license plates authorized for use in general police work and
81.7 for use by the Department of Corrections or by conservation officers must be accompanied
81.8 by a certification signed by the appropriate chief of police if issued to a police vehicle, the
81.9 appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued
81.10 to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a
81.11 vehicle of any other law enforcement agency. The certification must be on a form prescribed
81.12 by the commissioner and state that the vehicle will be used exclusively for a purpose
81.13 authorized by this section.

81.14 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,
81.15 fraud unit, in conducting seizures or criminal investigations must be registered and must
81.16 display passenger vehicle classification license number plates, furnished at cost by the
81.17 registrar. Original and renewal applications for these passenger vehicle license plates must
81.18 be accompanied by a certification signed by the commissioner of revenue or the
81.19 commissioner of labor and industry. The certification must be on a form prescribed by the
81.20 commissioner and state that the vehicles will be used exclusively for the purposes authorized
81.21 by this section.

81.22 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
81.23 Department of Health must be registered and must display passenger vehicle classification
81.24 license number plates. These plates must be furnished at cost by the registrar. Original and
81.25 renewal applications for these passenger vehicle license plates must be accompanied by a
81.26 certification signed by the commissioner of health. The certification must be on a form
81.27 prescribed by the commissioner and state that the vehicles will be used exclusively for the
81.28 official duties of the Division of Disease Prevention and Control.

81.29 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling
81.30 investigations and reviews must be registered and must display passenger vehicle
81.31 classification license number plates. These plates must be furnished at cost by the registrar.
81.32 Original and renewal applications for these passenger vehicle license plates must be
81.33 accompanied by a certification signed by the board chair. The certification must be on a
81.34 form prescribed by the commissioner and state that the vehicles will be used exclusively
81.35 for the official duties of the Gambling Control Board.

82.1 (g) Unmarked vehicles used in general investigation, surveillance, supervision, and
 82.2 monitoring by ~~the Department of Human Services' Office of Special Investigations' staff;~~
 82.3 ~~the Minnesota Sex Offender Program's executive director and the executive director's staff;~~
 82.4 ~~and~~ the Office of Inspector General's staff, including, but not limited to, county fraud
 82.5 prevention investigators, must be registered and must display passenger vehicle classification
 82.6 license number plates, furnished by the registrar at cost. Original and renewal applications
 82.7 for passenger vehicle license plates must be accompanied by a certification signed by the
 82.8 commissioner of human services. The certification must be on a form prescribed by the
 82.9 commissioner and state that the vehicles must be used exclusively for the official duties of
 82.10 the Office of Special Investigations' staff; ~~the Minnesota Sex Offender Program's executive~~
 82.11 ~~director and the executive director's staff;~~ and the Office of the Inspector General's staff,
 82.12 including, but not limited to, contract and county fraud prevention investigators.

82.13 (h) Unmarked vehicles used in general investigation, surveillance, supervision, and
 82.14 monitoring by the Direct Care and Treatment Office of Special Investigations' staff and
 82.15 unmarked vehicles used by the Minnesota Sex Offender Program's executive director and
 82.16 the executive director's staff must be registered and must display passenger vehicle
 82.17 classification license number plates, furnished by the registrar at cost. Original and renewal
 82.18 applications for passenger vehicle license plates must be accompanied by a certification
 82.19 signed by the Direct Care and Treatment executive board. The certification must be on a
 82.20 form prescribed by the commissioner and state that the vehicles must be used exclusively
 82.21 for the official duties of the Minnesota Sex Offender Program's executive director and the
 82.22 executive director's staff, including but not limited to contract and county fraud prevention
 82.23 investigators.

82.24 ~~(h)~~ (i) Each state hospital and institution for persons who are mentally ill and
 82.25 developmentally disabled may have one vehicle without the required identification on the
 82.26 sides of the vehicle. The vehicle must be registered and must display passenger vehicle
 82.27 classification license number plates. These plates must be furnished at cost by the registrar.
 82.28 Original and renewal applications for these passenger vehicle license plates must be
 82.29 accompanied by a certification signed by the hospital administrator. The certification must
 82.30 be on a form prescribed by the ~~commissioner~~ Direct Care and Treatment executive board
 82.31 and state that the vehicles will be used exclusively for the official duties of the state hospital
 82.32 or institution.

82.33 ~~(i)~~ (j) Each county social service agency may have vehicles used for child and vulnerable
 82.34 adult protective services without the required identification on the sides of the vehicle. The
 82.35 vehicles must be registered and must display passenger vehicle classification license number

plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the agency administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the social service agency.

~~(j)~~ (k) Unmarked vehicles used in general investigation, surveillance, supervision, and monitoring by tobacco inspector staff of the Department of Human Services' Alcohol and Drug Abuse Division for the purposes of tobacco inspections, investigations, and reviews must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for passenger vehicle license plates must be accompanied by a certification signed by the commissioner of human services. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively by tobacco inspector staff for the duties specified in this paragraph.

~~(k)~~ (l) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, licensed commercial driving school, or other qualifying organization or entity, plainly displayed on both sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 27. Minnesota Statutes 2024, section 244.052, subdivision 4, is amended to read:

Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger

posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections ~~or~~, the Department of Human Services, or Direct Care and Treatment. The agency may disclose the information to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the offender's home in the course of their duties;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections ~~or~~, the commissioner of human services,

85.1 or the Direct Care and Treatment executive board of the offender's likely residence at least
85.2 14 days before the offender's scheduled release date. The commissioner shall give this
85.3 information to the law enforcement agency having jurisdiction over the offender's likely
85.4 residence. The head of the residential facility also shall notify the commissioner of corrections
85.5 ~~or, the commissioner of human services,~~ or the Direct Care and Treatment executive board
85.6 within 48 hours after finalizing the offender's approved relocation plan to a permanent
85.7 residence. Within five days after receiving this notification, the appropriate commissioner
85.8 shall give to the appropriate law enforcement agency all relevant information the
85.9 commissioner has concerning the offender, including information on the risk factors in the
85.10 offender's history and the risk level to which the offender was assigned. After receiving this
85.11 information, the law enforcement agency shall make the disclosures permitted or required
85.12 by clause (2) or (3), as appropriate.

85.13 (c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

85.14 (1) the organizations or community members are in a location or in close proximity to
85.15 a location where the offender lives or is employed, or which the offender visits or is likely
85.16 to visit on a regular basis, other than the location of the offender's outpatient treatment
85.17 program; and

85.18 (2) the types of interaction which ordinarily occur at that location and other circumstances
85.19 indicate that contact with the offender is reasonably certain.

85.20 (d) A law enforcement agency or official who discloses information under this subdivision
85.21 shall make a good faith effort to make the notification within 14 days of receipt of a
85.22 confirmed address from the Department of Corrections indicating that the offender will be,
85.23 or has been, released from confinement, or accepted for supervision, or has moved to a new
85.24 address and will reside at the address indicated. If a change occurs in the release plan, this
85.25 notification provision does not require an extension of the release date.

85.26 (e) A law enforcement agency or official who discloses information under this subdivision
85.27 shall not disclose the identity or any identifying characteristics of the victims of or witnesses
85.28 to the offender's offenses.

85.29 (f) A law enforcement agency shall continue to disclose information on an offender as
85.30 required by this subdivision for as long as the offender is required to register under section
85.31 243.166. This requirement on a law enforcement agency to continue to disclose information
85.32 also applies to an offender who lacks a primary address and is registering under section
85.33 243.166, subdivision 3a.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

(h) A city council may adopt a policy that addresses when information disclosed under this subdivision must be presented in languages in addition to English. The policy may address when information must be presented orally, in writing, or both in additional languages by the law enforcement agency disclosing the information. The policy may provide for different approaches based on the prevalence of non-English languages in different neighborhoods.

(i) An offender who is the subject of a community notification meeting held pursuant to this section may not attend the meeting.

(j) When a school, day care facility, or other entity or program that primarily educates or serves children receives notice under paragraph (b), clause (3), that a level III predatory offender resides or works in the surrounding community, notice to parents must be made as provided in this paragraph. If the predatory offender identified in the notice is participating in programs offered by the facility that require or allow the person to interact with children other than the person's children, the principal or head of the entity must notify parents with children at the facility of the contents of the notice received pursuant to this section. The immunity provisions of subdivision 7 apply to persons disclosing information under this paragraph.

(k) When an offender for whom notification was made under this subdivision no longer resides, is employed, or is regularly found in the area, and the law enforcement agency that made the notification is aware of this, the agency shall inform the entities and individuals initially notified of the change in the offender's status. If notification was made under paragraph (b), clause (3), the agency shall provide the updated information required under this paragraph in a manner designed to ensure a similar scope of dissemination. However, the agency is not required to hold a public meeting to do so.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 28. Minnesota Statutes 2024, section 245.50, subdivision 2, is amended to read:

Subd. 2. **Purpose and authority.** (a) The purpose of this section is to enable appropriate treatment or detoxification services to be provided to individuals, across state lines from

87.1 the individual's state of residence, in qualified facilities that are closer to the homes of
 87.2 individuals than are facilities available in the individual's home state.

87.3 (b) Unless prohibited by another law and subject to the exceptions listed in subdivision
 87.4 3, a county board ~~or~~ the commissioner of human services, or the Direct Care and Treatment
 87.5 executive board may contract with an agency or facility in a bordering state for mental
 87.6 health, chemical health, or detoxification services for residents of Minnesota, and a Minnesota
 87.7 mental health, chemical health, or detoxification agency or facility may contract to provide
 87.8 services to residents of bordering states. Except as provided in subdivision 5, a person who
 87.9 receives services in another state under this section is subject to the laws of the state in
 87.10 which services are provided. A person who will receive services in another state under this
 87.11 section must be informed of the consequences of receiving services in another state, including
 87.12 the implications of the differences in state laws, to the extent the individual will be subject
 87.13 to the laws of the receiving state.

87.14 **EFFECTIVE DATE.** This section is effective July 1, 2025.

87.15 Sec. 29. Minnesota Statutes 2024, section 245.91, subdivision 2, is amended to read:

87.16 Subd. 2. **Agency.** "Agency" means the divisions, officials, or employees of the state
 87.17 Departments of Human Services, ~~Direct Care and Treatment~~, Health, and Education; of
 87.18 Direct Care and Treatment; and of local school districts and designated county social service
 87.19 agencies as defined in section 256G.02, subdivision 7, that are engaged in monitoring,
 87.20 providing, or regulating services or treatment for mental illness, developmental disability,
 87.21 substance use disorder, or emotional disturbance.

87.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.

87.23 Sec. 30. Minnesota Statutes 2024, section 246.585, is amended to read:

87.24 **246.585 CRISIS SERVICES.**

87.25 Within the limits of appropriations, state-operated regional technical assistance must be
 87.26 available in each region to assist counties, Tribal Nations, residential and ~~day programming~~
 87.27 ~~staff~~ vocational service providers, ~~and families~~, and persons with disabilities to prevent or
 87.28 resolve crises that could lead to a ~~change in placement~~ person moving to a less integrated
 87.29 setting. ~~Crisis capacity must be provided on all regional treatment center campuses serving~~
 87.30 ~~persons with developmental disabilities~~. In addition, crisis capacity may be developed to
 87.31 serve 16 persons in the Twin Cities metropolitan area. ~~Technical assistance and consultation~~

88.1 ~~must also be available in each region to providers and counties.~~ Staff must be available to
88.2 provide:

88.3 (1) individual assessments;

88.4 (2) program plan development and implementation assistance;

88.5 (3) analysis of service delivery problems; and

88.6 (4) assistance with transition planning, including technical assistance to counties, Tribal
88.7 Nations, and service providers to develop new services, site the new services, and assist
88.8 with community acceptance.

88.9 Sec. 31. Minnesota Statutes 2024, section 246C.06, subdivision 11, is amended to read:

88.10 Subd. 11. **Rulemaking.** (a) The executive board is authorized to adopt, amend, and
88.11 repeal rules in accordance with chapter 14 to the extent necessary to implement this chapter
88.12 or any responsibilities of Direct Care and Treatment specified in state law. The 18-month
88.13 time limit under section 14.125 does not apply to the rulemaking authority under this
88.14 subdivision.

88.15 (b) Until July 1, 2027, the executive board may adopt rules using the expedited
88.16 rulemaking process in section 14.389.

88.17 (c) In accordance with section 15.039, all orders, rules, delegations, permits, and other
88.18 privileges issued or granted by the Department of Human Services with respect to any
88.19 function of Direct Care and Treatment and in effect at the time of the establishment of Direct
88.20 Care and Treatment shall continue in effect as if such establishment had not occurred. The
88.21 executive board may amend or repeal rules applicable to Direct Care and Treatment that
88.22 were established by the Department of Human Services in accordance with chapter 14.

88.23 (d) The executive board must not adopt rules that go into effect or enforce rules prior
88.24 to July 1, 2025.

88.25 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2024.

88.26 Sec. 32. Minnesota Statutes 2024, section 246C.12, subdivision 6, is amended to read:

88.27 Subd. 6. ~~Dissemination of Admission and stay criteria; dissemination.~~ (a) The
88.28 executive board shall establish standard admission and continued-stay criteria for
88.29 state-operated services facilities to ensure that appropriate services are provided in the least
88.30 restrictive setting.

(b) The executive board shall periodically disseminate criteria for admission and continued stay in a state-operated services facility. The executive board shall disseminate the criteria to the courts of the state and counties.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 33. Minnesota Statutes 2024, section 246C.20, is amended to read:

246C.20 CONTRACT WITH DEPARTMENT OF HUMAN SERVICES FOR ADMINISTRATIVE SERVICES.

(a) Direct Care and Treatment shall contract with the Department of Human Services to provide determinations on issues of county of financial responsibility under chapter 256G and to provide administrative and judicial review of direct care and treatment matters according to section 256.045.

(b) The executive board may prescribe rules necessary to carry out this ~~subdivision~~ section, except that the executive board must not create any rule purporting to control the decision making or processes of state human services judges under section 256.045, subdivision 4, or the decision making or processes of the commissioner of human services issuing an advisory opinion or recommended order to the executive board under section 256G.09, subdivision 3. The executive board must not create any rule purporting to control processes for determinations of financial responsibility under chapter 256G or administrative and judicial review under section 256.045 on matters outside of the jurisdiction of Direct Care and Treatment.

(c) The executive board and commissioner of human services may adopt joint rules necessary to accomplish the purposes of this section.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 34. [246C.21] INTERVIEW EXPENSES.

Job applicants for professional, administrative, or highly technical positions recruited by the Direct Care and Treatment executive board may be reimbursed for necessary travel expenses to and from interviews arranged by the Direct Care and Treatment executive board.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 35. [246C.211] FEDERAL GRANTS FOR MINNESOTA INDIANS.

The Direct Care and Treatment executive board is authorized to enter into contracts with the United States Departments of Health and Human Services; Education; and Interior,

90.1 Bureau of Indian Affairs, for the purposes of receiving federal grants for the welfare and
90.2 relief of Minnesota Indians.

90.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

90.4 Sec. 36. Minnesota Statutes 2024, section 252.291, subdivision 3, is amended to read:

90.5 Subd. 3. **Duties of commissioner of human services.** The commissioner shall:

90.6 (1) ~~establish standard admission criteria for state hospitals and~~ county utilization targets
90.7 to limit and reduce the number of intermediate care beds in state hospitals and community
90.8 facilities in accordance with approved waivers under United States Code, title 42, sections
90.9 1396 to 1396p, as amended through December 31, 1987, to ~~assure~~ ensure that appropriate
90.10 services are provided in the least restrictive setting;

90.11 (2) define services, including respite care, that may be needed in meeting individual
90.12 service plan objectives;

90.13 (3) provide technical assistance so that county boards may establish a request for proposal
90.14 system for meeting individual service plan objectives through home and community-based
90.15 services; alternative community services; or, if no other alternative will meet the needs of
90.16 identifiable individuals for whom the county is financially responsible, a new intermediate
90.17 care facility for persons with developmental disabilities;

90.18 (4) establish a client tracking and evaluation system as required under applicable federal
90.19 waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441,
90.20 as amended through December 31, 1987; and

90.21 (5) develop a state plan for the delivery and funding of residential day and support
90.22 services to persons with developmental disabilities in Minnesota. The biennial developmental
90.23 disability plan shall include but not be limited to:

90.24 (i) county by county maximum intermediate care bed utilization quotas;

90.25 (ii) plans for the development of the number and types of services alternative to
90.26 intermediate care beds;

90.27 (iii) procedures for the administration and management of the plan;

90.28 (iv) procedures for the evaluation of the implementation of the plan; and

90.29 (v) the number, type, and location of intermediate care beds targeted for decertification.

90.30 The commissioner shall modify the plan to ensure conformance with the medical
90.31 assistance home and community-based services waiver.

91.1 **EFFECTIVE DATE.** This section is effective July 1, 2025.

91.2 Sec. 37. Minnesota Statutes 2024, section 252.50, subdivision 5, is amended to read:

91.3 Subd. 5. **Location of programs.** (a) In determining the location of state-operated,
91.4 community-based programs, the needs of the individual client shall be paramount. The
91.5 executive board shall also take into account:

91.6 (1) prioritization of ~~beds~~ services in state-operated, community-based programs for
91.7 individuals with complex behavioral needs that cannot be met by private community-based
91.8 providers;

91.9 (2) choices made by individuals who chose to move to a more integrated setting, and
91.10 shall coordinate with the lead agency to ensure that appropriate person-centered transition
91.11 plans are created;

91.12 (3) the personal preferences of the persons being served and their families as determined
91.13 by Minnesota Rules, parts 9525.0004 to 9525.0036;

91.14 (4) the location of the support services established by the individual service plans of the
91.15 persons being served;

91.16 (5) the appropriate grouping of the persons served;

91.17 (6) the availability of qualified staff;

91.18 (7) the need for state-operated, community-based programs in the geographical region
91.19 of the state; and

91.20 (8) a reasonable commuting distance from a regional treatment center or the residences
91.21 of the program staff.

91.22 (b) The executive board must locate state-operated, community-based programs in
91.23 coordination with the commissioner of human services according to section 252.28.

91.24 Sec. 38. Minnesota Statutes 2024, section 253B.07, subdivision 2b, is amended to read:

91.25 Subd. 2b. **Apprehend and hold orders.** (a) The court may order the treatment facility
91.26 or state-operated treatment program to hold the proposed patient or direct a health officer,
91.27 peace officer, or other person to take the proposed patient into custody and transport the
91.28 proposed patient to a treatment facility or state-operated treatment program for observation,
91.29 evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

92.1 (1) there has been a particularized showing by the petitioner that serious physical harm
92.2 to the proposed patient or others is likely unless the proposed patient is immediately
92.3 apprehended;

92.4 (2) the proposed patient has not voluntarily appeared for the examination or the
92.5 commitment hearing pursuant to the summons; or

92.6 (3) a person is held pursuant to section 253B.051 and a request for a petition for
92.7 commitment has been filed.

92.8 (b) The order of the court may be executed on any day and at any time by the use of all
92.9 necessary means including the imposition of necessary restraint upon the proposed patient.
92.10 Where possible, a peace officer taking the proposed patient into custody pursuant to this
92.11 subdivision shall not be in uniform and shall not use a vehicle visibly marked as a law
92.12 enforcement vehicle. Except as provided in section 253D.10, subdivision 2, in the case of
92.13 an individual on a judicial hold due to a petition for civil commitment under chapter 253D,
92.14 assignment of custody during the hold is to the ~~commissioner~~ executive board. The
92.15 ~~commissioner~~ executive board is responsible for determining the appropriate placement
92.16 within a secure treatment facility under the authority of the ~~commissioner~~ executive board.

92.17 (c) A proposed patient must not be allowed or required to consent to nor participate in
92.18 a clinical drug trial while an order is in effect under this subdivision. A consent given while
92.19 an order is in effect is void and unenforceable. This paragraph does not prohibit a patient
92.20 from continuing participation in a clinical drug trial if the patient was participating in the
92.21 clinical drug trial at the time the order was issued under this subdivision.

92.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.

92.23 Sec. 39. Minnesota Statutes 2024, section 253B.09, subdivision 3a, is amended to read:

92.24 Subd. 3a. **Reporting judicial commitments; private treatment program or**
92.25 **facility.** Notwithstanding section 253B.23, subdivision 9, when a court commits a patient
92.26 to a non-state-operated treatment facility or program, the court shall report the commitment
92.27 to the ~~commissioner~~ executive board through the supreme court information system for
92.28 purposes of providing commitment information for firearm background checks under section
92.29 246C.15. If the patient is committed to a state-operated treatment program, the court shall
92.30 send a copy of the commitment order to ~~the commissioner~~ and the executive board.

92.31 **EFFECTIVE DATE.** This section is effective July 1, 2025.

93.1 Sec. 40. Minnesota Statutes 2024, section 253B.10, subdivision 1, is amended to read:

93.2 Subdivision 1. **Administrative requirements.** (a) When a person is committed, the
93.3 court shall issue a warrant or an order committing the patient to the custody of the head of
93.4 the treatment facility, state-operated treatment program, or community-based treatment
93.5 program. The warrant or order shall state that the patient meets the statutory criteria for
93.6 civil commitment.

93.7 (b) The executive board shall prioritize civilly committed patients being admitted from
93.8 jail or a correctional institution or who are referred to a state-operated treatment facility for
93.9 competency attainment or a competency examination under sections 611.40 to 611.59 for
93.10 admission to a medically appropriate state-operated direct care and treatment bed based on
93.11 the decisions of physicians in the executive medical director's office, using a priority
93.12 admissions framework. The framework must account for a range of factors for priority
93.13 admission, including but not limited to:

93.14 (1) the length of time the person has been on a waiting list for admission to a
93.15 state-operated direct care and treatment program since the date of the order under paragraph
93.16 (a), or the date of an order issued under sections 611.40 to 611.59;

93.17 (2) the intensity of the treatment the person needs, based on medical acuity;

93.18 (3) the person's revoked provisional discharge status;

93.19 (4) the person's safety and safety of others in the person's current environment;

93.20 (5) whether the person has access to necessary or court-ordered treatment;

93.21 (6) distinct and articulable negative impacts of an admission delay on the facility referring
93.22 the individual for treatment; and

93.23 (7) any relevant federal prioritization requirements.

93.24 Patients described in this paragraph must be admitted to a state-operated treatment program
93.25 within ~~48 hours~~ the timelines specified in section 253B.1005. The commitment must be
93.26 ordered by the court as provided in section 253B.09, subdivision 1, paragraph (d). Patients
93.27 committed to a secure treatment facility or less restrictive setting as ordered by the court
93.28 under section 253B.18, subdivisions 1 and 2, must be prioritized for admission to a
93.29 state-operated treatment program using the priority admissions framework in this paragraph.

93.30 (c) Upon the arrival of a patient at the designated treatment facility, state-operated
93.31 treatment program, or community-based treatment program, the head of the facility or
93.32 program shall retain the duplicate of the warrant and endorse receipt upon the original

94.1 warrant or acknowledge receipt of the order. The endorsed receipt or acknowledgment must
94.2 be filed in the court of commitment. After arrival, the patient shall be under the control and
94.3 custody of the head of the facility or program.

94.4 (d) Copies of the petition for commitment, the court's findings of fact and conclusions
94.5 of law, the court order committing the patient, the report of the court examiners, and the
94.6 prepetition report, and any medical and behavioral information available shall be provided
94.7 at the time of admission of a patient to the designated treatment facility or program to which
94.8 the patient is committed. Upon a patient's referral to the executive board for admission
94.9 pursuant to subdivision 1, paragraph (b), any inpatient hospital, treatment facility, jail, or
94.10 correctional facility that has provided care or supervision to the patient in the previous two
94.11 years shall, when requested by the treatment facility or executive board, provide copies of
94.12 the patient's medical and behavioral records to the executive board for purposes of
94.13 preadmission planning. This information shall be provided by the head of the treatment
94.14 facility to treatment facility staff in a consistent and timely manner and pursuant to all
94.15 applicable laws.

94.16 ~~(e) Patients described in paragraph (b) must be admitted to a state-operated treatment~~
94.17 ~~program within 48 hours of the Office of Executive Medical Director, under section 246C.09,~~
94.18 ~~or a designee determining that a medically appropriate bed is available. This paragraph~~
94.19 ~~expires on June 30, 2025.~~

94.20 ~~(f)~~ Within four business days of determining which state-operated direct care and
94.21 treatment program or programs are appropriate for an individual, the executive medical
94.22 director's office or a designee must notify the source of the referral and the responsible
94.23 county human services agency, the individual being ordered to direct care and treatment,
94.24 and the district court that issued the order of the determination. The notice shall include
94.25 which program or programs are appropriate for the person's priority status. Any interested
94.26 person may provide additional information or request updated priority status about the
94.27 individual to the executive medical director's office or a designee while the individual is
94.28 awaiting admission. Updated Priority status of an individual will only be disclosed to
94.29 interested persons who are legally authorized to receive private information about the
94.30 individual. When an available bed has been identified, the executive medical director's
94.31 office or a designee must notify the designated agency and the facility where the individual
94.32 is awaiting admission that the individual has been accepted for admission to a particular
94.33 state-operated direct care and treatment program and the earliest possible date the admission
94.34 can occur. The designated agency or facility where the individual is awaiting admission

95.1 must transport the individual to the admitting state-operated direct care and treatment
95.2 program no more than 48 hours after the offered admission date.

95.3 Sec. 41. **[253B.1005] ADMISSION TIMELINES.**

95.4 Subdivision 1. **Admission required within 48 hours.** Unless required otherwise under
95.5 this section, patients described in section 253B.10, subdivision 1, paragraph (b), must be
95.6 admitted to a state-operated treatment program within 48 hours.

95.7 Subd. 2. **Temporary alternative admission timeline.** Patients described in section
95.8 253B.10, subdivision 1, paragraph (b), must be admitted to a state-operated treatment
95.9 program within 48 hours of the Office of Executive Medical Director, under section 246C.09,
95.10 or a designee determining that a medically appropriate bed is available. This subdivision
95.11 expires on June 30, 2027.

95.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

95.13 Sec. 42. Minnesota Statutes 2024, section 253B.141, subdivision 2, is amended to read:

95.14 Subd. 2. **Apprehension; return to facility or program.** (a) Upon receiving the report
95.15 of absence from the head of the treatment facility, state-operated treatment program, or
95.16 community-based treatment program or the committing court, a patient may be apprehended
95.17 and held by a peace officer in any jurisdiction pending return to the facility or program from
95.18 which the patient is absent without authorization. A patient may also be returned to any
95.19 state-operated treatment program or any other treatment facility or community-based
95.20 treatment program willing to accept the person. A person who has a mental illness and is
95.21 dangerous to the public and detained under this subdivision may be held in a jail or lockup
95.22 only if:

95.23 (1) there is no other feasible place of detention for the patient;

95.24 (2) the detention is for less than 24 hours; and

95.25 (3) there are protections in place, including segregation of the patient, to ensure the
95.26 safety of the patient.

95.27 (b) If a patient is detained under this subdivision, the head of the facility or program
95.28 from which the patient is absent shall arrange to pick up the patient within 24 hours of the
95.29 time detention was begun and shall be responsible for securing transportation for the patient
95.30 to the facility or program. The expense of detaining and transporting a patient shall be the
95.31 responsibility of the facility or program from which the patient is absent. The expense of
95.32 detaining and transporting a patient to a state-operated treatment program shall be paid by

96.1 the ~~commissioner~~ executive board unless paid by the patient or persons on behalf of the
96.2 patient.

96.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

96.4 Sec. 43. Minnesota Statutes 2024, section 253B.18, subdivision 6, is amended to read:

96.5 Subd. 6. **Transfer.** (a) A patient who is a person who has a mental illness and is
96.6 dangerous to the public shall not be transferred out of a secure treatment facility unless it
96.7 appears to the satisfaction of the executive board, after a hearing and favorable
96.8 recommendation by a majority of the special review board, that the transfer is appropriate.
96.9 Transfer may be to another state-operated treatment program. In those instances where a
96.10 commitment also exists to the Department of Corrections, transfer may be to a facility
96.11 designated by the commissioner of corrections.

96.12 (b) The following factors must be considered in determining whether a transfer is
96.13 appropriate:

96.14 (1) the person's clinical progress and present treatment needs;

96.15 (2) the need for security to accomplish continuing treatment;

96.16 (3) the need for continued institutionalization;

96.17 (4) which facility can best meet the person's needs; and

96.18 (5) whether transfer can be accomplished with a reasonable degree of safety for the
96.19 public.

96.20 (c) If a committed person has been transferred out of a secure treatment facility pursuant
96.21 to this subdivision, that committed person may voluntarily return to a secure treatment
96.22 facility for a period of up to 60 days with the consent of the head of the treatment facility.

96.23 (d) If the committed person is not returned to the original, nonsecure transfer facility
96.24 within 60 days of being readmitted to a secure treatment facility, the transfer is revoked and
96.25 the committed person must remain in a secure treatment facility. The committed person
96.26 must immediately be notified in writing of the revocation.

96.27 (e) Within 15 days of receiving notice of the revocation, the committed person may
96.28 petition the special review board for a review of the revocation. The special review board
96.29 shall review the circumstances of the revocation and shall recommend to the ~~commissioner~~
96.30 executive board whether or not the revocation should be upheld. The special review board
96.31 may also recommend a new transfer at the time of the revocation hearing.

(f) No action by the special review board is required if the transfer has not been revoked and the committed person is returned to the original, nonsecure transfer facility with no substantive change to the conditions of the transfer ordered under this subdivision.

(g) The head of the treatment facility may revoke a transfer made under this subdivision and require a committed person to return to a secure treatment facility if:

(1) remaining in a nonsecure setting does not provide a reasonable degree of safety to the committed person or others; or

(2) the committed person has regressed clinically and the facility to which the committed person was transferred does not meet the committed person's needs.

(h) Upon the revocation of the transfer, the committed person must be immediately returned to a secure treatment facility. A report documenting the reasons for revocation must be issued by the head of the treatment facility within seven days after the committed person is returned to the secure treatment facility. Advance notice to the committed person of the revocation is not required.

(i) The committed person must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a committed person under this section. The revocation report must be served upon the committed person, the committed person's counsel, and the designated agency. The report must outline the specific reasons for the revocation, including but not limited to the specific facts upon which the revocation is based.

(j) If a committed person's transfer is revoked, the committed person may re-petition for transfer according to subdivision 5.

(k) A committed person aggrieved by a transfer revocation decision may petition the special review board within seven business days after receipt of the revocation report for a review of the revocation. The matter must be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and, after considering the factors in paragraph (b), shall recommend to the ~~commissioner~~ executive board whether or not the revocation shall be upheld. The special review board may also recommend a new transfer out of a secure treatment facility at the time of the revocation hearing.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 44. Minnesota Statutes 2024, section 253B.19, subdivision 2, is amended to read:

Subd. 2. **Petition; hearing.** (a) A patient committed as a person who has a mental illness and is dangerous to the public under section 253B.18, or the county attorney of the county

from which the patient was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the ~~commissioner~~ executive board under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the executive board from which the appeal is taken. The petition must be filed with the supreme court within 30 days after the decision of the executive board is signed. The hearing must be held within 45 days of the filing of the petition unless an extension is granted for good cause.

(b) For an appeal under paragraph (a), the supreme court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the executive board, the head of the facility or program to which the patient was committed, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

(c) Any person may oppose the petition. The patient, the patient's counsel, the county attorney of the committing county or the county of financial responsibility, and the executive board shall participate as parties to the proceeding pending before the judicial appeal panel and shall, except when the patient is committed solely as a person who has a mental illness and is dangerous to the public, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position. The judicial appeal panel may appoint court examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6, must establish by a preponderance of the evidence that the transfer is appropriate.

EFFECTIVE DATE. This section is effective July 1, 2025.

99.1 Sec. 45. Minnesota Statutes 2024, section 253D.29, subdivision 1, is amended to read:

99.2 Subdivision 1. **Factors.** (a) A person who is committed as a sexually dangerous person
99.3 or a person with a sexual psychopathic personality shall not be transferred out of a secure
99.4 treatment facility unless the transfer is appropriate. Transfer may be to ~~other treatment~~
99.5 ~~programs~~ a facility under the control of the executive board.

99.6 (b) The following factors must be considered in determining whether a transfer is
99.7 appropriate:

99.8 (1) the person's clinical progress and present treatment needs;

99.9 (2) the need for security to accomplish continuing treatment;

99.10 (3) the need for continued institutionalization;

99.11 (4) which ~~other treatment program~~ facility can best meet the person's needs; and

99.12 (5) whether transfer can be accomplished with a reasonable degree of safety for the
99.13 public.

99.14 **EFFECTIVE DATE.** This section is effective July 1, 2025.

99.15 Sec. 46. Minnesota Statutes 2024, section 253D.29, subdivision 2, is amended to read:

99.16 Subd. 2. **Voluntary readmission to a secure treatment facility.** (a) After a committed
99.17 person has been transferred out of a secure treatment facility pursuant to subdivision 1 and
99.18 with the consent of the executive director, a committed person may voluntarily return to a
99.19 secure treatment facility for a period of up to 60 days.

99.20 (b) If the committed person is not returned to the ~~other treatment program~~ secure treatment
99.21 facility to which the person was originally transferred pursuant to subdivision 1 within 60
99.22 days of being readmitted to a secure treatment facility under this subdivision, the transfer
99.23 to the ~~other treatment program~~ secure treatment facility under subdivision 1 is revoked and
99.24 the committed person shall remain in a secure treatment facility. The committed person
99.25 shall immediately be notified in writing of the revocation.

99.26 (c) Within 15 days of receiving notice of the revocation, the committed person may
99.27 petition the special review board for a review of the revocation. The special review board
99.28 shall review the circumstances of the revocation and shall recommend to the judicial appeal
99.29 panel whether or not the revocation shall be upheld. The special review board may also
99.30 recommend a new transfer at the time of the revocation hearing.

(d) If the transfer has not been revoked and the committed person is to be returned to the ~~other treatment program~~ facility to which the committed person was originally transferred pursuant to subdivision 1 with no substantive change to the conditions of the transfer ordered pursuant to subdivision 1, no action by the special review board or judicial appeal panel is required.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 47. Minnesota Statutes 2024, section 253D.29, subdivision 3, is amended to read:

Subd. 3. **Revocation.** (a) The executive director may revoke a transfer made pursuant to subdivision 1 and require a committed person to return to a secure treatment facility if:

(1) remaining in a nonsecure setting will not provide a reasonable degree of safety to the committed person or others; or

(2) the committed person has regressed in clinical progress so that the ~~other treatment program~~ facility to which the committed person was transferred is no longer sufficient to meet the committed person's needs.

(b) Upon the revocation of the transfer, the committed person shall be immediately returned to a secure treatment facility. A report documenting reasons for revocation shall be issued by the executive director within seven days after the committed person is returned to the secure treatment facility. Advance notice to the committed person of the revocation is not required.

(c) The committed person must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a committed person under this section. The revocation report shall be served upon the committed person and the committed person's counsel. The report shall outline the specific reasons for the revocation including, but not limited to, the specific facts upon which the revocation is based.

(d) If a committed person's transfer is revoked, the committed person may re-petition for transfer according to section 253D.27.

(e) Any committed person aggrieved by a transfer revocation decision may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and, after considering the factors in subdivision 1, paragraph (b), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The

101.1 special review board may also recommend a new transfer out of a secure treatment facility
101.2 at the time of the revocation hearing.

101.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

101.4 Sec. 48. Minnesota Statutes 2024, section 253D.30, subdivision 4, is amended to read:

101.5 Subd. 4. **Voluntary readmission.** (a) With the consent of the executive director, a
101.6 committed person may voluntarily return to ~~the Minnesota Sex Offender Program~~ a secure
101.7 treatment facility from provisional discharge for a period of up to 60 days.

101.8 (b) If the committed person is not returned to provisional discharge status within 60 days
101.9 of being readmitted to ~~the Minnesota Sex Offender Program~~ a secure treatment facility, the
101.10 provisional discharge is revoked. The committed person shall immediately be notified of
101.11 the revocation in writing. Within 15 days of receiving notice of the revocation, the committed
101.12 person may request a review of the matter before the special review board. The special
101.13 review board shall review the circumstances of the revocation and, after applying the
101.14 standards in subdivision 5, paragraph (a), shall recommend to the judicial appeal panel
101.15 whether or not the revocation shall be upheld. The board may recommend a return to
101.16 provisional discharge status.

101.17 (c) If the provisional discharge has not been revoked and the committed person is to be
101.18 returned to provisional discharge, ~~the Minnesota Sex Offender Program is not required to~~
101.19 ~~petition for a further review by the special review board~~ no action by the special review
101.20 board or judicial appeal panel is required unless the committed person's return to the
101.21 community results in substantive change to the existing provisional discharge plan.

101.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.

101.23 Sec. 49. Minnesota Statutes 2024, section 253D.30, subdivision 5, is amended to read:

101.24 Subd. 5. **Revocation.** (a) The executive director may revoke a provisional discharge if
101.25 either of the following grounds exist:

101.26 (1) the committed person has departed from the conditions of the provisional discharge
101.27 plan; or

101.28 (2) the committed person is exhibiting behavior which may be dangerous to self or
101.29 others.

101.30 (b) The executive director may revoke the provisional discharge and, either orally or in
101.31 writing, order that the committed person be immediately returned to a secure treatment

102.1 facility ~~or other treatment program~~. A report documenting reasons for revocation shall be
102.2 issued by the executive director within seven days after the committed person is returned
102.3 to the secure treatment facility ~~or other treatment program~~. Advance notice to the committed
102.4 person of the revocation is not required.

102.5 (c) The committed person must be provided a copy of the revocation report and informed,
102.6 orally and in writing, of the rights of a committed person under this section. The revocation
102.7 report shall be served upon the committed person, the committed person's counsel, and the
102.8 county attorneys of the county of commitment and the county of financial responsibility.
102.9 The report shall outline the specific reasons for the revocation, including but not limited to
102.10 the specific facts upon which the revocation is based.

102.11 (d) An individual who is revoked from provisional discharge must successfully re-petition
102.12 the special review board and judicial appeal panel prior to being placed back on provisional
102.13 discharge.

102.14 **EFFECTIVE DATE.** This section is effective July 1, 2025.

102.15 Sec. 50. Minnesota Statutes 2024, section 256.01, subdivision 2, is amended to read:

102.16 Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2,
102.17 the commissioner of human services shall carry out the specific duties in paragraphs (a)
102.18 through (bb):

102.19 (a) Administer and supervise the forms of public assistance provided for by state law
102.20 and other welfare activities or services that are vested in the commissioner. Administration
102.21 and supervision of human services activities or services includes, but is not limited to,
102.22 assuring timely and accurate distribution of benefits, completeness of service, and quality
102.23 program management. In addition to administering and supervising human services activities
102.24 vested by law in the department, the commissioner shall have the authority to:

102.25 (1) require county agency participation in training and technical assistance programs to
102.26 promote compliance with statutes, rules, federal laws, regulations, and policies governing
102.27 human services;

102.28 (2) monitor, on an ongoing basis, the performance of county agencies in the operation
102.29 and administration of human services, enforce compliance with statutes, rules, federal laws,
102.30 regulations, and policies governing welfare services and promote excellence of administration
102.31 and program operation;

102.32 (3) develop a quality control program or other monitoring program to review county
102.33 performance and accuracy of benefit determinations;

103.1 (4) require county agencies to make an adjustment to the public assistance benefits issued
103.2 to any individual consistent with federal law and regulation and state law and rule and to
103.3 issue or recover benefits as appropriate;

103.4 (5) delay or deny payment of all or part of the state and federal share of benefits and
103.5 administrative reimbursement according to the procedures set forth in section 256.017;

103.6 (6) make contracts with and grants to public and private agencies and organizations,
103.7 both profit and nonprofit, and individuals, using appropriated funds; and

103.8 (7) enter into contractual agreements with federally recognized Indian Tribes with a
103.9 reservation in Minnesota to the extent necessary for the Tribe to operate a federally approved
103.10 family assistance program or any other program under the supervision of the commissioner.
103.11 The commissioner shall consult with the affected county or counties in the contractual
103.12 agreement negotiations, if the county or counties wish to be included, in order to avoid the
103.13 duplication of county and Tribal assistance program services. The commissioner may
103.14 establish necessary accounts for the purposes of receiving and disbursing funds as necessary
103.15 for the operation of the programs.

103.16 The commissioner shall work in conjunction with the commissioner of children, youth, and
103.17 families to carry out the duties of this paragraph when necessary and feasible.

103.18 (b) Inform county agencies, on a timely basis, of changes in statute, rule, federal law,
103.19 regulation, and policy necessary to county agency administration of the programs.

103.20 (c) Administer and supervise all noninstitutional service to persons with disabilities,
103.21 including persons who have vision impairments, and persons who are deaf, deafblind, and
103.22 hard-of-hearing or with other disabilities. The commissioner may provide and contract for
103.23 the care and treatment of qualified indigent children in facilities other than those located
103.24 and available at state hospitals operated by the executive board when it is not feasible to
103.25 provide the service in state hospitals operated by the executive board.

103.26 (d) Assist and actively cooperate with other departments, agencies and institutions, local,
103.27 state, and federal, by performing services in conformity with the purposes of Laws 1939,
103.28 chapter 431.

103.29 (e) Act as the agent of and cooperate with the federal government in matters of mutual
103.30 concern relative to and in conformity with the provisions of Laws 1939, chapter 431,
103.31 including the administration of any federal funds granted to the state to aid in the performance
103.32 of any functions of the commissioner as specified in Laws 1939, chapter 431, and including
103.33 the promulgation of rules making uniformly available medical care benefits to all recipients

104.1 of public assistance, at such times as the federal government increases its participation in
104.2 assistance expenditures for medical care to recipients of public assistance, the cost thereof
104.3 to be borne in the same proportion as are grants of aid to said recipients.

104.4 (f) Establish and maintain any administrative units reasonably necessary for the
104.5 performance of administrative functions common to all divisions of the department.

104.6 (g) Act as designated guardian of both the estate and the person of all the wards of the
104.7 state of Minnesota, whether by operation of law or by an order of court, without any further
104.8 act or proceeding whatever, except as to persons committed as developmentally disabled.

104.9 (h) Act as coordinating referral and informational center on requests for service for
104.10 newly arrived immigrants coming to Minnesota.

104.11 (i) The specific enumeration of powers and duties as hereinabove set forth shall in no
104.12 way be construed to be a limitation upon the general transfer of powers herein contained.

104.13 (j) Establish county, regional, or statewide schedules of maximum fees and charges
104.14 which may be paid by county agencies for medical, dental, surgical, hospital, nursing and
104.15 nursing home care and medicine and medical supplies under all programs of medical care
104.16 provided by the state and for congregate living care under the income maintenance programs.

104.17 (k) Have the authority to conduct and administer experimental projects to test methods
104.18 and procedures of administering assistance and services to recipients or potential recipients
104.19 of public welfare. To carry out such experimental projects, it is further provided that the
104.20 commissioner of human services is authorized to waive the enforcement of existing specific
104.21 statutory program requirements, rules, and standards in one or more counties. The order
104.22 establishing the waiver shall provide alternative methods and procedures of administration,
104.23 shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and
104.24 in no event shall the duration of a project exceed four years. It is further provided that no
104.25 order establishing an experimental project as authorized by the provisions of this section
104.26 shall become effective until the following conditions have been met:

104.27 (1) the United States Secretary of Health and Human Services has agreed, for the same
104.28 project, to waive state plan requirements relative to statewide uniformity; and

104.29 (2) a comprehensive plan, including estimated project costs, shall be approved by the
104.30 Legislative Advisory Commission and filed with the commissioner of administration.

104.31 (l) According to federal requirements and in coordination with the commissioner of
104.32 children, youth, and families, establish procedures to be followed by local welfare boards

105.1 in creating citizen advisory committees, including procedures for selection of committee
105.2 members.

105.3 (m) Allocate federal fiscal disallowances or sanctions which are based on quality control
105.4 error rates for medical assistance in the following manner:

105.5 (1) one-half of the total amount of the disallowance shall be borne by the county boards
105.6 responsible for administering the programs. Disallowances shall be shared by each county
105.7 board in the same proportion as that county's expenditures for the sanctioned program are
105.8 to the total of all counties' expenditures for medical assistance. Each county shall pay its
105.9 share of the disallowance to the state of Minnesota. When a county fails to pay the amount
105.10 due hereunder, the commissioner may deduct the amount from reimbursement otherwise
105.11 due the county, or the attorney general, upon the request of the commissioner, may institute
105.12 civil action to recover the amount due; and

105.13 (2) notwithstanding the provisions of clause (1), if the disallowance results from knowing
105.14 noncompliance by one or more counties with a specific program instruction, and that knowing
105.15 noncompliance is a matter of official county board record, the commissioner may require
105.16 payment or recover from the county or counties, in the manner prescribed in clause (1), an
105.17 amount equal to the portion of the total disallowance which resulted from the noncompliance,
105.18 and may distribute the balance of the disallowance according to clause (1).

105.19 (n) Develop and implement special projects that maximize reimbursements and result
105.20 in the recovery of money to the state. For the purpose of recovering state money, the
105.21 commissioner may enter into contracts with third parties. Any recoveries that result from
105.22 projects or contracts entered into under this paragraph shall be deposited in the state treasury
105.23 and credited to a special account until the balance in the account reaches \$1,000,000. When
105.24 the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited
105.25 to the general fund. All money in the account is appropriated to the commissioner for the
105.26 purposes of this paragraph.

105.27 (o) Have the authority to establish and enforce the following county reporting
105.28 requirements:

105.29 (1) the commissioner shall establish fiscal and statistical reporting requirements necessary
105.30 to account for the expenditure of funds allocated to counties for human services programs.
105.31 When establishing financial and statistical reporting requirements, the commissioner shall
105.32 evaluate all reports, in consultation with the counties, to determine if the reports can be
105.33 simplified or the number of reports can be reduced;

106.1 (2) the county board shall submit monthly or quarterly reports to the department as
106.2 required by the commissioner. Monthly reports are due no later than 15 working days after
106.3 the end of the month. Quarterly reports are due no later than 30 calendar days after the end
106.4 of the quarter, unless the commissioner determines that the deadline must be shortened to
106.5 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss
106.6 of federal funding. Only reports that are complete, legible, and in the required format shall
106.7 be accepted by the commissioner;

106.8 (3) if the required reports are not received by the deadlines established in clause (2), the
106.9 commissioner may delay payments and withhold funds from the county board until the next
106.10 reporting period. When the report is needed to account for the use of federal funds and the
106.11 late report results in a reduction in federal funding, the commissioner shall withhold from
106.12 the county boards with late reports an amount equal to the reduction in federal funding until
106.13 full federal funding is received;

106.14 (4) a county board that submits reports that are late, illegible, incomplete, or not in the
106.15 required format for two out of three consecutive reporting periods is considered
106.16 noncompliant. When a county board is found to be noncompliant, the commissioner shall
106.17 notify the county board of the reason the county board is considered noncompliant and
106.18 request that the county board develop a corrective action plan stating how the county board
106.19 plans to correct the problem. The corrective action plan must be submitted to the
106.20 commissioner within 45 days after the date the county board received notice of
106.21 noncompliance;

106.22 (5) the final deadline for fiscal reports or amendments to fiscal reports is one year after
106.23 the date the report was originally due. If the commissioner does not receive a report by the
106.24 final deadline, the county board forfeits the funding associated with the report for that
106.25 reporting period and the county board must repay any funds associated with the report
106.26 received for that reporting period;

106.27 (6) the commissioner may not delay payments, withhold funds, or require repayment
106.28 under clause (3) or (5) if the county demonstrates that the commissioner failed to provide
106.29 appropriate forms, guidelines, and technical assistance to enable the county to comply with
106.30 the requirements. If the county board disagrees with an action taken by the commissioner
106.31 under clause (3) or (5), the county board may appeal the action according to sections 14.57
106.32 to 14.69; and

107.1 (7) counties subject to withholding of funds under clause (3) or forfeiture or repayment
107.2 of funds under clause (5) shall not reduce or withhold benefits or services to clients to cover
107.3 costs incurred due to actions taken by the commissioner under clause (3) or (5).

107.4 (p) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal
107.5 fiscal disallowances or sanctions are based on a statewide random sample in direct proportion
107.6 to each county's claim for that period.

107.7 (q) Be responsible for ensuring the detection, prevention, investigation, and resolution
107.8 of fraudulent activities or behavior by applicants, recipients, and other participants in the
107.9 human services programs administered by the department.

107.10 (r) Require county agencies to identify overpayments, establish claims, and utilize all
107.11 available and cost-beneficial methodologies to collect and recover these overpayments in
107.12 the human services programs administered by the department.

107.13 (s) Have the authority to administer the federal drug rebate program for drugs purchased
107.14 under the medical assistance program as allowed by section 1927 of title XIX of the Social
107.15 Security Act and according to the terms and conditions of section 1927. Rebates shall be
107.16 collected for all drugs that have been dispensed or administered in an outpatient setting and
107.17 that are from manufacturers who have signed a rebate agreement with the United States
107.18 Department of Health and Human Services.

107.19 (t) Have the authority to administer a supplemental drug rebate program for drugs
107.20 purchased under the medical assistance program. The commissioner may enter into
107.21 supplemental rebate contracts with pharmaceutical manufacturers and may require prior
107.22 authorization for drugs that are from manufacturers that have not signed a supplemental
107.23 rebate contract. Prior authorization of drugs shall be subject to the provisions of section
107.24 256B.0625, subdivision 13.

107.25 (u) Operate the department's communication systems account established in Laws 1993,
107.26 First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared
107.27 communication costs necessary for the operation of the programs the commissioner
107.28 supervises. Each account must be used to manage shared communication costs necessary
107.29 for the operations of the programs the commissioner supervises. The commissioner may
107.30 distribute the costs of operating and maintaining communication systems to participants in
107.31 a manner that reflects actual usage. Costs may include acquisition, licensing, insurance,
107.32 maintenance, repair, staff time and other costs as determined by the commissioner. Nonprofit
107.33 organizations and state, county, and local government agencies involved in the operation
107.34 of programs the commissioner supervises may participate in the use of the department's

108.1 communications technology and share in the cost of operation. The commissioner may
108.2 accept on behalf of the state any gift, bequest, devise or personal property of any kind, or
108.3 money tendered to the state for any lawful purpose pertaining to the communication activities
108.4 of the department. Any money received for this purpose must be deposited in the department's
108.5 communication systems accounts. Money collected by the commissioner for the use of
108.6 communication systems must be deposited in the state communication systems account and
108.7 is appropriated to the commissioner for purposes of this section.

108.8 (v) Receive any federal matching money that is made available through the medical
108.9 assistance program for the consumer satisfaction survey. Any federal money received for
108.10 the survey is appropriated to the commissioner for this purpose. The commissioner may
108.11 expend the federal money received for the consumer satisfaction survey in either year of
108.12 the biennium.

108.13 (w) Designate community information and referral call centers and incorporate cost
108.14 reimbursement claims from the designated community information and referral call centers
108.15 into the federal cost reimbursement claiming processes of the department according to
108.16 federal law, rule, and regulations. Existing information and referral centers provided by
108.17 Greater Twin Cities United Way or existing call centers for which Greater Twin Cities
108.18 United Way has legal authority to represent, shall be included in these designations upon
108.19 review by the commissioner and assurance that these services are accredited and in
108.20 compliance with national standards. Any reimbursement is appropriated to the commissioner
108.21 and all designated information and referral centers shall receive payments according to
108.22 normal department schedules established by the commissioner upon final approval of
108.23 allocation methodologies from the United States Department of Health and Human Services
108.24 Division of Cost Allocation or other appropriate authorities.

108.25 (x) Develop recommended standards for adult foster care homes that address the
108.26 components of specialized therapeutic services to be provided by adult foster care homes
108.27 with those services.

108.28 (y) Authorize the method of payment to or from the department as part of the human
108.29 services programs administered by the department. This authorization includes the receipt
108.30 or disbursement of funds held by the department in a fiduciary capacity as part of the human
108.31 services programs administered by the department.

108.32 (z) Designate the agencies that operate the Senior LinkAge Line under section 256.975,
108.33 subdivision 7, and the Disability Hub under subdivision 24 as the state of Minnesota Aging
108.34 and Disability Resource Center under United States Code, title 42, section 3001, the Older

Americans Act Amendments of 2006, and incorporate cost reimbursement claims from the designated centers into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Any reimbursement must be appropriated to the commissioner and treated consistent with section 256.011. All Aging and Disability Resource Center designated agencies shall receive payments of grant funding that supports the activity and generates the federal financial participation according to Board on Aging administrative granting mechanisms.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 51. Minnesota Statutes 2024, section 256.01, subdivision 5, is amended to read:

Subd. 5. **Gifts, contributions, pensions and benefits; acceptance.** The commissioner may receive and accept on behalf of patients ~~and residents at the several state hospitals for persons with mental illness or developmental disabilities during the period of their hospitalization and while on provisional discharge therefrom,~~ money due and payable to them as old age and survivors insurance benefits, veterans benefits, pensions or other such monetary benefits. Such gifts, contributions, pensions and benefits shall be deposited in and disbursed from the social welfare fund provided for in sections 256.88 to 256.92.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 52. Minnesota Statutes 2024, section 256.019, subdivision 1, is amended to read:

Subdivision 1. **Retention rates.** When an assistance recovery amount is collected and posted by a county agency under the provisions governing public assistance programs including general assistance medical care formerly codified in chapter 256D, general assistance, and Minnesota supplemental aid, the county may keep one-half of the recovery made by the county agency using any method other than recoupment. For medical assistance, if the recovery is made by a county agency using any method other than recoupment, the county may keep one-half of the nonfederal share of the recovery. For MinnesotaCare, if the recovery is collected and posted by the county agency, the county may keep one-half of the nonfederal share of the recovery.

This does not apply to recoveries from medical providers or to recoveries begun by the Department of Human Services' Surveillance and Utilization Review Division, ~~State Hospital Collections Unit,~~ and the Benefit Recoveries Division ~~or, by the~~ Direct Care and Treatment State Hospital Collections Unit, the attorney general's office, or child support collections.

EFFECTIVE DATE. This section is effective July 1, 2025.

110.1 Sec. 53. Minnesota Statutes 2024, section 256.0281, is amended to read:

110.2 **256.0281 INTERAGENCY DATA EXCHANGE.**

110.3 (a) The Department of Human Services, the Department of Health, Direct Care and
110.4 Treatment, and the Office of the Ombudsman for Mental Health and Developmental
110.5 Disabilities may establish interagency agreements governing the electronic exchange of
110.6 data on providers and individuals collected, maintained, or used by each agency when such
110.7 exchange is outlined by each agency in an interagency agreement to accomplish the purposes
110.8 in clauses (1) to (4):

110.9 (1) to improve provider enrollment processes for home and community-based services
110.10 and state plan home care services;

110.11 (2) to improve quality management of providers between state agencies;

110.12 (3) to establish and maintain provider eligibility to participate as providers under
110.13 Minnesota health care programs; or

110.14 (4) to meet the quality assurance reporting requirements under federal law under section
110.15 1915(c) of the Social Security Act related to home and community-based waiver programs.

110.16 (b) Each interagency agreement must include provisions to ensure anonymity of
110.17 individuals, including mandated reporters, and must outline the specific uses of and access
110.18 to shared data within each agency. Electronic interfaces between source data systems
110.19 developed under these interagency agreements must incorporate these provisions as well
110.20 as other HIPAA provisions related to individual data.

110.21 **EFFECTIVE DATE.** This section is effective July 1, 2025.

110.22 Sec. 54. Minnesota Statutes 2024, section 256.0451, subdivision 1, is amended to read:

110.23 Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and
110.24 appeals under sections 142A.20, subdivision 2, and 256.045, subdivision 3, paragraph (a),
110.25 clauses (1), (2), (3), (5), (6), (7), (10), and (12). Except as provided in subdivisions 3 and
110.26 19, the requirements under this section apply to fair hearings and appeals under section
110.27 256.045, subdivision 3, paragraph (a), clauses (4), (8), (9), and (11).

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

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

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

111.7 (d) For purposes of this section, "state agency" means the Department of Human Services;
111.8 the Department of Health; the Department of Education; the Department of Children, Youth,
111.9 and Families; or Direct Care and Treatment.

111.10 **EFFECTIVE DATE.** This section is effective July 1, 2025.

111.11 Sec. 55. Minnesota Statutes 2024, section 256.0451, subdivision 3, is amended to read:

111.12 Subd. 3. **Agency appeal summary.** (a) Except in fair hearings and appeals under section
111.13 256.045, subdivision 3, paragraph (a), clauses (4), (9), and (10), the agency involved in an
111.14 appeal must prepare a state agency appeal summary for each fair hearing appeal. The state
111.15 agency appeal summary shall be mailed or otherwise delivered to the person who is involved
111.16 in the appeal at least three working days before the date of the hearing. The state agency
111.17 appeal summary must also be mailed or otherwise delivered to the ~~department's~~ Department
111.18 of Human Services' Appeals Office at least three working days before the date of the fair
111.19 hearing appeal.

111.20 (b) In addition, the human services judge shall confirm that the state agency appeal
111.21 summary is mailed or otherwise delivered to the person involved in the appeal as required
111.22 under paragraph (a). The person involved in the fair hearing should be provided, through
111.23 the state agency appeal summary or other reasonable methods, appropriate information
111.24 about the procedures for the fair hearing and an adequate opportunity to prepare. These
111.25 requirements apply equally to the state agency or an entity under contract when involved
111.26 in the appeal.

111.27 (c) The contents of the state agency appeal summary must be adequate to inform the
111.28 person involved in the appeal of the evidence on which the agency relies and the legal basis
111.29 for the agency's action or determination.

111.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.

112.1 Sec. 56. Minnesota Statutes 2024, section 256.0451, subdivision 6, is amended to read:

112.2 Subd. 6. **Appeal request for emergency assistance or urgent matter.** (a) When an
112.3 appeal involves an application for emergency assistance, the agency involved shall mail or
112.4 otherwise deliver the state agency appeal summary to the ~~department's~~ Department of Human
112.5 Services' Appeals Office within two working days of receiving the request for an appeal.
112.6 A person may also request that a fair hearing be held on an emergency basis when the issue
112.7 requires an immediate resolution. The human services judge shall schedule the fair hearing
112.8 on the earliest available date according to the urgency of the issue involved. Issuance of the
112.9 recommended decision after an emergency hearing shall be expedited.

112.10 (b) The applicable commissioner or executive board shall issue a written decision within
112.11 five working days of receiving the recommended decision, shall immediately inform the
112.12 parties of the outcome by telephone, and shall mail the decision no later than two working
112.13 days following the date of the decision.

112.14 **EFFECTIVE DATE.** This section is effective July 1, 2025.

112.15 Sec. 57. Minnesota Statutes 2024, section 256.0451, subdivision 8, is amended to read:

112.16 Subd. 8. **Subpoenas.** A person involved in a fair hearing or the agency may request a
112.17 subpoena for a witness, for evidence, or for both. A reasonable number of subpoenas shall
112.18 be issued to require the attendance and the testimony of witnesses, and the production of
112.19 evidence relating to any issue of fact in the appeal hearing. The request for a subpoena must
112.20 show a need for the subpoena and the general relevance to the issues involved. The subpoena
112.21 shall be issued in the name of the Department of Human Services and shall be served and
112.22 enforced as provided in section 357.22 and the Minnesota Rules of Civil Procedure.

112.23 An individual or entity served with a subpoena may petition the human services judge
112.24 in writing to vacate or modify a subpoena. The human services judge shall resolve such a
112.25 petition in a prehearing conference involving all parties and shall make a written decision.
112.26 A subpoena may be vacated or modified if the human services judge determines that the
112.27 testimony or evidence sought does not relate with reasonable directness to the issues of the
112.28 fair hearing appeal; that the subpoena is unreasonable, over broad, or oppressive; that the
112.29 evidence sought is repetitious or cumulative; or that the subpoena has not been served
112.30 reasonably in advance of the time when the appeal hearing will be held.

112.31 **EFFECTIVE DATE.** This section is effective July 1, 2025.

113.1 Sec. 58. Minnesota Statutes 2024, section 256.0451, subdivision 9, is amended to read:

113.2 Subd. 9. **No ex parte contact.** The human services judge shall not have ex parte contact
113.3 on substantive issues with the agency or with any person or witness in a fair hearing appeal.
113.4 No employee of ~~the Department or an~~ agency shall review, interfere with, change, or attempt
113.5 to influence the recommended decision of the human services judge in any fair hearing
113.6 appeal, except through the procedure allowed in subdivision 18. The limitations in this
113.7 subdivision do not affect the applicable commissioner's or executive board's authority to
113.8 review or reconsider decisions or make final decisions.

113.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

113.10 Sec. 59. Minnesota Statutes 2024, section 256.0451, subdivision 18, is amended to read:

113.11 Subd. 18. **Inviting comment by ~~department~~ state agency.** The human services judge
113.12 or the applicable commissioner or executive board may determine that a written comment
113.13 by the ~~department~~ state agency about the policy implications of a specific legal issue could
113.14 help resolve a pending appeal. Such a written policy comment from the ~~department~~ state
113.15 agency shall be obtained only by a written request that is also sent to the person involved
113.16 and to the agency or its representative. When such a written comment is received, both the
113.17 person involved in the hearing and the agency shall have adequate opportunity to review,
113.18 evaluate, and respond to the written comment, including submission of additional testimony
113.19 or evidence, and cross-examination concerning the written comment.

113.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

113.21 Sec. 60. Minnesota Statutes 2024, section 256.0451, subdivision 22, is amended to read:

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

113.26 (a) A written decision must be issued within 90 days of the date the person involved
113.27 requested the appeal unless a shorter time is required by law. An additional 30 days is
113.28 provided in those cases where the applicable commissioner or executive board refuses to
113.29 accept the recommended decision. In appeals of maltreatment determinations or
113.30 disqualifications filed pursuant to section 256.045, subdivision 3, paragraph (a), clause (4),
113.31 (8), or (9), that also give rise to possible licensing actions, the 90-day period for issuing
113.32 final decisions does not begin until the later of the date that the licensing authority provides

114.1 notice to the appeals division that the authority has made the final determination in the
114.2 matter or the date the appellant files the last appeal in the consolidated matters.

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

114.12 The decision shall contain at least the following:

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

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

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

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

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

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

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

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

115.1 at the hearing, and legal arguments presented, and the human services judge's research and
115.2 knowledge of the law.

115.3 (d) The applicable commissioner ~~will~~ or executive board must review the recommended
115.4 decision and accept or refuse to accept the decision according to section 142A.20, subdivision
115.5 3, or 256.045, subdivision 5 or 5a.

115.6 **EFFECTIVE DATE.** This section is effective July 1, 2025.

115.7 Sec. 61. Minnesota Statutes 2024, section 256.0451, subdivision 23, is amended to read:

115.8 Subd. 23. **Refusal to accept recommended orders.** (a) If the applicable commissioner
115.9 or executive board refuses to accept the recommended order from the human services judge,
115.10 the person involved, the person's attorney or authorized representative, and the agency shall
115.11 be sent a copy of the recommended order, a detailed explanation of the basis for refusing
115.12 to accept the recommended order, and the proposed modified order.

115.13 (b) The person involved and the agency shall have at least ten business days to respond
115.14 to the proposed modification of the recommended order. The person involved and the agency
115.15 may submit a legal argument concerning the proposed modification, and may propose to
115.16 submit additional evidence that relates to the proposed modified order.

115.17 **EFFECTIVE DATE.** This section is effective July 1, 2025.

115.18 Sec. 62. Minnesota Statutes 2024, section 256.0451, subdivision 24, is amended to read:

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

115.27 (b) When the requesting party raises a question as to the appropriateness of the findings
115.28 of fact, the applicable commissioner or executive board shall review the entire record.

115.29 (c) When the requesting party questions the appropriateness of a conclusion of law, the
115.30 applicable commissioner or executive board shall consider the recommended decision, the
115.31 decision under reconsideration, and the material submitted in connection with the

116.1 reconsideration. The applicable commissioner or executive board shall review the remaining
116.2 record as necessary to issue a reconsidered decision.

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

116.7 **EFFECTIVE DATE.** This section is effective July 1, 2025.

116.8 Sec. 63. Minnesota Statutes 2024, section 256.4825, is amended to read:

116.9 **256.4825 REPORT REGARDING PROGRAMS AND SERVICES FOR PEOPLE**
116.10 **WITH DISABILITIES.**

116.11 The Minnesota State Council on Disability, the Minnesota Consortium for Citizens with
116.12 Disabilities, and the Arc of Minnesota may submit an annual report by January 15 of each
116.13 year, beginning in 2012, to the chairs and ranking minority members of the legislative
116.14 committees with jurisdiction over programs serving people with disabilities as provided in
116.15 this section. The report must describe the existing state policies and goals for programs
116.16 serving people with disabilities including, but not limited to, programs for employment,
116.17 transportation, housing, education, quality assurance, consumer direction, physical and
116.18 programmatic access, and health. The report must provide data and measurements to assess
116.19 the extent to which the policies and goals are being met. The commissioner of human
116.20 services, the Direct Care and Treatment executive board, and the commissioners of other
116.21 state agencies administering programs for people with disabilities shall cooperate with the
116.22 Minnesota State Council on Disability, the Minnesota Consortium for Citizens with
116.23 Disabilities, and the Arc of Minnesota and provide those organizations with existing
116.24 published information and reports that will assist in the preparation of the report.

116.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

116.26 Sec. 64. Minnesota Statutes 2024, section 256.93, subdivision 1, is amended to read:

116.27 Subdivision 1. **Limitations.** In any case where the guardianship of any child with a
116.28 developmental disability or who is disabled, dependent, neglected or delinquent, or a child
116.29 born to a mother who was not married to the child's father when the child was conceived
116.30 nor when the child was born, has been ~~committed~~ appointed to the commissioner of human
116.31 services, and in any case where the guardianship of any person with a developmental
116.32 disability has been ~~committed~~ appointed to the commissioner of human services, the court

117.1 having jurisdiction of the estate may on such notice as the court may direct, authorize the
117.2 commissioner to take possession of the personal property in the estate, liquidate it, and hold
117.3 the proceeds in trust for the ward, to be invested, expended and accounted for as provided
117.4 by sections 256.88 to 256.92.

117.5 **EFFECTIVE DATE.** This section is effective July 1, 2025.

117.6 Sec. 65. Minnesota Statutes 2024, section 256.98, subdivision 7, is amended to read:

117.7 Subd. 7. **Division of recovered amounts.** Except for recoveries under chapter 142E, if
117.8 the state is responsible for the recovery, the amounts recovered shall be paid to the appropriate
117.9 units of government. If the recovery is directly attributable to a county, the county may
117.10 retain one-half of the nonfederal share of any recovery from a recipient or the recipient's
117.11 estate.

117.12 This subdivision does not apply to recoveries from medical providers or to recoveries
117.13 involving the Department of Human ~~services~~, Services' Surveillance and Utilization Review
117.14 Division, ~~state hospital collections unit~~, and the Benefit Recoveries Division or the Direct
117.15 Care and Treatment State Hospital Collections Unit.

117.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

117.17 Sec. 66. Minnesota Statutes 2024, section 256B.092, subdivision 10, is amended to read:

117.18 Subd. 10. **Admission of persons to and discharge of persons from regional treatment**
117.19 **centers.** (a) Prior to the admission of a person to a regional treatment center program for
117.20 persons with developmental disabilities, the case manager shall make efforts to secure
117.21 community-based alternatives. If these alternatives are rejected by the person, the person's
117.22 legal guardian or conservator, or the county agency in favor of a regional treatment center
117.23 placement, the case manager shall document the reasons why the alternatives were rejected.

117.24 (b) Assessment and support planning must be completed in accordance with requirements
117.25 identified in section 256B.0911.

117.26 (c) No discharge shall take place until disputes are resolved under section 256.045,
117.27 subdivision 4a, or until a review by the ~~commissioner~~ Direct Care and Treatment executive
117.28 board is completed upon request of the chief executive officer or program director of the
117.29 regional treatment center, or the county agency. For persons under public guardianship, the
117.30 ombudsman may request a review or hearing under section 256.045.

117.31 **EFFECTIVE DATE.** This section is effective July 1, 2025.

118.1 Sec. 67. Minnesota Statutes 2024, section 256G.09, subdivision 4, is amended to read:

118.2 Subd. 4. **Appeals.** A local agency that is aggrieved by the order of ~~the~~ a department or
118.3 the executive board may appeal the opinion to the district court of the county responsible
118.4 for furnishing assistance or services by serving a written copy of a notice of appeal on ~~the~~
118.5 a commissioner or the executive board and any adverse party of record within 30 days after
118.6 the date the department issued the opinion, and by filing the original notice and proof of
118.7 service with the court administrator of district court. Service may be made personally or by
118.8 mail. Service by mail is complete upon mailing.

118.9 ~~The~~ A commissioner or the executive board may elect to become a party to the
118.10 proceedings in district court. The court may consider the matter in or out of chambers and
118.11 shall take no new or additional evidence.

118.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

118.13 Sec. 68. Minnesota Statutes 2024, section 256G.09, subdivision 5, is amended to read:

118.14 Subd. 5. **Payment pending appeal.** After ~~the~~ a department or the executive board issues
118.15 an opinion in any submission under this section, the service or assistance covered by the
118.16 submission must be provided or paid pending or during an appeal to the district court.

118.17 **EFFECTIVE DATE.** This section is effective July 1, 2025.

118.18 Sec. 69. Minnesota Statutes 2024, section 299F.77, subdivision 2, is amended to read:

118.19 Subd. 2. **Background check.** (a) For licenses issued by the commissioner under section
118.20 299F.73, the applicant for licensure must provide the commissioner with all of the
118.21 information required by Code of Federal Regulations, title 28, section 25.7. The commissioner
118.22 shall forward the information to the superintendent of the Bureau of Criminal Apprehension
118.23 so that criminal records, histories, and warrant information on the applicant can be retrieved
118.24 from the Minnesota Crime Information System and the National Instant Criminal Background
118.25 Check System, as well as the civil commitment records maintained by ~~the Department of~~
118.26 ~~Human Services~~ Direct Care and Treatment. The results must be returned to the commissioner
118.27 to determine if the individual applicant is qualified to receive a license.

118.28 (b) For permits issued by a county sheriff or chief of police under section 299F.75, the
118.29 applicant for a permit must provide the county sheriff or chief of police with all of the
118.30 information required by Code of Federal Regulations, title 28, section 25.7. The county
118.31 sheriff or chief of police must check, by means of electronic data transfer, criminal records,
118.32 histories, and warrant information on each applicant through the Minnesota Crime

Information System and the National Instant Criminal Background Check System, as well as the civil commitment records maintained by ~~the Department of Human Services~~ Direct Care and Treatment. The county sheriff or chief of police shall use the results of the query to determine if the individual applicant is qualified to receive a permit.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 70. Minnesota Statutes 2024, section 342.04, is amended to read:

342.04 STUDIES; REPORTS.

(a) The office shall conduct a study to determine the expected size and growth of the regulated cannabis industry and hemp consumer industry, including an estimate of the demand for cannabis flower and cannabis products, the number and geographic distribution of cannabis businesses needed to meet that demand, and the anticipated business from residents of other states.

(b) The office shall conduct a study to determine the size of the illicit cannabis market, the sources of illicit cannabis flower and illicit cannabis products in the state, the locations of citations issued and arrests made for cannabis offenses, and the subareas, such as census tracts or neighborhoods, that experience a disproportionately large amount of cannabis enforcement.

(c) The office shall conduct a study on impaired driving to determine:

(1) the number of accidents involving one or more drivers who admitted to using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, or who tested positive for cannabis or tetrahydrocannabinol;

(2) the number of arrests of individuals for impaired driving in which the individual tested positive for cannabis or tetrahydrocannabinol; and

(3) the number of convictions for driving under the influence of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or tetrahydrocannabinol.

(d) The office shall provide preliminary reports on the studies conducted pursuant to paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports to the legislature by January 15, 2025. The reports may be consolidated into a single report by the office.

(e) The office shall collect existing data from the Department of Human Services, Department of Health, Direct Care and Treatment, Minnesota state courts, and hospitals

120.1 licensed under chapter 144 on the utilization of mental health and substance use disorder
120.2 services, emergency room visits, and commitments to identify any increase in the services
120.3 provided or any increase in the number of visits or commitments. The office shall also obtain
120.4 summary data from existing first episode psychosis programs on the number of persons
120.5 served by the programs and number of persons on the waiting list. All information collected
120.6 by the office under this paragraph shall be included in the report required under paragraph
120.7 (f).

120.8 (f) The office shall conduct an annual market analysis on the status of the regulated
120.9 cannabis industry and submit a report of the findings. The office shall submit the report by
120.10 January 15, 2025, and each January 15 thereafter and the report may be combined with the
120.11 annual report submitted by the office. The process of completing the market analysis must
120.12 include holding public meetings to solicit the input of consumers, market stakeholders, and
120.13 potential new applicants and must include an assessment as to whether the office has issued
120.14 the necessary number of licenses in order to:

120.15 (1) ensure the sufficient supply of cannabis flower and cannabis products to meet demand;

120.16 (2) provide market stability;

120.17 (3) ensure a competitive market; and

120.18 (4) limit the sale of unregulated cannabis flower and cannabis products.

120.19 (g) The office shall submit an annual report to the legislature by January 15, 2024, and
120.20 each January 15 thereafter. The annual report shall include but not be limited to the following:

120.21 (1) the status of the regulated cannabis industry;

120.22 (2) the status of the illicit cannabis market and hemp consumer industry;

120.23 (3) the number of accidents, arrests, and convictions involving drivers who admitted to
120.24 using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
120.25 consumer products or who tested positive for cannabis or tetrahydrocannabinol;

120.26 (4) the change in potency, if any, of cannabis flower and cannabis products available
120.27 through the regulated market;

120.28 (5) progress on providing opportunities to individuals and communities that experienced
120.29 a disproportionate, negative impact from cannabis prohibition, including but not limited to
120.30 providing relief from criminal convictions and increasing economic opportunities;

120.31 (6) the status of racial and geographic diversity in the cannabis industry;

121.1 (7) proposed legislative changes, including but not limited to recommendations to
121.2 streamline licensing systems and related administrative processes;

121.3 (8) information on the adverse effects of second-hand smoke from any cannabis flower,
121.4 cannabis products, and hemp-derived consumer products that are consumed by the
121.5 combustion or vaporization of the product and the inhalation of smoke, aerosol, or vapor
121.6 from the product; and

121.7 (9) recommendations for the levels of funding for:

121.8 (i) a coordinated education program to address and raise public awareness about the top
121.9 three adverse health effects, as determined by the commissioner of health, associated with
121.10 the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
121.11 consumer products by individuals under 21 years of age;

121.12 (ii) a coordinated education program to educate pregnant individuals, breastfeeding
121.13 individuals, and individuals who may become pregnant on the adverse health effects of
121.14 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
121.15 products;

121.16 (iii) training, technical assistance, and educational materials for home visiting programs,
121.17 Tribal home visiting programs, and child welfare workers regarding safe and unsafe use of
121.18 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
121.19 products in homes with infants and young children;

121.20 (iv) model programs to educate middle school and high school students on the health
121.21 effects on children and adolescents of the use of cannabis flower, cannabis products,
121.22 lower-potency hemp edibles, hemp-derived consumer products, and other intoxicating or
121.23 controlled substances;

121.24 (v) grants issued through the CanTrain, CanNavigate, CanStartup, and CanGrow
121.25 programs;

121.26 (vi) grants to organizations for community development in social equity communities
121.27 through the CanRenew program;

121.28 (vii) training of peace officers and law enforcement agencies on changes to laws involving
121.29 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
121.30 products and the law's impact on searches and seizures;

121.31 (viii) training of peace officers to increase the number of drug recognition experts;

122.1 (ix) training of peace officers on the cultural uses of sage and distinguishing use of sage
122.2 from the use of cannabis flower, including whether the Board of Peace Officer Standards
122.3 and Training should approve or develop training materials;

122.4 (x) the retirement and replacement of drug detection canines; and

122.5 (xi) the Department of Human Services and county social service agencies to address
122.6 any increase in demand for services.

122.7 (g) In developing the recommended funding levels under paragraph (f), clause (9), items
122.8 (vii) to (xi), the office shall consult with local law enforcement agencies, the Minnesota
122.9 Chiefs of Police Association, the Minnesota Sheriff's Association, the League of Minnesota
122.10 Cities, the Association of Minnesota Counties, and county social services agencies.

122.11 **EFFECTIVE DATE.** This section is effective July 1, 2025.

122.12 Sec. 71. Minnesota Statutes 2024, section 352.91, subdivision 3f, is amended to read:

122.13 Subd. 3f. **Additional Direct Care and Treatment personnel.** (a) "Covered correctional
122.14 service" means service by a state employee in one of the employment positions specified
122.15 in paragraph (b) in the state-operated forensic services program or the Minnesota Sex
122.16 Offender Program if at least 75 percent of the employee's working time is spent in direct
122.17 contact with patients and the determination of this direct contact is certified to the executive
122.18 director by the ~~commissioner of human services or~~ Direct Care and Treatment executive
122.19 board.

122.20 (b) The employment positions are:

122.21 (1) baker;

122.22 (2) behavior analyst 2;

122.23 (3) behavior analyst 3;

122.24 (4) certified occupational therapy assistant 1;

122.25 (5) certified occupational therapy assistant 2;

122.26 (6) client advocate;

122.27 (7) clinical program therapist 2;

122.28 (8) clinical program therapist 3;

122.29 (9) clinical program therapist 4;

122.30 (10) cook;

- 123.1 (11) culinary supervisor;
- 123.2 (12) customer services specialist principal;
- 123.3 (13) dental assistant registered;
- 123.4 (14) dental hygienist;
- 123.5 (15) food service worker;
- 123.6 (16) food services supervisor;
- 123.7 (17) group supervisor;
- 123.8 (18) group supervisor assistant;
- 123.9 (19) human services support specialist;
- 123.10 (20) licensed alcohol and drug counselor;
- 123.11 (21) licensed practical nurse;
- 123.12 (22) management analyst 3;
- 123.13 (23) music therapist;
- 123.14 (24) occupational therapist;
- 123.15 (25) occupational therapist, senior;
- 123.16 (26) physical therapist;
- 123.17 (27) psychologist 1;
- 123.18 (28) psychologist 2;
- 123.19 (29) psychologist 3;
- 123.20 (30) recreation program assistant;
- 123.21 (31) recreation therapist lead;
- 123.22 (32) recreation therapist senior;
- 123.23 (33) rehabilitation counselor senior;
- 123.24 (34) residential program lead;
- 123.25 (35) security supervisor;
- 123.26 (36) skills development specialist;
- 123.27 (37) social worker senior;

- 124.1 (38) social worker specialist;
- 124.2 (39) social worker specialist, senior;
- 124.3 (40) special education program assistant;
- 124.4 (41) speech pathology clinician;
- 124.5 (42) substance use disorder counselor senior;
- 124.6 (43) work therapy assistant; and
- 124.7 (44) work therapy program coordinator.

124.8 **EFFECTIVE DATE.** This section is effective July 1, 2025.

124.9 Sec. 72. Minnesota Statutes 2024, section 401.17, subdivision 1, is amended to read:

124.10 Subdivision 1. **Establishment; members.** (a) The commissioner must establish a
124.11 Community Supervision Advisory Committee to develop and make recommendations to
124.12 the commissioner on standards for probation, supervised release, and community supervision.
124.13 The committee consists of 19 members as follows:

124.14 (1) two directors appointed by the Minnesota Association of Community Corrections
124.15 Act Counties;

124.16 (2) two probation directors appointed by the Minnesota Association of County Probation
124.17 Officers;

124.18 (3) three county commissioner representatives appointed by the Association of Minnesota
124.19 Counties;

124.20 (4) two behavioral health, treatment, or programming providers who work directly with
124.21 individuals on correctional supervision, one appointed by the ~~Department of Human Services~~
124.22 Direct Care and Treatment executive board and one appointed by the Minnesota Association
124.23 of County Social Service Administrators;

124.24 (5) two representatives appointed by the Minnesota Indian Affairs Council;

124.25 (6) two commissioner-appointed representatives from the Department of Corrections;

124.26 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

124.27 (8) three individuals who have been supervised, either individually or collectively, under
124.28 each of the state's three community supervision delivery systems appointed by the
124.29 commissioner in consultation with the Minnesota Association of County Probation Officers
124.30 and the Minnesota Association of Community Corrections Act Counties;

125.1 (9) an advocate for victims of crime appointed by the commissioner; and

125.2 (10) a representative from a community-based research and advocacy entity appointed
125.3 by the commissioner.

125.4 (b) When an appointing authority selects an individual for membership on the committee,
125.5 the authority must make reasonable efforts to reflect geographic diversity and to appoint
125.6 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

125.7 (c) Chapter 15 applies to the extent consistent with this section.

125.8 (d) The commissioner must convene the first meeting of the committee on or before
125.9 October 1, 2023.

125.10 **EFFECTIVE DATE.** This section is effective July 1, 2025.

125.11 Sec. 73. Minnesota Statutes 2024, section 507.071, subdivision 1, is amended to read:

125.12 Subdivision 1. **Definitions.** For the purposes of this section the following terms have
125.13 the meanings given:

125.14 (a) "Beneficiary" or "grantee beneficiary" means a person or entity named as a grantee
125.15 beneficiary in a transfer on death deed, including a successor grantee beneficiary.

125.16 (b) "County agency" means the county department or office designated to recover medical
125.17 assistance benefits from the estates of decedents.

125.18 (c) "Grantor owner" means an owner, whether individually, as a joint tenant, or as a
125.19 tenant in common, named as a grantor in a transfer on death deed upon whose death the
125.20 conveyance or transfer of the described real property is conditioned. Grantor owner does
125.21 not include a spouse who joins in a transfer on death deed solely for the purpose of conveying
125.22 or releasing statutory or other marital interests in the real property to be conveyed or
125.23 transferred by the transfer on death deed.

125.24 (d) "Owner" means a person having an ownership or other interest in all or part of the
125.25 real property to be conveyed or transferred by a transfer on death deed either at the time the
125.26 deed is executed or at the time the transfer becomes effective. Owner does not include a
125.27 spouse who joins in a transfer on death deed solely for the purpose of conveying or releasing
125.28 statutory or other marital interests in the real property to be conveyed or transferred by the
125.29 transfer on death deed.

125.30 (e) "Property" and "interest in real property" mean any interest in real property located
125.31 in this state which is transferable on the death of the owner and includes, without limitation,
125.32 an interest in real property defined in chapter 500, a mortgage, a deed of trust, a security

126.1 interest in, or a security pledge of, an interest in real property, including the rights to
126.2 payments of the indebtedness secured by the security instrument, a judgment, a tax lien,
126.3 both the seller's and purchaser's interest in a contract for deed, land contract, purchase
126.4 agreement, or earnest money contract for the sale and purchase of real property, including
126.5 the rights to payments under such contracts, or any other lien on, or interest in, real property.

126.6 (f) "Recorded" means recorded in the office of the county recorder or registrar of titles,
126.7 as appropriate for the real property described in the instrument to be recorded.

126.8 (g) "State agency" means the Department of Human Services or any successor agency
126.9 or Direct Care and Treatment or any successor agency.

126.10 (h) "Transfer on death deed" means a deed authorized under this section.

126.11 **EFFECTIVE DATE.** This section is effective July 1, 2025.

126.12 Sec. 74. Minnesota Statutes 2024, section 611.57, subdivision 2, is amended to read:

126.13 Subd. 2. **Membership.** (a) The Certification Advisory Committee consists of the
126.14 following members:

126.15 (1) a mental health professional, as defined in section 245I.02, subdivision 27, with
126.16 community behavioral health experience, appointed by the governor;

126.17 (2) a board-certified forensic psychiatrist with experience in competency evaluations,
126.18 providing competency attainment services, or both, appointed by the governor;

126.19 (3) a board-certified forensic psychologist with experience in competency evaluations,
126.20 providing competency attainment services, or both, appointed by the governor;

126.21 (4) the president of the Minnesota Corrections Association or a designee;

126.22 (5) the Direct Care and Treatment ~~deputy commissioner~~ chief executive officer or a
126.23 designee;

126.24 (6) the president of the Minnesota Association of County Social Service Administrators
126.25 or a designee;

126.26 (7) the president of the Minnesota Association of Community Mental Health Providers
126.27 or a designee;

126.28 (8) the president of the Minnesota Sheriffs' Association or a designee; and

126.29 (9) the executive director of the National Alliance on Mental Illness Minnesota or a
126.30 designee.

(b) Members of the advisory committee serve without compensation and at the pleasure of the appointing authority. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 75. Minnesota Statutes 2024, section 611.57, subdivision 4, is amended to read:

Subd. 4. **Duties.** The Certification Advisory Committee shall consult with the Department of Human Services, the Department of Health, ~~and~~ the Department of Corrections, and Direct Care and Treatment; make recommendations to the Minnesota Competency Attainment Board regarding competency attainment curriculum, certification requirements for competency attainment programs including jail-based programs, and certification of individuals to provide competency attainment services; and provide information and recommendations on other issues relevant to competency attainment as requested by the board.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 76. Minnesota Statutes 2024, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the ~~commissioner of human services~~ Direct Care and Treatment executive board, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

128.1 The statements shall be signed and dated by the person applying for a permit. At the
128.2 time of application, the local police authority shall provide the applicant with a dated receipt
128.3 for the application. The statement under clause (3) must comply with any applicable
128.4 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
128.5 to consent to disclosure of alcohol or drug abuse patient records.

128.6 **EFFECTIVE DATE.** This section is effective July 1, 2025.

128.7 Sec. 77. Minnesota Statutes 2024, section 624.7131, subdivision 2, is amended to read:

128.8 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
128.9 records and warrant information relating to the applicant through the Minnesota Crime
128.10 Information System, the national criminal record repository, and the National Instant Criminal
128.11 Background Check System. The chief of police or sheriff shall also make a reasonable effort
128.12 to check other available state and local record-keeping systems. The chief of police or sheriff
128.13 shall obtain commitment information from the ~~commissioner of human services~~ Direct Care
128.14 and Treatment executive board as provided in section 246C.15.

128.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

128.16 Sec. 78. Minnesota Statutes 2024, section 624.7132, subdivision 1, is amended to read:

128.17 Subdivision 1. **Required information.** Except as provided in this section and section
128.18 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
128.19 assault weapon shall report the following information in writing to the chief of police of
128.20 the organized full-time police department of the municipality where the proposed transferee
128.21 resides or to the appropriate county sheriff if there is no such local chief of police:

128.22 (1) the name, residence, telephone number, and driver's license number or
128.23 nonqualification certificate number, if any, of the proposed transferee;

128.24 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
128.25 characteristics, if any, of the proposed transferee;

128.26 (3) a statement that the proposed transferee authorizes the release to the local police
128.27 authority of commitment information about the proposed transferee maintained by the
128.28 ~~commissioner of human services~~ Direct Care and Treatment executive board, to the extent
128.29 that the information relates to the proposed transferee's eligibility to possess a pistol or
128.30 semiautomatic military-style assault weapon under section 624.713, subdivision 1;

128.31 (4) a statement by the proposed transferee that the transferee is not prohibited by section
128.32 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

129.1 (5) the address of the place of business of the transferor.

129.2 The report shall be signed and dated by the transferor and the proposed transferee. The
129.3 report shall be delivered by the transferor to the chief of police or sheriff no later than three
129.4 days after the date of the agreement to transfer, excluding weekends and legal holidays.

129.5 The statement under clause (3) must comply with any applicable requirements of Code of
129.6 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
129.7 alcohol or drug abuse patient records.

129.8 **EFFECTIVE DATE.** This section is effective July 1, 2025.

129.9 Sec. 79. Minnesota Statutes 2024, section 624.7132, subdivision 2, is amended to read:

129.10 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
129.11 shall check criminal histories, records and warrant information relating to the proposed
129.12 transferee through the Minnesota Crime Information System, the national criminal record
129.13 repository, and the National Instant Criminal Background Check System. The chief of police
129.14 or sheriff shall also make a reasonable effort to check other available state and local
129.15 record-keeping systems. The chief of police or sheriff shall obtain commitment information
129.16 from the ~~commissioner of human services~~ Direct Care and Treatment executive board as
129.17 provided in section 246C.15.

129.18 **EFFECTIVE DATE.** This section is effective July 1, 2025.

129.19 Sec. 80. Minnesota Statutes 2024, section 624.714, subdivision 3, is amended to read:

129.20 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
129.21 be an official, standardized application form, adopted under section 624.7151, and must set
129.22 forth in writing only the following information:

129.23 (1) the applicant's name, residence, telephone number, if any, and driver's license number
129.24 or state identification card number;

129.25 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
129.26 distinguishing physical characteristics, if any;

129.27 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
129.28 residences of the applicant in the last five years, though not including specific addresses;

129.29 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
129.30 in the last five years, though not including specific addresses;

130.1 (5) a statement that the applicant authorizes the release to the sheriff of commitment
130.2 information about the applicant maintained by the ~~commissioner of human services~~ Direct
130.3 Care and Treatment executive board or any similar agency or department of another state
130.4 where the applicant has resided, to the extent that the information relates to the applicant's
130.5 eligibility to possess a firearm; and

130.6 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
130.7 the applicant is not prohibited by law from possessing a firearm.

130.8 (b) The statement under paragraph (a), clause (5), must comply with any applicable
130.9 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
130.10 to consent to disclosure of alcohol or drug abuse patient records.

130.11 (c) An applicant must submit to the sheriff an application packet consisting only of the
130.12 following items:

130.13 (1) a completed application form, signed and dated by the applicant;

130.14 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
130.15 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

130.16 (3) an accurate photocopy of the applicant's current driver's license, state identification
130.17 card, or the photo page of the applicant's passport.

130.18 (d) In addition to the other application materials, a person who is otherwise ineligible
130.19 for a permit due to a criminal conviction but who has obtained a pardon or expungement
130.20 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
130.21 must submit a copy of the relevant order.

130.22 (e) Applications must be submitted in person.

130.23 (f) The sheriff may charge a new application processing fee in an amount not to exceed
130.24 the actual and reasonable direct cost of processing the application or \$100, whichever is
130.25 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
130.26 general fund.

130.27 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
130.28 required to submit in order to apply for a new or renewal permit to carry. The applicant
130.29 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,
130.30 or documentation beyond that specifically required by this subdivision. This paragraph does
130.31 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
130.32 paragraph (d).

131.1 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
131.2 the commissioner must make the forms available on the Internet.

131.3 (i) Application forms must clearly display a notice that a permit, if granted, is void and
131.4 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
131.5 by law from possessing a firearm. The notice must list the applicable state criminal offenses
131.6 and civil categories that prohibit a person from possessing a firearm.

131.7 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
131.8 a signed receipt indicating the date of submission.

131.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

131.10 Sec. 81. Minnesota Statutes 2024, section 624.714, subdivision 4, is amended to read:

131.11 Subd. 4. **Investigation.** (a) The sheriff must check, by means of electronic data transfer,
131.12 criminal records, histories, and warrant information on each applicant through the Minnesota
131.13 Crime Information System and the National Instant Criminal Background Check System.
131.14 The sheriff shall also make a reasonable effort to check other available and relevant federal,
131.15 state, or local record-keeping systems. The sheriff must obtain commitment information
131.16 from the ~~commissioner of human services~~ Direct Care and Treatment executive board as
131.17 provided in section 246C.15 or, if the information is reasonably available, as provided by
131.18 a similar statute from another state.

131.19 (b) When an application for a permit is filed under this section, the sheriff must notify
131.20 the chief of police, if any, of the municipality where the applicant resides. The police chief
131.21 may provide the sheriff with any information relevant to the issuance of the permit.

131.22 (c) The sheriff must conduct a background check by means of electronic data transfer
131.23 on a permit holder through the Minnesota Crime Information System and the National
131.24 Instant Criminal Background Check System at least yearly to ensure continuing eligibility.
131.25 The sheriff may also conduct additional background checks by means of electronic data
131.26 transfer on a permit holder at any time during the period that a permit is in effect.

131.27 **EFFECTIVE DATE.** This section is effective July 1, 2025.

131.28 Sec. 82. Minnesota Statutes 2024, section 631.40, subdivision 3, is amended to read:

131.29 Subd. 3. **Departments of Human Services; Children, Youth, and Families; and**
131.30 **Health licensees.** When a person who is affiliated with a program or facility governed or
131.31 licensed by Direct Care and Treatment; the Department of Human Services; Department
131.32 of Children, Youth, and Families; or Department of Health is convicted of a disqualifying

132.1 crime, the probation officer or corrections agent shall notify the commissioner of the
132.2 conviction, as provided in chapter 245C.

132.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

132.4 Sec. 83. **REVISOR INSTRUCTION.**

132.5 (a) The revisor of statutes shall renumber Minnesota Statutes, section 252.50, subdivision
132.6 5, as Minnesota Statutes, section 246C.11, subdivision 4a.

132.7 (b) The revisor of statutes shall renumber Minnesota Statutes, section 252.52, as
132.8 Minnesota Statutes, section 246C.191.

132.9 (c) The revisor of statutes shall make necessary cross-reference changes consistent with
132.10 the renumbering in this section.

132.11 **EFFECTIVE DATE.** This section is effective July 1, 2025.

132.12 Sec. 84. **REPEALER.**

132.13 (a) Minnesota Statutes 2024, sections 245.4862; 246.015, subdivision 3; 246.50,
132.14 subdivision 2; and 246B.04, subdivision 1a, are repealed.

132.15 (b) Laws 2024, chapter 79, article 1, sections 15; 16; and 17, are repealed.

132.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

132.17 **ARTICLE 4**

132.18 **SUBSTANCE USE DISORDER TREATMENT SERVICES POLICY**

132.19 Section 1. Minnesota Statutes 2024, section 4.046, subdivision 2, is amended to read:

132.20 Subd. 2. **Subcabinet membership.** The subcabinet consists of the following members:

132.21 (1) the commissioner of human services;

132.22 (2) the commissioner of health;

132.23 (3) the commissioner of education;

132.24 (4) the commissioner of public safety;

132.25 (5) the commissioner of corrections;

132.26 (6) the commissioner of management and budget;

132.27 (7) the commissioner of higher education;

- 133.1 (8) the commissioner of children, youth, and families;
- 133.2 (9) the chief executive officer of direct care and treatment;
- 133.3 (10) the commissioner of commerce;
- 133.4 (11) the director of the Office of Cannabis Management;
- 133.5 ~~(8)~~ (12) the chair of the Interagency Council on Homelessness; and
- 133.6 ~~(9)~~ (13) the governor's director of addiction and recovery, who shall serve as chair of
- 133.7 the subcabinet.

133.8 Sec. 2. Minnesota Statutes 2024, section 4.046, subdivision 3, is amended to read:

133.9 Subd. 3. **Policy and strategy development.** The subcabinet must engage in the following
 133.10 duties related to the development of opioid use, substance use, and addiction policy and
 133.11 strategy:

133.12 (1) identify challenges and opportunities that exist relating to accessing treatment and
 133.13 support services and develop recommendations to overcome these barriers for all
 133.14 Minnesotans;

133.15 (2) with input from affected communities, develop policies and strategies that will reduce
 133.16 barriers and gaps in service for all Minnesotans seeking treatment for opioid or substance
 133.17 use disorder, particularly for those Minnesotans who are members of communities
 133.18 disproportionately impacted by substance use and addiction;

133.19 (3) develop policies and strategies that the state may adopt to expand Minnesota's recovery
 133.20 infrastructure, including detoxification or withdrawal management facilities, treatment
 133.21 facilities, and sober housing;

133.22 (4) identify innovative services and strategies for effective treatment and support;

133.23 (5) develop policies and strategies to expand services and support for people in Minnesota
 133.24 suffering from opioid or substance use disorder through partnership with the Opioid Epidemic
 133.25 Response Advisory Council and other relevant partnerships;

133.26 (6) develop policies and strategies for agencies to manage addiction and the relationship
 133.27 it has with co-occurring conditions;

133.28 (7) identify policies and strategies to address opioid or substance use disorder among
 133.29 Minnesotans experiencing homelessness; ~~and~~

133.30 (8) submit recommendations to the legislature addressing opioid use, substance use, and
 133.31 addiction in Minnesota; and

134.1 (9) develop and publish a comprehensive substance use and addiction plan for the state.
134.2 The plan must establish goals and priorities for a comprehensive continuum of care for
134.3 substance misuse and substance use disorder for Minnesota. All state agencies' operating
134.4 programs related to substance use prevention, harm reduction, treatment, or recovery or
134.5 that are administering state or federal funds for those programs shall set program goals and
134.6 priorities in accordance with the state plan. Each state agency shall submit its relevant plans
134.7 and budgets to the subcabinet for review upon request.

134.8 Sec. 3. Minnesota Statutes 2024, section 245G.05, subdivision 1, is amended to read:

134.9 Subdivision 1. **Comprehensive assessment.** (a) A comprehensive assessment of the
134.10 client's substance use disorder must be administered face-to-face ~~by an alcohol and drug~~
134.11 ~~counselor~~ within five calendar days from the day of service initiation for a residential
134.12 program or by the end of the fifth day on which a treatment service is provided in a
134.13 nonresidential program. The number of days to complete the comprehensive assessment
134.14 excludes the day of service initiation.

134.15 (b) A comprehensive assessment must be administered by:

134.16 (1) an alcohol and drug counselor;

134.17 (2) a mental health professional who meets the qualifications under section 245I.04,
134.18 subdivision 2; practices within the scope of their professional licensure; and has at least 12
134.19 hours of training in substance use disorder and treatment;

134.20 (3) a clinical trainee who meets the qualifications under section 245I.04, subdivision 6,
134.21 practicing under the supervision of a mental health professional who meets the requirements
134.22 of clause (2); or

134.23 (4) an advanced practice registered nurse as defined in section 148.171, subdivision 3,
134.24 who practices within the scope of their professional licensure and has at least 12 hours of
134.25 training in substance use disorder and treatment.

134.26 (c) If the comprehensive assessment is not completed within the required time frame,
134.27 the person-centered reason for the delay and the planned completion date must be documented
134.28 in the client's file. The comprehensive assessment is complete upon a qualified staff member's
134.29 dated signature. If the client received a comprehensive assessment that authorized the
134.30 treatment service, ~~an alcohol and drug counselor~~ a staff member qualified under paragraph
134.31 (b) may use the comprehensive assessment for requirements of this subdivision but must
134.32 document a review of the comprehensive assessment and update the comprehensive
134.33 assessment as clinically necessary to ensure compliance with this subdivision within

135.1 applicable timelines. ~~An alcohol and drug counselor~~ A staff member qualified under
135.2 paragraph (b) must sign and date the comprehensive assessment review and update.

135.3 Sec. 4. Minnesota Statutes 2024, section 245G.11, subdivision 7, is amended to read:

135.4 Subd. 7. **Treatment coordination provider qualifications.** (a) Treatment coordination
135.5 must be provided by qualified staff. An individual is qualified to provide treatment
135.6 coordination if the individual meets the qualifications of an alcohol and drug counselor
135.7 under subdivision 5 or if the individual:

135.8 (1) is skilled in the process of identifying and assessing a wide range of client needs;

135.9 (2) is knowledgeable about local community resources and how to use those resources
135.10 for the benefit of the client;

135.11 (3) has ~~successfully completed 30 hours of classroom instruction on treatment~~
135.12 ~~coordination for an individual with substance use disorder~~ specific training on substance
135.13 use disorder and co-occurring disorders that is consistent with national evidence-based
135.14 practices; and

135.15 (4) ~~has either~~ meets one of the following criteria:

135.16 (i) has a bachelor's degree in one of the behavioral sciences or related fields and at least
135.17 1,000 hours of supervised experience working with individuals with substance use disorder;
135.18 ~~or~~

135.19 (ii) has current certification as an alcohol and drug counselor, level I, by the Upper
135.20 Midwest Indian Council on Addictive Disorders; ~~and~~ or

135.21 (iii) is a mental health practitioner who meets the qualifications under section 245I.04,
135.22 subdivision 4.

135.23 (5) ~~has at least 2,000 hours of supervised experience working with individuals with~~
135.24 ~~substance use disorder.~~

135.25 (b) A treatment coordinator must receive at least one hour of supervision regarding
135.26 individual service delivery from an alcohol and drug counselor, or a mental health
135.27 professional who has substance use treatment and assessments within the scope of their
135.28 practice, on a monthly basis.

135.29 Sec. 5. Minnesota Statutes 2024, section 254A.03, subdivision 1, is amended to read:

135.30 Subdivision 1. **Alcohol and Other Drug Abuse Section.** There is hereby created an
135.31 Alcohol and Other Drug Abuse Section in the Department of Human Services. This section

136.1 shall be headed by a director. The commissioner may place the director's position in the
136.2 unclassified service if the position meets the criteria established in section 43A.08,
136.3 subdivision 1a. The section shall:

136.4 (1) conduct and foster basic research relating to the cause, prevention and methods of
136.5 diagnosis, treatment and recovery of persons with substance misuse and substance use
136.6 disorder;

136.7 ~~(2) coordinate and review all activities and programs of all the various state departments~~
136.8 ~~as they relate to problems associated with substance misuse and substance use disorder;~~

136.9 ~~(3)~~ (2) develop, demonstrate, and disseminate new methods and techniques for prevention,
136.10 early intervention, treatment and recovery support for substance misuse and substance use
136.11 disorder;

136.12 ~~(4)~~ (3) gather facts and information about substance misuse and substance use disorder,
136.13 and about the efficiency and effectiveness of prevention, treatment, and recovery support
136.14 services from all comprehensive programs, including programs approved or licensed by the
136.15 commissioner of human services or the commissioner of health or accredited by the Joint
136.16 Commission on Accreditation of Hospitals. The state authority is authorized to require
136.17 information from comprehensive programs which is reasonable and necessary to fulfill
136.18 these duties. When required information has been previously furnished to a state or local
136.19 governmental agency, the state authority shall collect the information from the governmental
136.20 agency. The state authority shall disseminate facts and summary information about problems
136.21 associated with substance misuse and substance use disorder to public and private agencies,
136.22 local governments, local and regional planning agencies, and the courts for guidance to and
136.23 assistance in prevention, treatment and recovery support;

136.24 ~~(5)~~ (4) inform and educate the general public on substance misuse and substance use
136.25 disorder;

136.26 ~~(6)~~ (5) serve as the state authority concerning substance misuse and substance use disorder
136.27 by monitoring the conduct of diagnosis and referral services, research and comprehensive
136.28 programs. The state authority shall submit a biennial report to the governor containing a
136.29 description of public services delivery and recommendations concerning increase of
136.30 coordination and quality of services, and decrease of service duplication and cost;

136.31 ~~(7) establish a state plan which shall set forth goals and priorities for a comprehensive~~
136.32 ~~continuum of care for substance misuse and substance use disorder for Minnesota. All state~~
136.33 ~~agencies operating substance misuse or substance use disorder programs or administering~~
136.34 ~~state or federal funds for such programs shall annually set their program goals and priorities~~

137.1 ~~in accordance with the state plan. Each state agency shall annually submit its plans and~~
137.2 ~~budgets to the state authority for review. The state authority shall certify whether proposed~~
137.3 ~~services comply with the comprehensive state plan and advise each state agency of review~~
137.4 ~~findings;~~

137.5 ~~(8)~~ (6) make contracts with and grants to public and private agencies and organizations,
137.6 both profit and nonprofit, and individuals, using federal funds, and state funds as authorized
137.7 to pay for costs of state administration, including evaluation, statewide programs and services,
137.8 research and demonstration projects, and American Indian programs;

137.9 ~~(9)~~ (7) receive and administer money available for substance misuse and substance use
137.10 disorder programs under the alcohol, drug abuse, and mental health services block grant,
137.11 United States Code, title 42, sections 300X to 300X-9;

137.12 ~~(10)~~ (8) solicit and accept any gift of money or property for purposes of Laws 1973,
137.13 chapter 572, and any grant of money, services, or property from the federal government,
137.14 the state, any political subdivision thereof, or any private source; and

137.15 ~~(11)~~ (9) with respect to substance misuse and substance use disorder programs serving
137.16 the American Indian community, establish guidelines for the employment of personnel with
137.17 considerable practical experience in substance misuse and substance use disorder, and
137.18 understanding of social and cultural problems related to substance misuse and substance
137.19 use disorder, in the American Indian community.

137.20 Sec. 6. Minnesota Statutes 2024, section 254B.05, subdivision 1, is amended to read:

137.21 Subdivision 1. **Licensure or certification required.** (a) Programs licensed by the
137.22 commissioner are eligible vendors. Hospitals may apply for and receive licenses to be
137.23 eligible vendors, notwithstanding the provisions of section 245A.03. American Indian
137.24 programs that provide substance use disorder treatment, extended care, transitional residence,
137.25 or outpatient treatment services, and are licensed by tribal government are eligible vendors.

137.26 (b) A licensed professional in private practice as defined in section 245G.01, subdivision
137.27 17, who meets the requirements of section 245G.11, subdivisions 1 and 4, is an eligible
137.28 vendor of a comprehensive assessment provided according to section 254A.19, subdivision
137.29 3, and treatment services provided according to sections 245G.06 and 245G.07, subdivision
137.30 1, paragraphs (a), clauses (1) to (5), and (b); and subdivision 2, clauses (1) to (6).

137.31 (c) A county is an eligible vendor for a comprehensive assessment when provided by
137.32 an individual who meets the staffing credentials of section 245G.11, subdivisions 1 and 5,
137.33 and completed according to the requirements of section 254A.19, subdivision 3. A county

138.1 is an eligible vendor of care coordination services when provided by an individual who
138.2 meets the staffing credentials of section 245G.11, subdivisions 1 and 7, and provided
138.3 according to the requirements of section 245G.07, subdivision 1, paragraph (a), clause (5).
138.4 A county is an eligible vendor of peer recovery services when the services are provided by
138.5 an individual who meets the requirements of section 245G.11, subdivision 8.

138.6 (d) A recovery community organization that meets the requirements of clauses (1) to
138.7 ~~(14)~~ (15) and meets certification or accreditation requirements of the Alliance for Recovery
138.8 Centered Organizations, the Council on Accreditation of Peer Recovery Support Services,
138.9 or a Minnesota statewide recovery organization identified by the commissioner is an eligible
138.10 vendor of peer recovery support services. A Minnesota statewide recovery organization
138.11 identified by the commissioner must update recovery community organization applicants
138.12 for certification or accreditation on the status of the application within 45 days of receipt.
138.13 If the approved statewide recovery organization denies an application, it must provide a
138.14 written explanation for the denial to the recovery community organization. Eligible vendors
138.15 under this paragraph must:

138.16 (1) be nonprofit organizations under section 501(c)(3) of the Internal Revenue Code, be
138.17 free from conflicting self-interests, and be autonomous in decision-making, program
138.18 development, peer recovery support services provided, and advocacy efforts for the purpose
138.19 of supporting the recovery community organization's mission;

138.20 (2) be led and governed by individuals in the recovery community, with more than 50
138.21 percent of the board of directors or advisory board members self-identifying as people in
138.22 personal recovery from substance use disorders;

138.23 (3) have a mission statement and conduct corresponding activities indicating that the
138.24 organization's primary purpose is to support recovery from substance use disorder;

138.25 (4) demonstrate ongoing community engagement with the identified primary region and
138.26 population served by the organization, including individuals in recovery and their families,
138.27 friends, and recovery allies;

138.28 (5) be accountable to the recovery community through documented priority-setting and
138.29 participatory decision-making processes that promote the engagement of, and consultation
138.30 with, people in recovery and their families, friends, and recovery allies;

138.31 (6) provide nonclinical peer recovery support services, including but not limited to
138.32 recovery support groups, recovery coaching, telephone recovery support, skill-building,
138.33 and harm-reduction activities, and provide recovery public education and advocacy;

139.1 (7) have written policies that allow for and support opportunities for all paths toward
139.2 recovery and refrain from excluding anyone based on their chosen recovery path, which
139.3 may include but is not limited to harm reduction paths, faith-based paths, and nonfaith-based
139.4 paths;

139.5 (8) maintain organizational practices to meet the needs of Black, Indigenous, and people
139.6 of color communities, LGBTQ+ communities, and other underrepresented or marginalized
139.7 communities. Organizational practices may include board and staff training, service offerings,
139.8 advocacy efforts, and culturally informed outreach and services;

139.9 (9) use recovery-friendly language in all media and written materials that is supportive
139.10 of and promotes recovery across diverse geographical and cultural contexts and reduces
139.11 stigma;

139.12 (10) establish and maintain a publicly available recovery community organization code
139.13 of ethics and grievance policy and procedures;

139.14 (11) not classify or treat any recovery peer hired on or after July 1, 2024, as an
139.15 independent contractor;

139.16 (12) not classify or treat any recovery peer as an independent contractor on or after
139.17 January 1, 2025;

139.18 (13) provide an orientation for recovery peers that includes an overview of the consumer
139.19 advocacy services provided by the Ombudsman for Mental Health and Developmental
139.20 Disabilities and other relevant advocacy services; ~~and~~

139.21 (14) provide notice to peer recovery support services participants that includes the
139.22 following statement: "If you have a complaint about the provider or the person providing
139.23 your peer recovery support services, you may contact the Minnesota Alliance of Recovery
139.24 Community Organizations. You may also contact the Office of Ombudsman for Mental
139.25 Health and Developmental Disabilities." The statement must also include:

139.26 (i) the telephone number, website address, email address, and mailing address of the
139.27 Minnesota Alliance of Recovery Community Organizations and the Office of Ombudsman
139.28 for Mental Health and Developmental Disabilities;

139.29 (ii) the recovery community organization's name, address, email, telephone number, and
139.30 name or title of the person at the recovery community organization to whom problems or
139.31 complaints may be directed; and

139.32 (iii) a statement that the recovery community organization will not retaliate against a
139.33 peer recovery support services participant because of a complaint; and

140.1 (15) comply with the requirements of section 245A.04, subdivision 15a.

140.2 (e) A recovery community organization approved by the commissioner before June 30,
140.3 2023, must have begun the application process as required by an approved certifying or
140.4 accrediting entity and have begun the process to meet the requirements under paragraph (d)
140.5 by September 1, 2024, in order to be considered as an eligible vendor of peer recovery
140.6 support services.

140.7 (f) A recovery community organization that is aggrieved by an accreditation, certification,
140.8 or membership determination and believes it meets the requirements under paragraph (d)
140.9 may appeal the determination under section 256.045, subdivision 3, paragraph (a), clause
140.10 (14), for reconsideration as an eligible vendor. If the human services judge determines that
140.11 the recovery community organization meets the requirements under paragraph (d), the
140.12 recovery community organization is an eligible vendor of peer recovery support services.

140.13 (g) All recovery community organizations must be certified or accredited by an entity
140.14 listed in paragraph (d) by June 30, 2025.

140.15 (h) Detoxification programs licensed under Minnesota Rules, parts 9530.6510 to
140.16 9530.6590, are not eligible vendors. Programs that are not licensed as a residential or
140.17 nonresidential substance use disorder treatment or withdrawal management program by the
140.18 commissioner or by tribal government or do not meet the requirements of subdivisions 1a
140.19 and 1b are not eligible vendors.

140.20 (i) Hospitals, federally qualified health centers, and rural health clinics are eligible
140.21 vendors of a comprehensive assessment when the comprehensive assessment is completed
140.22 according to section 254A.19, subdivision 3, and by an individual who meets the criteria
140.23 of an alcohol and drug counselor according to section 245G.11, subdivision 5. The alcohol
140.24 and drug counselor must be individually enrolled with the commissioner and reported on
140.25 the claim as the individual who provided the service.

140.26 (j) Any complaints about a recovery community organization or peer recovery support
140.27 services may be made to and reviewed or investigated by the ombudsperson for behavioral
140.28 health and developmental disabilities under sections 245.91 and 245.94.

140.29 Sec. 7. Minnesota Statutes 2024, section 254B.05, subdivision 5, is amended to read:

140.30 Subd. 5. **Rate requirements.** (a) The commissioner shall establish rates for substance
140.31 use disorder services and service enhancements funded under this chapter.

140.32 (b) Eligible substance use disorder treatment services include:

141.1 (1) those licensed, as applicable, according to chapter 245G or applicable Tribal license
141.2 and provided according to the following ASAM levels of care:

141.3 (i) ASAM level 0.5 early intervention services provided according to section 254B.19,
141.4 subdivision 1, clause (1);

141.5 (ii) ASAM level 1.0 outpatient services provided according to section 254B.19,
141.6 subdivision 1, clause (2);

141.7 (iii) ASAM level 2.1 intensive outpatient services provided according to section 254B.19,
141.8 subdivision 1, clause (3);

141.9 (iv) ASAM level 2.5 partial hospitalization services provided according to section
141.10 254B.19, subdivision 1, clause (4);

141.11 (v) ASAM level 3.1 clinically managed low-intensity residential services provided
141.12 according to section 254B.19, subdivision 1, clause (5). The commissioner shall use the
141.13 base payment rate of \$79.84 per day for services provided under this item;

141.14 (vi) ASAM level 3.1 clinically managed low-intensity residential services provided
141.15 according to section 254B.19, subdivision 1, clause (5), at 15 or more hours of skilled
141.16 treatment services each week. The commissioner shall use the base payment rate of \$166.13
141.17 per day for services provided under this item;

141.18 (vii) ASAM level 3.3 clinically managed population-specific high-intensity residential
141.19 services provided according to section 254B.19, subdivision 1, clause (6). The commissioner
141.20 shall use the specified base payment rate of \$224.06 per day for services provided under
141.21 this item; and

141.22 (viii) ASAM level 3.5 clinically managed high-intensity residential services provided
141.23 according to section 254B.19, subdivision 1, clause (7). The commissioner shall use the
141.24 specified base payment rate of \$224.06 per day for services provided under this item;

141.25 (2) comprehensive assessments provided according to section 254A.19, subdivision 3;

141.26 (3) treatment coordination services provided according to section 245G.07, subdivision
141.27 1, paragraph (a), clause (5);

141.28 (4) peer recovery support services provided according to section 245G.07, subdivision
141.29 2, clause (8);

141.30 (5) withdrawal management services provided according to chapter 245F;

142.1 (6) hospital-based treatment services that are licensed according to sections 245G.01 to
142.2 245G.17 or applicable Tribal license and licensed as a hospital under sections 144.50 to
142.3 144.56;

142.4 (7) substance use disorder treatment services with medications for opioid use disorder
142.5 provided in an opioid treatment program licensed according to sections 245G.01 to 245G.17
142.6 and 245G.22, or under an applicable Tribal license;

142.7 (8) medium-intensity residential treatment services that provide 15 hours of skilled
142.8 treatment services each week and are licensed according to sections 245G.01 to 245G.17
142.9 and 245G.21 or applicable Tribal license;

142.10 (9) adolescent treatment programs that are licensed as outpatient treatment programs
142.11 according to sections 245G.01 to 245G.18 or as residential treatment programs according
142.12 to Minnesota Rules, parts 2960.0010 to 2960.0220, and 2960.0430 to 2960.0490, or
142.13 applicable Tribal license;

142.14 (10) ASAM 3.5 clinically managed high-intensity residential services that are licensed
142.15 according to sections 245G.01 to 245G.17 and 245G.21 or applicable Tribal license, which
142.16 provide ASAM level of care 3.5 according to section 254B.19, subdivision 1, clause (7),
142.17 and are provided by a state-operated vendor or to clients who have been civilly committed
142.18 to the commissioner, present the most complex and difficult care needs, and are a potential
142.19 threat to the community; and

142.20 (11) room and board facilities that meet the requirements of subdivision 1a.

142.21 (c) The commissioner shall establish higher rates for programs that meet the requirements
142.22 of paragraph (b) and one of the following additional requirements:

142.23 (1) programs that serve parents with their children if the program:

142.24 (i) provides on-site child care during the hours of treatment activity that:

142.25 (A) is licensed under chapter 245A as a child care center under Minnesota Rules, chapter
142.26 9503; or

142.27 (B) is licensed under chapter 245A and sections 245G.01 to 245G.19; or

142.28 (ii) arranges for off-site child care during hours of treatment activity at a facility that is
142.29 licensed under chapter 245A as:

142.30 (A) a child care center under Minnesota Rules, chapter 9503; or

142.31 (B) a family child care home under Minnesota Rules, chapter 9502;

143.1 (2) culturally specific or culturally responsive programs as defined in section 254B.01,
143.2 subdivision 4a;

143.3 (3) disability responsive programs as defined in section 254B.01, subdivision 4b;

143.4 (4) programs that offer medical services delivered by appropriately credentialed health
143.5 care staff in an amount equal to one hour per client per week if the medical needs of the
143.6 client and the nature and provision of any medical services provided are documented in the
143.7 client file; or

143.8 (5) programs that offer services to individuals with co-occurring mental health and
143.9 substance use disorder problems if:

143.10 (i) the program meets the co-occurring requirements in section 245G.20;

143.11 (ii) the program employs a mental health professional as defined in section 245I.04,
143.12 subdivision 2;

143.13 (iii) clients scoring positive on a standardized mental health screen receive a mental
143.14 health diagnostic assessment within ten days of admission, excluding weekends and holidays;

143.15 (iv) the program has standards for multidisciplinary case review that include a monthly
143.16 review for each client that, at a minimum, includes a licensed mental health professional
143.17 and licensed alcohol and drug counselor, and their involvement in the review is documented;

143.18 (v) family education is offered that addresses mental health and substance use disorder
143.19 and the interaction between the two; and

143.20 (vi) co-occurring counseling staff shall receive eight hours of co-occurring disorder
143.21 training annually.

143.22 (d) In order to be eligible for a higher rate under paragraph (c), clause (1), a program
143.23 that provides arrangements for off-site child care must maintain current documentation at
143.24 the substance use disorder facility of the child care provider's current licensure to provide
143.25 child care services.

143.26 (e) Adolescent residential programs that meet the requirements of Minnesota Rules,
143.27 parts 2960.0430 to 2960.0490 and 2960.0580 to 2960.0690, are exempt from the requirements
143.28 in paragraph (c), clause (5), items (i) to (iv).

143.29 (f) Substance use disorder services that are otherwise covered as direct face-to-face
143.30 services may be provided via telehealth as defined in section 256B.0625, subdivision 3b.

143.31 The use of telehealth to deliver services must be medically appropriate to the condition and

144.1 needs of the person being served. Reimbursement shall be at the same rates and under the
144.2 same conditions that would otherwise apply to direct face-to-face services.

144.3 (g) For the purpose of reimbursement under this section, substance use disorder treatment
144.4 services provided in a group setting without a group participant maximum or maximum
144.5 client to staff ratio under chapter 245G shall not exceed a client to staff ratio of 48 to one.
144.6 At least one of the attending staff must meet the qualifications as established under this
144.7 chapter for the type of treatment service provided. A recovery peer may not be included as
144.8 part of the staff ratio.

144.9 (h) Payment for outpatient substance use disorder services that are licensed according
144.10 to sections 245G.01 to 245G.17 is limited to six hours per day or 30 hours per week unless
144.11 prior authorization of a greater number of hours is obtained from the commissioner.

144.12 (i) Payment for substance use disorder services under this section must start from the
144.13 day of service initiation, when the comprehensive assessment is completed within the
144.14 required timelines.

144.15 (j) A license holder that is unable to provide all residential treatment services because
144.16 a client missed services remains eligible to bill for the client's intensity level of services
144.17 under this paragraph if the license holder can document the reason the client missed services
144.18 and the interventions done to address the client's absence.

144.19 (k) Hours in a treatment week may be reduced in observance of federally recognized
144.20 holidays.

144.21 (l) Eligible vendors of peer recovery support services must:

144.22 (1) submit to a review by the commissioner of up to ten percent of all medical assistance
144.23 and behavioral health fund claims to determine the medical necessity of peer recovery
144.24 support services for entities billing for peer recovery support services individually and not
144.25 receiving a daily rate; and

144.26 (2) limit an individual client to 14 hours per week for peer recovery support services
144.27 from an individual provider of peer recovery support services.

144.28 (m) Peer recovery support services not provided in accordance with section 254B.052
144.29 are subject to monetary recovery under section 256B.064 as money improperly paid.

144.30 Sec. 8. [256G.061] WITHDRAWAL MANAGEMENT SERVICES.

144.31 The county of financial responsibility for withdrawal management services is defined
144.32 in section 256G.02, subdivision 4.

ARTICLE 5

MISCELLANEOUS POLICY

Section 1. Minnesota Statutes 2024, section 62Q.75, subdivision 3, is amended to read:

Subd. 3. **Claims filing.** (a) Unless otherwise provided by contract, by section 16A.124, subdivision 4a, or by federal law, the health care providers and facilities specified in subdivision 2 must submit their charges to a health plan company or third-party administrator within six months from the date of service or the date the health care provider knew or was informed of the correct name and address of the responsible health plan company or third-party administrator, whichever is later.

(b) A health care provider or facility that does not make an initial submission of charges within the six-month period in paragraph (a), the 12-month period in paragraph (c), or the additional six-month period in paragraph (d) shall not be reimbursed for the charge and may not collect the charge from the recipient of the service or any other payer.

(c) The six-month submission requirement in paragraph (a) may be extended to 12 months in cases where a health care provider or facility specified in subdivision 2 has determined and can substantiate that it has experienced a significant disruption to normal operations that materially affects the ability to conduct business in a normal manner and to submit claims on a timely basis.

(d) The six-month submission requirement in paragraph (a) may be extended an additional six months if a health plan company or third-party administrator makes any adjustment or recoupment of payment. The additional six months begins on the date the health plan company or third-party administrator adjusts or recoups the payment.

(e) Any request by a health care provider or facility specified in subdivision 2 for an exception to a contractually defined claims submission timeline must be reviewed and acted upon by the health plan company within the same time frame as the contractually agreed upon claims filing timeline.

(f) This subdivision also applies to all health care providers and facilities that submit charges to workers' compensation payers for treatment of a workers' compensation injury compensable under chapter 176, or to reparation obligors for treatment of an injury compensable under chapter 65B."

Delete the title and insert:

"A bill for an act
relating to human services; modifying policy provisions relating to aging and disability services, the Department of Health, Direct Care and Treatment, substance

146.1 use disorder treatment services, and certain health insurance claims; amending
146.2 Minnesota Statutes 2024, sections 4.046, subdivisions 2, 3; 13.46, subdivisions 3,
146.3 4; 15.471, subdivision 6; 43A.241; 62J.495, subdivision 2; 62Q.75, subdivision
146.4 3; 97A.441, subdivision 3; 144.0724, subdivisions 2, 3a, 4, 8, 9, 11; 144.53;
146.5 144.586, subdivision 2; 144.6502, subdivision 3; 144.651, subdivisions 2, 4, 20,
146.6 31, 32; 144.6512, subdivision 3, by adding a subdivision; 144A.04, by adding a
146.7 subdivision; 144A.07; 144A.08, by adding a subdivision; 144A.70, subdivisions
146.8 3, 7, by adding subdivisions; 144A.751, subdivision 1; 144G.08, by adding
146.9 subdivisions; 144G.10, subdivisions 1, 1a, 5; 144G.16, subdivision 3; 144G.45,
146.10 by adding a subdivision; 144G.51; 144G.52, by adding a subdivision; 144G.53;
146.11 144G.70, subdivision 2; 144G.71, subdivisions 3, 5; 144G.81, subdivisions 1, 5;
146.12 144G.92, subdivision 2, by adding a subdivision; 145C.07, by adding a subdivision;
146.13 145C.10; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13, subdivision
146.14 6; 148.10, subdivision 1; 148.261, subdivision 5; 148.754; 148B.5905; 148F.09,
146.15 subdivision 6; 150A.08, subdivision 6; 151.071, subdivision 10; 153.21, subdivision
146.16 2; 153B.70; 168.012, subdivision 1; 244.052, subdivision 4; 245.50, subdivision
146.17 2; 245.91, subdivision 2; 245D.10, by adding a subdivision; 245G.05, subdivision
146.18 1; 245G.11, subdivision 7; 246.585; 246C.06, subdivision 11; 246C.12, subdivision
146.19 6; 246C.20; 252.28, subdivision 2; 252.291, subdivision 3; 252.41, subdivision 3;
146.20 252.42; 252.43; 252.44; 252.45; 252.46, subdivision 1a; 252.50, subdivision 5;
146.21 253B.07, subdivision 2b; 253B.09, subdivision 3a; 253B.10, subdivision 1;
146.22 253B.141, subdivision 2; 253B.18, subdivision 6; 253B.19, subdivision 2; 253D.29,
146.23 subdivisions 1, 2, 3; 253D.30, subdivisions 4, 5; 254A.03, subdivision 1; 254B.05,
146.24 subdivisions 1, 5; 256.01, subdivisions 2, 5; 256.019, subdivision 1; 256.0281;
146.25 256.0451, subdivisions 1, 3, 6, 8, 9, 18, 22, 23, 24; 256.4825; 256.93, subdivision
146.26 1; 256.98, subdivision 7; 256B.0911, subdivision 24, by adding subdivisions;
146.27 256B.092, subdivisions 1a, 10, 11a; 256B.49, subdivisions 13, 29; 256B.4914,
146.28 subdivisions 10a, 10d, 17; 256G.09, subdivisions 4, 5; 256R.38; 256R.40,
146.29 subdivision 5; 299F.77, subdivision 2; 342.04; 352.91, subdivision 3f; 401.17,
146.30 subdivision 1; 507.071, subdivision 1; 611.57, subdivisions 2, 4; 624.7131,
146.31 subdivisions 1, 2; 624.7132, subdivisions 1, 2; 624.714, subdivisions 3, 4; 631.40,
146.32 subdivision 3; Laws 2021, First Special Session chapter 7, article 13, sections 73;
146.33 75, subdivisions 1, as amended, 2, as amended, 3, as amended, 4, as amended, 5,
146.34 as amended, 6, as amended, 7, as amended; proposing coding for new law in
146.35 Minnesota Statutes, chapters 144A; 144G; 246C; 253B; 256G; repealing Minnesota
146.36 Statutes 2024, sections 144G.9999, subdivisions 1, 2, 3; 245.4862; 246.015,
146.37 subdivision 3; 246.50, subdivision 2; 246B.04, subdivision 1a; Laws 2024, chapter
146.38 79, article 1, sections 15; 16; 17."

146.39 And when so amended the bill do pass. Amendments adopted. Report adopted.

146.40
146.41 (Committee Chair)

146.42 April 2, 2025.....
146.43 (Date of Committee recommendation)