

1.1 moves to amend H.F. No. 1867 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 246.54, is amended by adding a subdivision
1.4 to read:

1.5 Subd. 3. **Administrative review of county liability for cost of care.** (a) The county of
1.6 financial responsibility may submit a written request for administrative review by the
1.7 commissioner of the county's payment of the cost of care when a delay in discharge of a
1.8 client from a regional treatment center, state-operated community-based behavioral health
1.9 hospital, or other state-operated facility results from the following actions by the facility:

1.10 (1) the facility did not provide notice to the county that the facility has determined that
1.11 it is clinically appropriate for a client to be discharged;

1.12 (2) the notice to the county that the facility has determined that it is clinically appropriate
1.13 for a client to be discharged was communicated on a holiday or weekend;

1.14 (3) the required documentation or procedures for discharge were not completed in order
1.15 for the discharge to occur in a timely manner; or

1.16 (4) the facility disagrees with the county's discharge plan.

1.17 (b) The county of financial responsibility may not appeal the determination that it is
1.18 clinically appropriate for a client to be discharged from a regional treatment center,
1.19 state-operated community-based behavioral health hospital, or other state-operated facility.

1.20 (c) The commissioner must evaluate the request for administrative review and determine
1.21 if the facility's actions listed in paragraph (a) caused undue delay in discharging the client.
1.22 If the commissioner determines that the facility's actions listed in paragraph (a) caused
1.23 undue delay in discharging the client, the county's liability will be reduced to the level of

2.1 the cost of care for a client whose stay in a facility is determined to be clinically appropriate,
2.2 effective on the date of the facility's action or failure to act that caused the delay. The
2.3 commissioner's determination under this subdivision is final.

2.4 (d) If a county's liability is reduced pursuant to paragraph (c), a county's liability will
2.5 return to the level of the cost of care for a client whose stay in a facility is determined to no
2.6 longer be appropriate effective on the date the facility rectifies the action or failure to act
2.7 that caused the delay under paragraph (a).

2.8 (e) Any difference in the county cost of care liability resulting from administrative review
2.9 under this subdivision shall not be billed to the client or applied to future reimbursement
2.10 from the client's estate or relatives.

2.11 **Sec. 2. DIRECTION TO COMMISSIONER; REPORT REQUIRED.**

2.12 No later than January 1, 2023, the commissioner of human services must submit a report
2.13 to the chairs and ranking minority members of the legislative committees with jurisdiction
2.14 over human services that provides an update on county and state efforts to reduce the number
2.15 of days clients spend in state-operated facilities after discharge from the facility has been
2.16 determined to be clinically appropriate. The report must also include information on the
2.17 fiscal impact of clinically inappropriate stays in these facilities."

2.18 Amend the title accordingly