

1.1 moves to amend H.F. No. 1979, the second engrossment, as follows:

1.2 Page 1, delete section 1 and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 245A.03, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 6a. **Adult foster care homes serving people with mental illness;**
1.6 **certification.** (a) The commissioner of human services shall issue a mental health
1.7 certification for adult foster care homes licensed under this chapter and Minnesota Rules,
1.8 parts 9555.5105 to 9555.6265, that serve people with mental illness where the home is not
1.9 the primary residence of the license holder when a provider is determined to have met the
1.10 requirements under paragraph (b). The certification shall be printed on the license, and
1.11 identified on the commissioner's public Web site.

1.12 (b) The requirements for certification are:

1.13 (1) all staff working in the adult foster care home have received at least seven hours
1.14 of annual training covering all of the following topics:

1.15 (i) mental health diagnoses;

1.16 (ii) mental health crisis response and de-escalation techniques;

1.17 (iii) recovery from mental illness;

1.18 (iv) treatment options including evidence-based practices;

1.19 (v) medications and their side effects;

1.20 (vi) co-occurring substance abuse and health conditions; and

1.21 (vii) community resources; and

1.22 (2) a mental health professional, as defined in section 245.4871, subdivision 27, or a
1.23 mental health practitioner as defined in section 245.4871, subdivision 26, are available
1.24 for consultation and assistance;

1.25 (3) there is a plan and protocol in place to address a mental health crisis; and

2.1 (4) each individual's Individual Placement Agreement identifies who is providing
 2.2 clinical services and their contact information, and includes an individual crisis prevention
 2.3 and management plan developed with the individual.

2.4 (c) The commissioner shall develop certification requirements by January 1, 2013.

2.5 (d) License holders seeking certification under this subdivision must request this
 2.6 certification on forms provided by the commissioner and must submit the request to the
 2.7 county licensing agency in which the home is located. The county licensing agency must
 2.8 forward the request to the commissioner with a county recommendation regarding whether
 2.9 the commissioner should issue the certification.

2.10 (e) Ongoing compliance with the certification requirements under paragraph (b)
 2.11 shall be reviewed by the county licensing agency at each licensing review. When a county
 2.12 licensing agency determines that the requirements of paragraph (b) are not met, the county
 2.13 shall inform the commissioner, and the commissioner will remove the certification.

2.14 (f) A denial of the certification or the removal of the certification based on a
 2.15 determination that the requirements under paragraph (b) have not been met by the adult
 2.16 foster care license holder are not subject to appeal. A license holder that has been denied a
 2.17 certification or that has had a certification removed may again request certification when
 2.18 the license holder is in compliance with the requirements of paragraph (b)."

2.19 Page 3, line 1, before "bedroom" insert "own"

2.20 Page 8, delete section 5

2.21 Page 16, line 33, after "setting" insert "unless state or federal funding for housing
 2.22 requires it"

2.23 Page 17, delete section 12, and insert:

2.24 "Sec. **[256B.492] ADULT FOSTER CARE VOLUNTARY CLOSURE.**

2.25 Subdivision 1. **Commissioner's duties; report.** The commissioner of human
 2.26 services shall ask providers of adult foster care services to present proposals for the
 2.27 conversion of services provided for persons with developmental disabilities in settings
 2.28 licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, to services to other
 2.29 community settings in conjunction with the cessation of operations and closure of
 2.30 identified facilities.

2.31 Subd. 2. **Inventory of foster care capacity.** The commissioner of human services
 2.32 shall submit to the legislature by February 15, 2013, a report that includes:

2.33 (1) an inventory of the assessed needs of all individuals with disabilities receiving
 2.34 foster care services under section 256B.092;

2.35 (2) an inventory of total licensed foster care capacity for adults and children
 2.36 available in Minnesota as of January 1, 2013; and

3.1 (3) a comparison of the needs of individuals receiving services in foster care settings
3.2 and nonfoster care settings.

3.3 The report will also contain recommendations on developing a profile of individuals
3.4 requiring foster care services and the projected level of foster care capacity needed
3.5 to serve that population.

3.6 Subd. 3. **Voluntary closure process need determination.** If the report required in
3.7 subdivision 2 determines the existing supply of foster care capacity is higher than needed
3.8 to meet the needs of individuals requiring that level of care, the commissioner shall,
3.9 within the limits of available appropriations, announce and implement a program for
3.10 closure of adult foster care homes.

3.11 Subd. 4. **Application process.** (a) The commissioner shall establish a process of
3.12 application, review, and approval for licensees to submit proposals for the closure of
3.13 facilities.

3.14 (b) A licensee shall notify the following parties in writing when an application for a
3.15 planned closure adjustment is submitted:

3.16 (1) the county social services agency; and

3.17 (2) current and prospective residents and their families.

3.18 (c) After providing written notice, and prior to admission, the licensee must fully
3.19 inform prospective residents and their families of the intent to close operations and of
3.20 the relocation plan.

3.21 Subd. 5. **Review and approval process.** (a) To be considered for approval, an
3.22 application must include:

3.23 (1) a description of the proposed closure plan, which must include identification of
3.24 the home or homes to receive a planned closure rate adjustment;

3.25 (2) the proposed timetable for any proposed closure, including the proposed dates for
3.26 announcement to residents and the affected county social service agency, commencement
3.27 of closure, and completion of closure;

3.28 (3) the proposed relocation plan jointly developed by the county of financial
3.29 responsibility and the providers for current residents of any facility designated for closure;
3.30 and

3.31 (4) documentation in a format approved by the commissioner that all the adult foster
3.32 care homes receiving a planned closure rate adjustment under the plan have accepted joint
3.33 and several liability for recovery of overpayments under section 256B.0641, subdivision
3.34 2, for the facilities designated for closure under the plan.

3.35 (c) In reviewing and approving closure proposals, the commissioner shall give first
3.36 priority to proposals that:

- 4.1 (1) result in the closing of a facility;
 4.2 (2) demonstrate savings of medical assistance expenditures; and
 4.3 (3) demonstrate that alternative placements will be developed based on individual
 4.4 resident needs and applicable federal and state rules.

4.5 The commissioner shall also consider any information provided by residents, their
 4.6 family, or the county social services agency on the impact of the planned closure on
 4.7 the services they receive.

4.8 (d) The commissioner shall select proposals that best meet the criteria established
 4.9 in this subdivision within the appropriation made available for planned closure of adult
 4.10 foster care facilities. The commissioner shall notify licensees of the selections made and
 4.11 approved by the commissioner.

4.12 (e) For each proposal approved by the commissioner, a contract must be established
 4.13 between the commissioner, the county of financial responsibility, and the participating
 4.14 licensee.

4.15 Subd. 6. **Adjustment to rates.** (a) For purposes of this section, the commissioner
 4.16 shall establish an enhanced payment rate under section 256B.0913 to facilitate an orderly
 4.17 transition for persons with developmental disabilities from adult foster care to other
 4.18 community-based settings.

4.19 (b) The maximum length the commissioner may establish an enhanced rate is six
 4.20 months.

4.21 (c) The commissioner shall allocate funds, up to a total of \$450 in state and federal
 4.22 funds per adult foster care home bed that is closing, to be used for relocation costs incurred
 4.23 by counties under this process

4.24 (d) The commissioner shall analyze the fiscal impact of the closure of each facility
 4.25 on medical assistance expenditures. Any savings is allocated to the medical assistance
 4.26 program."

4.27 Page 20, after line 36, insert "This paragraph expires June 30, 2016."

4.28 Page 21, delete section 14

4.29 Page 20, line 32, before "the" insert "of more than four units, the maximum number
 4.30 of units that may be used by recipients of this program shall be 50 percent of the units
 4.31 in the building. When housing is controlled by the service provider, the individual may
 4.32 choose their own service provider as provided in section 256B.49, subdivision 23, clause
 4.33 (3). When the housing is controlled by the service provider, "

4.34 Page 22, line 11, delete everything after the comma and insert "where individuals
 4.35 with disabilities reside in no more than 50 percent of the units in a multifamily building
 4.36 of more than four units."

5.1 Page 22, delete line 12