

1.1 ..... moves to amend Revisor No. 13-2993 as follows:

1.2 Page 7, after line 36, insert:

1.3 "Sec. .... Minnesota Statutes 2012, section 245A.07, subdivision 2a, is amended to read:

1.4 Subd. 2a. **Immediate suspension expedited hearing.** (a) Within five working days  
1.5 of receipt of the license holder's timely appeal, the commissioner shall request assignment  
1.6 of an administrative law judge. The request must include a proposed date, time, and place  
1.7 of a hearing. A hearing must be conducted by an administrative law judge within 30  
1.8 calendar days of the request for assignment, unless an extension is requested by either  
1.9 party and granted by the administrative law judge for good cause. The commissioner shall  
1.10 issue a notice of hearing by certified mail or personal service at least ten working days  
1.11 before the hearing. The scope of the hearing shall be limited solely to the issue of whether  
1.12 the temporary immediate suspension should remain in effect pending the commissioner's  
1.13 final order under section 245A.08, regarding a licensing sanction issued under subdivision  
1.14 3 following the immediate suspension. The burden of proof in expedited hearings under  
1.15 this subdivision shall be limited to the commissioner's demonstration that reasonable  
1.16 cause exists to believe that the license holder's actions or failure to comply with applicable  
1.17 law or rule poses, or if the actions of other individuals or conditions in the program  
1.18 poses an imminent risk of harm to the health, safety, or rights of persons served by the  
1.19 program. "Reasonable cause" means there exist specific articulable facts or circumstances  
1.20 which provide the commissioner with a reasonable suspicion that there is an imminent  
1.21 risk of harm to the health, safety, or rights of persons served by the program. When the  
1.22 commissioner has determined there is reasonable cause to order the temporary immediate  
1.23 suspension of a license based on a violation of safe sleep requirements, the commissioner  
1.24 is not required to demonstrate that an infant died or was injured as a result of the safe sleep  
1.25 violations. The commissioner must show that an infant was in immediate danger, or  
1.26 that the provider has shown a pattern of repeat unsafe sleep violations before ordering a  
1.27 temporary immediate suspension. The commissioner must provide licensors and child

2.1       care providers a list of what constitutes "immediate danger" regarding violation of unsafe  
2.2       sleep requirements prior to implementation of this section.

2.3           (b) The administrative law judge shall issue findings of fact, conclusions, and a  
2.4       recommendation within ten working days from the date of hearing. The parties shall have  
2.5       ten calendar days to submit exceptions to the administrative law judge's report. The  
2.6       record shall close at the end of the ten-day period for submission of exceptions. The  
2.7       commissioner's final order shall be issued within ten working days from the close of the  
2.8       record. Within 90 calendar days after a final order affirming an immediate suspension, the  
2.9       commissioner shall make a determination regarding whether a final licensing sanction  
2.10      shall be issued under subdivision 3. The license holder shall continue to be prohibited  
2.11      from operation of the program during this 90-day period.

2.12          (c) When the final order under paragraph (b) affirms an immediate suspension, and a  
2.13       final licensing sanction is issued under subdivision 3 and the license holder appeals that  
2.14       sanction, the license holder continues to be prohibited from operation of the program  
2.15       pending a final commissioner's order under section 245A.08, subdivision 5, regarding the  
2.16       final licensing sanction."

2.17          Renumber the sections in sequence and correct the internal references

2.18          Amend the title accordingly