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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1272

02/26/2015 Authored by Mack, Schomacker, Halverson and Quam

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/16/2015 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to human services; providing for correction orders and conditional
1.3 licenses for home and community-based services programs; providing for
1.4 settlement agreements; amending Minnesota Statutes 2014, section 245A.06,
1.5 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.6 chapter 245A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 245A.06, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 1a. **Correction orders and conditional licenses for programs licensed as**
1.11 **home and community-based services.** (a) For programs licensed under both this chapter
1.12 and chapter 245D, if the license holder operates more than one service site under a single
1.13 license governed by chapter 245D, the order issued under this section shall be specific to
1.14 the service site or sites at which the violations of applicable law or rules occurred. The
1.15 order shall not apply to other service sites governed by chapter 245D and operated by the
1.16 same license holder unless the commissioner has included in the order the articulable basis
1.17 for applying the order to another service site.

1.18 (b) If the commissioner has issued more than one license to the license holder under
1.19 this chapter, the conditions imposed under this section shall be specific to the license for
1.20 the program at which the violations of applicable law or rules occurred and shall not apply
1.21 to other licenses held by the same license holder if those programs are being operated in
1.22 substantial compliance with applicable law and rules.

1.23 Sec. 2. **[245A.081] SETTLEMENT AGREEMENT.**

2.1 (a) A license holder who has made a timely appeal pursuant to section 245A.06,
2.2 subdivision 4, or 245A.07, subdivision 3, or the commissioner may initiate a discussion
2.3 about a possible settlement agreement related to the licensing sanction. For the purposes
2.4 of this section, the following conditions apply to a settlement agreement reached by the
2.5 parties:

2.6 (1) if the parties enter into a settlement agreement, the effect of the agreement shall
2.7 be that the appeal is withdrawn and the agreement shall constitute the full agreement
2.8 between the commissioner and the party who filed the appeal; and

2.9 (2) the settlement agreement must identify the agreed upon actions the license holder
2.10 has taken and will take in order to achieve and maintain compliance with the licensing
2.11 requirements that the commissioner determined the license holder had violated.

2.12 (b) Neither the license holder nor the commissioner is required to initiate a
2.13 settlement discussion under this section.

2.14 (c) If a settlement discussion is initiated by the license holder, the commissioner
2.15 shall respond to the license holder within 14 calendar days of receipt of the license
2.16 holder's submission.

2.17 (d) If the commissioner agrees to engage in settlement discussions, the commissioner
2.18 may decide at any time not to continue settlement discussions with a license holder.