

1.1 Senator moves to amend S.F. No. 1292 as follows:

1.2 Pages 8 to 19, delete sections 4 to 19, and insert:

1.3 "Sec. 4. Minnesota Statutes 2016, section 256N.28, subdivision 6, is amended to read:

1.4 Subd. 6. **Appeals and fair hearings.** (a) A caregiver has the right to appeal to the
1.5 commissioner under section 256.045 when eligibility for Northstar Care for Children is
1.6 denied, and when payment or the agreement for an eligible child is modified or terminated.

1.7 ~~(b) A relative custodian or adoptive parent has additional rights to appeal to the~~
1.8 ~~commissioner pursuant to section 256.045. These rights include when the commissioner~~
1.9 ~~terminates or modifies the Northstar kinship assistance or adoption assistance agreement~~
1.10 ~~or when the commissioner denies an application for Northstar kinship assistance or adoption~~
1.11 ~~assistance. A prospective relative custodian or adoptive parent who disagrees with a decision~~
1.12 ~~by the commissioner before transfer of permanent legal and physical custody or finalization~~
1.13 ~~of the adoption may request review of the decision by the commissioner or may appeal the~~
1.14 ~~decision under section 256.045. A Northstar kinship assistance or adoption assistance~~
1.15 ~~agreement must be signed and in effect before the court order that transfers permanent legal~~
1.16 ~~and physical custody or the adoption finalization; however, in some cases, there may be~~
1.17 ~~extenuating circumstances as to why an agreement was not entered into before finalization~~
1.18 ~~of permanency for the child. Caregivers who believe that extenuating circumstances exist~~
1.19 ~~as to why an agreement was not entered into before finalization of permanency in the case~~
1.20 ~~of their child may request a fair hearing. Caregivers have the responsibility of proving that~~
1.21 ~~extenuating circumstances exist. Caregivers must be required to provide written~~
1.22 ~~documentation of each eligibility criterion at the fair hearing. Examples of extenuating~~
1.23 ~~circumstances include: relevant facts regarding the child were known by the placing agency~~
1.24 ~~and not presented to the caregivers before transfer of permanent legal and physical custody~~
1.25 ~~or finalization of the adoption, or failure by the commissioner or a designee to advise~~
1.26 ~~potential caregivers about the availability of Northstar kinship assistance or adoption~~
1.27 ~~assistance for children in the state foster care system. If a human services judge finds through~~
1.28 ~~the fair hearing process that extenuating circumstances existed and that the child met all~~
1.29 ~~other eligibility criteria at the time the transfer of permanent legal and physical custody was~~
1.30 ~~ordered or the adoption was finalized, the effective date and any associated federal financial~~
1.31 ~~participation shall be retroactive from the date of the request for a fair hearing.~~

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

1.33 Page 39, line 28, delete "260C.613, subdivision 9" and insert "260C.611, paragraph (b)"

1.34 Page 74 delete section 1

2.1 Page 84, delete lines 12 to 15

2.2 Page 84, after line 16, insert:

2.3 "Sec. 8. Minnesota Statutes 2016, section 245A.07, subdivision 2, is amended to read:

2.4 Subd. 2. **Temporary immediate suspension.** (a) The commissioner shall act immediately
2.5 to temporarily suspend a license issued under this chapter if:

2.6 (1) the license holder's actions or failure to comply with applicable law or rule, or the
2.7 actions of other individuals or conditions in the program, pose an imminent risk of harm to
2.8 the health, safety, or rights of persons served by the program; ~~or~~

2.9 (2) while the program continues to operate pending an appeal of an order of revocation,
2.10 the commissioner identifies one or more subsequent violations of law or rule which may
2.11 adversely affect the health or safety of persons served by the program; or

2.12 (3) the license holder has been criminally charged in state or federal court with an offense
2.13 that involves fraud or theft against a program administered by the commissioner.

2.14 (b) No state funds shall be made available or be expended by any agency or department
2.15 of state, county, or municipal government for use by a license holder regulated under this
2.16 chapter while a license issued under this chapter is under immediate suspension. A notice
2.17 stating the reasons for the immediate suspension and informing the license holder of the
2.18 right to an expedited hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to
2.19 1400.8612, must be delivered by personal service to the address shown on the application
2.20 or the last known address of the license holder. The license holder may appeal an order
2.21 immediately suspending a license. The appeal of an order immediately suspending a license
2.22 must be made in writing by certified mail ~~or~~, by personal service, or by other means expressly
2.23 set forth in the commissioner's order. If mailed, the appeal must be postmarked and sent to
2.24 the commissioner within five calendar days after the license holder receives notice that the
2.25 license has been immediately suspended. If a request is made by personal service, it must
2.26 be received by the commissioner within five calendar days after the license holder received
2.27 the order. A license holder and any controlling individual shall discontinue operation of the
2.28 program upon receipt of the commissioner's order to immediately suspend the license.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2017.

2.30 Sec. 9. Minnesota Statutes 2016, section 245A.07, subdivision 2, is amended to read:

2.31 Subd. 2. **Temporary immediate suspension.** (a) The commissioner shall act immediately
2.32 to temporarily suspend a license issued under this chapter if:

3.1 (1) the license holder's actions or failure to comply with applicable law or rule, or the
3.2 actions of other individuals or conditions in the program, pose an imminent risk of harm to
3.3 the health, safety, or rights of persons served by the program; ~~or~~

3.4 (2) while the program continues to operate pending an appeal of an order of revocation,
3.5 the commissioner identifies one or more subsequent violations of law or rule which may
3.6 adversely affect the health or safety of persons served by the program; or

3.7 (3) the license holder has been criminally charged in state or federal court with an offense
3.8 that involves fraud or theft against a program administered by the commissioner.

3.9 (b) No state funds shall be made available or be expended by any agency or department
3.10 of state, county, or municipal government for use by a license holder regulated under this
3.11 chapter while a license issued under this chapter is under immediate suspension. A notice
3.12 stating the reasons for the immediate suspension and informing the license holder of the
3.13 right to an expedited hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to
3.14 1400.8612, must be delivered by personal service to the address shown on the application
3.15 or the last known address of the license holder. The license holder may appeal an order
3.16 immediately suspending a license. The appeal of an order immediately suspending a license
3.17 must be made in writing by certified mail ~~or~~ , by personal service, or by other means
3.18 expressly set forth in the commissioner's order. If mailed, the appeal must be postmarked
3.19 and sent to the commissioner within five calendar days after the license holder receives
3.20 notice that the license has been immediately suspended. If a request is made by personal
3.21 service, it must be received by the commissioner within five calendar days after the license
3.22 holder received the order. A license holder and any controlling individual shall discontinue
3.23 operation of the program upon receipt of the commissioner's order to immediately suspend
3.24 the license.

3.25 **EFFECTIVE DATE.** This section is effective August 1, 2017.

3.26 Sec. 10. Minnesota Statutes 2016, section 245A.07, subdivision 2a, is amended to read:

3.27 Subd. 2a. **Immediate suspension expedited hearing.** (a) Within five working days of
3.28 receipt of the license holder's timely appeal, the commissioner shall request assignment of
3.29 an administrative law judge. The request must include a proposed date, time, and place of
3.30 a hearing. A hearing must be conducted by an administrative law judge within 30 calendar
3.31 days of the request for assignment, unless an extension is requested by either party and
3.32 granted by the administrative law judge for good cause. The commissioner shall issue a
3.33 notice of hearing by certified mail or personal service at least ten working days before the
3.34 hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary

4.1 immediate suspension should remain in effect pending the commissioner's final order under
4.2 section 245A.08, regarding a licensing sanction issued under subdivision 3 following the
4.3 immediate suspension. For suspensions under subdivision 2, paragraph (a), clause (1), the
4.4 burden of proof in expedited hearings under this subdivision shall be limited to the
4.5 commissioner's demonstration that reasonable cause exists to believe that the license holder's
4.6 actions or failure to comply with applicable law or rule poses, or the actions of other
4.7 individuals or conditions in the program poses an imminent risk of harm to the health, safety,
4.8 or rights of persons served by the program. "Reasonable cause" means there exist specific
4.9 articulable facts or circumstances which provide the commissioner with a reasonable
4.10 suspicion that there is an imminent risk of harm to the health, safety, or rights of persons
4.11 served by the program. When the commissioner has determined there is reasonable cause
4.12 to order the temporary immediate suspension of a license based on a violation of safe sleep
4.13 requirements, as defined in section 245A.1435, the commissioner is not required to
4.14 demonstrate that an infant died or was injured as a result of the safe sleep violations. For
4.15 suspensions under subdivision 2, paragraph (a), clause (2), the burden of proof in expedited
4.16 hearings under this subdivision shall be limited to the commissioner's demonstration by a
4.17 preponderance of evidence that, since the license was revoked, the license holder committed
4.18 additional violations of law or rule which may adversely affect the health or safety of persons
4.19 served by the program.

4.20 (b) The administrative law judge shall issue findings of fact, conclusions, and a
4.21 recommendation within ten working days from the date of hearing. The parties shall have
4.22 ten calendar days to submit exceptions to the administrative law judge's report. The record
4.23 shall close at the end of the ten-day period for submission of exceptions. The commissioner's
4.24 final order shall be issued within ten working days from the close of the record. When an
4.25 appeal of a temporary immediate suspension is withdrawn or dismissed, the commissioner
4.26 shall issue a final order affirming the temporary immediate suspension within ten calendar
4.27 days of the commissioner's receipt of the withdrawal or dismissal. Within 90 calendar days
4.28 after a final order affirming an immediate suspension, the commissioner shall make a
4.29 determination regarding whether a final licensing sanction shall be issued under subdivision
4.30 3. The license holder shall continue to be prohibited from operation of the program during
4.31 this 90-day period.

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

5.1 licensing sanction. For suspensions under subdivision 2, paragraph (a), clause (3), the burden
5.2 of proof in expedited hearings under this subdivision shall be limited to the commissioner's
5.3 demonstration by a preponderance of evidence that a criminal complaint and warrant or
5.4 summons has been issued against the license holder that has not been dismissed, and that
5.5 the criminal charge is an offense that involves fraud or theft against a program administered
5.6 by the commissioner."

5.7 Page 103, line 1, strike "A state" and before "Appeals" insert "The"

5.8 Page 103, line 6, strike "A human services judge" and insert "The Appeals Division"

5.9 Page 105, line 18, delete the period and insert a semicolon

5.10 Page 117, after line 6, insert:

5.11 "Sec. 48. Minnesota Statutes 2016, section 270B.14, subdivision 1, is amended to read:

5.12 Subdivision 1. **Disclosure to commissioner of human services.** (a) On the request of
5.13 the commissioner of human services, the commissioner shall disclose return information
5.14 regarding taxes imposed by chapter 290, and claims for refunds under chapter 290A, to the
5.15 extent provided in paragraph (b) and for the purposes set forth in paragraph (c).

5.16 (b) Data that may be disclosed are limited to data relating to the identity, whereabouts,
5.17 employment, income, and property of a person owing or alleged to be owing an obligation
5.18 of child support.

5.19 (c) The commissioner of human services may request data only for the purposes of
5.20 carrying out the child support enforcement program and to assist in the location of parents
5.21 who have, or appear to have, deserted their children. Data received may be used only as set
5.22 forth in section 256.978.

5.23 (d) The commissioner shall provide the records and information necessary to administer
5.24 the supplemental housing allowance to the commissioner of human services.

5.25 (e) At the request of the commissioner of human services, the commissioner of revenue
5.26 shall electronically match the Social Security numbers and names of participants in the
5.27 telephone assistance plan operated under sections 237.69 to 237.71, with those of property
5.28 tax refund filers, and determine whether each participant's household income is within the
5.29 eligibility standards for the telephone assistance plan.

5.30 (f) The commissioner may provide records and information collected under sections
5.31 295.50 to 295.59 to the commissioner of human services for purposes of the Medicaid
5.32 Voluntary Contribution and Provider-Specific Tax Amendments of 1991, Public Law
5.33 102-234. Upon the written agreement by the United States Department of Health and Human

6.1 Services to maintain the confidentiality of the data, the commissioner may provide records
6.2 and information collected under sections 295.50 to 295.59 to the Centers for Medicare and
6.3 Medicaid Services section of the United States Department of Health and Human Services
6.4 for purposes of meeting federal reporting requirements.

6.5 (g) The commissioner may provide records and information to the commissioner of
6.6 human services as necessary to administer the early refund of refundable tax credits.

6.7 (h) The commissioner may disclose information to the commissioner of human services
6.8 as necessary to verify for income verification for eligibility and premium payment under
6.9 the MinnesotaCare program, under section 256L.05, subdivision 2, and the medical assistance
6.10 program under chapter 256B.

6.11 (i) The commissioner may disclose information to the commissioner of human services
6.12 necessary to verify whether applicants or recipients for the Minnesota family investment
6.13 program, general assistance, food support, Minnesota supplemental aid program, and child
6.14 care assistance have claimed refundable tax credits under chapter 290 and the property tax
6.15 refund under chapter 290A, and the amounts of the credits.

6.16 (j) The commissioner may disclose information to the commissioner of human services
6.17 necessary to verify income for purposes of calculating parental contribution amounts under
6.18 section 252.27, subdivision 2a.

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

6.20 Renumber the sections in sequence and correct the internal references

6.21 Amend the title accordingly