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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. 2038

March 13, 2007

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

1.1 A bill for an act
1.2 relating to human services; modifying adult foster care and family adult day
1.3 services license requirements; amending Minnesota Statutes 2006, sections
1.4 245A.11, subdivision 2b; 245A.143, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 245A.11, subdivision 2b, is amended to
1.7 read:

1.8 Subd. 2b. **Adult foster care; family adult day services.** An adult foster care
1.9 license holder licensed under the conditions in subdivision 2a may also provide family
1.10 adult day care for adults ~~age 55~~ age 18 or over ~~if no persons in the adult foster or family~~
1.11 ~~adult day services program have a serious and persistent mental illness or a developmental~~
1.12 ~~disability.~~ Family adult day services provided in a licensed adult foster care setting must
1.13 be provided as specified under section 245A.143. Authorization to provide family adult
1.14 day services in the adult foster care setting shall be printed on the license certificate by
1.15 the commissioner. Adult foster care homes licensed under this section and family adult
1.16 day services licensed under section 245A.143 shall not be subject to licensure by the
1.17 commissioner of health under the provisions of chapter 144, 144A, 157, or any other
1.18 law requiring facility licensure by the commissioner of health. A separate license is not
1.19 required to provide family adult day services in a licensed adult foster care home.

1.20 Sec. 2. Minnesota Statutes 2006, section 245A.143, subdivision 1, is amended to read:

1.21 Subdivision 1. **Scope.** (a) The licensing standards in this section must be met to
1.22 obtain and maintain a license to provide family adult day services. For the purposes of this
1.23 section, family adult day services means a program operating fewer than 24 hours per day

2.1 that provides functionally impaired adults, ~~none of which are under age 55, have serious~~
2.2 ~~or persistent mental illness, or have developmental disabilities,~~ age 18 or older with an
2.3 individualized and coordinated set of services including health services, social services,
2.4 and nutritional services that are directed at maintaining or improving the participants'
2.5 capabilities for self-care.

2.6 (b) A family adult day services license shall only be issued when the services are
2.7 provided in the license holder's primary residence, and the license holder is the primary
2.8 provider of care. The license holder may not serve more than eight adults at one time,
2.9 including residents, if any, served under a license issued under Minnesota Rules, parts
2.10 9555.5105 to 9555.6265.

2.11 (c) An adult foster care license holder may provide family adult day services under
2.12 the license holder's adult foster care license if the license holder meets the requirements
2.13 of this section.

2.14 (d) When an applicant or license holder submits an application for initial licensure
2.15 or relicensure for both adult foster care and family adult day services, the county agency
2.16 shall process the request as a single application and shall conduct concurrent routine
2.17 licensing inspections.

2.18 (e) Adult foster care license holders providing family adult day services under ~~their~~
2.19 the license holder's adult foster care license on March 30, 2004, shall be permitted to
2.20 continue providing these services with no additional requirements until their adult foster
2.21 care license is due for renewal. At the time of relicensure, an adult foster care license
2.22 holder may continue to provide family adult day services under the license holder's adult
2.23 foster care license upon demonstration of compliance with this section. Adult foster care
2.24 license holders who provide only family adult day services on August 1, 2004, may apply
2.25 for a license under this section instead of an adult foster care license.