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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 112

January 15, 2009

Authored by Nelson and Huntley

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

February 15, 2010

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to human services; authorizing licensure of four intermediate care
1.3 facilities for persons with developmental disabilities to replace one larger
1.4 facility; establishing a transition period rate; establishing payment rate for the
1.5 new facilities; appropriating money; amending Minnesota Statutes 2008, section
1.6 252.295.

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

1.8 Section 1. Minnesota Statutes 2008, section 252.295, is amended to read:

1.9 **252.295 LICENSING EXCEPTION.**

1.10 (a) Notwithstanding section 252.294, the commissioner may license two six-bed,
1.11 level B intermediate care facilities for persons with developmental disabilities (ICF's/MR)
1.12 to replace a 15-bed level A facility in Minneapolis that is not accessible to persons with
1.13 disabilities. The new facilities must be accessible to persons with disabilities and must
1.14 be located on a different site or sites in Hennepin County. Notwithstanding section
1.15 256B.5012, the payment rate at the new facilities is \$200.47 plus any rate adjustments for
1.16 ICF's/MR effective on or after July 1, 2007.

1.17 (b) Notwithstanding section 252.294, the commissioner may license one six-bed
1.18 level B intermediate care facility for persons with developmental disabilities to replace
1.19 a downsized 21-bed facility attached to a day training and habilitation program in
1.20 Chisholm. Notwithstanding section 256B.5012, the facility must serve persons who
1.21 require substantial nursing care and are able to leave the facility to receive day training
1.22 and habilitation services. The payment rate at this facility is \$274.50.

1.23 (c) Notwithstanding section 256B.5012, the payment rate of a six-bed level B
1.24 intermediate care facility for persons with developmental disabilities in Hibbing, with a
1.25 per diem rate of \$164.13 as of March 1, 2007, for persons who require substantial nursing

2.1 care and are able to leave the facility to receive day training and habilitation services shall
2.2 be increased to \$250.84.

2.3 (d) The payment rates in paragraphs (b) and (c) are effective October 1, 2009.

2.4 (e) Notwithstanding section 252.294, the commissioner may license four six-bed,
2.5 level B intermediate care facilities for persons with developmental disabilities to replace a
2.6 32-bed facility in Brooklyn Park. The new facilities must be located in Hennepin County.

2.7 (f) Notwithstanding section 256B.5012, the payment rate at all four new Hennepin
2.8 County facilities established in paragraph (e) is \$402.66. The payment rate for the four
2.9 new Hennepin County facilities is effective until state rate-setting adjustments occur in
2.10 2011, or until October 1, 2011, whichever occurs first. The existing facility in Brooklyn
2.11 Park must have a payment rate of \$509.32 effective April 1, 2010, to December 31, 2010,
2.12 subject to the rate adjust provisions in Minnesota Rules, part 9553.0041, subpart 13.

2.13 Sec. 2. **APPROPRIATION.**

2.14 \$..... is appropriated from the general fund to the commissioner of human services
2.15 for the biennium beginning July 1, 2009, for the purposes of section 1.