

1.1 Senator moves to amend S.F. No. 4410 as follows:

1.2 Page 3, line 21, before "means" insert "or "at risk of closing"" and after "distress" insert
1.3 a comma

1.4 Page 3, line 22, delete "but for" and insert "the setting will close without" and delete the
1.5 second comma and insert a period

1.6 Page 3, delete line 23

1.7 Page 3, line 24, delete "settings" and insert "setting"

1.8 Page 3, line 25, after the semicolon, insert "a setting exempt from assisted living facility
1.9 licensure under section 144G.08, subdivision 7, clauses (10) to (13), with a majority of
1.10 residents receiving services funded by medical assistance;"

1.11 Page 4, line 4, delete "with the most significant" and insert "that are the most significantly
1.12 at"

1.13 Page 6, line 21, delete "inform" and insert "notify"

1.14 Page 7, line 20, delete "inform" and insert "notify"

1.15 Page 7, delete section 6 and insert:

1.16 "Sec. 6. Minnesota Statutes 2021 Supplement, section 256B.0659, subdivision 17a, is
1.17 amended to read:

1.18 Subd. 17a. **Enhanced rate.** An enhanced rate of ~~107.5~~ 143 percent of the rate paid for
1.19 personal care assistance services shall be paid for services provided to persons who qualify
1.20 for ten or more hours of personal care assistance services per day when provided by a
1.21 personal care assistant who meets the requirements of subdivision 11, paragraph (d). Any
1.22 change in the eligibility criteria for the enhanced rate for personal care assistance services
1.23 as described in this subdivision and referenced in subdivision 11, paragraph (d), does not
1.24 constitute a change in a term or condition for individual providers as defined in section
1.25 256B.0711, and is not subject to the state's obligation to meet and negotiate under chapter
1.26 179A."

1.27 Page 9, line 30, delete "inform" and insert "notify"

1.28 Page 11, line 8, delete "inform" and insert "notify"

1.29 Page 13, line 23, delete "inform" and insert "notify"

1.30 Page 13, after line 24, insert:

2.1 "Sec. 12. Minnesota Statutes 2020, section 256B.4914, subdivision 3, as amended by
2.2 Laws 2022, chapter 33, section 1, is amended to read:

2.3 Subd. 3. **Applicable services.** Applicable services are those authorized under the state's
2.4 home and community-based services waivers under sections 256B.092 and 256B.49,
2.5 including the following, as defined in the federally approved home and community-based
2.6 services plan:

2.7 (1) 24-hour customized living;

2.8 (2) adult day services;

2.9 (3) adult day services bath;

2.10 (4) community residential services;

2.11 (5) customized living;

2.12 (6) day support services;

2.13 (7) employment development services;

2.14 (8) employment exploration services;

2.15 (9) employment support services;

2.16 (10) family residential services;

2.17 (11) individualized home supports;

2.18 (12) individualized home supports with family training;

2.19 (13) individualized home supports with training;

2.20 (14) integrated community supports;

2.21 (15) night supervision;

2.22 (16) positive support services;

2.23 (17) prevocational services;

2.24 (18) residential support services;

2.25 (19) ~~respite services;~~

2.26 ~~(20)~~ transportation services; and

2.27 ~~(21)~~ (20) other services as approved by the federal government in the state home and
2.28 community-based services waiver plan.

3.1 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
3.2 whichever is later. The commissioner of human services shall notify the revisor of statutes
3.3 when federal approval is obtained.

3.4 Sec. 13. Minnesota Statutes 2020, section 256B.4914, subdivision 4, as amended by Laws
3.5 2022, chapter 33, section 1, is amended to read:

3.6 Subd. 4. **Data collection for rate determination.** (a) Rates for applicable home and
3.7 community-based waived services, including customized rates under subdivision 12, are
3.8 set by the rates management system.

3.9 (b) Data and information in the rates management system must be used to calculate an
3.10 individual's rate.

3.11 (c) Service providers, with information from the coordinated service and support plan
3.12 and oversight by lead agencies, shall provide values and information needed to calculate
3.13 an individual's rate in the rates management system. The determination of service levels
3.14 must be part of a discussion with members of the support team as defined in section 245D.02,
3.15 subdivision 34. This discussion must occur prior to the final establishment of each individual's
3.16 rate. The values and information include:

3.17 (1) shared staffing hours;

3.18 (2) individual staffing hours;

3.19 (3) direct registered nurse hours;

3.20 (4) direct licensed practical nurse hours;

3.21 (5) staffing ratios;

3.22 (6) information to document variable levels of service qualification for variable levels
3.23 of reimbursement in each framework;

3.24 (7) shared or individualized arrangements for unit-based services, including the staffing
3.25 ratio;

3.26 (8) number of trips and miles for transportation services; and

3.27 (9) service hours provided through monitoring technology.

3.28 (d) Updates to individual data must include:

3.29 (1) data for each individual that is updated annually when renewing service plans; and

4.1 (2) requests by individuals or lead agencies to update a rate whenever there is a change
4.2 in an individual's service needs, with accompanying documentation.

4.3 (e) Lead agencies shall review and approve all services reflecting each individual's needs,
4.4 and the values to calculate the final payment rate for services with variables under
4.5 subdivisions 6 to ~~9a~~ 9 for each individual. Lead agencies must notify the individual and the
4.6 service provider of the final agreed-upon values and rate, and provide information that is
4.7 identical to what was entered into the rates management system. If a value used was
4.8 mistakenly or erroneously entered and used to calculate a rate, a provider may petition lead
4.9 agencies to correct it. Lead agencies must respond to these requests. When responding to
4.10 the request, the lead agency must consider:

4.11 (1) meeting the health and welfare needs of the individual or individuals receiving
4.12 services by service site, identified in their coordinated service and support plan under section
4.13 245D.02, subdivision 4b, and any addendum under section 245D.02, subdivision 4c;

4.14 (2) meeting the requirements for staffing under subdivision 2, paragraphs (h), (n), and
4.15 (o); and meeting or exceeding the licensing standards for staffing required under section
4.16 245D.09, subdivision 1; and

4.17 (3) meeting the staffing ratio requirements under subdivision 2, paragraph (o), and
4.18 meeting or exceeding the licensing standards for staffing required under section 245D.31.

4.19 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
4.20 whichever is later. The commissioner of human services shall notify the revisor of statutes
4.21 when federal approval is obtained."

4.22 Page 13, line 26, delete "subdivision 5,"

4.23 Page 16, line 20, delete "subdivision 9,"

4.24 Page 18, after line 12, insert:

4.25 "Sec. 17. Minnesota Statutes 2020, section 256B.4914, subdivision 10, as amended by
4.26 Laws 2022, chapter 33, section 1, is amended to read:

4.27 Subd. 10. **Evaluation of information and data.** (a) The commissioner shall, within
4.28 available resources, conduct research and gather data and information from existing state
4.29 systems or other outside sources on the following items:

4.30 (1) differences in the underlying cost to provide services and care across the state;

5.1 (2) mileage, vehicle type, lift requirements, incidents of individual and shared rides, and
5.2 units of transportation for all day services, which must be collected from providers using
5.3 the rate management worksheet and entered into the rates management system; and

5.4 (3) the distinct underlying costs for services provided by a license holder under sections
5.5 245D.05, 245D.06, 245D.07, 245D.071, 245D.081, and 245D.09, and for services provided
5.6 by a license holder certified under section 245D.33.

5.7 (b) The commissioner, in consultation with stakeholders, shall review and evaluate the
5.8 following values already in subdivisions 6 to ~~9a~~ 9, or issues that impact all services, including,
5.9 but not limited to:

5.10 (1) values for transportation rates;

5.11 (2) values for services where monitoring technology replaces staff time;

5.12 (3) values for indirect services;

5.13 (4) values for nursing;

5.14 (5) values for the facility use rate in day services, and the weightings used in the day
5.15 service ratios and adjustments to those weightings;

5.16 (6) values for workers' compensation as part of employee-related expenses;

5.17 (7) values for unemployment insurance as part of employee-related expenses;

5.18 (8) direct care workforce labor market measures;

5.19 (9) any changes in state or federal law with a direct impact on the underlying cost of
5.20 providing home and community-based services;

5.21 (10) outcome measures, determined by the commissioner, for home and community-based
5.22 services rates determined under this section; and

5.23 (11) different competitive workforce factors by service, as determined under subdivision
5.24 10b.

5.25 (c) The commissioner shall report to the chairs and the ranking minority members of
5.26 the legislative committees and divisions with jurisdiction over health and human services
5.27 policy and finance with the information and data gathered under paragraphs (a) and (b) on
5.28 January 15, 2021, with a full report, and a full report once every four years thereafter.

5.29 (d) Beginning July 1, 2022, the commissioner shall renew analysis and implement
5.30 changes to the regional adjustment factors once every six years. Prior to implementation,

6.1 the commissioner shall consult with stakeholders on the methodology to calculate the
6.2 adjustment.

6.3 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
6.4 whichever is later. The commissioner of human services shall notify the revisor of statutes
6.5 when federal approval is obtained.

6.6 Sec. 18. Minnesota Statutes 2020, section 256B.4914, subdivision 10a, as amended by
6.7 Laws 2022, chapter 33, section 1, is amended to read:

6.8 Subd. 10a. **Reporting and analysis of cost data.** (a) The commissioner must ensure
6.9 that wage values and component values in subdivisions 5 to ~~9a~~ 9 reflect the cost to provide
6.10 the service. As determined by the commissioner, in consultation with stakeholders identified
6.11 in subdivision 17, a provider enrolled to provide services with rates determined under this
6.12 section must submit requested cost data to the commissioner to support research on the cost
6.13 of providing services that have rates determined by the disability waiver rates system.
6.14 Requested cost data may include, but is not limited to:

6.15 (1) worker wage costs;

6.16 (2) benefits paid;

6.17 (3) supervisor wage costs;

6.18 (4) executive wage costs;

6.19 (5) vacation, sick, and training time paid;

6.20 (6) taxes, workers' compensation, and unemployment insurance costs paid;

6.21 (7) administrative costs paid;

6.22 (8) program costs paid;

6.23 (9) transportation costs paid;

6.24 (10) vacancy rates; and

6.25 (11) other data relating to costs required to provide services requested by the
6.26 commissioner.

6.27 (b) At least once in any five-year period, a provider must submit cost data for a fiscal
6.28 year that ended not more than 18 months prior to the submission date. The commissioner
6.29 shall provide each provider a 90-day notice prior to its submission due date. If a provider
6.30 fails to submit required reporting data, the commissioner shall provide notice to providers
6.31 that have not provided required data 30 days after the required submission date, and a second

7.1 notice for providers who have not provided required data 60 days after the required
7.2 submission date. The commissioner shall temporarily suspend payments to the provider if
7.3 cost data is not received 90 days after the required submission date. Withheld payments
7.4 shall be made once data is received by the commissioner.

7.5 (c) The commissioner shall conduct a random validation of data submitted under
7.6 paragraph (a) to ensure data accuracy.

7.7 (d) The commissioner shall analyze cost data submitted under paragraph (a) and, in
7.8 consultation with stakeholders identified in subdivision 17, may submit recommendations
7.9 on component values and inflationary factor adjustments to the chairs and ranking minority
7.10 members of the legislative committees with jurisdiction over human services once every
7.11 four years beginning January 1, 2021. The commissioner shall make recommendations in
7.12 conjunction with reports submitted to the legislature according to subdivision 10, paragraph
7.13 (c).

7.14 (e) The commissioner shall release cost data in an aggregate form, and cost data from
7.15 individual providers shall not be released except as provided for in current law.

7.16 (f) The commissioner, in consultation with stakeholders identified in subdivision 17,
7.17 shall develop and implement a process for providing training and technical assistance
7.18 necessary to support provider submission of cost documentation required under paragraph
7.19 (a).

7.20 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
7.21 whichever is later. The commissioner of human services shall notify the revisor of statutes
7.22 when federal approval is obtained.

7.23 Sec. 19. Minnesota Statutes 2020, section 256B.4914, subdivision 12, as amended by
7.24 Laws 2022, chapter 33, section 1, is amended to read:

7.25 Subd. 12. **Customization of rates for individuals.** (a) For persons determined to have
7.26 higher needs based on being deaf or hard-of-hearing, the direct-care costs must be increased
7.27 by an adjustment factor prior to calculating the rate under subdivisions 6 to ~~9~~9. The
7.28 customization rate with respect to deaf or hard-of-hearing persons shall be \$2.50 per hour
7.29 for waiver recipients who meet the respective criteria as determined by the commissioner.

7.30 (b) For the purposes of this section, "deaf and hard-of-hearing" means:

7.31 (1) the person has a developmental disability and:

8.1 (i) an assessment score which indicates a hearing impairment that is severe or that the
8.2 person has no useful hearing;

8.3 (ii) an expressive communications score that indicates the person uses single signs or
8.4 gestures, uses an augmentative communication aid, or does not have functional
8.5 communication, or the person's expressive communications is unknown; and

8.6 (iii) a communication score which indicates the person comprehends signs, gestures,
8.7 and modeling prompts or does not comprehend verbal, visual, or gestural communication,
8.8 or that the person's receptive communication score is unknown; or

8.9 (2) the person receives long-term care services and has an assessment score that indicates
8.10 the person hears only very loud sounds, the person has no useful hearing, or a determination
8.11 cannot be made; and the person receives long-term care services and has an assessment that
8.12 indicates the person communicates needs with sign language, symbol board, written
8.13 messages, gestures, or an interpreter; communicates with inappropriate content, makes
8.14 garbled sounds or displays echolalia, or does not communicate needs.

8.15 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
8.16 whichever is later. The commissioner of human services shall notify the revisor of statutes
8.17 when federal approval is obtained.

8.18 Sec. 20. Minnesota Statutes 2020, section 256B.4914, subdivision 14, as amended by
8.19 Laws 2022, chapter 33, section 1, is amended to read:

8.20 Subd. 14. **Exceptions.** (a) In a format prescribed by the commissioner, lead agencies
8.21 must identify individuals with exceptional needs that cannot be met under the disability
8.22 waiver rate system. The commissioner shall use that information to evaluate and, if necessary,
8.23 approve an alternative payment rate for those individuals. Whether granted, denied, or
8.24 modified, the commissioner shall respond to all exception requests in writing. The
8.25 commissioner shall include in the written response the basis for the action and provide
8.26 notification of the right to appeal under paragraph (h).

8.27 (b) Lead agencies must act on an exception request within 30 days and notify the initiator
8.28 of the request of their recommendation in writing. A lead agency shall submit all exception
8.29 requests along with its recommendation to the commissioner.

8.30 (c) An application for a rate exception may be submitted for the following criteria:

8.31 (1) an individual has service needs that cannot be met through additional units of service;

9.1 (2) an individual's rate determined under subdivisions 6 to ~~9a~~ 9 is so insufficient that it
9.2 has resulted in an individual receiving a notice of discharge from the individual's provider;
9.3 or

9.4 (3) an individual's service needs, including behavioral changes, require a level of service
9.5 which necessitates a change in provider or which requires the current provider to propose
9.6 service changes beyond those currently authorized.

9.7 (d) Exception requests must include the following information:

9.8 (1) the service needs required by each individual that are not accounted for in subdivisions
9.9 6 to ~~9a~~ 9;

9.10 (2) the service rate requested and the difference from the rate determined in subdivisions
9.11 6 to ~~9a~~ 9;

9.12 (3) a basis for the underlying costs used for the rate exception and any accompanying
9.13 documentation; and

9.14 (4) any contingencies for approval.

9.15 (e) Approved rate exceptions shall be managed within lead agency allocations under
9.16 sections 256B.092 and 256B.49.

9.17 (f) Individual disability waiver recipients, an interested party, or the license holder that
9.18 would receive the rate exception increase may request that a lead agency submit an exception
9.19 request. A lead agency that denies such a request shall notify the individual waiver recipient,
9.20 interested party, or license holder of its decision and the reasons for denying the request in
9.21 writing no later than 30 days after the request has been made and shall submit its denial to
9.22 the commissioner in accordance with paragraph (b). The reasons for the denial must be
9.23 based on the failure to meet the criteria in paragraph (c).

9.24 (g) The commissioner shall determine whether to approve or deny an exception request
9.25 no more than 30 days after receiving the request. If the commissioner denies the request,
9.26 the commissioner shall notify the lead agency and the individual disability waiver recipient,
9.27 the interested party, and the license holder in writing of the reasons for the denial.

9.28 (h) The individual disability waiver recipient may appeal any denial of an exception
9.29 request by either the lead agency or the commissioner, pursuant to sections 256.045 and
9.30 256.0451. When the denial of an exception request results in the proposed demission of a
9.31 waiver recipient from a residential or day habilitation program, the commissioner shall issue
9.32 a temporary stay of demission, when requested by the disability waiver recipient, consistent
9.33 with the provisions of section 256.045, subdivisions 4a and 6, paragraph (c). The temporary

10.1 stay shall remain in effect until the lead agency can provide an informed choice of
10.2 appropriate, alternative services to the disability waiver.

10.3 (i) Providers may petition lead agencies to update values that were entered incorrectly
10.4 or erroneously into the rate management system, based on past service level discussions
10.5 and determination in subdivision 4, without applying for a rate exception.

10.6 (j) The starting date for the rate exception will be the later of the date of the recipient's
10.7 change in support or the date of the request to the lead agency for an exception.

10.8 (k) The commissioner shall track all exception requests received and their dispositions.
10.9 The commissioner shall issue quarterly public exceptions statistical reports, including the
10.10 number of exception requests received and the numbers granted, denied, withdrawn, and
10.11 pending. The report shall include the average amount of time required to process exceptions.

10.12 (l) Approved rate exceptions remain in effect in all cases until an individual's needs
10.13 change as defined in paragraph (c).

10.14 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
10.15 whichever is later. The commissioner of human services shall notify the revisor of statutes
10.16 when federal approval is obtained."

10.17 Page 18, lines 16, 18, 25, and 27, after "daily" insert "operating payment"

10.18 Page 20, delete section 18 and insert:

10.19 "Sec. 18. Minnesota Statutes 2021 Supplement, section 256B.85, subdivision 7a, is amended
10.20 to read:

10.21 Subd. 7a. **Enhanced rate.** An enhanced rate of ~~107.5~~ 143 percent of the rate paid for
10.22 CFSS must be paid for services provided to persons who qualify for ten or more hours of
10.23 CFSS per day when provided by a support worker who meets the requirements of subdivision
10.24 16, paragraph (e). Any change in the eligibility criteria for the enhanced rate for CFSS as
10.25 described in this subdivision and referenced in subdivision 16, paragraph (e), does not
10.26 constitute a change in a term or condition for individual providers as defined in section
10.27 256B.0711, and is not subject to the state's obligation to meet and negotiate under chapter
10.28 179A."

10.29 Page 21, line 13, delete "inform" and insert "notify"

10.30 Page 23, line 15, reinstate the stricken language

10.31 Page 23, line 16, reinstate the stricken "under Minnesota Statutes, sections 252.41 to
10.32 252.46"

- 11.1 Page 23, line 17, reinstate the stricken semicolon
- 11.2 Page 23, lines 18 to 28, reinstate the stricken language and delete the new language
- 11.3 Page 24, lines 1 to 31, reinstate the stricken language and delete the new language
- 11.4 Page 31, line 14, delete "of" and insert "in"
- 11.5 Pages 33 to 35, delete sections 26 and 27
- 11.6 Page 37, line 27, delete "inform" and insert "notify"
- 11.7 Page 42, line 23, reinstate the stricken "(c)"
- 11.8 Page 42, line 26, after the second stricken "zero" insert "This subdivision expires upon
- 11.9 submission of the calendar year 2030 report" and reinstate the stricken period
- 11.10 Pages 39 to 42, delete sections 33 and 34
- 11.11 Pages 43 to 45, delete sections 36 and 37
- 11.12 Page 45, line 29, delete the first "of"
- 11.13 Page 48, line 18, delete "the percentage determined" and insert "43 percent"
- 11.14 Page 48, line 19, delete everything before "for"
- 11.15 Page 48, delete section 41 and insert:
- 11.16 "Sec. 41. **RATE INCREASE FOR CERTAIN HOME CARE SERVICES.**
- 11.17 (a) Effective January 1, 2023, or upon federal approval, whichever is later, the
- 11.18 commissioner of human services shall increase payment rates for home health aide visits
- 11.19 up to 14 percent from the rates in effect on December 31, 2022. The commissioner must
- 11.20 apply the annual rate increases under Minnesota Statutes, section 256B.0653, subdivision
- 11.21 8, to the rates resulting from the application of the rate increases under this paragraph.
- 11.22 (b) Effective January 1, 2023, or upon federal approval, whichever is later, the
- 11.23 commissioner shall increase payment rates for respiratory therapy under Minnesota Rules,
- 11.24 part 9505.0295, subpart 2, item E, and for home health services and home care nursing
- 11.25 services under Minnesota Statutes, section 256B.0651, subdivision 2, clauses (1) to (3),
- 11.26 except home health aide visits, by 38.8 percent from the rates in effect on December 31,
- 11.27 2022. The commissioner must apply the annual rate increases under Minnesota Statutes,
- 11.28 sections 256B.0653, subdivision 8, and 256B.0654, subdivision 5, to the rates resulting
- 11.29 from the application of the rate increase under this paragraph."
- 11.30 Page 49, lines 16 and 23, delete "THE"

12.1 Page 49, line 25, delete "provide" and insert "establish"

12.2 Page 49, line 28, delete "one and one-half" and insert "1-1/2"

12.3 Page 50, line 1, delete "THE"

12.4 Page 52, delete sections 46 and 47 and insert:

12.5 "Sec. 46. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**

12.6 **ADDITIONAL DWRS RATE INCREASES.**

12.7 (a) In addition to the rate increases described in the amendments contained in this act
12.8 to Minnesota Statutes, section 256B.4914, the commissioner shall further adjust the rates
12.9 as described in paragraphs (b) to (f) until the net increase in the rates established under
12.10 Minnesota Statutes, section 256B.4914, as amended in this act, and this section are equivalent
12.11 to a three-year appropriation of \$225,000,000 for fiscal years 2023, 2024, and 2025. The
12.12 commissioner shall apply the rate changes in this section after applying other changes
12.13 contained in this act. The commissioner shall apply the rate changes in this section in the
12.14 order presented in the following paragraphs. If the target three-year appropriation is reached
12.15 after applying the provisions of a paragraph, the commissioner shall not apply the provisions
12.16 in the remaining paragraphs.

12.17 (b) Notwithstanding Minnesota Statutes, section 256B.4914, subdivision 5, paragraph
12.18 (b), clause (2), as added by amendment in this act, on January 1, 2023, the commissioner
12.19 shall adjust the data used to update the base wage index by using up to the most recently
12.20 available wage data by SOC code from the Bureau of Labor Statistics. If the estimated cost
12.21 of fully implementing the rate adjustment in this paragraph exceeds the target three-year
12.22 appropriation target, the commissioner shall proportionately reduce the estimated change
12.23 to the wage index to reach the target.

12.24 (c) Notwithstanding Minnesota Statutes, section 256B.4914, subdivision 5b, clause (2),
12.25 as added by amendment in this act, on January 1, 2023, the commissioner shall adjust the
12.26 data used to update the client and programming support, transportation, and program facility
12.27 cost component values by using up to the most recently available data. If the estimated cost
12.28 of fully implementing the rate adjustment in this paragraph exceeds the target three-year
12.29 appropriation target, the commissioner shall proportionately reduce the estimated change
12.30 to component values to reach the target.

12.31 (d) Notwithstanding the provision in Minnesota Statutes, section 256B.4914, subdivision
12.32 5f, paragraph (a), as added by amendment in this act, requiring a biennial update of the
12.33 competitive workforce factor, on January 1, 2024, the commissioner shall update the

13.1 competitive workforce factor. If the estimated cost of fully implementing the rate adjustment
 13.2 in this paragraph exceeds the target three-year appropriation target, the commissioner shall
 13.3 cap the increase in the competitive workforce factor to reach the target.

13.4 (e) Notwithstanding the provision in Minnesota Statutes, section 256B.4914, subdivision
 13.5 5, paragraph (b), as amended in this act, on January 1, 2024, the commissioner shall update
 13.6 the base wage index in Minnesota Statutes, section 256B.4914, subdivision 5a, based on
 13.7 the most recently available wage data by SOC from the Bureau of Labor Statistics. If the
 13.8 estimated cost of fully implementing the rate adjustment in this paragraph exceeds the target
 13.9 three-year appropriation target, the commissioner shall proportionately reduce the estimated
 13.10 change to component values to reach the target.

13.11 (f) Notwithstanding the provision in Minnesota Statutes, section 256B.4914, subdivision
 13.12 5b, as amended in this act, on January 1, 2024, the commissioner shall update the client and
 13.13 programming support, transportation, and program facility cost component values based
 13.14 on the most recently available wage data by SOC from the Bureau of Labor Statistics. If
 13.15 the estimated cost of fully implementing the rate adjustment in this paragraph exceeds the
 13.16 target three-year appropriation target, the commissioner shall proportionately reduce the
 13.17 estimated change to component values to reach the target."

13.18 Page 53, delete sections 48 and 49

13.19 Page 53, line 15, delete "inform" and insert "notify"

13.20 Page 55, lines 14, 23, and 31, delete "inform" and insert "notify"

13.21 Page 56, lines 8, 17, and 25, delete "inform" and insert "notify"

13.22 Page 57, lines 3, 13, 22, and 30, delete "inform" and insert "notify"

13.23 Page 58, lines 9, 16, and 23, delete "inform" and insert "notify"

13.24 Page 60, line 3, delete "inform" and insert "notify"

13.25 Page 60, line 9, delete "provide" and insert "establish"

13.26 Page 60, line 13, delete "one and one-half" and insert "1-1/2"

13.27 Page 60, delete section 17

13.28 Page 62, delete section 19

13.29 Page 63, delete sections 20 and 21 and insert:

14.1 "Sec. 18. Minnesota Statutes 2021 Supplement, section 256S.2101, is amended to read:

14.2 **256S.2101 RATE SETTING; PHASE-IN.**

14.3 Subdivision 1. **Phase-in for disability waiver customized living rates.** All rates and
14.4 rate components for community access for disability inclusion customized living and brain
14.5 injury customized living under section 256B.4914 shall be the sum of ~~ten~~ 27.2 percent of
14.6 the rates calculated under sections 256S.211 to 256S.215 and ~~90~~ 72.8 percent of the rates
14.7 calculated using the rate methodology in effect as of June 30, 2017.

14.8 Subd. 2. **Phase-in for elderly waiver rates.** Except for home-delivered meals as
14.9 described in section 256S.215, subdivision 15, all rates and rate components for elderly
14.10 waiver, elderly waiver customized living, and elderly waiver foster care under this chapter;
14.11 alternative care under section 256B.0913; and essential community supports under section
14.12 256B.0922 shall be the sum of ~~48.8~~ 27.2 percent of the rates calculated under sections
14.13 256S.211 to 256S.215, and ~~81.2~~ 72.8 percent of the rates calculated using the rate
14.14 methodology in effect as of June 30, 2017. The rate for home-delivered meals shall be the
14.15 sum of the service rate in effect as of January 1, 2019, and the increases described in section
14.16 256S.215, subdivision 15.

14.17 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
14.18 whichever is later. The commissioner of human services shall notify the revisor of statutes
14.19 when federal approval is obtained.

14.20 Sec. 19. **NURSING FACILITY FUNDING.**

14.21 (a) Effective July 1, 2022, through December 31, 2024, the total payment rate for all
14.22 facilities reimbursed under this section must be increased by \$28.65 per resident day.

14.23 (b) To be eligible to receive a payment under this section, a nursing facility must attest
14.24 to the commissioner of human services that the additional revenue will be used exclusively
14.25 to increase compensation-related costs for employees directly employed by the facility on
14.26 or after July 1, 2022, excluding:

14.27 (1) owners of the building and operation;

14.28 (2) persons employed in the central office of an entity that has any ownership interest
14.29 in the nursing facility or exercises control over the nursing facility;

14.30 (3) persons paid by the nursing facility under a management contract; and

14.31 (4) persons providing separately billable services.

15.1 (c) Contracted housekeeping, dietary, and laundry employees providing services on site
15.2 at the nursing facility are eligible for compensation-related cost increases under this section,
15.3 provided the agency that employs them submits to the nursing facility proof of the costs of
15.4 increases provided to those employees that comply with paragraphs (b) and (d).

15.5 (d) For purposes of this section, compensation-related costs include:

15.6 (1) permanent new increases to wages and salaries implemented on or after July 1, 2022,
15.7 and before September 1, 2022, for nursing facility employees;

15.8 (2) permanent new increases to wages and salaries implemented on or after July 1, 2022,
15.9 and before September 1, 2022, for employees in the organization's shared services
15.10 departments of hospital-attached nursing facilities for the nursing facility allocated share
15.11 of wages; and

15.12 (3) the employer's share of FICA taxes, Medicare taxes, state and federal unemployment
15.13 taxes, PERA, workers' compensation, and pension and employee retirement accounts directly
15.14 associated with the wage and salary increases in clauses (1) and (2) incurred no later than
15.15 December 31, 2024, and paid for no later than June 30, 2025.

15.16 (e) A facility that receives a rate increase under this section must complete a distribution
15.17 plan in the form and manner determined by the commissioner. This plan must specify the
15.18 total amount of money the facility is estimated to receive from this rate increase and how
15.19 that money will be distributed to increase the allowable compensation-related costs described
15.20 in paragraphs (b) to (d). This estimate must be computed by multiplying \$28.65 by the sum
15.21 of the medical assistance and private pay resident days as defined in Minnesota Statutes,
15.22 section 256R.02, subdivision 45, for the period beginning October 1, 2020, through
15.23 September 30, 2021, dividing this sum by 365 and multiplying the result by 915. A facility
15.24 must submit its distribution plan to the commissioner by October 1, 2022. The commissioner
15.25 may review the distribution plan to ensure that the payment rate adjustment per resident
15.26 day is used in accordance with this section. The commissioner may allow for a distribution
15.27 plan amendment under exceptional circumstances to be determined at the sole discretion
15.28 of the commissioner.

15.29 (f) By September 1, 2022, a facility must post the distribution plan summary and leave
15.30 it posted for a period of at least six months in an area of the facility to which all employees
15.31 have access. The posted distribution plan summary must be in the form and manner
15.32 determined by the commissioner. The distribution plan summary must include instructions
15.33 regarding how to contact the commissioner or the commissioner's representative if an
15.34 employee believes the employee has not received the compensation-related increases

16.1 described in paragraphs (b) to (d). The instruction to such employees must include the e-mail
16.2 address and telephone number that may be used by the employee to contact the
16.3 commissioner's representative. The posted distribution plan summary must demonstrate
16.4 how the increase in paragraph (a) received by the nursing facility from July 1, 2022, through
16.5 December 1, 2024, will be used in full to pay the compensation-related costs in paragraphs
16.6 (c) and (d) for employees described in paragraphs (b) and (c).

16.7 (g) If the nursing facility expends less on new compensated-related costs than the amount
16.8 that was made available by the rate increase in this section for that purpose, the amount of
16.9 this rate adjustment must be reduced to equal the amount utilized by the facility for purposes
16.10 authorized under this section. If the facility fails to post the distribution plan summary in
16.11 its facility as required, fails to submit its distribution plan to the commissioner by the due
16.12 date, or uses these funds for unauthorized purposes, these rate increases must be treated as
16.13 an overpayment and subsequently recovered.

16.14 (h) The commissioner shall not treat payments received under this section as an applicable
16.15 credit for purposes of setting total payment rates under Minnesota Statutes, chapter 256R."

16.16 Page 64, delete section 22

16.17 Page 65, line 1, delete "THE"

16.18 Page 66, line 1, delete "THE"

16.19 Page 66, line 3, delete "(a)" and delete "July 1, 2022" and insert "January 1, 2023"

16.20 Page 66, delete lines 6 to 8

16.21 Page 66, line 9, delete "July 1, 2022" and insert "January 1, 2023"

16.22 Page 66, delete section 25 and insert:

16.23 "Sec. 22. **EXPEDITED REREGISTRATION FOR LAPSED NURSING LICENSES.**

16.24 (a) Notwithstanding Minnesota Statutes, section 148.231, a nurse who desires to resume
16.25 the practice of professional or practical nursing at a licensed nursing facility or licensed
16.26 assisted living facility but whose license to practice nursing has lapsed effective on or after
16.27 January 1, 2019, may submit an application to the Board of Nursing for reregistration. The
16.28 application must be submitted and received by the board between March 31, 2022, and
16.29 March 31, 2023, and must be accompanied with the reregistration fee specified in Minnesota
16.30 Statutes, section 148.243, subdivision 5. The applicant must include with the application
16.31 the name and location of the facility where the nurse is or will be employed.

17.1 (b) The board shall issue a current registration if upon a licensure history review, the
17.2 board determines that at the time the nurse's license lapsed:

17.3 (1) the nurse's license was in good standing; and

17.4 (2) the nurse was not the subject of any pending investigations or disciplinary actions
17.5 or was not disqualified to practice in any way.

17.6 The board shall waive any other requirements for reregistration including any continuing
17.7 education requirements.

17.8 (c) The registration issued under this section shall remain valid until the nurse's next
17.9 registration period. If the nurse desires to continue to practice after that date, the nurse must
17.10 meet the reregistration requirements under Minnesota Statutes, section 148.231, including
17.11 any penalty fees required.

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

17.13 Sec. 23. **TEMPORARY ASSISTED LIVING STAFF TRAINING REQUIREMENTS.**

17.14 (a) Notwithstanding Minnesota Statutes, section 144G.60, subdivision 4, paragraphs (a)
17.15 and (b), a person who registers, completes, and passes the American Health Care
17.16 Association's eight-hour online temporary nurse aide training course may be employed by
17.17 a licensed assisted living facility to provide assisted living services or perform delegated
17.18 nursing tasks. Assisted living facilities must maintain documentation that a person employed
17.19 under the authority of this section to provide assisted living services or perform delegated
17.20 nursing tasks completed the required training program.

17.21 (b) Whenever providing assisted living services, a person employed under the authority
17.22 of this section must be directly supervised by another employee who meets the requirements
17.23 of Minnesota Statutes, section 144G.60, subdivision 4, paragraph (a). If, during employment,
17.24 the person meets the requirements of Minnesota Statutes, section 144G.60, subdivision 4,
17.25 paragraph (a), the supervision described in this paragraph is no longer required.

17.26 (c) Whenever performing delegated nursing tasks, a person employed under the authority
17.27 of this section must be directly supervised by another employee who meets the requirements
17.28 of Minnesota Statutes, section 144G.60, subdivision 4, paragraph (b). If, during employment,
17.29 the person meets the requirements of Minnesota Statutes, section 144G.60, subdivision 4,
17.30 paragraph (b), the supervision described in this paragraph is no longer required.

17.31 (d) This section expires four months after the expiration of the blanket federal waiver
17.32 of the nurse aides training and certification requirements under Code of Federal Regulations,

18.1 title 42, section 483.35(d), by the Centers for Medicare and Medicaid Services as authorized
 18.2 by section 1135 of the Social Security Act.

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

18.4 Page 67, line 19, after "under" insert "clause (1), item (i), and"

18.5 Page 67, lines 26, 28, and 31, delete "households" and insert "enrollees"

18.6 Page 68, lines 1, 3, and 6, delete "households" and insert "enrollees"

18.7 Page 73, line 8, strike "\$11" and insert "\$12.93" and strike "\$1.30" and insert "\$1.53"

18.8 Page 73, line 10, strike "\$13" and insert "\$15.30" and strike "\$1.30" and insert "\$1.53"

18.9 Page 73, line 11, strike "\$18" and insert "\$21.15" and strike "\$1.55" and insert "\$1.82"

18.10 Page 74, line 1, after "quarter" insert "in which the price of gasoline as posted publicly
 18.11 by the United States Energy Information Administration exceeds \$3.00 per gallon"

18.12 Page 74, line 2, delete ", up or down," and after "percent" insert "up or down"

18.13 Page 74, lines 3, 4, 26, and 27, delete "shall" and insert "must"

18.14 Page 74, line 24, after "quarter" insert "in which the price of gasoline as posted publicly
 18.15 by the United Sates Energy Information Administration exceeds \$3.00 per gallon"

18.16 Page 74, line 25, delete ", up or down," and after "percent" insert "up or down"

18.17 Page 75, delete section 4

18.18 Page 80, line 20, before "medical" insert "the"

18.19 Page 80, line 22, before "MinnesotaCare" insert "the"

18.20 Page 80, line 28, delete "OF DUTIES"

18.21 Page 80, line 31, delete "of duties"

18.22 Page 82, after line 25, insert:

18.23 "Sec. 10. Minnesota Statutes 2020, section 297E.021, subdivision 3, is amended to read:

18.24 Subd. 3. **Available revenues.** For purposes of this section, "available revenues" equals
 18.25 the amount determined under subdivision 2, plus up to \$20,000,000 each fiscal year from
 18.26 the taxes imposed under section 290.06, subdivision 1:

18.27 (1) reduced by the following amounts paid for the fiscal year under:

19.1 (i) the appropriation to principal and interest on appropriation bonds under section
19.2 16A.965, subdivision 8;

19.3 (ii) the appropriation from the general fund to make operating expense payments under
19.4 section 473J.13, subdivision 2, paragraph (b);

19.5 (iii) the appropriation for contributions to the capital reserve fund under section 473J.13,
19.6 subdivision 4, paragraph (c);

19.7 (iv) the appropriations under Laws 2012, chapter 299, article 4, for administration and
19.8 any successor appropriation;

19.9 (v) the reduction in revenues resulting from the sales tax exemptions under section
19.10 297A.71, subdivision 43;

19.11 (vi) reimbursements authorized by section 473J.15, subdivision 2, paragraph (d);

19.12 (vii) the compulsive gambling appropriations under section 297E.02, subdivision 3,
19.13 ~~paragraph~~ paragraphs (c) and (d), and any successor appropriation; and

19.14 (viii) the appropriation for the city of St. Paul under section 16A.726, paragraph (c); and

19.15 (2) increased by the revenue deposited in the general fund under section 297A.994,
19.16 subdivision 4, clauses (1) to (3), for the fiscal year."

19.17 Page 83, line 7, delete the first comma

19.18 Page 83, delete sections 12 to 14 and insert:

19.19 "Sec. 13. **OLMSTEAD COUNTY RECOVERY COMMUNITY ORGANIZATION.**

19.20 The commissioner of human services shall establish a grant to a recovery community
19.21 organization in Olmstead County, located in the city of Rochester, Minnesota, that provides
19.22 services in an 11-county region, to provide services to individuals in substance use recovery.

19.23 Sec. 14. **ROCHESTER NONPROFIT RECOVERY COMMUNITY**
19.24 **ORGANIZATION.**

19.25 The commissioner shall establish a grant to a nonprofit recovery community organization
19.26 located in Rochester, Minnesota, that provides pretreatment housing, post-treatment recovery
19.27 housing, treatment coordination, and peer recovery support to individuals pursuing a life
19.28 of recovery from substance use disorders, and that also offers a recovery coaching academy
19.29 to individuals interested in becoming peer recovery specialists is eligible for a grant to
19.30 provide services to individuals in substance use recovery.

20.1 **Sec. 15. WELLNESS IN THE WOODS.**

20.2 The commissioner shall establish a grant to Wellness in the Woods to provide daily peer
20.3 support and special sessions for individuals who are in substance use recovery, are
20.4 transitioning out of incarceration, or have experienced trauma.

20.5 **Sec. 16. RATE INCREASE FOR ADULT DAY TREATMENT SERVICES.**

20.6 Effective January 1, 2023, or 60 days following federal approval, whichever is later, the
20.7 commissioner of human services shall increase the reimbursement rate under Minnesota
20.8 Rules, part 9505.0372, subpart 8, for adult day treatment services covered under Minnesota
20.9 Statutes, section 256B.0671, subdivision 3, by 50 percent from the rates in effect on
20.10 December 31, 2022."

20.11 Page 84, delete sections 15 and 16

20.12 Page 84, line 21, delete the second comma

20.13 Page 85, delete section 4

20.14 Page 86, delete section 6 and insert:

20.15 **"Sec. 5. QUALITY PARENTING INITIATIVE.**

20.16 The commissioner shall establish a grant to Quality Parenting Initiative Minnesota to
20.17 implement Quality Parenting Initiative principles and practices and support children and
20.18 families experiencing foster care placements. Quality Parenting Initiative Minnesota shall
20.19 use grant funds to provide training and technical assistance to county and Tribal agencies,
20.20 community-based agencies, and other stakeholders on the following activities:

20.21 (1) conducting initial foster care phone calls under Minnesota Statutes, section 260C.219,
20.22 subdivision 6;

20.23 (2) supporting practices that create birth family to foster family partnerships; and

20.24 (3) informing child welfare practices by supporting youth leadership and the participation
20.25 of individuals with experience in the foster care system."

20.26 Page 91, line 18, delete everything after "two" and insert a semicolon

20.27 Page 91, delete lines 19 and 20

20.28 Page 92, delete section 11

20.29 Page 92, line 12, delete "internet" and insert "Internet"

21.1 Page 95, line 5, delete "NETstudy 2.0" and insert "NETStudy 2.0"

21.2 Page 95, line 16, delete "individual" and insert "platform"

21.3 Page 96, delete sections 11 and 12 and insert:

21.4 "Sec. 11. **[256.4792] EMPLOYMENT FOR PERSONS EXPERIENCING**

21.5 **HOMELESSNESS OR SUBSTANCE USE DISORDER.**

21.6 (a) Nonprofit organizations, licensed providers, and other entities that receive funding
21.7 from the commissioner of human services to address homelessness or provide services to
21.8 individuals experiencing homelessness must incorporate into their program the facilitation
21.9 of full- or part-time employment and provide or make available employment services for
21.10 each client to the extent appropriate for each client.

21.11 (b) Nonprofit organizations, licensed providers, and other entities that receive funding
21.12 from the commissioner of human services to provide substance use disorder services or
21.13 treatment must incorporate into their program the facilitation of full- or part-time employment
21.14 and provide or make available employment services for each client to the extent appropriate
21.15 for each client."

21.16 Renumber the sections in sequence and correct the internal references

21.17 Amend the title accordingly