

1.1 Senator ..... moves to amend S.F. No. 2786 as follows:

1.2 Page 1, after line 14, insert:

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

1.4 Page 1, before line 15, insert:

1.5 "Sec. 2. **LONG-TERM CARE RETENTION BONUS GRANTS.**

1.6 **Subdivision 1. Grant program established.** The commissioner shall establish a long-term  
1.7 care retention bonus grant program to assist eligible employers with retaining employees.

1.8 **Subd. 2. Definitions.** (a) For purposes of this section, the following terms have the  
1.9 meanings given.

1.10 (b) "Commissioner" means the commissioner of human services.

1.11 (c) "Eligible employer" means an employer who meets the requirements of subdivision  
1.12 5 and is either a nursing home licensed under Minnesota Statutes, chapter 144A; boarding  
1.13 care home licensed under Minnesota Statutes, sections 144.50 to 144.56; assisted living  
1.14 facility licensed under Minnesota Statutes, chapter 144G; hospice provider licensed under  
1.15 Minnesota Statutes, sections 144A.75 to 144A.755; or provider of palliative care.

1.16 (d) "Eligible employee" means an individual employed by an eligible employer as of  
1.17 February 28, 2022, continuously employed by the same employer during the retention  
1.18 period, and who worked on average at least 20 hours per week during the retention period  
1.19 providing direct care in a home or community-based setting or working in a licensed setting  
1.20 specified in subdivision 2, paragraph (c).

1.21 (e) "Retention period" means March 1, 2022, to August 1, 2022.

1.22 **Subd. 3. Allowable uses of funds.** Grantees must use funds awarded under this section  
1.23 for retention bonuses of \$1,000, inclusive of applicable payroll taxes, paid to eligible  
1.24 employees.

1.25 **Subd. 4. Grant request.** To receive a grant under this section, eligible employers must  
1.26 request a grant under this section no later than August 15, 2022. By August 1, 2022, the  
1.27 commissioner shall develop an expedited request process that includes a form allowing  
1.28 providers to meet the requirements of subdivision 5 in as timely and simple a manner as  
1.29 possible. The commissioner shall allow the use of electronic submission of request forms  
1.30 and accept electronic signatures.

2.1 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this  
2.2 section, an eligible employer must attest and agree to the following on the grant request  
2.3 form:

2.4 (1) the employer is an eligible provider;

2.5 (2) the total number of eligible employees for whom the employer is requesting grant  
2.6 funding;

2.7 (3) the employer will distribute the entire value of the grant award as required under this  
2.8 section;

2.9 (4) the employer will create and maintain the records required under subdivision 6; and

2.10 (5) the employer will segregate funds received under this section from other sources of  
2.11 revenue and will not use the funds for any purpose other than the purposes permitted under  
2.12 this section.

2.13 Subd. 6. **Evidence of continuous employment.** (a) As a condition of obtaining funds  
2.14 under this section, an eligible employer must create and retain until December 31, 2028,  
2.15 records containing sufficient evidence to determine the number of eligible employees and  
2.16 that the awarded funds were distributed as required under this section.

2.17 (b) Upon request of the commissioner or the commissioner's designee, a grantee must  
2.18 immediately produce for inspection the records required under this subdivision.

2.19 Subd. 7. **Retention grants.** (a) No later than September 1, 2022, the commissioner shall  
2.20 begin issuing long-term care retention bonus grants to eligible employers.

2.21 (b) The commissioner shall implement retention grants and the process of making grants  
2.22 under this section without compliance with time-consuming procedures and formalities  
2.23 prescribed in law such as the following statutes and related policies.

2.24 (c) By accepting a grant under this subdivision, the grantee attests and agrees to the  
2.25 conditions specified in subdivision 5.

2.26 (d) The commissioner's determination of the grant amount determined under this  
2.27 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment  
2.28 by the commissioner under subdivision 9.

2.29 Subd. 8. **Effect of grants on reimbursement rates.** Costs associated with the purposes  
2.30 described in this section that are funded under this section are not allowable costs under  
2.31 Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable  
2.32 credits under Minnesota Statutes, chapter 256R.

3.1 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section  
3.2 up to six years after the grant is awarded to ensure the grantee used the funds solely for the  
3.3 purposes stated in subdivision 3, was truthful when making attestations under subdivision  
3.4 5, and complied with the conditions of receiving a grant under this section.

3.5 (b) If the commissioner determines that a grantee used awarded funds for purposes not  
3.6 authorized under this section, the commissioner shall treat any amount used for a purpose  
3.7 not authorized under this section as an overpayment. The commissioner shall recover any  
3.8 overpayment.

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

3.10 Sec. 3. **LONG-TERM CARE SIGNING BONUS GRANTS.**

3.11 Subdivision 1. **Grant program established.** The commissioner shall establish a long-term  
3.12 care signing bonus grant program to assist eligible employers with recruiting and retaining  
3.13 employees.

3.14 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
3.15 meanings given.

3.16 (b) "Commissioner" means the commissioner of human services.

3.17 (c) "Eligible employer" means an employer who meets the requirements of subdivision  
3.18 5 and is either a nursing home licensed under Minnesota Statutes, chapter 144A; boarding  
3.19 care home licensed under Minnesota Statutes, sections 144.50 to 144.56; assisted living  
3.20 facility licensed under Minnesota Statutes, chapter 144G; hospice provider licensed under  
3.21 Minnesota Statutes, sections 144A.75 to 144A.755; or provider of palliative care.

3.22 (d) "Signing bonus eligible employee" means an individual newly hired by an eligible  
3.23 employer on or after March 1, 2022, continuously employed by the employer for 30 days,  
3.24 and who worked for at least 20 hours per week on average providing direct care in a home  
3.25 or community-based setting or working in a licensed setting specified in subdivision 2,  
3.26 paragraph (c).

3.27 (e) "Initial signing bonus" means \$750, inclusive of applicable payroll taxes.

3.28 (f) "Retention bonus" means \$750, inclusive of applicable payroll taxes.

3.29 (g) "Retention bonus eligible employee" means an employee who received an initial  
3.30 signing bonus funded under this section and remained continuously employed by the same  
3.31 employer for six months while working on average at least 20 hours per week during the

4.1 retention period providing direct care in a home or community-based setting or working in  
4.2 a licensed setting specified in subdivision 2, paragraph (c).

4.3 (h) "Retention period" means the six months following the initial hiring date of a signing  
4.4 bonus eligible employee.

4.5 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section  
4.6 for initial signing bonuses paid to signing bonus eligible employees and an additional  
4.7 retention bonus to retention bonus eligible employees.

4.8 Subd. 4. **Grant request.** To receive a grant under this section, eligible employers must  
4.9 request grants under this section. Eligible employers may begin requesting grants on March  
4.10 1, 2022. Eligible employers may not submit more than one grant request each month. Eligible  
4.11 employers may include in their request for funds under this section the number of signing  
4.12 bonus eligible employees the employer anticipates hiring during the 60 days following the  
4.13 grant request. By March 1, 2022, the commissioner shall develop an expedited request  
4.14 process that includes a form allowing employers to meet the requirements of subdivision 5  
4.15 in as timely and simple a manner as possible. The commissioner shall allow the use of  
4.16 electronic submission of request forms and accept electronic signatures.

4.17 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this  
4.18 section, an eligible employer must attest and agree to the following on the grant request  
4.19 form:

4.20 (1) the employer is an eligible employer;

4.21 (2) the total number of signing bonus eligible employees for whom the employer is  
4.22 requesting grant funding;

4.23 (3) of the total number of signing bonus eligible employees for whom the employer is  
4.24 requesting grant funding, how many are anticipated new hires in the next sixty days;

4.25 (4) the total number of retention bonus eligible employees for whom the employee is  
4.26 requesting grant funding;

4.27 (5) the employer will distribute the entire value of the grant award as required under this  
4.28 section;

4.29 (6) the employer will create and maintain the records required under subdivision 6; and

4.30 (7) the employer will segregate funds received under this section from other sources of  
4.31 revenue and will not use the funds for any purpose other than the purposes permitted under  
4.32 this section.

5.1 Subd. 6. Evidence of continuous employment. (a) As a condition of obtaining funds  
5.2 under this section, an eligible employer must create and retain until December 31, 2028,  
5.3 records containing sufficient evidence to determine the number of signing bonus eligible  
5.4 employees, the number of retention bonus eligible employees, the full-time equivalent of  
5.5 each retention bonus eligible employee, and that the awarded funds were distributed as  
5.6 required under this section.

5.7 (b) Upon request of the commissioner or the commissioner's designee, a grantee must  
5.8 immediately produce for inspection the records required under this section.

5.9 Subd. 7. Signing bonus grants. (a) No later than April 1, 2022, the commissioner shall  
5.10 begin issuing signing bonus grants under this section. Within the appropriation for this  
5.11 purpose, the commissioner shall award grants under this section on a rolling basis and in  
5.12 the order in which the grant requests are received.

5.13 (b) In awarding grants under this section, the commissioner may award an amount an  
5.14 eligible employer anticipates will be required for the following 60 days to cover signing  
5.15 bonuses for newly hired signing bonus eligible employees.

5.16 (c) If a grant amount exceeds the amount required to pay signing bonuses to anticipated  
5.17 new hires for whom the provider requested the grant, the provider must either return to the  
5.18 commissioner the unused portion of the grant amount or after providing notice to the  
5.19 commissioner, use the excess amount to cover signing bonuses for additional signing bonus  
5.20 eligible employees.

5.21 (d) The commissioner's determination of the grant amount determined under this  
5.22 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment  
5.23 by the commissioner under subdivision 9.

5.24 (e) The commissioner shall implement signing bonus grants and the process of making  
5.25 grants under this section without compliance with time-consuming procedures and formalities  
5.26 prescribed in law such as the following statutes and related policies.

5.27 (f) By accepting a grant under this section, the grantee attests and agrees to the conditions  
5.28 specified in subdivision 5.

5.29 Subd. 8. Effect of grants on reimbursement rates. Costs associated with the purposes  
5.30 described in this section that are funded under this section are not allowable costs under  
5.31 Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable  
5.32 credits under Minnesota Statutes, chapter 256R.

6.1 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section  
6.2 up to six years after the grant is awarded to ensure the grantee used the funds solely for the  
6.3 purposes stated in subdivision 3, was truthful when making attestations under subdivision  
6.4 5, and complied with the conditions of receiving a grant under this section.

6.5 (b) If the commissioner determines that a grantee used awarded funds for purposes not  
6.6 authorized under this section, the commissioner shall treat any amount used for a purpose  
6.7 not authorized under this section as an overpayment. The commissioner shall recover any  
6.8 overpayment.

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

6.10 Sec. 4. **LONG-TERM CARE TRAINING AND EDUCATION GRANTS.**

6.11 Subdivision 1. **Grant program established.** The commissioner shall establish a long-term  
6.12 care education and training grant program to assist eligible employers with recruiting and  
6.13 retaining qualified employees.

6.14 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
6.15 meanings given.

6.16 (b) "Allowable costs" means costs related to tuition, direct educational expenses, training  
6.17 fees, uniforms, child care, and transportation costs incurred as a direct result of participating  
6.18 in classroom instruction or training, or repayment of student loan debt directly incurred as  
6.19 a result of pursuing a qualifying course of study or training.

6.20 (c) "Commissioner" means the commissioner of human services.

6.21 (d) "Eligible employer" means an employer who meets the requirements of subdivision  
6.22 5 and is either a nursing home licensed under Minnesota Statutes, chapter 144A; boarding  
6.23 care home licensed under Minnesota Statutes, sections 144.50 to 144.56; assisted living  
6.24 facility licensed under Minnesota Statutes, chapter 144G; hospice provider licensed under  
6.25 Minnesota Statutes, sections 144A.75 to 144A.755; or provider of palliative care.

6.26 (e) "Eligible employee" means an existing or newly hired employee of an eligible  
6.27 employer who recently completed or is pursuing a course of study or training that is expected  
6.28 to lead to employment or career advancement with any provider of long-term care or in the  
6.29 field of long-term care.

6.30 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section  
6.31 for education and training grants of up to \$1,500, inclusive of applicable taxes, paid to

7.1 eligible employees to cover allowable costs actually incurred during a qualifying course of  
7.2 study or training.

7.3 Subd. 4. **Grant request.** To receive a grant under this section eligible employers must  
7.4 request a grant under this section. Eligible providers may begin requesting grants on March  
7.5 1, 2022. Eligible employers may not submit more than one grant request each month. Eligible  
7.6 employers may include in their request for funds under this section allowable costs the  
7.7 employer anticipates will be incurred by eligible employees during the 60 days following  
7.8 the grant request. By March 1, 2022, the commissioner shall develop an expedited request  
7.9 process that includes a form allowing providers to meet the requirements of subdivision 5  
7.10 in as timely and simple a manner as possible. The commissioner shall allow the use of  
7.11 electronic submission of request forms and accept electronic signatures.

7.12 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this  
7.13 section, an eligible employer must attest and agree to the following on the grant request  
7.14 form:

7.15 (1) the employer is an eligible employer;

7.16 (2) the total number of eligible employees for whom the employer is requesting grant  
7.17 funding;

7.18 (3) of the total amount requested, how much is for allowable costs already incurred and  
7.19 how much is for allowable costs the employer anticipates will be incurred by eligible  
7.20 employees within the next 60 days;

7.21 (4) the employer will distribute the entire value of the grant award as required under this  
7.22 section;

7.23 (5) the employer will create and maintain the records required under subdivision 6; and

7.24 (6) the employer will segregate funds received under this section from other sources of  
7.25 revenue and will not use the funds for any purpose other than the purposes permitted under  
7.26 this section.

7.27 Subd. 6. **Evidence of incurred allowable costs.** An eligible employer must create and  
7.28 retain until December 31, 2028, records containing sufficient evidence to determine the  
7.29 actual incurred costs of eligible employees for allowable costs.

7.30 Subd. 7. **Education and training grants.** (a) No later than April 1, 2022, the  
7.31 commissioner shall begin awarding long-term care education and training grants. Within  
7.32 the appropriation for this purpose, the commissioner shall award grants under this section

8.1 on a rolling basis and in the order in which the grant requests are received. The commissioner  
8.2 must not award a grant amount for more than \$1,500 per individual.

8.3 (b) In awarding grants under this section, the commissioner may award an amount an  
8.4 eligible provider anticipates will be required to cover the allowable costs of eligible  
8.5 employees.

8.6 (c) If a grant amount exceeds the incurred allowable costs of the eligible employees for  
8.7 whom the provider requested the grant, the provider must either return to the commissioner  
8.8 the unused portion of the grant amount or after providing notice to the commissioner, use  
8.9 the excess amount to cover the allowable costs of additional eligible employees.

8.10 (d) The commissioner's determination of the grant amount determined under this  
8.11 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment  
8.12 by the commissioner under subdivision 9.

8.13 Subd. 8. **Effect of grants on reimbursement rates.** (a) Costs associated with the  
8.14 purposes described in this section that are funded under this section are not allowable costs  
8.15 under Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable  
8.16 credits under Minnesota Statutes, chapter 256R.

8.17 (b) Money received by a facility under this section must not be used to supplant funding  
8.18 available under Minnesota Statutes, section 144.1503, or to supplant the portion of a nursing  
8.19 facility's total payment rate attributable to scholarships under Minnesota Statutes, section  
8.20 256R.37.

8.21 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section  
8.22 up to six years after the grant is awarded to ensure the grantee used the funds solely for the  
8.23 purposes stated in subdivision 3, was truthful when making attestations under subdivision  
8.24 5, and complied with the conditions of receiving a grant under this section.

8.25 (b) If the commissioner determines that a provider used awarded funds for purposes not  
8.26 authorized under this section, the commissioner shall treat any amount used for a purpose  
8.27 not authorized under this section as an overpayment. The commissioner shall recover any  
8.28 overpayment.

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

8.30 Sec. 5. **TEMPORARY PERMIT FOR LAPSED NURSING LICENSES.**

8.31 (a) The Board of Nursing shall issue a temporary permit to practice professional or  
8.32 practical nursing to any nurse whose license to practice issued under Minnesota Statutes,



9.1 sections 148.171 to 148.285, has lapsed after January 1, 2017, and who desires to resume  
9.2 the practice of professional or practical nursing at a licensed nursing facility or licensed  
9.3 assisted living facility. The nurse shall submit an application for a temporary permit to the  
9.4 board that includes the name and location of the facility where the nurse is or will be  
9.5 employed. The board shall issue the temporary permit to practice professional or practical  
9.6 nursing upon the receipt of the application. The applicant is not required to pay any fee  
9.7 under Minnesota Statutes, section 148.243, for the temporary permit or meet any other  
9.8 requirements if at the time the nurse's license lapsed the license was in good standing and  
9.9 the nurse was not the subject of any pending investigation or disciplinary action and was  
9.10 not disqualified to practice in any way.

9.11 (b) Any temporary permit issued under this section is valid for a period of one year and  
9.12 is not renewable.

9.13 (c) This section expires March 31, 2023.

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

9.15 Sec. 6. **TEMPORARY ASSISTED LIVING STAFF TRAINING REQUIREMENTS.**

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

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

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

10.1 (d) This section expires four months after the expiration of the blanket federal waiver  
10.2 of the nurse aides training and certification requirements under Code of Federal Regulations,  
10.3 title 42, section 483.35(d), by the Centers for Medicare and Medicaid Services as authorized  
10.4 by section 1135 of the Social Security Act.

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

10.6 **Sec. 7. TEMPORARY NURSING FACILITY VOLUNTARY CORRECTION**  
10.7 **PROGRAM.**

10.8 (a) Between the date on which this section becomes effective and June 30, 2023, a  
10.9 licensed nursing facility may submit to the commissioner a formal request for technical  
10.10 assistance and available resources to correct the facility's failures to comply with state  
10.11 licensing and federal certification standards that result from acute staffing shortages.

10.12 (b) Within 48 hours of receipt of a formal request under paragraph (a), the commissioner  
10.13 must complete a voluntary correction program intake form and assign to the facility a specific  
10.14 employee of the Department of Health who must act as the primary point of contact for the  
10.15 facility participating in the voluntary correction program. A department employee assigned  
10.16 to a facility must not be a nursing home health surveyor or an Office of Health Facility  
10.17 Complaints investigator. The commissioner must not assign current surveyors or investigators  
10.18 to offer technical assistance to facilities participating in the voluntary correction program.

10.19 (c) The commissioner must not initiate a survey or other regulatory action in response  
10.20 to a request submitted under paragraph (a). The commissioner must not regard the mere  
10.21 fact that a facility submitted a request under paragraph (a) as justification to exercise the  
10.22 commissioner's discretion under Minnesota Statutes, section 144A.10, subdivision 2, to  
10.23 devote more resources for inspections of the facility outside of the regular schedule of  
10.24 licensing and certification inspections.

10.25 (d) While a facility is participating in the voluntary correction program, the commissioner  
10.26 must not initiate a survey, revisit of any type, or otherwise deploy surveyors or investigators  
10.27 to the facility except as provided in paragraph (f).

10.28 (e) No facility may participate in the voluntary correction program longer than one  
10.29 month.

10.30 (f) Nothing in paragraph (c) or (d) prohibits the commissioner from conducting an on-site  
10.31 investigation of alleged maltreatment of a vulnerable adult or of a complaint triaged as  
10.32 immediate jeopardy.

11.1 (g) The commissioner must ensure that department staff providing technical assistance  
11.2 to a facility participating in the voluntary correction program do not communicate information  
11.3 about the facility directly to any surveyor or investigator, including that the facility is a  
11.4 participant in the program. Nothing in this paragraph prohibits anyone from filing a complaint  
11.5 with the Office of Health Facility Complaints.

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

11.7 Page 1, after line 22, insert:

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

11.9 Page 2, delete section 3 and insert:

11.10 "Sec. 9. **APPROPRIATION; LONG-TERM CARE GRANTS.**

11.11 Subdivision 1. **Total appropriation.** \$266,000,000 in fiscal year 2022 is appropriated  
11.12 from the general fund to the commissioner of human services for grants to eligible employers  
11.13 for long-term care retention grants, long-term care signing bonus grants, and long-term care  
11.14 training and education grants.

11.15 Subd. 2. **Long-term care retention bonus grants.** Of the amount appropriated under  
11.16 subdivision 1, \$206,000,000 is for onetime long-term care retention bonus grants. The  
11.17 commissioner shall use any amount that remains unencumbered after the completion of the  
11.18 long-term care retention bonus grant application process for the long-term care education  
11.19 and training grants described under subdivision 4.

11.20 Subd. 3. **Long-term care signing bonus grants.** Of the amount appropriated in  
11.21 subdivision 1, \$30,000,000 is for long-term care signing bonus grants.

11.22 Subd. 4. **Long-term care education and training grants.** Of the amount appropriated  
11.23 in subdivision 1, \$30,000,000 plus any amount reallocated under subdivision 2 is for  
11.24 long-term care education and training grants.

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

11.26 Page 3, delete section 4

11.27 Renumber the sections in sequence and correct the internal references