

1.1 Senator moves to amend the SCS2786A-3 amendment to S.F. No. 2786 as
1.2 follows:

1.3 Page 1, delete lines 11 to 20 and insert:

1.4 "(c) "Eligible employer" means an employer who meets the requirements of subdivision
1.5 5 and is either:

1.6 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

1.7 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;

1.8 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;

1.9 (4) a hospice provider, including a licensed residential hospice provider, licensed under
1.10 Minnesota Statutes, sections 144A.75 to 144A.755;

1.11 (5) a provider of palliative care;

1.12 (6) a licensed provider of residential supports and services or day services as defined
1.13 under Minnesota Statutes, section 245D.03, subdivision 1;

1.14 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
1.15 144A.482; or

1.16 (8) a provider of home care services as defined under Minnesota Statutes, section
1.17 256B.0651, subdivision 1, paragraph (d).

1.18 (d) "Eligible employee" means an individual employed by an eligible employer as of
1.19 February 28, 2022, continuously employed by the same employer during the retention
1.20 period, and who either:

1.21 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
1.22 at least 20 hours per week during the retention period while providing direct care in an
1.23 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
1.24 (1) to (4); or

1.25 (2) is unlicensed, worked for an eligible employer under paragraph (c), clauses (6) to
1.26 (8), on average at least 20 hours per week during the retention period while providing direct
1.27 care."

1.28 Page 3, delete lines 17 to 26 and insert:

1.29 "(c) "Eligible employer" means an employer who meets the requirements of subdivision
1.30 5 and is either:

1.31 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

- 2.1 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;
2.2 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;
2.3 (4) a hospice provider, including a licensed residential hospice provider, licensed under
2.4 Minnesota Statutes, sections 144A.75 to 144A.755;
2.5 (5) a provider of palliative care;
2.6 (6) a licensed provider of residential supports and services or day services as defined
2.7 under Minnesota Statutes, section 245D.03, subdivision 1;
2.8 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
2.9 144A.482; or
2.10 (8) a provider of home care services as defined under Minnesota Statutes, section
2.11 256B.0651, subdivision 1, paragraph (d).

2.12 (d) "Signing bonus eligible employee" means an individual newly employed by an
2.13 eligible employer on or after March 1, 2022, continuously employed by the same employer
2.14 for 30 days, and who either:

2.15 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
2.16 at least 20 hours per week during the retention period while providing direct care in an
2.17 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
2.18 (1) to (4); or

2.19 (2) is unlicensed and worked for an eligible employer under paragraph (c), clauses (6)
2.20 to (8), on average at least 20 hours per week during the retention period while providing
2.21 direct care."

2.22 Page 3, delete lines 29 to 31 and insert:

2.23 "(h) "Retention bonus eligible employee" means an employee who received an initial
2.24 signing bonus funded under this section and remained continuously employed by the same
2.25 employer for six months, and who either:

2.26 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
2.27 at least 20 hours per week during the retention period while providing direct care in an
2.28 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
2.29 (1) to (4); or

2.30 (2) is unlicensed and worked for an eligible employer under paragraph (c), clauses (6)
2.31 to (8), on average at least 20 hours per week during the retention period while providing
2.32 direct care."

3.1 Page 4, delete lines 1 and 2

3.2 Page 6, delete lines 21 to 29 and insert:

3.3 "(d) "Eligible employer" means an employer who meets the requirements of subdivision
3.4 5 and is either:

3.5 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

3.6 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;

3.7 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;

3.8 (4) a hospice provider, including a licensed residential hospice provider, licensed under
3.9 Minnesota Statutes, sections 144A.75 to 144A.755;

3.10 (5) a provider of palliative care;

3.11 (6) a licensed provider of residential supports and services or day services as defined
3.12 under Minnesota Statutes, section 245D.03, subdivision 1;

3.13 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
3.14 144A.482; or

3.15 (8) a provider of home care services as defined under Minnesota Statutes, section
3.16 256B.0651, subdivision 1, paragraph (d).

3.17 (e) "Eligible employee" means an existing or newly hired employee of an eligible
3.18 employer who recently completed or is pursuing a course of study or training that is expected
3.19 to lead to employment or career advancement with any provider of long-term care or in the
3.20 long-term care field, and who either:

3.21 (1) works or will work for an eligible employer under paragraph (c), clauses (1) to (5),
3.22 while providing direct care in an unlicensed setting or while working in a licensed setting
3.23 referred to in paragraph (d), clauses (1) to (4); or

3.24 (2) is unlicensed and works or will work for an eligible employer under paragraph (d),
3.25 clauses (6) to (8), while providing direct care."

3.26 Page 8, after line 29, insert:

3.27 **"Section 5. DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**
3.28 **TEMPORARY DWRS AFTER-MODEL ADJUSTMENT.**

3.29 (a) Effective April 1, 2022, the commissioner of human services must implement a
3.30 temporary after-model adjustment to the rate methodology under Minnesota Statutes, section

4.1 256B.4914, for the subset of services to which the rate adjustments under Minnesota Statutes,
4.2 section 256B.4914, subdivision 5, paragraph (i), clause (1), and paragraph (j), clause (1),
4.3 apply.

4.4 (b) The commissioner shall not apply the after-model adjustment described in this section
4.5 to the rates for services provided to individuals for whom a new service agreement has been
4.6 established during calendar year 2022.

4.7 (c) The commissioner shall not apply the after-model adjustment described in this section
4.8 to the rates for services provided to individuals for whom a service agreement has been
4.9 renewed during calendar year 2022. Whenever a service agreement is renewed during
4.10 calendar year 2022, the commissioner shall not apply the after-model adjustment to the
4.11 newly established rates under the renewed service agreement.

4.12 (d) The value of the after-model rate adjustment for each service shall be equal to the
4.13 value of the rate adjustments under Minnesota Statutes, section 256B.4914, subdivision 5,
4.14 paragraph (i), clause (1), and paragraph (j), clause (1).

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

4.16 **Sec. 6. COMMISSIONER OF HUMAN SERVICES; TEMPORARY STAFFING**
4.17 **POOL; APPROPRIATION.**

4.18 (a) The commissioner of human services shall establish a temporary emergency staffing
4.19 pool for congregate settings experiencing staffing crises. Vendor contracts may include
4.20 retention bonuses, sign-on bonuses, and payment for hours on call. The commissioner may
4.21 pay for necessary training, travel, and lodging expenses of the temporary staff. Contracts
4.22 for temporary staffing executed under this section: (1) should minimize the recruitment
4.23 away from providers' current workforces; and (2) may not be executed with an individual
4.24 until at least 30 days since the individual was last employed in Minnesota by one of the
4.25 types of facilities listed in paragraph (g).

4.26 (b) Temporary staff, at the request of the commissioner, may be deployed to long-term
4.27 care facilities and other congregate care residential facilities and programs experiencing an
4.28 emergency staffing crisis on or after the effective date of this section. Temporary staff must
4.29 be provided at no cost to the facility or program receiving the temporary staff.

4.30 (c) Members of the temporary staffing pool under this section are not state employees.

4.31 (d) The commissioner must coordinate the activities under this section with any other
4.32 impacted state agencies, to appropriately prioritize locations to deploy contracted temporary
4.33 staff.

5.1 (e) The commissioner must give priority for deploying staff to facilities and programs
5.2 with the most significant staffing crises and where, but for this assistance, residents would
5.3 be at significant risk of injury due to the need to transfer to another facility or a hospital for
5.4 adequately staffed care.

5.5 (f) A facility or program may seek onetime assistance per setting from the temporary
5.6 staffing pool only after the facility or program has used all resources available to obtain
5.7 temporary staff but is unable to meet the facility's or program's temporary staffing needs.
5.8 A facility or program may apply for temporary staff for up to 21 days. Applicants must
5.9 submit a proposed plan for ensuring resident safety at the end of that time period.

5.10 (g) Facilities and programs eligible to obtain temporary staff from the temporary staffing
5.11 pool include:

5.12 (1) nursing facilities;

5.13 (2) assisted living facilities;

5.14 (3) intermediate care facilities for persons with developmental disabilities;

5.15 (4) adult foster care or community residential settings;

5.16 (5) licensed substance use disorder treatment facilities;

5.17 (6) unlicensed county-based substance use disorder treatment facilities;

5.18 (7) licensed facilities for adults with mental illness;

5.19 (8) licensed detoxification programs;

5.20 (9) licensed withdrawal management programs;

5.21 (10) licensed children's residential facilities;

5.22 (11) licensed child foster residence settings;

5.23 (12) unlicensed, Tribal-certified facilities that perform functions similar to the licensed
5.24 facilities listed in this paragraph;

5.25 (13) boarding care homes;

5.26 (14) board and lodging establishments serving people with disabilities or disabling
5.27 conditions;

5.28 (15) board and lodging establishments with special services;

5.29 (16) supervised living facilities;

5.30 (17) supportive housing;

- 6.1 (18) sober homes;
- 6.2 (19) community-based halfway houses for people exiting the correctional system;
- 6.3 (20) shelters serving people experiencing homelessness;
- 6.4 (21) drop-in centers for people experiencing homelessness;
- 6.5 (22) homeless outreach services for unsheltered individuals;
- 6.6 (23) shelters for people experiencing domestic violence; and
- 6.7 (24) temporary isolation spaces for people who test positive for COVID-19.

6.8 (h) Notwithstanding Minnesota Statutes, chapter 16C, the commissioner may maintain,

6.9 extend, or renew contracts for temporary staffing entered into on or after September 1, 2020.

6.10 The commissioner may also enter into new contracts with eligible entities for temporary

6.11 staff deployed in the temporary staffing pool. The commissioner may use up to 6.5 percent

6.12 of this funding for the commissioner's costs related to administration of this program.

6.13 (i) The commissioner shall seek all allowable FEMA reimbursement for the costs of this

6.14 activity.

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

6.16 **Sec. 7. CANCELLATION OF GENERAL FUND APPROPRIATIONS;**

6.17 **CORONAVIRUS RELIEF FUND REFINANCING.**

6.18 (a) Notwithstanding Laws 2021, First Special Session chapter 12, article 5, section 1,

6.19 the commissioner of management and budget shall identify \$1,029,000 of general fund

6.20 appropriations and transfers that are eligible expenditures from the coronavirus relief fund

6.21 and designate the identified expenditures as eligible expenditures from the coronavirus relief

6.22 fund. The commissioner may designate a portion of a general fund appropriation or transfer

6.23 for cancellation. \$1,029,000 of the general fund appropriations and transfers designated by

6.24 the commissioner are canceled to the general fund. \$1,029,000 is appropriated from the

6.25 coronavirus relief fund for the purposes of the original general fund appropriation.

6.26 (b) The commissioner of management and budget shall perform the duties in paragraph

6.27 (a) before the duties required in Laws 2021, First Special Session chapter 12, article 5,

6.28 section 1.

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

6.30 Page 11, after line 25, insert:

7.1 "Sec. 10. **APPROPRIATION; TEMPORARY STAFFING POOL.**

7.2 \$1,029,000 in fiscal year 2022 is appropriated from the general fund to the commissioner
7.3 of human services for the temporary staffing pool described in this act. This is a onetime
7.4 appropriation and is available until June 30, 2022.

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