

1.1 Senator ..... moves to amend the delete-everything amendment (SCS4165A-2)  
1.2 to S.F. No. 4165 as follows:

1.3 Page 97, after line 17, insert:

1.4 **"ARTICLE 5**  
1.5 **CONTINUING CARE FOR OLDER ADULTS**

1.6 Section 1. Minnesota Statutes 2020, section 245A.14, subdivision 14, is amended to read:

1.7 Subd. 14. **Attendance records for publicly funded services.** (a) A child care center  
1.8 licensed under this chapter and according to Minnesota Rules, chapter 9503, must maintain  
1.9 documentation of actual attendance for each child receiving care for which the license holder  
1.10 is reimbursed by a governmental program. The records must be accessible to the  
1.11 commissioner during the program's hours of operation, they must be completed on the actual  
1.12 day of attendance, and they must include:

- 1.13 (1) the first and last name of the child;
- 1.14 (2) the time of day that the child was dropped off; and
- 1.15 (3) the time of day that the child was picked up.

1.16 (b) A family child care provider licensed under this chapter and according to Minnesota  
1.17 Rules, chapter 9502, must maintain documentation of actual attendance for each child  
1.18 receiving care for which the license holder is reimbursed for the care of that child by a  
1.19 governmental program. The records must be accessible to the commissioner during the  
1.20 program's hours of operation, they must be completed on the actual day of attendance, and  
1.21 they must include:

- 1.22 (1) the first and last name of the child;
- 1.23 (2) the time of day that the child was dropped off; and
- 1.24 (3) the time of day that the child was picked up.

1.25 (c) An adult day services program licensed under this chapter and according to Minnesota  
1.26 Rules, parts 9555.5105 to 9555.6265, must maintain documentation of actual attendance  
1.27 for each adult day service recipient for which the license holder is reimbursed by a  
1.28 governmental program. The records must be accessible to the commissioner during the  
1.29 program's hours of operation, they must be completed on the actual day of attendance, and  
1.30 they must include:

- 1.31 (1) the first, middle, and last name of the recipient;

2.1 (2) the time of day that the recipient was dropped off; and

2.2 (3) the time of day that the recipient was picked up.

2.3 (d) ~~The commissioner shall not issue a correction for attendance record errors that occur~~  
2.4 ~~before August 1, 2013.~~ Adult day services programs licensed under this chapter that are  
2.5 designated for remote adult day services must maintain documentation of actual participation  
2.6 for each adult day service recipient for whom the license holder is reimbursed by a  
2.7 governmental program. The records must be accessible to the commissioner during the  
2.8 program's hours of operation, must be completed on the actual day service is provided, and  
2.9 must include the:

2.10 (1) first, middle, and last name of the recipient;

2.11 (2) time of day the remote services started;

2.12 (3) time of day that the remote services ended; and

2.13 (4) means by which the remote services were provided, through audio remote services  
2.14 or through audio and video remote services.

2.15 **EFFECTIVE DATE.** This section is effective January 1, 2023.

2.16 **Sec. 2. [245A.70] REMOTE ADULT DAY SERVICES.**

2.17 (a) For the purposes of sections 245A.70 to 245A.75, the following terms have the  
2.18 meanings given.

2.19 (b) "Adult day care" and "adult day services" have the meanings given in section 245A.02,  
2.20 subdivision 2a.

2.21 (c) "Remote adult day services" means an individualized and coordinated set of services  
2.22 provided via live two-way communication by an adult day care or adult day services center.

2.23 (d) "Live two-way communication" means real-time audio or audio and video  
2.24 transmission of information between a participant and an actively involved staff member.

2.25 **Sec. 3. [245A.71] APPLICABILITY AND SCOPE.**

2.26 Subdivision 1. **Licensing requirements.** Adult day care centers or adult day services  
2.27 centers that provide remote adult day services must be licensed under this chapter and  
2.28 comply with the requirements set forth in this section.

2.29 Subd. 2. **Standards for licensure.** License holders seeking to provide remote adult day  
2.30 services must submit a request in the manner prescribed by the commissioner. Remote adult

3.1 day services must not be delivered until approved by the commissioner. The designation to  
3.2 provide remote services is voluntary for license holders. Upon approval, the designation of  
3.3 approval for remote adult day services shall be printed on the center's license, and identified  
3.4 on the commissioner's public website.

3.5 Subd. 3. **Federal requirements.** Adult day care centers or adult day services centers  
3.6 that provide remote adult day services to participants receiving alternative care under section  
3.7 256B.0913, essential community supports under section 256B.0922, or home and  
3.8 community-based services waivers under chapter 256S or section 256B.092 or 256B.49  
3.9 must comply with federally approved waiver plans.

3.10 Subd. 4. **Service limitations.** Remote adult day services must be provided during the  
3.11 days and hours of in-person services specified on the license of the adult day care center.

3.12 **Sec. 4. [245A.72] RECORD REQUIREMENTS.**

3.13 Adult day centers and adult day services centers providing remote adult day services  
3.14 must comply with participant record requirements set forth in Minnesota Rules, part  
3.15 9555.9660. The center must document how remote services will help a participant reach  
3.16 the short- and long-term objectives in the participant's plan of care.

3.17 **Sec. 5. [245A.73] REMOTE ADULT DAY SERVICES STAFF.**

3.18 Subdivision 1. **Staff ratios.** (a) A staff person who provides remote adult day services  
3.19 without two-way interactive video must only provide services to one participant at a time.

3.20 (b) A staff person who provides remote adult day services through two-way interactive  
3.21 video must not provide services to more than eight participants at one time.

3.22 Subd. 2. **Staff training.** A center licensed under section 245A.71 must document training  
3.23 provided to each staff person regarding the provision of remote services in the staff person's  
3.24 record. The training must be provided prior to a staff person delivering remote adult day  
3.25 services without supervision. The training must include:

3.26 (1) how to use the equipment, technology, and devices required to provide remote adult  
3.27 day services via live two-way communication;

3.28 (2) orientation and training on each participant's plan of care as directly related to remote  
3.29 adult day services; and

3.30 (3) direct observation by a manager or supervisor of the staff person while providing  
3.31 supervised remote service delivery sufficient to assess staff competency.

4.1 Sec. 6. **[245A.74] INDIVIDUAL SERVICE PLANNING.**

4.2 Subdivision 1. **Eligibility.** (a) A person must be eligible for and receiving in-person  
4.3 adult day services to receive remote adult day services from the same provider. The same  
4.4 provider must deliver both in-person adult day services and remote adult day services to a  
4.5 participant.

4.6 (b) The license holder must update the participant's plan of care according to Minnesota  
4.7 Rules, part 9555.9700.

4.8 (c) For a participant who chooses to receive remote adult day services, the license holder  
4.9 must document in the participant's plan of care the participant's proposed schedule and  
4.10 frequency for receiving both in-person and remote services. The license holder must also  
4.11 document in the participant's plan of care that remote services:

4.12 (1) are chosen as a service delivery method by the participant or legal representative;

4.13 (2) will meet the participant's assessed needs;

4.14 (3) are provided within the scope of adult day services; and

4.15 (4) will help the participant achieve identified short and long-term objectives specific  
4.16 to the provision of remote adult day services.

4.17 Subd. 2. **Participant daily service limitations.** In a 24-hour period, a participant may  
4.18 receive:

4.19 (1) a combination of in-person adult day services and remote adult day services on the  
4.20 same day but not at the same time;

4.21 (2) a combination of in-person and remote adult day services that does not exceed 12  
4.22 hours in total; and

4.23 (3) up to six hours of remote adult day service.

4.24 Subd. 3. **Minimum in-person requirement.** A participant who receives remote services  
4.25 must receive services in-person as assigned in the participant's plan of care at least quarterly.

4.26 Sec. 7. **[245A.75] SERVICE AND PROGRAM REQUIREMENTS.**

4.27 Remote adult day services must be in the scope of adult day services provided in  
4.28 Minnesota Rules, part 9555.9710, subparts 3 to 7.

4.29 **EFFECTIVE DATE.** This section is effective January 1, 2023."

4.30 Amend the title accordingly