

1.1 Senator moves to amend the delete-everything amendment (SCS4410A-1)
1.2 to S.F. No. 4410 as follows:

1.3 Page 12, delete section 11

1.4 Page 14, after line 27, insert:

1.5 "Sec. 12. Minnesota Statutes 2020, section 256B.4914, subdivision 8, as amended by
1.6 Laws 2022, chapter 33, section 1, subdivision 8, is amended to read:

1.7 Subd. 8. **Unit-based services with programming; component values and calculation**
1.8 **of payment rates.** (a) For the purpose of this section, unit-based services with programming
1.9 include employment exploration services, employment development services, employment
1.10 support services, individualized home supports with family training, individualized home
1.11 supports with training, and positive support services provided to an individual outside of
1.12 any service plan for a day program or residential support service.

1.13 (b) Component values for unit-based services with programming are:

1.14 (1) competitive workforce factor: 4.7 percent;

1.15 (2) supervisory span of control ratio: 11 percent;

1.16 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

1.17 (4) employee-related cost ratio: 23.6 percent;

1.18 (5) program plan support ratio: 15.5 percent;

1.19 (6) client programming and support ratio: 4.7 percent, updated as specified in subdivision
1.20 5b;

1.21 (7) general administrative support ratio: 13.25 percent;

1.22 (8) program-related expense ratio: 6.1 percent; and

1.23 (9) absence and utilization factor ratio: 3.9 percent.

1.24 (c) A unit of service for unit-based services with programming is 15 minutes.

1.25 (d) Payments for unit-based services with programming must be calculated as follows,
1.26 unless the services are reimbursed separately as part of a residential support services or day
1.27 program payment rate:

1.28 (1) determine the number of units of service to meet a recipient's needs;

1.29 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
1.30 provided in subdivisions 5 and 5a;

2.1 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
2.2 product of one plus the competitive workforce factor;

2.3 (4) for a recipient requiring customization for deaf and hard-of-hearing language
2.4 accessibility under subdivision 12, add the customization rate provided in subdivision 12
2.5 to the result of clause (3);

2.6 (5) multiply the number of direct staffing hours by the appropriate staff wage;

2.7 (6) multiply the number of direct staffing hours by the product of the supervisory span
2.8 of control ratio and the appropriate supervisory staff wage in subdivision 5a, clause (1);

2.9 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
2.10 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
2.11 rate;

2.12 (8) for program plan support, multiply the result of clause (7) by one plus the program
2.13 plan support ratio;

2.14 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
2.15 employee-related cost ratio;

2.16 (10) for client programming and supports, multiply the result of clause (9) by one plus
2.17 the client programming and support ratio;

2.18 (11) this is the subtotal rate;

2.19 (12) sum the standard general administrative support ratio, the program-related expense
2.20 ratio, and the absence and utilization factor ratio;

2.21 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
2.22 total payment amount;

2.23 (14) for services provided in a shared manner, divide the total payment in clause (13)
2.24 as follows:

2.25 (i) for employment exploration services, divide by the number of service recipients, not
2.26 to exceed five;

2.27 (ii) for employment support services, divide by the number of service recipients, not to
2.28 exceed six; and

2.29 (iii) for individualized home supports with training and individualized home supports
2.30 with family training, divide by the number of service recipients, not to exceed ~~two~~ three;
2.31 and

3.1 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
3.2 to adjust for regional differences in the cost of providing services.

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

3.6 Sec. 13. Minnesota Statutes 2020, section 256B.4914, subdivision 9, as amended by Laws
3.7 2022, chapter 33, section 1, subdivision 9, is amended to read:

3.8 **Subd. 9. Unit-based services without programming; component values and**
3.9 **calculation of payment rates.** (a) For the purposes of this section, unit-based services
3.10 without programming include individualized home supports without training and night
3.11 supervision provided to an individual outside of any service plan for a day program or
3.12 residential support service. Unit-based services without programming do not include respite.

3.13 (b) Component values for unit-based services without programming are:

3.14 (1) competitive workforce factor: 4.7 percent;

3.15 (2) supervisory span of control ratio: 11 percent;

3.16 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

3.17 (4) employee-related cost ratio: 23.6 percent;

3.18 (5) program plan support ratio: 7.0 percent;

3.19 (6) client programming and support ratio: 2.3 percent, updated as specified in subdivision
3.20 5b;

3.21 (7) general administrative support ratio: 13.25 percent;

3.22 (8) program-related expense ratio: 2.9 percent; and

3.23 (9) absence and utilization factor ratio: 3.9 percent.

3.24 (c) A unit of service for unit-based services without programming is 15 minutes.

3.25 (d) Payments for unit-based services without programming must be calculated as follows
3.26 unless the services are reimbursed separately as part of a residential support services or day
3.27 program payment rate:

3.28 (1) determine the number of units of service to meet a recipient's needs;

3.29 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
3.30 provided in subdivisions 5 to 5a;

4.1 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
4.2 product of one plus the competitive workforce factor;

4.3 (4) for a recipient requiring customization for deaf and hard-of-hearing language
4.4 accessibility under subdivision 12, add the customization rate provided in subdivision 12
4.5 to the result of clause (3);

4.6 (5) multiply the number of direct staffing hours by the appropriate staff wage;

4.7 (6) multiply the number of direct staffing hours by the product of the supervisory span
4.8 of control ratio and the appropriate supervisory staff wage in subdivision 5a, clause (1);

4.9 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
4.10 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
4.11 rate;

4.12 (8) for program plan support, multiply the result of clause (7) by one plus the program
4.13 plan support ratio;

4.14 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
4.15 employee-related cost ratio;

4.16 (10) for client programming and supports, multiply the result of clause (9) by one plus
4.17 the client programming and support ratio;

4.18 (11) this is the subtotal rate;

4.19 (12) sum the standard general administrative support ratio, the program-related expense
4.20 ratio, and the absence and utilization factor ratio;

4.21 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
4.22 total payment amount;

4.23 (14) for individualized home supports without training provided in a shared manner,
4.24 divide the total payment amount in clause (13) by the number of service recipients, not to
4.25 exceed ~~two~~ three; and

4.26 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
4.27 to adjust for regional differences in the cost of providing services.

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

4.31 Page 45, after line 22, insert:

5.1 "Sec. 41. **DIRECTION TO THE COMMISSIONER; DISABILITY WAIVER**
5.2 **SHARED SERVICES RATES.**

5.3 The commissioner of human services shall provide a rate system for shared homemaker
5.4 services and shared chore services provided under Minnesota Statutes, sections 256B.092
5.5 and 256B.49. For two persons sharing services, the rate paid to a provider must not exceed
5.6 one and one-half times the rate paid for serving a single individual, and for three persons
5.7 sharing services, the rate paid to a provider must not exceed two times the rate paid for
5.8 serving a single individual. These rates apply only when all of the criteria for the shared
5.9 service have been met."

5.10 Page 47, delete section 41 and insert:

5.11 "Sec. 43. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; SHARED**
5.12 **SERVICES.**

5.13 (a) By December 1, 2022, the commissioner of human services shall seek any necessary
5.14 changes to home and community-based services waiver plans regarding sharing services in
5.15 order to:

5.16 (1) permit shared services for more services, including chore, homemaker, and night
5.17 supervision;

5.18 (2) permit shared services for some services for higher ratios, including individualized
5.19 home supports without training, individualized home supports with training, and
5.20 individualized home supports with family training for a ratio of one staff person to three
5.21 recipients;

5.22 (3) ensure that individuals who are seeking to share services permitted under the waiver
5.23 plans in an own-home setting are not required to live in a licensed setting in order to share
5.24 services so long as all other requirements are met; and

5.25 (4) issue guidance for shared services, including:

5.26 (i) informed choice for all individuals sharing the services;

5.27 (ii) guidance for when multiple shared services by different providers occur in one home
5.28 and how lead agencies and individuals shall determine that shared service is appropriate to
5.29 meet the needs, health, and safety of each individual for whom the lead agency provides
5.30 case management or care coordination; and

5.31 (iii) guidance clarifying that an individual's decision to share services does not reduce
5.32 any determination of the individual's overall or assessed needs for services.

6.1 (b) The commissioner shall develop or provide guidance outlining:

6.2 (1) instructions for shared services support planning;

6.3 (2) person-centered approaches and informed choice in shared services support planning;

6.4 and

6.5 (3) required contents of shared services agreements.

6.6 (c) The commissioner shall seek and utilize stakeholder input for any proposed changes
6.7 to waiver plans and any shared services guidance."

6.8 Page 53, after line 22, insert:

6.9 "Sec. 15. Minnesota Statutes 2020, section 256S.16, is amended to read:

6.10 **256S.16 AUTHORIZATION OF ELDERLY WAIVER SERVICES AND SERVICE**
6.11 **RATES.**

6.12 Subdivision 1. Service rates; generally. A lead agency must use the service rates and
6.13 service rate limits published by the commissioner to authorize services.

6.14 Subd. 2. Shared services; rates. The commissioner shall provide a rate system for
6.15 shared homemaker services and shared chore services, based on homemaker rates for a
6.16 single individual under section 256S.215, subdivisions 9 to 11, and the chore rate for a
6.17 single individual under section 256S.215, subdivision 7. For two persons sharing services,
6.18 the rate paid to a provider must not exceed one and one-half times the rate paid for serving
6.19 a single individual, and for three persons sharing services, the rate paid to a provider must
6.20 not exceed two times the rate paid for serving a single individual. These rates apply only
6.21 when all of the criteria for the shared service have been met."

6.22 Renumber the sections in sequence