

1.1 **Senator Hoffman from the Committee on Human Services, to which was re-referred**

1.2 **S.F. No. 1621:** A bill for an act relating to nursing homes; establishing the Nursing
 1.3 Home Workforce Standards Board; establishing duties for the board; requiring training for
 1.4 nursing home workers; prohibiting retaliation against nursing home workers; providing for
 1.5 enforcement; authorizing rulemaking; authorizing civil actions by nursing home workers;
 1.6 amending Minnesota Statutes 2022, section 177.27, subdivisions 4, 7; proposing coding for
 1.7 new law in Minnesota Statutes, chapter 181.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Page 3, line 18, after "workers" insert "in a licensed, Medicaid-certified facility that is
 1.10 reimbursed under chapter 256R"

1.11 Page 3, line 20, delete "administrative staff" and insert "non-direct care staff"

1.12 Page 3, line 21, after "contractors" insert ", but excluding administrative staff, medical
 1.13 directors, nursing directors, physicians, and individuals employed by a supplemental nursing
 1.14 services agency"

1.15 Page 5, after line 14, insert:

1.16 "Subd. 10. **Antitrust compliance.** The board shall establish operating procedures that
 1.17 meet all state and federal antitrust requirements and may prohibit board member access to
 1.18 data to meet the requirements of this subdivision."

1.19 Page 5, line 23, delete ", working hours,"

1.20 Page 5, line 24, delete everything after the period

1.21 Page 5, delete line 25

1.22 Page 5, line 26, delete everything before the period and insert "The board may not adopt
 1.23 standards that are less protective of or beneficial to nursing home workers as any other
 1.24 applicable statute or rule or any standard previously established by the board unless there
 1.25 is a determination by the board under subdivision 2 that existing standards exceed the
 1.26 operating payment rate and external fixed costs payment rates included in the most recent
 1.27 budget and economic forecast completed under section 16A.103"

1.28 Page 5, line 27, delete "may" and insert "must" and after the second comma, insert "and
 1.29 may adopt"

1.30 Page 5, line 28, delete everything after "occupations"

1.31 Page 5, line 29, delete everything before the period

1.32 Page 5, line 30, delete "and working"

1.33 Page 5, line 31, delete "hours"

2.1 Page 6, line 12, before "The" insert "(a)"

2.2 Page 6, line 17, after the period, insert "Except for standards exceeding the threshold
2.3 determined in paragraph (d), initial employment standards established by the board are
2.4 effective beginning January 1, 2025, and shall remain in effect until any subsequent standards
2.5 are adopted by rules. (b)"

2.6 Page 6, after line 31, insert:

2.7 "(c) In considering wage and benefit increases, the board must determine the impact of
2.8 nursing home operating payment rates determined pursuant to section 256R.21, subdivision
2.9 3, and the employee benefits portion of the external fixed costs payment rate determined
2.10 pursuant to section 256R.25. If the board, in consultation with the commissioner of human
2.11 services, determines the operating payment rate and employee benefits portion of the external
2.12 fixed costs payment rate will increase to comply with the new employment standards, the
2.13 board shall report to the legislature the increase in funding needed to increase payment rates
2.14 to comply with the new employment standards and must make implementation of any new
2.15 nursing home employment standards contingent upon an appropriation, as determined by
2.16 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
2.17 employment standards.

2.18 (d) In evaluating the impact of the employment standards on payment rates determined
2.19 by sections 256R.21 and 256R.25, the board, in consultation with the commissioner of
2.20 human services, must consider the following:

2.21 (1) the statewide average wage rates for employees pursuant to section 256R.10,
2.22 subdivision 5, and benefit rates pursuant to section 256R.02, subdivisions 18 and 22, as
2.23 determined by the annual Medicaid cost report used to determine the operating payment
2.24 rate and the employee benefits portion of the external fixed costs payment rate for the first
2.25 day of the calendar year immediately following the date the board has established minimum
2.26 wage and benefit levels;

2.27 (2) compare the results of clause (1) to the operating payment rate and employee benefits
2.28 portion of the external fixed costs payment rate increase for the first day of the second
2.29 calendar year after the adoption of any nursing home employment standards included in the
2.30 most recent budget and economic forecast completed under section 16A.103; and

2.31 (3) if the established nursing home employment standards result in an increase in costs
2.32 that exceed the operating payment rate and external fixed costs payment rate increase
2.33 included in the most recent budget and economic forecast completed under section 16A.103,
2.34 effective on the proposed implementation date of the new nursing home employment

3.1 standards, the board must determine if the rates will need to be increased to meet the new
 3.2 employment standards and the standards must not be effective until an appropriation sufficient
 3.3 to cover the rate increase and federal approval of the rate increase is obtained.

3.4 (e) The budget and economic forecasts completed under section 16A.103 shall not
 3.5 assume an increase in payment rates determined under chapter 256R resulting from the new
 3.6 employment standards until the board certifies the rates will need to be increased and the
 3.7 legislature appropriates funding for the increase in payment rates."

3.8 Page 8, line 13, delete "working hours,"

3.9 Page 9, line 26, delete "six months" and insert "two years"

3.10 Page 11, line 26, delete "maximum"

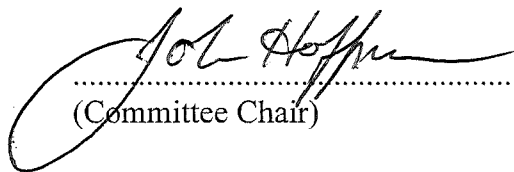
3.11 Page 11, line 27, delete "hours of work,"

3.12 Page 11, line 28, delete "maximum hours of work,"

3.13 Page 12, line 1, delete "or for longer hours"

3.14 And when so amended the bill be re-referred to the Committee on State and Local
 3.15 Government and Veterans without recommendation. Amendments adopted. Report adopted.

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 (Committee Chair)

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March 6, 2023.....
 (Date of Committee recommendation)