

1.1 Senator moves to amend the delete-everything amendment (SCS2934A-1)
1.2 to S.F. No. 2934 as follows:

1.3 Page 79, after line 32, insert:

1.4 "Sec. 10. Minnesota Statutes 2022, section 256R.02, is amended by adding a subdivision
1.5 to read:

1.6 Subd. 32b. **Multioccupancy room.** "Multioccupancy room" means a resident room with
1.7 more than one bed or in which more than one resident is accommodated, or any arrangement
1.8 of sleeping quarters in which more than one bed shares access to the corridor.

1.9 Sec. 11. Minnesota Statutes 2022, section 256R.02, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 47b. **Single occupancy room.** "Single occupancy room" means a resident room
1.12 with one bed where the bed does not share access to the corridor with another bed and only
1.13 one resident is accommodated in the room.

1.14 Sec. 12. Minnesota Statutes 2022, section 256R.06, subdivision 2, is amended to read:

1.15 Subd. 2. **Private pay rates not to exceed medical assistance residents' rates.** (a) A
1.16 nursing facility is not eligible to receive medical assistance payments unless it refrains from
1.17 charging a private paying residents rates resident for ~~similar services which exceed those~~
1.18 ~~which are~~ a multioccupancy room and services at a rate that exceeds the prospective desk
1.19 audit rate for a multioccupancy room and similar services approved by the state agency for
1.20 a medical assistance recipients as determined by the prospective desk audit rate recipient.
1.21 The nursing facility may (1) charge private paying residents a higher rate for a private single
1.22 occupancy room, and (2) charge private paying residents for special services ~~which~~ that are
1.23 not included in the daily rate if medical assistance residents are charged separately at the
1.24 same rate for the same services in addition to the daily rate paid by the commissioner.

1.25 (b) Services covered by the payment rate must be the same regardless of payment source.

1.26 (c) Special services, if offered, must:

1.27 (1) be available to all residents in all areas of the nursing facility;

1.28 (2) be charged separately at the same rate; and

1.29 (3) not include services ~~which~~ that must be provided by the nursing facility in order to
1.30 comply with licensure or certification standards and that if not provided would result in a
1.31 deficiency or violation by the nursing facility. Services beyond those required to comply

2.1 with licensure or certification standards must not be charged separately as a special service
2.2 if they were included in the payment rate for the previous reporting period.

2.3 (d) Residents must be free to select or decline special services."

2.4 Page 81, after line 17, insert:

2.5 "Sec. 15. Minnesota Statutes 2022, section 256R.44, is amended to read:

2.6 **256R.44 RATE ADJUSTMENT FOR PRIVATE SINGLE OCCUPANCY ROOMS**
2.7 **FOR MEDICAL NECESSITY ASSISTANCE RECIPIENTS.**

2.8 Subdivision 1. Single occupancy room rate. (a) ~~The amount paid for a private room is~~
2.9 ~~111.5 percent of the established total payment rate for a resident if the resident is a medical~~
2.10 ~~assistance recipient and the private room is considered a medical necessity for the resident~~
2.11 ~~or others who are affected by the resident's condition, except as provided in Minnesota~~
2.12 ~~Rules, part 9549.0060, subpart 11, item C. Conditions requiring a private room must be~~
2.13 ~~determined by the resident's attending physician, advanced practice registered nurse, or~~
2.14 ~~physician assistant and submitted to the commissioner for approval or denial by the~~
2.15 ~~commissioner on the basis of medical necessity~~ The payment rate add-on for single
2.16 occupancy rooms for medical assistance recipients is \$35 per day, adjusted annually for
2.17 rate years beginning on or after January 1, 2025, as specified in subdivision 2.

2.18 (b) ~~For a nursing facility with a total property payment rate determined under section~~
2.19 ~~256R.26, subdivision 8, the amount paid for a private room is 111.5 percent of the established~~
2.20 ~~total payment rate for a resident if the resident is a medical assistance recipient and the~~
2.21 ~~private room is considered a medical necessity for the resident or others who are affected~~
2.22 ~~by the resident's condition. Conditions requiring a private room must be determined by the~~
2.23 ~~resident's attending physician and submitted to the commissioner for approval or denial by~~
2.24 ~~the commissioner on the basis of medical necessity~~ The single occupancy room rate add-on
2.25 applies to a documented overnight stay by a medical assistance resident in a single occupancy
2.26 room lasting at least 23 hours and any subsequent consecutive calendar days. For the purposes
2.27 of this section, a calendar day is measured from midnight to midnight.

2.28 Subd. 2. Inflation adjustment. For rate years beginning on or after January 1, 2025,
2.29 the commissioner must adjust the single occupancy room payment rate add-on by the percent
2.30 change in the IHS Markit, the Skilled Nursing Facility Total Market Basket Index, and the
2.31 four-quarter moving average percentage change line or a comparable index if this index
2.32 ceases to be published. The commissioner shall use the fourth quarter index of the upcoming

3.1 calendar year from the forecast published for the third quarter of the calendar year
3.2 immediately prior to the rate year for which the rate is being determined.

3.3 Subd. 3. **Conditions for single occupancy room rate; medical necessity.** (a) The
3.4 commissioner shall apply the single occupancy room rate add-on to a facility's total payment
3.5 rate for a documented overnight stay due to medical necessity by a medical assistance
3.6 resident in a single occupancy room lasting at least 23 hours and any subsequent consecutive
3.7 calendar days on which a medical assistance recipient occupies a single occupancy room
3.8 due to medical necessity. For the purposes of this section, a calendar day is measured from
3.9 midnight to midnight.

3.10 (b) While a medical assistance recipient is in a single occupancy room due to medical
3.11 necessity, a facility must not place a roommate or roommates in the same room even if the
3.12 room is a multioccupancy room and must accept the single occupancy room rate as payment
3.13 in full for the recipient's occupancy of the room.

3.14 (c) A medical assistance recipient requiring a single occupancy room due to medical
3.15 necessity or because the recipient needs immediate admission when no other accommodations
3.16 are available may be assigned to any of the provider's single occupancy rooms. The recipient
3.17 does not have a right to insist on the single occupancy room of the recipient's choice, but
3.18 the recipient's preferences should be given the same consideration as if the recipient were
3.19 paying all provider charges.

3.20 Subd. 4. **Conditions for single occupancy room rate; nonmedical necessity.** (a) If a
3.21 Medicaid recipient is admitted to a provider that only has single occupancy rooms, the
3.22 facility is eligible for the single-occupancy room rate add-on, but must accept the single
3.23 occupancy room rate as payment in full for the recipient's occupancy of the room.

3.24 (b) A provider having both single occupancy and multioccupancy rooms may charge a
3.25 medical assistance recipient in excess of the medical assistance single occupancy room rate
3.26 for a single occupancy room when not medically necessary if the recipient chooses. The
3.27 maximum amount a provider may charge a medical assistance recipient for a single
3.28 occupancy room under this paragraph is the difference between the customary private pay
3.29 total charge for the room occupied and the total amount medical assistance would pay if
3.30 the single occupancy room were medically necessary.

3.31 Subd. 5. **Prohibited actions.** A nursing facility is prohibited from discharging residents
3.32 for the purpose of establishing a single occupancy room in order to receive the single
3.33 occupancy room rate add-on."

3.34 Renumber the sections in sequence