

1.1 Senator moves to amend the delete-everything amendment (SCS5335A-3)
1.2 to S.F. No. 5335 as follows:

1.3 Page 11, after line 23, insert:

1.4 "Sec. 11. Minnesota Statutes 2023 Supplement, section 256B.073, subdivision 3, is
1.5 amended to read:

1.6 Subd. 3. **Requirements.** (a) In developing implementation requirements for electronic
1.7 visit verification, the commissioner shall ensure that the requirements:

1.8 (1) are minimally administratively and financially burdensome to a provider;

1.9 (2) are minimally burdensome to the service recipient and the least disruptive to the
1.10 service recipient in receiving and maintaining allowed services;

1.11 (3) consider existing best practices and use of electronic visit verification;

1.12 (4) are conducted according to all state and federal laws;

1.13 (5) are effective methods for preventing fraud when balanced against the requirements
1.14 of clauses (1) and (2); and

1.15 (6) are consistent with the Department of Human Services' policies related to covered
1.16 services, flexibility of service use, and quality assurance.

1.17 (b) The commissioner shall make training available to providers on the electronic visit
1.18 verification system requirements.

1.19 (c) The commissioner shall establish baseline measurements related to preventing fraud
1.20 and establish measures to determine the effect of electronic visit verification requirements
1.21 on program integrity.

1.22 (d) The commissioner shall make a state-selected electronic visit verification system
1.23 available to providers of services.

1.24 (e) The commissioner shall make available and publish on the agency website the name
1.25 and contact information for the vendor of the state-selected electronic visit verification
1.26 system and the other vendors that offer alternative electronic visit verification systems. The
1.27 information provided must state that the state-selected electronic visit verification system
1.28 is offered at no cost to the provider of services and that the provider may choose an alternative
1.29 system that may be at a cost to the provider.

1.30 (f) The commissioner must make data access through direct electronic means available
1.31 to all vendors of electronic visit verification systems offered in the state. The commissioner

2.1 must make the data available to the same extent and on the same terms to all vendors,
2.2 regardless of whether the vendor is providing the state-selected electronic verification system
2.3 or providing an alternative system at a cost to the provider.

2.4 Sec. 12. Minnesota Statutes 2022, section 256B.073, subdivision 4, is amended to read:

2.5 Subd. 4. **Provider requirements.** (a) A provider of services may select any electronic
2.6 visit verification system that meets the requirements established by the commissioner.

2.7 (b) All electronic visit verification systems used by providers to comply with the
2.8 requirements established by the commissioner must provide data to the commissioner in a
2.9 format and at a frequency to be established by the commissioner.

2.10 (c) Providers must implement the electronic visit verification systems required under
2.11 this section by a date established by the commissioner to be set after the state-selected
2.12 electronic visit verification systems for personal care services and home health services are
2.13 in production. For purposes of this paragraph, "personal care services" and "home health
2.14 services" have the meanings given in United States Code, title 42, section 1396b(1)(5).
2.15 Reimbursement rates for providers must not be reduced as a result of federal action to reduce
2.16 the federal medical assistance percentage under the 21st Century Cures Act, Public Law
2.17 114-255.

2.18 (d) For services provided in the service provider's own home, a service provider may
2.19 electronically document the services on a weekly basis provided the documentation contains
2.20 the elements listed under subdivision 2, paragraph (b), clauses (1) to (6)."

2.21 Renumber the sections in sequence and correct the internal references