

1.1 Senator ..... moves to amend S.F. No. 815 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2024, section 256B.0659, subdivision 11, is amended to  
1.4 read:

1.5 Subd. 11. **Personal care assistant; requirements.** (a) A personal care assistant must  
1.6 meet the following requirements:

1.7 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years of  
1.8 age with these additional requirements:

1.9 (i) supervision by a qualified professional every 60 days; and

1.10 (ii) employment by only one personal care assistance provider agency responsible for  
1.11 compliance with current labor laws;

1.12 (2) be employed by a personal care assistance provider agency;

1.13 (3) enroll with the department as a personal care assistant after clearing a background  
1.14 study. Except as provided in subdivision 11a, before a personal care assistant provides  
1.15 services, the personal care assistance provider agency must initiate a background study on  
1.16 the personal care assistant under chapter 245C, and the personal care assistance provider  
1.17 agency must have received a notice from the commissioner that the personal care assistant  
1.18 is:

1.19 (i) not disqualified under section 245C.14; or

1.20 (ii) disqualified, but the personal care assistant has received a set aside of the  
1.21 disqualification under section 245C.22;

1.22 (4) be able to effectively communicate with the recipient and personal care assistance  
1.23 provider agency;

1.24 (5) be able to provide covered personal care assistance services according to the recipient's  
1.25 personal care assistance care plan, respond appropriately to recipient needs, and report  
1.26 changes in the recipient's condition to the supervising qualified professional, physician,  
1.27 advanced practice registered nurse, or physician assistant;

1.28 (6) not be a consumer of personal care assistance services;

1.29 (7) maintain daily written records including, but not limited to, time sheets under  
1.30 subdivision 12;

(8) effective January 1, 2010, complete standardized training as determined by the commissioner before completing enrollment. The training must be available in languages other than English and to those who need accommodations due to disabilities. Personal care assistant training must include successful completion of the following training components: basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and responsibilities of personal care assistants including information about assistance with lifting and transfers for recipients, emergency preparedness, orientation to positive behavioral practices, fraud issues, and completion of time sheets. Upon completion of the training components, the personal care assistant must demonstrate the competency to provide assistance to recipients;

(9) complete training and orientation on the needs of the recipient; and

(10) be limited to providing and being paid for up to 310 hours per month of personal care assistance services regardless of the number of recipients being served or the number of personal care assistance provider agencies enrolled with. The number of hours worked per day shall not be disallowed by the department unless in violation of the law.

(b) A legal guardian may be a personal care assistant if the guardian is not being paid for the guardian services and meets the criteria for personal care assistants in paragraph (a).

(c) Persons who do not qualify as a personal care assistant include parents, stepparents, and legal guardians of minors; spouses; paid legal guardians of adults; family foster care providers, except as otherwise allowed in section 256B.0625, subdivision 19a; and staff of a residential setting.

(d) Personal care assistance services qualify for the enhanced rate described in subdivision 17a if the personal care assistant providing the services: ~~(1)~~ provides covered services to a recipient who qualifies for ten or more hours per day of personal care assistance services; ~~2~~ and the personal care assistant either:

~~(2)~~ (1) satisfies the current requirements of Medicare for training and competency or competency evaluation of home health aides or nursing assistants, as provided in the Code of Federal Regulations, title 42, section 483.151 or 484.36; ~~or;~~

(2) satisfies an alternative state-approved training or competency requirements; or

(3) both:

(i) receives individualized training on the individualized needs of the recipient provided by the recipient; the personal health care provider of the recipient; the recipient's qualified professional; or the recipient's responsible party; and

(ii) demonstrates to the satisfaction of the person providing the training competency in meeting the individualized needs of the participant.

**EFFECTIVE DATE.** This section is effective July 1, 2025, or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained.

Sec. 2. Minnesota Statutes 2024, section 256B.85, subdivision 16, is amended to read:

**Subd. 16. Support workers requirements.** (a) Support workers shall:

(1) enroll with the department as a support worker after a background study under chapter 245C has been completed and the support worker has received a notice from the commissioner that the support worker:

(i) is not disqualified under section 245C.14; or

(ii) is disqualified, but has received a set-aside of the disqualification under section 245C.22;

(2) have the ability to effectively communicate with the participant or the participant's representative;

(3) have the skills and ability to provide the services and supports according to the participant's CFSS service delivery plan and respond appropriately to the participant's needs;

(4) complete the basic standardized CFSS training as determined by the commissioner before completing enrollment. The training must be available in languages other than English and to those who need accommodations due to disabilities. CFSS support worker training must include successful completion of the following training components: basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and responsibilities of support workers including information about basic body mechanics, emergency preparedness, orientation to positive behavioral practices, orientation to responding to a mental health crisis, fraud issues, time cards and documentation, and an overview of person-centered planning and self-direction. Upon completion of the training components, the support worker must pass the certification test to provide assistance to participants;

(5) complete employer-directed training and orientation on the participant's individual needs;

(6) maintain the privacy and confidentiality of the participant; and

(7) not independently determine the medication dose or time for medications for the participant.

(b) The commissioner may deny or terminate a support worker's provider enrollment and provider number if the support worker:

(1) does not meet the requirements in paragraph (a);

(2) fails to provide the authorized services required by the employer;

(3) has been intoxicated by alcohol or drugs while providing authorized services to the participant or while in the participant's home;

(4) has manufactured or distributed drugs while providing authorized services to the participant or while in the participant's home; or

(5) has been excluded as a provider by the commissioner of human services, or by the United States Department of Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare, or any other federal health care program.

(c) A support worker may appeal in writing to the commissioner to contest the decision to terminate the support worker's provider enrollment and provider number.

(d) A support worker must not provide or be paid for more than 310 hours of CFSS per month, regardless of the number of participants the support worker serves or the number of agency-providers or participant employers by which the support worker is employed. The department shall not disallow the number of hours per day a support worker works unless it violates other law.

(e) CFSS qualify for an enhanced rate if the support worker providing the services: (1) provides services, within the scope of CFSS described in subdivision 7, to a participant who qualifies for ten or more hours per day of CFSS; and the support worker either:

~~(2)~~ (1) satisfies the current requirements of Medicare for training and competency or competency evaluation of home health aides or nursing assistants, as provided in the Code of Federal Regulations, title 42, section 483.151 or 484.36; ~~or;~~

(2) satisfies an alternative state-approved training or competency requirements; or

(3) both:

(i) receives individualized training on the individualized needs of the participant provided by the participant; the participant's personal health care provider; the participant's worker training and development professional; or the participant's responsible party; and

5.1 (ii) demonstrates to the satisfaction of the person providing the training competency in  
5.2 meeting the individualized needs of the participant.

5.3 **EFFECTIVE DATE.** This section is effective July 1, 2025, or upon federal approval,  
5.4 whichever is later. The commissioner of human services shall notify the revisor of statutes  
5.5 when federal approval is obtained."

5.6 Amend the title accordingly