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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1416

02/08/2023 Authored by Curran, Noor and Fischer
The bill was read for the first time and referred to the Committee on Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying integrated community supports; amending
1.3 Minnesota Statutes 2022, sections 245D.12; 256B.4914, subdivision 6c.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2022, section 245D.12, is amended to read:

1.6 245D.12 INTEGRATED COMMUNITY SUPPORTS; SETTING CAPACITY
1.7 REPORT.

1.8 (a) The license holder providing integrated community support, as defined in section
1.9 245D.03, subdivision 1, paragraph (c), clause (8), must submit a setting capacity report to
1.10 the commissioner to ensure the identified location of service delivery meets the criteria of
1.11 the home and community-based service requirements as specified in section 256B.492.
1.12 Integrated community supports may be delivered in two or more multifamily housing
1.13 buildings that are part of the same multifamily housing apartment complex that are on the
1.14 same or adjoining property.

1.15 (b) The license holder shall provide the setting capacity report on the forms and in the
1.16 manner prescribed by the commissioner. The report must include:

1.17 (1) the address of the multifamily housing building where the license holder delivers
1.18 integrated community supports and owns, leases, or has a direct or indirect financial
1.19 relationship with the property owner;

1.20 (2) the total number of living units in the multifamily housing building described in
1.21 clause (1) where integrated community supports are delivered;

2.1 (3) the total number of living units in the multifamily housing building described in
2.2 clause (1), including the living units identified in clause (2);

2.3 (4) the total number of people who could reside in the living units in the multifamily
2.4 housing building described in clause (2) and receive integrated community supports; and

2.5 (5) the percentage of living units that are controlled by the license holder in the
2.6 multifamily housing building by dividing clause (2) by clause (3).

2.7 ~~(c) Only one license holder may deliver integrated community supports at the address~~
2.8 ~~of the multifamily housing building.~~ More than one license holder may deliver integrated
2.9 community supports at the address of an approved multifamily housing building if a
2.10 site-specific review has been approved by the commissioner.

2.11 (d) Multiple license holders may deliver integrated community supports and other
2.12 residential services, including customized living, assisted living, adult and child foster care,
2.13 community residential services, and family residential services, at the same address or same
2.14 apartment complex as long as the total number of settings does not exceed 25 percent of
2.15 the total number of apartment units.

2.16 (e) Integrated community supports provider-controlled settings have a minimum capacity
2.17 of two or more living units for the delivery of integrated community supports.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2024, or upon federal approval,
2.19 whichever occurs later. The commissioner of human services shall notify the revisor of
2.20 statutes when federal approval is obtained.

2.21 Sec. 2. Minnesota Statutes 2022, section 256B.4914, subdivision 6c, is amended to read:

2.22 Subd. 6c. **Integrated community supports; component values and calculation of**
2.23 **payment rates.** (a) Component values for integrated community supports are:

2.24 (1) competitive workforce factor: 4.7 percent;

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

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

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

2.28 (5) general administrative support ratio: 13.25 percent;

2.29 (6) program-related expense ratio: 1.3 percent; and

2.30 (7) absence and utilization factor ratio: 3.9 percent.

3.1 (b) Payments for integrated community supports must be calculated as follows:

3.2 (1) determine the number of shared direct staffing and individual direct staffing hours
3.3 provided on site or through monitoring technology to meet a recipient's needs. ~~The base~~
3.4 ~~shared direct staffing hours must be eight hours divided by the number of people receiving~~
3.5 ~~support in the integrated community support setting, and the individual direct staffing hours~~
3.6 ~~must be the average number of direct support hours provided directly to the service recipient;~~

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

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

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

3.14 (5) multiply the number of shared direct staffing and individual direct staffing hours ~~in~~
3.15 ~~clause (1)~~ provided on site or through monitoring technology and nursing hours by the
3.16 appropriate staff wages;

3.17 (6) multiply the number of shared direct staffing and individual direct staffing hours ~~in~~
3.18 ~~clause (1)~~ provided on site or through monitoring technology and nursing hours by the
3.19 product of the supervisory span of control ratio and the appropriate supervisory staff wage
3.20 in subdivision 5a, clause (1);

3.21 (7) combine the results of clauses (5) and (6), excluding any shared direct staffing and
3.22 individual direct staffing hours provided through monitoring technology, and multiply the
3.23 result by one plus the employee vacation, sick, and training allowance ratio. This is defined
3.24 as the direct staffing cost;

3.25 (8) for employee-related expenses, multiply the direct staffing cost, excluding any shared
3.26 direct staffing and individual direct staffing hours provided through monitoring technology,
3.27 by one plus the employee-related cost ratio;

3.28 (9) for client programming and supports, add \$2,260.21 divided by 365. The
3.29 commissioner shall update the amount in this clause as specified in subdivision 5b;

3.30 (10) for transportation, if provided, add \$1,831.49 divided by 365, or \$3,270.51 divided
3.31 by 365 if customized for adapted transport, based on the resident with the highest assessed
3.32 need. The commissioner shall update the amounts in this clause as specified in subdivision
3.33 5b;

4.1 ~~(10) add the results of~~ (11) subtotal clauses (8) and (9) to (10) and the direct staffing
4.2 cost of any shared direct staffing and individual direct staffing hours provided through
4.3 monitoring technology that was excluded in clause (8);

4.4 ~~(11)~~ (12) add the standard general administrative support ratio, the program-related
4.5 expense ratio, and the absence and utilization factor ratio;

4.6 ~~(12)~~ (13) divide the result of clause ~~(10)~~ (11) by one minus the result of clause ~~(11)~~ (12).
4.7 This is the total payment amount; and

4.8 ~~(13)~~ (14) adjust the result of clause ~~(12)~~ (13) by a factor to be determined by the
4.9 commissioner to adjust for regional differences in the cost of providing services.

4.10 **EFFECTIVE DATE.** This section is effective January 1, 2024, or upon federal approval,
4.11 whichever occurs later. The commissioner of human services shall notify the revisor of
4.12 statutes when federal approval is obtained.