

**SENATE  
STATE OF MINNESOTA  
SPECIAL SESSION**

**S.F. No. 133**

(SENATE AUTHORS: ABELER, Hoffman, Isaacson, Kiffmeyer and Relph)  
DATE D-PG OFFICIAL STATUS  
06/19/2020 Introduction and first reading

1.1 A bill for an act  
1.2 relating to human services; establishing retention grants for certain day service  
1.3 providers; appropriating money.

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

1.5 Section 1. **APPROPRIATION; COVID-19-RELATED EMERGENCY RETENTION**  
1.6 **GRANTS FOR DISABILITY SERVICE PROVIDERS.**

1.7 Subdivision 1. **Appropriation.** \$25,000,000 in fiscal year 2020 is appropriated from  
1.8 the general fund to the commissioner of human services for emergency retention grants  
1.9 under this section to eligible providers as defined under subdivision 2 to help ensure the  
1.10 continuity of the disability services infrastructure and prevent its failure during or following  
1.11 the COVID-19 pandemic. This is a onetime appropriation and is available until January 31,  
1.12 2021.

1.13 Subd. 2. **Eligible providers.** Providers of the following services are eligible for  
1.14 emergency retention grants under this section:

1.15 (1) adult day services, day training and habilitation, day support services, prevocational  
1.16 services, and structured day services provided by the home and community-based waiver  
1.17 programs under Minnesota Statutes, sections 256B.092 and 256B.49, and Minnesota Statutes,  
1.18 chapter 256S;

1.19 (2) employment exploration services, employment development services, and employment  
1.20 support services provided by the home and community-based waiver programs under  
1.21 Minnesota Statutes, sections 256B.092 and 256B.49;

2.1 (3) children's therapeutic supports and services under Minnesota Statutes, section  
2.2 256B.0943;

2.3 (4) early intensive developmental and behavioral intervention under Minnesota Statutes,  
2.4 section 256B.0949; and

2.5 (5) nonemergency medical transportation services under Minnesota Statutes, section  
2.6 256B.0625, subdivision 17, except for nonemergency medical transportation provided by  
2.7 public transit or not-for-hire vehicles.

2.8 Subd. 3. **Application.** The commissioner shall develop an application form and  
2.9 application process for emergency retention grants under this section. An applicant must  
2.10 provide the following information in the application:

2.11 (1) eligibility for existing COVID-19-related emergency funding, including state and  
2.12 federal small business loans;

2.13 (2) the provider's total revenue from medical assistance for eligible services provided  
2.14 during January, 2020;

2.15 (3) how the applicant anticipates using the grant within the allowable uses;

2.16 (4) the requested grant amount;

2.17 (5) an explanation of how the grant will allow the applicant to maintain the continuity  
2.18 of the disability services infrastructure and prevent its failure during or following the  
2.19 COVID-19 pandemic; and

2.20 (6) other information deemed necessary by the commissioner to evaluate grant  
2.21 applications.

2.22 Subd. 4. **Allowable uses of funds.** The commissioner may issue grants to an eligible  
2.23 provider for fixed costs associated with maintaining the provider's capacity to provide  
2.24 services to its clients during or following the COVID-19 pandemic.

2.25 Subd. 5. **Allocation of emergency retention grants.** (a) The commissioner shall  
2.26 determine the amount of each emergency retention grant.

2.27 (b) If applications for grants exceed the available appropriations, the commissioner shall  
2.28 give priority to grant applications from providers who are ineligible for existing  
2.29 COVID-19-related funding or whose services cannot be delivered according to the temporary  
2.30 service delivery standards developed by the commissioner under subdivision 10.

3.1 Subd. 6. **Payments for services provided.** Providers may continue to bill for services  
3.2 provided while this section is effective, including for services provided according to the  
3.3 temporary service delivery standards developed by the commissioner under subdivision 10.

3.4 Subd. 7. **Condition of accepting emergency retention grants.** As a condition of  
3.5 accepting emergency retention grants under this section, an eligible provider must agree in  
3.6 writing to:

3.7 (1) cooperate with the commissioner of human services to deliver services according to  
3.8 the temporary service delivery standards developed by the commissioner under subdivision  
3.9 10;

3.10 (2) notify the commissioner of human services of any additional federal, state, or  
3.11 philanthropic COVID-19-related funding received, including other COVID-19-related state  
3.12 or federal grants or small business loans;

3.13 (3) repay emergency retention grants as required by subdivision 8 from any  
3.14 COVID-19-related federal, state, or philanthropic funding, excluding the unforgiven portion  
3.15 of any COVID-19-related loans;

3.16 (4) acknowledge that emergency retention grants may be subject to recoupment if a state  
3.17 audit determines that the provider received additional emergency funding; and

3.18 (5) acknowledge that emergency retention grants may be subject to recoupment if a state  
3.19 audit determines that inappropriate billing or duplicate payments for services occurred or  
3.20 that the provider used awarded funds for purposes not authorized under this section.

3.21 Subd. 8. **Assistance from other source.** If a provider receives any additional  
3.22 COVID-19-related federal, state, or philanthropic funding, the provider must notify the  
3.23 commissioner of human services of the amount received. From the additional  
3.24 COVID-19-related federal, state, or philanthropic funds received, excluding the unforgiven  
3.25 portion of any COVID-19-related loans, the provider must reimburse the commissioner for  
3.26 the grants the provider received under this section in an amount equal to either the amount  
3.27 of the grant received or the aggregate amount of the additional emergency federal, state, or  
3.28 philanthropic COVID-19-related funding received, minus the unforgiven portion of any  
3.29 COVID-19-related loans, whichever is less. The state share of all money paid to the  
3.30 commissioner under this subdivision must be deposited in the general fund.

3.31 Subd. 9. **Recoupment.** If the commissioner determines that the provider received  
3.32 additional COVID-19-related federal, state, or philanthropic funding and failed to reimburse  
3.33 the commissioner as required under subdivision 8, or that the provider used awarded funds

4.1 for purposes not authorized under this section, the commissioner shall treat any amount not  
4.2 reimbursed as required under subdivision 8 and any amount used for a purpose not authorized  
4.3 under this section as an overpayment. The commissioner shall recover any overpayment  
4.4 under Minnesota Statutes, section 256B.0641.

4.5 Subd. 10. **Temporary alternative service standards.** The commissioner of human  
4.6 services shall modify service requirements and standards related to the scope and service  
4.7 delivery location for services identified in subdivision 2 to promote service provision during  
4.8 the time this section is effective.

4.9 Subd. 11. **Federal waivers.** The commissioner of human services shall seek approval  
4.10 of all appropriate federal waivers, waiver plan amendments, and state plan amendments to  
4.11 maximize federal financial participation in both emergency retention grants made under  
4.12 this section and reimbursement rates for services provided according to the alternative  
4.13 service delivery standards developed by the commissioner under subdivision 10.

4.14 Subd. 12. **Expiration.** Except for subdivision 9, this section expires January 31, 2021,  
4.15 or 60 days after the peacetime emergency declared by the governor in an executive order  
4.16 that relates to the infectious disease known as COVID-19 is terminated or rescinded by  
4.17 proper authority, whichever occurs earlier.

4.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.