

**SENATE
STATE OF MINNESOTA
SPECIAL SESSION**

S.F. No. 18

(SENATE AUTHORS: RELPH)

DATE
06/12/2020

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Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; temporarily allowing compensation for personal care
1.3 assistance services provided by a parent or spouse; establishing a temporary rate
1.4 increase for personal care assistance services; appropriating money.

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

1.6 Section 1. **TEMPORARY PERSONAL CARE ASSISTANCE COMPENSATION**
1.7 **FOR SERVICES PROVIDED BY A PARENT OR SPOUSE.**

1.8 (a) Notwithstanding Minnesota Statutes, section 256B.0659, subdivision 3, paragraph
1.9 (a), clause (1); subdivision 11, paragraph (c); and subdivision 19, paragraph (b), clause (3),
1.10 a parent, stepparent, or legal guardian of a minor who is a personal care assistance recipient
1.11 or a spouse of a personal care assistance recipient may provide and be paid for providing
1.12 personal care assistance services.

1.13 (b) This section expires 75 days after it becomes effective.

1.14 **EFFECTIVE DATE.** This section is effective upon federal approval. The commissioner
1.15 of human services shall notify the revisor of statutes when federal approval is obtained.

1.16 Sec. 2. **DIRECT SUPPORT SERVICES TEMPORARY RATE INCREASE.**

1.17 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.18 the meanings given.

1.19 (b) "Commissioner" means the commissioner of human services.

1.20 (c) "Covered program" has the meaning given in Minnesota Statutes, section 256B.0711,
1.21 subdivision 1, paragraph (b).

2.1 (d) "Direct support professional" means an individual employed to personally provide
2.2 personal care assistance services covered by medical assistance under Minnesota Statutes,
2.3 section 256B.0625, subdivisions 19a and 19c; or to personally provide medical assistance
2.4 services covered under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, or
2.5 chapter 256S. Direct support professional does not include managerial or administrative
2.6 staff who do not personally provide the services described in this paragraph.

2.7 (e) "Direct support services" has the meaning given in Minnesota Statutes, section
2.8 256B.0711, subdivision 1, paragraph (c).

2.9 Subd. 2. **Temporary rates for direct support services.** (a) To respond to the infectious
2.10 disease known as COVID-19, the commissioner must temporarily increase rates and enhanced
2.11 rates by 15 percent for direct support services provided under a covered program or under
2.12 Minnesota Statutes, section 256B.0659, while this section is effective.

2.13 (b) Providers that receive a rate increase under this section must:

2.14 (1) use at least 80 percent of the additional revenue to increase wages and salaries for
2.15 direct support professionals and any corresponding increase in the employer's share of FICA
2.16 taxes, Medicare taxes, state and federal unemployment taxes, and workers' compensation
2.17 premiums; and

2.18 (2) use any remainder of the additional revenue for activities and items necessary to
2.19 support compliance with Centers for Disease Control and Prevention guidance on sanitation
2.20 and personal protective equipment.

2.21 Subd. 3. **Capitation rates and directed payments.** (a) To implement the temporary
2.22 rate increase under this section, managed care plans and county-based purchasing plans
2.23 shall increase rates and enhanced rates by 15 percent for the direct support services.

2.24 (b) In combination with contract amendments instructing plans to increase reimbursement
2.25 rates for direct support services, the commissioner shall adjust capitation rates paid to
2.26 managed care plans and county-based purchasing plans to reflect this adjustment.

2.27 (c) Contracts between managed care plans and providers and between county-based
2.28 purchasing plans and providers must allow recovery of payments from providers if federal
2.29 approval for the provisions of this subdivision is not received and the commissioner reduces
2.30 capitation payments as a result. Payment recoveries must not exceed the amount equal to
2.31 any decrease in rates that results from this paragraph.

3.1 Subd. 4. **Consumer-directed community supports budgets.** Lead agencies shall
3.2 temporarily increase the budget for each recipient of consumer-directed community supports
3.3 to reflect a 15 percent rate increase for direct support services.

3.4 Subd. 5. **Consumer support grants; increased maximum allowable grant.** The
3.5 commissioner shall temporarily increase the maximum allowable monthly grant level for
3.6 each recipient of consumer support grants to reflect a 15 percent rate increase for direct
3.7 support services.

3.8 Subd. 6. **Distribution plans.** (a) A provider agency that receives a rate increase under
3.9 subdivision 2 shall prepare and, upon request, submit to the commissioner a distribution
3.10 plan that specifies the anticipated amount and proposed uses of the additional revenue the
3.11 provider will receive under subdivision 2.

3.12 (b) By August 15, 2020, the provider must post the distribution plan for a period of at
3.13 least six weeks in an area of the provider's operation to which all direct support professionals
3.14 have access. The provider must post with the distribution plan instructions on how to file
3.15 an appeal with the commissioner if direct support professionals do not believe they have
3.16 received the wage increase specified in the distribution plan. The instructions must include
3.17 a mailing address, e-mail address, and telephone number that the direct support professional
3.18 may use to contact the commissioner or the commissioner's representative.

3.19 Subd. 7. **Federal approval.** The commissioner shall seek federal approval for the
3.20 temporary rate increase in this section.

3.21 Subd. 8. **Expiration.** This section expires 75 days after it becomes effective.

3.22 **EFFECTIVE DATE.** This section is effective upon federal approval. The commissioner
3.23 shall notify the revisor of statutes when federal approval is obtained.

3.24 Sec. 3. **APPROPRIATION; PERSONAL CARE ASSISTANCE AND DIRECT**
3.25 **SUPPORT.**

3.26 Subdivision 1. **Appropriations from general fund.** \$5,000 in fiscal year 2020 and
3.27 \$24,505,000 in fiscal year 2021 are appropriated from the general fund to the commissioner
3.28 of human services for the purposes of sections 1 and 2. Of these amounts, \$5,000 in fiscal
3.29 year 2020 and \$36,000 in fiscal year 2021 are for administration of sections 1 and 2. This
3.30 is a onetime appropriation.

3.31 Subd. 2. **Appropriation from coronavirus relief fund.** (a) \$2,000,000 in fiscal year
3.32 2020 is appropriated from the coronavirus relief fund to the commissioner of human services
3.33 for distribution:

4.1 (1) to personal care assistance provider agencies;

4.2 (2) to personal care assistance choice provider agencies; and

4.3 (3) via financial management service providers, to direct support professionals who
4.4 serve people self-directing their services through consumer-directed community supports
4.5 or consumer support grants.

4.6 (b) The appropriation distributed to recipients listed in paragraph (a) must be
4.7 proportionate to the recipient's portion of the paid medical assistance claims for services
4.8 provided in January 2020 under covered programs as defined in section 2.

4.9 (c) Recipients of a distribution under this subdivision must use the distribution to cover
4.10 the costs of personal protective equipment and COVID-19-related training.

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