

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3246

(SENATE AUTHORS: HOFFMAN, Boldon, Fateh and Abeler)

DATE
04/12/2023

D-PG

Introduction and first reading
Referred to Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to humans services; directing the commissioner of human services to
1.3 expand reimbursement for overtime, overnight asleep services, and consecutive
1.4 shifts for personal care assistants and community-first services and supports
1.5 workers.

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

1.7 Section 1. **DIRECTION TO COMMISSIONER; PERMITTING OVERTIME**
1.8 **REIMBURSEMENT FOR PERSONAL CARE ASSISTANTS AND**
1.9 **COMMUNITY-FIRST SERVICES AND SUPPORTS WORKERS.**

1.10 (a) By January 1, 2024, the commissioner of human services, in consultation with staff
1.11 from the Office of the Revisor of Statutes; House Research Department; House Fiscal
1.12 Analysis; and the Office of Senate Counsel, Research and Fiscal Analysis, shall prepare
1.13 legislation for introduction in the 2024 legislative session proposing the statutory changes
1.14 needed to permit reimbursement of personal care assistants and community-first services
1.15 and supports workers to provide up to eight hours of overtime per week per worker beyond
1.16 the maximum number of reimbursable hours per month.

1.17 (b) By July 1, 2024, the commissioner of human services shall submit to the federal
1.18 Centers for Medicare and Medicaid Services any necessary changes to applicable waivers
1.19 or amendments to the state plan to permit reimbursement of personal care assistants and
1.20 community-first services and supports workers to provide up to eight hours of overtime per
1.21 week per worker beyond the maximum number of reimbursable hours per month.

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

2.1 **Sec. 2. DIRECTION TO COMMISSIONER; PERMITTING OVERNIGHT ASLEEP**
2.2 **SERVICES REIMBURSEMENT FOR PERSONAL CARE ASSISTANTS AND**
2.3 **COMMUNITY-FIRST SERVICES AND SUPPORTS WORKERS.**

2.4 (a) By January 1, 2024, the commissioner of human services, in consultation with staff
2.5 from the Office of the Revisor of Statutes; House Research Department; House Fiscal
2.6 Analysis; and the Office of Senate Counsel, Research and Fiscal Analysis, shall prepare
2.7 legislation for introduction in the 2024 legislative session proposing the statutory changes
2.8 needed to permit reimbursement of personal care assistants and community-first services
2.9 and supports workers to provide asleep or awake staffing overnight in the same manner as
2.10 direct support professionals under the brain injury waiver, community alternative care
2.11 waiver, community access for disability inclusion waiver, and developmental disabilities
2.12 waiver.

2.13 (b) By July 1, 2024, the commissioner of human services shall submit to the federal
2.14 Centers for Medicare and Medicaid Services any necessary changes to applicable waivers
2.15 or amendments to the state plan to permit reimbursement of personal care assistants and
2.16 community-first services and supports workers to provide asleep or awake staffing overnight
2.17 in the same manner as direct support professionals under the brain injury waiver, community
2.18 alternative care waiver, community access for disability inclusion waiver, and developmental
2.19 disabilities waiver.

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

2.21 **Sec. 3. DIRECTION TO COMMISSIONER; PERMITTING REIMBURSEMENT**
2.22 **FOR SHIFTS OF 24 HOURS OR LONGER FOR PERSONAL CARE ASSISTANTS**
2.23 **AND COMMUNITY-FIRST SERVICES AND SUPPORTS WORKERS.**

2.24 (a) By January 1, 2024, the commissioner of human services, in consultation with staff
2.25 from the Office of the Revisor of Statutes; House Research Department; House Fiscal
2.26 Analysis; and the Office of Senate Counsel, Research and Fiscal Analysis, shall prepare
2.27 legislation for introduction in the 2024 legislative session proposing the statutory changes
2.28 needed to permit reimbursement of personal care assistants and community-first services
2.29 and supports workers to provide services in shifts of up to 80 consecutive hours when
2.30 otherwise compliant with federal and state labor laws.

2.31 (b) By July 1, 2024, the commissioner of human services shall submit to the federal
2.32 Centers for Medicare and Medicaid Services any necessary changes to applicable waivers
2.33 or amendments to the state plan to permit reimbursement of personal care assistants and

- 3.1 community-first services and supports workers to provide services in shifts of up to 80
- 3.2 consecutive hours when otherwise compliant with federal and state labor laws.
- 3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.