

1.1 A bill for an act
1.2 relating to long-term care; appropriating money to the commissioner of health and
1.3 the commissioner of human services for long-term care protection and support
1.4 activities.

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

1.6 Section 1. **COMMISSIONER OF HEALTH; LONG-TERM CARE PROTECTION**
1.7 **AND SUPPORT ACTIVITIES; APPROPRIATIONS.**

1.8 **Subdivision 1. COVID-19 testing in long-term care facilities.** \$2,108,000 in fiscal
1.9 year 2021 is appropriated from the general fund to the commissioner of health for:

1.10 (1) contracts for teams to provide COVID-19 test specimen collection services to
1.11 long-term care facilities; and

1.12 (2) activities of staff at the State Emergency Operations Center to support COVID-19
1.13 testing in long-term care facilities, including but not limited to scheduling and logistics
1.14 management of specimen collection teams and laboratory services, monitoring contract
1.15 performance, providing technical assistance and coordination support to long-term care
1.16 facilities seeking testing, and acting as liaisons to long-term care stakeholders.

1.17 **Subd. 2. COVID-19 testing for certain Department of Health staff.** \$333,000 in fiscal
1.18 year 2021 is appropriated from the general fund to the commissioner of health to conduct
1.19 COVID-19 tests, in a manner consistent with federal testing requirements for nursing
1.20 facilities, on Department of Health regulatory staff who are required to enter long-term care
1.21 facilities to perform regulatory functions.

2.1 Subd. 3. **Nurse triage line.** \$480,000 in fiscal year 2021 is appropriated from the general
2.2 fund to the commissioner of health for a contract for a nurse triage line that reports
2.3 COVID-19 test results to residents and staff of certain long-term care facilities and responds
2.4 to questions from these facilities.

2.5 Subd. 4. **Staffing support to prevent COVID-19 transmission in long-term care**
2.6 **facilities.** \$631,000 in fiscal year 2021 is appropriated from the general fund to the
2.7 commissioner of health for contracts with infection control nurses and health care worker
2.8 monitoring staff for activities to prevent COVID-19 transmission in long-term care facilities.
2.9 Activities shall include but are not limited to assessing the infrastructure and capacity of
2.10 long-term care facilities to prevent COVID-19 transmission, providing technical assistance
2.11 to prevent transmission, contacting health care workers exposed to COVID-19, and assisting
2.12 with communications with health care workers exposed to COVID-19.

2.13 Subd. 5. **Infection control strike teams.** \$888,000 in fiscal year 2021 is appropriated
2.14 from the general fund to the commissioner of health to fund the establishment and deployment
2.15 of four five-person infection control strike teams to long-term care facilities in the state
2.16 experiencing an outbreak of COVID-19, to provide targeted infection control support and
2.17 advice to these facilities. Infection control strike teams must be equipped with protocols for
2.18 infection prevention and control, methods to identify staffing solutions, local communication
2.19 plans, and protocols to assess facility needs and assist with supply procurement. Infection
2.20 control strike teams must coordinate with local public health departments and regional
2.21 health care coalitions on staffing and the acquisition of personal protective equipment.

2.22 Subd. 6. **Appropriation availability; cancellation.** The appropriations under this section
2.23 are onetime appropriations and are available until 60 days after the expiration of the
2.24 peacetime emergency declared under Minnesota Statutes, section 12.31, due to COVID-19,
2.25 or June 30, 2021, whichever occurs earlier. Any unexpended amounts that are not obligated
2.26 by that date shall cancel to the general fund.

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

2.28 Sec. 2. **COMMISSIONER OF HUMAN SERVICES; TEMPORARY STAFFING**
2.29 **POOL; APPROPRIATION.**

2.30 (a) \$2,000,000 in fiscal year 2021 is appropriated from the general fund to the
2.31 commissioner of human services to contract with third-party staffing entities, for the
2.32 contracted third-party staffing entities to recruit, hire, train, and employ a temporary staffing
2.33 pool that, at the request of the commissioner, may be deployed to long-term care facilities
2.34 and other group residential facilities and programs experiencing a COVID-19-related staffing

3.1 crisis on or after January 1, 2021. These temporary staff must be provided at no cost to the
3.2 facility or program receiving the temporary staff.

3.3 (b) Members of the temporary staffing pool described in this section are not state
3.4 employees.

3.5 (c) The commissioner must coordinate the activities described in this section with the
3.6 commissioner of health, the commissioner of Minnesota housing, and the State Emergency
3.7 Operations Center, in order to appropriately prioritize locations to deploy contracted
3.8 temporary staff for up to 14 days. The commissioner must give priority for deploying staff to
3.9 facilities and programs with the most significant staffing crises.

3.10 (d) A facility or program may seek assistance from the temporary staffing pool only
3.11 after the facility or program has used all resources available to obtain temporary staff but
3.12 is unable to meet the facility's or program's temporary staffing needs.

3.13 (e) As a condition of receiving staffing assistance from the temporary staffing pool, a
3.14 facility or program must continue to pay the full salary or wages, for the duration of the
3.15 employee's isolation or quarantine, of any facility or program employee who was scheduled
3.16 to work but is unable to work because the employee is subject to isolation or quarantine
3.17 due to COVID-19 infection or exposure. The facility or program shall make payments under
3.18 this paragraph in accordance with the terms of any collective bargaining agreement to which
3.19 the employee was subject when the employee tested positive for or was exposed to
3.20 COVID-19.

3.21 (f) Facilities and programs eligible to obtain temporary staff from the temporary staffing
3.22 pool include:

3.23 (1) nursing facilities;

3.24 (2) registered housing with services establishments, including those subject to assisted
3.25 living title protection and those not subject to assisted living title protection;

3.26 (3) intermediate care facilities for persons with developmental disabilities;

3.27 (4) adult foster care or community residential settings;

3.28 (5) licensed substance use disorder treatment facilities;

3.29 (6) unlicensed county-based substance use disorder treatment facilities;

3.30 (7) licensed facilities for adults with mental illness;

3.31 (8) licensed detoxification programs;

- 4.1 (9) licensed withdrawal management programs;
- 4.2 (10) licensed children's residential facilities;
- 4.3 (11) licensed child foster residence settings;
- 4.4 (12) unlicensed, tribal-certified facilities that perform functions similar to the licensed
- 4.5 facilities listed in this paragraph;
- 4.6 (13) boarding care homes;
- 4.7 (14) board and lodging establishments serving people with disabilities or disabling
- 4.8 conditions;
- 4.9 (15) board and lodging establishments with special services;
- 4.10 (16) supervised living facilities;
- 4.11 (17) supportive housing;
- 4.12 (18) sober homes;
- 4.13 (19) community-based halfway houses for people exiting the correctional system;
- 4.14 (20) shelters serving people experiencing homelessness;
- 4.15 (21) drop-in centers for people experiencing homelessness;
- 4.16 (22) homeless outreach services for unsheltered individuals;
- 4.17 (23) shelters for people experiencing domestic violence; and
- 4.18 (24) temporary isolation spaces for people who test positive for COVID-19.
- 4.19 (g) Notwithstanding any other law or rule to the contrary, the commissioner may allocate
- 4.20 funding to maintain and extend existing contracts for temporary staffing entered into using
- 4.21 coronavirus relief funds awarded under 2020 Legislative Advisory Commission order
- 4.22 numbers 49 and 87. The commissioner may also allocate funding to enter into new contracts
- 4.23 with eligible entities under Minnesota Statutes, section 12.36, and for the costs of training,
- 4.24 testing, and personal protective equipment needed for the individuals deployed in the
- 4.25 temporary staffing pool. The commissioner may use up to 6.5 percent of this appropriation
- 4.26 for the commissioner's costs related to administration of this program.
- 4.27 (h) This is a onetime appropriation and is available until June 30, 2021, or 60 days after
- 4.28 the expiration of the peacetime emergency declared under Minnesota Statutes, section 12.31
- 4.29 due to COVID-19, whichever occurs earlier. Any unexpended amounts that are not obligated
- 4.30 by that date shall cancel to the general fund.

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