

Subject Department of Human Services Omnibus Finance Bill

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Article 1: Children and Family Services

This article provides for economic cash assistance uniformity, aligns the SNAP employment and training statute with federal policy, modifies the community action program formula, allows tribal governments to access the Minnesota food shelf program, and modifies Northstar Care for Children payment agreement and offset requirements.

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- 1 Income.**

Amends § 119B.011, subd. 15. Modifies the definition of “income” in the chapter of statutes governing child care assistance programs by including nonrecurring income over \$60 per quarter unless earmarked and used for the purpose for which it was intended. Makes technical changes.

Provides a March 1, 2023, effective date.
- 2 Changes in eligibility.**

Amends § 119B.025, subd. 4. Clarifies a cross-reference.

Provides a March 1, 2023, effective date.
- 3 Budgeting and reporting.**

Amends § 256D.03, by adding subd. 2b. Requires county agencies to determine eligibility and calculate benefit amounts for GA according to the chapter of statutes governing economic assistance program eligibility and verification.

Provides a March 1, 2023, effective date.
- 4 SNAP employment and training.**

Amends § 256D.051, by adding subd. 20. Requires the commissioner to: (1) implement a SNAP employment and training program that meets federal SNAP employment and training participating requirements; and (2) operate a voluntary SNAP employment and training program. Requires nonexempt SNAP recipients who do not meet federal SNAP work requirements to participate in an employment and

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training program, unless residing in an area covered by a time-limited waiver. Allows the commissioner to contract with third-party providers for SNAP employment and training services.

Provides an August 1, 2021, effective date.

5 County and tribal agency duties.

Amends § 256D.051, by adding subd. 21. Requires county or tribal agencies that administer SNAP to inform adult SNAP recipients about employment and training services and providers in the recipient's area. Allows county or tribal agencies that administer SNAP to subcontract with a public or private entity approved by the commissioner to provide SNAP employment and training services.

Provides an August 1, 2021, effective date.

6 Duties of commissioner.

Amends § 256D.051, by adding subd. 22. Lists the commissioner's duties related to administering SNAP employment and training services.

Provides an August 1, 2021, effective date.

7 Participant duties.

Amends § 256D.051, by adding subd. 23. Requires nonexempt SNAP recipients to meet federal SNAP work requirements to receive SNAP assistance beyond the time limit, unless residing in an area covered by a time-limited waiver.

Provides an August 1, 2021, effective date.

8 Program funding.

Amends § 256D.051, by adding subd. 24. With certain exceptions, requires the commissioner to disburse money allocated for federal SNAP employment and training to counties and tribes that administer SNAP based on a formula determined by the commissioner. Requires the commissioner to disburse federal funds the commissioner receives as reimbursement for SNAP employment and training costs to the state agency, county, tribe, or contracted agency that incurred the costs being reimbursed. Allows the commissioner to reallocate unexpended money to county, tribal, or contracted agencies that demonstrate a need for additional funds.

Provides an August 1, 2021, effective date.

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- 9 **SNAP reporting requirements.**
Amends § 256D.0516, subd. 2. Removes language exempting households receiving food benefits under the MFIP waiver from SNAP reporting requirements.

Provides a March 1, 2023, effective date.
- 10 **Allocation of money.**
Amends § 256E.30, subd. 2. Modifies agency base funding for community action agencies.

Provides a July 1, 2021, effective date.
- 11 **Distribution of appropriation.**
Amends § 256E.34, subd. 1. Allows food shelves affiliated with a federally recognized tribal nation to be eligible for food shelf grants.

Provides a July 1, 2021, effective date.
- 12 **Prospective budgeting.**
Amends § 256I.03, subd. 13. Modifies the definition of “prospective budgeting” under the chapter of statutes governing housing support by cross-referencing a new definition in the chapter of statutes governing economic assistance eligibility and verification.

Provides a March 1, 2023, effective date.
- 13 **Reports.**
Amends § 256I.06, subd. 6. Modifies requirements related to reporting changes in circumstances under the housing support program to conform to reporting requirements under the chapter of statutes governing economic assistance eligibility and verification.

Provides a March 1, 2023, effective date.
- 14 **Amount of housing support payment.**
Amends § 256I.06, subd. 8. Makes a conforming change.

Provides a March 1, 2023, effective date.

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- 15 **Prospective budgeting.**
Amends § 256J.08, subd. 71. Modifies the definition of “prospective budgeting” in the chapter of statutes governing MFIP by cross-referencing a new definition in the chapter of statutes governing economic assistance eligibility and verification.

Provides a March 1, 2023, effective date.
- 16 **Recurring income.**
Amends § 256J.08, subd. 79. Modifies the definition of “recurring income” under MFIP by removing a reference to retrospective budgeting.

Provides a March 1, 2023, effective date.
- 17 **Income exclusions.**
Amends § 256J.21, subd. 2. Modifies the list of excluded income under MFIP by removing the limit on nonrecurring cash gifts.

Provides a March 1, 2023, effective date.
- 18 **Initial income test.**
Amends § 256J.21, subd. 3. Removes the monthly income test and replaces it with prospective budgeting and specifies the income test is for a six-month period.

Provides a March 1, 2023, effective date.
- 19 **Income test and determination of assistance payment.**
Amends § 256J.21, subd. 4. Makes conforming changes related to prospective budgeting under MFIP.

Provides a March 1, 2023, effective date.
- 20 **Determination of eligibility.**
Amends § 256J.33, subd. 1. Makes conforming changes related to prospective budgeting under MFIP. Specifies an assistance unit is not eligible when the countable income equals or exceeds the MFIP standard of need or the family wage level for the assistance unit.

Provides a March 1, 2023, effective date.
- 21 **Prospective eligibility.**
Amends § 256J.33, subd. 2. Makes conforming changes related to prospective budgeting under MFIP.

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- Provides a March 1, 2023, effective date.
- 22 **Earned income of wage, salary, and contractual employees.**
Amends § 256J.37, subd. 3. Makes conforming changes.

Provides a March 1, 2023, effective date.
- 23 **Rental subsidies; unearned income.**
Amends § 256J.37, subd. 3a. Makes conforming changes related to prospective budgeting under MFIP.

Provides a March 1, 2023, effective date.
- 24 **Consolidated fund.**
Amends § 256J.626, subd. 1. Clarifies use of the MFIP consolidated fund by tribes.

Provides a July 1, 2021, effective date.
- 25 **Negotiation of agreement.**
Amends § 256N.25, subd. 2. Removes language relating to offsets for Northstar kinship and adoption payments.
- 26 **Renegotiation of agreement.**
Amends § 256N.25, subd. 3. Removes language relating to circumstances that require the renegotiation of Northstar kinship or adoption assistance agreements.
- 27 **Child income or income attributable to the child.**
Amends § 256N.26, subd. 11. Removes language requiring consideration of income and resources attributable to the child during the negotiation process for Northstar kinship and adoption payment agreements.
- 28 **Treatment of retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, and black lung benefits.**
Amends § 256N.26, subd. 13. Removes language requiring benefits paid to a child to be considered as offsets to Northstar payment amounts, and removes related language detailing how certain benefit payments must be considered.
- 29 **Prospective budgeting.**
Amends § 256P.01, by adding subd. 9. Defines "prospective budgeting" in the chapter of statutes governing economic assistance eligibility and verification.

Provides a March 1, 2023, effective date.

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30 Factors to be verified.

Amends § 256P.04, subd. 4. Removes from the list of items that must be verified the use of nonrecurring income.

Provides a March 1, 2023, effective date.

31 Recertification.

Amends § 256P.04, subd. 8. Removes the requirement for an interview during the recertification process under the chapter of statutes governing economic assistance eligibility and verification.

Provides an immediate effective date.

32 Income inclusions.

Amends § 256P.06, subd. 3. Clarifies the list of items that must be included in determining the income of an assistance unit and removes nonrecurring income from the list in the chapter of statutes governing economic assistance eligibility and verification.

Provides a March 1, 2023, effective date, except the provision related to unemployment insurance income is effective immediately.

33 Reporting of changes.

Amends § 256P.07. Clarifies language related to exempted programs. Adds language exempting participants who qualify for child care assistance programs (CCAP) from this section, except for the reporting requirements specifically related to CCAP. Requires applicants or assistance units to report certain changes during the application period or by the tenth of the month following the month that the change occurred. Modifies the list of changes that must be reported. Modifies MFIP-specific, CCAP-specific, and MSA-specific reporting requirements. Adds housing support-specific and GA-specific reporting requirements.

Provides a March 1, 2023, effective date.

34 Prospective budgeting of benefits.

Creates § 256P.09.

Subd. 1. Exempted programs. Exempts participants who qualify for CCAP, housing support, and MSA from prospective budgeting of benefits.

Subd. 2. Prospective budgeting of benefits. Requires agencies to use prospective budgeting to calculate an assistance payment amount.

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Subd. 3. Income changes. Requires prospective budgeting to be used to determine the amount of the assistance unit's benefit for the following six-month period. Prohibits an increase in income from affecting an assistance unit's eligibility or benefit amount until the next case review. Makes a decrease in income effective on the date the change occurs.

Provides a March 1, 2023, effective date.

35 Six-month reporting.

Creates § 256P.10.

Subd. 1. Exempted programs. Exempts assistance units who qualify for CCAP, MSA, and certain housing support assistance units from six-month reporting.

Subd. 2. Reporting. Paragraph (a) subjects assistance units that qualify for MFIP, assistance units that qualify for GA with earned income of \$100 per month or greater, and assistance units that qualify for housing support with earned income of \$100 per month or greater to six month case reviews. Allows the initial reporting period to be shorter than six months in order to align with other program reporting periods.

Paragraph (b) requires assistance units that qualify for MFIP and GA to complete household report forms for redetermination of benefits.

Paragraph (c) requires assistance units that qualify for housing support to complete household report forms to provide information about earned income.

Paragraph (d) requires assistance units that qualify for housing support and also receive MFIP to be subject to the six-month reporting requirements for MFIP, but not for housing support.

Paragraph (e) requires assistance units to submit a household report form in compliance with the requirements of this chapter.

Paragraph (f) allows assistance units to choose to report changes under this section at any time.

Subd. 3. When to terminate assistance. Paragraph (a) requires an agency to terminate benefits when the participant fails to submit the household report form before the end of the six month review period. If the participant submits the household report form within 30 days of the termination of benefits, requires benefits to be reinstated and made available retroactively for the full benefit month.

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Paragraph (b) requires an agency to terminate assistance when an assistance unit is determined to be ineligible for assistance according to the chapters of statutes governing GA, housing support, or MFIP.

Provides a March 1, 2023, effective date.

36 Repealer.

Paragraph (a) repeals Minn. Stat. §§ 256D.051, subds. 1 (SNAP employment and training program), 1a (notices and sanctions), 2 (county agency duties), 2a (duties of commissioner), 3 (participant duties), 3a (requirement to register work), 3b (orientation), 6b (federal reimbursement), 6c (program funding), 7 (registrant status), 8 (voluntary quit), 9 (subcontractors), and 18 (work experience placements); and 256D.052, subd. 3 (participant literacy transportation costs), effective August 1, 2021.

Paragraph (b) repeals Minn. Stat. §§ 256J.08, subds. 10 (budget month), 53 (lump sum), 61 (monthly income test), 62 (nonrecurring income), 81 (retrospective budgeting), and 83 (significant change); 256J.30, subd. 5 (monthly MFIP household reports), 7 (due date of MFIP household report form), and 8 (late MFIP household report forms); 256J.33, subd. 3 (retrospective eligibility), 4 (monthly income test), and 5 (when to terminate assistance); 256J.34, subd. 1 (prospective budgeting), 2 (retrospective budgeting), 3 (additional uses of retrospective budgeting), and 4 (significant change in gross income); and 256J.37, subd. 10 (treatment of lump sums), effective March 1, 2023.

Article 2: Community Supports

This article establishes acuity-based customized living rates and closes the corporate foster care licensing loophole, provides for phase II of the waiver reimagine project, establishes a customized living moratorium for the BI and CADI waivers, modifies the Disability Waiver Rate System (DWRS), includes tribes in the cost-neutral housing support allocation option, provides rate increases for the direct support services workforce, modifies substance use disorder treatment payment rates, modifies provisions related to the Opiate Epidemic Response Advisory Council, modifies requirements related to the substance use disorder demonstration project, establishes requirements for medical assistance coverage of targeted case management services, and modifies payment provisions for case management, targeted case management, and mental health case management.

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1 Licensing moratorium.

Amends § 245A.03, subd. 7. Adds an exception to the corporate foster care licensing moratorium for new foster care licenses or community residential setting licenses for people receiving customized living or 24-hour customized living services under the BI or CADI waivers and residing in the customized living setting before July 1, 2022.

Allows a customized living service provider to rebut the presumption that a license is required by seeking a reconsideration of the commissioner's determination. Makes the commissioner's disposition of a request for reconsideration final and not subject to appeal. Makes this exception available until June 30, 2023. Specifies circumstances under which this exception is available.

Provides a July 1, 2022, effective date.

2 Rate requirements.

Amends § 254B.05, subd. 5. Removes language establishing higher rates for certain types of substance use disorder treatment services and providers. Updates terminology and modifies telehealth requirements to align with requirements for medical assistance coverage of telehealth. Specifies that payment for outpatient services is limited to six hours per day, or 30 hours per week without prior authorization from the commissioner.

3 Membership.

Amends § 256.042, subd. 2. Increases the number of members on the Opiate Epidemic Response Advisory Council; increases the number of members representing Indian tribes and expands representation to each of Minnesota's tribal nations.

4 Grants.

Amends § 256.042, subd. 4. Modifies the report on the Opiate Epidemic Response Advisory Council's proposed grants from the upcoming fiscal year to the upcoming calendar year.

5 Appropriations from fund.

Amends § 256.043, subd. 3. Specifies that grant funds and funds for county and tribal social services agencies from the opiate epidemic response fund will be distributed on a calendar year basis.

6 Mental health case management.

Amends § 256B.0625, subd. 20. Modifies payment requirements for mental health case management provided by vendors who contract with counties and tribes.

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7 Provider participation.

Amends § 256B.0759, subd. 2. Specifies that outpatient substance use disorder treatment providers may participate in the substance use disorder demonstration project. Requires licensed residential treatment programs, withdrawal management programs, and out-of-state residential treatment programs receiving payment under medical assistance to enroll as demonstration project providers by January 1, 2022. Allows tribally licensed programs to participate in the demonstration project and requires DHS to consult with tribal nations.

Makes this section effective July 1, 2021.

8 Provider payment rates.

Amends § 256B.0759, subd. 4. Adds reference to provider standards and allows the commissioner to temporarily suspend payments if statutory requirements are not met.

9 Case management services.

Proposes coding for § 256B.076. Outlines state policy for medical assistance coverage of targeted case management services, subject to federal approval. Requires DHS, tribes, counties, providers, and individuals served to propose further modifications to targeted case management services.

Requires the commissioner to develop and implement a statewide rate methodology for any county that subcontracts targeted case management services, paid by medical assistance, to a vendor. Lists what the commissioner must include when setting the rate methodology. Allows a county to request authorization of a rate based on a lower caseload size in certain circumstances; outlines what must be included in such a request.

Sets caseload size limits for county-subcontracted providers of targeted case management services.

10 Home and community-based services for developmental disabilities.

Amends § 256B.092, subd. 4. Removes language under the sections of statutes governing the MA developmental disabilities waiver requiring the commissioner to allocate MA waiver funds to county agencies and requiring county agencies to manage the funds.

Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

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11 Federal waivers.

Amends § 256B.092, subd. 5. Requires the commissioner to seek approval to allow for the reconfiguration of the MA home and community-based waivers to implement a two-waiver program structure and to implement an individual resource allocation methodology.

Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

12 Waivered services statewide priorities.

Amends § 256B.092, subd. 12. Makes conforming changes related to having the commissioner manage waiver funds rather than county agencies.

13 Payment for targeted case management.

Amends § 256B.0924, subd. 6. Modifies payment provisions for targeted case management services provided by county-contracted vendors to reference requirements in the new section created in this bill. Removes negotiation provision.

14 Medical assistance reimbursement of case management services.

Amends § 256B.094, subd. 6. Modifies payment provisions for case management services provided by county-contracted vendors to reference requirements in the new section created in this bill. Requires payment for case management services provided by tribe-contracted vendors to be a monthly rate negotiated by the tribe. Removes negotiation language.

15 Authority.

Amends § 256B.49, subd. 11. Makes clarifying changes. Requires the commissioner to seek approval to reconfigure MA home and community-based waivers to implement a two-waiver program structure and to implement an individual resource allocation methodology.

Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

16 Waivered services statewide priorities.

Amends § 256B.49, subd. 11a. Makes conforming changes related to having the commissioner manage waiver funds rather than county agencies.

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- Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 17 **Cost of services and supports.**
Amends § 256B.49, subd. 17. Removes language requiring the commissioner to allocate MA waiver funds to counties. Removes obsolete language.
- Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 18 **Customized living moratorium for brain injury and community access for disability inclusion waivers.**
Amends § 256B.49, by adding subd. 28. Paragraph (a) prohibits the commissioner from enrolling new customized living settings serving four or fewer people in a single-family home to deliver customized living services under the BI or CADI waiver plans to prevent new developments of customized living settings that otherwise meet the definition of “residential program.”
- Paragraph (b) lists exceptions to the moratorium the commissioner may approve.
- Paragraph (c) considers customized living settings operational on or before June 30, 2021, as existing customized living settings.
- Paragraph (d) makes the authorizing lead agency responsible for all HCBS payments to any new customized living settings operational on or after July 1, 2021, serving four or fewer people in a single-family home.
- Paragraph (e) defines “operational” for purposes of this subdivision.
- Provides a July 1, 2021, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 19 **Base wage index and standard component values.**
Amends § 256B.4914, subd. 5. Establishes component values under the disability waiver rate system (DWRS) for day support services, prevocational services, unit-based services with programming, and unit-based services without programming, except for respite care, delivered remotely. Makes technical and conforming changes.

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- Provides a January 1, 2022, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 20 **Payments for residential support services.**
Amends § 256B.4914, subd. 6. Requires the commissioner to establish acuity-based input limits, based on case mix, for customized living and 24-hour customized living rates determined under DWRS.

Provides a January 1, 2022, effective date.
- 21 **Payments for day programs.**
Amends § 256B.4914, subd. 7. Specifies day programs may be provided in person or remotely. Makes conforming changes in the formula establishing rates under DWRS for day services.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 22 **Payments for unit-based services with programming.**
Amends § 256B.4914, subd. 8. Specifies unit-based services with programming may be provided in person or remotely. Makes conforming changes in the formula establishing rates under DWRS for unit-based services with programming.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 23 **Payments for unit-based services without programming.**
Amends § 256B.4914, subd. 9. Specifies unit-based services without programming may be provided in person or remotely. Makes conforming changes in the formula establishing rates under DWRS for unit-based services without programming.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 24 **Supplementary service rates.**
Amends § 256I.05, subd. 1a. Makes clarifying changes. Includes tribes in the cost-neutral housing support allocation option.

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- Provides an immediate effective date.
- 25 **Transfer of emergency shelter funds.**
Amends § 2561.05, subd. 11. Includes tribes in the cost-neutral housing support allocation option.

Provides an immediate effective date.
- 26 **Waiver reimagine phase II.**
Paragraph (a) requires the commissioner of human services to implement a two-home and community-based services waiver program structure that serves persons who are determined by a certified assessor to require the levels of care provided in a nursing home, hospital, neurobehavioral hospital, or an intermediate care facility for persons with developmental disabilities.

Paragraph (b) requires the commissioner to implement an individualized budget methodology that serves persons who are determined by a certified assessor to require the levels of care provided in a nursing home, hospital, neurobehavioral hospital, or an intermediate care facility for persons with developmental disabilities.

Paragraph (c) allows the commissioner to seek all federal authority necessary to implement this section.

Provides a September 1, 2024, effective date, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 27 **Customized living report.**
Paragraph (a) requires, by January 15, 2022, the commissioner of human services to submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over human services policy and finance and specifies the information that must be included in the report.

Paragraph (b) requires the commissioner of health to provide the commissioner of human services with the required data to complete the report in paragraph (a) and implement the moratorium on HCBS customized living. Specifies the data that must be included.
- 28 **Rate increase for direct support services workforce.**
Paragraph (a) requires the commissioner of human services to increase direct support services reimbursement rates, individual budgets, grants, or allocations by specified percentages effective October 1, 2021, or upon federal approval, whichever

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is later, if the labor agreement between the state and SEIU Healthcare Minnesota is approved.

Paragraphs (b) and (c) list the programs to which the rate changes apply.

29 Direction to commissioner of human services; rate recommendations for opioid treatment programs.

Directs the commissioner of human services to evaluate the rate structure for licensed opioid treatment programs, and report to the legislature on rate structure recommendations and proposed legislation by October 1, 2021.

30 Repealer.

Paragraph (a) repeals Minn. Stat. § 256B.0596 (mental health case management).

Paragraph (b) repeals Minn. Stat. §§ 245A.191 (provider eligibility for payments from the chemical dependency consolidated treatment fund); and 256B.097 (state quality assurance, quality improvement, and licensing system).

Paragraph (c) repeals Minn. Stat. §§ 256B.0916, subds. 2 (distribution of funds; partnerships), 3 (failure to develop partnerships or submit a plan), 4 (allowed reserve), 5 (allocation of new diversions and priorities for reassignment of resources for developmental disabilities), 8 (financial and wait-list data reporting), 11 (excess spending), and 12 (use of waiver allocations); and 256B.49, subds. 26 (excess allocations) and 27 (use of waiver allocations), effective January 1, 2023, or upon federal approval, whichever is later.

Article 3: Direct Care and Treatment

This article amends section 246.54, subdivision 1b, to include both adults and children in the provision relating to county payment for the cost of care at state-operated community-based behavioral health hospitals.

Article 4: Blue Ribbon Commission

This article makes changes to the Disability Waiver Rate System (DWRS) that were recommended by the Blue Ribbon Commission.

Section Description - Article 4: Blue Ribbon Commission

1 Base wage index and standard component values.

Amends § 256B.4914, subd. 5. Removes language related to family foster care base wages and component values in the section of statutes governing DWRS. Makes conforming changes.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later.

2 Payments for residential support services.

Amends § 256B.4914, subd. 6. Removes references to family residential services, corporate and family foster care services, and supportive living services. Limits customized living and 24-hour customized living rates determined under DWRS to 24 hours of support in a daily unit.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later.

3 Payments for family residential services.

Amends § 256B.4914, by adding subd. 18. Requires the commissioner to establish rates for family residential services based on a person's assessed needs.

Provides a January 1, 2022, effective date, or upon federal approval, whichever is later.

Article 5: Forecast Adjustments

This article adjusts appropriations for fiscal year 2021 for forecasted programs administered by the Department of Human Services.

Article 6: Appropriations

This article appropriates money for fiscal years 2022 and 2023 to the Department of Human Services. It also appropriates funds in fiscal year 2021 to provide a onetime cash benefit of up to \$750 for each household enrolled in MFIP or DWP.



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