

1.1 moves to amend H.F. No. 3163 as follows:

1.2 Page 5, after line 20, insert:

1.3 "Sec. Minnesota Statutes 2021 Supplement, section 245C.10, subdivision 9, is amended
1.4 to read:

1.5 Subd. 9. **Human services licensed or certified programs.** The commissioner shall
1.6 recover the cost of background studies required under section 245C.03, subdivision 1, or a
1.7 program certified under section 245C.04, subdivision 1, paragraph (m), for all programs
1.8 that are licensed or certified by the commissioner, except child foster care when the applicant
1.9 or license holder resides in the home where child foster care services are provided, family
1.10 child care, child care centers, certified license-exempt child care centers, and legal
1.11 nonlicensed child care authorized under chapter 119B, through a fee of no more than \$42
1.12 per study charged to the license holder. The fees collected under this subdivision are
1.13 appropriated to the commissioner for the purpose of conducting background studies.

1.14 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
1.15 whichever is later. The commissioner of human services shall notify the revisor of statutes
1.16 when federal approval is obtained."

1.17 Page 6, line 12, after "verified" insert ", on the forms and in the manner prescribed by
1.18 the commissioner,"

1.19 Page 8, after line 3, insert:

1.20 "(4) a description of the information provided to the person to help the person make an
1.21 informed choice about entering into an additional two-year extension lease with the service
1.22 provider;"

1.23 Page 8, line 4, strike "(4)" and insert "(5)"

- 2.1 Page 8, line 7, strike "(5)" and insert "(6)"
- 2.2 Page 8, line 16, after "approve" insert "or deny" and delete "sufficient time" and insert
- 2.3 "60 days."
- 2.4 Page 8, delete line 17
- 2.5 Page 8, delete section 5
- 2.6 Page 11, delete section 6 and insert:
- 2.7 "Sec. Minnesota Statutes 2020, section 256B.4914, subdivision 3, as amended by Laws
- 2.8 2022, chapter 33, section 1, subdivision 3, is amended to read:
- 2.9 Subd. 3. **Applicable services.** Applicable services are those authorized under the state's
- 2.10 home and community-based services waivers under sections 256B.092 and 256B.49,
- 2.11 including the following, as defined in the federally approved home and community-based
- 2.12 services plan:
- 2.13 (1) 24-hour customized living;
- 2.14 (2) adult day services;
- 2.15 (3) adult day services bath;
- 2.16 (4) community residential services;
- 2.17 (5) customized living;
- 2.18 (6) day support services;
- 2.19 (7) employment development services;
- 2.20 (8) employment exploration services;
- 2.21 (9) employment support services;
- 2.22 (10) family residential services;
- 2.23 (11) individualized home supports;
- 2.24 (12) individualized home supports with family training;
- 2.25 (13) individualized home supports with training;
- 2.26 (14) integrated community supports;
- 2.27 (15) night supervision;
- 2.28 (16) positive support services;

- 3.1 (17) prevocational services;
- 3.2 (18) residential support services;
- 3.3 ~~(19) respite services;~~
- 3.4 ~~(20)~~ (19) transportation services; and
- 3.5 ~~(21)~~ (20) other services as approved by the federal government in the state home and
- 3.6 community-based services waiver plan.

3.7 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,

3.8 whichever is later. The commissioner of human services shall notify the revisor of statutes

3.9 when federal approval is obtained."

3.10 Page 12, delete section 7

3.11 Page 20, delete section 8

3.12 Page 23, delete section 9

3.13 Page 25, delete section 10 and insert:

3.14 "Sec. Minnesota Statutes 2020, section 256B.4914, subdivision 8, as amended by Laws

3.15 2022, chapter 33, section 1, subdivision 8, is amended to read:

3.16 Subd. 8. **Unit-based services with programming; component values and calculation**

3.17 **of payment rates.** (a) For the purpose of this section, unit-based services with programming

3.18 include employment exploration services, employment development services, employment

3.19 support services, individualized home supports with family training, individualized home

3.20 supports with training, and positive support services provided to an individual outside of

3.21 any service plan for a day program or residential support service.

3.22 (b) Component values for unit-based services with programming are:

3.23 (1) competitive workforce factor: 4.7 percent;

3.24 (2) supervisory span of control ratio: 11 percent;

3.25 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

3.26 (4) employee-related cost ratio: 23.6 percent;

3.27 (5) program plan support ratio: 15.5 percent;

3.28 (6) client programming and support ratio: 4.7 percent, updated as specified in subdivision

3.29 5b;

4.1 (7) general administrative support ratio: 13.25 percent;

4.2 (8) program-related expense ratio: 6.1 percent; and

4.3 (9) absence and utilization factor ratio: 3.9 percent.

4.4 (c) A unit of service for unit-based services with programming is 15 minutes, except
4.5 that for individualized home supports with training, a unit of service is one hour or 15
4.6 minutes.

4.7 (d) Payments for unit-based services with programming must be calculated as follows,
4.8 unless the services are reimbursed separately as part of a residential support services or day
4.9 program payment rate:

4.10 (1) determine the number of units of service to meet a recipient's needs;

4.11 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
4.12 provided in subdivisions 5 and 5a;

4.13 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
4.14 product of one plus the competitive workforce factor;

4.15 (4) for a recipient requiring customization for deaf and hard-of-hearing language
4.16 accessibility under subdivision 12, add the customization rate provided in subdivision 12
4.17 to the result of clause (3);

4.18 (5) multiply the number of direct staffing hours by the appropriate staff wage;

4.19 (6) multiply the number of direct staffing hours by the product of the supervisory span
4.20 of control ratio and the appropriate supervisory staff wage in subdivision 5a, clause (1);

4.21 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
4.22 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
4.23 rate;

4.24 (8) for program plan support, multiply the result of clause (7) by one plus the program
4.25 plan support ratio;

4.26 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
4.27 employee-related cost ratio;

4.28 (10) for client programming and supports, multiply the result of clause (9) by one plus
4.29 the client programming and support ratio;

4.30 (11) this is the subtotal rate;

5.1 (12) sum the standard general administrative support ratio, the program-related expense
5.2 ratio, and the absence and utilization factor ratio;

5.3 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
5.4 total payment amount;

5.5 (14) for services provided in a shared manner, divide the total payment in clause (13)
5.6 as follows:

5.7 (i) for employment exploration services, divide by the number of service recipients, not
5.8 to exceed five;

5.9 (ii) for employment support services, divide by the number of service recipients, not to
5.10 exceed six; and

5.11 (iii) for individualized home supports with training and individualized home supports
5.12 with family training, divide by the number of service recipients, not to exceed two; and

5.13 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
5.14 to adjust for regional differences in the cost of providing services.

5.15 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
5.16 whichever is later. The commissioner of human services shall notify the revisor of statutes
5.17 when federal approval is obtained.

5.18 Sec. Laws 2022, chapter 33, section 1, subdivision 5a, is amended to read:

5.19 Subd. 5a. **Base wage index; calculations.** The base wage index must be calculated as
5.20 follows:

5.21 (1) for supervisory staff, 100 percent of the median wage for community and social
5.22 services specialist (SOC code 21-1099), with the exception of the supervisor of positive
5.23 supports professional, positive supports analyst, and positive supports specialist, which is
5.24 100 percent of the median wage for clinical counseling and school psychologist (SOC code
5.25 19-3031);

5.26 (2) for registered nurse staff, 100 percent of the median wage for registered nurses (SOC
5.27 code 29-1141);

5.28 (3) for licensed practical nurse staff, 100 percent of the median wage for licensed practical
5.29 nurses (SOC code 29-2061);

6.1 (4) for residential asleep-overnight staff, the minimum wage in Minnesota for large
6.2 employers, with the exception of asleep-overnight staff for family residential services, which
6.3 is 36 percent of the minimum wage in Minnesota for large employers;

6.4 (5) for residential direct care staff, the sum of:

6.5 (i) 15 percent of the subtotal of 50 percent of the median wage for home health and
6.6 personal care aide (SOC code 31-1120); 30 percent of the median wage for nursing assistant
6.7 (SOC code 31-1131); and 20 percent of the median wage for social and human services
6.8 aide (SOC code 21-1093); and

6.9 (ii) 85 percent of the subtotal of 40 percent of the median wage for home health and
6.10 personal care aide (SOC code 31-1120); 20 percent of the median wage for nursing assistant
6.11 (SOC code 31-1014); 20 percent of the median wage for psychiatric technician (SOC code
6.12 29-2053); and 20 percent of the median wage for social and human services aide (SOC code
6.13 21-1093);

6.14 (6) for adult day services staff, 70 percent of the median wage for nursing assistant (SOC
6.15 code 31-1131); and 30 percent of the median wage for home health and personal care aide
6.16 (SOC code 31-1120);

6.17 (7) for day support services staff and prevocational services staff, 20 percent of the
6.18 median wage for nursing assistant (SOC code 31-1131); 20 percent of the median wage for
6.19 psychiatric technician (SOC code 29-2053); and 60 percent of the median wage for social
6.20 and human services aide (SOC code 21-1093);

6.21 (8) for positive supports analyst staff, 100 percent of the median wage for substance
6.22 abuse, behavioral disorder, and mental health counselor (SOC code 21-1018);

6.23 (9) for positive supports professional staff, 100 percent of the median wage for clinical
6.24 counseling and school psychologist (SOC code 19-3031);

6.25 (10) for positive supports specialist staff, 100 percent of the median wage for psychiatric
6.26 technicians (SOC code 29-2053);

6.27 (11) for individualized home supports with family training staff, 20 percent of the median
6.28 wage for nursing aide (SOC code 31-1131); 30 percent of the median wage for community
6.29 social service specialist (SOC code 21-1099); 40 percent of the median wage for social and
6.30 human services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric
6.31 technician (SOC code 29-2053);

6.32 (12) for individualized home supports with training services staff, 40 percent of the
6.33 median wage for community social service specialist (SOC code 21-1099); 50 percent of

7.1 the median wage for social and human services aide (SOC code 21-1093); and ten percent
7.2 of the median wage for psychiatric technician (SOC code 29-2053);

7.3 (13) for employment support services staff, 50 percent of the median wage for
7.4 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for
7.5 community and social services specialist (SOC code 21-1099);

7.6 (14) for employment exploration services staff, 50 percent of the median wage for
7.7 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for
7.8 community and social services specialist (SOC code 21-1099);

7.9 (15) for employment development services staff, 50 percent of the median wage for
7.10 education, guidance, school, and vocational counselors (SOC code 21-1012); and 50 percent
7.11 of the median wage for community and social services specialist (SOC code 21-1099);

7.12 (16) for individualized home support without training staff, 50 percent of the median
7.13 wage for home health and personal care aide (SOC code 31-1120); and 50 percent of the
7.14 median wage for nursing assistant (SOC code 31-1131); and

7.15 (17) for night supervision staff, 40 percent of the median wage for home health and
7.16 personal care aide (SOC code 31-1120); 20 percent of the median wage for nursing assistant
7.17 (SOC code 31-1131); 20 percent of the median wage for psychiatric technician (SOC code
7.18 29-2053); and 20 percent of the median wage for social and human services aide (SOC code
7.19 21-1093); ~~and.~~

7.20 ~~(18) for respite staff, 50 percent of the median wage for home health and personal care~~
7.21 ~~aide (SOC code 31-1131); and 50 percent of the median wage for nursing assistant (SOC~~
7.22 ~~code 31-1014).~~

7.23 :

7.24 **EFFECTIVE DATE.** This section is effective January 1, 2023, or upon federal approval,
7.25 whichever is later. The commissioner of human services shall notify the revisor of statutes
7.26 when federal approval is obtained.

7.27 Sec. **REPEALER.**

7.28 Laws 2022, chapter 33, section 1, subdivision 9a, is repealed effective January 1, 2023,
7.29 or upon federal approval, whichever is later. The commissioner of human services shall
7.30 notify the revisor of statutes when federal approval is obtained."

7.31 Page 27, delete section 11

7.32 Page 29, delete section 12

- 8.1 Renumber the sections in sequence and correct the internal references
- 8.2 Amend the title accordingly