

1.1 moves to amend H.F. No. 927, the delete everything amendment
1.2 (A11-0177), as follows:

1.3 Page 268, line 18, after "(b)" insert:

1.4 "Eighty percent of the money resulting from the allowable private pay rate increases under
1.5 paragraph (a) must be used for increases in compensation-related costs for employees
1.6 directly employed by the nursing facility on or after the effective date of the rate
1.7 adjustment, except: (1) the administrator; (2) persons employed in the central office of
1.8 a corporation that has an ownership interest in the nursing facility or exercises control
1.9 over the nursing facility; and (3) persons paid by the nursing facility under a management
1.10 contract.

1.11 (c) The wage adjustment that employees receive under this paragraph must be paid
1.12 as an equal hourly wage increase for all eligible employees. All wage increases under
1.13 this paragraph must be effective on the same date. This paragraph shall not apply to
1.14 employees covered by a collective bargaining agreement.

1.15 (d) The commissioner shall allow as compensation-related costs all costs for: (1)
1.16 wages and salaries; and (2) FICA taxes, Medicare taxes, state and federal unemployment
1.17 taxes, and workers' compensation.

1.18 (e) Nursing facilities may apply for the portion of the rate adjustment under
1.19 paragraph (a) that is subject to the requirements in paragraphs (b) and (c). The application
1.20 must be submitted to the commissioner at least three months prior to the intended effective
1.21 date of the private pay rate adjustment. The commissioner must respond to all applications
1.22 within three weeks of receipt. The commissioner may waive the deadlines in this
1.23 paragraph under extraordinary circumstances, to be determined at the sole discretion of
1.24 the commissioner. The application must contain: (1) an estimate of the amounts of money
1.25 that must be used as specified in paragraphs (b) and (c); (2) a statement of the amount
1.26 of the wage increases the nursing facility will implement to use the funds available in
1.27 clause (1) and a calculation demonstrating the estimated costs of the wage increases; (3) a

2.1 description of how the nursing facility will notify eligible employees of the contents of the
 2.2 approved application, which must provide for giving each eligible employee a copy of the
 2.3 approved application, excluding the information required in clause (1), or posting a copy
 2.4 of the approved application, excluding the information required in clause (1), for a period
 2.5 of at least six weeks in an area of the nursing facility to which all eligible employees
 2.6 have access; and (4) instructions for employees who believe they have not received the
 2.7 wage increases specified in clause (2), as approved by the commissioner, and which must
 2.8 include a mailing address, e-mail address, and the telephone number that may be used by
 2.9 the employee to contact the commissioner or the commissioner's representative.

2.10 (f) The commissioner shall ensure that cost increases in distribution plans under
 2.11 paragraph (e), clause (2), that may be included in approved applications, comply with the
 2.12 following requirements: (1) costs to be incurred during the applicable rate year resulting
 2.13 from wage and salary increases effective after October 1 of the previous rate year, and
 2.14 prior to the first day of the nursing facility's payroll period that includes October 1 of the
 2.15 current rate year, shall be allowed; (2) a portion of the costs resulting from tenure-related
 2.16 wage or salary increases may be considered to be allowable wage increases, according
 2.17 to formulas that the commissioner shall provide, where employee retention is above the
 2.18 average statewide rate of retention of direct care employees; and (3) for nursing facilities
 2.19 in which employees are represented by an exclusive bargaining representative, the
 2.20 commissioner shall approve the application only upon receipt of a letter of acceptance of
 2.21 the distribution plan, in regard to members of the bargaining unit, signed by the exclusive
 2.22 bargaining agent and dated after June 1 of the rate year in which the rate adjustment occurs.
 2.23 Upon receipt of the letter of acceptance, the commissioner shall deem all requirements of
 2.24 this section as having been met in regard to the members of the bargaining unit.

2.25 (g)"

2.26 Page 268, line 31, strike "(c)" and insert "(h)"

2.27 Page 269, line 4, strike "(d)" and insert "(i)"

2.28 Page 269, line 6, strike "(e)" and insert "(j)"

2.29 Page 269, line 18, strike "(f)" and insert "(k)"

2.30 Page 269, line 30, strike "(g)" and insert "(l)"

2.31 Renumber the sections in sequence and correct the internal references

2.32 Amend the title accordingly