

**hBill Comparison Summary of
Senate File 2934 (third engrossment) / Senate File 2934 (second
unofficial engrossment)**

**Senate Article 2: Aging Services
House Article 2: Aging Services**

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Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

Section	SENATE Article 2: Aging Services	Comparison	HOUSE Article 2: Aging Services
1	(144.141 – VOLUNTARY RECEIVERSHIP) reenacts the nursing home voluntary receivership statutes that was repealed in 2015; permits the commissioner of health at the request of a majority interest of a nursing home to appoint a receiver that can be terminated by the majority interest or the commissioner at any time.	Senate only	
		House only	<p>Section 1. Native American elders coordinator position. Amends § 256.975, subd. 6. Modifies the statute governing the Minnesota Board on Aging Native American elders coordinator position by: (1) modifying terminology; (2) modifying the purpose of the position; (3) defining terms; and (4) modifying the list of components that may be included in the statewide Tribal-based service system.</p>
2	(256.9754 - LIVE WELL AT HOME GRANTS) recodifies existing caregiver support and respite care project, core home and community-based services project, and community services grants, and integrates them into the expanded live well at home grants to create new and expanded low-cost high impact services to delay or prevent older adults from having to access more expensive services, and allows for previously successful grantees to apply for additional funding.	<p>Technical differences in subds. 2 and 3. Staff recommends Senate language.</p> <p>Senate has subd. 3f permitting extension of Live Well at Home grants and House does not.</p>	<p>Section 2. Live well at home grants. Amends § 256.9754. Consolidates live well at home grants by moving language related to the grants from section 256B.0917 to this section.</p> <p>Subd. 1. Definitions. Moves language from section 256B.0917, subdivision 1b, to this subdivision.</p> <p>Subd. 2. Creation; purpose. Moves language from section 256B.0917, subdivision 1a, to this subdivision. Includes providing services and supports to people with dementia in the live well at home grants.</p> <p>Subd. 3. Community services development grants. Makes technical changes.</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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			<p>Subd. 3a. Priority for other grants. No changes.</p> <p>Subd. 3b. State waivers. Makes conforming changes.</p> <p>Subd. 3c. Caregiver support and respite care projects. Moves language from section 256B.0917, subdivision 6, to this subdivision. Requires volunteer and caregiver training to include resources on how to support an individual with dementia.</p> <p>Subd. 3d. Core home and community-based services projects. Moves language from section 256B.0917, subdivision 7a, to this subdivision.</p> <p>Subd. 3e. Community service grants. Moves language from section 256B.0917, subdivision 13, to this subdivision.</p> <p>Subd. 4. Eligibility. No changes.</p> <p>Subd. 5. Grant preference. No changes.</p>
3	<p>(256.9756 CAREGIVER RESPITE SERVICES GRANTS) establishes a grant program to train respite caregivers on how to care for people with dementia and to provide free or subsidized respite services.</p>	<p>Similar.</p> <p>Technical difference in subd. 1 headnote.</p> <p>House requires ongoing reports; Senate does not.</p>	<p>Section 3. Caregiver respite services grants. Creates § 256.9756.</p> <p>Subd. 1. Caregiver respite services grant program established. Requires the commissioner of human services to establish a caregiver respite services grant program to increase the availability of respite services for family caregivers of people with dementia and older adults. Requires the commissioner to award grants on a competitive basis to respite services providers, giving</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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			<p>priority to areas of the state where there is a high need for respite services.</p> <p>Subd. 2. Eligible uses. Requires grant recipients to use a portion of the grant award to provide free or subsidized respite services.</p> <p>Subd. 3. Report. Requires the commissioner to periodically submit a report on caregiver respite services grants to the legislature.</p>
4	<p>(256B.0913, subdivision 4 - Eligibility for funding for services for nonmedical assistance recipients) specifies the monthly service limit for individuals participating in consumer-directed community supports (CDCS) under alternative care, eliminating the different treatment of service limits for alternative care recipients who do and do not utilize the consumer directed community support option.</p>	Senate only	
5	<p>(256B.0913, subdivision 5 - Services covered under alternative care) makes a conforming change related to the monthly service limits for individuals participating in CDCS under alternative care.</p>	Senate only	
6	<p>(256B.0917, subdivision 1b – Definitions) makes conforming changes related to the recodification of the Live Well at Home grants.</p>	Technical difference. Staff recommends Senate language.	<p>Section 4. Definitions. Amends § 256B.0917, subd. 1b. Removes definitions that are moved to section 256.9754.</p>
7	<p>(256B.0922, subdivision 1 - Essential community supports) increases from \$400 to \$600 the monthly service limit for</p>	Senate only	

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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	essential community supports and expands the available services to include respite care and adult companion services.		
8	(256B.434, Subdivision 4k - Property rate increase for certain nursing facilities) increase the property rates for three nursing facilities that had moratorium projects approved shortly prior to the effective date of the chapter 256R fair rental value property rates.	Senate only	
9	<p>(256M.42 ADULT PROTECTION GRANT ALLOCATIONS) modifies the allocation formula for state appropriations to counties and Tribes for vulnerable adult protection services and modifies the requirements imposed on counties that receive the funding.</p> <p>Subdivision 1 requires an initial allocation to Tribal Nations that establish vulnerable adult protection programs and a minimal award to counties as determined by the commissioner.</p> <p>Subdivision 3 clarifies the permitted uses of funding by citing the counties’ role under the vulnerable adults act.</p> <p>Subdivision 4 modifies the requirement that counties and Tribes not use the state allocation for vulnerable adult protection to supplant the counties’ and Tribes’ 2023 level of spending, but this requirement expires on July 1, 2027, at which point counties and Tribes may begin to use state funding to supplant the 2023 levels of spending.</p> <p>Subdivision 5 requires the commissioner to develop and implement vulnerable adult protection performance measures to which counties will be required to meet or</p>	<p>Similar.</p> <p>Technical differences in subds. 1 and 2. Staff recommends Senate language for subd. 1 and House language for subd. 2.</p> <p>Technical wording differences in subd. 5. Staff recommends House language.</p> <p>Technical wording difference in subd. 6. Staff recommends Senate language.</p>	<p>Section 5. Adult protection grant allocations.</p> <p>Amends § 256M.42. Makes technical and clarifying changes. Prohibits a county from being awarded less than a minimum allocation established by the commissioner. Requires participating Tribal Nations to apply to the commissioner to receive adult protection grant allocations. Requires the commissioner to award \$100,000 to each federally recognized Tribal Nation with a Tribal resolution establishing a vulnerable adult protection program. Requires money received by a Tribal Nation to be used for its vulnerable adult protection program. Requires state funds to be used to expand the base of county expenditures for adult protection programs, service interventions, or multidisciplinary teams. Requires the commissioner to set vulnerable adult protection measures and standards for adult protection grant allocations. Lists standards. Specifies requirements an underperforming county must meet. Allows the commissioner to redirect up to 20 percent of a county’s allocation toward a performance improvement plan. Requires Tribal Nations to establish vulnerable adult protection measures and standards and report annually to the commissioner on outcomes and the number of adults served.</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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	<p>implement a performance improvement plan developed by the commissioner.</p> <p>Subdivision 6 requires Tribes to establish vulnerable adult protection measures and standards and report to the commissioner on the outcomes of those measures.</p>		<p>Provides a July 1, 2023, effective date.</p>
10	<p>(256R.02, subdivision 19 - External fixed costs) is a conforming change related to the Chisholm nursing facility temporary rate increase.</p>	Senate only	
		House only	<p>Section 6. Audit authority. Amends § 256R.13, subd. 1. Allows the commissioner to contract with a third party to conduct nursing facility audits. Provides a January 1, 2024, effective date.</p>
11	<p>(256R.17, subdivision 2 - Case mix indices) modifies a cross-reference related case-mix classification to refer to the existing Minnesota Statute giving the Commissioner of Health authority to establish case mix classifications.</p>	Identical	<p>Section 7. Case mix indices. Amends § 256R.17, subd. 2. Allows for the transition of nursing facility payment rates to a new case mix classification system for nursing facility residents. This transition is necessary because the federal government will no longer support the current case mix classification system as of October 2023.</p>
12	<p>(256R.25 EXTERNAL FIXED COSTS PAYMENT RATE) makes two conforming changes, one related to the Chisholm nursing facility temporary rate increase and one related to the modified critical access nursing facility rate adjustment.</p>	<p>Technical difference in para. (a). Staff recommends House language.</p> <p>Para. (o) is Senate only.</p> <p>Para. (p) is identical.</p>	<p>Section 8. External fixed costs payment rate. Amends § 256R.25. Modifies the nursing facility external fixed costs payment rate by including the rate adjustment for critical access nursing facilities.</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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13	(256R.47 RATE ADJUSTMENT FOR CRITICAL ACCESS NURSING FACILITIES) establishes a new version of currently obsolete rate adjustment for certain critical access nursing facilities by authorizing the commissioner to enter into a memorandum of understanding with nursing facilities that the commissioner determines require temporary supplemental payments to maintain access to nursing home services.	Technical differences in para. (c). Staff recommends House language.	Section 9. Rate adjustment for critical access nursing facilities. Amends § 256R.47. Modifies critical access nursing facility adjustments. Allows for a supplemental payment above a facility’s operating payment rate as determined to be necessary by the commissioner for facilities designated as critical access nursing facilities. Requires the commissioner to approve the supplemental payment amounts through a memorandum of understanding. Requires the supplemental payments to be time-limited rate adjustments included in the external fixed costs payment rate. Requires the designation of a critical access nursing facility to be removed if the facility undergoes a change of ownership.
14	(256R.481, Subdivision 1 – Nursing facility in Chisholm; temporary rate add-on) provides a temporary rate add-on for a facility in Chisholm.	Senate only	
15	(256R.53, subdivision 3 - Nursing facility in Fergus Falls) requires the commissioner to determine the property rate of a facility in Fergus Falls according to the fair rental value property rate calculation under this chapter.	Senate only	
16	(256R.53, subdivision 4 - Nursing facility in Red Wing) requires the commissioner to determine the operating payment rate for a facility in Red Wing without application of the facility’s total care-related limit or limiting its other operating cost per day.	Similar. House makes this subdivision expire on June 30, 2025, and the Senate does not.	Section 10. Nursing facility in Red Wing. Amends § 256R.53, by adding subd. 3. Modifies the operating payment rate for a nursing facility located in Red Wing. Makes this subdivision expire June 30, 2025.
17	(256S.15, subdivision 2 - Foster care limit) makes a conforming change related to the CDCS parity proposal.	Senate only	

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

Section	SENATE Article 2: Aging Services	Comparison	HOUSE Article 2: Aging Services
18	(256S.18, subdivision 3a - Monthly case mix budget caps for consumer-directed community) specifies the monthly budget limits for individuals participating in CDCS under elderly waiver, eliminating the different treatment of budget caps for elderly waiver recipients who do and do not utilize the consumer directed community support option.	Senate only	
19	(256S.19, subdivision 3 - Calculation of monthly conversion budget caps) makes conforming changes related to the CDCS parity proposal.	Senate only	
20	(256S.203, subdivision 1 - Capitation payments) makes conforming changes related to the assisted living facility closure payment proposal.	Senate only	
21	(256S.203, subdivision 2 - Reimbursement rates) makes conforming changes related to the assisted living facility closure payment proposal.	Senate only	
22	(256S.205, subdivision 3 - Rate adjustment eligibility criteria) modifies the eligibility criteria for designation as a disproportionate share assisted living facility.	Senate only	
23	(256S.205, subdivision 5 - Rate adjustment; rate floor) increases the elderly waiver rate floor from \$119 to \$139 for designated disproportionate share assisted living facilities.	Senate only	

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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24	(256S.206 ASSISTED LIVING FACILITY CLOSURE PAYMENTS) establishes a special payment program to supplement funding for assisted living facilities that are in the process of closing.	Senate only	
	Sections 25 to 47 modify the rate setting framework for elderly waiver services, alternative care, essential community services, and BI and CADI customized living services.	n/a	
25	(256S.21 RATE SETTING; APPLICATION; EVALUATION) requires the commissioner every two years to evaluate the inputs of the elderly waiver rate framework and submit a report to the legislature on the results of this evaluations; requires providers at least once every five years to submit cost data to the commissioner to aid in the evaluation of the elements of the framework.	Technical differences. House effective date mentions federal approval and Senate effective date does not.	See sec. 11, subds. 4 and 5
26	(256S.2101, subdivision 2 - Phase-in for elderly waiver rates) modifies the “phase-in” factor for the rates calculated under the elderly waiver framework.	Senate only	
27	(256S.2101, subdivision 2a - Service rates exempt from phase-in) exempts homemaker services from the phase-in, thereby paying rates equal to 100% of the framework rate.	Senate only	
28	(256S.2101, subdivision 3 - Spending requirements) requires elderly waiver providers to use at least 80 percent of the marginal increase in revenue resulting from rate increases to increase the providers compensation-related costs and to	Technical differences related to the structure of the House and Senate elderly waiver proposals	See sec. 11, subd. 3

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

Section	SENATE Article 2: Aging Services	Comparison	HOUSE Article 2: Aging Services
	develop and make available to employees a distribution plan for the additional revenue.		
29	(256S.211, subdivision 3 - Updating services rates) directs the commissioner to recalculate most rates every two years after updating the framework elements as required by law.	Different. See Senate sections 25 and 28 for comparison of House subs. 3 to 5.	<p>Section 11. Rate setting; updating rates; evaluation; cost reporting. Amends § 256S.211.</p> <p>Subd. 1. Establishing base wages. No changes.</p> <p>Subd. 2. Updating rates. Requires the commissioner to update elderly waiver component rates and rates effective January 1, 2024, using the factor and base wages values the commissioner used to establish the new elderly waiver rate methodology in 2019.</p> <p>Subd. 3. Spending requirements. Except for BI customized living services and CADI customized living services, requires at least 80 percent of the marginal increase in revenue from implementing any elderly waiver rate adjustments to be used to increase compensation-related costs for employees directly employed by the provider. Lists the items included in compensation-related costs. Specifies that compensation-related costs for persons employed in the central office of an entity that has an ownership interest in the provider or exercises control over the provider, or for persons paid by the provider under a management contract, do not count toward the 80 percent requirement. Requires providers that receive additional revenue subject to the 80 percent requirement to: (1) prepare a distribution plan that specifies the amount of money received and how that money was distributed to</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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			<p>increase compensation-related costs for employees; and (2) post the distribution plan.</p> <p>Subd. 4. Evaluation of rate setting. Requires the commissioner, in consultation with stakeholders, to evaluate certain elderly waiver rate setting elements beginning January 1, 2024, and every two years thereafter. Requires the commissioner to report to the legislature with a full report on elderly waiver rate setting beginning January 15, 2026, and every two years thereafter.</p> <p>Subd. 5. Cost reporting. Requires providers enrolled to provide elderly waiver services to submit requested cost data to the commissioner to support evaluation of the elderly waiver rate methodology. Lists data that the commissioner may request. Requires a provider to submit cost data at least once in any five-year period for a fiscal year that ended not more than 18 months prior to the submission date. Requires the commissioner to: (1) provide notice to a provider prior to the provider’s submission date; (2) temporarily suspend payments to a provider if cost data is not received 90 days after the required submission date; (3) make withheld payments once data is received by the commissioner; (4) coordinate the elderly waiver cost reporting activities with DWRS cost reporting activities; and (5) analyze cost documentation and submit recommendations on elderly waiver rate methodologies.</p> <p>Makes subdivisions 2 to 4 effective January 1, 2024, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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			approval is obtained. Makes subdivision 5 effective January 1, 2025.
30	(256S.211, subdivision 4 - Updating home-delivered meals rate) requires the commissioner to update the rates for home delivered meals every year.	Senate only	
31	(256S.212 RATE SETTING; BASE WAGE INDEX) makes various changes to the base wage index for most elderly waiver services. The base wage index provides one of the inputs into the framework for calculating the rates.	Senate only	
32	(256S.213 RATE SETTING; FACTORS) modifies and establishes various inputs of the framework that are related to overhead, program costs and supervision of unlicensed staff.	Senate only	
33	(256S.214 RATE SETTING; ADJUSTED BASE WAGE) modifies an initial calculation in the framework, the adjusted base wage, which is subsequently used as an input in further calculations.	Different. Senate modifies the elderly waiver adjusted base wage calculation. The House sets a minimum base wage.	Section 12. Rate setting; adjusted base wage. Amends § 256S.214. Establishes a floor for the elderly waiver adjusted base wage of \$16.96. Makes this section effective January 1, 2024, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
34	(256S.215, subdivision 2 - Home management and support services component rate) specifies the calculation of a service rate.	Senate only	

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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35	(256S.215, subdivision 3 - Home care aide services component rate) specifies the calculation of a service rate.	Senate only	
36	(256S.215, subdivision 4 - Home health aide services component rate) specifies the calculation of a service rate.	Senate only	
37	(256S.215, subdivision 7 - Chore services rate) specifies the calculation of a service rate.	Senate only	
38	(256S.215, subdivision 8 - Companion services rate) specifies the calculation of a service rate.	Senate only	
39	(256S.215, subdivision 9 - Homemaker assistance with personal care rate) specifies the calculation of a service rate.	Senate only	
40	(256S.215, subdivision 10 - Homemaker cleaning rate) specifies the calculation of a service rate.	Senate only	
41	(256S.215, subdivision 11 - Homemaker home management rate) specifies the calculation of a service rate.	Senate only	
42	(256S.215, subdivision 12 - In-home respite care services rates) specifies the calculation of a service rate.	Senate only	
43	(256S.215, subdivision 13 - Out-of-home respite care services rates) specifies the calculation of a service rate.	Senate only	

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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44	(256S.215, subdivision 14 - Individual community living support rate) specifies the calculation of a service rate.	Senate only	
45	(256S.215, subdivision 15 - Home-delivered meals rate) specifies the calculation of a service rate.	Different. Senate sets the home-delivered meals rate at \$8.17 and the House increases the home-delivered meals rate by 15.8%.	Section 13. Home-delivered meals rate. Amends § 256S.215, subd. 15. Provides a rate adjustment for the home-delivered meals rate under the elderly waiver rate methodology. Provides a January 1, 2024, effective date.
46	(256S.215, subdivision 16 - Adult day services rate) specifies the calculation of a service rate.	Senate only	
47	(256S.215, subdivision 17 - Adult day services bath rate) specifies the calculation of a service rate.	Senate only	
		House only	Section 14. Governor’s Council on an Age-Friendly Minnesota. Amends Laws 2021, ch. 30, art. 12, § 5, as amended by Laws 2021, First Special Session ch. 7, art. 17, § 2. Extends the expiration date of the Governor’s Council on an Age-Friendly Minnesota from June 30, 2024, to June 30, 2027.
		House only	Section 15. Age-friendly Minnesota. Amends Laws 2021, First Special Session ch. 7, art. 17, § 8. Modifies the general fund base appropriations for the age-friendly community grant program and technical assistance grants for fiscal year 2025. Extends the expiration date of the grants.

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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48	(DIRECTION TO COMMISSIONER; FUTURE PACE IMPLEMENTATION FUNDING) directs the commissioner to develop recommendations for a funding mechanism for the Program for all-inclusive care for the elderly (PACE).	Technical differences, except the Senate requires the commissioner to recommend a financing mechanism and administrative framework for PACE by March 1, 2024, and the House requires those items by July 1, 2024.	Section 17. Direction to commissioner; future PACE implementation funding. Requires the commissioner of human services to: (1) work with stakeholders to undertake an actuarial analysis to establish a monthly MA rate for the program of all-inclusive care for the elderly (PACE); (2) recommend a financing mechanism and administrative framework by July 1, 2024; and (3) inform the legislature on the commissioner’s progress toward developing a recommended financing mechanism by September 1, 2024. Allows the commissioner to issue or extend an RFP to an outside vendor.
49	(DIRECTION TO COMMISSIONER OF HUMAN SERVICES; CAREGIVER RESPITE SERVICES GRANTS) authorizes the commissioner to begin implementing a newly established grant program to allow for a more seamless transition from an existing temporary grant program to a newly established permanent program.	Identical, except for a technical difference in the headnote. Staff recommends Senate language.	Section 16. Direction to commissioner of human services; caregiver respite services grants. Requires the commissioner of human services to continue a temporary respite services grant program under the new program in section 256.9756. Authorizes the commissioner to begin the grant application process in fiscal year 2024 to facilitate continuity of the grant program during the transition from a temporary to a permanent program.
50	(NURSING FACILITY FUNDING) is placeholder language creating a general fund pool which the commissioner is to use to pay temporary per resident per day rate add-ons to nursing facility payment rates, and establishes a spending requirement for facilities that they use 80 percent of the revenue from the add-on to increase compensation-related costs.	Different. Senate provides a temporary rate add-on to all nursing facilities and establishes a spending requirement for facilities to use 80 percent of the revenue from the add-on to increase compensation-related costs. House creates a onetime pool of grant funding for nursing homes to apply to the commissioner to receive.	Article 8, section 7. Appropriation; Nursing facility grants. Appropriates \$10,000,000 in each year of the FY 2024-25 biennium from the general fund to the commissioner for onetime grants to nursing facilities. Requires nursing facilities to apply to the commissioner on the forms and according to timelines established by the commissioner in order to be eligible for a grant. Requires the commissioner to develop an expedited application process, allow the use of electronic

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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			submission of application forms, and accept electronic signatures.
51	(DIRECTION TO COMMISSIONERS OF HUMAN SERVICES AND HEALTH; SMALL PROVIDER REGULATORY RELIEF) requires the commissioner to human services to consult with small assisted living providers who provide customized living to develop recommendations to reduce the regulatory burdens on these providers.	Senate only	
		House only	<p>Section 18. Rate increase for certain home and community-based services.</p> <p>Requires the commissioner of human services to increase payment rates for community living assistance and family caregiver services under alternative care, essential community supports, and elderly waiver by 15.8 percent from the rates in effect on December 31, 2023.</p> <p>Makes this section effective January 1, 2024, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>
			Section 19 moved to match Senate article 1, section 59
52	(REVISOR INSTRUCTION) is a conforming change related to the Live Well at Home grant proposal.	Identical	<p>Section 20. Revisor instruction.</p> <p>Instructs the revisor of statutes to change the section headnote for section 256B.0917 to more accurately reflect the remaining language.</p>

Comparison Summary of S.F. 2934 – Senate (S.F. 2934, third engrossment) / House (S.F. 2934, second unofficial engrossment)

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53	<p>(REPEALER)</p> <p>Paragraph (a) is a conforming change related to the Live Well at Home grant proposal.</p> <p>Paragraph (b) is a conforming change related to the CDCS budget parity proposal.</p>	<p>Senate para. (a) and House para. (b) are identical.</p> <p>Senate para. (b) is Senate only.</p> <p>House para. (a) is House only.</p>	<p>Section 21. Repealer.</p> <p>Paragraph (a) repeals Minn. Stat. § 256S.2101, subds. 1 and 2 (elderly waiver rate setting; phase-in), effective January 1, 2024.</p> <p>Paragraph (b) repeals Minn. Stat. § 256B.0917, subds. 1a, 6, 7a, and 13 (home and community-based services for older adults). This language is moved to § 256.9754.</p>