

**Bill Comparison Summary of  
Senate File 4410 (second unofficial engrossment) / Senate File 4410  
(third engrossment)**

**House Article 9: Community Supports  
Senate Article 1: Community Supports**

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**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
1	<p><b>Additional community residential setting closure requirements.</b></p> <p>Amends § 245A.04, by adding subd. 15b. Requires community residential setting license holders who voluntarily close to provide written notice to specified individuals at least 60 days prior to closure. Lists the information the notification must include. Allows the commissioner to require the license holder to work with a transitional team to assist in the proper relocation of residents. Allows the commissioner to eliminate a closure rate adjustment for violations of this subdivision.</p>	House only	
2	<p><b>Service termination.</b></p> <p>Amends § 245D.10, subd. 3a. Broadens service providers and recipients that are subject to service termination requirements under the chapter of statutes governing home and community-based services standards.</p>	<p><b>Similar</b></p> <p>If adopted, staff recommends an amendment to incorporate the preferred technical differences from the two versions.</p> <p>Both bodies are attempting to apply the existing service termination requirements to all HCBS licensed services and programs, not only to residential programs.</p> <p>Senate includes additional requirements prior to a service termination that are not included by the House. See especially paragraph (d), clause (2), item (ii), which extends certain requirements to providers that terminate services because the provider ceases to operate, and new paragraph (h).</p>	<p><b>Article 8, Section 14 (245D.10, subdivision 3a)</b> modifies the requirements for a termination of services by a home and community-based services provider licensed under Chapter 245D by clarifying that the requirements apply to basic support services in addition to intensive support services. See also the amendments to 256.045, subdivision 3. This section also requires a provider to provide a service recipient with the contact information for the ombudsman for long-term care and the ombudsman for mental illness and developmental disabilities prior to a service termination, inform the ombudsman for long-term care and the ombudsman for mental illness and developmental disabilities prior to a service termination, and requires the commissioner to provide technical assistance if a lead agency is having difficulty arranging alternative services prior to a service termination.</p>
		Senate only	<p><b>Section 1 (252.275, subdivision 4c)</b> modifies the allocation of county grants for the semi-independent living services program by carrying forward any unexpended allocations to the next</p>

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			fiscal year and reallocating the carried forward amount for grants to the Minnesota Centers for Independent Living.
		Senate only	<b>Section 2 (252.275, subdivision 8)</b> deletes obsolete language related to prior payment adjustments for the semi-independent living services program.
3	<p><b>Department of Human Services systemic critical incident review team.</b></p> <p>Amends § 256.01 by adding subd. 12b. Paragraphs (a) and (b) allow the commissioner to establish a systemic critical incident review team to review critical incidents related to vulnerable adults in facilities or services for which the Department of Human Services is the lead investigative agency; specify duties of the review team and requirements for the critical incident review process, including data collection, systemic mapping of the critical incident, and analysis of the case for systemic influences; and require the critical incident review team to aggregate data collected for purposes of data analysis and make recommendations to decrease the number and severity of critical incidents or improve the quality of the home and community-based system.</p> <p>Paragraphs (c), (d), and (e) specify case selection committee requirements and data and disclosure prohibitions.</p> <p>Paragraph (f) requires the commissioner to prepare an annual public report containing specified information related to cases reviewed and recommendations made to the commissioner regarding systemic changes that could be made to decrease the</p>	<p>Technical differences Staff recommends House</p>	<p><b>Article 8, Section 32 [256.01, subdivision 12b, paragraphs (a) to (c)]</b> establishes a Department of Human Services Systemic Critical Incident Review Team to identify systemic influences on critical incidences involving vulnerable adults, analyze compiled data on such incidences, and make recommendations regarding systematic changes that would decrease the number and severity of critical incidents and improve the quality of the home and community-based services system.</p> <p><b>Paragraph (d)</b> classifies the data, proceedings, and records of the review team as protected nonpublic data under Minnesota Statutes, section 13.02, and provides certain protections against discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing.</p> <p><b>Paragraph (e)</b> requires the commissioner to produce an annual critical incident public report.</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	number and severity of critical incidents or improve the quality of home and community-based services.		
4	<p><b>State agency hearings.</b> Amends § 256.045, subd. 3. Provides for appeals of home and community-based service terminations for persons living in own-home settings.</p>	Identical	<p><b>Article 8, Section 33 (256.045, subdivision 3, paragraph (a), clause (12))</b> modifies the statute governing state agency hearings to clarify that a person issued a service termination notice for basic support services by a home and community-based service provider licensed under Chapter 245D may request a hearing to challenge the termination on the grounds specified in paragraph (e).</p>
		Senate only	<p><b>Section 3 [256.4791]</b> establishes a grant program for community organizations to address violence prevention, connect with youth and community members, and provide street outreach services, and to also provide trauma-responsive care and access to individual or group therapy services, including community healing.</p>
		Senate only	<p><b>Section 4 [256.4792]</b> requires providers of substance use disorder services and homelessness services to incorporate employment services into programs for clients.</p>
		Senate only	<p><b>Section 5 [256.4795]</b> establishes a residential setting closure prevention grant program to assist nursing facilities, certain assisted living facilities, ICF/DDs, adult foster care settings, community residential settings, and integrated community supports settings in financial distress to stay open at least long enough to comply with applicable termination of service requirements.</p>

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5	<p><b>Definitions.</b> Amends § 256B.0651, subd. 1. Adds definitions of “care coordination” and “care evaluation” to the statutes governing MA home care services.</p> <p>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.</p>	House only	
6	<p><b>Services covered.</b> Amends § 256B.0651, subd. 2. Adds care coordination and care evaluation to the list of covered services under MA home care services.</p> <p>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.</p>	House only	
7	<p><b>Limits on services without authorization.</b> Amends § 256B.0651, subd. 11. Establishes limits on care evaluation and care coordination services.</p> <p>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.</p>	House only	

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8	<p><b>Noncovered home health agency services.</b> Amends § 256B.0653, subd. 6. Makes an exception allowing care evaluation to be eligible for payment under MA home health agency services.</p> <p>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.</p>	House only	
9	<p><b>Definitions.</b> Amends § 256B.0659, subd. 1. Specifies traveling includes driving and accompanying the recipient according to the recipient’s care plan in the definition of “instrumental activities of daily living” under the PCA program. Makes technical changes to the definition of “behavior.”</p> <p>Provides an effective date of within 90 days following federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>	Identical	<p><b>Section 6 (256B.0659, subdivision 1, paragraph (i))</b> modifies the definition of instrumental activities of daily living for the purposes of the PCA program, resulting in driving and accompanying a service recipient while traveling being a reimbursable activity.</p>
10	<p><b>Documentation of PCA services provided.</b> Amends § 256B.0659, subd. 12. Modifies the list of items that must be included on the PCA time sheet to include documentation of travel including start and stop times, the origination site, and the destination site.</p> <p>Provides an effective date of within 90 days following federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.</p>	Identical	<p><b>Section 7 (256B.0659, subdivision 12)</b> requires documentation of driving and travel provided by PCAs.</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

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		Senate only  NOTE: Both bodies propose increasing the non-enhanced PCA rate, which would interact with this proposal.	<b>Section 8 (256B.0659, subdivision 17a)</b> modifies the existing enhanced rate for PCA services provided to individuals assessed to require 10 or more hours of services per day 107.5% to 143% of the non-enhanced PCA rate.
11	<b>PCA choice option; qualifications; duties.</b> Amends § 256B.0659, subd. 19. Removes obsolete language and modifies the duties the responsible party must perform to include ensuring that a PCA driving a recipient has a valid driver’s license and the vehicle used is registered and insured according to Minnesota law.  Provides an effective date of within 90 days following federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.	Identical	<b>Section 9 (256B.0659, subdivision 19)</b> requires a PCA recipient using the PCA choice program to ensure that a PCA driving the recipient has a valid driver’s license and the vehicle driven is insured.
12	<b>PCA provider agency; general duties.</b> Amends § 256B.0659, subd. 24. Modifies the duties of a PCA provider agency to include ensuring that any PCA driving a recipient has a valid driver’s license and that the vehicle used is registered and insured according to Minnesota law.  Provides an effective date of within 90 days following federal approval. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.	Identical	<b>Section 10 (256B.0659, subdivision 24)</b> requires a PCA provider agency to ensure that a PCA driving the recipient has a valid driver’s license and the vehicle driven is insured.
		Senate only	<b>Section 11 [256B.0909]</b> establishes a new procedure lead agencies must follow prior to denying, reducing, suspending, or terminating a person's access to or eligibility for certain long-term care services and supports. The procedure must give the person an opportunity to respond to a notice of intent to deny,

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			reduce, suspend, or terminate long-term care services and supports, and participate in a decision review with a representative of the lead agency.
13	<p><b>Community residential setting notice of closure; planning process.</b></p> <p>Amends § 256B.092, by adding subd. 15. Sets out lead agency and county social services agency requirements after receiving notice of a community residential setting’s intent to terminate services due to closure.</p>	House only	
		Senate only	<p><b>Section 12 (256B.49, subdivision 13, paragraph (a), clause (1))</b> modifies the required elements of case management services provided to recipients of BI, CAC, and CADI waiver services to include prior to finalizing a coordinated service and support plan consideration of the recommendations of a provider or proposed provider regarding the amount and frequency of customized living services.</p> <p><b>Paragraph (e)</b> modifies the existing education requirements for case managers to include education regarding the commissioner’s standards and documentation requirements for determining the amount and frequency of customized living services.</p>
		Senate only	<p><b>Section 13 (256B.49, subdivision 15, paragraph (a), second sentence)</b> requires a case manager providing case management services to a recipient of customized living services under the BI or CADI waiver to provide a written policy or clinical justification in the recipient’s coordinated service and support plan when the case manager deviates from the recommendations of the</p>



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			<p>provider or proposed provider regarding the amount and frequency of customized living component services to be authorized for the recipient.</p> <p><b>Third sentence</b> establishes an agency hearing if a recipient of customized living services under the BI or CADI waivers believes that the amount and frequency of customized living services identified by the recipient’s case manager in the recipient’s coordinated service and support plan are not based on the recipient’s assessed needs, preferences, and available resources.</p>
14	<p><b>Community residential setting; notice of closure; planning process.</b></p> <p>Amends § 256B.49, by adding subd. 30. Sets out lead agency and county social services agency requirements after receiving notice of a community residential setting’s intent to terminate services due to closure.</p>	House only	
		Senate only	<p><b>Section 14 [256B.4909, subdivision 1]</b> establish a framework for homemaker services provided under the disability waivers, EW, AC, and ECS.</p> <p><b>Subdivision 2</b> defines “homemaker services.”</p> <p><b>Subdivision 3, paragraph (a)</b> requires the rates for homemaker services to be determined according to the existing elderly waiver rate methodology for elderly waiver homemaker services codified in Chapter 256S.</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

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			<p><b>Paragraph (b)</b> requires the base wage index related to homemaker rates to be updated November 1, 2024 based on the most recently available wage data from the Bureau of Labor Statistics (likely spring 2024).</p> <p><b>Subdivision 4</b> requires providers to use 80 percent of the marginal increase in provider revenue resulting from the implementation of the rate increases under this section to increase compensation-costs, defines compensation-costs, and requires a distribution plan describing how the provider will pass-through the required 80 percent of increased marginal revenue in the form of compensation.</p>
		Senate only	<p><b>Section 15 (256B.4911, subdivision 3, paragraph (a), clause (2))</b> sunsets an existing consumer-directed community supports budget exception when the new budget exception under subdivision 4, paragraph (d) is implemented.</p>
		Senate only	<p><b>Section 16 (256B.4911, subdivision 4, paragraph (d))</b> requires the commissioner of human services to create a consumer-directed community supports budget exception process for individuals moving out of licensed community residential settings for whom the existing CDCS budget would be insufficient to meet the person’s residential service needs when the person lives in the person’s own home.</p>
15	<p><b>Services provided by parents and spouses.</b> Amends § 256B.4911, by adding subd. 6. Paragraph (a) limits MA payments under consumer-directed community supports</p>	Identical	<p><b>Section 17 [256B.4911, subdivision 6]</b> modifies the requirements of the CDCS option under the alternative care program, the disability waivers, the elderly waiver, and the</p>

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	<p>(CDCS) for personal assistance services provided by a parent to the parent’s minor child or by a spouse. Lists the programs to which this limit applies.</p> <p>Paragraph (b) defines “parent” for purposes of this subdivision.</p> <p>Paragraph (c) specifies the maximum number of hours parents may provide personal assistance services to a minor child in a seven-day period if multiple parents are providing services.</p> <p>Paragraph (d) specifies the maximum number of hours a parent may provide services to a minor child in a seven-day period if only one parent is providing services.</p> <p>Paragraph (e) specifies the maximum number of hours of service a spouse may provide in a seven-day period.</p> <p>Paragraph (f) prohibits this subdivision from being construed as permitting an increase in the total authorized CDCS budget for an individual.</p> <p>Provides a July 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.</p>		<p>Minnesota senior health option by increasing the number of hours of service in a week parents may provide to their minor child or spouses to their spouse.</p>
		Senate only	<p><b>Section 18 (256B.4914, subdivision 3)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.</p>

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		Senate only	<b>Section 19 (256B.4914, subdivision 4)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.
		Senate only	<b>Section 20 (256B.4914, subdivision 5)</b> modifies DWRS by adding an additional base wage adjustment in 2023, and modifying the dates and data used for already enacted future base wage adjustments.
16	<p><b>Unit-based services with programming; component values and calculation of payment rates.</b></p> <p>Amends § 256B.4914, subd. 8, as amended by Laws 2022, ch. 33, § 1. Modifies shared services for individualized home supports with training and individualized home supports with family training under the Disability Waiver Rate System (DWRS).</p> <p>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.</p>	<p><b>Different</b></p> <p><b>Paragraph (c)</b> and its effective date are Senate only.</p> <p><b>Paragraph (d)</b> are identical.</p>	<p><b>Section 21 (256B.4914, subdivision 8, paragraph (c))</b> modifies the definition of a unit of service for the purposes of individualized home supports with training to allow for billing in one-hour units.</p> <p><b>Paragraph (d), clause (14), item (iii)</b> increases from two to three the number of recipients who may share individualized home supports with training or individualized home supports with family training.</p>
17	<p><b>Unit-based services without programming; component values and calculation of payment rates.</b></p> <p>Amends § 256B.4914, subd. 9, as amended by Laws 2022, ch. 33, § 1. Modifies shared services for individualized home supports without training under DWRS.</p> <p>Provides a January 1, 2023, effective date, or upon federal approval, whichever is later. Requires the commissioner of</p>	Identical	<b>Section 22 (256B.4914, subdivision 9)</b> increases from two to three the number of recipients who may share individualized home supports without training.

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

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	human services to notify the revisor of statutes when federal approval is obtained.		
		Senate only	<b>Section 23 (256B.4914, subdivision 10)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.
		Senate only	<b>Section 24 (256B.4914, subdivision 10a)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.
		Senate only	<b>Section 25 (256B.4914, subdivision 12)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.
		Senate only	<b>Section 26 (256B.4914, subdivision 14)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.
		Senate only	<p><b>Section 27 to section 32</b> modifies the procedure governing <i>planned closures</i> of adult foster care settings and community residential settings.</p> <p><b>Section 27 (256B.493, subdivisions 4, paragraph (b))</b> modifies the existing prioritization of planned closure application consideration by requiring the commissioner to give priority to applications that demonstrate alternative services are secured for residents to be relocated and that the provider has demonstrated that the residents to be relocated have been referred to the Centers for Independent Living.</p>

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			<p><b>Paragraph (c)</b> requires the commissioner to withhold final approval of a conditionally approved planned closure until every individual impacted by the planned closure has an established plan to receive services in a setting no more restrictive than the setting that is closing.</p>
		Senate only	<p><b>Section 28 (256B.493, subdivision 5)</b> increases from 45 to 90 the number of prior days’ notice a provider must give lead agencies, residents, legal representatives of residents and family members before implementation of a conditionally approved planned closure.</p>
		Senate only	<p><b>Section 29 [256B.493, subdivision 5a]</b> modifies the procedure governing planned closures requiring the commissioner of human services to notify the Minnesota Centers for Independent Living within 5 days of the commissioner conditionally approving a planned closure.</p>
		Senate only	<p><b>Section 30 [256B.493, subdivision 5b]</b> requires the commissioner to withhold final approval of a conditionally approved planned closure until the license holder submits proof to the commissioner that all parties the license holder was required to inform of a conditionally approved closure plan were notified at least 90 days prior to implementation of the closure; resident, legal representative and families were informed to the resident’s appeal rights; residents were given the option to live in the geographic area of their choice; and residents were given the option to live in a community residential setting or in their own homes.</p>

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		Senate only	<b>Section 31 (256B.493, subdivision 6)</b> makes a conforming change.
		Senate only	<b>Section 32 (256B.493, subdivision 7)</b> requires the commissioner to provide to the provider written confirmation of a license termination or satellite license termination following final approval of a planned closure.
		Senate only	<b>Section 33 [256B.5012, subdivision 19]</b> increases all ICF/DD daily operating payment rates by \$50 effective July 1, 2022.
		Senate only	<b>Section 34 [256B.5012, subdivision 20]</b> after the application of \$50 daily operating payment rate increase for ICF/DDs described in section 256B.5012, subdivision 19, establishes a daily operating payment floor of \$300 for class A facilities and \$400 for class B facilities.
		Senate only	<b>Section 35 [256B.5012, subdivision 21]</b> requires that at least 80% of the marginal increase in revenue resulting from implementation of the ICF/DD rate increases in section 256B.5012, subdivision 19 and 20, be used by the ICF/DD facility to increase compensation-related costs for eligible employees, defines eligible employees and compensation related costs, and requires a distribution plan posted in a location accessible to all employees.
18	<b>Community first services and supports; covered services.</b> Amends § 256B.85, subd. 7. Modifies the list of covered services under community first services and supports (CFSS) by removing the existing limits on the number of hours of service a	Identical	<b>Section 36 (256B.85, subdivision 7)</b> makes conforming changes related to the CFSS parent and spouse service hour modifications in 256B.85, subdivision 7b.

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

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	<p>parent can provide to a minor child. Increased limits on the number of hours of service a parent can provide to a minor child are specified in the new subdivision 7b.</p> <p>Provides a July 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.</p>		
		<p>Senate only</p> <p>NOTE: Both bodies propose increasing the non-enhanced CFSS rate, which would interact with this proposal.</p>	<p><b>Section 37 (256B.85, subdivision 7a)</b> increases the existing enhanced rate for CFSS services provided to individuals assessed to require 10 or more hours of services per day from 107.5% to 143% of the non-enhanced CFSS rate.</p>
19	<p><b>Services provided by parents and spouses.</b></p> <p>Amends § 256B.85, by adding subd. 7b. Paragraph (a) specifies the services and supports to which this subdivision applies.</p> <p>Paragraph (b) specifies the maximum number of hours parents may provide personal assistance services to a minor child in a seven-day period if multiple parents are providing services.</p> <p>Paragraph (c) specifies the maximum number of hours a parent may provide services to a minor child in a seven-day period if only one parent is providing services.</p> <p>Paragraph (d) specifies the maximum number of hours of service a spouse may provide in a seven-day period.</p> <p>Paragraph (e) prohibits this subdivision from being construed as permitting an increase in either the total authorized CFSS</p>	Identical	<p><b>Section 38 [256B.85, subdivision 7b]</b> modifies the requirements of CFSS by increasing the number of hours of service in a week parents may provide to their minor child or spouses to their spouse.</p>



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	<p>budget for an individual or the total number of authorized service units.</p> <p>Paragraph (f) prohibits a parent or spouse from receiving a wage that exceeds the current rate for a CFSS support worker, including the wage, benefits, and payroll taxes.</p> <p>Provides a July 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.</p>		
20	<p><b>Determination of CFSS service authorization amount.</b> Amends § 256B.85, subd. 8. Makes a conforming cross-reference change.</p> <p>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.</p>	House only	
21	<p><b>Payment rates; component values.</b> Amends § 256B.851, subd. 5. Modifies the implementation components for PCA services, CFSS, enhanced rate PCA services, enhanced rate CFSS, qualified professional services, and CFSS worker training and development under the PCA/CFSS payment rate methodology.</p> <p>Provides a January 1, 2023, effective date, or 60 days following federal approval, whichever is later. Requires the commissioner</p>	<p><b>Different</b> Senate increases the implementation factor by 8.05 <i>percentage points</i>; House increases it by 4.05 <i>percentage points</i>.</p>	<p><b>Section 39 (256B.851, subdivision 5)</b> increases PCA and CFSS payment rates by increasing the implementation factor by 8.05 percentage points.</p>

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	of human services to notify the revisor of statutes when federal approval is obtained.		
22	<p><b>Moratorium on development of housing support beds.</b> Amends § 256I.04, subd. 3. Modifies the housing support bed moratorium exceptions by expanding the exception for supportive housing units in the metro area for homeless adults with mental illness, a history of substance abuse, or HIV/AIDS to allow for more supportive housing units and to include additional counties (Carver, Scott, and Washington counties). Removes language requiring 70 percent of the supportive housing units to serve homeless adults who are about to be, or within the last six months have been, discharged from a regional treatment center, a state-contracted psychiatric bed in a community hospital, or a residential mental health or chemical dependency treatment program. Removes obsolete language.</p> <p>Adds paragraph (c), which requires the appropriation for the housing support bed moratorium exceptions to include administrative funding equal to the cost of two FTEs to process eligibility and requires the commissioner to disburse administrative funding to the fiscal agent for counties.</p>	<p><b>Different</b></p> <p>In para. (a), clause (3), House increases from 226 to 500 the number of available units available under this exception; Senate does not. The remainder of the changes include technical differences.</p> <p>House adds para. (c), which requires the appropriation for this purpose to include funding for 2 FTEs to process eligibility; Senate does not.</p>	<p><b>Section 40 (256I.04, subdivision 3)</b> modifies an existing housing support moratorium exception by permitting the supportive housing units to be developed in additional metropolitan counties and by removing certain restrictions on the individuals who may be served in the newly developed supportive housing units. This proposal DOES NOT increase the number of units available under this moratorium exception.</p>
		Senate only	<b>Section 41 [256I.05, Subdivision 1s]</b> permits Douglas County to negotiate a supplemental rate for a housing support provider.
23	<p><b>Authorization of elderly waiver services and service rates.</b> Amends § 256S.16, by adding subd. 2. Requires the commissioner to provide a rate system for shared homemaker services and shared chore services, based on rates under the</p>	<p>Technical difference Staff recommends Senate</p>	<b>Article 2, section 15 (256S.16, subdivision 2)</b> requires the commissioner to establish a rate system for shared homemaker and chore services provided under the elderly waiver.

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	elderly waiver. Specifies rate limits for services shared by two and three persons. Specifies these rates only apply when all of the criteria for shared services have been met.		
24	<p><b>Case mix classifications.</b> Amends § 256S.18, subd. 1. Makes a conforming cross-reference change.</p> <p>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.</p>	House only	
			<p><b>Section 42 (Laws 2014, chapter 312, article 27, section 75)</b> repeals the DT&amp;H county grants enacted in 2014.</p>
25	<p><b>Membership.</b> Amends Laws 2021, First Special Session ch. 7, art. 17, § 14, subd. 3. Increases task force membership from 16 to 20 members. Adds a member who is a person with disabilities who at the time of appointment is being paid a subminimum wage and adds three members who are parents or guardians of persons with disabilities.</p> <p>Provides an immediate effective date. Requires the commissioner of human services to make the additional appointment required under this section within 30 days following final enactment.</p>	<p><b>Different</b> Subdivision 3 is identical</p> <p>While the Senate amends the membership of the task force in a manner identical to the House, the Senate also modifies the duties of the task force, primarily by removing references to “eliminating” the subminimum wage.</p>	<p><b>Section 43 (Laws 2021, First Special Session chapter 7, article 17, section 14)</b> modifies the membership and the duties of the Task Force on Subminimum Wages.</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
26	<p><b>Base wage index; calculations.</b> Amends Laws 2022, ch. 33, § 1, subd. 5a. Modifies the base wage index calculation for employment exploration services staff under DWRS.</p> <p>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.</p>	<p><b>Different</b></p> <p>Clause (14) is identical Clause (18) is Senate only</p>	<p><b>Section 44 (Laws 2022, chapter 33, 256B.4914, subdivision 5a, clause (14))</b> modifies the rates for employment exploration services by setting them equal to employment development services.</p> <p><b>Clause (18)</b> makes a conforming change related to establishing a market rate for respite services provided under the disability waivers.</p>
		Senate only	<p><b>Section 45 (Laws 2022, chapter 33, 256B.4914, subdivision 5b)</b> modifies DWRS by adding an additional adjustment to certain component values in 2023, and modifying the dates and data used for already enacted future adjustments to those component values.</p>
		Senate only	<p><b>Section 46 (Laws 2022, chapter 33, 256B.4914, subdivision 5c)</b> makes a conforming change related to fully implementing the competitive workforce factor.</p>
		Senate only	<p><b>Section 47 (Laws 2022, chapter 33, 256B.4914, subdivision 5d)</b> makes a conforming change to DWRS related to fully implementing the competitive workforce factor.</p>
		Senate only	<p><b>Section 48 (Laws 2022, chapter 33, 256B.4914, subdivision 5e)</b> modifies an existing requirement that at least 80 percent of the marginal increase in revenue from already enacted future DWRS inflation and base wage index adjustments be used to increase compensation-related costs by including in these existing requirements the additional inflation, base wage, and</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
			competitive workforce adjustments implemented on January 1, 2023 and January 1, 2025.
		Senate only	<b>Section 49 [Laws 2022, chapter 33, 256B.4914, subdivision 5f]</b> effective beginning January 1, 2023, fully implements on a rolling basis the competitive workforce factor (CWF) within the DWRS framework, requires a biennial update, and limits future reductions in the CWF.
27	<p><b>Respite services; component values and calculation of payment rates.</b> Amends Laws 2022, ch. 33, § 1, subd. 9a. Includes in the respite services payment rate calculation night supervision provided in a shared manner.</p> <p>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.</p>	<p><b>Different</b></p> <p>Senate repeals DWRS rates for respite; House does not.</p>	<b>Section 61 (REPEALER)</b> modifies DWRS by repealing the framework rate for respite services, thereby setting a market rate for respite services provided under the disability waivers.
		Senate only	<b>Section 50 (256B.4914, subdivision 10c)</b> removes the requirement that the commissioner of human services make recommendations to the legislature regarding the implementation of the competitive workforce factor since the competitive workforce factor is fully implemented in section 256B.4914, subdivision 5f, but preserves the commissioner’s duty to submit a report to the legislature concerning the competitive workforce factor.
		Senate only	<b>Section 51 (Laws 2022, chapter 40, section 6)</b> modifies the eligible settings to which temporary staff may be deployed to

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
			include the homes of certain individuals receiving home and community-based services.
28	<p><b>Appropriation; temporary staffing pool.</b> Amends Laws 2022, ch. 40, § 7. Increases the appropriation for the temporary staffing pool and allows for carryforward of the appropriation until September 30, 2023.</p> <p>Provides an immediate effective date.</p>	<p><b>Different</b></p> <p>The Senate increase the appropriation by \$4,116,000; the House by \$2,152,000.</p> <p>Senate extends the availability of the additional funding to June 20, 2023; the House until September 30, 2023.</p>	<p><b>Article 18, section 12 (Laws 2022, chapter 40, section 7)</b> increases the appropriation for the temporary staffing pool passed this session and makes the entire appropriation available until June 30, 2023.</p>
29	<p><b>Workforce incentive fund grants.</b> Establishes workforce incentive fund grants for behavioral health, housing, disability, and home and community-based older adult providers to assist with recruiting and retaining direct support and frontline workers.</p> <p><b>Subd. 1. Grant program established.</b> Requires the commissioner of human services to establish grants for behavioral health, housing, disability, and home and community-based older adult providers to assist with recruiting and retaining direct support and frontline workers.</p> <p><b>Subd. 2. Definitions.</b> Defines terms for purposes of this section including “commissioner,” “eligible worker,” and “eligible employer.”</p> <p><b>Subd. 3. Allowable uses of grant money.</b> Lists allowable uses of funds under the workforce incentive fund grant program. Requires the commissioner to: (1) develop a grant cycle distribution plan that allows for equitable distribution</p>	House only	

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	<p>of funding among eligible employer types; and (2) make efforts to prioritize Black, Indigenous, and people of color-owned and small to midsize eligible employers.</p> <p><b>Subd. 4. Attestation.</b> Requires an eligible employer to attest to certain conditions as a condition of obtaining a workforce incentive grant payment.</p> <p><b>Subd. 5. Audits and recoupment.</b> Allows the commissioner to perform an audit up to six years after a grant is awarded under this section to ensure the grantee used funds solely for allowed purposes, was truthful when making attestations, and complied with the conditions of receiving a workforce incentive grant. Allows the commissioner to treat any amount used for a purpose not authorized under this section as an overpayment and requires the commissioner to recover overpayments.</p> <p><b>Subd. 6. Self-directed services workforce.</b> Specifies that grants paid to employees providing covered services under the quality self-directed services workforce provision do not constitute a change in term or condition and are not subject to the state’s obligation to meet and negotiate under the chapter of statutes governing public employment labor relations.</p> <p><b>Subd. 7. Grants not to be considered income.</b> Excludes the workforce incentive grants from being counted as income for income tax purposes. Prohibits grants awarded under this section from being considered income, assets, or personal property for purposes of determining eligibility for various economic assistance and health care programs.</p>		

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Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	Provides a July 1, 2022, effective date.		
30	<p><b>Direct Care Services Corps pilot project.</b></p> <p><b>Subd. 1. Establishment.</b> Requires HealthForce Minnesota at Winona State University to develop a pilot project establishing the Minnesota Direct Care Service Corps and financial incentives and minimum work requirements for the project. Requires the financial incentives to increase with each semester that the student participates in the Minnesota Direct Care Service Corps.</p> <p><b>Subd. 2. Pilot sites.</b> Specifies where the pilot sites must be located within the state and specifies the duties of pilot sites.</p> <p><b>Subd. 3. Evaluation and report.</b> Requires HealthForce Minnesota to evaluate the pilot project’s impact on health care costs, retention of PCAs, and patients’ and providers’ satisfaction. Specifies additional information that must be included in the evaluation. Requires HealthForce Minnesota to report the evaluation findings to the legislative committees with jurisdiction over human services policy and finance by January 4, 2024.</p>	House only	
31	<p><b>Direction to the commissioner of human services; life-sharing services.</b></p> <p>This section directs the commissioner of human services to develop recommendations for establishing life sharing as a covered MA waiver service.</p>	<p>Similar</p> <p>Senate requires the commissioner to host cofacilitated meetings through December 31, 2023; the House through October 31, 2023.</p>	<p><b>Section 59 (DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; LIFE-SHARING SERVICES)</b> directs the commissioner of human services to develop a life sharing service model as a covered waiver service.</p>



**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	<p><b>Subd. 1. Recommendation required.</b> Requires the commissioner of human services to develop recommendations for life sharing as a covered MA waiver service.</p> <p><b>Subd. 2. Definition.</b> Defines “life sharing.”</p> <p><b>Subd. 3. Stakeholder engagement and consultation.</b> Paragraph (a) requires the commissioner to solicit participation in the development of life-sharing MA service through a stakeholder engagement process that results in the inclusion of a diverse group of stakeholders from listed groups.</p> <p>Paragraph (b) requires the commissioner to seek input into and assistance with the development of recommendations for establishing the life-sharing service from interested stakeholders.</p> <p>Paragraph (c) requires the commissioner to provide a method to cofacilitate public meetings with interested stakeholders. Requires the first meeting to occur before January 31, 2023, and requires the commissioner to host monthly meetings through October 31, 2023. Requires all meetings to be accessible to all stakeholders, recorded, and posted online within one week of the meeting date.</p> <p><b>Subd. 4. Required topics to be discussed during the development of the recommendations.</b> Lists topics that must be discussed during the development of the recommendations on developing life sharing as a covered MA waiver service.</p>		

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	<p><b>Subd. 5. Report to the legislature.</b> By December 31, 2023, requires the commissioner to provide the legislative committees with jurisdiction over direct care services a report that includes the commissioner’s recommendations and any draft legislation necessary to define and implement life-sharing services.</p>		
32	<p><b>Task Force on Disability Services Accessibility.</b></p> <p><b>Subd. 1. Establishment; purpose.</b> Establishes the Task Force on Disability Services Accessibility to evaluate the accessibility of current state and county disability services and to develop and evaluate plans to address barriers to accessibility.</p> <p><b>Subd. 2. Definitions.</b> For purposes of this section, defines the terms “accessible,” “commissioner,” “disability services,” “lead agency,” and “task force.”</p> <p><b>Subd. 3. Membership.</b> Lists the 24 members of the task force. Requires task force membership to reflect geographic parity throughout the state and to include representation from Black and Indigenous communities and communities of color. Specifies that the membership terms, compensation, expense reimbursement, and removal and filling of vacancies of task force members are subject to the statutory provisions governing advisory councils and committees.</p> <p><b>Subd. 4. Appointment deadline; first meeting; chair.</b> Requires appointing authorities to make selections by August 1, 2022; requires the commissioner of human services to convene the first meeting of the task force by</p>	House only	

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Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	<p>September 15, 2022; and requires the task force to select a chair from among its members at its first meeting.</p> <p><b>Subd. 5. Goals.</b> Lists the goals of the task force.</p> <p><b>Subd. 6. Duties; plan and recommendations.</b> Paragraphs (a) and (b) list duties of the task force, including developing a plan to conduct an accessibility assessment of disability services provided by lead agencies and DHS; and list the information that must be included in the assessment and, for purposes of the assessment, list the activities that are included in disability services.</p> <p>Paragraph (c) requires the task force to collaborate with certain other entities to develop recommendations from the findings of the assessment and to create changes to county and state services to improve outcomes for people with disabilities. Lists the items that must be included in the recommendations.</p> <p>Paragraph (d) requires the task force to oversee preparation of a report outlining the findings from the accessibility assessment and the recommendations developed as a result of the assessment.</p> <p><b>Subd. 7. Report.</b> Requires the task force to submit a report by September 30, 2023, with recommendations to the legislative committees with jurisdiction over health and human services. Requires the report to include any changes to statutes, laws, or rules required to implement the recommendations of the task force and to include a</p>		

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Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	<p>recommendation concerning continuing the task force beyond its scheduled expiration.</p> <p><b>Subd. 8. Administrative support.</b> Requires the commissioner of human services to provide meeting space and administrative services to the task force.</p> <p><b>Subd. 9. Expiration.</b> Provides that the task force expires on June 30, 2023.</p>		
33	<p><b>Direction to commissioner; shared services.</b></p> <p>Paragraph (a) requires the commissioner of human services to seek any necessary changes to HCBS waiver plans regarding shared services by December 1, 2022.</p> <p>Paragraph (b) requires the commissioner to develop or provide certain guidance regarding shared services.</p> <p>Paragraph (c) requires the commissioner to seek and utilize stakeholder input for any proposed changes to waiver plans and shared services guidance.</p>	<p>Technical difference Staff recommends House</p>	<p><b>Section 58 (DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; SHARED SERVICES)</b> directs the commissioner to submit any required waiver amendments for implementation of the requirements for shared services proposed elsewhere in this article, and to develop guidance for individuals seeking to establish shared service arrangements.</p>
34	<p><b>Direction to commissioner; disability waiver shared services rates.</b></p> <p>Requires the commissioner of human services to provide a rate system for shared homemaker services and shared chore services provided under the MA disability waivers. Sets rate limits for two and three persons sharing services. Specifies these rates apply only when all of the criteria for the shared service have been met.</p>	<p>Technical difference Staff recommends Senate</p>	<p><b>Section 57 (DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; DISABILITY WAIVER SHARED SERVICES RATES)</b> requires the commissioner to provide a rate system for shared homemaker and chore services provided under the disability waivers.</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
35	<p><b>Direction to commissioner; consumer-directed community supports.</b></p> <p>Requires the commissioner of human services to increase individual budgets for people receiving CDCS available under the MA HCBS waivers by 2.8 percent.</p> <p>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.</p>	<p><b>Different</b></p> <p>Senate increases CDCS budgets to accommodate increased enhanced PCA rates; House increases rates for all CDCS participants.</p>	<p><b>Section 52 (PERSONAL CARE ASSISTANCE ENHANCED RATE FOR PERSONS WHO USE CONSUMER-DIRECTED COMMUNITY SUPPORTS)</b> makes a conforming change related to the enhanced rates for CFSS and PCA services provided to people assessed to need ten or more hours of service to ensure that individuals using a self-directed option have adequate budgets to pay their employees the enhanced rate.</p>
		Senate only	<p><b>Section 53 (RATE INCREASE FOR CERTAIN HOME CARE SERVICES)</b></p> <p><b>Subdivision 1</b> establishes a 14% rate increase for home health aide visits and a 38.8 % percentage increases for respiratory therapy services, home health services, and home care nursing.</p> <p><b>Subdivision 2</b> requires that at least 80% of the marginal increase in revenue resulting from implementation of the home care rate increases be used by home care providers to increase compensation-related costs for eligible employees, defines eligible employees and compensation related costs, and requires a distribution plan posted in a location accessible to all employees.</p>
		Senate only	<p><b>Section 54 (DIRECTION TO COMMISSIONER OF HUMAN SERVICES; ADDITIONAL DWRS RATE INCREASES)</b></p> <p><b>Subdivision 1</b> establishes a \$253,001,000 three-year appropriation target for increased spending in DWRS</p>

**Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)**

Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
			<p>and directs the commissioner to make specific rate adjustments until the target is reached.</p> <p><b>Subdivision 2</b> subjects the additional provider revenue resulting from implementation of rate increases under this section to the same requirements resulting from rate increases under 256B.4914.</p>
		Senate only	<p><b>Section 55 (DIRECTION TO THE COMMISSIONER; APPLICATION OF ICF/DD RATE INCREASES)</b> clarifies for the commissioner the order in which to apply the ICF/DD rate increases included elsewhere in this article.</p>
		Senate only	<p><b>Section 56 (DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; BUDGET EXCEPTIONS FOR COMMUNITY RESIDENTIAL SETTINGS)</b> requires the commissioner of human services to take steps to inform individuals, families, and lead agencies about the availability of a CDCS budget exception for individuals currently residing in community residential settings and to widely disseminate instructions to apply for the budget exceptions.</p>
36	<p><b>Direction to commissioner; direct support services workforce collective bargaining.</b></p> <p>Directs the commissioner of management and budget to meet and negotiate with the exclusive representative of individual direct support services providers to establish a mutually acceptable increase in wages and benefits made possible by the PCA rate increase. Requires any agreed upon contract amendment to be submitted for acceptance or rejection according to the direct support services workforce statute and</p>	House only	

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Section	HOUSE Article 9: Community Supports		SENATE Article 1: Community Supports
	makes the contract amendment subject to an appropriation by the legislature.		
37	<p><b>Direction to commissioner; intermediate care facilities for persons with disabilities rate study.</b></p> <p>Requires the commissioner of human services to study MA payment rates for ICFs/DD; make recommendations on establishing a new payment rate methodology for these facilities; and submit a report to the legislature by February 15, 2023, that includes recommendations and any draft legislation necessary to implement the recommendations.</p>	House only	
		Senate only	<p><b>Section 60 (DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; FINANCIAL MANAGEMENT SERVICES)</b> requires the commissioner of human services to reopen and leave open a prior request for proposals related to contracting to provide financial management services to individuals self-directing their long-term care services. The reopened RFP must remain open until the next request for proposals is published, and the commissioner must contract with all qualifying applicants under the reopened RFP.</p>