

1.1 ..... moves to amend H.F. No. 3729 as follows:

1.2 Page 8, delete section 20 and insert:

1.3 "Sec. 20. NURSING FACILITY FUNDING.

1.4 (a) Effective July 1, 2022, through December 31, 2024, the total payment rate for all  
1.5 facilities reimbursed under this section shall be increased by \$52.11 per resident day.

1.6 (b) To be eligible to receive a payment under this section, a nursing facility must attest  
1.7 to the commissioner of human services that the additional revenue will be used exclusively  
1.8 to increase compensation-related costs for employees directly employed by the facility on  
1.9 or after July 1, 2022, except:

1.10 (1) owners of the building and operation;

1.11 (2) persons employed in the central office of an entity that has any ownership interest  
1.12 in the nursing facility or exercises control over the nursing facility; and

1.13 (3) persons paid by the nursing facility under a management or vendor contract.

1.14 (c) Contracted housekeeping, dietary, and laundry employees providing services on site  
1.15 at the nursing facility are eligible for increases under this section as long as the agency that  
1.16 employs them submits to the nursing facility proof of the costs of increases provided to  
1.17 those employees that comply with paragraph (d).

1.18 (d) For purposes of this section, compensation-related costs include:

1.19 (1) permanent new increases to wages and salaries implemented after July 1, 2022, and  
1.20 paid out to employees no later than December 31, 2024; and

1.21 (2) the employer's share of FICA taxes, Medicare taxes, state and federal unemployment  
1.22 taxes, PERA, workers' compensation, and pension and employee retirement accounts directly

2.1 associated with the wage and salary increases in clause (1), incurred and paid for no later  
2.2 than December 31, 2024.

2.3 (e) No later than September 1, 2022, a facility that receives a rate increase under this  
2.4 section must: (1) prepare a distribution plan that specifies the total amount of money the  
2.5 facility expects to receive and how that money will be distributed to increase the allowable  
2.6 wages and salaries in paragraphs (b) and (c); and (2) post the distribution plan and leave it  
2.7 posted for a period of at least six months in an area of the facility to which all employees  
2.8 have access. The posted distribution plan must include instructions for employees who  
2.9 believe they have not received the compensation-related cost increases specified in paragraph  
2.10 (d), and the plan must include the e-mail address and the telephone number that may be  
2.11 used by the employee to contact the commissioner or the commissioner's representative. A  
2.12 facility that receives a rate increase under this section must submit a copy of its distribution  
2.13 plan to the commissioner by October 1, 2022.

2.14 (f) If the nursing facility expends less on new compensated-related costs than the amount  
2.15 that was made available by this rate increase for that purpose, the amount of this rate  
2.16 adjustment shall be reduced to equal the amount utilized by the facility for purposes  
2.17 authorized under this section. If the facility fails to post the distribution plan in their facility  
2.18 as required, fails to submit their distribution plan to the commissioner by the due date, or  
2.19 uses these funds for unauthorized purposes, these rate increases must be treated as an  
2.20 overpayment and subsequently recovered.

2.21 (g) The commissioner shall not treat payments received under this section as an applicable  
2.22 credit for purposes of setting total payment rates under Minnesota Statutes, chapter 256R."