

**Subject** Customized Living Grants, DHS Program Waivers and Modifications, and COVID-19-Related Retention and Public Health Grants for Certain Providers

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## Overview

This bill modifies customized living quality improvement grants, extends portions of a COVID-19 peacetime emergency program modification to economic assistance application requirements, and establishes COVID-19-related retention and public health grants for certain home and community-based service providers.

## Summary

Section	Description
1	<p><b>Customized living quality improvement grants.</b></p> <p>Amends Laws 2019, First Special Session ch. 9, art. 4, § 28. Makes the customized living quality improvement grants ongoing rather than onetime, expands eligibility to include customized living services provided under the brain injury and community access for disability inclusion waiver programs. Modifies other eligibility criteria effective July 1, 2021. Provides an immediate effective date.</p>
2	<p><b>Incentive-based grants for customized living service providers.</b></p> <p>Amends Laws 2019, First Special Session ch. 9, art. 14, § 2, subd. 27. Expands eligibility for the incentive-based grants for customized living service providers to include customized living services provided under the brain injury and community access for disability inclusion waiver programs. Makes a technical change. Provides an immediate effective date.</p>
3	<p><b>Waivers and modifications; extension to June 30, 2021.</b></p> <p>Amends Laws 2020, First Special Session ch. 7, § 1, subd. 2. Adds to the list of extended COVID-19 peacetime emergency waivers and modifications the suspension of application requirements for economic assistance programs, except that the extension shall be limited to the portions of this modification allowing remote</p>

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- interviews for the Minnesota family investment program, and allowing the use of electronic signatures for enrollment verification. Prohibits verbal signatures from being permitted for enrollment verification. Provides an immediate effective date.
- 4 Appropriation; COVID-19-related retention grants for home and community-based service providers.**
- This section establishes COVID-19-related retention grants for home and community-based service providers.
- Subd. 1. Appropriation.** Appropriates \$20,305,000 in fiscal year 2021 from the coronavirus relief fund to the commissioner of human services for retention grants to eligible providers as defined in subdivision 2 to assist providers: (1) with the costs of business interruptions caused by required closures due to the COVID-19 pandemic; and (2) to help ensure access to eligible services during or following the COVID-19 pandemic. Limits administrative expenses. Beginning October 31, 2020, allows any unencumbered appropriations to be used for disability services provider COVID-19-related public health grants. Specifies this appropriation is onetime and is available until December 5, 2020.
- Subd. 2. Definitions.** Defines the terms “eligible provider,” “eligible services,” “fixed costs,” and “total revenue from medical assistance.”
- Subd. 3. Allowable uses of funds.** Requires grantees to use funds awarded under this section for fixed costs incurred due to the COVID-19 peacetime emergency between March 1, 2020, and December 30, 2020, associated with maintaining the provider's capacity to provide services to its clients.
- Subd. 4. Grant request.** Requires eligible providers to request a grant no later than September 15, 2020. Requires the commissioner to develop an expedited request process and to accept electronic request form submissions and electronic signatures.
- Subd. 5. Attestation.** Lists conditions eligible providers must attest to on the grant request form in order to obtain a grant.
- Subd. 6. Agreement.** Lists requirements eligible providers must agree to on the grant request form in order to obtain a grant.
- Subd. 7. Retention grants.** Requires the commissioner to begin issuing retention grants no later than September 30, 2020. Specifies the grant amount calculation. Requires the commissioner to implement retention grants and the process of making grants without compliance with certain procedures prescribed in law such as the statutes and related policies that govern allotment and encumbrances, grants management, grant agreements, grant payments, and

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express audit requirements. Specifies the commissioner's determination of the grant amount is final and not subject to appeal.

**Subd. 8. Payments for services provided.** Allows providers who receive a grant under this section to continue to bill for services.

**Subd. 9. Recoupment.** Allows the commissioner to perform an audit up to six years after a grant is awarded to ensure the funds are used solely for allowable purposes. Requires the commissioner to treat any funds used for a purpose not authorized under this section as an overpayment and requires the commissioner to recover overpayments.

**Subd. 10. Expiration.** Makes this section expire December 30, 2020, except for subdivision 9.

Provides an immediate effective date.

**5 Appropriation; disability services provider COVID-19-related public health grants.**

This section establishes COVID-19-related public health grants for disability services providers and appropriates money.

**Subd. 1. Appropriation.** Appropriates \$10,125,000 in fiscal year 2021 from the coronavirus relief fund to the commissioner of human services for COVID-19-related public health grants to eligible providers who have implemented or intend to implement COVID-19-related public health measures that facilitate social distancing practices that align with the most current social distancing guidelines issued by the United States Centers for Disease Control and Prevention (CDC) and the federal CARES Act and related guidance. Limits administrative expenses. Specifies this is a onetime appropriation.

**Subd. 2. Purpose.** Specifies public health grants are established to reduce the risk of exposure to and transmission of COVID-19 to people with disabilities and staff who support them by maintaining or increasing utilization of individualized day or employment services and reducing utilization of congregate and sheltered workshop settings.

**Subd. 3. Definitions.** Defines the terms "eligible provider" and "eligible services."

**Subd. 4. Allowable uses of funds.** Lists allowable uses of funds.

**Subd. 5. Attestation.** Lists conditions eligible providers must attest to in writing in order to accept a public health grant.

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**Subd. 6. Application.** Requires the commissioner to develop an expedited application process for public health grants and requires eligible providers to apply for a grant no later than November 15, 2020. Requires the commissioner to allow applicants to submit applications electronically and to accept electronic signatures.

**Subd. 7. Allocation.** Allows the commissioner to make public health grants in an amount determined by the commissioner based on each grantee's application, up to a maximum grant amount of \$200,000. If funds are available after all eligible providers receive a grant, allows the commissioner to award additional grant funds to providers who have already received the \$200,000 maximum grant amount. Specifies priorities the commissioner must consider if grant requests are greater than the appropriation. Specifies the commissioner's determination of the grant amount is final and not subject to appeal.

**Subd. 8. Recoupment.** Allows the commissioner to perform an audit up to six years after a grant is awarded to ensure the funds are used solely for allowable purposes. Requires the commissioner to treat any funds used for a purpose not authorized under this section as an overpayment and requires the commissioner to recover overpayments.

**Subd. 9. Reporting.** Requires the commissioner to develop a reporting process for public health grants. Requires each provider receiving funds to report to the commissioner by March 1, 2021, with a description of how the funds were utilized. By August 1, 2021, requires the commissioner to report to the legislative committees with jurisdiction over human services policy and finance the total funds allocated to providers, uses of the funds, outcomes measured, people impacted, and other measures determined by the commissioner.

**Subd. 10. Expiration.** Makes subdivisions 1 to 7 expire December 30, 2020, or on a date determined by the United States Department of Treasury, whichever is later. Makes subdivision 9 expire August 1, 2021, or on the date the commissioner submits the report required under subdivision 9, whichever is later.

Provides an immediate effective date.

6 **Revisor instruction.**

Instructs the revisor of statutes to codify in Minnesota Statutes the customized living quality improvement grants. Provides an immediate effective date.



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