Status of Bills

**VBR 2.0 (HF500/SF654)**
House—Laid over for Possible Inclusion
Senate—Laid over for Possible Inclusion

HF 500 Authors: Schomacker and Kiel
SF 654 Author: Lourey

Senator Lourey introduced:

S.F. No. 654: A bill for an act relating to human services; making policy and technical changes to the nursing facility payment system; requiring a report; amending Minnesota Statutes 2016, sections 144.0724, subdivision 6; 256B.431, subdivision 30, by adding a subdivision; 256B.434, subdivision 4; 256R.02, subdivisions 4, 17, 18, 19, 22, 42, 52, by adding subdivisions; 256R.07, subdivision 1, by adding a subdivision; 256R.10, by adding a subdivision; 256R.13, subdivision 4; 256R.37; 256R.40, subdivisions 1, 5; 256R.41; 256R.47; 256R.49; proposing coding for new law in Minnesota Statutes, chapter 256R; repealing Minnesota Statutes 2016, sections 256R.06, subdivision 7; 256R.54, subdivisions 5, 6, 7, 8, 9.

**Workforce Package—Separate Bills**

**Educational Materials/Promotion (HF802/SF924)**
House—laid over for possible inclusion in Higher Ed Finance Bill
Senate—laid over for possible inclusion in Higher Ed Finance Bill

HF 802 Authors: Daniels, Kiel, and Haley
SF 924 Authors: Housley, Abeler, and Clausen

H. F. 802, A bill for an act relating to higher education; appropriating money to develop educational materials to increase awareness of senior care career opportunities. The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance.

**Innovation Grant (HF803/SF655)**
House—Laid over for Possible inclusion
Senate—Laid over for Possible inclusion

HF 803 Authors: Baker, Kiel, Albright, Franson, Peterson, and Haley
SF 655 Authors: Relph

H. F. 803, A bill for an act relating to human services; establishing the senior care workforce innovation grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

**Loan Forgiveness/Nursing Facility and HCBS Scholarship (HF804/SF819)**
House—Laid over for possible inclusion
Senate—Laid over for possible inclusion

HF 804 Authors: Kiel
SF 819 Authors: Housley, Abeler, Relph, Eken, and Ruud
**H. F. 804.** A bill for an act relating to health; modifying the health professional loan forgiveness program and the employee scholarship program; authorizing administration of medications by unlicensed personnel; appropriating money; amending Minnesota Statutes 2016, sections 144.1501, subdivision 2; 256R.37; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Rules, part 4658.1360.

**Elderly Waiver Reform Bill (HF823/SF668)**

House—Laid over for possible inclusion
Senate—Laid over for possible inclusion

HF823 Authors: Schomacker, Baker, Kiel, Kresha, Albright, Franson, Peterson, Daniels, Haley, Davids, Lien, Considine and Hoppe
SF668 Authors: Housley, Relph, Eken, and Lourey

**H. F. 823.** A bill for an act relating to human services; reforming the elderly waiver program; appropriating money; amending Minnesota Statutes 2016, sections 256B.056, subdivision 5; 256B.0911, subdivision 3a; 256B.0915, subdivisions 1, 3e, 5, by adding subdivisions; 256B.439, by adding a subdivision.

**Lodging Bill (HF920/SF1002)**

Senate—Laid over for possible inclusion
House—no hearing

Exempts Housing with Services from Lodging requirements.

HF 920 Theis
SF 1002 Benson

**H. F. 920.** A bill for an act relating to health; exempting housing with services establishments from the requirement to obtain a lodging license from the commissioner of health; amending Minnesota Statutes 2016, section 144D.06.

**Other bills we are working on**

**HWS limitations (SF1298)**

Senate—Laid on the table
House—No House companion

Senator Abeler introduced a fairly onerous bill last month, SF 1298:

Section 1. [144D.071] CHANGE OF LIVING UNIT. 1.7 Housing with services establishments must not require a resident to move from the resident’s living unit to another living unit after a resident begins receiving customized living services under section 256B.0915.

He additionally added an amendment that further restricted them from requiring a resident to move into a shared room or from requiring the resident to move out of the building.

**Supplemental Nursing Service Agencies (HF582/SF386)**

HF582 Author: Schomacker—laid over for possible inclusion
SF386 Author: Relph—laid over for possible inclusion
H.F. 582, Modifying the types of health professionals who may be employed by supplemental nursing services agencies overseen by the commissioner of health; modifying certain provisions governing nursing home and nursing facility costs; amending Minnesota Statutes 2016, sections 144A.70, subdivision 6, by adding a subdivision; 144A.74; 256R.02, subdivision 4.

Swing bed modifications (HF1115/SF1010)
HF1115—Being heard in the House HHS Finance Committee 3/21—expected to be laid on the table for possible inclusion
SF1010—Does not include swing bed language—laid over for possible inclusion

Modifies the commissioner’s authority to approve swing bed use above the cap by requiring patients to agree to referral to skilled nursing facilities under certain circumstances.

HF1115, Swing bed eligibility license condition modified, specialized care facilities provisions modified, and criteria modified for determining when an area of the state is a hardship area with regard to access to nursing facility services.

Rate Notifications (HF1341/SF1422)
HF1341 Author: Knoblach—heard in Aging, stalled out in HHS Policy, expected to be offered as an amendment in Ways & Means
SF1422 Author: Abeler—sitting in Human Services Reform Finance & Policy—part of the unworkable language amended out in Aging

HF1341, Consolidating various nursing facility rate adjustment effective dates to coincide with the annual operating payment rate adjustment on January 1 and one mid-year adjustment on July 1; modifying notice requirements;

OHFC Reporting
OHFC Reporting—In response to the Governor’s proposal that included increasing fees to invest in more workers and technology for the OHFC office. We have been working with Senator Housely, and stakeholders, creating language that would seek to move toward investment, creation of a MAPS-like process for long-term care.

Sec. 5. APPROPRIATION; OFFICE OF HEALTH FACILITY COMPLAINTS

1.15 CASE MANAGEMENT SYSTEM.

1.16 (a) $500,000 in fiscal year 2018 is appropriated from the general fund to the commissioner of human services for the Office of Inspector General to adopt and implement a case management system for tracking and managing complaints and investigations involving vulnerable adults.

1.20 (b) In consultation with the Minnesota Department of Health, Office of Health Facility Complaints, the Office of Inspector General shall ensure that the case management system is capable of:

1.22
(1) uniquely tracking each complaint received by the Office of Inspector General and the Office of Health Facility Complaints, whether the complaint is received through the Minnesota Adult Abuse Reporting Center, by telephone, referral from another agency or division, or any other means;

(2) linking each complaint to any and all investigations related to that complaint;

(3) tracking and coordinating referrals and communication between state agencies, including the Office of the Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities; and

(4) securing data as required under the Vulnerable Adults Act and the Government Data Practices Act.

(c) Products and services for the case management system design, implementation, and application hosting must be acquired using a request for proposals.

(d) This is a onetime appropriation and is available until June 30, 2019."

Data Collection Language in Governor’s Budget

Data Collection Language

Last year’s data collection language from the Governor has been reintroduced. However, this year it is not tied to the PCA increase language, as it was last year. Along with this language, the Governor has proposed an Assisted Living Report Card concept and fees to pay for the Report Card.

Sec. 13. Minnesota Statutes 2016, section 256B.4912, is amended by adding a subdivision to read:

Subd. 11. Annual data submission.

(a) As determined by the commissioner, a provider of home and community-based services for the elderly under section 256B.0915, home and community-based services for people with developmental disabilities under section 256B.092, and home and community-based services for people with disabilities under section 256B.49 shall submit data to the commissioner on the following:

(1) wages of workers;

(2) hours worked;

(3) benefits paid and accrued;

(4) staff retention rates;

(5) amount of overtime paid:
(6) amount of travel time paid;

(7) vacancy rates; and

(8) other related data requested by the commissioner.

(b) The commissioner may adjust reporting requirements for a self-employed worker.

(c) This subdivision also applies to a provider of personal care assistance services under section 256B.0625, subdivision 19a; community first services and supports under section 256B.85; consumer support grants under section 256.476; nursing services and home health services under section 256B.0625, subdivision 6a; home care nursing services under section 256B.0625, subdivision 7; or day training and habilitation services for residents of intermediate care facilities for persons with developmental disabilities under section 256B.501.

(d) A provider shall submit the data annually on a date specified by the commissioner. The commissioner shall give a provider at least 30 calendar days to submit the data. If a provider fails to timely submit the requested data, medical assistance reimbursement may be delayed.

(e) Individually identifiable data submitted to the commissioner in this section are considered private data on an individual, as defined by section 13.02, subdivision 12.

(f) The commissioner shall analyze data annually for workforce assessments and how the data impact service access.

EFFECTIVE DATE.

This section is effective the day following final enactment.

Assisted Living Report Card

Assisted Living Report Card. Of these amounts, $4,402,000 in fiscal year 2020 is to collect data from residents of housing with services establishments with an assisted living designation on quality of life and quality of care to produce a report card under Minnesota Statutes, section 144G.02, subdivision 2. $4,402,000 is the base in each even year starting in fiscal year 2022.