

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2771

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02/03/2022	4875	Introduction and first reading Referred to Human Services Reform Finance and Policy
02/10/2022	4975	Author added Clausen
02/28/2022	5164	Author added Newton
03/10/2022	5288	Author added Eken

1.1 A bill for an act

1.2 relating to human services; modifying reimbursement rates for disability waiver

1.3 services; amending Minnesota Statutes 2020, section 256B.4914, subdivisions 7,

1.4 8, 9; Minnesota Statutes 2021 Supplement, section 256B.4914, subdivisions 5, 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2021 Supplement, section 256B.4914, subdivision 5, is

1.7 amended to read:

1.8 Subd. 5. **Base wage index and standard component values.** (a) The base wage index

1.9 is established to determine staffing costs associated with providing services to individuals

1.10 receiving home and community-based services. For purposes of developing and calculating

1.11 the proposed base wage, Minnesota-specific wages taken from job descriptions and standard

1.12 occupational classification (SOC) codes from the Bureau of Labor Statistics as defined in

1.13 the most recent edition of the Occupational Handbook must be used. The base wage index

1.14 must be calculated as follows:

1.15 (1) for residential direct care staff, the sum of:

1.16 (i) 15 percent of the subtotal of 50 percent of the median wage for personal and home

1.17 health aide (SOC code 39-9021); 30 percent of the median wage for nursing assistant (SOC

1.18 code 31-1014); and 20 percent of the median wage for social and human services aide (SOC

1.19 code 21-1093); and

1.20 (ii) 85 percent of the subtotal of 20 percent of the median wage for home health aide

1.21 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide

1.22 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code

2.1 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
2.2 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

2.3 (2) for adult day services, 70 percent of the median wage for nursing assistant (SOC
2.4 code 31-1014); and 30 percent of the median wage for personal care aide (SOC code
2.5 39-9021);

2.6 (3) for day services, day support services, and prevocational services, 20 percent of the
2.7 median wage for nursing assistant (SOC code 31-1014); 20 percent of the median wage for
2.8 psychiatric technician (SOC code 29-2053); and 60 percent of the median wage for social
2.9 and human services aide (SOC code 21-1093);

2.10 (4) for residential asleep-overnight staff, the wage is the minimum wage in Minnesota
2.11 for large employers, except in a family foster care setting, the wage is 36 percent of the
2.12 minimum wage in Minnesota for large employers;

2.13 (5) for positive supports analyst staff, 100 percent of the median wage for mental health
2.14 counselors (SOC code 21-1014);

2.15 (6) for positive supports professional staff, 100 percent of the median wage for clinical
2.16 counseling and school psychologist (SOC code 19-3031);

2.17 (7) for positive supports specialist staff, 100 percent of the median wage for psychiatric
2.18 technicians (SOC code 29-2053);

2.19 (8) for supportive living services staff, 20 percent of the median wage for nursing assistant
2.20 (SOC code 31-1014); 20 percent of the median wage for psychiatric technician (SOC code
2.21 29-2053); and 60 percent of the median wage for social and human services aide (SOC code
2.22 21-1093);

2.23 (9) for housing access coordination staff, 100 percent of the median wage for community
2.24 and social services specialist (SOC code 21-1099);

2.25 (10) for in-home family support and individualized home supports with family training
2.26 staff, 20 percent of the median wage for nursing aide (SOC code 31-1012); 30 percent of
2.27 the median wage for community social service specialist (SOC code 21-1099); 40 percent
2.28 of the median wage for social and human services aide (SOC code 21-1093); and ten percent
2.29 of the median wage for psychiatric technician (SOC code 29-2053);

2.30 (11) for individualized home supports with training services staff, 40 percent of the
2.31 median wage for community social service specialist (SOC code 21-1099); 50 percent of
2.32 the median wage for social and human services aide (SOC code 21-1093); and ten percent
2.33 of the median wage for psychiatric technician (SOC code 29-2053);

3.1 (12) for independent living skills staff, 40 percent of the median wage for community
3.2 social service specialist (SOC code 21-1099); 50 percent of the median wage for social and
3.3 human services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric
3.4 technician (SOC code 29-2053);

3.5 (13) for employment support services staff, 50 percent of the median wage for
3.6 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for
3.7 community and social services specialist (SOC code 21-1099);

3.8 (14) for employment exploration services staff, 50 percent of the median wage for
3.9 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for
3.10 community and social services specialist (SOC code 21-1099);

3.11 (15) for employment development services staff, 50 percent of the median wage for
3.12 education, guidance, school, and vocational counselors (SOC code 21-1012); and 50 percent
3.13 of the median wage for community and social services specialist (SOC code 21-1099);

3.14 (16) for individualized home support staff, 50 percent of the median wage for personal
3.15 and home care aide (SOC code 39-9021); and 50 percent of the median wage for nursing
3.16 assistant (SOC code 31-1014);

3.17 (17) for adult companion staff, 50 percent of the median wage for personal and home
3.18 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant
3.19 (SOC code 31-1014);

3.20 (18) for night supervision staff, 20 percent of the median wage for home health aide
3.21 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide
3.22 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code
3.23 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
3.24 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

3.25 (19) for respite staff, 50 percent of the median wage for personal and home care aide
3.26 (SOC code 39-9021); and 50 percent of the median wage for nursing assistant (SOC code
3.27 31-1014);

3.28 (20) for personal support staff, 50 percent of the median wage for personal and home
3.29 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant
3.30 (SOC code 31-1014);

3.31 (21) for supervisory staff, 100 percent of the median wage for community and social
3.32 services specialist (SOC code 21-1099), with the exception of the supervisor of positive
3.33 supports professional, positive supports analyst, and positive supports specialists, which is

4.1 100 percent of the median wage for clinical counseling and school psychologist (SOC code
4.2 19-3031);

4.3 (22) for registered nurse staff, 100 percent of the median wage for registered nurses
4.4 (SOC code 29-1141); and

4.5 (23) for licensed practical nurse staff, 100 percent of the median wage for licensed
4.6 practical nurses (SOC code 29-2061).

4.7 (b) Component values for corporate foster care services, corporate supportive living
4.8 services daily, community residential services, and integrated community support services
4.9 are:

4.10 (1) competitive workforce factor: 4.7 percent;

4.11 (2) supervisory span of control ratio: 11 percent;

4.12 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

4.13 (4) employee-related cost ratio: 23.6 percent;

4.14 (5) general administrative support ratio: 13.25 percent;

4.15 (6) program-related expense ratio: 1.3 percent; and

4.16 (7) absence and utilization factor ratio: 3.9 percent.

4.17 (c) Component values for family foster care are:

4.18 (1) competitive workforce factor: 4.7 percent;

4.19 (2) supervisory span of control ratio: 11 percent;

4.20 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

4.21 (4) employee-related cost ratio: 23.6 percent;

4.22 (5) general administrative support ratio: 3.3 percent;

4.23 (6) program-related expense ratio: 1.3 percent; and

4.24 (7) absence factor: 1.7 percent.

4.25 (d) Component values for day training and habilitation, day support services, and
4.26 prevocational services are:

4.27 (1) competitive workforce factor: 4.7 percent;

4.28 (2) supervisory span of control ratio: 11 percent;

4.29 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

- 5.1 (4) employee-related cost ratio: 23.6 percent;
- 5.2 (5) program plan support ratio: 5.6 percent;
- 5.3 (6) client programming and support ratio: ten percent;
- 5.4 (7) general administrative support ratio: 13.25 percent;
- 5.5 (8) program-related expense ratio: 1.8 percent; and
- 5.6 (9) absence and utilization factor ratio: 9.4 percent.
- 5.7 (e) Component values for adult day services are:
- 5.8 (1) competitive workforce factor: 4.7 percent;
- 5.9 (2) supervisory span of control ratio: 11 percent;
- 5.10 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 5.11 (4) employee-related cost ratio: 23.6 percent;
- 5.12 (5) program plan support ratio: 5.6 percent;
- 5.13 (6) client programming and support ratio: 7.4 percent;
- 5.14 (7) general administrative support ratio: 13.25 percent;
- 5.15 (8) program-related expense ratio: 1.8 percent; and
- 5.16 (9) absence and utilization factor ratio: 9.4 percent.
- 5.17 (f) Component values for unit-based services with programming are:
- 5.18 (1) competitive workforce factor: 4.7 percent;
- 5.19 (2) supervisory span of control ratio: 11 percent;
- 5.20 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 5.21 (4) employee-related cost ratio: 23.6 percent;
- 5.22 (5) program plan supports ratio: 15.5 percent;
- 5.23 (6) client programming and supports ratio: 4.7 percent;
- 5.24 (7) general administrative support ratio: 13.25 percent;
- 5.25 (8) program-related expense ratio: 6.1 percent; and
- 5.26 (9) absence and utilization factor ratio: 3.9 percent.
- 5.27 (g) Component values for unit-based services without programming except respite are:

- 6.1 (1) competitive workforce factor: 4.7 percent;
- 6.2 (2) supervisory span of control ratio: 11 percent;
- 6.3 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 6.4 (4) employee-related cost ratio: 23.6 percent;
- 6.5 (5) program plan support ratio: 7.0 percent;
- 6.6 (6) client programming and support ratio: 2.3 percent;
- 6.7 (7) general administrative support ratio: 13.25 percent;
- 6.8 (8) program-related expense ratio: 2.9 percent; and
- 6.9 (9) absence and utilization factor ratio: 3.9 percent.
- 6.10 (h) Component values for unit-based services without programming for respite are:
- 6.11 (1) competitive workforce factor: 4.7 percent;
- 6.12 (2) supervisory span of control ratio: 11 percent;
- 6.13 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 6.14 (4) employee-related cost ratio: 23.6 percent;
- 6.15 (5) general administrative support ratio: 13.25 percent;
- 6.16 (6) program-related expense ratio: 2.9 percent; and
- 6.17 (7) absence and utilization factor ratio: 3.9 percent.
- 6.18 (i) The commissioner shall update the base wage index in paragraph (a), publish these
- 6.19 updated values, and load them into the rate management system as follows:
- 6.20 (1) on January 1, 2022, based on wage data by SOC from the Bureau of Labor Statistics
- 6.21 available as of December 31, 2019;
- 6.22 (2) on November 1, 2024, based on the most recently available wage data by SOC from
- 6.23 the Bureau of Labor Statistics ~~available as of December 31, 2021~~; and
- 6.24 (3) on July 1, 2026, and every two years thereafter, based on the most recently available
- 6.25 wage data by SOC from the Bureau of Labor Statistics ~~available 30 months and one day~~
- 6.26 ~~prior to the scheduled update.~~
- 6.27 (j) Beginning February 1, 2021, and every two years thereafter, the commissioner shall
- 6.28 report to the chairs and ranking minority members of the legislative committees and divisions
- 6.29 with jurisdiction over health and human services policy and finance an analysis of the

7.1 competitive workforce factor. The report must include ~~recommendations to update the~~
7.2 ~~competitive workforce factor using:~~

7.3 (1) the most recently available wage data by SOC code for the weighted average wage
7.4 for direct care staff for residential services and direct care staff for day services;

7.5 (2) the most recently available wage data by SOC code of the weighted average wage
7.6 of comparable occupations; and

7.7 (3) workforce data as required under subdivision 10a, paragraph (g).

7.8 ~~The commissioner shall not recommend an increase or decrease of the competitive workforce~~
7.9 ~~factor from the current value by more than two percentage points. If, after a biennial analysis~~
7.10 ~~for the next report, the competitive workforce factor is less than or equal to zero, the~~
7.11 ~~commissioner shall recommend a competitive workforce factor of zero.~~

7.12 (k) The commissioner shall update the framework components in paragraph (d), clause
7.13 (6); paragraph (e), clause (6); paragraph (f), clause (6); and paragraph (g), clause (6);
7.14 subdivision 6, paragraphs (b), clauses (9) and (10), and (e), clause (10); and subdivision 7,
7.15 clauses (11), (17), and (18), for changes in the Consumer Price Index. The commissioner
7.16 shall adjust these values higher or lower, publish these updated values, and load them into
7.17 the rate management system as follows:

7.18 (1) on January 1, 2022, by the percentage change in the CPI-U from the date of the
7.19 previous update to the data available on December 31, 2019;

7.20 (2) on November 1, 2024, by the percentage change in the CPI-U from the date of the
7.21 previous update to the data available as of December 31, ~~2024~~ 2023; and

7.22 (3) on July 1, 2026, and every two years thereafter, by the percentage change in the
7.23 CPI-U from the date of the previous update to the data available ~~30~~ six months and one day
7.24 prior to the scheduled update.

7.25 (l) Upon the implementation of the updates under paragraphs (i) and (k), rate adjustments
7.26 authorized under section 256B.439, subdivision 7; Laws 2013, chapter 108, article 7, section
7.27 60; and Laws 2014, chapter 312, article 27, section 75, shall be removed from service rates
7.28 calculated under this section.

7.29 (m) Any rate adjustments applied to the service rates calculated under this section outside
7.30 of the cost components and rate methodology specified in this section shall be removed
7.31 from rate calculations upon implementation of the updates under paragraphs (i) ~~and~~ (k),
7.32 and (p).

8.1 (n) In this subdivision, if Bureau of Labor Statistics occupational codes or Consumer
8.2 Price Index items are unavailable in the future, the commissioner shall recommend to the
8.3 legislature codes or items to update and replace missing component values.

8.4 (o) At least 80 percent of the marginal increase in revenue from the rate adjustment
8.5 applied to the service rates calculated under this section in paragraphs (i) and (k) beginning
8.6 on January 1, 2022, for services rendered between January 1, 2022, and March 31, 2024,
8.7 must be used to increase compensation-related costs for employees directly employed by
8.8 the program on or after January 1, 2022. For the purposes of this paragraph,
8.9 compensation-related costs include:

8.10 (1) wages and salaries;

8.11 (2) the employer's share of FICA taxes, Medicare taxes, state and federal unemployment
8.12 taxes, workers' compensation, and mileage reimbursement;

8.13 (3) the employer's paid share of health and dental insurance, life insurance, disability
8.14 insurance, long-term care insurance, uniform allowance, pensions, and contributions to
8.15 employee retirement accounts; and

8.16 (4) benefits that address direct support professional workforce needs above and beyond
8.17 what employees were offered prior to January 1, 2022, including retention and recruitment
8.18 bonuses and tuition reimbursement.

8.19 Compensation-related costs for persons employed in the central office of a corporation or
8.20 entity that has an ownership interest in the provider or exercises control over the provider,
8.21 or for persons paid by the provider under a management contract, do not count toward the
8.22 80 percent requirement under this paragraph. A provider agency or individual provider that
8.23 receives a rate subject to the requirements of this paragraph shall prepare, and upon request
8.24 submit to the commissioner, a distribution plan that specifies the amount of money the
8.25 provider expects to receive that is subject to the requirements of this paragraph, including
8.26 how that money was or will be distributed to increase compensation-related costs for
8.27 employees. Within 60 days of final implementation of a rate adjustment subject to the
8.28 requirements of this paragraph, the provider must post the distribution plan and leave it
8.29 posted for a period of at least six months in an area of the provider's operation to which all
8.30 direct support professionals have access.

8.31 (p) On November 1, 2024, and July 1, 2026, and then every two years thereafter, the
8.32 commissioner shall update the competitive workforce factor to equal the differential between:

9.1 (1) the most recently available wage data by SOC code for the weighted average wage
 9.2 for direct care staff for residential services and direct care staff for day services; and

9.3 (2) the most recently available wage data by SOC code of the weighted average wage
 9.4 of comparable occupations.

9.5 For each update of the competitive workforce factor, the update shall not decrease the
 9.6 competitive workforce factor by more than 2.0. If the competitive workforce factor is less
 9.7 than or equal to zero, then the competitive workforce factor is zero.

9.8 Sec. 2. Minnesota Statutes 2021 Supplement, section 256B.4914, subdivision 6, is amended
 9.9 to read:

9.10 **Subd. 6. Payments for residential support services.** (a) For purposes of this subdivision,
 9.11 residential support services includes 24-hour customized living services, community
 9.12 residential services, customized living services, family residential services, foster care
 9.13 services, integrated community supports, and supportive living services daily.

9.14 (b) Payments for community residential services, corporate foster care services, corporate
 9.15 supportive living services daily, family residential services, and family foster care services
 9.16 must be calculated as follows:

9.17 (1) determine the number of shared staffing and individual direct staff hours to meet a
 9.18 recipient's needs provided on site or through monitoring technology;

9.19 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics
 9.20 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
 9.21 5;

9.22 (3) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
 9.23 the result of clause (2) by the product of one plus the competitive workforce factor in
 9.24 subdivision 5, paragraph (b), clause (1);

9.25 (4) for a recipient requiring customization for deaf and hard-of-hearing language
 9.26 accessibility under subdivision 12, add the customization rate provided in subdivision 12
 9.27 to the result of clause (3);

9.28 (5) multiply the number of shared and individual direct staff hours provided on site or
 9.29 through monitoring technology and nursing hours by the appropriate staff wages;

9.30 (6) multiply the number of shared and individual direct staff hours provided on site or
 9.31 through monitoring technology and nursing hours by the product of the supervision span

10.1 of control ratio in subdivision 5, paragraph (b), clause (2), and the appropriate supervision
10.2 wage in subdivision 5, paragraph (a), clause (21);

10.3 (7) combine the results of clauses (5) and (6), excluding any shared and individual direct
10.4 staff hours provided through monitoring technology, and multiply the result by one plus
10.5 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (b),
10.6 clause (3). This is defined as the direct staffing cost;

10.7 (8) for employee-related expenses, multiply the direct staffing cost, excluding any shared
10.8 and individual direct staff hours provided through monitoring technology, by one plus the
10.9 employee-related cost ratio in subdivision 5, paragraph (b), clause (4);

10.10 (9) for client programming and supports, the commissioner shall add \$2,179; and

10.11 (10) for transportation, if provided, the commissioner shall add \$1,680, or \$3,000 if
10.12 customized for adapted transport, based on the resident with the highest assessed need.

10.13 (c) The total rate must be calculated using the following steps:

10.14 (1) subtotal paragraph (b), clauses (8) to (10), and the direct staffing cost of any shared
10.15 and individual direct staff hours provided through monitoring technology that was excluded
10.16 in clause (8);

10.17 (2) sum the standard general and administrative rate, the program-related expense ratio,
10.18 and the absence and utilization ratio;

10.19 (3) divide the result of clause (1) by one minus the result of clause (2). This is the total
10.20 payment amount; and

10.21 (4) adjust the result of clause (3) by a factor to be determined by the commissioner to
10.22 adjust for regional differences in the cost of providing services.

10.23 (d) The payment methodology for customized living and 24-hour customized living
10.24 must be the customized living tool. The commissioner shall revise the customized living
10.25 tool to reflect the services and activities unique to disability-related recipient needs, and
10.26 adjust for regional differences in the cost of providing services. The rate adjustments
10.27 described in section 256S.205 do not apply to rates paid under this section. Customized
10.28 living and 24-hour customized living rates determined under this section shall not include
10.29 more than 24 hours of support in a daily unit. The commissioner shall establish the following
10.30 acuity-based customized living tool input limits, based on case mix, for customized living
10.31 and 24-hour customized living rates determined under this section:

- 11.1 (1) no more than two hours of mental health management per day for people assessed
11.2 for case mixes A, D, and G;
- 11.3 (2) no more than four hours of activities of daily living assistance per day for people
11.4 assessed for case mix B; and
- 11.5 (3) no more than six hours of activities of daily living assistance per day for people
11.6 assessed for case mix D.
- 11.7 (e) Payments for integrated community support services must be calculated as follows:
- 11.8 (1) the base shared staffing must be eight hours divided by the number of people receiving
11.9 support in the integrated community support setting;
- 11.10 (2) the individual staffing hours must be the average number of direct support hours
11.11 provided directly to the service recipient;
- 11.12 (3) the personnel hourly wage rate must be based on the most recent Bureau of Labor
11.13 Statistics Minnesota-specific rates or rates derived by the commissioner as provided in
11.14 subdivision 5;
- 11.15 (4) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
11.16 the result of clause (3) by the product of one plus the competitive workforce factor in
11.17 subdivision 5, paragraph (b), clause (1);
- 11.18 (5) for a recipient requiring customization for deaf and hard-of-hearing language
11.19 accessibility under subdivision 12, add the customization rate provided in subdivision 12
11.20 to the result of clause (4);
- 11.21 (6) multiply the number of shared and individual direct staff hours in clauses (1) and
11.22 (2) by the appropriate staff wages;
- 11.23 (7) multiply the number of shared and individual direct staff hours in clauses (1) and
11.24 (2) by the product of the supervisory span of control ratio in subdivision 5, paragraph (b),
11.25 clause (2), and the appropriate supervisory wage in subdivision 5, paragraph (a), clause
11.26 (21);
- 11.27 (8) combine the results of clauses (6) and (7) and multiply the result by one plus the
11.28 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (b), clause
11.29 (3). This is defined as the direct staffing cost;
- 11.30 (9) for employee-related expenses, multiply the direct staffing cost by one plus the
11.31 employee-related cost ratio in subdivision 5, paragraph (b), clause (4); and

12.1 (10) for client programming and supports, the commissioner shall add \$2,260.21 divided
12.2 by 365.

12.3 (f) The total rate must be calculated as follows:

12.4 (1) add the results of paragraph (e), clauses (9) and (10);

12.5 (2) add the standard general and administrative rate, the program-related expense ratio,
12.6 and the absence and utilization factor ratio;

12.7 (3) divide the result of clause (1) by one minus the result of clause (2). This is the total
12.8 payment amount; and

12.9 (4) adjust the result of clause (3) by a factor to be determined by the commissioner to
12.10 adjust for regional differences in the cost of providing services.

12.11 (g) The number of days authorized for all individuals enrolling in residential services
12.12 must include every day that services start and end.

12.13 Sec. 3. Minnesota Statutes 2020, section 256B.4914, subdivision 7, is amended to read:

12.14 Subd. 7. **Payments for day programs.** Payments for services with day programs
12.15 including adult day services, day treatment and habilitation, day support services,
12.16 prevocational services, and structured day services must be calculated as follows:

12.17 (1) determine the number of units of service and staffing ratio to meet a recipient's needs:

12.18 (i) the staffing ratios for the units of service provided to a recipient in a typical week
12.19 must be averaged to determine an individual's staffing ratio; and

12.20 (ii) the commissioner, in consultation with service providers, shall develop a uniform
12.21 staffing ratio worksheet to be used to determine staffing ratios under this subdivision;

12.22 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
12.23 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
12.24 5;

12.25 (3) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
12.26 the result of clause (2) by the product of one plus the competitive workforce factor in
12.27 subdivision 5, paragraph (d), clause (1);

12.28 (4) for a recipient requiring customization for deaf and hard-of-hearing language
12.29 accessibility under subdivision 12, add the customization rate provided in subdivision 12
12.30 to the result of clause (3);

13.1 (5) multiply the number of day program direct staff hours and nursing hours by the
13.2 appropriate staff wage;

13.3 (6) multiply the number of day direct staff hours by the product of the supervision span
13.4 of control ratio in subdivision 5, paragraph (d), clause (2), and the appropriate supervision
13.5 wage in subdivision 5, paragraph (a), clause (21);

13.6 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
13.7 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (d), clause
13.8 (3). This is defined as the direct staffing rate;

13.9 (8) for program plan support, multiply the result of clause (7) by one plus the program
13.10 plan support ratio in subdivision 5, paragraph (d), clause (5);

13.11 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
13.12 employee-related cost ratio in subdivision 5, paragraph (d), clause (4);

13.13 (10) for client programming and supports, multiply the result of clause (9) by one plus
13.14 the client programming and support ratio in subdivision 5, paragraph (d), clause (6);

13.15 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
13.16 to meet individual needs;

13.17 (12) for adult day bath services, add \$7.01 per 15 minute unit;

13.18 (13) this is the subtotal rate;

13.19 (14) sum the standard general and administrative rate, the program-related expense ratio,
13.20 and the absence and utilization factor ratio;

13.21 (15) divide the result of clause (13) by one minus the result of clause (14). This is the
13.22 total payment amount;

13.23 (16) adjust the result of clause (15) by a factor to be determined by the commissioner
13.24 to adjust for regional differences in the cost of providing services;

13.25 (17) for transportation provided as part of day training and habilitation for an individual
13.26 who does not require a lift, add:

13.27 (i) \$10.50 for a trip between zero and ten miles for a nonshared ride in a vehicle without
13.28 a lift, \$8.83 for a shared ride in a vehicle without a lift, and \$9.25 for a shared ride in a
13.29 vehicle with a lift;

14.1 (ii) \$15.75 for a trip between 11 and 20 miles for a nonshared ride in a vehicle without
14.2 a lift, \$10.58 for a shared ride in a vehicle without a lift, and \$11.88 for a shared ride in a
14.3 vehicle with a lift;

14.4 (iii) \$25.75 for a trip between 21 and 50 miles for a nonshared ride in a vehicle without
14.5 a lift, \$13.92 for a shared ride in a vehicle without a lift, and \$16.88 for a shared ride in a
14.6 vehicle with a lift; or

14.7 (iv) \$33.50 for a trip of 51 miles or more for a nonshared ride in a vehicle without a lift,
14.8 \$16.50 for a shared ride in a vehicle without a lift, and \$20.75 for a shared ride in a vehicle
14.9 with a lift;

14.10 (18) for transportation provided as part of day training and habilitation for an individual
14.11 who does require a lift, add:

14.12 (i) \$19.05 for a trip between zero and ten miles for a nonshared ride in a vehicle with a
14.13 lift, and \$15.05 for a shared ride in a vehicle with a lift;

14.14 (ii) \$32.16 for a trip between 11 and 20 miles for a nonshared ride in a vehicle with a
14.15 lift, and \$28.16 for a shared ride in a vehicle with a lift;

14.16 (iii) \$58.76 for a trip between 21 and 50 miles for a nonshared ride in a vehicle with a
14.17 lift, and \$58.76 for a shared ride in a vehicle with a lift; or

14.18 (iv) \$80.93 for a trip of 51 miles or more for a nonshared ride in a vehicle with a lift,
14.19 and \$80.93 for a shared ride in a vehicle with a lift.

14.20 Sec. 4. Minnesota Statutes 2020, section 256B.4914, subdivision 8, is amended to read:

14.21 Subd. 8. **Payments for unit-based services with programming.** Payments for unit-based
14.22 services with programming, including employment exploration services, employment
14.23 development services, housing access coordination, individualized home supports with
14.24 family training, individualized home supports with training, in-home family support,
14.25 independent living skills training, and hourly supported living services provided to an
14.26 individual outside of any day or residential service plan must be calculated as follows, unless
14.27 the services are authorized separately under subdivision 6 or 7:

14.28 (1) determine the number of units of service to meet a recipient's needs;

14.29 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics
14.30 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
14.31 5;

15.1 (3) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
15.2 the result of clause (2) by the product of one plus the competitive workforce factor in
15.3 subdivision 5, paragraph (f), clause (1);

15.4 (4) for a recipient requiring customization for deaf and hard-of-hearing language
15.5 accessibility under subdivision 12, add the customization rate provided in subdivision 12
15.6 to the result of clause (3);

15.7 (5) multiply the number of direct staff hours by the appropriate staff wage;

15.8 (6) multiply the number of direct staff hours by the product of the supervision span of
15.9 control ratio in subdivision 5, paragraph (f), clause (2), and the appropriate supervision
15.10 wage in subdivision 5, paragraph (a), clause (21);

15.11 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
15.12 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (f), clause
15.13 (3). This is defined as the direct staffing rate;

15.14 (8) for program plan support, multiply the result of clause (7) by one plus the program
15.15 plan supports ratio in subdivision 5, paragraph (f), clause (5);

15.16 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
15.17 employee-related cost ratio in subdivision 5, paragraph (f), clause (4);

15.18 (10) for client programming and supports, multiply the result of clause (9) by one plus
15.19 the client programming and supports ratio in subdivision 5, paragraph (f), clause (6);

15.20 (11) this is the subtotal rate;

15.21 (12) sum the standard general and administrative rate, the program-related expense ratio,
15.22 and the absence and utilization factor ratio;

15.23 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
15.24 total payment amount;

15.25 (14) for employment exploration services provided in a shared manner, divide the total
15.26 payment amount in clause (13) by the number of service recipients, not to exceed five. For
15.27 employment support services provided in a shared manner, divide the total payment amount
15.28 in clause (13) by the number of service recipients, not to exceed six. For independent living
15.29 skills training, individualized home supports with training, and individualized home supports
15.30 with family training provided in a shared manner, divide the total payment amount in clause
15.31 (13) by the number of service recipients, not to exceed two; and

16.1 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
16.2 to adjust for regional differences in the cost of providing services.

16.3 Sec. 5. Minnesota Statutes 2020, section 256B.4914, subdivision 9, is amended to read:

16.4 Subd. 9. **Payments for unit-based services without programming.** Payments for
16.5 unit-based services without programming, including individualized home supports, night
16.6 supervision, personal support, respite, and companion care provided to an individual outside
16.7 of any day or residential service plan must be calculated as follows unless the services are
16.8 authorized separately under subdivision 6 or 7:

16.9 (1) for all services except respite, determine the number of units of service to meet a
16.10 recipient's needs;

16.11 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
16.12 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

16.13 (3) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
16.14 the result of clause (2) by the product of one plus the competitive workforce factor in
16.15 subdivision 5, paragraph (g), clause (1);

16.16 (4) for a recipient requiring customization for deaf and hard-of-hearing language
16.17 accessibility under subdivision 12, add the customization rate provided in subdivision 12
16.18 to the result of clause (3);

16.19 (5) multiply the number of direct staff hours by the appropriate staff wage;

16.20 (6) multiply the number of direct staff hours by the product of the supervision span of
16.21 control ratio in subdivision 5, paragraph (g), clause (2), and the appropriate supervision
16.22 wage in subdivision 5, paragraph (a), clause (21);

16.23 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
16.24 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (g), clause
16.25 (3). This is defined as the direct staffing rate;

16.26 (8) for program plan support, multiply the result of clause (7) by one plus the program
16.27 plan support ratio in subdivision 5, paragraph (g), clause (5);

16.28 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
16.29 employee-related cost ratio in subdivision 5, paragraph (g), clause (4);

16.30 (10) for client programming and supports, multiply the result of clause (9) by one plus
16.31 the client programming and support ratio in subdivision 5, paragraph (g), clause (6);

- 17.1 (11) this is the subtotal rate;
- 17.2 (12) sum the standard general and administrative rate, the program-related expense ratio,
17.3 and the absence and utilization factor ratio;
- 17.4 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
17.5 total payment amount;
- 17.6 (14) for respite services, determine the number of day units of service to meet an
17.7 individual's needs;
- 17.8 (15) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
17.9 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;
- 17.10 (16) except for subdivision 5, paragraph (a), clauses (4), (22), and ~~(21)~~ to (23), multiply
17.11 the result of clause (15) by the product of one plus the competitive workforce factor in
17.12 subdivision 5, paragraph (h), clause (1);
- 17.13 (17) for a recipient requiring deaf and hard-of-hearing customization under subdivision
17.14 12, add the customization rate provided in subdivision 12 to the result of clause (16);
- 17.15 (18) multiply the number of direct staff hours by the appropriate staff wage;
- 17.16 (19) multiply the number of direct staff hours by the product of the supervisory span of
17.17 control ratio in subdivision 5, paragraph (h), clause (2), and the appropriate supervision
17.18 wage in subdivision 5, paragraph (a), clause (21);
- 17.19 (20) combine the results of clauses (18) and (19), and multiply the result by one plus
17.20 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (h),
17.21 clause (3). This is defined as the direct staffing rate;
- 17.22 (21) for employee-related expenses, multiply the result of clause (20) by one plus the
17.23 employee-related cost ratio in subdivision 5, paragraph (h), clause (4);
- 17.24 (22) this is the subtotal rate;
- 17.25 (23) sum the standard general and administrative rate, the program-related expense ratio,
17.26 and the absence and utilization factor ratio;
- 17.27 (24) divide the result of clause (22) by one minus the result of clause (23). This is the
17.28 total payment amount;
- 17.29 (25) for individualized home supports provided in a shared manner, divide the total
17.30 payment amount in clause (13) by the number of service recipients, not to exceed two;

- 18.1 (26) for respite care services provided in a shared manner, divide the total payment
18.2 amount in clause (24) by the number of service recipients, not to exceed three; and
18.3 (27) adjust the result of clauses (13), (25), and (26) by a factor to be determined by the
18.4 commissioner to adjust for regional differences in the cost of providing services.