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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3207

02/13/2020 Authored by Cantrell, Albright, Edelson, O'Neill and Freiberg
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying disability waiver payment rates for respite
1.3 care and individualized home supports with training; amending Minnesota Statutes
1.4 2019 Supplement, section 256B.4914, subdivisions 3, 5, 6, 7, 8, 9.

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

1.6 Section 1. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 3, is
1.7 amended to read:

1.8 Subd. 3. **Applicable services.** Applicable services are those authorized under the state's
1.9 home and community-based services waivers under sections 256B.092 and 256B.49,
1.10 including the following, as defined in the federally approved home and community-based
1.11 services plan:

- 1.12 (1) 24-hour customized living;
- 1.13 (2) adult day services;
- 1.14 (3) adult day services bath;
- 1.15 (4) companion services;
- 1.16 (5) community residential services;
- 1.17 (6) customized living;
- 1.18 (7) day support services;
- 1.19 (8) day training and habilitation;
- 1.20 (9) employment development services;

- 2.1 (10) employment exploration services;
- 2.2 (11) employment support services;
- 2.3 (12) family residential services;
- 2.4 (13) housing access coordination;
- 2.5 (14) independent living skills;
- 2.6 (15) individualized home supports;
- 2.7 (16) individualized home supports with family training;
- 2.8 (17) individualized home supports with training;
- 2.9 (18) in-home family support;
- 2.10 (19) integrated community supports;
- 2.11 (20) night supervision;
- 2.12 (21) personal support;
- 2.13 (22) positive support services;
- 2.14 (23) prevocational services;
- 2.15 (24) residential support services;
- 2.16 ~~(25) respite services;~~
- 2.17 ~~(26)~~ (25) structured day services;
- 2.18 ~~(27)~~ (26) supported living services;
- 2.19 ~~(28)~~ (27) transportation services; and
- 2.20 ~~(29)~~ (28) other services as approved by the federal government in the state home and
- 2.21 community-based services plan.

2.22 **EFFECTIVE DATE.** This section is effective January 1, 2021, or upon federal approval,

2.23 whichever is later. The commissioner of human services must notify the revisor of statutes

2.24 when federal approval is obtained.

2.25 Sec. 2. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 5, is amended

2.26 to read:

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

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

3.1 receiving home and community-based services. For purposes of developing and calculating
3.2 the proposed base wage, Minnesota-specific wages taken from job descriptions and standard
3.3 occupational classification (SOC) codes from the Bureau of Labor Statistics as defined in
3.4 the most recent edition of the Occupational Handbook must be used. The base wage index
3.5 must be calculated as follows:

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

3.7 (i) 15 percent of the subtotal of 50 percent of the median wage for personal and home
3.8 health aide (SOC code 39-9021); 30 percent of the median wage for nursing assistant (SOC
3.9 code 31-1014); and 20 percent of the median wage for social and human services aide (SOC
3.10 code 21-1093); and

3.11 (ii) 85 percent of the subtotal of 20 percent of the median wage for home health aide
3.12 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide
3.13 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code
3.14 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
3.15 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

3.16 (2) for adult day services, 70 percent of the median wage for nursing assistant (SOC
3.17 code 31-1014); and 30 percent of the median wage for personal care aide (SOC code
3.18 39-9021);

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

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

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

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

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

3.32 (8) for supportive living services staff, 20 percent of the median wage for nursing assistant
3.33 (SOC code 31-1014); 20 percent of the median wage for psychiatric technician (SOC code

4.1 29-2053); and 60 percent of the median wage for social and human services aide (SOC code
4.2 21-1093);

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

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

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

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

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

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

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

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

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

5.1 (18) for night supervision staff, 20 percent of the median wage for home health aide
 5.2 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide
 5.3 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code
 5.4 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
 5.5 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

5.6 ~~(19) for respite staff, 50 percent of the median wage for personal and home care aide~~
 5.7 ~~(SOC code 39-9021); and 50 percent of the median wage for nursing assistant (SOC code~~
 5.8 ~~31-1014);~~

5.9 ~~(20)~~ (19) for personal support staff, 50 percent of the median wage for personal and
 5.10 home care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant
 5.11 (SOC code 31-1014);

5.12 ~~(21)~~ (20) for supervisory staff, 100 percent of the median wage for community and social
 5.13 services specialist (SOC code 21-1099), with the exception of the supervisor of positive
 5.14 supports professional, positive supports analyst, and positive supports specialists, which is
 5.15 100 percent of the median wage for clinical counseling and school psychologist (SOC code
 5.16 19-3031);

5.17 ~~(22)~~ (21) for registered nurse staff, 100 percent of the median wage for registered nurses
 5.18 (SOC code 29-1141); and

5.19 ~~(23)~~ (22) for licensed practical nurse staff, 100 percent of the median wage for licensed
 5.20 practical nurses (SOC code 29-2061).

5.21 (b) Component values for corporate foster care services, corporate supportive living
 5.22 services daily, community residential services, and integrated community support services
 5.23 are:

5.24 (1) competitive workforce factor: 4.7 percent;

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

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

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

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

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

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

5.31 (c) Component values for family foster care 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) general administrative support ratio: 3.3 percent;
- 6.6 (6) program-related expense ratio: 1.3 percent; and
- 6.7 (7) absence factor: 1.7 percent.
- 6.8 (d) Component values for day training and habilitation, day support services, and
- 6.9 prevocational services are:
- 6.10 (1) competitive workforce factor: 4.7 percent;
- 6.11 (2) supervisory span of control ratio: 11 percent;
- 6.12 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 6.13 (4) employee-related cost ratio: 23.6 percent;
- 6.14 (5) program plan support ratio: 5.6 percent;
- 6.15 (6) client programming and support ratio: ten percent;
- 6.16 (7) general administrative support ratio: 13.25 percent;
- 6.17 (8) program-related expense ratio: 1.8 percent; and
- 6.18 (9) absence and utilization factor ratio: 9.4 percent.
- 6.19 (e) Component values for adult day services are:
- 6.20 (1) competitive workforce factor: 4.7 percent;
- 6.21 (2) supervisory span of control ratio: 11 percent;
- 6.22 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 6.23 (4) employee-related cost ratio: 23.6 percent;
- 6.24 (5) program plan support ratio: 5.6 percent;
- 6.25 (6) client programming and support ratio: 7.4 percent;
- 6.26 (7) general administrative support ratio: 13.25 percent;
- 6.27 (8) program-related expense ratio: 1.8 percent; and

7.1 (9) absence and utilization factor ratio: 9.4 percent.

7.2 (f) Component values for unit-based services with programming except individualized
7.3 home supports with training are:

7.4 (1) competitive workforce factor: 4.7 percent;

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

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

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

7.8 (5) program plan supports ratio: 15.5 percent;

7.9 (6) client programming and supports ratio: 4.7 percent;

7.10 (7) general administrative support ratio: 13.25 percent;

7.11 (8) program-related expense ratio: 6.1 percent; and

7.12 (9) absence and utilization factor ratio: 3.9 percent.

7.13 (g) Component values for unit-based services with programming for individualized
7.14 home supports with training are:

7.15 (1) competitive workforce factor: 4.7 percent;

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

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

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

7.19 (5) program plan supports ratio: 15.5 percent;

7.20 (6) client programming and supports ratio: 4.7 percent;

7.21 (7) general administrative support ratio: 13.25 percent;

7.22 (8) program-related expense ratio: 6.1 percent; and

7.23 (9) absence and utilization factor ratio: 7.5 percent.

7.24 ~~(g)~~ (h) Component values for unit-based services without programming ~~except respite~~
7.25 are:

7.26 (1) competitive workforce factor: 4.7 percent;

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

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

- 8.1 (4) employee-related cost ratio: 23.6 percent;
- 8.2 (5) program plan support ratio: 7.0 percent;
- 8.3 (6) client programming and support ratio: 2.3 percent;
- 8.4 (7) general administrative support ratio: 13.25 percent;
- 8.5 (8) program-related expense ratio: 2.9 percent; and
- 8.6 (9) absence and utilization factor ratio: 3.9 percent.

8.7 ~~(h) Component values for unit-based services without programming for respite are:~~

- 8.8 ~~(1) competitive workforce factor: 4.7 percent;~~
- 8.9 ~~(2) supervisory span of control ratio: 11 percent;~~
- 8.10 ~~(3) employee vacation, sick, and training allowance ratio: 8.71 percent;~~
- 8.11 ~~(4) employee-related cost ratio: 23.6 percent;~~
- 8.12 ~~(5) general administrative support ratio: 13.25 percent;~~
- 8.13 ~~(6) program-related expense ratio: 2.9 percent; and~~
- 8.14 ~~(7) absence and utilization factor ratio: 3.9 percent.~~

8.15 (i) On July 1, 2022, and every two years thereafter, the commissioner shall update the

8.16 base wage index in paragraph (a) based on wage data by SOC from the Bureau of Labor

8.17 Statistics available 30 months and one day prior to the scheduled update. The commissioner

8.18 shall publish these updated values and load them into the rate management system.

8.19 (j) Beginning February 1, 2021, and every two years thereafter, the commissioner shall

8.20 report to the chairs and ranking minority members of the legislative committees and divisions

8.21 with jurisdiction over health and human services policy and finance an analysis of the

8.22 competitive workforce factor. The report must include recommendations to update the

8.23 competitive workforce factor using:

8.24 (1) the most recently available wage data by SOC code for the weighted average wage

8.25 for direct care staff for residential services and direct care staff for day services;

8.26 (2) the most recently available wage data by SOC code of the weighted average wage

8.27 of comparable occupations; and

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

8.29 The commissioner shall not recommend an increase or decrease of the competitive workforce

8.30 factor from the current value by more than two percentage points. If, after a biennial analysis

9.1 for the next report, the competitive workforce factor is less than or equal to zero, the
9.2 commissioner shall recommend a competitive workforce factor of zero.

9.3 (k) On July 1, 2022, and every two years thereafter, the commissioner shall update the
9.4 framework components in paragraph (d), clause (6); paragraph (e), clause (6); paragraph
9.5 (f), clause (6); ~~and~~ paragraph (g), clause (6); and paragraph (h), clause (6); subdivision 6,
9.6 paragraphs (b), clauses (9) and (10), and (e), clause (10); and subdivision 7, clauses (11),
9.7 (17), and (18), for changes in the Consumer Price Index. The commissioner shall adjust
9.8 these values higher or lower by the percentage change in the CPI-U from the date of the
9.9 previous update to the data available 30 months and one day prior to the scheduled update.
9.10 The commissioner shall publish these updated values and load them into the rate management
9.11 system.

9.12 (l) Upon the implementation of the updates under paragraphs (i) and (k), rate adjustments
9.13 authorized under section 256B.439, subdivision 7; Laws 2013, chapter 108, article 7, section
9.14 60; and Laws 2014, chapter 312, article 27, section 75, shall be removed from service rates
9.15 calculated under this section.

9.16 (m) Any rate adjustments applied to the service rates calculated under this section outside
9.17 of the cost components and rate methodology specified in this section shall be removed
9.18 from rate calculations upon implementation of the updates under paragraphs (i) and (k).

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

9.22 **EFFECTIVE DATE.** This section is effective January 1, 2021, or upon federal approval,
9.23 whichever is later. The commissioner of human services must notify the revisor of statutes
9.24 when federal approval is obtained.

9.25 Sec. 3. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 6, is amended
9.26 to read:

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

9.31 (b) Payments for community residential services, corporate foster care services, corporate
9.32 supportive living services daily, family residential services, and family foster care services
9.33 must be calculated as follows:

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

10.3 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics
10.4 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
10.5 5;

10.6 (3) except for subdivision 5, paragraph (a), clauses (4) and ~~(21) to (23)~~ (20) to (22),
10.7 multiply the result of clause (2) by the product of one plus the competitive workforce factor
10.8 in subdivision 5, paragraph (b), clause (1);

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

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

10.14 (6) multiply the number of shared and individual direct staff hours provided on site or
10.15 through monitoring technology and nursing hours by the product of the supervision span
10.16 of control ratio in subdivision 5, paragraph (b), clause (2), and the appropriate supervision
10.17 wage in subdivision 5, paragraph (a), clause ~~(21)~~ (20);

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

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

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

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

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

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

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

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

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

11.7 (d) The payment methodology for customized living, 24-hour customized living, and
11.8 residential care services must be the customized living tool. Revisions to the customized
11.9 living tool must be made to reflect the services and activities unique to disability-related
11.10 recipient needs.

11.11 (e) Payments for integrated community support services must be calculated as follows:

11.12 (1) the base shared staffing shall be eight hours divided by the number of people receiving
11.13 support in the integrated community support setting;

11.14 (2) the individual staffing hours shall be the average number of direct support hours
11.15 provided directly to the service recipient;

11.16 (3) the personnel hourly wage rate must be based on the most recent Bureau of Labor
11.17 Statistics Minnesota-specific rates or rates derived by the commissioner as provided in
11.18 subdivision 5;

11.19 (4) except for subdivision 5, paragraph (a), clauses (4) and ~~(21) to (23)~~ (20) to (22),
11.20 multiply the result of clause (3) by the product of one plus the competitive workforce factor
11.21 in subdivision 5, paragraph (b), clause (1);

11.22 (5) for a recipient requiring customization for deaf and hard-of-hearing language
11.23 accessibility under subdivision 12, add the customization rate provided in subdivision 12
11.24 to the result of clause (4);

11.25 (6) multiply the number of shared and individual direct staff hours in clauses (1) and
11.26 (2) by the appropriate staff wages;

11.27 (7) multiply the number of shared and individual direct staff hours in clauses (1) and
11.28 (2) by the product of the supervisory span of control ratio in subdivision 5, paragraph (b),
11.29 clause (2), and the appropriate supervisory wage in subdivision 5, paragraph (a), clause ~~(21)~~
11.30 (20);

12.1 (8) combine the results of clauses (6) and (7) and multiply the result by one plus the
12.2 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (b), clause
12.3 (3). This is defined as the direct staffing cost;

12.4 (9) for employee-related expenses, multiply the direct staffing cost by one plus the
12.5 employee-related cost ratio in subdivision 5, paragraph (b), clause (4); and

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

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

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

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

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

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

12.16 (g) The payment methodology for customized living and 24-hour customized living
12.17 services must be the customized living tool. The commissioner shall revise the customized
12.18 living tool to reflect the services and activities unique to disability-related recipient needs
12.19 and adjust for regional differences in the cost of providing services.

12.20 (h) The number of days authorized for all individuals enrolling in residential services
12.21 must include every day that services start and end.

12.22 Sec. 4. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 7, is amended
12.23 to read:

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

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

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

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

- 13.1 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
13.2 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
13.3 5;
- 13.4 (3) except for subdivision 5, paragraph (a), clauses (4) and ~~(21) to (23)~~ (20) to (22),
13.5 multiply the result of clause (2) by the product of one plus the competitive workforce factor
13.6 in subdivision 5, paragraph (d), clause (1);
- 13.7 (4) for a recipient requiring customization for deaf and hard-of-hearing language
13.8 accessibility under subdivision 12, add the customization rate provided in subdivision 12
13.9 to the result of clause (3);
- 13.10 (5) multiply the number of day program direct staff hours and nursing hours by the
13.11 appropriate staff wage;
- 13.12 (6) multiply the number of day direct staff hours by the product of the supervision span
13.13 of control ratio in subdivision 5, paragraph (d), clause (2), and the appropriate supervision
13.14 wage in subdivision 5, paragraph (a), clause ~~(21)~~ (20);
- 13.15 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
13.16 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (d), clause
13.17 (3). This is defined as the direct staffing rate;
- 13.18 (8) for program plan support, multiply the result of clause (7) by one plus the program
13.19 plan support ratio in subdivision 5, paragraph (d), clause (5);
- 13.20 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
13.21 employee-related cost ratio in subdivision 5, paragraph (d), clause (4);
- 13.22 (10) for client programming and supports, multiply the result of clause (9) by one plus
13.23 the client programming and support ratio in subdivision 5, paragraph (d), clause (6);
- 13.24 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
13.25 to meet individual needs;
- 13.26 (12) for adult day bath services, add \$7.01 per 15 minute unit;
- 13.27 (13) this is the subtotal rate;
- 13.28 (14) sum the standard general and administrative rate, the program-related expense ratio,
13.29 and the absence and utilization factor ratio;
- 13.30 (15) divide the result of clause (13) by one minus the result of clause (14). This is the
13.31 total payment amount;

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

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

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

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

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

14.14 (iv) \$33.50 for a trip of 51 miles or more for a nonshared ride in a vehicle without a lift,
14.15 \$16.50 for a shared ride in a vehicle without a lift, and \$20.75 for a shared ride in a vehicle
14.16 with a lift;

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

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

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

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

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

14.27 Sec. 5. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 8, is amended
14.28 to read:

14.29 Subd. 8. **Payments for unit-based services with programming.** (a) For purposes of
14.30 this subdivision, unit-based services with programming includes employment exploration
14.31 services, employment development services, housing access coordination, individualized
14.32 home supports with family training, individualized home supports with training, in-home

15.1 family support, independent living skills training, and hourly supported living services
 15.2 provided to an individual outside of any day or residential service plan, unless the services
 15.3 are authorized separately under subdivision 6 or 7.

15.4 (b) Payments for unit-based services with programming, including employment
 15.5 exploration services, employment development services, housing access coordination,
 15.6 individualized home supports with family training, individualized home supports with
 15.7 training, in-home family support, independent living skills training, and hourly supported
 15.8 living services provided to an individual outside of any day or residential service plan must
 15.9 be calculated as follows, unless the services are authorized separately under subdivision 6
 15.10 or 7:

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

15.12 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics
 15.13 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
 15.14 5;

15.15 (3) except for subdivision 5, paragraph (a), clauses (4) and ~~(21) to (23)~~ (20) to (22),
 15.16 multiply the result of clause (2) by the product of one plus the competitive workforce factor
 15.17 in subdivision 5, paragraph (f), clause (1);

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

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

15.22 (6) multiply the number of direct staff hours by the product of the supervision span of
 15.23 control ratio in subdivision 5, paragraph (f), clause (2), and the appropriate supervision
 15.24 wage in subdivision 5, paragraph (a), clause ~~(21)~~ (20);

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

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

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

16.1 (10) for client programming and supports, multiply the result of clause (9) by one plus
 16.2 the service-appropriate client programming and supports ratio ~~in subdivision 5, paragraph~~
 16.3 ~~(f), clause (6)~~;

16.4 (11) this is the subtotal rate;

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

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

16.9 (14) for employment exploration services provided in a shared manner, divide the total
 16.10 payment amount in clause (13) by the number of service recipients, not to exceed five. For
 16.11 employment support services provided in a shared manner, divide the total payment amount
 16.12 in clause (13) by the number of service recipients, not to exceed six. For independent living
 16.13 skills training, individualized home supports with training, and individualized home supports
 16.14 with family training provided in a shared manner, divide the total payment amount in clause
 16.15 (13) by the number of service recipients, not to exceed two; and

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

16.18 **EFFECTIVE DATE.** This section is effective January 1, 2021, or upon federal approval,
 16.19 whichever is later. The commissioner of human services must notify the revisor of statutes
 16.20 when federal approval is obtained.

16.21 Sec. 6. Minnesota Statutes 2019 Supplement, section 256B.4914, subdivision 9, is amended
 16.22 to read:

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

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

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

17.1 (3) except for subdivision 5, paragraph (a), clauses (4) and ~~(21) to (23)~~ (20) to (22),
17.2 multiply the result of clause (2) by the product of one plus the competitive workforce factor
17.3 in subdivision 5, paragraph ~~(g)~~ (h), clause (1);

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

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

17.8 (6) multiply the number of direct staff hours by the product of the supervision span of
17.9 control ratio in subdivision 5, paragraph ~~(g)~~ (h), clause (2), and the appropriate supervision
17.10 wage in subdivision 5, paragraph (a), clause ~~(21)~~ (20);

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

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

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

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

17.20 (11) this is the subtotal rate;

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

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

17.25 ~~(14) for respite services, determine the number of day units of service to meet an~~
17.26 ~~individual's needs;~~

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

17.29 ~~(16) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the~~
17.30 ~~result of clause (15) by the product of one plus the competitive workforce factor in~~
17.31 ~~subdivision 5, paragraph (h), clause (1);~~

- 18.1 ~~(17) for a recipient requiring deaf and hard-of-hearing customization under subdivision~~
 18.2 ~~12, add the customization rate provided in subdivision 12 to the result of clause (16);~~
 18.3 ~~(18) multiply the number of direct staff hours by the appropriate staff wage;~~
 18.4 ~~(19) multiply the number of direct staff hours by the product of the supervisory span of~~
 18.5 ~~control ratio in subdivision 5, paragraph (h), clause (2), and the appropriate supervision~~
 18.6 ~~wage in subdivision 5, paragraph (a), clause (21);~~
 18.7 ~~(20) combine the results of clauses (18) and (19), and multiply the result by one plus~~
 18.8 ~~the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (h),~~
 18.9 ~~clause (3). This is defined as the direct staffing rate;~~
 18.10 ~~(21) for employee-related expenses, multiply the result of clause (20) by one plus the~~
 18.11 ~~employee-related cost ratio in subdivision 5, paragraph (h), clause (4);~~
 18.12 ~~(22) this is the subtotal rate;~~
 18.13 ~~(23) sum the standard general and administrative rate, the program-related expense ratio,~~
 18.14 ~~and the absence and utilization factor ratio;~~
 18.15 ~~(24) divide the result of clause (22) by one minus the result of clause (23). This is the~~
 18.16 ~~total payment amount;~~
 18.17 ~~(25) for individualized home supports provided in a shared manner, divide the total~~
 18.18 ~~payment amount in clause (13) by the number of service recipients, not to exceed two;~~
 18.19 ~~(26) for respite care services provided in a shared manner, divide the total payment~~
 18.20 ~~amount in clause (24) by the number of service recipients, not to exceed three; and~~
 18.21 ~~(27) (14) adjust the result of clauses clause (13), ~~(25)~~, and ~~(26)~~ by a factor to be~~
 18.22 ~~determined by the commissioner to adjust for regional differences in the cost of providing~~
 18.23 ~~services.~~

18.24 **EFFECTIVE DATE.** This section is effective January 1, 2021, or upon federal approval,
 18.25 whichever is later. The commissioner of human services must notify the revisor of statutes
 18.26 when federal approval is obtained.