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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1175

02/18/2021 Authored by Lippert; Xiong, J.; Hamilton and Feist
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to human services; establishing COVID-19-related grants for home and
1.3 community-based service providers; appropriating money.

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

1.5 Section 1. APPROPRIATION; COVID-19-RELATED GRANTS FOR HOME AND
1.6 COMMUNITY-BASED SERVICE PROVIDERS.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Eligible provider" or "provider" means an enrolled provider who provides eligible
1.10 services and meets the attestation and agreement requirements in subdivisions 5 and 6.

1.11 (c) "Eligible services" means:

1.12 (1) residential services and unit-based services provided by the home and
1.13 community-based waiver programs under Minnesota Statutes, section 256B.4914; or

1.14 (2) services provided by intermediate care facilities for persons with developmental
1.15 disabilities under Minnesota Statutes, section 256B.5012.

1.16 (d) "Total revenue from medical assistance" includes both fee-for-service revenue and
1.17 revenue from managed care organizations. The commissioner shall determine each provider's
1.18 total revenue from medical assistance for eligible services provided from January 1, 2019,
1.19 through December 31, 2019, based on data for service claims paid as of January 1, 2020.

1.20 Subd. 2. Appropriation. (a) \$..... in fiscal year 2021 is appropriated from the general
1.21 fund to the commissioner of human services for grants to eligible providers to:

2.1 (1) assist providers with the costs of business interruptions due to the COVID-19
2.2 pandemic;

2.3 (2) assist providers with increased costs associated with the COVID-19 pandemic; and

2.4 (3) help ensure access to eligible services during or following the COVID-19 pandemic.

2.5 (b) The commissioner may use up to \$..... of this appropriation to administer grants
2.6 under this section.

2.7 (c) This is a onetime appropriation and is available until December 31, 2021.

2.8 Subd. 3. **Allowable uses of money.** Grantees must use money awarded under this section
2.9 for the increased costs or losses described in subdivision 2, paragraph (a), that were incurred
2.10 from March 1, 2020, through December 30, 2020.

2.11 Subd. 4. **Grant request.** Eligible providers must request a grant under this section no
2.12 later than, 2021. The commissioner shall develop an expedited request process that
2.13 includes a form allowing providers to meet the requirements of subdivisions 5 and 6 in as
2.14 timely a manner as possible. The commissioner shall allow the use of electronic submission
2.15 of request forms and accept electronic signatures.

2.16 Subd. 5. **Attestation.** As a condition of obtaining money under this section, an eligible
2.17 provider must attest on the grant request form:

2.18 (1) to the eligible provider's intent to continue providing eligible services under this
2.19 section;

2.20 (2) to the eligible provider's unreimbursed costs and losses incurred between March 1,
2.21 2020, and December 31, 2020, that were due to the COVID-19 pandemic and relate to
2.22 business expenses, reduced demand for eligible services, or revenue losses; and

2.23 (3) that without additional money, the provider will be unable to maintain the continuity
2.24 of the eligible services provided.

2.25 Subd. 6. **Agreement.** As a condition of obtaining money under this section, an eligible
2.26 provider must agree on the grant request form to:

2.27 (1) cooperate with the commissioner of human services to deliver eligible services
2.28 according to the program and service waivers and modifications issued under the
2.29 commissioner's authority;

2.30 (2) maintain documentation sufficient to demonstrate the unreimbursed costs or losses
2.31 required to receive a grant; and

3.1 (3) acknowledge that grants may be subject to a special recoupment under subdivision
3.2 9 if a state audit performed under subdivision 9 determines that the provider used the grant
3.3 for purposes not authorized under subdivision 3.

3.4 Subd. 7. **Grants.** (a) No later than, 2021, the commissioner shall begin issuing
3.5 grants to eligible providers in an amount equal to 2.5 percent of the provider's total revenue
3.6 from medical assistance for eligible services provided during calendar year 2019.

3.7 (b) The commissioner shall implement grants and the process of making grants under
3.8 this subdivision without compliance with time-consuming procedures and formalities
3.9 prescribed in law such as the following statutes and related policies: Minnesota Statutes,
3.10 sections 16A.15, subdivision 3; 16B.97; 16B.98, subdivisions 5 and 7; and 16B.98,
3.11 subdivision 8, the express audit clause requirement.

3.12 (c) The commissioner's determination of the grant amount is final and is not subject to
3.13 appeal. This paragraph does not apply to recoupment by the commissioner under subdivision
3.14 9.

3.15 Subd. 8. **Payments for services provided.** Providers who receive grants under this
3.16 section may continue to bill for eligible services provided.

3.17 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section
3.18 up to six years after the grant is awarded to ensure the grant is utilized solely for the purposes
3.19 stated in subdivision 3.

3.20 (b) If the commissioner determines that a provider used the grant for purposes not
3.21 authorized under this section, the commissioner shall treat any amount used for a purpose
3.22 not authorized under this section as an overpayment. The commissioner shall recover any
3.23 overpayment.

3.24 Subd. 10. **Expiration.** This section expires December 31, 2021, except for subdivision
3.25 9.

3.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.