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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3906

02/19/2024 Authored by Virnig and Hanson, J., The bill was read for the first time and referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying disability waiver rates; amending Minnesota
1.3 Statutes 2023 Supplement, section 256B.4914, subdivisions 5a, 6a, 6b, 6c, 7a, 7b,
1.4 7c, 8, 9.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 5a, is
1.7 amended to read:

1.8 Subd. 5a. Base wage index; calculations. The base wage index must be calculated as
1.9 follows:

1.10 (1) for supervisory staff, ~~100~~ the sum of 60 percent of the median wage for social and
1.11 community service manager (SOC code 11-9151) and 40 percent of the median wage for
1.12 community and social services specialist (SOC code 21-1099), with the exception of the
1.13 supervisor of positive supports professional, positive supports analyst, and positive supports
1.14 specialist, which is 100 percent of the median wage for clinical counseling and school
1.15 psychologist (SOC code 19-3031);

1.16 (2) for registered nurse staff, 100 percent of the median wage for registered nurses (SOC
1.17 code 29-1141);

1.18 (3) for licensed practical nurse staff, 100 percent of the median wage for licensed practical
1.19 nurses (SOC code 29-2061);

1.20 (4) for residential asleep-overnight staff, the minimum wage in Minnesota for large
1.21 employers;

1.22 (5) for residential direct care staff, the sum of:

2.1 (i) 15 percent of the subtotal of 50 percent of the median wage for home health and
2.2 personal care aide (SOC code 31-1120); 30 percent of the median wage for nursing assistant
2.3 (SOC code 31-1131); and 20 percent of the median wage for social and human services
2.4 aide (SOC code 21-1093); and

2.5 (ii) 85 percent of the subtotal of 40 percent of the median wage for home health and
2.6 personal care aide (SOC code 31-1120); 20 percent of the median wage for nursing assistant
2.7 (SOC code 31-1131); 20 percent of the median wage for psychiatric technician (SOC code
2.8 29-2053); and 20 percent of the median wage for social and human services aide (SOC code
2.9 21-1093);

2.10 (6) for adult day services staff, 70 percent of the median wage for nursing assistant (SOC
2.11 code 31-1131); and 30 percent of the median wage for home health and personal care aide
2.12 (SOC code 31-1120);

2.13 (7) for day support services staff and prevocational services staff, 20 percent of the
2.14 median wage for nursing assistant (SOC code 31-1131); 20 percent of the median wage for
2.15 psychiatric technician (SOC code 29-2053); and 60 percent of the median wage for social
2.16 and human services aide (SOC code 21-1093);

2.17 (8) for positive supports analyst staff, 100 percent of the median wage for substance
2.18 abuse, behavioral disorder, and mental health counselor (SOC code 21-1018);

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

2.21 (10) for positive supports specialist staff, 100 percent of the median wage for psychiatric
2.22 technicians (SOC code 29-2053);

2.23 (11) for individualized home supports with family training staff, 20 percent of the median
2.24 wage for nursing aide (SOC code 31-1131); 30 percent of the median wage for community
2.25 social service specialist (SOC code 21-1099); 40 percent of the median wage for social and
2.26 human services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric
2.27 technician (SOC code 29-2053);

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

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

3.4 (14) for employment exploration services staff, 50 percent of the median wage for
 3.5 education, guidance, school, and vocational counselor (SOC code 21-1012); and 50 percent
 3.6 of the median wage for community and social services specialist (SOC code 21-1099);

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

3.10 (16) for individualized home support without training staff, 50 percent of the median
 3.11 wage for home health and personal care aide (SOC code 31-1120); and 50 percent of the
 3.12 median wage for nursing assistant (SOC code 31-1131); and

3.13 (17) for night supervision staff, 40 percent of the median wage for home health and
 3.14 personal care aide (SOC code 31-1120); 20 percent of the median wage for nursing assistant
 3.15 (SOC code 31-1131); 20 percent of the median wage for psychiatric technician (SOC code
 3.16 29-2053); and 20 percent of the median wage for social and human services aide (SOC code
 3.17 21-1093).

3.18 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
 3.19 whichever is later. The commissioner of human services shall notify the revisor of statutes
 3.20 when federal approval is obtained.

3.21 Sec. 2. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 6a, is
 3.22 amended to read:

3.23 Subd. 6a. **Community residential services; component values and calculation of**
 3.24 **payment rates.** (a) Component values for community residential services are:

3.25 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

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

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

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

4.1 (b) Payments for community residential services must be calculated as follows:

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

4.4 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
4.5 provided in subdivisions 5 and 5a;

4.6 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
4.7 product of one plus the competitive workforce factor;

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

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

4.14 (6) multiply the number of shared direct staffing and individual direct staffing hours
4.15 provided on site or through monitoring technology and nursing hours by the product of the
4.16 supervision span of control ratio and the appropriate supervisory staff wage in subdivision
4.17 5a, clause (1);

4.18 (7) combine the results of clauses (5) and (6), excluding any shared direct staffing and
4.19 individual direct staffing hours provided through monitoring technology, and multiply the
4.20 result by one plus the employee vacation, sick, and training allowance ratio. This is defined
4.21 as the direct staffing cost;

4.22 (8) for employee-related expenses, multiply the direct staffing cost, excluding any shared
4.23 direct staffing and individual hours provided through monitoring technology, by one plus
4.24 the employee-related cost ratio;

4.25 (9) for client programming and supports, add \$2,260.21 divided by 365. The
4.26 commissioner shall update the amount in this clause as specified in subdivision 5b;

4.27 (10) for transportation, if provided, add \$1,742.62 divided by 365, or \$3,111.81 divided
4.28 by 365 if customized for adapted transport, based on the resident with the highest assessed
4.29 need. The commissioner shall update the amounts in this clause as specified in subdivision
4.30 5b;

5.1 (11) subtotal clauses (8) to (10) and the direct staffing cost of any shared direct staffing
5.2 and individual direct staffing hours provided through monitoring technology that was
5.3 excluded in clause (8);

5.4 (12) sum the standard general administrative support ratio, the program-related expense
5.5 ratio, and the absence and utilization factor ratio;

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

5.8 (14) adjust the result of clause (13) by a factor to be determined by the commissioner
5.9 to adjust for regional differences in the cost of providing services.

5.10 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
5.11 whichever is later. The commissioner of human services shall notify the revisor of statutes
5.12 when federal approval is obtained.

5.13 Sec. 3. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 6b, is
5.14 amended to read:

5.15 Subd. 6b. **Family residential services; component values and calculation of payment**
5.16 **rates.** (a) Component values for family residential services are:

5.17 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

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

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

5.23 (7) absence factor: 1.7 percent.

5.24 (b) Payments for family residential services must be calculated as follows:

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

5.27 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
5.28 provided in subdivisions 5 and 5a;

5.29 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
5.30 product of one plus the competitive workforce factor;

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

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

6.7 (6) multiply the number of shared direct staffing and individual direct staffing hours
6.8 provided on site or through monitoring technology and nursing hours by the product of the
6.9 supervisory span of control ratio and the appropriate supervisory staff wage in subdivision
6.10 5a, clause (1);

6.11 (7) combine the results of clauses (5) and (6), excluding any shared direct staffing and
6.12 individual direct staffing hours provided through monitoring technology, and multiply the
6.13 result by one plus the employee vacation, sick, and training allowance ratio. This is defined
6.14 as the direct staffing cost;

6.15 (8) for employee-related expenses, multiply the direct staffing cost, excluding any shared
6.16 and individual direct staffing hours provided through monitoring technology, by one plus
6.17 the employee-related cost ratio;

6.18 (9) for client programming and supports, add \$2,260.21 divided by 365. The
6.19 commissioner shall update the amount in this clause as specified in subdivision 5b;

6.20 (10) for transportation, if provided, add \$1,742.62 divided by 365, or \$3,111.81 divided
6.21 by 365 if customized for adapted transport, based on the resident with the highest assessed
6.22 need. The commissioner shall update the amounts in this clause as specified in subdivision
6.23 5b;

6.24 (11) subtotal clauses (8) to (10) and the direct staffing cost of any shared direct staffing
6.25 and individual direct staffing hours provided through monitoring technology that was
6.26 excluded in clause (8);

6.27 (12) sum the standard general administrative support ratio, the program-related expense
6.28 ratio, and the absence and utilization factor ratio;

6.29 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
6.30 total payment rate; and

6.31 (14) adjust the result of clause (13) by a factor to be determined by the commissioner
6.32 to adjust for regional differences in the cost of providing services.

7.1 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
7.2 whichever is later. The commissioner of human services shall notify the revisor of statutes
7.3 when federal approval is obtained.

7.4 Sec. 4. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 6c, is
7.5 amended to read:

7.6 Subd. 6c. **Integrated community supports; component values and calculation of**
7.7 **payment rates.** (a) Component values for integrated community supports are:

7.8 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

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

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

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

7.15 (b) Payments for integrated community supports must be calculated as follows:

7.16 (1) determine the number of shared direct staffing and individual direct staffing hours
7.17 to meet a recipient's needs. The base shared direct staffing hours must be eight hours divided
7.18 by the number of people receiving support in the integrated community support setting, and
7.19 the individual direct staffing hours must be the average number of direct support hours
7.20 provided directly to the service recipient;

7.21 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
7.22 provided in subdivisions 5 and 5a;

7.23 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
7.24 product of one plus the competitive workforce factor;

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

7.28 (5) multiply the number of shared direct staffing and individual direct staffing hours in
7.29 clause (1) by the appropriate staff wages;

8.1 (6) multiply the number of shared direct staffing and individual direct staffing hours in
 8.2 clause (1) by the product of the supervisory span of control ratio and the appropriate
 8.3 supervisory staff wage in subdivision 5a, clause (1);

8.4 (7) combine the results of clauses (5) and (6) and multiply the result by one plus the
 8.5 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
 8.6 cost;

8.7 (8) for employee-related expenses, multiply the direct staffing cost by one plus the
 8.8 employee-related cost ratio;

8.9 (9) for client programming and supports, add \$2,260.21 divided by 365. The
 8.10 commissioner shall update the amount in this clause as specified in subdivision 5b;

8.11 (10) add the results of clauses (8) and (9);

8.12 (11) add the standard general administrative support ratio, the program-related expense
 8.13 ratio, and the absence and utilization factor ratio;

8.14 (12) divide the result of clause (10) by one minus the result of clause (11). This is the
 8.15 total payment amount; and

8.16 (13) adjust the result of clause (12) by a factor to be determined by the commissioner
 8.17 to adjust for regional differences in the cost of providing services.

8.18 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
 8.19 whichever is later. The commissioner of human services shall notify the revisor of statutes
 8.20 when federal approval is obtained.

8.21 Sec. 5. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 7a, is
 8.22 amended to read:

8.23 Subd. 7a. **Adult day services; component values and calculation of payment rates.** (a)
 8.24 Component values for adult day services are:

8.25 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

8.29 (5) program plan support ratio: 5.6 percent;

9.1 (6) client programming and support ratio: 7.4 percent, updated as specified in subdivision
9.2 5b;

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

9.4 (8) program-related expense ratio: 1.8 percent; and

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

9.6 (b) A unit of service for adult day services is either a day or 15 minutes. A day unit of
9.7 service is six or more hours of time spent providing direct service.

9.8 (c) Payments for adult day services must be calculated as follows:

9.9 (1) determine the number of units of service and the staffing ratio to meet a recipient's
9.10 needs;

9.11 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
9.12 provided in subdivisions 5 and 5a;

9.13 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
9.14 product of one plus the competitive workforce factor;

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

9.18 (5) multiply the number of day program direct staffing hours and nursing hours by the
9.19 appropriate staff wage;

9.20 (6) multiply the number of day program direct staffing hours by the product of the
9.21 supervisory span of control ratio and the appropriate supervisory staff wage in subdivision
9.22 5a, clause (1);

9.23 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
9.24 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
9.25 rate;

9.26 (8) for program plan support, multiply the result of clause (7) by one plus the program
9.27 plan support ratio;

9.28 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
9.29 employee-related cost ratio;

9.30 (10) for client programming and supports, multiply the result of clause (9) by one plus
9.31 the client programming and support ratio;

10.1 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
 10.2 to meet individual needs, updated as specified in subdivision 5b;

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

10.4 (13) this is the subtotal rate;

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

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

10.9 (16) adjust the result of clause (15) by a factor to be determined by the commissioner
 10.10 to adjust for regional differences in the cost of providing services.

10.11 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
 10.12 whichever is later. The commissioner of human services shall notify the revisor of statutes
 10.13 when federal approval is obtained.

10.14 Sec. 6. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 7b, is
 10.15 amended to read:

10.16 Subd. 7b. **Day support services; component values and calculation of payment**
 10.17 **rates.** (a) Component values for day support services are:

10.18 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

10.22 (5) program plan support ratio: 5.6 percent;

10.23 (6) client programming and support ratio: 10.37 percent, updated as specified in
 10.24 subdivision 5b;

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

10.26 (8) program-related expense ratio: 1.8 percent; and

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

10.28 (b) A unit of service for day support services is 15 minutes.

10.29 (c) Payments for day support services must be calculated as follows:

- 11.1 (1) determine the number of units of service and the staffing ratio to meet a recipient's
11.2 needs;
- 11.3 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
11.4 provided in subdivisions 5 and 5a;
- 11.5 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
11.6 product of one plus the competitive workforce factor;
- 11.7 (4) for a recipient requiring customization for deaf and hard-of-hearing language
11.8 accessibility under subdivision 12, add the customization rate provided in subdivision 12
11.9 to the result of clause (3);
- 11.10 (5) multiply the number of day program direct staffing hours and nursing hours by the
11.11 appropriate staff wage;
- 11.12 (6) multiply the number of day program direct staffing hours by the product of the
11.13 supervisory span of control ratio and the appropriate supervisory staff wage in subdivision
11.14 5a, clause (1);
- 11.15 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
11.16 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
11.17 rate;
- 11.18 (8) for program plan support, multiply the result of clause (7) by one plus the program
11.19 plan support ratio;
- 11.20 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
11.21 employee-related cost ratio;
- 11.22 (10) for client programming and supports, multiply the result of clause (9) by one plus
11.23 the client programming and support ratio;
- 11.24 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
11.25 to meet individual needs, updated as specified in subdivision 5b;
- 11.26 (12) this is the subtotal rate;
- 11.27 (13) sum the standard general administrative rate support ratio, the program-related
11.28 expense ratio, and the absence and utilization factor ratio;
- 11.29 (14) divide the result of clause (12) by one minus the result of clause (13). This is the
11.30 total payment amount; and

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

12.3 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
 12.4 whichever is later. The commissioner of human services shall notify the revisor of statutes
 12.5 when federal approval is obtained.

12.6 Sec. 7. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 7c, is
 12.7 amended to read:

12.8 Subd. 7c. **Prevocational services; component values and calculation of payment**
 12.9 **rates.** (a) Component values for prevocational services are:

12.10 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

12.14 (5) program plan support ratio: 5.6 percent;

12.15 (6) client programming and support ratio: 10.37 percent, updated as specified in
 12.16 subdivision 5b;

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

12.18 (8) program-related expense ratio: 1.8 percent; and

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

12.20 (b) A unit of service for prevocational services is either a day or 15 minutes. A day unit
 12.21 of service is six or more hours of time spent providing direct service.

12.22 (c) Payments for prevocational services must be calculated as follows:

12.23 (1) determine the number of units of service and the staffing ratio to meet a recipient's
 12.24 needs;

12.25 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
 12.26 provided in subdivisions 5 and 5a;

12.27 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
 12.28 product of one plus the competitive workforce factor;

- 13.1 (4) for a recipient requiring customization for deaf and hard-of-hearing language
13.2 accessibility under subdivision 12, add the customization rate provided in subdivision 12
13.3 to the result of clause (3);
- 13.4 (5) multiply the number of day program direct staffing hours and nursing hours by the
13.5 appropriate staff wage;
- 13.6 (6) multiply the number of day program direct staffing hours by the product of the
13.7 supervisory span of control ratio and the appropriate supervisory staff wage in subdivision
13.8 5a, clause (1);
- 13.9 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
13.10 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
13.11 rate;
- 13.12 (8) for program plan support, multiply the result of clause (7) by one plus the program
13.13 plan support ratio;
- 13.14 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
13.15 employee-related cost ratio;
- 13.16 (10) for client programming and supports, multiply the result of clause (9) by one plus
13.17 the client programming and support ratio;
- 13.18 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
13.19 to meet individual needs, updated as specified in subdivision 5b;
- 13.20 (12) this is the subtotal rate;
- 13.21 (13) sum the standard general administrative rate support ratio, the program-related
13.22 expense ratio, and the absence and utilization factor ratio;
- 13.23 (14) divide the result of clause (12) by one minus the result of clause (13). This is the
13.24 total payment amount; and
- 13.25 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
13.26 to adjust for regional differences in the cost of providing services.
- 13.27 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
13.28 whichever is later. The commissioner of human services shall notify the revisor of statutes
13.29 when federal approval is obtained.

14.1 Sec. 8. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 8, is amended
14.2 to read:

14.3 Subd. 8. **Unit-based services with programming; component values and calculation**
14.4 **of payment rates.** (a) For the purpose of this section, unit-based services with programming
14.5 include employment exploration services, employment development services, employment
14.6 support services, individualized home supports with family training, individualized home
14.7 supports with training, and positive support services provided to an individual outside of
14.8 any service plan for a day program or residential support service.

14.9 (b) Component values for unit-based services with programming are:

14.10 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

14.14 (5) program plan support ratio: 15.5 percent;

14.15 (6) client programming and support ratio: 4.7 percent, updated as specified in subdivision
14.16 5b;

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

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

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

14.20 (c) A unit of service for unit-based services with programming is 15 minutes.

14.21 (d) Payments for unit-based services with programming must be calculated as follows,
14.22 unless the services are reimbursed separately as part of a residential support services or day
14.23 program payment rate:

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

14.25 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
14.26 provided in subdivisions 5 and 5a;

14.27 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
14.28 product of one plus the competitive workforce factor;

- 15.1 (4) for a recipient requiring customization for deaf and hard-of-hearing language
15.2 accessibility under subdivision 12, add the customization rate provided in subdivision 12
15.3 to the result of clause (3);
- 15.4 (5) multiply the number of direct staffing hours by the appropriate staff wage;
- 15.5 (6) multiply the number of direct staffing hours by the product of the supervisory span
15.6 of control ratio and the appropriate supervisory staff wage in subdivision 5a, clause (1);
- 15.7 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
15.8 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
15.9 rate;
- 15.10 (8) for program plan support, multiply the result of clause (7) by one plus the program
15.11 plan support ratio;
- 15.12 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
15.13 employee-related cost ratio;
- 15.14 (10) for client programming and supports, multiply the result of clause (9) by one plus
15.15 the client programming and support ratio;
- 15.16 (11) this is the subtotal rate;
- 15.17 (12) sum the standard general administrative support ratio, the program-related expense
15.18 ratio, and the absence and utilization factor ratio;
- 15.19 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
15.20 total payment amount;
- 15.21 (14) for services provided in a shared manner, divide the total payment in clause (13)
15.22 as follows:
- 15.23 (i) for employment exploration services, divide by the number of service recipients, not
15.24 to exceed five;
- 15.25 (ii) for employment support services, divide by the number of service recipients, not to
15.26 exceed six;
- 15.27 (iii) for individualized home supports with training and individualized home supports
15.28 with family training, divide by the number of service recipients, not to exceed three; and
- 15.29 (iv) for night supervision, divide by the number of service recipients, not to exceed two;
15.30 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 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
 16.4 whichever is later. The commissioner of human services shall notify the revisor of statutes
 16.5 when federal approval is obtained.

16.6 Sec. 9. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 9, is amended
 16.7 to read:

16.8 **Subd. 9. Unit-based services without programming; component values and**
 16.9 **calculation of payment rates.** (a) For the purposes of this section, unit-based services
 16.10 without programming include individualized home supports without training and night
 16.11 supervision provided to an individual outside of any service plan for a day program or
 16.12 residential support service. Unit-based services without programming do not include respite.

16.13 (b) Component values for unit-based services without programming are:

16.14 (1) competitive workforce factor: ~~6.7~~ 16.76 percent;

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

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

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

16.18 (5) program plan support ratio: 7.0 percent;

16.19 (6) client programming and support ratio: 2.3 percent, updated as specified in subdivision
 16.20 5b;

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

16.22 (8) program-related expense ratio: 2.9 percent; and

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

16.24 (c) A unit of service for unit-based services without programming is 15 minutes.

16.25 (d) Payments for unit-based services without programming must be calculated as follows
 16.26 unless the services are reimbursed separately as part of a residential support services or day
 16.27 program payment rate:

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

16.29 (2) determine the appropriate hourly staff wage rates derived by the commissioner as
 16.30 provided in subdivisions 5 to 5a;

17.1 (3) except for subdivision 5a, clauses (1) to (4), multiply the result of clause (2) by the
17.2 product of one plus the competitive workforce factor;

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

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

17.7 (6) multiply the number of direct staffing hours by the product of the supervisory span
17.8 of control ratio and the appropriate supervisory staff wage in subdivision 5a, clause (1);

17.9 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
17.10 employee vacation, sick, and training allowance ratio. This is defined as the direct staffing
17.11 rate;

17.12 (8) for program plan support, multiply the result of clause (7) by one plus the program
17.13 plan support ratio;

17.14 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
17.15 employee-related cost ratio;

17.16 (10) for client programming and supports, multiply the result of clause (9) by one plus
17.17 the client programming and support ratio;

17.18 (11) this is the subtotal rate;

17.19 (12) sum the standard general administrative support ratio, the program-related expense
17.20 ratio, and the absence and utilization factor ratio;

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

17.23 (14) for individualized home supports without training provided in a shared manner,
17.24 divide the total payment amount in clause (13) by the number of service recipients, not to
17.25 exceed three; and

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

17.28 **EFFECTIVE DATE.** This section is effective January 1, 2025, or upon federal approval,
17.29 whichever is later. The commissioner of human services shall notify the revisor of statutes
17.30 when federal approval is obtained.