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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3268

02/10/2022 Authored by Boldon, Elkins, Lillie, Edelson, Feist and others
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; modifying alternate overnight supervision in community
1.3 residential settings; modifying home and community-based services employee
1.4 scholarships; providing an ICF/DD operating rate increase; establishing direct
1.5 support professionals child care relief grants; establishing direct support
1.6 professionals and frontline supervisor employee retention payments; appropriating
1.7 money; amending Minnesota Statutes 2020, sections 245A.11, subdivisions 7, 7a;
1.8 256B.0918; 256B.5012, by adding a subdivision.

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

1.10 Section 1. Minnesota Statutes 2020, section 245A.11, subdivision 7, is amended to read:

1.11 Subd. 7. Adult foster care; variance for alternate overnight supervision. (a) The
1.12 commissioner may grant a variance under section 245A.04, subdivision 9, to rule parts
1.13 requiring a caregiver to be present in an adult foster care home during normal sleeping hours
1.14 to allow for alternative methods of overnight supervision. The commissioner may grant the
1.15 variance if the local county licensing agency recommends the variance and the county
1.16 recommendation includes documentation verifying that:

1.17 (1) the county has approved the license holder's plan for alternative methods of providing
1.18 overnight supervision and determined the plan protects the residents' health, safety, and
1.19 rights;

1.20 (2) the license holder has obtained written and signed informed consent from each
1.21 resident or each resident's legal representative documenting the resident's or legal
1.22 representative's agreement with the alternative method of overnight supervision; and

1.23 (3) the alternative method of providing overnight supervision, which may include the
1.24 use of technology, is specified for each resident in the resident's: (i) individualized plan of

2.1 care; (ii) individual service plan under section 256B.092, subdivision 1b, if required; or (iii)  
 2.2 individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart  
 2.3 19, if required.

2.4 (b) To be eligible for a variance under paragraph (a), the adult foster care license holder  
 2.5 must not have had a conditional license issued under section 245A.06, or any other licensing  
 2.6 sanction issued under section 245A.07 during the prior 24 months based on failure to provide  
 2.7 adequate supervision, health care services, or resident safety in the adult foster care home.

2.8 (c) A license holder requesting a variance under this subdivision to utilize technology  
 2.9 as a component of a plan for alternative overnight supervision may request the commissioner's  
 2.10 review in the absence of a county recommendation. Upon receipt of such a request from a  
 2.11 license holder, the commissioner shall review the variance request with the county.

2.12 (d) ~~A variance granted by the commissioner according to this subdivision before January~~  
 2.13 ~~1, 2014, to a license holder for an adult foster care home must transfer with the license when~~  
 2.14 ~~the license converts to a community residential setting license under chapter 245D. The~~  
 2.15 ~~terms and conditions of the variance remain in effect as approved at the time the variance~~  
 2.16 ~~was granted. The variance requirements under this subdivision for alternate overnight~~  
 2.17 ~~supervision do not apply to community residential settings licensed under chapter 245D.~~

2.18 Sec. 2. Minnesota Statutes 2020, section 245A.11, subdivision 7a, is amended to read:

2.19 Subd. 7a. **Alternate overnight supervision technology; adult foster care and**  
 2.20 **community residential setting licenses.** (a) The commissioner may grant an applicant or  
 2.21 license holder an adult foster care ~~or community residential setting~~ license for a residence  
 2.22 that does not have a caregiver in the residence during normal sleeping hours as required  
 2.23 under Minnesota Rules, part 9555.5105, subpart 37, item B, or section 245D.02, subdivision  
 2.24 33b, but uses monitoring technology to alert the license holder when an incident occurs that  
 2.25 may jeopardize the health, safety, or rights of a foster care recipient. The applicant or license  
 2.26 holder must comply with all other requirements under Minnesota Rules, parts 9555.5105  
 2.27 to 9555.6265, ~~or applicable requirements under chapter 245D,~~ and the requirements under  
 2.28 this subdivision. The license printed by the commissioner must state in bold and large font:

2.29 (1) that the facility is under electronic monitoring; and

2.30 (2) the telephone number of the county's common entry point for making reports of  
 2.31 suspected maltreatment of vulnerable adults under section 626.557, subdivision 9.

2.32 (b) Applications for a license under this section must be submitted directly to the  
 2.33 Department of Human Services licensing division. The licensing division must immediately

3.1 notify the county licensing agency. The licensing division must collaborate with the county  
3.2 licensing agency in the review of the application and the licensing of the program.

3.3 (c) Before a license is issued by the commissioner, and for the duration of the license,  
3.4 the applicant or license holder must establish, maintain, and document the implementation  
3.5 of written policies and procedures addressing the requirements in paragraphs (d) through  
3.6 (f).

3.7 (d) The applicant or license holder must have policies and procedures that:

3.8 (1) establish characteristics of target populations that will be admitted into the home,  
3.9 and characteristics of populations that will not be accepted into the home;

3.10 (2) explain the discharge process when a resident served by the program requires  
3.11 overnight supervision or other services that cannot be provided by the license holder due  
3.12 to the limited hours that the license holder is on site;

3.13 (3) describe the types of events to which the program will respond with a physical  
3.14 presence when those events occur in the home during time when staff are not on site, and  
3.15 how the license holder's response plan meets the requirements in paragraph (e), clause (1)  
3.16 or (2);

3.17 (4) establish a process for documenting a review of the implementation and effectiveness  
3.18 of the response protocol for the response required under paragraph (e), clause (1) or (2).  
3.19 The documentation must include:

3.20 (i) a description of the triggering incident;

3.21 (ii) the date and time of the triggering incident;

3.22 (iii) the time of the response or responses under paragraph (e), clause (1) or (2);

3.23 (iv) whether the response met the resident's needs;

3.24 (v) whether the existing policies and response protocols were followed; and

3.25 (vi) whether the existing policies and protocols are adequate or need modification.

3.26 When no physical presence response is completed for a three-month period, the license  
3.27 holder's written policies and procedures must require a physical presence response drill to  
3.28 be conducted for which the effectiveness of the response protocol under paragraph (e),  
3.29 clause (1) or (2), will be reviewed and documented as required under this clause; and

4.1 (5) establish that emergency and nonemergency phone numbers are posted in a prominent  
4.2 location in a common area of the home where they can be easily observed by a person  
4.3 responding to an incident who is not otherwise affiliated with the home.

4.4 (e) The license holder must document and include in the license application which  
4.5 response alternative under clause (1) or (2) is in place for responding to situations that  
4.6 present a serious risk to the health, safety, or rights of residents served by the program:

4.7 (1) response alternative (1) requires only the technology to provide an electronic  
4.8 notification or alert to the license holder that an event is underway that requires a response.  
4.9 Under this alternative, no more than ten minutes will pass before the license holder will be  
4.10 physically present on site to respond to the situation; or

4.11 (2) response alternative (2) requires the electronic notification and alert system under  
4.12 alternative (1), but more than ten minutes may pass before the license holder is present on  
4.13 site to respond to the situation. Under alternative (2), all of the following conditions are  
4.14 met:

4.15 (i) the license holder has a written description of the interactive technological applications  
4.16 that will assist the license holder in communicating with and assessing the needs related to  
4.17 the care, health, and safety of the foster care recipients. This interactive technology must  
4.18 permit the license holder to remotely assess the well being of the resident served by the  
4.19 program without requiring the initiation of the foster care recipient. Requiring the foster  
4.20 care recipient to initiate a telephone call does not meet this requirement;

4.21 (ii) the license holder documents how the remote license holder is qualified and capable  
4.22 of meeting the needs of the foster care recipients and assessing foster care recipients' needs  
4.23 under item (i) during the absence of the license holder on site;

4.24 (iii) the license holder maintains written procedures to dispatch emergency response  
4.25 personnel to the site in the event of an identified emergency; and

4.26 (iv) each resident's individualized plan of care, coordinated service and support plan  
4.27 under sections 256B.0913, subdivision 8; 256B.092, subdivision 1b; 256B.49, subdivision  
4.28 15; and 256S.10, if required, or individual resident placement agreement under Minnesota  
4.29 Rules, part 9555.5105, subpart 19, if required, identifies the maximum response time, which  
4.30 may be greater than ten minutes, for the license holder to be on site for that resident.

4.31 (f) Each resident's placement agreement, individual service agreement, and plan must  
4.32 clearly state that the adult foster care ~~or community residential setting~~ license category is  
4.33 a program without the presence of a caregiver in the residence during normal sleeping hours;

5.1 the protocols in place for responding to situations that present a serious risk to the health,  
5.2 safety, or rights of residents served by the program under paragraph (e), clause (1) or (2);  
5.3 and a signed informed consent from each resident served by the program or the person's  
5.4 legal representative documenting the person's or legal representative's agreement with  
5.5 placement in the program. If electronic monitoring technology is used in the home, the  
5.6 informed consent form must also explain the following:

5.7 (1) how any electronic monitoring is incorporated into the alternative supervision system;

5.8 (2) the backup system for any electronic monitoring in times of electrical outages or  
5.9 other equipment malfunctions;

5.10 (3) how the caregivers or direct support staff are trained on the use of the technology;

5.11 (4) the event types and license holder response times established under paragraph (e);

5.12 (5) how the license holder protects each resident's privacy related to electronic monitoring  
5.13 and related to any electronically recorded data generated by the monitoring system. A  
5.14 resident served by the program may not be removed from a program under this subdivision  
5.15 for failure to consent to electronic monitoring. The consent form must explain where and  
5.16 how the electronically recorded data is stored, with whom it will be shared, and how long  
5.17 it is retained; and

5.18 (6) the risks and benefits of the alternative overnight supervision system.

5.19 The written explanations under clauses (1) to (6) may be accomplished through  
5.20 cross-references to other policies and procedures as long as they are explained to the person  
5.21 giving consent, and the person giving consent is offered a copy.

5.22 (g) Nothing in this section requires the applicant or license holder to develop or maintain  
5.23 separate or duplicative policies, procedures, documentation, consent forms, or individual  
5.24 plans that may be required for other licensing standards, if the requirements of this section  
5.25 are incorporated into those documents.

5.26 (h) The commissioner may grant variances to the requirements of this section according  
5.27 to section 245A.04, subdivision 9.

5.28 (i) For the purposes of paragraphs (d) through (h), "license holder" has the meaning  
5.29 under section 245A.02, subdivision 9, and additionally includes all staff, volunteers, and  
5.30 contractors affiliated with the license holder.

6.1 (j) For the purposes of paragraph (e), the terms "assess" and "assessing" mean to remotely  
6.2 determine what action the license holder needs to take to protect the well-being of the foster  
6.3 care recipient.

6.4 (k) The commissioner shall evaluate license applications using the requirements in  
6.5 paragraphs (d) to (f). The commissioner shall provide detailed application forms, including  
6.6 a checklist of criteria needed for approval.

6.7 (l) To be eligible for a license under paragraph (a), the adult foster care ~~or community~~  
6.8 ~~residential setting~~ license holder must not have had a conditional license issued under section  
6.9 245A.06 or any licensing sanction under section 245A.07 during the prior 24 months based  
6.10 on failure to provide adequate supervision, health care services, or resident safety in the  
6.11 adult foster care home ~~or community residential setting~~.

6.12 (m) The commissioner shall review an application for an alternative overnight supervision  
6.13 license within 60 days of receipt of the application. When the commissioner receives an  
6.14 application that is incomplete because the applicant failed to submit required documents or  
6.15 that is substantially deficient because the documents submitted do not meet licensing  
6.16 requirements, the commissioner shall provide the applicant written notice that the application  
6.17 is incomplete or substantially deficient. In the written notice to the applicant, the  
6.18 commissioner shall identify documents that are missing or deficient and give the applicant  
6.19 45 days to resubmit a second application that is substantially complete. An applicant's failure  
6.20 to submit a substantially complete application after receiving notice from the commissioner  
6.21 is a basis for license denial under section 245A.05. The commissioner shall complete  
6.22 subsequent review within 30 days.

6.23 (n) Once the application is considered complete under paragraph (m), the commissioner  
6.24 will approve or deny an application for an alternative overnight supervision license within  
6.25 60 days.

6.26 (o) For the purposes of this subdivision, "supervision" means:

6.27 (1) oversight by a caregiver or direct support staff as specified in the individual resident's  
6.28 place agreement or coordinated service and support plan and awareness of the resident's  
6.29 needs and activities; and

6.30 (2) the presence of a caregiver or direct support staff in a residence during normal sleeping  
6.31 hours, unless a determination has been made and documented in the individual's coordinated  
6.32 service and support plan that the individual does not require the presence of a caregiver or  
6.33 direct support staff during normal sleeping hours.

7.1 Sec. 3. Minnesota Statutes 2020, section 256B.0918, is amended to read:

7.2 **256B.0918 HOME AND COMMUNITY-BASED SERVICES EMPLOYEE**  
 7.3 **SCHOLARSHIP COSTS GRANT PROGRAM.**

7.4 Subdivision 1. ~~Program criteria~~ **Establishment.** Beginning on or after October 1, 2005  
 7.5 2021, within the limits of appropriations specifically available for this purpose, the  
 7.6 commissioner shall provide funding to qualified provider applicants for employee  
 7.7 scholarships for education in nursing ~~and~~ other health care fields, or further training in an  
 7.8 employee's current position. ~~Employee scholarships must be for a course of study that is~~  
 7.9 ~~expected to lead to career advancement with the provider or in the field of long-term care,~~  
 7.10 ~~including home care or care of persons with disabilities, or nursing.~~ At a minimum, the  
 7.11 employee scholarship program must cover employee costs related to a course of study that  
 7.12 is expected to lead to career or position advancement with the provider or in the field of  
 7.13 long-term care, including home care, care of persons with disabilities, or nursing. Providers  
 7.14 that secure this funding must use it to award scholarships to employees who work an average  
 7.15 of at least 20 hours per week for the provider. Executive management staff without direct  
 7.16 care duties, registered nurses, and therapists are not eligible to receive scholarships under  
 7.17 this section.

7.18 Subd. 2. **Participating providers.** The commissioner shall publish a request for proposals  
 7.19 in the State Register by ~~August 15, 2005~~ ....., specifying provider eligibility requirements,  
 7.20 ~~provider selection criteria, program specifics, funding mechanism~~ criteria for a qualifying  
 7.21 employee scholarship program, documentation required for program participation, maximum  
 7.22 award amount, and methods of evaluation. The commissioner may publish additional requests  
 7.23 for proposals ~~in subsequent years~~ each year in which funding is available for this purpose.  
 7.24 ~~Providers who provide services funded through the following programs are eligible to apply~~  
 7.25 ~~to participate in the scholarship program: home and community-based waived services~~  
 7.26 ~~for persons with developmental disabilities under section 256B.501; home and~~  
 7.27 ~~community-based waived services for the elderly under chapter 256S; waived services~~  
 7.28 ~~under community access for disability inclusion under section 256B.49; community~~  
 7.29 ~~alternative care waived services under section 256B.49; brain injury waived services~~  
 7.30 ~~under section 256B.49; nursing services and home health services under section 256B.0625,~~  
 7.31 ~~subdivision 6a; personal care services and nursing supervision of personal care services~~  
 7.32 ~~under section 256B.0625, subdivision 19a; home care nursing services under section~~  
 7.33 ~~256B.0625, subdivision 7; day training and habilitation services for adults with developmental~~  
 7.34 ~~disabilities under sections 252.41 to 252.46; and intermediate care facilities for persons~~  
 7.35 ~~with developmental disabilities under section 256B.5012.~~

8.1 Subd. 2a. **Eligibility.** Providers who provide services funded through the following  
 8.2 programs are eligible qualifying providers under this section:

8.3 (1) home and community-based waiver services for persons with developmental  
 8.4 disabilities under section 256B.092;

8.5 (2) community access for disability inclusion waiver services under section 256B.49;

8.6 (3) community alternative care waiver services under section 256B.49;

8.7 (4) brain injury waiver services under section 256B.49; and

8.8 (5) intermediate care facilities for persons with developmental disabilities under section  
 8.9 256B.5012.

8.10 Subd. 2b. **Application requirements.** Eligible qualifying providers seeking a grant  
 8.11 under this section shall submit an application to the commissioner. Each application must  
 8.12 contain a description of the employee scholarship program being proposed by the applicant,  
 8.13 including:

8.14 (1) criteria by which grant money will be distributed among employees;

8.15 (2) the need for the provider to enhance the education of the provider's workforce;

8.16 (3) the process for determining which employees will be eligible for scholarships;

8.17 (4) the expected degrees or credentials eligible for scholarships;

8.18 (5) the amount of funding that the applicant is seeking for the employee scholarship  
 8.19 program;

8.20 (6) a proposed budget detailing how grant money will be spent;

8.21 (7) any other sources of funding for the applicant's proposed employee scholarship  
 8.22 program; and

8.23 (8) plans for retaining eligible employees after the completion of their education.

8.24 Subd. 3. **Provider selection criteria process.** ~~To be considered for scholarship funding,~~  
 8.25 ~~the provider shall submit a completed application within the time frame specified by the~~  
 8.26 ~~commissioner. In awarding funding, The commissioner shall consider the following:~~  
 8.27 ~~determine a maximum award for grants and make grant selections based on the information~~  
 8.28 ~~provided in the grant application and~~

8.29 ~~(1) the size of the provider as measured in annual billing to the medical assistance~~  
 8.30 ~~program. To be eligible, a provider must receive at least \$300,000 annually in medical~~  
 8.31 ~~assistance payments;~~

9.1 ~~(2) the percentage of employees meeting the scholarship program recipient requirements;~~  
 9.2 ~~(3) staff retention rates for paraprofessionals; and~~  
 9.3 ~~(4) other criteria determined by the commissioner.~~ Notwithstanding any law or rule to  
 9.4 the contrary, money awarded to grantees in a grant agreement do not lapse until the grant  
 9.5 agreement expires.

9.6 Subd. 4. ~~Funding specifies~~ Provision of grants. ~~Within the limits of appropriations~~  
 9.7 ~~specifically available for this purpose, for the rate period beginning on or after October 1,~~  
 9.8 ~~2005, to September 30, 2007, the commissioner shall provide to each provider listed in~~  
 9.9 ~~subdivision 2 and awarded funds under subdivision 3 a medical assistance rate increase to~~  
 9.10 ~~fund scholarships up to three-tenths percent of the medical assistance reimbursement rate.~~  
 9.11 ~~The commissioner shall require providers to repay any portion of funds awarded under~~  
 9.12 ~~subdivision 3 that is not used to fund scholarships. If applications exceed available funding,~~  
 9.13 ~~funding shall be targeted to providers that employ a higher percentage of paraprofessional~~  
 9.14 ~~staff or have lower rates of turnover of paraprofessional staff. During the subsequent years~~  
 9.15 ~~of the program, the rate adjustment may be recalculated, at the discretion of the~~  
 9.16 ~~commissioner. In making a recalculation the commissioner may consider the provider's~~  
 9.17 ~~success at granting scholarships based on the amount spent during the previous year and~~  
 9.18 ~~the availability of appropriations to continue the program.~~ The commissioner shall make  
 9.19 grants available to qualified providers of home and community-based services under  
 9.20 subdivision 2a. Grant money must be used by qualified providers to recruit and train staff  
 9.21 through the establishment of an employee scholarship fund.

9.22 Subd. 5. **Reporting requirements.** ~~Participating providers shall~~ submit an invoice for  
 9.23 reimbursement and a report to the commissioner on a schedule determined by the  
 9.24 commissioner and on a form supplied by the commissioner for a scholarship rate for rate  
 9.25 periods beginning October 1, 2007. ~~The report shall include the amount spent during the~~  
 9.26 ~~reporting period on eligible scholarships, and, for each scholarship recipient, the name of~~  
 9.27 ~~the recipient, the current position of the recipient, the amount awarded, the educational~~  
 9.28 ~~institution attended, the nature of the educational program, and the expected or actual~~  
 9.29 ~~program completion date, and a determination of the amount spent as a percentage of the~~  
 9.30 ~~provider's reimbursement. The commissioner shall require providers to repay all of the~~  
 9.31 ~~funds awarded under subdivision 3 if the report required in this subdivision is not filled~~  
 9.32 ~~according to the schedule determined by the commissioner.~~ During the grant period, the  
 9.33 commissioner may require and collect from grant recipients other information necessary to  
 9.34 evaluate the program.

10.1 ~~Subd. 6. **Evaluation.** The commissioner shall report to the legislature annually, beginning~~  
 10.2 ~~March 15, 2007, on the use of these funds.~~

10.3 Sec. 4. Minnesota Statutes 2020, section 256B.5012, is amended by adding a subdivision  
 10.4 to read:

10.5 Subd. 19. **ICF/DD rate increases effective January 1, 2023.** (a) For the rate period  
 10.6 beginning January 1, 2023, the commissioner shall increase operating payments for each  
 10.7 facility reimbursed under this section equal to five percent of the operating payment rates  
 10.8 in effect on December 31, 2022.

10.9 (b) For each facility, the commissioner shall apply the rate increase based on occupied  
 10.10 beds, using the percentage specified in this subdivision multiplied by the total payment rate,  
 10.11 including the variable rate but excluding the property-related payment rate in effect on  
 10.12 December 31, 2022. The total rate increase shall include the adjustment provided in section  
 10.13 256B.501, subdivision 12.

10.14 Sec. 5. **DIRECT SUPPORT PROFESSIONAL CHILD CARE RELIEF GRANTS.**

10.15 Subdivision 1. **Establishment; purpose.** The direct support professional child care relief  
 10.16 grant program is established to help with the costs of child care incurred by eligible direct  
 10.17 support professionals.

10.18 Subd. 2. **Administration.** The commissioner of human services shall administer the  
 10.19 direct support professional child care relief grant program. Up to ten percent of the  
 10.20 appropriation for the grant program under this section may be used by the commissioner  
 10.21 for administration of the grant program.

10.22 Subd. 3. **Application.** (a) Eligible direct support professionals must apply to the  
 10.23 commissioner for grant money on the forms and according to the timelines established by  
 10.24 the commissioner.

10.25 (b) The commissioner shall develop an expedited application process that includes a  
 10.26 form allowing applicants to meet the requirements of this section in as timely a manner as  
 10.27 possible. The commissioner shall allow the use of electronic submission of application  
 10.28 forms and accept electronic signatures.

10.29 Subd. 4. **Eligibility.** Eligible direct support professionals must:

10.30 (1) for the entire duration of the grant period, be employed by an employer who provides  
 10.31 services funded through one of the following programs:

11.1 (i) home and community-based waiver services for persons with developmental  
 11.2 disabilities under Minnesota Statutes, section 256B.092;

11.3 (ii) community access for disability inclusion waiver services under Minnesota Statutes,  
 11.4 section 256B.49;

11.5 (iii) community alternative care waiver services under Minnesota Statutes, section  
 11.6 256B.49;

11.7 (iv) brain injury waiver services under Minnesota Statutes, section 256B.49; or

11.8 (v) intermediate care facilities for persons with developmental disabilities under  
 11.9 Minnesota Statutes, section 256B.5012;

11.10 (2) have at least one child enrolled in out-of-home child care in a licensed or legal  
 11.11 unlicensed setting; and

11.12 (3) provide direct support services to clients.

11.13 Subd. 5. **Grant awards.** (a) The commissioner shall make grant awards to eligible direct  
 11.14 support professionals once per month.

11.15 (b) A direct support professional with one child in out-of-home child care qualifies for  
 11.16 a grant award up to \$100 per month for 12 months. A direct support professional with two  
 11.17 or more children in out-of-home child care qualifies for a grant award of up to \$200 per  
 11.18 month for 12 months.

11.19 **Sec. 6. DIRECT SUPPORT PROFESSIONALS AND FRONTLINE SUPERVISOR**  
 11.20 **EMPLOYEE RETENTION PAYMENTS.**

11.21 Subdivision 1. **Establishment; purpose.** The direct support professionals and frontline  
 11.22 supervisor employee retention payments program is established to retain these employees  
 11.23 through December 31, 2022.

11.24 Subd. 2. **Administration.** The commissioner of human services shall administer the  
 11.25 retention payment program under this section. Up to ten percent of the appropriation for  
 11.26 the retention payment program under this section may be used by the commissioner to  
 11.27 administer the retention payments.

11.28 Subd. 3. **Application.** (a) Qualifying providers must:

11.29 (1) apply to the commissioner for retention payments on forms and according to timelines  
 11.30 established by the commissioner; and

12.1 (2) provide the commissioner with documentation of the employment status of qualifying  
 12.2 direct support professionals and frontline supervisors employed by the qualifying provider  
 12.3 in order for those employees to receive a retention payment.

12.4 (b) The commissioner shall develop an expedited application process that includes a  
 12.5 form allowing applicants to meet the requirements of this section in as timely a manner as  
 12.6 possible. The commissioner shall allow the use of electronic submission of application  
 12.7 forms and accept electronic signatures.

12.8 Subd. 4. **Eligibility.** Eligible direct support professionals and frontline supervisors must:

12.9 (1) until December 31, 2022, be employed by a qualifying provider who provides services  
 12.10 funded through one of the following programs:

12.11 (i) home and community-based waiver services for persons with developmental  
 12.12 disabilities under Minnesota Statutes, section 256B.092;

12.13 (ii) community access for disability inclusion waiver services under Minnesota Statutes,  
 12.14 section 256B.49;

12.15 (iii) community alternative care waiver services under Minnesota Statutes, section  
 12.16 256B.49;

12.17 (iv) brain injury waiver services under Minnesota Statutes, section 256B.49; or

12.18 (v) intermediate care facilities for persons with developmental disabilities under  
 12.19 Minnesota Statutes, section 256B.5012; and

12.20 (2) provide direct support services to clients or frontline supervision of direct support  
 12.21 professionals.

12.22 Subd. 5. **Retention payments.** The commissioner shall distribute retention payments  
 12.23 equal to \$1,500 to eligible direct support professionals and frontline supervisors who meet  
 12.24 the requirements of this section.

12.25 Sec. 7. **APPROPRIATION; HOME AND COMMUNITY-BASED SERVICES**  
 12.26 **EMPLOYEE SCHOLARSHIP GRANT PROGRAM.**

12.27 \$10,000,000 in fiscal year 2023 is appropriated from the federal American Rescue Plan  
 12.28 state fiscal recovery funds to the commissioner of human services for the home and  
 12.29 community-based services employee scholarship grant program under Minnesota Statutes,  
 12.30 section 256B.0918. This is a onetime appropriation.

13.1      Sec. 8. **APPROPRIATION; DIRECT SUPPORT PROFESSIONAL CHILD CARE**  
 13.2      **RELIEF GRANTS.**

13.3           \$40,000,000 in fiscal year 2023 is appropriated from the federal American Rescue Plan  
 13.4      state fiscal recovery funds to the commissioner of human services for direct support  
 13.5      professional child care relief grants. This is a onetime appropriation.

13.6      Sec. 9. **APPROPRIATION; DIRECT SUPPORT PROFESSIONAL AND**  
 13.7      **FRONTLINE SUPERVISOR EMPLOYEE RETENTION PAYMENTS.**

13.8           \$50,000,000 in fiscal year 2023 is appropriated from the federal American Rescue Plan  
 13.9      state fiscal recovery funds to the commissioner of human services for direct support  
 13.10     professional and frontline supervisor employee retention payments. This is a onetime  
 13.11     appropriation.