

SENATE

STATE OF MINNESOTA

NINETY-FOURTH SESSION

S.F. No. 1418

(SENATE AUTHORS: HOFFMAN and Abeler)		
DATE	D-PG	OFFICIAL STATUS
02/17/2025	398	Introduction and first reading Referred to Human Services
02/20/2025	465	Author added Abeler
03/06/2025	641	Comm report: To pass and re-referred to State and Local Government
03/17/2025	824a	Comm report: To pass as amended and re-refer to Human Services

1.1

A bill for an act

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relating to human services; establishing the council on direct support professionals;

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requiring a report; appropriating money; proposing coding for new law in Minnesota

1.4

Statutes, chapter 256.

1.5

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

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Section 1. [256.4931] COUNCIL ON DIRECT SUPPORT PROFESSIONALS.

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Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this

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subdivision have the meanings given.

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(b) "Direct support professional" means any individual who is not a licensed health

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professional and is qualified to provide direct support services, including individuals who

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are qualified to be personal care assistants, home health aides, nursing assistants, resident

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assistants, or direct support staff.

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(c) "Direct support services" means assistance with activities of daily living; assistance

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with instrumental activities of daily living; providing home and community-based services;

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and other similar, long-term services and supports provided to a person age 65 or older or

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to a person with a disability by a direct support professional to meet the person's daily living

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needs and ensure that the person may adequately function in the person's home and have

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safe access to the community.

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(d) "Direct support staff" has the meaning given in section 245D.02.

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(e) "Licensed health professional" means a person licensed in Minnesota by a

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health-related licensing board listed in section 214.01, subdivision 2.

2.1 Subd. 2. **Members.** (a) The council on direct support professionals consists of 18
2.2 members.

2.3 (b) The executive branch members of the council are:

2.4 (1) the commissioner of human services, or a designee appointed by the commissioner
2.5 of human services;

2.6 (2) the commissioner of health, or a designee appointed by the commissioner of health;

2.7 (3) the commissioner of employment and economic development, or a designee appointed
2.8 by the commissioner of employment and economic development;

2.9 (4) the commissioner of the Office of Higher Education, or a designee appointed by the
2.10 commissioner of the Office of Higher Education;

2.11 (5) the commissioner of labor and industry, or a designee appointed by the commissioner
2.12 of labor and industry; and

2.13 (6) the commissioner of education, or a designee appointed by the commissioner of
2.14 education.

2.15 (c) The nonexecutive branch members are:

2.16 (1) one representative from the Minnesota Nursing Home Workforce Standards Board
2.17 who is not an employee of the state, appointed by the board with an affirmative vote of five
2.18 board members;

2.19 (2) one member appointed by SEIU Healthcare Minnesota & Iowa;

2.20 (3) one member from each of the following seven provider types, each appointed by the
2.21 commissioner of human services:

2.22 (i) community first services and supports provider agencies;

2.23 (ii) disability waiver service providers;

2.24 (iii) providers of home care not provided in an assisted living facility;

2.25 (iv) assisted living facilities;

2.26 (v) nursing facilities;

2.27 (vi) adult mental health service providers; and

2.28 (vii) children's mental health service providers;

2.29 (4) one member with lived experience or with a family member with lived experience
2.30 as a consumer of direct support services, appointed by the commissioner of human services;

(5) one member who is a community advocate for recipients of direct support services but is not employed by a direct support services provider, appointed by the commissioner of human services; and

(6) one representative of an organization that assists people with disabilities but is not a provider of direct support services, appointed by the commissioner of human services.

Subd. 3. **Terms.** Notwithstanding the provisions of section 15.059, each nonexecutive branch member of the council serves a three-year term and until a successor is appointed and qualified. The compensation and removal of all members must be as provided in section 15.059. The council performs functions that are not purely advisory, so the expiration dates provided in section 15.059 do not apply. Vacancies must be filled by the appointing authority for the remainder of the unexpired term.

Subd. 4. **Chairperson; executive committee.** (a) The council must elect a chairperson and other officers as the council deems necessary.

(b) An executive committee elected by the members of the council governs the council. The council chairperson must be a member of the executive committee.

(c) The executive committee may appoint additional subcommittees and work groups as necessary to fulfill the duties of the advisory council.

Subd. 5. **Executive director; staff.** The council must appoint an executive director of the council by a vote of a majority of all council members. The executive director must be in the unclassified service of the state and may be removed at any time by a majority vote of the council. The executive director serves as an ex officio nonvoting member of the executive committee and must provide administrative support for the council; provide administrative leadership to implement council mandates, policies, and objectives; and employ and direct staff authorized according to state law and necessary to carry out council mandates, policies, activities, and objectives. The council may delegate to the executive director any powers and duties under this section that do not require council approval. The salary of the executive director and staff must be established pursuant to chapter 43A.

Subd. 6. **Duties and powers.** (a) The council has the following duties and powers:

(1) advocate for the expansion of existing effective pathways for recruitment, education, training, employment, skill development, and competitive compensation of direct support professionals;

(2) develop a statewide strategic plan to increase the number of qualified direct support professionals, reduce job vacancies among direct support service providers, reduce job

vacancies among direct support service recipients seeking to directly employ a direct support professional, retain direct support professionals, and reduce turnover among direct support professionals;

(3) identify implementable strategies to expand educational and employment pathways for jobseekers, students in college, or individuals employed or trained in other trades or industries to become qualified direct support professionals;

(4) formulate a recommended strategic direct support professional career lattice platform based on Minnesota's current and potential direct support professional standards and job classifications, a compa-ratio compensation analysis by standard occupational classifications codes of comparable professions and competing employment opportunities, and an assessment of new direct support professional career lattice levels, including but not limited to postsecondary-credentialed direct support professional positions and college credit-based experiential learning opportunities;

(5) assess the development of additional postsecondary or other educational strategies to expand the direct support professional workforce;

(6) assess the opportunities to improve access to affordable and quality benefits for direct support professionals;

(7) conduct an economic assessment of the state's investment in direct support services and providers and the impact of those investments on Minnesota's economy;

(8) promote respectful and safe working conditions for direct support professionals and prevention of exploitation of direct support professionals;

(9) publish recommendations related to the council's purposes, goals, and work achieved through the council's activities; and

(10) provide recommended changes to state statutes, laws, rules, and departmental policies necessary to implement the council's recommendations.

(b) In carrying out the council's duties, the council must:

(1) strive to make data-informed decisions and effectively communicate the supporting data and the data's sources to the public when making recommendations;

(2) prioritize long-term solutions to address the shortage of qualified direct support professionals; and

(3) prioritize work that addresses existing inequities in the direct support services delivery system.

5.1 Subd. 7. **Meetings.** (a) The council must meet at least quarterly and more frequently at
5.2 the call of the chairperson or at the request of a majority of council members.

5.3 (b) Notwithstanding section 13D.01, the council may conduct a meeting of its members
5.4 by telephone or other electronic means so long as the following conditions are met:

5.5 (1) all members of the council participating in the meeting, wherever their physical
5.6 location, can hear one another and can hear all discussion and testimony;

5.7 (2) members of the public present at the regular meeting location of the council can hear
5.8 all discussion and all votes of members of the council and participate in testimony;

5.9 (3) at least one member of the council is physically present at the regular meeting location;
5.10 and

5.11 (4) all votes are conducted by roll call, so each member's vote on each issue can be
5.12 identified and recorded.

5.13 (c) Each member of the council participating in a meeting by telephone or other electronic
5.14 means is considered present at the meeting for the purposes of determining a quorum and
5.15 participating in all proceedings.

5.16 (d) If telephone or another electronic means is used to conduct a meeting, the council,
5.17 to the extent practical, must allow a person to monitor the meeting electronically from a
5.18 remote location.

5.19 (e) If telephone or another electronic means is used to conduct a regular, special, or
5.20 emergency meeting, the council must provide notice of the regular meeting location, of the
5.21 fact that some members may participate by electronic means, and of the provisions of
5.22 paragraph (d). The timing and method of providing notice is governed by section 13D.04.

5.23 Subd. 8. **Annual report.** By January 1 of each year, beginning January 1, 2026, the
5.24 council must report to the chairs and ranking minority members of the legislative committees
5.25 with jurisdiction over human services, health, employment and economic development,
5.26 labor and industry, and higher education on the council's activities under subdivision 7, its
5.27 recommendations, its proposed changes to statute or rules, and other issues on which the
5.28 council may choose to report.

6.1 Sec. 2. **COUNCIL ON DIRECT SUPPORT PROFESSIONALS; INITIAL**
6.2 **APPOINTMENTS AND FIRST MEETING.**

6.3 Subdivision 1. **Initial appointments.** The appointing authorities under Minnesota
6.4 Statutes, section 256.4931, subdivision 2, must make their initial appointments no later than
6.5 October 1, 2025.

6.6 Subd. 2. **First meeting.** The commissioner of human services, or the commissioner's
6.7 designee appointed under Minnesota Statutes, section 256.4931, subdivision 2, paragraph
6.8 (b), clause (1), must convene the first meeting of the council on direct support professionals
6.9 no later than October 1, 2025. The commissioner or the commissioner's designee must
6.10 preside over the first meeting until the council elects a chairperson.

6.11 Subd. 3. **Initial administrative support.** The commissioner of human services must
6.12 provide administrative support to the council until the council has appointed an executive
6.13 director, or until June 30, 2026, whichever occurs first. The council must reimburse the
6.14 commissioner for reasonable expenses incurred to provide the administrative support.

6.15 Sec. 3. **APPROPRIATION; COUNCIL ON DIRECT SUPPORT PROFESSIONALS.**

6.16 \$..... in fiscal year 2026 and \$..... in fiscal year 2027 are appropriated from the general
6.17 fund to the council on direct support professionals. From the amount appropriated in fiscal
6.18 year 2026, the council must reimburse the commissioner of human services for the reasonable
6.19 costs incurred by the commissioner to provide the council with administrative support prior
6.20 to appointment by the council of an executive director.