

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 3928**

(SENATE AUTHORS: MOHAMED and Abeler)

DATE	D-PG	OFFICIAL STATUS
02/26/2026	6407	Introduction and first reading Referred to Human Services
03/18/2026	6821	Author added Abeler

1.1 A bill for an act

1.2 relating to human services; clarifying community first services and supports

1.3 requirements for shared services; requiring wage increases for support workers

1.4 providing shared services; renumbering community first services and supports

1.5 definitions; amending Minnesota Statutes 2024, sections 256B.0659, subdivisions

1.6 12, 16, 17, 19; 256B.85, by adding subdivisions; Minnesota Statutes 2025

1.7 Supplement, section 256B.85, subdivision 7; proposing coding for new law in

1.8 Minnesota Statutes, chapter 256B.

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

1.10 Section 1. Minnesota Statutes 2024, section 256B.0659, subdivision 12, is amended to

1.11 read:

1.12 Subd. 12. **Documentation of personal care assistance services provided.** (a) Personal

1.13 care assistance services for a recipient must be documented daily by each personal care

1.14 assistant, on a time sheet form approved by the commissioner. All documentation may be

1.15 web-based, electronic, or paper documentation. The completed form must be submitted on

1.16 a monthly basis to the provider and kept in the recipient's health record.

1.17 (b) The activity documentation must correspond to the personal care assistance care plan

1.18 and be reviewed by the qualified professional.

1.19 (c) The personal care assistant time sheet must be on a form approved by the

1.20 commissioner documenting time the personal care assistant provides services in the home.

1.21 The following criteria must be included in the time sheet:

1.22 (1) full name of personal care assistant and individual provider number;

1.23 (2) provider name and telephone numbers;

- 2.1 (3) full name of recipient and either the recipient's medical assistance identification  
 2.2 number or date of birth;
- 2.3 (4) consecutive dates, including month, day, and year, and arrival and departure times  
 2.4 with a.m. or p.m. notations;
- 2.5 (5) signatures of recipient or the responsible party;
- 2.6 (6) personal signature of the personal care assistant;
- 2.7 (7) any shared ~~care~~ services provided, if applicable;
- 2.8 (8) a statement that it is a federal crime to provide false information on personal care  
 2.9 service billings for medical assistance payments;
- 2.10 (9) dates and location of recipient stays in a hospital, care facility, or incarceration; and
- 2.11 (10) any time spent traveling, as described in subdivision 1, paragraph (i), including  
 2.12 start and stop times with a.m. and p.m. designations, the origination site, and the destination  
 2.13 site.

2.14 Sec. 2. Minnesota Statutes 2024, section 256B.0659, subdivision 16, is amended to read:

2.15 Subd. 16. **Shared services.** (a) Medical assistance payments for ~~shared~~ personal care  
 2.16 assistance services that are shared services are limited according to this subdivision.

2.17 (b) ~~Shared service is~~ For the purposes of this section, "shared services" means the  
 2.18 provision of personal care assistance services by a personal care assistant to two or three  
 2.19 recipients; who are all eligible for medical assistance; and who each voluntarily enter into  
 2.20 an agreement to receive services at the same time and in the same setting.

2.21 (c) For the purposes of this subdivision, "setting" means:

2.22 (1) the home residence or family foster care home of one or more of the individual  
 2.23 recipients; or

2.24 (2) a child care program licensed under chapter 142B or operated by a local school  
 2.25 district or private school.

2.26 (d) ~~Shared personal care assistance~~ services follow the same criteria for covered services  
 2.27 as subdivision 2.

2.28 (e) Noncovered ~~shared personal care assistance~~ services include the following:

2.29 (1) services for more than three recipients by one personal care assistant at one time;

2.30 (2) staff requirements for child care programs under chapter 245C;

3.1 (3) caring for multiple recipients in more than one setting;

3.2 (4) additional units of personal care assistance based on the selection of the option; and

3.3 (5) use of more than one personal care assistance provider agency for the shared ~~care~~  
3.4 services.

3.5 (f) The option of shared ~~personal care assistance~~ services is elected by the recipient or  
3.6 the responsible party with the assistance of the assessor. The option must be determined  
3.7 appropriate based on the ages of the recipients, compatibility, and coordination of their  
3.8 assessed care needs. The recipient or the responsible party, in conjunction with the qualified  
3.9 professional, shall arrange the setting and grouping of shared services based on the individual  
3.10 needs and preferences of the recipients. The personal care assistance provider agency shall  
3.11 offer the recipient or the responsible party the option of shared services or one-on-one  
3.12 personal care assistance services or a combination of both. The recipient or the responsible  
3.13 party may withdraw from participating in a shared services arrangement at any time.

3.14 (g) Authorization for the shared service option must be determined by the commissioner  
3.15 based on the criteria that the shared service is appropriate to meet all of the recipients' needs  
3.16 and ~~their~~ the recipients' health and safety is maintained. The authorization of shared services  
3.17 is part of the overall authorization of personal care assistance services. Nothing in this  
3.18 subdivision must be construed to reduce the total number of hours authorized for an individual  
3.19 recipient.

3.20 (h) A personal care assistant providing shared ~~personal care assistance~~ services must:

3.21 (1) receive training specific for each recipient served; and

3.22 (2) follow all required documentation requirements for time and services provided.

3.23 (i) A qualified professional shall:

3.24 (1) evaluate the ability of the personal care assistant to provide services ~~for all of~~ to all  
3.25 the recipients in a shared setting;

3.26 (2) visit the shared setting as shared services are being provided at least once every six  
3.27 months or whenever needed for response to a recipient's request for increased supervision  
3.28 of the personal care assistance staff;

3.29 (3) provide ongoing monitoring and evaluation of the effectiveness and appropriateness  
3.30 of the shared services;

3.31 (4) develop a contingency plan with each of the recipients ~~which~~ that accounts for absence  
3.32 of the recipient in a shared services setting due to illness or other circumstances;

4.1 (5) obtain permission from each of the recipients who are sharing a personal care assistant  
4.2 for number of shared hours for services provided inside and outside the home residence;  
4.3 and

4.4 (6) document the training completed by the personal care assistants specific to the shared  
4.5 setting and recipients sharing services.

4.6 Sec. 3. Minnesota Statutes 2024, section 256B.0659, subdivision 17, is amended to read:

4.7 Subd. 17. **Shared services; rates.** (a) For the purposes of this subdivision, "additional  
4.8 revenue for shared services" means the difference between the rate paid to a personal care  
4.9 assistance provider agency for serving a single recipient and the sum of the rates paid to a  
4.10 personal care assistance provider agency for shared services provided to more than one  
4.11 recipient.

4.12 (b) For the purposes of this subdivision, "wages and wage-related costs" means increased  
4.13 wages and any corresponding increase in the employer's share of FICA taxes, Medicare  
4.14 taxes, state and federal unemployment taxes, workers' compensation premiums, and  
4.15 contributions to employee retirement accounts when the contribution is a function of wages.

4.16 (c) The commissioner shall provide a rate system for shared ~~personal care assistance~~  
4.17 services. For two ~~persons~~ recipients sharing services, the rate paid to a personal care  
4.18 assistance provider agency for the shared services must not exceed one and one-half times  
4.19 the rate paid for serving a single ~~individual, and~~ recipient. For three ~~persons~~ recipients  
4.20 sharing services, the rate paid to a personal care assistance provider agency for the shared  
4.21 services must not exceed twice the rate paid for serving a single ~~individual~~ recipient. These  
4.22 rates apply only when all of the criteria for the shared ~~care~~ ~~personal care assistance~~ service  
4.23 have been services are met.

4.24 (d) Of the additional revenue for shared services provided to two recipients, the personal  
4.25 care assistance provider agency must use ... percent for the purposes specified in paragraph  
4.26 (e). Of the additional revenue for shared services provided to three recipients, the personal  
4.27 care assistance provider agency must use ... percent for the purposes specified in paragraph  
4.28 (e).

4.29 (e) A personal care assistance provider agency must use the percentages of additional  
4.30 revenue for shared services specified in paragraph (d) for the wages and wage-related costs  
4.31 of the personal care assistant providing the shared services. The personal care assistance  
4.32 provider agency must not use additional revenue for shared services to pay for mileage  
4.33 reimbursements, uniform allowances, health and dental insurance, life insurance, disability

5.1 insurance, long-term care insurance, contributions to employee retirement accounts when  
5.2 the contribution is not a function of wages, or any other employee benefits.

5.3 Sec. 4. Minnesota Statutes 2024, section 256B.0659, subdivision 19, is amended to read:

5.4 Subd. 19. **Personal care assistance choice option; qualifications; duties.** (a) Under  
5.5 personal care assistance choice, the recipient or responsible party shall:

5.6 (1) recruit, hire, schedule, and terminate personal care assistants according to the terms  
5.7 of the written agreement required under subdivision 20, paragraph (a);

5.8 (2) develop a personal care assistance care plan based on the assessed needs and  
5.9 addressing the health and safety of the recipient with the assistance of a qualified professional  
5.10 as needed;

5.11 (3) orient and train the personal care assistant with assistance as needed from the qualified  
5.12 professional;

5.13 (4) supervise and evaluate the personal care assistant with the qualified professional,  
5.14 who is required to visit the recipient at least every 180 days;

5.15 (5) monitor and verify in writing and report to the personal care assistance choice agency  
5.16 the number of hours worked by the personal care assistant and the qualified professional;

5.17 (6) engage in an annual reassessment as required in subdivision 3a to determine  
5.18 continuing eligibility and service authorization;

5.19 (7) use the same personal care assistance choice provider agency if shared ~~personal~~  
5.20 ~~assistance care is~~ services are being used; and

5.21 (8) ensure that a personal care assistant driving the recipient under subdivision 1,  
5.22 paragraph (i), has a valid driver's license and the vehicle used is registered and insured  
5.23 according to Minnesota law.

5.24 (b) The personal care assistance choice provider agency shall:

5.25 (1) meet all personal care assistance provider agency standards;

5.26 (2) enter into a written agreement with the recipient, responsible party, and personal  
5.27 care assistants;

5.28 (3) not be related as a parent, child, sibling, or spouse to the recipient or the personal  
5.29 care assistant; and

5.30 (4) ensure arm's-length transactions without undue influence or coercion with the recipient  
5.31 and personal care assistant.

6.1 (c) The duties of the personal care assistance choice provider agency are to:

6.2 (1) be the employer of the personal care assistant and the qualified professional for  
 6.3 employment law and related regulations including but not limited to purchasing and  
 6.4 maintaining workers' compensation, unemployment insurance, surety and fidelity bonds,  
 6.5 and liability insurance, and submit any or all necessary documentation including but not  
 6.6 limited to workers' compensation, unemployment insurance, and labor market data required  
 6.7 under section 256B.4912, subdivision 1a;

6.8 (2) bill the medical assistance program for personal care assistance services and qualified  
 6.9 professional services;

6.10 (3) request and complete background studies that comply with the requirements for  
 6.11 personal care assistants and qualified professionals;

6.12 (4) pay the personal care assistant and qualified professional based on actual hours of  
 6.13 services provided;

6.14 (5) withhold and pay all applicable federal and state taxes;

6.15 (6) verify and keep records of hours worked by the personal care assistant and qualified  
 6.16 professional;

6.17 (7) make the arrangements and pay taxes and other benefits, if any, and comply with  
 6.18 any legal requirements for a Minnesota employer;

6.19 (8) enroll in the medical assistance program as a personal care assistance choice agency;  
 6.20 and

6.21 (9) enter into a written agreement as specified in subdivision 20 before services are  
 6.22 provided.

6.23 Sec. 5. Minnesota Statutes 2025 Supplement, section 256B.85, subdivision 7, is amended  
 6.24 to read:

6.25 Subd. 7. **Community first services and supports; covered services.** Services and  
 6.26 supports covered under CFSS include:

6.27 (1) assistance to accomplish activities of daily living (ADLs), instrumental activities of  
 6.28 daily living (IADLs), and health-related procedures and tasks through hands-on assistance  
 6.29 to accomplish the task or constant supervision and cueing to accomplish the task;

7.1 (2) assistance to acquire, maintain, or enhance the skills necessary for the participant to  
 7.2 accomplish activities of daily living, instrumental activities of daily living, or health-related  
 7.3 tasks;

7.4 (3) expenditures for items, services, supports, environmental modifications, or goods,  
 7.5 including assistive technology. These expenditures must:

7.6 (i) relate to a need identified in a participant's CFSS service delivery plan; and

7.7 (ii) increase independence or substitute for human assistance, to the extent that  
 7.8 expenditures would otherwise be made for human assistance for the participant's assessed  
 7.9 needs;

7.10 (4) observation and redirection for behavior or symptoms where there is a need for  
 7.11 assistance;

7.12 (5) back-up systems or mechanisms, such as the use of pagers or other electronic devices,  
 7.13 to ensure continuity of the participant's services and supports;

7.14 (6) swimming lessons for a participant younger than 12 years of age whose disability  
 7.15 puts the participant at a higher risk of drowning according to the Centers for Disease Control  
 7.16 Vital Statistics System;

7.17 (7) services described under subdivision 17 provided by a consultation services provider  
 7.18 meeting the requirements of subdivision 17a;

7.19 (8) services provided by an FMS provider as defined under subdivision 13a; that is an  
 7.20 enrolled provider with the department;

7.21 (9) CFSS services provided by a support worker who is a parent, stepparent, or legal  
 7.22 guardian of a participant under age 18, or who is the participant's spouse. Covered services  
 7.23 under this clause are subject to the limitations described in subdivision 7b; ~~and~~

7.24 (10) shared services meeting the shared service requirements of this section; and

7.25 ~~(10)~~ (11) worker training and development services as described in subdivision 18a.

7.26 Sec. 6. Minnesota Statutes 2024, section 256B.85, is amended by adding a subdivision to  
 7.27 read:

7.28 Subd. 7c. Shared services under the agency-provider model. (a) The commissioner  
 7.29 shall authorize shared service arrangements if the commissioner determines that a shared  
 7.30 service arrangement is appropriate to meet all the participants' needs and sufficient to  
 7.31 maintain the participants' health and safety. The commissioner must include a decision

8.1 regarding authorization of shared services during the process of authorizing CFSS under  
8.2 subdivision 8. The commissioner must not reduce the total number of authorized units for  
8.3 a participant who elects to receive shared services.

8.4 (b) An agency-provider must offer a participant or the participant's representative the  
8.5 option of shared services, one-on-one services, or a combination of both shared services  
8.6 and one-on-one services when shared services are authorized by the commissioner. The  
8.7 option of shared services may be elected at the sole discretion of either the participant or  
8.8 the participant's representative. The participant or the participant's representative may  
8.9 withdraw from participating in a shared service arrangement at any time.

8.10 Sec. 7. Minnesota Statutes 2024, section 256B.85, is amended by adding a subdivision to  
8.11 read:

8.12 Subd. 7d. **Shared service rates under the agency-provider model.** The commissioner  
8.13 shall provide a rate system for shared services. For two participants sharing services, the  
8.14 rate paid to an agency-provider for the shared services must not exceed one and one-half  
8.15 times the rate paid for serving a single participant. For three participants sharing services,  
8.16 the rate paid to an agency-provider for the shared services must not exceed twice the rate  
8.17 paid for serving a single participant. These rates apply only when all criteria for shared  
8.18 services are met.

8.19 Sec. 8. Minnesota Statutes 2024, section 256B.85, is amended by adding a subdivision to  
8.20 read:

8.21 Subd. 7e. **Pass-through for shared services under the agency-provider model.** (a)  
8.22 Of the additional revenue for shared services provided to two participants, the  
8.23 agency-provider must use ... percent for the purposes specified in paragraph (b). Of the  
8.24 additional revenue for shared services provided to three participants, the agency-provider  
8.25 must use ... percent for the purposes specified in paragraph (b).

8.26 (b) An agency-provider must use the percentages of additional revenue for shared services  
8.27 specified in paragraph (a) for the wages and wage-related costs of the support worker  
8.28 providing the shared services. The agency-provider must not use additional revenue for  
8.29 shared services to pay for mileage reimbursements, uniform allowances, health and dental  
8.30 insurance, life insurance, disability insurance, long-term care insurance, contributions to  
8.31 employee retirement accounts when the contribution is not a function of wages, or any other  
8.32 employee benefits.

9.1 Sec. 9. Minnesota Statutes 2024, section 256B.85, is amended by adding a subdivision to  
9.2 read:

9.3 Subd. 7f. **Shared services under the budget model.** (a) A participant who intends to  
9.4 elect shared services under the budget model, or the participant's representative, must include  
9.5 a statement of this intention in the CFSS service delivery plan, must develop a plan for  
9.6 shared services when developing or amending the CFSS service delivery plan, and must  
9.7 follow the CFSS process for approval of the plan as required under subdivision 6.

9.8 (b) The commissioner shall authorize shared service arrangements if the commissioner  
9.9 determines that a shared service arrangement is appropriate to meet all the participants'  
9.10 needs and sufficient to maintain the participants' health and safety. The commissioner must  
9.11 include a decision regarding authorization of shared services during the process of authorizing  
9.12 CFSS under subdivision 8. The commissioner must not reduce the total authorized dollar  
9.13 amount available to a participant who elects to receive shared services.

9.14 (c) The participants, or participants' representatives as needed, who elect to share services  
9.15 under the budget model must jointly develop a shared service agreement with the support  
9.16 of the participants' representatives as needed. Any participant or any participant's  
9.17 representative may at any time withdraw from participating in a shared service agreement.

9.18 (d) The commissioner must develop and publish recommendations for negotiating wages  
9.19 for support workers providing shared services under the budget model.

9.20 Sec. 10. Minnesota Statutes 2024, section 256B.85, is amended by adding a subdivision  
9.21 to read:

9.22 Subd. 7g. **Pass-through for shared services under the budget model.** (a) Of the budget  
9.23 savings for shared services provided to two participants, the participant employer must use  
9.24 ... percent for the purposes specified in paragraph (b). Of the budget savings for shared  
9.25 services provided to three participants, the participant provider must use ... percent for the  
9.26 purposes specified in paragraph (b).

9.27 (b) A participant employer must use the percentages of budget savings for shared services  
9.28 specified in paragraph (a) for the wages and wage-related costs of the support worker  
9.29 providing the shared services. The participant employer must not use budget savings for  
9.30 shared services to pay for mileage reimbursements, uniform allowances, health and dental  
9.31 insurance, life insurance, disability insurance, long-term care insurance, contributions to  
9.32 employee retirement accounts when the contribution is not a function of wages, or any other  
9.33 employee benefits.

10.1 Sec. 11. **[256B.8502] COMMUNITY FIRST SERVICES AND SUPPORTS;**  
10.2 **DEFINITIONS.**

10.3 Subdivision 1. **Scope.** For the purposes of this section and sections 256B.85 and  
10.4 256B.851, the terms in this section have the meanings given.

10.5 Subd. 2. **Additional revenue for shared services.** "Additional revenue for shared  
10.6 services" means the difference between the rate paid to an agency-provider for serving a  
10.7 single participant and the sum of the rates paid to a personal care assistance provider agency  
10.8 for shared services provided to more than one recipient.

10.9 Subd. 3. **Budget savings for shared services.** "Budget savings for shared services"  
10.10 means the difference between the wages and wage-related costs paid by a participant  
10.11 employer to a support worker providing one-on-one service to the participant employer and:

10.12 (1) for two-to-one shared services, three-quarters of the wages and wage-related costs  
10.13 paid by a participant employer to a support worker providing one-on-one service; or

10.14 (2) for three-to-one shared services, two-thirds of the wages and wage-related costs paid  
10.15 by a participant employer to a support worker providing one-on-one service.

10.16 Subd. 4. **Wages and wage-related costs.** "Wages and wage-related costs" means  
10.17 increased wages and any corresponding increase in the employer's or participant employer's  
10.18 share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers'  
10.19 compensation premiums, and contributions to employee retirement accounts when the  
10.20 contribution is a function of wages.

10.21 Sec. 12. **REVISOR INSTRUCTION.**

10.22 (a) The revisor of statutes shall renumber the definitions in Minnesota Statutes, section  
10.23 256B.85, subdivision 2, and the definitions in Minnesota Statutes, section 256B.851,  
10.24 subdivision 2, as subdivisions in Minnesota Statutes, section 256B.8502, rearranging the  
10.25 renumbered and existing definitions in Minnesota Statutes, section 256B.8502, as necessary  
10.26 to place them in alphabetical order. The revisor of statutes shall revise all statutory  
10.27 cross-references consistent with this recoding.

10.28 (b) If a provision of Minnesota Statutes, section 256B.85, subdivision 2, or 256B.851,  
10.29 subdivision 2, are amended or repealed in the 2026 regular legislative session, the revisor  
10.30 of statutes shall codify the amendment or repealer in Minnesota Statutes, section 256B.8502,  
10.31 notwithstanding any other law to the contrary.