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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3

01/07/2021 Authored by Liebling, Schultz, Noor, Youakim, Reyer and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to state government; appropriating money for long-term protection and
1.3 support, temporary staffing, emergency housing services, isolation spaces, and
1.4 housing support.

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

1.6 ARTICLE 1
1.7 LONG-TERM CARE

1.8 Section 1. COMMISSIONER OF HEALTH; LONG-TERM CARE PROTECTION
1.9 AND SUPPORT ACTIVITIES; APPROPRIATIONS.

1.10 Subdivision 1. COVID-19 testing and vaccinations in long-term care
1.11 facilities. \$2,108,000 in fiscal year 2021 is appropriated from the general fund to the
1.12 commissioner of health for:

1.13 (1) contracts for teams to provide COVID-19 test specimen collection and vaccination
1.14 services to long-term care facilities; and

1.15 (2) activities of staff at the State Emergency Operations Center to support COVID-19
1.16 testing and vaccination in long-term care facilities, including but not limited to scheduling
1.17 and logistics management of specimen collection and vaccination teams and laboratory
1.18 services, monitoring contract performance, providing technical assistance and coordination
1.19 support to long-term care facilities seeking testing or vaccinations, and acting as liaisons
1.20 to long-term care stakeholders.

1.21 Subd. 2. COVID-19 testing for certain Department of Health staff. \$333,000 in fiscal
1.22 year 2021 is appropriated from the general fund to the commissioner of health to conduct

2.1 COVID-19 tests, in a manner consistent with federal testing requirements for nursing
2.2 facilities, on Department of Health regulatory staff who are required to enter long-term care
2.3 facilities to perform regulatory functions.

2.4 Subd. 3. **Nurse triage line.** \$480,000 in fiscal year 2021 is appropriated from the general
2.5 fund to the commissioner of health for a contract for a nurse triage line that reports
2.6 COVID-19 test results to residents and staff of certain long-term care facilities and responds
2.7 to questions from these facilities.

2.8 Subd. 4. **Staffing support to prevent COVID-19 transmission in long-term care**
2.9 **facilities.** \$631,000 in fiscal year 2021 is appropriated from the general fund to the
2.10 commissioner of health for contracts with infection control nurses and health care worker
2.11 monitoring staff for activities to prevent COVID-19 transmission in long-term care facilities.
2.12 Activities include but are not limited to assessing the infrastructure and capacity of long-term
2.13 care facilities to prevent COVID-19 transmission, providing technical assistance to prevent
2.14 transmission, contacting health care workers exposed to COVID-19, and assisting with
2.15 communications with health care workers exposed to COVID-19.

2.16 Subd. 5. **Infection control strike teams.** \$888,000 in fiscal year 2021 is appropriated
2.17 from the general fund to the commissioner of health to establish and deploy four five-person
2.18 infection control strike teams to long-term care facilities in the state experiencing an outbreak
2.19 of COVID-19 to provide targeted infection control support and advice to these facilities.
2.20 Infection control strike teams must be equipped with protocols for infection prevention and
2.21 control, methods to identify staffing solutions, local communication plans, and protocols
2.22 to assess facility needs and assist with supply procurement. Infection control strike teams
2.23 must coordinate with local public health departments and regional health care coalitions on
2.24 staffing and acquiring personal protective equipment.

2.25 Subd. 6. **Appropriation availability; cancellation.** The appropriations under this section
2.26 are onetime appropriations and are available until 60 days after the expiration of the
2.27 peacetime emergency declared under Minnesota Statutes, section 12.31, due to COVID-19,
2.28 or June 30, 2021, whichever occurs earlier. Any unexpended amounts that are not obligated
2.29 by that date cancel to the general fund.

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

3.1 Sec. 2. **COMMISSIONER OF HUMAN SERVICES; TEMPORARY STAFFING**
3.2 **POOL; APPROPRIATION.**

3.3 (a) \$2,000,000 in fiscal year 2021 is appropriated from the general fund to the
3.4 commissioner of human services to contract with third-party staffing entities, for the
3.5 contracted third-party staffing entities to recruit, hire, train, and employ a temporary staffing
3.6 pool. These temporary staff, at the request of the commissioner, may be deployed to
3.7 long-term care facilities and other group residential facilities and programs experiencing a
3.8 COVID-19-related staffing crisis on or after the effective date of this section. These
3.9 temporary staff must be provided at no cost to the facility or program receiving the temporary
3.10 staff.

3.11 (b) Members of the temporary staffing pool described in this section are not state
3.12 employees.

3.13 (c) The commissioner must coordinate the activities described in this section with the
3.14 commissioner of health, the commissioner of the Minnesota Housing Finance Agency, and
3.15 the State Emergency Operations Center to appropriately prioritize locations to deploy
3.16 contracted temporary staff for up to 14 days. The commissioner must give priority for
3.17 deploying staff to facilities and programs with the most significant staffing crises.

3.18 (d) A facility or program may seek assistance from the temporary staffing pool only
3.19 after the facility or program has used all resources available to obtain temporary staff but
3.20 is unable to meet the facility's or program's temporary staffing needs.

3.21 (e) As a condition of receiving staffing assistance from the temporary staffing pool, a
3.22 facility or program must provide employees a total of at least 80 hours of paid leave, prorated
3.23 for part-time employees, to be used if the employee must isolate or quarantine due to
3.24 COVID-19 infection or exposure, except as provided in paragraph (f). Paid leave provided
3.25 under this paragraph must be paid at the employee's regular salary or wages.

3.26 (f) An employee who has exhausted emergency paid sick leave provided under the
3.27 federal Families First Coronavirus Response Act is not entitled to paid leave under paragraph
3.28 (e). A facility or program shall not require an employee to use the employee's existing paid
3.29 or unpaid leave in lieu of the paid leave provided under paragraph (e), unless the facility or
3.30 program:

3.31 (1) already provides additional paid leave that is for the purpose of the paid leave provided
3.32 under paragraph (e);

4.1 (2) compensates the employee in an amount equal to or greater than the employee's
4.2 regular salary or wages; and

4.3 (3) provides paid leave that is in addition to the regular amount of paid leave provided
4.4 to the employee under the facility's or program's regular leave policies or applicable collective
4.5 bargaining agreement.

4.6 (g) Facilities and programs eligible to obtain temporary staff from the temporary staffing
4.7 pool include:

4.8 (1) nursing facilities;

4.9 (2) registered housing with services establishments, including those subject to assisted
4.10 living title protection and those not subject to assisted living title protection;

4.11 (3) intermediate care facilities for persons with developmental disabilities;

4.12 (4) adult foster care or community residential settings;

4.13 (5) licensed substance use disorder treatment facilities;

4.14 (6) unlicensed county-based substance use disorder treatment facilities;

4.15 (7) licensed facilities for adults with mental illness;

4.16 (8) licensed detoxification programs;

4.17 (9) licensed withdrawal management programs;

4.18 (10) licensed children's residential facilities;

4.19 (11) licensed child foster residence settings;

4.20 (12) unlicensed, tribal-certified facilities that perform functions similar to the licensed
4.21 facilities listed in this paragraph;

4.22 (13) boarding care homes;

4.23 (14) board and lodging establishments serving people with disabilities or disabling
4.24 conditions;

4.25 (15) board and lodging establishments with special services;

4.26 (16) supervised living facilities;

4.27 (17) supportive housing;

4.28 (18) sober homes;

4.29 (19) community-based halfway houses for people exiting the correctional system;

5.1 (20) shelters serving people experiencing homelessness;

5.2 (21) drop-in centers for people experiencing homelessness;

5.3 (22) homeless outreach services for unsheltered individuals;

5.4 (23) shelters for people experiencing domestic violence; and

5.5 (24) temporary isolation spaces for people who test positive for COVID-19.

5.6 (h) Notwithstanding any other law to the contrary, the commissioner may allocate funding
 5.7 to maintain and extend existing contracts for temporary staffing entered into using
 5.8 coronavirus relief funds awarded under 2020 Legislative Advisory Commission order
 5.9 numbers 49 and 87. The commissioner may also allocate funding to enter into new contracts
 5.10 with eligible entities under Minnesota Statutes, section 12.36, and may allocate funding for
 5.11 the costs of training, testing, and personal protective equipment needed for temporary staff
 5.12 deployed in the temporary staffing pool. The commissioner may use up to 6.5 percent of
 5.13 this appropriation for the commissioner's costs related to administration of this program.

5.14 (i) This is a onetime appropriation and is available until June 30, 2021, or 60 days after
 5.15 the expiration of the peacetime emergency declared under Minnesota Statutes, section 12.31,
 5.16 due to COVID-19, whichever occurs earlier. Any unexpended amounts that are not obligated
 5.17 by that date cancel to the general fund.

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

5.19 **ARTICLE 2**

5.20 **HOUSING SERVICES**

5.21 Section 1. **APPROPRIATION; EMERGENCY SERVICES.**

5.22 (a) \$9,000,000 in fiscal year 2021 is appropriated from the general fund to the
 5.23 commissioner of human services for emergency services grants under Minnesota Statutes,
 5.24 section 256E.36. Grant money may be used to:

5.25 (1) provide housing that promotes health and safety or to isolate homeless individuals
 5.26 exposed to COVID-19 or who are experiencing a respiratory illness, including grant money
 5.27 to provide additional shelter space, to purchase vouchers for the cost of a motel or hotel
 5.28 room, or to fund other housing options. Vouchers for the cost of a motel or hotel room must
 5.29 not be issued to motels or hotels that receive funding from another source for the cost of
 5.30 the same motel or hotel room for the same date;

6.1 (2) purchase hygiene, sanitation, and cleaning supplies to comply with Centers for
6.2 Disease Control and Prevention guidance on sanitation and personal protective equipment;
6.3 and

6.4 (3) hire staff necessary to protect the health and wellness of program recipients, to
6.5 increase the number of persons served, or to provide staffing when workers are quarantined
6.6 or cannot work because they are caring for someone with COVID-19.

6.7 (b) Notwithstanding any other law to the contrary, the commissioner of human services
6.8 may allocate money to programs, providers, and organizations providing or seeking to
6.9 provide services to individuals experiencing homelessness through a single fiscal agent
6.10 chosen by the commissioner of human services.

6.11 (c) Grant applicants must describe how the applicants intend to use grant money for the
6.12 purposes listed in paragraph (a), clauses (1) to (3). Grant money may be used by grant
6.13 recipients for the activities listed in paragraph (a), clauses (1) to (3).

6.14 (d) This is a onetime appropriation and is available until June 30, 2021, or until 60 days
6.15 after expiration of the peacetime emergency declared by the governor in an executive order
6.16 that relates to the infectious disease known as COVID-19, whichever occurs earlier. Any
6.17 unexpended amounts that are not obligated by that date shall cancel to the general fund.

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

6.19 Sec. 2. **APPROPRIATION; ISOLATION SPACES.**

6.20 (a) \$4,306,000 in fiscal year 2021 is appropriated from the general fund to the
6.21 commissioner of human services to establish and maintain isolation spaces for suspected
6.22 or confirmed COVID-19-positive individuals who are experiencing homelessness or who
6.23 cannot safely isolate at home and who do not require a hospital level of care.

6.24 (b) The commissioner of human services may enter into contracts or directly purchase
6.25 goods or services necessary to provide isolation spaces or services related to establishing
6.26 or maintaining such spaces. The commissioner of human services may enter into contracts
6.27 under this paragraph with local units of government as defined in Minnesota Statutes, section
6.28 4A.07, subdivision 1, paragraph (a); tribal governments; and nonprofit organizations.

6.29 (c) Notwithstanding any other law to the contrary, the commissioner of human services
6.30 may:

7.1 (1) allocate funding to maintain and extend existing contracts for isolation spaces entered
7.2 into with Coronavirus Relief Funds awarded as a result of 2020 Legislative Advisory
7.3 Commission order number 48; and

7.4 (2) enter into new contracts with eligible entities under Minnesota Statutes, section
7.5 12.36.

7.6 (d) This is a onetime appropriation and is available until June 30, 2021, or until 60 days
7.7 after expiration of the peacetime emergency declared by the governor in an executive order
7.8 that relates to the infectious disease known as COVID-19, whichever occurs earlier. Any
7.9 unexpended amounts that are not obligated by that date shall cancel to the general fund.

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

7.11 **Sec. 3. APPROPRIATION; HOUSING SUPPORT.**

7.12 (a) \$4,235,000 in fiscal year 2021 is appropriated from the general fund to the
7.13 commissioner of human services to increase room and board rates under Minnesota Statutes,
7.14 chapter 256I, by 10.7 percent for purposes of maintaining access to room and board, including
7.15 activities necessary to comply with federal and state health and safety guidance in response
7.16 to the COVID-19 pandemic. This is a onetime appropriation.

7.17 (b) Prior to July 1, 2021, providers must submit documentation to the commissioner of
7.18 human services demonstrating increased funding was used for needs related to COVID-19
7.19 for the time period during which the money appropriated under this section was expended.

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