

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

S.F. No. 2786

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DATE	D-PG	OFFICIAL STATUS
02/03/2022	4878	Introduction and first reading Referred to Aging and Long-Term Care Policy
02/10/2022	4976	Withdrawn and re-referred to Human Services Reform Finance and Policy
02/17/2022	5023a	Comm report: To pass as amended and re-refer to Finance
03/23/2022		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to health and human services; establishing grant programs for bonuses to

1.3 certain employees of long-term care providers; temporarily permitting retired

1.4 nurses to practice in certain long-term care settings; temporarily modifying training

1.5 requirements for direct care staff in certain long-term care settings; establishing a

1.6 temporary voluntary correction program for nursing homes; establishing a

1.7 temporary staffing pool; modifying payment rates for certain home and community

1.8 based waiver services; appropriating money for initial planning for establishment

1.9 of a program for all inclusive care for the elderly; appropriating money.

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

1.11 Section 1. **DIRECTION TO THE COMMISSIONER; INITIAL PACE**

1.12 **IMPLEMENTATION FINANCING.**

1.13 The commissioner of human services must work with stakeholders to develop

1.14 recommendations for financing mechanisms to complete the actuarial work and cover the

1.15 administrative costs of a program of all-inclusive care for the elderly (PACE). The

1.16 commissioner must recommend a financing mechanism that could begin July 1, 2024. By

1.17 December 15, 2023, the commissioner shall inform the chairs and ranking minority members

1.18 of the legislative committees with jurisdiction over health care finance on the commissioner's

1.19 progress toward developing a recommended financing mechanism.

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

1.21 Sec. 2. **LONG-TERM CARE RETENTION BONUS GRANTS.**

1.22 Subdivision 1. Grant program established. The commissioner shall establish a long-term

1.23 care retention bonus grant program to assist eligible employers with retaining employees.

2.1 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
2.2 meanings given.

2.3 (b) "Commissioner" means the commissioner of human services.

2.4 (c) "Eligible employer" means an employer who meets the requirements of subdivision
2.5 5 and is either:

2.6 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

2.7 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;

2.8 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;

2.9 (4) a hospice provider, including a licensed residential hospice provider, licensed under
2.10 Minnesota Statutes, sections 144A.75 to 144A.755;

2.11 (5) a provider of palliative care;

2.12 (6) a licensed provider of residential supports and services or day services as defined
2.13 under Minnesota Statutes, section 245D.03, subdivision 1;

2.14 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
2.15 144A.482; or

2.16 (8) a provider of home care services as defined under Minnesota Statutes, section
2.17 256B.0651, subdivision 1, paragraph (d).

2.18 (d) "Eligible employee" means an individual employed by an eligible employer as of
2.19 February 28, 2022, continuously employed by the same employer during the retention
2.20 period, and who either:

2.21 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
2.22 at least 20 hours per week during the retention period while providing direct care in an
2.23 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
2.24 (1) to (4); or

2.25 (2) is unlicensed, worked for an eligible employer under paragraph (c), clauses (6) to
2.26 (8), on average at least 20 hours per week during the retention period while providing direct
2.27 care.

2.28 (e) "Retention period" means March 1, 2022, to August 1, 2022.

2.29 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section
2.30 for retention bonuses of \$1,000, inclusive of applicable payroll taxes, paid to eligible
2.31 employees.

3.1 Subd. 4. **Grant request.** To receive a grant under this section, eligible employers must
3.2 request a grant under this section no later than August 15, 2022. By August 1, 2022, the
3.3 commissioner shall develop an expedited request process that includes a form allowing
3.4 providers to meet the requirements of subdivision 5 in as timely and simple a manner as
3.5 possible. The commissioner shall allow the use of electronic submission of request forms
3.6 and accept electronic signatures.

3.7 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this
3.8 section, an eligible employer must attest and agree to the following on the grant request
3.9 form:

3.10 (1) the employer is an eligible provider;

3.11 (2) the total number of eligible employees for whom the employer is requesting grant
3.12 funding;

3.13 (3) the employer will distribute the entire value of the grant award as required under this
3.14 section;

3.15 (4) the employer will create and maintain the records required under subdivision 6; and

3.16 (5) the employer will segregate funds received under this section from other sources of
3.17 revenue and will not use the funds for any purpose other than the purposes permitted under
3.18 this section.

3.19 Subd. 6. **Evidence of continuous employment.** (a) As a condition of obtaining funds
3.20 under this section, an eligible employer must create and retain until December 31, 2028,
3.21 records containing sufficient evidence to determine the number of eligible employees and
3.22 that the awarded funds were distributed as required under this section.

3.23 (b) Upon request of the commissioner or the commissioner's designee, a grantee must
3.24 immediately produce for inspection the records required under this subdivision.

3.25 Subd. 7. **Retention grants.** (a) No later than September 1, 2022, the commissioner shall
3.26 begin issuing long-term care retention bonus grants to eligible employers.

3.27 (b) The commissioner shall implement retention grants and the process of making grants
3.28 under this section without compliance with time-consuming procedures and formalities
3.29 prescribed in law such as the following statutes and related policies.

3.30 (c) By accepting a grant under this subdivision, the grantee attests and agrees to the
3.31 conditions specified in subdivision 5.

4.1 (d) The commissioner's determination of the grant amount determined under this
 4.2 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment
 4.3 by the commissioner under subdivision 9.

4.4 Subd. 8. **Effect of grants on reimbursement rates.** Costs associated with the purposes
 4.5 described in this section that are funded under this section are not allowable costs under
 4.6 Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable
 4.7 credits under Minnesota Statutes, chapter 256R.

4.8 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section
 4.9 up to six years after the grant is awarded to ensure the grantee used the funds solely for the
 4.10 purposes stated in subdivision 3, was truthful when making attestations under subdivision
 4.11 5, and complied with the conditions of receiving a grant under this section.

4.12 (b) If the commissioner determines that a grantee used awarded funds for purposes not
 4.13 authorized under this section, the commissioner shall treat any amount used for a purpose
 4.14 not authorized under this section as an overpayment. The commissioner shall recover any
 4.15 overpayment.

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

4.17 Sec. 3. **LONG-TERM CARE SIGNING BONUS GRANTS.**

4.18 Subdivision 1. **Grant program established.** The commissioner shall establish a long-term
 4.19 care signing bonus grant program to assist eligible employers with recruiting and retaining
 4.20 employees.

4.21 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
 4.22 meanings given.

4.23 (b) "Commissioner" means the commissioner of human services.

4.24 (c) "Eligible employer" means an employer who meets the requirements of subdivision
 4.25 5 and is either:

4.26 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

4.27 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;

4.28 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;

4.29 (4) a hospice provider, including a licensed residential hospice provider, licensed under
 4.30 Minnesota Statutes, sections 144A.75 to 144A.755;

4.31 (5) a provider of palliative care;

5.1 (6) a licensed provider of residential supports and services or day services as defined
5.2 under Minnesota Statutes, section 245D.03, subdivision 1;

5.3 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
5.4 144A.482; or

5.5 (8) a provider of home care services as defined under Minnesota Statutes, section
5.6 256B.0651, subdivision 1, paragraph (d).

5.7 (d) "Signing bonus eligible employee" means an individual newly employed by an
5.8 eligible employer on or after March 1, 2022, continuously employed by the same employer
5.9 for 30 days, and who either:

5.10 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
5.11 at least 20 hours per week during the retention period while providing direct care in an
5.12 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
5.13 (1) to (4); or

5.14 (2) is unlicensed and worked for an eligible employer under paragraph (c), clauses (6)
5.15 to (8), on average at least 20 hours per week during the retention period while providing
5.16 direct care.

5.17 (e) "Initial signing bonus" means \$750, inclusive of applicable payroll taxes.

5.18 (f) "Retention bonus" means \$750, inclusive of applicable payroll taxes.

5.19 (g) "Retention bonus eligible employee" means an employee who received an initial
5.20 signing bonus funded under this section and remained continuously employed by the same
5.21 employer for six months, and who either:

5.22 (1) worked for an eligible employer under paragraph (c), clauses (1) to (5), on average
5.23 at least 20 hours per week during the retention period while providing direct care in an
5.24 unlicensed setting or while working in a licensed setting referred to in paragraph (c), clauses
5.25 (1) to (4); or

5.26 (2) is unlicensed and worked for an eligible employer under paragraph (c), clauses (6)
5.27 to (8), on average at least 20 hours per week during the retention period while providing
5.28 direct care.

5.29 (h) "Retention period" means the six months following the initial hiring date of a signing
5.30 bonus eligible employee.

6.1 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section
6.2 for initial signing bonuses paid to signing bonus eligible employees and an additional
6.3 retention bonus to retention bonus eligible employees.

6.4 Subd. 4. **Grant request.** To receive a grant under this section, eligible employers must
6.5 request grants under this section. Eligible employers may begin requesting grants on March
6.6 1, 2022. Eligible employers may not submit more than one grant request each month. Eligible
6.7 employers may include in their request for funds under this section the number of signing
6.8 bonus eligible employees the employer anticipates hiring during the 60 days following the
6.9 grant request. By March 1, 2022, the commissioner shall develop an expedited request
6.10 process that includes a form allowing employers to meet the requirements of subdivision 5
6.11 in as timely and simple a manner as possible. The commissioner shall allow the use of
6.12 electronic submission of request forms and accept electronic signatures.

6.13 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this
6.14 section, an eligible employer must attest and agree to the following on the grant request
6.15 form:

6.16 (1) the employer is an eligible employer;

6.17 (2) the total number of signing bonus eligible employees for whom the employer is
6.18 requesting grant funding;

6.19 (3) of the total number of signing bonus eligible employees for whom the employer is
6.20 requesting grant funding, how many are anticipated new hires in the next sixty days;

6.21 (4) the total number of retention bonus eligible employees for whom the employee is
6.22 requesting grant funding;

6.23 (5) the employer will distribute the entire value of the grant award as required under this
6.24 section;

6.25 (6) the employer will create and maintain the records required under subdivision 6; and

6.26 (7) the employer will segregate funds received under this section from other sources of
6.27 revenue and will not use the funds for any purpose other than the purposes permitted under
6.28 this section.

6.29 Subd. 6. **Evidence of continuous employment.** (a) As a condition of obtaining funds
6.30 under this section, an eligible employer must create and retain until December 31, 2028,
6.31 records containing sufficient evidence to determine the number of signing bonus eligible
6.32 employees, the number of retention bonus eligible employees, the full-time equivalent of

7.1 each retention bonus eligible employee, and that the awarded funds were distributed as
7.2 required under this section.

7.3 (b) Upon request of the commissioner or the commissioner's designee, a grantee must
7.4 immediately produce for inspection the records required under this section.

7.5 Subd. 7. **Signing bonus grants.** (a) No later than April 1, 2022, the commissioner shall
7.6 begin issuing signing bonus grants under this section. Within the appropriation for this
7.7 purpose, the commissioner shall award grants under this section on a rolling basis and in
7.8 the order in which the grant requests are received.

7.9 (b) In awarding grants under this section, the commissioner may award an amount an
7.10 eligible employer anticipates will be required for the following 60 days to cover signing
7.11 bonuses for newly hired signing bonus eligible employees.

7.12 (c) If a grant amount exceeds the amount required to pay signing bonuses to anticipated
7.13 new hires for whom the provider requested the grant, the provider must either return to the
7.14 commissioner the unused portion of the grant amount or after providing notice to the
7.15 commissioner, use the excess amount to cover signing bonuses for additional signing bonus
7.16 eligible employees.

7.17 (d) The commissioner's determination of the grant amount determined under this
7.18 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment
7.19 by the commissioner under subdivision 9.

7.20 (e) The commissioner shall implement signing bonus grants and the process of making
7.21 grants under this section without compliance with time-consuming procedures and formalities
7.22 prescribed in law such as the following statutes and related policies.

7.23 (f) By accepting a grant under this section, the grantee attests and agrees to the conditions
7.24 specified in subdivision 5.

7.25 Subd. 8. **Effect of grants on reimbursement rates.** Costs associated with the purposes
7.26 described in this section that are funded under this section are not allowable costs under
7.27 Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable
7.28 credits under Minnesota Statutes, chapter 256R.

7.29 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section
7.30 up to six years after the grant is awarded to ensure the grantee used the funds solely for the
7.31 purposes stated in subdivision 3, was truthful when making attestations under subdivision
7.32 5, and complied with the conditions of receiving a grant under this section.

8.1 (b) If the commissioner determines that a grantee used awarded funds for purposes not
8.2 authorized under this section, the commissioner shall treat any amount used for a purpose
8.3 not authorized under this section as an overpayment. The commissioner shall recover any
8.4 overpayment.

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

8.6 **Sec. 4. LONG-TERM CARE TRAINING AND EDUCATION GRANTS.**

8.7 Subdivision 1. **Grant program established.** The commissioner shall establish a long-term
8.8 care education and training grant program to assist eligible employers with recruiting and
8.9 retaining qualified employees.

8.10 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
8.11 meanings given.

8.12 (b) "Allowable costs" means costs related to tuition, direct educational expenses, training
8.13 fees, uniforms, child care, and transportation costs incurred as a direct result of participating
8.14 in classroom instruction or training, or repayment of student loan debt directly incurred as
8.15 a result of pursuing a qualifying course of study or training.

8.16 (c) "Commissioner" means the commissioner of human services.

8.17 (d) "Eligible employer" means an employer who meets the requirements of subdivision
8.18 5 and is either:

8.19 (1) a nursing home licensed under Minnesota Statutes, chapter 144A;

8.20 (2) a boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56;

8.21 (3) an assisted living facility licensed under Minnesota Statutes, chapter 144G;

8.22 (4) a hospice provider, including a licensed residential hospice provider, licensed under
8.23 Minnesota Statutes, sections 144A.75 to 144A.755;

8.24 (5) a provider of palliative care;

8.25 (6) a licensed provider of residential supports and services or day services as defined
8.26 under Minnesota Statutes, section 245D.03, subdivision 1;

8.27 (7) a home care provider licensed under Minnesota Statutes, sections 144A.43 to
8.28 144A.482; or

8.29 (8) a provider of home care services as defined under Minnesota Statutes, section
8.30 256B.0651, subdivision 1, paragraph (d).

9.1 (e) "Eligible employee" means an existing or newly hired employee of an eligible
 9.2 employer who recently completed or is pursuing a course of study or training that is expected
 9.3 to lead to employment or career advancement with any provider of long-term care or in the
 9.4 long-term care field, and who either:

9.5 (1) works or will work for an eligible employer under paragraph (d), clauses (1) to (5),
 9.6 while providing direct care in an unlicensed setting or while working in a licensed setting
 9.7 referred to in paragraph (d), clauses (1) to (4); or

9.8 (2) is unlicensed and works or will work for an eligible employer under paragraph (d),
 9.9 clauses (6) to (8), while providing direct care.

9.10 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section
 9.11 for education and training grants of up to \$1,500, inclusive of applicable taxes, paid to
 9.12 eligible employees to cover allowable costs actually incurred during a qualifying course of
 9.13 study or training.

9.14 Subd. 4. **Grant request.** To receive a grant under this section eligible employers must
 9.15 request a grant under this section. Eligible providers may begin requesting grants on March
 9.16 1, 2022. Eligible employers may not submit more than one grant request each month. Eligible
 9.17 employers may include in their request for funds under this section allowable costs the
 9.18 employer anticipates will be incurred by eligible employees during the 60 days following
 9.19 the grant request. By March 1, 2022, the commissioner shall develop an expedited request
 9.20 process that includes a form allowing providers to meet the requirements of subdivision 5
 9.21 in as timely and simple a manner as possible. The commissioner shall allow the use of
 9.22 electronic submission of request forms and accept electronic signatures.

9.23 Subd. 5. **Attestation and agreement.** As a condition of obtaining funds under this
 9.24 section, an eligible employer must attest and agree to the following on the grant request
 9.25 form:

9.26 (1) the employer is an eligible employer;

9.27 (2) the total number of eligible employees for whom the employer is requesting grant
 9.28 funding;

9.29 (3) of the total amount requested, how much is for allowable costs already incurred and
 9.30 how much is for allowable costs the employer anticipates will be incurred by eligible
 9.31 employees within the next 60 days;

9.32 (4) the employer will distribute the entire value of the grant award as required under this
 9.33 section;

10.1 (5) the employer will create and maintain the records required under subdivision 6; and

10.2 (6) the employer will segregate funds received under this section from other sources of
10.3 revenue and will not use the funds for any purpose other than the purposes permitted under
10.4 this section.

10.5 Subd. 6. **Evidence of incurred allowable costs.** An eligible employer must create and
10.6 retain until December 31, 2028, records containing sufficient evidence to determine the
10.7 actual incurred costs of eligible employees for allowable costs.

10.8 Subd. 7. **Education and training grants.** (a) No later than April 1, 2022, the
10.9 commissioner shall begin awarding long-term care education and training grants. Within
10.10 the appropriation for this purpose, the commissioner shall award grants under this section
10.11 on a rolling basis and in the order in which the grant requests are received. The commissioner
10.12 must not award a grant amount for more than \$1,500 per individual.

10.13 (b) In awarding grants under this section, the commissioner may award an amount an
10.14 eligible provider anticipates will be required to cover the allowable costs of eligible
10.15 employees.

10.16 (c) If a grant amount exceeds the incurred allowable costs of the eligible employees for
10.17 whom the provider requested the grant, the provider must either return to the commissioner
10.18 the unused portion of the grant amount or after providing notice to the commissioner, use
10.19 the excess amount to cover the allowable costs of additional eligible employees.

10.20 (d) The commissioner's determination of the grant amount determined under this
10.21 subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment
10.22 by the commissioner under subdivision 9.

10.23 Subd. 8. **Effect of grants on reimbursement rates.** (a) Costs associated with the
10.24 purposes described in this section that are funded under this section are not allowable costs
10.25 under Minnesota Statutes, chapter 256R. Grants provided under this section are not applicable
10.26 credits under Minnesota Statutes, chapter 256R.

10.27 (b) Money received by a facility under this section must not be used to supplant funding
10.28 available under Minnesota Statutes, section 144.1503, or to supplant the portion of a nursing
10.29 facility's total payment rate attributable to scholarships under Minnesota Statutes, section
10.30 256R.37.

10.31 Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section
10.32 up to six years after the grant is awarded to ensure the grantee used the funds solely for the

11.1 purposes stated in subdivision 3, was truthful when making attestations under subdivision
 11.2 5, and complied with the conditions of receiving a grant under this section.

11.3 (b) If the commissioner determines that a provider used awarded funds for purposes not
 11.4 authorized under this section, the commissioner shall treat any amount used for a purpose
 11.5 not authorized under this section as an overpayment. The commissioner shall recover any
 11.6 overpayment.

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

11.8 Sec. 5. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**
 11.9 **TEMPORARY DWRS AFTER-MODEL ADJUSTMENT.**

11.10 (a) Effective April 1, 2022, the commissioner of human services must implement a
 11.11 temporary after-model adjustment to the rate methodology under Minnesota Statutes, section
 11.12 256B.4914, for the subset of services to which the rate adjustments under Minnesota Statutes,
 11.13 section 256B.4914, subdivision 5, paragraph (i), clause (1), and paragraph (j), clause (1),
 11.14 apply.

11.15 (b) The commissioner shall not apply the after-model adjustment described in this section
 11.16 to the rates for services provided to individuals for whom a new service agreement has been
 11.17 established during calendar year 2022.

11.18 (c) The commissioner shall not apply the after-model adjustment described in this section
 11.19 to the rates for services provided to individuals for whom a service agreement has been
 11.20 renewed during calendar year 2022. Whenever a service agreement is renewed during
 11.21 calendar year 2022, the commissioner shall not apply the after-model adjustment to the
 11.22 newly established rates under the renewed service agreement.

11.23 (d) The value of the after-model rate adjustment for each service shall be equal to the
 11.24 value of the rate adjustments under Minnesota Statutes, section 256B.4914, subdivision 5,
 11.25 paragraph (i), clause (1), and paragraph (j), clause (1).

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

11.27 Sec. 6. **COMMISSIONER OF HUMAN SERVICES; TEMPORARY STAFFING**
 11.28 **POOL; APPROPRIATION.**

11.29 (a) The commissioner of human services shall establish a temporary emergency staffing
 11.30 pool for congregate settings experiencing staffing crises. Vendor contracts may include
 11.31 retention bonuses, sign-on bonuses, and payment for hours on call. The commissioner may
 11.32 pay for necessary training, travel, and lodging expenses of the temporary staff. Contracts

12.1 for temporary staffing executed under this section: (1) should minimize the recruitment
12.2 away from providers' current workforces; and (2) may not be executed with an individual
12.3 until at least 30 days since the individual was last employed in Minnesota by one of the
12.4 types of facilities listed in paragraph (g).

12.5 (b) Temporary staff, at the request of the commissioner, may be deployed to long-term
12.6 care facilities and other congregate care residential facilities and programs experiencing an
12.7 emergency staffing crisis on or after the effective date of this section. Temporary staff must
12.8 be provided at no cost to the facility or program receiving the temporary staff.

12.9 (c) Members of the temporary staffing pool under this section are not state employees.

12.10 (d) The commissioner must coordinate the activities under this section with any other
12.11 impacted state agencies, to appropriately prioritize locations to deploy contracted temporary
12.12 staff.

12.13 (e) The commissioner must give priority for deploying staff to facilities and programs
12.14 with the most significant staffing crises and where, but for this assistance, residents would
12.15 be at significant risk of injury due to the need to transfer to another facility or a hospital for
12.16 adequately staffed care.

12.17 (f) A facility or program may seek onetime assistance per setting from the temporary
12.18 staffing pool only after the facility or program has used all resources available to obtain
12.19 temporary staff but is unable to meet the facility's or program's temporary staffing needs.
12.20 A facility or program may apply for temporary staff for up to 21 days. Applicants must
12.21 submit a proposed plan for ensuring resident safety at the end of that time period.

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

12.24 (1) nursing facilities;

12.25 (2) assisted living facilities;

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

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

12.28 (5) licensed substance use disorder treatment facilities;

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

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

12.31 (8) licensed detoxification programs;

- 13.1 (9) licensed withdrawal management programs;
- 13.2 (10) licensed children's residential facilities;
- 13.3 (11) licensed child foster residence settings;
- 13.4 (12) unlicensed, Tribal-certified facilities that perform functions similar to the licensed
 13.5 facilities listed in this paragraph;
- 13.6 (13) boarding care homes;
- 13.7 (14) board and lodging establishments serving people with disabilities or disabling
 13.8 conditions;
- 13.9 (15) board and lodging establishments with special services;
- 13.10 (16) supervised living facilities;
- 13.11 (17) supportive housing;
- 13.12 (18) sober homes;
- 13.13 (19) community-based halfway houses for people exiting the correctional system;
- 13.14 (20) shelters serving people experiencing homelessness;
- 13.15 (21) drop-in centers for people experiencing homelessness;
- 13.16 (22) homeless outreach services for unsheltered individuals;
- 13.17 (23) shelters for people experiencing domestic violence; and
- 13.18 (24) temporary isolation spaces for people who test positive for COVID-19.
- 13.19 (h) Notwithstanding Minnesota Statutes, chapter 16C, the commissioner may maintain,
 13.20 extend, or renew contracts for temporary staffing entered into on or after September 1, 2020.
 13.21 The commissioner may also enter into new contracts with eligible entities for temporary
 13.22 staff deployed in the temporary staffing pool. The commissioner may use up to 6.5 percent
 13.23 of this funding for the commissioner's costs related to administration of this program.
- 13.24 (i) The commissioner shall seek all allowable FEMA reimbursement for the costs of this
 13.25 activity.

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

13.27 **Sec. 7. TEMPORARY PERMIT FOR LAPSED NURSING LICENSES.**

- 13.28 (a) The Board of Nursing shall issue a temporary permit to practice professional or
 13.29 practical nursing to any nurse whose license to practice issued under Minnesota Statutes,

14.1 sections 148.171 to 148.285, has lapsed after January 1, 2017, and who desires to resume
 14.2 the practice of professional or practical nursing at a licensed nursing facility or licensed
 14.3 assisted living facility. The nurse shall submit an application for a temporary permit to the
 14.4 board that includes the name and location of the facility where the nurse is or will be
 14.5 employed. The board shall issue the temporary permit to practice professional or practical
 14.6 nursing upon the receipt of the application. The applicant is not required to pay any fee
 14.7 under Minnesota Statutes, section 148.243, for the temporary permit or meet any other
 14.8 requirements if at the time the nurse's license lapsed the license was in good standing and
 14.9 the nurse was not the subject of any pending investigation or disciplinary action and was
 14.10 not disqualified to practice in any way.

14.11 (b) Any temporary permit issued under this section is valid for a period of one year and
 14.12 is not renewable.

14.13 (c) This section expires March 31, 2023.

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

14.15 Sec. 8. **TEMPORARY ASSISTED LIVING STAFF TRAINING REQUIREMENTS.**

14.16 (a) Notwithstanding Minnesota Statutes, section 144G.60, subdivision 4, paragraphs (a)
 14.17 and (b), a person who registers, completes, and passes the American Health Care
 14.18 Association's eight-hour online temporary nurse aide training course may be employed by
 14.19 a licensed assisted living facility to provide assisted living services or perform delegated
 14.20 nursing tasks. Assisted living facilities must maintain documentation that a person employed
 14.21 under the authority of this section to provide assisted living services or perform delegated
 14.22 nursing tasks completed the required training program.

14.23 (b) Whenever providing assisted living services, a person employed under the authority
 14.24 of this section must be directly supervised by another employee who meets the requirements
 14.25 of Minnesota Statutes, section 144G.60, subdivision 4, paragraph (a). If, during employment,
 14.26 the person meets the requirements of Minnesota Statutes, section 144G.60, subdivision 4,
 14.27 paragraph (a), the supervision described in this paragraph is no longer required.

14.28 (c) Whenever performing delegated nursing tasks, a person employed under the authority
 14.29 of this section must be directly supervised by another employee who meets the requirements
 14.30 of Minnesota Statutes, section 144G.60, subdivision 4, paragraph (b). If, during employment,
 14.31 the person meets the requirements of Minnesota Statutes, section 144G.60, subdivision 4,
 14.32 paragraph (b), the supervision described in this paragraph is no longer required.

15.1 (d) This section expires four months after the expiration of the blanket federal waiver
15.2 of the nurse aides training and certification requirements under Code of Federal Regulations,
15.3 title 42, section 483.35(d), by the Centers for Medicare and Medicaid Services as authorized
15.4 by section 1135 of the Social Security Act.

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

15.6 **Sec. 9. TEMPORARY NURSING FACILITY VOLUNTARY CORRECTION**
15.7 **PROGRAM.**

15.8 (a) Between the date on which this section becomes effective and June 30, 2023, a
15.9 licensed nursing facility may submit to the commissioner a formal request for technical
15.10 assistance and available resources to correct the facility's failures to comply with state
15.11 licensing and federal certification standards that result from acute staffing shortages.

15.12 (b) Within 48 hours of receipt of a formal request under paragraph (a), the commissioner
15.13 must complete a voluntary correction program intake form and assign to the facility a specific
15.14 employee of the Department of Health who must act as the primary point of contact for the
15.15 facility participating in the voluntary correction program. A department employee assigned
15.16 to a facility must not be a nursing home health surveyor or an Office of Health Facility
15.17 Complaints investigator. The commissioner must not assign current surveyors or investigators
15.18 to offer technical assistance to facilities participating in the voluntary correction program.

15.19 (c) The commissioner must not initiate a survey or other regulatory action in response
15.20 to a request submitted under paragraph (a). The commissioner must not regard the mere
15.21 fact that a facility submitted a request under paragraph (a) as justification to exercise the
15.22 commissioner's discretion under Minnesota Statutes, section 144A.10, subdivision 2, to
15.23 devote more resources for inspections of the facility outside of the regular schedule of
15.24 licensing and certification inspections.

15.25 (d) While a facility is participating in the voluntary correction program, the commissioner
15.26 must not initiate a survey, revisit of any type, or otherwise deploy surveyors or investigators
15.27 to the facility except as provided in paragraph (f).

15.28 (e) No facility may participate in the voluntary correction program longer than one
15.29 month.

15.30 (f) Nothing in paragraph (c) or (d) prohibits the commissioner from conducting an on-site
15.31 investigation of alleged maltreatment of a vulnerable adult or of a complaint triaged as
15.32 immediate jeopardy.

16.1 (g) The commissioner must ensure that department staff providing technical assistance
16.2 to a facility participating in the voluntary correction program do not communicate information
16.3 about the facility directly to any surveyor or investigator, including that the facility is a
16.4 participant in the program. Nothing in this paragraph prohibits anyone from filing a complaint
16.5 with the Office of Health Facility Complaints.

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

16.7 **Sec. 10. APPROPRIATION; INITIAL PACE IMPLEMENTATION FINANCING.**

16.8 \$265,000 in fiscal year 2022 is appropriated from the state fiscal recovery federal fund
16.9 to the commissioner of human services to complete the initial actuarial and administrative
16.10 work necessary to recommend a financing mechanism for the operation of PACE under
16.11 Minnesota Statutes, section 256B.69, subdivision 23, paragraph (e). For the purposes of
16.12 this section, "state fiscal recovery federal fund" means money received by the state from
16.13 the state fiscal recovery fund in the American Rescue Plan Act, Public Law 117-2. This is
16.14 a onetime appropriation and is available until December 31, 2026.

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

16.16 **Sec. 11. APPROPRIATION; LONG-TERM CARE GRANTS.**

16.17 Subdivision 1. **Total appropriation.** \$266,000,000 in fiscal year 2022 is appropriated
16.18 from the general fund to the commissioner of human services for grants to eligible employers
16.19 for long-term care retention grants, long-term care signing bonus grants, and long-term care
16.20 training and education grants.

16.21 Subd. 2. **Long-term care retention bonus grants.** Of the amount appropriated under
16.22 subdivision 1, \$206,000,000 is for onetime long-term care retention bonus grants. The
16.23 commissioner shall use any amount that remains unencumbered after the completion of the
16.24 long-term care retention bonus grant application process for the long-term care education
16.25 and training grants described under subdivision 4.

16.26 Subd. 3. **Long-term care signing bonus grants.** Of the amount appropriated in
16.27 subdivision 1, \$30,000,000 is for long-term care signing bonus grants.

16.28 Subd. 4. **Long-term care education and training grants.** Of the amount appropriated
16.29 in subdivision 1, \$30,000,000 plus any amount reallocated under subdivision 2 is for
16.30 long-term care education and training grants.

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

17.1 Sec. 12. **APPROPRIATION; TEMPORARY STAFFING POOL.**

17.2 \$1,029,000 in fiscal year 2022 is appropriated from the general fund to the commissioner
17.3 of human services for the temporary staffing pool described in this act. This is a onetime
17.4 appropriation and is available until June 30, 2022.

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