

SENATE
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S.F. No. 2876

(SENATE AUTHORS: ABELER and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/03/2022	4893	Introduction and first reading Referred to Human Services Reform Finance and Policy
02/07/2022	4931	Author added Hoffman
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02/17/2022		Comm report: To pass as amended Second reading

- 1.1 A bill for an act
- 1.2 relating to human services; allowing the commissioner of human services to
- 1.3 reinstate waivers and modifications to certain human services programs; modifying
- 1.4 the membership and duties of the task force on eliminating subminimum wages;
- 1.5 modifying disproportionate share rate adjustments for certain customized living
- 1.6 services; permitting temporary remote delivery of qualified professional services;
- 1.7 amending Minnesota Statutes 2021 Supplement, section 256S.205; Laws 2021,
- 1.8 First Special Session chapter 7, article 17, section 14.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2021 Supplement, section 256S.205, is amended to read:
- 1.11 **256S.205 CUSTOMIZED LIVING SERVICES; DISPROPORTIONATE SHARE**
- 1.12 **RATE ADJUSTMENTS.**
- 1.13 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
- 1.14 subdivision have the meanings given.
- 1.15 (b) "Application year" means a year in which a facility submits an application for
- 1.16 designation as a disproportionate share facility.
- 1.17 (c) ~~"Assisted living facility" or "facility" means an assisted living facility licensed under~~
- 1.18 ~~chapter 144G~~ "Customized living resident" means a resident of a facility who is receiving
- 1.19 either 24-hour customized living services or customized living services authorized under
- 1.20 any of the following: the elderly waiver; the brain injury waiver; or the community access
- 1.21 for disability inclusion waiver.
- 1.22 (d) "Disproportionate share facility" means ~~an assisted living~~ a facility designated by
- 1.23 the commissioner under subdivision 4.

2.1 (e) "Facility" means either an assisted living facility licensed under chapter 144G or a
 2.2 setting that is exempt from assisted living licensure under section 144G.08, subdivision 7,
 2.3 clauses (10) to (13).

2.4 (f) "Rate year" means January 1 to December 31 of the year following an application
 2.5 year.

2.6 **Subd. 2. Rate adjustment application.** ~~An assisted living~~ A facility may apply to the
 2.7 commissioner for designation as a disproportionate share facility. Applications must be
 2.8 submitted annually between ~~October~~ September 1 and ~~October 31~~ September 30. The
 2.9 applying facility must apply in a manner determined by the commissioner. The applying
 2.10 facility must document ~~as a percentage the census of elderly waiver participants~~ each of the
 2.11 following on the application:

2.12 (1) the number of customized living residents in the facility on September 1 of the
 2.13 application year, broken out by specific waiver program; and

2.14 (2) the total number of people residing in the facility on ~~October~~ September 1 of the
 2.15 application year.

2.16 **Subd. 3. Rate adjustment eligibility criteria.** Only facilities ~~with a census of at least~~
 2.17 ~~80 percent elderly waiver participants~~ satisfying all the following conditions on ~~October~~
 2.18 September 1 of the application year are eligible for designation as a disproportionate share
 2.19 facility:

2.20 (1) at least 80 percent of the residents of the facility are customized living residents; and

2.21 (2) at least 50 percent of the customized living residents are elderly waiver participants.

2.22 **Subd. 4. Designation as a disproportionate share facility.** (a) By ~~November~~ October
 2.23 15 of each application year, the commissioner must designate as a disproportionate share
 2.24 facility a facility that complies with the application requirements of subdivision 2 and meets
 2.25 the eligibility criteria of subdivision 3.

2.26 (b) An annual designation is effective for one rate year.

2.27 **Subd. 5. Rate adjustment; rate floor.** (a) Notwithstanding the 24-hour customized
 2.28 living monthly service rate limits under section 256S.202, subdivision 2, and the component
 2.29 service rates established under section 256S.201, subdivision 4, the commissioner must
 2.30 establish a rate floor equal to ~~\$119~~ \$139 per resident per day for 24-hour customized living
 2.31 services provided to an elderly waiver participant in a designated disproportionate share
 2.32 facility ~~for the purpose of ensuring the minimal level of staffing required to meet the health~~
 2.33 ~~and safety needs of elderly waiver participants.~~

3.1 (b) The commissioner must apply the rate floor to the services described in paragraph
 3.2 (a) provided during the rate year.

3.3 ~~(b)~~ (c) The commissioner must adjust the rate floor at least annually in the manner
 3.4 described under section 256S.18, subdivisions 5 and 6.

3.5 ~~(e)~~ (d) The commissioner shall not implement the rate floor under this section if the
 3.6 customized living rates established under sections 256S.21 to 256S.215 will be implemented
 3.7 at 100 percent on January 1 of the year following an application year.

3.8 Subd. 6. **Budget cap disregard.** The value of the rate adjustment under this section
 3.9 must not be included in an elderly waiver client's monthly case mix budget cap.

3.10 **EFFECTIVE DATE.** This section is effective July 1, 2022, or upon federal approval,
 3.11 whichever is later, and applies to services provided on or after October 1, 2022, or on or
 3.12 after the date upon which federal approval is obtained, whichever is later. The commissioner
 3.13 of human services shall notify the revisor of statutes when federal approval is obtained.

3.14 Sec. 2. Laws 2021, First Special Session chapter 7, article 17, section 14, is amended to
 3.15 read:

3.16 Sec. 14. **TASK FORCE ON ~~ELIMINATING~~ SUBMINIMUM WAGES.**

3.17 Subdivision 1. **Establishment; purpose.** The Task Force on ~~Eliminating~~ Subminimum
 3.18 Wages is established to develop a plan and make recommendations to ~~phase out payment~~
 3.19 ~~of subminimum wages to people with disabilities on or before August 1, 2025~~ promote
 3.20 independence and increase opportunities for people with disabilities to earn competitive
 3.21 wages.

3.22 Subd. 2. **Definitions.** For the purposes of this section, "subminimum wage" means wages
 3.23 authorized under section 14(c) of the federal Fair Labor Standards Act, Minnesota Statutes,
 3.24 section 177.28, subdivision 5, or Minnesota Rules, parts 5200.0030 and 5200.0040.

3.25 Subd. 3. **Membership.** (a) The task force consists of ~~16~~ 20 members, appointed as
 3.26 follows:

3.27 (1) the commissioner of human services or a designee;

3.28 (2) the commissioner of labor and industry or a designee;

3.29 (3) the commissioner of education or a designee;

3.30 (4) the commissioner of employment and economic development or a designee;

4.1 (5) a representative of the Department of Employment and Economic Development's
4.2 Vocational Rehabilitation Services Division appointed by the commissioner of employment
4.3 and economic development;

4.4 (6) one member appointed by the Minnesota Disability Law Center;

4.5 (7) one member appointed by The Arc of Minnesota;

4.6 (8) ~~three~~ four members who are persons with disabilities appointed by the commissioner
4.7 of human services, at least one of whom ~~must be~~ is neurodiverse, ~~and~~ at least one of whom
4.8 ~~must have~~ has a significant physical disability, and at least one of whom at the time of the
4.9 appointment is being paid a subminimum wage;

4.10 (9) two representatives of employers authorized to pay subminimum wage and one
4.11 representative of an employer who successfully transitioned away from payment of
4.12 subminimum wages to people with disabilities, appointed by the commissioner of human
4.13 services;

4.14 (10) one member appointed by the Minnesota Organization for Habilitation and
4.15 Rehabilitation;

4.16 (11) one member appointed by ARRM; ~~and~~

4.17 (12) one member appointed by the State Rehabilitation Council; and

4.18 (13) three members who are parents or guardians of persons with disabilities appointed
4.19 by the commissioner of human services, at least one of whom is a parent or guardian of a
4.20 person who is neurodiverse, at least one of whom is a parent or guardian of a person with
4.21 a significant physical disability, and at least one of whom is a parent or guardian of a person
4.22 being paid a subminimum wage as of the date of the appointment.

4.23 (b) To the extent possible, membership on the task force under paragraph (a) shall reflect
4.24 geographic parity throughout the state and representation from Black, Indigenous, and
4.25 communities of color.

4.26 Subd. 4. **Appointment deadline; first meeting; chair.** Appointing authorities must
4.27 complete member selections by January 1, 2022. The commissioner of human services shall
4.28 convene the first meeting of the task force by February 15, 2022. The task force shall select
4.29 a chair from among its members at its first meeting.

4.30 Subd. 5. **Compensation.** Members shall be compensated and may be reimbursed for
4.31 expenses as provided in Minnesota Statutes, section 15.059, subdivision 3.

4.32 Subd. 6. **Duties; plan and recommendations.** The task force shall:

5.1 (1) develop a plan to ~~phase out the payment of subminimum wages to people with~~
5.2 ~~disabilities by August 1, 2025~~ promote independence and increase opportunities for people
5.3 with disabilities to earn competitive wages;

5.4 (2) consult with and advise the commissioner of human services on statewide plans for
5.5 ~~limiting~~ reducing reliance on subminimum wages in medical assistance home and
5.6 community-based services waivers under Minnesota Statutes, sections 256B.092 and
5.7 256B.49;

5.8 (3) engage with employees with disabilities paid subminimum wages and conduct
5.9 community education on the payment of subminimum wages to people with disabilities in
5.10 Minnesota;

5.11 (4) identify and collaborate with employees, employers, businesses, organizations,
5.12 agencies, and stakeholders ~~impacted by the phase out of subminimum wage~~ on how to
5.13 implement the plan and create sustainable work opportunities for employees with disabilities;

5.14 (5) propose a plan to establish and evaluate benchmarks for measuring annual progress
5.15 toward ~~eliminating~~ reducing reliance on subminimum wages;

5.16 (6) propose a plan to monitor and track outcomes of employees with disabilities, including
5.17 those who transition to competitive employment;

5.18 (7) identify initiatives, investment, training, and services designed to improve wages,
5.19 reduce unemployment rates, and provide support and sustainable work opportunities for
5.20 persons with disabilities;

5.21 (8) identify benefits to the state ~~in eliminating~~ of reducing reliance on subminimum
5.22 ~~wage by August 1, 2025~~ wages;

5.23 (9) identify barriers to ~~eliminating subminimum wage by August 1, 2025~~ wages, including
5.24 the cost of implementing and providing ongoing employment services, training, and support
5.25 for employees with disabilities ~~and~~, the cost of paying minimum ~~wage~~ wages to employees
5.26 with disabilities, and the potential impact on persons with disabilities who would be unable
5.27 to find sustainable employment in the absence of a subminimum wage or who would not
5.28 choose competitive employment;

5.29 (10) make recommendations to eliminate the barriers identified in clause (9); and

5.30 (11) identify and make recommendations for sustainable financial support, funding, and
5.31 resources for ~~eliminating~~ reducing reliance on subminimum ~~wage by August 1, 2025~~ wages.

6.1 Subd. 7. **Duties; provider reinvention grants.** (a) The commissioner of human services
 6.2 shall establish a provider reinvention grant program to promote independence and increase
 6.3 opportunities for people with disabilities to earn competitive wages. The commissioner
 6.4 shall make the grants available to at least the following:

6.5 (1) providers of disability services under Minnesota Statutes, sections 256B.092 and
 6.6 256B.49, for developing and implementing a business plan to ~~shift the providers' business~~
 6.7 ~~models away from paying waiver participants subminimum~~ promote independence and
 6.8 increase opportunities for people with disabilities to earn competitive wages;

6.9 (2) organizations to develop peer-to-peer mentoring for people with disabilities who
 6.10 have successfully transitioned to earning competitive wages;

6.11 (3) organizations to facilitate provider-to-provider mentoring to promote ~~shifting away~~
 6.12 ~~from paying employees with disabilities a subminimum wage~~ independence and increase
 6.13 opportunities for people with disabilities to earn competitive wages; and

6.14 (4) organizations to conduct family outreach and education on working with people with
 6.15 disabilities who are transitioning from subminimum wage employment to competitive
 6.16 employment.

6.17 (b) The provider reinvention grant program must be competitive. The commissioner of
 6.18 human services must develop criteria for evaluating responses to requests for proposals.
 6.19 Criteria for evaluating grant applications must be finalized no later than November 1, 2021.
 6.20 The commissioner of human services shall administer grants in compliance with Minnesota
 6.21 Statutes, sections 16B.97 and 16B.98, and related policies set forth by the Department of
 6.22 Administration's Office of Grants Management.

6.23 (c) Grantees must work with the commissioner to develop their business model ~~and, as~~
 6.24 ~~a condition of receiving grant funds, grantees must fully phase out the use of subminimum~~
 6.25 ~~wage by April 1, 2024, unless the grantee receives a waiver from the commissioner of~~
 6.26 ~~human services for a demonstrated need to~~ promote independence and increase opportunities
 6.27 for people with disabilities to earn competitive wages.

6.28 (d) Of the total amount available for provider reinvention grants, the commissioner may
 6.29 award up to 25 percent of the grant funds to providers who have already successfully shifted
 6.30 their business model away from paying employees with disabilities subminimum wages to
 6.31 provide provider-to-provider mentoring to providers receiving a provider reinvention grant.

6.32 Subd. 8. **Report.** By February 15, 2023, the task force shall submit to the chairs and
 6.33 ranking minority members of the committees and divisions in the senate and house of

7.1 representatives with jurisdiction over employment and wages and over health and human
 7.2 services a report with recommendations to ~~eliminate by August 1, 2025, the payment of~~
 7.3 ~~subminimum wage~~ increase opportunities for people with disabilities to earn competitive
 7.4 wages, and any changes to statutes, laws, or rules required to implement the recommendations
 7.5 of the task force. The task force must include in the report a recommendation concerning
 7.6 continuing the task force beyond its scheduled expiration.

7.7 Subd. 9. **Administrative support.** The commissioner of human services shall provide
 7.8 meeting space and administrative services to the task force.

7.9 Subd. 10. **Expiration.** The task force shall conclude their duties and expire on March
 7.10 31, 2024.

7.11 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
 7.12 commissioner of human services must make the additional appointments required under
 7.13 this section within 30 days following final enactment.

7.14 Sec. 3. **REINSTATEMENT AND EXTENSION OF COVID-19 PROGRAM**
 7.15 **WAIVERS AND MODIFICATIONS.**

7.16 The commissioner of human services may reinstate waivers and modifications to human
 7.17 services programs as described in this section that were issued by the commissioner pursuant
 7.18 to the governor's Executive Order 20-12, including any amendments to the waivers and
 7.19 modifications. The waivers and modifications may remain in effect until June 30, 2022,
 7.20 except CV03 and CV04 may remain in effect until June 30, 2023, or until the expiration of
 7.21 the United States Department of Agriculture's waiver allowing verbal signatures for the
 7.22 Supplemental Nutrition Assistance Program, whichever is later. The following waivers and
 7.23 modifications to human services programs may be reinstated:

7.24 (1) CV03: allowing oral or written signatures by applicants on applications for public
 7.25 assistance programs;

7.26 (2) CV04: allowing oral or written permission from public assistance program participants
 7.27 for the Department of Human Services to contact third parties to verify reported information;

7.28 (3) CV11: allowing video conferencing in monthly foster care visits by a child's
 7.29 caseworker when there is a declaration of a federal or state emergency that prohibits or
 7.30 strongly discourages person-to-person contact for public health reasons;

7.31 (4) CV23: waiving mandatory direct contact supervision requirements to allow
 7.32 case-by-case decisions to permit certain individuals to work without supervision while that
 7.33 individual's background studies are being processed, as permitted under federal law and

8.1 regulation, and allowing the transition from name and date of birth studies of Minnesota
8.2 records only, for both existing studies and studies that may be initiated during the transition
8.3 period, to fingerprint-based background studies to resume on a schedule established by the
8.4 commissioner and published on the department's website. Waiver provisions permitting the
8.5 return to background studies of Minnesota records only for providers who are currently
8.6 transitioned to fingerprint-based studies shall not be reinstated;

8.7 (5) CV53: allowing qualified professionals to provide required in-person oversight of
8.8 personal care assistance workers via two-way interactive telecommunications for all program
8.9 participants who receive personal care assistance services; and

8.10 (6) CV89: allowing program participants to give oral, written, or expressed approval of
8.11 documents related to long-term services and supports that typically require in-person
8.12 signatures.

8.13 **EFFECTIVE DATE.** This section is effective the day following final enactment except
8.14 for clauses (5) and (6), which are effective retroactively from September 1, 2021.

8.15 Sec. 4. **TEMPORARY MODIFICATIONS OF CHILD CARE CENTER STAFF;**
8.16 **DISTRIBUTION REQUIREMENTS.**

8.17 (a) The commissioner of human services may temporarily suspend child care center
8.18 staff distribution requirements under Minnesota Rules, part 9503.0040, subpart 2, item D,
8.19 until June 30, 2022.

8.20 (b) A licensed child care center, except as allowed under Minnesota Rules, part
8.21 9503.0040, subpart 2, item B, must have at least one person qualified as a teacher on site
8.22 at all times when a child is in care at the licensed child care center. There must be a staff
8.23 person who is at least 18 years of age with each group of children, except as allowed under
8.24 Minnesota Rules, part 9503.0034, subpart 1.

8.25 (c) A licensed child care center must have a staff person on site who is responsible for
8.26 overseeing the operation of the daily activities of the program, ensuring the health and safety
8.27 of the children, and supervising staff. The on-site staff person is not required to meet the
8.28 qualifications of a director.

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

9.1 Sec. 5. **TEMPORARY REMOTE DELIVERY OF QUALIFIED PROFESSIONAL**
9.2 **SERVICES.**

9.3 Subdivision 1. Remote delivery of qualified professional services. (a) Notwithstanding
9.4 Minnesota Statutes, section 256B.0659, subdivision 14, paragraphs (b) and (c), for all people
9.5 who receive personal care assistance services, including people who are new to receiving
9.6 personal care assistance services or who are transferring to a new personal care assistance
9.7 provider agency, qualified professionals may evaluate the personal care assistance services
9.8 via two-way interactive telecommunication, including via telephone or Internet technology,
9.9 unless:

9.10 (1) the recipient requests in-person evaluation of the recipient's personal care assistance
9.11 services; or

9.12 (2) the recipient's care plan expressly states that the remote option described in this
9.13 section does not apply.

9.14 Subd. 2. Expiration. This section expires upon the United States Secretary of Health
9.15 and Human Services not renewing the secretary's determination that a federal public health
9.16 emergency exists as a result of the consequences of the COVID-19 pandemic.

9.17 EFFECTIVE DATE. This section is effective upon federal approval, or with federal
9.18 approval, retroactively from September 1, 2021, whichever is earlier. The commissioner of
9.19 human services shall inform the revisor of statutes when federal approval is obtained and
9.20 which effective date applies.

9.21 Sec. 6. **COMMISSIONER OF HUMAN SERVICES; TEMPORARY STAFFING**
9.22 **POOL; APPROPRIATION.**

9.23 (a) The commissioner of human services shall establish a temporary emergency staffing
9.24 pool for congregate settings experiencing staffing crises. Vendor contracts may include
9.25 retention bonuses, sign-on bonuses, and payment for hours on call. The commissioner may
9.26 pay for necessary training, travel, and lodging expenses of the temporary staff. Contracts
9.27 for temporary staffing executed under this section: (1) should minimize the recruitment
9.28 away from providers' current workforces; and (2) may not be executed with an individual
9.29 until at least 30 days since the individual was last employed in Minnesota by one of the
9.30 types of facilities listed in paragraph (g).

9.31 (b) Temporary staff, at the request of the commissioner, may be deployed to long-term
9.32 care facilities and other congregate care residential facilities and programs experiencing an

10.1 emergency staffing crisis on or after the effective date of this section. Temporary staff must
10.2 be provided at no cost to the facility or program receiving the temporary staff.

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

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

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

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

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

10.18 (1) nursing facilities;

10.19 (2) assisted living facilities;

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

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

10.22 (5) licensed substance use disorder treatment facilities;

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

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

10.25 (8) licensed detoxification programs;

10.26 (9) licensed withdrawal management programs;

10.27 (10) licensed children's residential facilities;

10.28 (11) licensed child foster residence settings;

10.29 (12) unlicensed, Tribal-certified facilities that perform functions similar to the licensed
10.30 facilities listed in this paragraph;

- 11.1 (13) boarding care homes;
- 11.2 (14) board and lodging establishments serving people with disabilities or disabling
 11.3 conditions;
- 11.4 (15) board and lodging establishments with special services;
- 11.5 (16) supervised living facilities;
- 11.6 (17) supportive housing;
- 11.7 (18) sober homes;
- 11.8 (19) community-based halfway houses for people exiting the correctional system;
- 11.9 (20) shelters serving people experiencing homelessness;
- 11.10 (21) drop-in centers for people experiencing homelessness;
- 11.11 (22) homeless outreach services for unsheltered individuals;
- 11.12 (23) shelters for people experiencing domestic violence; and
- 11.13 (24) temporary isolation spaces for people who test positive for COVID-19.
- 11.14 (h) Notwithstanding any other law to the contrary, the commissioner may allocate funding
 11.15 to maintain, extend, or renew contracts for temporary staffing entered into on or after
 11.16 September 1, 2020. The commissioner may also allocate funding to enter into new contracts
 11.17 with eligible entities and may allocate funding for the costs needed for temporary staff
 11.18 deployed in the temporary staffing pool. The commissioner may use up to 6.5 percent of
 11.19 this funding for the commissioner's costs related to administration of this program.
- 11.20 (i) The commissioner shall seek all allowable FEMA reimbursement for the costs of this
 11.21 activity.

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

11.23 **Sec. 7. DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**
 11.24 **PARTIAL YEAR IMPLEMENTATION OF DISPROPORTIONATE SHARE RATE**
 11.25 **ADJUSTMENTS.**

11.26 Subdivision 1. **Definitions.** For the purposes of this section, the definitions in Minnesota
 11.27 Statutes, section 256S.205, apply.

11.28 Subd. 2. **Partial year implementation.** (a) Notwithstanding the provisions of Minnesota
 11.29 Statutes, section 256S.205, subdivisions 2 to 5, regarding application dates, eligibility dates,
 11.30 designation dates, and payment adjustment dates, during the first partial year of

12.1 implementation of the amendments in this act to Minnesota Statutes, section 256S.205, a
12.2 facility may apply between July 1, 2022, and July 31, 2022, to be designated a
12.3 disproportionate share facility on the basis of the conditions outlined in Minnesota Statutes,
12.4 section 256S.205, subdivision 3, as of July 1, 2022. The commissioner shall designate
12.5 disproportionate share facilities by August 15, 2022. Between October 1, 2022, and December
12.6 31, 2022, the commissioner shall apply the rate floor under Minnesota Statutes, section
12.7 256S.205, as amended in this act, to eligible customized living services provided in
12.8 disproportionate share facilities between those dates.

12.9 Subd. 3. **Rate year 2023.** Beginning September 1, 2022, the timelines and dates described
12.10 in Minnesota Statutes, section 256S.205, subdivisions 2 to 4, apply for the purposes of rate
12.11 year 2023.

12.12 Subd. 4. **Treatment of prior rate adjustments.** (a) The commissioner shall apply rate
12.13 adjustments required under Minnesota Statutes 2021 Supplement, section 256S.205, until
12.14 September 30, 2022. Beginning October 1, 2022, the commissioner shall remove all rate
12.15 adjustments required under Minnesota Statutes 2021 Supplement, section 256S.205.

12.16 (b) A disproportionate share facility receiving a rate adjustment under Minnesota Statutes
12.17 2021 Supplement, section 256S.205, as of July 1, 2022, may apply for an adjustment under
12.18 this section.

12.19 **EFFECTIVE DATE.** (a) Subdivisions 1 to 3 are effective July 1, 2022, or upon federal
12.20 approval, whichever is later, and apply to services provided on or after October 1, 2022, or
12.21 on or after the date upon which federal approval is obtained, whichever is later. The
12.22 commissioner of human services shall notify the revisor of statutes when federal approval
12.23 is obtained.

12.24 (b) Subdivision 4 is effective July 1, 2022.