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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3264

03/01/2018 Authored by Zerwas The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying the number of hours a personal care assistant
1.3 may provide services per month under medical assistance; amending Minnesota
1.4 Statutes 2016, section 256B.0659, subdivision 11.

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

1.6 Section 1. Minnesota Statutes 2016, section 256B.0659, subdivision 11, is amended to
1.7 read:

1.8 Subd. 11. Personal care assistant; requirements. (a) A personal care assistant must
1.9 meet the following requirements:

1.10 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years of
1.11 age with these additional requirements:

1.12 (i) supervision by a qualified professional every 60 days; and

1.13 (ii) employment by only one personal care assistance provider agency responsible for
1.14 compliance with current labor laws;

1.15 (2) be employed by a personal care assistance provider agency;

1.16 (3) enroll with the department as a personal care assistant after clearing a background
1.17 study. Except as provided in subdivision 11a, before a personal care assistant provides
1.18 services, the personal care assistance provider agency must initiate a background study on
1.19 the personal care assistant under chapter 245C, and the personal care assistance provider
1.20 agency must have received a notice from the commissioner that the personal care assistant
1.21 is:

1.22 (i) not disqualified under section 245C.14; or

2.1 (ii) is disqualified, but the personal care assistant has received a set aside of the  
2.2 disqualification under section 245C.22;

2.3 (4) be able to effectively communicate with the recipient and personal care assistance  
2.4 provider agency;

2.5 (5) be able to provide covered personal care assistance services according to the recipient's  
2.6 personal care assistance care plan, respond appropriately to recipient needs, and report  
2.7 changes in the recipient's condition to the supervising qualified professional or physician;

2.8 (6) not be a consumer of personal care assistance services;

2.9 (7) maintain daily written records including, but not limited to, time sheets under  
2.10 subdivision 12;

2.11 (8) effective January 1, 2010, complete standardized training as determined by the  
2.12 commissioner before completing enrollment. The training must be available in languages  
2.13 other than English and to those who need accommodations due to disabilities. Personal care  
2.14 assistant training must include successful completion of the following training components:  
2.15 basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic  
2.16 roles and responsibilities of personal care assistants including information about assistance  
2.17 with lifting and transfers for recipients, emergency preparedness, orientation to positive  
2.18 behavioral practices, fraud issues, and completion of time sheets. Upon completion of the  
2.19 training components, the personal care assistant must demonstrate the competency to provide  
2.20 assistance to recipients;

2.21 (9) complete training and orientation on the needs of the recipient; and

2.22 (10) be limited to providing and being paid for up to ~~275~~ 310 hours per month of personal  
2.23 care assistance services regardless of the number of recipients being served or the number  
2.24 of personal care assistance provider agencies enrolled with. The number of hours worked  
2.25 per day shall not be disallowed by the department unless in violation of the law.

2.26 (b) A legal guardian may be a personal care assistant if the guardian is not being paid  
2.27 for the guardian services and meets the criteria for personal care assistants in paragraph (a).

2.28 (c) Persons who do not qualify as a personal care assistant include parents, stepparents,  
2.29 and legal guardians of minors; spouses; paid legal guardians of adults; family foster care  
2.30 providers, except as otherwise allowed in section 256B.0625, subdivision 19a; and staff of  
2.31 a residential setting.