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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3940

02/19/2024 Authored by Curran, Baker, Fischer, Finke and Hanson, J.,
The bill was read for the first time and referred to the Committee on Human Services Policy
02/29/2024 Adoption of Report: Re-referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying disability waiver technology provisions;
1.3 amending Minnesota Statutes 2022, section 256B.4905, subdivision 12; Minnesota
1.4 Statutes 2023 Supplement, section 256B.4914, subdivision 10d.

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

1.6 Section 1. Minnesota Statutes 2022, section 256B.4905, subdivision 12, is amended to
1.7 read:

1.8 Subd. 12. **Informed choice in technology implementation for disability waiver**
1.9 **services.** The commissioner of human services shall ensure that:

1.10 (1) disability waivers under sections 256B.092 and 256B.49 support the presumption
1.11 that all adults who have disabilities and children who have disabilities may use assistive
1.12 technology, remote supports, or both to enhance the adult's or child's independence and
1.13 quality of life; ~~and~~

1.14 (2) each individual accessing waiver services is offered, after an informed
1.15 decision-making process and during a person-centered planning process, the opportunity
1.16 to choose assistive technology, remote support, or both to ensure equitable access;;

1.17 (3) lead agencies do not include additional processes or requirements, in addition to
1.18 those required by the commissioner, that could result in the delay of approval or
1.19 implementation of technology; and

1.20 (4) lead agencies approve technology in a timely manner and make determinations within
1.21 30 calendar days of the date of the original request. If denied, the lead agency must submit

2.1 a notice of action form clearly stating the reason for the denial, including information
2.2 describing why the technology is not appropriate to meet the individual's assessed need.

2.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 256B.4914, subdivision 10d, is
2.5 amended to read:

2.6 Subd. 10d. **Direct care staff; compensation.** (a) A provider paid with rates determined
2.7 under subdivision 6 must use a minimum of 66 percent of the revenue generated by rates
2.8 determined under that subdivision for direct care staff compensation.

2.9 (b) A provider paid with rates determined under subdivision 7 must use a minimum of
2.10 45 percent of the revenue generated by rates determined under that subdivision for direct
2.11 care staff compensation.

2.12 (c) A provider paid with rates determined under subdivision 8 or 9 must use a minimum
2.13 of 60 percent of the revenue generated by rates determined under those subdivisions for
2.14 direct care staff compensation.

2.15 (d) Compensation under this subdivision includes:

2.16 (1) wages;

2.17 (2) taxes and workers' compensation;

2.18 (3) health insurance;

2.19 (4) dental insurance;

2.20 (5) vision insurance;

2.21 (6) life insurance;

2.22 (7) short-term disability insurance;

2.23 (8) long-term disability insurance;

2.24 (9) retirement spending;

2.25 (10) tuition reimbursement;

2.26 (11) wellness programs;

2.27 (12) paid vacation time;

2.28 (13) paid sick time; ~~or~~

- 3.1 (14) costs related to providing remote support, including payments made to third-party
- 3.2 vendors;
- 3.3 (15) cost of technology to support individuals remotely; or
- 3.4 (16) other items of monetary value provided to direct care staff.
- 3.5 **EFFECTIVE DATE.** This section is effective January 1, 2025.