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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4682

03/07/2024 Authored by Curran; Hanson, J.; Edelson; Kiel and Neu Brindley
The bill was read for the first time and referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying community services and supports
1.3 requirements for support workers to qualify for an enhanced rate; amending
1.4 Minnesota Statutes 2022, section 256B.85, subdivision 16.

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

1.6 Section 1. Minnesota Statutes 2022, section 256B.85, subdivision 16, is amended to read:

1.7 Subd. 16. Support workers requirements. (a) Support workers shall:

1.8 (1) enroll with the department as a support worker after a background study under chapter
1.9 245C has been completed and the support worker has received a notice from the
1.10 commissioner that the support worker:

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

1.12 (ii) is disqualified, but has received a set-aside of the disqualification under section
1.13 245C.22;

1.14 (2) have the ability to effectively communicate with the participant or the participant's
1.15 representative;

1.16 (3) have the skills and ability to provide the services and supports according to the
1.17 participant's CFSS service delivery plan and respond appropriately to the participant's needs;

1.18 (4) complete the basic standardized CFSS training as determined by the commissioner
1.19 before completing enrollment. The training must be available in languages other than English
1.20 and to those who need accommodations due to disabilities. CFSS support worker training
1.21 must include successful completion of the following training components: basic first aid,
1.22 vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and

2.1 responsibilities of support workers including information about basic body mechanics,
2.2 emergency preparedness, orientation to positive behavioral practices, orientation to
2.3 responding to a mental health crisis, fraud issues, time cards and documentation, and an
2.4 overview of person-centered planning and self-direction. Upon completion of the training
2.5 components, the support worker must pass the certification test to provide assistance to
2.6 participants;

2.7 (5) complete employer-directed training and orientation on the participant's individual
2.8 needs;

2.9 (6) maintain the privacy and confidentiality of the participant; and

2.10 (7) not independently determine the medication dose or time for medications for the
2.11 participant.

2.12 (b) The commissioner may deny or terminate a support worker's provider enrollment
2.13 and provider number if the support worker:

2.14 (1) does not meet the requirements in paragraph (a);

2.15 (2) fails to provide the authorized services required by the employer;

2.16 (3) has been intoxicated by alcohol or drugs while providing authorized services to the
2.17 participant or while in the participant's home;

2.18 (4) has manufactured or distributed drugs while providing authorized services to the
2.19 participant or while in the participant's home; or

2.20 (5) has been excluded as a provider by the commissioner of human services, or by the
2.21 United States Department of Health and Human Services, Office of Inspector General, from
2.22 participation in Medicaid, Medicare, or any other federal health care program.

2.23 (c) A support worker may appeal in writing to the commissioner to contest the decision
2.24 to terminate the support worker's provider enrollment and provider number.

2.25 (d) A support worker must not provide or be paid for more than 310 hours of CFSS per
2.26 month, regardless of the number of participants the support worker serves or the number
2.27 of agency-providers or participant employers by which the support worker is employed.
2.28 The department shall not disallow the number of hours per day a support worker works
2.29 unless it violates other law.

2.30 (e) CFSS qualify for an enhanced rate if the support worker providing the services:

2.31 (1) provides services, within the scope of CFSS described in subdivision 7, to a participant
2.32 who qualifies for ten or more hours per day of CFSS; and

3.1 (2) satisfies the current requirements of Medicare for training and competency or
3.2 competency evaluation of home health aides or nursing assistants, as provided in the Code
3.3 of Federal Regulations, title 42, section 483.151 or 484.36, ~~or~~; alternative state-approved
3.4 training or competency requirements; or individualized training provided by the participant's
3.5 personal health care provider, the participant's worker training and development professional,
3.6 or the participant's responsible party on their individualized needs.

3.7 **EFFECTIVE DATE.** This section is effective July 1, 2024, or upon federal approval,
3.8 whichever is later. The commissioner of human services shall notify the revisor of statutes
3.9 when federal approval is obtained.