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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4857

05/04/2022

Authored by Moller

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act

1.2 relating to human services; modifying electronic visit verification requirements;

1.3 amending Minnesota Statutes 2020, section 256B.073, subdivisions 3, 4, by adding

1.4 a subdivision.

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

1.6 Section 1. Minnesota Statutes 2020, section 256B.073, subdivision 3, is amended to read:

1.7 Subd. 3. **Requirements.** (a) In developing implementation requirements for electronic

1.8 visit verification, the commissioner shall ensure that the requirements:

1.9 (1) are minimally administratively and financially burdensome to a provider;

1.10 (2) are minimally burdensome to the service recipient and the least disruptive to the

1.11 service recipient in receiving and maintaining allowed services;

1.12 (3) do not apply to an individual providing service if the individual shares the same

1.13 residential address as the service recipient;

1.14 (4) do not permit GPS tracking when service is provided outside the home;

1.15 (5) do not require tracking specific assistance, supports, procedures, or tasks provided

1.16 unless by use of check boxes on a predetermined list;

1.17 (6) do not require real-time tracking of specific assistance, supports, procedures, or tasks

1.18 performed during a shift;

1.19 (7) do not require reporting the number of minutes allotted during the shift to each

1.20 individual assistance, support, procedure, or task;

2.1 (8) do not require providing a reason code attached to care that is not performed during
 2.2 a shift;

2.3 (9) consider existing best practices and use of electronic visit verification;

2.4 (4) (10) are conducted according to all state and federal laws;

2.5 (5) (11) are effective methods for preventing fraud when balanced against the
 2.6 requirements of clauses (1) and (2) to (8); and

2.7 (6) (12) are consistent with the Department of Human Services' policies related to covered
 2.8 services, flexibility of service use, and quality assurance.

2.9 (b) The commissioner shall make training available to providers on the electronic visit
 2.10 verification system requirements.

2.11 (c) The commissioner shall establish baseline measurements related to preventing fraud
 2.12 and establish measures to determine the effect of electronic visit verification requirements
 2.13 on program integrity.

2.14 (d) The commissioner shall make a state-selected electronic visit verification system
 2.15 available to all providers of services. The state-selected system and any mode of equipment
 2.16 by which a person would use the state-selected system must be available for use by any
 2.17 individual who is providing a service, regardless of the location in which the service is
 2.18 provided.

2.19 Sec. 2. Minnesota Statutes 2020, section 256B.073, subdivision 4, is amended to read:

2.20 Subd. 4. **Provider requirements.** (a) A provider of services may select any electronic
 2.21 visit verification system that meets the requirements established by the commissioner.

2.22 (b) All electronic visit verification systems used by providers to comply with the
 2.23 requirements established by the commissioner must provide data to the commissioner in a
 2.24 format and at a frequency to be established by the commissioner.

2.25 (c) Providers must implement the electronic visit verification systems required under
 2.26 this section by a date established by the commissioner to be set after the state-selected
 2.27 electronic visit verification systems for personal care services and home health services are
 2.28 in production. For purposes of this paragraph, "personal care services" and "home health
 2.29 services" have the meanings given in United States Code, title 42, section 1396b(1)(5).

2.30 ~~Reimbursement rates for providers must not be reduced as a result of federal action to reduce~~
 2.31 ~~the federal medical assistance percentage under the 21st Century Cures Act, Public Law~~
 2.32 ~~114-255.~~

3.1 (d) If a provider has multiple modes of equipment for use with the provider's selected
3.2 electronic visit verification system, the provider must allow the individual providing services,
3.3 subject to the approval of the service recipient or service recipient's representative, if any,
3.4 to determine which available mode of equipment is used with the provider's electronic visit
3.5 verification system.

3.6 Sec. 3. Minnesota Statutes 2020, section 256B.073, is amended by adding a subdivision
3.7 to read:

3.8 Subd. 5. **Provider rate reductions prohibited.** Reimbursement rates for providers must
3.9 not be reduced as a result of federal action to reduce the federal medical assistance percentage
3.10 under the 21st Century Cures Act, Public Law 114-255.