

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 133

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DATE	D-PG	OFFICIAL STATUS
06/19/2020	192	Introduction and first reading
	192	By Motion, Laid on Table
		Taken from table
	211a	Urgency declared rules suspended
	211	Second reading
	214	Third reading Passed as amended

1.1 A bill for an act

1.2 relating to human services; establishing retention grants for certain day service

1.3 providers; appropriating money.

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

1.5 Section 1. **APPROPRIATION; COVID-19-RELATED RETENTION GRANTS FOR**

1.6 **DISABILITY SERVICE PROVIDERS.**

1.7 Subdivision 1. **Appropriation.** \$30,000,000 is appropriated in fiscal year 2021 from

1.8 the coronavirus relief fund to the commissioner of human services for retention grants under

1.9 this section to eligible providers as defined under subdivision 2 to assist providers with the

1.10 costs of business interruptions caused by required closures, by reduced capacity to promote

1.11 social distancing measures, or by reduced demand for services due to the COVID-19

1.12 pandemic, and to help ensure the continuity of the disability services infrastructure and

1.13 prevent its failure during or following the COVID-19 pandemic. This is a onetime

1.14 appropriation and is available until December 5, 2020. Any unexpended balance on December

1.15 5, 2020, cancels to the coronavirus relief fund.

1.16 Subd. 2. **Eligible services and providers.** Enrolled providers of the following eligible

1.17 services are eligible for retention grants under this section:

1.18 (1) adult day services, day training and habilitation, day support services, prevocational

1.19 services, and structured day services provided by the home and community-based waiver

1.20 programs under Minnesota Statutes, sections 256B.092 and 256B.49, and Minnesota Statutes,

1.21 chapter 256S;

2.1 (2) employment exploration services, employment development services, and employment
2.2 support services provided by the home and community-based waiver programs under
2.3 Minnesota Statutes, sections 256B.092 and 256B.49;

2.4 (3) children's therapeutic supports and services under Minnesota Statutes, section
2.5 256B.0943;

2.6 (4) early intensive developmental and behavioral intervention under Minnesota Statutes,
2.7 section 256B.0949; and

2.8 (5) nonemergency medical transportation services under Minnesota Statutes, section
2.9 256B.0625, subdivision 17, except for nonemergency medical transportation provided by
2.10 public transit or not-for-hire vehicles.

2.11 Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section
2.12 for costs associated with maintaining the provider's capacity to provide services to its clients
2.13 during or following the COVID-19 pandemic, or future improvement of community-based
2.14 initiatives.

2.15 Subd. 4. **Emergency initial retention grants.** (a) Beginning July 1, 2020, and until the
2.16 commissioner implements the monthly application process described in subdivision 5 and
2.17 begins awarding retention grants under subdivision 6, notwithstanding subdivisions 5 and
2.18 6, the commissioner shall make emergency initial retention grants monthly to all eligible
2.19 providers. The commissioner shall determine which enrolled providers qualify under
2.20 subdivision 2.

2.21 (b) The commissioner shall award emergency initial retention grants under this
2.22 subdivision in an amount equal to 25 percent of the provider's total revenue from medical
2.23 assistance for eligible services provided during January 2020. The commissioner shall
2.24 determine each provider's total revenue from medical assistance for eligible services provided
2.25 during January 2020, based on the most recent data available to the commissioner.

2.26 (c) By accepting a grant under this subdivision, the grantee agrees to the conditions
2.27 specified in subdivision 8.

2.28 Subd. 5. **Application.** (a) The commissioner shall develop an application form and
2.29 monthly application process for retention grants under this section. An applicant must
2.30 provide the following information in the application:

2.31 (1) eligibility for existing state COVID-19-related emergency funding, including other
2.32 COVID-19-related grants or small business loans;

3.1 (2) the provider's total revenue from medical assistance for eligible services provided
 3.2 during January 2020;

3.3 (3) the value of any emergency initial retention grants awarded to the provider under
 3.4 subdivision 4;

3.5 (4) how the applicant anticipates using the grant within the allowable uses;

3.6 (5) the month or months for which a grant is requested;

3.7 (6) the requested grant amount;

3.8 (7) an explanation of how the grant will allow the applicant to maintain the continuity
 3.9 of the disability services infrastructure and prevent its failure during or following the
 3.10 COVID-19 pandemic; and

3.11 (8) other information deemed necessary by the commissioner to evaluate grant
 3.12 applications.

3.13 (b) An eligible provider may use a single application to apply for a retention grant
 3.14 covering more than one prior month.

3.15 Subd. 6. **Allocation of retention grants.** (a) The commissioner may make retention
 3.16 grants for the months of April 2020 to December 2020.

3.17 (b) Monthly retention grants must be equal to 50 percent of the grantee's medical
 3.18 assistance revenue for eligible services provided during January 2020, minus the value of
 3.19 any emergency initial retention grants awarded under subdivision 4 for the same month or
 3.20 the amount requested, whichever is less.

3.21 (c) If applications for grants exceed the available appropriations, the commissioner shall
 3.22 give priority to grant applications from providers who are ineligible for existing
 3.23 COVID-19-related funding or whose services cannot be delivered according to the
 3.24 commissioner's temporary authority to waive or modify program and service requirements.

3.25 Subd. 7. **Payments for services provided.** Providers who receive grants under this
 3.26 section may continue to bill for services provided.

3.27 Subd. 8. **Condition of accepting emergency retention grants.** As a condition of
 3.28 accepting retention grants under this section, an eligible provider must agree in writing to:

3.29 (1) cooperate with the commissioner of human services to deliver services according to
 3.30 the program and service waivers and modifications issued under the commissioner's
 3.31 temporary authority;

4.1 (2) notify the commissioner of human services of any additional state COVID-19-related
4.2 funding received, including other COVID-19-related grants or small business loans;

4.3 (3) repay retention grants as required by subdivision 9 from any COVID-19-related state
4.4 funding, excluding the unforgiven portion of any COVID-19-related loans;

4.5 (4) acknowledge that retention grants may be subject to recoupment if a state audit
4.6 determines that the provider received additional state COVID-19-related emergency funding
4.7 from the state; and

4.8 (5) acknowledge that retention grants may be subject to recoupment if a state audit
4.9 determines that inappropriate billing or duplicate payments for services occurred or that the
4.10 provider used awarded funds for purposes not authorized under this section.

4.11 Subd. 9. **Assistance from other source.** If a provider receives any additional
4.12 COVID-19-related state funding, the provider must notify the commissioner of human
4.13 services of the amount received. From the additional COVID-19-related state funds received,
4.14 excluding the unforgiven portion of any COVID-19-related loans, the provider must
4.15 reimburse the commissioner for the grants the provider received under subdivision 6 in an
4.16 amount equal to either the amount of the grant received under subdivision 6 or the aggregate
4.17 amount of the additional COVID-19-related funding received from the state, minus the
4.18 unforgiven portion of any COVID-19-related loans, whichever is less. All money paid to
4.19 the commissioner under this subdivision must be deposited in the coronavirus relief fund.

4.20 Subd. 10. **Recoupment.** If the commissioner determines that the provider received
4.21 additional COVID-19-related state funding and failed to reimburse the commissioner as
4.22 required under subdivision 9, or that the provider used awarded funds for purposes not
4.23 authorized under this section, the commissioner shall treat any amount not reimbursed as
4.24 required under subdivision 9 and any amount used for a purpose not authorized under this
4.25 section as an overpayment. The commissioner shall recover any overpayment under
4.26 Minnesota Statutes, section 256B.0641. All money recovered by the commissioner under
4.27 this subdivision must be deposited in the coronavirus relief fund.

4.28 Subd. 11. **Expiration.** Except for subdivisions 9 and 10, this section expires January
4.29 31, 2021.

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