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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3156**

February 18, 2008

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

1.1 A bill for an act  
1.2 relating to human services; modifying the payment rate for certain nursing  
1.3 facility residents who are ventilator-dependent; amending Minnesota Statutes  
1.4 2007 Supplement, section 256B.431, subdivision 2e.

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

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 256B.431, subdivision 2e,  
1.7 is amended to read:

1.8 Subd. 2e. **Contracts for services for ventilator-dependent persons.** (a)

1.9 The commissioner may negotiate with a nursing facility eligible to receive medical  
1.10 assistance payments to provide services to a ventilator-dependent person identified by the  
1.11 commissioner according to criteria developed by the commissioner, including:

1.12 (1) nursing facility care has been recommended for the person by a preadmission  
1.13 screening team;

1.14 (2) the person has been hospitalized and no longer requires inpatient acute care  
1.15 hospital services; and

1.16 (3) the commissioner has determined that necessary services for the person cannot  
1.17 be provided under existing nursing facility rates.

1.18 The commissioner may negotiate an adjustment to the operating cost payment  
1.19 rate for a nursing facility with a resident who is ventilator-dependent, for that resident.

1.20 The negotiated adjustment must reflect only the actual additional cost of meeting the  
1.21 specialized care needs of a ventilator-dependent person identified by the commissioner  
1.22 for whom necessary services cannot be provided under existing nursing facility rates and  
1.23 which are not otherwise covered under Minnesota Rules, parts 9549.0010 to 9549.0080 or  
1.24 9505.0170 to 9505.0475. For persons who are initially admitted to a nursing facility before

2.1 July 1, 2001, and have their payment rate under this subdivision negotiated after July 1,  
2.2 2001, the negotiated payment rate must not exceed 200 percent of the highest multiple  
2.3 bedroom payment rate for the facility, as initially established by the commissioner for the  
2.4 rate year for case mix classification K; or, upon implementation of the RUG's-based case  
2.5 mix system, 200 percent of the highest RUG's rate. For persons initially admitted to a  
2.6 nursing facility on or after July 1, 2001, the negotiated payment rate must not exceed 300  
2.7 percent of the facility's multiple bedroom payment rate for case mix classification K; or,  
2.8 upon implementation of the RUG's-based case mix system, 300 percent of the highest  
2.9 RUG's rate. The negotiated adjustment shall not affect the payment rate charged to private  
2.10 paying residents under the provisions of section 256B.48, subdivision 1.

2.11 (b) Effective July 1, 2007, or upon opening a unit of at least ten beds dedicated to  
2.12 care of ventilator-dependent persons in partnership with Mayo Health Systems, whichever  
2.13 is later, the operating payment rates for residents determined eligible under paragraph (a)  
2.14 of a nursing facility in Waseca County that on February 1, 2007, was licensed for 70 beds  
2.15 and reimbursed under this section, section 256B.434, or section 256B.441, shall be 300  
2.16 percent of the facility's highest RUG rate.

2.17 (c) Effective July 1, 2008, the operating payment rates for residents, determined  
2.18 eligible as ventilator-dependent under paragraph (a), of a nursing facility in Blue Earth  
2.19 County that on February 1, 2008, was licensed for 100 beds and reimbursed under this  
2.20 section or section 256B.434 or 256B.441 shall be 300 percent of the facility's highest  
2.21 RUG rate.