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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2152

03/11/2021

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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 the disability waiver rate system; establishing
1.3 rates for remote services; amending Minnesota Statutes 2020, section 256B.4914,
1.4 subdivisions 5, 7, 8, 9.

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

1.6 Section 1. Minnesota Statutes 2020, section 256B.4914, subdivision 5, is amended to read:

1.7 Subd. 5. Base wage index and standard component values. (a) The base wage index
1.8 is established to determine staffing costs associated with providing services to individuals
1.9 receiving home and community-based services. For purposes of developing and calculating
1.10 the proposed base wage, Minnesota-specific wages taken from job descriptions and standard
1.11 occupational classification (SOC) codes from the Bureau of Labor Statistics as defined in
1.12 the most recent edition of the Occupational Handbook must be used. The base wage index
1.13 must be calculated as follows:

1.14 (1) for residential direct care staff, the sum of:

1.15 (i) 15 percent of the subtotal of 50 percent of the median wage for personal and home
1.16 health aide (SOC code 39-9021); 30 percent of the median wage for nursing assistant (SOC
1.17 code 31-1014); and 20 percent of the median wage for social and human services aide (SOC
1.18 code 21-1093); and

1.19 (ii) 85 percent of the subtotal of 20 percent of the median wage for home health aide
1.20 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide
1.21 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code
1.22 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
1.23 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

2.1 (2) for adult day services, 70 percent of the median wage for nursing assistant (SOC
2.2 code 31-1014); and 30 percent of the median wage for personal care aide (SOC code
2.3 39-9021);

2.4 (3) for day services, day support services, and prevocational services, 20 percent of the
2.5 median wage for nursing assistant (SOC code 31-1014); 20 percent of the median wage for
2.6 psychiatric technician (SOC code 29-2053); and 60 percent of the median wage for social
2.7 and human services aide (SOC code 21-1093);

2.8 (4) for residential asleep-overnight staff, the wage is the minimum wage in Minnesota
2.9 for large employers, except in a family foster care setting, the wage is 36 percent of the
2.10 minimum wage in Minnesota for large employers;

2.11 (5) for positive supports analyst staff, 100 percent of the median wage for mental health
2.12 counselors (SOC code 21-1014);

2.13 (6) for positive supports professional staff, 100 percent of the median wage for clinical
2.14 counseling and school psychologist (SOC code 19-3031);

2.15 (7) for positive supports specialist staff, 100 percent of the median wage for psychiatric
2.16 technicians (SOC code 29-2053);

2.17 (8) for supportive living services staff, 20 percent of the median wage for nursing assistant
2.18 (SOC code 31-1014); 20 percent of the median wage for psychiatric technician (SOC code
2.19 29-2053); and 60 percent of the median wage for social and human services aide (SOC code
2.20 21-1093);

2.21 (9) for housing access coordination staff, 100 percent of the median wage for community
2.22 and social services specialist (SOC code 21-1099);

2.23 (10) for in-home family support and individualized home supports with family training
2.24 staff, 20 percent of the median wage for nursing aide (SOC code 31-1012); 30 percent of
2.25 the median wage for community social service specialist (SOC code 21-1099); 40 percent
2.26 of the median wage for social and human services aide (SOC code 21-1093); and ten percent
2.27 of the median wage for psychiatric technician (SOC code 29-2053);

2.28 (11) for individualized home supports with training services staff, 40 percent of the
2.29 median wage for community social service specialist (SOC code 21-1099); 50 percent of
2.30 the median wage for social and human services aide (SOC code 21-1093); and ten percent
2.31 of the median wage for psychiatric technician (SOC code 29-2053);

2.32 (12) for independent living skills staff, 40 percent of the median wage for community
2.33 social service specialist (SOC code 21-1099); 50 percent of the median wage for social and

3.1 human services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric
3.2 technician (SOC code 29-2053);

3.3 (13) for employment support services staff, 50 percent of the median wage for
3.4 rehabilitation counselor (SOC code 21-1015); and 50 percent of the median wage for
3.5 community and social services specialist (SOC code 21-1099);

3.6 (14) for employment exploration services staff, 50 percent of the median wage for
3.7 ~~rehabilitation counselor (SOC code 21-1015)~~ education, guidance, school, and vocational
3.8 counselors (SOC code 21-1012); and 50 percent of the median wage for community and
3.9 social services specialist (SOC code 21-1099);

3.10 (15) for employment development services staff, 50 percent of the median wage for
3.11 education, guidance, school, and vocational counselors (SOC code 21-1012); and 50 percent
3.12 of the median wage for community and social services specialist (SOC code 21-1099);

3.13 (16) for individualized home support staff, 50 percent of the median wage for personal
3.14 and home care aide (SOC code 39-9021); and 50 percent of the median wage for nursing
3.15 assistant (SOC code 31-1014);

3.16 (17) for adult companion staff, 50 percent of the median wage for personal and home
3.17 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant
3.18 (SOC code 31-1014);

3.19 (18) for night supervision staff, 20 percent of the median wage for home health aide
3.20 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide
3.21 (SOC code 39-9021); 20 percent of the median wage for nursing assistant (SOC code
3.22 31-1014); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);
3.23 and 20 percent of the median wage for social and human services aide (SOC code 21-1093);

3.24 (19) for respite staff, 50 percent of the median wage for personal and home care aide
3.25 (SOC code 39-9021); and 50 percent of the median wage for nursing assistant (SOC code
3.26 31-1014);

3.27 (20) for personal support staff, 50 percent of the median wage for personal and home
3.28 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing assistant
3.29 (SOC code 31-1014);

3.30 (21) for supervisory staff, 100 percent of the median wage for community and social
3.31 services specialist (SOC code 21-1099), with the exception of the supervisor of positive
3.32 supports professional, positive supports analyst, and positive supports specialists, which is

4.1 100 percent of the median wage for clinical counseling and school psychologist (SOC code
4.2 19-3031);

4.3 (22) for registered nurse staff, 100 percent of the median wage for registered nurses
4.4 (SOC code 29-1141); and

4.5 (23) for licensed practical nurse staff, 100 percent of the median wage for licensed
4.6 practical nurses (SOC code 29-2061).

4.7 (b) Component values for corporate foster care services, corporate supportive living
4.8 services daily, community residential services, and integrated community support services
4.9 are:

4.10 (1) competitive workforce factor: 4.7 percent;

4.11 (2) supervisory span of control ratio: 11 percent;

4.12 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

4.13 (4) employee-related cost ratio: 23.6 percent;

4.14 (5) general administrative support ratio: 13.25 percent;

4.15 (6) program-related expense ratio: 1.3 percent; and

4.16 (7) absence and utilization factor ratio: 3.9 percent.

4.17 (c) Component values for family foster care are:

4.18 (1) competitive workforce factor: 4.7 percent;

4.19 (2) supervisory span of control ratio: 11 percent;

4.20 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

4.21 (4) employee-related cost ratio: 23.6 percent;

4.22 (5) general administrative support ratio: 3.3 percent;

4.23 (6) program-related expense ratio: 1.3 percent; and

4.24 (7) absence factor: 1.7 percent.

4.25 (d) Component values for day training and habilitation, day support services, and
4.26 prevocational services are:

4.27 (1) competitive workforce factor: 4.7 percent;

4.28 (2) supervisory span of control ratio: 11 percent;

4.29 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

- 5.1 (4) employee-related cost ratio: 23.6 percent;
- 5.2 (5) program plan support ratio: 5.6 percent;
- 5.3 (6) client programming and support ratio: ten percent;
- 5.4 (7) general administrative support ratio: 13.25 percent;
- 5.5 (8) program-related expense ratio: 1.8 percent; and
- 5.6 (9) absence and utilization factor ratio: 9.4 percent.
- 5.7 (e) Component values for day support services and prevocational services delivered
- 5.8 remotely are:
- 5.9 (1) competitive workforce factor: 4.7 percent;
- 5.10 (2) supervisory span of control ratio: 11 percent;
- 5.11 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 5.12 (4) employee-related cost ratio: 23.6 percent;
- 5.13 (5) program plan support ratio: 5.6 percent;
- 5.14 (6) client programming and support ratio: ten percent;
- 5.15 (7) general administrative support ratio: 13.25 percent;
- 5.16 (8) program-related expense ratio: 1.8 percent; and
- 5.17 (9) absence and utilization factor ratio: 9.4 percent.
- 5.18 (f) Component values for adult day services are:
- 5.19 (1) competitive workforce factor: 4.7 percent;
- 5.20 (2) supervisory span of control ratio: 11 percent;
- 5.21 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 5.22 (4) employee-related cost ratio: 23.6 percent;
- 5.23 (5) program plan support ratio: 5.6 percent;
- 5.24 (6) client programming and support ratio: 7.4 percent;
- 5.25 (7) general administrative support ratio: 13.25 percent;
- 5.26 (8) program-related expense ratio: 1.8 percent; and
- 5.27 (9) absence and utilization factor ratio: 9.4 percent.

6.1 ~~(f)~~ (g) Component values for unit-based services with programming are:

6.2 (1) competitive workforce factor: 4.7 percent;

6.3 (2) supervisory span of control ratio: 11 percent;

6.4 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

6.5 (4) employee-related cost ratio: 23.6 percent;

6.6 (5) program plan supports ratio: 15.5 percent;

6.7 (6) client programming and supports ratio: 4.7 percent;

6.8 (7) general administrative support ratio: 13.25 percent;

6.9 (8) program-related expense ratio: 6.1 percent; and

6.10 (9) absence and utilization factor ratio: 3.9 percent.

6.11 ~~(g)~~ (h) Component values for unit-based services with programming delivered remotely

6.12 are:

6.13 (1) competitive workforce factor: 4.7 percent;

6.14 (2) supervisory span of control ratio: 11 percent;

6.15 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

6.16 (4) employee-related cost ratio: 23.6 percent;

6.17 (5) program plan supports ratio: 15.5 percent;

6.18 (6) client programming and supports ratio: 4.7 percent;

6.19 (7) general administrative support ratio: 13.25 percent;

6.20 (8) program-related expense ratio: 6.1 percent; and

6.21 (9) absence and utilization factor ratio: 3.9 percent.

6.22 (i) Component values for unit-based services without programming except respite are:

6.23 (1) competitive workforce factor: 4.7 percent;

6.24 (2) supervisory span of control ratio: 11 percent;

6.25 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;

6.26 (4) employee-related cost ratio: 23.6 percent;

6.27 (5) program plan support ratio: 7.0 percent;

- 7.1 (6) client programming and support ratio: 2.3 percent;
- 7.2 (7) general administrative support ratio: 13.25 percent;
- 7.3 (8) program-related expense ratio: 2.9 percent; and
- 7.4 (9) absence and utilization factor ratio: 3.9 percent.
- 7.5 (j) Component values for unit-based services without programming delivered remotely,
- 7.6 except respite, are:
- 7.7 (1) competitive workforce factor: 4.7 percent;
- 7.8 (2) supervisory span of control ratio: 11 percent;
- 7.9 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 7.10 (4) employee-related cost ratio: 23.6 percent;
- 7.11 (5) program plan support ratio: 7 percent;
- 7.12 (6) client programming and support ratio: 2.3 percent;
- 7.13 (7) general administrative support ratio: 13.25 percent;
- 7.14 (8) program-related expense ratio: 2.9 percent; and
- 7.15 (9) absence and utilization factor ratio: 3.9 percent.
- 7.16 ~~(h)~~ (k) Component values for unit-based services without programming for respite are:
- 7.17 (1) competitive workforce factor: 4.7 percent;
- 7.18 (2) supervisory span of control ratio: 11 percent;
- 7.19 (3) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 7.20 (4) employee-related cost ratio: 23.6 percent;
- 7.21 (5) general administrative support ratio: 13.25 percent;
- 7.22 (6) program-related expense ratio: 2.9 percent; and
- 7.23 (7) absence and utilization factor ratio: 3.9 percent.
- 7.24 ~~(i)~~ (l) On July 1, 2022, and every two years thereafter, the commissioner shall update
- 7.25 the base wage index in paragraph (a) based on wage data by SOC from the Bureau of Labor
- 7.26 Statistics available 30 months and one day prior to the scheduled update. The commissioner
- 7.27 shall publish these updated values and load them into the rate management system.

8.1 ~~(j)~~ (m) Beginning February 1, 2021, and every two years thereafter, the commissioner
 8.2 shall report to the chairs and ranking minority members of the legislative committees and
 8.3 divisions with jurisdiction over health and human services policy and finance an analysis
 8.4 of the competitive workforce factor. The report must include recommendations to update
 8.5 the competitive workforce factor using:

8.6 (1) the most recently available wage data by SOC code for the weighted average wage
 8.7 for direct care staff for residential services and direct care staff for day services;

8.8 (2) the most recently available wage data by SOC code of the weighted average wage
 8.9 of comparable occupations; and

8.10 (3) workforce data as required under subdivision 10a, paragraph (g).

8.11 The commissioner shall not recommend an increase or decrease of the competitive workforce
 8.12 factor from the current value by more than two percentage points. If, after a biennial analysis
 8.13 for the next report, the competitive workforce factor is less than or equal to zero, the
 8.14 commissioner shall recommend a competitive workforce factor of zero.

8.15 ~~(k)~~ (n) On July 1, 2022, and every two years thereafter, the commissioner shall update
 8.16 the framework components in paragraph (d), clause (6); paragraph (e), clause (6); paragraph
 8.17 (f), clause (6); and paragraph (g), clause (6); paragraph (h), clause (6); paragraph (i), clause
 8.18 (6); paragraph (j), clause (6); subdivision 6, paragraphs (b), clauses (9) and (10), and (e),
 8.19 clause (10); and subdivision 7, clauses (11), ~~(17), and (12)~~, (18), and (19), for changes in
 8.20 the Consumer Price Index. The commissioner shall adjust these values higher or lower by
 8.21 the percentage change in the CPI-U from the date of the previous update to the data available
 8.22 30 months and one day prior to the scheduled update. The commissioner shall publish these
 8.23 updated values and load them into the rate management system.

8.24 ~~(i)~~ (o) Upon the implementation of the updates under paragraphs ~~(i) and (k)~~ (l) and (n),
 8.25 rate adjustments authorized under section 256B.439, subdivision 7; Laws 2013, chapter
 8.26 108, article 7, section 60; and Laws 2014, chapter 312, article 27, section 75, shall be
 8.27 removed from service rates calculated under this section.

8.28 ~~(m)~~ (p) Any rate adjustments applied to the service rates calculated under this section
 8.29 outside of the cost components and rate methodology specified in this section shall be
 8.30 removed from rate calculations upon implementation of the updates under paragraphs ~~(i)~~
 8.31 ~~and (k)~~ (l) and (n).

9.1 ~~(n)~~(q) In this subdivision, if Bureau of Labor Statistics occupational codes or Consumer
9.2 Price Index items are unavailable in the future, the commissioner shall recommend to the
9.3 legislature codes or items to update and replace missing component values.

9.4 **EFFECTIVE DATE.** This section is effective January 1, 2022, six months after the
9.5 end of the federal public health emergency, or upon federal approval, whichever is later.
9.6 The commissioner of human services shall notify the revisor of statutes when the federal
9.7 public health emergency ends and when federal approval is obtained.

9.8 Sec. 2. Minnesota Statutes 2020, section 256B.4914, subdivision 7, is amended to read:

9.9 Subd. 7. **Payments for day programs.** Payments for services with day programs
9.10 including adult day services, day treatment and habilitation, day support services,
9.11 prevocational services, and structured day services provided in person or remotely must be
9.12 calculated as follows:

9.13 (1) determine the number of units of service and staffing ratio to meet a recipient's needs:

9.14 (i) the staffing ratios for the units of service provided to a recipient in a typical week
9.15 must be averaged to determine an individual's staffing ratio; and

9.16 (ii) the commissioner, in consultation with service providers, shall develop a uniform
9.17 staffing ratio worksheet to be used to determine staffing ratios under this subdivision;

9.18 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
9.19 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
9.20 5;

9.21 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the
9.22 result of clause (2) by the product of one plus the competitive workforce factor in subdivision
9.23 5, paragraph (d), clause (1);

9.24 (4) for a recipient requiring customization for deaf and hard-of-hearing language
9.25 accessibility under subdivision 12, add the customization rate provided in subdivision 12
9.26 to the result of clause (3);

9.27 (5) multiply the number of day program direct staff hours and nursing hours by the
9.28 appropriate staff wage;

9.29 (6) multiply the number of day direct staff hours by the product of the supervision span
9.30 of control ratio in subdivision 5, paragraph (d), clause (2), for in-person services or
9.31 subdivision 5, paragraph (e), clause (2), for remote services, and the appropriate supervision
9.32 wage in subdivision 5, paragraph (a), clause (21);

10.1 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
 10.2 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (d), clause
 10.3 (3), for in-person services or subdivision 5, paragraph (e), clause (3), for remote services.
 10.4 This is defined as the direct staffing rate;

10.5 (8) for program plan support, multiply the result of clause (7) by one plus the program
 10.6 plan support ratio in subdivision 5, paragraph (d), clause (5), for in-person services or
 10.7 subdivision 5, paragraph (e), clause (5), for remote services;

10.8 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
 10.9 employee-related cost ratio in subdivision 5, paragraph (d), clause (4), for in-person services
 10.10 or subdivision 5, paragraph (e), clause (4), for remote services;

10.11 (10) for client programming and supports, multiply the result of clause (9) by one plus
 10.12 the client programming and support ratio in subdivision 5, paragraph (d), clause (6), for
 10.13 in-person services or subdivision 5, paragraph (e), clause (6), for remote services;

10.14 (11) for program facility costs, add \$19.30 per week with consideration of staffing ratios
 10.15 to meet individual needs for in-person services only;

10.16 (12) for remote services fixed costs, add \$19.30 per week with consideration of staffing
 10.17 ratios to meet individual needs for services delivered remotely only;

10.18 (13) for adult day bath services, add \$7.01 per 15 minute unit;

10.19 ~~(13)~~ (14) this is the subtotal rate;

10.20 ~~(14)~~ (15) sum the standard general and administrative rate, the program-related expense
 10.21 ratio, and the absence and utilization factor ratio;

10.22 ~~(15)~~ (16) divide the result of clause ~~(13)~~ (14) by one minus the result of clause ~~(14)~~ (15).
 10.23 This is the total payment amount;

10.24 ~~(16)~~ (17) adjust the result of clause ~~(15)~~ (16) by a factor to be determined by the
 10.25 commissioner to adjust for regional differences in the cost of providing services;

10.26 ~~(17)~~ (18) for transportation provided as part of day training and habilitation for an
 10.27 individual who does not require a lift, add:

10.28 (i) \$10.50 for a trip between zero and ten miles for a nonshared ride in a vehicle without
 10.29 a lift, \$8.83 for a shared ride in a vehicle without a lift, and \$9.25 for a shared ride in a
 10.30 vehicle with a lift;

11.1 (ii) \$15.75 for a trip between 11 and 20 miles for a nonshared ride in a vehicle without
 11.2 a lift, \$10.58 for a shared ride in a vehicle without a lift, and \$11.88 for a shared ride in a
 11.3 vehicle with a lift;

11.4 (iii) \$25.75 for a trip between 21 and 50 miles for a nonshared ride in a vehicle without
 11.5 a lift, \$13.92 for a shared ride in a vehicle without a lift, and \$16.88 for a shared ride in a
 11.6 vehicle with a lift; or

11.7 (iv) \$33.50 for a trip of 51 miles or more for a nonshared ride in a vehicle without a lift,
 11.8 \$16.50 for a shared ride in a vehicle without a lift, and \$20.75 for a shared ride in a vehicle
 11.9 with a lift;

11.10 ~~(18)~~ (19) for transportation provided as part of day training and habilitation for an
 11.11 individual who does require a lift, add:

11.12 (i) \$19.05 for a trip between zero and ten miles for a nonshared ride in a vehicle with a
 11.13 lift, and \$15.05 for a shared ride in a vehicle with a lift;

11.14 (ii) \$32.16 for a trip between 11 and 20 miles for a nonshared ride in a vehicle with a
 11.15 lift, and \$28.16 for a shared ride in a vehicle with a lift;

11.16 (iii) \$58.76 for a trip between 21 and 50 miles for a nonshared ride in a vehicle with a
 11.17 lift, and \$58.76 for a shared ride in a vehicle with a lift; or

11.18 (iv) \$80.93 for a trip of 51 miles or more for a nonshared ride in a vehicle with a lift,
 11.19 and \$80.93 for a shared ride in a vehicle with a lift.

11.20 **EFFECTIVE DATE.** This section is effective January 1, 2022, six months after the
 11.21 end of the federal public health emergency, or upon federal approval, whichever is later.
 11.22 The commissioner of human services shall notify the revisor of statutes when the federal
 11.23 public health emergency ends and when federal approval is obtained.

11.24 Sec. 3. Minnesota Statutes 2020, section 256B.4914, subdivision 8, is amended to read:

11.25 Subd. 8. **Payments for unit-based services with programming.** Payments for unit-based
 11.26 services with programming, including employment exploration services, employment
 11.27 development services, housing access coordination, individualized home supports with
 11.28 family training, individualized home supports with training, in-home family support,
 11.29 independent living skills training, and hourly supported living services provided to an
 11.30 individual outside of any day or residential service plan provided in person or remotely
 11.31 must be calculated as follows, unless the services are authorized separately under subdivision
 11.32 6 or 7:

- 12.1 (1) determine the number of units of service to meet a recipient's needs;
- 12.2 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics
12.3 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision
12.4 5;
- 12.5 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the
12.6 result of clause (2) by the product of one plus the competitive workforce factor in subdivision
12.7 5, paragraph ~~(f)~~ (g), clause (1);
- 12.8 (4) for a recipient requiring customization for deaf and hard-of-hearing language
12.9 accessibility under subdivision 12, add the customization rate provided in subdivision 12
12.10 to the result of clause (3);
- 12.11 (5) multiply the number of direct staff hours by the appropriate staff wage;
- 12.12 (6) multiply the number of direct staff hours by the product of the supervision span of
12.13 control ratio in subdivision 5, paragraph ~~(f)~~ (g), clause (2), for in-person services or
12.14 subdivision 5, paragraph (h), clause (2), for remote services, and the appropriate supervision
12.15 wage in subdivision 5, paragraph (a), clause (21);
- 12.16 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
12.17 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(f)~~ (g),
12.18 clause (3), for in-person services or subdivision 5, paragraph (h), clause (3), for remote
12.19 services. This is defined as the direct staffing rate;
- 12.20 (8) for program plan support, multiply the result of clause (7) by one plus the program
12.21 plan supports ratio in subdivision 5, paragraph ~~(f)~~ (g), clause (5), for in-person services or
12.22 subdivision 5, paragraph (h), clause (5), for remote services;
- 12.23 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
12.24 employee-related cost ratio in subdivision 5, paragraph ~~(f)~~ (g), clause (4), for in-person
12.25 services or subdivision 5, paragraph (h), clause (4), for remote services;
- 12.26 (10) for client programming and supports, multiply the result of clause (9) by one plus
12.27 the client programming and supports ratio in subdivision 5, paragraph ~~(f)~~ (g), clause (6),
12.28 for in-person services or subdivision 5, paragraph (h), clause (6), for remote services;
- 12.29 (11) this is the subtotal rate;
- 12.30 (12) sum the standard general and administrative rate, the program-related expense ratio,
12.31 and the absence and utilization factor ratio;

13.1 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
13.2 total payment amount;

13.3 (14) for employment exploration services provided in a shared manner, divide the total
13.4 payment amount in clause (13) by the number of service recipients, not to exceed five. For
13.5 employment support services provided in a shared manner, divide the total payment amount
13.6 in clause (13) by the number of service recipients, not to exceed six. For independent living
13.7 skills training, individualized home supports with training, and individualized home supports
13.8 with family training provided in a shared manner, divide the total payment amount in clause
13.9 (13) by the number of service recipients, not to exceed two; and

13.10 (15) adjust the result of clause (14) by a factor to be determined by the commissioner
13.11 to adjust for regional differences in the cost of providing services.

13.12 EFFECTIVE DATE. This section is effective January 1, 2022, six months after the
13.13 end of the federal public health emergency, or upon federal approval, whichever is later.
13.14 The commissioner of human services shall notify the revisor of statutes when the federal
13.15 public health emergency ends and when federal approval is obtained.

13.16 Sec. 4. Minnesota Statutes 2020, section 256B.4914, subdivision 9, is amended to read:

13.17 Subd. 9. **Payments for unit-based services without programming.** Payments for
13.18 unit-based services without programming, including individualized home supports, night
13.19 supervision, personal support, respite, and companion care provided to an individual outside
13.20 of any day or residential service plan provided in person or remotely must be calculated as
13.21 follows unless the services are authorized separately under subdivision 6 or 7:

13.22 (1) for all services except respite, determine the number of units of service to meet a
13.23 recipient's needs;

13.24 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
13.25 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

13.26 (3) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the
13.27 result of clause (2) by the product of one plus the competitive workforce factor in subdivision
13.28 5, paragraph ~~(g)~~ (i), clause (1);

13.29 (4) for a recipient requiring customization for deaf and hard-of-hearing language
13.30 accessibility under subdivision 12, add the customization rate provided in subdivision 12
13.31 to the result of clause (3);

13.32 (5) multiply the number of direct staff hours by the appropriate staff wage;

14.1 (6) multiply the number of direct staff hours by the product of the supervision span of
14.2 control ratio in subdivision 5, paragraph ~~(g)~~ (i), clause (2), for in-person services or
14.3 subdivision 5, paragraph (j), clause (2), for remote services, and the appropriate supervision
14.4 wage in subdivision 5, paragraph (a), clause (21);

14.5 (7) combine the results of clauses (5) and (6), and multiply the result by one plus the
14.6 employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(g)~~ (i),
14.7 clause (3), for in-person services or subdivision 5, paragraph (j), clause (3), for remote
14.8 services. This is defined as the direct staffing rate;

14.9 (8) for program plan support, multiply the result of clause (7) by one plus the program
14.10 plan support ratio in subdivision 5, paragraph ~~(g)~~ (i), clause (5), for in-person services or
14.11 subdivision 5, paragraph (j), clause (5), for remote services;

14.12 (9) for employee-related expenses, multiply the result of clause (8) by one plus the
14.13 employee-related cost ratio in subdivision 5, paragraph ~~(g)~~ (i), clause (4), for in-person
14.14 services or subdivision 5, paragraph (j), clause (4), for remote services;

14.15 (10) for client programming and supports, multiply the result of clause (9) by one plus
14.16 the client programming and support ratio in subdivision 5, paragraph ~~(g)~~ (i), clause (6), for
14.17 in-person services or subdivision 5, paragraph (j), clause (6), for remote services;

14.18 (11) this is the subtotal rate;

14.19 (12) sum the standard general and administrative rate, the program-related expense ratio,
14.20 and the absence and utilization factor ratio;

14.21 (13) divide the result of clause (11) by one minus the result of clause (12). This is the
14.22 total payment amount;

14.23 (14) for respite services, determine the number of day units of service to meet an
14.24 individual's needs;

14.25 (15) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics
14.26 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

14.27 (16) except for subdivision 5, paragraph (a), clauses (4) and (21) to (23), multiply the
14.28 result of clause (15) by the product of one plus the competitive workforce factor in
14.29 subdivision 5, paragraph ~~(h)~~ (k), clause (1);

14.30 (17) for a recipient requiring deaf and hard-of-hearing customization under subdivision
14.31 12, add the customization rate provided in subdivision 12 to the result of clause (16);

14.32 (18) multiply the number of direct staff hours by the appropriate staff wage;

15.1 (19) multiply the number of direct staff hours by the product of the supervisory span of
15.2 control ratio in subdivision 5, paragraph ~~(h)~~ (k), clause (2), and the appropriate supervision
15.3 wage in subdivision 5, paragraph (a), clause (21);

15.4 (20) combine the results of clauses (18) and (19), and multiply the result by one plus
15.5 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph ~~(h)~~
15.6 (k), clause (3). This is defined as the direct staffing rate;

15.7 (21) for employee-related expenses, multiply the result of clause (20) by one plus the
15.8 employee-related cost ratio in subdivision 5, paragraph ~~(h)~~ (k), clause (4);

15.9 (22) this is the subtotal rate;

15.10 (23) sum the standard general and administrative rate, the program-related expense ratio,
15.11 and the absence and utilization factor ratio;

15.12 (24) divide the result of clause (22) by one minus the result of clause (23). This is the
15.13 total payment amount;

15.14 (25) for individualized home supports provided in a shared manner, divide the total
15.15 payment amount in clause (13) by the number of service recipients, not to exceed two;

15.16 (26) for respite care services provided in a shared manner, divide the total payment
15.17 amount in clause (24) by the number of service recipients, not to exceed three; and

15.18 (27) adjust the result of clauses (13), (25), and (26) by a factor to be determined by the
15.19 commissioner to adjust for regional differences in the cost of providing services.

15.20 **EFFECTIVE DATE.** This section is effective January 1, 2022, six months after the
15.21 end of the federal public health emergency, or upon federal approval, whichever is later.
15.22 The commissioner of human services shall notify the revisor of statutes when the federal
15.23 public health emergency ends and when federal approval is obtained.