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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1494**

02/08/2023 Authored by Frederick, Hicks, Noor, Baker, Pursell and others
The bill was read for the first time and referred to the Committee on Human Services Policy
03/20/2023 Adoption of Report: Amended and re-referred to the Committee on Human Services Finance
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to human services; establishing human services provider workplace safety
1.3 grants; appropriating money; requiring a report.

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

1.5 Section 1. **APPROPRIATIONS; HUMAN SERVICES PROVIDER WORKPLACE**
1.6 **SAFETY GRANTS.**

1.7 (a) \$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated
1.8 from the general fund to the commissioner of human services for human services provider
1.9 workplace safety grants to increase safety measures in human services workplaces providing
1.10 behavioral health care; services for children, families, and vulnerable adults; services for
1.11 older adults and people with disabilities; and other social services or related care.

1.12 (b) Grants must be awarded to eligible applicants that meet application requirements on
1.13 a first-come, first-served basis. Forty percent of grant funds in each fiscal year must be
1.14 awarded to eligible agencies or organizations located outside of the seven-county
1.15 metropolitan area. Each grant award must be for at least \$5,000, but no more than \$100,000.

1.16 (c) Eligible applicants include county human services agencies, Tribal human services
1.17 agencies, or other human services provider organizations or agencies.

1.18 (d) Eligible applicants must submit applications in a form and manner prescribed by the
1.19 commissioner. Applications must include information about:

1.20 (1) the type of provider organization that will receive grant funding;

1.21 (2) the specific safety measures or activities for which the applicant will use the grant
1.22 funding;

2.1 (3) the specific policies that will be implemented or upheld to ensure that individuals'
2.2 rights to privacy and data protection are protected during the use of safety equipment obtained
2.3 or operated through grant funding;

2.4 (4) a proposed budget for each of the specific activities for which the applicant will use
2.5 the grant funding;

2.6 (5) an outline of efforts to enhance or improve existing safety measures or proposed
2.7 new measures to improve the safety of human services providers employed by the agency
2.8 or organization;

2.9 (6) sample consent forms for any safety equipment that has capacity to record, store, or
2.10 share audio or video that will be collected from clients prior to implementation of
2.11 grant-funded safety measures, excluding equipment located in public spaces in
2.12 provider-controlled, licensed settings;

2.13 (7) how the grant-funded measures will lead to long-term improvements in safety and
2.14 stability for workers and individuals accessing services from the grant applicant; and

2.15 (8) methods the grant applicant will use to evaluate effectiveness of the safety measures
2.16 and changes that will be made if the measures are deemed ineffective.

2.17 (e) Grant funds may be used to provide or facilitate:

2.18 (1) the procurement and installation of safety equipment, including but not limited to:

2.19 (i) cellular telephones;

2.20 (ii) personal radios;

2.21 (iii) wearable tracking devices for staff to share location with supervisors, subject to the
2.22 federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) data privacy
2.23 requirements outlined in Code of Federal Regulations, title 45, parts 160 and 164, subparts
2.24 A and E;

2.25 (iv) security systems and cameras in public spaces in provider-controlled, licensed
2.26 settings; and

2.27 (v) panic buttons;

2.28 (2) training for providers, which may include:

2.29 (i) sessions and exercises for crisis management, strategies for de-escalating conflict
2.30 situations, safety planning, and self-defense in accordance with positive support strategies
2.31 and person-centered practices;

- 3.1 (ii) training in culturally informed and culturally affirming practices, including linguistic
3.2 training;
- 3.3 (iii) training in trauma-informed social, emotional, and behavioral support; and
- 3.4 (iv) other training topics, sessions, and exercises the commissioner determines to be
3.5 appropriate;
- 3.6 (3) facility safety improvements, including but not limited to a threat and vulnerability
3.7 review and barrier protection;
- 3.8 (4) support services, counseling, and additional resources for human services providers
3.9 who have experienced safety concerns or trauma-related incidents in the workplace;
- 3.10 (5) installation and implementation of an internal data incident tracking system to track
3.11 and prevent workplace safety incidents; and
- 3.12 (6) other prevention and mitigation measures and safety training, resources, and provider
3.13 support services the commissioner determines to be appropriate.
- 3.14 (f) The following restrictions apply to the eligible uses of grant funds under paragraph
3.15 (e):
- 3.16 (1) safety equipment must not include:
- 3.17 (i) tools or devices that facilitate physical or chemical restraint;
- 3.18 (ii) barriers, except plexiglass barriers in office settings, environmental modifications,
3.19 or other tools or devices that facilitate individual seclusion;
- 3.20 (iii) wearable body cameras; or
- 3.21 (iv) wearable tracking devices that have capacity to store location data;
- 3.22 (2) security cameras must only be used in staff spaces and entry points of buildings and
3.23 may not be used in common areas, bedrooms, and bathrooms;
- 3.24 (3) in settings that are required to comply with the positive supports rule, all safety
3.25 equipment or measures must comply with Minnesota Rules, chapter 9544;
- 3.26 (4) settings licensed under Minnesota Statutes, section 245D, must follow person-centered
3.27 practices according to Minnesota Statutes, section 245D.07;
- 3.28 (5) any safety equipment purchased with grant funding that has electronic monitoring
3.29 capacity must be used according to Minnesota Statutes, section 144.6502, or the brain injury,
3.30 community alternative care, community access for disability inclusion, and developmental
3.31 disabilities federal waiver plan language that outlines monitoring technology use;

4.1 (6) prior to the use of safety equipment that has capacity to record, store, and share audio,
4.2 video, or a combination thereof, the grant recipient must:

4.3 (i) provide clients with information about electronic monitoring in a way that is most
4.4 accessible to the clients, including:

4.5 (A) a definition of electronic monitoring;

4.6 (B) the type of device that will be in use;

4.7 (C) how the footage captured will be used;

4.8 (D) with whom the footage captured will be shared; and

4.9 (E) a statement that a client has the right to decline use of safety equipment that has
4.10 capacity to record, store, and share audio, video, or a combination thereof;

4.11 (ii) provide notice every time electronic monitoring devices are in use; and

4.12 (iii) obtain written consent from anyone whose audio or video may be recorded during
4.13 the time the device is in use and, if applicable, from guardians of individuals whose audio
4.14 or video may be recorded during the time the device is in use; and

4.15 (7) in settings that provide home and community-based services, if at any point a client
4.16 or their guardian declines the use of safety equipment that has capacity to record, store, or
4.17 share audio, video, or a combination thereof or revokes prior consent to such use, the provider
4.18 must cease using the safety equipment immediately and indefinitely. A provider may not
4.19 deny or delay the provision of services as a result of an individual's decision to decline the
4.20 use of safety equipment that has capacity to record, store, or share audio, video, or a
4.21 combination thereof.

4.22 (g) All video, audio, or other personally identifiable information collected through safety
4.23 equipment paid for by grant funds under this section must:

4.24 (1) be treated consistently with the federal Health Insurance Portability and Accountability
4.25 Act of 1996 (HIPAA) requirements outlined in Code of Federal Regulations, title 45, parts
4.26 160 and 164, subparts A and E;

4.27 (2) be subject to applicable rules of evidence and procedure if admitted into evidence
4.28 in a civil, criminal, or administrative proceeding; and

4.29 (3) not result in the denial or delay of services provided to an individual.

4.30 (h) Within two years of receiving grant funds, each grantee must submit a report to the
4.31 commissioner. The commissioner must submit a compilation of the reports to the chairs

5.1 and ranking minority members of the legislative committees with jurisdiction over health
5.2 and human services, the Office of Ombudsman for Long-Term Care, and Office of
5.3 Ombudsman for Mental Health and Developmental Disabilities. Grantee reports to the
5.4 commissioner must include:

5.5 (1) the number of workplace safety incidents that occurred over the course of the grant
5.6 period;

5.7 (2) the number and type of safety measures funded by the grants, and how those safety
5.8 measures helped alleviate or de-escalate workplace safety incidents;

5.9 (3) the number of employees benefiting from safety measures implemented through
5.10 grant funding;

5.11 (4) the number of clients benefiting from safety measures implemented through grant
5.12 funding;

5.13 (5) practices implemented concurrently with the use of safety equipment that ensured
5.14 that the rights of individuals served were upheld;

5.15 (6) the number of individuals who declined to consent to the use of any safety equipment
5.16 that had capacity to record, store, or share audio, video, or a combination thereof;

5.17 (7) an evaluation of the effectiveness of the safety measures, including assessment of
5.18 whether and how the grant funding has led or will lead to improved safety and service
5.19 provisions for workers and individuals served; and

5.20 (8) changes to policy or practice that were made if safety measures implemented using
5.21 grant funds were deemed ineffective.

5.22 (i) The commissioner must provide technical assistance to grant applicants throughout
5.23 the application process and to applicants and grantees regarding grant distribution and
5.24 required grantee reporting.

5.25 (j) The unencumbered balance in the first year does not cancel but is available for the
5.26 second year. These are onetime appropriations.